June 1973 / Why Meat Prices Are Rising; Ruchell Magee; The New Indian War; Chile's Agrarian Revolution / $1

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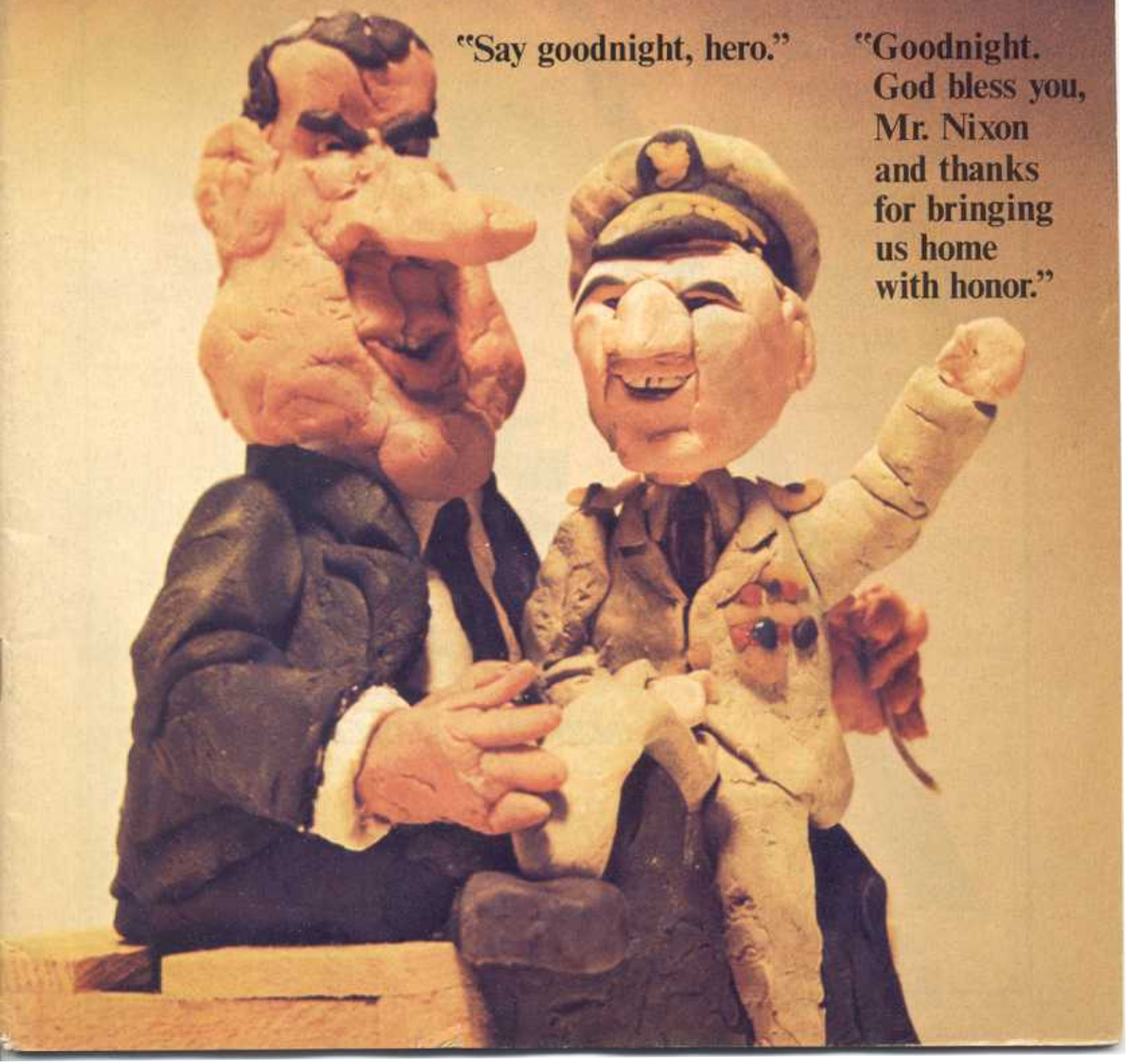

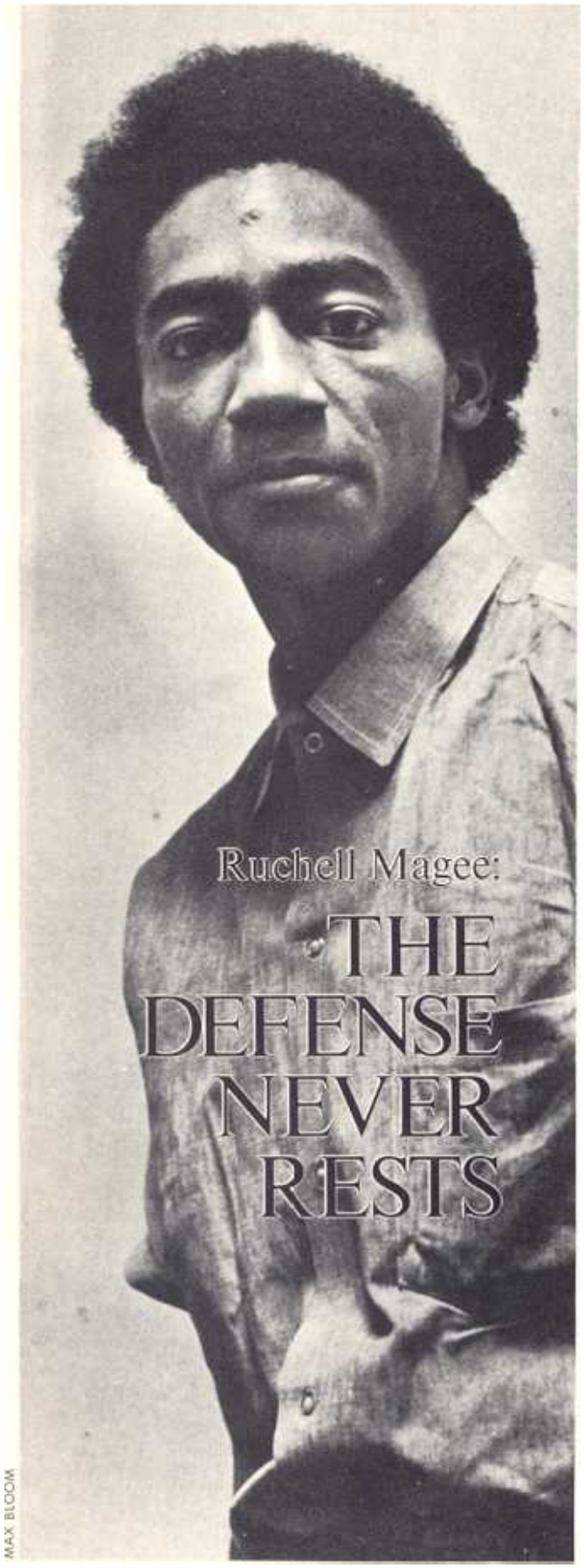

"This is one of the reasons I fight so hard and will continue to fight with the belief I've always had. I believe one man, one man can make a difference if he's sincere." —Ruchell Magee

Only one convict lived through the shoot-out following the dramatic prison outbreak at the Marin County Courthouse on August 7, 1970. Although Ruchell Magee recovered from the gunshot wounds, he was given little chance of surviving the trial that awaited him. Following the acquittal of his celebrated co-defendant Angela Davis, he alone was left to bear responsibility for the incident, in the course of which Jonathan Jackson, two black convicts, and a judge were killed, a district attorney paralyzed, and an entire nation stunned.

The trial of Ruchell Magee developed into one of the most peculiar and expensive proceedings in California's history. In the beginning it seemed to have all the elements of an easy prosecution victory. The defendant was black, an admitted participant in the jailbreak, obdurate in his courtroom defiance; he had been convicted of attempted aggravated rape and kidnapping, and was serving a life-term even before becoming involved in the chain of events leading to the murder of Judge Harold Haley, with which he was now charged. A special environment was created that served as a constant reminder to all concerned that this case involved "dangerous criminal elements." A $15,000 bullet proof window was specially installed in the courtroom, and every day a phalanx of tactical police armed with automatic weapons showed up to look down on those observers who passed the skin search administered at the door.

After hearing over 11 weeks of testimony, the jury reached what the local press described as "a million dollar deadlock": eleven to one for acquittal on the murder count, and eleven to one for conviction on the offense of simple kidnap. Had the juror who held out for acquittal on all counts changed his vote to guilty on simple kidnap, all 12 jurors would have found Magee innocent of murder. But that one juror refused to compromise.

It was a startling victory, and no small share of credit goes to a brilliant team of defense lawyers which included Los Angeles criminal attorney Ernest Graves, who represented Magee from May 1971 to March 1972; former Novato (Calif.) mayor Robert Carrow, chief counsel; and former U.S. Attorney General Ramsey Clark who joined as associate counsel during the last month of the trial. Sherlock Holmes fashion, they destroyed the murder charge by exhuming the body of the dead judge, calling in renowned pathologists from Vienna and Baltimore to conduct a second autopsy, and proving conclusively that Haley had been killed, not by the shotgun allegedly triggered by Magee, but by a prior gunshot wound in the chest. Likewise, they disposed of the kidnap-for-extortion count with the aid of Dr. Kenneth Clark, noted black psychologist and

Alexandra Close, a San Francisco Bay Area writer, has covered the Ruchell Magee case for two-and-a-half years.

by Alexandra Close

author of *Dark Ghetto*. He and others argued that Magee—in his quest for freedom—lacked the capacity to form the *intent* to commit that crime, and the law requires such specific intent. All 12 jurors, it was later found, believed this argument.

Throughout the proceedings, Magee refused to allow himself to become the symbolic defendant. The trial, in its early stages, moved forward over his objections. It was a contest of lawyers around a judge, superimposed, as it were, on Magee's own legal battle. That struggle had surfaced during the two-and-a-half years of pre-trial hearings. It was the struggle of the "everyman convict"—as Magee saw himself—in solidarity with thousands of lone prisoners who had no access to law, lawyers, or outside support. It was a fight in which the events of August 7 and indeed the trial itself were mere episodes.

Refusing from the first to play the role of martyr, Ruchell Magee confounded every expectation and emerged as one of the most remarkable courtroom figures in American legal history.

Ruchell Magee was born in March, 1939, in a small town ten miles outside of Bogalusa, Lousiana—a notorious Ku Klux Klan stronghold. An only child, he never got past the 7th grade of a training school; and he was in trouble with the law before he reached the age of 14. At 16, an all white male jury convicted Magee of "attempted aggravated rape" of a white woman with whom he had been living for six months. Magee was sentenced to Angola State Penitentiary for 12 years. At the time of his admission, he weighed 96 pounds and was the youngest inmate of a prison with a national reputation for its primitive conditions. The warden decided to let him spend his first six months in solitary confinement for his own protection. Six years and eight months later, he was paroled, still maintaining his innocence, on the condition that he leave Louisiana. He moved in with relatives in Los Angeles and began a life on the "outside" that lasted less than six months.

On March 23, 1963, sheriffs deputies arrested Magee and his cousin Leroy Stewart for allegedly forcing their way into a man's car and stealing $10 from him. They were charged with robbery and kidnapping with intent to rob but Magee says that it was trumped up by the alleged victim, a certain Ben Howard Brown, as part of a three-week-old feud over a prostitute. The arresting officers beat him so severely that he was hospitalized for five days. Magee claims they had to get a conviction to prevent him from suing them.

The subsequent trial resulted in a life term for Magee and it became a focal point for his existence from then on. It is, in fact, impossible to fathom the recent Magee case without first understanding his view of the earlier one and its aftermath, for the two are inseparably linked.

At the trial, the prosecution countered Magee's story by playing a taped confession from Stewart produced by the police. Magee alone attempted to discredit it—for which he was removed from the court. Stewart's attorney used the confession in his final argument as proof that Stewart was an honest guy and should therefore be acquitted on a separate robbery charge where he claimed his innocence.

After three hours deliberation, the jury found Magee and Stewart guilty of all charges. Magee, as a prior felon convicted of kidnapping, was sentenced to prison for life.

Magee began serving that sentence with one thought in mind: to prove that the police, working in concert with the court, had framed him to protect themselves—through Stewart's confession, his lawyer's closing argument, and the willful failure of Magee's attorney to produce hospital records of the beating as part of his defense. He believed that

WIDE WORLD

Magee demands his case be moved to Federal Court, his attorney be disqualified, and he be allowed to defend himself, and then moves to disqualify judge for denying his removal rights. Ernest Graves (right) was Magee's court-appointed attorney from May 1971 to March 1972.

the evidence he needed could be found in the trial record, particularly in the closing arguments and the sentencing, at which point he had raised the issue of the hospital records. But when Magee got his copy of the transcript as part of his automatic appeal, it excluded precisely those portions.

Under normal appeal procedures, the court provides a full transcript on the defendant's specific request. Magee immediately set out to get the excluded portions. But his efforts (personal letters, money orders, legal notices) were in vain—at one point the court reporter informed him that the portions he sought were "not for sale." Meanwhile, Magee's court-appointed attorney—too busy to answer his letters—submitted his own appeal, citing a technical error by the judge. Convinced he would win his freedom only if the full transcript were produced, Magee moved to drop the appeal. In response, the Court of Appeals notified him that his conviction had been reversed on the grounds cited by his attorney and that he would be tried again as if the 1963 trial had never happened. Though it appeared that the court had ruled in his favor, it had actually wiped out his chances of overturning the conviction on grounds of fraud.

To Magee, the new trial was merely a sham to cover up the errors of the first one. When asked to plead, he accused the court of subjecting him to double jeopardy. His intransigence won little sympathy from Judge Herbert Walker (the same man who had tried the case in 1963) and Magee soon found himself represented by a new court-appointed lawyer (his fourth) who pled him, over his protest, not guilty by reason of insanity. This time, no witnesses were called and no evidence subpoenaed in his defense. When Magee objected to the proceedings, he was gagged and beaten by bailiffs. Once again, he was convicted and sentenced to life imprisonment.

For Magee, the only way to reverse the new conviction was to prove the illegality of the 1963 trial, and then demonstrate that the whole appellate process had been deliberately rigged to keep him from exposing how he had been framed. So he again demanded a complete transcript of the 1963 proceedings, but to no avail: in light of the reversal and retrial, the old transcript was considered irrelevant.

A frustrated Ruchell Magee waived his right to a new appeal in a handwritten message. Unlike his other motions, this one was accepted—even though it was submitted by a man deemed incompetent to waive his right to counsel during his trial, let alone enter his own plea.

Magee returned to the obscurity of prison convinced he was the victim of injustice perpetrated by the very people who were supposed to defend his interests. The transcript of the 1963 trial, he believed, would vindicate him, but for all practical purposes that transcript no longer existed. Convinced that he could trust only himself to safeguard his welfare, he plunged himself into a full-time effort to acquire a working knowledge of the law.

It became an obsession: the technicalities of the law, its substance, its relevance to him and, above all, to his fellow inmates whom he came to see as modern slaves. Over the next eight years he prepared more than 1400 legal briefs intended to bring his and other inmates' grievances before the courts. But he himself did not appear in court again until August 7, 1970, and then not on his own behalf but as a witness in support of a convict named James McClain.

McClain was charged with assaulting a prison guard, and he had chosen to defend himself rather than accept a court-appointed attorney. Magee and another convict, William Christmas, were present to testify about the circumstances surrounding the incident. (The charge, they said, grew out of the prison's effort to crush agitation against the tear-gas slaying of a mentally disturbed inmate in February 1970.) All three were taking substantial risks: McClain by relying on himself for legal representation; and Magee and Christmas by defending him against the testimony of prison guards, a choice which would undoubtedly earn them bad conduct reports when they next came up for parole hearing.

In the midst of the hearing, Jonathan Jackson rose from the audience and pulled out his guns. Magee faced a simple choice at this point: do something or do nothing. Other prisoners in the holding cell outside the courtroom chose to stay; Magee grabbed the gun and went. From the beginning, he contends, he was doing more than busting out of confinement: he had rebelled. Having failed to gain access to the courts to overturn what he saw as eight years of illegal confinement, he had no real alternative.

Magee moves to disqualify attorneys Robert Bell and Robert Carrow to act as own counsel. They withdraw in March 1971, supporting Magee's right to defend himself. Carrow (right) returns as court-appointed attorney for the trial.

When Magee was indicted for the August 7 incident, most assumed his primary concern would be to avoid the gas chamber, but he in fact saw this as his long-sought chance to expose in the courts the wrongs which had been gnawing at him for years. Once again he began by trying to bring the trial record of the 1963 trial before the court. "Let's subpoena the evidence," he told the court, "such as records of Magee's trial in Los Angeles, and see if there is fraud in there, or has Mr. Magee for eight years just been popping off at the lip, saying he is convicted on fraud." This record, he claimed, would tell the real story—not only what had been done to him, but how he had been prevented, year after year, from telling it. "For eight years, I have been held by fraudulent prepared transcripts ... knowingly used ... on appeal proceedings over my objections, and over my motion to dismiss appeal because I was denied the right to have a record, beaten by police in presence of their proud judge, for attempting to enforce rights ... For eight years I have been trying to get in the position that I'm in right now where someone could hear me, and now that I'm here, and there is people here in this court room, in their presence, I'm requesting the court to hold an evidentiary hearing ... and I says, if I don't prove with evidence and facts that I'm illegally enslaved on known fraud, I'm going to save the County of Marin some money. I'm going to plead guilty to a crime I didn't commit, or convict myself ..."

Nor would that record merely show the history of one man's abuse by the courts. It would go further, he emphasized, and show a corruption so systematic and pervasive that it signified an overall collapse of the rule of law itself. "I am going to show you and prove to you that the entire state of California judicial system ... don't care nothing about the little man's rights; they only concern is to commit crime after crime, commit fraud to hide fraud. A life don't mean nothing to them ... It's not just Magee but any black man that they feel they can get away with, sneak and hide and convict him through fraud and thereafter place fraud records upon him. Then, when he attempts to overcome this, he is overpowered with all types of racist restraints, falsely accused ... you will find you have hundreds of thousands of people illegally held in slavery, in jails, locked up like a dog from your lip service. ..."

This was the thrust of Magee's defense. He denied any guilt in the bloodshed (the prison guards opened fire, he said) and he insisted that his own acts, and those of Christmas and McClain, were the just rebellion of slaves. That insistence formed the cutting edge of Magee's indictment of the judicial system. In this way he hoped to force the courts to acknowledge that prisoners like himself exist in a legal vacuum—without human and constitutional rights—which the courts themselves have helped to create.

Those who understood Magee's defense assumed it would take the technical skill of a Clarence Darrow to carry it off. Magee saw it differently. From the first day in court he insisted that he was the prime mover, not the subject matter, of the defense. For eight years he had acted on the conviction that he could only gain his freedom by, for, and through himself. This conviction had grown into a sacred doctrine of self-help shared with other prisoners, and it was his belief in this principle which had brought him into Judge Haley's courtroom in this first place.

For most observers, especially lawyers, Magee's role as prime mover was incompatible with the conventional role of political defendants as symbols of larger struggles waged outside the courts. In spectacular trials, highly skilled, committed attorneys—in confronting the criminal charges brought by the state—dramatize those struggles, while their clients sit mute. In this view, the courtroom itself figures only as the arena in which certain leaders can be freed from the grip of the state.

From this perspective, Ruchell Magee's pre-trial actions were baffling. Here the chief conflict did not pit defense against prosecution but Magee against the court. Over and over, the court tried to force Magee back into his role as defendant, while his supporters tried to force him back into his role as symbol. Over and over, Magee burst out to be heard as his own counsel and insisted on the crucial importance of the courtroom for the prison struggle as a whole.

Not surprisingly, because the trial fit no conventional images of a political trial, it aroused little public mention, and where it did, Magee was depicted as a nut—an image with which many on the left concurred. Thus, Magee's refusal to accept legal representation was seen as suicidal and then there was his unending barrage of motions. Had they been couched in the polished language of a criminal lawyer, their radical departure from normal pre-trial defense tactics might have prompted legal authorities respectfully to take note. But Magee wrote and spoke as a black man from rural Louisiana, and he addressed a court which thought him so dangerous that he had to be handcuffed and chained, silenced, ignored, threatened with gags and eviction, admonished for "outbursts" if he spoke too loudly or too long. Moreover, he had no access to such simple tools as typewriters, legal paper, carbon, law libraries. In court, he disdained lawyer-like decorum, sometimes rambled, and as a result his every move looked like defiance, making it that much more difficult for observers to take his legal points seriously.

As details of pre-trial hearings began to filter out, Magee's image became fixed in the public eye. In a hearing to determine his competency to waive counsel, he sputtered behind gags of adhesive tape while the prosecutor submitted prison records showing his IQ at 75. Ordered to be silent, he insulted court officials. Asked questions by the court, he stood mute. Time and again evicted from his own hearings, he shouted, yelled, pounded the walls of his holding cell.

All this contrasted sharply with the behavior of his co-defendant Angela Davis, indicted as the registered owner of the guns used on August 7. By the time she first appeared in January 1971, Magee's news value was well-established. Now it grew as reporters relished the difference: on the one hand, the UCLA philosophy teacher who had a good shot at getting off; on the other hand, the semi-literate lifetime convict whose fate was sealed. These flashy contrasts obscured the most significant of all: Angela Davis, acting as co-counsel, scrupulously observing the rules of conduct prescribed by the court, yet consistently manifesting her disdain for the entire legal process; Magee, kicking and spitting at his attorney, yet always invoking the basic principles of equity which he regarded as the substance of the law.

(Continued on page 60)

They made us many promises, more than I can remember;
but they only kept but one:
they promised to take our land, and they took it.

Wounded Knee:

THE NEW INDIAN WAR

A couple of summers ago, when passing through South Dakota, I heard that a Sundance was taking place out on the Pine Ridge reservation, and decided to drive out to see it. It was about eight o'clock on a raw summer morning when I got to the Agency near the Nebraska border. It was deserted except for a pair of priests hurrying across the street, and a reservation policeman—a large Sioux with a pockmarked face and a belly that hung pendulously over his belt—who was methodically slapping an Indian teenager in an alleyway.

Cars were pulling in and out of the Sundance grounds, kicking up clouds of powdery dust. Visitors from other reservations were camped near the parking area and crowded around trucks selling hot dogs and coffee. Walking through the area, I caught sight of the man who was going to do the dance, as he stepped quickly out of an ancient house trailer where he had been getting instructions from a medicine man now escorting him to the sweat bath. He was a former Navy flyer, an acquaintance I met there told me, and had just completed law school and set up a practice in Phoenix.

The public address system began to squawk and then a number of announcements were made by the master of ceremonies, who spoke in English and then in Sioux. He said that absolutely no cameras would be allowed; but after a hurried consultation with some men standing with him on the reviewing stand, he said that the Sundance Committee had changed its mind, and photographers could take pictures after paying a $10 fee. The drums started and old men sitting in a semicircle inside the sundance corral began to chant in a nasal drone. Then the party of dancers entered the corral, the Sundancer in breechclout and bright paint and flanked by older Indians who would guide him through the ritual. Their eagle-bone whistles made shrill noises as they advanced to the center pole and then back again.

Peter Collier's When Shall They Rest, *a history of the Cherokees, will be published by Holt this summer.*

by Peter Collier

Pine Ridge reservation . . .

The dancing was not like Hollywood's carefully choreographed Indian rituals. There was no fancy heel-toe work, and one of the old men was lame. It took a long time, with intervals of rest, for the Sundancer to build up his "power," and after awhile I began to listen to the conversation of a couple of young Sioux men sitting behind me. Hiding behind sunglasses, they were still a little drunk from the night before. Every so often, one of them reached inside his fatigue jacket for a bottle of red wine poorly camouflaged by a paper sack.

As they talked to each other and to friends who stopped by, I gathered that both had done a tour of duty in Vietnam and now that they were back home didn't know what to do with themselves. They talked about moving to Rapid City, about money, girls and cars. One of them had a transistor radio he nervously switched on and off. They seemed ill at ease among so many traditional Indians, and they ridiculed everything that happened with a slangy cynicism. When the dancers passed near where we sat, they giggled and called them "blanketheads" and "bad-assed Indians." In an offhanded way, I decided they were examples of the modern Indian who experiences enough of the white world that he can't go home again.

After a couple of hours of alternating dances and rest, the tempo picking up slightly each time, there was a sudden feeling of anticipation throughout the large crowd. Several women off to one side of the corral stood and made swaying movements in the direction of the former Navy man in some kind of honoring dance, and the two young Sioux behind me stopped talking and started to watch intently as the Sundancer lay down on a blanket near the center of the corral. A medicine man bent down over him and, after a series of prayers, pierced the skin on his chest with a knife, inserting a piece of bone which was attached to a long leather thong hanging down from the center pole. The Sundancer then stood up with hands behind his back and began dancing to dislodge the bone. It took several minutes, and finally he had to run backwards from the pole to break free. As this happened I heard one of the two Indians behind me release his breath tensely and say something to himself in Sioux. His friend answered, and for the next few minutes they talked seriously in their native language. As I drove off the reservation later that day I thought about them and about the attorney who had gone through this renewal ritual, and it occurred to me how hard it is to know the nature of the complex ties that bind an Indian, any Indian, to his people.

This feeling came back again as I watched the news reports from Wounded Knee and realized how easy it would be to believe that the siege occurred only because of an identity crisis on the part of the young, educated militants of the urban-based American Indian Movement. When they first took their hostages, streaked warpaint over their faces, and then dared the federal officers encircling them to come

Home of the Oglala Sioux

ahead and finish the genocide left uncompleted at this same historic site 80 years earlier, the assumption was that it was another symbolic protest—against time and fate, against what the white man sees as the inevitability of history. We were invited to believe that they were playing the Indians they could not be in real life; and it was almost as if white officials were flattering this delusion by adopting a ritual language of their own. "I'm very impressed with your warriors and with this religious ceremony," said the Justice Department negotiator who smoked a peace pipe in the AIM tipi, "and I pray to my father in heaven that the agreement we are about to sign is not empty words. I commit myself and my government to the extent that these promises will be fulfilled." The only thing he omitted was the time span by which such agreements had been bound in the past: as long as the waters run and the grass grows.

But when these young Indians brandished their rifles and told newsmen, in the manner of their ancestors, that it was a good day for dying, it was not theater. They were indeed ready to die. Not because of their past history, not because of cultural break-down, and not even because of the substantial grievances of their Sioux supporters at Pine Ridge. Wounded Knee happened for a very clear reason: the federal government had turned its back on extravagant promises it had been making to Indians since 1970; it had subverted attempts to reform Indian policy and had allowed Indian affairs to lapse into a cruel paralysis. For the past year reservations all over the country have been concerned as never before that time was running out. And thus if AIM's action was symbolic, it was primarily because it was undertaken with all Indians in mind.

Whether or not it was guided by Daniel P. Moynihan's celebrated advice to emphasize Indians while practicing "benign neglect" on blacks, the Nixon Administration came to office filled with expressions of high purpose for the "first Americans" and with the best chance in 20 years to do something about their "plight." On July 8, 1970, in a message that caught the eye of Indians all over the country, if not of the general public, the President said, "We are proposing to break sharply with past approaches to Indian problems. In the place of a long series of piecemeal reforms, we suggest a new and coherent policy. The Indians of America need Federal assistance—this much has long been clear. What has not been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life."

Coherent policy, continued federal assistance, an emphasis on the tribes' own priorities—all these ingredients, however obvious their necessity may have seemed, was exactly what had been lacking in Indian affairs. Their mere mention by a President made Indian people all over the country take

heart. For the first time there was a feeling that the time was right for a dramatic break with the status quo that had dominated Indian affairs since the military phase ended with the 1890 massacre at Wounded Knee and Congress had taken over where the War Department left off, establishing a tradition of legislative disaster that neatly paralleled the disaster of war. Within this tradition even apparently innovative programs were doomed to waste most of their impetus rectifying failed legislation of the past. The New Deal's 1934 Indian Reorganization Act, for instance, had been largely an effort to undo the miseries caused by the Dawes Allotment Act. And in a similar sense, the liberal approaches of the 1960's were an attempt to sift through the legislative chaos of the previous decade.

The tone of contemporary Indian policy had been set in 1953 with passage of House Resolution 108. The name was innocuous; the provisions were not. This bill announced Congress' intention to "get the U.S. out of the Indian business" once and for all by terminating the federal trust relationship that protects (in theory at least) the Indians' land and resources. This legislation was soon going by the ominous name of "termination," semantics never having been the strong suit of the Indian affairs establishment which, in 1955, initiated a companion policy of enticing Indian families from the reservation into the "mainstream" of the big cities and called it "relocation."

Termination meant basically that Indians would no longer have the special relations with the federal government which had begun as the price of military conquest but had developed into the central aspect of their tribal identity. They would be forced to take their land in individual ownership, a scheme that had been tried in the past with disastrous results. And within a few years the first victims of Termination—the Menominees in Wisconsin and Klamath in Oregon—were being widely studied by anthropologists interested in the process of social disintegration.

As the terminated tribes were plunged into social and economic chaos, Indians began to fight back. They used the usual channels such as the National Congress of American Indians, but they also created an ad hoc movement. By 1958, the Department of Interior felt enough pressure to make the sheepish announcement that in the future no tribe would be terminated by fiat. This did not mean, of course, that heavy-handed attempts would not be made to win a voluntary consent in the future, but it did give the tribes a breathing space from a process they had come to see as cultural genocide.

When the New Frontier breezed into office and announced that termination, voluntary or not, had no place on its agenda, there was still a feeling of caution among Indians, who, as Alvin Josephy has noted, had been so wounded by the previous decade that they had developed a "termination psychosis." But Indian affairs had been caught up in larger social currents. As the Vietnam War escalated, those who fought their way through the myths of American history for precedents "discovered" the Indian. The counter culture discovered him too, as did liberal politicians in search of a symbolic constituency. Soon an Indian renaissance was building up, as it had at other historical moments when the nation was undergoing an identity crisis and needed a touchstone to evaluate the changes that were taking place.

As if to prepare for the legislative program of the Great Society, grim stories about the "plight" of the Indian were filtered into the public consciousness: Indian students being chained and beaten at Chilloco, and other of the infamous BIA boarding schools; Rosebud Sioux families huddled together in the dead of winter in gutted automobile shells; Navajo sheepherders being robbed of a whole year's income by the white traders who had the run of their reservations; Shoshone youngsters at Fort Hall, Idaho, hanging themselves in local jails as part of a terrifying epidemic of teenage suicide.

In a way, such tales seemed like the sort of thing that happened in underdeveloped countries. And in a program similar to the Alliance for Progress' approach abroad, there was a new emphasis on community and economic development. Thus OEO, CAP and EDA joined BIA on the Indian's list of familiar acronyms. And if Indian people were never quite sure about such terms as human resource development, they still appreciated the housing projects, headstart programs, and health clinics that began to appear on their reservations.

Some of these programs were destined to fail. But even when this happened, the Indians were no worse off than when they had begun, which was rare for an encounter with the white bureaucracy. But there were some significant successes. Those programs involved with legal aid often succeeded so well that they became the targets of enraged state and local governments that had been used to being able to manipulate the Indian and his property at will. Water rights were restored, stolen property was recovered, and white predators, who had habitually written usurious installment purchase contracts with unwitting Indians, were punished. Even though the changes were often almost imperceptible, the quality of daily life on the reservation improved. And not least in importance among the developments of this era was the fact that Indians started getting together to make demands on the government instead of leaving things to the task forces and commissions the Department of Interior was in the habit of calling together once or twice each decade to decide on Indian priorities. In 1960, the first militant organization, the National Indian Youth Council, had formed. By 1964 the Washington fish-ins were taking place, the first in a series of protests that would become increasingly militant until they brought the Indians back to Wounded Knee.

Yet by proposing the notion that the Indian was no more than a composite portrait of the grim statistics of his daily life (four times the national average in infant mortalities, 44 year life expectancy, an average per-family income of less than $2000, etc.), the Great Society was deluding itself. For these statistics and the very real human suffering they concealed were but the symptoms of a disease, like cancer, that the government didn't want to mention, let alone come to grips with. For one thing, there was the Bureau of Indian Affairs itself—not only the most miasmic bureaucracy in all government, but one whose institutional self-interest had been shown time and again to be opposed to those of the Indian it allegedly served. There was also the

Iroquois delegation leaving Wounded Knee

administrative structure in which the BIA existed: as a low-ranking agency within the Department of Interior, having to compete (when it bothered to try) with Reclamation, Forestry, Mines and other, more muscular bureaus whose activities infringed on Indian land, water, timber, and other resources, all of which continued to hemorrhage at an alarming rate.

And so when the Great Society foundered on Vietnam and sank out of sight, there was not the nostalgia among Indians that there was among whites. Democrats from resource-hungry Western states overseeing Interior committees and appropriations had never admitted that they understood the quintessential conflict of interest that worked so greatly to the Indians' disadvantage, much less acted to resolve it. (A favorite panacea of the Democrats, and one which showed their naive insistence that what was involved were human resource problems, was to move the BIA from the Interior Department to Health, Education and Welfare, a move which Indians saw as another, more subtle form of termination.) The Democrats were genuinely concerned for the Indians' well-being, but they were hungry for their lands as well. It was a conflict, like others plaguing the Indians, that was unresolvable. It had long roots in history. Even Jefferson, the enlightened father of the Democratic Party, had envisioned an America built on the broad shoulders of yeoman farmers, and whose land could they till except the Indians?

Still, it was strange that the Nixon Administration, so colorless in other areas, should have been a center of excitement regarding Indians. Nonetheless, by the time that he delivered his 1970 message on Indian policy, the President was also able to propose measures that would have gone far toward confronting the basic problems in the Indian's relationship to the federal government. He asked Congress to create a position of Assistant Secretary for Indian and Territorial Affairs that would have clout inside Interior, and an Indian Trust Authority that would act as potent advocate when the inevitable conflicts of interest arose between the Indians' resources and those of the general public.

But it was in the area of the Indian bureaucracy itself that real progress seemed to be taking place. Secretary of Interior Walter Hickel (in what one insider called "one of his capricious moods") ordered the BIA "cleaned out" in mid-1969. While happy to see the dismissal of administrators identified with bankrupt policies stretching back to the Eisenhower era, Indians, always suspicious of Hickel because of his dealings with Alaskan natives when he was governor, were taken aback when several known progressives were passed over for the job of Commissioner of Indian Affairs in favor of a virtual unknown named Louis Bruce. Indian militants especially (some of whom would soon seize Alcatraz Island and present the new Commis-

(Continued on page 56)

PHOTOGRAPHY BY CAMILLA SMITH