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OKLAHOMA'S NEWER NEW DEAL

THE OKLAHOMA INDIAN WELFARE ACT OF 1936

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OKLAHOMA'S NEWER NEW DEAL  
THE OKLAHOMA INDIAN WELFARE ACT OF 1936

A DISSERTATION APPROVED FOR THE  
DEPARTMENT OF HISTORY

BY

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## Abstract

Historians contend that the Indian Reorganization Act (IRA), enacted in 1934 forever changed the direction of federal Indian policy. The Oklahoma Indian Welfare Act (OIWA) passed two years later in 1936 helped transform life for Oklahoma Indians. Scholars have explored and written extensively about the IRA. However, they have focused little attention on the OIWA. This study contends the OIWA proved as transformative for Oklahoma Indians as the IRA did for Indians across the country. To appreciate fully the Indian New Deal, one must understand the OIWA. Indian voice is integral to this study as a means to fully appreciate the rapid changes most Oklahoma Indians experienced over the short period during the Great Depression and World War II era. This study explores Oklahoma Indians and how the OIWA impacted their social, political, and economic institutions, and along with other forces helped propel them into the evolving urban and industrialized society that emerged following World War II.

## Introduction

In 1836 during the Mashpee Revolt in Massachusetts, William Apes, a Pequot religious figure published his famous “Eulogy on King Philip.” The year 1836 witnessed implementation of Andrew Jackson’s removal policy. Apes wrote a speech Metacom might have given in the 1640s during the King Philip War. To rally his people, Metacom stated,

Brothers—you see this vast country before us the Great Spirit gave to our fathers . . . and you now see the foe before you, that they have grown insolent and bold; that all our ancient customs are disregarded; that treaties made by our fathers and us are broken . . . Brothers these people from the unknown world will cut down our groves, spoil our hunting and planting grounds, and drives us and our children from the graves of our fathers, and our council fires, and enslave our women and children.<sup>1</sup>

Almost a century later in 1934, Franklin Roosevelt in an effort to build congressional support for the Wheeler-Howard Bill sent a message to Congress. His words seem a call to restructure the world forced upon Native Americans by white Americans during the previous 300 years. In part, Roosevelt stated,

It is in the main a measure of justice that is long overdue. We can and should, without further delay, extend to the Indian the fundamental rights of political liberty and local self-government and the opportunities of education and economic assistance that they require in order to attain a wholesome American life.<sup>2</sup>

The Indian Reorganization Act (IRA) became law in June of 1934 and marked a major shift in federal Indian policy. The disastrous allotment policy

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<sup>1</sup> Daniel K. Richter, *Facing East from Indian County A Native History of Early America*, (Cambridge: Harvard University Press, 2001), 147.

<sup>2</sup> U. S. House of Representatives, Congressional Record, 7 June 1934, Washington, DC: GPO, 1934, 7807.



instituted in the 1887 ended. Indian policy now focused on consolidation of Indian land, organization of tribal government, and economic development. Many scholars consider the IRA to have been the most important piece of federal legislation dealing with Indian affairs of the twentieth century. Closely tied to the IRA was another piece of legislation enacted in 1936. The Oklahoma Indian Welfare Act (OIWA) brought the benefits of the IRA to Oklahoma Indians along with other significant gains. While the IRA continues to receive a great deal of attention by scholars, the OIWA has been virtually ignored. This study focuses on the Oklahoma Indian Welfare Act, its origins, enactment, implementation, and impact.

The Oklahoma congressional delegation exempted Oklahoma Indians from most provisions of the Indian Reorganization Act of 1934. Yet, just two years later, the Oklahoma Indian Welfare Act was enacted, providing virtually all benefits contained in the IRA and then some. In 1934, Elmer Thomas, Oklahoma Senator, became chair of the Senate Committee on Indian Affairs, while fellow Oklahoman Will Rogers, the Honorable not the humorist, served as chair of the House Committee on Indian Affairs. Senator Thomas proved instrumental in blocking application of the IRA for Oklahoma Indians in June of 1934. Ironically just, two years later Thomas and Rogers co-sponsored a “Newer New Deal” for Oklahoma Indians in the form of the Thomas-Rogers Bill known after its enactment in 1936 as the Oklahoma Indian Welfare Act.

The OIWA was one of several significant pieces of Indian legislation enacted during the 1930s, known collectively as the Indian New Deal. Other acts included the Pueblo Relief Act (1933), the Johnson O'Malley Act (1934), the Indian Reorganization Act (1934), the Indian Arts and Crafts Act (1935), and the Alaska Reorganization Act (1936). Except for an article, "John Collier and the Oklahoma Indian Welfare Act," written by Peter M. Wright over thirty years ago and a chapter, titled "The New Deal for Indians" written by Carter Blue Clark, and contained in a book edited by Arrell Gibson in 1986, little scholarly interest has been concerned with the OIWA. The OIWA has fallen under the radar screen of scholarly attention. Wright offered an excellent legislative history of the OIWA, but his article remains just that, a legislative history. With the passage of over three decades, it now seems incomplete and offers little substantive Indian voice. Clark's article is a useful but partial exploration of both the IRA and the OIWA. This dissertation will examine the background, enactment, and implementation of the Oklahoma Indian Welfare Act.<sup>3</sup>

The Oklahoma Indian Welfare Act of 1936, a New Deal measure aimed specifically at Oklahoma Indians, provides an important chapter in understanding the reform efforts of Commissioner of Indian Affairs, John Collier, in the Sooner state. Secondly, this dissertation explores the OIWA from several perspectives. The Oklahoma Indian Welfare Act of 1936 was a New Deal measure aimed specifically at Oklahoma Indians. Additionally, this dissertation focuses

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<sup>3</sup> Peter M. Wright, "John Collier and the Oklahoma Indian Welfare Act of 1936," *The Chronicles of Oklahoma* 50 (August 1972),

specifically on Oklahoma Indians, their perspective and involvement with the OIWA. Although Oklahoma Indians remained divided over the issue, with some supporting and others opposing the OIWA, they nevertheless were involved in the political process in a number of different ways to promote their particular interests and viewpoints. The vast majority of Oklahoma Indians demonstrated little concern with the OIWA, perhaps for reasons of daily survival exacerbated through the drudgery and hardship of the Great Depression. This dissertation contends that involved or not these Oklahoma natives and their descendents felt the impact of the OIWA in a number of ways. Allotment was formally ended. Tribes were encouraged to organize for political and economic purposes. Economic development was encouraged. These are all important steps that evolved over several decades, helping Oklahoma tribes and individuals to advance.

This study begins with a brief examination of the conditions of Oklahoma Indians before the New Deal. In many ways, their situation was unique. While tribes in western Oklahoma were segregated from much of white society through confinement to remote reservation areas, the land holdings of many eastern Oklahoma tribes became inundated with white farmers, miners, oil people, and flourishing white communities. This unique relationship involved white exploitation of Indian land and resources at an intensity seen nowhere else in the country. Whites considered Oklahoma Indians further along the road to assimilation with white society than Indians in other parts of the country. Many Oklahoma Indians, especially mixed bloods, shared the belief that the IRA and then

the OIWA would transport them backwards on a journey to reservations and segregation from white society. An understanding of the background of Oklahoma Indians at the time of the New Deal is critical in helping to provide the context against which two questions arise: Why were Oklahoma Indians initially exempted from most provisions of the Indian Reorganization Act of 1934? Why just two years later was the Oklahoma Indian Welfare Act passed which gave Oklahoma Indians virtually everything contained in the IRA and then some?

At the time of the New Deal in the 1930s, almost half of the country's Native American population resided in Oklahoma. Nowhere else in the nation could a wider concentration of tribal affiliations and cultural perspectives be found. This study contends that rather than being relegated to a bit part in the shadows of the stage, the OIWA is an important chapter in Native American history that warrants closer scrutiny because many Oklahoma Indians were actively involved during the enactment and implementation phases of the OIWA. The Indian New Deal helped to open the door to self-determination that flourished in the 1960s and 1970s. The IRA and the OIWA remain tightly linked. In many respects, the OIWA is an arm of the IRA, but to fully understand the Indian New Deal, one must understand that the OIWA was as important for Oklahoma Indians as the IRA was for other Indian groups across the nation.

A vocal white opposition to the Indian New Deal, concentrated in the eastern half of the state, represented a variety of interests, including oil, timber, mining, farming, and ranching. While much of this white opposition masked its

intentions by professed belief in Indian assimilation and participation into white society, they had long participated in what Angie Debo termed “an orgy of graft and corruption” with respect to Indian land and resources.<sup>4</sup> The Thomas-Rogers Bill introduced to Congress in February of 1935 threatened the status quo and they reacted vigorously. Farmers, ranchers, miners, oil magnates, lawyers, judges, and state legislators coalesced around Oklahoma Congressman Wesley Disney. Disney’s dogged opposition to the Thomas-Rogers Bill throughout the legislative process, resulting in several proposals being dropped in order to secure congressional enactment, including a proposal to remove control over Indian probate matters from the jurisdiction of the Oklahoma county court system and place it under the control of the Interior Department, thereby ending the “orgy of exploitation” which Angie Debo argued characterized Indian affairs in Oklahoma before the Indian New Deal.

The Oklahoma congressional delegation was integral in securing passage of the Thomas-Rogers Bill in June of 1936 known thereafter as the Oklahoma Indian Welfare Act. Senator Elmer Thomas became chair of the Senate Committee on Indian Affairs, while Representative Will Rogers was his counter part in the House. Thomas was an assimilationist and fervently opposed the efforts of Indian policy reformers such as John Collier. Thomas knew clearly what side his political bread was buttered on. Oklahoma whites, not Oklahoma Indians, kept returning Thomas to Washington. Why did Thomas, who was responsible for exempting Oklahoma

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<sup>4</sup> Angie Debo, *And Still the Waters Run The Betrayal of the Five Civilized Tribes* (Princeton, NJ: Princeton University Press, 1991), 91.

Indians from the IRA, do an about face in a short period of time and support Collier and others in their attempts to bring the Indian New Deal to Oklahoma Indians? Oklahoma Congressman Wesley Disney, from the first district in eastern Oklahoma, was the political figure that many groups and interests in Oklahoma coalesced around to focus opposition to the OIWA. Why his vehement and sustained opposition? Why would Senator Thomas along with other New Deal legislators such as Montana Senator Burton K. Wheeler, co-sponsor of the Indian Reorganization Act, join together in the early 1940s and push for repeal of the IRA/OIWA?

John Collier, FDR's Commissioner of Indian Affairs and arguably the most influential person in Indian affairs during the twentieth century, was the chief architect for both the IRA and the OIWA. Collier fought tenaciously to secure passage of both legislative proposals. Just days before congressional approval in June of 1934, Senator Thomas checkmated Collier's efforts and secured exemption for Oklahoma Indians from most provisions of the Indian Reorganization Act. Shortly after Oklahoma's rejection of the IRA, Collier visited Oklahoma at the invitation of Senator Thomas to develop a legislative proposal tailored for Oklahoma Indians, one that would bring them the benefits of the Indian New Deal. Collier and Thomas held seven Indian congresses across the state. The legacy of John Collier with respect to enactment and implementation of the IRA is well known and continues to be explored by scholars. Collier's involvement with the

OIWA is an important factor in this study. Intertwined in the relationship between John Collier and Senator Thomas is a classic American political battle.

Collier's shadow continues to loom over both the IRA and the OIWA and federal Indian policy. For two decades following the New Deal years, Collier provided the widely accepted interpretation of the Indian New Deal. Collier structured his writing to throw a favorable light on himself and his administration, nevertheless his work contains valuable insights found nowhere else. Collier's definition of assimilation proved quite at odds with the traditional viewpoint of the American Indian being incorporated into American society. Collier promoted, "Assimilation, not into our culture but into modern life, and preservation and intensification of heritage are not hostile choices, excluding one another, but are interdependent through and through."<sup>5</sup> Collier exclaimed, "The New Deal told the Indians: you are of the world and the world is of you. Draw now on your own deep powers; come out of your silence; choose your own way, but let your way lead to the present and future world. The huge past in you has a huge future—a world future—now."<sup>6</sup> E. A. Schwartz contended Collier aimed at gradually integrating Indian groups into modern society rather than continuing "the failed policy of promoting the rapid assimilation of Indian people as individuals."<sup>7</sup> In assessing the success of the Indian New Deal, Collier believed, "The Indian New Deal was not as effective as it could have been, because of "the institutional structure of the

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<sup>5</sup> John Collier, *From Every Zenith: A Memoir and Some Essays on Life and Thought*, (Denver: Sage Books, 1963), 203.

<sup>6</sup> *Ibid.*

<sup>7</sup> E. A. Schwartz, "Red Atlantis Revisited: Community and Culture in the Writings of John Collier," *American Indian Quarterly* 18 (Fall 1994), 525.

government's Indian Service. That service was no-wise [sic] autonomous; but was geared to the Government's all embracing system of budget-making and congressional appropriations, and the Government's all-embracing system of civil service and job classification."<sup>8</sup> Naturally, Collier's *From Every Zenith* threw a favorable light on Collier and his administration.

An important and almost totally unexplored chapter of the OIWA is its impact. Just what effect did the OIWA have on Oklahoma Indians? What did it accomplish? Did it solve or create problems for Oklahoma Indians? Angie Debo and Theodore Haas both examined the impact of Indian New Deal legislation. Their work spanned the late 1940s and 1950s and continues to stand alone. No one has followed them in continuing to explore the impact of the OIWA. Debo conducted research with Oklahoma Indians and the impact of the OIWA. Her work provided case studies of a number of Indian families and for the most part remains unpublished. Haas, an Interior Department solicitor, published a sterile statistical report pertaining to the IRA. While Haas's study focused on a nation wide perspective, it also included figures for Oklahoma and the OIWA. At best, both studies only partially relate the story of the OIWA and its effect on the Indian people of Oklahoma.

Perhaps of greater importance are abstract influences, factors difficult to quantify. Oklahoma tribal governments were dissolved by legislative enactments, judicial reorganization, and executive policy during the 1890s and early twentieth century. The OIWA offered the mechanism whereby Oklahoma tribes could

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<sup>8</sup> Ibid. 225.



reorganize their tribal governments. While eighteen out of twenty-nine tribal groups in Oklahoma would organize tribal governments under the OIWA, and they represented only about ten percent of the Oklahoma Indian population. None of the Five Tribes would be included in that group. In spite of these 'lesser' statistics, the Indian New Deal affected most Oklahoma Indians significantly. Carter Blue Clark believes the IRA and the OIWA "rekindled a tribal fire of survival that had been all but completely extinguished" among Oklahoma Indians and contributed later to "Indian nationalism that erupted in the militancy of the 1960s."<sup>9</sup> Historian Donald Parman believes the Indian New Deal "planted the seeds of Indian tribal autonomy that emerged during the past two decades."<sup>10</sup> These conjectures that warrant further scholarly consideration.

Most of the limited research directed towards uncovering the story of the OIWA confined itself to the legislative struggle to secure its passage, focusing on the work of white legislators and bureaucrats. Indian participation relegated to fringe shadows was included only for support of white perspective and interests. The inclusion of Indian voice is integral in telling the complete story. With the dissolution of tribal governments accomplished by the Curtis Act of 1898, Richard Greene, tribal historian for the Chickasaw, found the amount of source material from tribal members declined dramatically.<sup>11</sup> However, history detective work can

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<sup>9</sup> Carter Blue Clark, "The New Deal for Indians," contained in, *Between Two Worlds: The Survival of Twentieth Century Indians*, Arrell Morgan, ed., (Oklahoma City: Oklahoma Historical Society, 1986), 80.

<sup>10</sup> Donald Parman, "Twentieth-Century Indian History: Achievements, Needs, and Problems," *OAH Magazine of History*, 9, (Fall 1994), 11.

<sup>11</sup> Richard Greene's experience has been source material for the period extending from statehood to the New Deal years of the 1930s, that for the most part the only Indian voice he knows

still bring to light an understanding of Indian involvement and opinion to help answer the nagging question, “So what?” Historian Donald Parman believes many “scholars present strong prefatory promises that their [studies] will reveal the Indian perspective, disclose the Indian voice, and portray Indians as active participants in the story, but the [studies] deal almost entirely with non-Indian actions and policy matters.”<sup>12</sup> This study includes Indian perspective and involvement in the enactment and implementation of the OIWA.

Angie Debo remains first in a list of respected scholars to examine Oklahoma Indians and the Indian New Deal as it pertains to Oklahoma Indians. In 1940, Debo published her path breaking work *And Still the Waters Run: The Betrayal of the Five Civilized Tribes*. Debo’s work, thoroughly researched and written in the formal prose of the day, focused on Oklahoma Indians from the latter part of the nineteenth century to the 1940s. However, Debo’s work is a product of an earlier period of historical methodology. The titles of several of her works, *The Rise and Fall of the Choctaw Republic*, *And Still the Waters Run: The Betrayal of the Five civilized Tribes*, and *The Road to Disappearance: A History of the Creek Indians*, exemplify a bygone perspective of Indians as defeated and helpless.

In case study analyses, Debo examined the impact of legislation and court decisions such as the Curtis Act of 1896, *Lone Wolf v. Hitchcock*, 1903, and the Burke Act of 1906 upon Oklahoma Indians. By the time of statehood 1907, the

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of is contained in the papers of Douglas Johnston, the long serving tribal governor and two or three white lawyers occasionally hired by the tribe. Greene concludes, “There was just no one who kept records for the Chickasaw at this time.” Phone conversation with the author, September 5, 2003.

<sup>12</sup> Parman, 14.

land holdings of Oklahoma Indians had dwindled by ninety percent. Thousands were left with virtually no land on which to subsist. Resources such as lumber and oil were subject to an “orgy of exploitation” by white interests.<sup>13</sup> Writing in the 1940s and 1950s, Debo decried the lack of scholarly attention to the plight of the Indians at that time. She believed this was caused by the fact that “the Indians had been forced to accept the perilous gift of American citizenship and they were despoiled individually under the forms of existing law; hence no writer of American history devotes even a sentence to their wrongs.”<sup>14</sup>

Debo believed the experience of Oklahoma Indians was “only one episode—although the most dramatic episode “ in a series of similar events which transpired with almost every Indian tribe in the western United States as a result of federal Indian policy in the late nineteenth and early twentieth centuries.”<sup>15</sup> While her focus was on the Five Civilized Tribes of eastern Oklahoma, Debo contributed great amount of material pertaining to reservation tribes of western Oklahoma, including the Comanche, Kiowa, and Cheyenne.

Respected scholars such as Kenneth Philp, Lawrence Kelly, and Elmer Rusco have provided important insights into our understanding the Indian New Deal. Both Philp and Kelly focused their efforts on John Collier with biographies that examine Collier the reformer and his efforts to enact and implement the Indian Reorganization Act. Elmer Rusco, a specialist in Nevada politics, explored in his policy study, *A Fateful Time*, “the IRA's impact on the restricted ability of Native

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<sup>13</sup> Angie Debo, *And Still the Waters Run*, x.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*, 243.

Americans to govern themselves." While Rusco contended a small group of "Indian policy elites" over saw the enactment and implementation of the IRA, he also believed, "Most Indian policy takes place not at the national level but on reservations and other settings where significant numbers of Native Americans live. At this level Indians were and are the main actors."<sup>16</sup> While Rusco's attention is directed to the IRA nationwide, this writer agrees with Rusco's positions that only in more recent scholarly work have Native Americans begun to be recognized for their involvement in the political and administrative functions of the IRA/OIWA. However, these newer works are small in number and take the form of journal articles or a chapter in a book, focusing on broader nationwide perspectives. A broader and more thorough examination is needed.

Most scholarly work today credits Native Americans with involvement in determining their future and emphasizes the importance of uncovering Indian perspective and voice. Two works focus on Oklahoma Indians. Erik Zissu's *Blood Matters: The Five Civilized Tribes and the Search for Unity in the Twentieth Century* examines factors such as blood quantum and indigenous community as being wielded effectively by Oklahoma Indians over the twenty-five year period following statehood to promote their interests. Circe Sturm's *Blood Politics* focuses on contemporary Cherokee society and explores how various tribal groups have utilized race and culture to define the Cherokee nation. Sturm, an anthropologist of Cherokee descent, focuses her study on Indian identity, claiming,

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<sup>16</sup> Elmer R. Rusco, *A Fateful Time the Background and Legislative History of the Indian Reorganization Act*, (Reno: University of Nevada Press, 2000), ix-xiv.

"Federal Indian policy and Cherokee national policy have both fetishized and objectified Native American blood."<sup>17</sup>

This study explores the involvement and contributions of Oklahoma Indians during and after the New Deal era as the OIWA was enacted into law and then implemented into practice. This writer endorses Zissu's claims that "tribal members did not relinquish the political initiative; they were not reduced to helplessness. Instead, they undertook political activity and fashioned a renewal of their collective identity."<sup>18</sup> The truth of William Cronan's statement, "Being overpowered is not a sign of passivity," is verified in this study.<sup>19</sup> Oklahoma Indians may have lacked political sophistication, but did not roll over and play dead. Though limited in their access to power in white society, and often seemingly blocked in diverting the path of white encroachment, Oklahoma Indians struggled against the tide of change in a variety of manners. This study will explore that Indian involvement. While Erik Zissu's study examines the Five Tribes during the twenty five years following statehood in 1907, this dissertation focuses on Oklahoma Indians during and after the New Deal era.

Philp, Kelly, Rusco, and many other scholars focused on the IRA from a national perspective. They examined four basic criticisms of the IRA: the limited effect of economic programs, the limited effect of political programs with respect

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<sup>17</sup> Circe Sturm, *Blood Politics Race, Culture, and Identity in the Cherokee Nation of Oklahoma*, (Berkeley: University of California Press, 2001), 28.

<sup>18</sup> Erik M. Zissu, *Blood Matters: The Five Civilized Tribes and the Search for Unity in the Twentieth Century* (New York: Routledge, 2001), 4.

<sup>19</sup> William Cronan, *Changes in the Land Indians, Colonists, and the Ecology of New England*, (New York: Hill and Wang, 1983), 165.

to establishing Indian self determination, the bureau's forcing of IRA constitutions upon tribes, and the issue of factionalism found in many Indian governments. In their studies, the OIWA receives scant attention even though Oklahoma Indians represented a wide variety of tribes and over one third of the nation's indigenous population. The OIWA was indeed "Oklahoma's Newer New Deal" for its native citizens.

Developing the full story of the OIWA requires a number of questions and issues be examined. The OIWA is located under the broad reform umbrella of the Indian New Deal. Oklahoma Indians exempted from most provisions of the IRA in 1934 became the focus of a broader reform measure, the OIWA, just two years later in 1936. Oklahoma Indians demonstrated divisions over their support for a "Newer New Deal." These divisions certainly affected the development and implementation of the OIWA. Additionally, a number of forces helped to transform the nation during the 1930s and 1940s, including the Great Depression, World War II, industrialization, and urban growth. Oklahoma Indians were not exempt from these forces and they are a vital part of the story. Most importantly is the issue of the impact of the OIWA on Oklahoma Indians. While most scholars recognize the IRA as a watershed event in twentieth century Indian affairs, can the same be said for the OIWA and Oklahoma Indians? This study will focus on examining these issues and questions. They underscore the Indian story behind the Oklahoma Indian Welfare Act.

## Chapter 1

### Indian Territory

For what crime then was this whole nation doomed to this perpetual death? Simply because they would not agree to a principle which would be at once death to their national existence . . . [which would] set aside the authority of the national council & principal chief . . . and dispose of the whole public domain, as well as the private property of individuals, and render the whole nation houseless & homeless at pleasure.<sup>1</sup>

Rev. Daniel Butrick  
December 31, 1838

Daniel Butrick served as a Methodist missionary among the Cherokee in Georgia for twenty years prior to their forced removal during the winter of 1837. He accompanied the Cherokee on their journey to Indian country and penned the above words on New Years Eve, while the group hunkered down, waiting for a raging snow and ice storm to dissipate. Butrick wrote these words as he reflected on events among the Cherokee over the year that was ending. Looking forward over the following century, much of what Butrick wrote seems prophetic. All Oklahoma Indians, not just the Cherokee, not just the Five Tribes, but also tribal groups from the Great Plains removed to Indian Territory over the balance of the nineteenth century, would suffer the fate predicted by Butrick.<sup>2</sup>

The subject of this study is the Oklahoma Indian Welfare Act of 1936 (OIWA) designed to relieve the deplorable situation that many Oklahoma Indians

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<sup>1</sup> Vicki Rozema, ed., *Voices from the Trail of Tears*, (Winston Salem: John F. Blair Publisher, 2003), 147.

<sup>2</sup> Ibid.

lived under by the 1930s. The OIWA represents much more than just a particular legislative act. It is one of several pieces of reform legislation dubbed the Indian New Deal, which marked a dramatic, though not necessarily rapid shift in direction for federal Indian policy. Understanding the OIWA and its impact on Oklahoma Indians, necessitates presenting an overview of events and forces occurring during the period from the 1830s to the 1930s. This chapter is not designed as a comprehensive overview of Oklahoma tribal groups but instead provides a selective history of their experiences showing a people uniquely forged by removal, the Civil War, reconstruction, the rapid influx of whites into Indian Territory, as well as industrialization and commercialization during the latter years of the nineteenth century. Forces, events, and circumstances that shaped their character, both as individuals and as tribal groups molded the Oklahoma Indians during this time period. Oklahoma Indians stood apart from other Native American tribal groups. The OIWA was both created and implemented with that uniqueness in mind.

A portion of the expansive Louisiana Purchase designated as Indian Territory, eventually became the state of Oklahoma. Tribal groups including the Osage, Quapaw, Wichitas, Caddos, Comanches, and Kiowa inhabited this area for generations. Several tribes from the East--bands of the Choctaw, Chickasaw, and Cherokee--seasonally undertook hunting expeditions into what is now eastern Oklahoma. During the first two decades of the nineteenth century, a number of Kickapoo, Delaware, Shawnee, Sauk and Fox, all from north of the Ohio River,



voluntarily removed themselves to lands west of the Mississippi in the face of white westward expansion. However, with rapid expansion of the cotton culture, the “Indian problem” became particularly acute across the Deep South, involving those Indians designated as the Five Civilized Tribes.

Andrew Jackson’s exploits as an Indian fighter created in part his national image. Jackson, a southerner and a strong nationalist, lived also as a disciple of Jefferson’s dream of the American nation firmly resting on the backs of self-sufficient prosperous yeoman white farmers. Indians represented loathed obstacles in the path towards that dream. As president, Jackson was instrumental in influencing the course of federal Indian policy, pushing the Indian Removal Act through Congress in 1830. This legislation provided the mechanism by which the federal government accomplished removal and opened former Indian lands to white settlement. The Five Civilized Tribes, the Choctaws, Cherokees, Creek, Seminoles, and Chickasaws, endured a dramatic removal from the old southwest to Indian Territory during the 1830s. In a number of contrived agreements and treaties, these tribes ceded their valuable eastern lands for huge tracks of land, sight unseen, in Indian Territory. The treaties promised the lands would remain theirs as long “as the grass grows and the rivers run.”<sup>3</sup>

Removal forced upon the Five Tribes in the southeast proved a divisive factor. A deep division occurred among the Cherokee in late 1835 when one

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<sup>3</sup> Wayne Moquin and Charles Van Doren, ed., *Great Documents in American Indian History*, (New York: Praeger Publishers, 1973), 150. The Creek chief Speckled Snake spoke these words to his people in 1830, attempting to “sell” them on Andrew Jackson’s offer of lands in what became Oklahoma in exchange for their holdings in the southeast.

faction signed the Treaty of New Echota, thereby relinquishing their homeland in the southeast for \$5 million and accepting removal west of the Mississippi River. This group led by Major Ridge and known as the Treaty Party vehemently opposed John Ross and the National Party. They fought tenaciously in the court system to reverse what they believed was a sellout of not only their lands, but their tribal history and culture as well. Relinquishing property and possessions, thousands forcibly marched to Indian Territory over what the Cherokee called “The Trail of Tears.” Most experienced horrendous physical and psychological suffering. In 1838, the Reverend Daniel Butrick lamented the Indian experience, “O what a year it has been! O what a sweeping wind has gone over, and carried its thousands into the grave, while thousands of others have been tortured and scarcely survive, and the whole nation comparatively thrown out of house & home during this most dreary winter.”<sup>4</sup> Thousands died along the way from disease, starvation, or exposure. Disgruntled tribal members executed several leaders of the Treaty Party, including Major Ridge, John Ridge, and Elilas Boudinot shortly after their arrival in Indian Territory in 1839.<sup>5</sup> By the 1930s, few if any of the Indian participants in the removal of the 1830s were alive. However, generation upon generation passed down the legacy of hardships, losses, and sufferings were passed down from generation to generation. The experience of forced removal became a bitter part of the collective tribal memory, continuing to play a decisive role Indian-White affairs as well as Indian-to-Indian relations for generations.

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<sup>4</sup> Rozema, 147.

<sup>5</sup> Circe Sturm, *Blood Politics, Race, Culture, and Identity in the Cherokee Nation of Oklahoma*, (Berkeley: University of California Press, 2002), 63-68.

During the interlude between removal and the Civil War, the Five Tribes traveled in Indian Territory, isolated from the influences of white civilization to the east. These stoic groups proved resilient and in a little over a generation, rebuilding a lifestyle in Indian Territory comparable to one they lost in the East. However, the Civil War launched a watershed event in Indian Territory. Native Americans found themselves caught in the middle of a confrontation that tore the nations into warring factions, with each side fighting for dominance and survival. Many of the Five Tribes were prosperous slave owners and felt closely linked to the cotton culture of the South. Other groups within the Five Tribes directed their loyalty to the North. The Civil War became a divisive and emotional issue among the Five Tribes. The Civil War affected no other groups in the nation as those in Indian Territory.

During the Civil War, both the South and the North placed a strategic value on Indian Territory for several reasons. In order to help sustain their war effort, the South obtained much needed agricultural products including beef, wheat, corn, horses, and minerals, such as salt and lead for ammunition, from Indian Territory. Southerners viewed Indian Territory as part of the gateway for southern expansionist plans into the American West. Indian Territory served as a buffer between Texas and Union Kansas and provided a base of Confederate operations for launching invasions into the southwestern territories. The North took a decidedly opposite view point on these issues, which resulted in Indian Territory becoming a battle ground during the war.

Among the tribes, factionalism existed between Union and Confederate sympathizers. While the Choctaw and Chickasaw remained fairly united in their support of the Confederacy, several hundred “unionists” fled to Kansas and Union security. “Although their national [tribal] governments signed treaties with the Confederacy, the majority of [individual] Cherokee, Creek, and Seminoles seem to have favored the Union cause.”<sup>6</sup> Some of those who fled to Kansas formed guerilla with others united against Confederate occupation. After 1863, the Union gained control of the war effort in Indian Territory and these pro-Union Indian guerilla units became attached as regulars to Union forces, while the Confederate Indians disbanded from formal military units to guerrilla units.

The Civil War effort in Indian Territory seriously impaired much of the Indian population. By 1865, widows constituted one third of the population in Indian Territory. Sixteen percent of the children were fatherless with fourteen percent orphaned.<sup>7</sup> Tremendous physical destruction affected farm buildings, crops, and livestock. Nearly 1,000 members of the Five Tribes displaced by the war died in refugee camps. Marauding troops from both sides drove off an estimated 300,000 head of cattle. Many farms remained idle or even vacant during the war years and suffered physical deterioration.<sup>8</sup> With the weakening of tribal governments, disorder and lawlessness infiltrated Indian Territory. Tribal

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<sup>6</sup> Ibid. 5.

<sup>7</sup> Whit Edwards, *The Prairie Was on Fire*, (Oklahoma City: Oklahoma Historical Society, 2001), xv.

<sup>8</sup> W. David Baird and Danney Goble, *The Story of Oklahoma*, (Norman: University of Oklahoma Press, 1994), 178-179.

governments lost annuities from the federal government; and being cash strapped they weakened and could not function effectively.

As the war ended, Reconstruction treaties descended upon Indian Territory with dire consequences for all tribal groups. These treaties struck at both Indian land base and tribal sovereignty. James Harlan, Secretary of the Interior and chief architect of the reconstruction policy for Indian Territory, claimed his policy aimed at “territorialization: tribal unification under federal direction and with such a degree of subordination to Washington that white settlement of the Indian Territory, reallocation of tribal lands, and Statehood must soon follow.”<sup>9</sup> Forced to cede varying amounts of land that collectively totaled over five million acres, the Five Tribes forfeited lands originally granted to the Indians by treaties for as “long the grass grows and the rivers run.” The government asserted its authority to settle tribal groups from other parts of the country in west central Indian Territory on lands ceded by the Cherokee. For example, the Lane-Pomeroy Plan obligated the Five Tribes to surrender part of their land holdings to Indians removed from lands in southern Kansas coveted by whites. Federal officials viewed “Indian Territory [as] a conquered province and the people must submit to the terms set by the conqueror.”<sup>10</sup>

Most of the Reconstruction treaties dealt a blow to tribal courts by allowing for “a court of courts [federal] to be established in said Territory with such

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<sup>9</sup> Jeffrey Burton, *Indian Territory and the United States, 1866-1906*, (Norman: University of Oklahoma Press, 1995), 15.

<sup>10</sup> Arrell Gibson, *Oklahoma A History of Five Centuries*, (Norman: Harlow Publishing, 1972), 159.

jurisdiction and organization as Congress may prescribe.”<sup>11</sup> Supplanting tribal courts inaugurated an important first step in disarming Indian courts in preparation for total dissolution. Jeffrey Burton confirms judicial reform as an important step implemented by the federal government to bring Indian Territory under its full authority; and “by the late 1890s, all the real authority in Indian territory lay with the federal courts.”<sup>12</sup> Reconstruction treaties included stipulations designed to aid industrialization and business expansion in Indian Territory. The tribes were required to grant rights of way to railroads.

Railroads helped to transform Indian Territory during the balance of the nineteenth century. By 1890, nine different railroads operated on 1,000 miles of track.<sup>13</sup> By authority of the federal government and not of their volition, tribes granted rights of way to railroads across their land. As noted in other areas of the developing West, railroads were active in boosterism and drew more whites into Indian Territory. The railroads, a powerful lobby, joined other business groups in exerting pressure on the government to break up Indian communal land holdings and open these areas for settlement, development, and exploitation by the westering white settlers. More settlers and commercial development meant more revenue for the railroads. By the time of statehood in 1907, operating rail track in Indian Territory had increased by more than 500 percent to almost 5,500 miles.<sup>14</sup>

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<sup>11</sup> “Cherokee Treaty of 1866,” contained in, *Treaties and Agreements of the Eastern Oklahoma Indians*, Charles J. Kappler, ed., (Washington, DC: Government Printing Office, 1903), 728.

<sup>12</sup> Jeffrey Burton, *Indian Territory and the United States 1866-1906*, (Norman: University of Oklahoma Press, 1995), xiii.

<sup>13</sup> Alvin Rucker, “End of the Redman’s Law,” *The Daily Oklahoman*, 11 November 1928, sec. F6.

<sup>14</sup> H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865-1907*, (Columbia: University of Missouri Press, 1976), 117.

Railroad construction helped foster the growth of commercial farming and ranching, timber, mining, and manufacturing while also helping to open the floodgates of white settlement in Indian Territory. H. Craig Miner correctly argues, “The most important force in destroying tribal sovereignty was the industrial corporation.”<sup>15</sup> With the introduction of railroads after the Civil War and the accompanying influx of whites, many Indians discerned a pending threat to their way of life and survival. Cyrus Harris, Choctaw governor, stated: “But we, with any degree of certainty, continue with the hope of holding lands in common, when railroad agitators and land speculators are using all available means to open our country to the settlement of the whites.”<sup>16</sup>

The growing division between traditionalists and progressives underscored a disruptive factor among territorial tribal groups. Full bloods eschewed interaction with whites and struggled to maintain the values of communalism and tribal culture, while mixed bloods often characterized a readiness to assimilate white culture. Traditionalists clung doggedly to their heritage and elements of indigenous religion, and often practiced subsistence agriculture on communal land holdings isolated from contact with whites. On the other hand, many progressives received education, Christianity, embraced the Euro-American concept of private property, and entered into mixed marriages. Being bilingual, many often found themselves elevated to positions of leadership within the tribal political system because of their ability to interact with whites. Oklahoma Indian recognized this dichotomy. Jim

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<sup>15</sup> Ibid. xiv.

<sup>16</sup> Cyrus Harris to the Choctaw Legislature, 2 September 1872, Box 1 Folder 3, Cyrus Harris Collection, Western History Collections, University of Oklahoma, Norman, OK.

Padgett, Chickasaw, in speaking of the influx of whites, the railroads, and commercialization said, “One side was in favor of progress, of accepting the white man’s ways and opening up the country. What if Statehood came, they argued, wouldn’t it be a good thing? The other side wanted this country for the Indian way, the land held in common by the tribes.”<sup>17</sup> Edmund McCurtain, a Choctaw chief, attempted to bridge the separation between traditionalists and progressives. He recognized the dangers of factionalism proclaiming, “Union is strength.”<sup>18</sup> Over time, these divisions inhibited “tribal members from effectively confronting non-Indian settlement and federal authority.”<sup>19</sup> Between statehood in 1907 and 1930, progressives dominated most tribal councils among Oklahoma Indians.

Following the war, westward expansion resumed with a frenzy. Veterans, freed Blacks, immigrants, speculators, cattlemen, miners, farmers, and entrepreneurs descended on Indian Territory over the next several decades seeking opportunity. By 1890, 19,000 freedmen and 110,000 whites outnumbered 50,000 Indian inhabitants, representing thirty-nine percent of the population. By 1907, Native Americans comprised only nine percent of the state’s population.<sup>20</sup> Indians became a small minority in their own territory. White political, economic, and social institutions defined and controlled all facets of life in Indian Territory.

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<sup>17</sup> Jim Padgett 1937 (?) contained in *Indians and Pioneers*, Oklahoma Historical Society, Oklahoma City, OK vol. 68, 212.

<sup>18</sup> Edmund McCurtain to the Choctaw, 24 October 1885, Edmund McCurtain Collection, Box 45, Folder 29, Western History Collections, University of Oklahoma, Norman, OK.

<sup>19</sup> Erik M. Zissau, *Blood Matters The Five Civilized Tribes and the Search for Unity in the Twentieth Century*, (New York: Routledge, 2001), 5.

<sup>20</sup> *Ibid*, 66.



Oklahoma Indians remained unique from the experience of many other tribal groups around the country.

A wide gulf existed between tribal groups removed from the American southeast, and Plains Indians relocated to reservations in the western half of Indian Territory during the last half of the nineteenth century. White interests encountered two dissimilar groups. The Five Tribes experienced decades of partial assimilation of Euro-American thinking and practices. Whether classified as traditional or progressive, these tribal groups firmly based their economy in agriculture. In the western half of Indian Territory, groups including the Cheyenne, Arapaho, Apache, Kiowa, and Comanche tribes rooted their life style in the hunter gatherer culture. Many former plains hunters maintained their traditional cultural practices and shunned most contact with whites as well as the Five Tribes in the eastern half of the territory. Historian David La Vere recounted that these two groups “existed as two wholly different peoples . . . [and] instead of creating a middle ground of cooperation and unity, they remained different, suspicious, and separated.”<sup>21</sup> Creek chief, Roley McIntosh expressed the general perspective of the Five Tribes towards the Plains Indians stating, “These wild Indians depend almost altogether upon the chase for support, and their glory is war. We are anxious to pursue a different course. Our object is to cultivate the land, to support our families . . . and to preserve the peace not only with our white, but with our red brothers.”<sup>22</sup> On the other hand, the Plains Indians looked upon the southeastern tribes as Indians, but

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<sup>21</sup> David La Vere, *Contrary Neighbors Southern Plains and Removal Indians in Indian Territory*, (Norman: University of Oklahoma Press, 2000), 7.

<sup>22</sup> *Ibid*, 62.

not as brothers. They viewed them as weak and as invaders of their lands. Avoidance of one another, characterized their relationship during this period. This gulf between these tribal groups began to be healed only in the years following WWII.

Unlike much of the West, whites in Indian Territory gradually mingled with the Indians rather than following a policy of removing or exterminating them. Even though whites dominated Indians in sheer numbers, most tribal governments enforced a variety of restrictions. Communally held Indian land thwarted white ownership of the land they farmed. Whites paid for work permits, fees and taxes, with most Indians exempt from such charges. The annual permit fees, \$2.50 for laborers and \$5.00 for mechanics and farmers, became important sources of revenue for the Five Tribes. Indian schools prohibited the attendance of white children. With no vote and almost no political voice in the territory, whites often found it virtually impossible to collect debts or settle most types of civil disputes. Lawlessness escalated as criminals used Indian Territory as a hide out from formal law exercised in the neighboring states of Kansas, Missouri, Arkansas, or Texas.<sup>23</sup>

Disgruntled whites, experiencing back seat citizenship, sought relief from the federal government. Federal administrators and Congress recognized the problems in Indian Territory as a nagging impediment in the path of white progress and domination of the American continent. Many of the whites echoed the sentiments of the Commissioner of Indian Affairs, J. D. Atkins, who in 1886 addressed the situation concerning the Five Tribes in Indian Territory saying,

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<sup>23</sup> Debo, 18-21.

“These Indians have no right to obstruct civilization and commerce and then set up an exclusive claim to self-government, establishing a government within a government.”<sup>24</sup> As the number of whites increased, so too did the call for abolishing communally held tribal lands and tribal governments. The clarion call for “individual land ownership and political reorganization of the territory into a state” was directed towards Washington.<sup>25</sup>

Imbued with the concept of private ownership of the land, whites viewed “unused” Indian land as an impediment to development and progress. By the 1880s, land hungry westering settlers joined forces with “friends of the Indians” to promote privatizing Indian lands. Congress enacted the Dawes Act on February 8, 1887, referred ever after as “Indian’s Day.”<sup>26</sup> This legislation distributed plots of land to individual Indians to farm and opened up millions of acres of “excess” tribal land to white settlement. With the Five Tribes exempted from the Dawes Act, allotment proceeded with the western tribes in Indian Territory. In 1889, the Unassigned Lands, a tract of approximately two million acres purchased from the Creeks, opened for white settlement with a land run in which over 100,000 settlers participated. Other areas of Indian land opened to white settlement by either land runs or lotteries.<sup>27</sup> Tribal land in the Oklahoma Territory shrank tremendously between 1890 and statehood in 1907. For example, the land holdings of the

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<sup>24</sup> Francis Paul Prucha, *American Policy in Crisis: Christian Reformers and the Indian, 1865-1900* (Norman: University of Oklahoma Press, 1976), 386.

<sup>25</sup> Kirke Kickingbird and Lynn Kickingbird, “Oklahoma Indians Jurisdiction: a Myth Unraveled,” in *American Indian Journal* (Fall 1986), 4.

<sup>26</sup> Jess Rowledge in the Doris Duke Collection, Vol 4, p. 2, Western History Collections, University of Oklahoma, Norman, OK.

<sup>27</sup> Gibson, 181-184.

Apache, Kiowa, and Comanche plummeted from over 1,000,000 acres to 3,000, over a ninety nine percent loss.<sup>28</sup>

As Indian land holdings shrank, so too did tribal sovereignty. Indian legal scholar F. Browning Pipestem claimed “the real loss was evidenced by a congressional restriction of tribal powers.”<sup>29</sup> Over a dozen pieces of congressional legislation enacted between 1890 and 1907, systematically whittled away at tribal sovereignty in Indian Territory. The Organic Act of 1890 established government and courts for non-Indians in the territory, a major blow to the effectiveness of tribal court systems. The Appropriations Act of 1897 subjected tribal laws to the approval of the President. Federal as well as borrowed Arkansas state law became the law of the land in Indian Territory. The Curtis Act of 1898 instituted allotment of the Five Tribe’s land base and removed jurisdiction from tribal courts to federal courts. In 1901, the federal government declared all Indians in the territory, U. S. citizens. The Five Tribes Act of 1906 allowed the President to remove tribal chiefs; they now served at his pleasure and Indian court systems dismantled, with Federal and state laws imposed over all Indian Territory, and Indian court systems dismantled, tribal law fell prey to presidential prerogative. Whites witnessed their interests enhanced and protected by the federal government. Indian legal scholar Rennard Strickland labeled these laws and governmental actions as a “genocidal thrust” directed towards destroying tribal structures and contends that these efforts

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<sup>28</sup> F. Browning Pipestem and G. William Rice, “The Mythology of the Oklahoma Indians: A Survey of the Legal Status of Indian Tribes in Oklahoma,” in *American Indian Law Review* (1978), 307.

<sup>29</sup> Ibid.

constituted “legal genocide.”<sup>30</sup> Indian political institutions were not just emasculated by these governmental actions; they were for all practical purposes destroyed.

The struggle for control of the land and its resources was at the core of the conflict between Indians and the burgeoning white population. Indian Territory like other areas of the West became caught up in the forces of white settlement and commercial growth. Settlers wanted to develop farms from the land they viewed as not being utilized by tribal groups. Ranchers wanted grazing lands free from Indian leasing fees and taxes. The timber industry hoped to exploit rich stands of pine, hickory, and oak located in the southeastern area of the territory that could satisfy any number of needs in the developing territory, including the burgeoning demand for railroad ties. Mining interests sought opportunity to exploit coal and oil reserves, as well as other minerals such as lead and zinc.

By the end of the nineteenth century, federal Indian policy, focused on allotment and assimilation. Allotment became a cornerstone of federal Indian policy in 1887 with the enactment of the Dawes Severalty Act. Allotment attempted to instill the concept of private property in the minds of Indians. Communalism replaced with individualism, provided a path for assimilation into white society. Working hand in hand, allotment destroyed tribal land holdings, while assimilation destroyed tribal cultures. Allotment became a cornerstone of federal Indian policy in 1887 with the enactment of the Dawes Severalty Act.

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<sup>30</sup> Rennard Strickland, “Genocide-At-Law: An Historic and Contemporary View of the Native American Experience,” *Kansas Law Review* 34 (Summer 1986), 718, 747.

Tribal lands across the United States were quickly allotted; the process would follow a different path in Indian Territory.

## Chapter 2

### Life in the New Home

Allotment proceeded quickly with tribal groups in the western region of Indian Territory underwent allotment quickly the Five Tribes in the eastern region adamantly contested the concept. They voiced opposition to the idea of allotment even before 1887, with enactment of the Dawes Act. The Choctaw registered a formal tribal response opposing allotment stating, “The history of every Indian tribe that has allotted their lands has been the same: The Indian got the allotment and deed and the white man got the land.”<sup>1</sup> ”The *Cherokee Advocate* counseled its readers, “Not just because we so vehemently oppose and dread allotment, but because it now seems so imminent we should put greater and more serious attention and if there is any possible way for us to escape such an event, let us discover wherein it is.”<sup>2</sup> The Five Tribes remained strongly opposed to any plans to cede or open any of their lands to white settlement, one of the primary objectives of the allotment policy.

For five years, the Five Tribes effectively maneuvered white legal institutions to fight against and delay the allotment process they feared. A Cherokee leader counseled his tribe that, “It is by conventions, speech making, passing resolutions, and running newspapers that the whites control everything, and

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<sup>1</sup> “The Choctaw Reply,” *The Cherokee Advocate*, 28 February 1894, 2.

<sup>2</sup> “Allotment,” *The Cherokee Advocate*, 7 February 1894, 2.

I think the Indians should adapt the same methods.”<sup>3</sup> The Five Tribes showed themselves capable of using the white legal system to delay allotment but incapable of stopping the tide of allotment from eventually sweeping over Indian Territory. Finally in 1893, Congress established the Dawes Commission "to work for the allotment of Indian lands and the dissolution of tribal governments" in Indian Territory.<sup>4</sup>

The Dawes Commission became the vehicle which eventually implemented allotment among the Five Tribes. When giving the Dawes Commission their instructions prior to being sent to Indian Territory, President Grover Cleveland uttered a prophetic statement: “Be careful gentlemen, lest in elevating the Indians to a higher civilization you do not pauperize them.”<sup>5</sup> Former Senator Henry L. Dawes, who considered himself a “friend of the Indian,” stood as a strong proponent of assimilation, with the claim that to be civilized was to "wear civilized clothes...cultivate the ground, live in houses, ride in Studebaker wagons, send children to school, drink whiskey [and] own property.”<sup>6</sup> Almost immediately, the commission met an unqualified negative response from the Five Tribes during initial discussions.

One agreement surfaced after five years of continual negotiations with each of the five tribes. In 1896, the Choctaw and Chickasaw nations signed the Atoka

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<sup>3</sup> Ibid.

<sup>4</sup> Prucha, 898.

<sup>5</sup> The *Cherokee Advocate*, 21 February 1894, 2.

<sup>6</sup> Daniel F. Littlefield, *The Chickasaw Freedman: a People Without a Country*, (Westport, CN: Greenwood Press, 1980), 113.



agreement, but it was “decisively defeated in a referendum by Chickasaw voters.”<sup>7</sup> The prophetic handwriting was on the wall concerning the inevitability of allotment of the Five Tribe’s lands as early as 1894. In early March, the *Globe-Democrat* reported that in response to the legal foot-dragging of the Five Tribes, “Sentiment in both the House and Senate is ripe for the dissolving of tribal relations.”<sup>8</sup> A frustrated Congress passed the Curtis Act in 1898; which like a relentless tornado forever changed the landscape of Indian Territory.

The Curtis Act abolished tribal legislatures and rendered tribal courts impotent. By 1906, control over Indian affairs in Indian Territory “transferred from the Redman to the white man, with the United States government absorbing the governments of the Five Civilized Tribes.”<sup>9</sup> The Curtis Act ended “tribal [common] tenure without the Indian’s consent.”<sup>10</sup> Contractors surveyed and incorporated towns within Indian Territory. All townspeople acquired voting rights. Communities provided public schools for both Indian and white children. Indians received citizenship. All people in Indian Territory, white, black, or Indian, became subject to federal law and the laws of the State of Arkansas. The president approved appointments to tribal governments with tribal affairs now orchestrated and approved by the Secretary of the Interior.

The Curtis Act empowered the Dawes Commission to prepare tribal membership rolls in preparation for allotment of Indian lands. By 1907, the tribal

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<sup>7</sup> Goble, 72.

<sup>8</sup> “To Dissolve Tribal Relations,” *The Globe Democrat*, 7 March 1894, 3.

<sup>9</sup> Rucker, 1.

rolls of the Five Tribes enumerated a little over 101,000 people. Allotment reduced the 19,525,966 acre land base of the Five Tribes by 15,794,000 acres.<sup>11</sup> Reluctantly, the Indians realized they could not fight the inevitable and chose to obtain the best deal possible. The Creeks signed an agreement in May of 1901 which eased, though did not change, the application of the Curtis Act upon their nation. Their chief, Pleasant Porter recounted “I was conscious that I was compelled under the advance of civilization to sign the paper now that I know took the lifeblood of my people.”<sup>12</sup>

The Curtis Act accomplished several objectives. First it established a timetable for the dismantling of the functioning governments of the Five Tribes, a direct blow to tribal sovereignty. Secondly, it provided the mechanism needed for allotment of the Indian land. The Curtis act gave teeth to the Dawes Commission, allowing it to proceed unimpeded. The provisions of the Curtis Act allowed for a gut wrenching transformation of the Indian lifestyle. Rolly McIntosh, Creek Chief, referred to the Curtis Act as “a law repugnant to our people, and in which they have had not hand or work in the making.”<sup>13</sup> The Curtis Act closed the door to Indian legal resistance and silenced Indian voice, while helping to prepare the territory for statehood.

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<sup>10</sup> Felix S. Cohen, *Felix S. Cohen's Handbook of Federal Indian Law* (Albuquerque: University of New Mexico Press, 1976), 431.

<sup>11</sup> Strickland, 48-49.

<sup>12</sup> Department of Interior, *Commissioner of Indian Affairs Annual Report, 1901*, (Washington, D.C.: Government Printing Office, 1902), 149.

<sup>13</sup> Rolly McIntosh, 26 November 1898, Box 1, Folder 8, Western History Collections, University of Oklahoma, Norman, Oklahoma.

Not all members of the Five Tribes blindly accepted their fate. A number of full bloods from each tribe refused to be enrolled or accept their allotments. A wide variety of resistance groups formed among several tribes. Among the Cherokee, a secret order called the Keetoowah refused to accept their allotments. By 1901, an estimated 1,400 full blood Keetoowah who refused to enroll with the Dawes Commission. They were not moved even after “the threat of U.S. troops from Ft. Gibson was threatened.”<sup>14</sup> A pan tribal group, the Four Mothers Society, embraced members from the Choctaw, Chickasaw, Creek, and Cherokee tribes. They wanted to return to the old life that existed before the Dawes Commission and the Curtis Act. This society was formed about 1895 and operated for some ten years, claiming almost 24,000 members at its zenith. These separatist groups offered a means of unifying their protest against the more progressive mixed bloods who proved more accepting of allotment.

A Creek group, called the Snakes and led by Chitto Harjo, boldly defied the changes forced upon the Five Tribes. The Snakes adamantly demanded that removal treaties signed during the 1830s be honored. Harjo told Alex Posey, the Creek writer and poet, “the agreement between the white man and the Indian gave the Indian the right of undisturbed possession and enjoyment of this country as long as the grass grows and the rivers run. I notice the grass is still growing and the water in the North Canadian is still flowing. . . . I see no reason why that treaty

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<sup>14</sup> Chelsea Reporter, 31 August 1901, 1.

should be abrogated.”<sup>15</sup> The Snakes formed an *ad hoc* government based on the old tribal models of communal life, passing laws which forbade the acceptance of allotments, rental of land to non-Indians, and the use of white labor. They organized light horsemen, a quasi police force, to enforce their laws. They arrested and whipped several Creeks who had accepted allotments. In recounting their dedication, Alex Posey stated, “I met one old Snake Indian who said he would rather see his children dead than enrolled and their land parceled out to them.”<sup>16</sup> Finally, cavalry from Fort arrived to put down this “Indian Uprising” and arrested almost 100 Snake followers. Of sixty tried and convicted and facing prison sentences, they reluctantly disbanded and accepted their allotments.<sup>17</sup> Although Indian resistance to allotment eventually failed, the turmoil exacerbated longstanding fissures within tribal groups, which negatively affect relationships over the next several decades.

By 1905, the transformation of Indian Territory was well underway. The allotment process broke up communal tribal lands. Predictably statehood and formal admittance into the Union followed. Whites favored a plan that would join the Indian Territory with the Oklahoma Territory and produce one unified state. Many leaders within the Five Tribes opposed this idea, believing forming two states better enhanced their interests, one from the Oklahoma Territory and another from Indian Territory called Sequoyah.

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<sup>15</sup> Mrs. Alfred Mitchell Collection, Box 3, Folder 43, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>16</sup> Alex Posey, *Red Folk Derrick*, 24 June 1905, 2.

<sup>17</sup> Debo, 55-57.

On August 21, 1905, almost 200 elected delegates from the Five Tribes gathered in Muskogee to draft a constitution for a new Indian state. Pleasant Porter was elected as the president of the convention, with a vice president elected from each of the Five Tribes accomplished their objective within three weeks and produced a document similar in many respects to the U.S. Constitution. Some view the Sequoyah convention as the consummate example of Native Americans embracing American republicanism. Others discerned the convention as a stepping-stone that ambitious white politicians used in order to gain stature. Charles Haskell, a white delegate and Oklahoma's first governor claimed, "It [the Sequoyah Convention] was largely a struggle for political power and supremacy . . . by those [whites] who were seeking political position in the new state."<sup>18</sup> While Congress, pressured by white business interests and boomers, rejected the constitution, it did make them aware of the need to speed up the statehood process for the Indian Territory.

On June 16, 1906, Congress adopted the Hamilton Statehood Bill now commonly referred to as the Oklahoma Enabling Act. It called for delegates from both the Oklahoma and Indian Territories to meet in conventions and draft a single constitution for one state. The project took almost eight months. On November 16, 1907, President Theodore Roosevelt signed the proclamation which admitted Oklahoma as the forty-sixth state. With statehood, old institutions vanished; the

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<sup>18</sup> Paul Nesbitt, "Governor Haskell Tells of Two Conventions." *Chronicles of Oklahoma* 14 (March 1936), 198.

inception of white dominated agricultural and commercial development arrived in Oklahoma.

As the allotment process ended, “There were no surplus lands within the Five Civilized Tribes to be returned to the public domain and opened to homesteading.”<sup>19</sup> The allotment of tribal land affected members on the tribal rolls. Lands possessing timber, coal, or other valuable minerals were put into reserve and held in trust by the Department of the Interior. The lack of surplus land presented an obstacle for land hungry settlers and commercial interests.

However, one of the oft quoted rules of success in the American system, “find a need and fill it,” seemed to be very much in play at this time. In the early 1900’s, a new class of entrepreneur, the grafter, began expending a great deal of effort to part the Oklahoma Indian from his land and its resources. Simply put, grafting was “the name given to [the] business of locating whites on Indian allotments,” and it quickly became, “the chief and most thriving industry in the whole community.”<sup>20</sup> Grafting involved the leasing and selling of Indian land in order to spur economic development, while clearing a profit for the grafter. Grafters took advantage of the Indian’s ignorance of property rights and values, real estate contracts, deeds, leasing arrangements, and probate. Guy Cobb, a grafter from Ardmore testifying before a congressional hearing in 1906, described his view of the Indian allottee in the following way: “He is an ignorant man. He does not know anything. He is poor, ignorant, and illiterate, and does not know one single

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<sup>19</sup> Prucha, *American Indian Policy in Crisis*, 400.

<sup>20</sup> Goble, 78.

step of the process. He does not know how to act for himself, to say nothing of his children.”<sup>21</sup> Many accepted grafters as conveyers helping Oklahomans realize mutual goals of acquiring personal wealth while helping to promote the commercial development of the state. Oklahoma grafters would come to occupy almost the same societal position as slave traders in the antebellum South, a necessary evil tolerated to achieve desired ends. No where else in the country befell such an unscrupulously intense and sustained effort by whites to obtain control over Indian land and its resources by whatever means necessary from legal maneuvering to systematic murder. Donald Parman described the situation as “something awesome in its scope.”<sup>22</sup> This situation continued for the next twenty five years.<sup>23</sup>

In order to protect Indian allotments from exploitation, the Interior Department placed restrictions on many individual allotments. The department utilized blood quantum, a form of biological determinism to determine whether an Indian’s allotment should have restrictions placed upon it. In short, the idea behind blood quantum determined that the higher percentage of Indian blood, the “more prone [an individual] was to the negative aspects of the typical Indian character, characterized by “ignorance, laziness, and thriftlessness.”<sup>24</sup> Those with fifty percent or more Indian blood were categorized as “incompetent” to handle their

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<sup>21</sup> Senate Report, 59<sup>th</sup> Cong., 2<sup>nd</sup> sess., vol. I, 1111.

<sup>22</sup> Donald Parman, *Indians in the American West in the Twentieth Century*, (Bloomington: Indiana University Press, 1994), 57.

<sup>23</sup> There are numerous scholarly works that explore the world of grafting that existed in eastern Oklahoma from the 1890s to the late 1920s when the oil boom sputtered out. In addition to Angie Debo’s *The Road to Disappearance*, there is *Underground Reservation* by Terry Wilson, *The World’s Richest Indian, Jackson Barnett* by Tanis C. Thorne, and *Progressive Oklahoma* by Danny Goble.

own legal affairs and restrictions, preventing the sale of their allotment for twenty five years. However, in most instances allotted land could be leased with the approval of the Secretary of the Interior Department. This policy opened a door for grafters to acquire the land and resources of Oklahoma Indians.

Unlike the rest of the country, local county courts in Oklahoma handled the legal administration of restricted allotments, including those of minors. Oklahoma handled the legal administration of restricted allotments, including those of minors. Local courts appointed a guardian, usually a white lawyer or real estate person, to administer the allottee's land holdings and its resources. Angie Debo's research revealed that between the enactment of the Curtis Act in 1898 and the institution of a state government in 1908, the majority of Indian allotments passed into white hands.<sup>25</sup> Debo claimed an "orgy of plunder and exploitation probably unparalleled in American history began" during this time.<sup>26</sup> John H. Moore described this time period of grafters as ". . . a dark and terror-filled period in Oklahoma history, a period in which those who merely stole from Indians were regarded as upright citizens," strongly asserting that "from about 1887 to 1920 the employees of the Bureau of Indian Affairs (BIA) in Oklahoma, the politicians of the state, and the non-Indians who lusted after Indian land and minerals were not three different and discrete self-interested groups; they were largely the same people."<sup>27</sup>

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<sup>24</sup> Erik M. Zissau, *Blood Matters The Five Civilized Tribes and the Search for Unity in the Twentieth Century*, (New York, Routledge, 2001), 33.

<sup>25</sup> Debo, 92.

<sup>26</sup> Ibid, 91.

<sup>27</sup> John H. Moore, "The Enduring Reservations of Oklahoma," in *State and Reservation New Perspectives on Federal Indian Policy*, ed. George Pierre Castile and Robert L. Bee (Tucson: University of Arizona Press, 1992), 101-102.



James West, an Oklahoma real estate dealer testifying before a Senate committee in 1907, was asked if the Indian understood anything about his allotment. West responded, “No sir; he will part with his land just as readily as he will with his money, and he has no more conception of the value of one than of the other.”<sup>28</sup> Almost two decades later in 1923, S. E. Wallen, BIA Superintendent at Muskogee stated in a letter that “within less than ten years 75 or 80 per cent of the race [Indian] of land lords, through their own inexperience and lack of appreciation of thrift . . . have been transformed into a race of tenants.”<sup>29</sup> While the complexities and legalities of the allotment process, including rentals, leasing, mineral rights, sales, and inheritance issues confounded the inexperienced Indians; white speculators and grafters easily navigated these forums.

Unwittingly, Congress gnawed away at restrictions, and pushed open the door for grafters allowing loopholes, which grafters took advantage of to gain control of individual allotments. On April 21, 1904, Congress passed a measure allowing an allottee to bypass the twenty-five year period with approval from the Secretary of the Interior by way of a competency certificate. This effectively removed all restrictions against allotments, held by whites and freedmen, with the exception of “homesteads” and the allotments of minors. Over 1.5 million allotted acres became available to land hungry whites.<sup>30</sup> An act passed in 1905 authorized the Department of the Interior to investigate cases of reported fraud. Ironically, the

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<sup>28</sup> Congress, Senate, The Select Committee, Report Connected With Affairs in the Indian Territory, 59<sup>th</sup> Cong., 2<sup>nd</sup> sess., 13 December 1906, 1051.

<sup>29</sup> S. E. Wallen to Charles H. Burke, 31 December 1923, in “A National Blunder,” by M. L. Mott. Muskogee, OK: Creek Tribe, 16.

same act excluded the investigation of leases or rental agreements assigned to court ordered guardians.

The Burke Act of 1906 characterized by Randolph Downes as the “offspring” of the Dawes Act of 1887, streamlined and expedited the allotment process. It abolished the twenty-five year trust period completely for all Indians except those classified by blood quantum as full bloods. The Burke Act accomplished this by certifying that the allottee was “competent” to understand the legal technicalities of land ownership and, theoretically, at least, be able to conduct his affairs in a proper manner and retain and develop his allotment. Full bloods having the least familiarity with white ways and often not able to read, write, or speak English were considered “incompetent” and the trust status or the inalienability of his allotment remained in place.<sup>31</sup> In May of 1908, Congress enacted a law, nicknamed “the Crime of 1908,” ensuring “the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes.”<sup>32</sup> The “Crime of 1908,” in addition to removing the restrictions from a larger number of Indians, also removed jurisdiction of restricted Indian children and minors from federal to Oklahoma probate courts. This measure separated Indian children from the protection of the federal government and exposed them to the will of county and state courts, courts often “friendly” with grafters and guardians.<sup>33</sup>

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<sup>30</sup> Kappler *Laws Relating to the Five Civilized Tribes in Oklahoma 1890-1914* (Washington: GPO, 1915),

<sup>31</sup> Randolph C. Downes, “A Crusade for Indian Reform, 1922-1934,” *The Mississippi Historical Review*, 32, (Dec. 1945), 331-354.

<sup>32</sup> Prucha, *The Great Father*, 902.

<sup>33</sup> Prucha, *The Great Father*, 903-904.

A circuit court decision in 1903 further opened the door for grafters to exploit Indian land holdings. It established procedures whereby individuals were appointed by the court as legal guardian to Indian minors and children. Labeled incompetent with respect to their own allotments, full bloods also lost control of their children's allotments as well. Terry Wilson documents a situation in which a grafter, appointed as a legal guardian, charged a \$1,200 annual fee against his ward's estate valued at \$4,000.<sup>34</sup> Utilizing many of the same techniques that worked so well with incompetent Indian adults, guardians reaped a whirlwind of economic gain from Indian children as well. They negotiated fraudulent lease or rental contracts. One grafter filed with the court and received "at one time the custody or guardianship of 161 children."<sup>35</sup> Some of these individual ended up controlling thousands of acres of allotted land. In one case, the grafter controlled between 75,000 and 100,000 acres of allotted Indian land.<sup>36</sup> The grafter leased out most of the land with the Indian allottee often receiving none of the lease income.

In 1902, Pleasant Porter, the Creek chief, "estimated that [grafters] had acquired control of almost one million acres . . . under leases that virtually amounted to deeds."<sup>37</sup> With only eight judges and inundated with criminal and other types of civil cases, the courts found neither the time nor the resources to monitor the activities of almost 12,000 court appointed guardians. Periodic reports required by the court verified the existence of proper lease or rental contracts by

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<sup>34</sup> Wilson, 139.

<sup>35</sup> Congress, Senate, Committee on Indian Affairs, Select Committee, *Report of the Select Committee to Investigate Matters Connected With Affairs in the Indian Territory*, 59<sup>th</sup> Cong., 2d sess., (Washington, D.C: GPO, 1907), 867.

guardians. However, they were not required to submit any type of record as to how and to whom rental and lease fees were distributed. Twenty years later, the Meriam Report characterized the Oklahoma probate system as “a flagrant example of the white man’s brutal and unscrupulous domination over a weaker race.”<sup>38</sup>

During the first quarter of the twentieth century, the oil boom in northeastern Oklahoma fueled a particularly insidious chapter in the exploitation of the resources of Oklahoma Indians. The discovery of valuable oil deposits under the surface of primarily allotted Osage lands resulted in an unprecedented effort by speculators and grafters to gain control, including a reign of terror and murder. The power of these interests extended into congressional hearings for the Thomas-Rogers Bill in the spring of 1936. A last minute political compromise exempted Osage County from the Oklahoma Indian Welfare Act, breaking a deadlock that otherwise would have spelled political death for the bill. The Osage were permitted to maintain a tribal governmental structure with at least a degree of voice in their affairs and resources. This “uniqueness” of the Osage in contrast to other Oklahoma tribes remained an influencing factor in Oklahoma Indian affairs and contributed to their exemption from the Oklahoma Indian Welfare Act thirty years later, in 1936.

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<sup>36</sup> Ibid. 1031.

<sup>37</sup> Goble, 78.

<sup>38</sup> Lewis Meriam, ed., *The Problem of Indian Administration* (Baltimore: Johns Hopkins Press, 1928), 798.

In 1906, the year before Oklahoma statehood, the Osage reservation underwent allotment. Each of the 2,229 Osage received 658 acres of land broken down into 160 acres for a homestead and 498 acres held as surplus. Unlike other tribes, only the surface land was allotted. The Osage maintained control over subsurface mineral rights. When a tribal member received an individual allotment of surface land, he also received an inheritable “head right” to share communally in the tribal profits from any subsurface wealth.

Almost simultaneously, large deposits of oil were discovered beneath Osage land. A production boom quickly followed to meet the growing demand for oil from not only expanding American industries but also the advancement of the automobile. From then until the mid 1920s, Osage fortunes burgeoned due to oil royalty checks: “By 1919, a family of five, for example, was paid about \$20,000 annually.”<sup>39</sup> With the discovery of the Burbank oil field in 1920, royalty payments increased substantially. In 1923, the Osage were paid twenty-seven million dollars. During the first three decades of the twentieth century, northeastern Oklahoma became the scene of unparalleled efforts by grafters to cash in on the Osage's good fortune.

The Osage, possessing neither experience with nor understanding of the white economic system, became easy targets for any number of schemers attempting to cheat the Indian out of his royalties and his head right. The most extreme case involved a plot masterminded by William K. Hale to systematically murder an Indian family in order to obtain an estate already worth one half million

dollars, with head rights providing an income of a quarter of a million dollars per year. Hale and his accomplices would eventually be charged with over fifty counts of murder engineered in a blood bath termed “the Osage reign of terror.”<sup>40</sup> In 1929, Osage chief, Fred Lookout, a full blood, lamented, “My people are not happy. Some day this oil will give out and there will be no fat checks every few months from the great white father. There will be no more fine motorcars and new clothes. Then, I know, my people will be happier.”<sup>41</sup> By the early 1930s oil production plummeted as wells ran dry. The bubble burst and for most Osage their wealth disappeared almost as quickly as it appeared.

Over the almost forty year period from the creation of the Dawes Commission in 1893 to the Indian New Deal in the mid 1930s, Oklahoma Indians experienced a level of exploitation by whites unmatched by any other tribal groups in the nation. Indian land holdings shrank from 15,000,000 acres to 1,500,000, a ninety percent reduction. By 1914, of the original 102,209 enrolled members of the Five Civilized Tribes, only 36,000 remained in the restricted category.

The loss of their land holdings during the period from 1893 to the early 1930s, banished tribal sovereignty, and a tribal court system replaced by federal courts. Effectively silenced Indian voice in Oklahoma. Congress facilitated this process with the Curtis Act of 1898, the Burke Act of 1906, and the "Crime" of 1908. Oklahoma statehood in 1907 drove the final nails in the coffin.

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<sup>39</sup> Gregory, 54.

<sup>40</sup> Ibid. 55-57.

<sup>41</sup> Alvin Rucker, “Oil Curse” on Osage Indians?” *The Daily Oklahoman*, 6 January 1929, Sec. F., 1.

## Chapter 3

### The Winds of Change

During the 1920s, a new era of reform began in Indian affairs. Social scientists, politicians, bureaucrats, business and commercial interests, “friends of the Indians,” idealists, reformers, and Indians themselves would explore, discuss, and debate the continuing deteriorating situation of Native Americans. A wide variety of approaches and proposals would be offered as solutions to the “Indian problem.” Oklahoma due to its large Indian population and the number of tribal groups came to garner significant attentions from these reformers.

An understanding of this era of reform debate is key to understanding the origins and legacy of both the Indian Reorganization Act of 1934 and the Oklahoma Indian Welfare Act of 1936. It was during the 1920s that the seeds were planted for the Indian New Deal, which represented a dramatic course change for federal Indian policy during the 1930s and 1940s. This chapter examines the reform movement during the 1920s. By focusing in the issues and individuals involved with an emphasis on Oklahoma, circumstances leading to the IRA and the OIWA and their impact on Oklahoma Indians becomes clearer.

Those involved in reform comprised a disparate group with no national organization or leadership; many focused only with a specific issue affecting a local

tribe or band. Many had religious roots. Women actively engaged in the reform movement, primarily through the Central Federation of Women's Clubs. Native Americans involved themselves in organizations including the Indian Rights Association, the American Indian Association, and the Association of Oklahoma Indians. One individual, John Collier, increasingly dominated the Indian reform movement in the 1920s and early 1930s. In 1923, Collier founded the American Indian Defense Association, one of the most vocal groups which began lobbying for a wide variety of Indian issues across the nation, including Oklahoma.

In 1923 as Indian Reformers lengthened their stride, Charles H. Burke, the Commissioner of Indian Affairs assigned the superintendent of the Five Tribes, S. E. Wallen, located in Muskogee, to investigate probate affairs in Oklahoma involving Indian estates. Wallen submitted his findings to Burke on December 31, 1923 and concluded that "bad management and great waste of the estates have been the rule; . . . guardians' and attorneys' fees are excessive, and in many cases unconscionable."<sup>1</sup> Wallen believed that "the care and protection of the interests of the Indians is a national duty," and recommended legislations be passed that would give "exclusive supervision and control over the estates and funds of . . . restricted Indians of the Five Civilized Tribes" of Oklahoma to the Secretary of the Interior.<sup>2</sup> In effect, this was a call to reverse policies and court decisions dating back to the "Crime of 1908." Just days before submitting Wallen's report to Commissioner Burke, the Oklahoma Bar Associations published a statement in which the bar,

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<sup>1</sup> M. L. Mott, *A National Blunder* (Washington, D.C.: unknown, 1924), 42.

<sup>2</sup> *Ibid.*, 43-44.



“noted for its many able and outstanding members,” took great steps to distance itself from probate practice, which they viewed as “essentially political” and with which “the better class of lawyers are seldom found connected.”<sup>3</sup> Perhaps they sensed a coming storm in Oklahoma Indian affairs.

Right on the heels of the Wallen investigation in 1924, a scathing report concerning the results of another investigation into Oklahoma’s county probate system, with respect to Indian allotments and resources, was published. The report entitled, “Oklahoma’s Poor Rich Indians,” carried the subtitle, “An Orgy of Graft and Exploitation of the Five Civilized Tribes—Legalized Robbery.” The report published by the Indian Rights Association (IRA) represented a joint venture involving Gertrude Bonnin of the General Federation of Women’s Clubs, Charles H. Fabens of the American Indian Defense Association, and Matthew K. Sniffen of the IRA. All three were recognized leaders in the Indian reform movement of the 1920s.

The report proved clear and brazen in its accusations. Focusing on six counties in eastern Oklahoma with significant Indian population, the investigators examined 14,229 probate cases. The report charged “the average cost of administration [of an Indian probate case] to be twenty percent and in some instances [as] high as seventy percent [of the total value of the estate].”<sup>4</sup> In other areas of the United States, the costs for probating Indian estates “cannot exceed a

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<sup>3</sup> Ibid., 2. This statement made by John H. Mosier and C.F. Dyer was included in Mott’s *National Blunder* when it was published in 1924.

<sup>4</sup> Gertrude Bonnin, Charles H. Fabens, and Matthew K. Sniffen, *Oklahoma’s Poor Rich Indians An Orgy of Graft and Exploitation of the Five Civilized Tribes—Legalized Robbery*, (Philadelphia: Office of the Indian Rights Association, 1924), 5.

total of \$75. In most cases the cost is not over \$20.”<sup>5</sup> One eastern Oklahoma attorney, who never once appeared in court, absconded with \$35,000 for handling one Indian probate case. The report continues for almost forty pages citing example after example of Oklahoma Indians blatantly defrauded from their allotments and resource income. It revealed land speculators, grafters, court appointed guardians, lawyers, and judges took unscrupulous advantage of Indians time and time again. For example, in 1918, a Creek, Sina Battiest, die. She miraculously appeared four years later in the Stephens County courthouse as a man and in front of two witnesses affixed her/his signature to a lease for her allotment. The report concluded, “Thus, it will be seen that the grafters can bring the dead to life, and even change her sex!”<sup>6</sup> The report blamed the fact that Oklahoma county courts had jurisdiction over Indian probate matters. Since statehood, Congress, through several pieces of legislation, beginning with the Act of 1908, the “Crime of 1908”, and continuing on into the 1920s, “vested exclusive jurisdiction over probate matters in the county courts of Oklahoma.”<sup>7</sup> This left the Interior Department “powerless . . . to protect these Indians from . . . wholesale plundering.”<sup>8</sup> Some likened the situation in Oklahoma Indian affairs to giving the fox the key to the henhouse door.

The report contended that the only hope for the remaining 18,000 restricted Oklahoma Indians did not lie in reforming the existing system, with probate affairs

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid., 37.

<sup>7</sup> Ibid., 7.

<sup>8</sup> Ibid.

controlled solely by county courts, but in a restricting of the entire system. The report concluded that, “legislation should be enacted at once giving the Department of the Interior as complete control of all Indian property and Indian minors and incompetents as constitutional limitations will permit, and this should apply to all Indians of Oklahoma.”<sup>9</sup> The report urged all “friends of the Indians” to pressure their congressmen to secure passage of such a bill. However, a decade passed before Congress considered the type of overhaul the report recommended.

Several circumstances fed the deteriorating situation of Oklahoma Indians which the 1924 report exposed. The prevailing assimilationist ideology fused a paternalistic attitude on the part of whites towards the need for Native Americans to be incorporated into American society at a position somewhat below whites<sup>10</sup> Compounding the situation was the inability of native Americans to operate from a position of unity. Most tribal groups were factionalized into a number of strongly held view points and perspectives that seemed to defy attempts at forming workable coalitions which would permit a stronger influence in their own affairs. Factionalized tribal groups lacking unity found it difficult to challenge a variety of white economic and political interests united under the banner of assimilation. The void between traditional and progressives remained universal among most tribal groups. Many Indians did not possess the skills or experience to maneuver in white

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<sup>9</sup> Ibid., 39.

<sup>10</sup> Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*, Lincoln, University of Nebraska Press, 1984), xvii-xxiii. Hoxie presents a convincing argument for a two step process that comprised the assimilation program. First Indians were to be brought into eventual full participation in American society, through education, introduction to private land ownership, and citizenship. However as the assimilation program evolved, “by 1920 they had become an American minority group, experiencing life on the fringes of what had come to be regarded as a “white man’s” land” (xix).

dominated social and political structures. Whites owned and controlled the playing field and continued to successfully promote their interests and dominate the Indians. Indian affairs in Oklahoma during this time period reflected these circumstances.

The charges outlined in the IRA's report produced an angry storm of protest and accusations from all sides involved in the issue. The loudest voices came from the Oklahoma congressional delegation. In late 1924 and early 1925, the House Committee on Indian Affairs held hearings in Oklahoma to investigate the charges made by the IRA report. In effect, congressional investigations belittled the various charges. The committee included Oklahoma Congressman William Hastings remained united in its defense of the individuals within the probate system of Oklahoma. The congressional report accused the IRA of "sensationalizing" a small handful of county attorneys and court appointed guardians.<sup>11</sup> The committee stated ". . .the principle author [Matthew K. Sniffen] has evidently acted on the belief that it was necessary for him to make sensational statements about the wrongs suffered by Indians in order to justify his position which he holds in that association [IRA]."<sup>12</sup> Finally, the committee concluded, "the wholesale charges made against the judges, attorneys, business and professional men of Oklahoma are not sustained by any evidence, and are libelous in their character."<sup>13</sup>

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<sup>11</sup> Congress, House, Committee on Indian Affairs, *Hearings Pursuant to H. Res. 348*, (Washington, D.C.: GPO, 1924), 394.

<sup>12</sup> Congress, House, Committee on Indian Affairs, *Indian Affairs in Oklahoma Report*, (Washington, D.C.: GPO, 1925), 8.

<sup>13</sup> *Ibid.*, 9.

The committee condemned “unconscionable attorneys and persons who make it a profession to obtain appointments as guardian.”<sup>14</sup> It also recognized deficiencies within the Burke Act of 1906 and subsequent legislation by stating there existed “. . . much uncertainty in the law relative to the jurisdiction of the administration of the affairs of the Five Civilized Tribes . . .”<sup>15</sup> The report also proposed legislation to correct deficiencies in these earlier laws. In effect, the committee found “problems” with the administrative system as it was structured, but not with the individuals at federal and state levels who operated the system.

This caustic refutation of the IRA’s original accusations brought about an equally vehement rebuttal by the IRA. In a pamphlet titled, “Out of Thine Own Mouth,” the IRA called the congressional investigation a “whitewash.” It further stated that the committee published its report before “all the available evidence had been heard and considered.”<sup>16</sup> Finally the report laid a large portion of the blame on Congress decrying, “THIS IS AS SEVERE AN INDICTMENT OF CONGRESS BY THE COMMITTEE AS ANYTHING SAID IN OUR REPORT [sic], for that authority [probate matters in the hands of county courts] was granted by Congress.”<sup>17</sup> Several Oklahoma newspapers jumped on board. The *Tulsa World* boldly stated, “The Committee all but called liars of everyone who intimated that conditions in some Probate Courts have been bad. It gave the courts a clean

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<sup>14</sup> Ibid., 396.

<sup>15</sup> Ibid.

<sup>16</sup> M. K. Sniffen, *Out of Thine Own Mouth an Analysis of the House Subcommittee Report Denying and Confirming the Looting of Oklahoma’s “Poor Rich Indians”* (Philadelphia: Indian Rights Association, 1925), 5.

<sup>17</sup> Ibid., 4.

bill of health and departed.”<sup>18</sup> The *Bartlesville Examiner* declared, “Indian affairs are in the limelight, and no amount of whitewashing will end the persistent charges made against certain Oklahomans.”<sup>19</sup> Finally, the *Muskogee News* exclaimed, “Is it not to be wondered at that citizens of other States express doubt that Oklahomans have any sense of justice.”<sup>20</sup> This intense public furor subsided in a short period of time, but reformers maintained continued agitation. A sustained effort to remove restrictions from full bloods and those Indians declared legally incompetent continued through the 1920s and into the early 1930s, until the appointment of John Collier as Commissioner of Indian Affairs. By the late 1920s, the amount of allotted land in Oklahoma diminished considerably. Yet a sizeable number of both progressive mixed-bloods and whites with interests continued to push for an easing of restrictions, so more Indian land and resources could be opened for sale and exploitation.

The passing of a measure tied to an appropriation bill in 1928 marked the beginning of a turning point in Indian affairs in Oklahoma. This provision changed the superintendent of the Five Tribes based in Muskogee from a political appointment to a merit position, falling under the civil service. This removed under influence from the spoils system and at the same time placed more direct control with the Commissioner and the Secretary of the Interior.

In 1928, Herbert Hoover was elected President. Hoover appointed Charles J. Rhodes as Commissioner of Indian Affairs and Joseph Scattergood as his

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<sup>18</sup> *Tulsa World*, (Tulsa), 12 May 1925, 1.

<sup>19</sup> *Bartlesville Examiner*, (Bartlesville), 14 May 1925, 2.

<sup>20</sup> *Muskogee News*, (Muskogee), 12 May 1925, 2.

assistant. These wealthy philanthropists were expected to usher in an era of reform of the federal government's handling of Indian affairs. Rhoads had served as president of the Indian Rights Association. Benay Blend characterized the commissionership of Rhoads and Henry Scattergood as "committed to humanitarian programs, but incapable of altering Indian affairs, they lacked the political muscle to push legislation through Congress."<sup>21</sup> Many believed that if anyone could bring significant reform to the conduct of Indian affairs, it would be Rhoads and Scattergood. Conservative, hard-line assimilationists and proponents of the allotment of Indian lands, both in Congress and in the Indian Bureau, blocked the way to effect substantive change. Appropriations for Indian affairs increased during the Hoover administration, but the onset of the Great Depression and its impact on Native Americans, as well as the rest of the country, soon negated much of the effect of increased appropriations. Rhoads and Scattergood were successful in bringing a greater degree of professionalism to the Bureau, as well increased diplomatic relations with the Indians themselves.<sup>22</sup> Other factors would mitigate their effectiveness in substantially altering the path of Indian affairs.

During the 1920s, the most notable event in Indian affairs remains the publishing of the Meriam Report in 1928. Hubert Work, the Secretary of the Interior under Calvin Coolidge commissioned the Brookings Institute to perform an independent investigation of the conduct of federal Indian affairs. Their findings formally published in *The Problem of Indian Administration* in February of 1928,

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<sup>21</sup> Benay Blend, "The Indian Rights Association, the Allotment Policy, and the Five Civilized Tribes, 1923-1936, in *The American Indian Quarterly*, (Spring, 1983), 71.

<sup>22</sup> Debo, 352-353.

examined eight areas including “policy; health; education; economic conditions; family and community life; the activities of women; migration; legal aspects; and missionary activities.”<sup>23</sup> This report revealed the allotment policy had failed and that the Indian Bureau addressed virtually no areas of the lives of Native Americans.

The Meriam Report devoted considerable attention to Oklahoma Indians. The report declares, “The exploitation of Indians in Oklahoma has been notorious.”<sup>24</sup> Speaking of federal legislation directed specifically towards Oklahoma Indians, the report attests, “In some instances acts of Congress have resulted in the wholesale exploitation of the Indians.”<sup>25</sup> This assertion is a direct reference to the Act of 1908, aka “the Crime of 1908,” which among other things transferred jurisdiction for probate matters involving Indian lands in Oklahoma from the Department of the Interior to Oklahoma county courts. Continuing to chastise state politicians, the report stated, “Oklahoma, which has evidenced a great desire to get control or possession of Indian property, has evidenced little tendency to protect the Indians or provide requisite developmental work.”<sup>26</sup> The report continued, “The present “guardian system” in operation among the Five Civilized Tribes has caused much well founded complaint . . . effort should be made to abolish the guardian system and place the administration of Indian property and

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<sup>23</sup> Peter Iverson, *We are Still Here American Indians in the Twentieth Century*, (Wheeling, Illinois: Harlan Davidson, Inc., 1998), 75.

<sup>24</sup> Meriam, et. Al., *The Problem of Indian Administration*, (Washington, D.C.: Institute for Government Research, 1928), 18.

<sup>25</sup> *Ibid.*, 471.

<sup>26</sup> *Ibid.*, 94.



income in the hands of thoroughly competent national government officers.”<sup>27</sup> Finally, the Meriam report referenced the deteriorating condition of many of the Five Tribe members who had become impoverished since Oklahoma statehood, through the loss of their land and resources; “They are in a forlorn condition, neglected both by the national government and by the state.”<sup>28</sup> The report continued, “The national government should oppose the removal of restrictions until the state of Oklahoma has shown as much interest in the social welfare of its Indians as it has shown in securing control of their property.”<sup>29</sup>

The Meriam Report sparked ongoing congressional hearings in the latter part of the 1920s and into the early 1930s. These hearings, conducted by both the House and Senate committees on Indian Affairs, investigated the conditions of Indians by geographical area. Considerable time was spent in looking into the situation of Oklahoma Indians, both the Five Tribes in eastern Oklahoma, as well as the former plains Indians in the western part of the state. The results showed depressed and deplorable circumstances in a number of areas, including general living conditions, health, education, and the administration of Indian policy. Oklahoma Indians found themselves in dire straits as the Depression set in during the early 1930s.

General living conditions seemed to be poor and declining in the 1930s. V. M. Locke, a former principal chief of the Choctaw spoke of living conditions among the Choctaw and stated, “Their living conditions are the worst I ever saw.

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<sup>27</sup> Ibid., 484.

<sup>28</sup> Ibid., 488.

<sup>29</sup> Ibid., 94.

No colored persons of the most poverty stricken type could be in worse condition.”<sup>30</sup> For three years, Oklahoma experienced a severe drought. Speaking of the financial condition of many Indian farmers, Jim McCurtain, a Chickasaw testified, “We full-bloods . . . have had several years of crop failure, and especially this year [1930] it has all been burned up and nothing made . . .”<sup>31</sup> Conditions for many Indians for the coming winter looked bleak as well. A. L. Irvine, a Bureau field clerk from Idabel, stated, “It looks to me about 00 [Indian families]; pretty nearly all of them are going to have a pretty hard time to get through the winter.”<sup>32</sup> Speaking of the desperate conditions many Indians faced, one witness testified, “Many of your Choctaws over there don’t eat but once or twice and the meal is corn bread and water.”<sup>33</sup> Their situation had been escalating for decades as they lost their allotment and resources through all manner of swindle and effort by white business interests, grafters, and a government unresponsive to their interests. The Great Depression and the Dust Bowl exacerbated the deteriorating condition of Oklahoma Indians.

During these hearings, several Indian leaders made recommendations that tribal monies being held by the Department of the Interior be released in the form of per capita payments as a form of immediate relief. W. A. Durant, a Choctaw from Oklahoma City, advocated that 306,230 acres of unleashed coal and asphalt deposits be sold at the appraised value [determined by the Interior Department] of

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<sup>30</sup> Congress, Senate, Subcommittee of the Committee on Indian Affairs, *Survey of Conditions of the Indians in the United States*, 71<sup>st</sup> Cong., 2<sup>nd</sup> sess., 11 November 1930, 5323.

<sup>31</sup> *Ibid.*, 5514.

<sup>32</sup> *Ibid.*, 5606.

<sup>33</sup> *Ibid.*, 5702.

\$9,5,786.29.<sup>34</sup> The funds received by the tribe would be distributed to the members on a per capita basis. Durant also suggested the tribes be allowed to borrow from the federal government using their land holdings as collateral to the amount that would allow an immediate relief payment on a per capita basis of \$200. This amounted to a little over \$5,000,000 against holdings valued at over \$23,000,000. These recommendations made to the investigating committees were never carried out. However, they demonstrated the extreme measures tribal leaders sometimes embraced in order to receive some form of aid for their suffering tribal members.<sup>35</sup> The condition of Oklahoma Indians had become desperate.

Poor health conditions among Oklahoma Indians prevailed as the rule rather than the exception. A Creek, when questioned about the health condition of the Indians stated, “The health conditions have been poor for 20 years. . . .There is tuberculosis;” and when asked if it was increasing, responded, “Yes, sir.”<sup>36</sup> about 50 percent of the children or more are afflicted with trachoma.” Additionally, Laphan stated that eleven out of 123 students had confirmed cases of contagious and usually fatal tuberculosis.<sup>37</sup> Most Oklahoma Indians could not afford even minimal medical care and many Indians lived in remote areas far from the few doctors, clinics, or hospitals that might serve the area.

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<sup>34</sup> Ibid., 5298.

<sup>35</sup> Ibid., 5298-5299.

<sup>36</sup> Ibid., 5324

<sup>37</sup> Ibid., 5600

The Senate investigation closely examined Indian education. William Tidwell, a county judge from Idabel, testifying before the Senate committee, estimated that “between 25 and 50 percent “ of Indian children did not attend school, compared to, only about “10 percent” of white children who did not attend.<sup>38</sup> D. H. Johnston, governor of the Chickasaw nation, attributed the high dropout rate among Indians to the fact that Indian children represented a minority, “Everything is for the majority. Consequently the Indian children get dissatisfied and they quit after they get up to 12 or 13 years old.”<sup>39</sup> Many of these Indian children spoke little if any English, most having only a minimal understanding of white society and culture. Some spoke of more piratical reasons for Indian children not attending school, including living too far from school, undernourishment, and parents that were “. . . so poor they cannot provide clothing and necessaries with which to attend school.”<sup>40</sup> Johnston confirmed what many other Oklahoma Indians knew and had experienced that “. . .the financial difficulty [of their parents] bars most of them from an education.”<sup>41</sup>

While Oklahoma Indian children benefited little from such education, almost all Indian leaders recognized the need for education efforts to continue. Will Durant decried, “We recognize our tribal schools as having been the most beneficial influence in our tribal life. . . .We favor and recommend the policy of placing our children in the public schools, where they will mingle with and become

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<sup>38</sup> Ibid, 5620.

<sup>39</sup> Ibid.,5615.

<sup>40</sup> Ibid., 5351.

<sup>41</sup> Ibid.,

accustomed to the ways of other children.”<sup>42</sup> Another Choctaw, A. P. Matthews saw that “the greater portion of the full blood Indians are clearly at a disadvantage when dealing with the white people. Time, experience, and education will finally remove this disadvantage.”<sup>43</sup> Forbes Cravat, a Chickasaw leader from Pontotoc county, pleaded with the committee stating, “If you want to save us, take our children and try to educate them better.”<sup>44</sup> Choctaw principal chief, Ben Dwight, strongly urged governmental assistance so children could be equipped with, “. . . suitable and sufficient clothes and books and such other school supplies as are useful to enable them to attend the school and feel themselves on equality with other children attending the school.”<sup>45</sup>

Many criticized the administration of federal Indian policy. Durant believed that while, “The majority of the acts of Congress have been favorable to the Indians . . . it is the execution of the policies of the Government I object to . . .”<sup>46</sup> Grady Lewis, a Choctaw tribal attorney, singled out a particular Bureau field agent as representative of many and said of him, “He does not have any sympathetic understanding of the [Indian] people. He deals with them in terms of 320 acres of land and \$500 in cash rather than with human beings . . .”<sup>47</sup> A table of delinquent royalty payments by the Department of the Interior for Choctaw and Chickasaw coal leases totaled \$20,748.28 and included payments from as far back

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<sup>42</sup> Ibid., 5297.

<sup>43</sup> Ibid., 5518.

<sup>44</sup> Ibid., 5348.

<sup>45</sup> Ibid., 5385.

<sup>46</sup> Ibid., 5308.

<sup>47</sup> Ibid., 5332.

as 1921.<sup>48</sup> Because of poor inter-office communications, an agent from the BIA office in Muskogee was often unable to tell how much money the government was holding in trust for a specific Indian. A medical field agent at the Muskogee when asked whether tubercular cases in the preceding three years had increased or decreased stated, “It is mighty hard for me to say. It would not be anything but a guess.”<sup>49</sup> County judge William Tidwell testified that the system for sending royalty checks for an Indian to his guardian should be stopped as, “If you let an Indian guardian get hold of the money, they spend it.”<sup>50</sup> These testimonies point to an unresponsive Bureau in which the head did not know what the tail was doing.

Noted Oklahoma Indian historian Muriel Wright, a Choctaw and contemporary of Angie Debo, examined the conduct of Indian affairs in eastern Oklahoma in the late 1920s. She characterized the BIA in Oklahoma as led by a political appointee in Muskogee, but staffed by civil service employees that “whether they be white men or Indians, when they take a position in the bureau, they lost their identity as individuals and become a part of the great machine.”<sup>51</sup> The BIA had the power to “make arbitrary rulings for the administration of law passed by Congress.” And “. . . its present policies are in many instances obsolete.” Wright spoke of tribal leaders holding “. . . their positions through the patronage system of the party in power in Washington, largely in the hands of the senators

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<sup>48</sup> Ibid., 5502-5512.

<sup>49</sup> Ibid., 5610.

<sup>50</sup> Ibid., 5617.

<sup>51</sup> Muriel H. Wright, “The Indian Situation is Perplexing in Eastern Oklahoma,” *The American Indian*, May 1927, 6.

from Oklahoma, approved by the bureau, and appointed by the president.”<sup>52</sup> Wright alluded strongly to a bureaucratic monolith greased by politics and not responsive to the Indians it was created to serve, but to the government politicians and bureaucrats who maintained it.

The intermingling of Indians and whites contributed another factor affecting the conditions of Oklahoma Indians during the tough years of the late 1920s and early 1930s. Though intermingled, these two groups were far from assimilated. For decades, whites intermingled with the Indians. Indian land holdings lay checker boarded with white holdings. Restricted Indian land holdings were exempt from state and local taxes. Government services such as roads, passed over both Indian and white land, though only the white land was taxed to support such services. Public schools provided another government service that included many Indian children. While the federal government paid the state twelve cents per day for each Indian public school student, white educational administrators complained that this in no way covered the complete cost, and white taxpayers were forced to make up the difference. In 1933, Oklahoma county administrators estimated “the tax loss to the Oklahoma counties, plus expenditures on behalf of the Indians, is more than \$2,280,000.”<sup>53</sup> As the depression wore on, Oklahoma became more and more cash strapped. Local leaders viewed Indians as wards of the federal government and not the responsibility of state or local governments, a view which contributed to an already acute situation among most Oklahoma Indians. Virtually

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<sup>52</sup> Ibid., 6-7.

<sup>53</sup> Congress, Senate, Committee on Indian Affairs, *Tax-Exempt Indian Lands*, 71<sup>st</sup> Cong., 2<sup>nd</sup> sess., 13 February 1933, 8.

no state or social welfare services became available to Indians. As it became increasingly difficult for local governments to function as the depression worsened, local government resorted to using the long accepted policy of placing Indian affairs strictly under the domain of the federal government to their advantage, thereby saving their limited resources for taxpaying white citizens.

All that transpired during the 1920s with respect to Indian affairs in Oklahoma informed conclusions. The allotment policy failed, destructive to Oklahoma Indians. They lost ninety percent of their land holdings, with tribal governments ostensibly abolished, Indian culture endangered, and the overall conditions of Oklahoma Indians deteriorated to dangerously low levels. The BIA proved unable to administer effectively or in the best interests of Oklahoma Indians. An assimilationist perspective fused with condescending paternalism pervaded white relations with their Indian neighbors. The Oklahoma congressional delegation, BIA administrators, as well as state and local officials were steeped in this paternal outlook. These attitudes helped to promote an open season on Indian land and resources, which remained relatively unchecked particularly in the Five Tribes area of eastern Oklahoma. Oklahoma Indians were not in a position to bargain from a position of strength. Ongoing congressional investigations, the work of reform organizations such as the Indian Rights Association, and the Meriam Report presented a clear picture of the plight of Oklahoma Indians during the 1920s, but fell short of effecting legislation or substantive change in Indian affairs to remedy the situation. As the decade ended, the depression continued to



lambaste Oklahoma and rendered an already desperate situation among Oklahoma Indians even more critical.

The presidential election of 1932 constituted a turning point for Oklahoma Indians. They directed much of their frustration and anger over their deteriorating situation towards the federal government and in particular, the BIA. Many Oklahoma Indians feeling the Bureau abandoned them became “convinced that politics was the source of their problems, decided that political action was the only way to solve them.”<sup>54</sup> An Oklahoma Pottawatomie captured the feeling of Oklahoma Indian on the eve of the 1932 election when he said, “Because Republicans believe in depression, the Indians are praying for a Democratic administration.”<sup>55</sup> Over ninety percent of the state’s Indians who voted cast their ballot for Roosevelt in the 1932 election.<sup>56</sup> With their overwhelming electoral victory, Franklin Roosevelt and the Democrat majority in Congress held center stage commissioned to prove themselves to the economically depressed, socially marginalized, and highly skeptical Oklahoma Indians. Like most Native Americans, Oklahoma Indians needed relief not only from the effects of the Depression, but from their position at the bottom rung of American society.

The election of 1932 remains a watershed event in twentieth century American history, nowhere more evident than with Oklahoma Indian history. The Depression exacerbated an already poor economic situation, making poverty and

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<sup>54</sup> B. T. Quinton, “Oklahoma Tribes, the Great Depression,” in *The American Indian Past and Present*, ed. Roger L. Nichols and George R. Adams (Lexington, MA: Xerox College Publishing, 1971), 254.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

food shortages a constant companion for many Oklahoma Indians. By 1933, the annual per capita income of members of the Five Tribes was \$47.00. The majority of Oklahoma Indians lost their allotments and were landless. Members of the Five Tribes had originally received 110,000 allotments. However, by 1933, 72,000 members owned no land at all. With the easing of restrictions many Indians who already struggled to hold on to their land now became subject to state taxes, and property taxes that most could ill afford. Some landless Indians squatted on public land while many crowded onto small allotments of relatives, rendering them incapable of supporting even a subsistence existence. With hunger or starvation not far from the door, many depended on meager handouts from kin or tribal members.<sup>57</sup> Many Oklahoma Indians mirrored the feelings of Curt Holtin who stated to Senator Elmer Thomas in a letter in late 1931, “Personally I have very little confidence in Mr. Hoover as far as the common people are concerned.”<sup>58</sup>

Senator Elmer Thomas appeared to have been a “good ole boy” conservative Oklahoma Democrat intent on retaining his senatorial role and life in Washington, where he eventually retired and died. Thomas was often found at the forefront of debates and legislative struggles involving federal dollars or assistance for Oklahoma. He became involved in politics during the 1896 election when he stumped for William Jennings Bryan. During the Depression years, Thomas

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<sup>57</sup> Vine Deloria, Jr., ed., *The Indian Reorganization Act Congresses and Bills* (Norman: University of Oklahoma Press, 2002), 334.

<sup>58</sup> Curt Holtin to Elmer Thomas, 27 November 1931, contained in the Elmer Thomas collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 4. (Hereinafter referred to as the Elmer Thomas Collection)

grounded in populism, constantly promoted raising commodity prices for agricultural products and an inflated money supply as the answers to the economic woes of Oklahoma farmers. During his years in the Senate, Thomas spent considerable time and effort in educating himself on the money issue. Many in government and in banking circles considered him somewhat of an authority on the issue. Thomas apparently took great pride in this recognition. It is interesting to note that during his long senatorial career, Thomas served on agricultural, Indian affairs, and banking committees. From the standpoint of this study, Thomas remains a key player in the course of both the IRA and the OIWA. At the end of his career in the early 1950s, Thomas wrote two books an unpublished autobiography, *Forty Years a Legislator* and *Financial Engineering*. Outside of one bill Thomas introduced in 1923, there is absolutely no mention of his role in Indian affairs. Perhaps this omission reflects a lack of importance Thomas placed on this chapter of his public career.

Senator Thomas's assimilationist thinking underscored his views on Indian affairs and legislative proposals such as the IRA and the OIWA. Thomas emulated the nineteenth century role as a "friend of the Indian." He viewed Oklahoma Indians as unique to other tribes across the nation, believing that Oklahoma Indians were further along the road to civilization. Thomas often made statements to the effect that Oklahoma Indians were not reservation Indians and should not be grouped with tribal groups in the West and southwest. Thomas's actions with

respect to the legislative battle surrounding both the IRA and the OIWA, often reflected this viewpoint.

Early in his congressional career, Thomas honed legislative skills required to push legislation through Congress. Fighting a seemingly uphill battle against a Republican controlled Congress, he was able to obtain appropriations to build two fish hatcheries in Medicine Park, the community he had established in 1904 along with approval for two retention ponds to provide water to a growing and thirsty nearby Lawton. Thomas was even able to obtain labor from federal prisons in McAlester and Anadarko to build the necessary roads and dams in the area. Like many politicians of the era, he was not opposed to pork barreling to keep his constituents happy and supportive.

From 1929 to Roosevelt's inauguration in 1933, Senator Thomas like many other legislators found it difficult to secure relief for Oklahomans from a laissez-faire administration controlling the executive branch. Herbert Hoover, a fiscal conservative, appeared to have been almost totally unprepared for the severity of the economic depression that commenced in 1929. Hoover believed that economic recovery was dependent on an uninhibited business and manufacturing community. In 1931, Hoover stated, "Nothing can be gained in the recovery of employment by detouring capital away from industry and commerce into the treasury of the United States, either by taxes or loans."<sup>59</sup> With respect to aid to individual citizens during this time, he found the idea of government aid, or doles, abhorrent. Hoover determined the role of aid to the poor belonged with churches and private charities

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<sup>59</sup> *Indiana Republican* (Indianapolis, IN), 16 June 1931, 1.

not the government. Unable to provide assistance early in 1931, the Indian Bureau appealed to the Red Cross for aid (food, shelter, clothing, and medical care) for almost 10,000 Indians in eastern Oklahoma who did not own land and therefore not considered the responsibility of the federal government.<sup>60</sup> In August of 1931, Senator Thomas complained that although Oklahoma contained over one third of the Indian population in the United States, only \$3,000,000 of the \$28,000,000 appropriated for Indian affairs was earmarked for Oklahoma.<sup>61</sup> By 1932, Senator Thomas himself was discouraged with the lack of response by the Hoover administration, clearly demonstrated when he told Frank Davis, a Creek, “It is impossible to get much help under the present administration. . . . I am in hopes that March, 1933 will see a change in administration and . . . then we can look forward to helping the Indians.”<sup>62</sup> Between 1929 and 1933, the federal government allocated only \$817,968 for emergency relief measures across the state of Oklahoma, with the vast majority going to whites.<sup>63</sup> Frank Mauhuchu, a Choctaw, wrote Elmer Thomas and spoke of Oklahoma Indians being in a “suffering condition.” He further stated, “We have been to the county and elsewhere for help and they refuse to help us because we are Indians they told us to go to the [federal] govt. [sic] for support.”<sup>64</sup>

Oklahoma Indians directed much of their frustration and anger towards the federal government and the Indian Bureau in particular. Many Oklahoma Indians

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<sup>60</sup> *Daily Oklahoman* (Oklahoma City, OK), 10 January 1931, 3.

<sup>61</sup> *Ibid.*, 22 August 1931, 3.

<sup>62</sup> Elmer Thomas to Frank Davis, 18 February 1932, Elmer Thomas Collection, Box 9.

<sup>63</sup> *Harlow's Weekly* (Oklahoma City, OK), 11 November 1932, 11.

<sup>64</sup> Frank Mauhuchu to Elmer Thomas, 12 June 1931, Elmer Thomas Collection, Box 9.

“convinced that politics was the source of their problems, decided that political action was the only way to solve them.”<sup>65</sup> Zack Miller, owner of the 101 Ranch, wrote to Senator Thomas in the spring of 1932 and stated that the Indian Association of Oklahoma would be in the position to “deliver not less than one hundred thousand Oklahoma votes . . . [to] the party that will promise to deliver the best service to the Indians of this state.”<sup>66</sup> Over ninety percent of the state’s eligible Indian voters cast their ballots for Roosevelt in the 1932 election.<sup>67</sup> Franklin Roosevelt and an overwhelming Democrat majority in Congress now held center stage confronting the opportunity to prove themselves to the economically depressed and highly skeptical Oklahoma Indians.

Many Oklahoma Indians took a keen interest in Roosevelt’s selection of the next Commissioner of Indian Affairs. The Choctaw Chickasaw League endorsed Gabe Parker, a Choctaw and former superintendent of the Five Tribes. In response to their endorsement, Parker stated, “I will not seek the appointment unless the Indians of Oklahoma are united behind me.”<sup>68</sup> With this statement, Parker touched on an ongoing obstacle Oklahoma Indians faced as they attempted to make their presence felt in all levels of the political system. A strong effective Indian voice in politics was diluted, often to the point of “inaudibility” due to factionalism within and among tribal units. In this situation, a small group or handful of individuals often offered little political effort or strength to promote and sell their favorite son.

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<sup>65</sup> Quinton, 254.

<sup>66</sup> Zack T. Miller to Elmer Thomas, 10 April 1932, Elmer Thomas Collection, Box 9.

<sup>67</sup> Ibid.

<sup>68</sup> *Harlow’s Weekly*, 4 February 1932, 4.

This situation points to either a lack of understanding on the part of the Indians to effectively maneuver through the American political system or adherence to deeply ingrained principles within indigenous social and political systems.

Oklahoma Indians supported a wide variety of candidates for the commissionership. In February, fifty Ottawa met in Miami to form a tribal government that represented viewpoints and desires of all Ottawa. This group endorsed former Oklahoma congressman, E. B. Howard, a white, for Indian commissioner. The Osage tribal council endorsed Thomas J. Leahy. The Creek nation waffled between supporting Gabe Parker or Edgar B. Merritt, a white congressman from Missouri. A mixed group of over 400 Indians meeting in Oklahoma City split over support for A. F. Snyder, a Pawnee, or E. B. Howard, a white. Several members of the Oklahoma congressional delegation such as William Hastings, a Choctaw, and Wesley Disney kept their fingers on the pulse of Indian support for the commissioner's appointment, but argued that, "Oklahoma [remains] too divided over a group of favorite sons and cannot rally enough support for anyone individual."<sup>69</sup>

On February 8, 1933, Utah Senator William H. King delivered a speech on the Senate floor in support of John Collier's nomination as the new Commissioner of Indian Affairs. Direct his comments to President-elect Roosevelt, King counseled, "We suggest that your administration represents almost a last chance for

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<sup>69</sup> *Harlow's Weekly*, 1 April 1933, 10.

the Indians.”<sup>70</sup> Senator King also referenced a petition, signed by over six hundred prominent educators, social workers, and reform minded citizens, sent to President-elect Roosevelt. This petition begged Roosevelt to employ careful consideration in his choice for Commissioner of Indian Affairs stating, “If there are any appointments in the Government service which deserve to be lifted above the political considerations, the appointments to the Indian Bureau are such.”<sup>71</sup>

Members of the Oklahoma and Missouri congressional delegations exerted a degree of political wrangling and maneuvering in promoting their “favorite sons” for the position of Indian Commissioner. Oklahoma Senator Elmer Thomas opposed Collier’s nomination as commissioner in lieu of political ally, Edgar B. Merritt of Missouri. The Senate majority leader, Joseph T. Robertson from Arkansas, also pushed Merritt’s name with President-elect Roosevelt. However, Harold Ickes, the new Secretary of the Interior sold Roosevelt on John Collier as his choice for Indian Commissioner. In speaking of Collier Ickes said, “John Collier, with whatever faults of temperament he may have, has to a higher degree than anyone available for that office, the point of view towards the Indian that I want in the Commissioner of Indian Affairs.”<sup>72</sup> Thomas vowed to do all in his power to block Collier’s appointment to the post and promised to “oppose his confirmation” in the Senate.<sup>73</sup> Roosevelt told Senator Robertson, “Well you see

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<sup>70</sup> Congress, Senate, “Condition of the Indians in the United States Speech of Hon. William H. King, Delivered in the Senate February 8, 1933,” (8 March 1933) *Senate Documents No. 2147*, 2<sup>nd</sup> Cong., sess. 2, 26.

<sup>71</sup> Ibid.

<sup>72</sup> Prucha, *The Great White Father*, 17.

<sup>73</sup> Elmer Thomas to Daisey E. Richard, 15 April 1933, Elmer Thomas Collection, Box 9.



Joe, every highbrow organization [reform] in the country is opposed to Merritt, and Secretary Ickes, under whom he would have to work doesn't want him.<sup>74</sup> Disappointing the politicians, Roosevelt chose John Collier, the most vociferous of past Indian policy and the Indian Bureau. Senator Thomas, a consummate politician, apparently tested the political winds and grudgingly swung his support to Collier during the confirmation vote. He later explained he felt "continued opposition was futile and that he had to work with the new commissioner in the future."<sup>75</sup>

John Collier the product of a genteel Georgian family, was raised in "a constant atmosphere of 'public work,' underscored by the social pressure of "nobles oblige."<sup>76</sup> His father served as mayor of Atlanta, Georgia. Both his parents died tragically in Collier's youth, his mother from addiction to a painkiller and his grieving father from suicide three years later in 1900. Collier entered Columbia University in 1902 and soon became an idealist exploring socialism, social Darwinism, and psychology. While at Columbia, Collier met Lucy Crozier who introduced him to New York City's salon life and ultimately social reformation through social work.

In 1908, Collier became associated with the People's Institute; a progressive organization dedicated to helping immigrants build a sense of community in

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<sup>74</sup> Harold L. Ickes, *The Secret Diary of Harold L. Ickes The First Thousand Days, 1933-1936* (New York: Simon & Schuster, 1954), 19.

<sup>75</sup> Peter M. Wright, "John Collier and the Oklahoma Indian Welfare Act of 1936," *The Chronicles of Oklahoma* 50 (August 1972), 349.

<sup>76</sup> Lawrence C. Kelly, *The Assault on Assimilation John Collier and the Origins of Indian Policy Reform* (Albuquerque: University of New Mexico Press, 1983), 5.

Manhattan neighborhoods. Over the next eleven years, Collier converted to the principles of social engineering by exploring and testing a wide variety of progressive, utopian, and sometimes socialistic ideals in the community laboratory of cosmopolitan New York City. During these years, Collier threw himself wholeheartedly into his endeavors, growing in knowledge and experience, which aided him in later years.

Collier left New York in late 1919 and moved to the Los Angeles area where he accepted a position with the state's adult education commission. There he focused his attention on immigrant groups. However, Collier soon found himself under suspicion and investigation by the Justice Department over comments he made in several classes concerning the Russian Revolution. The Red Scare was intensifying in 1920 and Collier found his salary cut from the state budget. Collier resigned his position and left California with his family for an extended trip into the Mexican wilderness to reorient himself.<sup>77</sup>

At this time, Providence took a hand in Collier's life as he and his family diverted from their Mexican destination to Taos, New Mexico. In December of 1921, Mabel Dodge, a wealthy New Yorker and former associate Collier knew invited him to Taos. Through letters and telegrams, Dodge lured Collier "repeating her stories of the magical habitation there of six hundred magical Indians."<sup>78</sup> Collier quickly immersed himself into the cultural and religious life of the Pueblos.

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<sup>77</sup> Kenneth R. Philp, *John Collier's Crusade for Indian Reform 1920-1954* (Tucson: University of Arizona Press, 1977), 23-25.

<sup>78</sup> John Collier, *From Every Zenith A Memoir and Some Essays on Life and Thought* (Denver: Sage Books, 1963), 124.

He believed the Pueblo “were still the possessors and users of the fundamental secret of human life—the secret of building great personality through the instrumentality of social institutions.”<sup>79</sup> Collier’s faith in the principle of community as a building block to effect positive social change germinated in New York and evolved in Taos. Over the next nine months, Collier and his family stayed in Taos and with the Pueblos. They believed the cultural survival of these tribes were keys to their successful endurance as a people. They also believed Euro-American civilization would spell their eventual doom. Indian culture had much to offer in Collier’s judgment for “modern” white civilization, but at the same time needed protection from the danger of being sacrificed in the path of white progress. Collier believed,

These tiny communities [pueblos] of the red men, archaic, steeped in a not-rational world view of magic and animism . . . might live on, that they might use the devices of modern economic life, and pragmatically take over the concepts of modern science, and yet might keep their strange past of theirs. . . . And if the Pueblos lived on, could white civilization acquire anything from them?<sup>80</sup>

It was during this time period that Collier formulated basic understandings and beliefs about Native Americans that shaped his thinking over the remainder of his life. E. A. Schwartz argued that “Collier’s depiction of his Taos experience was more drama than fact.”<sup>81</sup> Granted, Collier was dramatic. This is demonstrated in much of his writings throughout his career. However, Collier’s “The Red Atlantis” contains the embryonic thoughts that become important planks in the Indian New

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<sup>79</sup> Ibid., 126.

<sup>80</sup> John Collier, “The Red Atlantis,” *The Survey*, 49 (October, 1922), 16.

<sup>81</sup> E. A. Schwartz, “Red Atlantis Revisited: Community and Culture in the Writings of John Collier,” *American Indian Quarterly*, 18, (Fall 1994), 507.

Deal within the next decade. Collier focused on the failure of allotment and the dissolution of tribal governments, stating “Today the non-citizen Indians are “wards” of Congress and the Bureau of Indian Affairs. . . . The guiding policy down to the present has been to deprive the Indian of his land and trample out his community [tribal] life.” Secondly, “the dwindled reservations . . . must be conserved,” and “some form of cooperative land holding” must be established. Finally, Collier explained, “the Pueblos as agricultural and industrial communities must be given advantages equal to . . . those claimed by white farming communities all over the country.”<sup>82</sup> These proposals evolved into the push for tribal organization, the end of allotment, the consolidation and enhancement of tribal land holdings, and economic programs and cooperatives.

Collier left Taos in the early fall of 1921 to accept a teaching position at San Francisco State College. He spent considerable time talking with anthropologists, Bureau officials, and reading “every report by each successive Indian Commissioner since 1852.”<sup>83</sup> Collier taught one year before being drawn fully into the Indian reform movement. He quickly became allied with Stella Atwood and the General Federation of Women’s Clubs. Their first battle focused on the Bursom Bill, introduced in July of 1922. Aimed at settling the ongoing feud over land claims between the Pueblos and white squatters, the bill favored the latter. They were opposed by Warren Harding’s Secretary of the Interior, Albert B. Fall and the influential Arizona Senator, Dennis Chavez. By August, Collier, Atwood,

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<sup>82</sup> Collier, “The Red Atlantis,” 19-20.

<sup>83</sup> Collier, *From Every Zenith*, 131.

and the General Federation of Women's Clubs waged a sophisticated media campaign against the bill. Collier was soon thrust to the head of this complex factional group of reformers. He published an article in *Sunset Magazine* in November of 1922 and became a regular contributor over the next year. A letters to the editor campaign was directed at newspapers all across the nation. Collier and Atwood both testified before congressional hearings. Their efforts were successful and in the spring of 1923, the proposed Bursom Bill died in committee, much to the chagrin of Secretary Fall and Commissioner of Indian Affairs, Charles H. Burke.

In 1923, John Collier formed the American Indian Defense Association (AIDA). Collier served as the executive secretary for the next decade. Collier moved to Washington, serving as a lobbyist for Indian reform. During these years, the underlying ideology of the Indian New Deal evolved. The basic tenants included preservation of Indian civilization and culture, promotion of Indian arts and crafts, opposition to the government's long practiced allotment policy, freedom for Native Americans to practice indigenous religious beliefs, self-government, and a type of credit system to provide capital for economic development. Years later in writing his memoirs, Collier claimed that by 1922, he had "formulated ideas to end allotment and that by 1924, what was to become the Indian New Deal had become rather thoroughly formulated."<sup>84</sup> Some accused Collier of promoting a form of assimilation wrapped in another package. However, Collier claimed he promoted, "Assimilation, not into our culture but into modern life, and preservation and intensification of heritage are not hostile choices, excluding one another, but are

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<sup>84</sup> Collier, *From Every Zenith*, 216.

interdependent through and through.”<sup>85</sup> Collier formulated a line of thinking which can be traced back to progressivism, and dubbed “the tribal alternative,” by Graham Taylor.<sup>86</sup> This multicultural approach would bring Native Americans into full political and economic participation in white society while maintaining their indigenous cultural heritage.

Historians, Lawrence Kelly and Kenneth Philp studied extensively on the pre-New Deal era of John Collier’s life. Both presented an extremely complex individual. There is the idealistic reformer motivated by a belief in the goodness and purity of Indian culture, religion, and philosophy. The public person, the John Collier most people knew, confronted the status quo and initiated fundamental change in Indian affairs. Many became inspired with his unwavering zeal. On the other hand, both scholars presented a private man sometimes troubled with doubt who often escaped the pressure of public life with retreats into the solitude of nature from which he emerged refreshed, determined, and ready to resume battle. Both breathed life into this important historical figure in contemporary Indian affairs. They both correctly presented the decade of the 1920s as an important antecedent for the Indian New Deal of the 1930s. Randolph C. Downes characterized much of the Indian reform efforts of the 1920s as “muckraking journalism, pressure group politics, and governmental investigations,” which served as a means of education and as the “impetus for change” in Indian affairs in

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<sup>85</sup> Ibid., 203.

<sup>86</sup> Graham Taylor, *The New Deal and American Indian Tribalism*, (Lincoln: University of Nebraska Press, 1980), ix.

the 1930s with the New Deal.<sup>87</sup> With Collier's confirmation as Commissioner of Indian Affairs, the stage was set for the ideas of reformers to now reach fruition. What resulted was a fascinating struggle of reform ideas in conflict with political reality, resulting often in expected outcomes. This study will examine many of those outcomes as they influence Oklahoma Indians through the Oklahoma Indian Welfare Act of 1936.

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<sup>87</sup> Randolph C. Downes, "A Crusade for Indian Reform, 1922-1934." in *The American Indian: Past and Present*, ed. Roger L. Nichols and George R. Adams, (Lexington, MA: Xerox College Publishing, 1971), 230.

## Chapter 4

### The Indian New Deal

John Collier was sworn in as the Commissioner of Indian Affairs on April 21, 1933. On that date, he issued a press release which gave a glimpse into the new philosophy that would now guide the Indian Bureau. Collier spoke of the need not only for increased expenditures to expand a number of programs designed to aid impoverished Native Americans but also for a reorganization of the Indian Service. Collier stated, “I strongly believe that the responsibility of the United States, as guardians of the Indians, ought to be continued.” [but] . . . “In the long run, the Indians must be their own savers and their own helpers.” “It means decreasing the paternalism of the Government and extending civil rights and the facilities of modern business enterprise to the Indians.”<sup>1</sup> Collier envisioned the day when, “The Indian Bureau becomes a counselor rather than the responsible agent.”<sup>2</sup>

Collier brought a new perspective on Indians and Indian affairs to the Bureau of Indian Affairs along with four basic objectives he hoped to promote. These objectives included the rebuilding of Indian tribal societies, enlarging and rehabilitating Indian land holdings, fostering Indian self-government, and preserving and promoting of Indian culture.<sup>3</sup> The ideology of forced assimilation

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<sup>1</sup> Statement of John Collier given at Washington, D.C., 21 April 1933, John Collier Papers, University of Oklahoma, Norman, Reel 31.

<sup>2</sup> Collier, *From Every Zenith*, 179.

<sup>3</sup> *Ibid.* xxvi.



of the Native American into white society served as the bedrock of Indian affairs for two generations. John Collier's Indian New Deal introduced a new ideology with progressive origins. Graham Taylor termed this new set of ideas the "the tribal alternative."<sup>4</sup> Elmer Rusco contends the tribal alternative "abandoned the goal of assimilation in favor of the belief that Native American societies had a right to exist on the basis of a culture different from the dominant one in the United States."<sup>5</sup> Much of John Collier's reform program rested on this idea, including ending the allotment policy, preserving Indian culture and promoting self-government and incorporation. The ideology of the tribal alternative clashed with the entrenched ideology of assimilation. The tension and conflict between these two schools of thought can be found at the core of the many struggles Collier found himself in during the reform battles of the 1920s and during his tenure as Commissioner of Indian Affairs from 1933 to 1945.

Having been an outspoken critic of the BIA and its policies for over a decade, Collier had to "contend with the entrenched and selfish outside interests that have controlled and exploited the bureau for so many years at the expense of the Indians."<sup>6</sup> Over the years, Collier irritated a number of people both in Congress and in the Indian Bureau. This tendency plagued his working relationship with Congress throughout his commissionership. Deeply entrenched in the assimilationist ideology many career bureaucrats worked within the BIA.

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<sup>4</sup> Graham D. Taylor, *The New Deal and American Indian Tribalism The Administration of the Indian Reorganization Act, 1934-1945*(Lincoln: University of Nebraska Press, 1980), 65.

<sup>5</sup> Elmer Rusco, *A Fateful Time the Background and Legislative History of the Indian Reorganization Act* (Reno: University of Nevada Press, 2000), 115.

Assimilation had underscored federal Indian policy formally since 1887 and enactment of the Dawes Act. To them it seemed obvious that Indians must give up their culture and fully “Americanize” by becoming land owners and embracing white culture and Christianity. Assimilationists viewed Collier and his proposals for revolutionizing Indian policy as a direct threat to all they had worked for over the years. Various church missionaries opposed Collier recommended, “The Indian must be saved by a process of Christian assimilation of American life, not by carefully guarded and subsidized segregation.”<sup>7</sup> Senator Burton K. Wheeler, co-sponsor of the Indian Reorganization Act, declared it was Congress’s responsibility to “aid Indians as nearly as possible [to] adopt the white man’s ways and laws.”<sup>8</sup>

In addition, the American public accepted assimilation as the compulsory path Indians must follow. Indians must accept, adopt, and be incorporated into American society, though their rights and position in American society remained unclear. Racial and cultural superiority remained important factors in the assimilation ideology. Frederick Hoxie captured the underlying sentiment of many whites when he wrote, “The white protestant majority continued to imagine that its values and the nation’s were identical.” Traditional Indian culture, with its emphasis on communalism and what seemed for many to be archaic culture practices, stood in the path of America’s destiny.

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<sup>6</sup> “Editorial,” *The Nation*, 86 (26 April 1933), 459.

<sup>7</sup> U.S. Congress, Senate, Hearings on S. 2755, *To Grant Indians Living Under Federal Tutelage the Freedom of Organizing for Purposes of Local Self-Government and Economic Enterprise*, 73<sup>rd</sup> Cong., 2<sup>nd</sup> Sess., 1934, p. 338.

<sup>8</sup> *Ibid.*, 101.

Within the Oklahoma Indian population were many who also endorsed the idea of assimilation into white society. Often these people were referred to as progressives. Many claimed mixed ancestry. Often educated at federal Indian schools, many also embraced Christianity. This group often interacted with whites either as neighbors or through involvement in the white economic system. They believed a promising future came with incorporation into white society. William Chadick, a Choctaw, told the *Cherokee Advocate* at the onset of the Dawes Commission in 1894, “The best thing the Indians can do is to allot their lands and then every man, women, and child in the territory will know exactly what justly belongs to them.”<sup>9</sup> James Kawaupla, a Ft. Sill Apache, stated, “Reservation life will retard and eventually prevent us from adjusting ourselves to fit in the white civilization in which we live.”<sup>10</sup> For both whites and many Indians, assimilation by Native Americans into the dominant white society made sense and seemed the only path to follow.

In May of 1933, such fears were confirmed when Collier, with the aid of Secretary Ickes, persuaded FDR to issue an executive order abolishing the Board of Indian Commissioners. This group had existed as an advisory board on Indian affairs since the days of Ulysses Grant’s Peace Policies. Collier viewed the Board as a citadel of assimilationist thinking within the Indian service. Several former commissioners, such as Flora Warren Seymour and Dr. C.C. Lindquist, continued to oppose Collier and his reform agenda.

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<sup>9</sup> *Cherokee Advocate*, (Tahlequah, OK), 7 February 1894, 3.

<sup>10</sup> U.S. Congress, Senate, Hearings on S. 2755, 352.

On August 12, 1933, in a bureau order signed by Secretary Ickes all but ended the allotment policy stating Collier directed that, "Due to existing economic conditions and the very poor market for Indian owned restricted lands, it is hereby ordered until further notice that no more trust or restricted Indian lands shall be offered for sale." Collier specifically mentioned the unique situation of Indians and their land holdings in Oklahoma when he said, "The foregoing shall apply to the Osages and the Five Tribes Indians insofar as the sale of their land is subject to control by this Department."<sup>11</sup> This in effect ended the government's allotment policy.<sup>12</sup> Collier's appointment convinced numerous individuals "for the first time in many years the Indians have a right to expect justice and sympathy from their guardians in Washington."<sup>13</sup>

The evolution of the Indian New Deal mirrored the general direction taken by the Roosevelt administration with respect to the New Deal as a whole. First came relief measures, then reform. Collier wasted little time in getting to work. He spent much of his first few months developing stopgap measures to provide immediate aid for economically depressed Indians. Early on, Collier finagled various agencies and departments to get Native Americans included in existing New Deal programs. This saved considerable time, preventing duplicating efforts, not to mention conserving Bureau appropriations for other programs. He worked to establish the Indian Civilian Conservation Corp which eventually supplied 3,200

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<sup>11</sup> Department of the Interior, Office of Indian Affairs, "Order No. 420." John Collier Papers, Western History Collection, University of Oklahoma, Reel 31

<sup>12</sup> The allotment policy encased in the Dawes Act of 1887 was legally abolished on June 18, 1934 with enactment of the Indian Reorganization Act.

jobs for Oklahoma Indians. Collier proved instrumental in helping the Oklahoma Indians receive benefits from a variety of early New Deal programs, including the Agricultural Adjustment Act, the Public Works Administration, the Federal Emergency Relief Administration, and the Works Progress Administration.<sup>14</sup> Collier displayed a great deal of fervor towards rectifying the many wrongs he saw in federal Indian policy through most of the 1920s and into the 1930s. It was obvious that Collier's objectives extended much further than piecemeal patching of the Indian Bureau or Indian policy. Collier's policies sought to achieve "Economic rehabilitation of the Indians, principally on the land; organization of the Indian tribes for managing their own affairs, and civil and cultural freedom and opportunity for the Indians."<sup>15</sup> Collier adamantly believed the allotment policy followed by the federal government for almost sixty years symbolized the main obstacle to Indian economic advancement. During the period of allotment, Collier also believed the Indian Bureau maintained near despotic control over the Indians. Both these two evils must be destroyed.<sup>16</sup> Collier realized many of his proposals required Congress to pass reform legislation.

After witnessing Roosevelt's legislative success during his first "hundred days," Collier decided to incorporate his reform objectives, including overturning the allotment policy, into an omnibus piece of legislation. Throughout the summer

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<sup>13</sup> Ibid.

<sup>14</sup> Michael T. Smith, "The Wheeler-Howard Act of 1934: The Indian New Deal," *Journal of the West* 10 (August 1971), 523-524.

<sup>15</sup> Collier, *From Every Zenith*, 173.

<sup>16</sup> Curtis Berkey, "John Collier and the Indian Reorganization Act," *American Indian Journal* 2 (July 1976), 4.

and fall of 1933, Collier, Felix S. Cohen, Nathan Margold and other legal staff members of the Interior Department hammered out a legislative proposal.<sup>17</sup> In September of 1933, Indians across the country, including those in Oklahoma, got to see the proposed legislation first hand as the BIA circulated drafts of the bill in order to obtain Indian opinion and support. These drafts were sent to tribal councils through the bureaucratic pipeline. It is questionable how many Indians actually saw these drafts and probable that even fewer were able to wade through forty eight pages of technical legal phraseology and arrive at a clear understanding of the proposed measure and its aims.

In early January of 1934, Collier held a conference at the Cosmos Club in Washington D.C. Collier sought support for his legislative proposals from various reform groups, including the National Association on Indian Affairs, the American Indian Defense Association, the General Federation of Women's Clubs, and the Indian Rights Association (IRA). Collier worked with these organizations through most of the 1920s and early 1930s. At this meeting, all the groups supported to one degree or another Collier and his proposals. The IRA supported with certain reservations. Collier left the conference elated, feeling he had achieved a mandate for his proposals.

Opposition to Collier's Indian New Deal appeared almost immediately in Oklahoma, almost all of it originating in the eastern half of the state. The *Muskogee Daily Phoenix* became the mouthpiece for Oklahoma opposition to Collier and his "new" policy proposals. The *Daily Phoenix* carried on an ongoing

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<sup>17</sup> Collier, *From Every Zenith, A Memoir*, 172-173.

verbal onslaught against John Collier and the Indian New Deal. An abrasive editorial from November 18, 1933 characteristic of many, announced:

Oklahoma's Indians, more than one entire number in the United States, want no tribal reservations, no communal fishing and hunting grounds . . . . Oklahoma will hope that Mr. Collier will not be permitted to erase all the great progress and void all the achievement of the last two decades in betterment of the American Indian in this state.<sup>18</sup>

Eastern Oklahoma remained the center for ongoing opposition to Collier, the Wheeler Howard Bill, and later the Thomas Rogers Bill which would become the Oklahoma Indian Welfare Act in 1936. On February 9, 1934, John Collier introduced his new policy proposal to Oklahoma. Collier spoke to 300 Oklahoma Indian employees of the Indian Bureau in Oklahoma City who represented almost every tribal group in the state. Collier outlined a two-step program. First he proposed, "the Indians must be organized and then given land that is fit to live on;" secondly, "the government must provide credit for [economic] rehabilitation." Collier cautioned his audience by saying, "We don't intend to drive the Indian back to the farm but if he wants to go, and most of them do, land must be provided for them and they must be taught modern farming methods." In concluding, Collier warned that his proposal offered no quick fix. He continued, "It will take years to bring the Indian to their proper level. After ten years under our program we should begin to make a showing and it will take years more to bring it to a conclusion."<sup>19</sup>

Collier's proposals marked a radical change in the direction of federal Indian policy. This new direction quickly fostered controversy from many

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<sup>18</sup> The Muskogee Daily Phoenix, 18 November 1933, 4.

<sup>19</sup> The Daily Oklahoman, 9 February 1934, 5.

different quarters. A significant form of opposition to Collier and the Wheeler-Howard bill appeared both on the national and the local Oklahoma scene. Several former members of the Board of Indian Commissioners, dissolved by Roosevelt early in 1933, claimed the proposed legislation to be socialistic or communistic in nature. Most vocal was Flora Warren Seymour. In a series of magazine and newspaper articles, Seymour described the proposed legislation as “the most extreme gesture yet made by the administration in this country toward a Communistic experiment.”<sup>20</sup> Another former member of the Board of Indian Commissioners, Dr. Charles Lindquist, said, “Collier’s plan is socialism and communism in the rankest sense.”<sup>21</sup> The *Daily Oklahoman* picked up on this charge and brazenly editorialized “. . . the similarity of what is purposed to the soviets of Russia is strong enough to be noticeable.”<sup>22</sup> This charge of Collier’s proposals being a “Communistic experiment” or smacking of Soviet influence continued over the time period in which both the IRA and the IOWA were debated, amended, and enacted. Originating from more cosmopolitan eastern Oklahoma, these charges often received national press coverage.

Senator Burton K. Wheeler of Montana and Representative Edgar Howard of Nebraska introduced the bill into Congress in February 12, 1934. Collier dubbed the proposed legislation, the “Bill of Indian Rights.”<sup>23</sup> A bulky forty-eight-page proposal contained most of Collier’s key objectives for Indian policy formulated

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<sup>20</sup> Flora Warren Seymour, “Trying it on the Indians,” *New Outlook* 43 (May 1934), 22.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Daily Oklahoman*, (Oklahoma City, Okla.), 28 February 1934, 8.

<sup>23</sup> Department of the Interior, Memorandum for the Press, 13 February 1934, John Collier



during his involvement in the Indian reform movement during the 1920s and early 1930s. Title I allowed the Indians “to organize for purposes of local self-government and economic enterprise . . . [with] powers common to all municipal corporations.” It authorized a \$500,000 annual appropriation for organizing Indian tribal governments. Title I also authorized a \$5,000,000 credit loan fund to aid tribes pursuing economic and agricultural development. Title I eased civil service requirements so that the BIA could employ more Indians. Title II concerned itself with education and established, among other things, scholarships and loans for vocational training and college for Native Americans. Title III not only ended land allotment but also provided for the return of previously allotted lands to Indian tribes. Indian lands held in trust by the federal government were also to be returned to tribal control. Title III further established the policy of “a constructive program of Indian land use and economic development, in order to establish a permanent basis of self-support for Indians living under Federal tutelage [on reservations].” This title also authorized an annual \$2,000,000 appropriation for purchasing land to enlarge reservations. Title IV created a Court of Indian Affairs possessing original jurisdiction and conducted in accordance with Indian traditions for tribes who organized under Title I, thereby removing them from the jurisdiction of state and local courts.<sup>24</sup> This proposal represented not only “a new approach, [but] also an

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Papers, Western History Collection, University of Oklahoma, Norman, Reel 30.

<sup>24</sup> Congress, House, Committee on Indian Affairs, *Hearings before the House Committee on Indian Affairs on HR 3645*, 73<sup>rd</sup> Cong., 2<sup>nd</sup> sess., 6 March 1934, 1-21.

attempt to streamline the archaic and complicated system of Indian law.”<sup>25</sup> Collier felt that with this legislation, a new foundation for Indian law would be established.

However, strong opposition arose within Congress to the Wheeler Howard Bill. This opposition was centered in a handful knowledgeable about federal Indian policy, including many from states with significant Indian populations. Collier’s radical reform proposals ran counter to the assimilationist thinking which had dominated Indian policy for fifty years. Lack of knowledge of Indian affairs and plain indifference also influenced congressional support. Native Americans contributed such a small percentage of votes that for most legislators Indian affairs took a back seat to more immediate challenges facing Congress in the depths of the Great Depression. An indifferent though sometimes hostile Congress delayed passage of the Wheeler Howard bill for months.

Commissioner Collier fought the hostility and apathy in Congress by embarking on a nationwide publicity campaign to promote the Wheeler-Howard bill. He hoped to develop public support that would pressure Congress for passage. Mailings requesting support were sent to thousands of religious leaders, university presidents, newspaper editors, celebrities such as Will Rogers. Magazines, scholarly journals, missionary groups, the Kiwanis Club, and the General Federation of Women’s Clubs received the same. It is interesting to note that at the bottom of one page of a mailing list used by Collier and the bureau is the notation, “I wonder if it would be possible for you to ask Father Coughlin to speak of [the]

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<sup>25</sup> Michael T. Smith, “The Wheeler-Howard Act of 1934,” 526.

bill over radio. He has an immense audience. It would not do harm to try.”<sup>26</sup> Clearly the Bureau left no stone unturned in efforts to promote the Wheeler-Howard Bill.

Collier, a prolific writer, authored a number of articles promoting the Wheeler-Howard bill that were published in popular American magazines. *Good Housekeeping* interviewed Collier in April of 1934 as the battle in Congress to secure passage of Wheeler-Howard heated up. He elevated the struggle to a moral level when he compared his proposed land restoration proposals which affecting “perhaps only 200,000 Indians”, while at the same time “Mexico, a very poor country, has assumed as a moral obligation the restoring of land to more than 2,000,000 Indians.” Collier continued that “unless this is done more than two hundred thousand of our allotted Indians . . . are increasingly going to become tramps, as many of them are already.” He warned, “That is a public menace a hundred times graver than investing some money now in colonizing these homeless Indians and putting them on their feet permanently.”<sup>27</sup> Vera Connolly, the author, made an impassioned plea to American women stating, “The Indians are doomed unless it is changed [Indian policy]. Congress is the arbiter. Will you women of

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<sup>26</sup> Department of the Interior, Office of the Solicitor, n.d., John Collier Papers, Western History Collection, University of Oklahoma, Norman, Reel 31.

<sup>27</sup> Vera Connolly, “The End of a Long, Long Trail,” in *Good Housekeeping*, 98, April 1934, 252. Collier is referring the land redistribution program of Mexican President Lazaro Cardenas in the 1930s. During that period, the Mexican government distributed 17.9 million hectares of land to 810,000 Indians and peasants. Cardenas enjoyed an international reputation as a true friend of the Mexican peasant and Indian and this is what Collier was playing on. However, like Collier, Cardenas faced stiff opposition from within his country against many of his reform proposals from well-entrenched conservative land holding elites. For more on Cardenas’s land redistribution programs see Ben Fallow’s *Cardenas Compromised* or Nora Hamilton’s *Limits of State Autonomy in Post Revolutionary Mexico*.

the United States help? . . . The outcome of that battle will depend—to an enormous degree—on you!” The plaintive pleadings of Indian women reached out to their white sisters and implored, “Help us! Help us! white women of America! . . . We starve. We shiver in rags. We drop with disease. We are being robbed, by our Federal guardians, of all we have left. Help us. Save us!”<sup>28</sup> Finally, the article concluded with an urgent request from the editor: “Readers of *Good Housekeeping* help Commissioner Collier! Write your Senators and Representatives, urging them to sponsor this proposed Indian legislation.”<sup>29</sup> The tenor of many other articles and interviews published in magazines and newspapers at the time as part of the broad publicity campaign to gain popular support for the Wheeler-Howard Bill were similar. Collier demonstrated an ability to employ the media in order to gain public support.

Many Oklahoma Indians felt assimilated into the white society and resented the attempt to re-institute tribal controls over their property and lives. Some “assimilated and semi-assimilated Indians [opposed] the reimposition of tribal controls over their property and lives.” The second problem arose from a contradiction that “despite the emphasis in the act on Indian self-determination, few Indians were consulted while the bill was being drafted.”<sup>30</sup> In commenting on the proposed Wheeler-Howard Bill, Joseph Bruner, a Creek from Sepulpa, Oklahoma and founder of the American Indian Federation said, “As I see it, it would segregate

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<sup>28</sup> Ibid., 50, 260.

<sup>29</sup> Ibid., 260.

<sup>30</sup> Kelly, “The Indian Reorganization Act: The Dream and the Reality,” 296.

us. We have taken our place with white people and helped build up this country. I'm against this bill."<sup>31</sup>

Oklahoma Indians believed Collier understood the Navajo and Pueblo Indians from the 1920s and early 1930s. Many also felt Collier apparently “concluded that Indians everywhere would wish to return to tribal communal life.”<sup>32</sup> They felt Collier lumped together all Indians as sharing the same cultural heritage and facing similar challenges. Many Oklahoma Indians believed themselves to be unique from other Indians around the country. The vast majority of them were landless, and the tribe possessed little communally held land. Individual land ownership among the Indians remained the rule rather than the exception. Many believed the Wheeler-Howard bill proposed a return to communal land ownership and the reservation system. Joseph Bruner, a Creek who was also president of the National Indian Confederacy, summed up his views in a letter addressed to both the Senate and the House: “We do not want—we will not voluntarily or cheerfully accept separate schools, separate communities, separate courts, or additional impeding obnoxious interference from Washington.”<sup>33</sup>

Like Native Americans across the nation, most Oklahoma Indians never read the bill and possessed little understanding of its various proposals. This factor coupled with the general mistrust of the actions of the federal government led initially to large cross-state opposition to the proposed bill by many Oklahoma Indians.

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<sup>31</sup> *Muskogee Times Democrat* (Muskogee, OK), 17 March 1934, 15.

<sup>32</sup> Kelly, “The Indian Reorganization Act: The Dream and the Reality,” 296.

Eastern Oklahoma newspapers attacked both Collier and his legislative proposals. The *Tulsa Tribune* countered, “It [the Wheeler-Howard Bill] is not so attractive to Oklahoma Indians of the five Civilized Tribes, who are as competent for the duties of citizenship as the average white citizen of Oklahoma, and who lead the same kind of lives as their white neighbors.”<sup>34</sup> The *Tribune* criticized Collier by saying, “It is doubtful if the commissioner himself quite understands that the Indian problem in Oklahoma is not the same as that of the Blackfoot or Apache reservation.”<sup>35</sup> The *Bartlesville Examiner* suggested, “The secretary of the interior and the commissioners of Indian affairs should make an exhaustive first hand study of the Indian situation in Oklahoma. They should both spend considerable time in the state . . .”<sup>36</sup>

After initially announcing support for Collier’s legislative proposal during the Cosmos Club conference in January, the Indian Rights Association came out against the Wheeler Howard bill in March of 1934. In that month’s issue of *Plain Truth*, Matthew K. Sniffen decried what the IRA considered to be “revolutionary departures in Indian policy.”<sup>37</sup> The Indian Rights Association vehemently opposed the Wheeler-Howard proposal claiming, “It perpetuates segregation under the guise of self-government. It jeopardizes individual Indian property rights, and shifts the incentive which the authors of the Allotment Act had in mind for individual

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<sup>33</sup> Ibid., 12 May 1934, 6.

<sup>34</sup> *Tulsa Tribune* (Tulsa, OK.), 10 March 1934, 5.

<sup>35</sup> Ibid.

<sup>36</sup> *The Bartlesville Examiner* (Bartlesville, OK), 12 March 1934, 6.

<sup>37</sup> Matthew K. Sniffen, “Stop, Look—and Consider,” *Indian Truth* (March 1934), 1.

ownership of property leading towards citizenship. The policy is a reversal of the past.”<sup>38</sup> Though a well-respected and long time advocate of reform in Indian policy, the Indian Rights Association’s ideological framework was rooted deeply in the assimilation of the Native American into white society. Vine Deloria, Jr. and Clifford M. Lytle attributed the IRA’s shift from support to opposition to an internal power struggle between conservative and moderate factions within the organization.<sup>39</sup>

Within the BIA, there arose pockets of resistance to the proposed Wheeler-Howard Bill. Many longtime employees, deeply entrenched in assimilationist policies, feared Collier’s new ideas and the prospect of change. Evidently, this resistance reached a level where it aroused not only the attention of John Collier but also Harold Ickes, the Secretary of the Interior. Both men moved quickly to stifle internal opposition. Ickes issued a blunt memo to all BIA employees: “If any employee wishes to oppose the new policy, he should do so honestly and openly from outside the service. This would mean his resignation.”<sup>40</sup> Collier and Ickes might have to deal with opposition from without, but it was not going to be tolerated from within.

Collier tied his success as Indian Commissioner to enactment of the Wheeler-Howard Bill. He believed expressed Indian support would influence Congress in a positive manner. In order to garner Indian support, Collier visited

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<sup>38</sup> Ibid.

<sup>39</sup> Vine Deloria, Jr., and Clifford Lytle, *The Nations Within The Past and Future of American Indian Sovereignty* ( New York: Pantheon Books, 1984), 92-93.

<sup>40</sup> Department of the Interior, Office of the Interior, Harold Ickes all employees of the

ten reservations scattered across the United States in the spring of 1934 to promote the bill. Possessing a large percentage of the country's Indian population, Collier considered the support of Oklahoma Indians key. In March of 1934, he crisscrossed the state, conducting three congresses with representatives from more than thirty tribes. Several thousand Indians attended large daylong meetings held in Anadarko, Muskogee, and Miami Oklahoma. It is apparent that a cross section of tribal communities attended each congress, from articulate and business savvy mixed bloods to full bloods who required interpreters.

Over 2,000 Indians from the western plains tribes attended the first congress held in Anadarko on October 15, 1934. Collier conducted this meeting in much the same fashion as other congresses. First he launched into a detailed explanation of the bill. He decried the allotment system saying, "It is correct to say that the allotment system intends for all Indian allotted lands to pass to whites."<sup>41</sup> He intermixed into his explanations a "sales pitch" designed to gain Indian approval for the bill. During the Anadarko congress, a member in the crowd asked Collier what would happen to Indians who "don't come in." Collier replied, "The tribe which does not want to come into this bill at all will go on just the way it is now until all of the land is lost and then I suppose it will come back and ask for a charter and some new land."<sup>42</sup> At all three congresses held in Oklahoma, most discussions and questions from the Native Americans centered on the issue of land. In

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Indian Service, John Collier Papers, Western History Collection, University of Oklahoma, Reel 31.

<sup>41</sup> Vine Deloria, Jr., ed., *The Indian Reorganization Act Congresses and Bills* Norman: University of Oklahoma Press, 2000), 263.

<sup>42</sup> *Ibid.*, 268.



Anadarko, Collier discussed the fact the “four out of every six Indians [in western Oklahoma] . . . are landless. . . . Seventy-two thousand of the Five Civilized Tribes are totally landless.” Collier concluded, “The basic fact is that there is not enough land belonging to the Indians. We have got to get more land to supply the landless Indians.”<sup>43</sup> Questions ranged from specific inquiries to broad concerns. At Anadarko, Morris Bedoka, a Kiowa, asked, “Now to secure a charter, as I understand it, you would have to have the recommendation of the local agent with the approval of the Secretary of the Interior. Is that correct?” Jasper Saunkeah, chairman of the Kiowa-Comanche tribal council wondered, “Would this bill take away the voting privilege we have in state and national affairs?”<sup>44</sup> Henry Roe Cloud, speaking for an Indian outside of the meeting, all worried about the fear many Indians seemed to have that the bill would establish “colonies” [land holdings purchased by the federal government for the tribes and opened to group settlement by tribal members] which “would segregate the Indians—put them all by themselves.”<sup>45</sup> At all three congresses, Collier communicated his belief that the allotment system intended “for all Indian allotted lands to pass to whites.”<sup>46</sup>

At second Oklahoma congress held in Muskogee on March 24, 1934, Collier spent considerable time talking about the need for the Five Tribes to organize. With tribal organizations abolished around the time of statehood in 1907, Collier found it “strange to find the biggest group of Indians in the country without

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<sup>43</sup> Ibid., 262.

<sup>44</sup> Ibid., 281

<sup>45</sup> Ibid., 272

<sup>46</sup> Ibid., 263.

organization to speak for it officially or authoritatively.”<sup>47</sup> Finally, Collier believed that Oklahoma Indians, especially in the eastern part of the state, could wield considerable political power in the state by organizing. Collier stated, “I think that their use of the franchise would in the long run be made ten-fold in effectiveness by this bill.”<sup>48</sup> While Collier discussed most aspects of the bill at each Congress, at Muskogee he attempted to “sell” members of the Five Tribes the idea that by working together as a group organized under provisions of the Wheeler-Howard bill, the tribes would be able to enhance their political voice both with Congress and with the Indian Bureau.

The Miami congress, held on March 26, 1934, again focused on the issue of land. Collier discussed hidden costs of administering the allotment system. Using the Five Tribes as an example, Collier pointed out that the Five Tribes Agency in Muskogee was spending roughly eight percent of its annual \$300,000 appropriation, or \$240,000, to cover administrative costs for Indian allotments. Collier spent time discussing and answering questions concerning Indian access to credit. Collier stated “Indians are handicapped because they have no access to credit.”<sup>49</sup> Collier promoted the \$10,000,000 revolving system of credit set up in the bill. The revolving credit fund allowed a tribal government, an economic development organization, or merely a group of independent tribal members who joined together under a charter to take out federal loans to finance a business

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<sup>47</sup> Ibid., 314.

<sup>48</sup> Ibid., 327.

<sup>49</sup> Ibid., 333.

venture. An Osage at the Miami congress asked, “Could a tribe now rejecting the bill, now requesting to be excluded from it, ever get a chance to apply for a charter, that is, ever get a chance to be let into it again?”<sup>50</sup>

At each congress, the audience received time devoted to answering their questions. Collier responded to the bulk of the questions himself, only deferring to staff members for questions involving technical legal points or as his voice tired in the evening after a long day. At each congress, Collier emphasized the fact that he was there to explain the proposed bill and gain Indian input. In order a supportive action, various Indian groups pressured Collier, resulting in over thirty amendments to the Wheeler-Howard Bill. Many of these amendments addressed Indian concern over the possibility of individual allotments being returned to the tribe as communal property. Many Indians drew a line in the sand over this proposal. Historian Francis P. Prucha correctly contended that with these amendments, “Collier wisely retreated to what he thought he could get enacted.”<sup>51</sup> Though Collier is considered by many to be an idealist with his head in the clouds, he exercised a keen sense of knowing when to fight, when to compromise, or when to retreat in political battles. These amendments were important for two reasons. First of all, they demonstrated Collier’s determination to see Wheeler-Howard passed, even if he had to compromise on some points. Most important, Collier not only listened to the input from Indians, but he acted on it as well. Amendments to

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<sup>50</sup> Ibid., 347.

<sup>51</sup> Francis Paul Prucha, *The Great Father the United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1986), 322.

the bill reflected Collier's including Indians directly the give and take of the legislative process. This is a radical departure from Indian policy of the previous fifty years.

Collier believed that American Indians should play a greater role in determining their own futures. The heart of the Wheeler-Howard Bill reflected his deeply held beliefs, with provisions for Indians to organize themselves for the purposes of self government and economic development. However, Collier very much represented a part of the system in which he operated. During the previous fourteen years, Collier had been deeply involved in the Indian reform movement. Most of his colleagues were white. His limited direct contact with Native Americans limited his influence among Indians. Few Indians were directly involved in the movement. Those involved had become acculturated to a large degree and often seemed distantly removed from their Indian brothers and sisters. Whites led the battle for changes in Indian policy. Whites who proposed changes and struggled with white legislators and bureaucrats to see their proposals enacted and implemented. Whites might consult with Indians to determine their needs and desires, but whites expressed those needs and targeted which ones to pursue and the course of action follow. Professionals such as anthropologists or sociologists helped provide understanding of Native American social and cultural nuances. White reformers often seemed to believe they knew the needs and desires of Native Americans better than the Indians themselves did. Often reformers such as Collier appeared paternalistic and condescending towards Native Americans.

All three of the Oklahoma congresses were daylong events that extended late into the evening. After the session was formally concluded, Collier and his staff held several small group meetings for those interested, to further explain topics and to respond to additional questions. For example, Collier himself might cover the subject of tribal organizations. Felix Cohen or Nathan Margold might conduct a session and cover legal aspects of guardianships and heirships. Ward Shepherd, a bureau specialist in land policies, might cover the subject of land acquisitions. Unfortunately, no records were kept for most of these types of “extracurricular” meetings as the bill was being drafted.

The Indian congresses proved beneficial to Collier and the Indian bureau as well as to many of the Native Americans who attended. A charge that Indians were not included in the drafting of the Wheeler-Howard bill remained one of its chief criticisms. There are no records of Collier, his staff, or the congressional sponsors, Senator Burton Wheeler or Representative Edgar Howard contacting or being contacted by any Indian, individual, or group to seek their input or take their suggestions as the bill was being drafted, unfortunately silenced Indian voice.

However, Collier recognized the absolute necessity of obtaining a substantial degree of Indian support for this proposal that originally contained such a large part of his overall goal of reforming Indian affairs. He placed great emphasis on making these congresses successful. Many Indians attended the congress with only a sketchy idea of the legislative proposal. More than likely most never saw or read a draft of the bill. Many received misinformation about the

proposal thinking, for example, allotment holders might give their allotments to the tribe and resort to communal land holdings. To some degree or another, all Indians held a degree of doubt and mistrust concerning the proposed Indian New Deal. Based on past experience in dealings with whites and the Indian Bureau, most hesitated to accept Collier and his proposal as the answer to all their problems. Most Indians did not share John Collier's zeal in restructuring federal Indian affairs.

Clearly, Collier realized the situation he faced as he entered into these congresses. Patiently, he repeatedly sought Indian input into the proposed Wheeler-Howard Bill. He gave full and clear explanations. He did not dodge tough questions or the abrasive and apprehensive attitude on the part of some Indian attendees. He gave the impression to many that he cared about the Indians. For the most part, these efforts paid off for Collier. Concerns were addressed and often eliminated. Doubts and mistrust were mitigated. While not all Indians left supporting the Wheeler-Howard Bill, Collier garnered a greater deal of support from these congresses. Perhaps most importantly, Collier planted seeds in the minds of many Indians that a new era with a brighter dawn in federal Indian affairs was now opening up.

Nevertheless, the congresses obtained mixed results in Oklahoma. Indian support or opposition for the Wheeler-Howard Bill remained divided, with neither an overwhelming acceptance nor rejection of the bill by the Indians. Contained in the minutes of the three congresses held in Oklahoma were resolutions and verbal

pronouncements introduced by twenty tribal groups from across the state. The tribal business committee for the Pawnee, Ponca, Kaw, Otoe, and Tonkawa brought a resolution to the Anadarko congress which simply stated the “sentiment of the various tribes was opposed to the bill.”<sup>52</sup> Thomas W. Alford, a Shawnee registered his qualms, “We are willing to take anything that we believe to be for the best interest of our people. This is a program that is a puzzle to us.”<sup>53</sup> The Sac and Fox approved the bill stating, [We] believe that a long sought opportunity has come to the Indian people through this bill.”<sup>54</sup> The Cheyenne and Arapaho rejected the bill and appealed to John Collier “to retain the present status of rights and privileges given the Indians comprising the Cheyenne and Arapaho reservation.”<sup>55</sup> Three groups, the Quapaws, the Osage, and the Delawares, tabled any endorsement or rejection by opting to “think it over.” The Muskogee Creek tabled consideration because they felt they lacked an official organization to make such a decision. The Creek Emigrant Indian Committee sent a resolution “asking you [Collier] to get our Treaty [1835] back just like it was before and let us run it ourselves.”<sup>56</sup> While it is impossible from this information to determine the number of individuals who either favored or disapproved of the proposed legislation, it is quite evident that in Oklahoma a wide spectrum of both support and opposition for the bill existed among the Indians.

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<sup>52</sup> Ibid., 287.

<sup>53</sup> Ibid., 288

<sup>54</sup> Ibid.

<sup>55</sup> Ibid., 289

<sup>56</sup> Ibid., 320

A BIA document entitled, “Analysis of Official Vote of Indian Tribes On Wheeler-Howard” tells a different story. It reports that nationwide 139,824 from 51 tribes approved of the Wheeler Howard Bill, while 12,364 Indians from 11 tribes opposed the bill. For Oklahoma, this report shows that a total of 29,925 Indians representing four of the Five Tribes (the Seminole and the plains tribes of western Oklahoma are not included) voted issued by either the Bureau or Interior Department. A number of scholars used the figures from this report in their studies, but their accuracy seems questionable at best.<sup>57</sup>

Almost immediately after Collier’s return to Washington from the Indian congresses, both Senate and House committees on Indian Affairs resumed hearings on the Wheeler-Howard bill. With both committees, Collier faced a conservative group of legislators who remained rabid assimilationists in their sentiments and considered Collier’s legislative proposal as a return to communal property with Indians segregated from the main society. In the Senate, Collier faced a “troika” of opposition from Senators Wheeler who now waffled on the legislation he had sponsored, Elmer Thomas from Oklahoma, and Henry Ashurst from Arizona.<sup>58</sup>

Senator Wheeler, chairman of the Senate Committee on Indian Affairs and co-sponsor of the proposed bill, proved an ongoing antagonist for Collier throughout the senate hearings. A die hard assimilationist, who felt Indians were not capable of governing themselves, questioned much about the original proposal.

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<sup>57</sup> “Analysis of Official Vote of Indian Tribes on Wheeler-Howard Bill,” 30 April 1934, contained in the Wilburn Cartwright Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 5.

<sup>58</sup> Deloria and Lytle, *The Nations Within*, 122.



He viewed the section involving the proposed Indian Court of Affairs marked a return to the blanket for many Indians when they lost their allotments to the tribe. Senator Ashurst wanted to spar with Collier over his continued opposition to provisions included in the Pueblo Relief Act passed almost a year earlier in May 1933.<sup>59</sup>

Senator Thomas was enraged over comments Collier made to the Indians at the Anadarko conference. Collier had stated, “You know that at the present time President Roosevelt controls both Houses of Congress. When President Roosevelt wants a piece of legislation, he gets it from Congress.”<sup>60</sup> Thomas acidly responded, “You told my Indians down at my home that it made no difference what Congress thought about it, that you would pass the bill if you wanted to, and would pass it quickly . . . you have the opinion then, that you [Collier] can pass this bill through quickly, whether or not the Congress wants the bill?”<sup>61</sup> This type of exchange was sprinkled throughout the hearings and demonstrates a gulf of enmity separating John Collier from many congressional leaders. Senator Ashurst wanted to spar with Collier over his continued opposition to provisions in the Pueblo Relief Act passed almost a year earlier in May of 1933.

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<sup>59</sup> There are several recent studies that offer in depth examination and analysis of the legislative process surrounding enactment of the Indian Reorganization Act. Two recent works are Vine Deloria Jr. and Clifford Lytle’s 1984 publication, *The Nations Within the Past and Present of American Indian Sovereignty* and Elmer Rusco’s 2000 study, *A Fateful Time: the Background and Legislative History of the Indian Reorganization Act*. An excellent third study has stood the test of time. It is a Ph.D. dissertation entitled “The New Deal for Indians: A Study in Bureau-Committee Relations in the American Government,” from Princeton University and submitted in 1952 by Freeman J. Leiper, Jr.

<sup>60</sup> U.S. Congress, Senate. Committee on Indian Affairs. A Bill to Grant to Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise, 73<sup>rd</sup> Cong., 2<sup>nd</sup> sess., 85.

The minutes of both the House and the Senate meetings are readily available and have been examined by scholars in finite detail. Few have offered much more than a cursory look at Indian testimony and viewpoints offered at these hearings. While it is impossible to neglect any part of the hearings in order to gain an understanding of what groups and thinking molded the bill, the primary focus here is on Indian contributions to the committee hearings.

Both the House and Senate hearings began in late February of 1934, just days after the bill was formerly introduced on February 12. Both held several initial sessions and then adjourned until April when Commissioner Collier attended the ten Indian congresses. During both sets of hearings, Collier or close aids such as Nathan Margold, Solicitor for the Interior Department, or his assistants, Charles Fahy or Felix Cohen, spent considerable time and effort explaining in detail the forty-eight page bill. Both senators and representatives grilled them on any number of technical or legal points. Congress wanted to know the specifics of Collier's proposals for land purchases, self-government, the revolving credit fund, the proposed court of Indian Affairs, and educational benefits. Most of the legislators operated from a deeply ingrained assimilationist ideology. Collier's proposals seemed radical and threatened the status quo in federal Indian affairs. Many accused Collier of moving the direction of Indian affairs backwards. In the Wheeler-Howard bill, they feared a return to the reservation system and segregation of the American Indian from white society. Two schools of thought assimilation

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<sup>61</sup> Ibid., 86.

and a new ideology, the tribal alternative, battled for dominance through the course of these hearings.

Native Americans found themselves in the middle of this legislative struggle, most tribal people being well acquainted with congressional proceedings. During the 1920s, a number of congressional committees as well as private research foundations examined Native Americans. This time, however, things seemed different. Instead of merely investigating the “conditions” of Native Americans, the government was now seeking their viewpoints and suggestions on a legislative proposal under consideration. This was unprecedented. In general many Indians were distrustful and justifiably so. They had experienced a long history with whites of broken treaties, unfulfilled promises, and almost a complete disregard and respect for their interests and culture.

An examination of the minutes of both the Senate and House hearings makes it readily apparent that many Native Americans had little if any understanding of the proposed bill. They held misconceptions concerning the overall intentions of the bill. Vern E. Thompson representing the Quapaw from Oklahoma presented a resolution to the House Committee on Indian Affairs on Tuesday March 13, 1934. The resolution, adopted by the Quapaw tribal council on the previous Saturday, March 10, requested that the Quapaw be excluded from the Wheeler-Howard bill. The council had first seen the forty-eight page Wheeler-Howard bill the day before on Friday March 9. It is difficult to understand how the Quapaw tribal council could digest and fully understand a complex lengthy

legislative bill in twenty-four hours and formulate a reasonable position on the bill.<sup>62</sup>

The Quapaws requested exclusion from the Wheeler-Howard Bill. They considered their situation unique from other tribal groups. In 1895, the Quapaws, with congressional approval, instituted their own allotment program. The granted each tribal member was given 200 acres of prairie land, which was “practically all alike, there was no distinction in quality.”<sup>63</sup> Each member received 40 acres of timberland as well. The Quapaws feared they might lose their allotments. Their resolution argued, “These Indian people have, in good faith, attempted to do what the Government is asking them to do, amalgamate with the white citizenship. . . . These Indians . . . in good faith have attempted to adopt the laws and customs of the white men.”<sup>64</sup> They expressed contentment with their situation and asked to be left alone.

Thompson appeared before the House committee once again on Thursday April 9, after the congress held in Miami on March 24, 1934. Approximately two hundred Quapaw attended the congress, including the tribal council. At the conclusion of the conference they submitted a second resolution and again requested exclusion of the Quapaws from the Wheeler-Howard bill. They also submitted several questions to Commissioner Collier, which he answered to their satisfaction. They came to believe that the bill was a good measure and would

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<sup>62</sup> U.S. Congress, House, Committee on Indian Affairs, *Readjustment of Indian Affairs*, 73<sup>rd</sup> Cong., 2<sup>n</sup> sess., 13 March 1934, 157-164.

<sup>63</sup> *Ibid.*, 159

<sup>64</sup> *Ibid.*, 164

prove “to be of great benefit and assistance to certain of our Indian brethren,” but they “respectfully request[ed] that said bill be amended so as to exempt the Quapaw.”<sup>65</sup>

James Saluskin, a full-blood Yakima expressed a fear common with many tribal groups. Saluskin testified “it is the landless Indian, the Indian that has sold his land; they are going to rule as a majority.”<sup>66</sup> Saluskin spoke of the division between full bloods and mixed-bloods. He said “it is the landless Indian, the half-breed and from there up, they take things upon themselves and exercise their rights, without the knowledge of the tribal council.”<sup>67</sup>

Testimony during the congressional hearings from Oklahoma Indians demonstrated a wide divergence in viewpoints towards the Wheeler-Howard bill. The Fort Sill Apaches opposed passage of the Wheeler-Howard bill. Taking what many would consider a pro-assimilationist viewpoint, they believed “It will check our economic and social advancement. Reservation life will retard and eventually prevent us from adjusting ourselves to fit in the white civilization.”<sup>68</sup> On the other hand, the Comanches of Oklahoma opposed Wheeler-Howard, but from a more traditional perspective and stated, “We however would much prefer to have our affairs looked after in the manner they have always have.” They opposed the idea of self-government and change in general. By contrast, the Cherokees, from eastern Oklahoma, focused on the idea of obtaining land and seemed excited about

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<sup>65</sup> Ibid., 168

<sup>66</sup> Ibid., 235.

<sup>67</sup> Ibid., 17 May 1934, 257.

<sup>68</sup> Ibid., 28 May 1934, 352.

the bill, believing “it gives the Indians a permanent home and stops the allotment system, gives the rising generation a home that they call their own.”<sup>69</sup>

Ute Arapaho, of the Oklahoma Cheyenne and Arapaho tribe like many other Indians, was also concerned about land issues. Speaking through an interpreter, Arapaho testified to the House committee that he was concerned that “the landowner [Indians holding allotments or holding land in fee simple] would [be forced] to give his title and right to his allotments for the benefit of landless Indians.”<sup>70</sup> Arapaho also wanted to see provisions in the bill concerning heirships be amended so that rather than being placed in the tribe’s communal land holdings, allottees could to pass their holdings on to their descendents.

Jesse Rowledge, representing the Oklahoma Cheyenne-Arapaho before the Senate Committee on Indian Affairs, gave four disparate reasons why the Cheyenne-Arapaho remained reluctant to endorse the bill. First, “It is so technical that no member of the tribe is able to interpret it.” Second, with almost two-thirds of the 2,800 Cheyenne-Arapaho landless, there was tribal concern as to where those members would go when the government provided land for them. Rowledge mused, “Many of them [landless tribal members] seem to think that they are going to be drifted back to some arid land where no one else would be able to make a living.”<sup>71</sup> Third, the Cheyenne-Arapaho expressed concern over the continuity of the proposed legislation once enacted in the event of a change of administration.

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<sup>69</sup> Ibid., 360.

<sup>70</sup> Ibid., 17 May 1934, 299.

<sup>71</sup> U.S. Congress, Senate, Committee on Indian Affairs, *To Grant to Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic*

Lastly, the Cheyenne-Arapaho questioned the “right of the government to take away from the Indians [U.S. citizens since 1924] their lands [allotments] entrusted to them [by allotment in 1887].”<sup>72</sup> Obviously, the Cheyenne-Arapaho gave careful and thoughtful consideration to the proposed bill. They came to the hearings prepared to give their input and were expecting answers to their concerns before they would consider endorsing the bill.

Federal Indian policy often stifled Indian independence by creating a dependency on the dominant society. Whites subordinated and thus Indians lacked control over their lives, cultures, and destiny. During the Senate hearings, Sam La Point, a Sioux from the Rosebud reservation spoke on this issue in his testimony. La Point discussed the educational features of the bill, specifically of the fund that individual Indians could borrow for vocational, trade school and college education. Because of limited educational opportunities on the Rosebud, La Point felt the Sioux were not ready for self-government. He said, “We do not like to become a government of our own. . . Let us grow into it . . . Educate our younger generation, our young girls and boys, Give them an educational opportunity. . . If you will give us a chance to do this, we will gradually work into self-government.”<sup>73</sup> Indian leaders such as La Point were concerned with the immediate burning issues surrounding land, looked ahead and saw education as a path that might help them gain control of their lives and destiny once again.

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*Enterprise*, 73<sup>rd</sup> Cong., 2<sup>n</sup> sess., 28 April 1934, 108

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*, 4 May 1934, 226.

Open Indian opposition to the Wheeler-Howard bill appears limited in both the House and Senate hearings. Most opposition expressed in resolutions from various tribal groups, and was presented to the committees and included as attachments to the minutes. One main exception to this pattern was the opposition of Joseph Bruner, a Creek from Sapulpa, Oklahoma. The committee minutes contain a body of correspondence from Bruner to individuals such as John Collier, Senators Thomas and Wheeler, and Representative Will Rogers. Bruner, principal chief and founder of the Indian National Confederacy, conducted an ongoing attack against Collier and most of his Indian New Deal proposals. In a letter to Commissioner Collier, Bruner expounded, “Without consulting them you had a bill prepared and then undertook to choke it down their throats and make them like it.” He further stated that the Indian congress in Muskogee had been “thoroughly packed” by Collier. Finally, Bruner vented against landless Indians by saying, “I take the position that an Indian who ha In a letter to Senator Thomas, Bruner wrote, “I challenge the Commissioner to point to one word in the Collier bill which says any Oklahoma Indian tribe will be given 1 foot of land if the bill in its present form is enacted into law.” squandered his land or money is no more to be pitied than any other sucker.<sup>74</sup>

Collier made great efforts to respond thoroughly to Bruner’s caustic accusations. He did so in a methodical and unemotional manner. Many of Collier’s responses to him are included in the minutes. However, on occasion even Collier could not contain his frustration with Bruner and lashed out. Writing a

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<sup>74</sup> Ibid., 19 May 1934, 311.



response to one of Bruner's letters, Collier concluded by saying, "You are an interesting human and social type, Mr. Bruner. . . . you have Indian blood and yet some inward compulsion makes you frenziedly active to prevent Indians from receiving the help and protection which they need and for which they are petitioning. Why?" Bruner, attempting to have the last word in this verbal sparring match, responded to Collier stating, "You are also an interesting human and social type Mr. Commissioner . . . .You never were in Oklahoma in your life, you said, until you came here to tell us in picked assemblies what we want. You have not redeemed any of your promises to us. Why?"<sup>75</sup> Wisely, Collier let the issue drop. As mentioned before, Bruner and the American Indian Federation, based in eastern Oklahoma, conducted ongoing state and national campaigns opposing both Collier and the Indian New Deal.

From the testimony and resolutions introduced by Native Americans during both the House and Senate committee hearings on the Wheeler-Howard bill, several conclusions can be drawn. Though Indians had no input during the drafting of the original version of the bill, they certainly had input during the congressional hearings. Tribal groups from all around the nation gave testimony and furnished resolutions. Several amendments proposed by various Indian groups made both during the Indian congresses and the congressional hearings were acted upon. It is also apparent that concerned Indians he immediate bread and butter issues concerning land, credit, and education concerned most Indians. Very few supported John Collier's long range ideals for transforming Indian policy. They

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<sup>75</sup> Ibid., 28 May 1934, 318-

focused on bettering the destitute circumstances in which they found themselves living. There appeared no general consensus among Indians either for support or opposition to the bill, a fact readily apparent among Oklahoma Indians who appeared divided over supporting or opposing the measure. Some traditional groups opposed the measure for specific reasons while other more progressive groups also opposed it for their own reasons. Particular circumstances seemed to dictate a group's support or opposition for the bill. Regardless, many took advantage of the opportunity to express their viewpoints.

The Oklahoma congressional delegation, led by Senator Thomas, stolidly opposed the Wheeler-Howard Bill.<sup>76</sup> Thomas felt that with Oklahoma Indians well on the road to assimilation, the re-imposition of the reservation system would only set them back. He specifically criticized Article IV as an "effort to repudiate the judiciary of my state." Senator Thomas said of the bill, "It is not meeting with general favor among our Indian citizens . . . It is not suited to Oklahoma, and will not pass Congress."<sup>77</sup> He also declared that "there isn't a chance for its passage in my judgment," and he added that he had never been consulted about the matter by the Indian bureau.<sup>78</sup>

Congressman W.W. Hastings, a mixed blood Choctaw, represented part of eastern Oklahoma, remained a vigorous opponent of the Wheeler-Howard Bill. He feared local control being replaced with direction from disinterested agency bureaucrats in Washington. Hastings objected to provisions in Title IV allowing

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<sup>76</sup> Harlow's Weekly, 28 April 1934, 13.

<sup>77</sup> Elmer Thomas to James Duncan, 11 April 1934, Thomas Collection, Box 9.

Indian courts to handle probate cases, thereby wresting that authority from county courts and placing it hands of “the Secretary of the Interior.”<sup>79</sup> He also objected to provisions in Section 7 which gave the Secretary of the Interior authority to determine the “quantum of blood” which served as a determining factor in inheritance matters and restrictions on land holding.<sup>80</sup> As a result, the Wheeler-Howard Bill faced a long and problem strewn path as it made its way through the legislative process. During the period from the end of Senate hearings on the Wheeler Howard bill on May 28, 1934 to July 18 of the same year when it was enacted, Senator Thomas worked behind the scene proposing amendments to the bill. He responded not only to his constituents’ opposition but also to his own. One amendment excluded most Oklahoma Indians from sections in the bill permitting new reservations and Indian corporations and tribal governments. Another Thomas amendment allowed the Bureau of Indian Affairs to purchase land for Oklahoma Indians on an individual as well as on a tribal basis. Senator Thomas believed, “My state is different from the other Indian states . . . Our Indian reservations have heretofore been allotted, and there are left in Oklahoma no great Indian reservations.”<sup>81</sup> Finally, Senator Thomas believed, “Under the amendments passed in the bill, the Oklahoma Indians get all the benefits of the legislation and are not required to suffer any of the objectionable features.”<sup>82</sup> On June 12, Thomas

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<sup>78</sup> Ibid.

<sup>79</sup> *Harlow’s Weekly*, 17 March 1934, 15.

<sup>80</sup> Ibid.

<sup>81</sup> U.S. Congress, Senate, *Congressional Record*, 12 June 1934, 11126.

<sup>82</sup> “Memorandum on Wheeler-Howard Bill---Dictated by Senator Thomas,” (nd) June 1934, Thomas Collection, Box 13.

moved to have Oklahoma Indians exempted from several “objectionable” features of the bill, including the provisions for self-government and incorporation as well as the section, which extended restrictions on Indian allotments indefinitely. Thomas’s motive for opposing the extension of restrictions stemmed from the fact that state tax revenue would not be realized. He justified his actions by stating, “At this time, without conferring with the Indians of Oklahoma, I am unwilling to agree that they shall come under [those] provisions so I have exempted them. During the summer, if the bill shall pass now, I will confer with the several tribes in my State. If those Indian tribes desire to come under the provision[s], then I may come back at the next session and move to amend [the bill]. I make that statement in fairness to the Indians of my State.”<sup>83</sup> Thomas’s words reflect an assumption clearly silencing Indian voice.

Many Oklahoma Indians continued to lobby for protection under the IRA. By July 12, 1934, fifty-five Oklahoma tribes, with a population of around 140,000 formally endorsed the legislation while twelve tribes representing around 14,000 rejected the bill.<sup>84</sup> Jasper Saunkeah, council chairman for the Kiowa tribe, felt, “Our only chance is to procure an extension of the restrictions so we may have governmental supervision until such time as our people become capable of handling their property wisely, and conducting business for themselves.”<sup>85</sup> Saunkeah feared the impact of the withdrawal of the government’s trust protection

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<sup>83</sup> “Memorandum on Wheeler-Howard Bill---Dictated by Senator Thomas,” (nd) June 1934, Thomas Collection, Box 13.

<sup>84</sup> John Collier to Joseph Kilbuck, 12 May 1934, John Collier papers, University of Oklahoma, reel 29, Microfilm.

over Oklahoma Indians scheduled for 1936 and strongly supported the IRA. He believed many Indians would quickly lose what little of their original holdings they now possessed without it.

The Wheeler-Howard Bill became law on June 18, 1934, with Collier's original proposal cut from forty-eight to five pages. Known as the Indian Reorganization Act (IRA), this act specifically excluded Oklahoma Indians from six sections of the act, including section 16 allowing for organization of tribal governments, and section 17 permitting tribal incorporation under charters issued by the Secretary of the Interior. The IRA did allow Oklahoma Indians to participate in several provisions of the law, including an annual \$2,000,000 appropriation for land purchases, exemptions from many civil service requirements necessary for jobs within the BIA, and participation in an annual fund of \$250,000 for vocational training and college scholarships.<sup>86</sup>

In theory, it would appear that Oklahoma Indians received financial benefits from the IRA while being excluded from having to establish reservations, form tribal governments, or incorporate. In practice, the IRA did little for Oklahoma Indians. Exempted from provisions in the act allowing for tribal governments and tribal incorporation, these people did not qualify for access to the \$10,000,000 revolving fund for economic and agricultural development tied to those provisions. This exemption prevented Oklahoma Indians from access to capital for improvements required by the BIA before funding land purchases for individual

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<sup>85</sup> *Harlow's Weekly*, 16 June 1934, 13.

<sup>86</sup> "Indian Reorganization Act," *United States Statutes at Large*, 48, part 1, 984-988

Indians.<sup>87</sup> In the end, no clear victor emerged. The assimilationists suffered crippling blows. Allotment was dead, with the dream of moving Native Americans into the mainstream of white American society severely questioned and found wanting. Newly planted visions of Indian home rule and self-determination beckoned. However, the new tribal alternative had not yet fully gestated. Assimilationists proved a formidable foe. Collier cornered, compromised several of his ideals in order to realize partial success. Gone was his plan for a court of Indian Affairs. Important goals such as self-government and incorporation as well as proposals for adding to the tribal land base were watered down. The Wheeler-Howard bill moved through the give and take of the legislative process, altered to the point where it was hard to recognize the finished product from the original draft. Forty-eight pages of proposals now pared down to five. Though greatly altered, it passed into law. Efforts to bring Oklahoma Indians, exempted from most of the IRA proposals were far from over.

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(1934).

<sup>87</sup> U.S. Congress, *Congressional Record*, 74<sup>th</sup> Cong., 2<sup>nd</sup> sess., Vol. 135, no. 2 (Washington: Gov Office, 1936), 5739.

## Chapter 5

### Oklahoma's Newer New Deal

Franklin Roosevelt's signature was barely dry on the Indian Reorganization Act before John Collier blanketed Oklahoma with a series of six articles widely published by newspapers across the state. Collier, a skilled and frequent user of the media, presented the Indian Bureau in a favorable light with Oklahoma Indians. Collier's articles were entitled, "Present Status of Oklahoma Indians." They surveyed the condition of Oklahoma Indians and elaborated on the efforts being made by the federal government to aid them in areas such as land holdings, agricultural extension work, education, and medical care. In an interview, Collier expressed his hope that "every tribe would accept the Indian New Deal," and that he "[would] seek to extend its terms to Oklahoma Indians in the next Congress."<sup>1</sup> Senator Thomas exempted Oklahoma Indians from most provisions of the Indian Reorganization Act just prior to its enactment in June of 1934. Thomas claimed he wanted to gain an understanding of the condition of Oklahoma Indians in order to develop a legislative proposal that benefited them. Meanwhile, John Collier had not given up hope. If he could build a strong body of support among the Five Tribes, perhaps the Oklahoma congressional delegation would reconsider and place the state's Indians fully under the umbrella of the IRA. Such action aided Collier in his efforts to broaden Indian support for the IRA nationwide.

True to his word, Senator Elmer Thomas announced a schedule of planned visits to all the Indian agencies in Oklahoma in early September, 1934. On September 22, Thomas telegraphed Commissioner Collier, inviting him, “or a representative of your office to be present at each meeting.” Thomas included a schedule of seven meetings in the latter half of October and he extended invitations to all Indian business committees and “Indians generally.” Collier wired back Thomas, “Delighted you are holding these conferences. Believe superintendents would be best representatives of office. If possible shall join you myself.”<sup>2</sup> The conferences were designed to gauge Indian support and collect Indian recommendations for the IRA. Thomas wanted to determine if the IRA was right for Oklahoma Indians, or if it needed to be amended. Collier felt Oklahoma Indians should be reversed.

On Monday October 1, Collier spoke at the opening of the Indian Exposition in Atlanta, Georgia. Collier directed some of his remarks towards Oklahoma and Oklahoma Indians. He charged, “Oklahoma Indians are suffering cruel and devastating wrongs, [and] this subject will become a political battleground in the next Congress.”<sup>3</sup> Collier also claimed, “Oklahoma interests were strong enough to persuade Congress to exclude the Oklahoma Indians from the protections and benefits of President Roosevelt’s legislation [the IRA].” Finally, Collier took direct aim at the situation in eastern Oklahoma by stating that

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<sup>1</sup> *Harlow’s Weekly* 11 August 1934, 15.

<sup>2</sup> John Collier, “Oklahoma Indians and The Wheeler-Howard Act,” *Indians at Work*, 2 October 1934, 40.

<sup>3</sup> *Daily Oklahoman*, 2 October 1934, 6.



the IRA “if passed [in Oklahoma] would have done away with the avaricious local guardians who fatten upon [Oklahoma] Indians.”<sup>4</sup> The Commissioner used this national forum to bring media attention to judicial and legal interests in eastern Oklahoma. These groups had successfully lobbied the Oklahoma congressional delegation and specifically, Senator Thomas, to have the original bill emasculated and at the end of the legislative process, exempting Oklahoma Indians from most provisions of the bill.

Surely, Collier must have realized the degree of ire he would raise in Oklahoma from these remarks, although he may have believed he would strengthen his efforts to bring Oklahoma Indians under the umbrella of the IRA. Using opportunities such as the Indian Exposition to bring national exposure to the issue of the gross exploitation of Oklahoma Indians might garner public support. In 1923, Collier engineered a publicity campaign helped to defeat the Bursom Bill. He used that tactic again to draw national attention towards Oklahoma. However, Senator Thomas was livid and lashed out at Collier. He took many of Collier’s remarks as a direct affront. Thomas defended his opposition to the Wheeler-Howard act stating, “The legislation was designed to primarily perpetuate the Indian Bureau and I am against that.”<sup>5</sup> Once again, Thomas prepared to spar with Collier during the upcoming Oklahoma Indian Congresses.

For several days, newspapers across the state grilled Collier. The *Tulsa Tribune* struck back stating, “There is not a community in Oklahoma where it

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<sup>4</sup> Ibid.

<sup>5</sup> *Harlow’s Weekly*, 13 October 1934, 10.

would be impossible to find white citizens willing to serve on a jury for the trial and conviction of any “avaricious local guardian” whom Commissioner Collier or his assistants might name to the prosecutors.”<sup>6</sup> The *Muskogee Daily Phoenix* wondered “why Collier assumed that Georgians would be interested in problems of Oklahoma Indians” and caustically added, “The visionary commissioner evidently doesn’t know the difference between members of the Five Tribes and the “reservation Indians” he pets and pampers in Arizona, New Mexico, and California.”<sup>7</sup> Throughout the legislative struggle to enact Indian New Deal legislation, the Oklahoma press and specifically the press in the eastern half of the state unrelentingly attacked John Collier. These papers never criticized President Roosevelt, They targeted Collier. He represented an outside threat from Washington that jeopardized the relationship between white Oklahomans and Oklahoma Indians which for almost fifty years allowed plundering of Indian land and resources. The press served as the mouthpiece of those who benefited.

Both Senator Thomas and Commissioner Collier attended the first of several Indian conferences held in Muskogee on Oct 15, 1934. Over 2,000 Indians, representing the Five Tribes, attended the initial daylong meeting. Thomas and Collier used it partially as a forum for directing verbal barbs towards one another. Senator Thomas opened the meeting with lengthy remarks. He told the Indians that he had exempted them from most provisions of the IRA in June of 1934 because the original proposal was too bulky; moreover, he did not feel it was right for

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<sup>6</sup> Ibid. 11.

<sup>7</sup> *Muskogee Daily Phoenix*, 15 October 1934, 6.

Oklahoma Indians, and he wanted time to confer with them. He told the Indians the purpose of the meeting was to “advise you what this bill [IRA] proposes for you, withholds for you and to see your reaction.”<sup>8</sup> Throughout this meeting, Thomas directed his remarks to the more progressive groups, usually mixed bloods, who were more in favor of assimilation. Also, he continually emphasized his belief that the IRA was “all right for reservation Indians, but it is no good for the Indians in Oklahoma who have land and property.”<sup>9</sup> At the Pawnee agency, Thomas declared, “The Indian problem in Oklahoma is the allotment problem and the Indian problem in the West is the reservation problem.”<sup>10</sup> Thomas repeatedly stressed to the Indians that, “Every line of this bill [IRA] is seeking to get the Indians off of their allotments now and back onto a reservation.”<sup>11</sup> Thomas demonstrated a misunderstanding of the IRA by stressing at all the meetings that in order for Indians to “form a corporation, they must surrender their homes and move on a reservation.”<sup>12</sup> Thomas cajoled the Indians in attendance saying, “If you want to go back seventy-five years, petition me to come under this bill [IRA].”<sup>13</sup> While Thomas stated he believed that John Collier “has the best interests of the Indians at heart,” Thomas reiterated several times his belief that John Collier “knows much

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<sup>8</sup> “Meeting Held at City Hall, Muskogee, Oklahoma, October 15, 1934.” contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 9. Hereafter referred to as the Muskogee Meeting.

<sup>9</sup> Ibid.

<sup>10</sup> “Meeting Called by Senator Elmer Thomas with Commissioner John Collier and the Indians Under the Pawnee Jurisdiction on October 18, 1934 contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 9. Hereafter referred to as “The Pawnee Jurisdiction Meeting.”

<sup>11</sup> Ibid. 8.

<sup>12</sup> Ibid. 11.

<sup>13</sup> Ibid. 12.

more about Indians of Arizona, New Mexico and the far West than he knows about the Indians of Oklahoma.”<sup>14</sup> Thomas made perfectly clear his view of the relationship of Collier and the Indian Bureau with Congress. He stated, “The Congress makes the policies under which the Indian Office operates, so the all important branch of the federal service is the Congress of the United States.”<sup>15</sup>

John Collier took a more defensive posture. Early in his remarks Collier conceded “the Wheeler-Howard law needs to be changed, so it more accurately fits the needs of the Five Tribes.”<sup>16</sup> Collier argued “we [the Indian Bureau] would not care whether the Oklahoma situation was met by fixing up the Wheeler-Howard Act a little bit, or by introducing a new act.”<sup>17</sup> Collier sensed he was in Senator Thomas’s political backyard and proceeded guardedly. He wanted the support of the Oklahoma Indians, but he realized he must also have support of the Senator Thomas as well. He realized he might not be able to position Oklahoma Indians completely under the umbrella of the IRA, but a partial victory through concession and compromise was more palatable than total defeat. Collier already agreed with Senator Thomas to modify sections II and IV of the IRA, dealing with the prohibition of removing restrictions on Indian allotments and heirship policies.<sup>18</sup>

Collier also admitted that the meaning of the word “reservation” in the IRA needed

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<sup>14</sup> Ibid. 1.

<sup>15</sup> Ibid. 2.

<sup>16</sup> Ibid. 17.

<sup>17</sup> Ibid. 38.

<sup>18</sup> The law of May 27, 1908 eased the process required to have restrictions on Indian allotments removed, aiding white interests who coveted Indian land. Between 1908 and the early 1930s, millions of acres of Indian land had restrictions removed and quickly found its way into the hands of whites. This law provided the impetus for the “orgy of graft and corruption which Angie Debo and others have researched.

clarification. Many, including Senator Thomas and various Oklahoma Indians, viewed Oklahoma Indian reservations comprised of tribal lands with individual allotments and landless Indians often checker-boarded among private white land holdings. Thomas doggedly held to the belief that individual Indian allotments could easily be returned to tribal reservation lands under the IRA.

One representative from each of the Five Tribes was permitted to make a comment. William A. Durant spoke for the Choctaws. Speaking to the full bloods, Durant argued that “they [the full bloods] have been limited in bringing their consensus of opinion to all our law making.”<sup>19</sup> He underscored the importance of factions within the tribe working together. In addition to making a call for unity, Durant implied a responsibility on the part of the mixed bloods to protect full bloods from being taken advantage because of their lack of understanding of the IRA.<sup>20</sup> Historian Erik Zissu contends mixed bloods tended to “exhibit a strong sense of responsibility to their fellow tribesmen [full bloods]. . . . [and] acted to lessen the dislocation of their fellow tribesmen. Operating through the Indian Bureau, they recognized an obligation to those tribal members less prepared for the challenges of life in Oklahoma.”<sup>21</sup>

Joseph W. Hayes of the Chickasaws spoke of the need not to look at Oklahoma Indians from the context of reservations but more accurately from the sense of an “Indian community.” Hayes spoke of Oklahoma Indians organizing

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<sup>19</sup> The Pawnee Jurisdiction Meeting. , 45.

<sup>20</sup> Ibid. 42-44.

<sup>21</sup> Erik M. Zissu, *Blood Matters The Five Civilized Tribes and the Search for Unity in the Twentieth Century*, (New York: Routledge, 2001), 5, 7.

into communities such as “a county or other [political] sub-division.”<sup>22</sup> Hayes’ comments focused on an important issue that plagued the process surrounding enactment and implementation of the IRA/OIWA. There existed an ongoing conflict among tribal groups, progressives v. traditionals, bureau administrators, and members of Congress, legal experts, and even anthropologists as to how best to blend Native American political processes with those of white society into a functioning system that would promote and protect the interests of all. This conflict of various interests and perspectives proved difficult to bridge.

A brief perusal of the congresses’ minutes reveals clearly the differences in thought. The Seven Clan Society Christians, a Cherokee full blood organization boasting 297 members directed a resolution to Senator Thomas. In it they asked for his assistance “in forming a reservation or colony where we can hold our lands in common and where we can have a home as we understand the Wheeler-Howard bill [Act], to give us that right.”<sup>23</sup> John Smith, a full blood Cherokee, stated he believed “we hear the voice of the Divine through these gentlemen—Senator Thomas and Commissioner Collier,” and “If they can get it right, like we want it, we as Cherokees are willing to approve the bill [IRA].”<sup>24</sup> Apparently Smith was unaware of the disparate viewpoints of Thomas and Collier. Several Indian attendees expressed almost blind support for Collier and his Indian New Deal.

The Seminoles made a short statement: “If we are asked to place our approval upon any legislative program now in the making or to be made in the

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<sup>22</sup> The Pawnee Jurisdiction Meeting, 45.

<sup>23</sup> Ibid. 51.

future, we give notice now that we must have a voice in the initiating of such program and a part in its administration.”<sup>25</sup> The Seminoles remained the only tribal group in Oklahoma that expressed a desire to play a part on both the legislative formulation and the administration of federal laws affecting them.

In Miami, Oklahoma on October 16, Thomas continued his attacks on Collier and the Indian bureau. He chastised Collier for his lack of knowledge and understanding of Oklahoma Indians by saying, “if Mr. Collier will [avail himself of] the opportunity . . . of learning your problems, your mode of living, your wishes, your aspirations, then he and I when we get back to Washington will have no trouble in working out the problems for the Oklahoma Indians.”<sup>26</sup> Thomas slammed the Indian bureau saying, “. . . the Indian Office will always be opposed to repealing that law [IRA], because they have a conviction that the government can advise and supervise you Indians better than you can do it yourselves.”<sup>27</sup> Thomas repeatedly criticized either Collier or the BIA. He outlined the chain of command for federal Indian affairs, with Collier and the Indian Bureau subservient to Congress. In all the conferences, Thomas encouraged the Indians to follow a precise order of communicating to Congress their needs and wishes. The Indian business committee would communicate their desires to the Indian agent who, in turn, would forward them to the Commissioner and then to the Secretary of the Interior and finally to the Indian Affairs Committees in both houses of Congress.

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<sup>24</sup> Ibid. 50.

<sup>25</sup> Ibid. 52.

<sup>26</sup> Ibid. 3.

<sup>27</sup> Ibid. 10.

Action would be taken by Congress and then communicated back through Thomas's chain of command. Thomas continually demonstrated a paternalistic and deeply assimilationist attitude "There is no reason why Indians can't be the same as everyone else" Thomas believed.<sup>28</sup>

As in all the congresses, Senator Thomas encouraged the Indians to consider carefully the bill, both among individuals and within business committees. Thomas entreated all Indians in attendance to write him in Washington with their viewpoints, questions, and proposals. At this time, both Thomas and Collier focused on amending the IRA to make in acceptable with Oklahoma Indians.

John Collier rebutted most of Thomas's accusations. He dismissed Thomas's contention that the IRA was a means of returning the Indians to reservations by stating "the use of the word reservation in this bill [IRA] doesn't mean any idea of putting the Indians back on tribal land or on closed reservations."<sup>29</sup> He admitted the word "reservation" as used in the IRA was confusing and needed to be redefined to mean "neighborhood, community" or something of that kind.<sup>30</sup> Collier also conceded, partially at least, that section II of the IRA which extended the trust period on allotted lands indefinitely, needed to be amended so that Oklahoman Indians would be able to sell and transfer land. Collier was concerned about the rising costs to the Bureau to administer heirship lands that had been divided to such an extent that many were too small to be productively utilized.

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<sup>28</sup> Ibid. 3.

<sup>29</sup> Ibid. 19.



Again the meeting opened to comments and questions from Indian attendees. The Quapaw, who allotted themselves in the 1890s, expressed concern about section 4 of the IRA which outlined organization and incorporation. In a resolution they explained, “This corporation business is so new [we] don’t know what it is and what it will lead to.”<sup>31</sup> The Quapaws wanted more time to study and discuss the IRA.

By the end of the meeting in Miami on October 16, Thomas and Collier both agreed that Oklahoma Indians did indeed need legislation specifically tailored for their circumstances. Referring to the verbal sparring that went on after Collier’s caustic remarks about Oklahoma and Oklahoma Indians, Collier opened his remarks in Pawhuska by stating, “Some of you have been reading in the newspapers . . . that each of us [Thomas and Collier] had a knife and were getting ready to cut the throat of the other one, that we came down here for a big fight.”<sup>32</sup> Collier assured the Indians that was not the case. Both Collier and Thomas now reassured Indian attendees that they were in agreement and were working together in the best interests of the Indians. Though their relationship remained guarded, Collier and Thomas forged a fragile alliance, which remained intact through enactment of the Oklahoma Indian Welfare Act.

Towards the end of the Pawnee meeting, Indian attendees were given the opportunity to express their views or to ask questions. Several such as Owen Tah, a

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<sup>30</sup> Ibid. 23.

<sup>31</sup> “The Pawnee Jurisdiction Meeting,” 11.

<sup>32</sup> Ibid. 13.

Tonkawa, expressed the idea there was still “much confusion among the Indians about this bill.”<sup>33</sup> Henry Chapman of the Pawnees expressed the feeling of many Indian attendees that more time was needed to look at and discuss various aspects of the IRA before they would be ready, one way or the other, to make their decision to either support or oppose the bill. The Kaws remained opposed to extension of the IRA to Oklahoma Indians, while the Pawnee business council, named the Welfare Association of the Pawnee Tribe, requested “admittance in the Wheeler-Howard Act.”<sup>34</sup> Henry Roberts, a Ponca, indirectly chastised Senator Thomas for believing that only Indians on recognized reservations could incorporate under the IRA by stating, “Anybody with common sense would know that was the import of the bill when drafted.”<sup>35</sup> Louis McDonald, a member of the Ponca business committee, referred to factionalization among the Poncas over the IRA, noting that many Poncas verbally attack committee members and disrupt meetings. McDonald referred to a rift developing between the traditional full bloods more progressive mixed bloods who opposed. This character of division was clearly evident among many Oklahoma tribal groups as they considered the IRA.

Collier returned to Washington to handle urgent matters replaced by A.C. Monahan the superintendent of the Five Civilized Tribes. The next meeting was held in Concho on Monday, October, 22. Thomas in his opening remarks repeated a favorite phrase, “What is good for the white folks is good for you [Indians] and

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<sup>33</sup> Ibid. 29.

<sup>34</sup> Ibid. 34.

<sup>35</sup> Ibid. 37.

what is good for you is good for the white folks.”<sup>36</sup> Thomas again repeated his contention that the Wheeler-Howard Bill applied more to reservation Indians in the western states than Oklahoma Indians who Thomas argued “in almost ever respect, are the same as white people.”<sup>37</sup> Senator Thomas seemed convinced that Oklahoma Indians were far ahead of other Native Americans with respect to their position on the road to assimilation. He maintained his belief that Oklahoma Indians, their interests and challenges, had little in common with western tribes he often referred to as “reservation” Indians. Thomas also attempted to console the Indian attendees with the statement, “You have no enemies in Washington. They are all your friends.”<sup>38</sup> In justifying his exempting Oklahoma Indians from key provisions of the IRA, Thomas argued, “I do not think the Indians on this reservation [Cheyenne Arapaho] would be interested in trying to form a charter to go into business of some kind. . . . I know that you are not interested in the continuation of boarding schools.”<sup>39</sup>

Senator Thomas appeared interested in uncovering the desires and needs of Oklahoma Indians. This genuine concern was blunted by a deeply ingrained paternalistic and assimilationist attitude towards Oklahoma Indians. Thomas’s legacy seems to reveal a political motivation channeled by white interests. Thomas often displayed a mocking attitude towards the Indians. During the meeting in

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<sup>36</sup> “Cheyenne & Arapaho Agency, Concho, Oklahoma, October 22, 1934,” 1. Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 9. Hereafter referred to as “Cheyenne & Arapaho Agency.”

<sup>37</sup> Ibid. 5.

<sup>38</sup> Ibid. 9.

<sup>39</sup> Ibid. 18.

Anadarko. He spoke of Alaska Indians falling under the provisions of the IRA. He told the Indian attendees “you have some new relatives [the Eskimos]. . . . So now when you want to go and see your new relatives you can go to Alaska for some fun on the ice, chasing polar bears and getting a lot of walrus meat.”<sup>40</sup> The Indian reaction to these types of demeaning statements is unfortunately not part of any known record of these conferences.

Chief Whiteshirt of the Arapahos discussed factions within his tribe. He argued the older full bloods “retained their original allotments because they are more mature. . . .” and know “that the land was the only source of livelihood which they could depend on. The mixed bloods, on the other hand, “were released [from restrictions on their allotments], sold their land; consequently, many of them have big families with no lands or no money to support their families.”<sup>41</sup> Whiteshirt’s testimony reflects a variation on a common predicament shared by most Oklahoma Indians. Oklahoma Indians who had been able to hold on to their allotments were hesitant to see Oklahoma come under the IRA. Many shared a common misconception that they would lose their land as it was transferred back to communal tribal holdings. Provisions in the IRA, which seemingly rewarded those Indians who had ‘lost’ their land holdings, upset many Indian land holders. Senator Thomas seemed to share this misconception. Many landholders were upset over

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<sup>40</sup> “Proceedings of meeting held by Senator Elmer Thomas and Mr. A.C. Monahan, Assistant to the Commissioner of Indian Affairs, with the Indians of the Kiowa Reservation, relative to the Wheeler-Howard Law, at Anadarko, Oklahoma on October 23, 1934,” 8. Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 9. Hereafter referred to as “the Anadarko Agency.”

<sup>41</sup> Ibid. 2.

provisions in the IRA which they believed rewarded those Indians who had “lost” their land holdings.

The Comanche, Kiowa, and Apache tribes attended the last meeting with Oklahoma Indians held on October 23, 1934 at the Anadarko agency. Senator Thomas and A.C. Monahan, the assistant Commissioner, also attended this meeting. Senator Thomas, Mr. Monahan, and Congressman Jed Johnston occupied the bulk of the meeting time explanations and viewpoints on the IRA. Late in the afternoon, the meeting opened up to statements and questions from the Indian attendees.

Robert Dunlap, a Caddo representative voiced the opinion that the IRA might be all right for Indians from other areas of the nation who live on reservations, but as far as Oklahoma Indians were concerned, “We have a government here. We are under Federal and State laws.”<sup>42</sup> Delos Lone Wolf, a Kiowa and plaintiff in the *Lone Wolf v. Hitchcock* Supreme Court decision of 1903, strongly protested Oklahoma adopting the IRA or any amended version. Lone Wolf felt it was “60 years too late now that we have got the place where we are recognized as citizens of Oklahoma and the United States.”<sup>43</sup> *Lone Wolf v. Hitchcock* had established the right of Congress to abrogate Indian treaties or policies over thirty years before Lone Wolf expressed fears even if the bill was amended to everyone’s liking: “We cannot tell what Congress will do. If we

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<sup>42</sup> The Anadarko Agency, 19.

<sup>43</sup> David H. Getches, Charles F. Wilkinson, and Robert A. Williams, Jr., *Cases and Materials on Federal Indian Law, Fourth Edition*, (St. Paul: West Group, 1998), 175-185.

suggest some changes they might throw us in the community feature of it and we do not want any of that.”<sup>44</sup> Lone Wolf’s statement expressed a distrust held by many Oklahoma Indians towards the federal government’s Indian policy. After a long history of broken treaties and track record of legislation and Indian policy that consistently promoted white expansion at the cost of the Indians, many found it hard to believe that the IRA would be anything more than just business as usual by the federal government, regardless of how attractively it was packaged and presented to them.

Albert Attocknie, speaking for the Comanches, expressed concern over losing educational benefits from boarding schools such as Riverside and Fort Sill, fearing they would be closed under the IRA. Describing Indians, Attocknie said, “We are just like little children . . . we do not know what is good for us. . . . Maintaining boarding schools “is the best way to solve the Indian problem.”<sup>45</sup> The temper of Attocknie’s remarks denoted a self-perception of inferiority and helplessness, something often found in the remarks of others as well.

Loretta Fowler writing on this issue speaks of “subordinated peoples in colonial and neocolonial situations . . . [who] face actual as well as symbolic dominance and their tendency to ideologies that rationalize their position and “may come to be unconsciously accepted.”<sup>46</sup> The nature of remarks by some of the Indian attendees at these Congresses substantiates Fowler’s perceptions. As soon

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<sup>44</sup> The Anadarko Agency, 20.

<sup>45</sup> Ibid. 22.

<sup>46</sup> Loretta Fowler, *Tribal Sovereignty and the Historical Imagination: Cheyenne-Arapaho Politics*, (Lincoln: University of Nebraska Press, 2002), xvii.

as Attocknie ended his remarks, he was confronted by James Otipoby, a Kiowa, who was critical of Attocknie's remarks and asked, "Will you kindly tell us where you stand."<sup>47</sup> Attocknie made reference to division within the tribal council and then commenced a personal attack on James Ottipoby. Senator Thomas interrupted and quickly put an end to the bickering: "Mr. Monahan and I are not interested in your fights among yourselves."<sup>48</sup> John Loco, a Fort Sill Apache captured with Geronimo in 1886, expressed his opposition to the IRA, believing it was a big step backward for Indians. Loco gave an interesting opinion, stating, "I don't know why the government wants to bring us up like white people and then when we come up like white people, they don't like it."<sup>49</sup>

The conferences of October 1934 lacked substantive input from the Indians that might help either Senator Thomas or the Bureau to tailor beneficial legislation. These meetings were very structured. Considerable time at each meeting was used by Senator Thomas and the Bureau representative, either Commissioner Collier or his assistant, A.C. Monahan in explaining the bill and giving their viewpoints. In particular, Senator Thomas seems to have been very concerned with getting his viewpoints and feelings expressed. This left little time for Indian voice. The pace of the meetings was rushed. The meetings were only one day in length. Perhaps a day and a half or two days might have proven more effective. In contrast, the conferences held by Commissioner Collier in March of 1934, prior to enactment of

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<sup>47</sup> The Anadarko Agency, 23.

<sup>48</sup> Ibid., 24.

<sup>49</sup> Ibid., 25.

the IRA, seemed to be structured so considerable more time was spent in not only explaining the bill, but in answering concerns of individuals and tribal groups as well as gathering recommendations for amendments and changes to the bill.

Newspapers across the state followed these meetings. Protecting the white status quo, they generally took a negative stance towards Collier and the IRA. The *Muskogee Daily Phoenix* defended Oklahoma saying “our business, industry, courts and law making bodies . . . have done everything for the Indian that Mr. Collier now would completely destroy with his fanciful scheme for socializing the Indian.”<sup>50</sup> In a front page story, the *Daily Phoenix* disclosed that an unnamed agency employee reported on the meeting in Muskogee on October 18: “We all feel Collier has put his head in a noose and given it a good yank.”<sup>51</sup> The *Oklahoma City Times* reiterated the assimilationist viewpoints of many white Oklahomans: “in the long run, they must become Americans in the modern sense.”<sup>52</sup> The *Tulsa Daily World* claimed the Indian bureau “persistently ignores the fact that in Oklahoma the Indian is a citizen; that the tendency . . . up to now has been away from the reservation and dependence to citizenship and independence.”<sup>53</sup> The *Okemah Semi-Weekly Herald* penned an editorial saying, “Mr. Collier should give a sympathetic ear to Mr. Thomas in the interest of common justice.” The *Shawnee Morning News* confirmed reports that Thomas and Collier had reached agreement on several fundamental agreement on several points that previously divided them

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<sup>50</sup> *Harlow's Weekly*, 20 October 1934, 5.

<sup>51</sup> *Harlow's Weekly*, 21 October 1934, 1.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Harlow's Weekly*, 27 October 1934, 7.



on support for governmental legislation for Oklahoma Indians.<sup>54</sup> The press in eastern Oklahoma continued to fulfill its role as the mouth piece for white opposition to the Indian New Deal, continuing to focus on Collier as the herald of a threat to the dominant and paternalistic relationship Oklahoma whites wished to preserve over Oklahoma Indians.

Shortly after his return to Washington, John Collier took great pains to compliment Senator Thomas, at the same time denounce “the newspaper frenzy” from Oklahoma, which attacked him and the IRA. In Collier’s judgment “The misrepresentations do not come from the platform, or from the floor where the Indians are listening and talking back. They come from outside the meetings.”<sup>55</sup> Here again Collier often referred to “Oklahoma interests strong enough to persuade Congress to exclude the Oklahoma Indians from the protection and benefits of President Roosevelt’s legislation.”<sup>56</sup> Collier would often refer to “Oklahoma interests” who opposed the IRA and OIWA in a general manner, without naming specific individuals or groups. Congressmen Jack Nichols and Wesley Disney, representing districts in the eastern part of the state would provide strong opposition throughout the legislative process for both the IRA and the OIWA. On November 5, Collier issued a five page paper re-capping concerns expressed by Oklahoma Indians regarding various provisions in the IRA. He answered a number of frequently asked questions by many Indians during the Thomas conferences.

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<sup>54</sup> *Ibid.*, 7.

<sup>55</sup> *Indians at Work*, 1 November 1934, 4.

<sup>56</sup> *Indians at Work*, 15 October 1934, 37-38.

The bulk of the questions pertained to land issues, government land purchases for the Indians as well as the jurisdiction of Indian probate matters. These concerned both individuals and business committees. In several statements scattered throughout the paper, Collier assured the Indians, “Practically nothing in the act is compulsory.”<sup>57</sup> Stressing the Bureau’s attempts to garner Indian input into the act, Collier further remarked “it is the first time that any important legislation affecting Indians in which the decision of acceptance or rejection is left entirely with the Indians to decide by popular vote.”<sup>58</sup> Many Indian groups left the conferences leaning towards acceptance of the IRA than before they came, but he also knew many had lingering doubts and concerns. All across Oklahoma, Indian groups spent the late fall and winter months of 1934-1935 discussing and debating the merits of the IRA, as they felt it would affect their tribal groups.

With the November elections in 1934, Oklahomans Elmer Thomas and Will Rogers were re-elected by comfortable margins. In January of 1935, both assumed the chairmanships of the Indian Affairs Committees in the Senate and the House in January of 1935. Senator Thomas worked closely with Congressman Will Rogers and drafted a bill they felt would give Oklahoma Indians the benefits of the Indian Reorganization Act while at the same time accommodating the uniqueness of Oklahoma Indians. Senator Thomas had exempted Oklahoma Indians from most provisions of the IRA, fearing it would place them back on reservations. He clung

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<sup>57</sup> Department of the Interior. Office of Indian Affairs. “Facts as to the Wheeler-Howard Act.” November 6, 1934. John Collier Papers, University of Oklahoma, Norman, Reel 32.

<sup>58</sup> Ibid.

to the belief that Oklahoma Indians were further along the road to assimilation than other tribal groups across the nation. During the congresses he and Commissioner Collier held in Oklahoma, in October of 1935, Thomas' thinking shifted towards support for John Collier and the Indian New Deal. During this time, Collier wisely remained in the background as the Oklahoma congressional delegation drafted the Thomas-Rogers Bill.

On February 27, 1936, Thomas and Rogers formally introduced their proposal to Congress. Just a few days before, Rogers discussed their proposal before the annual convention of the Oklahoma Education Association in Tulsa. There he touted their proposal as "Oklahoma's Newer New Deal" for the state's Indians.<sup>59</sup> Jimmie Rogers, a full blooded Creek remarked, "We not only want a New Deal, but we also could use a square deal."<sup>60</sup> "The bill is the result of conferences between the Indian Bureau and the Oklahoma delegation in Congress."<sup>61</sup> In order to secure passage, this proposal, known as the Thomas-Rogers Bill, this proposal underwent an arduous eighteen-month struggle.

The original draft of the Thomas-Rogers Bill was seven pages in length. Section 2 addressed the issue of restrictions. It established two categories based on blood quantum. Those with fifty percent or more Indian blood belonged to the first-degree group. Their land and property continued to be held in trust by the Secretary of the Interior, with the president authorized to extend restrictions indefinitely. Removal of restrictions applied to those with less than fifty percent

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<sup>59</sup> *The Tulsa Tribune*, 16 February 1935, 3.

<sup>60</sup> *The Tushkahomman*, 12 March 1934, 3.

Indian blood. A procedure was established for a competency commission to meet every four years and review the situation of every Indian in second-degree status to determine if the individual Indian was capable of managing his affairs. If so, their restrictions could be removed and a patent in fee issued. They could then to sell their land without restrictions. The proposed bill also allowed for land purchases by the Secretary of the Interior. These land purchases could be either for additions to tribal holdings and therefore communal in nature, or for individual Indians as well. Held in trust by the Secretary, the purchased lands and would be exempted from Oklahoma jurisdiction and taxes. These provisions became the subject of intense debate during the congressional hearings.

Section eight, considered by Collier to be of utmost importance, also proved to be one of the most controversial portions of the proposed legislation. This section, applying specifically to the Osage and the Five Civilized Tribes, transferred jurisdiction over land, property, and probate matters for restricted Indians of the first degree from the Oklahoma county courts to the Secretary of the Interior. It also prohibited the appointment of legal guardians for any Osage or Five Tribe member of the first degree. This section wreaked havoc with the legal and grafting professions in eastern Oklahoma. Their response was immediate, intense, and enduring through the balance of the legislative process. Section eight created a battlefield throughout the legislative process.

Sections twelve re-established the right of Oklahoma Indians to organize. Section twelve outlined procedures for establishing constitutionally based tribal

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<sup>61</sup> *The Tushkahomman*, 5 March 1935, 2.

governments, similar to provisions in the IRA. Sections thirteen and fourteen authorized the creation of an Oklahoma Indian Credit Corporation with an annual appropriation of \$2,000,000. These loans were made available to either chartered cooperatives and associations, or individuals. Finally, section seventeen removed the exemption to all benefits to the IRA imposed by Senator Thomas. This allowed Oklahoma Indians access to the \$10,000,000 revolving credit fund for Indian chartered corporations.

The Indian Bureau, along with Senator Thomas and Representative Rogers, made a substantial effort to get copies of their proposal into the hands of individual Indians as well as tribal business committees. Several tribal groups passed resolutions either supporting or condemning the Thomas-Rogers bill. The Choctaw-Chickasaw Protective League sponsored a meeting to discuss the bill. Over two thousand Indians attended the day long session held in Ardmore and unanimously “passed a resolution requesting the Oklahoma [congressional] delegation to support and urge its immediate passage.”<sup>62</sup>

The original Thomas-Rogers bill utilized the concept of blood quantum in determining whether or not Oklahoma Indians fell under restricted allotments. The use of blood “as a basis for racially identifying Native Americans and distinguishing them from the national body” became institutionalized with the Dawes Act of 1887.<sup>63</sup> Blood quantum became a measuring tool applied to many

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<sup>62</sup> *The Tushkahomman*, 12 March 1935, 1.

<sup>63</sup> Circe Sturm, *Blood Politics :Race, Culture, and Identity in the Cherokee Nation of Oklahoma*, (Berkeley, University of California Press, 2002), 78.

aspects of federal Indian policy. White society incorporated this concept into their ideology, which underscored their perspective of and interaction with Native Americans.

The use of blood quantum divided Indians into two groups based on their percentage of Indian blood, sometimes benchmarked at fifty percent and often at twenty five percent. Those Indians with a greater percentage of Indian blood were often determined to be incapable or incompetent to conduct legal or commercial affairs due to factors such as their inability often to speak, read, or write English and their lack of understanding or experience with white society. Those Indians with a lesser percentage of Indian blood were determined to be competent or capable of handling their own affairs. Tied closely to race, blood quantum was used by the federal government to “control access to economic resources,” while whites used it as “a justification for economic exploitation and territorial expansion.”<sup>64</sup>

The Burke Act of 1906 and McCumber amendments offered later in the year introduced the concept of blood quantum into federal policy with Oklahoma Indians. These two measures established the classification system used to categorize Oklahoma Indians as competent or incompetent, restricted or non-restricted. Over time, this would evolve into the provisions included in the first draft of the Thomas-Rogers Bill. Historian Erick Zissu rightfully argues, “In no small measure, an individual’s blood quantum affected his future.”<sup>65</sup> Depending on

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<sup>64</sup> Ibid, 78, 48.

<sup>65</sup> Erik M. Zissu, “Blood Matters” 41.

his blood quantum, some Indians were allowed to sell or lease their land as they saw fit, while those deemed incompetent because of a high degree of Indian blood fell under protection of the Department of the Interior. White oil, timber, coal, and land speculators used abundant resources and exerted so much effort against this group in order to acquire control over their land and its resources.

Not all Oklahoma Indians fit conveniently into the pigeon holes of competency or incompetency, restricted or not restricted. E. K. Labelle, a three quarter blood Sioux from Hominy, Oklahoma, explained to Senator Thomas that as an automobile salesman he had “sold more Buick automobiles than any other individual in the State of Oklahoma—yet your bill renders me an Incompetent Indian with all my restrictions as I was the day I was born or the day I was allotted.”<sup>66</sup> The blood quantum guidelines proposed in the Thomas-Rogers Bill and contested by many white interests, also found opposition with a number of progressive Oklahoma Indians, such as Labelle, classified as incompetent, would remain opposed to that section of the bill. Charles Curtis, a Kaw, was declared incompetent, having his allotment held in trust by the federal government. Ironically, he was former vice president under Herbert Hoover, and sponsor of the 1898 act which bears his name.

Blood quantum permeated the thinking of many Native Americans as well. The traditional-progressive dichotomy discussed throughout this study is imbued with elements of this ideology. The Arapaho opposed the bill, as did the business

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<sup>66</sup> E. K. Labelle to Elmer Thomas, 9 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

committees for the Pawnee, Ponca, Kaw, Otoe, and Tonkawa tribes. In a joint resolution the latter five tribes expressed the sentiment “our Indian people do not feel that they are capable of handling such a large undertaking.”<sup>67</sup> Other groups expressed similar thoughts as well. These groups felt that many of their tribe lacked “business ability in handling their own individual matters.”<sup>68</sup> James Kahdot, chief of the Pottawatomies, expressed support for the bill yet revealed a deep division within the tribe, the business committee opposed to the Thomas- Rogers Bill and the majority of tribal members favored its passage.

As with efforts to secure passage of the Wheeler-Howard Bill in the previous spring, most white opposition to the bill came from eastern Oklahoma. L. R. Heflin of Fairfax complained that the Thomas-Rogers Bill deprived Oklahoma of much needed tax revenue. With the federal government purchasing land, thereby increasing tax exempt tribal holdings, Heflin argued that counties affected “would have no schools at all.”<sup>69</sup> Other whites decried the loss of Oklahoma tax revenue. A major factor in Senator Thomas’s original opposition to the Wheeler-Howard Bill was this very issue. However, John Collier demonstrated that the impact would be minimal to any specific area, as these land purchases would be spread out across the whole of Oklahoma. Senator Thomas eliminated this objection utilizing his own entrenched assimilationist beliefs. He rationalized that

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<sup>67</sup> Joint Resolution of Tribal Business Committees Representing the Pawnee, Ponca, Kaw, Otoe, and Tonkawa Tribes, 17 March 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

<sup>68</sup> Ibid.

<sup>69</sup> L. R. Heflin to Elmer Thomas, 14 March 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.



a small short term loss in any state tax revenue would be more than offset by the taxes that self sufficient Oklahoma Indians paid.

The legal community in eastern Oklahoma strongly objected to the Thomas-Rogers Bill. Several county bar associations, including Pittsburg, Caddo, and Osage adopted formal resolutions signed by their memberships condemning the proposed legislation. The Wagoner Chamber of Commerce described the bill as a “direct assault on the judiciary of Oklahoma.”<sup>70</sup> James I. Howard, a Pawhuska attorney, told Thomas “I am writing as a friend . . . in order that I may tell you just what the situation is down here . . . that you will lose nine out of every ten friends that you have in this county.”<sup>71</sup> Osage County judge, L. F. Roberts, in a letter marked “personal”, chastised Senator Thomas: “Your friends and citizens of Osage County are amazed at your introduction of the present pending Indian bill. . . . We trust that you will . . . see to it that the bill in its present form is killed.”<sup>72</sup> Thomas responded to judge Roberts arguing that the proposal affected only a small portion of Oklahoma’s overall population. Roberts replied back to Thomas in a terse note saying, “I desire to call your attention to the fact that the population of Oklahoma is 2,396,040 people and it is not necessary in order to protect 150,000 people to injure more than two million.”<sup>73</sup> The legal community remained adamantly opposed to

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<sup>70</sup> Phil Harris to Elmer Thomas, 24 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

<sup>71</sup> James I. Howard to Elmer Thomas, 6 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

<sup>72</sup> L.F. Roberts to Elmer Thomas, 3 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

<sup>73</sup> L.F. Roberts to Elmer Thomas, 13 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

section 8 of the proposal, which transferred control of most land issues, including probate matters, from Oklahoma county courts to the Secretary of the Interior.

Several Oklahoma Indians wrote to Senator Thomas giving their perspective on the proposed Thomas-Rogers Bill and the Oklahoma legal profession. J.W.B. Nichols, a Choctaw, stated “They [lawyers] think this bill if passed will deprive some of them of grafting what little the Indians have left.”<sup>74</sup> In a letter signed by “An Osage Indian” the writer spoke of the “many” attorneys in the small town of Pawhuska where most of their practice “is being guardian, attorney or handling suits filed against or between Indians.”<sup>75</sup> The writer counseled Thomas, “Of course under these circumstances you will understand that the Bar would be against taking any Indian business out of the county court where you can get an order of court for most anything under the sun, including unreasonably large Attorney fees.”<sup>76</sup> In a letter to J.E. Sixkiller of Stillwell, Senator Thomas exposed his understanding of the reasons for the legal profession’s stance on the bill. Thomas revealed, “The opposition to the bill comes entirely from persons who have been living off of the Indians all these years.”<sup>77</sup>

On April 5, both houses of the Oklahoma state legislature passed resolutions condemning the proposed Thomas-Rogers bill. Members in both houses conducted verbal assaults directed towards John Collier. State senator, Al

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<sup>74</sup> J.W.B. Nichols to Elmer Thomas, 16 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

<sup>75</sup> An Osage Indian to Elmer Thomas, 18 March 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

<sup>76</sup> Ibid.

<sup>77</sup> Elmer Thomas to J.B. Sixkiller, 12 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

Nichols, brother of Congressman Jack Nichols, declared on the senate floor, “He [Collier] looks like one of those Egyptian mummies and all he knows about Indian affairs is what he found out by reading James Fennimore Cooper’s books.” Equally as profound, Senator Claude Briggs declared “all Collier knows about Indian affairs is something he read in a book,” while Senator Henry Johnston decried the Commissioner’s “innocent ignorance” of Indian affairs.<sup>78</sup> It is worthwhile to note that all of these critics hailed from the eastern half of Oklahoma.

Samplings of Oklahoma newspapers just prior to the commencement of hearings for the Thomas-Rogers Bill exuded a great deal of opposition to the bill. *The Muskogee Daily Phoenix* editorialized “the danger to Oklahoma’s tax situation” with passage of the bill and concluded that the Thomas-Rogers Bill was “a distinct disappointment.”<sup>79</sup> *The Tulsa Daily World* referred to the Thomas-Rogers Bill as “a back-door attempt at the thing which was attempted a year or so ago” and warned its readers that “the plan of the Thomas Bill is to take away a considerable portion of state sovereignty.”<sup>80</sup> *The Okmulgee Daily Times* heralded a familiar theme that “if enacted into law, would turn back the hands of time many decades and would again make Oklahoma Indians wards of the government as though they were mere children.”<sup>81</sup> Finally, *The Okemah Daily Leader*, in an editorial entitled “Dangerous Indian Legislation,” took an assimilationist stance and

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<sup>78</sup> *Tulsa Daily World*, 6 April 1935, 1.

<sup>79</sup> *Muskogee Daily Phoenix*, 31 March 1934, 14B.

<sup>80</sup> *Tulsa Daily World*, 6 April 1935, 6.

<sup>81</sup> *Okmulgee Daily Times*, 5 April 1935, 4.

announced the Thomas-Rogers Bill “tends to undo all the careful work that has been done for forty years in training the Indian for citizenship.”<sup>82</sup>

Once again, Joseph Bruner, a full-blooded Creek from Sepulpa and president of the American Indian Federation, led the organized Indian opposition to the bill. Bruner denounced Commissioner Collier and again argued the Indian New Deal and specifically the Thomas-Rogers Bill were a step backward for all Native Americans. Bruner claimed to speak for forty Oklahoma tribal groups. The Osage responded to Bruner’s claim in a council meeting called by Chief Fred Lookout. Lookout exclaimed, “We, members of the tribal council of the Osage are angry because a Washington newspaper [interviewing Bruner] said that the Osages are one of the forty tribes demanding the elimination of ‘Collier and Collierism.’” John J. Matthews, an Osage and noted native historian and a spokesman for the council angrily denounced Bruner saying, “No one has the right to speak for the Osage Indians but the tribal council and the Chief or their accredited representatives.”<sup>83</sup> At least with the Osage, Bruner’s methods backfired on his attempts to garner Indian opposition to the Thomas-Rogers Bill.

Because of Bruner’s sustained vocal attacks, both Thomas and Rogers delayed committee hearings for their proposal. Representative Rogers stated, “I am waiting for all the Oklahoma Indians to thoroughly digest provisions of the bill and for some of the present heat to die down before taking any further action.”<sup>84</sup>

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<sup>82</sup> *The Okemah Daily Leader*, 7 April 1935, 4.

<sup>83</sup> *The Tushkahomman*, 9 April 1934, 2.

<sup>84</sup> *The Tushkahomman*, 26 March 1935, 2.

Hearings on the Thomas-Rogers Bill finally began in the Senate in early April of 1935. The Senate Committee on Indian Affairs conducted hearings from April 8 to April 11. The initial meeting consisted of all members of the Senate Indian Affairs Committee. Since the proposed bill applied only to Oklahoma Indians, Senator Thomas quickly relegated the remaining meetings to a subcommittee consisting of himself and Senator Frazier of North Dakota and Senator Donahey of Ohio.

During these hearings, a number of Oklahoma Indians representing various tribal groups testified. Many brought resolutions from tribal committees to be read into the record. Most favored the legislative proposal. Some suggested various amendments. Roly Canard, a Creek chief, announced that the Creeks supported the Thomas-Rogers Bill. When asked about any opposition, Conrad said the only opposition he was aware of was from white lawyers who were bitterly opposed to section 8 of the proposal which transferred jurisdiction on probate matters from Oklahoma courts to the Secretary of the Interior.<sup>85</sup>

Several Indian groups opposed any new Indian legislation and sought a return to treaties negotiated a century earlier. Ned Blackfox, a Cherokee from Oaks, reported that a committee of the Cherokee Emigrant Indians decided, "Our wants is a treaty, which was made in December 29, in 1835, and 1836 and 1846. This is our own treaty and we can not exchange with any other laws."<sup>86</sup> Blackfox was referring to the New Echota treaty of December 29, 1835. The factionalism

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<sup>85</sup> Congress, Senate, Committee on Indian Affairs, *To Promote the General Welfare of the Indians of Oklahoma*, 74<sup>th</sup> Cong., 1<sup>st</sup> Sess., 9 April 1934, 40.

<sup>86</sup> Ned Blackfox to A.M. Landman, 8 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

generated by the New Echota treaty affected Cherokee politics and society for generations.<sup>87</sup>

Joseph Bruner appeared before the committee on Thursday April 11, 1935. Bruner quickly launched into an attack on other Creeks who had testified before the committee: “They were selected by manipulations of Collier henchmen through [the] Muskogee Indian Office.”<sup>88</sup> Bruner proceeded to launch into a diatribe on the illegality of Creeks who had testified. Senator Thomas cut him short saying, “I doubt if the committee will be very much interested in the local politics among the Creek Tribe. If you will get down to the bill as soon as you can, please.”<sup>89</sup> Congressional patience with Bruner waned as he repeatedly used committee hearings as an opportunity to criticize most other individuals and groups, other than the American Indian Federation associated with Indian affairs. In particular, Bruner aimed much of his verbal venom at the BIA and Commissioner Collier.

Grady Lewis, a Choctaw and one of their tribal attorneys, presented some challenging testimony. Lewis announced that the Choctaws strongly endorsed the Thomas-Rogers Bill, subject to incorporation of a few minor amendments. Lewis also strongly condemned federal Indian policy in Oklahoma since statehood in 1907. Lewis viewed Oklahoma Indians as “suspended between two evils, the crookedness of the county court, and the incompetency of the Indian Office.”

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<sup>87</sup> Several historians have explored in depth the split within the Cherokee tribe which developed over the New Echota Treaty of 1835. Among the best are Gary E. Moulton’s, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978) and Theda Pardue’s, “The Conflict Within: Cherokees and Removal,” in William L. Anderson ed., *Cherokee Removal: Before and After* (Athens: University of Georgia Press, 1991).

<sup>88</sup> *Ibid.*, 106.

<sup>89</sup> *Ibid.*

Lewis compared the conditions of the Choctaw decades before statehood with the present saying, “Our people are bordering on professional paupers and beggars . . . and it is a deplorable condition, when it is considered that those selfsame Indians a hundred years ago maintained their own government and did a fairly good job of it.”<sup>90</sup> Lewis expressed the need for many Indians to remain under the guardianship of the federal government, saying, “The Indian is not a good business man, he can not learn the white man’s standards of value.”<sup>91</sup> A few days later, *The Tushkamman* reported on Lewis’s gripping testimony concerning the deplorable situation of Oklahoma Indians and made an urgent plea: “If the Thomas-Rogers Bill does not appeal to you, in Heaven’s name draft another which will remedy the intolerable conditions.”<sup>92</sup>

G. B. Fulton, tribal attorney for the Osage, testified before the Senate subcommittee in April of 1935. He spoke of the opposition to the proposed Thomas-Rogers Bill by the Osage County Bar Association and referred Senator Thomas to their resolution condemning the bill. Thomas pushed to get Fulton’s opinion. Finally Fulton testified, “As I understand it the chief objections would be that under the Thomas-Rogers Bill all estates would be administered by the [federal] government . . . which would deprive those attorneys of large and sometimes

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<sup>90</sup> *Ibid.*, 119.

<sup>91</sup> *Daily Oklahoman*, 12 April 1935, 1.

<sup>92</sup> *The Tushkahomman*, 30 April 1935, 3.

exorbitant fees.”<sup>93</sup> This bold statement verified the deplorable practices by some probate lawyers in eastern Oklahoma and the threat they felt by the proposed bill.

The Senate hearings ended on April 11, 1935. The debate over the Thomas-Rogers Bill continued unabated in Oklahoma. In an editorial, the Indian paper, *The Tushkahomman*, spoke of opposition to the bill saying, “opposition to the enactment of this bill is coming from individuals and groups of people who are working for their selfish interests and not for the welfare of the Indians” and singled out “certain units of the Bar Association in the state.”<sup>94</sup> County judge W.H. Blackbird wired Senator Thomas stating that the Thomas-Rogers Bill “will practically destroy the jurisdiction of county courts in Indian matters and will take away . . . the administration of big estates and result in Indian funds being taken out of the state.”<sup>95</sup> Mrs. W. V. Krier, a Creek, wrote Senator Thomas expressing her support for the bill. In response to, mainly white interests, who claimed the bill would take the Indians back fifty years, Mrs. Krier decried, “I’m sure the majority of Indians would gladly go back to the days before allotment . . . .” She also believed that Indians needed protection from the federal government: “And we need to be in a position to exercise some authority about the handling of our affairs.”<sup>96</sup> Milford Growingham, a Shawnee from Avery, expressed his opposition to the bill based on the oft-held mistrust of the Indians towards the federal

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<sup>93</sup> Congress, Senate, Committee on Indian Affairs, *To Promote the General Welfare of the Indians of Oklahoma*, 74<sup>th</sup> Cong., 1<sup>st</sup> Sess., 9 April 1935, 42.

<sup>94</sup> *The Tushkahomman*, 16 April 1935, 4.

<sup>95</sup> W.H. Blackbird to Elmer Thomas, 1 May 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

<sup>96</sup> Mrs. W. V. Krier to Elmer Thomas, 22 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.



government. Growingham, claiming to speak for “lots of Indians around Shawnee” said, “They say and tell us there is something behind all this dealing. Many still can’t understand it clearly. They hate to lose all the land they have.”<sup>97</sup> The Indian Rights Association, which strongly favored the Thomas-Rogers Bill, described the situation in Oklahoma by using a statement Senator Burton K. Wheeler, co-sponsor of the IRA, made in 1929 during a Senate sub-committee meeting: “There are only two classes of people in Oklahoma, the Indians and those who live off the Indians.”<sup>98</sup>

On April 22, 1935, the House Committee on Indian Affairs, chaired by Representative Will Rogers began hearings on the Thomas-Rogers Bill. These hearings proved much more argumentative and contentious than the Senate hearings. Oklahoma Congressman, Jack Nichols, though not a committee member, was allowed to participate in questioning witnesses. Congressman Nichols was the brother and law partner of Oklahoma state senator Al Nichols, who gave such an eloquent castigation of John Collier on the Oklahoma state senate floor in early April. Nichols asked Chairman Rogers to sit in on the hearings claiming, “I have more Indians in my congressional district than any other Congressman.”<sup>99</sup> Nichols’ legal background served him well as he skillfully “worked” witnesses in attempting to extract testimony favorable to his viewpoints on the proposed bill. Nichols

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<sup>97</sup> Milford Growingham to Elmer Thomas, 25 April 1935, Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

<sup>98</sup> *Indian Truth*, (Philadelphia: Indian Rights Association, May 1935), 5.

<sup>99</sup> Congress, House, Committee on Indian Affairs, *To Promote the General Welfare of the Indians of Oklahoma*, 74<sup>th</sup> Cong., 1<sup>st</sup> Sess., 22 April 1935, 21.

represented white interests from eastern Oklahoma, many of them lawyers, judges, and guardians who had profited from legal dealings involving the sale of Indian allotments and probate matters. This group remained adamantly opposed to sections within the bill which proposed changing the manner in which restrictions were applied or removed. They especially opposed section eight which took jurisdiction over these matters out of the hands of local Oklahoma courts and rested it with the Secretary of the Interior. Nichols led opposition to the bill during the house hearings and proved instrumental in having either objectionable sections of the bill amended or removed from the proposal. Because the Thomas-Rogers Bill affected only Indians in Oklahoma, most members showed little interest in the proceedings and followed the lead of the Oklahoma members. By this time, many in congress viewed Indians “as a particularly western problem in much the same way that African Americans were viewed as a “southern” responsibility.<sup>100</sup> Many left their support or opposition up to the Oklahoma delegation and voted whichever way they sided.

With the biased attention of Congressman Nichols devoted to almost every person testifying, contention prevailed at the hearings. The first two Indian witnesses were Roly Canard of the Creeks and Grady Lewis representing the Choctaws. Nichols attempted to get them both to agree to the gist of a question he asked: “Is it your opinion that a man—that the Secretary of the Interior—1500 miles away from the Indians of Oklahoma, more likely a man who is not even a

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<sup>100</sup> Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians 1880-1920*, (Lincoln: University of Nebraska Press, 1984), xi.

lawyer . . . is in better shape to determine the heirs of a decedent in Oklahoma than are the county courts of Oklahoma?”<sup>101</sup> Throughout these hearings, Nichols doggedly contended, “That there is not an emergency in Oklahoma calling for legislation that would take away from the courts of Oklahoma their jurisdiction over these matters [probate].”<sup>102</sup> Threatened loss of control by Oklahoma county courts over Indian probate matters remained the critical issue for opposing white interests in eastern Oklahoma.

On Monday April 29, 1935 Lawrence E. Lindley, representing the Indian Rights Association, testified. The IRA offered strong support for the bill with the exception of provisions that established the degrees of blood quantum as a determining factor over the issue of removing restrictions. Lindley testified “it carries these provisions (namely, for competency commissions and the rapid removal of restrictions of Indians of less than one-half degree Indian blood) that past experience has shown are most effective ways of separating Indians from their land.”<sup>103</sup> Others, giving testimony, criticized these provisions. Many felt it represented a continuation of governmental policies which so effectively contributed to the loss of Indian land to whites.

Joseph Bruner, president of the American Indian Federation, gave brief testimony. Alice Lee Jemison, Bruner’s secretary and a former member of the Board of Indian Commissioners dissolved by Collier in 1933, read a statement from Bruner. In it Bruner characterized the Thomas-Rogers Bill as “a wandering,

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<sup>101</sup> Ibid., 31.

<sup>102</sup> Ibid., 59.

ramifying, communistic “scheme” and voiced his complete opposition to the bill. He concluded, “I am opposed to the so called “Thomas-Rogers Bill” for Oklahoma Indians; mainly it bristles with Collier and Collierism.”<sup>104</sup>

Oklahoma Congressman Wesley Disney, who represented Osage county, also testified before the House committee. Disney exerted a strong voice of opposition to the Thomas-Rogers Bill throughout the legislative process. He expressed resistance to the bill stating, “The [state] legislature passed a resolution against this bill . . . . Nineteen bar associations passed resolutions against it. Any number of chambers of commerce have passed resolutions against it. Public sentiment in eastern Oklahoma is solidly against it.”<sup>105</sup> More importantly, Disney based his opposition on the views of former Oklahoma Congressman, William Hastings. Hastings, now retired from Congress, strongly opposed the IRA for Oklahoma Indians and expressed opposition to certain provisions in the Thomas-Rogers Bill. Disney claimed that because John Collier and Senator Thomas had never lived in eastern Oklahoma, “They are not entitled to have their judgment balanced against that of Mr. Hastings as to this bill, [and] as to eastern Oklahoma.”<sup>106</sup> Disney continued to oppose sections of the bill and in conjunction with Congressman Nichols effectively forced a major restructuring of the bill.

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<sup>103</sup> Ibid., 72.

<sup>104</sup> Ibid., 81-82.

<sup>105</sup> Ibid., 154.

<sup>106</sup> Ibid., 154.

Congressman Disney would later conclude, “I see lots of good coming from killing the bill and no harm.”<sup>107</sup>

John Collier opened the hearings with a lengthy explanation of the specifics of the Thomas-Rogers Bill. He answered numerous specific questions concerning the mechanics of it. As mentioned above, he had been in attendance at most of the hearings, offering explanations and clarified technical points from time to time from the audience. During later questioning by Representative Usher Burdick of North Dakota, Collier discussed the widespread Indian support for the proposed change in jurisdiction for probate matters in the Thomas-Rogers Bill. Collier noted that “before the Senate committee came representatives of tribe after tribe of Oklahoma Indians, 28 of them in all, to testify that they were satisfied that their affairs were being expeditiously, economically, and justly handled under the probate system of the Interior Department.”<sup>108</sup> During most of the house hearings, entrenched assimilationist thinking opposed reform proposals as Congressmen contended with John Collier’s administrators and bureaucrats.

Outside of the instances listed above, few Indian voices were heard during the House hearings. Many Indians testified before the Senate hearings in early April, but most could not financially afford to stay in Washington during the weeks between hearings or afford a second trip back to Washington from Oklahoma. Opposition congressmen, especially Jack Nichols and Wesley Disney, absconded most of the time expressing their opposition or occasionally grilled witnesses who

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<sup>107</sup> Ibid., 169.

<sup>108</sup> Ibid., 199.

offered support. A great deal of their blame for past failures of federal Indian policy fell upon the Indian Bureau. Finally, John Collier served as a convenient target for attacks: the opposition characterized his proposals as a step back in time for Oklahoma Indians.

On Thursday May 9, Secretary of the Interior, Harold Ickes appeared before the House committee. Ickes offered a strong endorsement of the proposed bill. He stated, “The bill before your committee reverses the heartless policy established by Congress in 1908.” Ickes also claimed, “The Oklahoma Indians themselves are unanimously in favor of this measure.” Ickes also took a swipe at the opposition to the bill when he testified “. . . the opposition seems to be confined to . . . a fraction of the legal profession, who have directly profited through the mass of frivolous, wholly unnecessary Oklahoma Indian litigation. . . .We are asking that they [Oklahoma Indians] be protected from the rapacity of a small group of unscrupulous lawyers.”<sup>109</sup>

At the last session of the hearings, on Wednesday, May 15, Congressman Nichols made a lengthy formal statement rebutting much of Secretary Ickes testimony given on May 9. Nichols refuted Ickes claim of the majority of Oklahoma Indians supporting the proposed Thomas-Rogers Bill. Nichols claimed, “I have in my files letters from dozens and dozens of Indians telling me of the opposition to this bill by the Indians in its present form.”<sup>110</sup> In closing, Nichols charged the Thomas-Rogers Bill as an attempt by Secretary Ickes “to bring under

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<sup>109</sup> Ibid., 218-222.

<sup>110</sup> Ibid., 236-237.

the control of the Secretary of the Interior . . . those six tribes [the Osage and the Five Civilized Tribes] over which he does not now enjoy complete and full control.”<sup>111</sup>

As the House hearings drew to a close, it was evident that the bill in its present form would not pass without significant amending. In spite of the widespread support among Oklahoma Indians as measured by their testimony in both the Senate and House hearings and the numerous resolutions sent to Congress by tribal councils, the combined efforts of an organized and vociferous opposition led by Congressmen Nichols and Disney, utilizing the support and reputation of former Oklahoma Congressmen W. W. Hastings proved overwhelming. On May 10, 1935, the Thomas-Rogers Bill was tabled over strong objections from chairman Rogers. The Thomas-Rogers Bill was dead.<sup>112</sup>

In June of 1935, Senator Thomas, working with John Collier, drafted a new version of the Thomas-Rogers Bill. By July 29, Thomas introduced the new bill to the Senate, drastically revised in order to please opponents and secure passage. Gone was the blood quantum designation. Gone was section eight that transferred jurisdiction over probate matters from Oklahoma county courts to the Secretary of the Interior. The bill included streamlined and eased procedures for allowing the secretary to remove restrictions. The make-up of competency commissions was altered to include one Indian member from the involved tribe, along with the local

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<sup>111</sup> Ibid., 241.

<sup>112</sup> American Indian Defense Association, Inc., “General Bulletin, No. 35,” 29 May 1935. Contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

superintendent, and a member appointed by the Secretary. In short, “the amended bill returned the Indians to state court jurisdiction and liberalized the provisions for declaring Indians competent which would speed the lifting of restrictions . . . . The welfare, economic, and organizational aspects of the original bill remained.”<sup>113</sup> This new version passed the Senate in mid August. The bill moved over to the House for consideration. Congressmen Nichols and Disney objected to the new version and kept the bill from consideration for the remainder of the session.

In November of 1935, Assistant Commissioner of Indian Affairs, William Zimmerman, spent a week in Oklahoma touring the Indian agencies with Congressman Rogers. Touted as a fact finding mission “to determine sentiment of Oklahoma Indians on the Thomas-Rogers bill now pending before the House of Representatives,” considerable effort was expended in urging individuals and business committees to let Oklahoma House members know of their support for the bill. Both Zimmerman and Rogers exuded optimism that the revised bill would pass the House in the next session. Congressman Rogers predicted that the bill would pass “in some form during the next session of Congress.”<sup>114</sup>

In April of 1936, the House Committee on Indian Affairs held hearings on the revised version of the Thomas-Rogers Bill. These hearings dragged on into June as Congressman Disney led vociferous ongoing opposition. Disney, not a member of the committee, made his presence felt. Disney requested an amendment, exempting the Osage from the bill. He justified the proposed

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<sup>113</sup> Wright, 368.

<sup>114</sup> *The Tushkahomman*, 26 November. 1935, 1.



amendment stating, “The Osage Nation . . . is so different and independent from the rest of the state that I think it would be a serious mistake to put Osage county in this bill.”<sup>115</sup> On June 11, Disney motioned to have Osage County exempted from the bill. Once it was approved by the committee, Disney announced he would now support the bill. Exercising their voice, the Osage Tribal Council sent a telegram to the committee “requesting that the Osages not be exempted from the bill.”<sup>116</sup> Obviously, Disney did not listen to his Indian constituency on this measure, but to white business and legal interests. The remaining two days of hearings covered minor points within the bill. These were agreeably ironed out and the bill was favorably reported out of committee on June 15. The next day, the House passed the bill. The Senate passed the House version on June 18 and on June 26, 1936; President Roosevelt signed the Oklahoma Indian Welfare Act into law.

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<sup>115</sup> Congress, House, Committee on Indian Affairs, *To Promote the General Welfare of the Indians of Oklahoma*, 74<sup>th</sup> Cong., 2<sup>nd</sup> Sess., 1 April 1936, 14.

<sup>116</sup> *Ibid.*, 22.

## Chapter 6

### Revival

On the evening of June 27, 1936, Senator Elmer Thomas sent a telegram to John Hugh Chambers of Tulsa which read, “Oklahoma General Welfare Bill passed both Houses before Congress adjourned and was signed by the President on yesterday. It will become effective immediately.”<sup>1</sup> Senator Thomas, like others closely involved with the passage of the Oklahoma Indian Welfare Act, expected rapid implementation of its terms and programs. John Collier, Commissioner of Indian Affairs, claimed the OIWA would allow Oklahoma Indians “to put an end to the wastage of their assets, which has resulted in the loss of more than nine-tenths of their lands and . . . reduced more than 50,000 of their number to landlessness and abject poverty.”<sup>2</sup> From enactment in June 1936 until the early 1950s when federal Indian policy turned a sharp corner and entered the termination era, implementation of the OIWA focused on land purchases, credit, and the reestablishment of tribal governments.

It became apparent soon after enactment that application of the OIWA meant various things to the groups involved. As the burden of the Great Depression wore on, a conflict between issues of relief versus reform became quite evident in Oklahoma Indian affairs. Government leaders including John Collier

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<sup>1</sup> Elmer Thomas to John Hugh Chambers, 27 June 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

and Senator Thomas seemed concentrated more on long range reforms with measures designed to foster fundamental changes in Indian culture and lifestyle and its relationship to the dominant white culture. On the other hand, many Oklahoma Indians focused on relief measures. For them, day-to-day life remained a formidable struggle. In 1936, many Oklahoma Indians hoped the OIWA would resolve immediate concerns such as food, shelter, clothing, medical care, and schooling for their children.

Subsistence agriculture represented the economic lifestyle of many Oklahoma Indians. Oklahoma Indians in the western half of the state also suffered from the effects of the persistent drought during the 1930s, the Dust Bowl. In 1934, agricultural extension workers reported that many western Oklahoma Indians “were unable to get a garden and they are now suffering from the lack of food as well as water and feed for their livestock.”<sup>3</sup> In 1935, destitute and starving members of the Five Tribes received 198,000 pounds of canned goat meat from the southwest along with 27,000 pounds of canned beef and 17,093 head of “relief” cattle distributed by the federal government.<sup>4</sup> In 1936, another extension report stated, “The Cheyenne and Arapaho Central Farm Chapter . . . voted to discontinue their [annual agricultural] fair this fall due to the fact that they would have nothing to exhibit.” The report continued, “At the Ben Buffalow place, the dust was so bad

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<sup>2</sup> John Collier, “Oklahoma Indian Welfare Act,” in *Indians at Work*, 15 July 1936, 15.

<sup>3</sup> Individual Weekly Report for Extension Workers, Aug. 4, 1934; Concho Agency; Entry 78, Box 2; Record Group 75; National Archives and Records Administration--Southwest Region, (Ft. Worth).

<sup>4</sup> Angie Debo Collection, Oklahoma State University, Five Civilized Tribes of Oklahoma, Box 25.

that dust from 6 to 18 inches filled his yard and the floors of the house were covered until you could not tell whether there were rugs on the floor or not.”<sup>5</sup> Many Oklahoma Indians looked to the OIWA as an immediate answer to their problems, especially through the loan programs established under provisions in the OIWA.

During the latter half of the 1930s, as the Indian Bureau struggled to activate programs under the OIWA, the depression and drought continued to devastate Oklahoma Indians throughout the state. Alfred Harper from Wewoka, Oklahoma wrote Senator Thomas in the fall of 1936 decrying, “I have six children in the public schools . . . that I shall have to take out for lack of clothing.”<sup>6</sup> Angie Whitthorne, a Chickasaw requested governmental funds and wrote, “We Indians are in great need and many are almost starving.”<sup>7</sup> The Oklahoma congressional delegation continued to receive an ongoing flood of letters from destitute and often starving Indians requesting help from the federal government. Senator Thomas telegraphed President Roosevelt declaring, “[state and local] relief agents refuse to extend benefits to Indians stating that they should look to [the] Indian office for relief.” Thomas requested a “liberal allotment of funds be made direct to the Indian Bureau for use in relieving distress among our Indians wards.”<sup>8</sup>

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<sup>5</sup> Individual Weekly Report for Extension Workers, Aug. 27, 1936; Concho Agency; Entry 77, Box 71; Record Group 75; National Archives and Records Administration--Southwest Region, (Ft. Worth).

<sup>6</sup> Alfred Harper to Elmer Thomas, 9 September 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>7</sup> Angie Whitthorne to Elmer Thomas, 19 September 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>8</sup> Elmer Thomas to Franklin Roosevelt, 22 September 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

Local political pressure to aid Oklahoma Indians targeted Senator Thomas, a chief architect for the OIWA. Immediately following the 1936 elections, E. H. Labelle, the Chairman of the Indian Division of the Oklahoma Democratic state central committee, wrote Thomas and counseled, “You know Elmer these Indians are not to be forgotten after the way they came to the front for the national ticket in the last election. . . So let’s see if we can get some thing done as soon as we can before it gets too cold.”<sup>9</sup> Labelle was referring to immediate relief measures such as work, food, and even cash payments to help Oklahoma Indians through the coming winter. The Oklahoma congressional delegation led by Senator Thomas pressured the White House and other departments within the executive branch as well as private charities such as the Red Cross for immediate assistance. The army provided boots and a variety of out of date clothing to Oklahoma Indians. Additionally, some government foods commodities such as canned meat, milk, coffee, butter, and cheese were also made available. These actions effected a mitigating of the dire situation of many Oklahoma Indians over the winter months of 1936 and 1937, but certainly did not eliminate them.<sup>10</sup>

Immediately following enactment of the OIWA, a great deal of correspondence from Oklahoma Indians flooded the offices of Oklahoma congressmen and bureau officials. Their letters demonstrated a wide variety of misunderstanding concerning its programs, many letters were from individual

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<sup>9</sup> E.H. Labelle to Elmer Thomas, 20 November 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>10</sup> *The Daily Oklahoman*, 14 January 1937, 13.

Indians requesting information and loan applications for all manner of purposes. For example, J.L. Nadeu, a Chickasaw from Lexington Oklahoma, wanted to purchase a home. William Zimmerman, Assistant Commissioner of Indian Affairs, responded, “At the present time no rules or regulations have been issued by the Secretary of the Interior for the loaning of funds under this act [OIWA] to the Indians of Oklahoma.”<sup>11</sup> The Bureau expended a great deal of effort responding to these inquiries. The OIWA was designed to address issues such as land acquisition, supplying credit for economic undertakings, tribal incorporation for business pursuits, and the reestablishment of tribal governments. The BIA could only inform Oklahoma Indians that any loans under the OIWA had to meet requirements for short-term investments for primarily agricultural endeavors by either individuals or small-incorporated groups. It was obvious that Oklahoma Indians needed to be educated on the programs and benefits of the OIWA. Also, it became evident the Bureau needed time to organize and establish procedures for awarding and administering loans as well as the other programs such as land purchases, educational benefits, and tribal reorganization. This type of ongoing bureaucratic wrangling served to delay implementation of the OIWA. Congress enacted the legislation, but the BIA administered the programs, and implementation moved slowly as the Bureau developed understanding of the OIWA's programs, developed policies and procedures, and placed administrators.

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<sup>11</sup> William Zimmerman to Elmer Thomas, 24 August 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 22.

In August of 1936, just a month after enactment of the OIWA, the solicitor of the Interior Department filed a court case to obtain a ruling on the “type of organization required of borrowing tribesman.” The Bureau had to work through legalities procedures established between the IRA and the OIWA. Both legislative acts applied to Oklahoma Indians. The OIWA provided loans for individuals, co-operatives, and credit associations formed by ten or more Indians.<sup>12</sup> However, funds channeled from the revolving loan fund established under the IRA had to be initially directed through incorporated tribes, who in turn could make loans to individual Indians or incorporated groups.<sup>13</sup> A. C. Monahan, superintendent of the Five Tribes reported, “If tribal incorporation is demanded, a delay of a year or more is likely before the money actually reaches the Indians. If the simpler organization into groups is sufficient, the money will begin to flow within a few weeks.” The case clarified the issue by allowing eligible individuals or associations to receive loans directly from the government without those funds passing through the hands of incorporated tribes. Unfortunately, Monahan’s prediction of quickly funding loan programs proved wrong. The first loans under the IRA/OIWA did not occur until mid 1937, almost a year from its enactment.<sup>14</sup> The wheels of bureaucracy turned slowly.

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<sup>12</sup> Act of June 26, 1936, 49 Stat. 196.

<sup>13</sup> Unidentified newspaper clipping, 12 December 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 21.

<sup>14</sup> The IRA and the OIWA were closely connected. As discussed earlier, Oklahoma Indians were initially exempted from most provisions of the IRA when it was enacted in June of 1934. However, when the OIWA was enacted two years later, Section 13 and 14 of the bill placed Oklahoma Indians under all provisions of the IRA. Hence, the author will often refer to the IRA/OIWA when both are implied. In a Senate hearing in Muskogee in October of 1937, John

To compound matters, the first appropriations represented only a fraction of Congress's originally authorized amounts for both bills. Under the IRA, the total amount authorized was \$12,500,000 per year, including \$250,000 for Indian organization, \$2,000,000 for land purchases, \$10,000,000 for the revolving credit fund, along with \$250,000 for educational loans. However, the amount actually appropriated only totaled \$3,825,000, with \$150,000 allocated for Indian organization, \$1,000,000 for land purchases (Oklahoma Indians would share \$350,000), \$2,500,000 for the revolving credit fund, and \$175,000 for educational loans.<sup>15</sup> Continued under funding of Indian New Deal programs inhibited their effectiveness and long range impact.

As early as February 1935, Commissioner Collier warned of an impending "attack against the authorized appropriations for implementing the Wheeler-Howard Act," conducted by "important cattle interests, timber interests, oil interests, and other substantial corporate and regional interests antagonized by those features of the Act which safeguard Indian property, and which give the tribes some measure of control over their own property."<sup>16</sup> Collier feared, "Some intervention by the President will be necessary if the new program for Indians . . . is not to be crippled, or possibly even killed."<sup>17</sup> Many in Congress understood little of the plight of Native Americans. Outside of sparsely populated western states,

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Collier stated ". . . the two acts, the Indian Reorganization Act and the Oklahoma Indian Welfare Act, hang together."

<sup>15</sup> *The Tushkahoman*, 21 May 1935, 3.

<sup>16</sup> John Collier to Harold L. Ickes, 15 February 1935, contained in the papers of John Collier, Western History Collection, University of Oklahoma, Reel 15.

<sup>17</sup> *Ibid.*



few congressmen included Indians in their constituencies. They tended to follow the lead of those legislators from western states, such as Oklahoma, who possessed significant Indian populations. The political bent of many western legislators often steeped in assimilation ideology, yielded to pressure from ranchers, miners, timber and ranching interest carried a lot of weight. Collier's warnings suggest a conspiracy of private interests attempting to exert their influence. The experience of Oklahoma Indians, as discussed in earlier chapters, bears this out.

Meager appropriations meant limited ability to implement the IRA/OIWA as it was designed. Congress granted no increases in funding for administrative expenses of the BIA. This meant that "existing personnel [would] continue to carry the heavy administrative responsibility without much hope of increasing local staffs."<sup>18</sup> D'Arcy McNickle claims, "Congress was never fully committed to the ideas embodied in the Indian Reorganization Act."<sup>19</sup>

Congress was not alone in its tepid support. The Bureau of the Budget and even John Collier himself shared some of the blame. With respect to land purchases, Collier requested only \$1,000,000 of the congressionally authorized \$2,000,000 in 1936 and 1937. By 1940, only \$4,000,000 for land purchases had been appropriated. In 1938, the Bureau of the Budget slashed a request for the full \$2,000,000 annual appropriation to \$500,000.<sup>20</sup> By 1938, only \$1.1 million dollars

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<sup>18</sup> Ibid.

<sup>19</sup> D'Arcy McNickle, "Four Years of Indian Reorganization," *Indians at Work*, December 1938, 11.

<sup>20</sup> Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality", *Pacific Historical Review*, 23 (Fall 1975), 308.

had been placed into the revolving loan fund. Inadequate funding of both the IRA and the OIWA severely constrained their effectiveness in Oklahoma.

However, the issue of support for the IRA/OIWA also brings to question the indifference exhibited by many Oklahoma Indians for its various programs. Only a small minority took advantage of the economic development aspects of the act. Several Indian credit associations dissolved shortly after they organized because even the small amount of funding they offered was not utilized. An examination of this aspect will be presented later in this chapter.

By 1936, when the OIWA was enacted, the political headiness of the first and second hundred days of Roosevelt's first term all but evaporated. The "changing political climate of the late 1930s," characterized by growing opposition from a congressional coalition of Republicans and conservative Democrats, coupled with the severe recession of 1937, and the backlash from FDR's court packing scheme, all served to dampen the "active phase of the New Deal," including programs under the Indian New Deal.<sup>21</sup>

The recession of 1937 also contributed to the withering of New Deal programs, including the IRA/OIWA during the late 1930s and early 1940s. The recession fostered a period of uncertainty and confusion as to the stability of the economy. Historian Alan Brinkley argues that during this economic slowdown, many New Dealers "repudiated some of the impulses . . . prominent in the early New Deal." According to Brinkley, these "impulses" included moving away from

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<sup>21</sup> Alan Brinkley, *The End of Reform* 3-4.

promoting “government sponsored social welfare programs.”<sup>22</sup> As industrial production slowed, unemployment once again soared, and the markets declined sharply during 1937 and into 1938. Many in government questioned the ability of the New Deal to lead the country out of depression.

Roosevelt’s plan to pack the federal court system with New Deal leaning judges served as a lightning rod around which disparate interests to the New Deal coalesced. This event helped to bring conservative Democrats and Republicans together in a coalition that opposed much of FDR’s domestic agenda. Montana Senator Burton K. Wheeler became a leader in this group. Wheeler originally co-sponsored the proposal, which became the Indian Reorganization Act. Shortly after its introduction, Wheeler opposed both Collier and the proposal bearing his name, the Wheeler-Howard Bill. Having never read the bill before its introduction, Wheeler spoke against the proposed Indian court system and the idea of a constitutional government replacing tribal councils. During 1937, Wheeler strongly denounced FDR’s court packing scheme: “it is a sham and a fake liberal proposal. . . . It merely places upon the Supreme Court six political hacks.”<sup>23</sup> Wheeler’s opposition to John Collier and the Indian New Deal extended into the 1940s. By 1943, Wheeler joined with Elmer Thomas and other western senators in calling for repeal of the Indian Reorganization Act and the removal of John Collier

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<sup>22</sup> Ibid. 6-7.

<sup>23</sup> Burton K. Wheeler, *Yankee from the West*, (New York: Doubleday & Co., 1962), 314.

as Indian Commissioner.<sup>24</sup> “Like other western progressives, [Wheeler] represented an older hostility to centralized power.”<sup>25</sup>

The inexperience on the part of many Oklahoma Indians in dealing with the BIA contributed to the difficulty of implementing the IRA/OIWA. Many harbored negative memories of dealing with the Indian Bureau. Full bloods or traditionals often eschewed contact with white society by choosing to practice subsistence agricultural in isolated rural areas. Some Indians became disheartened with the delay and “red tape” they experienced in attempting to obtain loans under the OIWA. W.M. Blackhawk from Stillwater complained that “the Indian bill of Oklahoma is not worth the paper and time in which [sic] it taken the U S senate to wright [sic] it out, there is not one dog gon [sic] thing in the bill in whitch [sic] will benefit the Oklahoma Indian what so ever [sic]. . . . the Indian bill of Oklahoma should be thrown in the fire furnish [sic] and burnt, it’s a disgrace and no good.”<sup>26</sup>

For many, the credit division of the BIA seemed to move very slowly. On April 23, 1937, Raymond Kemp wrote to Senator Thomas requesting his assistance. Kemp reported, “Some two or three months ago we Indians organized a

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<sup>24</sup> In May of 1943, the Senate Indian Affairs Committee chaired by Senator Elmer Thomas announced its recommendations based on an extensive survey of conditions among Native Americans. Their report called Senate Report 310 demonstrated intense congressional opposition against John Collier and the programs of the Indian Bureau. Its recommendations read like a preview of the termination era and include a freeze in hiring for the Indian Bureau, the transfer of Bureau functions to various federal agencies or in the case of education and probate matters to the states, all with the long range goal of eliminating the Indian Bureau.

<sup>25</sup> James T. Patterson, *Congressional Conservatism and the New Deal the Growth of the Conservative Coalition in Congress, 1933-1938*, (Lexington: University of Kentucky Press, 1967), 116.

<sup>26</sup> W.M. Blackhawk to the Senate Appropriations Committee, 12 December 1936, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 55.

credit association . . . to the present we have had no reply from our application.”<sup>27</sup>

Assistant Indian Commissioner, William Zimmerman, responded to an inquiry from Senator Thomas stating the Johnston County Credit Association’s application was under “was under consideration, but with “over forty applications [and] “with our limited staff it is impossible to act on the same as quickly as we would like.”<sup>28</sup>

John McCracken asked what was holding up approval for the Nowata County Indian Credit Association. Again, Zimmerman responded, “The bylaws which were to be submitted for approval have not yet been received by this office.”<sup>29</sup>

Reduced staffing at the BIA contributed still another ongoing obstacle in the path of implementation.

Haskell Paul, an attorney representing the Chickasaws, wrote to Elmer Thomas asking for his help in determining the status of the application for the Garvin County Credit Association. He also asked a number of questions: “How long do you think it will likely be? . . . what degree of blood will be eligible? Is any one at present, authorized to solicit applications for these loans?”<sup>30</sup> Like many, including Indians and legal professionals such as Paul or even Senator Thomas, no one commanded a clear idea of how to implement the OIWA, including the agency charged with that responsibility, the Bureau of Indian Affairs. Additionally, unclear, competing, and often opposing viewpoints within and between the

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<sup>27</sup> Raymond H. Kemp to Elmer Thomas, 23 April 1937, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>28</sup> William Zimmerman to Elmer Thomas, 3 June 1937, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>29</sup> William Zimmerman to Elmer Thomas, 17 August 1937, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

legislative and executive branches compounded an already difficult situation. During the legislative process, little foresight was given to funding and mechanisms to implement the law. This short sightedness on the part of both Congress and the bureau delayed its implementation.

In October of 1937, Collier spoke to Oklahoma Indians at two meetings held to determine Indian concerns with the implementation of the OIWA. Besides land purchases, the topic that generated the most Indian concern was credit. Collier fielded a wide variety of questions on different aspects of the credit programs. Many asked about the limited congressional appropriations for the various programs under the IRA/OIWA, especially low funding for credit operations. Collier explained that many in Congress were leery of credit programs for Native Americans based on their low levels of repayment on \$9,000,000 worth of loans over the preceding fifteen years to Native Americans, the so-called industrial reimbursable loans. He affirmed that only \$3,000,000 had been repaid. Collier continued by describing a wait and see attitude by Congress. If repayment levels on loans made under the IRA/OIWA remained initially high, then Congress would be more likely to increase appropriations to these programs. He put the solution for limited appropriations squarely on the Indians who would participate in the credit programs. He referred to the small appropriation as a “demonstration” and said, “It is enough to use in proving to Congress and to . . . the President that Indians can take loans, make productive use of loans, and pay them back, and then there will be

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<sup>30</sup> Haskell Paul to Elmer Thomas, 14 June 1937, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

no trouble in getting more money, in any reasonable amount.”<sup>31</sup> Collier may have been attempting to explain why appropriations were so low an effort to motivate Oklahoma Indians towards greater fiscal responsibility. Had more thought been given to the feasibility of establishing a revolving loan program for tribal groups whose previous track record of repayment was lack luster, especially in light of the dire economic circumstances experienced by most Oklahoma Indians during this time. During this period, they needed grants, not loans.

It was evident that a number of challenges prevented a prompt and full implementation of the OIWA. Many Oklahoma Indians were concerned with the immediate challenges of day-to-day life. The depression and the drought of the 1930s hit Oklahoma Indians extremely hard. Many simply did not understand the legislative substance of the IRA and the OIWA. Legal and administrative hurdles in the channeling of IRA funds into OIWA programs had to be bridged. Most in Congress shared little interest in Indian affairs or appropriations to fund Indian programs. Staffing shortages in the Indian Bureau spelled delays in the approval of charters for credit associations and loan programs. Additionally, many in the bureau were career administrators steeped in assimilationist thinking. Much of the IRA/OIWA represented a radical departure from the objectives many had spent their careers attempting to achieve. From the 1880s to 1933, a driving objective to assimilate Indians into American society prevailed. All that changed with John Collier and the Indian New Deal. New Deal measures such as the IRA and the

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<sup>31</sup> Congress, Senate, Subcommittee of the Committee on Indian Affairs, *Survey of the Conditions of Indians in the United States*, 76<sup>th</sup> Cong., 1<sup>st</sup> sess., Washington, D.C., 1940), 21311-

OIWA conflicted with their operational experience, contributing to a somewhat uncooperative attitude on the part of some bureaucrats. Finally, the inexperience and in many cases the negative experiences of Oklahoma Indians in dealing with the BIA would prove inhibiting factors towards implementation.

Ben Dwight, a bureau field agent out of the Muskogee office, discussed implementation of the OIWA in an article in *Indians at Work* in June of 1937. Explaining the workings of the OIWA, Dwight called for a new mind set on the part of Oklahoma Indians. Explaining that the OIWA was not designed as a quick fix measure, Dwight counseled, “The program is . . . . not a mere relief measure; it is not an emergency plan. . . . [I]t is a permanent long-time program, which will extend over a number of years, even generations. . . .The individual must think in terms of a permanent program rather than about one merely meeting present emergencies”<sup>32</sup> In discussing credit programs, Dwight said, “They [Indians] must accept and assume a large measure of responsibility for sound credit operations.”<sup>33</sup> Dwight argued that if the OIWA was going to be successful, it had to be recognized that its programs should not be looked on as quick fixes, but as long term in scope. Dwight also echoed the counsel of John Collier, stressing Oklahoma Indians must demonstrate responsibility with credit loans.

In October of 1937, daylong meetings held in Shawnee and Muskogee explored many of the issues surrounding implementation of the IRA/OIWA.

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<sup>32</sup> Ben Dwight, “The Oklahoma Indian Welfare Act – What it can do; What We must do” in *Indians at Work*, June 15, 1937, Office of Indian Affairs, Washington D.C., 11.

<sup>33</sup> *Ibid.* 13.



Attending these meetings were Senator Thomas, Oklahoma Congressman Will Rogers, John Collier, Commissioner of Indian Affairs, and the Oklahoma Indian agency superintendents. Over 500 Oklahoma Indians, representing nineteen tribal groups from the western half of the state, also attended the first meeting held in Shawnee on October 13. Senator Thomas, chair of the Senate Committee on Indian Affairs, conducted both meetings.

Thomas introduced the meetings by declaring, "It is a meeting to try and understand the wishes of the Indian citizens."<sup>34</sup> Thomas organized these meetings in a similar fashion to the meetings he held three years earlier in October of 1934, after he had exempted Oklahoma Indians from the IRA enacted in June. In his opening statement, Thomas flattered Indian attendees saying, "We want to know what you want, and then we want to know what you don't want. . . . If you citizens don't get what you want, it will be largely because you have not advised your member of the House and Senate."<sup>35</sup> Thomas seemed to offer a clear invitation for Indian participation. Thomas made an opening statement, followed by the attending Oklahoma congressmen, including Lyle Boren, Wesley Disney, William Hastings, and Will Rogers. Legislators and bureaucrats maintained a polite but patronizing tone towards Indian attendees during these meetings. Permission to make a short statement or ask questions fell to a representative from each tribe. Most questions focused on specific aspects of the major programs offered by the IRA/OIWA, regarding land purchases, credit, and tribal organization. Some voiced

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<sup>34</sup> Congress, Senate, Subcommittee of the Committee on Indian Affairs, *Survey of the Conditions of Indians in the United States*, 76<sup>th</sup> Cong., 1<sup>st</sup> sess., Washington, D.C., 1940), 21264.

concerns over appropriations for the IRA/OIWA and the seemingly slow progress in the implementation of programs under the bill.

At the Muskogee meeting, on October 14, Commissioner Collier made a revealing statement as he encouraged Oklahoma Indians to organize tribal governments. Collier spoke of how during the allotment period, tribal governments “were dissolved by Congress. . . . Indians couldn’t be good Indians unless they were unorganized Indians.” Now the federal government was attempting to “. . . extend to the Indian the white man’s opportunity to organize and operate through organization principles.”<sup>36</sup> According, to historian Alison Bernstein, many Indians complained that Collier was “superimposing white political organization on tribal structures.”<sup>37</sup> Additionally Senator Thomas preached that tribal organizations “give official sanction to [tribal] activities, where heretofore it has been wholly unofficial.”<sup>38</sup> The Curtis Act of 1898 and the Five Tribes Act of 1906 emasculated Oklahoma tribal governments. Between that time and the enactment of the OIWA in 1936, many Oklahoma tribal groups established business committees or problem committees charged with dealing with only a specific issue. Legally, these types of quasi Indian governmental bodies were not officially recognized by the federal government, even though the Bureau would work with them to implement and administer programs. Ben Dwight, a Choctaw and Muskogee agency employee explained, “Up to this time these organizations have existed by courtesy, we will

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid. 21335.

<sup>37</sup> Alison R. Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs*, (Norman: University of Oklahoma Press, 1991), 8.

say, of the bureau . . . . They had no legal recognized standing in the law.”<sup>39</sup> Bureau officials promoted the idea that tribes organizing under the IRA/OIWA could now be legally sanctioned by the federal government. An integral part of the IRA/OIWA, the reinstatement of tribal government marked a major shift in direction for federal Indian policy.

The tribal organization program of the IRA/OIWA remains its brightest legacy. It came at a time of transformation for many Oklahoma Indians. As life in American society became more commercial, urban, and technological, these accelerating forces filtered down to Indian life as well. This began during the 1920s and intensified during the 1940s with World War II. Tribal organization provided the mechanism that allowed Indian tribes to begin to take control of their own destiny. Just because a tribe did not organize under the IRA/OIWA did not mean they remained untouched by the transformation. Eventually, almost every tribe organized in some manner for political and economic advancement.

Several Indian representatives expressed confusion over funding for land purchases. They believed that loans from Indian credit associations financed land purchases. John Collier explained that money from credit associations was to be lent to either groups or individuals for mainly agricultural enterprises. “The credit money is not the money for buying land.”<sup>40</sup> Both the IRA and the OIWA established funded programs separate from other programs for land purchases. Congress appropriated only \$2,000,000 for land purchases under the IRA and

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<sup>38</sup> *Ibid.* *Survey of the Conditions of the Indians of the United States*, 21283.

<sup>39</sup> *Ibid.*

OIWA and out of that amount; only \$350,000 was earmarked for land purchases in Oklahoma. Collier mused this was a very small amount measured against the need and at that rate the Bureau “will be making very slow progress toward the re-vesting of homeless [Oklahoma] Indians with land.”<sup>41</sup>

One of the foremost objectives of the IRA/OIWA was to reverse the damage inflicted on Indian land holdings by the allotment policy. The first two sections of the Oklahoma Indian Welfare Act dealt with Indian land issues. Section 1 outlined the procedures to be used by the Secretary of the Interior in acquiring land for Oklahoma tribal units. Section 2 gave the Secretary preference in purchasing any restricted Indian land that might be put up for sale.<sup>42</sup> Allotment in Oklahoma began in the 1890s with passage of the Curtis Act in 1892. From then until 1933, tribal land holdings in Oklahoma plummeted from 15,000,000 acres down to 1,500,000 acres, a loss of ninety percent. By 1933, the vast majority of Oklahoma Indians were landless. The unavailability of land for such a large percentage of Indians living in an agriculturally based subsistence society was a recipe for an economic and social disaster outlined earlier. Over the history of the IRA/OIWA, this effort to restore Indian land base met with only minimal success. Because of that fact, landless Oklahoma Indians were unable to benefit from various programs of the OIWA, especially financing for agricultural projects designed to develop income and thereby raise the participant’s standard of living and independence.

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<sup>40</sup> Ibid. 21286.

<sup>41</sup> Ibid. 21336.

Collier firmly believed that increasing Indian land base was at the core of any program designed to help the Indians. He shunned the idea of assimilating Native Americans into white society. His ideas embraced the “objective of self-sufficiency based on land . . . the Indian can become self-supporting without competing, on the one hand, with white industrial labor or, on the other hand, with white commercial agriculture.”<sup>43</sup> Embracing the concept of pluralism, Collier defined assimilation: “Assimilation, not into our culture but into modern life, and preservation and intensification of heritage are not hostile choices, excluding one another, but are interdependent through and through.”<sup>44</sup> Native Americans would become part of American society though separate from the dominant white majority, thereby preserving their tribal culture and heritage.

The IRA authorized an annual appropriation of \$2,000,000 for land purchases. Collier lamented that at that level it would require twenty years to restore 2,000,000 acres to the Native American land base. He recognized that progress in the area of land restoration would be very slow. However, over the next thirty years from 1934 to 1976 Congress appropriated just under \$6,000,000 for land purchases. \$4,000,000 of that amount was appropriated in the first five years of the IRA. After 1951, requests for land purchases ceased. With the funds

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<sup>42</sup> Act of June 26, 1936, 49 Stat. 196.

<sup>43</sup> Theodore W. Taylor, *Report on Purchase of Indian Land and Acres of Indian Land in Trust 1934-1975*, (Washington: American Indian Policy Review Commission, 1976), 22.

<sup>44</sup> Collier, *From Every Zenith*, 216.

appropriated nationwide, 595,157 acres were actually acquired nationwide by 1976.<sup>45</sup>

With respect to Oklahoma, under the IRA/OIWA tribal land bases increased by less than 36,000 acres at a cost of just over \$510,000. Most of this added between 1935 and 1946 lay on the eastern side of Oklahoma. Evenly distributed among the Five Tribes, 30,703 acres were suitable only for grazing, not agriculture.. No additional land purchases took place in Oklahoma after 1946.<sup>46</sup> The inability of the Collier administration to increase significantly the land base of Oklahoma tribes was one factor, limiting the success of other objectives of the OIWA as well, since so much of the act revolved around land.

However, issues other than the lack of sufficient appropriations would also influence the success of agriculturally based programs of the IRA/OIWA. As mentioned above, requests from Native Americans for land purchases decreased significantly during the late 1930s and 1940s. Some attribute this drop to a transformation in Oklahoma agriculture during the 1940s. Angie Debo claimed, “Mechanization and large scale operations have displaced the small farmer, both Indian and white. . . .Since about 1940, it has become impossible to rehabilitate and Indian family starting with nothing. This is a circumstance beyond the control of the Indian service.”<sup>47</sup> Like the rest of the nation, mechanization and technology transformed Oklahoma agriculture. This allowed for increased production while at

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<sup>45</sup> Ibid. 5.

<sup>46</sup> Ibid. 53.

<sup>47</sup> Angie Debo, *What Oklahoma Indians Need*, p. 5, unpublished paper, 1950, (Stillwater: Oklahoma State University, Angie Debo Collection), Box 22.

the same time reducing production costs. Increasingly agricultural operations grew in acreage. Farming became more capital intensive. These changes sounded the death knell for many small Oklahoma farmers, both white and Indian. During this period, many Oklahoma Indians moved from subsistence agriculture to unskilled wage labor, leaving rural areas for nearby towns or urban areas throughout the state. During the war years, many Oklahoma Indians moved to areas throughout the West and worked for defense contractors. The relocation program of the post war years also created an emigration of hundreds of Oklahoma Indians from continually depressed remote agricultural areas to urban areas such as Oklahoma City, Tulsa, Muskogee, Lawton. This migration even extended to cities such as Denver, Chicago, Dallas, Phoenix, or Los Angeles. With the advantage of hindsight, scholars, such as Alison Bernstein and Angie Debo questioned the efficacy of land acquisition as a major plank in the Indian New Deal.

During the first half of the twentieth century, the United States transformed rapidly from an agricultural and rural orientation to an urbanized industrial society. In many ways, land acquisition for agricultural pursuits seemed to move Indians in the opposite direction from the flow of American society, thereby guaranteeing a continued dependence on governmental assistance as they struggled with subsistence agriculture. Alison Bernstein argued “Indian land could not provide a basis for economic survival for most tribes. . . .[due to] overexploitation of soil, range, and timber. A majority of Indians lacked the capital to acquire the seed, fertilizer, equipment, and livestock needed to revitalize their land-based

economy.”<sup>48</sup> This described the situation of many Oklahoma Indians during this time. A small minority of Oklahoma Indians tenaciously held on to allotments were often isolated on their small eighty to one hundred and sixty acre plots while surrounded by white neighbors. As Angie Debo corroborated, many full blood members of the Five Tribes lived a hand to mouth existence often squatting on inaccessible plots in the hill country of eastern Oklahoma, with little desire to change. Many intentionally chose that lifestyle in order to remove themselves from contact with whites and maintain their cultural heritage.

Reinstating tribal governments utilizing constitutionalism was certainly a central feature of the IRA/OIWA. Tribal organization has proven the most lasting, influential, and sometimes the most controversial aspect of the IRA/OIWA. The architects of the IRA and the OIWA considered tribal organization second in importance only to resolving the Indian land issue. John Collier considered the philosophy underscoring Indian self-rule as “consonant with American realities and American values and ideals.”<sup>49</sup> As discussed earlier, dissolution of Oklahoma tribal governments began in 1892 with passage of the Curtis Act and was completed by 1907 with Oklahoma statehood. The OIWA helped Oklahoma tribal groups to reverse that situation, by reinstating tribal governments and utilizing constitutionalism. It was a central feature of the IRA/OIWA. Oklahoma reinstated tribal government, albeit in a different manner than before.

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<sup>48</sup> Alison R. Bernstein, *American Indians and World War II*, 15.

<sup>49</sup> William H. Kelly, *Indian Affairs and the Indian Reorganization Act The Twenty Year Record*, (Tucson: University of Arizona, 1954), 2.



The Thomas-Rogers Act devoted only a short paragraph to reorganization. It simply stated, “Any recognized tribe or band of Indians residing in Oklahoma shall have the right to organize for its common welfare and adopt a constitution and bylaws,” subject to approval by the Secretary of the Interior.<sup>50</sup> Unlike the IRA, the OIWA allowed tribes to incorporate as a recognized corporate body, with approval by “a majority vote of the adult members of the organization voting.”<sup>51</sup> Finally, only organized tribes were allowed to participate in the revolving credit fund.

Reestablishment of tribal government is somewhat of a misnomer. Though believed to have been formally dissolved in the years before statehood, tribal governments continued to function albeit in reduced scope and often from the shadows. Angie Debo argued with the dissolution of tribal governments, “it was apparent from the beginning that there was certain unfinished business requiring the signature of tribal officers. . . . [involving] the disposal of tribal lands, representing various lingering tribal interests, and [a] liaison relationship” with the federal government.<sup>52</sup> By the time tribal organization became possible under the IRA/OIWA in the latter 1930s most Oklahoma tribes maintained some form of a functioning government. The Cherokee, Choctaw, Seminole, and Creek nations had a principal chief while the Chickasaw had a governor appointed by the President. Most tribes maintained some form of a tribal council or business committee. In 1909, the Creek principal chief under direction from local bureau

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<sup>50</sup> Act of June 26, 1936, 49 Stat. 196.

<sup>51</sup> Ibid.

<sup>52</sup> Angie Debo, “Present Tribal Organization,” unpublished, nd, 25, contained in the Angie Debo Collection, Oklahoma State University, Stillwater, OK, Box 25.

officials failed to call the legislative Creek council into session. Disgruntled council members and other tribal leaders “met in a rump session, which they termed the “Creek Convention.” The “Creeks refused to abandon their tribal government and political life.”<sup>53</sup> They continued to meet regularly until 1934 when Commissioner Collier allowed them to hold elections, resulting in the election of Roly Cannard as principal chief. He was subsequently appointed by the president which gave “legal sanction” to his election by the Creek people.<sup>54</sup> The incubating idea of majority rule challenged the traditional idea of consensus decision-making within some tribal groups. The IRA/OIWA did not establish or reestablish tribal governments among Oklahoma Indians. This important legislation provided self-determination a significant step in the evolutionary process already underway.

Tribal organization under the IRA/OIWA required of two procedures. First, a tribal constitution was written and ratified. After the tribal constitution was in place, the tribe then issued a charter of incorporation. The terms, constitution, and charter warrant definition. A constitution represented a written instrument through which sovereign power is distributed and the powers and duties of the government within a polity are determined. A charter is a written instrument creating and defining the right of the tribal government to exist and exercise the powers of a corporation. A charter establishes the rights and responsibilities of a corporation in its dealings with the outside world.<sup>55</sup> Under the OIWA, an Oklahoma tribe could

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<sup>53</sup> “Harjo v. Kleppe,” in *420 Federal Supplement*, (St. Paul: West Publishing Co., 1977), 1133.

<sup>54</sup> *Ibid.* 1135-1136.

<sup>55</sup> *Webster's New Collegiate Dictionary*, rev. ed. (1974), s.v. “charter” and “constitution.”

“organize for its common welfare and to adopt a constitution and bylaws, under such rules and regulations *as the Secretary of the Interior may prescribe.*”<sup>56</sup> The Secretary also issued the charter for incorporation, which placed the corporation under the laws of the state of Oklahoma and allowed the tribe to participate in the revolving credit fund established under the OIWA. A major criticism by many tribal groups referenced the required approval of the Secretary of the Interior for the establishment of tribal constitutions. The American Indian Policy Review Commission argued this requirement “exemplifies the paternalism and lack of trust” in a bureau controlled relationship “which will not recognize the fact that Indian nations are capable of governing themselves.”<sup>57</sup> While the idea of tribal groups organizing for home or self-rule represented a major change in direction for federal Indian policy, the paternalistic attitude on the part of the federal government continued.

The majority of Oklahoma tribal groups did not organize under the IRA/OIWA. Eighteen Oklahoma tribes, mostly from the western part of the state, accounting for 13,241 members organized under the IRA/OIWA. Of that group, thirteen also established charters of incorporation. None of the Five Tribes boasting the bulk of Oklahoma’s Indian population organized under the IRA/OIWA. Angie Debo explained this rejection. Of all tribal groups in Oklahoma; the Five Tribes were “subjected to large scale exploitation that disrupted their economic and cultural life and drove many back into the hills and

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<sup>56</sup> Act of June 26, 1936, 49 Stat. 196. Italics added for emphasis.

timber.”<sup>58</sup> These groups eschewed white society and its institutions. Three Creek towns and the Keetoowah band of the Cherokee, comprising a total population of only 1248, were the only exceptions.<sup>59</sup> Historian Kenneth Philp observed, ‘The Oklahoma Indian Welfare Act did not receive a very favorable reception from the more than 100,000 Indians in Oklahoma.’<sup>60</sup> With an estimated Indian population in Oklahoma in 1940 of 120,000, just a little over ten percent were members of organized tribal units. What accounts for the limited involvement by Oklahoma tribal units in this aspect of the IRA/OIWA?

Loretta Fowler, a critic of New Deal constitutions, focused on the evolution of tribal government before, during, and after the enactment of the IRA/OIWA, and she has been critical of Indian New Deal constitutions. She argued, “Generally these constitutions were written by [BIA] personnel with little interest in or sympathy for tribal perspectives on political and legal relations. Constitutions and by-laws that suited the Bureau were imposed on the tribes.”<sup>61</sup> Fowler believed local political traditions were not considered to any real degree when IRA/OIWA constitutions were formulated. However, records show that at least in two

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<sup>57</sup> American Indian Policy Review Commission, “Report on Tribal Government,” (Washington, D.C., 1977), 336.

<sup>58</sup> Angie Debo, “What Oklahoma Indians Need,” 34.

<sup>59</sup> Theodore Haas, *Ten Years of Tribal Government under IRA* (Washington, D.C.: U.S. Indian Service, 1947), 28. This study, one of a small handful, compiled to explore the impact of the IRA, continues to be a widely cited document by scholars exploring the Indian New Deal. Haas’s work is an objective statistical study examining the involvement of tribal governments under the IRA, and the OIWA as well. However, it presents only an antiseptic picture. Haas presents the forest, but not the trees.

<sup>60</sup> Kenneth R. Philp, “Oklahoma Indian Reform in Crisis: John Collier & the Thomas-Rogers Act.” in *Hard Times in Oklahoma* (Oklahoma City, Oklahoma Historical Society, 1983), 163

instances in Oklahoma, local traditions of tribal groups were considered and exerted tremendous influence on the organization process.

In the spring of 1937 as the McIntosh County Indian Credit Association was being organized, Bureau officials discovered that “old Tribal Towns of the Creek Confederacy were still in existence, [causing] considerable consternation within the Oklahoma branch of the Indian service.”<sup>62</sup> “The talk of ancient social units and customs disturbed them [the Bureau].”<sup>63</sup> A “town” was not a tribe or a band as specified as a basis for organization under the OIWA. However, after much study and legal wrangling, the solicitor of the Department of the Interior decided that a Creek town would “constitute a recognized band.”<sup>64</sup> This bridged a hurdle and allowed Creek towns to organize under the IRA/OIWA. Eventually three Creek towns adopted constitutions and charters of incorporation under the OIWA. It is worth noting that one of these towns, the Kowasati Tribal Town, preserved in its constitution “some of the traditional Creek customs . . . such as hereditary town offices and matrilineal membership and modes of adoption.”<sup>65</sup> Along with the Keetoowah, they remain the only tribal groups of the Five Tribes to organize under the OIWA. These customized constitutions fly in the face of premises by scholars such as Loretta Fowler and Kenneth Philp that IRA/OIWA constitutions were cookie cutter in nature and forced on tribal groups by the BIA.

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<sup>61</sup> Loretta Fowler, “Local-level Politics and the Struggle for Self-government,” In *The Struggle for Political Autonomy: Papers and Comments from the Second Newberry Library Conference on Themes in American Indian History*, (Chicago: Newberry Library, 1989), 130.

<sup>62</sup> Morris E. Opler, “The Creek Indians Towns of Oklahoma in 1937,” In *Papers in Anthropology*. ed. Harold N. Ottaway (Norman: University of Oklahoma, 1972), 6.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., 96.

In his study, Opler implies that other Creek towns could possibly have been organized under the OIWA had experts such as Felix Cohen remained in the field to resolve unique and often complex situations preventing groups such as the Creek towns to organize. Instead, regular Bureau employees shunned situations, feeling “that more than one approach to the problem of organization was just a burden and a harassment.”<sup>66</sup>

The Keetoowah or UKB maintained a history as a faction in the Cherokee tribe dating back hundreds of years. At various times, factions within the Cherokee such as the Nighthawks and the Seven Clan Society claimed affiliation with the Keetoowah Society. In September of 1905, the Keetoowah formed a political entity known as the Keetoowah Society, Inc. During the debate promoting passage of the Wheeler-Howard Bill in March of 1934, the Keetoowah supported passage while the Cherokee tribe had opposed the bill. Ironically, the Keetoowah were denied the ability to organize under the IRA/OIWA in 1937. Subsequently, it was discovered that while the Five Tribes Act of 1906 dissolved the governments of the Five Tribes, the Keetoowah Society was not specifically mentioned, a congressional oversight. This oversight created a legal gray area which took a decade for federal courts to resolve. In August of 1946, congress passed a measure both recognizing and allowing the Keetoowah to organize under the IRA/OIWA. In October of 1950, the United Keetoowah Band of the Cherokee Indians of

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<sup>65</sup> Ibid., 7.

<sup>66</sup> Ibid., 8.

Oklahoma (UKB) formally organized under the OIWA as its constitution was ratified by the members.<sup>67</sup>

Scholars attributed a wide variety of factors for the limited involvement by Oklahoma Indians in the tribal organization aspects of the IRA/OIWA. James Olson and Raymond Wilson believed an important factor John Collier underestimated was the “diversity” and “intensity” of factionalism among many Oklahoma tribal groups.<sup>68</sup> Olson, Wilson, and others contended that Collier’s experience with the Navajos and Pueblos during the 1920s provided him a context, one of fairly harmonious and close knit tribal relations. They argued Collier may have applied that model to all tribal groups as well. Oklahoma tribal groups often did not fit that model, many being rife with factionalism. A case in point involved the Sac and Fox tribe, which is representative of the same controversies found within other tribes as well. The issue involved a battle for control of the business committee by factions within the tribe. A river running through Sac and Fox land divided the tribe into northern and southern groups. There were also progressive and traditional elements in the tribe that were often at odds with each other. A tribal member, Manda Starr, wrote to Superintendent Perkins referencing an 1846 treaty whereby, “the half breed members . . . promised not to meddle in [tribal] affairs,” and “to sit back and let the full blood[s] handle [tribal affairs].”<sup>69</sup> These

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<sup>67</sup> Allogan Slagle, *Burning Phoenix*. (New York: UKB, 1993), 3-13.

<sup>68</sup> James Olson and Raymond Wilson, *Native Americans in the Twentieth Century*, (Urbana: University of Illinois Press, 1986), 122.

<sup>69</sup> Manda Starr to F.E. Perkins, 30 August 1937, Shawnee Agency, Entry 44, Box 1, Record Group 75, National Archives and Records Administration—Southwest Region, (Ft. Worth,).

divisions sometimes created what seemed like havoc within tribal council and business committee meetings.

F.E. Perkins, agency superintendent, reported one meeting “ended in pandemonium and chaos.”<sup>70</sup> The tribal business committee headed by a forceful and domineering chairman, Frank O. Jones often compounded the situation. Jones was often accused of strong-arm tactics and of controlling elections for the business committee. Through the business committee, Jones had dominated Sac and Fox tribal affairs for several years. He viewed the possibility of the tribe organizing under the OIWA as a severe threat to his power and position. Jones fought doggedly but lost the battle when the Sac and Fox adopted a tribal constitution in December of 1937. Kenneth Philp proposed the IRA/OIWA “frequently intensified existing factionalism. Tribal constitutions led to bitter disputes over who would control newly established tribal governments.”<sup>71</sup>

For many in tribal groups, especially the more traditional full bloods, organization proposed by the OIWA seemed alien. Often the traditional practices of tribal governments differed radically from those which accompanied IRA/OIWA organization. The concept of using consensus characterized the tribal heritage of many groups in reaching decisions. Respected and considered in a lengthy process that to a decision unanimously supported. Under the IRA/OIWA, voting and majority rule replaced the process of reaching consensus. Introduction to

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<sup>70</sup> F.E. Perkins to John Collier, 2 September 1936, Shawnee Agency; Entry 44, Box 1; Record Group 75; National Archives and Records Administration--Southwest Region, (Ft. Worth).

<sup>71</sup> Kenneth R. Philp, “Termination: A Legacy of the Indian New Deal,” *Western Historical Quarterly* 14 (April 1983), 172-173.



“elections, rules of parliamentary procedure, constitutions, and other features of Western political tradition,” forced tribal groups “to undertake a major reorganization of their social, cultural, and political relations.”<sup>72</sup> White forms of government forced upon the Indians caused many to feel little consideration for their indigenous political heritage. Tribal governments under the IRA/OIWA “appealed primarily to younger and more educated Indians, while others felt the IRA/OIWA “superimposed white political structures on tribal structures,” which tended to “disrupt traditional decision-making patterns.”<sup>73</sup> Progressive groups within a tribe found it much easier than traditionalists to adjust to the new governments formed under the IRA/OIWA and consequently often dominated them.

Carter Blue Clark argued that some Oklahoma Indians scorned reorganization under the IRA/OIWA because they felt too much direction and control from the federal government in this process. According to Clark, during the 1930s the Bureau imposed tribal constitutions and “arbitrarily set up tribal councils.”<sup>74</sup> Clark believed the 1930s unveiled “an intensification of federal manipulation of tribal authority.”<sup>75</sup> He specifically pointed out that “The federal government appointed the principal chief of the Five Tribes until 1969, and in effect, appointed the entire tribal government, since the principal chief also

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<sup>72</sup> Duane Champagne, “American Indian Values and the Institutionalization of IRA Governments,” In *American Indian Policy and Cultural Values: Conflict and Accommodation*, ed. Jennie R. Joe, (Los Angeles: American Indian Studies Center, 1986), 25.

<sup>73</sup> Bernstein, *American Indians and WWII*, 8.

<sup>74</sup> Carter Blue Clark, “How Bad It Really Was Before World War II: Sovereignty,” *Oklahoma City University Law Review* 23 (Fall, 1998), 187.

<sup>75</sup> *Ibid.*

appointed the tribal legislature.”<sup>76</sup> Loretta Fowler concurred with Clark: “Constitutions and by-laws that suited the Bureau were imposed on the tribes.”<sup>77</sup> Duane Champagne questioned the legitimacy accorded some tribal governments by members claiming “many reservation Indians have not internalized the primacy of political commitments to centralized IRA governments over other political and cultural allegiances.”<sup>78</sup> This situation was noticeable among traditionalists who feared for their political voice in tribal affairs as progressives came to dominate the councils of governments organized under the IRA/OIWA. Kenneth Philp pointed out that many Indians did not support the IRA/OIWA because “it simply did not go far enough in the direction of self-rule.”<sup>79</sup> Many felt too much power over tribal affairs was left in the hands of the Secretary of the Interior with “all important tribal council decisions” being subject to “administrative review by the secretary.”<sup>80</sup> This issue would be at the heart of the struggle for self-determination during the latter half of the twentieth century.

The ability for groups to organize tribal governments under the IRA/OIWA marks a major shift in Indian policy for Oklahoma Indians. When tribal governments were dissolved at the turn of the century, Oklahoma Indians lost the right to govern themselves. Shadow governments did continue to operate within a number of tribal groups, but their effectiveness was severely limited. A generation

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<sup>76</sup> Ibid., 182.

<sup>77</sup> Fowler, “Local-Level Politics and the Struggle for Self-government,” 130.

<sup>78</sup> Champagne, “American Indian Values and the Institutionalization of IRA Governments,” 28.

<sup>79</sup> Philp, “Termination: A Legacy of the Indian New Deal,” 172.

<sup>80</sup> Ibid.

passed before the right of self-government was restored. The Bureau actively encouraged tribal groups to organize, a complete about face in Indian policy. By the 1930s, this forced a generation of tribal members only vaguely familiar with tribal governments onto center stage. The new tribal governments replaced Indian political concepts such as consensus rule with non-Indian ideas such as voting, and majority rule causing uncertainty on the part of Native Americans. This situation coupled with other factors such as distrust of the federal government, the impact of the depression and drought on Oklahoma Indians, the complex path required for organization, and the ongoing paternalistic attitudes of governmental officials contributed to low participation by Oklahoma Indians in the organization programs under the IRA/OIWA. However, tribal groups, whether organized or not, were nudged in the direction toward more effective tribal governments in order to deal effectively with the challenges and opportunities of the new age ushered in by WWII.

A second major tenant of the OIWA was to furnish credit for Oklahoma Indians. Funding would allow Oklahoma Indians to embark on the road towards self-sufficiency with financing for various agricultural operations and expansion, both individual and tribal. However, funds to administer the OIWA were not available until late August of 1937, over a year after its enactment in June of 1936. The bill passed Congress at the end of the fiscal year and after appropriations had been approved by Congress for the coming 1936 fiscal year. John Collier explained, “We didn’t get our first dollar until the 21<sup>st</sup> of August

[1937] . . . . We didn't have money to even print forms.”<sup>81</sup> Again, limited funding prove to be an ongoing factor, analogous to rationing of a limited food or fuel supply

Collier mentioned that while waiting for appropriations, the BIA streamlined loan application forms from fourteen to four pages and established procedures for local approval for individual loans rather than by the Secretary of the Interior's office in Washington. Thomas W. Hunter, a county judge and a Choctaw from Hugo, presented a tribal resolution supporting the OIWA but decried the lack of funding to establish functioning credit associations. Hunter stated, “I have talked with a number [credit associations] in eastern Oklahoma. I found them without expenses to operate “in order to work the plan [OIWA] out . . . we must have operating expenses to do it with.”<sup>82</sup> Rolly Canard, a Creek chief stated, “I feel that we [the Creeks] are a forgotten people. . . . It has been 16 months since this act [OIWA] was legislated, and [no] . . . actions have ever been presented to us.”<sup>83</sup> Charles Grounds, a Seminole expressed the frustration of many Oklahoma Indians when he said, “When you have a drought, clouds will come together. They will darken up. You will hear a lot of thunder. You will see a lot of lighting, but no rain. What we want is some rain.”<sup>84</sup>

Under the IRA/OIWA, there were four methods available to extend credit to Oklahoma Indians. They were direct loans to individuals, organized tribes or

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<sup>81</sup> Ibid., Congress, Senate, Subcommittee of the Committee on Indian Affairs, *Survey of the Conditions of Indians in the United States*, 76<sup>th</sup> Cong., 1<sup>st</sup> sess., Washington, D.C., 1940), 21338.

<sup>82</sup> Ibid., 21345.

<sup>83</sup> Ibid., 21353.

bands, cooperatives, or Indian credit associations. The BIA decided credit associations were the preferred method.<sup>85</sup> Section four of the OIWA authorized Indian credit associations. Simply stated, ten or more Indians, as determined by tribal rolls, could petition the Interior Department for a charter as a local cooperative association formed for the purposes of credit administration. An extensive and often time-consuming application procedure monitored and approved by the BIA was followed. By 1938, there were 24 Indian credit associations operating across Oklahoma.

With congressional appropriations providing only a fraction of the amounts authorized by the IRA/OIWA, the bureau focused on insuring that the limited available credit be directed to where it could do the most good. An administrative bulletin from the Oklahoma credit office counseled field personnel that “credit funds should go largely to those Indians who do not have other sources of credit open to them.” Blood quantum was used to determine eligibility for loans. The Bureau assumed that full bloods would be more in need of assistance than mixed bloods. “We feel that Indians with a greater degree of Indian blood should be favored over those of a lesser degree.”<sup>86</sup> In establishing eligibility for programs, section 19 of the Thomas-Rogers Act defined an Indian as a member of a federally recognized tribe or a descendent, “and shall include persons of one-half or more

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<sup>84</sup> Ibid., 21350.

<sup>85</sup> A.C. Monahan to John Collier, 12 January 1937, Entry 44, Box 4, Indian Credit Associations, Record Group 75, National Archives at Forth Worth, Fort Worth, TX.

<sup>86</sup> U.S. Department of the Interior, Indian Field Service, “Statement of Policy Affecting Revolving Credit Loans in Oklahoma, 31 January 1938, 1, Entry 44, Box 4, Indian Credit Associations, Record Group 75, National Archives at Forth Worth, Fort Worth, TX.

Indian blood. Lastly, the bureau strongly counseled field agents “not [to] confuse relief with credit. . . . Broadly speaking, relief clients would not be suitable credit clients [sic].”<sup>87</sup>

By late 1937, limited appropriations offered at least a partial breath of life for several Oklahoma Indian credit associations. On December 13, 1937, Senator Thomas informed the Murray County Indian Credit Association that their request for funding for \$15,000 had been approved by the bureau.<sup>88</sup> The Grady County Indian Credit Association was granted a start-up fund of \$15,000 in January of 1938.<sup>89</sup> Later, in the spring of 1938, the Oklahoma County Indian Credit Association also was approved for \$15,000.<sup>90</sup> During 1938, similar funding was also allocated for other Oklahoma Indian credit associations, such as Ponotococ, Washington, Rogers, and Grady counties, to name a few.

A. C. Monahan, a regional coordinator for the bureau sent to Commissioner Collier a report discussing “principal activities in the Indian Service in the Oklahoma-Kansas area” for the 1937-1938 fiscal year. With respect to credit activities, Monahan reported that loans totaling \$683,000 for 35 Indian credit associations had been approved. Loans to 107 individuals totaling \$56,260 had also been approved. Four economic cooperatives had been chartered and one had received a loan of \$2800. Finally four tribal corporations had received loans of

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<sup>87</sup> Ibid., 2.

<sup>88</sup> Elmer Thomas to Hazel Jack, 13 December 1937, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>89</sup> “Annual Report and Suggestions of the Activities of the Grady County Indian Credit Association, From October 22, 1937 to October 22, 1938,” by J.E. Jones, Secretary Treasurer, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

over \$63,000 under the OIWA, These tribal corporations made 31 loans to individuals totaling a little over \$15,000.<sup>91</sup>

While several Indian credit associations were able to begin operations during late 1937 and early 1938, many others were not. In January of 1938, the BIA turned down a charter request by the Creeks because “the Creek Indians held a Creek Council in Sapulpa and disapproved the Thomas-Rogers Bill.”<sup>92</sup> Compounding the situation in Wagoner County was the issue of several tribal groups living in the same county. Bureau policy allowed the establishment of Indian credit associations on a county basis. Bureau records showed the Creeks exclusively occupied Wagoner County. However, part of the Cherokee nation was located in Wagoner County as well. This created an issue with respect to the BIA’s desire to see appropriated funds for credit organizations flow through tribal organizations, but with two tribal groups in the same county, a roadblock emerged. In late August, Thomas Halfmoon wrote to Senator Thomas stating that the Washington County Credit Association, duly formed, had applied for \$25,000 six months earlier. They had heard nothing from the bureau and were “very anxious to help the needy Delawares in Washington County who are very anxious to get loans for farming and cattle raising.”<sup>93</sup>

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<sup>90</sup> *The Daily Oklahoman*, 11 May 1938, p. 17.

<sup>91</sup> A. C. Monahan to John Collier, 1 July 1938, Entry 44, Box 4, Indian Credit Associations, Record Group 75, National Archives at Fort Worth, Fort Worth, TX.

<sup>92</sup> Thompson Tucker to Elmer Thomas, 13 January 1938, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>93</sup> Thomas Halfmoon to Elmer Thomas, 17 August 1938, contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

Richard Colbert, the secretary treasurer for the Pontotoc Indian Credit Association, voiced several concerns shared by many Indian credit associations in Oklahoma. Colbert referenced a complaint by Arthur Talbert, the president of the Love County Indian Credit Association in a letter to Senator Thomas that complained of “the delay in obtaining loans through the Credit Associations set up under the Thomas-Rogers Act applicable to Oklahoma.”<sup>94</sup> Colbert placed blame squarely on the shoulders of the BIA, claiming the “technicality, and strict requirements prescribed by the Department, which the borrower must under go to qualify to obtain a loan.”<sup>95</sup>

In addition to limited funds to loan, most of the Indian credit associations in Oklahoma also suffered from the lack of funding for operating expenses. Section six of the OIWA allowed for a \$2,000,000 appropriation for loans and the expenses of administering loans. Richard Colbert spoke of the need for “a small allowance to aid the officials who are directing the business of the Indian Chartered Organizations.”<sup>96</sup> Under the OIWA, credit associations borrowed the money at one percent interest. They loaned the funds at a three percent interest rate. The two percent difference was to cover expenses of the credit association. However, because of the small volume of loans, the two percent margin for expenses often proved totally inadequate. Colbert voiced a common complaint of those who served on Indian credit associations. Many spent long hours in administering

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<sup>94</sup> Richard Colbert to Elmer Thomas, 8 July 1938 contained in the Elmer Thomas Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 10.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.



various aspects of the credit associations and received no remuneration or even money for expenses such as travel. Colbert explained “we are unable to function properly when we are forced to undergo double duty for association and our own battle for existence.”<sup>97</sup> This situation forced those Indians selected to serve and manage credit associations into the situation of doing volunteer work. Colbert believed that Congress was to blame for not “simplifying the rules and regulations” and not appropriating sufficient funding for loans and operating expenses. Unfortunately, this issue was never completely resolved.

The BIA’s farm extension service came to play an important and multi-faceted role in administering credit. As some funding became available in late 1937 and early 1938, the Bureau decided that all loan requests, regardless of their origin, “should clear through the respective district [bureau] offices.” In addition, “the farm agent should originate the loan and procure verbal approval” from the district office.<sup>98</sup> Commissioner Collier stressed the idea of decentralizing the Indian service and charging local offices and staffs with work closely with local Indian people. Collier believed “the future of the Indian under the Indian Reorganization Act and the New Deal generally, are deeply involved in the success or failure of area plan[s].”<sup>99</sup>

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<sup>97</sup> Ibid.

<sup>98</sup> F.E.Perkins, Superintendent of Five Civilized Tribes, to District Agents, Field Clerks, and Farm Agents, 22 November 1938, Entry 573, Box 1, Five Tribes Agency, Record Group 75, National Archives at Fort Worth, Ft Worth, TX.

<sup>99</sup> John Collier, “Decentralization,” *Indians at Work*, (nd), 22. This issue printed most likely in 1936 was devoted entirely the implementation of the IRA and is a valuable resource as to programs, activities, and progress of implementation efforts to that date.

Farm agents served as middlemen between Indian farmers and bureau officials. Most came from a farming background and usually possessed some college training in agriculture. They coupled their own experience and education into helping the Indians in their district. Working closely with a number of Indian farmers in their districts, they would advise them in the best use of their land, crop selection, fertilizer, livestock, equipment, canning, 4H work for Indian youth, and marketing. Agents knew the Indians in their districts and often developed a trusting relationship with them. As late as 1947, the bureau was still being counseled to utilize the extension service. Dr. Laura Thompson, a sociologist and Collier's second wife, stated in a study on the IRA, "The research indicates that the work of the various Indian Service divisions in rendering services to Indians is effective . . . at the local community level."<sup>100</sup>

Extension agents serving in the front line helped to implement the credit programs of the OIWA. Many of the Oklahoma Indians who would take advantage of credit programs were those who found other doors of credit opportunities closed to them. Angie Debo claims many Oklahoma Indians possessed "economic ineptitude, during this time period."<sup>101</sup> They had little experience with economic factors such as credit, banking, business plans, forecasting, marketing, contracts, or accounting procedures. They were often more traditional in their lifestyle and lived in remote areas. Farm agents would prove instrumental in educating, training, and

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<sup>100</sup> William H. Kelly, ed., *Indian Affairs and the Indian Reorganization Act: the Twenty Year Record*, (Tucson: University of Arizona, 1954), 33.

<sup>101</sup> Angie Debo, *Indian Assimilation*, unpublished, nd, 13, (Stillwater: Oklahoma State University, Angie Debo Collection), Box 25.

guiding Indians along the various steps of the credit cycle. One case study followed a Creek farmer over a ten year period. He progressed from renting forty acres to owing 120 acres with a tractor rather than a mule and a new solid home for his family.<sup>102</sup>

The records of three extension workers operating out of the Shawnee Indian Agency are representative of the work of other agents across the state. In December of 1937, these agents held eight meetings with 309 in attendance to explain credit loans available under the OIWA. During January of 1937, seven meetings were held to explain credit loans while two meetings were held to help organize credit associations. The report for March showed three credit associations were formed, and one meeting was held to explain tribal organization. During October of 1937, the Shawnee Indian Agency Extension Office held thirteen meetings to explain loan procedures, establish tribal organization committees, and facilitate farm planning for credit applications.<sup>103</sup>

Agents would often work with individuals and cooperatives on a long-term basis to help insure their success. The Lyons Indian Cooperative Association located near Stilwell represented one such group. This group of eight Cherokee full blood families formed a cooperative under the OIWA and received a loan for \$2800 to cover start-up operating expenses through the Adair County Indian Credit

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<sup>102</sup> Angie Debo, "What Oklahoma Indians Need," *The American Indian*, 4, (Winter 1950), 83-84.

<sup>103</sup> Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, "Monthly Report of Extension Workers," Shawnee Indian Agency, December 1936, January 1937, March 1937, and August 1937, Entry 73, Box 57, Shawnee Indian Agency, Record Group 75, National Archives at Fort Worth, Ft. Worth, TX

Association in 1938. Located in eastern Oklahoma, most Indian land was extremely hilly and had been rendered virtually useless by overgrazing and poor timbering practices by previous white lessees, leaving a thin rocky soil that quickly eroded. This Indian cooperative was guided by Herbert Kinnard, an agricultural extension agent who determined that strawberries would grow in this type of soil and terrain. Kinnard worked closely with this group for the life of the cooperative. In addition to guiding the group through the loan application procedures, Kinnard also taught the group such things as how to prepare the soil and plant the berries, “how to pick the berries, how to sort them, how to pack and even taking the Indians to market with him so as to know how to market their berries, [and] how to keep records and cost accounts.”<sup>104</sup> At the end of the first year, this cooperative was able not only to pay the loan off in full, it also distributed an average of \$600 to each of the eight member families of the cooperative, a dramatic achievement when it is considered that the average annual income of a Cherokee hill family at that time was \$54. At the same time, the average income for Indians across the United States was \$500, while for whites the average annual income was \$2,300.<sup>105</sup> This cooperative operated until 1946 when it was disbanded and the members opened their own operations.<sup>106</sup> By 1950, Kinnard estimated approximately 300 Indian families were involved in individual strawberry growing operations around Lyon,

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<sup>104</sup> Department of the Interior, Division of Extension and Industry, *Supervisor's Report*, by Ira T. Goddard. May 1941, Entry 573, Box 1, Five Civilized Tribes Agency, Record Group 75, National Archives at Fort Worth, Fort Worth, TX.

<sup>105</sup> Bernstein, *American Indians and World War II*, 15.

<sup>106</sup> Angie Debo, *The Five Civilized Tribes of Oklahoma*, (Philadelphia: Indian Rights Association, 1951), 11-12.

Oklahoma. Even with only partial funding, credit provisions of the OIWA helped promote a wide variety of agricultural undertakings by both individuals and cooperatives growing cotton, peanuts, wheat, truck gardening, raising horses, beef and dairy cattle. Angie Debo conducted the only survey dealing specifically with the impact of the OIWA on Oklahoma Indians and stated “rehabilitated families constitute only a small percentage of the needy population.”<sup>107</sup>

There were a number of issues that would continue to plague the Indian credit program well into the mid-1950s when the Bureau disbanded last Indian credit associations in Oklahoma. The ongoing problem of limited congressional appropriations for funding and the small percentage of Oklahoma Indians who possessed land remained paramount. The lack of familiarity and experience on the part of many Indians with respect to loan and commercial activities, seemingly endless delays in application and bureau paperwork and reporting processes, remote location, and the need to resolve immediate issues of food and proper shelter, relief measures, were perhaps the most common concerns of many Oklahoma Indians.

However, other issues contributed to the problem. James Kahdot, chief of the Citizen Band of Pottawatomí Indians, expressed the problem of favoritism on the part of members of the business committee. Kahdot complained “this Indian Loan Business will never amount to anything with the present setup as those that are not popular with these People [the business committee] can’t get no [sic]

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<sup>107</sup> Angie Debo, “What Oklahoma Indians Need,” 87.

benefits.”<sup>108</sup> Albert Attocknie, Chairman of the Kiowa-Comanche-Apache Council, discussed at length in a letter to the Commissioner, the factionalism between two tribal groups: “Group No. 1,” who might be referred to as the progressives and “Group No. 2,” which Attocknie claimed to represent, or the traditionals. He claimed, “The Credit Associations have made almost no loans to the Group No. 2 Indians because of their incompetency and age, when thousands of dollars of federal funds have been . . . loaned through credit associations almost entirely to the Indians of Group No. 1.”<sup>109</sup> This gulf between traditionals and progressives is evident in all programs of the IRA/OIWA.

In the western half of the state, the old Oklahoma Territory, the loan programs under the OIWA were not as popular. There was much less credit activity in the west with the plains tribes than in the east with the five tribes. Several credit associations were dissolved in the late 1930s or early 1940s due to lack of demand for their services. The Bureau dissolved the North Canadian Indian Credit Association in 1942. In 1945, the Southern Sac and Fox Indian Credit Association were dissolved. During its eight-year life, it had been approved initially for a loan fund of \$10,000, but had loaned only little over \$4,800.

In 1956, Angie Debo interviewed Edward F. Ellison who served over twenty years as a land management supervisor with the bureau at both the Anadarko and Concho agencies. Ellison offered interesting insights in explaining

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<sup>108</sup> James Kahdot to Elmer Thomas, 23 February 1939, Entry 44, Box 4, Indian Credit Associations, Record Group 75, National Archives at Fort Worth, Fort Worth, TX.

differences between eastern and western Oklahoma Indians. Many of the tribal groups located in the western half of Oklahoma had been moved there from the Great Plains. Often they had little if any agricultural heritage. Also, compounding the situation, Ellison claimed, was the transformation that took place in farming in western Oklahoma between 1934 and 1940. During this time, farming became increasingly mechanized. At the same time, prices on agricultural commodities, in particular wheat, dropped, while the cost of living went up. Agriculture in western Oklahoma responded to this situation by producing more. Indian farms and ranches based on eighty and 120 acre allotments of 1934 gave way to the 160-acre plus farm of the 1940s. Ellison claims, “The Indian people did not have the management ability to cope with the situation.”<sup>110</sup> Many would leave farming for wage labor and as WWII approached, many would find work outside Oklahoma in various defense related industries located throughout the American West. The declining numbers of western Oklahoma Indians involved in agricultural would continue into the 1950s. Ellison claimed in 1950 there were 648 Cheyenne and Arapaho directly involved in farming. By 1956, that number had declined to “not more than 40.”<sup>111</sup> During the 1950s, the price of agriculture land in Oklahoma increased, which served as an incentive for many Indians to sell their land holdings and move either to town or from the area.

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<sup>109</sup> Albert Attocknie and Felix Kowano to Commissioner of Indian Affairs, 9 May 1949, contained in the Toby Morris Collection, Carl Albert Center, University of Oklahoma, Norman, OK, Box 9.

<sup>110</sup> Angie Debo, *Lowdown on credit—Western area*, unpublished notes, 30 June 1956, (Stillwater: Oklahoma State University, Angie Debo Collection), Box 22.

<sup>111</sup> Ibid.

A shortage of extension farm agents was also a factor in inhibiting credit activities. For example, just five agents staffed the area of the Five Tribes. In a letter to Oklahoma Congressmen, Jed Johnson, Commissioner Collier stated, “The main reason for the slowness of credit activities in Grady County is that the farm agent has seven other counties to cover.”<sup>112</sup> Farm extension agents, a critical link in the Indian credit process, would remain in short supply. As the nation drew closer to war in the late 1930s, appropriations to a number of programs such as farm extension programs were slashed and that funding was channeled into defense appropriations. In the early 1950s, the responsibilities of farm extension agents would be transferred from federal to state responsibility. This action severed the valuable local link between the Bureau and many Indian farmers. The extension of credit to Oklahoma Indians for agricultural undertakings affected only a small percentage of the Indian population. Statistics show that in the Five Tribes area, between the 1937 and 1950, 2358 loans “. . . had been made in the amount of \$1,632,191.89 to 1,566 families,” out of an estimated 13,825 families or just a little over ten percent.<sup>113</sup> Out of these 13,825 families, seventy percent depended in part on agricultural income this seventy percent could not obtain adequate financing through regular commercial institutions other than revolving credit under the IRA/OIWA.<sup>114</sup> It must be remembered that by 1933, the vast majority of

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<sup>112</sup> John Collier to Jed Johnson, 16 May 1939, Five Tribes Agency, Entry 573, Box 2, Record Group 75, National Archives at Fort Worth, Fort Worth, TX.

<sup>113</sup> Department of the Interior, *Extension and Credit*, (Muskogee, OK, Five Tribes Agency, 1988), 42-43. contained in the Angie Debo Collection, Oklahoma State University, Stillwater, OK, Box 25.

<sup>114</sup> *Ibid.*



Oklahoma Indians were landless. Credit was available only to individuals or groups of Indians who either still possessed their allotments or held clear title to land holdings. Relaying success stories can be dramatic, but those stories pale in light of the small minority of Oklahoma Indians who benefited from these credit measures. Oklahoma Indians lost 90 percent of tribal land holdings between the 1890s and 1933, or approximately thirteen and one half million acres. The land purchase program under the OIWA failed to place significant amounts of land back into tribal holdings because of limited appropriations. As previously discussed, only 36,000 acres were purchased and added to tribal land bases under the OIWA. The inability of the IRA/OIWA to increase significantly Indian land base coupled with the overall transformation of Oklahoma farming to mechanization and larger operations helped to close the door of opportunity for many Indian farmers.

Much of the thinking underscoring the IRA/OIWA was based on the premise that agriculture would serve as the economic base for Oklahoma Indians. This thinking seemed flawed from the beginning. Coupled with the need for land was also the need for credit to finance agricultural undertakings. Once again, limited congressional appropriations failed to provide the necessary capital needed to enhance Indian agriculture in Oklahoma. While some Oklahoma Indians benefited from emphasis on farming, they constituted a dwindling minority. The vast majority of Oklahoma Indians were landless and the IRA/OIWA did little to change that situation. From the political standpoint, few Oklahoma tribal groups organized under the IRA/OIWA. None of the Five Tribes adopted IRA/OIWA

constitutions. However, the influence of the IRA/OIWA in this area helped to foster awareness on the part of many Oklahoma Indians that tribal governmental organization provided the means whereby tribal groups could face the many challenges confronting them, promote the well being of their members, and protect their cultural heritage as they entered the post WWII age.

## Conclusion

In analyzing historical events, there often appears a tendency on the part of many to utilize a simple binary standard in determining success or failure. This tendency seems to hold true for scholarly focusing on the Oklahoma Indian Welfare Act. Some, such as Elmer Thomas and John Collier, hoped the OIWA would prove a panacea for the problems facing Oklahoma Indians. Others, such as Joseph Bruner, believed the act set back the cause of Indian reform and also that of Oklahoma Indians. Historians who have studied the IRA and the OIWA seem divided as well. This dissertation concludes the truth lies somewhere in the middle, in the gray area between success and failure. The OIWA can be credited with a positive impact on Oklahoma Indians in some areas, but at the same time falling short of intended objectives in others.

In evaluating the impact of the OIWA, statistics paint a picture of limited success. A miserly 36,000 acres were added to the Oklahoma tribal land base. Most of that land was determined marginal for agriculture purposes. Only a little over ten percent of eligible Oklahoma Indians took advantage of OIWA loan programs. Finally, only eighteen Oklahoma tribes organized under the OIWA, with just thirteen of that group incorporating for tribal economic growth. These tribal groups represented only about ten per cent of the Indian population in Oklahoma. Outside of three Creek

towns and the Keetoowah, none of the Five Tribes, representing the majority of Indian population in Oklahoma, organized under the OIWA. These statistics seem to point to indifference on the part of Oklahoma Indians, leaving a mediocre legacy for the OIWA.

Compounding a discussion of the legacy of the OIWA are factors often difficult to measure or categorize. However, these “intangibles” must be included in any evaluation. This dissertation examines key ingredients, which flavor the story of the Oklahoma Indian Welfare Act. While there may be other influencing factors, the following includes major elements. They include John Collier, an emphasis on Indian land and agriculture, changing demographics, factionalism, a hostile Congress, white interests, the failure to economically revitalize tribes, and ideological battles.

John Collier remains the towering figure still looming over the Indian New Deal. Collier led the charge for drastic reform in federal Indian policy. As Commissioner of Indian Affairs, Collier remained at the fore front through the legislative enactment and implementation phases of both the IRA and the OIWA. The IRA/OIWA was a concerted effort by John Collier to employ progressive principles of social engineering to answer Indian needs. Collier referred to his objectives and policies during the first several years of the New Deal as a “laboratory of ethnic affairs.”<sup>1</sup> Accepting the concept of cultural pluralism, believed the continued existence of American Indians depended on the organization and

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<sup>1</sup> Collier, *From Every Zenith*, 224.

incorporation of tribal groups to insure political and economic survival. Collier proved a controversial figure in Roosevelt's New Deal. He spent much of his time struggling to implement his proposals often against a Congress and bureaucracy steeped in assimilation and vehemently opposed to his "radical" approach to Indian affairs. Congressional opposition fostered by an alliance between conservative Democrats and Republicans led to his stepping down as Commissioner of Indian Affairs. After his resignation in 1945, Collier almost singlehandedly dictated the record of the Indian New Deal, which remained unquestioned for almost a quarter of a century.

The ideas manifested in both the IRA and the OIWA percolated in the minds of John Collier and other reformers during most of the 1920s and the early 1930s. As discussed, Collier claimed that during the 1920s, he formulated the major planks of the Indian New Deal, which ended allotment, provided for tribal organizations, economic development, and cultural preservation. The initial Indian Reorganization bill was conceived and birthed within the walls of the Department of the Interior in the offices of administrators and reformers such as Secretary Ickes, Commissioner Collier, and solicitors Nathan Margold, and Felix Cohen. This proposal introduced in Congress as the Wheeler-Howard Bill in early 1933 underwent a substantial makeover as provisions were introduced, debated, amended, or dropped. The clash between Collier and legislators such as

Senators Thomas and Burton K. Wheeler and Representative Wesley Disney resulted in a shortened proposal with a much narrower focus than the original forty-eight page omnibus bill. As the bill worked its way through the legislative process, ten Indian congresses were held across the country, including five in Oklahoma. Tribal groups were invited and thousands of Indians attended. The proposed bill was explained to the Indian attendees, discussed, questions answered and recommendations noted, all in a tightly orchestrated format.

Indians exercised a voice, during the legislative process, however it was questionable the degree to which that voice was audible. These congresses were designed to garner support of Indians for a proposal already formulated by white administrators and legislators; they allowed little opportunity for substantive input from Indians. It is clear from the minutes of these meetings as well as House and Senate committee hearings held during the legislative process that other factors seemed to also muffle Indian voice. They included a paternal attitude edged with racial undertones on the part of white legislators, the lack of Indian experience in promoting their interests within the white political realm, and the focus by many Oklahoma Indians on quick fixes to alleviate dire economic situation, rather than long-term changes in the course of Indian policy. This same formula would be repeated later with five congresses held for Oklahoma Indians just prior to introduction of the Thomas-Rogers Bill in early 1935.

As demonstrated in this study, Indian focus remained at the tribal level. Creeks spoke for Creeks, Kiowas for Kiowas. Lacking at this time was any meaningful attempt on the part of Oklahoma Indians to organize an intra tribal voice or pan Indian response to federal legislators and administrators. The idea that Indians could reach across tribal lines and work together to achieve common interests was in its infancy during this time period. The influential National Congress of American Indians or NCAI did not organize until 1944. There were of course organizations such as the Indian Association of Oklahoma and the American Indian Federation, but at this time these organizations had not evolved to the level of sophistication where they had honed either operating skills or the trust of Indians to be considered as a means to produce effective results.

The IRA/OIWA allows for individual as well as tribal participation. Additionally, and unlike previous Indian policy, participation in the OIWA's tribal organization and economic programs was not mandatory, both individual Indians and tribes could elect to participate or not. These differentiations are important. They cracked open a door for Indian participation and input into the formulation and implementation of federal Indian policy and programs. This door would be pushed open further in the following decades and culminate in the self determination movement of the late 1960s and 1970s. Oklahoma Indians, as previously mentioned, mirrored Indians nationwide with respect to limited involvement

in IRA/OIWA programs, including tribal organization and chartering, and participation in economic loan programs. Some point to the low level of involvement by Oklahoma Indians and tribal groups in both loan programs and tribal reorganization as evidence of the failure of the OIWA. This dissertation concludes that low participation could actually be a sign of success. Oklahoma Indians took advantage of choices offered to them by the act and chose not to participate. It is recognized that many Oklahoma Indians and tribal groups based their decision not to participate on the grounds they were not consulted as the measure was being formulated. Regardless, of the factors which influenced Indian participation, the fact remains for the first time they could make that decision for themselves.

Also discussed in this study, the historic relationship between the federal government and Oklahoma tribal groups has been difficult and at times strained. That relationship had also proven unique from that with other tribal groups. Contributing factors included removal, the Civil War, reconstruction treaties, and the rapid loss of Indian land and resources following implementation of the allotment policy in Indian Territory in preparation for statehood during the last decade of the nineteenth century and the first of the twentieth century. These events and circumstances became part of Oklahoma Indian heritage and memory. It left a bad taste in the mouths of many Oklahoma Indians for federal Indian policy. The records of the IRA/OIWA are filled with examples of mistrust and



uncertainty on the part of many tribes during the enactment and implementation of the IRA/OIWA.

Many Oklahoma Indians were reticent to embrace another federal proposal such as the IRA/OIWA based on a preceding track record of empty or broken promises by the white government coupled with what Indians saw as unfettered support of white expansion into and exploitation of their land and resources. Traditionals often eschewed contact and involvement with whites or their institutions. Some wanted only their plot of land and to be left alone. On the other hand, many progressives had assimilated to a degree by incorporating white social and economic practices. This group strove to better their economic situation by increased land holdings and exploitation of resources such as timber and minerals along with other economic endeavors. Many of this group opposed the OIWA because they viewed it as a step backward to the reservation era and tighter government regulation of Indian land. They viewed the IRA/OIWA as a major step backward and a threat to the economic success they struggled to build. Joseph Bruner, a Creek, was the outspoken and informal Indian leader for this viewpoint. Bruner achieved remarkable success in real estate, insurance, and the oil business in eastern Oklahoma. He viewed Collier's Indian New Deal as a formidable threat and became a vocal critic. Interestingly, Bruner sought to promote his viewpoints and garner Indian support through a pan Indian organization, the American Indian Federation.

However, Bruner's caustic opposition to John Collier and the Indian New Deal may have diminished support. Oklahoma Indians either supported or opposed the bill for a variety of reasons.

With respect to tribal governments, Loretta Fowler, although claiming that IRA/OIWA constitutions were often forced on Oklahoma tribes, also believes these governments gave individual members a mechanism to challenge tribal leaders and thereby increasing political involvement by the tribe as a whole. Business councils gained more control over the hiring of agency employees, the allocation of tribal funds, and economic development. These governments helped gain tribes more access to government funds and control over their resources.<sup>2</sup> The reestablishment of tribal governments transformed the political world both internally and externally in the ways members resolved issues with the outside world and most importantly with an enhanced standing with the federal government. As discussed previously, most tribal government had been abolished in Oklahoma by the turn of the century. The introduction of constitutional representative government guided by Oklahoma Indians had to gain experience and success in channeling political interests and tensions through these new mechanisms, before they could sustain them.

Carter Blue Clark pointed to another change wrought by the IRA/OIWA. He believed the reestablishment of tribal governments and

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<sup>2</sup> Fowler, "Local Level Politics and the Struggle for Self-government," 128-131.

incorporation kindled a “revival of long-dormant tribal self-rule.”<sup>3</sup> Tribal members and groups, whether they supported or opposed the IRA/OIWA were swept along by powerful currents of change, which this legislation, in part, helped to promote. A transformation of tribal politics, both internally, in the way tribal members interacted and sought solutions to shared issues and problems, and externally in the manner the tribes interacted with the outside world, governments, business, and society in general began to change during this time. As Oklahoma Indians and tribal groups took a more proactive stance, they began to exercise a voice and demand a larger share of control over their future. This transformation evolved over a period of time. The IRA/OIWA provided the mechanism for a constitutional representative government, but this new system had first to be incorporated into the Indian mind set. This kind of deep change did not occur overnight, but evolved over a longer period of time. These factors coupled with others mark the origins of the self-determination movement that would blossom in the decades of the 1960s and 1970s can be traced back to the New Deal and World War II eras. Clark is correct in that the emerging spirit of tribalism fostered by the Indian New Deal “fed later Indian nationalism that erupted in the militancy of the 1960s.”<sup>4</sup> However, it

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<sup>3</sup> Carter Blue Clark, “The New Deal for Indians,” in *Between Two Worlds: The Survival of Twentieth Century Indians*, ed. Arrell Morgan Gibson, (Oklahoma City: Oklahoma Historical Society, 1986), 80.

<sup>4</sup> Ibid.

was only one of several important factors, contributing to the transformation.

As with all Americans, World War II proved a transforming experience for Oklahoma Indians. Many had become disenchanted with “federally managed economic development and tribal self-rule” that seemed unable to improve their economic situation.<sup>5</sup> Approximately twenty five per cent migrated from tribal areas during World War II.<sup>6</sup> Many would find employment in war related industries scattered throughout the West. They sent money back home that proved to be an economic shot in the arm for many remaining Indians. Almost 6,000 Oklahoma Indians would serve in the armed forces during the war.<sup>7</sup> By 1945, many returning Oklahoma Indian veterans “possessed a wider knowledge that made them capable of leading tribes into a new era of assertion of tribal sovereignty and heritage in the postwar period.”<sup>8</sup> Veterans were not satisfied with returning to the status-quo. Alison Bernstein quotes historian David Nash, “Before the war the American Indian was America’s outsider. . . . Assimilation seemed far fetched,” and she concludes arguing, “By war’s end, Indians were part of the American political process, their economic, social, and cultural status

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<sup>5</sup> Kenneth Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953*, (Lincoln: University of Nebraska Press, 1999), 11.

<sup>6</sup> Ibid.

<sup>7</sup> Angie Debo, “Present Tribal Organization,” 33.

<sup>8</sup> Carter Blue Clark, “How Bad It really was Before World War II: Sovereignty,” 188.

irrevocably altered by the conflict.”<sup>9</sup> The nation as a whole was transformed by the depression, the war, and its aftermath. Oklahoma Indians were certainly part of that transformation.

Clark claims the IRA/OIWA changed the focus on Indian policy from achieving assimilation through agriculture to achieving “assimilation through . . . constitutions and corporate charters.”<sup>10</sup> This assertion warrants closer scrutiny. Much of the OIWA was based on Indian land, formally ending the allotment policy in Oklahoma, land purchases to augment tribal land base, and credit programs to promote viable agricultural enterprises. Agricultural and resource development served as the foundation for the IRA/OIWA. John Collier believed the enhancement of Oklahoma Indians’ economic standing through agriculture, farming and ranching, would serve to increase their voice, politically and socially. This effect coupled with protection of Indian cultural heritage would place them in a stronger position to mingle with white society, while at the same time insuring their cultural survival. Its success was based on the success of Oklahoma Indian agriculture. Collier viewed tribal organization and charters as modern day tools necessary to channel political and economic forces to promote the success of Oklahoma Indians on the agricultural realm.

Collier’s vision with its foundation steeped in agriculture and the Indian small family farmer ran counter to the trends in American agriculture

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<sup>9</sup> Alison R. Bernstein, *American Indian and World War II*, (Norman: University of Oklahoma Press, 1991), 15.

<sup>10</sup> Carter Blue Clark, “The New Deal for Indians,” 80.

becoming evident during implementation of the IRA/OIWA. It is important to remember that the vast majority of Oklahoma Indians were landless. As the depression gave way to World War II, agriculture was transformed. Prices for agricultural commodities, grains as well as livestock were in a state of decline from WWI on. American farmers responded in a two pronged fashion. The size of farming operations increased and coupled with technological improvements, agricultural production increased while labor costs decreased. Agriculture became more capital intensive. Indian allotments of 80 to 120 acres became increasingly difficult to generate a profit. Small farms could not compete with larger commercial operations. Some Oklahoma Indians still practiced subsistence agriculture during this period. Some generated a little cash by raising a few acres of cotton or a few head of livestock to sell. Many supplemented their income by producing railroad ties or fence posts, if their land was blessed with timber. During this period, many Oklahoma Indians drifted to agricultural labor on larger nearby farms and ranchers often owned by whites or into wage labor in nearby towns and cities. Agriculture declined as a dominant factor as the country became more industrialized and urban.

An ongoing ideological debate buffeted the enactment and implementation phases surrounding the OIWA. This struggle was also evident with the IRA on a national basis. In examining the IRA, Elmer Rusco, a political scientist, built upon four schools of thought, which

underscored federal Indian policy at this time.<sup>11</sup> These four are forced assimilation, administrative reform, the tribal alternative, and termination. The Dawes or Allotment Act of 1887 instituted assimilation as the backbone of federal Indian policy. Native Americans would enter the American mainstream as prosperous self-sufficient farmers. Allotment was introduced to the Five Tribes in Indian Territory with the Curtis Act of 1896. By the 1920s, many realized the allotment policy had proven a tremendous failure. Allotment both nationally and especially in Oklahoma had the opposite of its desired objective of assimilating Indians into American society. Instead Native Americans lost bulk of their land holdings, with Oklahoma Indians losing ninety percent of their land. Rather than being assimilated, Oklahoma Indians were marginalized even further to the fringes of American society.

During the 1920s and continuing on into the New Deal years, administrative reform came to the forefront of the thinking of many reformers. Still grounded in assimilation many began looking for fixes to correct the failures of the allotment policy. Tinkering and repair would get federal Indian policy back on track towards the goal of assimilation. During most of the 1920s, a small minority of those concerned with Indian policy came to promote the idea that allotment and its destructive impact was

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<sup>11</sup> For purposes of this discussion, Elmer Rusco's definition of ideology, "the structure of ideas, which determine the meanings ascribed to particular events," will be utilized, *A Fateful Time the Background and Legislative History of the Indian Reorganization Act*, (Reno: University of Nevada Press, 1992), xiii

beyond repair. A new direction was needed. The Meriam Report of 1928 seemed to substantiate this realization and bolstered the reformer's efforts, by the late 1920s; John Collier became the clarion for this wing of the reform movement. Collier promoted a school of thought that recognized the federal government's trust responsibility towards Native Americans while at the same time respecting the right of Native Americans to maintain their tribal institutions and cultural heritage. Dubbed by Graham Taylor as "the tribal alternative", Collier's vision placed Indians in the white world, but not part of the white world.<sup>12</sup> He introduced a radical multi-cultural approach, which recognized the right of Indian societies to exist, while forced assimilation would do away with Indianness. Collier's wing of the reform movement saw Indians assimilating by mixing, but not melting into American society, with their Indianness protected.

Those schools of thought continued to battle among one another over the future of Indian affairs. Political leaders such as Senators Thomas and Burton K. Wheeler along with Congressman Will Rogers exemplified the assimilation perspective. For them, Indians should surrender their "Indianess," adopt white ways and blend into American society. Like Collier and other reformers such as Secretary of the Interior, Harold Ickes, they believed, at least for a while, that agriculture was at the heart of any solution to the Indian problem. They spun a little different English to their

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<sup>12</sup> Graham D. Taylor's book, *The New Deal and American Indian Tribalism*, University of Nebraska Press, 1980, offers an in-depth analysis of evolution of ideology that underscored and impacted the actions of players involved in the Indian New Deal.



ideology than did Collier, seeing Oklahoma Indians being incorporated into white society, though at an undetermined social, political, and economic standing than whites. Additionally, these legislators, such as Thomas, Rogers, and Burton K. Wheeler above all else practiced political pragmatism. Their base of political power rested with their white constituencies and campaign contributors. Most proposals were evaluated by exposure to the political winds.

Senator Thomas and Commissioner Collier clearly represented two distinct ideological perspectives. Thomas's thinking in particular remained an unsettled conundrum of assimilation, reform, and termination, the latter being especially evident during the war years and after. The two struggled against each other for dominance of their viewpoints. The outcome was a mongrelized compromise, which included elements of both agendas. Even a driven reformer, like John Collier, remained political savvy enough to realize the necessity of compromise during the legislative process. In the face of withering opposition, Collier sacrificed this proposal for strengthening the Indian court system in order to save what he believed were the more important features of his proposal.

For the most part, the tribal alternative challenged the status quo of assimilation. Assimilation was strongly rooted in the minds and hearts of many involved in Indian affairs, including legislators, administrators, and the federal bureaucracy. Collier and other reformers rallied around the

standard of this upstart ideology of the tribal alternative. They waged a protracted war against assimilationists. This struggle would be played out on the battle field of administrative reform, that continued from the 1930s, the and into the 1950s, when the fourth school of thought, termination, would mark yet another radical course change for federal Indian policy. Though the focus of this study ends as the termination era begins, it is important to touch briefly on its origins.

Termination, though based in the thinking of assimilation, took a radical approach towards realizing that end. Assimilation would be achieved and the Indian problem resolved by denying the trust obligation and eliminating federal services to the Indians, thereby forcing the Indian into American society. The federal government would no longer federally recognize Indian tribes nor its responsibility towards them. Over a period of time, services and programs would be dismantled. Much of this responsibility would be eliminated entirely or delegated to the states. The federal government would get out of the Indian business.

The idea of termination had been debated, to one degree or another, for several decades. However, the intensity of the debate escalated from the mid 1930s onward as a conservative backlash to FDR's New Deal began to build. This group composed of disillusioned conservative Democrats and Republicans "repudiated some of the impulses . . . prominent in the early

New Deal.”<sup>13</sup> These “impulses” included moving away from promoting “government sponsored social welfare programs.”<sup>14</sup> In 1943, Elmer Thomas, Burton K. Wheeler and others in Congress, launched a concerted attack against the Indian New Deal. Senate Report 310, issued that year, recommended such changes as elimination of “all federal control of law and order as specifically applied to Indians,” the “transfer of Indian probate and inheritance matters to the states,” the elimination of “all central office control of credit funds,” and the elimination of “federal trust over all individual Indian lands.”<sup>15</sup> In a supplemental report specifically directed to Oklahoma Indians, Senator Thomas stated that Senate Report 310 “was intended to combat the “back to the reservation plan” of officials and persons in high places.” On the other hand, Thomas’s group “favor[ed] a policy wherein the Indians may be permitted to select their own tribal councils and that and [their] recommendations . . . be given due and proper consideration by both the officials of the [BIA] and by the committees of the Congress.”<sup>16</sup> Termination would become formally institutionalized with the enactment of Public Law 280 in 1953, with disastrous results for many Native Americans.

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<sup>13</sup> Alan Brinkley, *The End of Reform New Deal Liberalism in Recession and War*, (New York: Vintage Books, 1996),

<sup>14</sup> *Ibid.*, 6.

<sup>15</sup> Congress, Senate, Committee on Indian Affairs, “Survey of Conditions Among the Indians of the United States,” report prepared by Elmer Thomas, 78<sup>th</sup> Cong., 1<sup>st</sup> Sess., 1943, 19-21.

<sup>16</sup> Congress, Senate, Committee on Indian Affairs, “Survey of Conditions Among the Indians of the United States-Supplemental Report,” report prepared by Elmer Thomas, 78<sup>th</sup> Cong., 2nd. Sess., 1944, 1.

The overall impact of the OIWA on Oklahoma Indians remains mixed. While its short term tangible results remained limited, the long range intangible results, though difficult to measure, seem substantial. If one looks at the small percentage of Oklahoma Indians who benefited economically from its loan programs, or the miniscule increase of tribal land bases, or the small numbers of Oklahoma Indians who lived under the umbrella of IRA/OIWA governments, then the impact remains dismal at best. However, if one considers intangibles such as increased participation by members in tribal affairs, an intensified and sustained effort to gain control of tribal resources, enhanced relations with white business and all levels of government, increased cultural pride and tribal self-esteem, and a stronger voice in the administration of governmental programs then the impact takes on new luster. The enactment and implementation of the OIWA helped place Oklahoma Indians on the beginning of the path towards self-determination and a greater role in determining their own future and preserving their cultural heritage.

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that the Secretary of the Interior is hereby authorized, in his discretions, to acquire by purchase, relinquishment, give, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing Indian reservations, including trust or otherwise restricted lands now in Indian ownership: *Provided,* That such lands shall be agricultural and grazing lands of good character and quality in proportion to the respective needs of the particular Indian or Indians for whom such purchases are made. Title to all lands so acquired shall be taken in the name of the United States, in trust for the tribe, band, group, or individual Indian for whose benefit such land is so acquired, and while the title thereto is held by the United States said lands shall be free from any and all taxes, save that the state of Oklahoma is authorized to levy and collect a gross-production tax, not in excess of the rate applied to production from lands in private ownership, upon all oil and gas produced from said lands, which said tax the Secretary of the Interior is hereby authorized and directed to cause to be paid.

Sec. 2. Whenever any restricted Indian land or interests in land, other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner or owners, or if offered for sale at auction said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor.

Sec. 3. Any recognized tribe or band of Indians residing in Oklahoma shall have the right to organize for its common welfare and to adopt a constitution and bylaws, under such rules and regulations as the Secretary of the Interior may prescribe. The Secretary of the Interior may issue to any such organized group a charter of incorporation, which shall become operative when ratified by a majority vote of the adult members of the organization voting: *Provided however,* That such election shall be void unless the total vote cast be at least 30 per centum of those entitle to vote. Such charter may convey to the incorporated group, in addition to any powers which may properly be vested in a body corporate under the laws of the State of Oklahoma, the right to participate in the revolving credit fund and to enjoy any other rights or privileges secured to an organized Indian tribe under the Act of June 18, 1934 (48 Stat. 984) : *Provided,* That the corporate funds of any such chartered group may be deposited in any national bank within the State of Oklahoma or otherwise invested, utilized, or disbursed in accordance with the terms of the corporate charter.

Sec. 4. Any ten or more Indians, as determined by the official tribal rolls, or Indian descendants of such enrolled members, or Indians as defined in the Act of June 18, 1934 (48 Stat. 984), who reside within the State of Oklahoma in convenient proximity to each other may receive from the Secretary of the Interior, a charter as a local cooperative association for any one or more of the following purposes: Credit administration, production, marketing, consumers' protection, or land management. The provisions of this Act, the regulations of the Secretary of the Interior, and the charters of the cooperative associations issued pursuant thereto shall govern such cooperative associations: *Provided*, That in those matters not covered by said Act, regulations, or charters, the laws of the State of Oklahoma, if applicable, shall govern. In any stock or nonstock cooperative association no one member shall have more than one vote, and membership therein shall be open to all Indians residing within the prescribed district.

Sec. 5. The charters of any cooperative association organized pursuant to this Act shall not be amended or revoked by the Secretary except after a majority vote of the membership. Such cooperative associations may sue and be sued in any court of the State of Oklahoma or of the United States having jurisdiction of the cause of action, but a certified copy of all papers filed in any action against a cooperative association in a court of Oklahoma shall be served upon the Secretary of the Interior, or upon an employee duly authorized by him to receive such service. Within thirty days after such service or within such extended time as the trial court may permit, the Secretary of the Interior may intervene in such action or may remove such action to the United States district court to be held in the district where such petition is pending by filing in such action in the State court a petition for such removal, together with the certified copy of the papers served upon the Secretary. It shall then be the duty of the State court to accept such petition and to proceed no further in such action. The said copy shall be entered in the said district court within thirty days after the filing of the petition for removal, and the said district court is hereby given jurisdiction to hear and determine said action.

Sec. 6 The Secretary is authorized to make loans to individual Indians and to associations or corporate groups organized pursuant to this Act. For the making of such loans and for expenses of the cooperative associations organized pursuant to this Act, there shall be appropriated of the Treasury of the United States, the sum of \$2,000,000.

Sec. 7. All funds appropriated under the several grants of authority contained in the Act of June 18, 1934 (48 Stat. 984), are hereby made available for use under the provisions of this Act, and Oklahoma Indians shall be accorded and allocated a fair and just share of any and all funds hereafter appropriated under the authorization herein set forth: *Provided*, That any royalties, bonuses, or other revenues derived from mineral deposits underlying lands purchased in Oklahoma under the authority granted by this Act, or by the

Act of June 18, 1934, shall be deposited in the Treasury of the United States, and such revenues are hereby made available for expenditure by the Secretary of the Interior for the acquisition of lands and for loans to Indians in Oklahoma as authorized by this Act and by the Act of June 18 1934 (48 Stat. 984).

Sec. 8. This Act shall not relate to or affect Osage County, Oklahoma.

Sec. 9. The Secretary of the Interior is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, June 26, 1936.<sup>1</sup>

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<sup>1</sup> “The Oklahoma Indian Welfare Act, *United States Statutes at Large*, 49, part 1, 1967-1968 (1936).