



Self-Determination, LBJ and UNDRIP

Chris Stearns

5/10/12 – *Indian Country Today*

On a sunny September day in New York City in 2007, the United Nations General Assembly gathered to adopt the [United Nations Declaration on the Rights of Indigenous People \(UNDRIP\)](#). The event marked the culmination of three decades of intense international work by thousands of indigenous leaders and the start of a new chapter in human rights.

Nearly 40 years earlier, in March of 1968, a troubled Lyndon B. Johnson stood in the White House surrounded by a nation engulfed in turmoil. Both the launch of the Tet Offensive and the My Lai Massacre had occurred in Vietnam just a month earlier and student and civil rights protests were now turning violent across the country. At the end of the month, President Johnson stunned the nation by announcing on television that he would not seek re-election.

Seemingly lost in the events of that March, and the assassination of Dr. Martin Luther King weeks later, was a watershed moment in American history.

On March 6, 1968 President Johnson sent an urgent message to Congress describing the historic injustices wrought on Indian tribes and proposing “a policy of maximum choice for the American Indian: a policy expressed in programs of self-help, self-development, self-determination.” With these words, Johnson laid the framework for the modern federal policy of Indian Self-Determination.

Self-Determination means that Indian people have the power to govern themselves as sovereign nations, as they have done so for millennia.

Article 3 of UNDRIP states the Self-Determination means the right of indigenous people to “freely determine their political status and freely pursue their economic, social and cultural development.” Article 4 adds that Self-Determination carries with it “the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

There is no question that the federal policy of Self-Determination in the United States has been a success for American Indians and Alaska Natives. Still, our progress must be measured against the backdrop of other human rights. Article 46 of UNDRIP says it is to be interpreted in accordance with “principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.”

Measured against these principles, the United States has fallen woefully short.

Back in 1968, President Johnson recognized America's unjust treatment of Native Americans, writing that "for two centuries, he has been an alien in his own land." Johnson told Congress:

"Our goal must be:

"A standard of living for the Indians equal to that of the country as a whole.

"Freedom of Choice: An opportunity to remain in their homelands, if they choose, without surrendering their dignity; an opportunity to move to the towns and cities of America, if they choose, equipped with the skills to live in equality and dignity.

"Full participation in the life of modern America, with a full share of economic opportunity and social justice."

These goals are strikingly similar to the principles of UNDRIP. The human right to an adequate standard of living is included in all the major international human rights instruments. Article 24 of UNDRIP goes further and states that indigenous people have "an equal right to the enjoyment of the highest attainable standard of physical and mental health."

Freedom of choice and full participation is embodied in Article 5 of UNDRIP which recognizes the right "to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State."

Many of the ills that Johnson wrote about in 1968 remain with us. According to the 2010 Census, over 28 percent of Native Americans were living in poverty compared to a national average of 15 percent. Native American youth experience the highest rate of suicide of any population group in the U.S. In Washington, Native youth have the highest school drop out rates in the State. In Seattle, a police officer shot and killed John T. Williams, a harmless First Nations woodcarver. The officer was never prosecuted. The United States has yet to compensate our Indian nations for the hundreds of millions of acres taken from them and the habitual violation of our treaties. Tribes are struggling to get Congress to enact a simple law that would protect Indian women from domestic violence.

Today we still should measure the success of self-determination and our nation's human rights record against Johnson's demand that Native Americans enjoy "a full share of economic opportunity and social justice." That's an old-fashioned way of saying that the United States must respect and protect the human rights of Native Americans. In that regard, America still has a long way to go.

Chris Stearns is a Navajo attorney, Chairman of the Seattle Human Rights Commission, and former senior official in the Clinton Administration.

Read more at <http://indiancountrytodaymedianetwork.com/2012/05/10/self-determination-lbj-and-undrip>