

FEDERAL-STATE RELATIONSHIPS

Issue

A major policy and operational problem arises from time to time in a few States. They claim that all Indians, on or off reservations, should be a complete Federal responsibility.

Background

It has been the long established Federal policy, in general, that Federal services from Bureau of Indian Affairs appropriations are limited to Indians living on reservations. This policy has prevented States from receiving Federal funds from two or more sources and has kept before the States the fact that they have a legal responsibility for all their citizens.

Action Taken

It has not been necessary to take formal action in States that have accepted their responsibility. In the other States, the issue is handled as it arises and around the particular question.

For example, last Fall the Assistant Secretary for Land Management and staff members met one full day with the Governors of North Dakota, South Dakota, Minnesota, and a representative of the Governor of Montana. The demand of the Governors was for the Bureau of Indian Affairs to give general welfare assistance to all Indians, on or off reservations, in their States. This was handled by a reaffirmation of the basic Federal policy.

(more)

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FEDERAL-STATE RELATIONSHIPS (Cont'd)Action Taken (cont'd)

Another example involved jurisdiction. North Dakota took the position that its courts could not more to protect neglected Indian children in Bismarck. The Bureau had no jurisdiction and a "friendly" suit was brought within the State. The State Supreme Court ruled that the Federal Government did not have jurisdiction and the State did. This is progress in this particular State but similar actions may have to be taken in some other States before each State recognizes its responsibility.

Status

The over-all problem is still with us but the specifics differ from State to State.

Future Action

Slowly the States are accepting legal and financial responsibility for their Indian citizens. We need to be flexible and understanding in meeting problems as they arise but not compromise the Indians' civil rights to receive the same services offered by the States to all their citizens.

Comments

The Federal Government should continue to assure adequate services and opportunities to Indian people but it should also continue to relate the Indian people directly to State activities, political, social and economic. This will take a long time.

