

**INDIAN  
CIVIL RIGHTS  
ISSUES IN  
OKLAHOMA**

**A Report of The  
Oklahoma State Advisory  
Committee to the  
U. S. Commission on Civil Rights  
Prepared for the information  
and consideration of the  
Commission**

**January 1974**

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ATTRIBUTION: The findings and recommendations contained in this report are those of the Oklahoma State Advisory Committee to the U. S. Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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## PREFACE

### The United States Commission on Civil Rights

The United States Commission on Civil Rights is an independent, bipartisan agency of the executive branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress or the President shall deem desirable.

### The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 states and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of Commission reports to the President and Congress; receive reports, suggestions and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

### Recommendations to the United States Commission on Civil Rights

This report has been prepared for submission to the United States Commission on Civil Rights by the Oklahoma State Advisory Committee. The conclusions and recommendations in this report are those of the Advisory Committee and are based upon its evaluation of information received during the four days of open meetings in Tulsa and Oklahoma City, January 19-22, 1972. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

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U. S. Commission on Civil Rights, November 1972

## INTRODUCTION

In January 1972, the Oklahoma State Advisory Committee to the United States Commission on Civil Rights conducted four days of open meetings in Tulsa and Oklahoma City to examine the civil rights concerns of American Indians living in Oklahoma.

More than 60 persons expressed their views on major issues facing Indians in that state. Among the issues discussed were the education of Indian children, employment opportunities for Indians, the administration of justice and its relationship to Indians, the availability and quality of health services to Indians, and the BIA's role in tribal operations, and intra-tribal affairs.

The conditions summarized in this report have not been resolved and may even have been compounded since the open meetings. However, it is hoped that this report will serve to intensify public awareness and understanding of the conditions faced by Indians in Oklahoma; and in turn, result in constructive action at the Federal, State and local levels to deal effectively with the problems outlined in this report.

## CHAPTER ONE

### THE AMERICAN INDIAN IN OKLAHOMA: AN OVERVIEW

According to the 1970 census there are 827,982 Indians living in the United States, including the 51,528 Eskimos and Aleuts in Alaska. Approximately 355,738, or 45 percent of the total Indian population in the continental United States live in urban areas, and 436,995, or 55 percent live in rural areas. Overall, Indians constitute less than one percent of the total United States population.<sup>1/</sup>

The majority of Indians live in ten states: Alaska (51,528), Arizona (95,812), California (91,018), Montana (27,130), New Mexico (72,788), New York (28,355), North Carolina (44,406), Oklahoma (98,468), South Dakota (32,365), and Washington (33,386).<sup>2/</sup> Oklahoma has the largest Indian population of any state in the Nation. However, Alaska, Arizona, Montana, New Mexico, and South Dakota have a larger percentage of Indian population compared with their respective total state populations; Oklahoma is sixth in this case. Indians constitute<sup>3/</sup> approximately 3.9 percent of the total population in the State.

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<sup>1/</sup> U. S. Bureau of the Census. Census of Population: 1970. General Population Characteristics. Final Report PC(1) - B1:United States Summary.

<sup>2/</sup> U. S. Bureau of the Census. General Population Characteristics. Final Report PC(1) -B1:United States Summary.

<sup>3/</sup> Ibid.



Almost 37 percent of Oklahoma's Indian population lives in the three major Standard Metropolitan Statistical Areas (SMSA's) -- Lawton, Oklahoma City, and Tulsa. Approximately 15,500 American Indians live in the Tulsa SMSA,<sup>4/</sup> while the Indian population in the Oklahoma City SMSA<sup>5/</sup> is estimated to be around 15,000. Over 3,000 American Indians are living in the Lawton SMSA. Other cities in the State having a substantial Indian population are: Anadarko (1,414), Midwest City (1,002), Muskogee (1,925), Shawnee (1,150), and Tahlequah (1,441).<sup>6/</sup>

At the county level nearly 45 percent (44.8%) of the Indian population is concentrated in seven counties: Adair (4,150), Caddo (4,080), Cherokee (4,418), Delaware (3,511), Muskogee (3,022), Oklahoma (14,100), and Tulsa (11,041).<sup>7/</sup>

The vast majority of American Indians in Oklahoma live in the eastern half of the State. According to census figures, approximately 67,500 Indians are living in eastern Oklahoma, while about 31,000 are located in the western half of the State. Figure 1 on page 4 shows the

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<sup>4/</sup> The Tulsa SMSA includes Tulsa, Osage and Creek Counties.

<sup>5/</sup> The Oklahoma City SMSA includes Oklahoma, Canadian, and Cleveland Counties.

<sup>6/</sup> U. S. Bureau of the Census. General Population Characteristics Final Report PC(1) - B1 United States Summary.

<sup>7/</sup> Oklahoma Population, 1970 Census. Bureau of Indian Affairs. Statistics Division, March 1971.

general location of the various Indian tribes in Oklahoma. Table 1 on page 92 gives the population for each tribe. The Cherokee (21,414), Creek (15,177), and Choctaw (10,849) Nations are by far the largest of all the tribes in the State.

In retrospect, the American Indian was in Oklahoma long before the white man had ever set foot on this continent. In prehistoric times Indian tribes moved freely over what is now the State of Oklahoma. It was not until the nineteenth century that artificial boundaries prevented the free movement of Indian tribes.<sup>8/</sup>

In the years immediately preceding 1840, many tribes were relocated from other parts of the country and forced to settle in what was then called Indian territory. Figure 2 on page 6 shows where the various Indian cultures were originally located, and where they were relocated in Indian territory. In many respects the tribes were radically changed under the impetus of this forced relocation. The Cherokee, for instance, were forced out of their sacred homelands in the Carolinas, Georgia and Tennessee and resettled in a New Cherokee Nation. They created an independent Cherokee Nation with its own constitution, legislature, judiciary, school system, publishing house, and many other aspects of a truly independent and prosperous state.

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<sup>8/</sup> Joseph E. Trimble, Ph.D. An Index of the Social Indicators of the American Indian In Oklahoma, prepared for: The Office of Community Affairs and Planning State of Oklahoma. James P. Dawson, Administrator. January 19, 1972, p.5.

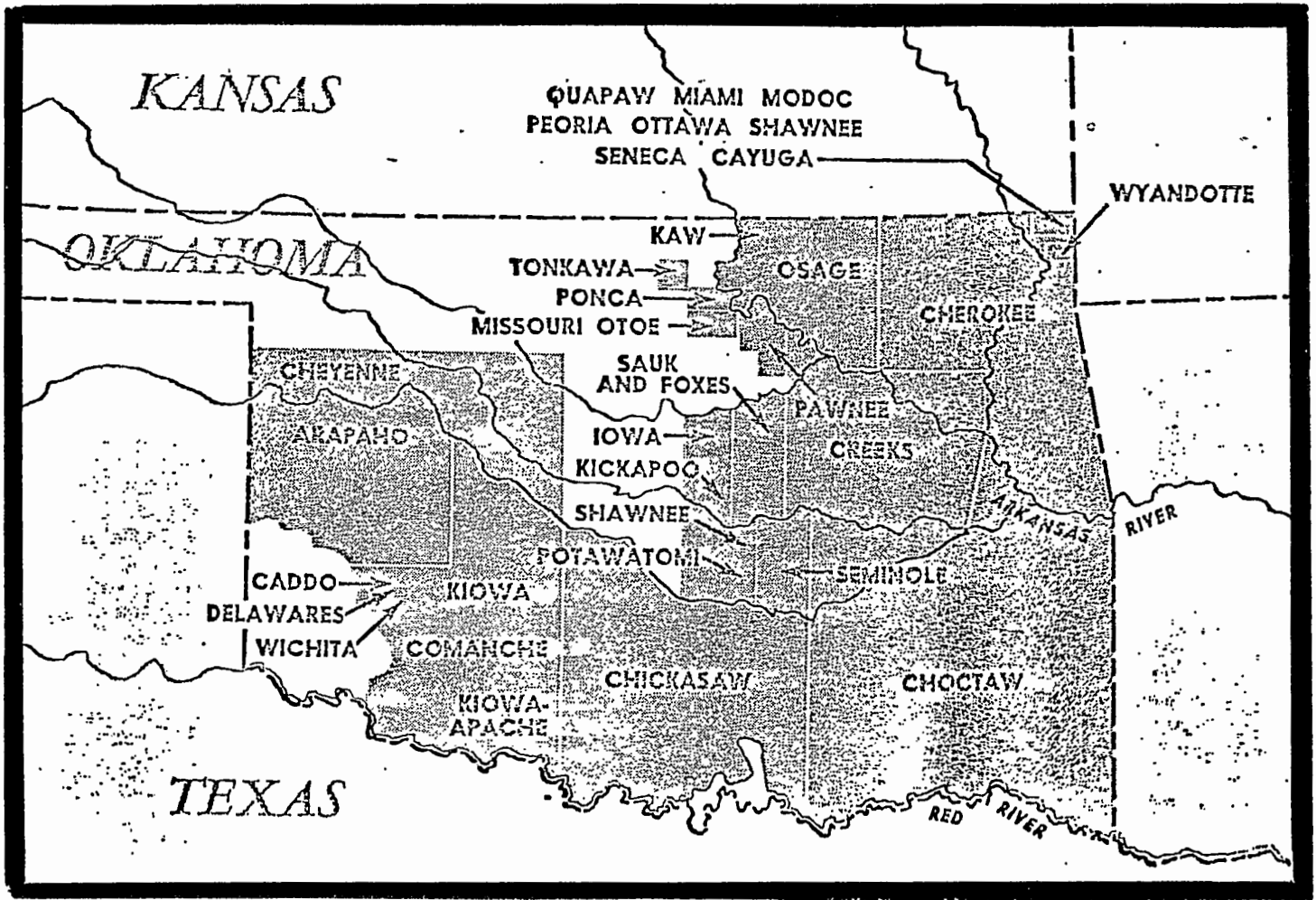


Figure 1

The Cherokees, who as a people accomplished all this, along with their neighbors, the Creeks, Choctaws, Chickasaw, and Seminoles, who followed similar paths, were called the five civilized tribes. However, by 1907 the independent status of the five civilized tribes was dissolved by Congressional fiat and the State of Oklahoma was created.

Other Indian tribes such as the Apache, Arapaho, Cheyenne, Comanche, and Wichita were relocated in the western sector of Indian territory. Today they still retain much of their distinct cultural heritage.

Although Indians settled the area many centuries ago, they have become, in essence, the forgotten American in his own land. Joseph E. Trimble of Oklahoma City University reminds us forcefully that:

From prehistory to history, the Indian lived, moved, hunted, farmed and died. From a home land which spread throughout northern America, pressures moved these people to the red earth of Oklahoma. The result of a hundred and fifty years of white man's acculturation of the Indian is apparent in many ways. The most obvious of these effects are the geographical relocations. The emotional and mental changes cannot fully be understood.... The white man was a forceful newcomer. The indigenous inhabitants are often forgotten in the assimilation of peoples into a whole. The Indian legacy is a part of us all.<sup>9/</sup>

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9/ Joseph E. Trimble, Ph.D. An Index of the Social Indicators of the American Indian in Oklahoma. p.5.



## CHAPTER TWO

## INDIAN EDUCATION IN OKLAHOMA

Overview

Indian children attend a wide variety of schools in the United States. A recent report prepared by the Bureau of Indian Affairs (BIA), noted that there were 197,211 Indian students, age 5 to 18, enrolled in public, Federal, private, and church-related schools throughout the country during the 1971-72 school year.<sup>10/</sup> Of these 70.2 percent attended public schools, 24.7 percent were enrolled in Federal schools, and 5.1 percent attended private and church-related schools.<sup>11/</sup>

During fiscal year 1972, the BIA estimates that approximately 42,000 Indian children between the ages of 5 and 18 were attending public, Federal, and church-related schools in Oklahoma.<sup>12/</sup>

In Oklahoma, the majority of Indian children attend public schools. During the 1970-71 school year, approximately 93 percent of all Indian children of school age in the State attended public schools, while only about 7 percent were enrolled in BIA boarding schools.<sup>13/</sup>

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10/ Bureau of Indian Affairs. Fiscal Year 1972: Statistics Concerning Indian Education. Office of Education Programs, Table I Annual School Census Report of Indian Children. Fiscal Year 1972. pgs. 6-9.

11/ Fiscal Year 1972: Statistics Concerning Indian Education

12/ Ibid. Table 2 on page 93 shows the enumeration of all Indian children from 5 to 18 years, inclusive, and those over 18 who are enrolled in schools by BIA administrative area, agency, by school status.

13/ Twenty-fourth Annual Report of Indian Education in Oklahoma. Oklahoma State Department of Education 1970-71.

In 1972, the BIA estimated that approximately 91 percent of these children were enrolled in public schools, and about 9 percent were attending BIA boarding schools in the State. <sup>14/</sup>

At the State level, the Oklahoma Department of Education maintains an Indian Education Division whose function is to administer many of the Federal programs for Indian children enrolled in public schools. The Division is also responsible for sponsoring programs designed specifically to meet the educational needs of Indian children in Oklahoma.

#### Federal Programs

The initial relationship of the American Indian to the Federal Government was that of Nation to Nation. This unique relationship was historically recorded through subsequent formal agreements or treaties between various Indian Nations and the Federal Government. In the early part of the 19th century the Federal Government began to assume greater responsibility for educating Indians utilizing established sectarian schools and, in some cases, federally operated institutions.

However, it has only been during the last 10 to 15 years that the Federal Government has assumed much of the financial responsibility for educating Indian children enrolled in public schools. Almost all of the money available to local school districts to educate Indian

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<sup>14/</sup> The BIA operates six boarding schools in Oklahoma. Table 3 on page 94 shows the 1972 enrollment and average daily attendance in these schools.

children is channeled through three major programs -- Impact Aid (Public Law 81-874), Title I of the Elementary and Secondary Education Act of 1965 (ESEA), and the Johnson-O'Malley Program (JOM). According to a study prepared by the Center for Law and Education at Harvard University <sup>15/</sup> the Federal Government allocated more than \$66 million, or approximately \$350 per Indian pupil, to school districts for educating Indian children during the fiscal year 1969. <sup>16/</sup> A significant portion of this aid was set aside to provide supplemental educational services for Indian children to enable them to overcome disadvantages imposed on them by poverty and discrimination.

Public Law 81-874, popularly called Impact Aid, administered through the Department of Health, Education, and Welfare, is the largest single source of money for Indian education. The purpose of this law, passed by Congress in 1958, is to provide Federal funds where Federal activities create a financial burden on local school districts. Although the law was initially intended to relieve the burden of tax-free military installations, Indian reservations were eventually included. On August 12, 1958, it was amended to include assistance for educating Indian children. In general, Impact Aid is designated for general operating and construction uses, whereas Title I and JOM funds are allocated mainly for special and supplemental programs designed specifically for Indian children.

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<sup>15/</sup> Center for Law and Education, Inequality in Education: Indian Education, Harvard University, Number 7, February 1971.

<sup>16/</sup> Inequality in Education, p.20.



Title I funds under ESEA are used to upgrade the educational opportunities of economically and educationally deprived children. Both BIA boarding schools and public schools receive funds from this program based on their Indian enrollments.<sup>17/</sup>

The Johnson-O'Malley Act of 1934 is the only Federal education program which uniquely benefits Indians. It authorizes the spending of Federal Funds "to accommodate unmet financial needs of school districts related to the presence of large blocks of non-taxable Indian-owned property in the district, and relatively large numbers of Indian children which create situations which local funds are inadequate to meet."<sup>18/</sup>

Johnson-O'Malley funds are made available to public schools either through contracts with State Departments of Education, or through tribal groups functioning as program administrators. State plans, developed cooperatively with the Bureau of Indian Affairs, take into consideration the ratio of Indian children involved, the extent of local tax efforts, other sources of income, including Federal program

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<sup>17/</sup> During fiscal year 1972, four special projects in the Anadarko area, and two in the Muskogee area were funded under Title I. Typical projects for Indian children funded under Title I include special remedial programs in English Language Arts, Reading, Bilingualism, Mathematics/Science, Behavior, Attendance, Special Education, and Self-Image/Experiential Deficiencies. See Fiscal Year 1972: Statistics Concerning Indian Education. Table 13. See also U. S. Commission on Civil Rights Staff Report, Federal Policies and Programs for American Indians, November 1972, pgs. 32-34.

<sup>18/</sup> Public Law 73-167 Johnson-O'Malley Act. (25 USC § § 452-454)

assistance and the special needs of Indian children. In 1971, the enrollment of Indian children in public schools receiving JOM assistance was 78,758. In 1972, Indian enrollment in public schools receiving JOM monies increased to 86,765. The 1972 expenditures for public schools under this program is approximately \$23 million.<sup>19/</sup>

The Oklahoma State Department of Education has been administering the JOM program in that State since 1948. In that year, \$280,000 in JOM funds was allocated to the State under the JOM program which included 428 school districts enrolling 9,073 Indian children. In 1972, the agreement was for \$1,900,000 involving 272 school districts enrolling 12,735 Indian children.<sup>20/</sup>

#### The Use of Federal Funds in Educating Indian Children

Although the State received nearly \$2 million in JOM funds during the 1971-72 school year, its actual impact was questioned by many witnesses testifying before the Oklahoma State Advisory Committee both in Tulsa and Oklahoma City.

One of the dominant issues to emerge from these meetings was the alleged misuse of JOM monies by local school districts. Witnesses

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<sup>19/</sup> Bureau of Indian Affairs, Johnson-O'Malley Annual Report, Fiscal Year 1972, prepared by Brice L. Lay, Chief, Division of Educational Assistance, and Charles A. Richmond, Chief, Branch of Public School Assistance, p.72.

<sup>20/</sup> Johnson-O'Malley Annual Report, Fiscal Year 1972, pgs. 44-48.

stated that JOM funds were often used to supplement programs for entire school districts. <sup>21/</sup> There also appeared to be a common misconception among local school administrators that JOM funds are to be used for all students in the district, even though Federal guidelines state <sup>22/</sup> that these monies are to be used specifically for Indian children. In some instances, local administrators perceived JOM monies as a means to equalize the educational program for all students in the district. For example, according to a BIA evaluation of the JOM program in the Muskogee area <sup>23/</sup> it was reported that 97 schools in the area received approximately \$815,000 in JOM funds to operate 191 programs during the

21/ The most important criterion for JOM assistance is often the financial need of the school district for supplemental funds to meet its overall and general operating costs. - In one study concerning the use and allocation of JOM funds, it was noted that:

...JOM aid is designed in many instances to balance the districts operating budget -- the imbalance having been occasioned by the presence of Indian children and tax-free land. This, however, is precisely the purpose of Impact Aid. Thus, where a school district receives Impact Aid funds, JOM is theoretically limited to "meeting educational problems under extraordinary and exceptional circumstances." In practice, however, Johnson-O'Malley Act funds continue to be used to support the general operating expenditures of local school districts. (Source: "Federal funds for Public Schools" by Mark G. Yudof. Indian Education. Center for Law and Education. Harvard University, p.26)

22/ It was also pointed out in the study cited above that:

JOM special project funds are rarely segregated from the districts general revenues. Services provided often reach ineligible students; and, at best, they are duplicative of services already available to non-Indian students, p.26.

23/ L. Madison Combs. An Evaluation of the Johnson-O'Malley Program-Muskogee Area. Bureau of Indian Affairs, August, 1972; see Appendix A for summary of the evaluation report.

1971-72 school year.<sup>24/</sup> Most of these funds were channeled into four major programs: teacher aides, kindergarten, remedial and counseling.<sup>25/</sup> In all, nearly 25 thousand children were served by these program; however, only 9 thousand, or approximately 35 percent of all the recipients were Indian.<sup>26/</sup>

Alvin Echohawk, a coordinator for a statewide program in Oklahoma to combat the use of alcohol and drugs among Indian youths, testified that many school districts in the State had not followed the guidelines for the use of JOM funds established by the Federal Government. He also noted that in many instances JOM monies were being used mainly for general school use rather than special compensatory programs for Indian children. In fact, many witnesses felt that current programs are rarely compensatory since they fail to give Indian children anything special or extra.

All schools receiving JOM assistance are also required to have an Indian education committee which is involved in planning, developing, and monitoring the programs for which such funds are used. However, actual Indian involvement in the planning and operation of JOM programs was reported to be very limited. Local Indian people are seldom, if ever, advised of the school districts program. A school district receiving JOM assistance rarely contacts Indian people to ask them

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24/ An Evaluation of the Johnson-O'Malley Program - Muskogee Area. Type and Funding of 76 JOM programs -- 1971-72, p.7.

25/ Ibid.

26/ Ibid, p.10.

what their needs are. A major area of concern voiced during the four days of testimony was that Indian parents do not know what is going on in the schools, or what these monies are being used for.

#### The Quality of Indian Education

Conventional school practices also pose a dilemma. John Trudell, a former youth coordinator for Oklahomans for Indian Opportunity (OIO), asserted that the public school system in the State has generally failed to provide for the educational needs of Indian children. One aspect of this failure, he said, has been an almost total absence of courses relevant to Indian students such as Indian culture and history.

He stated:

To us, it is a civil rights violation to force an Indian child to go to school and have it set up so that when he is in this school system, he can learn nothing about his own people ... to me [the teaching of] American History is a civil rights violation because it is a lie and is set up to destroy the minds of Indian children because it is set up to tell them that their whole existence as a people isn't any good, that their people never did anything until the white man came. And this is what a lot of Indian kids do not accept. They won't accept it because they can see the lie coming. They know what's going on .... A lot of Indians don't go through the educational system. We go to school and we hear all these things but we never really listen to them in the schools. We hear about how good things are supposed to be, but when we go home ... we see what is happening.

Several witnesses also said that textbooks used by the public schools often present a negative picture of the Indian. Alfreda Doonkeen, an Indian student attending Harding Junior High School in Oklahoma City, testified:

...I have read library books in the ..... Elementary School which say that the Indian is wild, savage, blood-thirsty, and uncivilized and simple-minded. When my mother objected to the harm these books did, the principal would just say that they are good authors and the books would remain.

Allegations were also made that some white educators and school administrators are forcefully attempting to inculcate Indian children with values that are often at odds with traditional Indian values. For example, witnesses stated that Indian males are sometimes chastised by school officials for having long hair even though long hair is an important element of the Indians cultural heritage and has even become a popular mode of grooming among young white males.

Francis Wise, Chairwoman of the Native American Rights Movement described her experience when she tried to enroll her children in the Lawton public school system:

...I moved back to Lawton and enrolled my children in elementary school on November 1, 1971, and I filled out the necessary enrollment cards. Before I signed them, I spoke to the principal ... and I told him, I explained to him that my children were Indian and that my sons had long hair and I would like to know if this was going to be a problem. He said, "let's finish our business, and then we will discuss it." Then I [proceeded] to finish the enrollment cards, and I paid their activities fees; he then informed me that my sons could not attend school because their hair was too long. I then, of course, explained to him that we are Native Americans and it is our traditional cultural and religious right to wear our hair long and flowing or rather in braids. It is up to the Indians to decide because we are Indians. He told me that he could not make the decision himself since it was school policy.

Witnesses also alleged that schools had dual standards in relation to student dress and punishment. In almost every case, they said, Indian students were expected to conform strictly to the rules while white students were often allowed to diverge from these rules. It was reported that punishment was usually harsher for Indians than for white students even for similar infractions.

Mrs. Carmaletta Doombie from Carnegie felt that school administrators were often negligent towards Indian children, and that Indian pupils are sometimes mistreated in the public schools. She stated:

It's not only my child, it is [also] other Indian children that are getting mistreated. I have even walked down the hall and seen them grab the children by the collars and slam them up against the wall. What kind of treatment is that? I know [that most of you] are parents. How would you like your child picked up and slammed against the wall.

These experiences, witnesses said, contribute to an extremely <sup>27/</sup> high dropout rate among Indian children. It was reported that the dropout rate for Indians in Oklahoma is approximately 10 to 15 percent

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<sup>27/</sup> There have been two recent studies dealing with the dropout problem of Indian children enrolled in public schools. The first was done by the Southwest Cooperative Education Lab in 1969 and they found an overall dropout rate of 36.7% among Indian high school students in the southwest. The dropout rate among Indians in Oklahoma was reported to be 44.7%. The other study was conducted by the Northwest Regional Education Lab, and they reported an overall dropout rate of 47.7% for Indian high school students in the northwest. The national dropout rate reported by the National Education Association for all school students was 22.7% in 1966.

higher than for white students.<sup>28/</sup> According to one study the dropout rate among certain selected tribes in Oklahoma was over 40 percent.<sup>29/</sup> For example, the Kiowa recorded a dropout rate of 45.6 percent, the Cherokee 45 percent, and the Choctaw 40.5 percent.<sup>30/</sup> During the 1968-69 school year, approximately 45 percent of all Indian pupils attending public schools in the State failed to finish high school.<sup>31/</sup>

Many of those testifying before the State Advisory Committee felt that a major obstacle for Indian children in Oklahoma is the irrelevancy of public school education to Indian people. For the most part, the curriculum used in many local school districts -- even in those having a large Indian enrollment -- do not reflect Indian needs.

Few Indians, relatively speaking, are employed as teachers, counselors, and school administrators in the State. According to a 1968 survey of public elementary and secondary schools in Oklahoma conducted by the Department of Health, Education, and Welfare, of

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<sup>28/</sup> The Daily Oklahoman "Indian Dropout Rate Far Ahead of Whites", September 15, 1971.

<sup>29/</sup> Charles S. Owens and Willard P. Bass. The American Indian High School Dropout in the Southwest. Southwestern Cooperative Educational Laboratory, Albuquerque, New Mexico, 1969.

<sup>30/</sup> Ibid. p.6.

<sup>31/</sup> Joseph E. Trimble, Ph.D. An Index of the Social Indicators of the American Indian in Oklahoma. "Educational Characteristics of the Oklahoma American Indian" p.77.



17,163 teachers employed in 859 schools, only 322, or less than 2 percent, <sup>32/</sup> were Indian.

#### The Chilocco Indian Boarding School

The BIA currently operates six boarding schools in the State. These schools are located in Anadarko, Chilocco, Concho, Lawton, Tahlequah, and Wyandotte. In general, these schools are set up to (a) educate Indian children who live in isolated areas with no day school close to their homes, (b) educate Indian children whose educational needs cannot be met by the schools available to them, and (c) board Indian children who for social or economic reasons require care away from their homes even though other schools are <sup>33/</sup> available to them.

Testimony dealing with boarding schools in Oklahoma was mainly directed at the Chilocco Indian school located in the northern part of the State. According to BIA figures, Chilocco has a total enrollment of 662 Indian students with an average daily attendance of 377.5 during <sup>34/</sup> fiscal year 1972. The school itself was created by the Indian

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32/ Department of Health, Education, and Welfare. 1968 Survey of Public Elementary and Secondary Schools, Fall 1968. See also Table 111-6. Oklahoma Indian School Board Members-Teachers and Administrative.. Including Other Employees...By County for 1969. An Index of the Social Indicators of the American Indian in Oklahoma, pgs. 94-95.

33/ BIA memorandum Federal Indian Schools dated 3/1/73.

34/ Fiscal Year 1972: Statistics Concerning Indian Education. Table 4. Boarding Schools Operated by the Bureau of Indian Affairs, p.13.

Appropriations Act of May 17, 1882. At that time the nonreservation school at Chilocco received \$25,000 to construct a four-story building on 1,109 acres in Indian Territory, adjacent to the Kansas State line. Since that time, the school has grown both in terms of facilities and student enrollment.

The school has also had a number of difficulties through the years. For example, in 1969 a BIA program review team accused the school administration of "having a leadership problem, a lack of program direction, and of creating a failure expectancy syndrome in the students."<sup>35/</sup> This same team also accused top officials of submitting the students to "brutal treatment and mentioned physical and mental perversion."<sup>36/</sup> However, the Federal Bureau of Investigation made its own investigation and called the charges false.

During the open meetings in Tulsa, one of the major issues to emerge from testimony involved the alleged physical abuse of Indian children boarded at Chilocco. Mrs. Martha Grass of Marland, Oklahoma, alleged that a faculty member at the school had struck her daughter with a flashlight and fractured her nose during a student disturbance at the school. She also asserted that such incidents had occurred at

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<sup>35/</sup> The Chilocco Survey Report. Report compiled and edited by Thomas R. Hopkins, Ed. D. Chairman of the Chilocco Survey Team and Chief, Division of Evaluation and Program Review, Office of Education Programs. May 15, 1972. "Chilocco Background Information" Dr. Maybelle Hollingshead, Oklahoma College of Liberal Arts. 2/16.71, p.206.

<sup>36/</sup> Thomas R. Hopkins, Ed.D. The Chilocco Survey Report. "Chilocco Background Information" prepared by Dr. Maybelle Hollingshead, p.206.

the school in the past and that the school administration had taken few, <sup>37/</sup> if any steps to correct the situation.

Additional testimony revealed that local law enforcement personnel had arrested Indian children at the school, and incarcerated them at the county jail for disciplinary reasons. It was also asserted by one witness, Cynthia Deer, a student at Chilocco, that students were often severely disciplined by spanking and isolation.

Several witnesses also felt that the school had not responded to the educational needs of its students. The curriculum used at Chilocco was alleged to be inappropriate to the needs of Indian students, and vocational training courses usually bear little relationship to existing job markets. As John Trudell pointed out:

You cannot graduate from one of these [boarding] schools and fit into a university system with the academic background that you have had. And the reason behind this is because boarding schools are [mainly] set up for us to learn a trade in order to make us workers, but it is not set up to develop our minds.

In one study concerning student achievement levels at Chilocco, Dr. Paul Streiff and Rollin Kehahbah of the BIA's Division of Evaluation and Program Review noted the following:

The ninth grade students, according to current test results (I.T.E.D.) show a composite grade equivalent of six years and four months. The average reading grade equivalent is six years and seven months. The tenth grade, also based

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<sup>37/</sup> See Appendix B regarding Results of Chilocco Incident Investigation by BIA.

on the I.T.E.D., indicate a composite grade equivalent of the ninth year, fourth month. This reflects a standard deviation of 3.3 from the national norms, and falls in the 16th percentile (meaning 74% of those taking the battery nationally scored higher). The average reading grade equivalent [at Chilocco] is nine years and five months.<sup>38/</sup>

The Team also investigated the dropout problem at the school.

It was noted that out of a total enrollment of 605 in September 1971, a total of 243 or approximately 40 percent had either been expelled or had left Chilocco for other reasons.<sup>39/</sup> During the 1971-72 school year 234 Indian students dropped out of Chilocco.<sup>40/</sup>

The 1972 Chilocco survey report identified four problem areas as being basic to change at the school. These problem areas were as follows:

1. Chilocco has great difficulty changing internally. Changes that have occurred at the school were imposed from outside influences or were caused by the random coming and going of staff members.
2. That staff desires were dominant over student needs.
3. A peculiar imbalance [is] caused by unusual influence and occasioned dominance of the school program by Plant Maintenance. This is especially pernicious, yet cannot under any circumstances be attributed to the local Plant Maintenance personnel. Rather, it seems a result at the local level of an operational procedure determined by the BIA at the national level.

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<sup>38/</sup> Dr. Paul Streiff and Rollin Kehahbah. "Student Characteristics" The Chilocco Survey Report, March 31, 1972, p.191.

<sup>39/</sup> Dr. Paul Streiff and Rollin Kehahbah. "Student Characteristics" pgs. 193-194.

<sup>40/</sup> Ibid. p.194.

4. Serious and needless communications problems [exist] between people at the school.<sup>41/</sup>

With regard to the 4th problem area -- communications -- the Chilocco Survey Team noted:

Special emphasis is needed relative to communication. In this respect, Chilocco has a communication factor as does any school. This refers specifically to communications between people, all people at the school. It is bound up in students communicating with staff, with staff communicating with students, with staff communicating with staff, and with the total school communicating with parents and its constituency. In all, it appeared to the Team that the strongest communications occurred between students and students and that outside of this, communications is a serious problem that should receive special attention in program modification relative to the new long-range goals. Perhaps the greatest communication need was for staff to communicate with other staff members, and, consequently, with the students.<sup>42/</sup>

The Team further concluded:

Total communication at the school seems to have been in need of serious improvement. Any new program at Chilocco will have to communicate seriously and frequently with Indian parents and students and planners for the new program should develop viable communications techniques for all school activities.<sup>43/</sup>

### Summary and Findings

On the basis of testimony received during the Oklahoma meetings and through additional follow-up investigations by both State Committee members and Commission staff, five general findings can be derived.

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<sup>41/</sup> Thomas R. Hopkins, Ed.D. Chairman of the Chilocco Survey Team, "Current Program Activities" The Chilocco Survey Report, p.18.

<sup>42/</sup> Ibid. p.19.

<sup>43/</sup> Ibid.

First, the public schools in Oklahoma, with very few exceptions, have not responded to the needs of Indian children. Second, Indian education in Oklahoma has been marked by a dismal record of high drop-out rates and negative self-image. Third, Indian children attending public schools in the State have been discriminated against in terms of curriculum, treatment by school officials, and in the exercise of their cultural values. Fourth, evidence was presented that indicates that there has been some misuse of JOM funds by a number of local school districts in the State. Finally, the quality of education for Indian students attending the Chilocco Indian school is deficient in many areas. However, at the same time, one cannot reasonably generalize about all boarding schools in Oklahoma from this one example.

## CHAPTER THREE

EMPLOYMENT PATTERNS OF AMERICAN INDIANS  
IN OKLAHOMAOverview

American Indians in Oklahoma face severe unemployment and under-employment problems. As of March, 1972, the Bureau of Indian Affairs (BIA) estimated that the unemployment rate of Indians in that State was 25 percent.<sup>44/</sup> In contrast, the unemployment rate for the total working age population in the State was estimated to be approximately 5 percent in 1971.<sup>45/</sup>

During 1968 the rate of unemployment and underemployment combined ran as high as 46 percent for the entire Indian population in the State.<sup>46/</sup> When computed by BIA administrative area, the Muskogee Area recorded an unemployment rate of 18.4 among Indians living within this region, and the Anadarko Area recorded an unemployment rate of nearly 50 percent in 1972. (See table 4 on page 95)<sup>47/</sup>

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44/ Resident Indian Population, Labor Force, Unemployment and Under-employment Summary by Area: March 1972. BIA Statistics Division, July 1972, p.3.

45/ 1972 Manpower Report of the President. Department of Labor, March 1972. Table D-4 at page 232.

46/ An Index of the Social Indicators of the American Indian in Oklahoma. "Labor Force and Employment Patterns of the Oklahoma American Indians" p.291.

47/ The Oklahoma Indian Plan for Growth - Land - Housing - Education - Health. Report prepared by Pulliam and Associates for the Oklahoma Indian Affairs Commission, September 30 1972. pgs. E-36-37.

Also in 1972, the unemployment rate among the various tribes in the State ranged from a low of 9 percent for the Potawatomi to a high of 76 percent for the Cheyenne and Arapaho (See Table 5 on page 96).<sup>48/</sup>

Adequate employment statistics for Indians living in urban areas are not presently available. A survey conducted by Oklahomans for Indian Opportunity (OIO), reported that of a total of 1,475 American Indians interviewed in Oklahoma City and Tulsa, 1,082 or approximately 73 percent were either unemployed or underemployed.<sup>49/</sup>

The employment situation of Indians in Oklahoma is reflected in their low incomes. In terms of family income, three out of five rural Indian families had less than \$3,000 in annual income in 1959, nearly twice the proportion of the total rural population in the State. The average income for all rural Indians in Oklahoma in 1960 was \$1,212 and for all Indians urban and rural -- approximately \$2,145.<sup>50/</sup> In a 1968 study, it was stated that approximately half of all Indian families in the United States have incomes less than \$2,000 a year, and about 75 percent of all Indian families have incomes below the

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<sup>48/</sup> Resident Indian Population, Labor Force, Unemployment and Under-employment; Summary by Area: March 1972. pgs. 11-12.

<sup>49/</sup> Oklahomans for Indian Opportunity, A Socio-Economic, Ecological Survey of Indians in Two Oklahoma Cities. August 1967, p.8.

<sup>50/</sup> An Index of the Social Indicators of the American Indian in Oklahoma, p.291.



poverty level.<sup>51/</sup> The per capita income of Indians in the State varies from tribe to tribe. In 1972, the per capita income of various Indian tribes in Oklahoma ranged from a low of \$732 to a high of \$1,278 per annum.<sup>52/</sup>

Since Indians often encounter many employment difficulties -- language barriers, lack of transportation, little, if any nearby employment, especially in rural areas, racial discrimination -- many have become discouraged and withdraw completely from the labor force or never enter it in the first place. Others move to the larger cities seeking job opportunities. However, while many Indians have adjusted to the new tempo of life in these cities, others have found it difficult to adjust. Many find it difficult to get or keep jobs because of inadequate education and/or training. As a result, many Indians living in urban areas are forced to live in poverty.<sup>53/</sup>

#### Federal Employment of Indians in Oklahoma

In 1971, it was reported that Indians occupied 5.5 percent

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<sup>51/</sup> Herbert E. Striner, "Towards a Fundamental Program for the Training, Employment, and Economic Equality of the American Indian," Michigan: The W. E. Upjohn Institute for Employment Research, 1968, p.298.

<sup>52/</sup> The Oklahoma Indian Plan for Growth: Land - Housing - Education - Health. By Pulliam and Associates. September 30, 1972, p.H-106.

<sup>53/</sup> Office of Research, Equal Employment Opportunity Commission Profile of the American Indian. Research Report #31. December 1970. Betty R. Anderson, Research Studies Division, EEOC, p.20.

of all the Federal jobs in the State.<sup>54/</sup> However, a large percentage of these Indian employees were concentrated in the lower grade and wage board levels. For example, while Indians made up 6.8 percent of all the Federal employees in the General Schedule (GS) pay system in Oklahoma approximately 70 percent of these employees were in grades GS-1 through 8.<sup>55/</sup>

Similarly, Indians comprised 5.1 percent of all the wage board workers in the State; but 38.4 percent of all Indian regular non-supervisory employees, 22.2 percent of the Indian regular wage board employees, and 12.7 percent of all the Indian regular supervisory employees were concentrated in wage levels 1 through 6.<sup>56/</sup>

From 1969 to 1971, Indian employment in the Federal Government in Oklahoma increased slightly. In 1969, 5.2 percent of all Federal employees in Oklahoma were Indians. They held 10.1 percent of all the classified jobs at grades GS-1 through 4, 4.1 percent in grades GS-9 through 11, and 7.9 percent in grades GS-12 to 18. At the same time, they constituted 4.9 percent of all the wageboard workers in the State, but made up 11.9 percent of all the blue-collar workers earning less than \$5,499 annually, and, only 4.0 percent of those making \$10,000 or more.<sup>57/</sup>

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54/ U. S. Civil Service Commission, Minority Group Employment in the Federal Government. November 30, 1971, SM 70-71B.

55/ Minority Group Employment in the Federal Government, November 30, 1971.

56/ Minority Group Employment in the Federal Government.

57/ Ibid.

By 1971, 5.5 percent of all Federal employees in Oklahoma were American Indians. They held 12.1 percent of all the GS-1 through 4 positions, and 4.4 percent of the classified jobs in grades GS-9 through 11, an increase of .3 percent over 1969. However, the number of Indians in grades 12 to 18 remained the same. In the wageboard category, Indians comprised 5.1 percent of all the wageboard employees, an overall increase of .2 percent.<sup>58/</sup>

#### BIA Employment

The largest Federal employer of Indians in the State is the Bureau of Indian Affairs within the Department of the Interior. In 1972, the BIA employed a total of 1,304 employees in the GS pay system, and 231 in the wageboard system. Of this total, Indians constituted about 65.7 percent of all GS employees, and 87.4 percent of all wageboard employees.<sup>59/</sup>

Although Indians comprised the majority of all GS and wageboard employees in the BIA, most of these Indian employees were concentrated in the lower grade and wageboard categories. For example, in the Muskogee Area Office, Indians comprised about 89 percent of all the GS personnel employed in grades 1 through 5, while non-Indians constituted only 11 percent of the GS employees in these grades. On the other hand,

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<sup>58/</sup> Ibid.

<sup>59/</sup> Bureau of Indian Affairs. Personnel Division, Washington, D.C.

Indians were only 38 percent of all classified employees in grades GS-11 through 15, while non-Indians constituted slightly over 60 percent of all employees in these grades (see Table 6 on page 97).

The same grade distribution appeared to be true for Indian employees in the Anadarko Area Office. Indians constituted nearly 90 percent of all classified employees in grades GS-1 through 5; while non-Indians made up only 10 percent of all employees in these grades. Conversely, Indians comprised approximately 45 percent of all classified GS employees in grades 11 to 15 while non-Indians constituted 54.8 percent of all employees in these grades (see Table 7 on page 98).

The average grade level for Indians employed in the Muskogee Area Office in 1972 was 7 for males and 4 for females; whereas the overall grade level for this Area Office was 9 for males and 5 for females. The average grade of Indians employed in the Anadarko Area Office was 7 for Indian males and 5 for Indian females. The overall average was 8 and 5, respectively (see tables 6 and 7).

In the Muskogee Area, American Indians made up over 90 percent of all the wageboard workers employed by this Area Office. However, over 54 percent of these Indian employees earned less than \$7,000 annually. At the same time, only one non-Indian employed in this office earned less than \$7,000 annually (see Table 8 on page 99).

BIA figures also show a similar wage level distribution among Indian employees in the Anadarko Area Office. For example, the BIA employed 149 wage board employees in the Anadarko Area. Indians constituted over 80 percent of these employees. Approximately 43 percent of all Indians employed in this office in the wage board system earned less than \$7,000 a year; whereas, only 11.3 percent of all non-Indian WB employees were in this pay range (see Table 9 on page 100).

These statistics indicate that while Indians constitute a majority of all the GS and wage board employees in the Bureau of Indian Affairs in Oklahoma, they are disproportionately concentrated in the lower grade and wage board levels.

#### Indian Employment in Other Federal Agencies in Oklahoma

The purpose of this section is to briefly analyze the employment patterns of a number of Federal agencies having staff in Oklahoma and to determine the overall distribution of Indian employees in these agencies as of November 1971.

##### Department of Health, Education and Welfare (DHEW)

This agency employed 1,117 employees in Oklahoma. The number of Indians working for DHEW in the State totaled 516 or approximately 46 percent of the total workforce. Four hundred and three were employed in the GS pay category and the rest were employed in other wage systems. <sup>60/</sup>

The largest number of American Indians working for the DHEW in the State are employed with the Indian Health Service (IHS). As of September, 1972, a total of 490 Indians were employed by the IHS in Oklahoma. Overall, Indians make up nearly 60 (58.9%) percent of the total work force in this agency (see Table 10 on page 101).<sup>61/</sup>

Although both the DHEW and the IHS employ many Indians in the State, a large majority of these Indian employees are concentrated in the lower grade and wage levels. For example, while Indians comprise over 68 percent of the GS employees in the Oklahoma Area Office of the IHS they constitute 95.9 percent of all the GS employees in grades GS-1 through 4, 56.8 percent of all the employees in the GS-5 through 8 grades, 42.8 percent of all the employees in the GS-9 through 11 grades, and 32.5 percent of all the employees in the GS-12 through 18 grades. Of the 141 Commissioned Officers in this Area Office only two are identified as Indian.<sup>62/</sup>

American Indians make up approximately 57 percent of all the GS employees in grades GS-1 through 8 in the DHEW in Oklahoma. On the other hand, they constituted only 22.4 percent of all those GS employees in grades GS-11 through 16.<sup>63/</sup>

In wage board positions Indian employees comprise over 90 percent of all the wage board workers employed by HEW in the State. Approximately 60 percent of these Indian employees were concentrated in wage grades (WG)-1 through 6.<sup>64/</sup>

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61/ Indian Health Service, Overall Employment Summary, Oklahoma Area Office, September 20, 1972.

62/ Ibid.

63/ Minority Group Employment in the Federal Government.

64/ Ibid.

Department of the  
Interior

The Department of the Interior employed a total of 1,857 persons in Oklahoma during 1971. Indians constituted 45.6 percent of the total employment, and 44.7 percent of the GS employment.<sup>65/</sup>

While Indians represented a relatively large part of the total employment in the Department of the Interior in the State, most of them were concentrated within the BIA and in the lower grade and wage levels. For example, 61 percent of all the Indians employed in the GS system were concentrated in grades 1 through 5; while only 18 percent of all the non-Indian GS employees were in these grades.<sup>66/</sup>

In the wage board system Indians constituted approximately 51 percent of all the wage board employees and 69.3 percent of all the regular nonsupervisory employees. Of the 106 Indians employed as nonsupervisory workers, 50 percent were located in WG grades 1 through 6, while only 28 percent of the non-Indian employees were in these wage levels.<sup>67/</sup>

Post Office Department

The employment of American Indians in the Post Office in Oklahoma is minimal. For example, in 1971, only 244 Indians were employed by the Post Office out of a total employment of 8,392. Overall, Indians constituted 2.9 percent of the total postal work force in Oklahoma.<sup>68/</sup>

Department of Housing and Urban Development (HUD)

In 1971, HUD employed a total of 223 persons in Oklahoma. Of this total, 15 were Indian. Seventy-three percent of these Indian employees were in grades GS-1 through 5; whereas, only 24 percent of the non-Indian employees were in these grades.<sup>69/</sup>

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65/ Ibid.

66/ Ibid.

67/ Ibid.

68/ Ibid.

69/ Ibid.

### Department of Agriculture

Although the Department of Agriculture employed 1,221 people in Oklahoma during 1971 only 26 were American Indians. Of this total, 24 were employed in the GS pay system. However, 10 Indians were employed in grades 11 through 12. Thus, while Indians constituted only 2.1 percent of the total employment, nearly 42 percent of all the Indian GS employees were in grades GS-11 and 12.<sup>70/</sup>

### Department of the Air Force

The Air Force employed a total of 24,039 civilians in Oklahoma during 1971. Of this total, 685 or 2.8 percent of the total work force were Indians. Two hundred fifty-five Indians were employed in the GS pay system. Approximately 21 percent were employed in grades GS-1 through 4, 30 percent in grades 5 through 8, 37 percent in grades 9 through 11, and 11 percent in grades 12 through 18.

Indians made up 3.2 percent of total employment in blue-collar occupations. Three hundred, seventy-one Indians were employed in regular, nonsupervisory positions. Overall, there was an even distribution of Indian employees throughout the various wage levels. For instance, Indians constituted 2.9 percent of all the regular non-supervisory employees in wage grade 5, 3.2 percent in WG-9, 2.0 percent in WG-11, and 3.5 percent in WG-12.<sup>71/</sup>

### Department of the Army

The Army employed a total of 5,114 civilian employees in Oklahoma during 1971. Indians constituted 4.1 percent of all the civilian employees. One hundred, five American Indians were employed in the GS pay system. About 32 percent were employed in grades GS-1 through 4, 45 percent in grades 5 through 8, 19 percent in grades 9 through 11 and 4 percent in grades 12 through 18.

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70/ Ibid.

71/ Ibid.



American Indians made up 5.5 percent of all the wage board employees, and 5.8 percent of all the regular nonsupervisory personnel.<sup>72/</sup>\*

Percent wise, the largest Federal employer of American Indians in the State is the Department of Health, Education and Welfare (IHS). Numerically, the Department of the Interior (BIA) -- with 847 Indian employees -- is the largest Federal employer of Indians in Oklahoma.

Table 13 on page 104 describes the percentage distribution of Federal employees in these 10 agencies by grade and race. As Table 13 shows, approximately 72 percent of all Indian employees in these agencies are located in grades GS-1 through 8. Only black Federal employees exceed this percentage figure with approximately 78 percent being in these grades. On the other hand, only about 49 percent of all white Federal employees in these 10 agencies were in grades 1 through 8. Approximately 8 percent of all Indian employees were in grades 12 through 18. In contrast, 18 percent of all white employees were in these grades. Thus, on a comparative basis, American Indians tend to be concentrated more frequently in the lower grade levels than white employees in these 10 agencies.

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72/ Ibid.

\*Table 11 on page 102 shows the total employment for the ten major Federal agencies -- on the basis of total employment in Oklahoma as of 1971. Table 12 on page 103 describes the grade level distribution of all GS employees by race for these agencies.

Indian Preference and Federal Employment

According to Congressional mandate: "An Indian has preference by law on initial appointment (in the Bureau of Indian Affairs and in the Indian Health Service) provided the candidate has established proof that he is one-fourth or more Indian and meets the minimum qualifications for the position to be filled."<sup>73/</sup>

In other words, any Indian applicant for a position in the BIA or IHS, provided that he is one-fourth or more Indian, and has the qualifications for the job for which he has applied, has preference over any non-Indian.<sup>74/</sup> This preference applies not only to initial employment, but also to re-employment, reductions-in-force, and promotions. The BIA did not interpret Indian Preference to cover "promotions" until June, 1972.

The Indian Health Service,<sup>75/</sup> which operates under the same preference law had previously extended Indian preference to cover promotions and other personnel matters. In accordance with this interpretation, the IHS issued a policy statement dated May 26, 1970, which stated:

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<sup>73/</sup> F. Browning Pipestem, Indian Preference: A Preference to Conduct Self Government p.8 (not dated). See, also Appendix C. U. S. Commission on Civil Rights Staff Memorandum, "Federal Policy of Indian Preference in Employment" November, 1972.

<sup>74/</sup> Ibid.

<sup>75/</sup> The Indian Health Service is a component of the U.S. Public Health Service, a division of the U. S. Department of Health, Education, and Welfare. The IHS is not an integral part of the BIA. Basically, the IHS has the responsibility for providing comprehensive health services to American Indians.

It is ... the policy of the Indian Health Service to extend administratively the principle of Indian preference to promotion and career development. Therefore, where possible preference will be extended to Indians in the area of service placements, training, career development and promotions whenever possible, within the precepts of good management.<sup>76/</sup>

At this time, Indian preference is limited to the BIA and the IHS. Thus, no more than one-half of one percent of all Federal positions are subject to Indian preference.<sup>77/</sup>

#### Employment Patterns in State Government

According to the Oklahoma Human Rights Commission, American Indians constituted 4.9 percent of the total State Government employment in 1971.<sup>78/</sup>

As of April 1971, 19,267 persons were employed in 43 State agencies. With respect to race and ethnic group, this employment was composed of 17,569 whites (89.5%), 1,040 blacks (5.3%), 963 American Indians (4.9%), and 55 Mexican Americans (.2%).<sup>79/</sup>

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<sup>76/</sup> F. Browning Pipestem, p.11.

<sup>77/</sup> The original purpose of this preference clause was to assist Indians towards self-government by providing the education, training, and opportunity necessary to insure an adequate and acceptable life. Implicit in this concept of self-government was that Indians should help make policy decisions within the BIA. It was originally thought by some that Indian preference would be all inclusive, eventually leading to an all Indian Bureau of Indian Affairs. See U.S. Commission on Civil Rights Staff Report, "The Employment of American Indians in New Mexico and Arizona" pgs. 22-25.

<sup>78/</sup> Oklahoma Human Rights Commission. Survey and Study: Racial and Ethnic Composition of the Merit System Work Force, 1971, Rev. D. B. Frank Belvin, Chairman; and William Rose, Director. p.2.

<sup>79/</sup> Ibid.

Of the 19,267 employed by the State, 18,869 are graded, and 758 are statutory salaried.<sup>80/</sup> With respect to graded or statutory salaried status the work force was broken down as follows:

	<u>Graded</u>	<u>Statutory</u>	<u>Total</u>
White	16,829	749	17,569
Black	1,033	7	1,040
Indian	952	11	963
Mexican American	55	0	55

From 1965 to 1971, the number of American Indians employed by the State government increased by about 46 percent. During this same time span, the number of white employees increased by approximately 32 percent, and the number of black employees increased by 33 percent.

Approximately 27 percent of all the Indians employed by the State government were in grades 12 and 13. In contrast, 27.1 percent of all white employees, 60.9 percent of all black employees, and 29.1 percent of all Mexican American State employees were in these grades.<sup>81/</sup>

With respect to salary levels, white State employees received a median salary of \$4,512 in 1971. In comparison, Indian employees received a median salary of \$4,488. Blacks and Mexican American State employees received \$3,864 and \$4,656, respectively, in 1971.<sup>82/</sup>

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80/ Ibid.

81/ Table 14 on page 105 describes the distribution of all Oklahoma State employees by grade. NOTE: Grades 12 and 13 are noncompetitive. In other words, no State examinations are required.

82/ Ibid. p.4. The median salary is defined as the amount which divides the distribution of all State employees of the particular ethnic group into two equal subgroups, one subgroup having incomes above the median and the other having incomes below the median.

The Oklahoma Employment Security Commission employed the largest percentage of American Indians. However, the largest State employer of American Indians was the Department of Institutions, Social and Rehabilitative Services (DISRS) with 183.<sup>83/</sup>

Of the 43 State agencies reporting in 1971, 15 or more than one-third employed no Indians, 16 others employed less than 10 Indian employees. Only 12 State agencies in 1971 employed more than 10 American Indians. Of this total, four State agencies employed more than 100 Indians; the Employment Security Commission (131), Department of Highways (132), Department of Mental Health (105), and the Department of Institutions, Social and Rehabilitative Services (193).<sup>84/</sup>

In evaluating the State's Merit System, the Oklahoma Human Rights Commission in 1971 concluded that:

Negroes and American Indians have not been able to obtain entry into jobs covered by the Merit System; or move upward on equal terms with Caucasians. These groups have been discriminated on the basis of race. That is, discrimination may be largely on function of systematic barriers and not the result of State policy or conscious acts makes it no less unlawful.<sup>85/</sup>

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<sup>83/</sup> Ibid. p.7. Table 15 on page 106 shows the major agency work force composition as of April 1971.

<sup>84/</sup> Ibid. pgs. 8-9. Table 16 on page 107 gives the distribution of State employees within each of the agencies by race and ethnic group.

<sup>85/</sup> Ibid. P.15.

The Oklahoma Human Rights Commission felt that while Indians comprised 4.9 percent (963 employees) of the State's work force, they were not adequately represented. At that time, the Human Rights Commission suggested that a more equitable percent for Indians would be approximately 6 percent or 1,178 employees. <sup>86/</sup>

#### Private Employment Patterns

According to the Equal Employment Opportunity Commission (EEOC) in 1972, 9,981 American Indians out of a total surveyed labor force of 247,344 were employed in 1,593 separate businesses in Oklahoma. <sup>87/</sup> Overall, Indians constituted approximately 4 percent of the surveyed labor force in the State. <sup>88/</sup>

A large proportion of the Indian work force surveyed was employed in blue-collar occupations. For example, of the 9,981 Indian employees, 5,735 or 64.5 percent were employed as craftsmen, operatives, laborers, and service workers. <sup>89/</sup> In contrast, approximately 51 (50.8%) percent of the total labor force surveyed was employed in blue-collar occupations (see Table 17 on page 109).

In the Oklahoma City SMSA, American Indians comprised approximately 2 percent of the labor force in 1972. According to EEOC statistics,

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<sup>86/</sup> Ibid. p.11

<sup>87/</sup> 1972 EEO-1 Report. State Summary-Oklahoma, 1972, 1,593 Units, Equal Employment Opportunity Commission, Washington, D.C.

<sup>88/</sup> 1972 EEO-1 Report. State Summary-Oklahoma 1972.

<sup>89/</sup> Ibid.

93,422 persons were employed in 540 surveyed businesses in the Oklahoma City SMSA. Of this total, only 2,193 were American Indians.<sup>90/</sup> Over half (51.3%) were employed in blue-collar jobs. In contrast, only 38.6 percent of the entire surveyed labor force in this area were employed as blue-collar workers.<sup>91/</sup> (See Table 18 on page 110)

The same occupational distribution was also noted for the Tulsa SMSA. In 1972, EEOC surveyed 536 business units in this area. Overall, these businesses employed a total of 84,825 persons.<sup>92/</sup> Of this total, 3,590, or approximately 4 percent of those surveyed, were American Indians. Slightly over half (50.5%) were employed as blue-collar workers; whereas, only 39 percent of all the workers surveyed were in blue-collar occupations.<sup>93/</sup> (See Table 19 on page 111)

Two basic conclusions can be derived from the above data. First, American Indians constitute only a very small segment of the labor force outside of government employment. Second, those Indians that are

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<sup>90/</sup> 1970 EEO-1 Report. SMSA Summary-Oklahoma City SMSA, 1972 - 540 Units Equal Employment Opportunity Commission, Washington, D.C.

<sup>91/</sup> 1972 EEO-1 Report. SMSA Summary-Oklahoma City SMSA. As of November 1971 there was a total of 1,015 American Indians employed in various Federal agencies in the Oklahoma City SMSA -- U.S. Civil Service Commission. 1971 Minority Group Study.

<sup>92/</sup> 1972 EEO-1 Report SMSA Summary-Tulsa SMSA - 1972 - 536 Units Equal Employment Opportunity Commission, Washington, D. C.

<sup>93/</sup> 1972 EEO-1 Report, SMSA Summary - Tulsa SMSA.

employed in private business and industry tend to be concentrated in blue-collar occupations. Approximately 51 percent of all Indian blue-collar workers are employed as operatives; 27.5 percent are employed as craftsmen; 21.4 percent are employed as laborers, and the rest are employed as service workers.<sup>94/</sup>

### Employment Issues

Most of the complaints about employment voiced during the open meetings related to the Bureau of Indian Affairs. Witnesses noted that although a substantial number of Indians were employed by the BIA in Oklahoma (See Tables 6 through 9), there was little opportunity for them to advance into higher grade levels. Mrs. Juanita Learned, Director of Oklahomans for Indian Opportunity, stated:

...you go through a lot of figures, and a lot of people... in the Bureau, and ... even in the Indian Health Service... [they] will say, "we've got this many Indians," and they point out the fact that they are loaded with Indians. Well, where are these Indians working? They are not working at the top. The Indians, you know, are in the lower grades.

Although it is widely accepted that Indian preference was enacted to open the way for qualified Indians to hold positions in the Federal Indian Service,<sup>95/</sup> witnesses said that because of various and often conflicting interpretations of the law, and to some extent by reason of Civil Service rules and regulations, qualified Indians have found it difficult to advance within the BIA and the IHS.

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<sup>94/</sup> 1972 EEO-1 Report. State Summary - Oklahoma 1972.

<sup>95/</sup> See section on Indian Preference, p.35.



Many witnesses testifying before the State Advisory Committee also felt that employment discrimination against Indians by private businesses and industries was widespread in Oklahoma. Several witnesses stated that Indians applying for employment are usually told that the "job has been filled" when, in fact, it has not. The excuse employers usually give for not hiring Indians, they said, is that they are social misfits, or that they drink too much.

Testifying before the State Advisory Committee, Alvin Echohawk said that many employers have a stereotyped impression of Indians:

This idea is suggested from the idea of the old line of thinking that the Indian has this weak force for alcohol, and the mere fact that you are an Indian, they are almost sure that you are an alcoholic, or that you have a drinking problem.

Indians are often paid lower wages than white workers for the same kind of work, a number of witnesses said, and are not usually offered the same promotional opportunities given to white workers.

Witnesses also alleged that many private housing contractors fail to hire Indian workers even though the housing is being built for Indians. Expanding on this point, Juanita Learned said that there is no effective mechanism to ensure that contractors building housing for Indians will, in fact, hire Indians. The only enforcement lies with individual Indian

96/ housing authorities. These authorities, however, often have little or no influence on the contractors. She stated:

I think one of the things we are having right now is the problem of Indian housing...I thought that when we had an Indian Housing Authority, it would mean employment for Indians out in those areas and I was really enthused about it; but, I have come to find out, when they have the Housing Authority, they have to get a contractor, and he, in turn, gets subcontractors and because of this, the Indian is left out. Really, the Indian is not getting in on the employment generated by the construction of new Indian housing, especially in the western part of Oklahoma.

It was also reported that other Federal contractors often bypass qualified Indians. One witness pointed out that the Federal Government, in this respect, has failed to exercise its mandate to monitor employers

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96/ Indian Housing Authorities (IHAs) are established pursuant to the Oklahoma Housing Authorities Act of 1965, as amended (63 Okla. Stat. § 1051).

Section 1057 of the Act specifies that all the provisions of law applicable to housing authorities created for cities and counties shall be applicable to IHAs, and the tribal leader is given appointive and other powers with respect to IHAs as those granted by the act to mayors in relationship to housing authorities. These IHAs like most authorities depend on the Department of Housing and Urban Development (HUD) for technical and financial assistance. Most construction undertaken by IHAs is subject to HUD approval and monitoring. Contracts between construction companies and IHAs must be approved by HUD where the housing is being constructed pursuant to the U. S. Housing Act of 1937, as amended.

The BIA and IHS serve in a coordinating role with HUD being primarily responsible for working with IHAs. More direct roles are played by BIA and the Economic Development Administration (EDA) where lands or grants which are administered by these agencies are involved.

to see if they are in compliance with their equal employment and affirmative action requirements.

### Summary and Findings

Testimony revealed that, for the most part, Indians in Oklahoma have a severe unemployment problem. In addition, Indians are under-represented at most levels of public and private employment.

While the number of Indians in Federal employment compares favorably with the total Indian population in the State, statistics also indicate that they tend to be concentrated at the lower grade and wage levels. The majority of these Indians are employed with two agencies -- the Bureau of Indian Affairs and the Indian Health Service. In State employment, Indians have not been able to obtain entry into jobs covered by the State's Merit System, nor move upward on equal terms with white employees.

In the area of private employment, two conclusions can be derived. First, Indians make up only a very small part of the labor force. Second, the majority of Indians in the labor force are in blue-collar occupations with most of them employed as operatives and unskilled laborers.

Several witnesses noted that many employers in the private sector in Oklahoma tend to have a negative impression of Indians. They also stated that discrimination against Indians is a major factor in all areas of employment, especially in the private sector.

## CHAPTER FOUR

## ADMINISTRATION OF JUSTICE

Overview

The largest number of Indian arrests in Oklahoma are for drunkenness and alcohol-related crimes. In 1960, for example, more than 70 percent of all Indian arrests -- nationwide -- were related to drunkenness. In 1970, the percentage dropped slightly to 66.8 percent of all Indian arrests.<sup>97/</sup> In three major cities in Oklahoma -- Lawton, Oklahoma City, and Tulsa -- approximately 46 percent of all Indian arrests in 1970 were for alcohol-related crimes.<sup>98/</sup>

A survey of 134 county jails conducted by the Oklahoma Crime Commission during the summer and fall of 1971 discovered that nearly 15 percent of all those persons incarcerated were Indians.<sup>99/</sup> In some instances, Indians comprised over 45 percent of the jail population in a county. For example, in Blaine County, 46.9 percent of those incarcerated were Indians. In contrast, only 6.8 percent of the

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97/ An Index of the Social Indicators of the American Indians in Oklahoma, "Crime and Delinquency Characteristics of the Oklahoma American Indian" p.253.

98/ An Index of the Social Indicators of the American Indians in Oklahoma, p.253. Table 20 on pg. 112 describes Indian arrest rates by offense for these cities during 1970. Table 21 on page 113 indicates total arrest rates by Indians under 18 years of age in these cities in 1970.

99/ Ibid. Table V-5. Number of Indians Confined in County Jails for 1971. Oklahoma Crime Commission, pgs. 263-264.

county's population were Indians. <sup>100/</sup>

According to the Oklahoma Crime Commission, the racial composition of the Oklahoma jail population and State correctional institution population in 1970-71 was as follows:

<u>Race</u>	<u>Jail 1/ Population</u>	<u>State Correctional 2/ Institutional Population</u>	<u>State 3/ Population</u>
White	69.2%	68.5%	89.2%
Black	15.2	22.5	6.7
Indian	14.6	7.9	3.8
Other	1.0	1.1	0.3
Total	100.0%	100.0%	100.0%

1/ All persons booked into municipal or county jail in 1970, includes both adults and juveniles, and both misdemeanor and felony suspects.

2/ All adults convicted of felonies and remanded to the custody of the State Department of Corrections during FY 1971.

3/ 1970 Census

SOURCE: John Steen, Research and Statistics Division, Oklahoma Crime Commission

These statistics indicate that American Indians in Oklahoma are subject to incarceration more frequently than the white population. For example, while Indians constitute approximately 4 percent of the State's population, they comprise nearly 15 percent of all those persons booked into municipal and county jails, and nearly 8 percent

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100/ Ibid. Table 22 on page 114 indicates the number of Indians confined in county jails in Oklahoma during 1971 in relation to the Indian population in these counties.

of all those convicted of felonies and remanded to the custody of the State Department of Corrections. In contrast, the white population constitutes nearly 90 percent of the total State population but only 69 percent of the inmate population in correctional institutions, and in municipal and county jails.

#### Justice and the American Indian in Oklahoma

One of the most serious complaints made during the four-day open meetings related to alleged police brutality and harassment against American Indians.

Mrs. Eula Doonkeen, a full-blooded Seminole, who lives in Oklahoma City, described an incident which occurred in Oklahoma City during the fall of 1971. On September 29, 1971, Kenneth Harjo, a Seminole Indian age 15, was shot and killed by Oklahoma City police officers while attempting to flee in a stolen vehicle. Mrs. Doonkeen contended that this police action was extreme, particularly in view of the nature of the crime. Testifying before the Oklahoma State Advisory Committee, she stated:

We are still shocked at this murder because we call it murder. The Indian people that live in Oklahoma City ... are dissatisfied, and we have said this at a public meeting. We were dissatisfied with the handling of the Police Department's investigation. After the murder we were dissatisfied with Nate Ross' [the City Manager] investigation of this incident and we are completely dissatisfied with everything having been connected with police brutality against Indians in this community.

During staff investigations prior to the open meetings some Indians also said that they felt that police were often lax in investigating crimes committed against Indians. This allegation typifies the belief expressed by many Indians in Oklahoma City that the police are not responsive to the needs of the Indian community.

Several witnesses testified that Indians are not treated by police in the same manner as other citizens. Not only are they harassed and intimidated by police, they said, but their treatment is often violent. For example, Velma Jones from Ponca City, Oklahoma, told the State Advisory Committee:

It seems like the problem is that whenever an Indian is arrested they are not treated just like a non-Indian is treated. Most obviously they are jerked around, beaten, kicked, handcuffed, and they are made right then and there a hostile person. And to me I always felt like the law is supposed to be peacemaking, not [an instrument] of harassment. And many times our young people go haywire from their first encounter they have with the law because of the way they are treated on the streets and in the jails.

It was also alleged that once an Indian is incarcerated he is sometimes intimidated and mistreated by police officers or simply placed in a cell and forgotten. John Trudell related one such incident:

...an Indian man who was picked up for being drunk was put in a cell in the city jail with a known mental patient. He was in this cell pleading for four hours to get out, and when they got him out the next morning he had three broken ribs, two broken fingers, a dislocated knuckle, and part of his scalp was torn. The comment that was made by the jailers was that "we're going to teach him not to get drunk in this town any more."

Another witness, Charles Eaves, related an incident involving two of his brothers:

They [the police] handcuffed one of my brothers and knocked him down and kicked him a few times. They also handcuffed my other brother and knocked him down. The policeman said that they had attacked him, and that he had taken them to the county jail. [The police officer] claimed that they had jumped on him, beat him up, and kicked him. They were supposed to have done this while they were handcuffed. So I went in there to see if I could do something about this. That is, when I contacted Mrs. Velma Jones here. I went and talked to this legal aid officer up in Pawhuska. He, in turn, talked to the the police, and they released my brothers. They dropped all charges against them. They also said that what was written in the [court] papers was not true concerning my brothers.

He further commented:

It's just something that, you know, they make up and if you don't fight it, well, then they'll push it. But if you fight it, they'll usually drop the charges against Indians and let it go.

Mrs. Libby Littlechief, a secretary in the Anadarko Area Office of the BIA and a member of the Oklahoma Indian Rights Association (OIRA), said that the Indian people were not receiving their "full measure of justice". She asserted that there is a dual enforcement and interpretation of the law in Oklahoma which distinguishes between the white man and the Indian:

I have said this before and I say it again, there is a dual system of justice, at least in the Anadarko area because of the injustice that is dealt out to Indians. It is just not like the justice dealt out to other people.



Velma Jones contended that there is a basic difference in the way justice is administered. She felt that the difference occurs all the way from the harassment Indians receive, the police intimidation at the initial point of arrest, and then in the treatment they receive while in jail. She alleged that the courts often refuse to allow Indians to be released on personal recognizance bonds while most non-Indians are allowed to be released on their own personal recognizance. She also felt that there was a difference in the way the courts handle their cases, and in their accessibility to lawyers.

Some witnesses alleged that illegal arrests, police intimidation and brutality, discrimination and excessive fines against Indians were common occurrences. Complicating these "illegal actions" is the scarcity of legal counsel afforded to Indian people, especially in smaller communities. Several witnesses said that Indian defendants are not always aware of what is going on once they are arrested, nor do they always know their civil rights.

Robert Swimmer, an attorney from Oklahoma City, explained some of the difficulties in representing Indians in the "white man's system of justice and court procedures." Indians, he said, should have someone to represent them who understands their cultural background. He also pointed out:

...he is often too reticent to deny an offense. He will stand mute if he is innocent and he doesn't care to stand up and testify. He does not care to take the

witness stand because if he is innocent, he feels that he should not be required to make a statement; consequently, the jury under that situation may believe that the man must be guilty because under our system of justice, the white man will declare he is innocent and the jury knows this, but not the Indian.

It is his own nature not to speak out. He is reserved and does not believe that it should be incumbent upon him to speak out if he feels he is innocent. And often, the Indian is greatly handicapped in the courtroom, and he definitely needs someone that he understands and can talk with.

### Summary and Findings

Many witnesses testifying before the State Advisory Committee, both in Tulsa and in Oklahoma City, felt that American Indians in the State suffer undue discrimination in the administration of justice. Several also alleged that inequities are perpetrated against Indians, including unequal protection and enforcement of the laws, police intimidation, and brutality, and insensitivity of the judicial system.

Testimony also revealed that Indians often are not aware of their rights. In many respects, the Indian is at a serious disadvantage when confronted by the "white man's" system of justice. Part of the problem that the Indian faces in a court of law results from the fact that he is not familiar with the law, nor with the courts. There is also the question of accountability, or lack of it. If the Indian is confronted by a police officer, or if he is harassed or intimidated, he often has no place to turn. If he is incarcerated, he usually does not know his rights.

Two distinct standards of justice seem to be operating in Oklahoma. There is one standard for Indians and another for non-Indians. This double standard is reflected in the large number of American Indians incarcerated in municipal and county jails, and in State correctional institutions. It is also reflected in the large number of Indians convicted of felonies in comparison to the number of Indians arrested for these crimes. Finally, it is reflected in the way Indians perceive the administration of justice.

## CHAPTER FIVE

## HEALTH SERVICES

Overview

The Indian Health Service (IHS), which has the responsibility for meeting Indian health needs, operates six accredited Indian hospitals at Claremore, Clinton, Lawton, Pawnee, Tahlequah, and Talihina. These hospitals have a combined capacity of approximately 420 beds. There are also seven health centers <sup>101/</sup> operated by the IHS which are located at Anadarko, Chilocco, Concho, Hartshorne, Shawnee, Tahlequah and Wayandottee.

In addition to maintaining hospitals, health centers, and health stations, the IHS is augmented by services provided under contract by private medical personnel and facilities. However, an Indian must first receive an authorization from the Indian Health Service before he is eligible to receive contractual services.

According to IHS statistics, the birth rate for Indians in Oklahoma is considerably higher than for the general population. The 1966 rate of 33.2 live births for each 1,000 Indians was 2.2 times as

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<sup>101/</sup> A Public Health Service/IHS Indian Health Center is a facility, physically separated from a hospital, where one or more clinical treatment services such as physician, dentist or nursing services are available at least 40 hours a week for outpatient care.

high as the U. S. rate of 17.5 for all races.<sup>102/</sup> The infant death rate per 1,000 for the total Indian population in 1966 was 32.2 while the rate for all races per 1,000 was 22.4. In the Oklahoma City IHS Report Area the rate was 26.7.<sup>103/</sup>

In recent years over half of all Indian deaths have been attributed to four causes -- accidents, diseases of the heart, malignant tumors, influenza, and pneumonia. In Oklahoma, accidents among Indians in 1967 accounted for 106 deaths per 100,000 population. In contrast, the rate for the general population was 58 per 100,000.<sup>104/</sup> Indian deaths caused by influenza and pneumonia, cirrhosis of the liver, diabetes, tuberculosis, gastritis and enteritis were 39.1, 30.9, 39.6, 22.6 and 9.8, respectively, per 100,000 population. On the other hand, the rates for the general population were 32.5, 13.6, 17.7, 3.9, and 3.9, respectively.<sup>105/</sup> In every case, Indian death rates in Oklahoma generally exceeded that of the general population.

Indian deaths in Oklahoma for all causes combined is more weighted toward younger ages than for the distribution of all deaths in the United States. The IHS, for example, reported that 11.7 percent of all Indian deaths in Oklahoma were under one year of age in 1966. For the United States as a whole, the rate was 4.6 percent in 1966.

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<sup>102/</sup> U. S. Department of Health, Education and Welfare/Public Health Service. Indian Health Trends and Services: 1970 Edition, January 1971. Table 25 Selected Vital Statistics 1966, p.53.

<sup>103/</sup> Ibid. Table 6, Infant Deaths and Death Rates, p.14.

<sup>104/</sup> Ibid. p.53.

<sup>105/</sup> Ibid.

Over 20 percent of all deaths among Indians in Oklahoma occurred before the age of 24. In contrast, only 8.2 percent of all deaths in the United States occur before this age.<sup>106/</sup>

Life expectancy at birth is frequently cited as a basic measure of the health status of a population group. The IHS has noted that the life expectancy rate tends to fluctuate more from year to year for Indians than for larger population groups, but in recent years the life expectancy rate for all Indians has been approximately 64 years, compared to 71 years for whites, and 64 years for all non-whites.<sup>107/</sup>

In general, the health status of Indians in Oklahoma is poor compared to the entire State and the U. S. population. The reason partly rests on the fact that without the reservation structure in Oklahoma, Indians are not as geographically concentrated as they are in other States. In many cases, Indians in Oklahoma live great distances from the facilities operated by the Indian Health Service. This discourages both the use of clinical services, and the utilization of available preventative services and programs. Impoverished socio-economic conditions, poor and often crowded housing, and inadequate nutrition all add to the inferior health status of American Indians living in Oklahoma.<sup>108/</sup>

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<sup>106/</sup> Ibid.

<sup>107/</sup> Ibid. p.51.

<sup>108/</sup> Ibid. p.111.

### The Indian Health Service

A Federal health program was first made available to Indians in 1832, at which time Congress appropriated a meager \$12,000 for a health program. From 1832 to 1955, Indian health facilities and services continued to expand slowly under minimal Congressional appropriations. In 1955, the Indian health care program was transferred to the Public Health Service of the Department of Health, Education, and Welfare and the Indian Health Service was created.<sup>109/</sup>

In 1958, the Federal budget for Indian health was approximately \$50 million, and by 1972, it had more than tripled to over \$150 million.<sup>110/</sup> At the present time, the IHS operates 51 hospitals, 77 clinics, and several hundred field health stations throughout the continental United States and Alaska.<sup>111/</sup>

On the basis of treaty and law, Indians of one-fourth or more Indian blood are entitled to free comprehensive medical care through the Federal Government. However, despite these laws and treaties,

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<sup>109/</sup> See U. S. Commission on Civil Rights Staff Report, "Federal Policies and Programs for American Indians" at p.43. See also Alan Sorkin, American Indians and Federal Aid, Brookings Institution, Washington, D. C., 1971, p.51.

<sup>110/</sup> Sorkin, p.51.

<sup>111/</sup> Department of Health, Education and Welfare, Indian Health Programs 1955-1972. Publication No. 72-502, 1972.

there is still a major problem concerning their entitlement to health services. 112/

To determine eligibility for health services, the IHS identifies Indian beneficiaries as persons of Indian descent belonging to the Indian community served by the program. A person may be considered eligible if he is regarded as an Indian on the basis of blood, tribal membership, tribal enrollment, and other relevant factors in keeping with general BIA practices in the jurisdiction in which the Indian community is located. At the same time, the provision of health services to Indians is not seen as an exclusive responsibility of the Federal Government. Once the Indian leaves the reservation or community, or moves into an urban area, the responsibility should be assumed by the State and the local communities because Indians are citizens of the United States, and of the States and local communities in which

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112/ The IHS stated in 1971:

There are currently about 790,000 citizens who identify themselves as Indians, Eskimos, and Aleuts according to the 1970 census. Of these, approximately 460,000 reside on or adjacent to Federal Indian reservations and in identifiable Indian communities in Oklahoma and Alaska. It is this group who fall under the aforementioned Federal relationship and participate in a variety of special Federal Indian programs, including the program of the Indian Health Service. The remaining 300,000 Indians live on State reservations, mainly along the eastern seaboard, and in towns and cities throughout the nation and do not maintain a special relationship with the Federal government. When their social service and other needs are met, they are through the normal channels serving all other citizens.

Department of Health, Education and Welfare. Indian Health Programs. Publication No. 72-502, 1972. See Also U. S. Commission on Civil Rights Staff Report "Federal Policies and Programs for American Indians" November 1972, pgs. 40-46.



they reside. As such, they are entitled to the same services -- including health services -- as other citizens. <sup>113/</sup>

The concept of "Indian community" as used by the IHS to define its service area is ambiguous especially in those states having no Federal reservations. Since Oklahoma is one of those states having no reservations, the idea of an Indian community must take on a broader meaning. <sup>114/</sup>

#### The Provision of Health Care to American Indians in Oklahoma

The problem of providing adequate health care to Indians in Oklahoma is an extremely complex one. Several witnesses pointed out that it is often difficult to provide health assistance to Indians because of language barriers, their frequent lack of knowledge that medical help is available, their high degree of social and physical

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<sup>113/</sup> Department of Health, Education and Welfare. Highlights of the Indian Health Program, September, 1971.

<sup>114/</sup> In a research paper entitled "Participation by Off-Reservation Indians in Programs of the Bureau of Indian Affairs and the Indian Health Service," the Acting Director of the California Indian Legal Service documents that both the BIA and the IHS do serve off-reservation Indians, that such services are legal, and that off-reservation Indians have as great a moral claim to such services as reservation Indians. He cites the Snyder Act (25 U.S.C. Sec. 13) as the legal basis for providing services on an equal basis for all Indians. He points out, however, that both the BIA and the IHS are granting preferential service treatment to reservation Indians, including the granting of contract care. See also U. S. Commission on Civil Rights Staff memorandum: "Constitutional Status of American Indians"..... dated March, 1973.

isolation, and the cultural differences between the provider of health services and the Indian consumer. Complicating these problems is the lack of adequate health facilities and a shortage of professional medical personnel.

The relationship between the IHS and the Indian community is often one of resistance and anxiety. In a study <sup>115/</sup> to determine if the relationship between the health professional and the Indian recipient provides optimum satisfaction for both, it was discovered that many barriers exist between them. The authors of this study noted at least three major problem areas:

- (1) the mismatch of values existing between professional and client arising from divergent cultures;
- (2) reluctance on the part of the health professional to "give up" traditionally defined tasks and functions arising from professional socialization; and
- (3) unwillingness on the part of the Indian community to assume responsibility for community control, due to years of paternalistic infantilization under the Bureau of Indian Affairs. <sup>116/</sup>

They further stated:

It is an inescapable fact that the professional and client are both products of some culture within our society. Cultural conditioning affects the individual's manner of

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115/ Janice Kekahbah, R.N., M.A., and Rosemary Williams, R.N., M.S., A Study of the Patterns of Relating Between the Deliverers of Health Care Services and the Consumers of Health Care Services in the Indian Community. Research Study, Indian Health Service, U.S.P.H. (1972)

116/ Ibid. pgs. 1-2.

relating. The divergence between the culture of the professional and that of the client would most likely be wide when the client is American Indian and the professional is white middle class American.<sup>117/</sup>

There are also acute problems in safeguarding and improving the health of Indians in Oklahoma because of the inaccessibility of facilities, and services. The Oklahoma Indian Affairs Commission<sup>118/</sup> in a special report noted:

A disturbing aspect of the Indian Health Service delivery system is the shortage of health facilities in all service areas. In every health service area through the State, the majority of the Indian population lives outside of a twenty mile radius from existing full-time medical and dental facilities. Only 22.4 percent of all Indians live within a twenty-mile radius of a full-time medical facility and only 26.8 percent<sup>119/</sup> reside within twenty miles of a full-time dental clinic.

Medical facilities within the Claremore, Tishomingo and Shawnee Service Areas are, in relation to their proximity to Indian people, the least accessible. Facilities located within the Pawnee and Talihina Service Areas are the most accessible, but even within these service areas, a large portion of the Indian population lives

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117/ Ibid.

118/ Oklahoma Indian Affairs Commission, Hickory Starr, Jr. Executive Director: The Oklahoma Indian Plan for Growth: Land-Housing-Education-Health, prepared by Pulliam and Associates, September 30, 1972.

119/ The Oklahoma Indian Plan for Growth: Land-Housing-Education-Health, pgs. H-107, H-108.

120/  
in areas remote from IHS facilities.

Although almost 22 percent of all the Indians in the State live in the Oklahoma City and Tulsa metropolitan areas, there are no IHS facilities in these areas. Indians living in Tulsa must travel to Claremore or Sapulpa to receive medical and health services, and Oklahoma City Indian residents have to travel to Shawnee and Lawton for health services.

Indians lose the services provided by the Bureau of Indian Affairs when they move to the city where they are considered to be in the "mainstream of society," although there is no specific agency to help them until they can establish residency. They also find out that the IHS no longer provides health care. Indians may be admitted to city hospitals, but few can afford regular hospital care. As one witness stated:

These families have been accustomed to having their health needs provided by the IHS and are unable to understand the termination of these services the moment they move into a city.

The provision of health services to American Indians is often complicated by the fact that Indians cannot always receive services from a private hospital without prior approval from the IHS. Francis Beard, a Cheyenne Arapaho from El Reno, said that when an Indian goes

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120/ Table 23 on page 117 gives the Indian population living within a twenty mile radius of a full-time IHS medical facility.

to a private hospital for emergency treatment, he sometimes has to wait until the hospital authorities get permission from the doctor in charge at the nearest Indian hospital.

She also stated:

...after these patients get emergency service the IHS doctors generally tell the private doctors to send them on to the Indian hospital, and a lot of times these people are not able to travel nor do they have transportation to get to the Indian hospital.

There is a serious shortage of professional medical personnel in all IHS service areas within the State. The Oklahoma Indian Affairs Commission noted in its report:

In the professional categories, physicians, dentists, nurses, and pharmacists, the ratio of personnel per 100,000 Indian people lags far behind the ratio of health professionals for the State and national populations. For example, 48 physicians are available to administer treatment to the defined Indian population, whereas there are 108 physicians per 100,000 people in Oklahoma. Sixty additional physicians would be required to bring the physicians to Indian population ratio to par with the State's non-Indian population.<sup>121/</sup>

There are also severe shortages in the dentist, nurse, and pharmacist categories. For example, there are only 16.8 dentists per 100,000 Indian people in Oklahoma. In contrast, there are 36.6 dentists per 100,000 population in the State, and 54.4 dentists

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121/ The Oklahoma Indian Plan for Growth: Land-Housing-Education-Health,  
pgs. H-106-107.

per 100,000 at the national level. In the nurse category there are only 143 IHS nurses in the State, whereas, there are approximately 277 RN's per 100,000 population in the State, and about 313 per 100,000 at the national level. <sup>122/</sup>

### Summary and Findings

While progress has been made in improving the health delivery system for Oklahoma Indians, the Indian still does not enjoy the same level of health care provided to non-Indians. For example, in Oklahoma, with an Indian population of nearly 100,000, there is a serious lack of Indian health facilities and medical personnel. Approximately 28,000 Indians live in the Oklahoma City and Tulsa metropolitan areas, yet no Indian Health Service facilities are located in these cities. With the exception of emergency treatment, these people have to travel either to Claremore, Lawton, or Shawnee to receive clinical services.

Distance from IHS health facilities is also a deterrent factor in maintaining an adequate level of health among the Indian population in the State. It has been estimated that only about 15,700 Indians or approximately 16 percent of all the Indians in the State live in communities where full or part-time health services are available

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<sup>122/</sup> Ibid. Table 24 on page 118 gives the number of professional medical personnel by service area.

<sup>123/</sup> to them. Only 22.4 percent of all Indians in Oklahoma live within a twenty-mile radius of a full-time medical facility, and about 27 percent live within twenty miles of a dental clinic.<sup>124/</sup>

The prevalence of high unemployment rates and low per capita income among Oklahoma Indians acts as a factor in preventing them from seeking health services from the private sector. For many, the only option available is the Indian Health Service.

Many witnesses appearing before the Oklahoma State Advisory Committee alleged that the Federal Government has failed to provide for the health needs of Indians, and that available services -- IHS, public, and private -- are often inadequate and limited in scope. Many also felt that the demand for health services among Indians in Oklahoma usually exceed available resources and that the situation is critical.

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<sup>123/</sup> Ibid. p.H-103.

<sup>124/</sup> Ibid. p.H-107.

## CHAPTER SIX

## THE BIA AND INTRA-TRIBAL AFFAIRS

Overview

To understand the relationship between the various Indian tribes in Oklahoma and the BIA, it is essential to have some idea of the BIA's role and its overall administrative structure.

The BIA is one of the oldest bureaus in the Federal Government. Created in 1824 as part of the War Department, it was transferred to the Department of the Interior in 1849. The BIA has three major functions. They are: (1) to provide programs and services to Indian people such as road construction and maintenance, education, welfare services, etc., (2) to act as trustee for Indian land and resources, and (3) to encourage and assist Indians in developing their own resources and potentials.

The BIA administers services for Indians through three levels: BIA headquarters in Washington, D. C., 12 Area Offices, and Field Installations. In Oklahoma there are two Area Offices, one in Muskogee which serves the eastern half of Oklahoma, and the other in Anadarko which serves the western half of the State and all of Kansas.

The relationship between the BIA and the many Indian tribes and individuals it serves has always been an uneasy one. One reason for this uneasy and sometimes precarious relationship is that the BIA



has traditionally been highly centralized. Policy, program and fiscal decisions have always emanated from Washington. At the same time, many Indians believe that the BIA is encouraging the assimilation of Indians into the mainstream of society, either officially or unofficially. Indians have tenaciously rejected assimilation preferring to maintain their own cultural identity and autonomy. As a result, conflicts have erupted over the role and authority of the BIA.

The Issues: Intra-Tribal Affairs and the BIA

Much criticism was directed at the BIA during the four days of open meetings. In general, there appeared to be a basic misunderstanding of the BIA role among the Indian tribes in Oklahoma. The BIA was accused of not being able to relate to or communicate effectively with the people it is supposed to serve. Some witnesses felt that the BIA was a "bureaucratic maze" intent only on maintaining itself. Others felt that it was too "paternalistic" in its outlook towards the Indian. Several witnesses raised the issue of the BIA's alleged involvement in intra-tribal affairs. Although the BIA is not legally empowered to influence tribal policy, allegations were made that it does, in fact, play an important role in the internal affairs of these tribes.

Bob Cannon, a Kiowa, and Director of the Community Action Program in Lawton, characterized the BIA as "sterile and unimaginative, without a plan, short-term goals, or multi-year objectives." Charles E. Brown,

a Choctaw, and editor of Hello Choctaw, an all-Indian newspaper, expressed the view that the BIA has prevented members of the Choctaw Nation from getting tribal financial reports. Philip Deer, a Creek, alleged that the BIA allowed the city of Tulsa to buy railroad land that belonged to the Creek Nation as right-of-way for a proposed inner loop highway around the city. Mrs. Beaulah Sims, a Creek Indian and BIA employee, asserted that the BIA was unjustly restricting her activities in Creek tribal affairs.

Murl Wortham, a representative of the BIA's Muskogee Area Office, described the goals of the Bureau of Indian Affairs as simply "economics, self-sufficiency for Indian people, and a standard of living comparable to that of other communities."

He further stated:

The Muskogee Area [Office] has attempted to fulfill these goals by focusing on policies designed to improve living standards, to meet demands for less paternalism, to create more partnerships between Indians, and the Bureau of Indian Affairs, to recognize the rights and capabilities of Indians to make decisions regarding their present and future, and to govern their own affairs as they choose. Every assistance is extended to individuals and Indian groups who express a desire to organize and operate their own businesses or enterprises or to develop abilities and skills necessary to undertake management of the Bureau's programs and services. This, in a thumbnail, is the policy of the Bureau and especially of the Muskogee Area Office.

Sidney Carney, director of the Anadarko Area Office, stated that the BIA has two primary functions. The first relates to its trust responsibility and the second to its service programs. When asked to

state the policy of the Anadarko Area Office on BIA involvement in the affairs of the tribes in Oklahoma, Mr. Carney replied:

To the extent possible, we, of course, refrain from interfering with the political organizations of the tribe, or decisions that are purely internal within the tribe. Our role can be best defined by our trust responsibilities. In this context, as I see it, two things are quite easily defined. One is the property; the other are the funds that are derived from this property. The third element is a rather nebulous thing, in terms of our responsibility towards the total welfare of the tribe. In this context, we are talking about what is good in terms of the total benefit to the tribe. And, if you were to ask for a clear definition of our role concerning the involvement in the internal affairs of the tribe in this respect, I don't think I could give you an answer.

Mr. Carney was also asked the BIA's position on conveying information on tribal finances to tribal members instead of relying on the chief and his counsel to disseminate this information. Mr. Carney replied:

If the Indian people wanted me, particularly, to have that authority, I am sure they would write it in their constitution and make such provision for it. But I haven't seen that written in one of their constitutions.

Mr. Wortham was asked if any member of the tribe could get an accounting from the BIA of all the money expended by a tribe. He stated:

...any member could but he would have to get it through his tribal leader. And his tribal leader should have a reason to know that there is a need for him to know this information.

Under extended questioning by the Oklahoma State Advisory Committee, Mr. Wortham stated:

I think that information could be made available to tribal members through the Bureau. However, I don't think the Bureau would go contrary to the elected [tribal] representatives desires. I don't think we could.

Charles E. Brown, a Choctaw, commented that many Indians simply do not know what transpires between the Chief of the Tribe and the Area Director's office. He remarked:

We don't know how many years this has been going on concerning tribal monies, or how much land that has been sold, and how much money is made off of it, or anything like this. We just don't get any reports, see, This is the problem. There is a lack of communication. That's the reason why I am saying there is only a line of communications from the Area Director's office to the Chief. It's just these two guys that know what's going on.

He further stated:

If the various chiefs get information to their people and communicate with [them] letting them know what is happening at the tribal level and how the tribal operation works, there would be no problem. It is not a question of interferring with tribal affairs, but of giving information.

The question was also raised about the authority of the Chief in relation to the BIA's authority. Several witnesses said that the chief does not exercise any real authority unless the BIA allows it. If, they said, tribal chiefs attempt to do anything contrary to BIA policy, they can and will be removed. Countering that allegation, Mr. Wortham noted that any chief "has the right to take independent action in court to enforce a right according to treaty against the BIA."

Allegations were also made that the BIA has restricted the activities of its Indian employees in tribal affairs. Gerald Wilkinson, Director of the National Indian Youth Council (NIYC) said:

...the thing is that the people in the BIA are supposed to be advocating for our Indian people. When there is a conflict between the tribes and the BIA [a problem arises] ; it cannot be resolved as long as the people of the tribe are employees of the Bureau. Now, there are Indian people who take their jobs in their hands, and advocate for their tribe within the BIA, but there is a question about that.

He also stated:

I think, in general, as long as the distinction between the tribes and the BIA overlap, and is blurred, ...all kinds of reforms are going to be frustrated.

The issue of employee participation in tribal affairs is one that relates, in part, to the question of the BIA's policies towards the individual tribes. While some of the witnesses testifying before the State Advisory Committee felt that it is possible for Indian employees of the BIA to be effective advocates for certain programs for the Indian people, it is difficult in view of the bureaucratic structure of the BIA. As Mr. Wilkinson stated:

There are rules and regulations and historical understandings and so forth, that are hampering us, and we not only have the BIA but the Bureaucracy of society in general. So the structure has to be changed so that an Indian person working within that structure will be able to communicate that structure to his fellow members in order to indicate how it should be changed, and point out certain things.

Bob Cannon, Director of the Community Action Program in Lawton, said he felt that the present structure of the BIA is such that it is no longer responsive to the needs of Indians. He asserted that the BIA, instead of assisting the Indian people is, in fact, trying to control them and using tribal government as a basis for that control. He stated:

...in 90 percent of all the cases, the BIA has worked to control the Indian people because the Bureau is no different from any other bureaucratic structure. They structure themselves for one purpose. That is for continuity, and it is a built-in thing. They want to go on and expand on the need. In this case, they do it by keeping the people subjected, submissive, uninformed, or misinformed. Well, that is just another way of keeping them where they are, and me where I am.

Asked by members of the Oklahoma State Advisory Committee if he thought that the BIA wanted to control the Indians, Mr. Cannon replied:

...I think that they not only want to control, but they do control. They have the power of God. I mean the Director has that much control over your life, and I would hate to trust my future and the future of my children to someone that is not competent to run my business for one day. This is how I feel ... There are, of course, instances where non-Indian people are genuine in trying to help the Indian people, but these people [are not usually] in the position to help.

### Tribal Elections

Another major issue raised during the four-day open meeting was the alleged involvement of the Bureau of Indian Affairs in the election of tribal chiefs.

A recent staff memorandum dealing with the constitutional status of American Indians stated the following:

The processes of self-government are usually exercised pursuant to tribal constitutions and law and order codes. Normally, these powers include the right of a tribe to define the authority and the duties of its officials, the manner of their appointment or election, the manner of their removal, and the rules they are to observe. This right, as with the exercise of all functions of tribal sovereignty, is subject to Congressional change. For example, Federal law has removed from some tribes the power to choose their own officials and has placed the power of appointment in the President and the Secretary of the Interior.<sup>125/</sup>

According to Public Law 91-495 enacted by Congress October 22, 1970, the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations of Oklahoma are authorized to popularly select their principal officers. This act provides for the selection of principal chiefs and the Governor of the Chickasaw Tribe.

In accordance with procedures established by the officially recognized tribal spokesman and/or governing entity, such established procedures shall be subject to approval by the Secretary of the Interior.

It should be noted that PL 91-495 specifies that these Indian Nations can "select" their principal chiefs or governors. Before this bill was passed, the tribal chiefs were usually appointed by the Secretary of the Interior.

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<sup>125/</sup> See "Staff Memorandum: Constitutional Status of American Indians" .....at p.8. See also Felix Cohens Handbook of Federal Indian Law (1945) at p.403.

Several witnesses said that the legislation governing the selection procedure is vague and allows too much discretion to incumbent tribal leaders. They also said that the procedures for absentee voting, voter eligibility (blood guidelines), and determining tribal membership are not clearly delineated. A number of witnesses alleged that certain tribal elections were fraudulent.

The major issue, however, revolved around the role of tribal chiefs and their relationship to the Bureau of Indian Affairs. Although the BIA is not supposed to interfere with, or influence tribal elections, there were allegations made during the Oklahoma meeting that the BIA does, in fact, exercise an important role in these elections.

Helen L. Chupco, a Creek Indian, asked if she was satisfied with mechanisms for the selection of tribal leaders, replied:

No, I'm not satisfied, and I say this because we did not ask for the election of the chief. As far as I'm concerned, the United States Government or the BIA might as well have appointed a chief for us, because we were not free to draw up our own rules and regulations. If you read the Public Law, it says that each tribe will set up their own rules and regulations, and select their or elect their chief, and this is what we tried to abide by. But we found out that we could not.

In terms of authority to hold and conduct elections, Mr. Wortham noted that the Secretary of the Interior has issued an order calling for elections among the tribes in question. He also stated:



The Secretary of the Interior has delegated certain responsibilities from his office to the Commissioner, and from the Commissioner to the Area Director. There were very few controversial questions that were ruled on by the Area Office that didn't have the endorsement of the Secretary of the Interior because we know how sensitive these things would be.

Specifically, most complaints concerning tribal elections were as follows:

1. The procedures and regulations for tribal elections are too vague.
2. No definite term of office has been established for tribal chiefs. Several witnesses said that no one was sure how long a chief could serve after he was elected.
3. No clear rules or regulations have been established to determine who is eligible and who is not eligible to vote in tribal elections.
4. No definite procedures for absentee voting have been established among most of the tribes.
5. There is no mechanism to handle election complaints or appeals.
6. Procedures for registering and counting the vote in tribal elections are vague and often confusing.
7. Qualifications for tribal offices are often set arbitrarily to maintain office holders in power.
8. The Area BIA offices often work with present chiefs to keep them in power. <sup>126/</sup>

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126/ The above allegations with the exception of number 8 were substantiated by staff investigations prior to the Oklahoma meeting. While these allegations should not be construed to be true for all of the Indian tribes in the State they were found to be widespread.

Asked what recourse a tribal member has when he has a complaint concerning election procedures, Mr. Wortham said that the person could first appeal to the Area Director. From there the appeal goes to the Commissioner, and then to the Secretary of the Interior. If at any point in the process the appeal is refused, the person making the appeal has the right to go to the next highest authority. In any case, the last resort is the Secretary of the Interior.

#### Summary and Findings

During the four days of open meetings in Oklahoma, the primary issue was the role of the Bureau of Indian Affairs and its relationship to the various Indian tribes in the State. Much of the criticism was directed at the "paternalistic outlook" of the BIA, and its inability to effectively respond to the needs of Indians.

Testimony revealed that there is a serious gap in communications between the BIA and the Indian people in the State. This is aggravated by the fact that there has been no clear definition of BIA policies and programs. There also appears to be some confusion on the part of many Indians in Oklahoma as to the role of the BIA, especially as it relates to tribal government. Many felt that the BIA's ascribed powers are contradictory and that the BIA often exceeds its limits through unauthorized intervention. Finally, testimony pointed out that serious deficiencies in the tribal election processes exist. In general, tribal legislation governing elections are often nebulous and filled with loopholes that leave much to the discretion of those already in power.

## FINDINGS AND RECOMMENDATIONS

From the information obtained during the four days of open meetings held in Tulsa and Oklahoma City, and from subsequent supporting data, the Oklahoma State Advisory Committee to the U. S. Commission on Civil Rights has come to the following findings and recommendations:

Education

FINDING #1: Public schools in Oklahoma, with few exceptions, have not responded to the educational and cultural needs of Indian children attending these schools.

RECOMMENDATION #1:

The Oklahoma State Advisory Committee recommends:

1. That Indians be adequately represented on the State Board of Education, and other policy making bodies concerned with education.
2. That the Oklahoma State Department of Education initiate a major effort to:
  - (a) help local school districts that have a large Indian enrollment develop a more culturally sensitive curriculum;
  - (b) initiate an intensive sensitivity training program for teachers, counselors, and school administrators to make them more aware of Indian cultural values; and,
  - (c) increase Indian parental and community involvement in local school districts.

3. That schools of education in Oklahoma offer all students of education the opportunity to take courses in Indian history and culture to make future teachers sensitive to the needs of Indian students in this State.
4. That special efforts be made to recruit Indians for careers in the field of education. They should be provided with loans and/or scholarships.
5. That the State Department of Education evaluate the role of public schools in educating Indian children and that necessary changes be made to assure that they do not preclude the opportunity of Indian students to attain full potential.

FINDING #2: Indian education in Oklahoma has been marked by a dismal record of high dropout rates and negative self-image on the part of Indian children.

RECOMMENDATION #2:

In order to counter the excessively high dropout rates among Indian children in the public schools in Oklahoma, the Oklahoma State Advisory Committee recommends:

1. That local school districts with substantial Indian enrollment intensify their guidance and counseling programs in order that they be made more responsive to the needs of Indian pupils.

2. That local school districts maximize the participation of Indian parents in school affairs.
3. That local school districts substantially increase the number of Indian personnel at all levels especially in those districts having a significant Indian enrollment.
4. That the State Department of Education and the individual school districts develop a more relevant curriculum to take into consideration Indian needs, undertake special bilingual programs in those districts that have a substantial Indian enrollment, and include courses dealing with Indian history and culture in the school curriculum.
5. That the State Department of Education and local school districts place greater emphasis on career development among Indian students. Although schools play a small role in providing employment, they can maximize preparation for careers at all levels -- manual workers, technician, business or professional. Career development programs should include more than the actual instruction in skills. They should also give students a chance to explore different types of work, and to see the various possibilities in the local area, and the neighboring cities, and to become aware of their own personal abilities and interests as these relate to choice of occupation.

FINDING #3: There is evidence to suggest that there has been a general misuse of JOM funds by a number of local school districts in the State.

RECOMMENDATION #3:

The State Department of Education, Division of Indian Education, along with the Bureau of Indian Affairs should develop better accountability and evaluation procedures regarding the use of JOM monies. In addition, Indians should become more involved in the planning, execution, and evaluation of JOM programs both at the local level and at the State level.

FINDING #4: The Chilocco Indian School located in Chilocco, Oklahoma, has failed to meet the educational needs of Indian children attending that school.

RECOMMENDATION #4:

The Oklahoma State Advisory Committee concurs with the goals of The Chilocco Survey undertaken by the Bureau of Indian Affairs to produce a set of long-range goals regarding the future of the Chilocco Indian School. However, the State Advisory Committee also feels that it is not sufficient to simply produce goals, and provide information that will be helpful in implementing goals.

It is the opinion of the State Advisory Committee that the Bureau of Indian Affairs should make immediate action to correct the conditions noted in The Chilocco Survey report. The Oklahoma State Advisory Committee also recommends that the Indian School Board at Chilocco should have more direct control over educational policies and administration.

The State Advisory Committee further recommends that the counseling program for students at Chilocco be expanded and made more relevant, and that the overall educational program encompassing both vocational and academic areas be upgraded.

#### Employment

FINDING #1: As a group, American Indians living in Oklahoma have a severe unemployment and underemployment problem.

#### RECOMMENDATION #1:

In relation to the severe unemployment and underemployment problems of American Indians in Oklahoma, both the Federal government, and the State government should upgrade present human resource programs to include more Indian participants. Additional funding -- either through revenue sharing, or State appropriations -- should be directed to increasing job opportunities for Indians both in urban areas and in the rural sections of the State.

FINDING #2: Although some of the unemployment is due to a scarcity of jobs, especially in rural areas, and a lack of basic skills on the part of American Indians, much of the blame can be attributed to discrimination against Indians by private employers in Oklahoma.

RECOMMENDATION #2:

In the area of discrimination, the Oklahoma Human Rights Commission and the Equal Employment Opportunity Commission should initiate an investigation of employers in the State in order to determine if a pattern or practice of discrimination exists as the Committee believes. If such a finding is made, it would be recommended that the EEOC should increase the scope of its activities in relation to employer practices against Indians.

FINDING #3: While the ratio of Indian employment in the various Federal agencies located in Oklahoma compares favorably with the total Indian population in the State, most of those Indian employees are concentrated at the lower grade and wage board levels.

RECOMMENDATION #3:

In terms of Federal employment in the State, the Committee recommends that the Federal government live



up to its own rulings and Executive Orders requiring not only nondiscrimination in hiring, but also in relation to promotions and training opportunities. In addition, the U. S. Civil Service Commission should require stricter affirmative action programs from each of the Federal agencies in order to upgrade Indian employees and other minorities.

FINDING #4: In general, the BIA has failed to take full advantage of the Indian Preference Clause in order to hire and promote Indian employees.

RECOMMENDATION #4:

The Committee recommends that the BIA reassess its current staffing patterns and seek a more equitable distribution of Indian employment throughout all grade and wage board levels in both the Muskogee Area and the Anadarko Area.

FINDING #5: Many contractors have failed to take affirmative action regarding the employment of American Indians. Even those contractors supplying services or constructing housing for Indians have not employed Indians.

RECOMMENDATION #5:

The Committee recommends that the Federal Office of Contract Compliance review the employment policies of all major Federal contractors in Oklahoma to determine whether a pattern or practice of discrimination exists. If such a finding is made, it is recommended that the OFCC should take appropriate action. The Committee also recommends that the Department of Housing and Urban Development (HUD) more stringently evaluate and monitor the contracts for construction of Indian housing in Oklahoma.

Administration of Justice

FINDING #1: American Indians in Oklahoma suffer from unequal protection and enforcement of the laws.

RECOMMENDATION #1:

The Committee strongly recommends that the Governor's Office, and the Attorney General review its court system and judicial processes to see if the Indian is, in fact, receiving due process. In order to carry out this review, the Committee suggests that a special board of inquiry consisting of private citizens and State officials look into bonding and bail procedures, the provision of legal aid for Indians, the treatment of Indians incarcerated in local jails and the entire criminal justice system as it relates to American Indians in Oklahoma.

FINDING #2: In many instances, American Indians are not always aware of their civil rights in relation to the courts and due process. As a result, they are often placed into situations over which they have little or no control.

RECOMMENDATION #2:

The Committee recommends that the State study the possibility of increasing legal aid assistance to American Indians. While legal aid assistance is presently available for Indian defendants, it is felt that the need is greater than current resources.

FINDING #3: Police harassment and brutality against American Indians in Oklahoma is a major problem.

RECOMMENDATION #3:

In terms of alleged police harassment and brutality against American Indians, the Committee recommends that the Department of Justice have the primary responsibility for investigating cases of alleged police brutality. In addition, efforts should be made by State and local enforcement agencies to begin an intensive sensitivity training program for police officers in order to acquaint them with the needs of Indians. Also, local and State law enforcement agencies should begin an intensive recruitment program in order to attract qualified American Indian applicants.

## Health Services

FINDING #1: The relationship between the Indian Health Service (IHS) and the Indian community is often strained. There is generally a lack of sensitivity exhibited by IHS personnel towards Indian clients. This, in turn, has resulted in a less than effective health delivery system for Indians in Oklahoma.

### RECOMMENDATION #1:

The State Advisory Committee recommends that the Indian Health Service (IHS) carefully review its policies and priorities regarding the provision of health and medical services to American Indians in the State. The Committee also feels that greater recognition of Indian values should be taken into consideration by IHS personnel.

FINDING #2: There is a serious lack of adequate medical facilities and personnel for Indians in Oklahoma.

### RECOMMENDATION #2:

The Oklahoma State Advisory Committee strongly recommends that the President should seek and Congress should enact, legislation substantially increasing funding to the Indian Health Service in order to upgrade and expand present IHS facilities, construct new facilities, especially in urban areas, and increase the size of the IHS staff commensurate with the needs of the Indian community.

The Oklahoma State Advisory Committee also recommends that the Congress should insist on the extension of full recognition of rights of all Indians for health care by enacting a clear mandate to the IHS to find means through appropriate mechanisms to provide medical care to Indians regardless of where they live.

The State Advisory Committee further recommends that the IHS should consider opening health clinics in Oklahoma City and Tulsa to service the large Indian populations located in these areas. In addition, the IHS should increase the size of its medical staff in Oklahoma commensurate with the needs of the Indian community in this State.

The IHS should also evaluate its present contracting procedures with private hospitals to insure that contract care is administered to Indian patients in a nondiscriminatory fashion.

Finally, the IHS should examine its relationships with other governmental health service systems, health programs, and private health insurance plans for the purpose of developing additional sources of funds and health care for Indian people in the State.

The BIA and Intra-Tribal Affairs

FINDING #1: There is a serious gap in communications between the BIA and the Indian people in Oklahoma. This is aggravated by the fact that there has been no clear definition of BIA policies. There also appears to be some confusion on the part of many Indians as to the exact role of the BIA, especially as it relates to tribal government.

RECOMMENDATION #1:

The Committee strongly recommends that the BIA should take steps to inform American Indians in Oklahoma of its policies and programs. One way that this could be done is by holding community seminars throughout the State. The BIA should also make every effort to involve more Indians at the local level in the areas of program planning and development, execution and evaluation of programs. The Committee feels that a serious gap in communications exists between the BIA and the Indian people in Oklahoma, and that efforts must be made to overcome these deficiencies.

FINDING #2: There are serious deficiencies in the tribal election process. In general, tribal legislation governing election procedures are often nebulous and filled with loopholes that leave much to the discretion of those tribal leaders already in power.

RECOMMENDATION #2:

The Committee feels that in many instances there are serious deficiencies in the tribal election processes. In this matter, the State Advisory Committee recommends that the tribal leadership in each of the Indian Nations carefully review and assess its own election procedures.

FINDING #3: In some cases the BIA's ascribed powers are contradictory and the BIA often tends to exceed its limits through unauthorized interventions in tribal affairs.

RECOMMENDATION #3:

The Oklahoma State Advisory Committee recommends that a careful review should be undertaken by the Secretary of the Interior to assess BIA policies and alleged interference in internal tribal affairs and take whatever actions are necessary in order to correct these allegations.

## SUPPORTIVE DOCUMENTATION

EDUCATION

Finding #1: See testimony of witnesses: John Trudell (pgs. 160-215); Francis Wise (pgs. 897-906); Carmaletta Doombie (pgs. 953-957); and Alfreda Doonkeen (pgs. 967-971). Summarized in report: pgs. 7-23.

Finding #2: See testimony of witnesses: John Trudell (pgs. 160-215); Francis Wise (pgs. 897-906); and Alfreda Doonkeen (pgs. 967-971). Summarized in report, pgs. 7-23 and special studies appended to report: Indian High School Graduates in the Southwest and The American Indian High School Dropout in the Southwest.

Finding #3: See testimony of witness: Alvin Echohawk (pgs. 803-833). See also: An Even Chance, pgs. 11-24, and Inequity in Education: Indian Education, "Federal Funds for Public Schools" by Mark G. Yudof, Center for Law and Education, Harvard University. Summarized in report: pgs. 7-23.

Finding #4: See testimony of witnesses: Mrs. Martha Grass (pgs. 11-32); John Trudell (pgs. 160-215); Cynthia Deer (pgs. 796-799); Gerald Wilkenson (pgs. 879-896); Cornell Tahdooahnipah (pgs. 896-897); Mrs. Francis Wise (pgs. 897-906); and Scott McLemore (pg. 906). Summarized in report: pgs. 7-23.

EMPLOYMENT

Finding #1: See Resident Indian Population, Labor Force, Unemployment and Underemployment; Summary by Area: March 1972. U. S. Department of Interior, BIA Statistics Division, July 1972; An Index of the Social Indicators of the American Indian in Oklahoma, January 1972, and a Socio-Economic Ecological Survey of Indians in Two Oklahoma Cities. August 1967, Table B, p.8. Summarized in report: pgs. 24-44.

Finding #2: See testimony of witnesses: Alvin Echohawk (pgs. 803-833), Juanita Learned (pgs. 527-532). Summarized in report, pgs. 24-44.



- Finding #3: See testimony of witnesses: Mrs. Juanita Learned (pgs 527-552); Franklin Dreadfulwater and Arleigh Rhoads (pgs 590-630). Summarized in report, pgs 24-44.
- Finding #4: See testimony of witnesses: Mrs. Juanita Learned (pgs 527-552); Mrs. Ruby Cozad (pgs 560-590); Franklin Dreadfulwater and Arleigh Rhoads (pgs 590-630). Summarized in report, pgs 24-44.
- Finding #5: See testimony of witness: Mrs. Juanita Learned (pgs 527-552). Summarized in report, pgs 24-44.

#### ADMINISTRATION OF JUSTICE

- Finding #1: See testimony of witnesses: John Trudell (pgs 160-215), Velma Jones, Charles Eaves and Martha Grass (pgs 441-463); Eula Doonkeen (pgs 957-967); Robert Swimmer (pgs 983-999) and Libby Littlechief (pgs 1032-1041). Summarized in reports, pgs 45-51.
- Finding #2: See testimony of witness: Robert Swimmer (pgs 983-999). Summarized in report, pgs 45-51.
- Finding #3: See testimony of witnesses: John Trudell (pgs 160-215), Velma Jones, Charles Eaves and Martha Grass (pgs 441-463); Eula Doonkeen (pgs 957-967); and Libby Littlechief (pgs 1032-1041). Summarized in report, pgs 45-51.

#### HEALTH SERVICES

- Finding #1: See testimony of witnesses: Rosa L. Jake (pgs 432-440); Franklin Dreadfulwater and Arleigh Rhoades (pgs 590-631); Ruby Cozad (pgs 560-590); and Mr. and Mrs. Ralpy Beard (pgs 1009-1024). Summarized in report: pgs 52-63.
- Finding #2: See testimony of witnesses: Franklin Dreadfulwater and Arleigh Rhoades (pgs 590-631); Ruby Cozad (pgs 569-590) and Mr. and Mrs. Ralph Beard (pgs 1009-1024). Summarized in report, pgs 52-63.

#### BIA'S ALLEGED INVOLVEMENT IN INTRA-TRIBAL AFFAIRS

- Finding #1: See testimony of witnesses: Leroy Logan, Raymond Lasley and Dr. Garrick Bailey, pgs 32-74; Allen Harjo, Joe Sulphur, Mrs. Beulah Simms, Phillip Deere, and Mrs. Alice Burnside (pgs 75-157); Murl Wortham (pgs 317-405); and Sidney Carney (pgs 926-940). Summarized in report, pgs 64-74.

Finding #2: See testimony of witnesses: Mrs. Helen L. Chupco (pgs 405-431); Charles E. Brown (pgs 637-658); Harry J. W. Belvin (pgs 707-741); David Gardner (pgs 853-862), and Randy Jacobs (pgs 1041-1051). Summarized in report, pgs 64-74.

Finding #3: See testimony of witnesses: Allen Harjo, Mrs. Beulah Simms, Joe Sulphur, Phillip Deere, and Mrs. Alice Burnside (pgs 75-157); Murl Wortham (pgs 317-405); Mrs. Helen L. Chupco (pgs 405-531); Charles E. Brown (pgs 637-650); Sidney Carney (pgs 662-707) and Bob Cannon (pgs 926-940). Summarized in report, pgs 64-74.

Table 1

Indian Population In Oklahoma By Area Office, Agency  
and Tribe

Area Office Agency Tribe	Tribal Population
<u>Anadarko Area</u>	
<u>Anadarko Agency</u>	
Kiowa, Comanche & Apache and Fort Sill Apache	6,355
Wichita	3,030
<u>Concho Agency</u>	
Cheyenne & Arapaho	4,200
<u>Pawnee Agency</u>	
Kaw, Otoe & Missouri, Pawnee, Ponca and Tonkawa	3,413
<u>Shawnee Agency</u>	
Iowa	133
Kickapoo	570
Potawatomi	1,371
Sac & Fox	935
Shawnee	807
Other Indians, tribe not specified	1,378
<u>Muskogee Area</u>	
<u>Ardmore Agency</u>	
Chickasaw	5,850
<u>Miami Agency</u>	
Eastern Shawnee, Miami Quapaw, and Seneca-Cayuga	1,930
<u>Okmulgee Agency</u>	
Creek	15,177
<u>Osage Agency</u>	
<u>Tahlequah Agency</u>	
Cherokee	21,414
<u>Talihina Agency</u>	
Choctaw	10,849
<u>Wewoka Agency</u>	
Seminole	3,115

SOURCE: Resident Indian Population, Labor Force, Unemployment, and Underemployment: Summary by Area: March 1972. U.S. Department of the Interior, Bureau of Indian Affairs, Statistics Division: July 1972.

TABLE 2

Number of Indian Children Attending Federal, Public and Other Schools In Oklahoma - Fiscal Year 1972

Area Agency	Total 5-18 Enumerated	Federal Schools		Public Schools		Other Schools		Total	
		5-18	Over 18	5-18	Over 18	5-18	Over 18	5-18	Over 18
Anadarko	10,821	653	82	9,638	343	98	937	10,389	1,362
Anadarko	4,046	250	16	3,484	--	63	591	3,797	607
<u>1/</u> Concho	1,470	181	53	1,088	22	24	107	1,293	182
Pawnee	1,200	142	13	1,041	1	11	130	1,194	144
Shawnee	4,105	80	--	4,025	320	--	109	4,105	429
Muskogee	30,951	617	78	29,317	1	--	2,164	29,934	2,243
Five Civ Tribes	27,306	597	78	26,709	1	--	2,118	27,306	2,197
<u>2/</u> Osage	3,645	20	--	2,608	--	--	46	2,628	46

SOURCE: Bureau of Indian Affairs, Fiscal Year 1972. Statistics Concerning Indian Education. Office of Education Programs. Table 1 Annual School Census Report of Indian Children, pgs 6-9.

1/ Estimated by Anadarko Area Office.

2/ Estimated by Muskogee Area Office.

TABLE 3

Boarding Schools Operated by the Bureau of Indian Affairs in Oklahoma  
Fiscal Year  
1972

Area		Enrollment			Average Daily Attendance		
School	Grades	Total	Boarding	Day	Total	Boarding	Day
Anadarko	Grades	1,673	1,673	6	1,036.4	1,036.4	1.8
New Concho	1-8	339	339	-	211.2	211.2	-
Chilocco	9-14	662	662	-	377.5	377.5	-
Fort Sill	9-12	323	317	6	184.5	182.7	1.8
Riverside	9-12	349	349	-	263.2	263.2	-
Muskogee		634	634	-	456.5	456.5	-
Seneca	8-8	189	189	-	130.2	130.2	-
Sequoyah	9-12	445	445	-	326.3	326.3	-

SOURCE: Bureau of Indian Affairs, Fiscal Year 1972 Statistics Concerning Indian Education, Office of Education Programs, Table 4 Boarding Schools Operated by the Bureau of Indian Affairs, Fiscal Year 1972, pgs 14-17.

Table 4

## Employment Profile by BIA Administrative Area: Oklahoma

<u>Indian Labor Force Characteristics</u>	<u>Muskogee Area</u>	<u>Anadarko Area</u>
1. Labor Force		
a. Total Resident Indian Population	61,703	25,107
b. Within Indian Community	58,798	19,958
c. Within or Adjacent to BIA Service Area	2,905	5,149
d. Total Under 16 Years of Age	22,397	10,702
e. Total 16 Years and Over	39,306	14,405
f. Not in Labor Force	16,764	7,498
g. Available Labor Force	22,542	6,907
h. Employed	18,387	3,557
i. Unemployed	4,155	3,350
j. Actively Seeking Employment	2,155	1,271
2. Area Labor Force Statistics		
a. Total Area Labor Force	22,542	6,907
b. Total Area Unemployed	4,155	3,350
c. Total Percentage Area Unemployed	18.4%	48.8%

SOURCE: The Oklahoma Indian Plan for Growth Land - Housing - Education - Health. Prepared for: The Oklahoma Indian Affairs Commission, Hickory Starr, Jr., Executive Director, by Pulliam & Associates. September 30, 1972. Summary Tribal Resource Inventory March, 1972. pgs. E-36 and E-37.

Indian Unemployment and Underemployment by  
Area Office, Agency and Tribe

Area Office Agency Tribe	Population	Labor Force 16 years and over	Unemploy.	Rate of Unemploy.	Rate of Unemploy. & Underemploy.
<u>Anadarko Area</u>					
<u>Anadarko Agency</u>					
Kiowa, Comanche & Apache & Ft.					
Sill Apache	6,355	1,191	270	23%	34%
Wichita	3,030	409	145	35%	51%
<u>Concho Agency</u>					
Cheyenne and					
Arapaho	4,200	1,876	1,126	60%	81%
<u>Pawnee Agency</u>					
Kaw, Otoe & Missouri	3,413	1,580	1,204	76%	81%
Pawnee, Ponca and Tonkawa	(Agency did not submit individual tribal reports.)				
<u>Shawnee Agency</u>					
Iowa	133	21	7	--	--
Kickapoo	570	123	36	29%	57%
Potawatomi	1,371	162	15	9%	41%
Sac & Fox	935	149	33	22%	46%
Shawnee	807	141	26	18%	47%
Other Indian Tribes not specified	1,378	329	58	18%	43%
<u>Muskogee Area</u>					
<u>Ardmore Agency</u>					
Chickasaw	5,850	2,129	339	16%	28%
<u>Miami Agency</u>					
Eastern Shawnee, Miami, Quapaw & Seneca-Cayuga	(Agency did not submit individual tribal reports.)				
<u>Okmulgee Agency</u>					
Creek	15,177	6,420	802	12%	47%
<u>Osage Agency</u>	3,368	1,147	302	26%	53%
<u>Tahlequah Agency</u>					
Cherokee	21,414	6,679	1,576	24%	37%
<u>Talihina Agency</u>					
Choctaw	10,849	4,340	700	16%	33%
<u>Wewoka Agency</u>					
Seminole	3,115	1,248	182	15%	19%

SOURCE: Resident Indian Population, Labor Force, Unemployment and Underemployment; Summary by Area: March 1972. U. S. Department of the Interior, Bureau of Indian Affairs, Statistics Division; July, 1972.

TABLE 6

## Grade Level Distribution of GS Employees by Race--Bureau of Indian Affairs--Muskogee Area

Grade Level	Total		Black		Spanish Surnamed		Asian American		American Indian		All Others	
	M	F	M	F	M.	F	M	F	M	F	M	F
1	-	-	-	-	-	-	-	-	-	-	-	-
2	1	14	-	-	-	-	-	-	1	14	-	-
3	24	56	-	-	-	-	-	-	23	51	1	5
4	21	60	-	-	-	-	-	-	20	56	1	4
5	16	60	-	-	-	-	-	-	16	43	-	17
6	9	13	-	-	-	-	-	-	7	9	2	4
7	10	18	-	-	-	-	-	-	9	13	1	5
8	2	-	-	-	-	-	-	-	-	2	-	-
9	38	34	-	1	-	-	1	-	20	15	17	18
10	-	-	-	-	-	-	-	-	-	-	-	-
11	43	4	-	-	-	-	-	-	18	1	25	3
12	57	6	1	-	-	-	-	-	18	6	38	-
13	21	2	-	-	-	-	-	-	8	-	13	2
14	13	-	-	-	-	-	-	-	5	-	8	-
15	1	-	-	-	-	-	-	-	-	-	1	-
16												
17												
18												
Total	256	267	1	1	-	-	1	-	147	208	107	58
Avg GS Grade	9	5	12	9	-	-	9	-	7	4	11	6
No. of Supv.	68	15	-	-	-	-	-	-	31	9	37	6

SOURCE: U.S. Department of the Interior, Bureau of Indian Affairs, Personnel Department, Employment as of 12/31/72 .



TABLE 7

## Grade Level Distribution of GS Employees by Race - Bureau of Indian Affairs - Anadarko Area

Grade Level	Total		Black		Spanish		Asian American		American Indian		All Others	
	M	F	M	F	M	F	M	F	M	F	M	F
1	1	-	-	-	-	-	-	-	1	-	-	-
2	2	3	-	-	-	-	-	-	1	3	1	-
3	39	57	-	-	-	-	-	-	37	56	2	1
4	34	110	-	-	-	1	-	-	32	98	2	11
5	29	58	-	-	-	-	-	-	29	41	-	17
6	11	9	-	-	-	-	-	-	9	4	2	5
7	22	30	-	-	-	-	-	-	17	14	5	16
8	1	-	-	-	-	-	-	-	1	-	-	-
9	107	79	1	3	-	2	-	-	48	35	58	39
10	1	-	-	-	-	-	-	-	1	-	-	-
11	87	20	1	-	-	-	-	-	33	7	53	13
12	41	5	-	-	-	-	-	-	20	3	21	2
13	19	-	-	-	-	-	-	-	7	-	12	-
14	14	1	-	-	-	-	-	-	4	1	10	-
15	1	-	-	-	-	-	-	-	1	-	-	-
16	-	-	-	-	-	-	-	-	-	-	-	-
17	-	-	-	-	-	-	-	-	-	-	-	-
18	-	-	-	-	-	-	-	-	-	-	-	-
Total	409	372	2	3	-	3	-	-	241	262	166	104
Avg GS Grade	8	5	10	9	-	7	-	-	7	5	10	7
No. of Supvs.	85	27	-	-	-	-	-	-	44	20	41	7

SOURCE: U. S. Department of the Interior, Bureau of Indian Affairs, Personnel Department. Employment as of 12/31/72.

TABLE 8

Wage Level Distribution of WB Employees by Race -- Bureau of Indian  
Affairs -- Muskogee Area

Wage Level	Total		Black		Spanish Surnamed		Asian American		American Indian		All Others	
	M	F	M	F	M	F	M	F	M	F	M	F
Up thru \$5,999	15	5	1						14	5		
6,000 thru 6,999	24								24			
7,000 thru 7,999	12	2							10	2	2	
8,000 thru 8,999	11	1							8	1	3	
9,000 thru 9,999	10	1							8	1	2	
10,000 thru 13,999												
14,000 thru 17,999												
18,000 and over												
Total Wage System	78	9	1						70	9	7	
No. of Supv.									12	2	2	

SOURCE: U. S. Department of the Interior, Bureau of Indian Affairs.  
Personnel Department. Employment as of 12/31/72

TABLE 9

Wage Level Distribution of WB Employees by Race--Bureau of Indian  
Affairs - Anadarko Area

Wage Level	Total		Black		Spanish Surnamed		Asian American		American Indian		All Others	
	M	F	M	F	M	F	M	F	M	F	M	F
Up thru \$5,999	16	12							16	12		
6,000 thru 6,999	20	8							19	6	1	2
7,000 thru 7,999	13	3							12	3	1	
8,000 thru 8,999	23	6							17	6	6	
9,000 thru 9,999	39	2							26	2	13	
10,000 thru 13,999	2										2	
14,000 thru 17,999												
18,000 and over												
Total Wage System	118	31							94	29	24	2
No. of Supervisors	15	2							9	2	6	-

SOURCE: U. S. Department of the Interior, Bureau of Indian Affairs.  
Personnel Department. Employment as of 12/31/72

TABLE 10

Grade Level Distribution of GS Employees by Race--Indian Health  
Service--Oklahoma Area Office

Grade Level	Total	Black		Spanish Surnamed		Asian American		American Indian		All Others	
		M	F	M	F	M	F	M	F	M	F
GS 1-4	220				1			27	184	1	6
GS 5-8	218		3		1			38	86	7	76
GS 9-11	84	1	1	1			1	21	15	12	32
GS 12-13	36			3		1		10	1	12	7
GS 14-15	4							2		2	
Comm Officers	141					2		2		85	6
Wage Board	115							80	23	8	3
Other Pay Plans	1							1			
<b>Total</b>	<b>819</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>181</b>	<b>309</b>	<b>127</b>	<b>130</b>

SOURCE: Indian Health Service/Public Health Service: Department of Health, Education, and Welfare. IHS Overall Summary, Oklahoma Area Office 9/20/72

TABLE 11

Total Employment - All Pay Systems - By Race - Selected Federal Agencies - Oklahoma 1971

Agency	Total Full Time Employ.	Black		Spanish Surnamed		American Indian		Asian American		All Other Employees	
		Number	Pct	Number	Pct	Number	Pct	Number	Pct	Number	Pct
Dept of the Air Force	24,039	2,063	8.6	166	.7	685	2.8	13	.1	21,112	87.8
Dept of Agriculture	1,221	43	3.5	5	.4	26	2.1	1	.1	1,146	93.9
Dept of the Army	5,114	253	4.9	58	1.1	210	4.1	16	.3	4,577	89.5
Dept of Justice	524	14	2.7	2	.4	7	1.3	-	-	501	95.6
Dept of Health, Education & Welfare	1,117	27	2.4	4	.4	516	46.2	3	.3	567	50.8
Dept of Housing and Urban Development	223	9	4.0	2	.9	15	6.7	--	--	197	88.3
Dept of the Interior	1,856	23	1.2	5	.3	847	45.6	--	--	981	52.9
Dept of Transportation	4,388	202	4.6	32	.7	65	1.5	23	.5	4,066	92.7
Dept of the Treasury	571	14	2.5	1	.2	12	2.1	--	--	544	95.3
Veterans' Administration	1,667	269	16.1	13	.8	65	3.9	3	.2	1,317	79.0

SOURCE: U. S. Civil Service Commission. Minority Group Employment in the Federal Government. November 1971.  
SM 70-71B.

TABLE 12

Grade Level Distribution of GS Employees by Race - Selected Federal Agencies\*  
Oklahoma: 1971

Grade Level	Total	Black Number	Spanish Surnamed Number	Asian American Number	American Indian Number	All Other Employees Number
1	32	14	-	-	6	12
2	282	43	1	1	27	210
3	2,045	154	16	5	317	1553
4	3,067	192	19	8	333	2515
5	2,892	196	21	4	254	2417
6	1,104	26	3	-	76	999
7	2,527	118	19	6	142	2242
8	435	9	-	-	19	407
9	3,843	120	33	3	193	3494
10	234	5	2	-	7	220
11	3,345	54	19	5	125	3142
12	2,207	25	10	6	79	2087
13	1,253	6	9	2	34	1202
14	415	2	4	3	19	387
15	146	1	1	1	5	138
16	10	-	-	-	-	10
17	1	-	-	-	-	1
18	-	-	-	-	-	-
	23,838	965 4%	157 1%	44 --	1,636 7%	21,036 88%

SOURCE: U. S. Civil Service Commission. Minority Group Employment in the Federal Government. November 1971 SM 70-71B

\*Department of the Air Force, Department of the Army, Department of Agriculture, Department of Health, Education and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of the Treasury, Department of Transportation, Veterans Administration

TABLE 13

PERCENTAGE DISTRIBUTION OF FEDERAL EMPLOYEES BY GRADE AND RACE IN SELECTED AGENCIES:\* OKLAHOMA 1971

Grade Level	Black	Spanish Surnamed	Asian American	American Indian	All Others
1-4	403 (41.7%)	36 (22.9%)	14 (31.8%)	682 (41.7%)	4290 (20.3%)
5-8	349 (31.6)	43 (27.3)	10 (22.7)	491 (30.0)	6065 (28.8)
9-11	179 (18.5)	54 (34.3)	8 (18.1)	325 (19.8)	6856 (32.7)
12-18	34 ( 3.5)	24 (15.2)	12 (27.2)	138 ( 8.4)	3825 (18.1)
TOTAL	965 ( 4.0)	157 ( 1.0)	44 (--)	1636 ( 7.0)	21036 (88.0)

SOURCE: U. S. Civil Service Commission. Minority Group Employment in the Federal Government. November 1971, SM 70-71B.

\*Department of the Air Force, Department of the Army, Department of Agriculture, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of the Treasury, Department of Transportation, Veterans Administration.

TABLE 14  
DISTRIBUTION WITHIN RACE AND ETHNIC GROUP BY GRADE

GRADE	ALL GROUPS		CAUCASIAN		NEGRO		INDIAN		MEXICAN-AMERICAN	
	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%
12	3252	16.6	2760	15.7	350	33.7	135	14.0	7	12.7
13	2409	12.3	1995	11.4	283	27.2	122	12.7	9	16.4
14	2402	12.2	2158	12.3	90	8.7	149	15.5	5	9.1
15	1350	6.9	1221	6.9	65	6.3	61	6.3	3	5.5
16	969	4.9	883	5.0	32	3.1	50	5.2	4	7.3
17	911	4.6	836	4.8	20	1.9	53	5.5	2	3.6
18	818	4.2	792	4.5	9	0.9	16	1.7	1	1.8
19	1724	8.8	1570	8.9	67	6.4	87	9.0	0	----
20	293	1.5	265	1.5	11	1.1	16	1.7	1	1.8
21	1028	5.2	922	5.2	25	2.4	74	7.7	7	12.7
22	428	2.2	393	2.2	13	1.3	21	2.2	1	1.8
23	490	2.5	419	2.4	29	2.8	41	4.3	1	1.8
24	548	2.8	509	2.9	11	1.1	21	2.2	7	12.7
25	382	1.9	355	2.0	10	1.0	17	1.8	0	----
26	223	1.1	204	1.2	1	0.1	18	1.9	0	----
27	206	1.0	194	1.1	3	0.3	9	0.9	0	----
28	252	1.3	227	1.3	0	---	24	2.5	1	1.8
29	197	1.0	178	1.0	5	0.5	14	1.5	0	----
30	242	1.2	227	1.3	5	0.5	10	1.0	0	----
31	118	0.6	113	0.6	2	0.2	3	0.3	0	----
32	163	0.8	159	0.9	1	0.0	1	0.1	2	3.6
33	98	0.5	93	0.5	0	---	5	0.5	0	----
34	105	0.5	102	0.6	1	0.1	1	0.1	1	1.8
35	45	0.2	43	0.2	0	---	2	0.2	0	----
36 - 39	141	0.7	136	0.8	0	---	2	0.2	3	5.5
40 - 43	38	0.2	38	0.2	0	---	0	---	0	----
44 - 47	<u>37</u>	0.2	<u>37</u>	0.2	<u>0</u>	---	<u>0</u>	---	<u>0</u>	----
	18869	96.1	16829	95.8	1033	99.3	952	98.9	55	99.9
STATUTORY	758	3.9	740	4.2	7	0.7	11	1.1	0	----
TOTAL	19627		17569		1040		963		55	

SOURCE: Oklahoma Human Rights Commission. Survey and Study: Racial and Ethnic Composition Of the Merit System Work Force: 1971. Table B. Distribution Within Race and Ethnic Group by Grade, p.6.



TABLE 15  
 MAJOR AGENCY WORK FORCE COMPOSITION

AGENCY	TOTAL ALL GROUPS	NUMBER AND % OF AGENCY TOTAL WORK FORCE					
		NEGRO		INDIAN		MEXICAN-AMERICAN	
DISRS*	6081	604 - 9.9%		183 3.2%		12 0.2%	
HIGHWAY DEPT.	3439	56 - 1.6%		132 3.8%		13 0.4%	
MENTAL HEALTH*	2344	82 - 3.5%		105 4.5%		9 0.4%	
HEALTH DEPT.	1460	62 - 4.2%		46 3.2%		5 0.3%	
PUBLIC SAFETY	927	18 - 1.9%		9 1.0%		2 0.2%	
EMPLOYMENT SECURITY	838	94 - 11.2%		131 15.6%		5 0.6%	
TAX COMMISSION	771	11 - 1.4%		18 2.3%		1 0.1%	
CORRECTIONS	697	12 - 1.7%		84 12.1%		0 ----	
AGRICULTURE	626	5 - 0.8%		42 6.7%		1 0.2%	
TOTAL	17183	944 -		760		48	

\*180 - 200 Negro employees were moved from Mental Health to DISRS through transfer to Taft State Hospital

SOURCE: Oklahoma Human Rights Commission. Survey and Study: Racial and Ethnic Composition of the Merit System Work Force: 1971. Table C, Major Agency Work Force Composition, p.7.

TABLE 16  
ANNEX

DISTRIBUTION WITHIN AGENCY BY RACE

AND ETHIC GROUP

AGENCY	ALL GROUPS	CAU.	NEG.	IND.	M.-A.
STATE PERSONNEL BOARD	30	30	0	0	0
AGENCY FOR SURPLUS PROPERTY	28	25	3	0	0
BUDGET OFFICE	43	37	4	2	0
BOARD OF COSMETOLOGY	19	16	2	1	0
HEALTH DEPARTMENT	1460	1347	62	46	5
WATER RESOURCES BOARD	34	32	1	1	0
DEPT. OF LIBRARIES	64	57	3	4	0
CAPITOL IMPROVEMENT AUTHORITY	95	68	27	0	0
DEPT. OF AGRICULTURE	626	578	5	42	1
VETERANS AFFAIRS DEPT.	254	232	10	7	5
GRAND RIVER DAM AUTHORITY	161	100	0	61	0
EMPLOYMENT SECURITY COMMISSION	838	608	94	131	5
DEPT. OF PUBLIC SAFETY	927	898	18	9	2
TAX COMMISSION	771	741	11	18	1
INDUSTRIAL DEVELOPMENT & PARKS	454	393	10	51	0
STATE HISTORICAL SOCIETY	36	33	1	2	0
TURNPIKE AUTHORITY	392	354	9	29	0
DEPT. OF CORRECTIONS	697	601	12	84	0
DEPT. OF HIGHWAYS	3439	3238	56	132	13
DEPT. OF EDUCATION	245	225	6	14	0
ABC BOARD	28	25	0	3	0
WILL ROGERS MEMORIAL	8	5	0	3	0
PUBLIC EMPLOYEES RETIREMENT	17	17	0	0	0
L P GAS ADMINISTRATION	8	8	0	0	0

(Con'd)

AGENCY	ALL GROUPS	CAU.	NEG.	IND.	M.-A.
STATE BANKING DEPT.	23	23	0	0	0
CEREBRAL PALSY CENTER	45	35	0	10	0
BUREAU OF INVESTIGATION	52	52	0	0	0
OKLA. MILITARY DEPARTMENT	53	50	1	1	0
SOIL CONSERVATION BOARD	5	5	0	0	0
TEACHERS RETIREMENT	18	15	0	3	0
NURSES REGISTRATION & EDUCATION	6	6	0	0	0
STATE FIRE MARSHAL	11	11	0	0	0
HIGHWAY SAFETY PROGRAM	1	1	0	0	0
ENGINEERS & SURVEYORS REGISTRATION	1	1	0	0	0
COMMUNITY AFFAIRS AND PLANNING	13	14	0	4	0
DEPT. OF MENTAL HEALTH	2344	2148	82	105	9
STATE BOARD OF AFFAIRS	242	220	13	4	0
CIVIL DEFENSE OFFICE	24	22	1	1	0
MANPOWER PLANNING & COORDINATION	7	5	0	2	0
SECURITIES COMMISSION	15	15	0	0	0
PHARMACY BOARD	3	3	0	0	0
DISRS	6081	5272	604	193	12
REAL ESTATE COMMISSION	4	3	0	0	1
CORPORATION COMMISSION*	----	----	---	---	--
SCHOOL LAND DEPT.*	----	----	---	---	--

\*NO DATA AVAILABLE

THESE DATA AND AGENCY DESIGNATIONS ARE AS OF APRIL 30, 1971.

SOURCE: Oklahoma Human Rights Commission. Survey and Study: Racial and Ethnic Composition of the Merit System Work Force: 1971. Annex D. Distribution Within Agency By Race and Ethnic Group, pgs 8-9.

TABLE 17

Oklahoma City, SMSA

Indian Employment In Private Industry by Job Categories--Oklahoma 1972<sup>1</sup>--SMSA Summary  
For 540 Units

JOB CATEGORIES	TOTAL EMPLOYEES INCLUDING MINORITIES	TOTAL MALE INCLUDING MINORITIES	TOTAL FEMALE INCLUDING MINORITIES	MALE MINORITIES				FEMALE MINORITIES				TOTAL MINOR- ITY
				B	AA	SS	AI	B	AA	SS	AI	
WHITE COLLAR	49578	25485	24093	511	141	176	470	1232	63	145	450	3188
Officials and Managers	8541	7454	1087	85	10	34	144	36	---	8	20	337
Professionals	8293	5914	2379	78	114	40	73	89	18	13	33	458
Technicians	4396	2932	1464	69	6	21	67	285	11	9	29	497
Sales Workers	9261	5116	4145	116	4	41	118	98	11	32	46	466
Office and Clerical	19087	4069	15018	163	7	40	68	724	23	83	322	1430
BLUE COLLAR	36085	28791	7294	2346	63	616	876	1052	46	117	250	5366
Craftsmen (Skilled)	11619	10762	857	431	16	200	270	119	7	17	74	1134
Operatives (Semi-skilled)	18434	13167	5267	1153	36	232	395	809	35	71	151	2882
Laborers (Unskilled)	6032	4862	1170	762	11	184	211	124	4	29	25	1350
Service Workers	7759	3792	3967	790	29	73	57	1202	17	75	90	2333
TOTAL	93422	58068	35354	3647	233	865	1403	3486	126	337	790	10887

<sup>1</sup>SOURCE: 1972 EEO-1 Report, SMSA Summary-Oklahoma City SMSA 1972  
Equal Employment Opportunity Commission, Washington DC.

B--Black    AA--Asian American  
SS--Spanish Surnamed  
AI--American Indian

TABLE 18

Indian Employment In Private Industry by Job Categories--Oklahoma 1972--<sup>1/</sup>State Summary  
For 1,593 Units

JOB CATEGORIES	TOTAL EMPLOYEES INCLUDING MINORITIES	TOTAL MALE INCLUDING MINORITIES	TOTAL FEMALE INCLUDING MINORITIES	MALE MINORITIES				FEMALE MINORITIES				TOTAL MINOR- ITY
				B	AA	SS	AI	B	AA	SS	AI	
WHITE COLLAR	121808	68100	53708	1172	241	409	1952	2396	113	291	1594	8168
Officials and Managers	22553	20359	2194	171	19	84	647	63	1	15	64	1064
Professionals	21789	16619	5170	161	171	87	327	194	37	23	128	1128
Technicians	12942	9312	3630	204	16	72	374	415	16	23	115	1235
Sales Workers	20119	11664	8455	247	16	89	274	230	19	61	116	1049
Office and Clerical	44405	10146	34259	389	19	80	330	1494	40	169	1171	3692
BLUE COLLAR	106646	86544	20102	6132	106	1305	4495	2166	75	294	1240	15813
Craftsmen (Skilled)	36625	34774	1851	1106	27	417	1487	157	9	20	98	3321
Operatives (Semi-skilled)	50532	37278	13254	2768	48	479	2059	1321	56	153	862	7746
Laborers (Unskilled)	19489	14492	4997	2258	31	409	949	688	10	121	280	4746
Service Workers	18890	7967	10923	1825	48	133	279	2384	29	136	421	5255
TOTAL	247344	162611	84733	9129	395	1847	6726	6946	217	721	3255	29236

<sup>1/</sup> SOURCE: 1972 EEO-1 Report, State Summary-Oklahoma 1972-Equal  
Employment Opportunity Commission, Washington DC.

B--Black    AA--Asian American  
SS--Spanish Surnamed  
AI--American Indian

TABLE 19

Tulsa, SMSA <sup>1/</sup>

## Indian Employment In Private Industry by Job Categories - Oklahoma - 1972 SMSA Summary for 536 Units

JOB CATEGORIES	TOTAL EMPLOYEES INCLUDING MINORITIES	TOTAL MALE INCLUDING MINORITIES	TOTAL FEMALE INCLUDING MINORITIES	MALE MINORITIES				FEMALE MINORITIES				TOTAL MINOR- ITY
				B	AA	SS	AI	B	AA	SS	AI	
WHITE COLLAR	45278	26715	18563	503	76	153	805	859	33	88	694	3211
Officials and Managers	8414	7741	673	58	8	36	289	19	1	5	29	445
Professionals	8135	6472	1663	57	37	31	125	56	9	6	69	390
Technicians	5359	4194	1165	109	10	41	152	92	3	5	50	462
Sales Workers	6520	4232	2288	79	10	15	93	89	5	13	27	331
Office and Clerical	16850	4076	12774	200	11	30	146	603	15	59	519	1583
BLUE COLLAR	33403	29223	4180	2189	28	332	1562	368	14	51	250	4794
Craftsmen (Skilled)	14316	13805	511	510	6	133	638	29	1	2	16	1335
Operatives (Semi-skilled)	13786	11283	2503	972	8	138	697	165	9	22	181	2192
Laborers (Unskilled)	5301	4135	1166	707	14	61	227	174	4	27	53	1267
Service Workers	6144	2263	3881	695	14	31	119	889	9	38	160	1955
TOTAL	84825	58201	26624	3387	118	516	2486	2116	56	177	1164	9960

<sup>1/</sup> SOURCE: 1972 EEO-1 Report, SMSA Summary - Tulsa SMSA - 1972  
Equal Employment Opportunity Commission, Washington DC

B--Black    AA--Asian American  
SS--Spanish Surnamed  
AI--American Indian

TABLE 20

Indian Arrest Rates In Three Oklahoma Cities By  
Offense - 1970

Classification of Offense	Lawton			Oklahoma City			Tulsa		
	Tot	Indian	% Indian	Tot	Indian	% Indian	Tot	Indian	% Indian
Murder & Non-negli- gent Manslaughter	6	0	0	35	1	2.8%	25	0	0
Robbery	24	5	20.8%	216	20	10.1%	130	8	6.1%
Burglary-Breaking or Entering	157	6	3.8%	692	44	6.3%	499	19	3.8%
Auto Theft	40	6	12.5%	239	17	7.1%	213	7	3.2%
Other Assaults	334	27	8.0%	1359	95	6.9%	559	14	2.5%
Vandalism	9	0	0	217	11	5.0%	48	3	6.2%
Weapons, Carrying, Possessing, etc.	119	11	9.2%	440	22	5.0%	199	14	7.0%
Narcotic Drug Laws	85	4	4.7%	651	6	0.9%	348	3	0.8%
Gambling	12	0	0	283	1	0.3%	212	4	1.8%
Offenses Against Family & Children	63	4	6.3%	47	1	2.1%	14	0	0
Driving Under the Influence	257	25	9.7%	1325	98	7.3%	1239	80	6.4%
Liquor Laws	49	4	8.1%	846	43	5.0%	467	4	0.8%
Drunkenness	2076	459	21.1%	13638	3933	28.8%	593	114	20.4%
Disorderly Conduct	437	36	8.4%	1251	76	6.0%	234	12	5.1%
Vagrancy	181	4	2.2%	1673	125	7.4%	36	0	0
All Other Offenses (except traffic)	548	46	8.3%	1500	110	7.3%	1134	52	4.5%

SOURCE: An Index of the Social Indicators of the American Indians in Oklahoma. "Crime and Delinquency Characteristics of the Oklahoma American Indians" Tables: V-2 through V-4, pgs. 256-261.

TABLE 21

Arrest Rates for Indians Under 18 Years of Age In Three Oklahoma Cities  
By Offense - 1970

Classification of Offense	Lawton			Oklahoma City			Tulsa		
	Tot	Indian	% Indian	Tot	Indian	% Indian	Tot	Indian	% Indian
Murder & Non-negli- gent Manslaughter	0	0	0	3	0	0	0	0	0
Robbery	2	0	0	39	1	2.5%	23	1	4.3%
Burglary-Breaking or Entering	54	0	0	232	15	6.4%	284	7	2.4%
Auto Theft	19	2	10.5%	97	4	4.1%	125	4	3.2%
Other Assaults	21	3	14.2%	88	8	9.0%	57	0	0
Vandalism	0	0	0	55	3	5.4%	30	1	3.3%
Weapons; Carrying, Possessing, etc.	14	1	7.1%	58	5	8.6%	28	2	7.1%
Narcotic Drug Laws	13	1	7.6%	103	1	0.9%	56	1	1.7%
Gambling	0	0	0	1	0	0	0	0	0
Offenses Against Family & Children	10	0	0	0	0	0	0	0	0
Driving Under the Influence	2	1	50.0%	10	0	0	10	0	0
Liquor Laws	4	1	25.0%	146	12	8.2%	98	0	0
Drunkenness	61	33	54.0%	170	36	21.1%	117	16	13.6%
Disorderly Conduct	43	9	20.9%	130	6	4.6%	58	2	3.4%
Vagrancy	10	0	0	267	9	3.3%	0	0	0
All Other Offenses (except traffic)	125	18	14.4%	226	11	4.8%	304	12	3.9%

SOURCE: An Index of the Social Indicators of the American Indians in Oklahoma. "Crime and Delinquency Characteristics of the Oklahoma American Indians" Tables: V-2 through V-4, pgs 256-261.



TABLE 22

Number of Indians Confined in County Jails In Oklahoma for 1971<sup>1/</sup>

County	Number of Indian Confinements	Total Number of Confinements <sup>2/</sup>	Percent of Indian Confinements	Percent Indian Population In County/1970 <sup>4/</sup>
Adair	<sup>3/</sup> DNR			27.2%
Alfalfa	3	105	2.9	4.5
Ataka	30	371	8.1	5.3
Beaver	9	232	3.9	.1
Beckham	122	951	12.8	.9
Blaine	189	403	46.9	6.8
Bryan	135	1046	12.9	4.0
Caddo	2193	3323	65.9	14.0
Canadian	511	2476	20.6	3.6
Carter	DNR			2.7
Cherokee	260	736	35.3	18.6
Choctaw	69	649	10.6	6.0
Cimmarron	33	226	14.6	.3
Cleveland	133	2457	5.4	1.8
Coal	33	322	10.2	7.9
Comanche	875	7287	12.0	3.1
Cotton	24	225	10.6	5.0
Craig	39	603	6.5	6.0
Creek	37	503	7.4	4.2
Custer	710	1348	52.7	3.5
Delaware	DNR			19.6
Dewey	214	240	89.1	4.3
Ellis	0	67	0	.3
Garfield	166	2453	6.8	.8
Garvin	18	504	3.6	1.9
Grady	95	2541	3.7	1.2
Grant	15	124	12.1	.5
Greer	2	176	1.1	1.0
Harmon	0	99	0	.4
Harper	10	85	11.8	.5

<sup>1/</sup> This data was obtained from a jail survey conducted by the Oklahoma Crime Commission during the summer and fall of 1971.

<sup>2/</sup> The number of jails reporting in this survey was 134. The estimated number of county jails in the state is 266.

<sup>3/</sup> DNR-Did Not Report

<sup>4/</sup> 1970 Census.

TABLE 22 (continued)

County	Number of Indian Confinements	Total Number of Confinements	Percent of Indian Confinements	Percent Indian Population In County/1970
Haskell	DNR			4.4
Hughes	283	788	35.9	11.5
Jackson	59	1349	4.4	.2
Jefferson	4	295	1.4	.7
Johnston	DNR	535	3.4	7.6
Kay	1195	3381	35.3	3.8
Kingfisher	320	1086	29.5	2.0
Kiowa	258	737	35.0	3.9
Latimer	DNR			8.3
LeFlore	240	1035	23.2	4.3
Lincoln	68	897	7.6	1.5
Logan	33	2728	1.2	.6
Love	DNR			1.9
McClain	65	1699	3.8	1.6
McCurtain	256	1510	16.9	8.6
McIntosh	98	759	12.9	12.4
Major	16	186	8.6	.4
Marshall	DNR			4.2
Mayes	DNR			10.5
Murray	DNR			4.3
Muskogee	627	4239	14.8	5.1
Noble	240	536	44.8	4.7
Nowata	3	181	1.7	4.2
Okfuskee	30	104	28.8	11.9
Oklahoma	4311	38910	11.1	2.0
Okmulgee	123	1474	8.3	6.0
Osage	298	1897	15.7	8.6
Ottawa	DNR			6.9
Pawnee	179	372	48.1	6.5
Payne	98	904	10.8	1.2
Pittsburg	134	1452	9.2	4.1
Pontotoc	DNR			4.6
Pottawatomie	309	1564	19.8	4.6
Pushmataha	DNR			6.9
Roger Mills	131	203	64.5	6.6

TABLE 22 (continued)

County	Number of Indian Confinements	Total Number of Confinements	Percent of Indian Confinements	Percent Indian Population In County/1970
Rogers	DNR			5.7
Seminole	415	1669	24.9	10.3
Sequoyah	DNR			8.7
Stephens	201	1306	15.4	1.3
Texas	DNR			.3
Tillman	72	453	15.9	1.8
Tulsa	2182	21902	10.0	2.7
Wagoner	DNR			3.6
Washington	25	516	4.8	2.9
Washita	DNR			.8
Woods	2	372	0.5	.3
Woodward	13	667	1.9	.4
<b>TOTALS</b>	<b>18231</b>	<b>124219</b>	<b>14.7</b>	<b>3.8</b>

SOURCE: An Index of the Social Indicators of the American Indians in Oklahoma. "Crime and Delinquency Characteristics of the Oklahoma American Indian." Table V-5 Number of Indians Confined in County Jails for 1971, pgs 262-264.

TABLE 23

Indian Population Within A 20-Mile Radius Of Full-Time Medical Facility  
By Service Area

Service Area	1970 Total IHS Service Area Population	Persons Living Within 20 Mile Radius in 1970	Percent of Total
Claremore	29,290	2,899	9.9
Clinton	3,876	1,599	42.1
Lawton	9,546	3,313	34.7
Pawnee	6,688	2,593	37.9
Shawnee	18,363	1,990	10.4
Tahlequah	15,016	4,316	28.6
Talihina	8,657	4,569	52.3
<u>Tishomingo</u>	5,982	598	10.0
Total	97,418	21,877	22.4

SOURCE: Table No. IX. P. H-111. The Oklahoma Indian Plan for Growth:  
Land-Housing-Education-Health.

Original source of data: Indian Health Service, Area Office, Oklahoma City.

TABLE 24

## Number of Professional Medical Personnel By Service Area - 1972

Service Area	1970 Indian Population	NURSES			
		Physicians (LPN & RN)	Dentists	Pharmacists	
Claremore	29,290	10	27	5	3
Clinton	3,876	4	11	1	1
Lawton	9,546	9	35	2	3
Pawnee	6,688	4	12	2	2
Shawnee	18,363	3	4	1	2
Tahlequah	15,016	9	26	3	3
Talihina	8,657	7	25	2	3
Tishomingo	5,982	2	3	1	1
Total	97,418	48	143	17	18

There are also 46 health professions working in areas of Environmental and Mental Health.

SOURCE: Table No. VII, P.H-109. The Oklahoma Indian Plan. For Growth: Land-Housing-Education-Health.

Original source of data: Indian Health Service, Area Office, Oklahoma City.

APPENDIX A

AN EVALUATION OF THE JOHNSON-O'MALLEY

PROGRAM: MUSKOGEE AREA

by

L. MADISON COOMBS, BUREAU OF INDIAN  
AFFAIRS

August 1972

### Summary

Johnson-O'Malley funds are identifiable as "Indian money" in a way not true of any other Federal aid to public schools.

As a result of the uniquely Indian character of Johnson-O'Malley appropriations, the Bureau of Indian Affairs and the public schools are being pressed by civil rights groups and the United States Congress to account for their use to the Congress and to the Indian people.

The Johnson-O'Malley program in Oklahoma in 1971-2 was based on a contract with the Bureau of Indian Affairs in the amount of \$1.9 million. The bulk of this money, \$1.4 million, went into special projects, \$1.06 million to 97 schools in 23 counties in eastern Oklahoma. Guidelines issued by the Oklahoma State Department of Education include requirements that preference in hiring be given to qualified Indians and that Community Indian Education Committees, which must concur in the proposed program, be elected.

In the spring of 1972 the Bureau of Indian Affairs began plans for an evaluation of Johnson-O'Malley programs. The Muskogee Area Office of the BIA developed a short questionnaire which the Oklahoma State Department of Education sent on to public schools in eastern Oklahoma with only minor changes. A somewhat more comprehensive questionnaire, developed by the BIA's Division of Educational Assistance in Albuquerque, was not used. It is shown in the Appendix with comments.

Eighty percent or 76 of the 97 schools in eastern Oklahoma having programs, reported a total of 191 projects. Of these, 66 were for teacher aides, 25 were kindergartens, 19 were counseling services, and 17 were remedial programs. Other projects included art and music, tutorial services, class size reduction, and special programs. Most of these projects would be classed as "compensatory" in nature, stressing greater individual attention to pupils.

Indian pupils in eastern Oklahoma, according to recent studies, have a school achievement deficit as severe as that of any Indian pupils in the country. They also suffer from severe socio-economic disadvantages.

In all, nearly 25 thousand children were served by the projects, nearly 9 thousand of them Indian. The ratio of Indian students to the total was one of every two in kindergarten and one of every three in all other projects. The evaluator agrees with school officials that Indian pupils cannot and should not be segregated from other pupils in order to exclude non-Indian pupils from the benefits of Johnson-O'Malley projects.

The schools almost unanimously rated the projects successful in attaining their objectives. Of 158 ratings all but 7 were either "excellent" or "good". While the ratings were highly subjective, there is no reason to

question their sincerity.

The returns showed an almost total lack of standardized test data useable for evaluation. However, ordinary survey type achievement test data have limited usefulness in evaluating such projects as teacher aides or counseling, even if available.

When asked for suggestions for improving the evaluation more than 40 percent of the respondents expressed themselves as considering it adequate or having no suggestions. Another 29 percent, perhaps because of its ambiguity, misinterpreted the question. But another 29 percent did make suggestions, most of them, in the opinion of the evaluator, in the right direction. These included suggestions that evaluation begin earlier in the school year and the cooperative involvement of all persons in a position to contribute to the evaluation. Included would be the pre-planning of evaluative criteria, and a careful description of results, including anecdotal material where appropriate.

When asked for their recommendations and comments, the schools overwhelmingly gave their approval to the projects, called for their continuation, and frequently asked for an increase in the scope and funding of the projects. A belief in the program beyond mere "empire building" comes through in the response. The trend, however, was for "more of the same" and there was a disappointing dearth of new ideas. There seemed to be a notable lack of awareness of the bilingual problems of many Indian children in eastern Oklahoma and no suggestions for projects centered around Indian history, biography, and art. It would also be encouraging to see more interest in the use of expert help from the colleges and universities in the specialized fields of severe learning disabilities, emotional disturbance, and mental retardation.

The evaluator made personal visits to six schools in three counties, conferring with school officials, three of the state coordinators, and members of three Community Indian Education Committees.

A number of concerns not broached by the evaluative questionnaire are of crucial importance. One of these, the issue of Indian control of Johnson-O'Malley funds, was discussed with school administrators, coordinators, and Indian committee members. Their reactions were interestingly mixed. One administrator and one coordinator were enthusiastically in favor of them and had ideas for their effective use. Two administrators had positive attitudes. Two administrators and one coordinator were non-committal, and one administrator and one coordinator expressed some apprehension about problems that might be encountered. The committee members did not seem to have strong feelings about their role.

The Indian Education Committees are more than advisory; they are vested with veto powers over proposed projects. School administrators and elected school boards are likely to see this as a threat to their professional function and to their general control of school funds. Indian committee members, on the other hand, may wonder what lies behind their sudden elevation to decision-making status. The present situation could lead to unnecessary conflict and inaction. One result of such an impasse would be the failure to have any program at all.



This evaluator suggests that more important at this point than Indian power and control is the active involvement of Indian parents in the life of the school on a broader front. At present this does not exist. Indian parents tend to be alienated from the schools that serve their children. They do not understand them as well as they must. On the other hand the schools do not appear to be making a sufficient effort to understand the attitudes and aspirations of Indian parents. What they construe as disinterest in the education of their children is more often diffidence, shyness, and uncertainty. The evaluator believes that the schools must take the initiative in drawing Indian parents into participatory roles in the school. Once this happens, Indian decision-making will follow naturally.

The evaluator sees the coordinators employed by the State Department of Education as being key persons in this effort. Now performing rather routine liaison and record keeping functions, they should serve as catalytic agents between the school and the Indian community. The role would be demanding and would call for unusual talents and abilities. Indian Education Committee members and Indian teacher aides could also play most significant roles in drawing the school and the Indian community together.

Indian involvement will not wipe out the educational deficit of Indian pupils overnight but in the long run it will pay off in greater educational attainment.

APPENDIX B  
RESULTS OF THE CHILOCCO INCIDENT  
TEAM INVESTIGATION  
November 16, 1971



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

ANADARKO AREA OFFICE

P. O. Box 368

Anadarko, Oklahoma 73005

IN REPLY REFER TO:

Education

November 16, 1971

## Memorandum

To: Area Director

From: Area Fact-Finding Team

Subject: Results of Chilocco Incident Investigation by Team

On November 11, 1971, at the request of Mr. Sidney Carney, Anadarko Area Director, a fact-finding team visited the campus of Chilocco Indian School. The teams purpose was to investigate the cause and effect of a fighting incident which took place the evening of November 8, 1971.

In order to gain a rounded viewpoint of the incident, the team decided to interview as many employees and students as they possibly could. Some of the interviewees were more directly involved than others, and most of these were requested to come and make a statement before the team. However, many of the students who were first-hand participants in the incident were not available for interviewing. This was due to their dismissal from school in the interim between Monday, the day the incident occurred, and Thursday, the day of the team's investigation. None the less, the team was satisfied by Friday, November 12, 1971, that enough witnesses, students included, had been interviewed to give a valid explanation of the incident as it happened Monday evening.

Those officially interviewed were: Daniel Sahmaunt, Superintendent; Dee Gregory, Supervisory Education Specialist; Carriasco McGilbra, Supv. Instructional Aid; Charles Black, Instructional Aid; Norman Thornton, Instructional Aid; Nancy Lambert, Supv. Instructional Aid; Melva Anquoe, Education Specialist; Dorothy Crawford, Supv. Instructional Aid; Doyle Presley, Supv. Education Specialist; and Lena Beard and Kay Yellowbear, students. There were others that members of the team talked to informally.

After hearing the individual explanations of what occurred Monday evening, the team has attempted to piece together the incident. It would appear to have happened somewhat like the following: The immediate impetus for the fight actually began Sunday night.

A female student from Wyoming and another from Oklahoma were involved in an altercation which added to hard feelings between the two girls and, more importantly, other students who represent their respective home areas.

During the school day on Monday, an impending fight between two female students was the talk of the campus. The rumor was that two girls were to fight in the vicinity of Home Six after the supper meal. This was known to employees and students alike.

About 6 p.m. students began to gather in groups around the student canteen. In respect to the rumor of the day and the actions of the students at that moment, the employee staff decided to move the students inside their dorms (this would mean the students would be off the campus an hour earlier than usual). As many of the students were living in Home Six (a girls' dorm) and the Boys' Dorm, many of the students moved to the south.

At that moment, about 6:15 p.m., a fight between Marian Ware and Kay Yellowbear began to the west of Home Six. Immediately, a crowd of students formed a circle around them locking arms. This circle was estimated to be six people deep while the crowd in the area between 100-200 people.

Mr. Doyle Presley and Mr. Carriasco McGilbra had been notified minutes before of the immediateness of a fight and came on the scene as the fight began. Both men worked to get to the girl combatants. Due to the density of the "circle" and the efforts of students to keep them out, the two men had a difficult time getting in to the girls fighting. After reaching the girls, Mr. Presley grabbed Marian Ware, while Mr. McGilbra was able to get hold of Kay Yellowbear. Mr. Presley asked Mr. McGilbra to take Miss Yellowbear out of the circle of students, he would do the same with Miss Ware. This, Mr. Presley hoped, would isolate the fighting.

Mr. McGilbra had little trouble moving Miss Yellowbear to a Government vehicle. However, Mr. Presley was having difficulty due to friends of Miss Ware grabbing her by her other arm and pulling against Mr. Presley. Still, Mr. Presley persisted. He felt it necessary to get Miss Ware away from the scene. In his efforts to make way through the crowd, he was using his left hand, which held a flashlight, to make room to get away. Unfortunately, the flashlight accidentally struck another student in the nose, (the student was Cynthia Deer) breaking it.

At this point the crowd of students around Mr. Presley and the student he had hold of went berserk. Many of the students surmised

Mr. Presley had struck the girl with malice, whereupon another female student struck Mr. Presley on the back of the head with a small chain knocking his hat off. A male student hit Mr. Presley in the mouth (Mr. Presley suffered a bump on the head, which may have been caused by the chain, and a broken bridge in his mouth. Also, his glasses were broken). Mr. Presley fell to the ground, letting loose of Miss Ware. He managed to get up rather quickly while students were kicking him and made his way out of the crowd.

At this point, many things seemed to happen at the same time. Mr. Presley was met by Mr. Sahmaunt who asked Mr. Presley to leave the scene for fear his presence would only prolong the fighting. Mr. Presley did leave the scene and the campus for the night. Mr. Sahmaunt went into Home Six to call the County Police, but found the phone would not work. He left Home Six and walked to the Administration Building to make the call.

Some of the students decided Mr. Presley must be in the Administration Building and rushed to that building and began stoning it. The stoning lasted for only a moment, but most of the windows on the east side of the building were broken.

Soon, after, the county authorities were on the campus and calm was, somewhat, restored. There were some threats made to stone the Student Canteen and pillage Mr. Presley's resident but this did not occur.

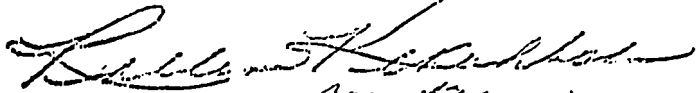
Injuries suffered by the students outside of the broken nose were bruises and sprains. No other employees were injured outside of Mr. Presley.

#### Conclusions -

It is the team's belief that Mr. Presley's actions the evening of November 8, 1971, were in keeping with the prescribed duties of his position. Although, a student was injured by Mr. Presley, the team believes it occurred accidentally and under the most trying of circumstances.

The team would suggest that efforts be made by Chilocco Indian School to offset student ennui by providing a more dynamic student activities program. The team believes the lack of recreational activities on the Chilocco campus may be a lending force to student unrest and misbehavior.

Finally, although no educational institution desires or expects mob violence from its student body, the team suggests a plan of action that could be followed in the event such violence occurs. This, the team believes, might help negate the extent of such activity.



Rollin Kekahua, Education Specialist  
Jerome Campbell, Area Safety engineer  
Martha Kidwell, Area Placement Officer



IN REPLY REFER TO:

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

ANADARKO AREA OFFICE

P. O. Box 368

Anadarko, Oklahoma · 73005

November 22, 1971

Memorandum:

To: Area Director

From: Rollin Kekahbah, Anadarko Area Office Representative

Subject: Chronology of Events at Chilocco School

As regards Anadarko Area Office representation at Chilocco Indian School after fighting incident November 8, 1971, events occurred in this sequence:

1. 7:30 a.m. - November 9, 1971 - A.A.O. representative was informed of incident at Chilocco and was asked to visit Chilocco to represent A.A.O. in the matter. Representative departed for Chilocco at 8:30 a.m.
2. 11:30 a.m. - November 9, 1971 - Representative arrived on Chilocco campus and visited School Superintendent for orientation of the incident and significant happenings that followed.
3. 2:15 p.m. - November 9, 1971 - Representative attended a Department Head meeting called by Superintendent for purposes of making suggestions toward answering student demands made on school.
4. 3:00 p.m. - November 9, 1971 - Representative attended a school assembly which was called for purposes of giving interested students an opportunity to disclose their dissatisfaction with incident and other matters. No concessions were asked for by students in attendance; none were made by school.
5. 8:30 p.m. - November 9, 1971 - Representative visited campus to determine extent of student threats to commit violence. No violence occurred.
6. 8:00 a.m. - November 10, 1971 - Representative consulted with Superintendent.
7. 10:30 a.m. - November 10, 1971 - Representative attended a meeting of the Advisory School Board which was called together by the Superintendent. The day was spent investigating the incident as

.it could be deduced by questioning students and staff.

8. .11:00 a.m. - November 11, 1971 - Other members of assigned Area fact-finding team arrived on campus and investigation of incident began through questioning students and staff.
9. 8:00 a.m. - November 12, 1971 - Team continued investigation until late afternoon.
10. 3:30 p.m. - November 12, 1971 - Team met with Superintendent to discuss findings and possible recommendations to be made.



Rollin Kekahbah  
Education Specialist



APPENDIX C

FEDERAL POLICY OF INDIAN PREFERENCE

IN EMPLOYMENT

U.S. COMMISSION ON CIVIL RIGHTS

November 1972

FEDERAL POLICY OF INDIAN PREFERENCE IN EMPLOYMENT

The Policy

The precedent for giving preferential treatment to Indians in employment in specified Federal job categories was established early in the Nation's history. In 1834, the Congress declared that: "In all cases of appointment of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties."<sup>1/</sup>

Over the next 100 years, other statutes affirmed the principle of granting an Indian preference in certain specified employment situations.<sup>2/</sup> The most recent and specific restatement of the Federal policy of Indian preference in hiring is embodied in the Indian Reorganization Act of 1934 (also called the Wheeler-Howard Act). Section 12 of that Act, referring to employment within the Bureau of Indian Affairs, provides:

Standards for Indians Appointed to Indian Office. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge and ability for Indians who may be appointed, without regard to civil service laws, to various positions maintained now or hereafter by the Indian Office in the administration of functions or services affecting

any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such position. <sup>3/</sup>

As stated by one of the chief architects of this legislation, its purpose is "to make the Indians the principle agents in their own economic and racial salvation . . . ." <sup>4/</sup>

#### Application of the Policy

As interpreted by administrative regulation, the policy of Indian preference is applicable to employment in the Bureau of Indian Affairs and in the Indian Health Service which in 1955 was severed from the BIA and established as part of the Public Health Service of the Department of Health, Education and Welfare. <sup>5/</sup> The policy works to the benefit of an Indian candidate who establishes "proof that he is one fourth or more Indian and meets the minimum qualifications for the position to be filled." <sup>6/</sup>

Until very recently, the BIA interpreted the preference policy to apply only in instances of initial employment, re-employment and reduction-in-force. <sup>7/</sup> As a result of recent litigation, <sup>8/</sup> the reduction-in-force preference applies only when Indians and non-Indians are in the same retention sub-groups.

Adopting a more liberal interpretation, the IHS operating under the same preference law administratively extended its preference in 1970 to cover "service placements appointments and reappointments<sup>9/</sup>, training, career development and promotion." Thus, until June 1 of this year, the BIA and IHS held different views on the application of the preference to promotions and training, the BIA denying applicability in both instances. But responding to the IHS precedent and pressure from various Indian tribes, the Secretary of Interior reversed his position so that now in the BIA and IHS, the policy of Indian preference applies to instances of initial appointments, promotions, reappointments, training and reductions-in-force.

Despite this recent liberalizing administrative interpretation by the BIA, application of the Indian preference policy is not absolute or inflexible. The BIA policy statement drafted by Commissioner Bruce and approved by the Solicitor and the Secretary of the Interior clearly states that:

It will not always be possible to fill an existing vacancy with an Indian . . . Superior qualifications on the part of a non-preference candidate may in some instances constitute adequate justification for passing over an Indian preference candidate. The Commissioner of Indian

Affairs may grant exceptions to the policy when he considers it in the best interest of the Bureau to do so.<sup>10/</sup>

This same policy statement places direct responsibility for the application of the preference on "every Bureau official and appointing officer." In stressing the importance of this responsibility, the policy statement goes on to state that the Bureau "has neither the intention nor the capability to inquire into the filling of every vacancy by a non-preference candidate to assure itself that the Indian preference policy has been fully observed."

With only the general policy statement for guidance in the absence of yet-to-be issued interpretive instructions to BIA staff, the impact of the Secretary's reinterpretation cannot be assessed. BIA administrative instructions are being drafted to implement the new policy and will be presented to the Commission for comment before release.

#### Indian Preference and Civil Rights Laws

It is clear that the Indian preference policy is a specific exception to normal civil service procedures. This exception, however, has the full backing of the Commissioner of the Civil Service and is supported by both administrative rulings and case law.<sup>11/</sup> What may be less certain is whether the statutes

embodying the Indian preference policy are a constitutional deviation from the Federal and national policy of equal employment opportunity without regard to race.

Earlier this year, four non-preference candidates, all non-Indian BIA employees, filed a civil action against Secretary Morton, Commissioner Bruce and others to enjoin the application of the Indian preference policy. <sup>12/</sup> They alleged that its application to them and other employees similarly situated would constitute a denial by the Federal Government of employment opportunities because of race.

The drafters of the Civil Rights Act of 1964 were careful to exclude from the applicability of its provisions the United States Government and Indian Tribes. Title VII of the Act (42 U.S.C. § 2000 e, et. seq.) which generally prohibits racial discrimination by employers is specific in its exception. Section 701(b) provides that "The term 'Employer' . . . does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian Tribe. . . ." Thus, it would not appear to be applicable to the Indian preference policy of the U. S. Government.

The issue of exemption would appear settled were this the only legislation in the field. However, this year the Congress enacted the Equal Employment Opportunity Act of 1972.<sup>14/</sup> Section 11 thereof amended the 1964 Civil Rights act by adding thereto Section 717. This section makes the provisions of Title VII specifically applicable in pertinent part to agencies of the Federal Government including the Interior Department and the Department of Health, Education and Welfare. Section 11 does not specifically exempt the BIA or the IHS from its provisions. On the other hand, the Congress did not expressly repeal the Indian preference statutes as it well might have.

The current litigation is based upon the possible interpretation of the EEO Act of 1972 which is so drafted as to leave ambiguous the specific intent of Congress. While the matter is before the courts both the BIA and IHS continue to apply the Federal policy of Indian preference and draft regulations for its implementation.

FOOTNOTES

- 1/ 25 U.S.C. 45 (Act of June 30, 1834, 4 Stat. 737).
- 2/ 25 U.S.C. 46 provides a preference for "clerical, mechanical and other help on reservations and about agencies." (Act of May 17, 1882, 22 Stat. 88 as amended by Act of July 4, 1884, 23 Stat. 97).  
  
Also 25 U.S.C. 44 provides for preference in hiring "herders, teamsters and laborers and . . . in all other employment in the agencies and the Indian service."
- 3/ 25 U.S.C. 742, 49 Stat. 985, 986,
- 4/ Hearing on S. 2755 before Senate Committee on Indian Affairs, 73d Congress, 2d Sess., p. 1.
- 5/ Approximately 99.5% of all Federal positions are not covered by the Indian preference policy.
- 6/ 44 BIAM 302.1. This is the BIA's administrative regulation which, in addition, defines limited exclusions.
- 7/ 44 BIAM 713.
- 8/ Mescalero Apache Tribe v. Hickel, 432F 2d 956.
- 9/ IHS policy statement of May 26, 1970 on its Equal Employment Opportunity program.
- 10/ See memorandum of May 26, 1972 from the Assistant Secretary-Management and Budget to the Secretary of the Interior recommending the approval of the quoted policy statement. The memorandum contains Secretary Morton's approval of June 22, 1972.
- 11/ For a general treatment, see F. Browning Pipestem, Indian Preference: A Preference to Conduct Self-Government, an undated paper prepared for the Commissioner of Indian Affairs, p. 9.
- 12/ Mancari v. Morton, C.A. No. 9626 in the U. S. Dist. Ct. for the District of New Mexico.



13/ The framers of the 1964 Civil Rights were very careful not to impair the relationship between Indians and the Federal Government. Sec. 2003-2(i) exempts private employers "on or near Indian reservations" from the prohibitions of the Act, and Federal funds spent specifically for Indians were omitted from coverage of Title VI.

14/ Act of March 24, 1972, P.L. 92-261, 86 Stat. 103.

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