

TESTIMONY OF JOHN E. ECHOHAWK
EXECUTIVE DIRECTOR, NATIVE AMERICAN RIGHTS FUND,
ON S. 3504, THE NATIVE AMERICAN EDUCATION ACT OF 2012,
BEFORE THE
SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
AUGUST 22, 2012
DENVER, COLORADO

Mr. Chairman, thank you for the invitation to testify today on S. 3504, the Native American Education Act of 2012. I am John Echohawk, a citizen of the Pawnee Nation of Oklahoma, and Executive Director of the Native American Rights Fund headquartered in Boulder, Colorado. We have served as the national Indian legal defense fund since we were founded in 1970 and have been providing legal advice and representation to Native American tribes, organizations and individuals on nationally significant Indian issues for the past 42 years. Among the priority issues that we have always addressed is educational rights for Native Americans

As a young lawyer with the Native American Rights Fund in the early 1970s, I became involved with the controversy over Indian tuition waivers at Fort Lewis College in Durango, Colorado. At that time, the State of Colorado and Fort Lewis College were trying to limit the waiver of tuition for Indian students to Indian students who were Colorado residents. Prior to that time, tuition had always been waived for all Indian students pursuant to the 1910 federal law that transferred federal property near Durango containing Fort Lewis School which served Indian students over to the State of Colorado. The land grant was accepted by the State of Colorado and contained a condition that the land be used for a school and Indians be admitted to the school free of charge for tuition.

Litigation ensued brought by the federal government and Indian students at Fort Lewis to stop the State of Colorado and Fort Lewis College from limiting Indian tuition waivers. The Native American Rights Fund participated in the case in an AOf Counsel@ role. In 1973, the Tenth Circuit Court of Appeals affirmed a federal district court decision in favor of the federal government and the Indian students (*Tahdooahnippah v. Thimmig*, 481 F.2d 438). A copy of that decision is attached to my testimony for inclusion in the record.

The Tenth Circuit Court of Appeals held that a contract existed which required the State of Colorado and Fort Lewis College to admit all Indian students tuition free who were otherwise qualified. Over the years, the number of Indian students attending Fort Lewis has increased so the cost of the tuition waivers for the State of Colorado and Fort Lewis College has increased as well. If passed, S. 3504, the Native American Education Act of 2012, would provide federal financial assistance to the State of Colorado and Fort Lewis College in meeting the costs of tuition waivers for Indian students.

The Native American Rights Fund supports the passage of S. 3504 to authorize federal funding to assist the State of Colorado and Fort Lewis College to meet its obligations to Indian students. The federal government has a trust responsibility to assist Indian students obtain higher education. Indians are among the poorest and least educated people in the United States so the need is great. Fort Lewis College has become a great educational resource for Indian students and the United States should assist the State of Colorado to maintain that valuable educational resource for Indians.