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Introduction

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INTRODUCTION

SENATOR EDWARD M. KENNEDY

The increased awareness by the American Indians of their ability to affect their futures and determine their destinies are symbolized most dramatically by such events as the Trail of Broken Treaties and the occupation of Wounded Knee. But the most significant long-term progress for the American Indian is reflected in the way Congress and the courts are responding to the Indians' historic plight.

Our institutions of government are now engaged, after long years of neglect, in reexamining and refining the legal relationship between the Indian and the Federal Government. This time the objective is not assimilation but accommodation: accommodation of the cultural, economic, and political diversity of this country's Indian tribes into the twentieth century world.

Discarded and abandoned is the disastrous termination policy of the 1950's. Congress has restored the tribal status of the Menominees of Wisconsin, and has officially repudiated termination as a national policy.

Senate Concurrent Resolution 37, passed on May 29, 1974, voices a new Indian policy:

Our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and . . . a Government-wide commitment shall derive from this relationship that will be designed to give Indians the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible.

Realizing this policy, however, requires more than just words. It requires that the federal government fulfill its historic obligations to American Indian tribes.

This nation must develop and fund programs which respond to the social and human needs of Indians. And in recent years, Congress has given these areas greater attention. Indian education and manpower legislation has already been enacted, and a comprehensive Indian health package should be passed early next year. An Indian Financing Act has been designed to provide funds for

developing Indian entrepreneurship, and federal revenue sharing already includes Indian tribes—alongside the states—as eligible recipients.

And we must also afford increased protection to Indian natural resources. In this area our government has built-in conflicts of interest in the Interior and the Justice Departments, which have several constituent or client interests in natural competition with those of Indian tribes. But despite these, substantial steps are being taken to inventory and secure Indian water rights, to establish through court action Indian hunting and fishing rights, and to return to tribes lands long ago taken from rightful ownership.

Congress has also begun efforts to establish a special commission to reexamine the relationship between the federal government and the Indian, and to assess the policies of government toward its Indian citizens. That commission would focus on many of the issues discussed in this symposium: hunting and fishing rights, welfare assistance, water rights, Indian civil rights.

These issues, and the others so ably dealt with in the articles and notes in this volume, are not merely grist for the mills of legal academia. They are indeed bound up in hundreds of years of history, in thousands of volumes of legal opinions, court decisions, administrative regulations, and congressional enactments. But the resolution of each will surely determine the freedom of the individual tribal member, the security of Indian family life, and the future of tribal existence. And it will ultimately reflect our ability as a nation to maintain the vitality of our pluralistic society.