

The Indian Education Act of 1972

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The passing of the Indian Education Act in 1972 ushered in a new era of reconciliation between the U.S. Government and Native Americans. For centuries prior to the Act, Native Americans suffered from depredations ranging from simple neglect to concerted acts of persecution. First introduced on February 25, 1971 and finally adopted by Congress on June 23, 1972, the Indian Education Act promised to provide adequate and appropriate educational services for Native Americans. By guaranteeing future generations of Native Americans the tools necessary to compete in modern society without necessitating the abandonment of native culture and practices, the Act represented a major initiative towards rectifying the cataclysmic effects from centuries of mistreatment and abuse.

Historically, Native Americans occupied a unique position within the American demographic, living both as full-fledged American citizens as well as semi-autonomous peoples subject to treaties and special acts of Congress (OE, 1979, p.32). The Civilization Acts of 1802 and 1819 ensured the unique status of Native Americans as exempt from Federal taxation as well as most laws governing Americans while providing for special dispensations to be used for social and welfare programs. The Civilization Acts applied to all Native Americans, but many tribes also enjoyed the benefits of special treaties signed with the United States Government. The Federal Government ceased signing treaties with Native American tribes in 1871, but by this point the special status and rights of Native Americans were well-established through the general Civilization Acts and the specific treaties already established. Even after the close of the treaty era and nearly a century following the Civilization acts, Native Americans maintained their unique position in American society. In 1884, a Federal court upheld and reaffirmed the special

status of Native Americans by ruling that they “were not included by Federal legislation unless expressly included.” (OE, 1979, p.22).

Although Native Americans bore special status dating back to the early nineteenth century, they also enjoyed the benefits of United States citizenship. In 1919 Congress granted citizenship to all Native Americans who served in the military during World War I, and in 1924 the Indian Citizenship Act conferred the title upon all Native Americans. The dual status of Native Americans as both a special people living within U.S. borders as well as full United States citizens sparked much debate regarding the disbursement of government services. While some argued that the newly claimed citizenship annulled the unique privileges granted in the previous century, others maintained that the Civilization Acts and the 1884 ruling still provided Native Americans the rights to special status and privileges.

The ambiguous status of Native Americans resulted in a history of inconsistent and often contradictory forms of educational services provided by the United States Government. Following the passing of the Civilization Acts, Native Americans were allotted small sums of money to provide for education, but these amounts did not allow for extensive programs. Similarly, many treaties that promised education in exchange for land cessions only provided services for a specific period of time, which often expired after ten or twenty years. As a semi-autonomous people, Native Americans often found themselves left to provide for their own education without adequate federal support. As citizens, Native Americans found themselves at other points in history subject to the same ideals of assimilation and the “melting pot” society. In her history of Native American education, Margaret Szaz recounts that from the late 1800s through the first quarter of the

20th century “the federal government pursued a policy of total assimilation of the American Indian into the mainstream society.” (p.11). Educational programs during this period sought to reorient the students’ entire “system of values” and to replace their native culture and knowledge with Western values and skills.

The acculturation process was primarily accomplished through boarding schools, which removed students from their home environments and immersed them in “American” culture. In his book “Education for Extinction,” David Adams extensively chronicles the education practices implemented during this period, as well as the lasting damage inflicted through such policies. Adams describes in detail the scene when young students returned to their reservations. He writes: “It was at homecoming that parents and children first realized the cultural chasm that now separated them.” (Adams, p.277). Adams recounts the profound failure of the assimilation program, as Native Americans proved to be “anything but passive recipients of the curriculum of civilization.” (p.336). The resulting rift produced a generation of Native Americans no longer rooted in their native traditions, but similarly uncomfortable acting as fully assimilated members of American society.

The failure of the assimilation movement in Native American education gained national attention in 1928 when the Institute for Government Research (later to become the Brookings Institute) published the results of a lengthy study in a document titled “The Problem of Indian Administration.” The report, popularly known as the “Meriam Report” after study director Lewis Meriam, revealed the deplorable state of Native American education and other social services. Jon Reyner and Jeanne Eder relate in their history of American Indian education that “the report condemned the allotment policy and the poor

quality of services provided by the Department of the Interior's Indian Office.” (Reyner and Eder, 2004, p.207). In addition to highlighting the squalor and severe underfunding of many Native American schools and institutions, the report found that Indians were almost always excluded from the management of their own affairs. As a remedy, the report suggested that Native Americans would benefit from increased freedom to manage their own social services and education systems.

The next forty years saw contradictory ideas and theories all jostling for influence upon the Native American schooling system. John Dewey and the Progressive education movement initiated an incorporation of native knowledge and habits within the classroom, while proponents of Western acculturation redoubled with a renewed effort following World War II, declaring a need “to train young Indians for urban life where they would be assimilated into mainstream society.” (Szaz, 1974, p.106). The dual nature of the Native American as both a unique people and American citizens resulted in the lack of a coherent educational policy, and caused much vacillation between the impulses to drag young students into the Western world and the promotion of native knowledge and cultural practices. The compounded effects of an incoherent educational policy resulted in a near-complete failure of the Native American educational system. A 1969 report, issued by a Senate committee report revealed that “the two major findings of the Meriam Report remain just as valid today as they were more than forty years ago.” (Office of Education, 1979, p.9). Almost a half century after the Meriam report, the state of Native American education seemed as bad as ever.

The situation at the time of the Senate Committee report was indeed dire. The committee found, among other indicators, that the unemployment rate among Indians was

nearly ten times the national average and that the average income dipped seventy-five percent below the national average. The report found severe shortcomings within the Native American educational system, citing the facts that dropout rates were twice the national average with some districts approaching a rate of one-hundred percent, and that achievement levels of Indian students tended to be two or three years below those of their white peers. (Office of Education, 1979, p.10). Additional studies from the same period painted a similarly bleak picture. In 1970, the average education level for all Indians hovered just over eight years with only thirty-six percent of Indian heads of households completing grade school. (DHEW, 1976, p.1). Another study found that among the Navajo, the largest Indian tribe, the illiteracy rate exceeded ninety percent. (DHEW 1975, p.1).

The dire situation necessitated a dramatic reorientation of Native American education policy. The Senate Committee Report (ominously titled “Indian Education – A National Tragedy, A National Challenge”) resulted in the drafting of the Indian Education Act, which would soon introduce sweeping reforms to the structure of Native American education. Once again, the Native Americans’ dual nature as both citizens and a unique people influenced the nature of the reforms. An informational publication printed by the Department of Education highlighted the fact that while the Elementary and Secondary Education Act of 1965 provided important services to Native Americans as well as all other American citizens, “more specific legislation was needed to focus on the special educational needs of Indian students.” (DOE, 1980, p.2).

The general goal of the Indian Education Act “was to give all Native American students equal educational opportunity.” (DHEW, 1976, p.5). The Act consisted of five

distinct parts designed to achieve this end. Part A provided grants to both Local Education Authorities and tribal schools on a per-pupil basis in order to provide for “developing curriculums dealing with tribal culture ... making available teaching aides ... hiring tutors and sponsoring special activities such as field trips.” (DOE, 1980, p.2). These grants represented special, additional funding beyond the standard allotments to all school districts. Part B provided discretionary grants for special projects by tribal authorities, organizations and state and local education agencies. These more broad-based projects included teacher training, early childhood programs and a wide array of education-oriented services. (DHEW, 1976, p.6). Part C provided for adult education programs, while Part D established the Office of Indian Education, to be overseen by the U.S. Office of Education.

Throughout the course of the 1970s, the Indian Education Act underwent two amendments intended to broaden the scope of the Act and improve its effectiveness. The Educational Amendment of 1974 added two sections to Part B to provide the authority to fund special teacher education programs and issue fellowships to Native American students in graduate and professional programs. The numerous amendments adopted in 1978 authorized an even wider range of activities and funding possibilities within Parts A and B of the Act.

The most important feature of the Indian Education Act of 1972 was that the legislation deliberately avoided the imposition of a particular education agenda upon the Native Americans. The Act required the active participation of Native Americans in the management of their own education system. The Act specified that “all projects funded under the legislation must be developed and conducted with the cooperation of tribes,

parents and students so that the Indian future in education can be determined in full conjunction with Indian desires and decisions.” (DHEW, 1976, p.8). Throughout all the decades of deliberation and discussion, the only people who didn’t have a say were the Native Americans themselves. By requiring the active participation of Native Americans in the management of their own education policies, the Indian Education Act sought to remedy this shortcoming of prior generations.

The Indian Education Act introduced dramatic and immediate changes to the nature of Native American education. Funds first reached schools in the academic year of 1973-1974. The 1973 contribution per child under Part A amounted to eighty-one dollars, and the resulting grants reached fifty-nine percent of Native American students. By 1980 the numbers rose to one hundred and thirty-four dollars per child reaching eighty percent of students. (DOE, 1980, p.6). A Report of Progress issued after the second year of the program found that the Act provided a total of nearly forty million dollars through Parts A, B, and C. During these two years, eleven states more than doubled their enrollment of Native American students. In the dramatic cases of Alabama and Louisiana, the two states increased their enrollment of Native American students sixteen fold and twenty fold, respectively. (DOHEAE, 1975, pp. 13-15). Most importantly, the Indian Education Act sought to realize some reconciliation of the Native Americans’ dual existence as both a semi-autonomous people and American citizens. By providing an increased degree of self-determination and special funding within the rubric of the national education system, the Native Americans no longer found themselves compelled to decide between their people and their country.

Although the Indian Education Act dramatically altered the nature of Native American education, much work remains to be accomplished. One generation on the right of repair cannot undo the effects from centuries of mistreatment. In 1998, President Bill Clinton signed Executive Order 13096, which “stipulates that the federal government is committed to improving the academic performance and reducing the dropout rate of American Indian and Alaska Native students.” (DOE, 1998, p.2). The Executive Order illustrates the fact that many of the same educational shortcomings and resulting social ills persist in contemporary times. The battle is not yet won, but the Indian Education Act still stands as an important first step in the right direction.

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