

The Evolution of the American Indian and the Impact on Modern Oklahoma

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## **Abstract**

The word Oklahoma comes from a Choctaw word that means, “Land of the Red People.” Our state is undoubtedly influenced by the Native American culture, but in order to fully understand the depth of this impact one must understand how the American Indian has evolved through our nation’s history. Throughout this thesis, I will examine major eras of tribal history and also assess the modern economic impact these nations have on Oklahoma.

The historical eras researched are early Federal Indian Policy, Indian removal, Indian Territory, termination, and self-determination. The topic of tribal sovereignty, and often the lack thereof, is addresses often throughout the thesis, and is used to document and illustrate the transformation of Native Americans. I strive to prove that American Indians not only affect Oklahoma’s cultural landscape, but also make major economic contributions to our state.

As a Land Grant institution, I believe that Oklahoma State University could benefit from more research in the field of American Indian studies. While using the library resources, I was able to find many texts covering certain aspects of American Indian policies and influences, but nothing that had compiled research from colonialism to present day. I wanted to use my thesis as an opportunity to give a brief history of the Native American evolution.

## The Evolution of the American Indian and the Impact on Modern Oklahoma

### **Introduction to Thesis**

Modern Oklahoma's cultural landscape is vastly different from the former formations of Indian Territory. While allotments and forced removal are far behind us, our state is forever shaped and influenced by our unique history. In order to understand current Oklahoma, one must understand Native American history. I believe that the 39 federally recognized tribes of Oklahoma have impacted our state historically and currently, and will continue to shape Oklahoma for years to come. I examined early Federal Indian policy, the passage and impact of the Indian Removal Act of 1830, the creation and implementation Indian Territory, termination, self-determination, and modern Oklahoma. By examining legal, political, and economic issues throughout the history of our nation and our state, we will find that the American Indian nations of Oklahoma are crucial to the current wellbeing of our state.

### **Introduction to Early Federal Indian Policy**

According to the Constitution of the United States of America, dealing with Indian tribes is a federal issue. Article I, Section 8, Clause 3 of the Constitution is aptly named The Commerce Clause, and refers to simply that. While the language is only as follows, "[The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes," this hallowed statement will lead to a transformation of Indian policy among all three branches of American government. The Commerce Clause was used throughout our history in regards to tribal nations to guide landmark Supreme Court decisions,

congressional action, and presidential legacies. One brief statement that seems to mention Indian tribes as an afterthought or precaution serves as the basis for the handling, or mishandling, of an entire race. Within the following paragraphs, Federal Indian Policy of the early nineteenth century will be addressed through all three branches of federal government. Federal Indian Policy in the eyes of the Judicial Branch focused on sovereignty, but much of Federal Indian policy, especially such policies enacted through Congress and the Executive Branch, focuses on commerce. While both Congress and the Office of the President were both concerned with the economics behind Indian/American relations, Congress was concerned with retail while the President typically focused on real estate.

### **Introduction to Federal Indian Policy and the Judicial Branch**

Indian tribes have always been a grey issue in the eyes of the law. Since the Constitution only mentions Native Americans once, understanding the meaning or intentions of our forefathers can be difficult, even with the clout of Judicial Review. While tribal law proves to be a current legal segment even in today's society, the most crucial and momentous precedencies in tribal law all happened before 1835. The basis for all American Indian law lies within the sacred notion of sovereignty, which was neither easily established nor easily maintained. The Judicial Branch was faced with the mammoth task of addressing if Federal Indian Policy was really a federal issue at all. Comprehending the mindset of the framers of the Constitution proved difficult when the only structure within the document that mentioned the tribes was confined to one sentence.

### **Marshall Trilogy**

*Marbury V. Madison* established the concept of Judicial Review in 1803, granting the Supreme Court the right and duty to determine what the Constitution permits (*Marbury v. Madison*, 1803). This privilege would prove to be tested in regards to Indian tribal law, with three Supreme Court decisions rendered before a lasting precedence could become established. Sovereignty serves as the legal pillar upon which all current Native American law issues are based, but the concept was shown to be as difficult to verify constitutionally as it was to spell. Three landmark Supreme Court decisions personify the struggle to sovereignty faced by Indian tribes, and these cases are affectionately known as the Marshall Trilogy due to their decisions rendered under the guidance of Chief Justice John Marshall.

The first of these cases is *Johnson v. M'Intosh*, which was decided on February 28, 1823 (*Johnson v. M'Intosh*, 1823). In this case, Thomas Johnson purchased land in the 1770's from the Piankeshaw tribe and his ancestors were claiming rights to the land. William M'Intosh received a title to the same land from the American government. The legal question referred to which party had the authority over the land. The ruling stated that only the federal government could purchase lands directly from Indian tribes, and that the United States did not recognize the title authority if such land was purchased by an individual from a tribe. Chief Justice Marshall claimed through his majority opinion that the United States had superior rights as opposed to the tribes when it came to lands based on the concept of the Discovery Doctrine. This Common Law doctrine claims that the United States, not the tribes, is the rightful owner to these land titles since America inherited such lands from England. England is, under the Discover Doctrine, the country that

discovered these lands originally, and the United States gained authority of these lands in the same moment it gained autonomy from Britain. Even though the Piankeshaw tribe had been living on this land for far longer than the Americans or British had inhabited them, the authority belonged to the Americans (Long, 2008).

The second of these cases is *Cherokee Nation v. Georgia*, which was decided on March 18, 1831 (*Cherokee Nation v Georgia*, 1831). This case proved to be another denial of tribal sovereignty, this time with a more colorful vocabulary. The Cherokee Nation felt that Georgia was enacting laws that violated the rights and merits of the Cherokee Nation, and sought injunction for wrongdoings by the state of Georgia. The Cherokee Nation tried to file the lawsuit as a freestanding nation, but Georgia argued that the Cherokees had no such right. The Cherokee people considered themselves to be a “foreign state” as explained in Article III, Section 2 of the United States Constitution and therefore were exempt from the state laws of Georgia. Judicial Review was once again called into play for the Supreme Court, and once again tribal sovereignty was denied (Long, 2008). The Supreme Court agreed to hear the case, but ruled that they do not have original jurisdiction to decide a case since the Cherokee Nation is not considered a “foreign state.” In his majority opinion, Chief Justice Marshall explains tribes to be “domestic dependent nations” and even states that, “Their relation to the United States resembles that of a ward to its guardian (*Cherokee Nation v. Georgia*, 1831).”

The final case of the Marshall Trilogy is *Worcester v. Georgia*, which was decided on March 3, 1832 (*Worcester v. Georgia*, 1832). Unlike *Johnson v. M’Intosh* and

*Cherokee Nation v. Georgia*, this case proved to dictate, not diminish, tribal sovereignty in the United States. The Supreme Court ruled that it was unconstitutional for Georgia to prohibit non-tribal peoples from visiting or residing on tribal lands. According to the ruling, tribal nations were considered sovereign, and were only expected to deal with the federal government of the United States. This final case is the trilogy proves to be undoubtedly contradictory from the preceding decisions, but is the lasting precedence and establishment of sovereignty for Native American nations (Long, 2008). This concept of sovereignty long outlasts the confines of the nineteenth century, and serves as a basis for tribal law today both in Oklahoma and also nationally. While sovereignty was established by the Judicial Branch with the passing of *Worcester v. Georgia*, it was often overlooked, or even blatantly ignored, by the other two branches of the United States government as the nineteenth century continued.

### **Introduction to Federal Indian Policy and Legislative Branch**

Complicated relations between Native American tribes and America predate the nation itself, and therefore, as America grew, so did the need for political standings on tribal peoples. Many early congressional acts mentioned these positions. Article III of the Northwest Ordinance states, "The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and

friendship with them. (Northwest Ordinance, 1787).” Starting with the first congress, business between and among Indian tribes and the United States has proven to require constant maintenance.

### **Congressional Actions Towards Tribal Nations**

Just as the United States was toiling how to address Indian tribes legally, they were also attempting to tackle the issue politically. Treaties were a common way to handle American/Tribal issues between 1778 and 1871, with over 370 treaties ratified over that nearly century long span (BIA Website, 2014). While these treaties are critical to the study and understanding of tribal sovereignty and politics, many times congressional acts are overlooked when studying American Indian history. Many of these treaties will be discussed throughout the thesis, but in order to fully comprehend Federal Indian Policy of the 1800’s, we must understand how Congress, since the conception of our nation, has spent considerable amounts of time addressing Tribal nations through bills and acts. During the late eighteenth century and continuing on throughout the nineteenth century, one of the most defining segments of congressional reign was exercised through the Trade and Intercourse Acts that took place from 1789 to 1834.

This period of time encompasses six congressional acts that guided the ambiguous trade and commerce guidelines of the United States and Indian tribes. These six acts established and adapted the policies that governed America’s commerce with tribal nations for over half a century. The first act of 1790 required a federal license in order to participate in trade negotiation with an Indian tribe, prohibited tribal members from selling land unless sanctioned by treaties of the



United States Government, and placed federal authority on tribal criminal proceedings (Long, 2008). The next act of 1793 placed a fine on charting or residing on Indian lands, and even asserted dominance over equine exchanges by requiring licenses to purchase a horse on Indian lands regardless of the race of the seller (Long, 2008). The 1793 act also provided Indian tribes with resources in an attempt to further refinement and regard (Long, 2008). The act of 1796 ensured that American citizens would be compensated for crimes committed by a member of a tribal nation, even if the crime was not committed on Indian land (Long, 2008). The following acts of 1799 and 1802 proved to make trivial changes that affected none other than diction, and these acts served as the law of the land until the final act (Long, 2008). The Act of 1834 explained its current definition of Indian country, and focused largely on enforcing power over Indian nations by requiring more licensing on trade between Indians and non-Indians and further expanding American legislative prominence (Long, 2008).

### **Presidential Endeavors Towards Tribal Nations**

While Indian tribes proved to be a contentious topic for both the Legislative and Judicial branches of American Government, the Commander and Chief also was required to access and mandate Federal Indian Policy. During Thomas Jefferson's term as president he based his tribal policies on the ideals of keeping Indian tribes from joining forces with rival European nations and also the basis of "civilization." He, as an Enlightenment thinker, wanted to transform the tribes into modern Americans, but became frustrated when they did not adapt or quickly consent. While he was not as rigid or forceful with his executive executions, he did propose

that the tribal nations move west of the Mississippi River after his procurement of the Louisiana Purchase (Thomas Jefferson's Monticello, 2013).

In his Second Annual Message to Congress, President Andrew Jackson would institute part of Jefferson's concept into his policies of Indian Removal. Less than three months after his presentation to the House of Representatives and Senate, a bill was presented by a member of the Committee on Indian Affairs that would further outline the removal process. It passed in the Senate with 28 against 19 on April 24th, 1830, and the House passed the bill 102 to 97 on May 26th, 1830. A mere two days later, The Indian Removal Act of 1830 was signed into law by President Andrew Jackson on May 28th.

### **Conclusion of Early Nineteenth Century Federal Indian Policy**

Benjamin Franklin governed the first Committee on Indian Affairs in 1775 as established by the Continental Congress (BIA Website, 2012). The Bureau of Indian Affairs became housed under the Department of War in 1824 by Secretary of War, John C. Calhoun until it's rehousing in its current location in the Department of the Interior (BIA Website, 2012). Throughout the department's extensive history, only six of the 45 Commissioners of Indian Affairs have been of Native American heritage. While all three branches of government claimed to have the needs and welfare of the tribal people at heart, Federal Indian Policy throughout the eighteenth and nineteenth centuries proved to be more intrusive than intentional.

### **Introduction to the Evolution of Indian Territory**

As the doctrine and dream of Manifest Destiny guided our ambitious nation, America grew as available land grew scarce. With our landscape, leadership, and

leniency shifting, upholding treaties and tribal sovereignty became less of a priority and more of a burden. The goals of mutual respect and coexistence of the late eighteenth and early nineteenth century became overshadowed by the progression of a persistent nation. Expansion and excellence were the ideals that would cover the remaining 75 years of the nineteenth century while tribal sovereignty would be merely a suggestion. As the thesis moves into its second segment covering removal, Indian Territory, and early Oklahoma, we see the same overarching themes of dominance as found within early Federal Indian Policy.

### **Introduction to Removal**

In order to properly understand the immense impact American Indian tribes have had on modern Oklahoma, we must first learn how these tribes came to inhabit our state. The Oklahoma we know now has belonged to many peoples throughout history, but it came under American rule in 1803 under the Louisiana Purchase. After acquisition by the United States, Oklahoma was considered part of Arkansas Territory on March 2, 1819 by an act of congress (Bolton) when Louisiana became a state. Lands west of the Mississippi River were intended to serve as potential relocation options for Native American tribes, and thus began the transition from Arkansas Territory to Indian Territory.

### **Removal**

As mentioned above, President Andrew Jackson signed the Indian Removal Act into law on May 28<sup>th</sup> 1830. He borrowed concepts from President Jefferson and made arrangements to send Indian tribes west of the Mississippi. This bill did not allow President Jackson to remove the tribes forcibly, but it did expect the tribes to

enter into treaties with the United States in which they would negotiate terms of removal. The following sections will discuss the removal processes of five tribal nations. The tribes, formerly known as the “Five Civilized Tribes,” will be referred to throughout the thesis as tribes of the Mississippian culture. While Oklahoma is home to 39 federally recognized tribes, these five prove to be well documented and well known, so for clarity and precision, I will cover the removal processes of only those five sovereign nations.

The first of the Mississippian culture to sign a treaty agreeing to move west of the Mississippi was the Choctaw Nation. *The Treaty of Dancing Rabbit Creek* was signed by Chief Greenwood LeFlore on September 27, 1830. In this treaty, the Choctaw Nation agreed to relinquish 11 million acres of current central Mississippi in order to receive 15 million acres in modern southeastern Oklahoma (*Treaty of Dancing Rabbit Creek*, 1830). The Choctaw nation, by agreeing early, gained access to one of the more favorable removal treaties. According to *The Treaty of Dancing Rabbit Creek*, the United States was to provide adequate transportation during the removal process, recognize the sovereignty of the Choctaw Nation upon its arrival to the territory, and also to grant American citizenship to any Choctaw member that chose to stay behind in Mississippi and forfeit their tribal affiliation (*Treaty of Dancing Rabbit Creek*, 1830). The removal process happened over a span of three years, finally ending in 1833.

The second of the Mississippian Culture to cede land to the United States government was the Muscogee Creek Nation. After losing much of their original land to the *Treaty of Fort Jackson* and the *Treaty of Washington*, they were only left with a

small portion of tribal lands in Alabama. *The Treaty of Cusseta* was signed in 1832, and the Muscogee Creek people agreed to the terms for removal (*The Treaty of Cusseta, 1832*). While the treaty was signed in 1832, many of the tribal people did not leave until 1836 and 1837 when around 20,000 tribal members were forced to east central Oklahoma by the United States Army (Muscogee (Creek) Nation History, 2013).

The next tribe to sign a treaty with the United States regarding removal was the Seminole Nation. *The Treaty of Payne's Landing* was signed on May 9, 1832, which ceded Floridian lands to the American government. The stipulation of the treaty stated that the Seminole people would move to modern day central Oklahoma if the land was considered suitable, so they sent elder members of the tribe to survey the lands. Upon returning to Florida, the members denied that the land was acceptable (*The Treaty of Payne's Landing, 1832*). The Seminole's had agreed to vacate Florida within three years, but the three years came and went and the Seminole people still resided in Florida. Their refusal to leave led to the Second Seminole War led by Osceola. As the bloody war finally ended in 1837 with the capture of Osceola, the Seminole people either agreed to leave or fled to the Florida Everglades for safety (The Seminole Wars, 2012).

Next to leave the Mississippi region was the Chickasaw Nation. They also ceded their land in the current American Southeast, but were tactical in their negotiations. They were able to choose which seasons they wished to travel during, and while the removal process was still calamitous, it was preferable to beginning the journey at the request of the American government (Removal, 2013). Not only

were they able to pick the seasons for removal, they were able to pay for the removal processes themselves and purchase favorable lands west of the Mississippi River. Historically, the Choctaw and Chickasaw nations have been considered to be “Brother Tribes,” and the Choctaw Nation sold the Chickasaw Nation their western lands, located in south central Oklahoma. This agreement was made through the *Treaty of Doaksville* in 1837 (Removal, 2013).

Perhaps the most infamous removal story is that of the Cherokee Nation. The *Treaty of New Echota* was signed in 1835 that agreed to move the Cherokee peoples to Indian Territory (A Brief History of the Trail of Tears, 2013). Prior to this treaty, the Cherokee Nation Council had enacted a tribal law that made such agreements with the government illegal and punishable by death. The treaty was signed by 100 Cherokee members that supported removal while most Cherokees, including Chief John Ross, did not (A Brief History of the Trail of Tears, 2013).

100 people signed the fate of over 17,000 tribal members. In 1838, Army enforcement of the treaty began under the order of President Andrew Jackson. Treatment of the Cherokee peoples was harsh, with prison camps and poor accommodations throughout the journey. It is assumed that around 4,000 Cherokee people died on the journey from Georgia to Indian Territory (A Brief History of the Trail of Tears, 2013). The maltreatment of the Cherokee Nation effectively defined an era of removal, infamously known as the “Trail of Tears.”

### **Conclusion of Removal**

The Indian Removal Act of 1830 defines an era of executive and legislative Federal Indian Policy. As with most landmark social issues, the Judicial Branch

proved to be ahead of its time. While the Supreme Court was granting tribal nations the right to sovereignty in 1832, the Legislative Branch was limiting the tribe's governmental power with the Trade and Intercourse Acts well until 1834. The executive branch, under the direction and dominion of President Andrew Jackson further persecuted the Indian tribes by stripping them of their homelands and relocating tribes to Indian Territory in present day Oklahoma. Indian removal is arguably the most blatant denial of sovereignty throughout American history.

### **Introduction to Indian Territory**

One cannot fully understand Oklahoma without understanding how it came to be. Oklahoma became a state in a way unlike other states entered the union, by combining two territories. This process would prove to be so novel and unique that Rogers and Hammerstein would create a Broadway play in our state's honor. Any state deserving of a production must have an interesting backstory. The relocation of the tribes to Indian Territory would not only affect the Indian nations, but also the entire future population of Oklahoma. It was unexpected that such excess lands intended for unwanted Indian peoples would one day become the 46<sup>th</sup> state of the United States of America. The process that adapted these Indian lands to become an American territory once again raised the question of tribal sovereignty, whose answers would be found in later Oklahoma.

### **Transition from Louisiana Purchase to Indian Territory**

As mentioned above, the land that makes up both Indian Territory and modern Oklahoma was gained by the United States through Louisiana Purchase of 1803, but with Louisiana becoming a state in 1812, the areas that make up modern

Oklahoma would be considered the western portion of Missouri Territory. In 1819, these western lands in the territory were deemed independent and named Arkansas Territory. The General Survey Act of 1824 redefined Indian Territory to include modern day Oklahoma, Nebraska, Kansas, and part of Iowa. These boundaries governed Indian Territory throughout the Civil War. After the Civil War, United States treatment of Indian lands became harsher, most likely due to upset the tribal alliances with the Confederacy.

### **Disregarding Tribal Sovereignty of Indian Nations Inside Indian Territory**

Despite the decision rendered in *Worcester v. Georgia*, tribal sovereignty was not always respected or acknowledged. The Indian Appropriations Act of 1871 stated that individual Indian tribes were no longer considered independent nations, which was a direct violation of *Worcester v. Georgia*. Since the tribes were no longer considered nations, treaties were no longer applicable. Treaties are comprised of agreements between two nations, so therefore the United States government stopped using treaties in 1871. The denial of sovereignty was once again present in the Supreme Court decision of *United States v. Kagama* in 1886. This decision elaborated on the lack of treaties by stating that the United States government would handle decisions made about the tribes through congressional action, thus further asserting dominance over the tribal nations. This authority stemmed from the plenary power granted to the United States over the tribes (*United States v. Kagama*, 1886).

A blatant use of plenary power was seen in the Dawes Act of 1887. Considered to be of the most infamous congressional acts against the Native



American population, this act paved the way to Oklahoma statehood. In regards to the tribal populations, the goal of the Dawes Act was assimilation; in regards to tribal lands, the goal was confiscation. The act allowed for the surveying of Indian Territory with the goal to end communal living arrangements of the tribal cultures. The land would then be divided into allotments, and each tribal member would be given an allotment along with citizenship to the United States of America.

One of the most crucial portions of the Dawes Act was the implementation of the Dawes Rolls. The rolls were authorized by the Dawes Commission in 1893 in order to establish adequate records of tribal members. Historically, individual tribes kept rolls, but these lists often proved inadequate. This new system was imperative to the allotment process, and is still how many tribal nations determine tribal heritage and lineage. After the land was successfully allotted, the excess land was to be sold to non-tribal members and homesteaders.

### **Path to Statehood**

The Organic Act of 1890 reduced Indian Territory and allotments to the land belonging to the tribes of the Mississippian Culture. Congress then passed the Oklahoma Organic Act of 1890, which combined the two territories. It was expected that the newly combined territory would eventually become a state, so in 1905 the peoples of Indian Territory pushed to become a separate state called Sequoya, but two new Western states proved excessive (Sequoya Convention, 2014). One of the final steps towards entering the union was the Curtis Act of 1898. The act officially stated that the United States government would no longer recognize tribal governments of jurisdictions.

After the joining of the two territories and the rejection of two states, the newly united territory applied for statehood. President Roosevelt signed the Oklahoma Enabling Act in 1906, which allowed representatives the territory to send delegates to a Constitutional Convention. After writing a constitution and sending delegates to the convention, Oklahoma was proclaimed a state on November 16, 1907 as the 46<sup>th</sup> state to enter the union. Keeping with the theme of unity a wedding ceremony was preformed on the day of the inauguration ceremonies where Mr. Oklahoma, C.G. Jones and Miss Indian Territory, Leo Bennett were wed (Wright, 1907). Oklahoma entered the union with enough pomp and circumstance to inspire even Rodgers and Hammerstein.

### **Conclusion to Indian Territory**

Modern Oklahoma is molded by the original settlement of tribal nations displaced by the Indian Removal Act of 1830. The famous Oklahoma “Countries” such as Green Country, Frontier Country, and Lake Country follow almost identical geographical boundaries that separated tribal nations. Even as Oklahoma entered the union of the United States of America, its tribal ties were unbroken. While Indian Territory died out on November 16, 1907, the very name Oklahoma comes from two Choctaw words that translates to “Land of the Red People.”

After becoming the 46<sup>th</sup> state, Oklahoma faced different issues in regards to tribal nations than Indian Territory had dealt with. It no longer served as designated lands for tribal members and governments, but was a fully functioning American unit. Assimilation became the goal as opposed to isolation, but combining American homesteaders with tribal segments proved arduous. By examining how early

Oklahoma handled its native population, we see how tribal nations impacted the growth and development of Oklahoma.

### **Introduction to Changing Perceptions and Policies**

After being displaced and discouraged, tribal nations found little solace in Oklahoma. Indian Territory no longer existed, and land once again proved to be the commodity craved by the United States government. Stern treatment of Indian tribes continued into the new state, and early Oklahoma, as well as the rest of America, proved to be ruthless. Such severe handlings would eventually catch the attention of native and non-native Americans alike. Oklahoma was on the forefront of both measures with some citizens exploiting the native population and others empowering tribal peoples. It subjugated, but also safeguarded.

### **Introduction to Termination**

After generations of subjugation, Native American populations began to pursue improved treatment and respect on a national scale. The movement of self-determination is driven by the need for restoration of control over American Indian affairs. By denying the enforcement of tribal sovereignty, Native Americans were dominated by the United States government and were unable to administrate their own policies and procedures. As the era Civil Rights swept the nation, Native Americans were inspired to follow suit and strive for self-betterment.

### **Termination Era**

The first steps towards self-determination began in the 1930s. John Collier became commissioner of the Bureau of Indian Affairs and proved to friend rather than foe to the Native Americans. Such a stance was uncharacteristic for BIA

executives of the time. The essential “beginning” of empowerment began in 1934 with the passage of the Indian Reorganization Act. This act broke away from the trend of assimilation and served to strengthen tribal cultures. It slowed the process of assigning allotments in an attempt to conserve and develop Native American lands. While it did not return allotted lands, it did push the government to purchase available lands to hold in trust for the Native American tribes. While such changes proved relatively insignificant in practice, this moment sparked a change in policies and perceptions regarding Native American treatment.

As the 1930s ended and the 1940s began, policies once again shifted to further overpower Native Americans. The Indian Claims Commission Act of 1946 seems advantageous to tribal peoples when first observed, but proves to be afflicting when further examined. It was an attempt to air grievances against the United States government by native peoples in an attempt to ease tensions of colonialism and thank the tribal citizens for their service of World War II. Native American citizens were able to file injustices with a commission that had the authority to disperse monetary compensation to tribal members who were distressed by broken treaties. While this may seem beneficial to the tribal people, they were forced to waive their rights to claim injustice again after presenting their case in front of the commission.

While the 1940s sneakily oppressed Native Americans, the 1950s were much more blatant in their overpowering. The “tough love” tactic of termination officially began with the passage of House Concurrent Resolution 108 in 1953. This resolution abolished the federal supervision and responsibility of the United States

government in regards to tribal nations. The ideal of termination was to dissolve traditional tribal cultures. Tribes that were terminated were granted all the rights and privileges as a normal American citizen, and they were expected to act accordingly, including following all United States laws. Termination was put in place after the bureaucratic handlings of Native Americans were undeniably unjust. The Indian Claims Commission found that often the American government mistreated the tribal members, so by eliminating tribal reliance on bureaucratic entities it would decrease mishandlings simply by reducing handlings.

In the same year, Public Law 280 was passed. This law fostered both the message of termination as well as denying sovereignty. Not only did it reinforce the forced entry into American citizenship and culture and all that entails, it also further limited sovereignty by placing American Indian nations under the jurisdiction of not only the federal government, but also state governments. There were two main points in Public Law 280, and the first was to strengthen law enforcement. Many tribal nations had judicial and law enforcement agencies, but the United States found these lacking and placed the tribes under state judicial jurisdiction. By denying state jurisdiction with the decision of *Worcester v. Georgia* in 1832, it increased tribal dependency of federal programs and policies even it did so under the lens of sovereignty. Therefore, the second mission of the law was to lessen federal burden and native reliance by granting state jurisdiction.

The United States government continued with its mission of termination as the 1950s progressed. The Indian Relocation Act of 1956 persisted in absorbing tribal peoples into mainstream American life and culture. The act encouraged

American Indian peoples to leave reservations and allotted lands in order to gain access to greater employment opportunities. The government provided tribal citizens with moving expenses if they agreed to move to large, metropolitan cities and also promised vocational and skills training.

### **Conclusion to Termination**

The concept of termination was simple, take an American Indian and make him only an American. The United States government hoped to eliminate tribal cultures and simply add it into the melting pot mix. The era of termination was focused on three ideals. The first concept was acknowledging mishandlings of bureaucratic affairs with Indian nations. The solution to this issue lies within the other two ideals, the first of which is to decrease tribal reliance on the American government. This problem was to be aided by the third ideal of cutting costs by cutting programs and policies that benefit American Indian nations. When an American Indian becomes just another American, there is no longer a need for Indian benefits.

While the era of termination may have had genuine intentions from the United States government, it proved to be the last straw for Native Americans. Such blatant subjugation, dominance, and management of tribal nations would eventually lead to a cultural revival and revolution amongst the American Indian population. While termination may have temporarily weakened tribal sovereignty and progress, it eventually served as the motivation that Native Americans to take matters into their own hands.

### **Introduction to Self-Determination**

Self-determination is essentially an American Indian perspective on handling the same issue that termination attempted to mend. Both parties agree that the bureaucratic handling of American Indian affairs was incorrect, one tried to eliminate a culture while the other plans to expand it. Instead of focusing on dissolving as termination did, self-determination pushes for decision-making power. By the 1960s, Native Americans have seen Civil Rights inspire other minorities, so they begin to politically fight for self-governance and the repeal of debilitating, paternalistic policies.

### **The Era of Self-Determination**

The first president to serve as a true ally to Native American peoples was President Richard Nixon. While his term may have ended in a potential impeachment, his legacy led to a culture's empowerment. Nixon agreed that the handlings of American Indian affairs were not honoring century old commitments to assist and protect Native American tribes. Instead of oppressing, ignoring, or dismantling, Nixon did something unusual for his title. He helped. He agreed that the native peoples had a better understanding of their needs than the United States government, and believed that self-determination, even before that term was used in this instance, would be more effective. In his congressional speech entitled "Recommendations for Indian Policy" Nixon stated, "The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Self-determination was so important to tribal nations because it provided them with opportunities to better care for their member's needs. A landmark policy

in the era of self-determination was the Indian Self-Determination and Education Assistance Act of 1975. This act gave more power and authority over programs and policies back to the American Indian nations. According to the act, government agencies were able to enter into contracts with tribal nations and serve them through grants as opposed to direct control of funds, and the tribe would then have the authority to spend the funds in a facet that would best serve its people. This provided American Indian tribes with the opportunity to outfit their members with services from government agencies such as education, welfare, and health.

As the 70s progressed, so did self-determination. 1978 saw two pioneering congressional acts in regards to Native American rights. The first one of the acts passed was the Indian Child Welfare Act of 1978. For generations, American Indian children had been forced into boarding schools and de-cultured into Americana, but this act brought authority and accommodation to Native American families and children. The Indian Child Welfare Act granted exclusive jurisdiction to the tribal nation in child custody cases that involved tribal children living on tribal land. It also gave concurrent jurisdiction over Native American children in instances where the child was a tribal member but did not reside on tribal lands. The concept of concurrent jurisdiction proves to be a grey area, even in modern courts. The second act of 1978 was the American Indian Religious Freedom Act of 1978. This act ensured that the freedom of religion provided in the Bill of Rights also applied to Native Americans. It proved American Indians with the rights to practice traditional ceremonies, access to religious sites, and use and possession of religious items.

### **Conclusion of Self-Determination**



After centuries of oppression, the United States was finally beginning to allow tribal nations to once again gain access to the illusive concept of sovereignty. The American atmosphere was greatly altered during the time of Civil Rights, and the Native American used this perception shift to their advantage. While disagreements and disputes between the United States government and American Indian tribes were far from over, these issues could now be solved through less tyrannical methods. As we examine modern Oklahoma, we find that the impact of tribal cultures and histories are undeniably crucial to the evolution of our state.

### **Introduction to Modern Oklahoma**

By studying the history of Native American people, we can better understand the cultural, economic, and legal landscape of modern Oklahoma. From the lands of the current American southeast to Indian Territory, the tribes of the Mississippian culture have had a profound impact on the state we know now. The 39 federally recognized tribes in Oklahoma continue to be a driving force for change.

### **Assessing the Tribal Impact**

Oklahoma is greatly influenced by the Native American population and culture. Citizens of the 39 federally recognized tribes located in Oklahoma make up 13% of the state's population with over 480,000 registered members (Economic Research and Policy Institute, 2012). While the tribal nations make up a large percentage of the population of Oklahoma minorities, they also have authority over many Oklahoma lands. Oklahoma houses many tribal nations' headquarters, with jurisdiction over  $\frac{3}{4}$  of the state (Economic Research and Policy Institute, 2012).

While the population breakdown is unsurprising due to Oklahoma's history as Indian Territory, the economic impact of the sovereign nations is less expected but equally vast. Tribal operations generated \$5.6 billion in revenue back to the state of Oklahoma in 2012 (Economic Research and Policy Institute, 2012). Not only do the tribes impact our economy directly, they also employ over 53,000 Oklahoma residents, many of which are American Indian citizens (Economic Research and Policy Institute, 2012). By employing these Oklahomans, the tribes are contributing \$1.5 billion to their employees through payroll (Economic Research and Policy Institute, 2012). High employment statistics and increasing revenue levels notably contribute to Oklahoma's economy, but the tribal nations also greatly impact our state's social services, paying \$792 million in 2012 (Economic Research and Policy Institute, 2012).

## **Conclusion**

Throughout the thesis, I examined the transition of the American Indian from colonialism to current sovereignty. By addressing early Federal Indian Policy through all three branches of government we were able to see how the Native American population proved to be a burden on the United States government and was often treated as such. The pinnacle of this treatment was exercised through the passage of the Indian Removal Act of 1830. The perceptions and handlings continued through termination and the creation of Indian Territory, which begins to set the stage for the Oklahoma we inhabit today.

As the thesis continues, we observe a tribal renaissance in the Civil Rights era through the concept of self-determination. While the mishandlings and subjugations

of tribal members plague our nation's history, our state's present is improved by the Native American culture. The empowerment and strengthening of American Indian interests through self-determination allowed the 39 federally recognized tribes of Oklahoma to evolve into the current sovereign dominions.

As our state continues to grow, the Native American culture and impact follow alongside. The hardships imposed on the tribal nations lead to a culture of resilience and dedication, which is seen through modern tribal handlings. In order to fully understand Oklahoma, one must understand the trials, tribulations, and triumphs of the American Indian.

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