Memo from Lee White to President Lyndon B. Johnson to Prepare for a Meeting with Martin Luther King, Jr., March 4, 1965 (pg.1)

UNITED STATES GOVERNMENT

Memorandum

TO : THE PRESIDENT

FROM : Lee C. White

DATE: March 4, 1965

SUBJECT: Notes for Meeting with Dr. King on March 5th.

1. Voting Rights -- There is general agreement that the Constitutional amendment approach would require too much time and thus we have concentrated on a statute. Key elements under consideration by Justice Department:

   a. Finding of Discriminatory Actions -- Every effort will be made to stick as closely as possible to the 15th Amendment which prohibits the denial of voting on racial grounds. Under this, the literacy test and any other tests applied in a discriminatory manner would be barred.

   b. Federal Registrars -- Where there was failure to register, even with the elimination of discriminatory tests, Federal officers could register otherwise qualified voters.

   c. Scope -- These provisions would apply to Federal, State and local elections.

   d. General Framework -- Although Federal legislation is probably not appropriate, any message to Congress might also refer to the standard registration and voting difficulties, without regard to discrimination, found to exist in many States by Scammon's Commission -- for example, excessive residence requirements, unreasonable absentee voting or none at all, etc.

2. The King-Farmer-SNCC Memorandum -- The Justice Department has not yet received a copy of the memorandum, but expects to have one by tomorrow (Friday) together with an analysis of where it differs from Justice's present thinking. You may wish to refer to the existence of the memorandum and use that as a starting point to stress the need for some restraint on the part of civil rights groups.
3. Constructive Efforts to Assist the Legislation -- There is considerable national interest in voting legislation, but it can be drained off by mistakes. As pointed out in the meeting Dr. King had with the Vice President and the Attorney General, the failure of the Negroes of Selma to accept and implement the order of Judge Thomas makes it very easy for opponents of the legislation to point out that effective use of existing statutory authority is all that is needed. According to Roy Wilkins, the memo also refers to the 1000 to 2000 sit-ins due to call on the Congress this summer. It is difficult to think of anything that would have more harmful effect on passage of legislation.

4. Basic Strategy -- You may wish to indicate your efforts and those of the Vice President and the Attorney General to check with (a) the Negro leadership, (b) the Republican Congressional leadership of Dirkson, Ford and McCulloch and, (c) Russell Long. The same well planned and intensive effort that resulted in the 1964 bill will be necessary.

5. Governor Collins' Program -- When Dr. King was here last, Governor Collins indicated to him some of the activities that his organization has been engaged in. It may be useful to recall this to Dr. King's attention and indicate that in many ways Governor Collins can help avoid trouble before it becomes ugly and difficult. His people should keep in touch with Collins' people.

6. Appointments -- Among recent appointments are Lisle Carter, formerly of HEW, and Ted Berry, both among the top half dozen in the Poverty Program; Andrew Brimmer, who was promoted to Assistant Secretary of Commerce; Roger Wilkins, Roy's nephew, who is one of Governor Collins' key men; others are in the works. There has begun to be some little external pressure on the appointment of the Equal Employment Opportunity Commission, authorized by Title VII of the Civil Rights Act -- John Macy is working on this with a number of us and I believe he will soon have a slate of candidates for your consideration.

7. Press Statement -- I presume you will want to discuss what might be the tenor of Dr. King's remarks when he leaves your office.
TINKER v. DES MOINES SCHOOL DIST. 503

Syllabus.

TINKER ET AL. v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.


Petitioners, three public school pupils in Des Moines, Iowa, were suspended from school for wearing black armbands to protest the Government's policy in Vietnam. They sought nominal damages and an injunction against a regulation that the respondents had promulgated banning the wearing of armbands. The District Court dismissed the complaint on the ground that the regulation was within the Board's power, despite the absence of any finding of substantial interference with the conduct of school activities. The Court of Appeals, sitting en banc, affirmed by an equally divided court. Held:

1. In wearing armbands, the petitioners were quiet and passive. They were not disruptive and did not impinge upon the rights of others. In these circumstances, their conduct was within the protection of the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth. Pp. 505-506.

2. First Amendment rights are available to teachers and students, subject to application in light of the special characteristics of the school environment. Pp. 506-507.

3. A prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the First and Fourteenth Amendments. Pp. 507-514.

383 F. 2d 988, reversed and remanded.

Dan L. Johnston argued the cause for petitioners. With him on the brief were Melvin L. Wulf and David N. Ellenhorn.

Allan A. Herrick argued the cause for respondents. With him on the brief were Herschel G. Langdon and David W. Belin.

Charles Morgan, Jr., filed a brief for the United States National Student Association, as amicus curiae, urging reversal.
Excerpts from Tinker v. Des Moines U.S. Supreme Court Majority Opinion, 1968 (pg.2)

TINKER v. DES MOINES SCHOOL DIST. 505

held the constitutionality of the school authorities' action on the ground that it was reasonable in order to prevent disturbance of school discipline. 258 F. Supp. 971 (1966). The court referred to but expressly declined to follow the Fifth Circuit's holding in a similar case that the wearing of symbols like the armbands cannot be prohibited unless it "materially and substantially interfere[s] with the requirements of appropriate discipline in the operation of the school." Burnside v. Byars, 363 F. 2d 744, 749 (1966).\(^1\)

On appeal, the Court of Appeals for the Eighth Circuit considered the case en banc. The court was equally divided, and the District Court's decision was accordingly affirmed, without opinion. 383 F. 2d 988 (1967). We granted certiorari. 390 U. S. 942 (1968).

I.

The District Court recognized that the wearing of an armband for the purpose of expressing certain views is the type of symbolic act that is within the Free Speech Clause of the First Amendment. See West Virginia v. Barnette, 319 U. S. 624 (1943); Stromberg v. California, 283 U. S. 359 (1931). Cf. Thornhill v. Alabama, 310 U. S. 88 (1940); Edwards v. South Carolina, 372 U. S. 229 (1963); Brown v. Louisiana, 383 U. S. 131 (1966). As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to "pure speech"

\(^1\) In Burnside, the Fifth Circuit ordered that high school authorities be enjoined from enforcing a regulation forbidding students to wear "freedom buttons." It is instructive that in Blackwell v. Issaquena County Board of Education, 363 F. 2d 749 (1966), the same panel on the same day reached the opposite result on different facts. It declined to enjoin enforcement of such a regulation in another high school where the students wearing freedom buttons harassed students who did not wear them and created much disturbance.
which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment. Cf. Cox v. Louisiana, 379 U. S. 536, 555 (1965); Adderley v. Florida, 385 U. S. 39 (1966).

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years. In Meyer v. Nebraska, 262 U. S. 390 (1923), and Bartels v. Iowa, 262 U. S. 404 (1923), this Court, in opinions by Mr. Justice McReynolds, held that the Due Process Clause of the Fourteenth Amendment prevents States from forbidding the teaching of a foreign language to young students. Statutes to this effect, the Court held, unconstitutionally interfere with the liberty of teacher, student, and parent. See also Pierce v. Society of Sisters, 268

*Hamilton v. Regents of Univ. of Cal., 293 U. S. 245 (1934),* is sometimes cited for the broad proposition that the State may attach conditions to attendance at a state university that require individuals to violate their religious convictions. The case involved dismissal of members of a religious denomination from a land grant college for refusal to participate in military training. Narrowly viewed, the case turns upon the Court's conclusion that merely requiring a student to participate in school training in military "science" could not conflict with his constitutionally protected freedom of conscience. The decision cannot be taken as establishing that the State may impose and enforce any conditions that it chooses upon attendance at public institutions of learning, however violative they may be of fundamental constitutional guarantees. See, *e. g.*, *West Virginia v. Barnette*, 319 U. S. 624 (1943); *Dixon v. Alabama State Board of Education*, 294 F. 2d 150 (C. A. 5th Cir. 1961); *Knight v. State Board of Education*, 200 F. Supp. 174 (D. C. M. D. Tenn. 1961); *Dickey v. Alabama State Board of Education*, 273 F. Supp. 613 (D. C. M. D. Ala. 1967). See also Note, Unconstitutional Conditions, 73 Harv. L. Rev. 1505 (1960); Note, Academic Freedom, 81 Harv. L. Rev. 1045 (1968).
On the contrary, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the conflagration in Vietnam. It is revealing, in this respect, that the meeting at which the school principals decided to issue the contested regulation was called in response to a student's statement to the journalism teacher in one of the schools that he wanted to write an article on Vietnam and have it published in the school paper. (The student was dissuaded.)

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol—black armbands worn to exhibit opposition to this Nation's involvement

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4 The District Court found that the school authorities, in prohibiting black armbands, were influenced by the fact that "[t]he Viet Nam war and the involvement of the United States therein has been the subject of a major controversy for some time. When the arm band regulation involved herein was promulgated, debate over the Viet Nam war had become vehement in many localities. A protest march against the war had been recently held in Washington, D. C. A wave of draft card burning incidents protesting the war had swept the country. At that time two highly publicized draft card burning cases were pending in this Court. Both individuals supporting the war and those opposing it were quite vocal in expressing their views." 258 F. Supp., at 972-973.

5 After the principals' meeting, the director of secondary education and the principal of the high school informed the student that the principals were opposed to publication of his article. They reported that "we felt that it was a very friendly conversation, although we did not feel that we had convinced the student that our decision was a just one."
Demonstration of Protest and Mourning for Triangle Shirtwaist Factory Fire Victims, April 5, 1911

“Demonstration of Protest and Mourning for Triangle Shirtwaist Factory Fire of March 25, 1911,” 5 April 1911. Courtesy of National Archives
Farmers Strike in Sioux City, Iowa, 1932

Courtesy of State Historical Society of Iowa, “Farmers Strike,” 1932
June 5th, 1941

Honorable Fiorello H. LaGuardia
Mayor of New York City
City Hall
New York, N. Y.

My dear Mr. Mayor:

Because the Negro people have not received their just share of jobs in national defense, and our young men have not been integrated into the armed forces of the Nation, including the Army, Navy, Air Corps and Marine, on a basis of equality, some of the Negro leaders have formulated plans and set up the necessary machinery in the various sections of the country for the purpose of mobilizing from ten to fifty thousand Negroes to march on Washington in the interest of securing jobs and justice in national defense and fair participation and equal integration into the Nation’s military and naval forces.

This movement has been initiated by the officers of the National Association for the Advancement of Colored People, the National Urban League, the Brotherhood of Sleeping Car Porters, the Young Men’s Christian Association’s branch of the Harlem Community, the Negro Labor Committee of New York, the Elks and a number of other groups.

A Call for the march, to take place July 1st,

is signed by Walter White of the National Association for the Advancement of Colored People, Reverend William Lloyd Ames of the Presbyterian Church of Harlem, Frank R. Crosswaith, Chairman of the Negro Labor Committee of New York, Layle Lane, Vice-President of the American Federation of Teachers, Richard Parrish, President of the Negro College Students of New York, Dr. Rayford Logan, Chairman of the National and State Committees for the Participation of Negroes in National Defense, Henry K. Craft, Secretary of the 15th Street branch of the YMCA, J. Finley Wilson, Grand Exalted Ruler of the Independent Benevolent Order of Elks of the World, Reverend Adam C.
Powell, J. R. of the Abyssinian Baptist Church of Harlem and the undersigned.

March-On-Washington local committees are being set up throughout the country with a view to recruiting the marchers and carrying out the general program in the interest of developing an all-out total demonstration of the Negro people for full participation in the national defense program.

A week prior to the march on Washington, plans have been developed to stage marches in various cities in the interest of urging the Mayors and City Councils to memorialize the President to issue an executive order to abolish discrimination in national defense and all departments of the Federal Government.

Following the march in Washington, the program includes a great rally at the Monument of Abraham Lincoln, because of its historical symbolism in relation to the issuance of the Emancipation Proclamation, for the liberation of the Negroes from chattel slavery.

As an humanitarian and idealist, who has captured the hearts of the peoples of the world for your constructive vision and matchless statesmanship, and as one of the few great living champions of the cause of democracy and liberty, I, in the name of the aforementioned committee, wish to request Your Honor to address a delegation of Negro citizens who will march to the City Hall, June 27th, in the forenoon to request you to memorialize President Roosevelt to issue an executive order to abolish discrimination in all departments of the Federal Government and national defense.

I want to assure you, Mr. Mayor, that the Negroes of America are deeply stirred over the question of their receiving equal opportunity to share in the benefits and responsibilities and duties and sacrifices incident to this great and tremendous national effort to build a defense machinery for the protection of our own country and to safeguard the cause of democracy.

I am sure that nothing has arisen in the life of the Negro since Emancipation which has gripped their hearts and caught their interest and quickened their imagination more than the girding of our country for national defense without according them the recognition and opportunity as citizens, consumers and workers they feel justified in expecting.

I, therefore, cannot too strongly stress and urge you, as a leader of vision, to honor this occasion with your presence and message.

Kindly accept my great personal esteem and appreciation for your interest and cooperation for the cause of the advancement of the Negro people of America and the historic role you are playing to create a better world for all mankind.

Respectfully yours,

A. Philip Randolph, Director

Have Sanitation Workers A Future?

Yes, If You Will Help To Build It!

How? That’s Simple—

WE NEED YOU!

1. Do not shop downtown, or with the downtown branch stores anywhere in the city or any enterprise name Laub.

2. Stop your subscriptions to the daily newspapers. Get news about the Movement from the radio or television or by joining the mass meetings. Be sure to pay your newspaper carrier his commission.

3. Do not buy new things for Easter. Let our Lent be one of sacrifices. What better way to remember Jesus’ work for us and the world?

4. Support the workers with letters and telegrams to the Mayor and the City Council.

5. Join us in the daily marches downtown.

6. Call others each day and remind them of the movement.

7. Attend the nightly mass meetings Monday through Friday.

8. Do not place your garbage at the curb. Handle it the best way you can without helping the city and the Mayor’s effort to break the strike.

9. Whenever you associate with white people, let them know what the issues are and why you support this cause.

10. Support the relief efforts for the workers and their families with gifts of money and food. Checks can be made out to “C.O.M.E.” and food taken to Clayborn Temple A.M.E. Church, 280 Hernando.

Community on the Move for Equality

WORK CARD

Name __________________________ Phone ________
Address __________________________
I will march ______ I will picket ______
I can answer phone or do clerical work ______
I can serve on a committee:
   Work Committee ______ Telephone Committee ______ Transportation Committee ______
Hours I can best serve:
   9:00am-11:00am ______ 11:00am-1:00pm ______
   1:00pm-3:00pm ______ 3:00pm-6:00pm ______
   6:00pm-8:00pm ______ 8:00pm-10:00pm ______
Signature _________________________

“Exhibit 2 in City of Memphis vs. Martin Luther King, Jr,” 1968. Courtesy of National Archives
The people of the Midwest and all Mexican-Americans and Latin Americans—— we are facing a great need for your support of the great BOYCOTT of Heinz, so all I am asking you for is to stand up and speak for your rights of this boycott. I want all Mexican-Americans to be in front leading the great boycott against Heinz. The voice of the Raza has to be heard and we the Raza have to yell out, and tell our people to follow, our past and lead the people to the right road and to fight for our rights. Let us join hands and stick this out with pride and dignity. Let us not let Heinz rule the migrants of the past, let’s get what we want from Heinz for our children and relatives that arrive every year from many states. We expect better housing, better wages and better opportunities or our people and fellow migrants, and let’s not get their children into the fields, where they can get sick or get sun stroke. Let us give our children a better education so that we will not be known as dumb Mexicans, because Heinz likes this and this is why the Raza is striking back to support our rights in the Constitution of the United States.

Let us leave the chickens in the chicken shacks, and the pigs in the pig pens and we better move into better housing and let’s join with the great boycott of grapes with Cesar Chavez. Let’s support them and at the same time support ourselves, but work together and help every migrant worker of the United States and support them with all we have.

BY C.I.O.
OF MIDWEST.
June 28, 1978

President Jimmy Carter
The White House
Washington, D.C. 20500

Dear President Carter:

There has been considerable press coverage of the speech I delivered at San Francisco's large Gay Freedom Day Celebration this past weekend.

In it, I called upon you to take a leadership role in defending the rights of gay people. As the President of a nation which includes 15-20 million lesbians and gay men, your leadership is vital and necessary.

I have enclosed a copy of my remarks for you to read. Especially note the section beginning on page six.

On the November, 1978, California ballot will be an initiative, called the Briggs Initiative, which would prohibit gay persons from teaching and would have other serious infringements on individual rights. Though it is a state ballot issue, it is also of great national importance and we hope you will strongly oppose it.

I would very much appreciate a response to our call for your support and I would be honored to work with you to protect the human rights of all Americans.

Warmly,

Harvey Milk
State veterinarians, under heavy military guard, proceeded today with tuberculin test of cattle herds through Cedar county. This photo, the first of the Iowa state guard in the field, shows the machine gun squad and guard at the William R. Hogan farm, a mile and a half north of Durant, as test of the Hogan herd was under way.

“The Cedar County Front - 1931!” The Davenport Democrat and Leader, 25 September 1931. Courtesy of Iowa State University Library Special Collections and University Archives
Correspondence between President Harry S. Truman and NAACP Acting Secretary Roy Wilkins, October 10 - November 8, 1949 (pg.1)

November 8, 1949

Dear Mr. Wilkins:

Your letter of October 10 with reference to the agricultural problems of colored people raises several questions which are under consideration by the Government.

Letters also have been received from Mr. H. L. Mitchell and other persons concerned with various aspects of the questions you raise, and for your information a copy of the reply to Mr. Mitchell is enclosed.

The Department of Labor now is considering the feasibility of recommending the establishment of a Presidential Commission on Agricultural Problems. I am sure that if such a Commission is established the questions you raise would be among those to which it would give close study.

Please be assured that whether or not such a Commission is established the Administration will be continuously interested in fostering policies which will improve the working conditions and opportunities of our colored citizens who are engaged in agricultural activity.

Very sincerely yours,

[Signature]

Enclosure

Mr. Roy Wilkins
Acting Secretary
National Association for the Advancement of Colored People
20 West 40th Street
New York 18, New York

[Stamp: 11/7/49]

Truman, Harry S. & Roy Wilkins, “Correspondence Between Roy Wilkins and President Harry S. Truman,” 10 October to 8 November 1949. Courtesy of National Archives
Correspondence between President Harry S. Truman and NAACP Acting Secretary Roy Wilkins, October 10 - November 8, 1949 (pg.2)

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
WILKINS, Roy, Acting Secretary
20 West 40th Street
New York 18, New York

Letter to the President, dated 10-10-49.

Writes re the importation of MEXICAN CITIZENS who are being used to break a STRIKE of COTTON PICKERS in CALIFORNIA. Joins with Mr. H. L. MITCHELL, President of the FARM LABOR UNION, A.F. of L., in urging that a Presidential Commission be set up to investigate conditions among farm workers.

Respectfully referred to Dr. Steelman, 10-14-49.
My dear Mr. President:

The National Association for the Advancement of Colored People is gravely concerned about the importation of Mexican citizens who are being used to break a strike of cotton pickers in California. Mexicans, Anglo-Americans, and colored people have stopped work because they are fighting for better working conditions. The use of citizens of another country to wreck the economic hopes of Americans is a practice which our government must actively oppose.

Mr. H. L. Mitchell, president of the Farm Labor Union, A.F. of L., has sent us a copy of his letter to you dated September 28. We have worked with Mr. Mitchell on numerous occasions. He has a deep and patriotic interest in bettering the lot of our agricultural workers who are so vital to our welfare, but so neglected in our legislation.

We join him in urging that a Presidential Commission be set up to investigate conditions among farm workers. Among other things, such a commission would be a valuable aid in focusing public attention on the plight of those who plant and harvest our crops.

Very sincerely yours,

Roy Wilkins,
Acting Secretary.

President Harry S. Truman
The White House
Washington, D.C.
D. M. Schools Ban Wearing of Viet Truce Armbands

By Jack Magarrell

Des Moines school officials said Tuesday that high school students will not be permitted to wear black armbands at school in support of a truce in Viet Nam.

A few students at Roosevelt High School were reported planning to wear the armbands Thursday.

Several groups of Iowa college students opposed to U. S. policy in Viet Nam have designated Thursday as a day of fasting and wearing black armbands to encourage U. S. acceptance of a Viet Cong offer of a 12-hour cease-fire on Christmas Eve.

Roosevelt Principal Charles Rowley refused to comment on the school's attitude toward the armbands.

E. Raymond Peterson, director of secondary education, met with high school principals Tuesday to discuss a uniform policy.

Questioned about the policy, Peterson said, "For the good of the school system, we don't think this should be permitted."

"The schools are no place for demonstrations," Peterson said. "We allow for free discussion of these things in classes."

Peterson said the decision not to allow students to wear the black armbands was based on a general school policy against "anything that is a disturbing situation within the school."

School officials believe the educational program would be disturbed by the students wearing armbands, he said.

Peterson said the meeting with high school principals dealt with several other matters which school officials considered more important than the proposal by "eight or 10 students" to "get publicity" by wearing armbands.

Memo Sent to President Richard Nixon’s Administration “Regarding Major Issues with the Wounded Knee Occupation,” May 9, 1973 (pg.1)

Richard A. Wilson, the Interior Department must order the removal of Wilson and the holding of a new tribal election.

4. REFORM OF TRIBAL CONSTITUTION: on the premise that the current tribal constitution formed in 1935 is inadequate to meet the political, social and economic needs of tribal members in the 1970s, the Interior Department must order a tribal constitutional convention to rewrite the Tribal constitution in line with the 1868 Treaty of Fort Laramie.

5. BREACHES OF TRIBAL TRUST: Alleged discrepancies in the execution of land leasing, welfare assistance, landowners' rights-of-way on their own land, and forced sales of individual land make necessary widespread reforms on policy and practice on the part of the BIA and the Interior Department.

6. OFFICE OF SUPERINTENDENT AND AREA DIRECTOR: claiming that the failures of the BIA and Interior can be laid squarely at the feet of Pine Ridge Agency Superintendent, Stanley Lysac, and BIA Area Director, Wymann Bobby; these two men must be removed for mal-administration.

TRIBAL COUNCIL ISSUES

1. SOVEREIGNTY OF OGLALA LAND: No "Independent Oglala Nation" can legally be declared from portions of tribal trust land already enjoying sovereign status under the legally constituted authority of the Oglala Sioux Nation. The seizure of 40 acres of tribal land at Wounded Knee constitutes an illegal seizure of tribal lands, and cannot be met with armed tribal forces.

2. ILLEGAL SUSPENSION OF TRIBAL AUTHORITY: Seizure of all existing authorities by the Justice Department and de facto suspension of all tribal and BIA authorities and business by the U.S. Justice Department constitute an illegal and dangerous usurpation of tribal sovereignty and elected tribal government, and a threat to all existing Indian and non-Indian local governments.

3. WHO SPEAKS FOR THE TRIBE: Non-Oglala AIM members and supporters have no legitimate right and no proper responsibility to air grievances or common problems faced by Oglala tribal members. A legal, constitutionally elected tribal
government, both responsive and responsible to its tribal members, has that right and duty.

4. INVASION BY NON-RESIDENTS: Under existing tribal rights, the multitudes of non-Ogala activists, liberal clergymen, federal marshalls, FBI agents and employees of the Interior Department, together with members of the worldwide and national media have no exclusive right of free access on the reservation without the consent of tribal authorities. Tribal authority includes the right to govern entry and exit on tribal land, and the right to expel "undesirables!"

NIXON ADMINISTRATION ISSUES

1. HALTING OF INDIAN MILITANCY: Indian militants comprise a "revolutionary Indian element" involved in symbolic actions arising from attempts to redress the bloody Indian past. They are not representative of the Indian population at large, are criminally oriented, and must be stopped by criminal prosecution before they create more havoc throughout Indian America.

2. LEGITIMATE INDIAN LEADERSHIP: The Nixon administration is intent on dealing only with elected Indian leaders on Indian reservations and elected Indian leaders of non-reservation groups and associations. The administration currently contends it cannot contract with or serve any but such constituted groups.

3. QUELLING DOMESTIC DISORDERS: The Justice Department, not the Interior Department, is the proper agency to handle domestic disorders occurring within any minority in the nation. Infractions of public law require responses from law enforcement officials, not policy-makers from any other department in government. The Justice Department further has the right to pursue prosecution of offenders anywhere within the external borders of the United States.
Colonel Craig Baumgartner
Commander
U.S. Army Corps of Engineers
Clock Tower Building
P.O. Box 2004
Rock Island, Illinois 61204-2004

Re: Dakota Access Pipeline Project

Dear Colonel Baumgartner:

The Iowa Commission on Native American Affairs (ICNAA) wishes to express our strong concerns regarding the proposed Dakota Access Pipeline impacts on Iowa’s Native communities. The route of the proposed pipeline would cut through and damage ancestral lands of religious and cultural significance, damage the natural environment, and risk serious pollution of Iowa’s aquifers with impacts on Native communities’ drinking water supplies and agriculture.

With regard to the Dakota Access pipeline’s potential impacts on Native American graves, cultural sites, ceded treaty lands, and other archeological sites, none of the key federal agencies to date have been in direct consultation with the affected Native Nations/Tribes in Iowa. Serious concerns have been raised by the Iowa Tribe of Kansas and Nebraska, and the Meskwaki Nation (Sac and Fox of the Mississippi in Iowa) about the pipeline affecting indigenous sacred and traditional sites in the State of Iowa. We urge the Corps of Engineers to conduct a thorough assessment, in collaboration with all affected Tribal communities, to address the preservation of lands with cultural and religious significance. This process should be in compliance with Section 106 of the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA).

The environmental impacts of the Dakota Access pipeline include damage during construction to wildlife, waterways, and agriculture serving Native communities in Iowa. Further, a leak or spill from the pipeline would impact the waters that Iowa Tribes/Nations, and individual tribal members residing in the area, rely upon for drinking, for livestock, for food gardens, and for other purposes. The Winnebago Tribe of Nebraska, the Omaha Tribe of Nebraska, and the Ponca Tribe of Nebraska all possess reservation/trust land along the Missouri River in both Iowa and Nebraska. The Iowa River runs through the Meskwaki Nation Settlement.

Again we strongly urge the Corps of Engineers to undertake an environmental assessment, in consultation with Iowa’s Tribes and Nations, which recognizes the significant impacts from construction, from operation and maintenance, and from any potential leak or spill. This assessment should address concerns of the U.S.
Environmental Protection Agency and the U.S. Department of Interior regarding the National Environmental Policy Act (NEPA) compliance as it affects Iowa’s Tribal Nations and communities. In particular, the Corps of Engineers assessment should specifically address concerns about: 1) protecting drinking water resources; 2) emergency preparedness/response measures in the event of the pipeline leak or spill; 3) other potential impacts, including construction and maintenance of the pipeline, on Iowa tribal communities; 4) an Environmental Justice analysis to address potential impacts on Iowa Tribal Nations and communities; 5) coordination and collaboration of Iowa Tribal Nations in the environmental assessments; 6) an alternatives analysis of pipeline route alternatives, including disapproval of the pipeline project.

On behalf of Iowa Native Americans, we look forward to reviewing the Corp of Engineers Environmental Assessment and any draft of the Finding of No Significant Impact (FONSI).

If you should have further questions or concerns, please contact Ms. Jill Fulitano Avery, Office of Native American Affairs, Iowa Department of Human Rights (515-242-6334).

Sincerely,

Karen Mackey

Karen Mackey
Chair, Iowa Commission on Native American Affairs
Iowa Department of Human Rights

C.c.: Brent Cossette, U.S. Army Corps of Engineers, Omaha District
Philip S. Strobel, U.S. Environmental Protection Agency, Region 8
Lawrence S. Roberts, Indian Affairs, Department of Interior
Reid J. Nelson, Office of Federal Programs, Advisory Council on Historic Preservation
Steve King, Iowa State Historic Preservation Office
Geri D. Huser, Iowa Utilities Board
Troy Wanetee, Chairman, Meskwaki Nation
Tim Rhood, Chairman, Iowa Tribe of Kansas and Nebraska
Darla LaPointe, Chairwoman, Winnebago Tribe of Nebraska
Vernon Miller, Chairman, Omaha Tribe of Nebraska
Larry Wright, Chairman, Ponca Tribe of Nebraska
Children’s Crusade for Amnesty, 1922

Youth March of Integrated Schools in Washington, D.C., October 25, 1958

Protest Plans Submitted into Evidence during Landmark Tinker v. Des Moines Supreme Court Case, December 1965