Hank Adams and the Policy Process

The evidence, stage by stage

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About this paper. This AI-written analysis was drafted with Claude from primary sources selected and supplied by Edward J. Fox, who directed the work and reviewed the result. It is the long companion to the page *Hank Adams and the Policy Process* on edfoxphd.com, and is posted in the AI Sandbox under the IHF-AI mark.

Overview

Hank Adams worked every stage of the policy process, and at each stage he acted on what that stage demanded. Each section below opens with the reasoning a strategist has to recognize at that stage, then gives the evidence that Adams acted on it.

The evidence comes from five kinds of documents: Adams's July 1973 Senate testimony, the Twenty Points (1972), the American Indian Policy Review Commission's *Final Report* (1977), the U.S. Commission on Civil Rights hearing record (1977 and 1979), and later interviews. Points drawn from Edward J. Fox's own AIPRC papers are marked **[author's paper]**.

1. Problem definition

"Some say the problem is…; we say the problem is…."

Adams repeatedly took an official definition of a problem and replaced it with his own.

- **The fish wars.** Washington State said it regulated Indian fishing for conservation. In a 2012 interview, Adams said the tribes proved at trial that "conservation had not been the real issue at all"; the real issue was the taking of Indian resources (AP obituary).
- **Twenty Points, Point 4.** The usual answer to treaty violations was more litigation. Adams noted that Indians had paid attorneys more than $40 million since 1962 and were still forced to defend the same rights in court after court. The need, he argued, was less for lawyers than for protections that stop violations.
- **Twenty Points, Point 20.** The fight of the moment was a $50 million budget cut. Adams reframed it around the whole billion-dollar budget, about $10,000 per reservation family per year, with most Indians still unserved. More, he wrote, had gone to hotel bills for problem-solving meetings "than has been spent on needed housing in recent years" (National Library of Medicine).
- **July 1973 testimony.** Adams set about $10 billion spent "in the name of Indian people" over two Nixon terms against 25,000 more unemployed reservation adults than in 1968. He asked not for more programs but for "a real close examination of the management and the efficiency of existing programs." **[author's paper]**, citing the hearing record, pp. 65–95.

In his own words, 1977. Before the U.S. Commission on Civil Rights, opponents blamed the Boldt decision's 50-50 split for the troubles of the commercial fishery. Adams answered with the industry's own numbers: non-Indian commercial fishing units had grown from fewer than 3,500 in 1962 to more than 6,500. "So that was a division of that resource among themselves. They split it 50-50, three times in that period. Why not another split?" The real problem, he said, was that "people have been able to use the Indians as a smokescreen or as a scapegoat to hide the real problems in the commercial fishing industry" (hearing record, p. 243).

Earlier in the hearing, the Northwest Indian Fisheries Commission's director offered the Commission Adams's written critique of the National Marine Fisheries Service report on the decision's economic impact (p. 226).

Four years later the Commission made the same diagnosis: past policy failure had been "taken as a failure of management, not of basic purpose" (*Final Report*, p. 76).

2. Agenda setting

"We have to get this on the agenda, and this action will help."

Adams chose actions for what they would put before the public and the government.

- **The 1964 Capitol protest and Brando.** Legacy Washington describes Adams as the main architect of the tribes' public relations strategy: he understood the power of celebrity, persuaded Marlon Brando to fish and risk arrest, and brought treaty rights into living rooms across the country.
- **The strategist's role.** Billy Frank Jr. recalled scolding Adams for turning up at a 1968 protest where arrests were expected; Adams's job, Frank said, was to be the strategist thinking far into the future (AP obituary).
- **Twenty Points, Point 3.** The proposal asked for agenda space directly: four Indian representatives, chosen by Indian people, to address a joint session of Congress and the nation through national media by June 2, 1974, the 50th anniversary of the Indian Citizenship Act.
- **The coalition.** In 1972 Adams, with Dennis Banks and Russell Means, assembled eight Native organizations for the Trail of Broken Treaties (National Park Service).

The opposing agenda, 1964. In his 1977 testimony Adams pointed the Commission to the 1964 congressional hearings on Senate Resolutions 170 and 171, sponsored by Senator Warren Magnuson with Senator Henry Jackson's support. They proposed either to put treaty fishing rights under state regulation or to buy out Indian fishing rights altogether (hearing record, p. 243). That was the agenda the 1964 fish-ins set out to answer.

The *Final Report* later credited this period. The demonstrations from the mid-1960s through Wounded Knee "could not be dismissed as transient anger, but marked the beginning of Indian involvement in the process of policy formulation" (p. 78).

3. Proposed solutions

"We have Tribal support for our proposal."

The Twenty Points were built by consensus, and several resurfaced five years later in the *Final Report*.

- **Built by consensus.** The document's own preface calls the points "a culmination of efforts of the Caravan Workshop," held in St. Paul the week ending October 27, 1972. It reflected recommendations from caravan participants, Indian authors, Tribal leaders and individuals; Adams was principal coordinator and wrote the final draft. This is the "invisible signature" described in Fox's *Making Indian Health Financing Policy*: agreement among Tribes before any government is asked to sign.
- **Unity as a condition.** Point 19 criticized the multiplying Indian organizations, advisory boards and self-styled leaders, and urged Tribes to consolidate their resources and purpose.

Twenty Points (1972)	Final Report (1977)
Point 4: a commission to review treaty commitments and violations	The Commission itself (P.L. 93-580, 1975), with Task Force One on trust and treaty review
Point 6: all Indian people in treaty relations with the United States	Trust principle 2: the trust runs through the tribe to the Indian member, on or off the reservation (p. 6)
Points 14–15: abolish the BIA; one consolidated Office of Federal Indian Relations	Rec. 63: a consolidated Department of Indian Affairs or independent agency (pp. 6–7)
Point 15(E): the office controls its own budget, free of OMB	An Indian budget built on Tribal priorities, sent to Congress without interference (p. 7)
Point 9: a joint congressional committee on Indian relations	Senate Select Committee on Indian Affairs (1977), later made permanent [author's paper]

The parallels show the same ideas carried from a Tribal proposal into a congressional report. They do not by themselves prove that the Commission borrowed from the Twenty Points.

4. Enactment

"We will testify to convince Congress that our proposal answers the problem and has Tribal support."

Adams carried the Twenty Points' commission idea into Congress, gave ground where it helped passage, and held firm on independence. All points below are **[author's paper]**, citing the July 19–20, 1973 hearing record, pp. 65–95.

- **A draft of his own first.** In March 1973 his Survival of American Indians Association circulated a draft joint resolution for a National Commission on Indian Rights and Treaties: nine members, at least six Indian, to study treaties, violations and remedies.

- **Conceding to win passage.** At the hearing he called S.J. Res. 133 "substantially better, a great improvement on our proposal of early March," and dropped his own plan for presidential appointment.
- **Holding firm on independence.** On appointment he was direct: "All congressional appointees, no executive appointees." Congressional members should take nominations but "make their decisions and selections themselves." He also did not want the Commission "locked in legislatively to a non-Indian staff director."
- **A parallel state track.** He entered a July 6, 1973 letter to Governor Daniel Evans proposing an Indian study group on federal-Indian-state relations: about $175,000, five regions and a national office.

P.L. 93-580, signed January 2, 1975, adopted the all-congressional method. The author's reading: conceding the appointing authority while keeping the Commission independent is the trade a strategist makes to get a bill passed.

5. Implementation

"We will be here to see it done right."

Adams expected a victory to be resisted, and he stayed to defend it.

- **Anticipated in 1972.** Point 7 of the Twenty Points asked for mandatory federal injunctions against treaty violations. Point 17 complained that settled rights were constantly carried back to the courts for reaffirmation.
- **Boldt, 1974.** Adams served as lay counsel at trial. After the February 12, 1974 decision he was at the May 1, 1974 meeting of the case tribes that established the Northwest Indian Fisheries Commission (Indian Country Today).
- **Civil Rights Commission, October 1977.** Backlash against the decision was building, and H.R. 9054, a bill to abrogate all Indian treaties, had been introduced in Congress one month earlier. Adams testified at the Commission's Seattle hearing on October 19–20, 1977, on a panel with Billy Frank Jr. (NWIFC chairman), Russell Jim (Yakima Nation) and Ralph Johnson.
- **A written analysis, 1979.** In April 1979 he submitted to the Commission *A New Analysis of Indian Treaty Fishing Rights and the Division of Salmon Resources in the Pacific Northwest*, on the meaning of "in common." The Supreme Court upheld the Boldt decision that July.
- **Still watching in 2012.** He told an interviewer the assault on Tribal resources had not fully ended (AP obituary).

In his own words, October 1977. At the Seattle hearing Adams described the fight over the decision as a fight over implementation: "the Boldt decision was issued on February 12, 1974. There's been 3 years on the part of some people trying to have it implemented, and a more massive effort to make

certain that it might never be implemented or ultimately be defeated" (hearing record, pp. 242–243). Other cases on the Puyallup and Nisqually rivers, he added, had been in the courts since the early 1960s.

He also warned that implementation lacked capacity. He refuted "any impression that the legal needs of the tribes of this or any other area are being met by a sufficiency of onhand attorneys or of funding from any source" (p. 253), the same problem Point 4 of the Twenty Points had raised. Billy Frank Jr., on the same panel, stated the commitment plainly: "I'm an Indian, and I live right here and I will be here" (p. 242).

The *Final Report* drew the same lesson about the Self-Determination Act: "Laws are not self-fulfilling" (p. 81).

6. Evaluation

"After a time, we look again at how it is working."

Adams built evaluation into his proposals, led a formal evaluation of federal trust performance, and kept judging outcomes into his last years.

- **Written into the Twenty Points.** Point 9 charged a joint congressional committee with an exhaustive review and evaluation of past and present federal policies. Point 15 required that every program be reviewed for revision, elimination or continuance, and that the new office's efficiency and progress be reviewed.
- **Asked for in 1973.** He told the Senate subcommittee that Indians needed "more concrete definitions of trust relationships and trust responsibilities." **[author's paper]**
- **Delivered as Task Force One chair, 1975–1977.** Adams chaired Task Force One on Trust Responsibilities and the Federal-Indian Relationship, including Treaty Review. The *Final Report*'s trust doctrine answers his 1973 request: three principles binding every federal agency (p. 6), and a trust duty that "must be considered a constantly evolving doctrine" (p. 5).
- **Still evaluating in 2019.** After *Herrera v. Wyoming*, he sent Indian Country Today a 14-page review of treaty hunting and fishing cases. He judged that the tribe's lawyers had not pressed far enough to overturn a harmful precedent (AP obituary). He was 76.

Confirmed in the hearing record, 1977. Commission counsel introduced Adams as "the chairman of the American Indian Policy Review Commission's Task Force on Trust Responsibility" (hearing record, p. 238). Asked about the trust, Adams said it "has not been clearly defined," and gave his own definition: its basic obligation is "to allow the resources, first, of the Indian people themselves, to serve the needs of Indian people, and secondly, to offer the resources of the larger nation to Indian people to make certain that this is a good existence, a good life, and that it is secure" (p. 239).

Sources

Primary documents

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