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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

AMERICAN INDIAN SELF SUFFICIENCY: A STUDY IN HUMAN AND NATURAL RESOURCE DEVELOPMENT POLICY

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CLAUDE HERBERT HEYER

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1966

AMERICAN INDIAN SELF SUFFICIENCY: A STUDY IN HUMAN AND NATURAL RESOURCE DEVELOPMENT POLICY

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The work really began in 1957 when the author initiated research for a master's thesis entitled: Economic Analysis of Recent Federal Policy and Legislation Affecting United States Indians. (1958) The interest indicated by that rather brief survey resulted in several assignments in Oklahoma in 1958 and in appointment as the full time Field Secretary (Economic Development) of the Association on American Indian Affairs, Inc., 475 Riverside Drive, New York from June 1959 to July 1962 by virtue of a foundation grant. During this time the author traveled over 100,000 miles by auto or pickup truck working with tribes and local communities on development and as an economic development and business consultant to tribal governments. During the Spring and Summer of 1964 and Summer of 1965 the author traveled over

20,000 miles at personal expense revisiting persons and areas contacted earlier to maintain contact with various programs and to review regressions or accomplishments, new problems, or new solutions.

The Association on American Indian Affairs, Inc., and other Indian interest groups are discussed briefly from time to time in connection with their relationship as private interest organizations devoted to the general field of development policies.

Appreciation and gratitude for encouragement and training is extended to but definitely not necessarily limited to the following staff of the University of Oklahoma: Dr. John Paul Duncan, Professor of Government; Dr. Oliver Earl Benson, Professor of Government; Dr. Paul Albert Brinker, Professor of Economics; Dr. Ronald Buswell Shuman, Research Professor of Business Management; and Dr. Angie Debo, Oklahoma State University, Stillwater, historian and author who made the largest part of the fieldwork for this study possible. Birney B. Goodman of Pendleton, Oregon, typed the final copy in its excellent form.

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CHAPTER I

INTRODUCTION

The General Setting

The nearly half million American Indians in the United States constitute a segment of American society about which today the general citizen has little accurate knowledge. A considerable number of myths have arisen over the years including the ubiquitous ones that the federal government sends a check each month to Indians because they are Indians or that Indians do not pay taxes. Neither statement is correct. Government checks do arrive in payment for leases, royalties, social security, unemployment and other legal obligations but never because a person is an Indian. Indians are liable for almost all taxes except for those on certain lands and returns from lands held in trust by the federal government. The release from certain divisions of income taxes arising from produce of the land is not universally taken.

Noninformed persons may think the American Indians are rather similar although in truth there are over two hundred different tribes and languages within the boundaries of the United States, the exact count varying with definitions of the terms tribe and language. Within tribes can be found a range of body types, personalities and dispositions not unlike almost any part of American society selected at random. The

average person knows vaguely of the highly developed Indian tribal organizations of the past, of the warfare necessitated by the Indians reluctance to peacefully give up his resources and livelihood to the newcomers, and possibly of broken treaties or solemn agreements ignored. Better informed persons know the rather unbelievable facts of tribes who relentlessly attempted to exterminate their weaker tribal neighbors, of a tribe which is proud of the fact that no member ever spilled the blood of even a single European during the conquest of the West, and of tribes who were never defeated nor forced to make a treaty under duress or otherwise.

At times well meaning persons who suddenly at some point in their life become aware of the general poverty, illness, suffering and other difficulties prevalent in Indian society, occasionally become quite emotional, highly incensed at the wrongs and for a while scintillate like a meteor in ill advised or inappropriate do-gooder type activities, eventually accomplish little, lose interest and fade away. On the other hand there are a rare few historians, civil servants, authors, churchmen, farmers and the like who through unusual special sensitivity or peculiar natural empathy become friends with individual Indians or with groups, and assist one another throughout life. The spirit of human understanding and a natural curiosity may be partial reasons for the success of the latter group but the factors involved are not easily discerned. One of the objectives of this study is to attempt to

discover at least a few of the factors involved in the techniques, conscious or unconsciously used, in successfully dealing with those who differ in some way from the normally accepted social stream of a society.

There are reasons for the many erroneous ideas and misconceptions about Indians and the Bureau of Indian Affairs, that branch of the Department of Interior administering Indian affairs. Among the variety of reasons for this situation are disinterest, ignorance and occasionally deliberate falsehood but the very complexity and diversity of the social, anthropological, economic, legal and governmental relationships of the Indians make rational, concise block of granite type of facts difficult to isolate. Those who have spent many years in the field in administration or research are most reluctant to stand behind any broad generalization. It has been said that almost any general statement about the Indians may be false when applied to individual cases. For example, "Some persons do not actually know whether they are Indians - they may be legal Indians one day but not the next, they may be biological Indians but not cultural Indians, or they may be cultural Indians but possess no Indian blood".[1] Today by custom one quarter blood heritage is adequate for legal Indian status. The best practical definition is that an Indian is

[1]Hildegard Thompson, Orienting New Employees in the Branch of Education. Branch of Education, U.S. Bureau of Indian Affairs (Chilocco, Oklahoma: Chilocco School Press, 1956), p. 7.

anyone of Indian descent who thinks of himself as an Indian and whom the local community thinks is in that category.[2]

The broad outlines of this study can be illustrated by denoting what types of information are to be minimized. The examples of the myths and non-objective emotionalism heretofore mentioned are left to those few biased editorial pages, uninformed writers, the so-called do-gooders, militant special interest lobby groups, and even possibly cracker barrel or barnyard discussions. The basic task of the study is to search for, isolate, examine and evaluate concepts and basic elements of policy in the major fields of business, economics, and political science relating to development procedures, goals and values. Stated in a slightly different manner the study is a search for guiding economic and governmental policy concepts, domestic and international, for minimum conflict or minimum suffering transitional self-development of human and natural resources of pre-urban cultures.

Examples of the term pre-urban culture include loosely tribesmen in Asia, Africa, South America, Central America, North America, Australia, New Zealand and various island societies. The standard terms of primitive, minority, backward, underdeveloped, savage and the like are avoided for the most part as they can and do occasionally carry undignified suggestive significance. One central value concept utilized in

[2]Walter M. Daniels, American Indians, The Reference Shelf Vol. 29, No. 4. (New York, H. W. Wilson Co., 1957). p. 12.

this dissertation is that all persons or groups have the right to self determination and democratic equality, but with the added right to be different in ideas, religions, tastes and culture. The right to be different is nothing more than the democratic freedom of choice or basic human right to equal opportunity for life, liberty and the pursuit of happiness. Reference is made generally to genuine established religions, cultures and choices of ethnic or community groups and not necessarily to the innovators, dreamers, or those conscious deviators within an identifiable human organization entity.

Benjamin Franklin writing in the 1757 edition of Poor Richard's Almanac under the heading "Remarks Concerning the Savages of North America" embellishes rather clearly the point of differing values under review:

> SAVAGES we call them, because their manner differs from ours, which we think the perfection of civility; they think the same of theirs.
>
> Perhaps, if we could examine the manners of different nations with impartiality, we could find no people so rude as to be without rules of politeness; or none so polite as not to have some remains of rudeness.
>
> The Indian men, when young, are hunters and warriors; when old, counsellors; for all their government is by the counsel or advice of the sages. There is no force, there are no prisons, no officers to compel obedience or inflict punishment. Hence they generally study oratory, the best speaker having the most influence. The Indian women till the ground, dress the food, nurse and bring up the children, and preserve and hand down to posterity the memory of public transactions. These employments of men and women are accounted natural and honorable. Having few artificial wants, they have abundance of leisure for improvement by conversation.

Our laborious manner of life, compared with theirs, they esteem slavish and base; and the learning, on which we value ourselves, they regard as frivolous and useless. An instance of this occurred at the treaty of Lancaster, in Pennsylvania, anno 1744, between the government of Virginia and the Six Nations. After the principal business was settled, the commissioners from Virginia acquainted the Indians by a speech, that there was at Williamsburg a college, with a fund for educating Indian youth; and that, if the chief of the Six Nations would send down a dozen of their sons to the college, the government would care that they should be well provided for, and instructed in all the learning of the white people. It is one of the Indian rules of politeness not to answer a public proposition the same day that it is made; they think it would be treating it as a light matter, and that they show it respect by taking time to consider it, as of a matter important. They therefore deferred their answer till the day following, then their speaker began by expressing their deep sense of the kindness of the Virginia government in making them that offer; "for we know," says he, "that you highly esteem the kind of learning taught in those colleges, and that the maintenance of our young men, while with you, would be very expensive to you. We are convinced, therefore, that you mean to do us good by your proposal, and we thank you heartily. But you, who are wise, must know that different nations have different conceptions of things; and you will therefore not take it amiss if our ideas of this kind of education happen not to be the same with yours. We have had some experience of it. Several of our young people were formerly brought up at the colleges of the northern provinces; they were instructed in all your sciences; but, when they came back to us, they were bad runners, ignorant of every means of living in the woods, unable to bear either cold or hunger, knew neither how to build a cabin, take a deer, nor kill an enemy, spoke our language imperfectly; were therefore neither fit for hunters, warriors, nor counsellors,-they were therefore totally good for nothing. We are, however, not the less obliged by your kind offer, though we decline accepting it; and, to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruct them in all we know, and make men of them."

Having frequent occasions to hold councils, they have acquired great order and decency in conducting them. The old men sit in the foremost ranks, the warriors in the next, and the women and children in the hindmost. The business of the women is to take exact notice of what passes, imprint it in their memories (for they

> have no writing), and communicate it to their children. They are the records of the council, and they preserve the tradition of the stipulations in treaties a hundred years back; which, when we compare with our writings, we always find exact. He that would speak rises. The rest observe a profound silence. When he has finished and sits down, they leave him five or six minutes to recollect that, if he has omitted anything he intended to say, or has anything to add, he may rise again and deliver it. To interrupt another, even in common conversation, is reckoned highly indecent. How different this is from the conduct of a polite British House of Commons, where scarce a day passes without some confusion, that makes the speaker hoarse calling to order; and how different from the mode of conversation in many polite companies of Europe, where, if you do not deliver your sentence with great rapidity, you are cut off in the middle of it by the impatient loquacity of those you converse with, and never suffered to finish it.[3]

Considering the complex subject matter involved which covers nearly all academic disciplines of the humanities either directly or indirectly it is necessary to limit this study in scope or breadth but hopefully not in analytical penetration. It is not a comprehensive or authoritative historical review of military actions or governmental policy in chronological order from the British, Spanish, French or Russian colonial periods to present; not a handbook of legalism, administrative rulings, legislation or custom; nor a study of any single discipline subdivisional approach as anthropology (tribal customs), sociology (group interaction), business management (entrepreneurship), geography or psychology. Portions of the subject matter of these

[3]Benjamin Franklin, Poor Richard's Almanac, 1757.

disciplines are eclectically discussed and are expected to contribute substantially to analysis and summaries.

The central idea or structure upon which the following chapters rest is that the planners, policy makers and leaders as well as the individual or group implementers of human and natural resource development need or even require the capacity, ability, interest and drive to absorb a variety of relevant multi-discipline principles. The ability to apply eclectic concepts to practical use with seasoned judgment and corresponding responsibility should insure productive use of the results of the continuing research and studies in the humanities and related sciences.

The study undertakes to develop pragmatically and empirically a thread of continuity on resource development policy through the total haze and labyrinth of Indian affairs. It is hoped that concepts deriving from such approach might be transferable to international development programs relating to smaller political groups within one or several national boundaries. From a national or international viewpoint the study generally concerns a special element of local government vitally related to national and international policy.

In the process of development of the study, case studies and special items selected for appropriateness or relevance are woven into the fabric of analysis. While there is always a risk of unconsciously picking up distorting bias in

selection of case studies, reasonable judgment and careful estimation of universality are hopefully used to omit, balance or offset any extreme tendencies or isolated events which could warp final recommendations and evaluations. The end desired is the revelation of the aspects and significance of culture to economic and political development policies.

Archeological Background

In order to prepare a base for discussions on policy and economic development it may be appropriate to first sketch briefly the archeological or anthropological knowledge available on the Indian's ancient or prehistorical period. The average reader learns something of the history of the conquest of the Indians in American History courses from the dominant society point of view but relatively little regarding archeology and anthropology. An introductory outline may prove helpful towards increased ease in the presentation and understanding of items relating to culture in following chapters.

Persons with a degree of anthropological curiosity wonder and speculate about the origins of the natives of the Americas. The common thinking advanced by academicians operating in this specific area of study is that migrations from Siberia in 10,000 to 35,000 B.C. provide the answer but there are doubters and an almost corresponding number of theories. The conclusions of this study are not particularly related to or dependent upon the origin of the native Americans, but it is an interesting fact that the peoples populating the North and South American continents seem not to be indigenous and are generally believed to have arrived in successive migrations over periods of centuries. Our own immigration represents merely the latest waves of newcomers according to present scholarly belief.

There are several interesting and thought provoking books on the subject of discovery. A provocative and recent title is They All Discovered America.[4] The author's studies indicate that a good many persons discovered America before the renowned Christopher Columbus discovery in 1492, the date which, school children are almost religiously taught, marks the beginning of history for the New World. Certainly the Indians have been here for centuries and centuries. A number of persons have held strong positions in promoting several near myths which seem to provide substantial pleasure and comfort for their fellow believers. One such near myth is that the European newcomers came to a desolate wilderness. One would imagine that the land, sky and mountains were every bit as beautiful in the earlier days and in fact probably more so due to the increasing blight of the ever growing mass of human constructions covering miles of landscape. In addition to the natural beauty of the land, thousands of persons were living reasonably abundant lives over thousands of square miles.

A factor regarding unnecessary hardship and suffering in several early wilderness colonies arose through the failure of governments and/or businessmen to adequately finance or provision the commercial venture colonies and also

[4]Charles Michael Boland, They All Discovered America (New York: Permabook Edition, Pocket Books, Inc., 1963. Doubleday 1961).

the unreasonable restrictions against a person working for himself. Those factors may have contributed more to the difficulties of the new colonies than either cruel wilderness or blood thirsty savages.

In truth, the history of the Americas really begins thousands of years ago and not just several centuries back. While there are organizations for those who are proud that their ancestors migrated in revolutionary times, strangely these same organizations have little to say about the great or lengthy past of the American natives, some of whose ancestors may possibly have been here 350 centuries or about 7,000 generations. For example, certain persons seem to be quite proud and haughty about being a third or fourth generation descendent, oblivious of the fact that some of their quiet neighbors are descendents of possibly thousands of generations.

Charles Boland mentions successively in order the arrival of the first Paleolithic-Mongoloid Asian hunter, the Phoenicians, the Romans (a band of fleeing Christians), evidence of Chinese travels, an Irish monk, a number of Icelanders and Vikings, a Prince of Wales, Faeroese fishermen, Portuguese and finally Columbus. Whether new evidence and time will prove Charles Boland's theories correct, it is curious that there are so many physical types among the American natives including blue or grey eyes, light or dark skin, fat or thin, tall or short, and accompanied by nearly 1,000

languages and dialects on both continents. The exact language count depends upon definitions of subgroups, variations and dialects.

Another theory of interest in origins of the natives is developed by a book entitled The Viking and the Red Man.[5] Reider Sherwin, a layman, with knowledge of dialectal Norwegian which is apparently closer to Old Norse than literary Norwegian, compiled a dictionary of about 1,000 words of Old Norse and corresponding sounding Algonquian with similar or alike meanings. The Algonquian was picked from early dictionaries of French, English, Swedish or German missionaries. Whether the theory advanced has merit is not firmly established and may never be due to the passing of older languages long ago. Reider Sherwin's work was a trial balloon set forth in hopes that more authorative studies would follow.

Another interesting book The Lost Americans[6] or the story of the man they said never was, Old Stone-Age American, considers the first peoples in Europe and America. Hibben discusses the European Neanderthals and more modern Cro-Magnons who apparently had Neanderthals for lunch in the literal sense. He proceeds to evolve an account of Sandia and Folsom man in the New World, dating them back initially

[5]Reider T. Sherwin, The Viking and the Red Man (New York: Funk and Wagnalls Company, 1940).

[6]Frank C. Hibben, The Lost Americans (New York: Thomas Y. Crowell Co., 1946).

to possibly 30,000 years ago. Hibben suggests that they are ancestors of some present day Indians, but lists a forbidding number of questions and puzzles requiring a great deal of further research and luck before a clear picture can emerge.

A related pair of unusual books on origins of the Indians presents interesting though not popularly accepted views, among scholars or otherwise. The pair of books are Archaeology and the Book of Mormon[7] (Volume I) and Christ in Ancient America[8] (Volume II) by Dr. Milton R. Hunter, historian and member of the First Council of Seventy of the Latter Day Saints. Dr. Hunter writes that the Book of Mormon depicts the early history of native tribes in South America. His theory is that there were many white Indians in the Western Hemisphere in early days and still are today.

Dr. Hunter offers in evidence of his theory the persistent legends in Central and South America of the White and Bearded God who in ancient times visited the native's ancestors, taught them in the arts of metals, government and agriculture and disappeared. Traditional belief was that some day the white God would return. He is described as a man of light skin, long beard and flowing robes. In Mexico the Aztec name for the white and bearded God is Quetzalcoatl (Ket-sal-co-watl'). Several centuries ago an Indian writer,

[7]Milton R. Hunter, Phd., Archaeology and the Book of Mormon (Salt Lake City: Deseret Book Co., 1956).

[8]Milton R. Hunter, Phd., Christ in Ancient America Salt Lake City: Deseret Book Co., 1959)

Ixlilxochitl (Eesh-tleel-sho-cheetl') wrote that when the Toltecs were at the height of power the holy Quetzalcoatl arrived and instructed them in virtue, forbade vice and sin, gave laws and good doctrine, instituted religious fasting, and initially placed the cross which meant God of rains, of health and of life. The cross was called Quiahuiteotl-chicahualizteotl by the Toltecs and was also known by the name Tonacaquahuitl. Early Catholic priests in South and Central America recorded stories and legends of the Creator who gave the ancient Americans their religion, government and culture, who promised immortality for obedience and who left to be in heaven with the head God. Dr. Hunter's books display a large number of photos taken in Mexico of carvings, pottery and figurines of long bearded men, most of which have rather prominent noses.

Another theme of Dr. Hunters is that white Indians exist today. Murals from ancient temples in Mexico depicting both dark and light skinned people are given as evidence. Even a brief chapter is included on white Indians north of the Rio Grande. Several remarks by early explorers are mentioned indicating to Dr. Hunter that Northwest Coast Indians were not much different in appearance from Europeans in general, particularly mentioning the Haidas of the Northwest Coast. The Mandans of North and South Dakota are described as having had about a fifth of their people with white skins and blue eyes. Other tribes are discussed as

the Cherokee, Catawba, Zuni and Hopi. While Dr. Hunter's books contain a mixture of Mormon religion and stress the theory that the progenitors of white Indians were the Nephites of the Book of Mormon days, a belief and theory probably not generally accepted in academic circles, his books are interesting and could excite the curiosities of budding students of the humanities who may be directly concerned with research into the origins of the early American natives.

According to Dr. Hunter, God promised the Nephites their descendents would continue in America forever and should that unverifiable prediction be the actual case the American Indians need have no fear of extinction.

In conclusion, the most popular anthropological theory is that the Americans came over from Asia in recent times. Archeological theory points to more ancient origins. Bones with Folsom points in them or near them have proven to be those of giant ground sloths, extinct giant bison, elephants and other prehistoric animals extinct before the glacial period. The Folsom points have been found in many states other than Colorado where the initial discovery was made. The finds are quite rare however. Dr. Hubbard of the Oakland California Museum is said to have discovered in caves in Havasu Canyon of Arizona, carved likenesses of wooly rhinoceroses, imperial elephants, giant bison and prehistoric ibex with carvings showing men hunting the animals. It is

estimated that these human beings inhabited the southwest half a million years ago.[9]

If we believe the theory of evolution, could man have evolved in the Americas? The strongest obvious argument against man evolving from apes in America, is that there were no apes. Recently, in Bridger Basin, Wyoming, Dr. Charles L. Gazin, curator of vertebrate paleontology at the Smithsonian Institution, discovered skeletal portions of primates of the Middle Eocene period of 50,000,000 years ago. According to Verrill's book Dr. Gazin said that the bones belong to creatures of the Middle Eccene and represent the end of the primate line in North America. Soon after that era or a few million years afterward, the race completely disappeared from the continent and returned only with the ancestors of the Indians about 20,000,000 years ago.

A letter received from Dr. Gazin August 28, 1964, said in part, "I do not know where Mr. Verrill got his information. I did describe some middle and upper Eocene primates (Smithsonian Miscellaneous Collections, vol. 136, no. 1, pp. 1-112, pls. 1-14, 1958), and middle Eocene time would be in the neighborhood of approximately fifty million years ago. I do not believe, however, that they completely disappeared from the continent. Some groups later became extinct but presumably others retreated and survived in the

[9]A. Hyatt Verrill, The Strange Story of Our Earth (New York: Page and Company, Inc. 1952), p. 131.

more tropical portions of the continent during times of increasing aridity. These may well have given rise to the Central and South American forms still living. No other primates are known to have accompanied the Indians in their migration to this continent, which was somewhere in the neighborhood of twenty thousand years ago, not twenty million."

The main difficulty is that no skeletal remains of Folsom man or Sandia man, or any other ancient men have been found, but considering the years involved, relative scarcity of men and the newness of United States archeology there is nothing unusual about this lack of concrete evidence. While cautious scientists are accused of hating to credit Americans with great antiquity, it can be said that they can not prove that man did not originate in the New World. And there the matter rests. Scientists are fairly certain men did come over the Bering Strait and until newer evidence arises overwhelmingly no one seems inclined to foolishly risk reputation and career on a theory of great antiquity of the Americans. The author of this study has repeatedly questioned the most authoritative members of Northwest Coast tribes about myths of their antiquity and they consistently say, "Our legends are that we have always been here". Origin and durability of a legend is difficult if not impossible to establish.

The pursuit of native origins through archeological and anthropological disciplines is truly fascinating in the sense that the more we know about other people and the past, the more we can know about ourselves. Certain theories are at contradictory variance with our present training and viewpoints but as new evidence is produced and seasoned by time our knowledge of Indian antecedents shall surely grow. The most serious drawbacks in researching the ancient and even fairly recent cultures (1,000 years ago for example) is the lack of written or other records and in our immediate early colonial history the lack of scientific observation and research. We can inquire as to whether the Mandans were really comprised partially of a group of white Indians before Columbus landed in the Carribean Islands but will inquire in vain since it is probable that those non-Indians first contacting the Mandans were not particularly concerned with writing a scientific analysis of the physical characteristics of the tribe. There has been considerable intermarriage in recent centuries and thus time itself has obliterated much of the evidences sought.

Other views, not conclusively documented, include an idea that during the first dynasty of the Egyptians, colonies were established in a Sunset Land, where ever that was. Proponents of such an origin of some of the Indians at least, would link meanings of Peruvian and Sumerian dialects. Other theories include crossings on the sunken continent Atlantis,

Atlantians themselves, crossings of Polynesians, a lost tribe of Israel and so on almost without end.

Certainly we can conclude that the ancient history of the American natives is colorful, mysterious and interesting. Early accounts of beastly savages by some supercilious and ignorant explorers tended to obscure and hinder early productive research. After all, research is usually guided by men's values whether they admit to inherent bias or not.

The chief bias of this paper is that the Indians of the Americas have had a long and colorful history and it seems only right that a certain amount of respect for their dignity, pride and accomplishments be accorded them. If a brief knowledge of the Indian's history can afford policy makers insight adequate for recognizing the spirit and dignity of the Indians then this brief introduction can be warranted. We are not dealing with merely a group of half people or semi-people who may never measure up to European ideals but simply with the people who lived here before us and who had developed lifeways unique and frequently satisfying to themselves. There is even the remote possibility that even the most prejudiced, arrogant formers of policy could learn from Indian philosophies, should they ever bother to adopt the prerequisite humility. This statement is directed towards policy makers in all levels of government throughout the world where prerequisites of the dominant groups are apt to be over zealously exercised over individuals, tribes or racial groups.

Anthropological History

The appellations Indian or red man are incorrect. True Indians live in India. The so-called red man has skin that ranges in color from near black to white. Indians are generally of mixed race just as are the white Americans. Claims of pure races are made to the contrary without basis as for example the Nazi Aryan, a supposedly superior Caucasian race. There are tribes who frown with varying degrees of intensity upon intermarriage with non-Indians, with other tribes or in some cases below their class within a tribe but history indicates this attitude was not generally prevalent nor totally successful.

Early developments and accomplishments of the American natives in the humanities and arts are not well known except to a few academic specialists. Even the younger generations of present day Indians are not well versed in their history, for Indians do not usually study Indians formally. In order to properly consider the quests for development policies, goals, values and to consider policy formulation as applied to the Indian "problem" in later chapters, it may be fruitful to consider and elaborate briefly upon the civilizations and accomplishments of the United States Indians from the beginning of their recent history to the conquest periods. Ideally this introductary chapter would include a comprehensive and objective series upon all tribes of the Americas

but the task is too vast for the severely limited personal finances and mental capacity of the author and when the task is squarely faced one realizes that the research, study and writing over a long period of years might not produce the expected results because the knowledge available is incomplete. Recent anthropology of the United States Indians is relatively well documented but few have had the record of their business affairs subjected to the professional unearthing and analysis of a historian as that exemplified by Dr. Debo's Rise and Fall of the Choctaw Republic.[10] Except for occasional and random references to relatively well known facts about tribes in Central and South America, and Canada the limits of this introductory anthropological review are basically the confines of the geographical boundaries of the United States.

The major language groupings of the North American Indians are the Eskimo-Aleut, Algonquian, Athabascan, Uto-Aztecan, Penutian and Hokan-Sioux. Eskimo-Aleut extends across the top of the continent bordering along the sea. Algonquian extends from east coast to west along the Canadian border with jagged sections extending northeast to Newfoundland and south through Illinois. Athabascan covers much of Northwest Canada and inland Alaska, as well as most of Arizona. The Uto-Aztecan covers parts of Nevada, Utah and California with a section in Texas. Penutian is located in

[10]Angie Debo, The Rise and Fall of the Choctaw Republic (Norman, University of Oklahoma Press, 1934, 1961).

the Oregon and Washington area primarily. Hokan-Sioux includes the high plains from the Canadian border to the mouth of the Rio Grande and includes most of the south. California, always a crossroads, includes samples of all the major groups except the Eskimo-Aleut. The above territories represent the period of time just preceding disturbances by colonization.

Potlatch Tribes or The Rich

The wealthiest Indians in the United States (in constantly accessible food) were the northwest tribes ranging along the west coast from northern California to the Alaskan panhandle. Their basic food was salmon, which is considered by some present day authorities to be almost perfectly balanced nutritionally. In addition they had cod, halibut, shellfish, sea otter, sea lion and whale as well as inland game. The Quinault, Quileute and Makah, Western Washington coastal tribes, were whale hunters, distinctive from the non-sea going tribes to the south and the Maritime people to the north which include the Nootka, Haida, Tlingit and Tsimshian of Canada and Alaska.

The northwest Indians lived in houses in villages along streams during the winter, camping temporarily during summer fishing or berry picking activities. The houses were large wooden structures, rectangular with pitched roofs, a not unfamiliar sight to the first European explorers viewing them.

Size ranged from a frame of logs over a small digging in northern California to large buildings in Canada up to fifty feet long capable of housing several families. The tribes produced a wide number of useful items besides the houses as square wooden storage boxes, berry baskets, dog wool blankets, whale harpoons, halibut hooks, adz, magnificent canoes and of course, clothing and other hunting items.

Culturally the northwest differed considerably from other areas. Being a wealthy society they developed techniques of living not especially unusual in other relatively wealthy societies of the world. Hereditary privileges were important. The sons of well to do had visions which foretold their career, usually a single craft specialty as working with wood, canoes, ocean hunting or other socially desirable craft or trade. Slave Indians did most of the necessary menial tasks allowing the aristocracy the freedom to follow a single trade. Sons of the poor were less likely to have a vision and more apt to find themselves doing less spectacular fishing than the adventurous pursuit of ocean halibut or hunting whale. The slaves, usually women and children, were not expected to have any visions at all.

Wealth was an important consideration in marriage, the families carefully evaluating the prospective financial, and sociological class structure aspects exhaustively before hand. The boy brought gifts, the girl brought her dowry. Divorce was not usual for it was too much effort to unravel who gave who what and when. In the socially higher families, that is, political rulers, divorce was not only discouraged by property difficulties but also held to be quite undignified. In this society the rich inherited wealth, made the "best" marriages and owned slave Indians usually captured from other tribes or descendents thereof. They

even had families who traced their heritage through ancestral myth to the beginning of the world.

However, in a manner paralleling a commoner in present United States industrial society, the Indian commoner might through pull, skill, push, luck or a fortunate vision gain wealth and arrive at the wealth summit. As in the United States society having a rich relative or being an orphan cared for by a well to do family were factors quite conducive to success. Being the wealthiest man meant being chief. Heredity alone, or great achievements or some form of appointment were not necessary. But a chief could lose his wealth and his political influence evaporated with it.

The wealth of the potlatchers consisted of objects as shell money, blankets, furs, slaves, baskets, preserved food, obsidian (more commonly known as volcano glass) knives, and after the Europeans came, trade goods. The way to wealth was through the old and tried methods of saving and work. Avoiding women and eating little were techniques alleged to be of high value. Even the aristocrat working at his single craft put in years of diligent effort to become successful in material wealth. While being rich carried its privileges and responsibilities, industry and production were necessary. The ambitious man or man on the way up was expected to hand out a stream of gifts to pave the way through social and political functions. He secured the right meeting seats, was invited to the correct events, had his name mentioned at

timely moments and harvested other favors if his gift giving was satisfactory.

And finally when a man had accumulated a large amount of wealth a potlatch was called with a feast and gifts for the many important guests. The most important guests were honored with the finest gifts. The potlatch was successful when the food was all eaten and everything given away. Whoever accepted the last blanket consented to holding the next potlatch, hopefully bigger and better. A rich man might hold three or four potlatches during his career. It is important to observe that through his influence and power he would himself receive substantial gifts from various quarters, rebuild his own wealth again in part from gifts. When an Indian gave, he eventually expected a gift in return. Early whites did not understand the custom and were surprised when the giver wanted a gift or return was demanded of the original gift. The term "Indian giver" probably arose as a result of the misunderstanding of this cultural trait.

Farther south in Oregon and California the potlatches did not develop among the poorer tribes. They danced once a year displaying objects of wealth belonging to an important man, the dance being to maintain order in their world.

Vitus Bering sailed through the straits bearing his name in 1725 and began exploring Alaskan shores by 1741. Soon after Russians discovered Alaska, they came in and destroyed the sea otter while other white men were soon to be busy at

work down south annihilating the plains buffalo. (By the time of the Civil War most of the buffalo were gone) The Tlingit did not get on well with the Russian traders but the trade lasted until Alaska was purchased by the United States in 1867. Eventually Yankee skippers or Bostons came to the Northwest, to trade with the powerful Chinooks who dominated the mouth of the Columbia River. The Chinooks, with keen business acumen, came to dominate the fur trade between the Bostons and other inland tribes. Tribal wealth grew, potlatches became larger and frequent. Conservation was forgotten, smallpox killed almost whole tribes, political stability waned. While this was occurring wagon trains were deepening the westward extending ruts of the Oregon Trail. A portion of Chapter six expands upon the northwest reservation period, policy and administration to the New Frontier of President Kennedy. Focus is upon the Space Age Indian War, Northwest Coast Indian fisheries.

Desert Wanderers or The Poor

The geographic area of the plateau and basin people include parts of Washington, Oregon, Idaho, Utah, Nevada, Colorado, and California or the hugh intermontane land between the Rockies and the Sierras and Cascades. Most of this land is as arid as the northwest coast is wet. The people living there were nomadic or semi-nomadic, for focd was sparse and seasonal. In contrast to the wealth of the Pacific Northwest the desert tribes were quite poor in material goods. Continual travel moving from food source to food source diminished any proclivity for permanent towns or manufacture of heavy objects. In turn the arts and crafts, arts of government and formal ceremonies did not develop to the complexity of more favorably situated tribes.

Utilizing sparse desert vegetation the Paiutes developed basketry to a peak of perfection in intricacy, technique and design. The baskets were light, portable and used for home making activities as storage and in cooking with boiling stones.

Politically the Plateau bands and groups were independent, forming no confederacies or nations. They developed no great military leaders until the pressure of the whites made strongman leaders necessary. Earlier leaders filled roles as advisers or judges and were men of honor. The hunter and war party leaders were not chiefs. About the mid eighteenth century the Plateau People got their first horses

and soon began riding east to hunt buffalo and raided into areas of present day Texas, Oklahoma, Kansas, Colorado and even to Mexico. Their life mixed into the new plains culture, westward migrations, wars, loss of lands, loss of power and eventually they too were placed upon reservations.

The true desert peoples to the south were derisively called the Diggers because they dug roots for food. We use roots and tubers ourselves as carrots, potatoes, turnips and others. The potato is an original Indian product. Although early explorers or travelers said that the Diggers lived like animals, implying the Diggers were about as low as the human species could get and still be human, it is shear irony to note that the Diggers knew how to live satisfactorily in the desert while some of the inconsiderate critics or their friends died of thirst or starved while merely trying to cross the desert. With such meager resources as the desert offers, the people had a livelihood but there was little surplus for ceremony or complex social relations. No leaders were needed for family sized bands and war was unnecessary in the great sparsely settled deserts. Gathering food and living a good life were their goals. If material wealth is the standard for measuring culture these people had little. If living quiet, responsible and generally good lives means anything in the most remote way in defining culture, the Paiutes were as good as anyone, if not a trifle more so, for their vices were few and wants simple.

But even today one hears from normally ordinary and decent western citizens about the lowness of the Diggers and their disdain for them. Personal investigation indicates those attitudes to be based on the purest ignorance and stupidity for the Paiutes today farm, ranch, work at trades, go to college and live lives not at great variance with rural America. Deserts are not notably kind to living things or persons and the Paiutes and others who today live in or near the ancient areas of roaming are not usually wealthy. The young leave for the cities, the older persons subsist tending their own affairs quite religiously in their Indian ways, and a few old timers continue to produce the finest and the most delicate handmade baskets known to man. A number of baskets the size of a pinhead have been woven by Paiute women for display purposes. The ample supply of tombstones and ghost towns in the western deserts stand as mute evidence to the fact that mastery of the deserts is no miniscule art. The "Diggers" thrived in their deserts in harmony with nature for untold centuries.

Even today tourists zipping through a few hours of desert driving in soft seated, cushion tired luxury are known to brag about the agonies they experienced. The gap in knowledge and culture between the desert Indian and some of his contemporary non-friends is about as great as if they lived in totally different worlds or on different planets.

Last Indian Arrivals

The Navaho and Apaches, a single people, moved southward into the southwest around 1,000 A.D. Their origin is unknown. They were nomads, enjoyed war and raiding, in contrast to the rich northwesterners who had too much to lose and the poor desert dwellers who had few material things to war over. The name "apaches de nabahu" means enemies of the cultivated fields. Unlike tradition bound conservative societies the Navaho were learners, accepting and adapting any material thing they could use to their own evolving way of life. They learned weaving and sheepherding from the New Mexico Pueblo Indians. They adapted to the horse quickly and raided far and wide taking horses, sheep, slaves and bribes of velvet and silver jewelry from Spanish ranches. They learned silver smithy from the Spanish.

Nothing interferred much with their activities until the United States took over New Mexico and Arizona in 1848. The chief story of the Navahos and Apaches after 1848 are the stories of the conquest of the West and fit best in discussions of early policy in Chapter II. The Apaches were noted for their fierce and shrewd warfare. Modern conceptions of Geronimo's story is known to most movie and television fans. The author in the course of gathering materila for this survey interviewed an old Apache gentleman who was in his youth an apprentice warrior in Geronimo's band and full Apache warrior in 1880. Jason Nori Betzinetz, who was still driving his old

car at over 100 years of age died in 1960 as a partial result of injuries suffered in a collision with another car near Apache, Oklahoma in July 1960. Several seasons before his death his book I Rode With Geronimo was printed.[11]

As with the Navahos, the Apaches recent history of importance comes under the early policy period. The Navahos and Apaches though one people originally, divided into about ten divisions, nine Apache and one Navaho. The Apaches divided themselves into the Eastern and Western Apache, the Arizona Apache being the most like the Navaho. Exactly why they divided is not known but Indians who disagreed with their fellow men would separate and form their own bands. Scarcity of food would encourage geographic break up of larger groups also.

The Navahos built hogans, the Apaches who engaged in raiding and mobility adopted the wickiup or brush homes and basketry. They had no time for household weaving. The Navaho raided for goods and slaves while the Apache were a trifle more "civilized" in their approach, for they not only made banditry a livelihood but eagerly sought glory of war in the process, not unlike feudal Europe. Obtaining horses had considerable effect upon the culture and activities of the tribes and bands. Although the techniques of raiding and

[11]Jason Betzinetz, I Rode With Geronimo (Harrisburg: Stackpole Company, 1959).

geographic range expanded, this very boom period eventually contributed to strong pressures against them and to final and total military defeat.

Corn Growers of The Southwest

Who were the sedentary groups raided by the Apaches and Navahos other than the Spanish? The answer is obviously, the farmers. The corn growers of the southwest developed agriculture possibly as long as 6,000 years ago or earlier. No one knows the complete archeological story but estimates place the development of agriculture in great antiquity. The corn grower culture is an extension of a culture in Mexico extending into Arizona and New Mexico. Ceremony of differing types was developed to obtain maximum rainfall and large corn harvests. Tribes in the eastern part of the United States, especially the southeast, farmed but the southwest Mogollon and Hohokam are counted as the first agriculturists in this country. The Hohokam irrigation ditches in the Salt River Valley (east of Phoenix now) extended to sixteen miles in length. The author has seen them and was surprised to find hand dug ditches of such size. The ditches are dry now, unused for years. When in use they probably ranged up to 30 feet wide at the top of channel and may have been around ten feet deep or more.

Other farming Indians moved in among the Hohokam and after several hundred years departed leaving a larger variety of ceremonies, larger ditches and probably new types of corn. The Indians in the Southern Arizona area today are the Pima, Papago and several smaller tribes. They are members of the Uto-Aztecan language family which includes the Utes and Aztecs.

The Papagos are desert people and not unlike the Paiutes gathered seeds and foraged off the land for a living. After a, or possibly "the", summer rain, corn would be planted in wet earth. In a drouth year only beans would grow and provided a substitute crop. Like the Paiutes the Papagos lived in peace, tending to their own business of livelihood and living. With agriculture the Papagos formed villages while the Paiutes to the north followed their seasonal food circuits. The Papagos in sharp contrast to the Apaches, did not think much of war and killing, but since defense was necessary developed a pleasant myth that the hated task of killing an enemy would bring beautiful clouds and rain. The Pimas had a myth, prevalent over much of Mexico (but probably limited to Pimas in this country) that by saturating oneself with fermented drink, the earth would become thoroughly wet. Moisture was and still is the major concern of the Arizona corngrowers.

Around 1,000 A.D. the Anasazi, Navaho name for old peoples, became important in the four corners area of Arizona, Utah, New Mexico and Colorado. They built the colorful and probably most picturesque Indian homes, the high rise, terraced, apartment pueblos and also the cliff houses in canyon walls. Their manufactures included woven blankets, coiled polished pottery and agricultural crops of corn, squash, beans, cotton and tobacco. It is thought that drouth and attacks by nomads forced the cliff dwellers to leave for

the southeast where they founded peublos along or near the Rio Grande River. The desert pueblos also include the Hopi in Arizona, the Zuni, Acoma and Laguna in northwest New Mexico. The Pueblos, like other agriculturists, were peaceful and tended to their own affairs. The nomads, drouth and eventually the Spanish upset their "world order" from time to time. The pueblos along the Rio Grande irrigated on small scale limiting the variability of water problem.

The Pueblos with settled villages, organized village societies to regulate hunting, war, local government and weather control. Though they had none of the surplus of food and goods that the rich northwest had, there was sufficient social surplus to allow time and personal inclination for building theology and priesthood. As could be expected the supernatural deities most beloved by the farmers were those dealing with rain and clouds and much ceremony developed around them. The priests and medicine men did the things necessary to assure that the spirits would react as desired. The individual, in these collective type societies would not be so bold as to evince the displeasure of the priesthood and village society by puttering around with the spirits on his own. Innovators were suspect. Any great changes in Pueblo culture would come from without rather than from within.

Great American Desert or Plains Indians

When Folsom man hunted the plains he hunted amid lakes and forests. As drouth came and large animals vanished the hunters left but a few hardy persons remained and perhaps a few groups came into the area, for the plains seem to always have had occupants. It is known that by A.D. 1,200 or 1,300 corn, beans, tobacco and squash were being raised along streams such as the Smoky Hill River of the high plains. Generally these agriculturists were known as the Old Settlers. Plains languages were the Siouan and Caddoan. Probably some of the Old Settlers evolved or mixed into the slowly incoming cultures from the east. Generally the agriculturists hunted only periodically. They lived in sod houses over shallow pits, some houses being as large as fifty feet in diameter.

They had complex, well organized social systems and adequate food. Anthropologists consider them a fringe of eastern Mound Builders. As the Spanish settled the south they traded horses to northern tribes to maintain peace. By the early 1700s Indians from Mexico were trading horses and so forth to the Caddo and other tribes. As the number of Indian owned horses grew, traffic increased into the plains creating pressures of competition for food and space which led to wars among Indians and wars with the whites. And as increased attention was given to such pursuits, their agriculture dwindled. A new culture arose, that of the plains hunter, the attraction not being dissimilar to the magnetic

attraction of gold on whites in the 1849 gold rush in California, for the new riches attracted adventurous nomadic hunters from fringe areas almost all the way around the central plains area.

The Blackfeet, Cheyenne, Arapaho, Sioux moved out of eastern woodlands into the plains. The Crow, Commanche and Kiowa were not originally high plains peoples.

New Plains culture included the novelties of jerkee or dried meat, pemmican or portable foods. Light skins took the place of birch bark teepee coverings. A travois could be drawn by a horse and carry fur bedding and household items. By 1800 the new culture was booming but in 1850 was already beginning to decline in face of the white immigrations. During the height of the relatively brief and picturesque culture only little tribal organization was necessary or desired. Life was really enjoyable with the excitement of the hunt, salted with the challenge of a few raids for horses now and then. With so many strange tribes in the area the sign language was invented and an amalgamation of older cultures took place.

At the end of summer Sun Dances were held to keep the world in order. The festivities included plenty of buffalo for full stomachs, love making, games, swapping, exchange of news and other social activities. It can be noted that the New Plains culture absorbed the secret societies, warriors rank and boasting and secret bundles of the Old Settlers

societies. And as the Apaches searched for glory through raids and war, the plains tribes developed an almost unnecessary lust for war. The successful participants frequently became the wealthy and influential, a trait which has not totally disappeared from within the present groupings or tribes of the world, now rather politely and even proudly denoted by the word nations. However this was war for fun and cruelty was seldom evidenced. A recent non-Indian parallel would be that of the adventurous knights out doing good deeds, and winning fame and fortune while maintaining deliberate suffering at a minimum consonant with danger risks.

Gift giving was a plains custom because surplus wealth made it possible. As in the northwest gift giving was a combination of social security, advertising and bribery carefully accomplished to insure maximum returns at later dates. The tribes developed many ceremonies and arts peculiar to their needs, beliefs and desires.

Library shelves are well stocked with books written about the plains Indians and full justice to their cultures can hardly be accomplished here in a few brief pages of survey. As the western migrations of the fur traders, merchandise traders and later the permanent settlers grew, the Indians began to be a nuisance in the way of "progress" and "civilization". As the wild animal food supply gradually disappeared, raids on freight and wagon trains increased, playfully at first perhaps and in dead earnest

later. By the 1860s hard times struck the carefree and joyous way of life of the meterotic New Plains culture and soon warfare, hunger and disease left the Plains Indians at the mercy of the Great White Father in Washington, D.C. Strangely the period of Indian history most chosen for book writing, movies and television lasted only about fifty or so years, a microscopic occurence in the history of the American natives.

The Calumet

Most people know of the Calumet people but not as such. The name Hiawatha may be recognized, however. People have lived in the Great Lakes area for thousands of years. In the river valleys, the early inhabitants farmed. Those near the lakes fished and hunted. Wild rice gathering was always important and still today one can purchase Indian gathered wild rice in super markets.

A special aspect of the Calumet culture was the successive waves of migration and warfare whereby each tribe moved westward ousting the forerunner tribe. The Ottawa, Potawatomi, Ojibwa pushed the Kickapoo, Sauk and Fox away from the lakes region. The Miami and Illinois pushed out the Ottawa, Potawatomi and Ojibwa. The Algonquians from New York and the St. Lawrence, moved west and found themselves finally pushed against the Mississippi River. The Iroquois and whites pushed and soon came the Shawnee and Delaware (Lenape).

The valley or prairie people farmed, hunted and fished for food. Villages up to six miles in length were reported by explorers. The tribesmen built houses along tremendous cornfields, with two or three hundred houses per village. Manufactured goods included the blood red catlinite calumet peace pipes, hand spun yard, woven bags, headbands and sashes. When beads became available from traders much beadwork was accomplished upon the woven and leather articles including

saddles. Earlier, porcupine quills and moosehair were used for embroidery.

These tribes were wealthy in food and housing. Since they were not nomadic but sedentary except in war, they developed complex governmental organizations with war chiefs and peace chiefs. As population pressures increased warfare became incessant. Warfare was enjoyed because those delivering successful performances could tell of their bravery and great exploits. Tribesmen loved to travel and as evidence copper from the Great Lakes area is found in mounds to the Gulf of Mexico. When not warring or trading the tribes enjoyed games of skill, mental and physical.

In the beginning 1600s the fur trade was at its crest in the eastern seaboard states. The great Huron, much as the Chinook were to do later on the west coast, became the profit taking middlemen. In 1649 the Iroquois broke the Huron control by killing most of them in fierce raids, and with the French took over the rich fur trade. As trade grew the tribes changed their mode of life, the men taking to trousers and shirts. Wool blankets replaced buffalo robes. The French traders, up to a thousand of them, lived well adapting to snow shoes, canoes, and marrying Indian women.

Unlike the higher strata of Northwest society, divorce was easy. And for the Frenchmen in particular, divorce was beyond the harsh and stern rule of constables and church. Some Frenchmen left deserting mate and children, some merged

with the tribes permanently. Today many eastern tribesmen have French sounding names and varying quantities of French ancestry.

Traders brought fermented beverages which led to the frightful decline in the independence and welfare of the Indians. In the 1700s the French and British began to vie for power and the tribes were ensnared and trapped into taking sides in European warfare. When Indians fought opposing whites for whites it was still a case of Indians against another race and hard feeling boiled. In fact Philadelphians of the City of Brotherly Love hypocritically offered bounties for Indian scalps, 130 pieces of eight for a man and 30 for women. Early policies towards Indians were being formed. School children are not told today in their history books that people in the City of Brotherly Love offered money for Indian scalps.

The First League of Nations, New York

The Iroquois were probably the most politically advanced tribe north of Mexico. No one, Phds or laymen alike, really knows their origin. They lived by agriculture of the slash and burn type. Their homes were stockaded villages with Quonset type elm bark houses. They also built long houses, rectangular with pitched roofs, up to 100 feet long, a sort of apartment house for about a dozen families.

The League of Five Nations or Hodenosaunnee is reputed to have been founded by Hiawatha about 1570. It consisted of the Seneca, Cayuga, Onandaga, Oneida and Mohawk. The Tuscarora joined later. They lived in the northeastern forests. Their agriculture was fabulous with miles of corn, over sixty kinds of beans and eight or so of squash. Women did most of the field work, owned the homes, the fields and inherited property through female descent. The women also arranged the marriages, with the man moving into the wife's household. Government too was exercised by female power, a near matriarchy. But this power was exercised behind the scenes with the men holding office somewhat parallel to suspicions regarding the present power situation in the United States. The latter revelation may be more widespread today than most men would care to acknowledge.

In the old days tribes were managed by a council of chiefs from the noble families. A commoner hardly ever became chief. In England a similar arrangement became known

as the House of Lords. When a new chief was chosen the women picked or nominated the proper man for the post, rather than the post going to the oldest son as European custom provided. Thus the Iroquois were attempting to pick the man best qualified for office rather than let the hand of heredity or fate accidently select anyone from an idiot to a wiseman for office as was occasional European custom. If the person selected did not perform satisfactorily, after three warnings he could be recalled by the women.

When the whites met the Iroquois they were operating as the Hodenosaunnee or League of Five Nations. The legend of the League states it was formed by Deganawidah, born of a virgin and Hiawatha. Hiawatha was not Longfellow's "Hiawatha" by the shining big sea water in Calumet country but a legendary figure, differing in the myths of each of the tribes. Possibly there was a real Hiawatha but tracing his life and deeds are virtually impossible at this late date.

The organization dealt with international affairs of peace and war, each tribe regulating its domestic business except where arbitration was sought. The general assembly was composed of the local tribal leaders already appointed by women. An office with the title of Pine Tree could be won by an outstanding man or woman. The chiefs met in the summer to discuss their affairs. Later an assembly date was announced and villagers would come in to listen, and the Pine Trees would speak. Each tribal group had a single vote,

the tribesmen agreeing among themselves first. After the so called final vote, the agenda was threshed out until all of the Nations agreed. The practice of unanimity was one political concept thought to be highly important by certain tribes of Indians.

A person understanding this Indian custom may be quite aggravated when the results of democratic majority-minority type voting are not those he anticipated. In fact he may think he prefers the Indian way. But undoubtedly unanimity calls for more voluntary compromise than does majority rule and is correspondingly difficult to achieve. Ceremony of the League was important and no doubt colorful, providing the atmosphere a present day political convention affords the onlookers and participants. The organization was not resented by members because their private affairs were not subject to investigation or action by the international organization except upon request. The main object of the organization was peace or prevention of war, a difficult task since the way to glory was through war and slaves were always useful.

As time progressed and the fur trade increased the Iroquois took full advantage of the new equipment and goods they could get as iron knives, beads, household utensils, alcoholic drink and weapons. By the middle 1600s as the beaver disappeared the Five Nations was forced to act decisively to maintain the new standard of living. The Huron, relatives of the Iroquois living near Lake Ontario, with

little farming or furs of their own worked up a profitable trade with tribes further west. The Iroquois attempted to negotiate for a share of the rich trade without success. On a March dawn in 1649 a thousand yelling warriors swooped down on a Huron village which had lived in peace for decades. Three hundred Hurons were killed, one village was burned with captives tied to the cabins, two Jesuit priests were tortured, one for fifteen hours. The Huron fled.[12] It can be added at this point that the Iroquois were unusually cruel with captives using torture of various sorts. Occasionally captives were adopted or used as slaves and did not meet death by burning, stabbing or other evil devices. Again the decision was by the women and it is reported authoritatively that those enjoying the torture the most were the women.

Psychologists might say that too routine a life, crowded housing, too much cooperation and tensions built in the society were causes for the emotional outbursts of captive torture. The women exercised indirect power, a frustrating experience possibly. The men without ownership or satisfactory means of being men within the social framework of the Great Peace were no doubt under unusual tension. But even the torture was justified as sacrifice to the appropriate Gods to return desired ends. And except for the periods of torturing captives, daily life went on rather quietly as

[12]Ruth Underhill, Red Man's America (Chicago: University of Chicago Press, 1953), p. 103.

usual. The reader should feel appropriately shocked by the Iroquois practice of torture, but must remember that many practices in the European Middle Ages would put the Indians to shame, or almost out of the picture.

After the Iroquois about wiped out the Huron they deserted their small raid for personal glory type of activities to embark upon war for conquest and tribute or annihilation and loot with armies of 500 to 1,000 warriors. This was a war of commerce primarily, for remainders of the Hurons joined the Iroquois and remnants of other tribes wiped out of the trade picture were welcomed to replace Iroquois war losses, the children receiving full tribal rights. In 1713 the Tuscarora fleeing North Carolina joined the League as the Sixth Nation. Even the displaced, wandering and forlorn Delaware were admitted for a while with women's rights, that is, they could not fight or make treaties. In the 1700s the League talked of a league of all nations against the whites but diversity of ideas among tribes prevented that occurrence.

The Iroquois sided with the English during the French and Indian War providing a buffer which aided the English, although the Iroquois did not fight. After the war the English were in control and the Iroquois prospered. This happy state lasted until the Revolution when tribes picked opposite sides breaking up the League, finally ending the Great Peace and council fires of cooperation forever. For

all practical purposes their oars were pulled from the waters of history with the end of the Revolutionary War for they scattered, some going to Canada, others to Wisconsin, Oklahoma, and a number remained in New York on reservations.

Northeast Seaboard

These were the Abnaki, Pennacook, Massachuset, Pequot, Delaware, Powhatan, Nanticoke, Munsi, Narraganset, Passamaquoddy, Malacite, Penobscot, Wampanoag, Wappinger, Unami, Conoy, Unalachtigo and a few other Algonkian tribes and bands. Most of these groups were confederacies of tribes, the "red men" who taught the first colonists how to plant corn, fertilize, bake clams and live on the New England coast. The chiefs collected tribute of goods. They inherited their jobs. Some had councils, heralds and runners. A few exercised almost sovereign power or dictatorship. They fought each other rather savagely in Indian commando style being located rather close together on the coast and in competition for space.

They were in the way of the first colonists and had no time to adapt. Most were dispossessed from their lands to become wanderers in their own lands. Fishermen on the Newfoundland Banks put in on the Atlantic Coast to dry codfish long before the Puritans ever thought of coming to the New World. In the 1500s France began buying furs from coastal tribes initiating the first trading. French traders, priests, soldiers and nuns manned small outposts. The English did not arrive for about one hundred years or in 1629 for Jamestown and 1620 for Plymouth. But by 1640 there were over 20,000 English vying with the Indians for scarce resources. Powhatan was crowned "in absentia" by the King of England.

His daughter Pocahontas married John Rolfe, went to England and soon died there. Powhatan eventually rebelled against land pressures and by 1644 the Virginia tribes were gone.

A classic story or joke is the one of the 60 guilders or $11.50 in goods "traded" for Manhattan Island in 1626. The Manhattans would have been killed had they resisted, a fact rather lacking in humor. It appears that they accepted the payment as a form of tribute or rent since they had a rather strongly developed sense of proprietorship over their lands even though they held no printed title or grants from the Pope. At Hackensack an Indian woman took peaches from her own ancestral berry land, and the soldiers came out in force killing eighty sleeping Indians. Infants were torn from their mother's breasts and hacked to pieces in the presence of their parents and the pieces thrown into the fire . . . and other sucklings were bound to small boards and then cut, stuck and pierced and miserably massacred in a manner that would move a heart of stone. Eighty heads were laid out in the streets of New Amsterdam where the governor's own mother, no less, kicked them around like balls.[13]

When the soldiers burned out the stockaded Pequot town, the Governor of Plymouth colony wrote: "It was a fearful sight to see them frying in the fire and the streams of blood quenching the same and horrible was the stink and stench

[13]William C. MacLeod, The American Indian Frontier (New York: Alfred A. Knopf, 1928), p. 225.

thereof. But the victory seemed a sweet sacrifice and they gave praise thereof to God".[14]

Despite the bloodshed there were lighter moments:[15]

> There is some evidence that the Puritan religious leaders had difficulty in restraining their followers from occasionally inter-mixing with the natives. At Massachusets Bay in 1623 it was charged that the leader of the English was wasting supplies among the natives because he was "keeping Indian women". Seven years later Edward Ashley, an Englishman who traded with the natives, was charged with having "comited uncleannes with Indean women". And the surviving Indian groups in New England (Narragansetts and others) are almost all mixed-bloods.
>
> In New York the Dutch apparently sought Indian mates with great vigor and enthusiasm, as is attested to by a number of observers. In 1644 Johannes Megapolensis noted that the Mohawk women "are exceedingly addicted to whoring; they lie with a man for the value of one, two or three schillings, and our Dutchmen run after them very much". The settlers of New Amsterdam did not, however, have to journey to Albany for pleasure, for the women of Manhattan were frequently both attractive and promiscuous.

The New England Indians were simply in the way of economic development by a stronger force so many were tortured and killed. The newcomers stole their lands, justifying with little conscience their acts by feeling superior in the name of Christianity to the "ignorant, primitive and heathen" red men. Jennings C. Wise elaborates in his book:[16]

[14]Captain John Underhill, News From America (London: Peter Cole, Underhill Society of America, 1902), p. 24.

[15]Ed. Jack D. Forbes, The Indian in America's Past (Englewood Cliffs, New Jersey: Prentice-Hall Inc., 1964) p. 155.

[16]Jennings C. Wise, The Red Man in the New World Drama (Washington, D.C.: W. F. Roberts Co., 1931), p. 159.

> Humanity blushes at the events of this period of Colonial history. General Jeffrey Amherst, representing the Imperial Government in America, but reflected the popular attitude when in the year of our Lord, 1732, he wrote one of his subordinates: "You will do well to try to inoculate the Indians by means of blankets in which smallpox patients have slept, as well as by every other method that can serve to extirpate this execrable race. I should be very glad if your scheme of hunting them down by dogs could take effect."
>
> With a representative of the Government advocating practices going one better those employed by the Spaniards in Haiti, no wonder that, expressing the general view of the Indians, the Iroquois chieftain, Canassatego, should have said at Lancaster in 1744: "Some of the young men of the English would every now and then tell us that we should have perished had they not come into the country and furnished us with strouds (coarse woolen goods) and hatchets and guns and other things, necessary for the support of life. But we always gave them to understand that we lived before they came amongst us; and as well, or better, if we may believe what our forefathers have told us. We had then room enough, and plenty of deer, which were easily caught, and though we had not knives, we had hatchets of stone and bows and arrows, and those served our uses as well as English things do now.

A few descendents of these tribes continue to live in the east in local communities but not as highly organized tribes and their numbers are small. It is interesting to note that a few descendents continue to exist in or near the pre-conquest area.

Five Civilized Tribes

The five advanced tribes of the southeast were the Cherokee, Creek, Choctaw, Seminole and Chickasaws, almost all removed to Oklahoma territory after a history with the colonists paralleling to some extent the northeast tribes. All were of the Muskogean language stock except the Cherokees who were of Iroquoian language stock. The Creeks lived in Georgia and Alabama. The Cherokees lived in the Carolinas. The Chickasaw lived in the Tennessee area. There were many bands of Creeks. The Muskogi, a band of Creeks, said they arrived first and called themselves the White People and considered themselves better than the others. Each town was a small autonomous city-state. Each had a mico or head man and assistants as a public relations man, agricultural manager, a convention manager and assistants.

The Creek Council met with the king daily to discuss city affairs. Government was well organized and intense. The warriors achieved rank and title by feats of ability. They used commando tactics extensively and an occasional warrior captive was brought in for torture. Like the Iroquois the women took the chief part in torture. Perhaps they had suffered personal losses in war and were getting their chance to vent revengeful emotions since they were not allowed to do so in battle. But according to the customary rules, if the warrior could escape he could go to the chief medicine man's house or to a Muskogi town and legally receive sanctuary.

War was the chief business of the Five Civilized Tribes and their religion and life in general was built around it.

As time passed the English settled the coast, the Spanish claimed Florida and the French the West. The Cherokees loved war and finally got about all they wanted before the end of their organized tribal life in the southeast. The Seminole are a band of Creeks who moved to Florida by themselves. They accepted runaway slaves and other refugees, were never beaten in war and their descendents still live in Florida.

English traders married into the southeastern tribes, a custom unlike the northeast colonies where women were brought along and inter-marriage with "heathen Indians" was generally unneeded and unthinkable because of the commotion, uproar and social disapproval bound to follow such a marriage when the white ladies were around to observe. When the colony of Georgia was founded in 1732 the Creeks were soon to be on their way out of the southeastern picture. Pressures increased and soon it became an obvious fact to these well organized confederations and war loving tribes that they had to move out or die. Some moved voluntarily but most moved under pressure. Various groups resisted removal and part of the Cherokees still live in North Carolina, part of the Choctaws live in Mississippi and the bulk of the Seminoles are still in Florida although some Seminoles also live in or near Seminole, Oklahoma.

The Natchez, a fellow tribe of the Civilized Tribes, had an absolute monarch, known as the Sun. Classes were well defined. It is thought that this variation from the usual American democracy was related to Mexico culture. The Natchez were conquered by the French in 1730 and dispersed, disappearing as a tribe.

CHAPTER II

POLICIES TO EARLY 1900s

Definition

Policy is defined in Webster's New Collegiate Dictionary as 1. Now Rare. Government; the science of government 2. Prudence or wisdom in the management of affairs; sagacity; shrewdness 3. Management or procedure based primarily on material interest, rather than on higher principles; hence worldly wisdom 4. A settled course adopted and followed by a government, institution, body, or individual.

Policy, as used throughout this study, refers to item four and includes guiding philosophies behind all government and private acts affecting any area of Indian affairs. Duration, intensity, frequency and wisdom or interest separately or in various combinations are of secondary importance. The guiding philosophies, spontaneous or calculated, considered or unconsidered, direct or hidden, are the forces that cause administrative or private action. Relevancy of relations between philosophy and events may vary but thoughtful analysis often indicates what actually happened in

people's minds and in associated or unassociated physical events. A primary goal is to estimate paths of future philosophies, plan and apply controls to alter haphazard policy formulation in order to establish flexible policy guidelines for achieving desirable objectives. Policy or philosophy formulation is probably not scientific nor are the complex and intricate human action and reaction processes known well enough to direct them with complete assurance of success. Undoubtedly there are factors beyond the complete control of human beings as for example the chance European discovery of America before an Indian industrial revolution in the New World or the outbreaks of earthquakes, drouth, disease or for a specific example, World War II. Policy in Indian affairs is unique to the extent that there has seldom been any clear, long established philosophy towards Indian affairs in the Americas. There have been many unpredictable policies or philosophies developed and held in almost all parts of society, public and private, Indian and non-Indian. What this study seeks is criteria to analyze philosophies or ideas behind evident policies; to estimate or project future philosophies or policies and establish or at least recommend meaningful guides, limits or standards for private and public policy.

Greater economic development alone with ever increasing goods and population may suit progressive businessmen, and even socialists or communist materialists, but the larger

questions of whence to whither loom more and more important as a factor in development. The disciplines of anthropology and sociology have been applied meaningfully to tribal groups. Perhaps the tools of a combination of social and scientific disciplines can be meaningfully applied to the study of resource development, studying the is and developing an ought to be with the Indian device of unanimity. While few Americans realize that OK is the Choctaw meaning for reaching a point of possible agreement among all concerned, to some extent this Indian concept is the basis for successful government organization and administration.

Is there anything in older policies or philosophies towards Indians which might provide a sagacious background for creating new resource development policies and goals, especially beyond a developmental blast off stage, for the Indians and the remainder of the populations of the Americas? Let us proceed to look.

Spanish Conquest

Christopher Columbus, son of an Italian weaver, took possession of the lands he discovered in 1492 in the name of the Spanish Crown. Although Columbus was made governor of any territories to be discovered beforehand, political control resulting from the discovery was that of King Ferdinand and Queen Isabella of Spain. The Spanish, afraid of Portuguese claims, were able in 1493 to get Pope Alexander VI to grant the Catholic royalty rights to all lands beyond a line drawn 100 leagues west of the Azores Islands. A year later in the Treaty of Tordesilas, Portugal was able to get the Demarcation Line moved another 270 leagues west giving them Brazil.

For the first few years the explorers thought they had found India or were in the vicinity. Little consideration was given the natives for a few years, at least until word of the Columbus discovery spread. By 1517 Hernandez de Cordoba found that Yucatan had large cities and treasure, an evil omen for all Indians considering Spanish propensity for gold. After the deaths of Isabella and Ferdinand, Charles I spent most of the first half of the 16th century getting Spain involved in European troubles with corresponding expensive drain of soldiers and wealth. Spain had substantial use for new found wealth, gained by glorious conquest or aggravated assault and theft depending upon one's viewpoint.

Columbus found Indians to be gentle, hospitable, curious and happy, faithful and truthful. He quickly seized the ones he could capture and transported them to Europe to sell into slavery. He also introduced the encomienda, a system of land grants and Indian slave labor. Since the supply of Indians was greater than demand for a while the slaves were worked to death without much economic loss to the encomienda.

On his second trip Columbus landed in Haiti and imposed tribute on the Indians forcing them to make wealth for the Spanish. The Indians, not accustomed to such return for their generous hospitality retired to the mountains. Other island Indians were brought in and made slaves. Those objecting were killed by burning, hanging or were run down with man killing dogs. By the end of the sixteenth century the West Indies Indians, numbering about a quarter of a million, were about all dead. The Crown did however in 1548 prohibit use, sale or exchange of Indian slaves.

Policy evidenced here is that of economic exploitation of the weak by the strong with no apparent concepts of humanitarianism. Historian Bartolome de las Casas wrote on the cruelty and inhumanness of the conquest of the West Indies.[1] The Spanish have denounced de las Casas for blackening the reputation of Spain by allegedly exaggerating the cruelties of the conquistadores and the numbers of Indians massacred.

[1]Bartolome' de las Casas, Brief Relation of the Destruction of the Indies (Seville: 1552).

It appears that Spain blackened its own reputation without de las Casa's assistance. The proof is simply that the West Indies islanders disappeared from the face of the earth during the early Spanish excursions. Arguing over how many Indians were fried, lanced or had their brains bashed out seems rather trite and the mere suggestion of such argument exemplified the stupidity and immorality of the conquerors, their outfitters, and religious backers. However, to be perfectly fair, it can be said that the conquistadores had no monopoly on violence and their inhumanity was small compared to what the world would see with the development of atomic bombs and minds quite willing to use them, some centuries later. This reasoning is mostly for the benefit of those adding machine type mentalities who feel compelled to quantify everything, and not so much from personal conviction. Views of de las Casas follow:

> In the year 1492, the West Indies were discovered, in the following year they were inhabited by the Spaniards: a great company of the Spaniards going about forty nine years ago. The first place they came to, was Hispaniola, being a most fertile island, and for the size was quite famous, being six hundred miles in compass or more. About it lay innumerable neighbor islands, so densely populated, there is not to be found a greater multitude of persons in any part of the world. The continent is about two hundred miles distant, stretching in length upon the sea side for some ten thousand miles in length. These countries are inhabited by a large number of people, as though God assembled and called together to this place, the largest part of mankind. .
>
> This infinite multitude of persons was so created by God, as that they were without fraud, without subtility or malice, and to their natural governor were most faithful

and obedient. Toward the Spaniards whom they serve, patient, meek and peaceful, and who laying all contentious and tumultuous thoughts aside, live without hatred or desire for revenge. The people are most delicate and tender, enjoying such a feeble constitution of body as does not permit them to endure hard labor, so that the children of princes and great persons here, are no nicer or more delicate than the children of the poorest countryman of the place. The people are very poor and indigent, possessing little, and by reason that they do not covet temporal goods, are neither proud nor ambitious. Their diet is such that the most holy hermit cannot feed more sparingly in the wilderness. They go naked, only hiding the indecencies of nature, and a poor shag mantle about three to four feet long is their greatest and warmest covering. They lie upon mats, and only those who are wealthier lie in a net tied at four corners and fastened to the roof. The Indians call these in their natural language hammocks. They are of docile and apprehensive bearing, are capable of good learning, and are apt to receive our religion, which when they have but once tasted, are carried on with a very ardent and zealous desire to make further progress in it. I have heard diverse Spaniards say that they had nothing else to hinder them from enjoying heaven, but their ignorance of the true God.

To these quiet lambs, endowed with such blessed qualities, came the Spaniards like most cruel tigers, wolves and lions, enraged with a sharp and tedious hunger, for these forty years past, minding nothing but the slaughter of these unfortunate wretches, whom with diverse kinds of torments neither seen nor heard of before. They have so cruelly and inhumanly butchered, that of the three millions of people which Hispaniola contained, only about three hundred or less remain alive. As for the island of Cuba, which contains as much ground in length, as from Valladolid to Rome, it lies wholly deserted, uncultivated and ruined. The Lucayan Islands neighboring toward the north upon Cuba and Hispaniola, being about sixty or thereabouts with those islands that are vulgarly called the islands of the giants, of which that which is least fertile is more fruitful than the King of Spain's garden at Sevil, being situated in a pure and temperate air, are now totally unpeopled and destroyed; the inhabitants thereof amounting to above five million souls. They were partly killed, and partly forced away to work in other places; so that a recent ship going to visit those parts and pickup the remainder of those distressed wretches, could find no more than eleven men. Other islands near St. John, some ninety in number are

totally deserted. A space of about two thousand miles lies now altogether solitary without any people or inhabitants . . .

In the Island of Hispaniola, to which the Spaniards came first, this slaughter and ruination of the islanders began. They took away their women and children to serve them, though the reward which they gave them was a sad and fatal one. Their food gotten with great pain and sweat, the Spaniards consumed, not content with what the poor Indians gave them free out of their own needs. One Spaniard consumed in one day as much as would suffice three families, every one containing ten persons. Being thus broken with so many evils, afflicted with so many torments, and handled so ignominiously, they began to believe that the Spaniards were not sent from Heaven. Therefore some of them hid their children, others their wives, others their food to obscure and secret places. Others not being able to endure visitors that conversed among them with such a boysterous impiety sought shelter in the most abrupt and inaccessible mountains. For the Spaniards not only entertained them with cruel beatings with their fists, and with their staves, but laid violent hands upon the rulers of the cities, and they arrived at that height of impudence and unheard of boldness, that a certain Captain forced the wife of the most important King among them. From that time forward they began to think what way they might take to expell the Spaniards. But good God! What sort of Armies had they? Only bulrushes were available for offense or defense. When the Spaniards saw these, they came with their horsemen well armed with swords and launces, cruelly slaughtering the Indians. They overran cities and villages, where they spared no sex nor age; neither would their cruelty pity women with child, whose bellies they would rip up, taking out the infant to chop to pieces. They would make wagers as to who could with most dexterity either cleave or cut a man in the middle, or who could at one blow cut off a head first. The children they would take by the feet and dash their innocent heads against the rocks, and when fallen into the water, with a strange and cruel derision they would call upon them to swim. Sometimes they would run both mother and infant in her belly through at one thrust.

They erected gallows, that were long but low, that the tormented creatures might touch the ground with their feet, upon every one of which they would hang thirteen persons, blasphemously affirming that they did it in the honor of Jesus and his Apostles and then putting fire under them, they burned the poor wretches alive. Those

> whom their pity did think fit to spare, they would send away with their hands half cut off, and so hanging by the skin, with instructions to carry letters to those who lie hid in the mountains and are fled from us.
>
> This death they used for the lords and nobles of the land. They stuck up forked sticks in the ground, and then laid certain perches on them, and laid them on those perches, and put a gentle fire under, causing the fire to melt them away by degrees, to their unspeakable torment.
>
> One time above the rest I saw four of the nobles laid upon these perches, and two or three other perches furnished in the same manner, the clamors and cries of which persons troubled the Captain so he ordered them hanged. But the executioner, whose name I know, and whose parents are not obscure, hindered their calamity from so quick a conclusion, stopping their mouthes that they should not disturb the Captain, and still laying on more wood roasted them according to his pleasure until they yielded up the ghost. Now because there were some that shunned like so many rocks the cruelty of a Nation so inhuman, so void of piety and life of mankind, and therefore fled from them to the mountains. Therefore they hunted them with their hounds, whom they bred up and taught to pull down and tear the Indians like beasts. By these dogs much human blood was shed, and because the Indians did now and then kill a Spaniard, taking him at an advantage, as justly they might, therefore the Spaniards made a law among themselves, that for one Spaniard so slain, they should kill a hundred Indians.

The island Indians were generally accustomed to non-aggression; lived a non-proselytizing religious and ceremonial type life; the money economy, its vices and hard labor to produce surplus goods were unknown to them; their way was one of timeless adjustment to the earth and nature through ceremonially regulated conduct,living a good life. The Spaniards by contrast knew grinding poverty, lived in a society where maximum premium was placed upon rank and wealth. They braved fabulous odds; were absolutely cruel; conquered

souls for their Pope; gold, silver and jewels for their rulers and a few won glory and wealth for themselves. A good many met privation and death in the New World. An economic and political item of note is that little or no consideration was given to the native's rights to the lands they lived upon, whether by their own earlier discoveries and actual possession or any rights under grant of the Pope. The exact source of the Pope's right of power to grant other people's lands to His supporters is not certain in even the slightest degree, but the practice was designed to sanction conquest by the favored subjects, in this case the Spanish, and offset any European competitor attempting to lay claim to disputed territory. The purpose of the policy was chiefly economic gain for both the Catholic Church and Spain. To a lesser degree the church hoped to win heathen converts to their "one and only" church on earth. The fact that the natives had their own religion which enveloped their complete life and being was of no consequence.

The Spanish conquest of Mexico in 1518-19 and Peru in 1532 are well known and well documented in Prescott's books, the general Spanish approach varying little from the attempts of Columbus to gain wealth and fame under the Spanish flag.[2] The story of Pizarro with about 177 men conquering a nation of 15,000,000 is almost an unbelievable

[2]William H. Prescott, The Conquest of Mexico and the Conquest of Peru (New York: The Modern Library, no date).

classic in the clash of trust and hospitality; and boldness, cunning and deceit. The conquest of Mexico by Cortez is a wondrous feat or monstrous act of barbarity depending upon one's individual opinion but carrying little policy of value to the search of this study since that major conquest was also a war for loot, treasure and military domination. Spanish treatment of Indian labor is noteworthy.

Although chattel slavery was prohibited in Mexico in 1548 other methods of forced labor took their place. This action was not the result of humanism especially. Inefficient killing in the process of catching and transporting slaves diminished profits. Indians not branded as chattel slaves had to pay annual tribute to the Crown while slaves did not. A type of peonage took place in the form of the encomienda, a land trusteeship grant with Indian serfs attached. The repartimiento was a grant of Indian forced labor to land users, mines, factories, monasteries or public works. In Peru the Quechuan word mita was used for labor grants. North of the Rio Grande the word was la semana. In later years the concept of debt-slavery came into greater prominence, through the device of selling goods on credit with payment to be accepted through work. The system was operated so that the individual could never get out of debt. The term peon is well known today. Without doubt many of the economic difficulties in South America today can reflect in full measure upon Spain and the "one great church" which

was in the Middle Ages a land and wealth oriented organization interested apparently more in earthly things than spiritual.

There was not much trace of freedom of choice, or concepts of democracy or humanism, but there was not much evidence of democracy or freedom anywhere in the so called civilized world of that period. In fact when the lower classes of Europe had the opportunity they preferred to face the dangers of the unknown "wilderness" rather than continue to suffer the oppressions of European "civilization".

Policy in the East

The first period of any real significance for government land policies regarding Indians begins with the Atlantic seaboard tribes. First we consider Spain. The Spanish government did eventually denounce formally the encomiendas or little kingdoms with slaves but never clamped down administratively to put a total end to the practice. There was no thought of paying slaves for their lands. The Spanish government did feel responsibility for compensating for village sites or other lands taken that actually had been used by natives in some cases, but the feeling was not strong enough to punish or force avoiders to comply, and officials ignored their duty. Sometimes the Crown granted lands to Indian communities where the community already had occupancy. Sometimes only an amount deemed adequate for minimum needs was all that was granted. Sometimes a square league was granted or 4,439 acres. Some of the Pueblos in New Mexico received a grant of all lands within one league of the plazas in each direction.

The French apparently never offered any payment for lands but the human situation was so vastly different from the Spanish conquerors that the French seldom had any administrative problems with land. The French coming to the New World made friends with the Indians, married into tribes and lived with them in order to facilitate trade and personal economic

gain. As French settlements grew the Indians were encouraged to learn French customs and manners.

The Dutch, possibly to wedge in between the big powers, began paying for lands they used. The English adapted the Dutch practice to their needs. However a majority of writers on the subject of land rights seem to agree unanimously that the Indians did not understand what the "bargain" was all about. When the Indian tried to exercise his ancient trespass right of putting his body and feet wherever he wished with his usual range, said range coming under foreign control for a few trinkets, the Indian was quite apt to be shot. The British colonists from about 1600 to 1775 began to make one sided treaties with tribes paying as little as possible and asking for every thing conceivable in their lopsided quid pro quo exchanges. Certain tribes that could not be driven out or dispensed with were given tax free lands and tiny yearly installment payments of food and goods.

In all fairness to the colonists it must be said that the English did plan for transfers of land into Indian's allotments whereupon they could farm, become Christian and live like Englishmen, the latter part being a prerequisite to getting the land as any other English subject would get it. This unilateral policy was doomed to failure because the project hardly fitted Indian training or personality. Besides, the most popular method to get trade goods was to sell land to individuals. Since the Indian had no sense

of European land ownership the sales were easy to make, without prohibitions of conscience. The fact that whites would "buy" land from Indians leads one to suspect confusion over who possessed title. Laws were passed against the buyers but were not diligently enforced. Fraud, circumvention and misrepresentation were prevalent. The British government encroached upon the freedom of the traders in lands, by setting up three superintendencies across their area. The incumbent official's duties were watching over trade, maintaining order and dispensing trade goods as obligated. This period covers the westward movement to the Appalachians.

West to the Mississippi

The second major United States geographical policy period extended coverage to the Mississippi River, over about 100 years or from about 1750 to 1850. The British government paid little attention to Indian policy in the colonies until the English tried to leap the Appalachians and met French and Indian warriors of contrary mind. The French and Indian War, the American phase of the Seven Years War of Europe, from 1756 to 1762, finished with the British in control to the Mississippi River. Chief Pontiac of the Ottawas with other leaders dissatisfied with outlooks for removal of tribes and some dishonesty of British traders, revolted but were beaten.

For the Indian's freedom, the days end and darkness were approaching. In 1768 treaties with Creek, Cherokees and Iroquois extinguished Indian rights to wide areas. Land companies began to organize new colonies in the area, some requiring battle to displace Indians as Lord Dunmore's War (1774) in Kentucky. The policy of land seekers and colony developers was removal of Indians from Indian resources for economic gain primarily.

With the complaints of inequity and fraud lodged by the Indians against the colonies for allowing improper land sales, came a breather in 1761 when the British government decided to take over responsibility from the colonies. The practical effect of the English government, thousands of miles from the

scene, was that of a well meant gesture, not wholly unselfish. The chief aim was to protect the colonies and plantations by preserving the peace rather than invoke any new type of benevolent humanitarianism. All efforts of the British government to control trade with the Indians and to prevent unauthorized purchases of land and the establishments of settlements west of the Appalachin Mountains failed.[3] Partly the failure was due to colonists independent views that the Crown had no business regulating Indian trade or land sales, just one of many grievances building against imperial control of colony affairs, laying the way for the Declaration of Independence. However, about 1768, trade control was restored to the colonies and troops moved out of western forts allowing colonies and Indians to fend for themselves. Further colonization was discouraged. Rapidly changing policies have plagued Indian resource development since before the United States became a country. In this instance of unilateral action Indian trade benefits deteriorated. Colonization was probably not slowed much by the lack of British soldiers for protection.

After the Revolution of 1776 a new government inherited the Indian "problem". The Confederation in 1783 prohibited settlements on lands inhabited by or claimed by Indians. The colonies had conflicting claims which required cessions to

[3]J. P. Kinney, A Continent Lost - A Civilization Won (Baltimore: The Johns Hopkins Press, 1937), p. 24.

clear up. The Ordinance of 1787 permitting a government for the Northwest Territory provided that "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". A treaty made with tribes in the area indicated the United States had received absolute sovereignty over the area from the British cession. A quit claim deed allowed some Indians to live and hunt but only the United States could purchase the land.

Little mention is made regarding Indians in the United States Constitution. Article I states that Congress shall have the power ... To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. The duties of the President, Section 2, Article II allow him treaty making power with two thirds of the Senate present concurring. The final sentence of Section 8, Article 1 states Congress shall have the power ... To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . . , which include the only reference to Indians. The implied powers of Congress have been expanded to regulate Indian affairs in fine detail. The placing of such a clause in the Constitution seems to be mere expediency since there were both Indian tribes and individuals in all of

the states and there were many tribes living in unorganized territories not within colony jurisdiction. Therefore no single state could hope to assert jurisdiction over all Indians everyplace.

In regards to Indian land title in the new states a prevalent view arose to the effect that "having made poor use of their lands for hundreds of years the aborigines had forfeited all pretense to a claim; the animals vulgarly called Indians were fierce and cruel hence killing them would be useful and honorable; and it would make more sense to admit the title of the buffalo than that of the Indian". Such was the unwritten "platform" or philosophy of the American Buffalo Party which originated around 1776 and though not presently publicized has tacit approval today.

Seeing that the former subjects of the English Crown would be helpless against the Buffalo Party unless their rights were guaranteed by the national government, in 1782 the Mohawk Chief Thayendanegea, or Two Hopes, Joseph Brant, Head of the Six Nations, urged the tribes not to enter into separate treaties of peace, formed the United Indian Nations and petitioned the national government to make a treaty with this confederacy as a soverign state, guaranteeing the rights of the Indians collectively as an allied Nation. Brant drew together the Six Nations, Chippewas, Wabash, Miamis, Shawnees, Ottawas, Potawatomis, Hurons, Delawares, Wyandots and even Cherokees. The Buffalo Party, knowing nothing of

international law and fearful that it might be exposed to the same, pushed for separate treaties for tribes. By killing the United Indian Nations their chances for killing Indians and grabbing the lands seemed highest. As history has subsequently indicated the Buffalo Party achieved its economic goals and continues to do so.

If we recall the Ordinance of 1787 and its fine words it is just as well to remember General "Mad" Anthony Wayne who in 1795 smashed an Indian war in the Northwest Territory. J. P. Kinney, an administrator in the Indian Bureau for over 25 years and a conservative writer interested in telling of the administrators' difficulties has this to say:[4]

> . . ., the Indians of the Northwest Territory submitted to the appropriation of their former extensive holdings and accepted greatly reduced areas or removed westward and northward to prairies or wildernesses not yet overrun by the advancing swarm of Caucasians. But seeds of discontent and resentment had been sown in a thousand fields of distrust and misunderstanding and these were bound to bring forth an ultimate harvest of physical encounter and bloodshed. The establishment of amicable relationships between the two races in the midst of such a clash of personal interests was beyond the power of the leaders of either race, clearly as they may have recognized the desirability of such an accomplishment . . . Each race was embittered by the frequent examples of deceit and cruelty on the part of representatives of the other. Both races blindly groped for a solution of their dificulties.

After the Louisiana Purchase in 1803 a developing idea arose to the effect that hunting Indians would be free to hunt as they pleased west of the Mississippi River. Certain

[4]Ibid. p. 33.

settled Indians who had adopted white ways in order to live in their homeland were not elated with the removal theory and the controversy caused friction even within tribes. The Act of 1804 providing for government of Louisiana allowed the President to approve exchange of lands in the east for restricted lands in Louisiana. Lack of funds, conflict of interests, possibly voluntary migrations and the War of 1812 kept that part of the Act ineffectual.

When James Monroe became President in 1817 he appointed John C. Calhoun as his Secretary of War. Under Calhoun treaties were made with determined, vigorous rapidity to rid the United States east of the Mississippi of Indians. Tribes involved were Lower Cherokee, Delaware, Kickapoo, Choctaw, Creeks, Quapaw, Chickasaws, and others.

Before continuing with the removal discussion a note on administrative organization is helpful. The thirteen states retained the three colony period superintendents under a Congressional Committee. In 1789 the War Department was created with all Indian affairs responsibilities. With the growing administrative load of removal, an independent Department of Indian Affairs was created out of the War Department office by an act of July 9, 1832 (4 Stat. 564). Elbert Herring of New York was appointed the first Commissioner of Indian Affairs.

Calhoun estimated about 80,000 Indians needed removing, most against their will for they wished for the alternative

policy of remaining in peace. No such alternative was offered. The Creeks thought one of their leaders, Principal Chief William McIntosh, signing the removal treaty betrayed them and proceeded to execute him for treason under Creek national law. A few other Indians who were successfully progressing into the new society thought they were being turned back into "cavemen". The state of Georgia, especially, wanted removal. Conflict crossed many communities and groups. Increasing the problem was the eastern Indians propensity for war on each other for trespass or to seek release from modern frustrations with old enemies. In 1827 the Cherokees adopted a national constitution for their Cherokee Nation, which incited Georgians to more fury. In 1829 Andrew Jackson, an ardent removalist, became President. Also in that year gold was discovered in Cherokee lands in Georgia. In 1830 the removal act was passed. The Cherokees attempted to obtain Supreme Court intervention but the court declined jurisdiction saying the Cherokee Nation was not a soverign state. (5 Peters 1) In 1830 a full scale gold rush had developed on Cherokee lands and Georgia passed a law forbidding the white fortune seekers to live among the Cherokee, except those authorized, and forbade the Cherokee Assembly meetings or Cherokee Court functions. Missionaries meeting on the reservation were ordered to leave. Two resisted the order and were sentenced to prison for four years. The Supreme Court in 1832 (6 Peters 515) held generally that the Cherokee Nation was a

a distinct community, the laws of Georgia do not apply within the property boundaries and that intercourse between the United States and this Nation is vested in the government of the United States. President Jackson is alleged to have said, "John Marshall has made his decision, now let him enforce it". Extent of state jurisdiction over Indians is unclear today in a few respects and will be discussed in later chapters.

In the twenties and thirties an almost endless number of removal treaties were made with most tribes. Finally by 1838 General Winfield Scott was sent with troops to encourage the Cherokees to move. They were moved. An eye witness account of the removal reveals the deliberate hardship rained upon the Cherokee and penetrating insights into their life which are frequently lost in the tenth or twelveth rewriting of history today. The birthday story of Private John G. Burnett, Captain Abraham McClellan's Company, 2nd Regiment, 2nd Brigade, Mounted Infantry is given in full.[5]

> Children: This is my birthday december the 11th 1890, I am eighty years old today. I was born at Kings Iron Works in Sullivan County, Tennessee, December the 11th, 1810. I grew into manhood fishing in Beaver Creek and roaming through the forest hunting the Deer the Wild Boar and the timber Wolf. Often spending weeks at a time in the solitary wilderness with no companions but my rifle, hunting knife, and a small hatchet that I carried in my belt in all of my wilderness wanderings.

[5]Ed. Thomas Bryan Underwood and Moselle Stack Sandlin, Cherokee Legends and the Trail of Tears (Knoxville, Tennessee: S. B. Newman Printing Co., 1956), p. 21.

On these long hunting trips I met and became acquainted with many of the Cherokee Indians, hunting with them by day and sleeping around their camp fires by night. I learned to speak their language, and they taught me the arts of trailing and building traps and snares. On one of my long hunts in the fall of 1829 I found a young Cherokee who had been shot by a roving band of hunters and who had eluded his pursuers and concealed himself under a shelving rock. Weak from loss of blood the poor creature was unable to walk and almost famished for water. I carried him to a spring bathed and bandaged the bullet wound, built a shelter out of bark peeled from a dead chestnut tree. Nursed and protected him feeding him on chestnuts and roasted deer meat. When he was able to travel I accompanied him to the home of his people and remained so long that I was given up for lost. By this time I had become an expert rifleman and fairly good archer and a good trapper and spent most of my time in the forest in quest of game.

The removal of the Cherokee Indians from their life long homes in the year of 1838 found me a young man in the prime of life and a Private soldier in the American Army. Being acquainted with many of the Indians and able to fluently speak their language, I was sent as interpreter into the Smoky Mountain Country in May, 1838, and witnessed the execution of the most brutal order in the History of American Warfare. I saw the helpless Cherokees arrested and dragged from their homes, and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west.

One can never forget the sadness and solemnity of that morning. Chief John Ross led in prayer and when the bugle sounded and the wagons started rolling many of the children rose to their feet and waved their little hands good-by to their mountain homes, knowing they were leaving them forever. Many of these helpless people did not have blankets and many of them had been driven from home barefooted.

On the morning of November the 17th we encountered a terrific sleet and snow storm with freezing temperatures and from that day until we reached the end of the fateful journey on March 26th 1839, the sufferings of the Cherokees were awful. The trail of the exiles was a trail of death. They had to sleep in the wagons and on the ground without fire. and I have known as many as twenty-two of them to die in one night of pneumonia due to ill treatment, cold, and exposure. Among this

number was the beautiful Christian wife of Chief John Ross. This noble hearted woman died a martyre to childhood, giving her only blanket for the protection of a sick child. She rode thinly clad through a blinding sleet and snow storm, developed pneumonia and died in the still hours of a bleak winter night, with her head resting on Lieutenant Greggs saddle blanket.

I made the long journey to the west with the Cherokees and did all that a Private soldier could do to alleviate their sufferings. When on guard duty at night I have many times walked my beat in my blouse in order that some sick child might have the warmth of my overcoat.

I was on guard duty the night Mrs. Ross died. When relieved at midnight I did not retire, but remained around the wagon out of sympathy for Chief Ross, and at daylight was detailed by Captain McClellan to assist in the burial like the other unfortunates who died on the way. Her uncoffined body was buried in a shallow grave by the roadside far from her native mountain home, and the sorrowing Cavalcade moved on.

Being a young man I mingled freely with the young women and girls. I have spent many pleasant hours with them when I was supposed to be under my blanket, and they have many times sung their mountain songs for me, this being all that they could do to repay my kindness. And with all my association with Indian girls from October 1829 to March 26th 1839, I did not meet one who was a moral prostitute. They are kind and tender hearted and many of them are beautiful.

The only trouble that I had with anybody on the entire journey to the west was a brutal teamster by the name of Ben McDonal, who was using his whip on an old feeble Cherokee to hasten him into the wagons. The sight of that old and nearly blind creature quivering under the lashes of a bull whip was too much for me. I attempted to stop McDonal and it ended in a personal encounter. He lashed me across the face, the wire tip on his whip cutting a bad gash in my cheek. The little hatchet that I carried in my hunting days was in my belt, and McDonal was carried unconscious from the scene.

I was placed under guard but, Ensign Henry Bullock and Private Elkanah Millard had both witnessed the encounter. They gave Captain McClelland the facts and I was never brought to trial. Years later I met 2nd Lieutenant Riley and Ensign Bullock at Bristol at John Robersons show, and Bullock jokingly reminded me that there was a case still pending against me before a court martial

and wanted to know how much longer I was going to have the trial put off?

McDonal finally recovered, and in the year 1851, was running on a boat out of Memphis, Tennessee.

The long painful journey to the west ended March 26th, 1839, with four thousand silent graves reaching from the foothills of the Smoky Mountains to what is known as Indian territory in the West. And covetousness on the part of the white race was the cause of all that the Cherokees had to suffer.

Ever since Ferdinand Desoto, made his journey through the Indian country in the year of 1540, there had been a tradition of a rich Gold mine somewhere in the Smoky Mountain Country, and I think the tradition was true. At a festival at Echata on Christmas night 1829, I danced and played with Indian girls who were wearing ornaments around their necks that looked Gold.

In the year of 1828, a little Indian boy living on Ward creek had sold a Gold nugget to a white trader, and that nugget sealed the doom of the Cherokees. In a short time the country was over run with Armed brigands claiming to be Government Agents, who paid no attention to the rights of the Indians who were the legal possessors of the country. Crimes were committed that were a disgrace to civilization. Men were shot in cold blood, lands were confiscated. Homes were burned and the inhabitants driven out by these Gold hungry brigands.

Chief Junaluska was personally acquainted with President Andrew Jackson. Junaluska had taken five-hundred of the flower of his Cherokee scouts and helped Jackson to win the battle of the Horse Shoe leaving thirty-three of them dead on the field. And in that battle Junaluska had drove his Tomahawk through the skull of a Creek warrior, when the Creek had Jackson at mercy.

Chief John Ross sent Junaluska as an envoy to plead with President Jackson for protection for his people, but Jackson's manner was cold and indifferent toward the rugged son of the forest who had saved his life. He met Junaluska heard his plea but curtly said "Sir your audience is ended, there is nothing I can do for you." The doom of the Cherokee was sealed, Washington D.C. had decreed that they must be driven West, and their lands given to the white man, and in May 1838 an Army of four thousand regulars, and three thousand volunteer soldiers under command of General Winfield Scott, marched into the Indian country and wrote the

blackest chapter on the pages of American History.

Men working in the fields were arrested and driven to the stockades. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow. And often the old and infirm were prodded with bayonets to hasten them to the stockades.

In one home death had come during the night, a little sad faced child had died and was lying on a bear skin couch and some women were preparing the little body for burial. All were arrested and driven out leaving the child in the cabin. I do not know who buried the body. In another home was a frail Mother, apparently a widow and three small children, one just a baby. When told that she must go the Mother gathered the children at her feet, prayed an humble prayer in her native tongue, patted the old family dog on the head, told the faithful creature good-by, with a baby strapped on her back and leading a child with each hand started on her exile. But the task was too great for that frail Mother. A stroke of heart failure relieved her sufferings. She sunk and died with her baby on her back, and her two other children clinging to her hands.

Chief Junaluska who had saved President Jackson's life at the battle of Horse Shoe witnessed this scene, the tears gushing down his cheeks and lifting his cap he turned his face toward the Heavens and said "Oh my God if I had known at the battle of the Horse Shoe what I know now American History would have been differently written."

At this time 1890 we are too near the removal of the Cherokees for our young people to fully understand the enormity of the crime that was committed against a helpless race, truth is the facts are being concealed from the young people of today. School children of today do not know that we are living on lands that were taken from a helpless race at the bayonet point to satisfy the white man's greed for gold.

Future generations will read and condem the act and I do hope posterity will remember that private soldiers like myself, and like the four Cherokees who were forced by General Scott, to shoot an Indian Chief and his children had to execute the orders of our superiors. We had no choice in the matter.

Twenty-five years after the removal it was my privilege to meet a large company of the Cherokees in uniform of the Confederate Army under Command of Colonel Thomas, they were encamped at Zollicoffer I went to see them. Most of them were just boys at the time of the removal but they instantly recognized me as "the soldier that was good to us." Being able to talk to them in their native language I had an enjoyable day with them. From them I learned that Chief John Ross was still ruler of the nation in 1863. And I wonder if he is still living? He was a noble hearted fellow and suffered a lot for his race.

At one time he was arrested and thrown into a dirty jail in an effort to break his spirit, but he remained true to his people and led them in prayer when they started on their exile. And his Christian wife sacrificed her life for a little girl who had pneumonia. The Anglo Sacon race would build a towering monument to perpetuate her noble act in giving her only blanket for comfort of a sick child. Incidentally the child recovered, but Mrs. Ross is sleeping in an unmarked grave far from her native Smoky Mountain home.

When Scott invaded the Indian country some of the Cherokees fled to caves and dens in the mountains and were never captured and they are there today. I have long intended going there and trying to find them but I have put off going from year to year and now I am too feeble to ride that far. The fleeting years have come and gone and old age has overtaken me, I can truthfully say that neither my rifle, nor my knife are stained with Cherokee blood.

I can truthfully say that I did my best for them when they certainly did need a friend. Twenty-five years after the removal I still lived in their Memory as "the soldier who was good to us."

However murder is murder whether committed by the villian skulking in the dark or by uniformed men stepping to the strains of martial music.

Murder is murder and somebody must answer, somebody must explain the streams of blood that flowed in the Indian country in the summer of 1838. Somebody must explain the four-thousand silent graves that mark the trail of the Cherokees to their exile. I wish I could forget it all, but the picture of six-hundred and forty-five wagons lumbering over the frozen ground with their Cargo of suffering humanity still lingers in my memory.

Let the Historian of a future day tell the sad story with its sighs its tears and dying groans. Let the great Judge of all the earth weigh our actions and reward us according to our work.

Children-Thus ends my promised birthday story. This December the 11th 1890."

On to the Pacific Ocean

The next convenient historical period covers the United States push to the Pacific Ocean and a general policy period of settling certain Indians on reserved lands. The time involved is that roughly between 1845 and 1886 which includes the plains Indian uprisings, acquisition of the Pacific Northwest and California, the Civil War and formation of new states.

Indians of California were under the Spanish yoke until 1845 when California became United States territory. It is estimated that California had about 150,000 to 200,000 people before conquest with at least twenty one languages. Sir Francis Drake found the coast tribes near San Francisco an Arcadian people, whose natures could hardly be told save through the language of music; peoples joyously hospitable who seemed as free as birds, whose speech and color were like the warbling and plumage of birds.[6]

The Franciscans (Portola-Serra expedition 1769) came to southern California, eventually brought about 25,000 Indians into missions and tried to Christianize them. Judging from various accounts the chief accomplishment of the Padres was the indirect killing of up to three fourths of the Indian population, through disease and barbaric treatment. John Collier explains: "Many causes for the awful failure of the

[6]John Collier, Indians of the Americas (New York: The New American Library of World Literature, Inc. 1948) p. 130.

California Missions have been assigned, but the significant cause for all time to come is plain. It was total instantaneous suppression of the native societies, the willed destruction of those marvelous ecological complexes with which native life had gushed and bloomed in its millenniums.[7]

It is estimated that by the 1880s only 15,000 to 20,000 Indians remained in California. Former U. S. Commissioner of Indian Affairs (1933-1945), John Collier continues:[8]

Disease was a factor; wanton murder which the white community did not view as murder at all; enslavement. But the principal cause was a more subtle and more dreadful thing, as C. Hart Merriam, a profound student of California Indians, has pointed out; it was the gradual but relentless confiscation of their lands and homes, forcing them to seek refuge in remote and barren localities where health, even life itself frequently, could not be sustained. There was a cause more subtle and dreadful yet - a psychological depression resulting in the will to die, for their societies were slain.

John Collier attempts to be poetic and mystic throughout his writing perhaps in reflection of Indian philosophy but undoubtedly the most reasonable explanation for the tremendous decline in the California Indian population was disease, starvation and murder. The will to endure persisted

[7] Ibid. p. 132.
[8] Ibid. p. 132.

among the living apparently for small numbers of Indians exist in California now.

Policy, from whatever source, rains out its final and lasting effects upon the individual. Regardless of group theory, states of mind, collectivism or whatever, in the final analysis man suffers pleasure or pain through his own mind, spiritual and biological being. That concept is one of the basic tenants of this study. In other words, tribes, nations or any social group may experience common misfortune or disaster, but in final analysis the individual survives or does not as an individual and not as a committee.

Since this section concerns the policy period involving the push to the Pacific, there are countless examples of difficulties experienced by western Indians and pioneers, miners and adventurers alike that could be recounted. The experience of the westward immigrating Donner party who could not make it through the Sierra Nevada mountain passes in winter snows, starved and resorted to cannibalism is a tragic example of the pioneers unfamiliarity with the ecological setting. Sarah Winnemucca Hopkins mentions in her book an incident wherein the last whites coming through "Nevada" one Fall set fire to the Piutes winter supplies destroying everything. The white band was too late to cross the Sierras and perished that winter by starvation. Sarah Winnemucca states that her people could have saved the whites but were afraid

of them.[9] Perhaps the group she refers to was the Donner party. Avery Winnemucca of the Pyramid Lake Reservation and other present members of the tribe seem quite sure that Sarah Winnemucca's story is the exact truth.

It would be fitting to mention the Modoc War in the lava beds of Oregon which sharply outlines the peculiar Indian situation; the desperate and tragic flight of Chief Joseph and the Nez Perce; the uprising of the Utes in Western Colorado; even the rebellion and hanging of Leschi, Nisqually Indian in Western Washington who disapproved of being removed to a barren pile of rocks from his ancestorial, rich river bottomland and many other historic happenings. Usually these are slighted by American textbook historians who write from a socially accepted point of view and who seldom if ever even attempt to find the Indian point of view, let alone write about it. Since so many books have been written on individual events, tribes and wars it would be impossible to attempt to list every single evidence of policy contained in them. Even a listing of treaties and contents fill several large size volumes.

However, significant highlights of effects of early policies, private and public are helpful in understanding and evaluating later policies. The following example, selected

[9]Sarah Winnemucca Hopkins, Life Among the Piutes: Their Wrongs and Claims Copyright 1883. Reprint in Old West, Fall 1965, Austin, Texas. p. 51.

for mention to portray something of an individual's life and struggle during the period under discussion, may provide some factual basis for evaluating policy.

A section of Northern California above Oroville was the Yana territory, one of the smaller of the twentyone "states" in California at the time of conquest. The terrain is rough and not especially fruitful. Miners and settlers came within the fringes of the area silting salmon streams, driving out game and sending livestock into the hills. Being a poor, hill people the Yana had historically raided richer lowland Indian communities for food. After white settlement the Yana were forced to take livestock for food. It is thought that in a year (1864) of wanton killing by white vigilantes the Yanas were reduced from 2,000 people to about 50.[10]

A few of the Yana managed to survive in the more remote hills. As time passed more and more of them were killed. Ranchers rounding up cattle in the hills finally trapped about thirty Yana in a cave and destroyed all of the men, women and babies hoping that they had wiped out the last of the Yana. The bodies in the cave disappeared however and it appeared that a few Yana might be around but none were seen. The remaining few Indians had taken to complete concealment, covering tracks, campfire smoke and leaving no evidence of their existence. In 1908 a surveying party from the Oro

[10]Theodore Kroeber, Ishi in Two Worlds (Berkeley: University of California Press, 1961).

Light and Power Company happened upon a tiny hidden village of four persons. Included were a brother and sister, their mother and an old man. The mother, old and feeble was left hidden and the others fled. The surveyors stole the pathetically little food, hunting gear, furs and items necessary for livelihood. One of the surveyors with a tinge of conscience returned the next day to find the old woman, foot prints and all trace of Indians gone. On August 29, 1911 a butcher at a remote slaughterhouse in the northern California hills telephoned the sheriff that he had found a starving wild man in his corral. This man was to become known as Ishi, the brother from the small village of four.

The University of California took in this so-called last "wild man" in North America, befriended him and introduced him to the civilized world where he died of tuberculosis less than five years later. The surviving Yana had remained true to their faith and culture through starvation and death. The private policy of some of the newcomers was strictly one of murder, genocide and economic conquest.

Policy is policy wherever found, public or private. In this case a particular group of California Indians were in the way of a stronger private group. The policy of the stronger group was simply that of killing the weaker ones in order to gain economic control of territory, an event repeated endlessly throughout all history. Some Indians were accustomed to murdering other Indians for economic gain and

glory centuries before the Europeans arrived. No emotionalism nor anything more than a relating of facts is intended to be expressed by the story, one of many in the settlement of California and elsewhere.

In the early 1850s three United States Commissioners were sent out out to make treaties with California tribes. Eighteen treaties were made though half the tribes were not even treated with. The treaty Indians were to receive about 8,000,000 acres of the poorest lands in the state. In 1852 the United States Senate refused to ratify the treaties after considerable California pressure against ratification. All of the allegedly reserved lands were opened to settlement or retained by the government. It was some fifty years before the California Indians even became aware of the fact that their so-called treaties were unilaterally withdrawn. Between 1850 and 1860 the United States Congress spent two million dollars on four reservations in California, with the chief purpose being to get the natives out of the way of harm seemingly inherent in civilization and progress. It is said by California Indians today that their forefathers were herded like cattle onto the reservations, sometimes tied together. The old folks, women and children who could not keep up frequently died on the way. Some escaped, returned to their homes to find white homesteads. It is fairly reasonable to say that most of the remaining Indians in California after 1860 either existed on small reservations or eked out

an existence at odd jobs as servants or as farm laborers. A parallel story is true of the Nevada Paiutes. A few groups and individuals purchased their own lands, others drifted into skid row slums and alcoholism.

There was no single clear early policy towards the California tribes other than dispersal and annhilation of their culture, economy and tribal governmental system. Private persons believed murder was the best policy. State government believed the federal government should shoulder the financial burden for the natives welfare (what few there were left) and the federal government made a few gestures towards treaty making - grossly hindered by land grabbers, reserving lands and did remove some Indians to small reservations. Although Congress spent $2,000,000 on reservations all of the early superintendents were removed because of accounting difficulties.[11]

The early federal policy was the more enlightened than local or private government but due to influence of private persons and state officials early federal policy was not carried through to the goals envisioned by the relatively few decent and humane persons attempting to assist the Indians. The United States did little more than repeat the policy of the Spanish government several centuries earlier in California.

The difficulties in California were not really organized

[11] Indians of California (San Francisco: American Friends Service Committee, 1957), p. 8.

wars. In contrast the plains erupted in almost total warfare in the 1860s and 1870s. Treaties and agreements were made through duress and then unilaterally broken by the United States. The tremendous resource of the Buffalo was destroyed with deliberate abandon, calculated to starve the plains tribes into submission. J. W. Schultz states that the very last of the buffalo herds disappeared in 1883.[12]

In 1862 the Homestead Act arranged for the taking up of public domain. Transcontinental railroads were starting about this time. In 1865 a congressional committee toured the west and reported that the buffalo were almost gone and that the once proud tribes were helpless. In 1867 a peace commission recommended better planned reservations, schools, and farm training for adults. In the next few years reservations were surveyed, necessities of life promised and the Indians settled about where they are today. The conquest and settlement of about all of the tribes was nearly complete and marked the beginning of the next policy era.

[12]J. W. Schultz, My Life as an Indian (New York: Fawcett World Library, 1956), p.200.

Early Reservation Difficulties

By congressional act March 3, 1871 (16 Stat. 566) the policy of treaty making was ended primarily because the Indians were no longer considered as independent nations but as dependent domestic nations tied to reservations or smaller pieces of land, or merely landless individuals in some cases. The exact legal status of the tribes has never been fully determined to the date of this writing. Certainly not all Indians were given reservations, and curiously those tribes resisting the most occasionally received the largest reservations, Navaho, Sioux groups and Apache groups for example. Not all tribes battled to the last gasp for breath. A passage from Clark Wissler's Indians of the United States gives a view of Pawnee policy:[13]

> The Pawnee boast that they never fought against the United States, and history seems to confirm their claim. Time after time they joined the whites to fight against other Indians, until, in recognition of their loyalty and ability, an army division of scouts was authorized into which qualified Pawnee men were enlisted. These scouts wore military uniforms when on parade and were especially honored. They rendered signal service in the Indian wars of the period from 1865 to 1885. Yet, ironically enough, the Pawnee were eventually dispossessed of their lands in Nebraska and forced to settle in Oklahoma, where half of them died from disease and exposure. Once boasting a strength of ten thousand, they now number less than nine hundred; a remnant of a once powerful nation. This is their reward for aiding the whites.

[13]Clark Wissler, Indians of the United States (Garden City: Doubleday and Company, Inc., 1953), p. 134.

Reservation policy was a national policy of forced education and forced attempts at retraining for responsibilities of civilization. Restated, the official policy amounted to an end of customary Indian authority, self-determination, culture, language and loyalties. Since hunting became limited or impossible near and on reservations, tribes had to subsist on government rations. A certain amount of dishonesty may have occurred with the dealing in rations but there were military reasons for limiting distribution. Yet those who resisted loss of religion, customs, language and way of life the most sometimes received the best treatment. Generally however tribal leaders who refused to cooperate with the Army or Indian Bureau lost authority through non-recognition and difficult personal relations with government agents. This latter administrative policy still exists in isolated instances to varying degrees, despite tribal elections and general promotion of democratic process in tribal government by congressional law. The chapter considering Washington state fisheries lists a blatant instance.

To break up Indian culture, children were taken at six years of age whether their parents consented or not and sent to boarding schools until past adolescence. In schools the children were forced to join whatever church had firmly entrenched itself at the school. Use of their native language was forbidden.

Whether such decisive and coarse methods were necessary is debatable.

The policy objectives of preparing children for life in a new culture worked both ways as evidenced by Indian's treatment of captives. It is noted that Indians capturing white children, instructed them in the civilization of the capturing Indian group and had them grow up as Indians. Besides the larger overshadowing economic war there was a cultural war. There were Indians who took up white ways and there were whites who went native. A number of Europeans spent their lives among the Indians as cultural Indians. When treaties were made a normal stipulation was that the captives were to be returned. The Indians loved their adopted children and accounts of the grief and hardship of the "release" are compelling.[14] Occasionally older captives were most unhappy at leaving their Indian loved ones for civilized life. Schultz has relevant comments regarding the Blackfeet in Montana.[15]

> The men married to Indian women - squawmen, as they were contemptuously called - suffered most, /Schultz was a squawman/ and, strange to say, the wives of the newcomers, not the men, were their bitterest enemies. They forbade their children to associate with the half-breed children, and at school the position of the latter was unbearable. The white ones beat them and called them opprobrious names. This hatred of the squawman was even carried into politics.

[14]Historical Account of Bouquet's Expedition Against Ohio Indians in 1764. (Cincinnati: 1868).

[15]Schultz, p. 201.

One of them, as clean-minded, genial, fearless a man as I ever knew, was nominated for sheriff of the county upon the party ticket which always carried the day; but at that election he alone of all the candidates of his party was not elected. He was actually snowed under. The white women had so badgered their husbands and brothers, had so vehemently protested against the election of a squawman to any office, that they succeeded in accomplishing his defeat. And so, one by one, these men moved to the only place they could live in peace, where there was not an enemy within a hundred and more miles of them, the reservation; and there they settled to pass their remaining days. There were forty-two of them at one time; few are left.

Let me correct the general impression of the squawmen, at least as to those I have known, the men who married Blackfeet women . . . They helped build their red neighbor's cabins and stables; surveyed their irrigation ditches; taught them how to plough and to manage a mowing machine - all this without thought of pay or profit. If you enter the home of a Blackfoot, you nearly always find the floor clean, the windows spotless, everything about in perfect order, the sewing machine and table covered with pretty cloths; the bed with clean, bright-hued blankets; the cooking utensils and tableware spotless and bright. No government field-matrons have taught them to do this, for they have had none. This they learned by observing the ways of the squawmen's wives. I have seen hundreds of white homes - there are numbers of them in any city - so exceedingly dirty, their inmates so slovenly that one turns from them in absolute disgust; but I have seen nothing like that among the Blackfeet . . .

Without the squawman, I do not know what the Blackfeet would have done in the making of their treaties with the Government; in getting rid of agents, of whom the less said the better - for the squawman fought their battles and bore the brunt of all the trouble. I have known an agent to order his police to kill a certain squawman on sight, because the man had reported his thievery to Washington; and others to order squawmen to leave the reservation, separating them from their families because they had spoken too openly regarding certain underhand doings. But at intervals there were good, honest, capable men in charge, under whom the Indians remained in a measure the prosperity they had lost. But such men did not last long; with a change of administration they were always dismissed by the new powers.

Considering another cultural aspect, the Sun Dance of the Plains arose as an annual tribal get together with ceremony, dancing, four day fasting, ritual and social activity. It was a time of gathering of sub-groups from over the plains. The Army crushed the Sun Dance because of inherent dangers of too many Indians in one place and potentiality of uprising. Missionaries strongly influenced regulations against all so-called pagan ceremonies which might hinder their Christianizing efforts. As a partial result even today there are Indians who believe it is sinful to dance any of their own historic Indian dances. The Department of Interior established a criminal code prohibiting Indian religious practices with penalties. This code was enacted in 1884, reinforced in 1904 and lasted until 1933. Not all Indians appreciated these civilizing policy measures taken in their behalf.

During this period of religious oppression the Dreamers society in Oregon developed a religion of non-resistance to evil. For his audacity the chief Dreamer of the Nez Perce was thrown into jail. The Chief Joseph band of Nez Perce were said to be getting their cattle ready for removal from the Wallowa valley in Oregon to a temporary reservation in Idaho when whites attacked, stole the cattle and killed an Indian. Despite the Dreamer's pledge or policy of non-resistance the Nez Perce had to go to war to protect themselves. With 100 men Chief Joseph killed 58 soldiers in

three weeks. Carrying 350 women and children with him he attempted to cut through three white armies between him and Canada. After cutting through them all, traveling 1,000 miles, and still with the women and children but only 50 men, starving and only about 50 miles from Canada he encountered General Miles with fresh forces. Finally, with forty men wounded and the rest dead Chief Joseph surrendered. His band was sent to Indian territory (now Oklahoma) despite a solemn pledge otherwise, and half of the remainder of his tribe perished in the next few years.

In Washington state, John Slocum, of the Squaxin tribe, formed the Indian Shaker religion of Catholic, Calvin and Indian traditions. One of his tenants was non-violence. Despite jail, missionaries and so forth the religion continues to exist in Western Washington, with ceremony, bishops and distinctive bells and candles. Occasionally a tribal leader may be a Shaker church leader, one of the rare instances in present day United States where limited secular and ecclesiastical powers evolve from one person.

Wovoka, a Paiute Indian, became ill and on January 1, 1889, on a day of a total sun eclipse, entered a trance and upon being "reborn" said he saw God. The philosophy finally became briefly that, the earth whose bonds with its people had been cut by the whites would die. Indians would be reborn in this world, and the whites, if reborn at all would be reborn in some other world. Pacifism was the cornerstone

of this religion. Other tribes who knew not the Paiute language nor of the snow capped Sierra Nevadas quickly sent disciples and the Ghost Dance religion developed. Result? During 1892 at the Ogallala Sioux Reservation in South Dakota the Army in its last so-called "Indian battle" cold bloodedly shot down 98 disarmed Indian men and 200 women and children in the Battle of Wounded Knee. They were Ghost Dancers.

Another religion which developed about 1870 is the Native American Church, occasionally in trouble because of the use of a cactus button chemical, peyote, in certain ceremonies. Use of peyote produces unusual visions and feeling. The church continues to exist as a major Indian church as do controversies over peyote.

As may be expected some of the more enlightened missionaries were sometimes quite successful and in some Indian population concentration areas there are numerous Christian Indian ministers. But even so the ubiquitous summer religious encampments resemble the older traditional Indian gatherings.

Probably there are relatively unpublicized leanings toward older religious beliefs by present day Indians but not wishing to cause any undue commotion in the non-Indian religious world they remain silent. The author asked an older Paiute Indian in Utah what he thought of the local non-Indian Mormon religion. The reply was "we do not believe him much". The author is aware of the existence of an Indian

animistic temple or shrine in the west but details are not available for the public and undoubtedly the author is one of a few, if not the only non-Indian accorded the privilege of knowing the location.

Despite the reluctance to change, a very substantial number of Indians participate in regularly accepted church life, the denomination determined by which missionary group was strongest in an area. In some cases feuds between two or three denominations on or near reservations has deliberately and pathetically divided tribes struggling to regain economic independence. On the other hand policy of the missions was that of puritan benevolence as well as special kindness and included provision of material aids for the favored converts. Many times they were helping the Indians when no one else cared. Church groups had no greater monopoly on intelligence or stupidity in administration than any other group working in Indian affairs as far as is discernable from evidence of policy.

The objectives of policies of the federal government during the early reservation period were basically those of getting the Indian into his new environment and assisting in adaptation thereto with stern paternal supervision. The government made treaties through duress or threat with independent nations yet viewed the Indians, rather ambidextrously, as wards of the government in the process. Upon the formal end of treaty making the government shouldered

the responsibility for certain aspects of Indian welfare. The tribes that had been removed from their home lands were usually most unhappy with their new geography, treatment and circumstances.

As a result a number of tribes revolted as the Southern Plains in 1874, Dakota 1876, the Bannocks in 1878, the Nez Perce in 1877 and the Cheyenne in 1878. The northwestern Utes in Colorado after experiencing severe pressure and meddling in their affairs killed their government agent and lost a small wealthy kingdom, when they were shortly thereafter forcefully removed to Utah desert country by the government in an act of revenge upon the Ute bands of that reserve.

A brief glimpse at life upon the reservation from the viewpoint of the agent's authority is revealing to policy study, for in an administrative sense the Indians were prisoners of war in concentration camps. The agent was in complete charge of the reservation with dictatorial powers as required. He could put Indians in prison, break up families, decide where an Indian could live and how to. He was usually aided by clerks, a blacksmith, a farmer, stablemen, sometimes a doctor and private white trader storekeepers. Also there were usually a number of mission churches nearby.

The Agent had a busy life. He oversaw law and order, issued rations and farming equipment. He worked to get the

Indians into proper log houses; worked to get them to wear citizen clothing and cut their braids. A condition of employment by some Agents was that the Indian have his hair cut. Since the Agent was the closest representative of the Great White Father he was a fair target for all grievances, real and imagined.

From 1869-79 President Grant made efforts to improve reservation management by appointing agents selected by churches. According to Underhill the church nominees were often poor administrators and much more interested in gaining converts for their churches than in learning about the Indian problems and views.[16]

A Board of Indian Commissioners was appointed to check on contractors and inspect reservations. In 1870 the first annual appropriation for Indian education occurred. After the revolt of the Southern Plains Indians in 1874 Lieutenant R. K. Pratt decided while taking some Plains Indians prisoners of war or captives to Florida to prison that they might be trained industrially. The Indian school opening in 1879 at Carlisle, Pennsylvania resulted from Pratt's vision. (Pratt later became a Brigadier General) The school started with private contributions but funds were appropriated by the federal government in 1881 for operation. By 1900, twelve hundred pupils from seventy nine tribes were

[16]Underhill, p. 327.

participating in agricultural and manual skills training. The level of the work was primarily grade school with a few regular high school courses. The school was not a university or even a college. About half of the graduates returned to their reservations to become successful in their home affairs while others entered society away from the reservation, some going on into higher education.

The Carlisle barracks were returned to the War Department in 1918 for use in hospitalizing and rehabilitating soldiers from World War I. The school was not reopened because it was felt that schools nearer reservations could fill Indians needs better. Also the accusation was made that Carlisle had been too successful and enemies of the Indians were greatly relieved to see it closed. It was alleged that some of the graduates were unwilling to accept conditions on the reservation and had made too much of a public fuss for the complacency of concerned congressmen. The school, for whatever reason, was not reopened although it had been quite successful and well liked by the Indian students.

To 1911 Carlisle had had 574 graduates with only five "failures". In reply to sly criticisms and fabricated mendacities against the school, Carlisle was turning out successful students at a cost less than most or all other Indian schools. Siceni J. Nori of Carlisle stated at the Mohawk Conference of 1911 that, "Careful investigation has

shown that nine tenths of those stories are plain lies as far as Carlisle is concerned".

After the example of Carlisle, Pennsylvania, boarding schools were started at most reservations. At first contracts were let for missionaries for operation, but by 1897 all remaining contracts were abolished and the gradual substitution of government employees completed. Boarding schools reached their zenith about 1885 after which day schools were built or else children were sent to public schools. Children in areas isolated from the mainstreams of settlement, as Alaska and areas of Arizona continue to have unmet education needs, although the Great Society program under President Johnson includes active engagement in school building.

Lands and Allotment Policy

The idea of establishing a farm for an Indian family did not arise spontaneously as a result of the failure of early reservation period efforts to acculturate the Indians. As early as 1633 the General Court of Massachusetts Colony provided that Indians willing to live as Englishmen could have "allotments" among the English. Section one of 7 Stat. 120, Articles of Agreement and Capitulation of the Creek Nation, 1814, allowed the possession of a square mile of territory in Georgia for any Creek chief or warrior who had remained loyal to the United States for such time as the land was used, title remaining with the United States. About one third remained loyal. An act of Congress March 3, 1817 (3 Stat. 380) provided that should the chief or warrior occupy four quarter sections of land to his demise the land would pass in fee simple to the heirs.

A treaty with the Lower Cherokees concluded July 8, 1817 (7 Stat. 156) allowed to each and every head of an Indian family wishing to become citizens, six hundred and forty acres of land as a life estate, with a reversion in feel simple to their children.

On September 29, 1817 (7 Stat. 160) a treaty with Wyandot, Seneca, Delaware, Shawnee, Potawatomi, Ottawa, and Chippewa Indians provided for vesting fee simple title of land to individual Indians during their life time. The treaty of

February 27, 1819 (7 Stat. 195) between Secretary of War Calhoun and Cherokee chiefs listed the names of 31 persons setting aside 640 acre reservations in fee simple for themselves. The treaty of June 2, 1825 (7 Stat. 240) with the Osages reserved one section each to a large number of mixed bloods. Other treaties of the period listed similar provisions.

The removal treaty with the Creeks March 24, 1832 (7 Stat. 366) provided that ninety principal chiefs might select a section of land each and that families could select half a section in the west. All Creek lands east of the Mississippi were ceded by this treaty. It appears there was ample precedent for allotting lands and subsequent breaking up the system of community property of the Indians long before the formal allotment act of 1887.

November 1832 President Andrew Jackson was re-elected by a large majority over Henry Clay. There were two key Indian policies in effect under his administration. They were segregation of Indians not wishing to be ordinary citizens and assignment of lands to individuals who would accept the way of the whites. After the resistance and difficulties encountered in the removal program pushed by President Jackson, various state officials and the southern public; national policy towards continued removal of all tribes east of the Mississippi from the United States to western territory waned. Yet the "problem" of the Indians general

refusal to enter the European culture and economy as whites and the problems of their welfare continued to cause concern. Commissioner of Indian Affairs T. Hartley Crawford wrote in his first report November 25, 1838 on the problem.[17]

> Unless some system is worked out by which there shall be a separate allotment of land to each individual whom the scheme shall entitle it, you will look in vain for any general casting-off of savagism. Common property and civilization cannot co-exist. The few instances to be found in the United States and other countries of small abstracted communities, who draw their subsistence and whatever comforts they have from a common store, do not militate against this position. Under a show of equality, the mass work for two or three rulers or dictators, who enjoy what they will, and distribute what they please. The members never rise beyond a certain point, (to which they had reached, generally, before they joined the society) and never will, while they remain where they are. But if they should, these associations are so small and confined, as to place their possessions in the class of individual estates. At the foundation of the whole social system lies individuality of property. It is, perhaps, nine times in ten, the stimulus that mankind needs; it has produced the energy, industry and enterprise that distinguish the civilized world, and contributes more largely to the good morals of men than those are willing to acknowledge who have not looked somewhat closely at their fellow beings. With it come all the delights that the word home expresses. The comforts that follow fixed settlements are its train; and to them belong not only an anxiety to do right, that those gratifications may not be forfeited, but industry, that they may be increased. Social enter-course and a just appreciation of its pleasures result, when you have civilized and, for the most part, moral men. This process, it strikes me, the Indians must go through, before their habits can be materially changed; and they may, after what many of them have seen and know, do it very rapidly. If, on the other hand, the large tracts of land set apart for them shall continue to be joint property, the ordinary motive to industry

[17]Annual Report, Commissioner of Indian Affairs (Washington, D.C.: Bureau of Indian Affairs 1838-1842), p. 424-425.

> (and the most powerful one) will be wanting. A bare subsistance is as much as they can promise themselves. A few acres of badly cultivated corn about their cabins will be seen, instead of extensive fields, rich pastures and valuable stock. The latter belongs to him who is conscious that what he plows is his own, and will descend to those he loves, never to the man who does not know by what tenure he holds his miserable dwelling. Laziness and unthrift will be so general as not to be disgraceful; and if the produce of their labors should be thrown in the common stock, the indolent and dishonest will subsist at the expense of the meritorious.

Here we have in 1838 a rather concise statement of the thinking of not only the Commissioner of Indian Affairs but also that of many citizens in regards to basic land policy and the related political, cultural and economic problems. Later chapters will show where the views evidenced in the above report have led the Indians and their welfare since. The sheer irony contained in these views is that many of the tribes in the east and west were agricultural and were taking reasonably good care of their own welfare until dispossessed. It might even be stated that had the Indians become fully and absolutely Europeanized as Commissioner Crawford suggests they should, the Indians could have dispossessed the settlers, placed them on reservations east or west of the Mississippi, then sent immigrants to Europe to conquer the Europeans and place them on small reservations with instructions to become Indianized in a decade or so. This fantasy or exaggeration is rather ridiculous of course but the irony contained therein is little greater than that contained in the Commissioner's somewhat hypocritic views on extensive fields and rich

pastures. The crucial point is that there were ways, methods, and techniques available to successfully work with Indians integrating them into the new society but any reasonable ideas were brushed aside in efforts to destroy or severely limit the Indian's economy and destroy his culture and political system against his will. Whether that policy was right or wrong is not really the issue under discussion at the moment. The real issue is, in this instance, the almost complete and deliberate avoidance of the views of those directly affected by the policy, in the policy formulation era concerned.

By overlooking the views of the affected, their economic welfare was not realistically evaluated in terms of will and ability to perform as white farmers on a plot of land. It appears from the violent agitation for removal of all Indians from their homelands east of the Mississippi that regardless of the Indian's proclivities, he was not wanted. Judging by the warfare and plunder of the west there was little place for him there either. But since there was no formal national policy of extermination something had to be done with the tribes. The overall policy was evidenced by providing food and limited goods to the semi-hostile groups and letting the weak or friendly groups shift for themselves since they posed no particular threat to the fifty or so western valleys rapidly filling with settlers, miners and so on.

General Francis A. Walker who became Commissioner of

Indian Affairs December 11, 1871, defended the government's illogical policy by writing in his annual report of 1872 that, "There is no question of national dignity, be it remembered, involved in the treatment of savages by a civilized power. With wild men, as with wild beasts, the question whether in a given condition, one shall fight, coax, or run, is a question merely of what is easiest and safest." In other terms the government was attempting to induce the Indians to remain on their new reservations by making them more comfortable on reservations and more uncomfortable off.

Unfortunately, the life of the reservation Indians did not change in several years as anticipated by usually well meaning churchmen and government agents. Caring for the Indians was an added cost of government and many reasonable people who had progressed materially through hardship and hardwork felt that the Indians should be induced to become self supporting, seemingly unaware of the hypocracy of their ideas and removal policies. Commissioner Walker said:[18]

> Just as soon as these tribes cease to be formidable, they should be brought distinctly to the realization of the law that if they would eat they must also work. Nor should it be left to their own choice how miserably they will live, in order that they may escape work as much as possible. The Government should extend over them a rigid reformatory discipline, to save them from falling hopelessly into the condition of pauperism and petty crime . . .

[18]Francis A. Walker, The Indian Question (Boston: James R. Osgood and Co., 1874), p. 9.

> Unused to manual labor, and physically disqualified for it by the habits of the chase, unprovided with tools and implements, without forethought and without self-control, singularly susceptible to evil influences, with strong animal appetities and no intellectual tastes or aspirations to hold these appetites in check, it would be to assume more than would be taken for granted of any white race under the same conditions, to expect that the wild Indians will become industrious and frugal except through a severe course of industrial instruction and exercise, under restraint.

Commissioner Walker thought segregation was the best policy:[19]

> This principle of excluding Indians from whites for the good of both races is established by an overwhelming preponderance of authority. There are no mysterious reasons why this policy should not be adopted; the considerations which favor it are plain and incontestible. The first is the familiar one, that the Indian is unfortunately disposed to submit himself to the lower and baser elements of civilized society and to acquire the vices and not the virtues of the whites.

Thus the process of civilizing the tribes was tied to the reservations, hard work and lands. General Walker continues:[20]

> What with the triviality of the Indian character, the absurd punctilio with which, in his lowest estate, he insists on embarrassing the most ordinary business, and his devotion to sentiments utterly repugnant to our social and industrial genius, what, again, with the endless variety of tribal relations and tribal claims, and the complexity of tribal interests, aggravated by jealously and suspicion where no previous intercourse has existed and by feuds and traditions of hatred where intercourse has existed, - the conduct of Indian affairs, whether in legislation or in administration, is in no small degree perplexing and irritating. The Indian treaties prior to 1842 make up one entire volume of the General Statutes, while the treaties and Indian laws since that date would fill two volumes of equal

[19] Ibid., p. 62.
[20] Ibid., p. 120.

> size. It cannot be denied that this is taking a good deal of trouble for a very small and not very useful portion of the population of the country . . .

In view of the desire for decreasing the costs of Indian administration, needs for increasing supplies of lands for the growing white population, fear of further Indian wars after the complete annihilation of General Custer's command in 1876, all combined as stimulus for increased means of concentrating tribes. Various schemes were offered, one of the more important being that of removing most tribes from their treaty reserves to permanent reserves in Indian territory, with vastly reduced acreages, of course. The evils of the constant threat of continual removal from spot to spot were known to administrators through the Indian's reluctance to make any improvements whatsoever.

The Indians knew that despite solemn and sacred guarantees from the United States that the lands would be the Indian's forever, they were subject to removal from the lands whenever the pressure of white settlers could be concentrated upon Congress or the Indian Department. Even those tribal members who accepted allotments neglected improvements because of fear of confiscation of the land.

> The Osage Indians, subjects of the American's favorite Cinderella story, were moved ten times between 1808 and 1870, each time to a less desirable location. They were the last of twenty tribes to be settled in the Indian Territory (now Oklahoma), and consequently received what was considered the "ash heap" of the region. They were miserably poor on their sandy acres - until oil was discovered there. At the peak of the oil boom (1925), each Osage received $13,200 annually for his share in the communally owned property.[21]

A few Indians who received patents or title to their allotments yielded to the greed of uncrupulous whites through land sharks use of whiskey, fake documents and mortgages. Commissioner Hayt in his 1878 report said that out of 1735 Indians to whom patents were issued in about 1871 on the Chippewa Reservation of Isabella County, Michigan fully 5/6 were sold, or in some matter were cheated out of their lands. In one case an Indian sold his land for $15 and the buyer was offered $4,000 for it. Investigations indicated that even the most intelligent Indians had become victims of criminal whites.

In the 1870s and 1880s various federal statutes were being enacted to reduce the size of Indian reservation areas. For example, an act of June 5, 1872 (17 Stat. 226) removed the Flatheads of Montana from their Bitterroot Valley home to the Jocko River Valley; 17 Stat. 228 gave lands in Indian Territory to the Little and Great Osage who ceded Kansas lands; an act June 10, 1872 (17 Stat. 391) took lands from the Omaha, Pawnee, Sauk and Fox tribes in Nebraska and the Oto and Missouri in Nebraska and Kansas; April 15, 1874 (18 Stat. 28) confined the Blackfeet, Blood, Gros Ventre, Piegan, River Crow and other tribes as the President might see fit to locate between the western border of the Territory of Dakota and the Rocky Mountains. The latter act was designed to pin

[21]Indian Land Transactions, Committee on Interior and Insular Affairs, United States Senate, December 1, 1958. p. 12.

these tribes to a much smaller and definite territory than they were accustomed to. An act of March 3, 1873 (17 Stat. 633) reduced Round Valley Reservation in California. December 15, 1874 (18 Stat. 291) took Shoshoni land in Wyoming. Acts of December 29, 1874 (18 Stat. 36) and June 15. 1880 (21 Stat. 199) took extensive areas from the Ute tribes of Colorado and Utah. Acts of May 14, 1884 (22 Stat. 22), May 24, 1888 (25 Stat. 157), February 20, 1895 (28 Stat. 677) and June 4, 1898 (30 Stat. 429) also applied to the Utes. Acts April 10, 1876 (19 Stat. 28, August 15, 1876 (19 Stat. 208), March 3, 1881 (21 Stat. 380), March 3, 1885 (23 Stat. 351), January 26, 1887 (24 Stat. 367) provided for removal of the Oto and Missouri, the Sauk and Fox and Iowa tribes. An act of February 28, 1877 (19 Stat. 254) moved bands of Sioux, Northern Arapaho and Cheyenne. The act March 3, 1881 (21 Stat. 414) provided for moving the Poncas from Nebraska to Indian Territory.

Commissioner Adkins, who became Commissioner under Grover Cleveland in 1885 said that, "the tribes must abandon tribal relations, give up superstition, forsake their savage habits, learn arts and labor of civilization, rear their families as white people do and learn more about their obligations to the Government and society". In order to make all of these changes the individual families were encouraged to take up a homestead. In fact the Indian should be grateful for such a heritage, according to Atkins because, "look at the large

numbers of homeless in the Old World and the southern negros". "What a heritage!"

Sentiment among non-Indians and governmental officials was growing for the allotment of Indian reservation lands held in common, into individual homesteads, particularly in the 1880s. Several individual acts were passed as the Crow act of April 11, 1882 (22 Stat. 42); the Omaha act of August 7, 1882 (22 Stat. 341); and the Umatilla act of March 3, 1885 (23 Stat. 340). The provisions of the Omaha act were for one hundred sixty acres to the family head, eighty acres to single persons over eighteen years and to an orphan child under eighteen years and forty acres to other persons under eighteen.

Despite the evidence of earlier failures of alloting lands to Indians in the interest of making white farmers of them a general allotment act was passed February 8, 1887 (24 Stat. L., 388). Senator Henry Laurence Dawes of Massachusetts took the leading part in advocacy of the act hence it is referred to as the Dawes General Allotment Act. From 1887 to 1934 when the act was withdrawn it helped the Indians lose around 63% or 88,000,000 acres of the reserved lands, since unallotted land was frequently declared surplus by the government and opened to white settlement.

Before considering further the effects and results of the general allotment act it might be interesting to consider what Stanley Vestal, pen name of the late Professor Walter S.

Campbell, University of Oklahoma, wrote regarding Indians, land and non-Indians.[22]

> Indians were men of their word. Indeed, it has seemed to the Indian that the white man was a natural born liar and thief. Sitting Bull was not joking when he said he would be glad to make a treaty, if only the Government would send him a white man who would tell the truth . . . Not so long ago the backward full-bloods of the Cherokee tribe held council and took a voluntary vow of poverty, believing that, so long as they possessed anything worth taking the white man would keep after them until they got it. They moved back into the hills, and took up lives of mere subsistence, in order to be let alone and to save what was left of their tribal civilization.

The act is one of the landmark pieces of legislation regarding the Indians and is quoted in full in the Chapter Close Appendix, this chapter. Not all tribes experienced allotting but most did.

The Dawes Act set the stage for a new era of Indian land policy, the enactors assuming there was nothing wrong with the Indians that a little legislation would not cure. Whether the act was totally good or totally bad is difficult to say from either the Indian's point of view or the non-Indian's point of view. In actual fact it seemed to be a great compromise, though never referred to by that particular phrase in the literature regarding it. There were well informed persons concerned with Indian policy who were quite unconvinced that allotment of Indian lands would provide the industry, thrift and independent economic status as farmers

[22]Stanley Vestal, Southwesterners Write (Albuquerque: University of New Mexico Press, 1946), p. 337.

and artisans, that was expected by the proponents of the act. On the other hand they were well aware of the possibility that no amount of official effort to preserve the legal and moral rights of the Indians would succeed in the face of the great tide of emigration of whites from the East to the West and the great floods of immigrants from Europe, with corresponding need or greed for native lands and minerals.

The compromise infers that with allotments the Indian might be able to retain a little portion of his real estate and life itself rather than drift with the pressures towards thorough pauperization and consequental malnutrition, disease and eventual death of persons, then tribes and in time possibly all. Needless to say little of the arguments took into account Indian thinking on the breakup of communal lands. The Indians were not communists. They tilled their own gardens and owned the game they killed. They did have a system of social security or a social welfare program whereby anyone with plenty would be willing to share with the less fortunate, but even that practice did not mean that Indians practiced some sort of reallocation of resources whereby everyone was supposed to have the same amount of goods. Although a few early careless observers thought Indians were communists there seems to be no basis for their views.

Actually land ownership was quite well integrated into the Indian's life and religion, a phenonomina not unknown in Catholic Europe of the Middle Ages when the church held title

to vast acreages of European lands. There is a vast distinction between the two, the church building property ownership to increase its power structure, while the Indian felt his lands had been given him by the Great Spirit in order that the Indian might live a good life and meet his humble needs for shelter and food.

There are many examples of Indian opinion on the alloting of lands. Perhaps one of the best known Indian views on land is contained in a speech by Tecumseh in 1810. He said:[23]

> I am a Shawnee. My forefathers were warriors. Their son is a warrior. From them I take only my existence, from my tribe I take nothing. I am the maker of my own fortune, and Oh! that I could make that of my Red people, and of my country, as great as the conceptions of my mind, when I think of the Spirit that rules the Universe. I would not then come to Governor Harrison to ask him to tear up the treaty, and to obliterate the landmark, but I would say to him: "Sir, you have liberty to return to your country."
>
> The Being within, communing with past ages, tells me that once, nor until lately, there was no Whiteman on this continent, that it then all belonged to the Redman, children of the same parents, placed on it by the Great Spirit that made them to keep it, to traverse it, to enjoy its productions, and to fill it with the same race, once a happy race; since made miserable by the White people, who are never contented but always encroaching.
>
> The way, and the only way, to check and to stop this evil, is for all the Redmen to unite in claiming a common and equal right in the land, as it was at first and should be yet; for it was never divided, but belongs to all for the use of each. That no part has a right to sell, even to each other, much less to strangers-those who want all and will not do with less. The White people have no right to take the land from the Indians, because they had it first, it is theirs. They may sell,

[23]Samuel G. Drake, The Book of Indians of North America (Boston: Antiquarian, 1836) Book V, Chapter vii, pp. 121-122.

> but all must join. Any sale not made by all, is not valid. The late sale is bad. It required all to make a bargain for all. All Redmen have equal rights to the unoccupied land. The right to occupancy is as good in one place as in another. There cannot be two occupations in the same place. The first excludes all others. It is not so in hunting or traveling, for there the same ground will serve many, as they may follow each other all day, but the camp is stationary, and that is occupancy. It belongs to the first who sits down on his blanket or skins, which he has thrown upon the ground, and till he leaves it, no other has a right.

Another interesting example of opposition came from the Five Civilized Tribes of Oklahoma, the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles (Oklahoma removal groups). The Cherokee petition against allotments declared:[24]

> Our people have not asked for or authorized this, for the reason that they believe it could do no good and would only result in mischief in their present condition. Our own laws regulate a system of land tenure suited to our condition, and much safer than that which is proposed for it. Improvements can be and frequently are sold, but the land itself is not chattel. Its occupancy and possession are indispensable to holding it, and its abandonment for two years makes it revert to the public domain. In this way every one of our citizens is assured of a home. The changed individual title would throw the whole of our domain in a few years into the hands of a few persons. In your treaties with us you have agreed that this shall not be done without your consent; we have not asked for it and we call on you not to violate your pledge with us.

As was noted in Section 8 of the Dawes Act certain Oklahoma tribes were excepted from the provisions of the act. By an act of March 2, 1889 (25 Stat. 1013) the Dawes Act was applied except for section 6 to the Confederated Wea, Peoria,

[24]Congressional Record, 46th Congress, 3rd Session Vol. XI, 1881. Petition of the Five Tribes, Part I, p. 781.

Kaskaskia and Piankashaw tribes and to the Western Miami. An act of February 13, 1891 (26 Stat. 749) legalized an agreement with the Sauk and Fox and the Iowa Indians wherein they accepted allotment along lines similar to the General Allotment Act.

Although the Five Civilized Tribes were exempted from the operation of the General Allotment Act pressures for allotting them increased to the point of enactment of the Curtis Act June 28, 1898 (30 Stat. 495), which was designed to make complete rolls of the tribes in order to end the tribal governments and apportion the lands through allotment.

Probably this act was necessary due to the large amount of mixed marriages. One of the easiest ways to obtain land in Oklahoma seemed to be that of marrying an Indian. When the rolls of the Five Tribes were closed March 4, 1907 some 450,000 persons had applied for enrollment; 101,228 were enrolled of whom 2,506 were intermarried persons; 23,382 freedmen or former Negro slaves and descendents, 50,671 mixed bloods and 24,669 fullbloods.

An act of May 27, 1908 (35 Stat. 312) removed all of the restrictions on the sale of approximately two-thirds of the Five Tribes allottees. About all that can be said of this act is that great losses of land resulted with little or no gain to the Indian in thousands of cases. The exclusion of the Five Civilized Tribes from the General Allotment Act had no practical lasting effect upon their affairs. The theory

involved is that of exclusion or seclusion versus assimilation and citizenship. The tribes preferred seclusion in order to live under their own laws. The policy of assimilation through the allotting process and missions appears to have been aimed more strongly towards assimilating the Indians lands and souls rather than at bringing the Indian into the everyday white economy as a prosperous gentleman farmer, banker, lawyer or other middle or upper class property owner.

In the following several years after the allotment act there appeared to be mixed feeling among tribes and a strong trend of opinion is difficult to isolate. Obviously, full bloods who wished for earlier freedoms were opposed to formal allotments beyond tribal custom and there are Indians still opposed to the day of this writing. An Agent at White Earth (Minnesota) said in 1895 that aside from living in houses and wearing clothes he could not see much evidence of any "progress" among the full bloods.

Since there was a noticable tendency for Indians to leave their claims for extended lengths of time rather than cultivate them, another policy was initiated in the form of authorization for leasing of Indian lands for grazing purposes. (February 28, 1891, 26 Stat. 794) Section 3 of the act provided:

> That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions

> of said act, or any other act or treaty, cannot personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes; Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The leasing act became rather controversial in face of the fact that many Indians, neither aged nor disabled preferred to lease their lands and exist on the rental payments. This type of result was actively encouraged by white farmers or miners who desired to utilize Indian lands. Several acts amending the initial leasing act were passed in the next several years. The changes concerned adding or taking out the word inability, reducing the mining period or lengthening the farming purposes period.

The Allotment Act was certainly myopic in certain areas as the lands available were suitable for limited grazing only. In 1896 the agent at the Pine Ridge Sioux Reservation in South Dakota indicated that no allotments had been made upon that reservation and that none should be made since the semi-arid land could only be used as unfenced range. With allotment a good portion would be opened to settlement and probably the remainder would have been leased. The only

industry possible for this group of Sioux would be ruined.

With the allotting process came another evil from the Indian point of view and that was the opening of so-called surplus lands to white settlement. The Chippewa Indians in Minnesota were forced to cede all of their lands except for portions of the White Earth and Red Lake Reservations. Excess lands were sold for $1.25 per acre with funds accumulated to be deposited in the United States Treasury to the credit of the tribe. The Sioux in the Dakotas had their reservations broken into pieces with allotments being made upon the decreased lands. The Gros Ventre, Piegan Blood, Blackfeet and River Crow of Montana ceded lands. The Shoshone and Bannock of Idaho ceded lands. Other tribes ceding lands from 1890 to 1900 include Round Valley (California), Pottawatomi, Shawnee, Cheyenne and Arapaho, Coeur d' Alene, Ft. Berthold, Sisseton, Wahpeton, Crows, White Mountain Apache, Cherokee, Pawnee, Yakima, Siletz, Nez Perce, Yuma, Colville Reservation and others.

In 1900 the Commissioner of Indian Affairs stated that there were three things holding up progress and assimilation of the Indians. They were rations, leases and annuities. In 1900 some $1,231,000 were expended by the government for rations to keep some of the tribesmen from starving. The giving of rations had originated as part of the "largess" used to induce the various tribes to sign treaties. Article five of the Sioux treaty provided for subsistence consisting

of a ration for each individual of a pound and a half of beef (or in lieu thereof, half a pound of bacon), half pound of flour, half a pound of corn and for each hundred pounds an addition of four pounds of coffee, eight pounds of sugar, three pounds of beans or equivalent. However, such aid was expected by the government to be temporary and last only until the tribesmen became self-supporting. Under this clause of the Sioux treaty the Sioux had received rations for some thirty years as well as a suit or cloth and other items. In 1902 the agents of the various reservations were advised that rations would go only to the disabled or others who were not capable of work. In place of purchasing rations the money to be saved would be utilized for paying Indian labor to build roads, water reserves for storage or other tasks, pay being authorized at $1.25 per day or $2.50 for a man and a team. Although there seemed to be no coercion by Indian agents, a goodly number of Indians were assisted in finding work to do for pay, since some 12,000 were dropped from the Sioux roll. In all fairness it is logical to imagine that for some of the warriors and hunters this was the first chance they had ever had to earn money and not wait for rations or land lease money. Since the rations and lease income were legal property rights there seems to be nothing morally wrong with the Sioux frame of reference.

Continuing with the allotment picture we find that by 1900 there were increasing numbers of heirs holding lands as

the older people slipped on into their Happy Hunting Ground with the Great Spirit. Many allotments went uncultivated for reasons of lack of capital, immaturity, old age or disability. Partition of lands in certain cases was not readily possible and the concept of selling allotments came into being by act of May 27, 1902 (32 Stat. 235, 275). Subject to the approval of the Secretary of Interior, adult heirs holding claim to restricted lands might sell the allotment. The interests inherited by minors could be sold by a guardian appointed by a court and with a court order. By September 1902 three quarters of a million dollars worth of lands had sold at an average of about $17 per acre. Reports on disposition of the proceeds from the sales indicate that the recipients quickly dissipated their funds without adequately caring for even the necessities of life over an extended period.

William A. Jones, appointed Commissioner of Indian Affairs in 1897 said in his 1901 annual report (p. 7):

> Perhaps in the course of merging this hardly used race into our body politic, many individuals, unable to keep the pace, may fall by the wayside and be trodden underfoot. Deeply as we deplore this possibility, we must not let it blind us to our duty to the race as a whole. It is one of the cruel incidents of all civilization in large masses that some, perhaps a multitude, of its subjects will be lost in the process. /Certain members of the Bureau of Indian Affairs and citizens at large still support such views!/

The Commissioner following Jones was Francis E. Leupp appointed by President Theodore Roosevelt in 1904. He accepted Jones' views and strongly supported a bill sponsored

by Representative Charles H. Burke of South Dakota. The problem revolved around citizenship and the act of 1887 and an amendment of 1891. The 1891 amendment remedied some difficulties concerning interests of wives by providing eighty acres as the unit of allotment. Mostly this was to allow a wife land and income to care for children should she become widowed. The act of 1887 had specified 160 acres for the head of the family. Under the act of 1887 and the amendment of 1891 about 50,000 allotments had been made in twenty years. The act conferred immediate citizenship although it soon became obvious that numbers of the Indians were not prepared to meet the obligations and for them disadvantages of citizenship. The Burke act of May 8, 1906 (34 Stat. 182) deferred citizenship until the end of the trust period or until patent in fee was received. The act authorized the Secretary of Interior to issue a fee patent to any allottee whenever the Secretary decided that allottee had become competent and able to handle his duties of citizenship. Leupp felt this law would hurry Indians along the road to complete assimilation.

The next problem of the General Allotment Act soon appeared in the form of an act, March 1, 1907 (34 Stat. 1015, 1018) which allowed the sale of patented lands held by an incompetent Indian, subject to rules prescribed by the Secretary of Interior. A May 29, 1908 (35 Stat. 444) act authorized sales of minor's lands under certain rules.

It may be well to reiterate that in 1908 restrictions were removed from sales of lands amounting to about two thirds of the allotted lands of the Five Civilized Tribes. The score board for patents issued for the Five Civilized Tribes is 1905, 149; 1906 4,027; 1907 3,363; 1908 10,461; 1909 6,654; and 1910 10,992 allotments approved, the peak year. A large number of special laws were passed in that decade to open additional reservations for settlement and sale of so-called surplus lands.

The chief official reason for such ease in getting some fifty bills through Congress for this wholesale land grab appears to be mainly if not solely in hopes that Congress could soon cut out its appropriations to maintain and prepare the Indians for citizenship. Tribes apparently became accustomed to allotment because of individual or personal advantages of obtaining timber or rich farm lands. Some undoubtedly, decided there was no choice left but to adopt white men's ways. A few probably decided they might keep a little bit of land as an individual with no change of doing so as a communal tribe. Later land policies are discussed in the appropriate chronological chapters.

International Law

The actual treatment of the American natives has been seen and recorded. Considering the wide range of views, formal policies and informal policies, it seems desirable to include the ideas of one of the original writers in international law who was especially concerned with the New World natives. This early friend of the American Indians was Franciscus de Victoria who in 1532 gave his relectos or lectures, first the De Indis and second the De jure belli Hispanorum in barbaros or On the Indians Lately Discovered and On the Law of War Made by the Spaniards on the Barbarians.

Franciscus de Victoria received his surname from Victoria, the town where he was born in 1480 or the early 1500s. Early in his youth he became a Dominican and was influenced by studies of St. Thomas Aquinas but undoubtedly had innate humanist qualities, the strength and conviction to make them known. In 1526 Victoria was awarded the primary chair of theology at the University of Salamanca when it became vacated. For twenty years he taught and studied, beloved by his disciples. A friend, Alfonso Garcia Matamoros, said that Franciscus called theology down from heaven as Socrates in ancient times called down philosophy.

The great professor of Salamanca was frequently consulted by Charles V who sought his advice on delicate matters and on cases of conscience. It is thus that in 1541

Charles V submitted questions about the difficulties in the Indies, brought to view by a grave question from Bartholomew de Las Casas. Was it lawful and appropriate to baptize adult Indians without preliminary religious instruction in the new world? Several pupils of Victorias became missionaries in the New World. The eminent professor was probably one of the best informed persons in Europe and well qualified to render considered opinion on the new world natives.

In regards to the church Victoria placed the respublica spiritualis and respublica temporalis side by side, each intact in its sphere, the state and church each having their duties, complementing each other. After his death in 1546 some of his former pupils collected his papers or lectures and caused them to be printed. There were errors of course and as with most collections of this type there is usually some question as to their completeness. The papers we are concerned with were delivered in 1532 and are devoted to the examination of the titles which the Spanish might use to justify their conquests in the new world.

Speaking of the new world he said that, "According to the Law of Nations that which has no owner becomes the property of the seizor; but the possessions we are speaking of were under a master, and therefore they do not come under the head of discovery.[25]

[25]Francisci De Victoria, De Indis et d Ivre Belli Relectiones. Edited by Ernest Nys. (Washington, D.C. Carnegie Institution of Washington, 1917), p. 86.

As regards Christianity, the "barbarians" were in no wise bound to believe merely upon hearing the truth of the religion. Nor does their refusal to believe justify the Spaniards in declaring and making war on them. In order that there be a just war, those attacked must have done some act which would justify an attack upon them. It is a mortal sin to refuse to hear those who speak of religion but Victoria thought the aborigines had not been exposed to the question. "There have been no miracles or manifestations which ought to have convinced them; there have not even been examples of religious life; on the contrary, the Spanish have been guilty of numerous scandals, crimes and impieties."

Some other rights considered are rights of the Spanish to travel freely and trade with the Indians. Indian chiefs may not persecute subjects converted to Christianity nor may they make tyrannical laws. In either case then the Spanish may resort to force to rectify the abuses. A majority of the aborigines might conceivably voluntarily submit to the king of Spain and proclaim him their prince. An unanimity would not be necessary.

In discussing war Victoria concludes that there is one just cause of war, injury suffered. Only serious and atrocious ill as devastation, burning and death are adequate to justify recourse to arms. On the other hand useless injuries in war must be guarded against. Children and innocent folk may not lawfully be killed. Prisoners of war

should not be reduced to slavery, but must be offered for ransom, and ransom must be moderate. Victoria also held that on doubtful matters the wise should be consulted and to go against their judgment would be sin, or against conscience. "When we hear of so many massacres, so many plunderings of otherwise innocent men, so many princes evicted from their possessions and stripped of their rule, there is certainly ground for doubting whether this is rightly or wrongly done." (p. 119)

Victoria concludes after discussing twenty four propositions that the aborigines undoubtedly had true dominion in both public and private matters, just like Christians, and that neither their princes nor private persons could be despoiled of their property on the ground of their not being true owners. The opposing view was that the Indians seemed to be slaves by nature because of their alleged incapability of self-government. Victoria, referring to Aristotle, concluded that, even if we admit that the aborigines in question are as inept and stupid as alleged, still dominion cannot be denied them, nor are they to be classed with the slaves of civil law. The aborigines in question were true owners, before the Spaniards came among them, both from the public and the private point of view.

Victoria then proceeds to review titles both legitimate and non-legitimate whereby the Spaniards might have seized the territory of the aborigines. The first non-legitimate

title is that the Emperor is the lord of the world and would be a superior to the aborigines true ownership. Victoria demolishes this title with many proofs against it, one being that even if the Emperor should be lord of the world he would not be entitled to seize the provinces of the Indians and erect new lords there.

A second title referred to a Supreme Pontiff, but is wiped away with the conclusion that the Pope has no spiritual power over the Indians nor temporal power either. The third title or right of discovery was not valid for the Indians were in possession, and true owners both publicly and privately. A fourth possible title is that they refuse to accept the faith of Christ according to St. Mark, ch. 16, v. 16, "Whoso believeth and is baptized shall be saved, but he who believeth not shall be damned."[26] The proof given is that never having heard of Christ, however much they were sinners in other respects, are under invincible ignorance; therefore their ignorance is not sin, and their lands can not be seized.

A fifth title derives from the Indian's sins. They sin against nature, as cannibals, promiscuous intercourse with mothers or sisters and with males, and other sins. Francisius said in part that the Pope cannot make war on the Christians on the ground of their being fornicators or thieves nor can he on that ground confiscate their land and

[26]The Holy Bible (New York: The World Publishing Co.; King James version, 1611), New Testament, p. 54.

give it to other princes; were that so, there would be daily changes of kingdoms, seeing that there are many sinners in every realm. He said that these sins are more heinous in Christians, who are aware of their sins, than in barbarians, who have not the knowledge.

A sixth possibility is that the Indians voluntarily consented to transfer of title to Spain. Victoria felt that fear and ignorance which vitiate every choice should be absent. The Indians did not know what they were doing, may not have known what the Spaniards were seeking and whatever they were seeking they were seeking in an armed array from an unwarlike and timid crowd. Since the Indians had their own lords and princes the populace could not arbitrarily set them aside, nor could the lords appoint a new prince without consent of the populace.

The seventh title is that by special grant from God. Some felt that God condemned all the barbarians in question to perdition because of their abominations and delivered them into the hands of the Spaniards. Victoria did not care to dispute upon this possibility at any length saying in effect that only a prophet could see this and that such a prophecy would be against common law and the rules of Scripture.

The first lawful title whereby the Indians may have come under the power of the Spanish includes natural society and fellowship, jus gentium /law of nations/. People are free to

travel and receive good treatment as long as they do not misbehave. According to this theory the Indians had to welcome the Spanish, which they did. Victoria considered that it is an apparent rule of the jus gentium that foreigners might carry out trade, provided they do not hurt citizens. In his proofs Victoria states that the soverign of Indians is bound by the law of nature to love the Spaniards; Indians forbidding trade or trespass would violate the proverb "Thou shalt not do to another what thou wouldest not wish done to thyself."

As regards unclaimed property, if there be in the earth gold or in the sea pearls or in a river anything else which is not appropriated by the law of nations those will vest in the first occupant, just as the fish in the sea do.

Victoria also felt that there was a right of citizenship should a Spaniard wish to remain to marry an Indian or for any other reason. If the Indians object to these rights under the law of nations the Spaniards ought to use reason and persuasion to remove scandal, showing by all possible methods that they came as peaceful guests and have no wish to hurt the natives. If the barbarians decline to agree and propose force the Spaniards have the right to defend themselves, but since the natives are fearful and if they try to drive off the strangely garbed Spaniards the Spaniards should limit their defence to self protection only and deny

themselves the other rights of war as slaying them and despoiling their goods or seizing their cities. At this point, if the Indians persist then the Spaniards may make war upon Indians, not as innocent folk, but as forsworn enemies.

Victoria's second possible legitimate title comes through the right of Christians to preach in barbarian lands, particularly in Indian lands since the Indians are not only in sin but outside of salvation. If the Indians place barriers, then war is acceptable to obtain facilities and safety for preaching the Gospel. Victoria pleads for moderation saying, "I personally have no doubt that the Spaniards were bound to employ force and arms in order to continue their work there; but I fear measures were adopted in excess of what is allowed by human and divine law".[27]

Other legitimate titles include:

3. Spanish could make war to protect converted natives.

4. If a large part of the natives were converted to Christianity the Pope might give them a Christian soverign.

5. Tyranny of the native rulers over their people, wronging innocent folk, through sacrificing innocent people or killing uncondemned people for cannibalistic purposes, can be stopped by the Spaniards, in the interests of looking after the welfare of their neighbors.

[27]Victoria, p. 158.

> 6. True and voluntary choice of selecting the King of Spain as their soverign would give Spain title to the land. The decisions of the majority would bind all even though the rest may be of contrary mind.
>
> 7. Indians wage lawful wars among themselves and may ask the Spaniards for help. The rewards of victory would be shared with the Spanish. This is what the Tlaxcaltecs allegedly did against the Mexicans. The Romans used this method to expand their empire. The Roman Empire was approved by both St. Augustine (ed civiate Dei bk. 4) and St. Thomas (Opus culum 21) as lawful.

8. This title is doubtful and considers that the aborigines are a little short on intelligence and are unfit to administer a lawful state. "The same principle seems to apply here to them as to people of defective intelligence; and indeed they are no whit or little better than such so far as self-intelligence is concerned, or even than the wild beasts, for their food is not more pleasant and hardly better than beasts. Therefore their governance should in the same way be entrusted to people of intelligence."[28]

The concluding paragraph of Victoria points out the real reason the Spanish could not board ship and leave the native to their own vices and virtues:[29]

> Now, it seems to follow from all this discussion that, if there be no force in any of the titles which have been put forward, so that the native Indians neither gave cause for just war nor wished for Spanish rulers, etc., all the travel to and trade with, those parts should be stopped, to the great loss of the Spaniards and also to the grave hurt of the royal treasury (a thing intolerable). My first answer to this is: There would be no obligation to stop trade, for, as already

[28] Victoria, p. 161.
[29] Victoria, pp. 161-162

> said, there are many commodities of which the natives have a superfluity and which the Spaniards could acquire by barter. Also there are many commodities which the natives treat as ownerless or as common to all who like to take them, and the Portuguese, to their own great profit, have a big trade with similar people without reducing them to subjection. Secondly, there would probably be no diminution in the amount of the royalties, for a tax might quite fairly be placed on the gold and silver which would be brought away from the Indians, as much as a fifth or even more, according to quality, and it would be well-earned, inasmuch as the maritime discovery was made by our sovereign and it is under his authority that trade is carried on in safety. Thirdly, it is evident, now that there are already so many native converts, that it would be neither expedient nor lawful for our sovereign to wash his hands entirely of the administration of the lands in question.

The second Relecto concerns rights of war or really the laws of war. The conclusions or summary of the great humanist Francicus de Victoria follow:[30]

> 60. All this can be summarized in a few canons or rules of warfare. First canon: Assuming that a prince has authority to make war, he should first of all not go seeking occasions and causes of war, but should, if possible, live in peace with all men, as St. Paul enjoins on us (Romans, ch. 12). Moreover, he should reflect that others are his neighbors, whom we are bound to love as ourselves, and that we all have one common Lord, before whose tribunal we shall have to render our account. For it is the extreme of savagery to seek for and rejoice in grounds for killing and destroying men whom God has created and for whom Christ died. But only under compulsion and reluctantly should he come to the necessity of war.
>
> Second canon: When war for a just cause has broken out, it must not be waged so as to ruin the people against whom it is directed, but only so as to obtain one's rights and the defense of one's country and in order that from that war peace and security may in time result.

[30] Victoria, p. 187.

Third canon: When victory has been won and the war is over, the victory should be utilized with moderation and Christian humility, and the victor ought to deem that he is sitting as judge between two States, the one which has been wronged and the one which has done the wrong, so that it will be as judge and not as accuser that he will deliver the judgment whereby the injured state can obtain satisfaction, and this, so far as possible should involve the offending state in the least degree of calamity and misfortune, the offending individuals being chastised within lawful limits; and an especial reason for this is that in general among Christians all the fault is to be laid at the door of their princes, for subjects when fighting for their princes act in good faith and it is thoroughly unjust, in the words of the poet, that-Quidquid delirant reges, plectantur Achivi. (For every folly their Kings commit the punishment should fall upon the Greeks.)

Summary

In factoring out or possibly ferreting out policies there are several relatively distinct periods evident in this chapter as 1. Discovery 2. Colonial 3. Expansion to the Mississippi River 4. Conquest of the "West" and 5. Period of strict reservation supervision. Stated more generally we can take an overlook of a broad panorama ranging from the first acts of hospitability or hospitality on the part of the "welcoming parties" to the sullen, bewildered, confused and sometimes starving survivors herded into reserves after four centuries contact with the Europeans. /reference is to the United States Indians in this instance/

As Victoria pointed out, to stop the flow of gold to the royal treasury would be intolerable. The policies formulated for intercourse with the natives of the Americas were those dedicated towards enriching their formulators, be they individuals or nations. True enough a few honest hearted men of God followed and the Indians usually managed to have a few friends as de las Casas or Victoria but they were as history so clearly shows in the minority.

Bartolome de las Casas was one of those friends. He was born in Seville in 1474. In his youth he owned Indian slaves. He entered the Dominican order and devoted his life to right the wrongs perpetrated upon the American natives. As a bishop in Chiapas, in Mexico he in fact deliberately denied

sacraments to Spaniards who persisted in murdering, mutilating, and enslaving Indians. His clergy as well as the colony deserted this fool of God. Las Casas went to an unsubdued tribe in Guatemala and in two years brought it to Christianity through kindness and human decency clearly establishing his theory with practice. After Las Casa's death the Jesuits from many lands came to many areas and endeavored to continue his work, succeeding at times, dearly loved at times, hated and murdered at others. In Mexico the struggle for independence in the early 1800s was originated by native leaders and two Roman Catholic priests. Miguel Hidalgo was in his middle fifties when trouble began in the form of civil authorities tearing up Indian grape orchards. Hidalgo had established pottery and cloth, bees, silk and grape industries for and with the Indians. In six weeks he headed a poorly armed "army" which was subdued and Hidalgo was done away with after rejecting pardon. Father Jose Maria Morelos actually formed a national congress but in 1815 was captured and denounced by the Inquisition as a "heretic, pursuer and disturber of the ecclesiastical hierarchy, profaner of the holy sacraments, schismatic, lascivious, a hyprocrite, enemy of Christianity, traitor to God, King and Pope and was turned over to the civil end of government to be murdered for his monstrous crime of working for the Indians and God as he saw fit.

The fine technicalities of the law and the humanism of some of the churchmen were to no avail in the torrent of armed men and sometimes women seeking material gain and in some cases adventure. If one is to judge the out pouring torrents of the destitute and ignorant from Europe with any reasonable standards of happiness or security it might be said that civilization in Europe was a great failure. However, it is probable that the Spanish and perhaps the other countries sent a good many misfits and criminals to the new world to get rid of them.

It appears though, that except for a handful of men of Victorias, de Las Casas, Hidalgo and Moreles stature the terms of savage or barbarian were applied to the wrong people, for the Indians knew not the type of greed that enflamed the passions of the wealth seekers. Between 1493 and 1803 according to estimates of Humboldt the royal fifth in gold and silver seized from the Aztecs and Incas ran about two billion dollars. The Indians were "naturally" vicious hence work and death seemed to cure their evil propensities. Collier states that, "in the Audencias of Lima and Charcos, the Indians declined from 1,490,000 in 1561 to 612,000 in 1754. And prior to 1561 the depopulation had been enormous."[31]

In concluding this chapter it can be clearly stated that none of the conquering groups wanted the Indians to survive.

[31]Collier, p. 80.

Governments who were frequently fighting desperately for their lives in Europe were not particularly concerned with the "wild men" in the Americas, although they occasionally did have illuminating flashes of conscience. The idealist rulings were not strenuously enforced, due to distance and other factors. In the case of Spain, hard pressed for funds to fight her wars, self preservation was more important than the welfare of distant groups of "naked savages". Considering the derogatory terms used for the natives, only a few really came to know the natives and came to understand, love and accept them. The church itself, more a model of hell and the devil than heaven and God, was more interested in land grabbing and riches than in following any sacred religious laws. In fact, the church while presumably grasping for the stars fell flat on its face in the rotting manure of greed and evil, passing a brillant historical chance to really be the champion and leader of men and mankind. There is no acceptable excuse for such ignorance nor can responsibility for its actions be evaded forever.

In contrast to the governments and church we can find only a few rather lonely idealists, humanists saddled with the crushing burdens of a hostile, ignorant and cruel world. They had tasted from the fountain of knowledge. They were men of wisdom and vision. Perhaps they had a glimpse of something in the great beyond, the spirit of life itself.

Chapter Close Appendix

GENERAL ALLOTMENT ACT

Act of February 8, 1887 (24 Stat. L., 388)

An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eight of a section; and

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: And provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act; And provided further, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: Provided, That if anyone entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands

shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefore in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: Provided, That the President of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: Provided, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefore have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act: And provided further, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said Tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress: Provided, however, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for

the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: And provided further, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years occupany thereof as such homestead; and any conveyance of said lands so taken as a homestead, and or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians; to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge to the allottee entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law. And hereafter in the employment of Indian police, or any other employees in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

SEC. 6. That upon the completion of said allotments and the patenting of the lands of said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been

made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other reparian proprietor.

SEC. 8. That the provisions of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by Executive order.

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section two of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionally out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for public use, or to condemn such lands to public uses, upon making just compensation.

SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe.

Approved, February 8, 1887.

CHAPTER III

MORNING OF A NEW CENTURY

Allotment Sale Legislation

The rapid allotting of Indian lands served several purposes. It opened tremendous areas for white homesteaders. There was absolutely nothing the Indians could do about this loss of land except to try to obtain allotments in the best locations. By getting the Indians settled on a patch of ground the government saw an easy way to get rid of the Indian problem neatly and forever. The Indians though quite unwilling to be allotted in some cases accepted in others. The Kickapoos in Oklahoma are said to have given the Indian names of their dogs to the allotting officer instead of their own to void (they thought) the legal allotting process. As a result sometimes owners of allotments were difficult to trace at the Kickapoo reserve a few miles east of Oklahoma City at McCloud, Oklahoma. The Sauk and Fox tribe in Iowa refused lands in Kansas or Oklahoma. In 1857 with their own funds they purchased about 3,500 acres of land in Tama County, Iowa. Title to the lands was held in trust deeds. The United States took over jurisdiction of the lands by 29 Stat. 331, June 10, 1896, the state of Iowa relinquishing the trust deeds. Although this group purchased its own lands they seldom became successful farmers. Instead they rented most of their better lands to pay the taxes and eke out a

living on rent which was paid in pro rata shares. There are many exceptions in Indian affairs as regards land and other policies, therefore general policies must be examined with care as applied to each specific instance. The Chinock Indians who historically commanded the entrance to the Columbia River, decimated through plague and war received no lands as a tribe and therefore had nothing to allot. Descendents did later receive allotments on the Quinault Reserve much to the displeasure of the Quinaults. By court action, members of other allied tribes, including the Chinocks, were granted allotments on that reservation. (United States v. Tommy Payne, 284 Fed. Rep. 827; 264 U.S. 446, April 4, 1924)

The Five Civilized Tribes excluding the Cherokees in Oklahoma received 16,000,000 allotted acres. In about twenty years they had only 1,500,000 acres left. The Cherokees received 4,346,000 allotted acres and in about twenty years had only 400,000 acres left. Senator Teller of Colorado had stated in debate on the allotment bills that it was impossible to make church going farmers out of the Indians in twenty-five years. His prophecy was that in thirty or forty years after the allotment acts the Indians would have lost title. He felt that if those persons clamoring for the act understood Indian character, Indian laws, Indian morals, and Indian religion they would not be clamoring for the allotment act. Subsequent history proved Senator Teller to

be a wise and honest man, one of the exceedingly rare persons with vision and knowledge who appear on the scene in Indian affairs from time to time.

The next step in Indian resources regulation should not surprise the reader. The reservation lands though diminished contained large quantities of valuable minerals, forests and power sites. The next major problem of policy for the government, after paving the way for Indians to become churchgoing farmers through the Dawes Act, was to see what could be done about harvesting the Indian's remaining minerals, trees and power site potentials. The obvious ways or those that flash to mind quickest are for getting new legislation in order to improve procedures for selling lands and if there should be insurmountable barriers to selling, then improved procedures for leasing were in order as second best policy. This sort of policy guide was enacted into law by President Taft June 25, 1910. (36 Stat. 855)

The Dawes Act made no provision for sales of lands during the trust period. After death of the allottee the allotment descended to the heirs per state or territorial laws having jurisdiction over the land. No other manner of disposal was possible. The complications of the results of this law should have been evident but apparently were not at first. The minute division of the lands would render them worthless for use. An act of May 27, 1902 (32 Stat. 275) allowed sale by adult heirs of lands still in trust upon death of allottee.

With court proceeding minor heirs interests could be sold. The act of May 8, 1906 (34 Stat. 182) directed issuance of patent in fee simple to the type of heirs above indicated and issuance of a fee patent title directly to persons buying an allotment. The Secretary of Interior would determine the legal heirs. An act March 1, 1907 (34 Stat. 1018) allowed a non-competent Indian to sell restricted land interests under certain conditions. Continuing to erode or liberalize land sales Congress by act of May 29, 1908 (35 Stat. 444) allowed the Bureau of Indian Affairs to issue a fee patent title direct to the purchaser, by-passing an Indian owner deed. Sales of minors land were changed to bypass the slower court process.

The general provisions of the 1910 act follow. Section one empowered the Secretary of Interior to determine legal heirs and if they were competent, issue a patent in fee simple for the allotment. If one or more heirs were judged incompetent, the land could be sold. The law sanctioned partition where partition was of advantage to increase usefulness of the land. Another provision in section one allowed removal of trust status from restricted patents issued to treaty allotments made prior to the Dawes Act of 1887, by issuance of a certificate of competency to the allottee or if dead, to his heirs.

Section two authorized disposal of allotment by will before the end of trust period, if the person making the

will was twenty one or older. Section three authorized relinquishment of right, title or interest in an allotment to children who had not received an allotment.

Section four opened trust lands for leasing, for periods not more than five years, subject to Department of Interior regulations, with rental proceeds going to the allottee, heirs or to be spent for his benefit. Grazing leases were extended to five years to match leases for farming and business.

Section five called inducement of an Indian to execute any document for sale of trust land outside legal channels a misdemeanor with fine up to $500 the first offense and same fine or jail to a year for the second.

Section six provided that it would be unlawful to cut, injure or destroy any tree growing, standing or being upon any Indian allotment while held in trust. An Indian could not cut one of his own trees without the consent of the United States. Setting and leaving a fire on Indian lands, tribal or allotted was forbidden. This section considers that in accordance with certain court cases the Indian had a right of occupany but that fee title remained with the United States. The thinking of this policy was two fold, it made it easier to protect the Indians and left the federal government in control for whatever purposes otherwise good or bad. The government was beginning to embark upon formulation of a timber resource policy, probably not so much to assist Indians but to administrate a wasting resource

and provide a raw material for non-Indian manufacture.

Section seven and eight read as follows:

> Sec. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: Provided, That this section shall not apply to the States of Minnesota and Wisconsin.
>
> Sec. 8. That the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior.

The policy evidenced by these two sections is that the forests on Indian reservations could contribute to the income of the Indians through sales of the harvest rather than from the sale of land, forest, minerals and through the disappearance of the unique capital investment opportunity into the clutches of speculators.

Forestry

The first federal act for developing timber resources on public domain came in 1878. Prior to 1878 timber land could be obtained only under the acts opening land primarily for agricultural settlement. The Homestead Acts though utilized to obtain timber entry officially, required the cloak of intent to settle. Efficient lumbering required tracts much larger than 160 acres.

The Timber and Stone Act of June 3, 1878 (20 Stat. 89) was passed to remedy the situation but continued the 160 acre limit. Lands were sold with a price of $2.50 per acre. Speculators as well as legitimate operators purchased lands by subterfuge to consolidate economic tracts. The law was not eliminated by Congress until 1955 after about 14,000,000 acres were patented by its authority.

Regulation of national forestry was relatively new when the Bureau of Indian Affairs formed a Forestry Division in 1910. The pressure for timber in a newly developing country was great and the Indians had timber within their reserved lands.

No one knows the date of the first Indian timber sale, however in 1865 fire damaged timber was sold from Stockbridge and Munsee lands adjacent to the Menominee Reservation in Wisconsin. In 1867 sales were made from the Tulalip Reservation in Western Washington with accusations of fraud coming to

light. In the fall of 1871 the Department of Interior approved the cutting of timber from Menominee tribal reservation lands to provide income to care for the Indians and save wasting timber. Timber grows old and eventually subcumbs to disease, insects or storm damage, hence the term wasting. Timber at Menominee was cut sporadically through the seventies and eighties, but questions of the legality of cutting was ever present. In 1888 the United States Attorney General held that there was no authority for cutting timber upon Indian lands. Congress legislated upon the subject in the act of February 16, 1889 (25 Stat. 673) which said that the President of the United States may prescribe regulations from year to year for Indians to fell, cut, remove, sell or otherwise dispose of dead timber, standing or fallen on lands held in fee by the United States, for the benefit of the Indians. However if it appeared that timber had been killed, burned or girdled or otherwise injured for the specific purpose of sale, authority for sale would not be granted. Apparently some illegal timber cutting took place for 18,000,000 board feet were cut the winter of 1888-89 and 25,000,000 the next winter. Whatever timber was cut, it was cut to clear land for agriculture or salvage dead timber as far as legality was concerned. An act June 12, 1890 (26 Stat. 146) authorized the cutting of 20,000,000 board feet of green timber annually. In 1908 an act (35 Stat. 35)

authorized a mill or mills and manufacturing in place of log sales at the Menominee Reservation.

About all of the Chippewa lands in Michigan, Wisconsin and Minnesota were forested. To protect the Indians and encourage agricultural use of their lands one fourth of an allotment was to be reserved in a unit for fencing, fuel and other domestic needs. No white crews could legally enter the reservation. Instead the Indians were required to cut and deliver logs themselves, after the local Indian agent and Commissioner of Indian Affairs had approved contracts of sale. There were sales without contracts and timber cuts of 64,000,000 in 1885-86; 129,000,000 in 1886-87; to over 190,000,000 in 1887-88 on the Bad River, Lac Courte Oreille, Lac du Flambeau and Fon du Lac reservations which would lead one to suspect that someone other than Indians were cutting timber. The picture is one of Indians being allotted rapidly, timber being cut rapidly and proceeds being spent in transient ways.

In 1889 a Congressional Committee reported on the situation condemning the situation and sales slowed. However Indians continued to sell surreptitiously if necessary, and in fact there were charges that some of the fires damaging timber did not start by natural causes.

Generally, legislation before 1910 considered that the Indians would farm, hence should reserve small forest units for firewood and building materials, or else considered that

the lands would be opened for entry under the public land laws such as the Timber and Stone Act.

An appropriation act of March 3, 1909 (35 Stat. 781) was first evidence of congressional policy requiring the proper care, protection, improvement and management of Indian forests:

> To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: Provided, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

The result of this legislation was a Forestry unit in the Indian service. Earlier, January 22, 1908 to be exact, the Secretary of Interior and Secretary of Agriculture signed an agreement whereby the Forest Service of the Department of Agriculture undertook:

> 1. The sale of timber and the supervision of logging operations on Indian reservations.
>
> 2. The protection of all forests on Indian reservations.
>
> 3. A study of Indian reservation forests to determine the best permanent use of the lands, and the preparation and application of forest management plans.

The Bureau of Indian Affairs paid for the services, the Forestry men were responsible to their own operations agency. In eighteen months the agreement was terminated

(July 19, 1909) by the Department of Interior. There was a bitter feud between the Department of Interior and Department of Agriculture over this joint endeavor, each side blaming the other for poor administrative practices on Indian forest lands. This mutual hostility and suspicion lasted until the thirties so one must sift cautiously information released by either agency during the period to separate factual grains from emotional chaff.

The major drawback of the Forestry Division of the Bureau of Indian Affairs was insufficient funds and personnel. Before 1933 the staff including seasonal fire guards never exceeded 180 employees for some 5,000,000 plus acres of timber lands.

One of the good things conservationwise regarding Indian forests was that they experienced less fire damages than forests of public domain or National Forests. The reason seemed to be a lower number of visits from hunters or others who would leave fires. The Indians did take an economic beating on the loss of so-called "surplus lands" to settlers. The views of J. P. Kinney, who on February 25, 1910 entered the Bureau of Indian Affairs to organize the first administrative unit to handle Indian forest lands, are in point during his visits to a dozen reservations in the far western states during the summer of 1010.[1]

[1]Kinney, p. 265-268

The great loss of future values to the Indians through the opening of the reservations to settlers was noted, particularly on the Coeur d'Alene in Idaho and on the Siletz in Oregon. The surplus lands of the Coeur d'Alene had been opened to settlement in the spring of 1910. The Coeur d'Alene Indians had generally been allotted on the rich agricultural lands of the western part of the reservation, some of which bore heavy stands of timber. The more broken forested lands of the eastern and extreme southern part of the reservation had been opened under the homestead laws. The lands had been appraised and classified as agricultural, grazing and timber lands. It appeared to the writer that from the standpoint of the Indians, as well as from that of the United States, the opening of these lands to homestead settlement was unwise. It had been observed that the disposal of the surplus lands on other reservations had not ended the expenditures of funds of the United States for the education and advancement of the Indians. Though then inexperienced in the administration of Indian Affairs, the writer felt very strongly that the retention of these forested lands in a compact unit and the management of the same as a productive forest could have yielded enough average yearly income to pay all expenses connected with the administration of the Coeur d'Alene Indian Agency. Arguments to this effect were strenously combatted by local residents and even by government officials, who maintained that the Indians would never make productive use of the lands, that the opening of the surplus lands and their development would lead to an increase in the value of the lands allotted to the Indians and that the primary object of the Indian administration should be the ending of federal supervision. The Indians themselves were anxious to obtain the funds that would accrue to them through the opening of the lands to entry.

The allotment of the Indians of the Siletz Reservation had been completed many years earlier, the reservation of a few scattered small tracts for the use of the Indians. The surplus lands had been opened to mineral and homestead entry and, by an act of May 13, 1910 (36 Stat. 367), concerning which the writer had not been informed prior to his visit to Siletz, the Secretary of the Interior had been authorized to sell the five sections of timberland reserved more than ten years before for the use of the Indians. Much of the land allotted and the greater part of that opened to entry was very heavily forested. A homesteader, named Sheffield, who had just finished felling a ten foot spruce tree near his cabin on the west half of the

east half of section 20, T. 9 S., R. 10 W., at the time of the writer's visit, declared that a cruiser who examined the allotments of an Indian, named Wilbur, and his daughter comprising the east half of the east half of the same section 30, told him that this 160 acres allotted to father and daughter had 27,000,000 feet of timber upon it. He said the two allotments were sold for $8000. No opportunity was ever afforded for checking either the apparently extravagant statement as to the amount of timber or as to the alleged inadequate price received. Enough was observed to convince the writer that the allotment of heavily forested lands to Indians was a most decided mistake, for they could neither use them nor sell to advantage their small individual claims. Those who homesteaded the Siletz surplus lands were also at the mercy of speculators and mill owners and could seldom secure prices approaching the real value of their claims. In fact nearly all of those who made entry did so on a purely speculative basis and not for the purpose of establishing a home on the land. The division of ownership through allotment and the opening of surplus lands had destroyed all probability of a unified administration unless the lands were again consolidated under one or several large holdings. It appeared that the possibility of a conservative management of these lands as tribal forest lands had been sacrificed with no adequate compensation to the Indians or to those who settled upon the surplus and in the hope of securing personal advantage.

On the Quinaielt Reservation in western Washington, the allotment of heavily forested lands was in process in 1910. The allotment work had been going on for several years at a very slow rate and it was conceded that the individual allottees would be as helpless in handling these allotments as were the white homesteaders under similar conditions. Yet the assignment of lands wholly unfit for the home-making purposes contemplated by the general allotment act and similar special acts was continued as a matter of course--illogical and indefensible as the process seemed to be from a conservation standpoint. Four years later the snailpace allotment at Quinaielt was stopped and the following two years, when funds became available, a cruise of the timber and the making of a topographic map of the reservation was begun with a view of the development of a conservation plan of management. However a decision by a local court, eventually confirmed by the Circuit Court of Appeals and the United States Supreme Court /United States v. Tommy Payne, 284 Fed. Rep. 827; 264 U.S. 446, Apr. 4, 1924/ required the resumption in 1924

> of the allotment process which finally resulted in the assignment of practically all of the valuable timberlands of the Quinaielt Reservation to individual owners, with great disparity as to the value of individual holdings, in place of the equitable division of income that would have been possible if the timber lands could have been held as tribal resources for the benefit of all of the Indians entitled to share in the reservation values, and with the creation of a condition which made a conservative management of the forest practically impossible.

Needless to say J. P. Kinney returned from his trip and attempted through legislation to introduce bills reserving Indian timber lands for tribal forest reserves and other purposes. Instead of heeding J. P. Kinney the sentiment of Congress was that the resources of the reservations should meet the cost of administering Indian affairs. Considering the low prices and poor demand for stumpage in the economic recession of 1907 and later, there seemed to be little evidence of intelligence in the congressional view that immediate markets must be found for timber on the Flathead Reservation of Montana, on the Colville and Yakima in Washington and Klamath and Warm Springs reservations in Oregon. J. P. Kinney saw that selective logging with proper silvicultural practices could remove hundreds of millions of board feet from the forests yet improve them for young trees growth. If farm land was needed, irrigated flat lands seemed much more appropriate than the rocky forested hills and mountains. After much effort J. P. Kinney concluded that any general legislation which would extend the authority of the Secretary of Interior or the President to reserve

Indian forests from sale or entry was impracticable. The invisible Buffalo Party, spoilers and plunderers were too busy grabbing to have much concern for conservation and certainly none for Indian forests.

In another land grab attempt only two days before the end of his term (1909) President Roosevelt signed eight executive orders which took within, adjoining or nearby National Forests approximately two and one-half million acres of forested lands that had originally been set aside for Indians by executive order. The two and a half million acres comprised about all of the merchantible timber on the reservations in Arizona, California and New Mexico. Apparently those persons sponsoring the action hoped that the President had the authority to restore to public domain any Indian lands set aside by executive order, in a sort of yo-yo fasion.

The act of June 25, 1910 (36 Stat. 857), the landmark act for Indian forestry, authorized the sale of timber under regulations formulated by the Secretary of Interior, from any Indian reservation except those in Minnesota and Wisconsin, and the use of the proceeds derived from such sales of timber from unallotted lands be used for the benefit of the Indians from whose reservation the timber was harvested. The mere right of occupancy was beginning to assimilate economic substance.

The Department of Agriculture submitted to the Attorney General a question as to the authority for sale of unallotted White Mountain Apache lands which had been included in the Sitgreaves National Forest by President Roosevelt's executive order proclaimed March 2, 1909. September 5, 1911 (29 opinion Attorney General 239) the acting Attorney General held generally that the Executive order was beyond the President's powers. In light of this opinion executive orders on February 12, 1912 declared the forested lands of the eight reservations were restored to their former reservation land status. The reservations included Fort Apache or White Mountain Apache, Navaho, San Carlos Apache - all in Arizona; Hoopa in Northern California, Tule River in California; Mescalero Apache - Jicarilla Apache - and the Zuni, all located in New Mexico.

This concludes the initial story on Indian forestry. While a few Indians received fabulous timber allotments, others got none. The basic ideological policy concept of holding timber in economic units for selective logging, modern fire protection, pest control and reforesting practices were thrown to the wolves by enemies of the Indians in and out of Congress. In many areas the results of the early ignorant sink or swim policies regarding administration of Indian forestry caused gross inefficiency, waste, alienation of land and loss of income to Indians despite well intentioned efforts of most of the Bureau of Indian Affairs

foresters, and will continue for decades into the future apparently. A later chapter includes timber policy recommendations. In the era just covered it is a tragedy policywise that the expert opinions and advice of the professional foresters was rebuffed with such brutal and calculated stupidity.

Irrigation, Land, and Economics

In 1912 in his annual report Commissioner Valentine spoke on irrigation lands: (p. 6)

> Long before the United States inaugurated its plan for the reclamation of arid lands the Indian service had spent considerable sums for irrigation; but before 1906 appropriations of Congress for this purpose aggregated only $1,356,000 and the work was inharmoniously and wastefully conducted through Indian agents and superintendents, with occasional assistance from a trained engineer. In 1902, however, a chief engineer was appointed and irrigation for Indians began to assume definiteness and plan. In 1905 the appropriation was $390,000; in 1911 it had grown to $1,400,000. Since 1907 appropriations have totaled $6,220,000, of which $4,830,000 were made reimbursable to the United States by the Indians when the Indians have become self-supporting upon their lands. Of the appropriation made before 1906, only $75,000 were made reimbursable. In all, 230,000 acres of land have been placed under ditch and are either being irrigated or can be irrigated immediately upon the construction of inexpensive laterals.

By July 1932 about 190,000 acres were under ditch but none were irrigated. Irrigation as applied to Indian lands was most unsatisfactory and will, like forestry, probably remain an administrative jumble for decades although remedial efforts are being made in the 1960s. The older irrigation systems built and maintained long before the white man saw the new world were destroyed. In their place costly structures and systems were built, destined for the commercial use of leasors of Indian lands rather than Indians themselves. By the early 1930s some fifty million dollars had been expended upon the irrigation systems. At least half of this expenditure was made for benefit of Indian

lands that had become white owned, both before and after project construction. By 1935 about 200,000 acres were in active irrigation and owned by whites, 148,000 irrigated by Indians; 117,000 Indian irrigated acres were leased by whites and 285,000 Indian acres were near canals but were not in production. A relatively small portion of irrigated lands projects were in actual use by Indians themselves.

Irrigation will be considered further in the New Frontier.

The next topic concerns the problem of heirship lands caused by allotments. By 1931 there had already accumulated about 40,000 heirship cases representing lands valued at $60,000,000. Yet lands were still being allotted. By that date 180,000 Indians were allotted 34,000,000 acres with 39,000,000 acres remaining and 120,000 Indians left to be allotted.

Indians were still not using their lands and there was worry about retaining valuable water rights through failure to exercise beneficial use of them, a commonly recognized practice for a solid claim or priority to a water right against new claims. Commissioner Cato Sells in his 1914 report indicated that he was instituting a plan for establishing grazing herds upon reservations on those reservations with large grazing lands. During 1914 about one and a half million dollars was expended upon livestock for breeding purposes and brood animals, including cattle,

horses, and sheep already owned by the Indians. Earlier attempts with an Indian livestock industry were by and large failures.

In 1916 (39 Stat. 137) there was created a Red Lake Indian Forest from lands within the Red Lake Reservation. The Act provided that the forest would be administered under the principles of scientific forestry, with a view towards the production of successive timber crops thereon. This act established the first "Indian Forest" and conservationists hoped the principle would be precedent for further acts allowing scientific management of Indian forests.

Despite the "Indian forest" and constructive attempts at a livestock industry, loss of lands continued maintaining the paradox between development and alienation policies. The case of United States v. First National Bank (234 U.S. 245) held that the term mixed-blood as used in the act of June 21, 1906 covered all persons having any identifiable quantity of "blood" other than Indian, and said persons (White Earth allottees) could have restrictions removed. The government recovered land or extra payment for some 1,299 law suits instituted on charges of fraud in alienation of allotments of alleged mixed-bloods.

In fiscal 1915 over 220,000 acres of allotted lands received fee patents. For years, mixed-bloods in particular, were increasingly discontent with government restrictions upon their property. Land speculators, lawyers and others

who sensed personal profits encouraged such discontent as much as possible.

Generally the thoroughly competent persons realized the benefits of government protection, while those less able to handle their property and business affairs demanded with the greatest urgency that they receive their fee patents. A good many white people thought that the Indians should share in the responsibilities of citizenship, including payment of ever present taxes.

April 17, 1917 Commissioner Cato Sells and Secretary of Interior Franklin K. Lane issued a Declaration of Policy. A portion follows:

> The time has come for discontinuing guardianship over all competent Indians and giving even closer attention to the incompetent that they may more speedily achieve competency. Broadly speaking, a policy of greater liberalism will henceforth prevail in Indian administration to the end that every Indian, as soon as he has been determined to be as competent to transact his own business as the average white man, shall be given full control of this property and have all his lands and moneys turned over to him, after which he will no longer be a ward of the government.

The policy meant basically that Indians below half blood status would be given control of their property with no barriers. Half bloods and above, after investigation had shown them to be competent would receive fee patents although title might be withheld on a 40 acre homesite. Liberal sales of Indian's lands were allowed. Lands of the old and feeble might be sold to provide proceeds for their support. This policy was designed according to its authors

for the ultimate absorption of the Indian race into the political body of the nation. More specifically a sentence in the policy statement said, "It means, in short, the beginning of the end of the Indian problem."

By the end of 1918 6,456 patents were issued under this policy, involving 967,844 acres. Between 1906 and 1917 16,500 patents for 2,086,722 acres of land had been issued; which in comparison with the 1917-18 period indicates the greatly stepped up campaign to issue patents.

Again, and paradoxically, there was a counter trend. Sells was advocating more land for the desert Papagos and executive orders January 14, 1916 and on February 1, 1917 authorizing additions to the reservation created considerable opposition and in an Indian appropriation act May 25, 1918 (40 Stat. 561, 570) stated that there would be no further additions by executive order in Arizona or New Mexico. The appropriation act of June 30, 1919, Section 27 (41 Stat. 3, 34) extended this general prohibition to all of the states.

From 1903 to and including 1920 1,372,826 acres of Indian inherited land had been sold for $24,189,226. One eighth of the amount was sold in 1920. Between 1908 and 1920 719,958 acres of noncompetent Indian's lands were sold for $13,509,387. One fifth of that was sold in 1920. The increased land sales in 1920 is impressive. Indian lands sold in 1920 brought over $15 per acre or $7,574,375. It

is considered that the boom following World War I was significant in the pressure for increased sales.

In 1921 (April 1) Charles H. Burke became the new Commissioner of Indian Affairs. In that year he announced a change in the policy of issuing fee patents without an application but solely upon the report of a commission that the owner was competent. Although a stricter policy was evident, it is well to remember that agriculture ceased to boom in the twenties slicing pressure for new lands and also it may be reasonable to conclude that a great deal of the best Indian lands were alienated leaving basically the semi-arid and fairly worthless lands requiring irrigation or special treatment.

In addition, in the 1920s there was pressure for allotting unallotted reservation lands for grazing and to children who were born after the initial allotting process. During the twenties several million additional acres were allotted.

During the teens and twenties a number of laws were passed permitting various types of leasing of lands for income. An act of May 26, 1926 (44 Stat. Pt. 2, 659) allowed competent allottees of the Crow Reservation to lease their childrens and own allotments for farming and grazing without supervision.

An act of July 3, 1926 (44 Stat. Pt. 2, p. 894) allowed the leasing of unallotted irrigable lands on any

Indian reservation for periods up to ten years upon consent of the tribal council, the business committee or the legal tribal representative. The leases were under supervision of the Secretary of Interior.

The act of June 30, 1919 (41 Stat. 31) authorized leasing of unallotted lands for purposes of mining metalliferous minerals in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington and Wyoming. The mineral rights of the Colville Reservation had been retained by the government and were opened to the general mining laws of the United States. In time the tribes would see some of these government retained mineral rights turned over to the reservation (1950s). The Colville Reservation mineral situation (Washington State), an executive order reservation, is one of the exceptions that the student of Indian affairs must be ever on the alert for. The mining lease terms were left to the Secretary of Interior but were not revocable except upon breach of terms by the leasee.

An act of March 3, 1927 (44 Stat. Pt. 2, p. 1347) allowed gas and oil leases on unallotted lands within executive order reservations with the Indians having claim to the proceeds from such leases. The 1910 act (36 Stat. 857) had indicated Indian rights to forestry resources on executive order reserves, tending to discredit the idea that title to such reservations was inferior to treaty established reserves. An act of March 3, 1927 gave Indians

the right to beneficial use of all resources within the boundary of an executive order reservation, a legal concept which has held true since 1927.

It may be said that during the twenties considerable economic progress was made by some tribes. On the other hand the agricultural recession in the 1920s hurt, in fact, killed the advances made in Indian livestock enterprises. A good part of the irrigable lands provided with water were never utilized. There were a great many timber sales at good prices.

The Osages and Five Civilized Tribes near oil areas in Oklahoma reaped their bountiful harvests from oil. Likewise the Quapaws (certain allotments) realized great wealth from zinc and lead mining in northeast Oklahoma. It should be noted that the history of Oklahoma in the early third of this century was one of wiping out tribal governments and wholesale looting of their lands and oil incomes, which has not completely ceased. Few of the Oklahoma Indians participated in the oil wealth, and few of those individuals who did, managed to keep any money in investments or other long term monetary strategies for increasing their wealth while living on the income. Of 15,795,339 acres originally allotted to members of the Five Civilized Tribes only about 1,500,000 acres were still restricted at the end of fiscal 1931. Prior to the end of fiscal 1931 about $90 million was realized from oil and gas for the Five Civilized Tribes and

to June 30, 1933 the Osage had received about $245,000,000 from their tribal owned oil and gas leases. The Quapaws or Arkansea, as De Soto called them, received royalties of about $1,200,000 per year from the zinc and lead mines in the 1920s.[2]

[2]Ed., Charles Banks Wilson, Indians of Eastern Oklahoma: (Afton, Oklahoma: Buffalo Publishing Company, 1956), p. 7.

Cultural and Economic War

A number of important changes were occurring in Indian affairs during the morning of the twentieth century. The formal wars by the military forces ended with the massacre of Sioux in the so called Battle of Wounded Knee in South Dakota, 1892. Altercations did not cease with the end of the United States Army wars although the scale of more recent difficulties were much smaller. More notable among the post 1892 massacre days were the 1913 Navaho War in New Mexico and the Ute War in Southeastern Utah in 1915. Nevada experienced a difficulty or so that was reported. In the early 1960s a shooting war almost developed between the so called sports fishermen and local Indians in Western Washington who fish for food and livelihood. Both sides were carrying high powered rifles on boats and in automobiles. A few shots were exchanged. Considerable Indian fishing gear, nets, boats and motors were destroyed. Had the Indians resisted with force, a small war could have developed.

Conquest by force of arms was ended as government policy. Other methods of expropriation came to fore, as land allotting with sales advocated; opening the so-called surplus lands at give away prices; clean cutting timber lands; granting leases on terms designed mainly for the outsider and even cultural liquidation.

Indian tribal funds were not exempt either and from 1900 to 1930 more than $100,000,000 in Indian monies were diverted to meet Bureau of Indian Affairs expenditures. The ultimate design was to completely destroy Indian identity.

Another attack is worthy of attention. Albert B. Fall, Secretary of Interior, appointed by President Warren G. Harding, composed with the Bureau of Indian Affairs an Indian Omnibus Bill which was defeated by Robert M. La Follette of Wisconsin. Briefly, the bill was aimed at individualizing all tribal assets not yet divided and ending government responsibility to the Indians. The bill was aimed particularly at tribes in Arizona and New Mexico since oil had been discovered in Navaho territory. Fall was attempting to establish that mineral rights of reservations set aside by executive order rather than treaty would not go to the Indian tribe.

Another bill, the Fall-Bursum bill was designed to transfer titles of the Pueblo Indians to white squatters. Senator Holm O. Bursum of New Mexico introduced the bill in 1922. The Pueblos of New Mexico had been in their areas centuries before the whites came and were granted their lands (which they already occupied) by the Spanish Crown. These grants were later confirmed by the United States in the 1890s. The United States Supreme Court ruled in 1871 that the Pueblos were not under federal guardianship. On the

other hand Congress appropriated money for Indian agents and boarding schools for the Pueblo Indians. The boarding schools were a major device in insulating youth from the influence of native language and tribe.

Whites came into the unprotected lands, some already irrigated, and made themselves at home. Although some of the Pueblo city-states lost almost all of their Indian built irrigation works and fields they refused to leave. In 1913 the United States Supreme Court reversed itself holding that federal guardianship had been continuous since New Granada had been taken from Spain, consequently encroachments dating from 1848 were illegal. Pueblo title was then unimpaired. In the case of Lane v. Santa Rosa Pueblo (1919), 249 U.S. 113, Justice Van Devanter held that wardship was no obstacle to the assertion by a tribal community of its legal remedies. The Secretary of Interior in obedience to popular demand was attempting to exappropriate as public land a tract owned by the Santa Rosa Pueblo.

In 1918 Richard H. Hanna, former Chief Justice of the New Mexico Supreme Court became the attorney for the Pueblos. He filed suits to quiet title but delays were encountered through pressures by the Department of Interior upon the Department of Justice,

The 1922 Fall-Bursum bill was designed to hold the white squatters claim to Indian lands and in fact, give them title against Indians. A section of the bill would have placed

the internal affairs of the Pueblos under the jurisdiction of the United States District Court.

Since the government of the Pueblos included their religion and way of life intertwined there was a strong possibility that tribal leaders could be intimidated or thrown in jail for contempt of court whenever their customs conflicted with mores of the white society. Great secrecy was involved in the earlier stages of the bill but eventually the Pueblos got wind of it.

Alcario Montoya of Cochiti Pueblo advised the tribesmen to unite and using the justice of the law drive out the death sentence for their culture as they had done with arms in 1680 when they killed or drove out every white man from New Granada. Nineteen tribes sent in 123 Indian delegates to the first All-Pueblo Council meeting in 242 years, meeting at Santa Domingo in November 1922. As a result they took their story to the right places evidently, for Senator William Borah of Idaho moved to recall the Fall-Bursum bill from the House on grounds that the bill had been passed by misrepresentation, whether innocent or not by its sponsor. The Fall Indian Omnibus bill was killed in March 1923. Another bill was brought, in the same month to again attempt to transfer title to the white squatters without compensation but with a due process of law formula. This bill was also defeated. Albert B. Fall eventually fell from power being indicted, tried and imprisoned for some illegal deeds not

concerning Indian affairs.

The war on the Pueblos continued through the Bureau of Indian Affairs and from the "invisible" Black Buffalo party, who in this case were those wishing to steal Indian land and get a perfectly clear title. The Pueblos and their friends were called crooks, the idea being apparently that they accepted under false pretenses money from friends to battle the land grabs to a standstill. Since they refused to let "justice" have its sway the Pueblos were accused of being anti-American, subversive and communists. And worse yet, they were not Christians. It was advertised quite strongly that their religious rites, cults and so forth were pagan and being pagan were cruel, obscene, nasty and especially obscene. To top off all of the invective cast upon the Pueblos it was said that they were seeking to discredit and injure the power of the mighty United States government. The crooks after Pueblo lands were poor losers.

The Bureau of Indian Affairs increased the tempo of its activities against the Indians during this period following up the counter attack against the Pueblos. It was able to do this partially through the Home Mission Boards of the Protestant churches. There were several reasons for the churches working with the Bureau, the chief one being namely that the Indians were pagan. In the case of the Pueblos the tribal religion was strong and the enemies of the Indians felt the Indians gained too much

political strength from their unity.

In the process good but uninformed persons (do-gooders) were apt to believe that the Bureau of Indian Affairs only wanted to make Christians of the Indians and were willing to support the Bureau's cultural war against Indians, not quite realizing that this effort was a great push to dislodge the tribes from their remaining properties. The Bureau even financed a competing Bureau controlled Council of All of the New Mexico Pueblos to offset the wishes of those tribesmen who were resisting. The Council was not especially successful but some rather eminent persons who were willing to advertise their fame by lending their names to good causes found themselves maneuvered into the forces of the enemy.

Divide and conquer is not a new technique in the affairs of men but surely the art was polished to a cutting edge by enemies of the Indians in the twenties. Whenever an Indian disagrees with the Bureau, he was and still is almost instantly an outcast, whereas the Indian who plays ball may expect to receive quite a few favors in exchange for following whatever policy the bureaucrats advocate. Not only has this administrative policy (perhaps unofficial, but none the less real) been used effectively through the history of the Indian and white man but is still in effect during the mid nineteen sixties. Such a fact does not imply that all administrators are wicked, but rather characterizes often

the strong pressures applied to them to be transmitted into the lifestreams of public administration of Indian affairs. While the landowners, squatters and oilmen sought the Indian's wealth, the churches were after his very soul and with promises of support from the Bureau were cleverly manipulated into support of the despoilation. If you were not a churchman or wealth seeker, perhaps did not even care about Indians one way or another, there were the frequently reiterated allegations of "anti-American", "subversive", and "agents of Moscow" to tempt your emotions at a vulnerable point.

John Collier, United States Commissioner of Indian Affairs from 1933 to 1945 portrays classically the trouble in New Mexico.[3]

> The religions made the tribes strong, and made the individuals of the tribes immune to intimidation or corruption. The Bureau's new onslaught fell upon all the Pueblo native religions and upon the expanding intertribal Native American Church. Federal and state enactments against the Native American Church were lobbied through by the Indian Bureau. Toward the Pueblo religions, methods more lurid were used.
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> The Bureau sent out inspectors. These men collected pornographic gossip about the tribes, among whom no pornography existed at all. Much of the gossip was unprintable. The Bureau submitted it for scrutiny to no Indian and to no ethnologist. The foul pages, numbering 193, were photostated and turned over to various emissaries under the seal of confidence, as well as to leading editors, churchmen and heads of women's organizations. I got my personal copy from the editor of the Saturday Evening Post, entirely innocently on his part.

[3]Collier, p. 151.

> Then the Bureau struck publicly. These "agents of Moscow" the Pueblos and their friends, according to the Bureau's publicists, were likewise the emissaries of pagan religions unspeakably bloody and foul, though, as a matter of common knowledge the Pueblos were "pagan" but Christian too. Unprintable pornographic exhibits were circulated by the Bureau in 1923.
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> But Indian pressures continued, and increased, and the Pueblos went ahead as the spearhead. Then, in 1926, the Indian Bureau moved from defamation to action. Commissioner Charles H. Burke visited Taos Pueblo, and notified the old men in council assembled that they were "half animals" through their pagan religion. The Bureau forbade the withdrawal of Pueblo boys from school for their initiation ceremonies. The Pueblos as a body announced themselves ready for jail or any other penalty; the initiation ceremonies would go forward. Then the whole governing body of Taos Pueblo was thrown into prison for violating the Bureau's religious crimes code. The Pueblos struck back. They took their case to the religious press of the nation, and again addressed Congress.
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> Representative James A. Frear of Wisconsin went to the tribes to find out for himself. He became their irrespresible spokesman in the House Indian Committee and on the House floor. Senator William A. King of Utah pressed for a Senate investigation of Indian matters as a whole. Public indignation increased; publicity was widespread. The Federal District Court in New Mexico sent the jailed Taos Indian leaders back to their homes.

Other favorable forces were beginning to work for the Indians. After Fall was succeeded by Dr. Hubert Work as Secretary of Interior, a Committee of One Hundred was formed by Secretary Work to investigate conditions among the Indians and recommend reforms. In 1923 this committee of persons who were appointed through eminence or knowledge rendered their report.[4]

The reviewers concluded that they were faced with exactly the same problems that faced the government fifty years earlier. "Regardless of progress actually made, the great objectives of our benevolent desires have not been attained. This situation and this history show the extravagance of all efforts which are not directed by the best ability, supported by adequate funds, or maintained by sufficient consistency."

The group advocated temporary increases in expenditures with the assistance of the ablest men obtainable, considering that an earlier end to government spending for Indian welfare might be accomplished. Education was considered of paramount importance. "The Government should assure educational facilities for each and every child among the wards of the Nation." Public schools were advised to open their doors to the Indian as an effective means of preparing him for good citizenship. Also it was suggested that the Government, where necessary provide scholarships for students with ability for high school and college work. The Committee urged a health campaign to combat pyorrhea, tuberculosis and trachoma. Trained doctors, nurses and field matrons were asked for. The Committee recommended that the churches continue to proselytize and influence Indian thought,

[4]The Indian Problem: Resolution of the Committee of One Hundred, presented by Mr. Snyder January 7, 1924. Government Printing Office. Dec. No. 149, 68th Congress.

allowing lawful ancient ceremonies, rites and customs, but urged discontinuance of elaborate ceremonies, prolonged dances, "give away" customs or anything that contravened the laws of the land or non-Indian morality.

The Committee also recommended strongly that the tribes be allowed to sue the United States Government in the Court of Claims to receive justice for claims arising from administrative violation of treaties and agreements. Another important view was that the Secretary of Interior suspend gas, oil and mineral leases upon Executive Order Indian Reservations until Congress should vest title in the tribes occupying such reservations. In 1923, Calvin Coolidge, the direct descendent of Chief Crawford, a Connecticut Indian, became President and ended leases upon Indian oil lands, despite pressures upon Congress to continue the policy.

The report did not result in any sudden, radical change in Congressional policy. Due to economy measures of the government at the time, Secretary of the Interior, Hubert Work, actually recommended a reduction in appropriations for Indian welfare work, and transmitted to Congress the Committee's resolution with comments designed to offset criticisms contained therein. Such a type of administrative action is probably as old as government or even as old as man since validity of criticism is seldom embraced by the recipient thereof. If there was a cutting edge contained in the Committee's recommendations mild as they were,

bureaucracy effectively blunted it.

Whatever effect the recommendations may have had on later policy, the immediate effect of the views regarding citizenship was the enactment on June 2, 1924 of a statute granting citizenship to the American Indians exactly one hundred and thirty-five years after national citizenship was created and fifty seven years after it was extended to the Negros. The Committee had recommended education to prepare the Indians for citizenship. Congress elected to enfranchise the Indians before they had the capacity to exercise the rights incident thereto. Since the guardianship policy was continued, citizenship meant little economically or socially to the tribesmen in 1924. Without guardianship, freedom to handle economic affairs would have undoubtedly, speeded the final stages of despoilation of their properties and way of life.

While the tugging to and fro at the skirts of honorable policy progressed through the twenties, a Pueblo Lands Act was passed in 1924, providing for a Pueblo Lands Board which aided in separating the disputed lands from the Pueblos. In 1933 finally, compensation to the amount of $1,300,000 was granted the Pueblo tribes by a United States District Court.

Difficulties concerning the Pueblos and other tribes captured the fancy of a few good hearted Americans and under mounting pressures and threats of a Senate investigation of

the Bureau of Indian Affairs, Secretary of Interior Hubert Work requested in 1926 that the Institute for Government Research (Brookings Institution) survey the economic and social conditions of the Indians.

Dr. Lewis Meriam directed the study investigating the situation of the Indians as related to their resources and the competition involved for said resources. Dr. Meriam and his staff submitted the finished report to Secretary of Interior Hubert Work on February 21, 1928.

CHAPTER IV

A NEW DEAL, PRELIMINARIES

The Lake Mohonk Conferences

The idea of seeking advisory assistance in dealing with its charges was not new to the United States Government in 1926 when the Institute for Government Research (Brookings Institution) was invited to study Indian Administration. In 1869 Congress created a ten member Board of Indian Commissioners, an independent body appointed by the President. The members were to be eminent for intelligence and philanthropy and were to serve without pecuniary compensation. While the Board had no direct formal authority in the area of policy, their recommendations and influence were important in the formation of governmental policy. Considering the many facets of social and economic difficulties experienced by the Indians from 1869 through the mid-1920s, it could be stated that their assistance was not of great significance as measured by visible results. For example, they strongly supported the Allotment Act of 1887 and then in 1921 made a survey of the results. Questionaires were sent to eighty seven persons directly involved with Indian people, including superintendents, clerks, extension agents, and other employees throughout the high plains and northwest

where 155,000 of the 175,000 Indians who received land allotments were located. Only four reported that Indians receiving patented lands had retained possession of their lands. The report stated:[1] "The fee patent Indians either sold their property themselves or lost it through foreclosure because they failed to pay the interest or principle of the mortgage. Instead of becoming self supporting farmers on their own land they soon were landless and penniless citizens. In short, in a good majority of the cases, the issuance of patents-in-fee seems to be a short cut to the separation of freed Indians from their land and cash."

In 1883, Albert K. Smiley, a member of the United States Board of Indian Commissioners, invited a number of persons to a meeting at Mohonk Lake, New York in October. From this meeting came the annual Lake Mohonk Conference of Friends of the Indian. In 1904 the name was changed to the Lake Mohonk Conference of Friends of the Indian and Other Dependent Peoples and then in 1914 to the Lake Mohonk Conference on the Indian and Other Dependent Peoples.[2]

[1]Fifty-Second Annual Report of the Board of Indian Commissioners (1921) Bureau of Indian Affairs, Department of Interior.

[2]Preface, Report of the Thirty-Third Annual Lake Mohonk Conference on the Indians and Other Dependent Peoples, October 20th, 21st and 22nd, 1915. (Published by the Conference, 1915, Mohonk Lake, New York).

The later sessions dealt chiefly with the United States Indians, the Philippines, Porto Rico and occasionally with Central American countries or Caribbean America. The chief objective of the Conference was to supply a sounding board for various types of opinion, but the Conference did adopt platforms regarding policy by "substantial unanimity". These platforms and policy suggestions led knowledgeable people to the conclusion in the 1920s (after the Bursam land grab attempt at the Pueblos) that a full blown study of Indian affairs was desirable.

Before moving on to review the Meriam Report several examples of the type of policy statements arising from the Mohonk Conferences are given for analysis of their pertinency, poignancy and pregnancy of meaning or lack thereof in relation to public policy towards the Indians and their property.

The unanimously agreed upon platform of the Thirty-third Annual Lake Mohonk Conference on the Indian and Other Dependent Peoples, 1915 include:[3]

> The present condition of the Utes may point our contention and our general recommendations. The Government holds property for this tribe amounting to an average of about $5,000 for each member of the tribe, and yet these people live in squalor, and in moral and spiritual barbarism. The undertaking of Government to give them an irrigation system at a cost of $864,000, was so hampered by selfish legislation as to threaten the loss of their water rights, unless the prompt and hopeful action of the Commissioner shall be pursued persistently to the end.

[3] Ibid., p. 7.

> For the Indians in general the Government holds a billion of dollars in property and funds, all open to constant attack from the cupidity and greed of the whites and recreant red men. There is no hope of ultimate justice save through an improvement in our laws and in more rigid enforcement of them.

Briefly, the Ute situation mentioned refers to the fact that Congress appropriated approximately one million dollars to irrigate ten thousand acres of Ute land at the Uintah-Ouray reservation at Fort Ducheane, Utah. The funds so appropriated were monies of the Ute Indians and no gift from the federal government. Further, the Utes were required to become individual farmers on 40 to 320 acre allotments and to make beneficial use of the water procured by a profligate expenditure of their own money in a very short time. If they did not they were to lose their primary right to the first filing on the waters. In other words they forfeited their rights if they did not follow the scheme. Not only were the Indians required to expend their funds and be exposed to loss of water rights but were pushed by whites using secondary and flood rights above them. In fact some Utes lost their crops due to lack of water coming down to their ditches. These facts indicate the inability of the Bureau of Indian Affairs at that time to properly manage Indian properties because of a weak national policy on dedicated law enforcement and management. Strong pressure group tactics in Congress and lack of an aroused general public opinion against spending Indian money on Indian

lands for the benefit of white agriculturists were contributing factors to the peculiar Ute situation.

The twenty-ninth conference, 1911, recommended:[4]

> 1. Since morality and religion are the basis on which social order must rest, and since it is held that no one religious system is to be supported or taught by public funds, we urge that religious boards and societies assume this duty of religious training, until through mutual comity, there remains not one tribe of Indians that is not brought out fully from paganism into the life of Christianity. We rejoice in all such service done by our Churches, Protestant and Catholic, and by their allied societies . . .
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> 2. We approve the policy of the Indian Bureau to reduce as rapidly as may be the number of its Indian Schools, and to transfer their pupils to the public schools of the State or Territory. Wherever Indian holdings are not taxed the Indian Office will gladly pay for such education. In no other way can the Indians be more speedily incorporated into the life of the people as a whole.
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> 3. The accepted policy by which individual allotments break up tribal lands, and which in the case of large tracts mixes Indians with white people, should be extended as rapidly as the Indians are prepared to make proper use of their several holdings.
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> 4. We further approve the policy now initiated which breaks up tribal funds by their assignment to the members of the tribe individually. As fast as they are fitted for it, the assigned portions should be given over to such Indians for their control, the remainder being held by the Bureau in severalty for their present advantage and future possession.

Here are evidences of high level influence designed to completely wipe out the Indians religion, culture, corporation type tribal funds, and through allotments rid

[4]Report of the Twenty-Ninth Annual Lake Mohonk Conference of Friends of Indians and Other Independent Peoples, 1911.

the natives of their lands. No Indians were representing themselves or tribes at these conferences. Membership was composed primarily of churchmen, academicians and administrators who knew exactly how to solve the Indians problems, solely from the viewpoint of the dominant societies religious and cultural views. Why there was such a great push to integrate the Indians in every way possible and not the Negros is a perplexing mystery. If the Negros had had lands and the Indians none, it is conceivable that the Negros would have become subjects of intense religious and cultural as well as economic pressures. Marriage quite commonly was a device used to obtain Indian lands. Since a large percentage of the United States Negros have white blood, indicating a rather special type of racial integration in the past, there seems to be little reason to suspect that marriage to a Negro would have been any deterrant to property seekers, had such legal device been a step toward control of natural resources.

The Thirtieth Conference in 1912 states in its platform:[5]

> The Conference of the Friends of the Indian and Other Dependent Peoples records its grateful appreciation of the hospitality which has welcomed it at Lake Mohonk for thirty years, the remarkable progress which has been made in dealing with the problems relating to our nation's wards, and the co-operation of many

[5]Report of the Thirtieth Annual Lake Mohonk Conference of Friends of the Indian and Other Dependent People, New York, 1912.

distinguished men and women in making these annual Conferences a forum for the free discussion of the problems . . .

The facts presented to the Conference afford additional evidence that the best of laws cannot of themselves achieve the desired ends unless they are sustained by an enlightened public sentiment and are carried into effect by conscientious officials . . . The instances of injustice which have been brought to our attention have rarely been due to responsible representatives of the Government, but have been almost invariably traceable to private parties who have brought selfish influences to bear upon the helpless people.

The Conference recognizes that our country's real problem in dealing with these dependent peoples is fundamentally moral, that no effort to regenerate a community can succeed if it ignores the regeneration of the individuals who compose the community, that, in the language of Herbert Spencer, "There is no political alchemy by which you can get golden conduct out of leaden motives," and that the Government, in its attempt to provide the proper external conditions of stable society, needs the cooperation of the Churches in creating that type of personal character which religion develops . . .

Every Indian and Filipino who conforms his life to Christian teaching becomes a national asset, and every one who refuses to accept them remains a national liability . . .

. . . The principles which must govern the final solution of this problem /Indians/ are well established, but the application of those principles is beset by serious difficulties. To an increasing extent the Indians must be treated as individuals, not as groups or tribes, if their permanent establishment as useful citizens of our nation is to be realized. . .

The enormous total of Indian tribal funds now held in the United States Treasury, amounting to about $50,000,000, should be made subject to an accounting, looking towards its division in severalty among the members of the tribes concerned, subject to such restrictions as experience in the division of Indian lands has shown to be desirable.

> The Indian should be given every consideration in handling his affairs, that his manhood and sense of personal responsibility may be duly stimulated. In this connection, we urge that the Apaches held as prisoners of war at Ft. Sill, Oklahoma, for twenty-five years be treated with the utmost consideration in determining their permanent settlement under the recent action of Congress providing for their liberty.

The remarkable progress self-evident to members of the Thirtieth Conference in 1912 was not evident in the twenties following. As a partial result of the attempts and successes at land grabbing around the Pueblos in New Mexico public opinion became duly aroused. In fact a Senate investigation of Indian Affairs was threatened as a result of the furor aroused by Secretary of Interior Albert B. Fall's manipulation of Indian lands and resources.

As a result in 1926 Secretary of Interior Hubert Work, requested that the Institute for Government Research (Brookings Institute) prepare a thorough economic and social study of United States Indian's conditions. Staffing included assistance in economics, agriculture, legal, health, education, sociology and others. Work tasks were accomplished in musty files and in the field. The survey was the first and last attempt to pinpoint specifically the problems of "Indian Administration". The recommendations of the survey provided impetus for a new look and reorganization of the Bureau of Indian Affairs administrative outlook in the early thirties.

The Board of Indian Commissioners was abolished in 1933 by Executive Order of President Franklin D. Roosevelt. By act of July 20, 1867 (15 Stat. 17) Congress authorized the President to appoint a Peace Commission with the view of stopping the expensive Indian wars and in turn develop better methods of dealing with the Indians. The Peace Commission contained N. G. Taylor, Commissioner of Indian Affairs, four high army officers and three other persons.

As a result of the Peace Commission's report which detailed the high cost of the Indian wars Congress on April 10, 1869 (16 Stat. 40) appropriated two million dollars for a special fund to maintain peace among and with the various tribes, bands and parties of Indians; to promote their civilization and encourage self-support. It was under authority of this act that the Board of Indian Commissioners was appointed.

Influence of the Board may have been favorable to Indian interests at times but it is significant that the Board members were dismissed and their vehicle abolished in the early beginning of the New Deal. The Boards objectives of making the Indians into Christian, white, self-sufficient farmers on 40 to 320 acre tracts of land were failures in general. Although the Board was not directly responsible, its total influence upon public policy was clearly of questionable value in view of a Congressional investigation and strong demand for the Meriam study near the end of the Board's career.

The Meriam Report, Findings (The Problem of Indian Administration)

The report of Dr. Meriam and his staff was submitted to the Secretary of Interior February 21, 1928. The main report included sections on 1. A General Policy for Indian Affairs, 2. Health, 3. Education, 4. General Economic Conditions, 5. Family and Community Life and the Activities of Women, 6. The Migrated Indians, 7. The Legal Aspects of the Indian Problem and, 8. The Missionary Activities among the Indians. The report begins:[6]

> The Conditions Among the Indians. An overwhelming majority of the Indians are poor, even extremely poor, and they are not adjusted to the economic and social system of the dominant white civilization.
>
> The poverty of the Indians and their lack of adjustment to the dominant economic and social systems produce the vicious circle ordinarily found among any people under such circumstances. Because of their relationships, causes cannot be differentiated from effects. The only course is to state briefly the conditions found that are part of this vicious circle of poverty and maladjustment.

Health. The report found health to be bad, primarily due to poor living conditions and inadequate diet. Whether such conditions were deliberate aims of public policies is difficult to ascertain, but they certainly were the results. Jennings C. Wise in his The Red Man states on page 489 that Amherst in the 18th century had recommended the use of

[6]Lewis Meriam, Director, Institute for Government Research, The Problem of Indian Administration. (Baltimore, Maryland: The Johns Hopkins Press, 1928), p. 3.

blankets infected with smallpox as a good means of exterminating Indians. General Hugh L. Scott, one of the few friends of Indians relates the story of an agent in Oklahoma who did not quarantine Kiowa school children and brought the Comanches into the Kiowa area for a payment. The Kiowas, who did not know how to care for measles, lost three hundred children in a month. No doubt this type of situation was multiplied hundreds of times.

Interviews with many older Indians indicate generally the theory that Indians seldom were bothered with undue illness before the coming of the Europeans and the more recent privations which are or have been virtual breeding places of disease. The Report states that with few exceptions the diet of Indians is bad, insufficient in quantity, lacking in variety, and poorly prepared. Housing was crowded. The surveyers indicate that the Indian type "primitive", temporary dwellings that were not air tight and which were frequently abandoned provided a more healthy environment than the overcrowded, unventilated shacks that replaced Indian housing. The Indian did not have to worry much about ventilation or over crowding in the historical days and was unaware of the hazards involved with the new white man's type of permanent abode.

Income. Incomes of Indian families in 1927 were "extremely low". From the standpoint of the white man Indians were not industrious nor effective when they worked.

Further the meager results from their efforts were rarely effectively used. The writers point out that distance from wage earning jobs and poor lands in many cases were important contributing factors to money type economic problems.

The surveyers made special efforts to test the theory that Indians preferred to live in poverty and squalor, idleness and irresponsibility. This theory advanced by whites was disproven in the eyes of the reporters since they found "altogether too much evidence of real suffering and discontent to subscribe to the belief that the Indians are reasonably satisfied with their condition". Several basic difficulties of poverty were said to relate from the forced removal of the Indians from their lands /or restriction to small portions of former lands/ by the government. In the process the Indians felt that since the government deprived them of a livelihood, it was the governments duty to support them. But more basic perhaps, in the eyes of the report, is the fact that the economic basis of the primitive culture of the Indians was destroyed by the new civilization and their culture was not developed for European agriculture and commerce.

Economic values. The authors say in effect that the Indians had not learned to place high value upon cash or the monetary value of lands and were soon parted from both.

Consequently the easiest and perhaps only course for the government was to manage all of the Indian's property for him. Paternalism as practised in Indian affairs developed through necessity or expediency rather than through any great desire upon the part of either the recipients or persons in authority. The results of such necessity forced policy were irritating to the administrators and administratees. Jennings C. Wise states on page 574 of The Red Man that one of the principle difficulties encountered in any effort to secure cooperation among the tribes was that they had been preyed upon and deceived so long they had little faith in anyone, good or bad.

Since the Bureau of Indian Affairs managed the Indians property, chiefly through land sales or leases, income was small and continued the informal public policy of keeping and maintaining the tribesmen in poverty. Wise mentiones on page 515 of The Red Man that the Bureau of Indian Affairs had in its hands trust properties aggregating over four billion dollars in value that yielded the Indians less than two percent dividends. Wise offers no accounting to back up his figures but it appears that he has somehow attempted to include forests, minerals and all physical resources of the Indians. While the management of an individual forty acres may not be large in dollars the total economic picture of the Indian resources not lost indicated a rather

substantial responsibility for someone.

The Meriam report stated that, "The lease money though generally small in amount, gave the Indians further unearned income to permit the continuance of a life of idleness".[7] Why income earned from leasing of Indian lands is any more unearned than that of any property owning persons, some of whom exist in idle dissipation, blowing the proceeds on profligate investments, at race tracks, in gambling casinos, and at tobacco or liquor establishments, is not explained. One of the constantly recurring errors in studies of Indian affairs is the almost consistent refusal to apply value standards normally accepted in average society. If the Indians had valid title to the property then whatever income came therefrom must be "earned" at least in the same sense that the idle wealthy of the world earn their daily bread from their property holdings.

Tracing the attitude that Indians must work with their hands is difficult. It is easy to say that pioneers were accustomed to performing most of the services needed to provide their necessities and thought everyone else should. Yet, the search for deeper motives reveals that sentiment arising against the ecclesiastical land-owners in Europe during the Reformation and against the enclosers in England developed powerful emotions not easily lost to the European type culture of the United States.

[7] Ibid. p. 7.

Tawney, discussing rents in England said:[8]

> It was an age in which the popular hatred of the incloser and engrosser found a natural ally in religious sentiment, schooled, as it was, in a tradition which had taught that the greed of gain was a deadly sin, and that the plea of economic self-interest did not mitigate the verdict, but aggravated the offense.

In discussing causes of poverty in England which resulted greatly from driving the peasants from their feudal commons or depopulation from the 1480s to the 1640s Tawney points out the viewpoint of the Puritans.[9]

> That the greatest of evils is idleness, that the poor are the victims, not of circumstances, but of their own idle, irregular and wicked courses, that the truest charity is not to enervate them by relief, but so to reform their characters that relief may be unnecessary - such doctrines turned severity from a sin into a duty, and froze the impulse of natural pity with the assurance that, if indulged, it would perpetuate the suffering which it sought to allay.

Tawney continues.[10]

> Few tricks of the unsophisticated intellect are more curious than that of the naive psychology of the businessman, who ascribes his accomplishments to his own unaided efforts, in bland unconsciousness of a social order without whose continuous support and vigilant protection he would be as a lamb bleating in the desert.

There appears to be valid reason to assume that the surveyers, while attempting to be objective, allowed the value studded ideas of puritanism creep into their analysis,

[8]R. H. Tawney, Religion and the Rise of Capitalism. (New York: New American Library of World Literature. Inc. 1958. reprint from Harcourt, Brace and Co., Inc. 1926) p. 121

[9]Ibid. p. 221.

[10]Ibid. p. 221.

within the terms unearned income and life of idleness.

It is rather interesting to note the uses of the Puritan idea, first applied to Britons displaced from their economic livelihood and later to the native Americans experience of a similar fate. However dimly one views the lack of humanitarianism involved, the offsetting Puritan virtue of desire to produce remains. But they have no argument against Dr. Meriam's statement:[11] "Several past policies adopted by the government in dealing with the Indians have been of a type which, if long continued, would tend to pauperize any race." However Meriam chose to use the idea of idleness rather than land-theft, loss of spirit, stupid or ignorant administration, resistance to cultural change, and other very real factors in explaining the Indians poorly developing economic situation in the late twenties. Indian tribes who had no or little relations with the federal government showed no great proclivity toward becoming white men or integrated completely in the white society. The Seminoles in Florida are a classical case in point.

Education. The report pointed out that the work of the government directed toward education and personal advancement of the Indian were "largely ineffective". Absence of a broad, well considered program was the basic deficiency.

[11]Meriam. p. 7.

A major secondary deficiency as the result of the first lack of adequate and well-trained personnel. Education was defined in the widest sense to include not just children's school training but adult training for meeting the social and economic demands of a commercial society in order to maintain health and decency living standards. The government had no plan and had not appropriated sufficient funds to handle the problems of school children. The staff said, "frankly and unequivocally that the provisions for the care of the Indian children in boarding schools are grossly inadequate."[12] Children were being fed on 11¢ per day plus what could be produced on the school farm, including the dairy. At most schools the auxiliary food sources were of small importance and even in the very best situations the standard of diet was below acceptable standards.

The basic difficulty with education as seen by the study group was that because of lack of a program, personnel and appropriations the work being done was of little value. No tests were being made to see whether the education in trades, for example, were of any value in post schooling employment. Random cases seen by the review staff indicated the schooling was of little help in training an Indian for a trade or getting him established successfully.

[12]Ibid. p. 11.

Economic development. The group indicated that under the best conditions it was doubtful whether a well rounded program of economic advancement framed with due consideration of the natural resources of the reservation has anywhere been thoroughly attempted. The Indians themselves, who could have been interested, felt there was little reason to become serious about development since programs usually changed with superintendents. A few of the better superintendents, energetic and resourceful, though lacking in knowledge and assistance had made progress in economic education. On the poorer administrated reservations there was practically no evidence of any type of economic development program.

Generally the field positions of the Indian Service were titled "Farmer", though duties were usually general laborer or field clerk. Salaries, as elsewhere in the Bureau [including health care] were so low, that only a relative few capable humanitarians were recruited, with the remainder being substandard. The "Farmer" recruited with adequate education to perform his clerical duties was the exception. With this type of condition in mind it is relatively easy to see why many things were as they were in Indian affairs in the bright dawn and A.M. of the Twentieth Century, which would later see man rocketing in space.

It is small wonder that noble schemes ennunciated in Washington, D.C. to irrigate lands, educate the Indians and

transform them into Christian, white farmers went astray. According to the Meriam report Congress was in effect careful to avoid appropriating adequate funds to take care of the Indians needs, let alone spend enough to give the nobly mouthed noble schemes a reasonably decent chance for success.

Family and Community Development. Again critical, the report said, "The Indian Service has not appreciated the fundamental importance of family life and community activities in the social and economic development of a people. The tendency has been rather toward weakening Indian family life and community activities than toward strengthening them."[13] The report strongly criticized the policy of removing Indian children from the home and placing them for years in boarding schools. Such action was felt to disintegrate the family and interfered with normal family life. The policy was designed to stamp out as rapidly as possible the old Indian life and make Christians out of these children of the Devil, as the self proclaimed saints of God called them.

The survey again indicated a vast lack of well developed programs. The most prevalent position was the "Field Matron" and again, due to low salaries, only a few were hired who could plan and execute a constructive program.

[13]Ibid. p. 15

At the time of the study field matrons were being replaced by public health nurses which filled a need the field matrons were trying to fill but were unqualified for. On the other hand public health nurses were ill trained for filling the social and economic role of family and community development.

In regards to missionary effort the report tells that, some missionaries, a very few, have appreciated the necessity for developmental work with families and working toward wholesome community life. Most of the better activities of the churches was in education of children.

> The work for adults has consisted mainly of what may be termed church activities, and the evidence seems to warrant the conclusion that such activities themselves are not very effective in reaching and influencing the Indians. Both the government and the missionaries have often failed to study, understand, and take a sympathetic attitude toward Indian ways, Indian ethics, and Indian religion. The exceptional government worker and the exceptional missionary have demonstrated what can be done by building on what is sound and good in the Indian's own life.

Failure to Develop Cooperative Relationships. This item indicates that the Indian Service had taken largely a go-it-alone attitude in its work, possibly due to lack of personnel, funds and administrative fear of rocking the administration boat of normal operations. The report said, "Even if every single instance were listed, the surprising fact would be how little cooperative effort there is.[14]

[14]Ibid. p. 20.

Some of the agencies listed as being candidates for joint cooperation in planning and programs were the United States Bureau of Education, Children's Bureau, Bureau of Labor Statistics, and Department of Labor. The limited cooperation with the Department of Agriculture was considered inadequate. The Bureau of Indian Affairs was not taking advantage of expert advice available from other staffs, as the National Tuberculosis Association or American Red Cross for example.

The question of closer cooperation of the Indian service with the churches and missionaries arose and was carefully considered. The chief problem plaguing the Indians in the twenties in this area continues to exist and that problem is friction between churches and occasionally the Indian Service. The Indian takes sides against other churches and their fellow men members, hence constructive developmental work is retarded. Sometimes the trouble may result in the field over some trivial matter and not represent the national church offices. In some cases controversies arose /and continue to arise/ which involve religious matters to such a degree that they are extremely difficult and delicate to resolve.

A recent example the author personally knows of is a case where a quite progressive tribal chairman lost his office for a year because he refused to give the dominant church, Catholic in this case, free water for its church and priest. He felt the church could pay the tribe, which was

furnishing water to homes, the same as any other user. Everything went downhill in that particular year and the tribe had sense enough to overcome their prejudice and re-elected the gentleman the following year. This series of events took place in the early 1960s.

In cases as the one mentioned, whatever the government did, if it appeared to be taking sides, would be condemned, rightly or wrongly. There is considerable competition for church members upon some reservations and three or four churches serve to disunite the community into three or four warring social and especially political factions to the obvious detriment of the community and welfare of the total group. In the non-Indian society the competition among churches is usually contained to the religious and social realm rather than entering political life, although the Catholics, Jews and Jehovah's Witnesses, to name a few, have troubles occasionally. In the close knit society of an Indian reservation, in-grown to begin with to some extent, nourishing old hatreds occasionally - the subject of religion can become a strong detracting influence upon what might be considered as average community relations. Whether the churches cause this phenomena or are the victims is debatable but the Meriam staff clearly saw the dangers to cooperative community development and relations. Although the formal administration of daily affairs proceeds in the non-Indian community with little outward dispute over

religion, few communities are without factionalism. In the federal government this type of group activity is defined as parties and is considered as a basic necessity in the unofficial governmental process in the United States. Kept within bounds the factions on Indian reserves could serve a useful purpose as micro-political parties. However when religion becomes involved the factional situation becomes more like the political parties of France which approximate interest groups rather than parties. The reason in both cases being that there is little or no attempt to compromise as required to attempt to acquire a majority opinion. Few ordinary church believers, let alone the fanatics, are apt to switch organizations merely for community purposes. As the report states, "One of the problems of the Indian Service is how to reduce this friction and to prevent it from hampering progress." In truth everyone concerned needed at the date of the report and at present to recognize the problem and work upon it. However there are those who wish, maybe even pray that the Indians can be kept in subjugation until such time they might be banished to the four corners of the earth, consequently will work religiously to foster factionalism, disunity and hatred among the Indians. While it seems quite time consuming and wasteful to analyze in depth everyone's motives as related to Indian affairs it does seem desirable to keep in mind the

objective of anyone, Indian or otherwise who has influence upon policy.

Some of the factionalism stems from old hatreds, feuds and struggles for power within a tribe and the skills of a community development specialist over a period of long years may not succeed in achieving even a stalemate. Complexity rather than simplicity characterizes most of the affairs of the Indians. The role of religion has contributed little to simplicity. There have been a few truly fine and dedicated missionaries who, as is sometimes the case for gifted individuals, were never able or possibly were not allowed to spread their influence beyond their own arms length.

The Meriam Report, Recommendations

The findings of the report included nothing spectacular for the serious student of Indian affairs or the Indians themselves. Its greatest value lay in the fact that somewhere there was concern for public policy regarding these dependent peoples adequate enough to invoke a relatively unbiased look into their affairs. Most important perhaps, for the first time the American public had available an objective document point out problems and deficiencies in policies towards the Indians. The most basic recommendation follows:[15]

> The fundamental requirement is that the task of the Indian Service be recognized as primarily educational, in the broadest sense of that word, and that it be made an efficient educational agency, devoting its main energies to the social and economic advancement of the Indians, so that they may be absorbed into the prevailing civilization or be fitted to live in the presence of that civilization at least in accordance with a minimum standard of health and decency.

The type of program recommended educationally was broad, encompassing health promotion, productive efficiency, ability to reasonably utilize income and property, avoid exploitation and maintain fairly high standards of community and family life. Included was the policy of acquainting Indians with the services available from the public and semi-public agencies, in order that they could partake of the privileges and duties normal for citizens in relation to

[15] Ibid. p. 21.

their government. It was expected that by raising the Indian's standard of living the day would be hastened when there would no longer be an Indian problem and that whatever services the Indians received from the government would be merely those available to anyone.

Within the educational viewpoint it was suggested that special care be applied with respect to Indian rights, those of a free citizen and human being living in a free country and not just solely property rights. The report very squarely hit one of the areas where the administrators, churches, busy-bodies and Congress were weakest.[16]

> Indians are entitled to unfailing courtesy and consideration from all government employees. They should not be subjected to arbitrary action. Recognition of the educational nature of the whole task of dealing with them will result in taking the time to discuss with them in detail their own affairs and to lead rather than force them to sound conclusions. The effort to substitute educational leadership for the more dictatorial methods now used in some places will necessitate more understanding of and sympathy for the Indian point of view. Leadership will recognize the good in the economic and social life of the Indians in their religion and ethics, and will seek to develop it and build on it rather than to crush out all that is Indian. The Indians have much to contribute to the dominant civilization, and the effort should be made to secure this contribution, in part because of the good it will do the Indians in stimulating a proper race and self respect.

Planning and Development. To develop the broad educational program the surveyers noted need for a group of specialists, unburdened by routine administration, who

[16]Ibid. p. 24.

could devote most of their time to research, planning and other work necessary to embark upon the educational program recommended. At the time of the report the staff of the Bureau of Indian Affairs consisted primarily of administrators rather than upon persons with technical or scientific training. The survey staff requested that $250,000 minimum be appropriated for a scientific and technical Division of Planning and Development. This office was to be the key or cornerstone for the projected "educational" Bureau of Indian Affairs.

The functions for the division were several:[17]

1. Advise the Commissioner of Indian Affairs on technical or scientific problems.

2. As requested by the Commissioner, subject to his approval, formulation of policicies and programs for administrative officers, to assist state and local officials, churches or others.

3. Visit schools and prepare reports upon the effectiveness of administration where the work was concerned with items of professional, technical or scientific nature.

4. Visit schools and advise and council upon development and improvement of services.

5. As directed by the Commissioner investigate or hold hearings upon matters of special complaint involving technical or scientific subjects.

The report suggested a permanent staff be utilized as well as temporary experts as required. The fundamental economic development employees required were: 1. An

[17]Ibid. p. 24.

agricultural economist 2. Cattle raising specialist 3. Sheep raising specialist to bring into production western desert grazing lands 4. An agricultural demonstration specialist 5. A marketing specialist to work on production and sales of native handicrafts 6. A vocational guidance and placement specialist to help prepare for and find employment in white communities.

Three technical positions were advocated for work with families and health. They were: 1. A specialist health nurse 2. Home demonstration specialist and 3. A social case worker. Another position asked for was that for a lawyer to advise upon legal matters.

In order to properly handle statistical data required by the Bureau of Budget and other agencies, and to control finances a senior statistician was requested.

Other recommendations regarding personnel are not dissimilar from those that would arise from a survey of about any government agency anywhere. Salaries were way below the needs of well qualified persons, living and working conditions were not particularly enticing. Even transport was a problem apparently since the survey specified that the employees required to drive around the reservation in all types of weather should be provided with closed cars in good condition or be permitted to use their own vehicles and charge mileage at a "reasonably liberal rate" with due consideration of the nature of

service required of the car.

The report indicated that the Service with 5,000 employees was understaffed. One of the first improvements needed was a position for a senior personnel officer who could spend a great deal of time checking Civil Service employees during their probation periods to ensure that the Bureau secures top notch permanent staff. "In no branch of the national government is personnel more important, nor does more depend on the character, initiative, and personality of the employee."

Organization. When the planning staff and personnel problems are taken care of it was recommended that operations of the Bureau of Indian Affairs be centralized to a miximum extent. The survey staff felt that further development of the district system and placing district staff in the administrative line of authority between Washington, D.C. and the field offices would only complicate communication and be of more expense.[18]

> Because each jurisdiction has its own peculiar problems and must have its own particular program adapted to local conditions, the local superintendent should have maximum administrative control and responsibility in the execution of the program. His work should be inspected and reviewed by administrative officers and specialists from the Division of Planning and Development in the Washington office, but he should be as far as possible the responsible directing head of the local work and he should be replaced if he is not effective.

[18] Ibid. p. 29.

Geographic difficulties in organization always plague the Bureau. The above system has much to commend it, yet if everyone reports directly to Washington, D.C. there is much chance for overloading, delay and inherent problems. The Area Office system, whereby the Area Office jurisdiction covers a number of geographically related superintendencies, is presently in effect. Technical and scientific personnel are held mainly at the district or Area Office level and sent out to the field upon a superintendent's request. This situation has problems in that the person needed may not be readily available, particularly if one speciality is in strong demand. As a rule the Bureau has always been short on budget and staff so there is no practicable way to eliminate the problem other than making people wait their turn. Also under the present system the Area Office can deliberately or accidently slow the correspondence and decision making processes considerably, as the surveyers foretold. On the other hand, the handling of most paper work at a district level, frees the top Bureau staff in Washington, D.C. to work with legislation, cooperate with other agencies in government and take an overall look at how the work of the Bureau is proceeding. In the past several years (early sixties) the policy as regards organization has been to delegate considerable authority to the superintendent. After all, he is on the firing line and in daily contact with his clients, and should if he is

capable, know about what to recommend, decide or delay on spot, as well as what type of situations the Area Office or Washington, D.C. has to rule on.

Considering the problems involved the views presented in the report on decentralization seem to be about the best policy in general. One of the most bothersome problems is lack of continuity in attendance of the professional personnel from the Area Offices. Things that should be taken care of at the tribal level in a few days sometimes run into months for lack of attention. The only solution in such a case would be to keep a professional person out on the reservation until his work is finished. The problem is basically lack of appropriations necessary to provide all the personnel required for the services desired. In social case work time may not be so important but in economic development of reservation resources, the tribes are competing with other businesses and cannot afford to be hamstrung by avoidable delaying red tape of the government no matter how adequate the excuses are. Excellent superintendents with authority and responsibility can do a lot to avoid undue delays in the administrative process. And the converse is quite true.

The names and addresses of the major Area Offices of the Bureau of Indian Affairs are listed on the Appendix map, Indian Land Areas. Effective December 24, 1965 the Gallup, New Mexico Area Office was given reduced status in favor of

new Area Offices at Window Rock, Arizona and Albuquerque, New Mexico, for a total of eleven in the Service. Organization recommendations of the Meriam Report are not presently in effect or desired.

Health recommendations: The recommendations were for more and better nurses, doctors, dentists, better hospitals and sanatoria, better cooks and food, and for whole medical care for the children. Those children taken from the parents and placed in boarding schools would be unable to receive home medical care, and those at home as a rule could not be expected to receive proper medical care. Unlike many white families, the Indian families had neither the facilities or knowledge to provide adequate medical care for ill children. The major health difficulties given at the time of the report were 1. tuberculosis, 2. trachoma, 3. infant welfare and maternity, and 4. venereal diseases.

Preventive medicine was strongly recommended, particularly in the area of proper diets and prevention of overcrowding. It was found that boarding schools required all children over the fourth grade to work half a day, in order to keep the boarding school operating. The report concluded that that was too much work for children in normal health, let alone undernourished and ill children. Most of the recommendations made would be rather obvious to any medical practitioner. Summing up they were: thorough examinations, better diet, less over-crowding, less heavy

productive work, and better correlation of remediable defects. Preventive medicine was stressed. Despite the sincere recommendations of the survey the medical care system of the Bureau had deteriorated to such an extent by the early 1950s that Congress transferred Indian health responsibility over to the United States Public Health Service July 1, 1955. The transfer was also part of a plan to gradually phase out the Bureau of Indian Affairs under a national reservation termination policy. A chapter discussing termination policy in the 1950s follows.

Education recommendations: The first change recommended was change in point of view. Earlier policy was to get the child as far as possible from the home environment and family. The point of view on education and social work in the late twenties stressed the necessity for children remaining within the natural home and family environment. The reporters thought that the Indian educational enterprise was "peculiarly" in need of the home-family approach.

No one best way was suggested, for it was recognized that there are such vast differences between Indian tribes and individual Indians that standardized education would be "worse than futile".[19]

> Routinization must be eliminated. The whole machinery of routinized boarding school and agency life works

[19] Ibid. p. 32.

> against that development of initiative and independence which should be the chief concern of Indian education in and out of school. The routinization characteristic of the boarding schools, with everything scheduled, no time left to be used at the child's own initiative, every moment determined by a signal or an order, leads just the other way.

In place of prescribing standard courses and uniform exam standards from Washington, D.C. the group recommended establishing fairly high minimum standards for teachers entrance exams, in order to get top rate teachers and supervisors who would be able to professionally adapt the educational system to meet the needs of the students. In the process due consideration should be given for the economic and social conditions of the Indian students as well as the nature and abilities of the individual child.

Materials should be adapted to the students. "The little desert Indian in an early grade who is required to read in English from a standard school reader about the ship that sails the sea has no mental background to understand what it is all about and the task of the teacher is rendered almost impossible." The surveyers thought that Indian schools for that reason required better teachers than do city schools for white children, for the teacher in the Indian school has a much more difficult task and less chance for supervisory officers assistance.

Other recommendations include the overcrowding of boarding schools and problems associated with productive work required of students required for school operation. It was

suggested that the boarding schools be gradually eliminated. In the meantime while they continued filling a need it was vigorously urged that pre-adolescent children be eliminated from the boarding schools. Younger students to the sixth grade should be sent to Indian Service day schools or public schools because of the need for family environment. Only after adolescence and finishing local schools did the group advise a boarding school. Also it was stressed that boarding schools standards should be raised to such a degree that there would be no educational barrier in qualifications for higher education after the boarding school. The Indian Service should encourage the most promising youths to continue into professional, scientific or technical studies by fitting them for college entrance and aiding in costs.

Also it was thought that the boarding schools need not go into more advanced professional courses, but just do a good job with the high school level students. Vocational guidance and scholarship services were advised, particularly since the Indian Service itself offered positions for Indians in such fields as teaching, nursing, dentistry, medicine. social work, engineering, agriculture and forestry.

Industrial training was discussed at length. Again the problem was one of finding out the type of jobs the Indians were most likely to get near home or in nearby communities and attempting to train them for particular jobs, possibly with cooperative arrangements with employees

to give students a balance of formal training and experience still in training. The productive work to keep the schools going was to give way to a strictly educational viewpoint unhampered by a production enterprise where the "teachers" were merely workers who used students as helpers. It was suggested that local people be hired to take the place of the students, while the students embarked upon a substantially improved industrial education program.

Economic development recommendations: The first goal of the Indian Service in this subject should be to increase the amount and the productivity of Indian labor so the Indians could support themselves through earned income. The organizational means for working on this problem was the establishment of a committee of specialists with representatives from the Washington, D.C. Planning Office, a local staff and from state agricultural colleges. The surveyers advocated that the committee map out economic development programs that offer maximum possibilities for success and specified that the program should not be subject to radical changes with changes of officers, local or in Washington. Flexibility was of course to be retained as required. Production and marketing experts were to be hired to train the Indians in their industries. The surveyers thought that reimbursable loans, though controversial, were desirable, particularly in view of the fact that earlier attempts at business suffered from lack of staff with

ability and of such size that they could do a good job of training Indians. The group advocated continuing tribal livestock herds with better financing and with adequate or better professional guidance and training.

The study group recognized the fact that some reservation areas were rather short on natural resources and felt that in such cases that the Bureau should attempt to help Indians locate jobs off the reservation. Another group requiring such assistance would be the Indians who preferred not to farm or raise livestock, even though they may have owned fairly good land. The surveyers suggested that the Indian Office work up an employment program in order to establish cooperative relationships with other labor placing organizations. They pointed out that the Indians had a good reputation as industrial workers but had severe difficulty in getting started and pushing for recognition and advancement. The study staff cautioned that the shift into industry "cannot be made hurriedly or as a wholesale movement if it is to be successful". They felt that individual Indians should be placed according to their interests, particularly where there were opportunities for advancement and establishing permanent homes. The group did not think much of mass placing of large numbers of Indians in unskilled temporary jobs because of the low class environment and because children were frequently kept from school. The report states the Indians should not be

exploited as a source of cheap labor.

Other items include the urging that Indians be encouraged to work and depend less upon "unearned income"; continuing the policy of not issuing fee patents on lands except where the Indians accomplishments really indicate competency and ability to handle their affairs; and curtailing the leasing of Indian lands. The leasing problem was not easily solved. Leasing was better than having land lay idle. Yet the group felt that more attention should be given toward encouraging Indian use. If the land was away from the Indians "residence" it was recommended that the land be sold and the proceeds be utilized to purchase lands for the Indian where he wished to live. In some cases allotments were made where the Indian had no desire to live nor the desire to even go see the land.

Problems of inherited lands were becoming quite troublesome. The system is the result of the allotment procedure. When the original allottee dies there will be a number of heirs remaining. In some cases they may partition the land, but in many cases not, because such would be impracticable due to roads, geography and other reasons, particularly such as too many heirs. So the estate is either leased or sold to whites and the proceeds are divided among the heirs and are used usually for living expenses, using up the capital so as to speak. If one family of the heirs has land, the others may move in and at least have a home but

probably no legal title. If the land is eventually all sold then a generation of landless, penniless Indians are in the making. Recommendations given by the surveyers include the protection of the rights of minors or the incompetent particularly. Money due such heirs should be utilized for lands or other productive purposes only. They said that the government itself through a revolving fund, should buy the inherited lands and then resell it to Indians, subject to property restrictions, in order to keep the lands from passing out of Indian hands. The advantages of such a policy would be to prevent easy loss of money and an upcoming generation of propertyless Indians. Another objective would be to consolidate tracts so that an enterprising individual could get enough land to work.

It was also suggested that per capita distribution from tribal funds for ordinary living expenses should be "rigorously" restricted, and used only for productive purposes. It was felt that the Indian should conserve his capital and work, earn and supplement for living expenses. As the group said, "These principles in the use of capital are believed to be sound, and the Indian must be taught them". Although they did not say so exactly, the implication is that the Indians needed several introductory courses in economics, business and finance. In the 1960s the Indians are still not getting this type of information.

On allotting it was recommended that extreme conservatism be followed since without adequate instruction in use of property the program has largely failed to accomplish the purpose expected. "It has resulted in much loss of land and an enormous increase in the details of administration without a compensating advance in the economic ability of the Indians.[20]

The survey mentions several tribes which have large natural resources not susceptible of individual allotment and which in the interests of economy should be preserved in large working units for conservation and effective use. The timber lands of the Klamath Reservation in Oregon and the timber lands and power sites on the Menominee Reservation are given as examples. In the case of the Klamaths allotting was unworkable and so was total sale of the timberlands. Gradual cutting and doling out the proceeds in small units for living expenses were not desirable from the standpoint of some of the Klamath Indians who wished to get capital for individual enterprises.

A suggested experiment for Klamath was the setting up of a business corporation with shares distributed pro rata among the Indians. Shares of minors and incompetent Indians would be held in trust by the federal government. Indians with competency could be allowed to handle their own shares,

[20] Ibid. p. 41.

being able for example, to pledge them as collateral for working capital loans. Upon death the shares could be distributed to the heirs without sale of real property. The study group suggested that the board of directors be primarily government officers and elected representatives of the shareholders. The actual effects of this type of suggestion are evident in the failure of a similar plan for properties held by mixed-blood Uintah-Ouray Utes. When terminated they were given shares which allowed operation of a few animal grazing units on terminated lands. Consolidation was necessary for grazing to be profitable and non-Indians married into the tribe attempted to gain control of the shares through a mixed-blood Indian wife. Eventually the fullbloods purchased the shares in order to get "tribal lands" back. The Klamath Reservation was terminated, most of the lands were sold and proceeds divided among the people. Many squandered their $40,000 in a hurry. To date the idea of shares in tribal property has not proven itself desirable or even feasible. Chapter six discusses termination policy at greater length.

Economic statistical data: The Report includes a number of statistical tables on values of properties and per capita incomes. The report indicates that the tables are not accurate and for some jurisdictions are very inaccurate. Even so the figures together with qualitative observations by the staff members indicate to them that the great

majority of the Indians are poor, even extremely poor, and that no evidence warrants current belief among some people that the Indians as a race are well-to-do. "In dealing with the Indians the government in the main is handling a problem of great poverty." For several jurisdictions the figures on income are so low as to be almost unbelievable. (page 447)

A few per capita asset figures for 1958 follow for comparison with the annual per capita income figures of the late twenties. The saving rate is rather low for the thirty years elapsing.

Reservation	Tribal members assets (1958)	
	Per capita	Per family
Turtle Mountain	$35.00	$285.00
Winnebago	29.47	147.35
Omaha	95.00	380.00
Santee	25.64	128.20
Sisseton	19.12	59.59
Choctaw (Mississippi)	50.00	250.00
Pine Ridge	95.00	380.00

Source: Present Relations of the Federal Government to the American Indian. Committee on Interior and Insular Affairs. House Print No. 38, 85th Congress, 2nd session. Dec. 31, 1958. p. 301-12.

Chart

Indians classified by annual capita Indian income, tribal and individual.

Annual per capita income, tribal and individual	Number of Indians accredited to jurisdictions reporting per capita incomes of amounts specified		
	Total	Percent	Cumulative Percent
All classes	188,363	100.0	***
Less than $100	46,343	24.6	24.6
$100 but less than $200	88,201	46.8	71.4
$200 but less than $300	33,535	17.8	89.2
$300 but less than $500	16,209	8.6	97.8
$500 and over	4,075	2.2	100.0

In Nevada the hungry Indians ate jack rabbits and used the skins for rabbit skin quilts, as did their ancestors. The Mission Indians of Southern California gathered live oak acorns and made paste of them. Apaches and Pimas used the mesquite bean and cactus for food. The Chippewas gathered wild rice, made maple sugar and utilized wild berries. During a rough winter in 1926-1927 the Pine Ridge Sioux had to eat horse meat. A lot of Indians utilized fish where obtainable. Most Indians gathered their own firewood. None of the emergency items listed would have added value to per capita incomes since these native products had and have little commercial value, as a rule. The exception would be salmon of the northwest tribes but in the twenties most of the catch was consumed rather than sold. The wealthy tribes at the time of the survey were the 1,249 Klamath Indians

with an income of $1,523 per capita and the 2,826 Osage Indians with per capita income from minerals of $19,119. Thus only 4,075 Indians or 2.2 percent were listed as having average incomes over $500 or more per Indian. The Osages were the wealthy Indians whom many people envied. Their resource was a wasting one and their high income did not last for very many years. The surveyers indicated that in the lower income brackets that almost nothing was spent for shelter and firewood, and very little for clothing and food. In many of the homes visited there was almost no food on hand, and in fact, a reserve of accumulated food was the exception. The report indicates that many Indians were just above the famine level and that if anything goes wrong they either go without or drop back to government rations. Most noteworthy, the reporting years of 1926-1927 were not great depression years. Enemies of the Indians will frequently report the large sounding expenditures by government upon the administration of Indian affairs over the years as evidence that the Indians have received great benefits. The object of such reports presumably is to cut expenditures and get the government out of the Indian business. Judging from the per capita incomes reported above, correlation between government spending and Indian prosperity were very near nil during the prosperous twenties and up to the New Deal.

Taxation of property of Indians: The Indian's lands are not subject to state and county property taxes. The reporters recognized the chief problem involved. They thought it essential that the Indians partake of the services rendered by the local governments and in turn learn of the obligations to contribute to the support of the activities. But a sudden change in the tax status from tax exempt to that of the full burden of a general property tax would be a mistake, for it was recognized that the Indian had land value all out of proportion to income from the land. Consequently a general property tax, would violate a rather basic rule, that of capacity to pay. It was felt that an income tax might be the best way to initiate the Indian into the mysterious world of taxation. It was also pointed out that levying taxes upon low income Indians would further depress their already substandard level of living and would tend to increase landlessness and in the end place them upon welfare. Consequently the county and state governments would gain very little if they would find themselves supporting the Indian families they tried to extract general land taxes from.

Family and Community Life:

> Experience has abundantly demonstrated that the family as a whole is the social unit of major importance in the development of a people. The importance of community activities has also been generally recognized. Among the Indians, community activities are probably even more important than among white people because the Indians social and economic system was and is

> communistic. Individualism is almost entirely lacking in their native culture. Thus, work with communities as a whole will follow a natural line and will result in accelerated group progress.[21]

The major point made by the entire report is that activities should be from the Indian point of view and in line with Indian interests as far as possible. However, calling the communal social system of the Indians communistic is about as sensible as calling the American Medical Association a communistic group because doctors appear to enjoy associating with other doctors. In some regards the Indians are the worlds foremost individualists, valuing their freedom and independence above all else. Otherwise, after all they have been through, there would not be any real Indians left.

> In home design and construction the effort should be made to adapt characteristically Indian things to modern uses. For example, among Indian tribes the outdoor arbor in some form is almost universal and is used for many purposes. Several of the wealthy Osages with elaborate modern houses, the like of which relatively few white men can boast, have erected in addition elaborate adaptations of the arbor. These arbors gave them the chance for self expression. The Indians will take more interest in their homes and in the improvement of them if the construction appeals to Indian taste and is well adapted to Indian uses. There is no reason at all why the Indians should be urged to have dwellings which are replicas of what white men would build. Some of the Indians ideas regarding outdoor rooms may be found worthy of adoption by the whites.[22]

[21] Ibid. p. 44.
[22] Ibid. p. 44.

The above quote is quite parallel to the results of the author's near decade of research into Indian affairs. Further discussion along the above lines are more appropriate in the final recommendations of this paper however. Other recommendations include that of retaining most of the Indian activities as the dances, perhaps gradually modifying some of the objectionable features. Indians arts and crafts should be encouraged. The Indians borrowed quickly activities of the whites which appealed to them, as athletics, music, and handicrafts. More work could be accomplished in these fields. Other areas where services could be rendered and were needed were 1. health promotion, 2. adult education for home making, 3. promotion of economic efficiency, 4. treatment of personal maladjustments and 5. encouraging community recreation. The surveyers felt that one or two qualified civil servants per reservation would greatly help in community development.

Administration of justice: The administration of law and order on reservations has been a rather complex, emotional gray area for years and remains so to some degree in the 1960s. In the late twenties at the time of the Meriam report the situation was not easily appraised. The report did say the situation with respect to the maintenance of order and the administration of justice among the reservations Indians was unsatisfactory. At that time the United States courts had jurisdiction only in certain

specified cases, that is crimes specifically designated by Congress. Other crimes and misdemeanors if at all punishable were under Courts of Indian Offenses or even the superintendent if no court had been established. Once in a while a court of a state would assume jurisdiction but withdraw if challenged, for lack of clear authority. An Idaho court characterized the situation as "government in spots".

In many tribes the subject of marriage and divorce were left up to the Indians themselves and their customs. Since a certain amount of moral sentiment is involved due to the clash of the Christian and Indian religions there has been a certain amount of friction over Indian marriages. Even today Indians are encouraged to obtain state marriage licenses "just to get their legal affairs in order". Probably a good many Indians follow such advice. But it is well to keep in mind that there are different concepts of morality and here there have been clashes. Apparently the Indians feel that the whites are natural born liars who always speak with a forked tongue, while the whites get their kicks by accusing the Indians of not going through the formality of getting a license to take a new mate or going through a state required ceremony to dislodge from the marriage bed an old one, as the whites do rather frequently. No effort will be made to enter the debate here since this paper is not on the sex life of the Indians but mention of the accusations from both sides at various times illustrate

fringes of the problems.

The report contains a statement that seems just as appropriate in the 1960s as in the 1920s.

> Such great differences exist among the several jurisdictions with respect to such vital matters as the degree of economic and social advancement of the Indians, their homogeneity, and their proximity to white civilization, that no specific act of Congress either conferring jurisdiction on state courts or providing a legal code and placing jurisdiction in the United States courts appears practicable.[23]

The major difficulties seen by the reports writers for delaying the immediate placing of reservation areas under state law and order jurisdiction were: 1. The state is not willing to assume the financial responsibility, 2. The state courts are so remote from the Indian areas that the procedure is not practicable, 3. Local feelings towards Indians are either so hostile or indifferent to the social and moral conditions that Indians would either get unfair trials or possibly none at all. In this situation the best alternative is bringing serious cases before the regular United States Courts and leaving minor offenses to special inferior courts that would be tailored to the specific situation or jurisdiction.

The solution suggested for the administration of justice by the Meriam report does not seem to be inappropriate considering the circumstances of the Indians, and their various stages of advancement.

[23] Ibid. p. 742.

> The situation is clearly one where the best results can be secured if Congress will delegate its legislative authority through a general act to an appropriate agency, giving that agency power to classify the several jurisdictions and to provide for each class so established an appropriate body of law and a suitable court system. The power should also be given that agency from time to time to advance the classification of any jurisdiction and to modify either the law or the court organization insofar as they are made by the agency and not by state law or act of Congress . . . The officer with final authority to promulgate the decisions should probably be either the Secretary of the Interior or the President of the United States. The detailed study and investigation and the recommendations should originate in the Indian Service. The perfecting of this system should be one of the major projects of the recommended Division of Planning and Development.[24]

Study of the later events in Indian law and order are taken up in the chapter on termination.

Protection of property rights. Here the interest is in the question of when the government could cease to exercise guardianship over the property of restricted Indians. The report states that, "No evidence warrants a conclusion that the government of the United States can at any time in the near future relinquish its guardianship over the property of restricted Indians, secured to the Indians by government action." The report further states that the attitude of the Indian Service as a whole, and especially the legal department should figure that its duty foremost is to protect to the utmost the rights and interests of the Indians.

[24]Ibid. p. 744.

The advice given is quite good but not necessarily followed. Many times since the Meriam report was written, Bureau of Indian Affairs personnel have taken just the opposite approach, that is consider the outsiders rights to the utmost and the Indians the least. This was particularly true in Western Washington where all of the reservations were scheduled for termination in the fifties as a prelude to termination of all the reservations in the state, whether the Indians wanted their reservations terminated or not. This example is considered in depth in a later chapter.

Missionary activities: The greatest need here is for cooperation between the churches, the missionaries themselves and to the government. To further this end the report suggests a national advisory council composed of representatives of every church engaged in missionary work. The government administrators would have the council to rely upon for advice on matters pertaining to mission activities. Conversely the council would have a communication channel into government offices whereby clear and factual information could be obtained with relative little bother.

It was suggested that the churches maintain closer contact with isolated missionaries, providing them with fairly adequate support and normal human contacts. Some of them were evidently operating at a near privation or poverty level since the report gently hints that if funds are not

available for operation of all stations, fewer stations with a greater concentration of resources might bring more effective results.

> The missionaries need to have a better understanding of the Indian point of view of the Indian's religion and ethics, in order to start from what is good in them as a foundation. Too frequently, they have made the mistake of attempting to destroy the existing structure and to substitute something else without apparently realizing that much in the old has its place in the new.[25]

The report states that the best missionary work was in the field of education, but as far as contacts with the adults were concerned their chief offering was white type church activities which had little appeal to the older Indians, or younger ones either for that matter in many areas of the country. Although the report does not specifically say so, the antagonisms and hatreds generated by the churches war on the Indian's religion and culture could do little more than alienate any proclivity the Indians might have had for the "superior" white man's religion which had originated among middle eastern desert tribes, several thousand years ago approximately.

Closing remarks: The final remarks of the surveys findings and recommendations lend balance to the overall look at the Indians problems in the late 1920s. Perhaps they are just as relevant today as they were then.[26]

[25]Ibid. p. 50.
[26]Ibid. p. 51

> The fact must be remembered, however, that in some jurisdictions the Service is dealing with the first generation of Indians that has come in close contact with the white man. In some schools adult primary classes are found consisting of boys and girls in their teens who have never been to school before, who do not know how to read and write, and have to be taught English. They come from homes which are primitive in the extreme. When they return their parents, or more probably their grandparents, may destroy the white man's clothing that they wear and hold ceremonials to purge them of their contact with the white man. Even if the work with these Indians is highly efficient it will take three generations to prepare them for modern life. These Indians are not ready for the schools and other agencies maintained by the states and local governments, nor are the states in which they live ready to receive them. With the most favorable developments it hardly seems probable that the national government can completely work out its Indian problem in less than from thirty to forty years, although its expenditures for this object should materially decline long before that if the work is well done.
>
> The belief is that it is a sound policy of national economy to make generous expenditures in the next few decades with the object of winding up the national administration of Indian affairs. The people of the United States have the opportunity, if they will, to write the closing chapters of the history of the relationship of the national government and the Indians. The early chapters contain little of which the country may be proud. It would be something of a national atonement to the Indians if the closing chapters should disclose the national government supplying the Indians with an Indian Service which would be a model for all governments concerned with the development and advancement of a retarded race.

These are fine sentiments although it is doubtful that the Indians at the time of this report would have considered themselves very retarded in most respects. The most interesting question is what effects did the report hold for Indian affairs? Congressional appropriations increased from three million dollars in 1929 to twelve million dollars in

1932. The Meriam Report holds a great deal of common sense rather than theory or academic jargon although some of the basic concepts of democracy-political science, sociology-anthropology-culture and other related items were present. Probably of most interest will be the look at the history of Indian affairs in the thirty or more years that have elapsed since the report was presented to the Secretary of Interior.

Before going on to the New Deal for the Indians there are a few more items to discuss. Some of the more sympathetic persons involved in Indian affairs began to see by the late twenties that for a century and a half the Indians had had rights on more or less parity with those of the buffalo, that is, none if he stood in the way of the white man's progress. It was deemed useless for a single person or small group to fight for Indian rights in Congress. No matter how badly Congress was split over other matters it was quite united as far as issues of Indian affairs was concerned. A few people, not too surprisingly, began to decide that the Indian might be able to exercise his vote and find a key to unlock his chains. Consequently in 1926 an organization was founded in Washington, D.C., entitled the National Council of American Indians. Zitkala-Sa or Red Bird, a Yankton Sioux and granddaughter of Sitting Bull was made its President.

Immediately attempts were made to discredit the organization. Indians have been preyed upon and deceived so easily so often it did not take much effort for hostile interests to sow seeds of dissension and set tribes to working against one another. Nevertheless in the November 1926 elections Senator Harreld, long the chairman of the Senate Committee of Indian Affairs was defeated in Oklahoma, while the Congressional ticket supported by the South Dakota Indians were elected. It must have been a great shock for this member of the buffalo party when he found himself put out to pasture retirement.

Some strange things were happening in Indian affairs. During the summer of 1927 President Coolidge set up his Summer White House in the Sioux Indians former Black Hills where he noted some of the actual reservation conditions at the nearby reservations. In the fall of 1927 Justice Sutherland reversed the Court of Claims in the case Yankton Sioux v. The United States and held that that tribe was entitled to just compensation for the appropriation of the Pipe Stone Quarry, one of the Sioux most sacred areas. The ruling ended 76 years of struggle and 43 years of litigation, but the Sioux were finally deprived of their sacred shrine.[27]

The National Council of American Indians with friends

[27]U.S. v. Carpenter, III U.S. 350; Yankton Sioux v. U.S., Case No.31253 Ct. of Claims; and same title, 270 U.S. 637; 272 U.S. 351.

were applying pressure for more action in Indian affairs. Senator King, Democrat of Utah, who had refused to present a petition of the Council to Congress decided under pressure to present a resolution calling for a full investigation of Indian affairs. The resolution read as follows:[28]

Whereas there are two hundred and twenty-five thousand Indians presently under the control of the Bureau of Indian Affairs, who are, in contemplation of law, citizens of the United States but who are in fact treated as wards of the Government and are prevented from the enjoyment of the free and independent use of property and of liberty of contract with respect thereto; and

Whereas the Bureau of Indian Affairs handles leases, and sells Indian property of great value, and disposes of funds which amount to many millions of dollars annually without responsibility to civil courts and without effective responsibility to civil courts and without effective responsibility to Congress; and

Whereas it is claimed that the control by the Bureau of Indian Affairs of the persons and property of Indians is preventing them from accommodating themselves to the conditions and requirements of modern life and from exercising that liberty with respect to their own affairs without which they cannot develop into self-reliant, free, and independent citizens and have the rights which belong generally to citizens of the United States; and

Whereas numerous complaints have been made by responsible persons and organizations charging improper and improvident administration of Indian property by the Bureau of Indian Affairs; and

Whereas it is claimed that preventable diseases are widespread among the Indian population, that the death rate among them is not only unreasonably high but is increasing, and that the Indians in many localities are becoming pauperized; and

Whereas the Acts of Congress passed in the last hundred years having as their objective the civilization of the Indian tribes seem to have failed to accomplish the results anticipated; and

[28]Senate Resolution 79, 70th Congress, 1st Session, referred to the Committee on Indian Affairs December 17, 1927.

Whereas it is expedient that said Acts of Congress and the Indian policy incorporated in said Acts be examined and the administration and operation of the same as affecting the condition of the Indian population be surveyed and appraised: Now, therefore be it

RESOLVED, That the Committee on Indian Affairs of the Senate is authorized and directed to make a general survey of the condition of the Indians and of the operation and effect of the laws which Congress has passed for civilization and protection of the Indian tribes; to investigate the relation of the Bureau of Indian Affairs to the persons and property of Indians and the effect of the acts, regulations, and administration of said Bureau upon the health, improvement, and welfare of the Indians; and to report its findings in the premises, together with recommendations for the correction of abuses that may be found to exist, and for such changes in the law as will promote the security, economic competence, and progress of the Indians.

Said committee is authorized to send for persons and papers, to administer oaths, to employ such clerical assistance as is necessary, to sit during any recess of the Senate, and at such places as it may deem advisable. Any sub-committee, duly authorized thereto, shall have the powers conferred upon the committee by this resolution.

The first hearing on the King Resolution was held November 12, 1928. Conditions reported were quite parallel with those of the Meriam Report.[29] Needless to say, there was quite a lot of activity in Indian affairs in the late 1920s and the early 1930s. For the first time the Indians were to some extent getting their side of the picture heard in the right places. President Herbert Hoover was sympathetic with the Meriam Report's emphasis upon education and for that and other reasons appointed Ray Lyman Wilbur as Secretary of Interior and Charles J. Rhoads as Commissioner

[29]Survey of Conditions of the Indians in the United States, 70th Congress 2nd Session, S.R. 79. U.S. Government Printing Office.

of Indian Affairs. The Assistant Commissioner appointed was J. Henry Scattergood, like Rhoads a prominent member of the Quaker faith. Commissioner Rhoads was able to carry out some of the recommendations of the Meriam Report in the field of education. Unfortunately with the collapse of the stock market, other affairs of much great significance nationally were diverting everyone's attention to their pocket-books and corporation securities.

The planning and development division was not instituted although reforms were made. Five top notch professionals were placed in charge of the field operations in health, education, agricultural extension and industry, forestry and irrigation. These were grouped under two assistants to the commissioners, one handling human relations and the other property. Practically nothing was accomplished on land reform from 1929 to 1933. Little could be done without basic legislation and Congress was as stubborn as ever. Not only that but Senator King of Utah was raking Commissioner Rhoads over the coals for increasing appropriations for Indian affairs in a period of national economic depression. The fact that the Indians might need a little extra help since their personal depression was over a century long was of no importance to the enemies of the Indians. For those who believe in lex talionis or vengeance it might be interesting to speculate that some of the enemies of the Indians received during the depression some

of the medicine they had been handing out. In economic research the writer has never come across the idea that the depression could possibly have been caused by the wrath of the Indian Gods or God but such an idea seems as plausible as a good many of the economic theories advanced to explain such unusual phenomena, that is, speculative but not very likely. The relationship, if any, between sunspots and the business cycle is another such example.

CHAPTER V

THE NEW DEAL

Indian Reorganization Act-1934

Separating the time period between the 1928 Meriam Report and the Indian Reorganization Act of 1934 is somewhat arbitrary but necessary in the course of writing. The facts of the Meriam Report were not unknown prior to the report but on the other hand they had not been systematically studied and recorded in one place for the general public to see. Even the precedent setting first survey cost of $125,000 was supplied by private subscription rather than from government funds.

The two basic problems were 1. How to care for the existing citizen-wards and 2. How to prevent future generations of Indians from becoming similar poverty stricken citizen-wards. Public and private policies towards the Indians up to the thirties were severely criticized in the report and it may be interesting to attempt to place the responsibility for the development of whatever public policies there were. Under the United States system of government the actual day to day administration of Indian Affairs is the responsibility of the executive branch of government. Thus actual administration rests in the chain of command - President, Secretary of Interior and then the

man in the drivers seat, the Commissioner of Indian Affairs. However, the policy making area for Indian affairs has rested with the varying will of an ever changing Congress, which in the United States system, is often times strongly tuned to the whims and influences of local provincial interests. So in the final analysis it is not the President so much, but the two Indian committees in Congress that have a significant part of the final say on government Indian policy. The two committees are: 1. Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs, House of Representatives and 2. Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs, United States Senate.

However, if we consider any of the analysis of the legislative process we find that at times the executive is responsible for legislative leadership. At times his will is thwarted. In Bailey's Congress Makes a Law describing the formation of the Employment Act of 1946 it is found to be a quite difficult if not impossible to pin the responsibility for the final act upon anyone.[1] Also, since Congress is said to represent the people, then is not in the final analysis, the final responsibility with the people? The answer would be an easy yes, if the people were informed.

[1]Stephen K. Bailey, Congress Makes a Law (New York: Columbia University Press, 1950)

In the case of the Indians it is reasonable to assume that persons living away from the Indian areas knew little and even cared less about the Indian's plight. However, one of the basic faults was inadequate appropriations to meet the needs of the Bureau of Indian Affairs, and lack of reasonable policies designed to reach the solutions posed by the two most basic problems stated above. The subcommittees in Congress are probably the most responsible groups connected with Indian affairs.

It seems that final results are the acid test for any theory or policy, however beautiful, ugly, logical, mythical, loudly advocated or dreamy it may be. In 1933, at one of the lower points of the Great Depression, the War Department and American Red Cross were called upon for emergency relief for the Indians. The War Department shipped out forty carloads of surplus clothing, mostly left over from World War I, while the Red Cross sent literally thousands of yards of cloth, clothing items and some five million pounds of flour. If it had not been for this magnificant gesture upon the part of some Americans there would have been a good many United States Indian deaths resulting from exposure and starvation during the early days of depression. While the national depression obviously was not the direct result of any Congressional Indian committees actions it can be inferred clearly from the Meriam Report that a fair percentage of the Indian population was living at a depression

poverty level long before the Great Depression. As overseers of Indian affairs there seems to be no logical way for the committees to escape bearing some responsibility for the results of their activities. However the committees are subject to pressures from constituents and are not free agents although members undoubtedly have as much prejudice, bias, ignorance and stupidity in their midst as any other group in society.

Before entering into the details of the 1934 Act a statistical accounting of the subject matter seems advisable. In the early thirties there were about 158 federal reservations administered by some 120 agencies. Some tribesmen lived on allotments but not reservations so the exact number of reserves depends upon definition. The Indian lands included 39,129,268 acres of allotted lands and 32,014,945 unallotted lands. There were from 5,000 to 6,000 federal employees upon the Indian Service rolls, with about one employee per 376 Indians. Some 225,544 Indians were enrolled at the agencies. The United States was providing about $79 per capita for care of Indians in its jurisdiction and about $110 per capita for those enrolled at the agencies. The number of employees did not include workers employed on irrigation or other projects where the Indian tribes were expending about three million dollars annually of their <u>own funds</u>.

Since development funds became increasingly important in the thirties, the question of using tribal funds for administration by the government looms important. From very early periods legislation provided that survey and allotment of Indian reservations should be paid for from Indian funds. Subsequent to 1906, legislation on irrigation projects required payment of Indian tribal funds for the project or provided for reimbursement of the government from Indian funds should such funds not be available at the time of construction of the project. Finally, it occurred to someone that white users of such irrigated lands and projects were also benefiting so the act of August 1, 1914 (38 Stat. 583) placed the costs of projects against the benefited lands. In 1915 and after a considerable number of acts were passed providing that costs of construction of roads and bridges on Indian lands should be paid for from Indian tribal funds, whether the Indians wanted to pay or not. Examples are 39 Stat. 158, 39 Stat. 975, 40 Stat. 520, 41 Stat. 417, 42 Stat. 1939, 44 Stat. 174 and 46 Stat. 127 March 26, 1930 which applied to the Navaho Reservation.

The demands for Indians supporting their own development were quite strong after World War I and an appropriation act of February 14, 1920 (41 Stat. 415) required that administrative costs of leases or sales of Indian lands or timber be recovered from the sale or lease price proceeds and be turned over to the United States

Treasury as Miscellaneous Receipts. Also in the twenties appropriation bills carried the stipulation that care and protection of Indian forest lands should be available only to the extent that forest income was not adequate to pay for such costs. Here we have clear evidence of the intent of Congress and the reasons for the lack of appropriations adequate to meet the Indians needs are not too elusive. In other words, spending taxpayers money upon Indians was not a very popular device for insuring future Congressional election.

It was obvious that some of these charges were quite unjust and an act of July 1, 1932 (47 Stat. 564) directed that the Secretary of Interior adjust or eliminate those reimbursable charges existing as debts against individual Indians or tribes in a manner that would be equitable in light of collection circumstances. All the charges uncollected under the 1920 act mentioned previously were canceled. The amount was in the neighborhood of $12,000,000. In this manner precedent was established for the cancellation of uncollectable charges every now and then. Such cancellations are on an ad hoc basis so no one ever quite knows what the financial status of his land is. In the 1960s a good portion of Indian lands are not farmed by Indians because the charges for irrigation, diking or other improvements continue to build on the land year after year

into substantial sums. A great deal of injustice occurs when the Indian pays off his charges from income and then for some reason charges against neighboring lands are canceled. In any case, the average ignorant citizen who thought and thinks the Indians are getting every service free from the government is sadly mistaken.

Certain changes were taking place in Indian affairs. First there was the beginning of an aroused public opinion, though not general throughout the populace. The Indians were attempting feebly to unite for political action, though their efforts have never been successful on a sustained basis. The country was entering a depression and as a consequence the Republican Party, whether responsible or not, was relieved of office and replaced with an administration which did not mind spending money for social purposes, if it could get appropriations from Congress. Also, the country found that past policies towards the Indians were basically and generally unsuccessful in solving the Indian "problem" even from the white point of view, let alone that of the tribesmen. From this sort of matrix came a new Indian policy.

President Franklin D. Roosevelt appointed as Commissioner of Indian Affairs, John Collier who had been interested in Indians for a number of years. Collier was well versed in the earlier conditions and under the protecting wing of Secretary of Interior Harold L. Ickes

advanced his set of principles. Summarized they are:[2]

1. First, Indian societies must and can be discovered in their continuing existence, or regenerated, or set into being de novo and made use of. This procedure serves equally the purposes of those who believe the ancient Indian ways to be best and those who believe in rapid acculturation to the higher rather than the lower levels of white life.

2. Second, the Indian societies, whether ancient, regenerated or created anew, must be given status, responsibility and power.

3. Third, the land, held, used and cherished in the way the particular Indian group desires, is fundamental in any lifesaving program.

4. Fourth, each and all of the freedoms should be extended to Indians, and in the most convincing and dramatic manner possible. In practice this included repeal of sundry espionage statutes, guarantee of the right to organize, and proclamation and enforcement of cultural liberty, religious liberty, and unimpeded relationships of the generations.

5. Fifth, the grant of freedom must be more, however, than a remission of enslavements. Free for what? Organization is necessary to freedom: help toward organizing must be extended by the government. Credit is necessary to freedom; co-operatively managed credit must be supplied. Knowledge is necessary to freedom: education in terms of live local issues and problems must be supplied through activity programs in the schools; technological and business and civic education must be supplied to adults; professional and collegiate training must be opened to the post-adolescent group. Responsibility is necessary to freedom: one responsibility is perpetuation of the natural resources, and conservation must be made mandatory on the tribes, by statute. Capital goods are necessary to freedom, and responsibility must be applied to capital goods: a tribe that handles its revolving credit fund irresponsibly must know that shrunken credit will be its lot tomorrow.

[2]Collier. p. 155-156.

> 6. Sixth, [condensed] give the Indians opportunity to practice responsible democracy through self-governing self-determination.
>
> 7. Seventh, [condensed] place priority upon ethnic and other types of research to provide the tools for use of other tools. This principle is the most important in finding our own extreme, pathetic shortcomings.

John Collier's seventh principle relates something old yet in a new way. Persons with academic ethnological knowledge had ideas about administering the Indians but Congressmen and churchmen knew quite dogmatically what was best for the Indians and in a most severe authoritative and hierarchical manner proceeded to handle them in a highly dictatorial manner, beyond any of the usual processes of democracy. Not until the New Deal and the advent of a favorable atmosphere were the learned persons allowed to make any meaningful suggestions about the human side of Indian affairs. That is, they have never been allowed to influence government policies to an adequate degree earlier. At least research and experimentation could produce no worse results than the dogmatic dictatorial decrees of biased, prejudiced and often ignorant Congressmen and churchmen and any others concerned, regardless of the nobleness or evilness of their objectives.

The next step was to initiate action to save and conserve the Indian lands, mines, oil, forests and pastures. John Collier advocated reacquiring in tribal title those alienated allotments which prohibited efficient

administration of Indian properties. Reversing past alienation policy, the new Commissioner expected to purchase large areas within and outside of reservations for permanent Indian use.

Upon Collier's insistence and leadership identical bills, S. 2755 and H.R. 7902, were introduced into the Seventy-third Congress to begin a new era in United States Indian's affairs. After some changes the bill was approved by the President June 18, 1934 (48 Stat. 984). The act took the names of the Chairmen of the Senate and House Committees on Indian Affairs and became known as the Wheeler-Howard Act or the Indian Reorganization Act. Because of the importance of this act upon public and private policy it is reproduced in its entirety for the record, in the Chapter Close Appendix, this Chapter. (p. 984 73d Congress. Sess. II. CHS. 575, 576)

Two parts of the bill originally introduced into Congress were deleted. One of the sections would have set up a system of courts under the level of federal court jurisdiction to care for civil and criminal law enforcement. Such courts would be operated by the tribal governments. The sixth main part which was deleted provided for the consolidation of fractionalized allotted lands and return of such lands to the tribal estate, with provisions for safeguarding individual property rights and freedoms. The Congress chose not to deal with one of the severest problems of Indian economic progress, the problem of attempting to hold allotted lands in parcels of economic size. Section one announced the failure of the policy of allotting lands and stopped the allotting of lands. Section three provided for possible restoration to tribal ownership the remaining "surplus" lands, opened to settlement after the allotment process. Section five provided for limited purchase of lands but the amount allocated, two million dollars per fiscal year, proved inadequate to meet the needs of a well planned land program. Commissioner Collier said in effect that the fractionalizing of allotted Indian land continued almost unchecked. D'Arcy McNickle said that even as the act was written there were enemies of what the law envisaged. As he saw it, those enemies were the aggressively superior white men who would have no native peoples anywhere

in the world except as beggars or servants paying for their food by praising their masters.[3]

The act of June 18, 1934 was expected by some to solve the Indian problems, as had the Non-intercourse Act of June 30, 1834 (4 Stat. 729) which said that any part of the United States west of the Mississippi not within states of Missouri, Louisiana or the Territory of Arkansas and any part of the United States east of the Mississippi River would be deemed Indian Country. Anything which might tend to disturb the peace of the Indians was either forbidden or subject to federal authorization. As is well known the legislation providing segregation did not solve the problem of invaders into Indian Country. The Allotment Act of 1887 was directed fundamentally towards assimilation. In 1934 the guiding philosophy was apparently that of half-heartedly attempting to retain the Indian's land base while preparing him for eventual assimilation.

In the period July 1, 1933 to July 1, 1936 about seventy million dollars of federal emergency relief funds became available for assistance to the Indians. About thirty million that was expended came under authority of the Emergency Conservation Act of March 31, 1933 (48 Stat. 22), the Emergency Appropriation Act of April 8, 1935 (49 Stat. 115) and the Deficiency Act of June 22, 1936, 49 Stat. 1597, 1601.

[3]D'Arcy McNickle, They Came Here First (New York: J. B. Lippincott Co. 1949) p. 300.

The conservation funds were used in physical improvements of lands which included fire lines, telephone lines, look-out towers in forests, water supplies, fences, drainage of wet lands, some irrigation for subsistence supplies, planting trees and grasses and many other associated types of work. This program was quite favorable to the improvement of Indian lands.

In fiscal 1935 a million dollar appropriation as authorized by the Indian Reorganization Act of 1934 (Wheeler-Howard Act) provided for the purchase of 100,000 acres of land. The Resettlement Administration provided nearly $3,700,000 for purchase of lands for Indian occupancy. The acreage purchased amounted to about 1,200,000 acres. Thus in the three years ending June 30, 1936 over $75,000,000 in federal funds were expended for the benefit of the Indians in addition to the regular appropriations which amounted to over the three years to over $66,000,000. A great many Indian families were aided by the opportunity to earn wages under the conservation programs.

By legislation May 1, 1936 (Public No. 538, 74th Congress or 49 Stat. 1250) the organization and credit provisions of the Reorganization Act of 1934 were extended to the Indians and Eskimos of Alaska Territory. The act authorized the Secretary of Interior to designate Indian Reservations upon the lands of Alaska that had been reserved for the use and occupancy of the Indians or Eskimos. Despite the law, status of native lands in Alaska after statehood were still in a state of flux and vague,

and may never be settled to the complete benefit of the natives. Lack of great influx of immigrants from the lower 49 states have precluded magnification of the problem to a national issue. Until 1931 the Alaska natives had been administered under the Board of Education rather than the Bureau of Indian Affairs.

The Thomas-Rogers Bill in Oklahoma became the Oklahoma Indian Welfare Act in 1936, (49 Stat. 1967 or Public No. 816, 74th Congress). This act was similar to the 1934 Reorganization Act. Section one of the Oklahoma Indian Welfare Act provided for the purchase of 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. Titles to such lands were to be taken in the name of the United States in trust for the tribe, band, group or individual Indian.

Section two allowed the purchase of restricted Indian land or interests in land as minerals by the Secretary of Interior for the behalf of any other Indian or Indians of the same or any other tribe. Section three authorized any tribe or band of Indians in Oklahoma to organize for its common welfare, and enjoy the status of an incorporated group as did other tribes under the general reorganization act of 1934. Section four authorized the issuance of business charters to groups of ten or more Indians. Section five defined cooperative associations powers. Federal loans to individual

Indians, associations and corporate groups was authorized by Section six. Two million dollars were appropriated for such purpose.

Section seven made available to Oklahoma Indians an equitable part of the funds appropriated under the authorization of the June 18, 1934 act. Section 8 excepted the Osage Indians since they held title to their own lands (boundary of Osage County). Under acts of Congress July 15, 1870 (16 Stat. 362), June 5, 1872 (17 Stat. 228) and March 3, 1873 and proceeds were utilized to purchase lands of the Cherokee north of present day Tulsa. The deed June 14, 1883 was made from the Cherokee tribe to the United States in trust for the Osage. Mineral rights were held for the tribe, and did not go with the land sales to whites, consequently when oil was found on the lands the entire tribe was able to share in the proceeds, in a rather equitable manner. Occasionally maps still show an Osage reservation but mineral rights are the only basis for such misleading maps. The principles of the 1934 act were expanded to cover most of the Indian groups in the United States. The opponents to the Oklahoma act were chiefly Oklahoma lawyers, politicians and businessmen.

Another major bill enacted in the early thirties was the Johnson-O'Malley Act of April 16, 1934 which authorized the Secretary of Interior to enter into contracts with states or territories for the education, medical attention, agricultural

assistance, and various areas of social welfare through qualified agencies of such state or territory. Later amendments allowed contracts with state colleges, universities or schools or other appropriate state or private corporation, agency or institution.

Now, who were some of the opponents to such enlightened legislation? In February 1935 Alice Lee Jemison, a Seneca, with Commissioner Colliers opponents formed an American Indian Federation. Joseph Bruner of Oklahoma, President of the organization, was extremely hostile to the Bureau of Indian Affairs, as was Alice Lee Jemison. They carried on a campaign against the Oklahoma bill but their presentation at hearings was poorly conceived and their effect was probably more that of confusing the average Indian than of presenting anything constructive. However, the group did serve as an instrument of disunity and dissention through most of Collier's reign as Indian Commissioner.

The American Indian Federation obtained J. C. Morgan as vice-president, from the Navaho Council; Adam Castillo, California Mission Indian Federation; Len Walker, Klamath and Cato Sells of New Mexico as its main spokesmen. Alice Lee Jemison was the most vocal and hated Collier with passion. The program or criticisms of the Federation was: 1. Free the Indians from Bureau of Indian Affairs wardship. 2. Turn the Indians over to the states for services. 3. Turn trusteeship of properties over to normal type bank trusts

4. Called the Indian Reorganization Act class legislation and hence not legal 5. Said the legislation had been forced upon Congress 6. Said the Bureau had too much discretion 7. Said that the legislation originated with the American Civil Liberties Union, a communist oriented organ 8. Said the legislation would not promote Indian citizenship. Bruner was an ex-cowboy of limited education who had become affiliated with oil, real estate, farming and other commercial interests. It seems overwhelmingly possible that he was advocating the views of the lawyers, politicians and businessmen as well as any that he may have arrived at independently. Analysis of Jemison reveals that she seemed to use the Indian work to feel important and seemed also to have a very strong desire to sacrifice herself fighting "subversive activities". Collier and some 75 Indian tribes which elected to organize tribal business committees (incorporate) within the six years after passage of the legislation were here "subversives".

Collier had been the executive secretary of the American Indian Defense Association from 1923 to 1933. He was one of the persons most active in getting some measure of justice in the big land grab attempt upon the New Mexico Pueblos. During that period Collier was a rather active lobbiest and when he entered the Bureau as Commissioner had made a considerable number of enemies as well as friends. Jemison seemed to be quite jealous of the American Indian Defense Association and at times complained that Collier would not

deal with the American Indian Federation.

At one time the Federation worked out a $1 for $3,000 plan to "pay off" the Indians any obligations which the government might still have to them. Individuals were to get a pro rata share of $3,000 from all deceased enrolled ancestors. The object of the plan was that of liquidating the Bureau of Indian Affairs immediately. The Federation was soliciting one dollar from individual Indians upon the promise of receiving $3000. Collier said that many Indians believed that they had to give a dollar. Bills were introduced and hearings held, but no action was taken.[4] Jemison eventually said that Bruner and others were spending too much time on the dollar for three thousand dollars work rather than devoting their energies to fighting Collier. Consequently she left the organization in mid-1939 to return to her full time war with the Bureau of Indian Affairs. Collier, getting warm under the collar to the point that it showed publically, said that the Federation was working in conjunction with the James True Associates, William Dudley Pelley's Silver Shirts, the German-American Bund, the Militant Christian Patriots and the American Nationalist Confederation. Collier in House Hearings on S. 2103, page 85 and 86, 1939-1942 accused the Federation as

[4]United States Congress, Senate, Committees on Indian Affairs, Final Discharge Certain Individual Indians, Hearings on S. 2206 and S. 3750, 76th Congress, 1st and 3rd Session, July, 1939 and June, 1940. Washington, Government Printing Office, 1939-40, parts 1,2.

being fifth column and a part of the Hitler-Stalin drive for world domination. After the attacks by Collier the group folded. Since Jemison was the founder and leading force it seems that her departure had more to do with the collapse of the organization than Collier's accusations.

As a broad generalization it can be stated that much of Colliers career as Commissioner of Indian Affairs was involved in detracting attacks upon his administration's goals and efforts at legislation. Collier had been quite critical of the Bureau of Indian Affairs before becoming Commissioner himself, accusing Charles J. Rhoads and J. Henry Scattergood, the Commissioner and Assistant preceding him (though they were relatively wealthy benevolent Quakers who did not want the jobs in the first place) of: 1. Defending incompetent employees 2. Over-riding tribal organizations 3. Inadequate relief and credit policies 4. Enhancing boarding schools to the exclusion of day schools 5. Failed to place irrigation functions under the Bureau of Reclamation 6. Abandoning effort to widen civil rights and 7. Allowing probate work to get behind. The basic policy goal of President Hoover was that the Bureau should work itself out of a job by equipping the Indians for assimilation. President Hoover had problems of considerable magnitude beyond the Indians and could devote little time to them. There was as almost always suspicions between the Bureau, Senate and House. Collier offered a regeneration of Indian economic, political and cultural life not so much for

assimilation but as an end for itself. He was clever in presenting his program, placing most emphasis upon the means rather than upon the goals. However, the Senate Committees were not particularly enthusiastic about Collier.

Some of the Indian tribesmen themselves were against Collier's New Deal for Indians, they being chiefly those who owned private property, and had integrated their thinking into the normal flow of society. Many of the church groups were almost up in arms about Colliers suspected motive of reviving Indian tradition which could bring back the so-called pagan dances and religious beliefs that the churchmen had labored so diligently for centuries to destroy and replace with their own brand of religion. Consequently, every Congress from the implementation of the Reorganization Act onward saw bills introduced to wreck the New Deal Program by direct frontal assault. As was mentioned briefly, Alice Lee Jemison was one of the foremost agitators against the new policy of semi-revival of the Indian culture and traditions.

Collier, unperturbed, at first worked for extension of the coverage of the act to Alaska and Oklahoma, succeeding. However, an Indian claims bill, designed to reimburse the tribesmen for lands taken from them, was defeated in 1937 by a vote of 176 to 73. (Congressional Record June 23, 1937, PP. 6237-6267) After 1937 Commissioner Collier and the Bureau of Indian Affairs were forced into a defensive holding

action before legislative and appropriations committees.

The opponents said: 1. Collier had sold Congress a "pig in a poke" 2. The IRA was a product of left wing pressure groups 3. The IRA had a goal of promoting Indian culture, traditions and religion instead of assimilation 4. The IRA was a communizing scheme and it allowed the Indians no choice but dictatorship by the Bureau and 5. It was not an Indian bill. All of the allegations were inaccurate if not untruthful. Further charges were that: 1. Collier was a propagandist, not an administrator. 2. He was making the administration of the Bureau political. 3. He had changed from a Bureau of Indian Affairs hater to empire builder. 4. He was communizing and perpetrating the Bureau of Indian Affairs 5. He was turning back the clock on the Indians pushing them back to their old ways, and 6. the Commissioner, Bureau of Indian Affairs, and Indian Reorganization Act were promoting interests of communists and atheists. Whether the allegations had any basis whatsoever is doubtful, but they were charged with evil and malice against the desires of many of the Indians themselves. There is no hint of leaving the Indians alone to seek, adjust and find their own way into the new society they were living amidst though not necessarily in. The charges against the American Civil Liberties Union as having instigated the Indian Reorganization Act in the interests of Stalin seems pretty far fetched. In fact this sort of baseless accusation

was instrumental in aiding Collier in a round about way. Not everybody accepted them.

Pressures against Indian's land continued. A group of Italian descent squatters descended upon the Pyramid Lake Reservation in Nevada, and urged the allegedly great Senator McCarran to push legislation giving them title to the Indian lands, which he did. (See U. S. Congress, Senate Committee on Indian Affairs, Authorizing Patents Issued to Settlers at Pyramid Lake Indian Reservation, Nevada. Hearings on S. 840, 75th Congress, 1st Session, April and May 1937, Government Printing Office 1937 and also see U. S. Congress, House Committee on Indian Affairs, Pyramid Lake Indian Reservation, Hearings on S. 24, 78th Congress 1st Session, May, 1943. Government Printing Office 1943).

Another difficulty indicating the range of troubles was the Seminole "Cattle Tick War". Florida ranchers were going to kill all deer in an effort to rid their cattle of ticks. After some concentrated effort the Bureau was able to prove in 1941-1942 that the deer were not even carriers of the tick.

Further inroads into Indian lands were attempted by bills during World War II in which all restrictions would have been removed from Indian war veterans. Such bills were introduced in the interests of assimilation.

During the second world war the Bureau of Indian Affairs was moved to Chicago to make way for more important activities

taking place in Washington, D.C. During this period the Bureau was somewhat out of touch with affairs in Washington, D.C. Because of the difficulties encountered in communica-- tions the Bureau was finally moved back to the capitol city.

In 1944 another investigation of the Bureau was called for to see what sort of remedies might be needed in the realm of legislation. (See U.S. Congress House Report 2091 pursuant to H. Res. 166, 78th Congress, 2nd Session, December 1944, Government Printing Office, 1944, An Investigation to Determine Whether the Changed Status of the Indian Requires Revision of Laws and Regulations Affecting American Indians.) This was the Mundt Report, started in 1944. The survey lasted from July through November 1944, was bipartisan, and non-political as possible. Collier was in accord with the survey and hoped to use it to offset some of the attacks by the Senate Temporary Subcommittee which had been investigating Indian Affairs continuously from 1928. That committee had accumulated 29 volumes of testimony and some 16,000 pages of raw material by the time of the 73rd Congress in 1933, before the Indian Reorganization Act.

The recommendations of the Mundt Report follow: 1. There should be elections for those tribes wishing to leave the IRA. 2. The government should extend IRA facilities to all tribes and needy Indians. 3. The red tape of certain Bureau of Indian Affairs administrative procedures should be eliminated. 4. There should be an

Indian Claims Commission to allow the Indian claims against the government to be heard. 5. Liquidate fractionated heirship lands through administrative negotiation with heirs through reimbursable loans to tribes and through individual loans for the same purpose. 6. There should be higher standards for curricula and attendance standards of Indian schools. Indian students should be equipped with standard elementary and high school training. The object of this recommendation is to develop better Indian Americans. 7. Cut overhead costs of the Bureau of Indian Affairs and spend more upon the students. Authority should be delegated to reservation superintendents and field staff positions should be cut, to get more effective and economical results from a given expenditure of funds. 8. Special legislation is needed to enable individual Indians who were capable and desired to do so, to move from special status to the realm of full citizenship. 9. Develop voluntary programs to encourage migration off the reservation to ownership and independent, family sized farm operation, in the post war period. There are no alternatives to the communal land system in use at the present time. 10. Assimilation is the ultimate goal of Indian education and training programs. 11. The report also recommended the return of the Bureau of Indian Affairs to Washington, D.C. After the above report was made the Senate Investigating Committee (Temporary Subcommittee) was disbanded after 16 years of studies.

Congress did not renew the committee in the 1945 79th Congress.

In 1944 the National Congress of American Indians was formed in Denver to work on and foster Indian interests. Unlike the emotional and relatively unbacked American Indian Federation, the NCAI expected to recruit large numbers of tribes on a tribal membership basis as well as individuals, in an honest attempt to represent the needs and views of the Indian people. Congress seemed to welcome this gesture on the part of the Indians to have a voice for themselves.

During the war domestic policy was on ice so as to speak and no major changes occurred in Indian affairs. After 1939 there was considerable opposition to the President by Congress and this attitude was indicated to some degree in the type of legislation attempted or omitted in Indian affairs. Collier had headed the Bureau and promoted his policy under a hail of fire from Congress for twelve years, undergoing some rather brutal attacks. In the holding action the Bureau used every political resource it could muster from the executive branch, outside groups and through certain parts of Congress special Indian views from back home could make themselves heard.

Obviously the holding operation was a great strain on Collier, the Bureau and particularly upon New Deal policy. The final blow came when the House Subcommittee brought pressure, by threat of cutting appropriations and

Commissioner Collier was forced to resign in March 1945. Collier had served for twelve years, the longest term of any Indian Commissioner. His commander, Harold Ickes had served for thirteen years as the Secretary of Interior, also a record breaking period of time. (Ikes died in Feb. 1952) The average tour of duty in the office of Commissioner has been short. In 1892 Commissioner Morgan said that when he first heard that the average time in office was only two and a half years he wondered at the brevity, but after slightly over three years of battle as Commissioner he wondered that the average term of service had been so long.

The Indian Claims Commission, 1946

The United States Court of Claims was established in 1855 to permit suits against the government. By 1863 claims of the Indian tribes based on treaties were excluded from the jurisdiction of the Court of Claims. (Act of March 3, 1863, 12 Stat. 765) Certain Indian tribes had taken part in the Civil War on the Confederate side and Congress saw fit to bar all Indian tribes from bringing actions in the Court of Claims. Tribes furnishing military units to the Confederacy were the Cherokees, Creeks, Osages, Seminoles, Chickasaws, Choctaws and a mixed group known as the Reserve Indians. The United States, as a sovereign, is exempt from suit except in cases in which it permits allegedly injured parties to bring suit. In the manner of foreign nations, after 1863, it was necessary for each tribe to obtain a special jurisdiction act from Congress in order to present a case to the United States Court of Claims.

The system had many flaws. Only those tribes with funds and political influence were apt to get a case or grievance before the Court. It was an expensive and time consuming arrangement for, in effect, Congress was putting the claim on trial in that body before sending it on to the Court of Claims. Many times when the claim was allowed to go on to the Court the claim was narrowed to such a degree that the tribe did not get its grievances aired in court. Finally,

most of the cases were dismissed even after running the legal gauntlet. As of February 1940 Congress had passed approximately 175 special jurisdictional acts. By then, out of 100 going on to judgment only 26 resulted in Indian recoveries, awards amounting to slightly over $30 million. Other figures indicate that from the years 1881-1950 that of 118 claims presented by the tribes before the Court of Claims, only thirty-four were allowed recovery. The case of the Ute Indians with a settlement of over $31,000,000 was the largest award, but was distributed over three separate reservations, the Ute Mountain Utes and Southern Utes of Colorado and the Utes of Utah. The case covered eighteen years, or from 1932 to 1950. The attorneys fees were set at about 9 per cent of the final judgment.

Criticism of the policy regarding Indian claims includes three factors. One was the large amount of duplication in the investigative work in the litigation. The tribal attorneys did the groundwork, increasing the expenses to be taken from recovery. The Congress conducted extensive investigations on the bills introduced. If the bill was approved then the procedure was repeated in the Court of Claims. A second criticism was that occasionally the jurisdictional act would not cover information unearthed by the Court of Claims and the entire procedure had to be repeated to rectify a "technical" defect in the act. The third criticism was that there must be some method of

expediting the solutions to disputes, vindicating the just claims of the Indians. It would appear to any casual observer that a simplified manner of rendering justice to the Indians could be arranged.

A good many of the claims concerned lands. Before any Europeans stepped ashore the native peoples had fairly well carved up the land into areas claimed by various groups. Generally speaking, every group knew its own territory and were able to sustain life within that territory. Occasionally there were boundary wars among the Indians as among the Europeans. As a rule the earlier powers concerned with the new lands respected to some extent the legality of the Indian land claims.

Some of the claims arise from cultural and social concepts rather than strictly property matters. The Winnebagos filed suit and their case was begun in 1928 and finally was dismissed in 1942 with no judgment for that tribe. They were asking for payment for forced movement from a reservation in Minnesota to one in South Dakota without their consent. If they had remained in South Dakota, starvation and exposure would have wiped out most of them, so they fled and were evenutally settled among the Omaha in Nebraska. They had been attempting to acculturate in Minnesota. The removal broke up their efforts, many of their older leaders died in the hardship of the removal process and quite understandably their social and cultural life was

disrupted and altered in the movements. The Court said that legally the government had been "generous" and dismissed the case. The last reservation was equal in land value to the first so the Winnebagos had no just legal claim, only a moral and ethical one beyond the law. Lands lost to the manipulations of the whites were said to be beyond the courts powers. In this respect some of the legitimate claims of the Indians were not being met. More important, because of lack of money a majority of claims were never made at all despite the desires of particular bands and tribes to receive some settlement compensating for past wrongs they had suffered.

The Meriam Report considered this problem in its review of legal aspects of policy regarding the Indians. The researchers felt that while the benevolent desire of the United States was to educate and civilize the Indian, that goal could not be realized with a tribe when there was any considerable unsatisfied bona fide claim against the government. As there were expectations of large awards which could make tribal members wealthy, attorneys and other outside agitators seeking personal emoluments were a disturbing influence. The Indian mind became sure that justice was being denied and in the end cooperation between the tribesmen and the government was rendered extremely difficult.

The Report stated that since an Indian tribe is not a recognized legal entity and because the statute of limitations is a bar to about all older tribal claims it was necessary to go to Congress for a special act. Such congressional action introduces political considerations into judicial questions. Besides the problems of composition of the committees on Indian affairs, the general attitude of the administration and the standing of the sponsors of the legislation, the Bureau of the Budget had to be considered. A claim could conflict with the financial program of the President. Jurisdictional bills for the California Indians had in six years twice received favorable and twice unfavorable reports from the Secretary of Interior who was required to make some recommendations upon a bill. Thus it usually took years of agitation, propaganda and lobbying to get a special bill passed. Recommendations of the Meriam Report were for settling the legal claims against the government at the earliest possible date. It was suggested that a special commission be created to study those claims which had not been approved by Congress for submission to the Court of Claims. The researchers felt that the Court of Claims was the best agency, that is, was beyond politics and was not the cause of any particular problem. The basic difficulties were the tedious process and great lengths of time required to bring a case before the Court of Claims.

As the difficulties of this policy or lack of policy

were gradually brought to view and as the involvement of Congress and the various government agencies grew to rather time consuming proportions there were at least two major pressures for reform. The first was the elimination of the special jurisdictional acts which seemed in general to continue certain common features and similarities. The other view was that the unsettled claims were having a detrimental effect upon the goals of overall Indian administration, whether they be assimilation immediately or at some distant date.

The Indian Claims Commission Act was passed August 13, 1946 (60 Stat. 1049). The act was to remain in effect for ten years with a deadline for filing claims set at five years. Because of the heavy case load the act was extended an extra five years and will be reextended until the Commission is finished with its work. P.L. 87-48 extended the life of the Commission five years to April 10, 1967. The Commission is presided over by a chief commissioner and two associate commissioners. The Indians are represented by private attorneys and the United States is defended by attorneys of the Justice Department. The rules of evidence are similar to those of any federal court.

Section two of the Act sets forth various claims categories as 1. Claims in law or equity arising under the Constitution, laws, treaties of the United States and

Executive Orders of the President; 2. all other claims in law or equity, including those sounding in tort, with respect to which the claimant would be entitled to sue in a court of the United States if the United States was subject to suit; 3. claims which would result if the treaties, contracts, and agreements between the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity; 4. claims arising from the taking by the United States, whether as a result of treaty of cession or otherwise, of lands owned or occupied by claimant without payment for such lands of compensation agreed to by the claimant; and 5. claims based on fair and honorable dealings that are not recognized by any existing rule of law or equity.

Clauses one and two are based on ordinary legal tenets. The third clause is somewhat unusual in that courts are not entitled to revise treaties, treaties being political matters. However, the clause assumes that if the treaties were revised such and such would be the case which seems to satisfy the separation of political and judicial powers. Clause four was fought rather vigorously by the government in 1956 in an effort to eliminate aboriginal land claims, said claim being derived from the simple use and occupancy of the land. The theory of aboriginal title was discussed at length in the earlier chapters of this study relating to

the historical treatment of Indian lands by the various colonizing countries. In most cases land was purchased from the Indians indicating that they held some sort of title or rights. The attack upon the legitimacy of aboriginal land title had it been successful would have put the Indian Claims Commission out of business. The Department of Justice tried through bold frontal attack and through intermediaries to wreck the basis for most of the Indian claims.

While the purpose of this exposition is to isolate attributes of policy, governmental and private towards the Indians, there is not much more to say about the claims, except to point out that the Indians had grievances and machinery for at least bringing them into court had become the policy of Congress although another branch of the same government was dedicated towards reimburing the Indians with nothing for their time and efforts and losses if possible. Of the first 131 cases heard and brought to final judgment less than four percent of claimed compensation due was allowed. The amount claimed was $926,000,000 and the awards came to $34,199,912.5 A good many cases continued to be dismissed without award. Attorney's fees can be no more than ten percent by law. Attorney's fees for similar

[5]Harold E. Fey and D'Arcy McNickle, Indians and Other Americans (New York: Harper and Brothers 1959) p. 106.

claims not involving Indians run 25 to 50%.[6] It seems to the author that the federal government should be forced to pay the attorney fees rather than subtracting amounts from the judgments, since the entire matter concerns public activities rather than private affairs.

An example of the type of difficulty encountered by both warring bands of attorneys for their clients is that of sacred lands of the Indians. Many tribes had areas that they considered dangerous and or sacred. These areas were seldom visited but were of considerable value to the tribes culture. The taking or desecration by white occupancy or by removal of the Indians from a familiar terrain was a great loss to them. One might say that really there would be no difference between blowing up European cathedrals and the desecration of some sacred religious area of the Indians. In other words, the value placed by the Indians upon certain sacred areas could even be higher than that placed by the average European upon some of the monuments to his religion. Obviously, these are value statements and subject to no end of controversy but the Indian view has to be considered if one is to write a fair analysis of policy and results thereof.

A little known but classical example of such a sacred

[6]American Indians and American Life, The Annals of the American Academy of Political and Social Science, Vol. 311, May 1957, p. 59. Nancy Oestreich Luri, The Indian Claims Commission Act.

area concerns the search for a place called Norumbega. A map published by Verrazano in 1529 used the name Aranbega to designate the region of the New England coast, replacing Vinland. The map published in 1531 by Aubert of Dieppe used the name Norumbega to designate the entire coast from Cape Breton to Florida. Rumor had it that Norumbega was source of Indian gold. In 1534-35 Cartier was searching for Norumbega in Canada, and John Davis representing Henry VIII, was looking for it in Greenland. De Soto was looking for it in Florida in 1639 and in the process butchered over 2,000 Muskhogeans, then moved on westward through Texas to Mexico, searching. Cabrillo searched the Pacific coast. Coronado made his great search through western Texas, New Mexico, Colorado, Utah, possibly Montana, Wyoming, Nebraska, Iowa and Kansas and back to Texas. In 1541 some placed Anorumbega in the region of the Hudson River. Cartier, felt that he was near his goal, and returned to Canada as Governor in 1540 with a party and was joined by Jean Francois De la Roche, Sieur de Roberval, of Picardy, as Lieutenant Governor. Members of the groups begain their task of spreading out all over Canada and taking Indian wives. Cartier then returned to France leaving Roberval and the priests to go on about their work. No priest could work very long among the tribes of the north until he would be learning of the great mystic shrine in the mountains of the prairie of Minnesota, for according to common belief it was

there that the Great Spirit - Gitche Manito - spoke to his children much as the Jewish god Jehovah spoke to Moses from Mount Sinai. It is alleged that the Jesuits hoped to use the Indian symbolism in transforming them into Catholics. Everything that happened is of course unrecorded but apparently the French had found their Norumbega.

The first recorded modern visit of a white man to the Red Pipe Stone Quarry was that of George Catlin in 1832. This is the sacred area that the Dakotas were shielding from the eyes of the gold seekers. According to the Sioux the region of the quarry was sacred because it was supposed to be similar to the Garden of Eden. According to the Indian tradition the red pipestone which this quarry alone yields, had been stained by the blood of the ancestral race which had perished there in a great battle among the Red Nations. They had survived only through the impregnation of three maidens by the Great Spirit. Mystic rites were conducted amid phenomena traceable to Medicine Men hidden in caverns of a wooded cliff near the quarry. It was out of the murmuring falls of the Winnewassa that Gitche Manito was supposed to speak to the Indian pilgrams to the shrine. Longfellow immortalized the legends of the Red Pipe-stone Quarry in the Song of Hiawatha, in 1855.

What happened to the Sioux shrine? In 1851 when the Wahpeton and Sisseton Sioux were induced to cede their lands in the Territory of Minnesota it was at the extreme

insistance of the Evangelical missionaries, who well knew the power of the Red Pipestone Quarry and the Medicine Men, that the government deliberately make the Sissetons, the traditional guardians of this sacred area, include it in the ceded lands. The Sioux tried every way possible in Washington, D.C. to get the quarter section holding the shrine set aside and protected forever by the government against trespass. They failed, for rather obvious reasons.

It is thought that some of the Sioux uprising were connected with some of the feeling generated over the shabby, despicable treatment of their sacred shrine. When Sitting Bull was negotiating through the Canadian Government for an amnesty agreement in order to return to the Unites States he agreed to return and go upon the Sioux Reservation and be confined for two years at Fort Randall, but he would not agree until the government instituted legal proceedings to annul the patent granted in the Pipe Stone Quarry Tract. (United States v. Carpenter, 111 U.S. 350, 1884) In 1881 Sitting Bull was confined. In 1884 the Supreme Court of the United States held in the most unqualified terms that the Yanktons had the exclusive right of occupany in the quarter section holding the quarry. Sitting Bull had won a tremendous victory. But enemies of the Indians are quite resourceful and Congress by Act of March 2, 1889 provided for condemnation of a right of way for a railroad straight through the quarry tract. It could be said that the politicians were

proposing to shine the spotlight of civilization upon the mystic shrine of the Winnewassa while the government ostensibly exercised its right of eminent domain. Sitting Bull and Red Cloud were unable to control the spiritual unrest of the Sioux. Orders were sent out for the arrest of Sitting Bull and in the process Sergeants Red Tomahawk and Bullhead of the Indian Police killed him.

Thus the great Medicine Man of the Sioux became an even greater martyr. Crazy Horse with a large supply of warriors was threatening war to the death. Big Foot began assembling his band on Wounded Knee Creek. General Miles rushed Colonel Forsyth and men with eight Hotchkiss gunss to Wounded Knee Creek. Forsyth called upon the band to assemble and lay down their weapons. Firing commenced and 146 Indian corpses soon lay on the snow covered hill side. The Sioux insisted officially that the massacre was revengeful retaliation for the killing of Custer and his men, but fear of a religiously inspired outbreak had some part in the conflict.

An agreement was made with the Sioux tending to give them rights to the property, and was ratified by an act of Congress in 1894. After the Sioux were quieted down and thoroughly disorganized Congress passed another act (June 7, 1897) at the insistance of the missionaries directing the Secretary of the Interior to negotiate for purchase of the quarry. Finally an agreement was negotiated October 2, 1899 whereby the United States was obliged to pay $100,000 for the

quarry but Congress refused to ratify it. The missionaries were jubilant when they silenced the voice of Winnewassa by causing the lonely cascade to be destroyed by dynamite and the hallowed grove of the shamans cut to the earth, while the ancient graves of the dead buried at the shrine were desecrated by the curious. In 1910 Congress passed a jurisdictional act conferring on the Court of Claims jurisdiction to hear the claim of the Yankton Sioux. The Court declined to render any judgment.

Eventually the area was made into the Pipestone National Monument. Quarrying and working of the bright red partially metamorphosed claystone is possible today under the watchful eyes of the Pipestone Indian Shrine Association whose members include local Indians.[7]

It would be possible to include many more examples of the situations out of which Indian claims cases arose, but 370 cases were filed with the Indian Claims Commission and the above example is adequate for purposes of displaying the controversy over one of the sacred places of a tribe. In 1956 there were 852 claims in 370 docket numbers. In 1956 the Commission had made awards in 114 claims totaling $19,179,639.43 of which $9,384,077.84 was subject to deductions for allowable offsets. Offsets refer to deductions for services rendered the Indians. Most of the tribes

[7]John Sikankas, Gemstones of North America (New York: D. Van Nostrand Co., Inc., 1959) p. 567-569.

object to such offsets. Even a few Indians joke rather seriously saying, "They even charge us for the bullets fired at us". Such a statement is apparently not correct but one can understand their feelings since among the offsets before the 1946 act were charges for depredations, presents, removals, seeds, suppression of liquor traffic, livestock, agency expenses, sheep corrals, medical expenses, employees of all sorts as millers, matrons, mechanics etc., and many more. A few of these classes were removed by the act of 1946, including medical expenses, miscellaneous agency expenses, pay for agents and a few others.

Under the act of August 13, 1946 (60 Stat. 1049), the Indian Claims Commission Act, offsets are permitted such as would be allowable in a suit brought in the Court of Claims under section 145 of the Judicial Code (36 Stat. 1136; 28 U.S.C., sec. 250), as amended, to include all or part of expenditures for the tribe or band against any award made to the claimant. Exceptions are: 1. Moneys spent in removal of the claimant from one place to another at the request of the United States; 2. money spent for agency or other administrative, educational, health, or highway purposes; 3. expenditures made prior to the date of the law, treaty, or Executive order under which the claim arose; 4. expenditures made pursuant to the act of June 18, 1934 (48 Stat. 984) save expenditures made under section five of that act; and 5. expenditures under any emergency appropriation

or allotment made subsequent to March 4, 1933; and generally applicable throughout the United States for relief.

The Commission has been under attack by misinformed writers and enemies of the Indians who view Indian claims as spurious and nothing more than a raid upon the United States Treasury. There are constantly recurring attacks upon the Commission's work and efforts are continually pushed to liquidate the Commission and Indian claims. A summation of the government policies regarding claims will entail a certain amount of value deriving from a person's own particular frame of reference. It is doubtful that complete justice ever arises out of the judgment of a court since many decisions represent compromise, particularly in civil cases. Undoubtedly the Indians receiving judgment funds will benefit to some extent but the results are not spectacular since most Indians have not developed a keen sense of frugality in money matters.

Judgments are rendered upon value of lands at the time of the taking rather than upon potential worth, hence values seldom exceed a few dollars per acre, no matter how valuable the land may be today. For example in 1964 the Duwamish received $62,000 for their claims, although their aboriginal area ranged over parts of present day Seattle. The Sioux controlled the Black Hills area in South Dakota but were not paid for the loss of the millions of dollars of gold they were attempting to protect. In similar vein millions in

silver were taken from the Comstock Lode in Nevada but descendents of the Paiutes who lived in the very area of the mines continue to exist in poverty with no compensation for their minerals. Probably the most important thing is that as United States citizens, the various tribesmen have had their day or to be accurate, "years" in court.

Hoover Commission Report, 1949

The next important evidence of government policy regarding Indian affairs for the 1950s is the survey and recommendations of the Hoover Commission Report rendered by the Commission on Organization of the Executive Branch of the Government. The basic recommendation of the Commission concerning the Indians was that the Bureau of Indian Affairs be removed to a new department, which would contain welfare and education agencies of the government, including social security services as public assistance and Children's Bureau, while education included the Columbia Institute for the Deaf, vocational rehabilitation and others. Federal-state relations and Indian affairs would have been attached separately beneath the Administrative Assistant Secretary of the department. No name was given for the suggested department.

The report stated that "due to the Bureau's diversified duties and responsibilities, there is no Department in the Government where it fits satisfactorily.[8] The reason given for suggesting the removal of the Bureau from the Department of Interior to the new department was that a considerable amount of the Bureau's work involved education. The

[8]Herbert Hoover, Chairman, The Hoover Commission Act. Report on organization of the Executive Branch of the Government. (New York: McGraw-Hill Book Co., 1949) p. 459.

Commission was not unmindful of the Indian resources and suggested that all major resource programs of the government as well as those of the Indians be fully integrated among participating departments. Actually the report expected to bring complete control over natural resources except land into the Department of Interior to defeat conflicting and overlapping functions. Likewise, an overall view of Indian resource operations was suggested.

In stating the Indian problem the report said, "The difficulties that face the Federal Government in guiding the affairs of the American Indians have been emphasized by recent crises. For example, the Navajo Nation, comprising some 55,000 Indians in New Mexico, Arizona, and Utah, is in severe financial straits that have caused widespread malnutrition and starvation. This has occurred at a time when the United States as a whole is enjoying prosperity and virtually full employment. Many other Indian groups, among the estimated 400,000 in the United States face similarly severe conditions."[9] If the results are the measurement of all of the earlier programs the inadvertent indictment by the Hoover Commission Report in 1949 is revealing. The fact of widespread malnutrition and near starvation in the late 1940s among the Indians does little to sustain some of the rather idealistic, pious and pompous views of those who

[9]Ibid. p. 463

through the years knew exactly how to solve the Indian problem. Of course one will not wish to discredit many of the well-intentioned persons who were willing to devote their time and energies towards the Indians and it may be that however primary food is, that alone is not the sole measurement of progress. Nevertheless goals of assimilation and self-support were quite remote for large numbers of Indians.

The report reviews briefly the history of Federal-Indian relations and makes the following recommendations:

> 1. Our task force on Indian Affairs, supported by a considerable body of thought both inside and outside the Government, advocates progressive measures to integrate the Indians into the rest of the population as the best solution of "the Indian Problem". In the opinion of the Commission this policy should be the keystone of the organization and of the activities of the Federal Government in the field of Indian Affairs.
>
> 2. The Commission recommends that, pending achievement of the goal of complete integration, the administration of social programs for the Indians should be progressively transferred to State governments.
>
> 3. The Commission recommends that all agencies concerned with Indian affairs, including State and local governments, should take part in comprehensive planning of programs to carry out this policy.
>
> 4. The Commission recommends that the objectives of the proposed joint planning should include:
>
> a. Adequate education for the entire Indian population.
> b. An adequate standard of living.
> c. Progressive reduction of mortality and morbidity rates.
> d. Progressive transfer of social program responsibilities to that State and local governments as recommended above.

e. Ultimate transfer of responsibility for medical services to local governments or to quasi-public bodies.

f. Transfer of tribal property to Indian-owned corporations.

g. Participation of Indian people in political and civic life of the States.

h. Termination of tax exemption for Indian lands.

All programs should be specific and definite dates should be set for attainment of each major element.

5. The Commission recommends that, in addition to these general efforts to improve the Indian's lot, the program of assistance toward economic stability have two parts:

a. Young employable Indians and the better cultured families should be encouraged and assisted to leave the reservations and set themselves up on the land or in business.

b. Tribal and Indian enterprises should be put on a corporate or cooperative basis as far as possible.

6. The Commission recommends the following steps be taken to establish such business enterprises:

a. Each important enterprise should have its own charter and board of directors.

b. Basic policies and objectives should be incorporated in the charter.

c. Members of the board of directors should be preponderantly drawn from the Indian community and should be held financially accountable.

d. Other members of the board should be appointed because of their business or technical competence.

e. The creation of such corporations should be a part of the comprehensive program for each area.

f. As such corporations are set up and begin to function successfully, administrative supervision by the Indian Bureau should be relaxed and eventually discontinued.

g. The accounts of these corporations should be audited annually.

The report also emphasized the value of the corporate device to end the troublesome problem of heirship lands. It was recommended that steps be taken to strengthen the elected tribal governments or councils on reservations and to make them more representative. "Tribal government should be regarded as a stage in the transition from Federal tutelage to the full participation of the Indians in State and local government."[10]

The remaining recommendations refer to administrative problems:

> 7. Superintendents are shifted too often from one area to another. The Commission recommends:
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> a. That a superintendent who is inadequate or inefficient be disciplined and the policy of undue leniency in this regard be abandoned.
>
> b. That the Washington Office use more personnel with field experience.
>
> c. That each superintendency have a range of at least two grades under the Classification Act to allow promotion based on merit at any given post.
>
> 8. The Commission further recommends:
>
> a. That the Commissioner of the Bureau of Indian Affairs be a professional, permanent administrator; that, since the department head to whom the Indian Service is attached must assume political responsibility, he should appoint the Commissioner.
>
> b. That budget and appropriations be made upon the basis of area programs.

[10] Ibid. p. 468.

c. That the Commissioner of Indian Affairs be free to organize the Service. However, consolidation of field jurisdiction should not be carried too far, and the emphasis should be on geographic areas suitable for programming. Greater authority for administration should be delegated to the superintendents. All of these suggestions are aimed at greater local autonomy.

9. The Commission recommends that, pending discontinuance of all specialized Indian activity on the part of the Federal Government, the Bureau of Indian Affairs be transferred to the new department which we have proposed as the successor to the Federal Security Agency, thereby associating it with the new department's social services.

The Commission recognized that the Indian economy is now based almost exclusively on land and that federal assistance for irrigation, timber management and grazing would have to be an important part of the total program, and that the Department of Interior and the Department of Agriculture would have to offer greater assistance to Indian owner-operators than to other private land owners. The major subject areas the Department of Agriculture should be concerned with are: a. Technical Assistance; b. Soil Conservation c. Credit Problems d. Timber. The subject areas for the Department of Interior are: a. Irrigation; b. Grazing; c. Fish and Wildlife d. Mineral Rights.

The Report was concerned basically with organization and increasing efficiency in government hence concluded that no immediate cuts could be made in expenditures for Indians without delaying progress and postponing the time when expenditures could be curtailed substantially. "In the end, the residual Federal expenditures for Indian affairs should

be quite small." When the objectives of the above recommendations are met the Commission felt that special Federal aid to State and local governments for Indian programs should end. "The Indians will have been integrated, economically and politically, as well as culturally."

The Commission concluded, "The length of time before expenditures can be reduced, without building up future costs, will depend largely on the vigor with which the program outlined here is pushed. A clear and consistent policy, leadership and stable financial support will be essential."

John Leiper Freeman, Jr., a Harvard professor who served on the study added comments concerning policy.[11] He saw the main question as being what kind of assimilation and how fast? His answer was that an Indian should be able to earn a living and to enjoy living within the pattern of American life retaining "Indian" ideas, attitudes, habits, customs, and manners only if they did not exclude or isolate him, "in his mind and in the minds of others".

In seeking this happy state of affairs Professor Freeman felt that hasty detribablization had proved a failure. The basic needs of the Indians in 1949 were for economic assistance and education, with continuity and rationality of programs. He also felt that tribal self-government can

[11]John Leiper Freeman, Jr., A Program for Indian Affairs, The American Indian, Vol. VII, No. 1 Spring 1954, Association on American Indian Affairs, New York, New York, p. 48-62.

and should be strengthened by entrusting economic enterprises to corporate bodies, leaving tribal councils to essentially political matters. Suffice to say here that his advice flies contrary to the thinking of some development experts who in the mid 1960s feel that the political arena of economic development has been sadly neglected in many attempts in technical assistance, foreign aid and like services. However, he is partially right because most Indian councilmen have little if any knowledge of operating a modern corporation, or any other large scale business. Professor Freeman was advocating the strengthening tribal self-government which seems incongruous with other aims of the report such as turning all Indian affairs over to the states as soon as possible, and complete assimilation. The great termination BLITZKRIEG in the mid-1950s indicate that the ideals of the Buffalo Party, which in effect means totally wiping out the Indians, is still just as much a determinant to federal policy as in the century past and is inherent in many of the views of the Hoover Report, however enlightened Mr. Hoover considered himself.

Overlook of the New Deal

Before moving on into the termination program of the 1950s and associated difficulties, let us take a brief glimpse at the advances made in Indian welfare under the Indian New Deal, if any. The official statement in the 1949 Hoover Report that there was widespread malnutrition and starvation in the late 1940s among some of the Indians does not indicate any great alleviation of Indian economic problems, nor any inherent intelligence in administering Indian affairs.

The major things accomplished under the Indian New Deal were: 1. The Reorganization Act of 1934 including the addition of Alaska and Oklahoma in 1936. 2. A concentrated attack upon problems of physical resources. 3. Greater effort to further Indian employment. 4. Efforts to stay Indian land losses, and in some cases add to acreages. 5. Increased emphasis upon education. 6. Replacing the restrictions upon Indian culture with utilization and encouragement.

There was a certain amount of chaos resulting from rumor, undue influence and lack of knowledge. Some Indians thought that they voted for the original Reorganization Bill. Some refused to have anything to do with the IRA legislation having been burned by trusting the government earlier, or else they saw no way that the act could help them. Others

felt that when the constitutions and charters were drafted the Department of Interior had too much veto power over tribal actions, since the Department, under the law, was required to approve many tribal actions.

A total of 263 tribes voted on the Indian Reorganization Act with 192 accepting it and 71 rejecting it. As of December 30, 1950, corporate business charters were made for 73 tribes under the IRA, 15 under the Oklahoma Welfare Act and 66 under the Alaska Welfare Act.

On the brighter side, in four years Congress added 1,200,000 acres of land to Indian holdings, by legislation. The credit program was quite a success. From June 30, 1936 to June 30, 1952, all types of loans by the Bureau totaled $30,911,060, of which $22,797,722 was repaid, and $91,268 was charged off. The interest rate was three percent. Thus from 1936 to 1952, losses due to charge off amounted to 0.22 percent.[12] This is an exceedingly good record when the operational difficulties, types of loans and quality of credit bases are taken into consideration.

With more land and credit there were more cattle and more farms. In 1932 the Indians owned 171,000 head of beef cattle and 11,003 dairy cattle. Income from this resource for that year was $1,230,000. By 1944 the beef cattle had

[12]W. A. Schoenfeld, "A General Review of Credit Policies and Procedures of the Bureau of Indian Affairs", A Report to the Commissioner of Indian Affairs, January 3, 1953.

increased to 361,000 and dairy cattle to 50,700 head. Income was over $15,000,000 and products valued at over $7,000,000 were used in home consumption.

A survey and planning unit called the Technical Cooperation Bureau of Indian Affairs or TC-BIA was set up to make human and physical resource surveys on the reservations and prepare recommendations for erosion control, soil care and improved land use. This unit lasted until 1939 and made surveys on more than fifty reservations. In 1943 superintendents from various areas and tribal governing officials were instructed to cooperate in the preparation of comprehensive long range plans. Under this effort some sixty-seven plans were prepared with budget estimates and yearly schedules for the work. The fact that surveys were made does not mean that they were carried out with any diligence, or even started.

Under the Reorganization Act Indian forests were in some cases placed under the principle of sustained yield management. That is, the harvest is perpetual, with replanting as required, with professional, commercial management utilizing the best known forestry or silviculture practices. This principle was not applied to all Indian forests however, particularly the privately owned "allotments". Some Indian forests have never been cared for in such a manner.

Other works included work on hospital buildings and educational plants. In education there were shifts of children to public schools in California and Washington in 1935 following recommendations of the Meriam Report. Emphasis was placed on vocational training and on arts and crafts. An Arts and Crafts Board, which worked with the educational staff worked to increase production, aid marketing and increase standards of products. General opinion regarding this period is that beneficial things were started and gains exceeded losses.

In March 1944 Commissioner Collier, responding to the attacks upon him by the Senate Committee on Indian Affairs (Partial Report 310) made his valedictory, though he did not know so at the time:

> . . . We have tried to energize the Individual Indian and the group, and to equip individual and group with knowledge and skills to enable them to go into the white world successfully if they want to or to hold their own and make their way where they are if they want to. That is the meaning of the Indian Reorganization Act and of all other major things we have been working at . . . In brief, we have quit thinking about assimilation and segregation as opposite poles and as matters of "all or nothing." They are over-simplifications of thinking which do not connect themselves with the dynamic realities. Indians are more themselves than they have been for a long time, and they certainly are more assimilated than they ever were.

The policy of the Indian New Deal was killed under the President Eisenhower Republican Party administration when many of the programs mentioned above, most in fact, were shut down or abandoned. Bureau support and guidance were

withdrawn. The parts of the Hoover Report calling for assimilation and turning Indian affairs over to the states were taken to mean, by members of the omnipresent Buffalo Party, that there should be nearly immediate termination of all relations between the federal government and the tribes, the reservations should be split asunder and the tribesmen scattered to the far corners of the land. All of this was to take place as much as possible in secret behind the Indian's backs so that they would be presented with a fait accompli, irrevocable presumably.

Chapter Close Appendix

Wheeler-Howard Act

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, Purchase, or otherwise, shall be allotted in severalty to any Indian.

Sec. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

Sec. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, that this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: Provided further, That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands on the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided further, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of Interior

but not to exceed the cost of said improvements: Provided further, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribes: Provided further, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: Provided further, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202)

Sec. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: Provided, however, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: Provided further, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary

exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

Sec. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: Provided, that no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congressand embodied in the bills (S.2499 and H.R.6927) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

Sec. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

Sec. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add

such lands to existing reservations: Provided, that lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

Sec. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

Sec. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

Sec. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribed, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

Sec. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools; Provided, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

Sec. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil service laws, to the various positions maintained, now or hereafter, by the Indian

Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

Sec. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16 shall apply to the Territory of Alaska: Provided, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this act shall not apply to the Indians of the Klamath Reservation in Oregon.

Sec. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat. L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat. L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat. L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

Sec. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

Sec. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and by laws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

Sec. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: Provided, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

Sec. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty day's notice.

Sec. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendents of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Approved, June 18, 1934.

CHAPTER VI

CONFUSION OF THE ENLIGHTENMENT

Buffalo Party Philosophy of the Fifties

After John Collier left the Bureau of Indian Affairs as Commissioner he was replaced by William A. Brophy, a man with ill health. Brophy was Collier's choice for Commissioner, but was because of his health unable to bring his strength to bear relevantly upon Indian problems. He left the office in June, 1948. John R. Nichols served until April 1950 with little controversy or public attention.

In May 1950, Dillon S. Myer was appointed Commissioner of Indian Affairs. His best and only recommendation was that he had had experience as Director of the War Relocation Authority which moved the Japanese from the west coast in World War II. The late Felix S. Cohen, an attorney who was one of the leading authorities on laws pertaining to Indians said in the February 1953 Yale Law Review: "Like the miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our democratic faith." According to Cohen's analogy the Indians were in for a good dose of gas, for the enemies of the Indians had gotten their man into the saddle under Democrat President Truman. It is

probably safe to say that the President did not know much about Indians or Indian problems in depth.

A number of things began to occur which one would tend to question. A Secretarial letter to a Washington, D. C. attorney making a basic decision regarding Blackfeet procedures in elections was not received by the tribe or their attorney. In another case at Fort Berthold, after two years of squabble a Departmental decision made possible the holding of an election. One of the competing tribal factions learned that the Bureau decision called for tribal action within a time limit, from a private citizen and not the government. Land belonging to the San Ildefonso Pueblo in New Mexico was sold without Indian consent. The right of some tribes to select their own legal counsel was stopped by the Bureau until the American Bar Association appointed a commission which complained about the Bureau's action. Under Myer, the practice of consulting Indians on legislation or other matters affecting their welfare was almost halted. In some cases the Bureau refused to deliver statements concerning balances of their tribal funds held on deposit in the United States Treasury.

The effects of Myers powerful dictatorship type program was to create an atmosphere of hostility and lack of faith, Indians faith in the Bureau being rather weak in the first place. Myer was supposedly acting under orders from Congress in-so-far as the Republican-controlled 80th

Congress had decided to cut down on "big government" and the services of government. The Bureau of Indian Affairs in 1947 and 1948 was operating on a modest budget, inadequate as usual, for the needs of developing Indian resources. Such fact was of no consequence to United States Senator Arthur V. Watkins, a lawyer from Utah. He gained a seat in the Senate in January 1947 and managed to get himself on the Subcommittee on Indian Affairs and as Chairman during the Eightieth and Eighty=third Congresses. Myer was carrying out policy made primarily by Watkins, who wanted immediate termination of all federal relationships with the Indians.

The opening moves by the informal Buffalo Party came through the Senate Civil Service Committee (Senator Langer, Chairman) which conducted a hearing in 1947 to see what specific reductions in expenditure the Bureau might put in force. The Bureau did not respond immediately and the Acting Commissioner William Zimmerman, Jr. was subpoenaed by the committee and required to return on the following day with information and documents to indicate what tribes could be removed as soon as possible from government supervision and of course, the approximate amounts of money that might be saved by such action. The alleged purpose of the hearing was reduction of numbers of federal employees. Zimmerman testified that Bureau services could be curtailed or eliminated as to certain tribes and reservations by groups. Zimmerman attempted to be as objective as possible under

this hostile third degree treatment and suggested several criteria for selecting the tribes to get the axe first. His criteria were: 1. The degree of assimilation of a tribe, as indicated by acceptance by the Indians of Anglo habits and acceptance of the Indians by the Anglo community. 2. The economic level of a tribe, which should for termination show at least reasonable possibility of supporting themselves through available resources 3. Willingness of the tribe to dispense with federal aid and guidance and 4. Willingness and ability of states and communities to provide public services.

Lists of tribes were established, arbitrarily selecting those tribes somewhat acculturated for removal soon, those less acculturated for removal a little later and finally those obviously unable to make their own way for a few years due to lack of education, nonuse of English or great impoverishment were to be terminated at a little later date. This method of selection was as unprofessional as humanly possible, but nevertheless Congress repeatedly used the information supplied under the manner indicated as evidence that the time was at hand to terminate immediately the federal trusteeship for the tribes specified by the Acting Commissioner and all others as soon as possible. The criteria which the Acting Commissioner attempted to use in selection of tribes for congressional action was ignored.

Of most interest from the standpoint of United States policy towards the Indians, the Indians were not consulted in any degree whatsoever in forming congressional termination policy.

Before turning to Senator Watkins role, further consideration is now given to Myer's task of carrying out Congressional termination policy as advanced by the Civil Service Committee. Under Myer's administration policy a number of top experts on Indian affairs in the Bureau, who were unable to reconcile themselves to the new policy resigned. The Area Director's powers were increased while the Superintendents who were on the tribal scene were shorn of power over funds or personnel. Other higher staff members were replaced by young effective administrative experts who knew nothing about Indians. Myers even suggested that Bureau employees carry weapons on the reservations should the Indians disapprove of their treatment.

Credit to the Indians was stopped, despite the almost perfect record of repayment. From June 30, 1936 to June 30, 1952, all types of loans by the Bureau totaled $30,911,060 of which $22,797,722 had been repaid and only $91,268 charged off. This loss rate amounted to 0.22%. Despite this record Myers stopped Bureau revolving loan fund credit to Indians and said that the Indians would have to go to banks and other organizations for their credit. This device has many attractive ramifications for despoilers of the Indians. Through foreclosure many Indian lands could be gained, and

without"paternalistic" Bureau supervision the rate of foreclosure could be surely increased. Zimmerman said that allowing mortgages upon trust lands would make the mortgage just one more easy road to land alienation.

Commissioner Myer emphasized the policy of transfer to other agencies and organizations of services provided by the Bureau as soon as possible. During Commissioner Myer's administration, agreements were reached with more than 43 bands and groups of Indians in western Oregon and with 115 identifiable bands and groups in California looking toward termination.

With the Bureau actively engaged in cutting credit, running out experienced employees and slowing the development process to a halt, Congress stepped in with another strong punch. House Resolution 698 adopted in the second session of the 82nd Congress on July 1, 1952 directed that a "full and complete investigation" be made of the activities and operations in the Bureau of Indian Affairs. The House did not appropriate funds for the survey and the Commissioner of Indian Affairs, Myer was directed to make a report which included: The manner in which the Bureau of Indian Affairs had performed its functions of studying the various tribes, bands and groups of Indians to determine their qualifications for the management of their own affairs without further supervision of the federal government; Names of tribes, bands, or groups of Indians now qualified for full management

of their own affairs; The legislative proposals designed to promote the earliest practicable termination of all federal supervision and control over Indian affairs and recommended legislation for removal of legal disability of Indians by reason of guardianship by the federal government.

Myer in his memorandum of August 5, 1952 stated:

> During the past fiscal year the Bureau has devoted a great deal of effort to the development of withdrawal concepts and policy. Bureau personnel have been encouraged to give increasing emphasis to withdrawal objectives in their work with Indian groups and individuals in program development and effectuation. In the central office, we have established the Division of Program, whose primary responsibilities are to render guidance and assistance to Bureau personnel engaged in withdrawal programming at area and agency levels and to formulate Bureau withdrawal programs in cooperation with other central office staff at national levels. We have reached the state where it has become desirable to crystallize certain Bureau withdrawal policies, establish methods basic to the development of withdrawal programming, and fix responsibilities for proceeding with the task.

Myers also said that, "We must proceed, even though Indian cooperation may be lacking in certain cases."

Senator Watkins of Utah who had as Chairman of the Senate Subcommittee on Indian Affairs been pushing Congress and the Bureau strongly towards termination of the Indians completed his master stroke with House Concurrent Resolution 108 (Senate concurring) in 1953. In the 83rd Congress two major policy setting documents were created. Public Law 280 allowed states to assume civil and criminal jurisdiction at will over the reservations, with no necessity or requirement for consent of the Indians affected. Both P.L. 280 and

H. Con. Res. 108 were passed in the hurried days of the First Session of the 83rd Congress, with little or no advance notice and with almost no discussion, although they established policy of the utmost importance to Indians and to the entire country. House Concurrent Resolution 108 was passed August 1, 1953 while Public Law 280 was approved August 15, 1953. The enemies of Indiansreservation development had hoped that by slipping these measures through they could present the nation and Indians with the accomplished actions and that sentiment would be too weak to reverse their actions. They had already made major gains by wrecking the development programs which John Collier had worked so hard and long to institute. House Concurrent Resolution 108 follows:

> Whereas it is the policy of Congress, as rapidly as possible to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now therefore, be it Resolved by the House of Representatives (the Senate concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following-named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from the disabilities and limitations specially applicable to the Indians; The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Menominee Tribe of Wisconsin, the

> Potawatomi Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas, and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation, as in his judgment, may be necessary to accomplish the purposes of this resolution.

This resolution completed the repudiation and abandonment of a great twenty year effort to bring the knowledge of human and resource development to bear upon the Indian reservations and their people. The resolution is written in high sounding terms, appealing to the general public, but crosswise with the actual truth. The Indians are subject to the laws of the United States, and are entitled to the same privileges and responsibilities that are applicable to anyone else. What actually bothers the Indian's enemies is that the Indians were getting a little extra assistance from the government and might actually someday become prosperous. The Indians are not wards of the government at all for they are free to come and go as they please. As far as the rights and prerogatives pertaining to American citizenship go, the Indians have all of them, including the right to go fight wars

overseas to protect their antagonists. The enemies of the Indians never waste any of their time crusading for full integration of the Negros, Jews, Gypsies, Basques or other racial groups. If they are so anxious for all Americans to be perfectly *conforming* one seriously wonders why they do not apply their abundant energies to the Negro problem. If they really mean that assimilation of all races should be complete, one of the best places for them to start for experience might be setting up a hugh government program encouraging marriages between the Anglos and Negros, with appropriate bounties and subsidies to get the job done.

The resolution also encompasses the general idea of genocide since it implies the use of deliberate, systematic measures toward the extermination of a racial, political or cultural group. In its worst sense the word implies the use of physical destruction but in lighter vein the aim of the enemies of the Indians has been to completely eliminate Indians from the society of the United States as a racial or cultural group. Indians were belatedly made citizens in 1924. They pay all taxes that other citizens pay, except that their trust property is exempt as a condition of protection. There are many groups in the United States who enjoy tax-free advantages. Certain types of bonds, veterans, homesteads, coops, churches, foundations, part of mineral incomes including oil are all subject to certain exemptions. The Indians were induced through duress to sign treaties giving

up hugh tracts of valuable lands, some of which contained mineral worth billions of dollars. It seems that the Indians could under the circumstances have some moral right for respectful treatment, preferential to other races including the ubiquitous Anglos. Many other groups in the society of the United States receive preferential treatment, such as cotton exporters, cotton growers and even cotton mills. The idea that everyone should be treated equal economically by the government is certainly a myth. Perhaps governmental "wardship" for the cotton and oil industry should be terminated, for the savings would be tremendous compared with savings from the Indian program.

The principal difficulty with the policies of the terminationists is that they were not formed through the democratic process and are a complete anathema to the ideal of democracy of the United States. Evidence indicates that the instigators of the new policy were anxious to shove their documents through Congress as far from the light of the public eye as possible and with no consultation or bargaining with the persons directly affected, nor with the nearby communities which are also invariably affected. Worse, there is deliberate fraud practiced upon the general United States public, for the average person assumes that the Bureau of Indian Affairs is taking good care of the Indians and helping them on the way to economic independence. In fact many people believe that the government pays Indians

every month just because they are Indians, which is untrue. Contrast this view of the public then, with the continual battles, corruption, suspicion, hatefulness, fraud and never-ending stream of controversy regarding Indian affairs. When one contrasts an illiterate Apache sitting in his little desert wickiup, depending upon a few hungry sheep for a livelihood, halfway hoping the Great White Father will stand by him, with the conniving civilized thieves who suspect there is oil under that Apache's wickiup and who with pious, high sounding propoganda about freedom and citizenship are attempting to snatch the desert sands from under that Apache, one is almost moved to take some action to alleviate such a disgusting and unbalanced situation. When the antics of the followers of the Buffalo Party philosophy became more generally known, many friends of the Indians, though they are always short in supply, spent tremendous amounts of effort, time and funds to make the Indians story known to the general public for democratic deliberation and action. The effects of such an aroused public were not fully felt until the administration of President Kennedy in 1960. But first, what were the immediate effects of the genocidal proclivities of the Buffalo Party, meaning chiefly the self appointed Redeemers and accompanying pack of friends who represented neither the American public nor the recipients of their policy?

Termination Policy

According to Senator Watkins of Utah, Acting Commissioner of Indian Affairs, William Zimmerman, Jr. testified that about 4,000 Indians were then ready for immediate freedom from further special federal control. Watkins said further that the statements made by the Acting Commissioner vividly recalled Congressional attention to the fact that specific groups of Indians were then regarded as prepared for on-the-spot freedom from their wardship status. Watkins is more than slightly carried away by his interpretation of Zimmerman's forced testimoney. In fact Watkins appears to be almost a fanatic. In an article written for the Annuals of the American Academy he concluded, "Following in the footsteps of the Emancipation Proclamation of ninety four years ago, I see the following words emblazoned in letter of fire above the heads of the Indians - THESE PEOPLE SHALL BE FREE!"[1]

Watkins method of freeing the Indians included freeing their properties from the protective controls of the federal government, rather than seeing the tortured gains under the Collier administration be strengthened toward eventually bringing the Indians at their own pace and with their own leadership to reasonably desirable education and economic levels wherein it is presumed they would voluntarily request

[1]Arthur V. Wakins, "The Removal of Restrictions Over Indian Property and Person, "Annuals of The American Academy, Vol. 311, May, 1957, p. 55.

that governmental services be lessened in such manner as not to create vacuum between the tribes, local governments, state governments and the national government. As a former newspaper editor, senator and lawyer Watkins knew full well that he intended to wreck all Indian development programs, free the tribesmen from their lands and see local people take over. This was particularly true in Utah since Watkins lived near the large Uintah-Ouray Reservation between Roosevelt and Vernal, Utah. Whether he did this rationally, as a religious fanatic, or as a result of mental aberations is not really important to this study. What is important is that as Chairman of the Senate Subcommittee on Indians he was able with the aid of friends, of course, to bring about a complete reversal of national policy and in the process violating accepted rules of democracy and performing an action which is no less totalitarian than those perpetrated upon innocent peoples by the Nazis or Communists, with the exception of direct physical violence, although that was threatened with the suggestion that Bureau personnel carry sidearms on the reservations in the early 1950s. If the Indians had been honestly consulted and had voluntarily requested termination of federal protections there would be little problem. Most of the tribes strongly resisted termination when they discovered what was going on. A few individuals were anxious to sell their reservations in order to get their share of the receipts, consequently money was

used as a bribe and lure. The legal question persists as to whether an Indian has an individual right to the property of the group. If a person leaves the United States he is not entitled to demand his share of the national wealth for his own personal benefit, for he has no such share to demand. Whether similar reasoning can follow the tribal reserves is not clear.

In 1954 bills were introduced and hearing held on twelve Indian groups totaling 1,715 printed pages. Legislation was enacted to release the Alabama-Coushatta Tribes of Texas, (the state of Texas took the approximately 4,000 acre reserve into state trusteeship), the Klamath of Oregon (Klamath, Modoc and Yakooskin Snakes), the tribes of Western Oregon (Grand Ronde, Siletz), the Menominee Tribe of Wisconsin, small bands of Utes in Utah (Shivwits, Kanosh, Koosharem and Indian Peaks Bands of Paiutes), and the mixed blood Uintah and Ouray Utes in northeastern Utah. The Peoria, Ottawa, and Wyandottes of Oklahoma voluntarily requested termination. Most of them are mixed bloods, did not live in Indian communities as such, and had very few characteristics that would differentiate them from the normal white community except for limited land holdings being held in trust by the government.

Two case studies are included in the Chapter Close Appendix, this Chapter, which will depict the difficulties inherent in termination attempts from the Indian viewpoint.

The volume of materials on specific laws and actions is quite large, but only rarely does the Indian view of the various things that are happening to him ever become registered in ink upon the printed page. Also, despite Congressional desire to rid itself of the tribes, none were really "ready" for the problems of adjustment to be faced in the immediate transition. Further one wonders why there was need to end the Indian problem immediately since the Indians pose no internal subversion or national security threat; were not bothering anyone; did not cost the government much in comparison to say, national defense or agricultural subsidies; did not ask for this treatment; and finally it did not appear that the world was about to end and this task had to be completed first. A few general cases follow to indicate the results of the new Congressional policy.

The Kiowa, Comanche, Apache Separation Battle

What happened to the legendary Kiowas and Comanches of the high plains country? The Medicine Lodge Creek Treaties of October 21, 1867, 15 Stat. 581, 592 signed near the present town of Medicine Lodge, Kansas provided for the confederation and incorporation of the Kiowa, Comanche and Kiowa-Apache tribes for the purpose of accepting a permanent home on the reservation described therein and for the joint and equal sharing of all benefits and advantages arising from the treaty. The Kiowa-Apaches were a small band of Apaches that followed the Kiowas for protection during the pre-conquest days, and more recently included those few members of Geronimo's band who elected to remain in Oklahoma after their release from captivity at Fort Sill, Lawton, Oklahoma.

The land area of the reservation covered what is now Tillman, Cotton, Comanche, Kiowa and the southern part of Caddo county and also a narrow strip running along the west side of Jefferson, Stephens and the south part of Grady, the line being the 98th meridian. The area was indicated as tract No. 510 in Royce's Land Cessions and covered 2,991,933 acres.

Under the Jerome Agreement of October 6, 1892, 31 Stat. 676, the three tribes ceded the lands acquired under the Medicine Lodge Treaty for allotments under provisions of the General Allotment Act of February 8, 1887, 24 Stat. 388, or

more commonly known as the Dawes Act. The Jerome agreement modified the amount of land to individual allotments of 160 acres. After twenty five years or longer the allottee was to secure a patent in fee allowing disposal of the land as desired. Extra land was declared surplus during the allotment and was opened for homesteading.

The breakdown of the KCA land follows:

KCA Reservation		2,991,933 acres
Allotments to Indians	445,000	
Pastures	480,000	
Agencies, schools, etc.	10,310	
Wood Reserve	23,040	
Total Reserved to Indians		958,350
Acreage acquired by the United States		2,033,583 acres

Under the Jerome Agreement 480,000 acres known as "The Big Pasture" were retained. In December 1906 portions of the Big Pasture were taken from the three tribes and opened for settlement.

Historically then, the three tribes were united in 1867 by law and soon settled upon lands in Western Oklahoma. Most of the lands not allotted were declared surplus and taken away from the tribes for white settlement. As time passed allotments were sold and disposed of to non-Indians by Indians who needed the money to live on. In many cases they would sell their allotment and move in with someone else who still had a piece of land. The consolidated tribe did not purchase the Indian lands being offered for sale because the tribe did not have the funds and official policy was against any such economic consolidation at least until the

New Indian Deal in the thirties of the twentieth century.

Efforts were made to make a single tribal government among the tribes to carry on various areas of their business affairs. Since Oklahoma did not come under the Indian Reorganization Act, the tribes decided to form an organization under terms of the Medicine Creek Treaty of 1867. On January 28, 1932 the General Council of the KCA (this abbreviation is used by the tribes members to denote themselves) met to adopt a Constitution and By-Laws for the operation and government of the three tribes in furtherence of the provisions of the Medicine Lodge Treaty. It is curious that about fifty years elapsed before the tribes attempted to organize but this lack of action was not their premeditated doing, but rather represents official United States policy of attempting to assimilate the tribes.

The term General Council refers to the entire constituency of the tribes, called into a special session for some special matter. The tribes adopted a Constitution and by-laws in 1932, amending the Constitution again in October 2, 1935 by another General Council. Basically the objective of the Constitution was to secure harmony in relations between the Indians as one tribe for business purposes and the government, strive for economic improvement and promote close cooperation among the Indians of the three tribes.

Congress passed the Oklahoma Welfare Act on June 26, 1936

which opened the way for Oklahoma Indian tribes to organize and adopt Constitutions and By-laws. Final approval of a Constitution rested with the Secretary of Interior. Upon a majority vote of the qualified Indian voters the Secretary issued a charter of incorporation to the tribe. Accordingly the KCA voted in late 1937 on the acceptance or rejection of organizing under the Oklahoma Welfare Act. The Kiowas voted 348 against and 302 for. The Comanches voted 472 against and 162 for. The Apaches voted 61 against and 62 for. Upon petition by 66 members another election was held by the Apaches and the final vote was 73 against and 62 for. Consequently the KCA voted not to organize under the Oklahoma Welfare Act. The primary reason for turning down the act is that they felt that the government would have overly strict authority over their business affairs.

In 1940 the Constitution and By-laws adopted in 1932 together with the 1935 amendment were again amended by a General Council and authorized to function outside the Oklahoma Welfare Act by the Commissioner of Indian Affairs in a letter dated July 12, 1940. Eight years after the adoption of the Constitution and By-laws the KCA was ready legally to embark as a united group upon their initial objective of helping to raise the economic status of the KCA people. By the late forties the group, operating under their own steam, was actively interested in an agricultural development plan and program, a unique undertaking to say

the least in view of the tribes history and their cautious, conservative nature. Termination policies of the early fifties arose to hit them right squarely between the eyes with a solid thump. Let us see what occurred. (the following material is from a private, personal report the author made at the tribes request in 1958-1959)

In 1949-50 a thirty year financial aid plan was drawn up by Dover Trent, a well respected Bureau of Indian Affairs agricultural employee, and leading members of the three tribes. The amount of a tribal revolving loan fund was set at $800,000. The main uses of the loans were to be farm and small business loans, loans to help landless Indians get started in farming, purchase heirship lands being sold and aid Indian high school graduates desiring to attend college. The program was submitted to the Bureau where it was altered and returned with proper rules, regulations and fine print. Trent was quickly moved to another job elsewhere against his will and his secretary Miss Burdow was also moved. The Indians say that Trent died the next day after taking his new office. G. C. Gardiner, a farmer near Ft. Cobb, who had absolutely no experience with Indians or formal credit background, was selected to guide the program with a loan board comprised of two Kiowas, two Comanches and one Apache. The Apache was said to be a full blood Mexican which may have little bearing upon his work but was an additional source of irritation due to the charges of misrepresentation until he

resigned. (Interviews with Henry Lookingglass, Comanche, Edgar Montetache, Comanche, Robert Goombi, Kiowa, and Scott Tonemah, Kiowa, during November and December 1958)

Just what happened regarding the loan program is not recorded in professional detail but unwise loans were made, that is, loans were made without an adequate understanding of the agricultural situation. The Indians say loans were made to Indians of other tribes and that some businessmen got kickbacks on sale of equipment when they helped get a loan through. Some Indians borrowed and used money for other purposes. Other Indians could not get loans though apparently qualified. There were a great many irregularities with accompanying hard feelings and the Indians on the Board were not given authority to act so were relatively helpless.

In Eastern Oklahoma, a similar credit program fully utilized Farm Management Supervisors of the Indian Service or farm extension agents to ensure practicability of any loan. During the loan period the Indian was encouraged to freely consult these agriculture experts regarding methods, markets and so

forth so as to ensure success as near as humanly possible. In Western Oklahoma these skilled agriculture men, graduates of agricultural colleges and usually with farm life background, were not asked for advice in granting loans or for guidance of the Indians. The man who helped draw up the plans was in his grave, due partially at least to ill treatment by higher bureaucrats according to Indian thinking. The situation initially was perfect for progress but not followed through.

By 1951 there were a number of foreclosures and by February 15, 1954 the entire loan program was declared in default by the Bureau of Indian Affairs and turned over to the Justice Department for collection. This action was a direct result of termination policy. Foreclosures were handled as badly as loans as they were not adapted to farming conditions. A farmer usually has only several periods in a year when he has crops for sale and a forced sale at any but the most opportune market and crop time is a sure way of sending years of farm work and perhaps the enterprise down the drain.

Under terms of the revolving loan agreement $800,000 was to be loaned with one half due in 1966 and the other half due in fifteen more years. However only $300,000 was loaned upon security of over $400,000 before the calling of default by the Commissioner of Indian Affairs, Glenn L. Emmons, under Eisenhauer and Republican Presidency. The loans in default had been paid down to $43,514.68 by the end of fiscal 1955. (Muskogee and Anadarko Area Indian Tribes, Oklahoma, Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, House of Representatives, 84th Congress, First Session, August 25 and 26, 1955. U. S. Govt.Printing Office, 1956. Serial 16. p. 165)

There have been many charges and recriminations regarding the program and obviously many needless hardships caused. Probably the biggest culprit in the affair before termination was the weather and market prices. The first year of the loan was too wet and the next two exceedingly dry causing crop failures. Other reasons for the failure of the program stem chiefly from the inadequately trained loan administration and lack of effective control whereby mistakes in operation could be corrected before the entire program collapsed. This is Bureau of Indian Affairs responsibility.

Possibly the most severe criticism is that of calling the program off arbitrarily twelve years before the first payment was due the federal government. This action was due to policies made by the monstrous enemies of the native Americans and democracy.

Dry land farming is an extremely risky business with two crops in five years being a fair average in that section of the plains. Loans to farmers needing everything including land, equipment and experience absolutely cannot be handled like short term loans to the town merchant for his seasonal inventories. The merchant probably has an immediate market but the farmer if he gets a nice crop may not meet an optimum market even with price supports. Furthermore the minimum investment, omitting land, for a small barely profitable farm in Western Oklahoma is around $15,000, a sum nearly impossible for the average Indian to accumulate.

The Indians point to the fact that they have under great hardship managed to pay off most of the debts. Emphasizing this ability to pay under hardship they feel that they could be well on the way toward economic improvement and independence if the program had been revitalized and they had been allowed to keep their capital for reinvestment instead of being forced to repay prematurely.

The major question then is why the Fund was declared in default instead of being reorganized. The more obvious reason is that the Indians were considered as bad risks by

the Commissioner of Indian Affairs, Glenn L. Emmons who was a banker in Gallup, New Mexico immediately before his selection as the Bureau head. Such an idea scarcely holds water as Emmons built his own business by loaning privately to Navaho Indians, who seldom lost any of their property through foreclosure. The only reasonable explanation is that the default action was in line with the new Indian policy of termination as ennunciated by the 83rd Congress in the House Congressional Resolution 108 passed August 1, 1953. The KCA had just gotten started on development when the new liquidation policy of the United States struck with the force of an Oklahoma tornado.

The Concurrent Resolution laid down a new policy aimed at making all the Indians within the territorial limits of the United States one hundred percent American citizens with assumption of full responsibilities and rights, as rapidly as possible. When this freedom from federal supervision was accomplished all offices of the Bureau of Indian Affairs were to be abolished. To have the KCA revolving loan fund with payments due in 1966 and 1981 may have suggested a source of possible embarrassment to the Congress under elimination policy. Totally overlooked was the KCA Indians need for economic improvement sufficient to take the place of federal services. Some disgruntled Indians said the KCA unfortunately did not live on a reservation near Gallup, New Mexico, where the Commissioner of Indian Affairs has banking

interests. In the early fifties the Navahos were embarking upon a multimillion dollar development program to "prepare" them for termination later on. The favoritism of the Republicans is covered with an extremely thin negligee.

May 9, 1955 a resolution was passed by the Kiowa tribe outlining a proposed plan for the use of the remainder of a rehabilitation grant fund. This was a loan fund started in 1939 with $75,000 the KCA raised on their own initiative. The program fizzled out and the Indians are not sure where the money is, whether it is mixed in their general tribal fund or what. This resolution was not even considered due to the technicality of non-recognition of any separate Kiowa tribal group by the Area Office. (Letter from Raymond H. Bitney, Acting Area Director to Robert Goombi, Chairman of the KCA Business Committee, July 25, 1955.)

June 17, 1955 a General Council of the KCA was held voting to send a delegation to Washington for the purpose of discussing the Rehabilitation Loan Program, leasing problems, tribal land holdings and the hiring of an attorney. July 16 the Comanche tribe sent a resolution to the Area Office requesting the Area Director refuse to approve the delegation, stating the issues were not discussed and not voted on. They claimed no instructions were given the delegation. The Comanches were beginning to work on separation and felt such achievement would allow them freedom to solve their own problems. The Kiowas were blamed for the default of the Loan

Program among other things. In any event, the delegation went to Washington in early October, 1955 represented as follows: Robert Coffey, Comanche; Henry Lookingglass, Comanche; Tennyson Berry, Kiowa-Apache; Earnest Hunt, Kiowa and Robert Goombi, Kiowa. Nothing constructive issued from this meeting in the way of economic improvement. The Comanche delegation members approached the authorities upon the possibility of separation from the other tribes.

In the election of Chairman in 1956, Robert Goombi, Kiowa, was elected Chairman of the Business Committee, getting five Kiowa and two Apache votes. Goombi explained the Comanches tried desperately to get their man elected chairman.

Edgar Montetache, a World War II veteran and Comanche Committeeman said the three tribes had used an unwritten law of a revolving chairmanship and when it was the Comanche turn the Kiowas refused to give it up. The reason the Comanches wanted the chairmanship was deeper than just taking turns for they felt Goombi was alienating the Area Office and Bureau by his criticism of Bureau policy regarding the revolving loan fund and in other economic affairs. The Comanches had not been so vocal on Bureau termination policy probably because they were not fully aware of the issues and were maintaining fairly good relations with the government officials. The Comanches said parliamentary procedure was not being followed at business meetings and that Goombi, a

Kiowa, was arbitrary or slightly dictatorial in his leadership.

As a result of this dissatisfaction the five Comanches on the business committee averaged about 50 percent attendance to meetings during the years 1953-1955 inclusive. Henry Lookingglass was present four out of thirty-three meetings. Paul Attocknie with the best attendance came twenty-three out of thirty-three meetings. The Kiowas say the Comanche Tribal Committee introduced fifty motions during the period with only five being rejected.

The in-fighting feud soon boiled over and the Comanches began boycotting meetings completely. There are twelve members on the Business Committee with five Kiowas, five Comanches and two Apaches. A quorum of eight was needed to do business so the boycott effectively halted activities of the Business Committee.

On March 17, 1956 the Comanche tribe met and passed a resolution on separation together with a Constitution and By Laws for their projected organization. The thought at the time was complete withdrawal from the federation set up by the Medicine Lodge Treaty. The Kiowas and Apaches claimed they were not informed of this meeting. They said further that several hundred Comanches told them the new Constitution was not adopted at the March 17th meeting though the minutes showed an unanimous vote in favor. Goombi requested copies of the minutes, resolutions, Constitution and By Laws

of the meeting by letter March 28. (Letter from Robert Goombi, Chairman of the Inter-Tribal Business Committee to Will J. Pitner, Area Director, March 28, 1956) April 6, 1956 Pitner, the Anadarko Area Director, wrote to Robert Coffey, Chairman of the Separationists, requesting permission to make these documents available to Goombi. The Area Office had recognized the Comanche separation group and were working closely with them, seeing this as a neat termination device. The Kiowas were naturally enraged by the Area Office recognition of this legally unauthorized group while their own Kiowa group had been denied recognition because of dubious legality when it was inquiring about the fate of the loan program. They felt the Area Office was being partial as it clearly was and that they were being punished for standing up for their rights and of course fought harder. (Letter from Raymond H. Bitney, loc. cit., refers to letter to Goombi July 25, 1955)

April 14, 1956 a General Tribal Council of the three tribes was held at Apache, Oklahoma for the purpose of doing something about the pressing business problems resulting from the boycott. Business had come to a complete standstill. A resolution was drawn up dismissing and relieving the boycotters from their office in accordance with the Constitution. Of about 600 members present 381 voted for and 79 against. (Resolution by General Council of Kiowa, Comanche and Apache Indian Tribes April 14, 1956.) Immediately after

adjournment the Comanche tribe held a meeting and elected new committee members. (Minutes, Election Meeting of Comanche Tribe, Apache, Oklahoma April 14.)

The removal was not quite legal for according to the KCA Constitution a quorum of 2/3 of the Business Committee was needed to refer the removal action to the General Council. (Letter from Will J. Pitner to Robert Goombi, April 23, 1956.) This meant eight members had to vote for referral, but only seven were attending meetings. This amounted to a blind canyon with the only way out in the direction of capitulation of the Kiowas and Apaches to the Comanches and Area Office. Goombi said the dismissal should be accepted as legal because no one could expect even one Comanche to deliberately vote himself out of office. Also Goombi said it was obvious to him why the Area Director was working in harmony with the Separationists and cited the statement of Robert Coffey, one of the Separationists, at the House of Representatives Hearings in 1955. (Muskogee and Anadarko Area Indian Tribes, Oklahoma, Hearings, op. cit., p. 106)

> In summary, I would like to say that the Comanches appreciate very much the fine service done for the Indians by the Anadarko office and the Bureau of Indian Affairs in regard to leasing, health, education, and welfare, generally. We would like to see this continued.

Goombi maintained that the Area Director was biased in favor of the Comanches because their cooperation reflected favorably upon his ability, his push on termination and that

he had actually encouraged the boycott. The Area Director was caught squarely in the open and acted only according to Bureau policy hoping to do the right thing amid the cross-fire, but his chief objective was at the time to soften up the tribes for termination of their properties, rights as Indians and all relationship with the government. By encouraging the separation of the historic group, unity could be diminished and the dirty work of terminating the tribes against their will accomplished with greater ease. Therefore the Bureau of Indian Affairs in Washington, D.C. and the Area Office at Anadarko, Oklahoma did everything imaginable almost, to keep the tribal infighting red hot. The Indians were so busy fighting each other they had no time to unite for action against the ruination of their economic program and termination policy.

On April 23, 1956 the new Comanche members were recognized by the Business Committee and began a session on waiting tribal business. Three appeals to the Area Director for recognition were turned down prior to the meeting. An appeal to Clarence A. Davis, Acting Secretary of Interior was referred to W. Barton Greenwood for comment. Greenwood stated the Area Director was within his authority since the legal procedure had not been followed to the letter. (Letter from W. Barton Greenwood, Acting Commissioner, to Robert Goombi, Chairman of KCA Business Committee June 22, 1956) Goombi and his group felt that tribal business was being

severely neglected at the expense of the Indian people due to this "excessive" legalism. Goombi stated he was not angry at anyone but wanted badly needed assistance to cut down the loss of land, work out a fair leasing program, work out a credit program and other economic necessities desperately needed. In the heat of the feud Goombi remarked, "Right here in Anadarko since Emmons and his gang of outlaws took office, over 120,000 acres of individually-owned Indian land was sold in about five years." Between July and November one boycotting Comanche began attending meetings and ended the stalemate. A General Council amended the Constitution during the same period making seven a quorum to prevent any future stoppages of the work of the KCA Business Committee through boycott.

Perhaps Goombi's intuition told him termination was still in the wind and he could see quite vividly the Comanche Separationists blindly fiddling while the wind gently nudged the flickering brush fires closer and closer in upon all the people of the three tribes. The Comanches were in turn a bit sick of the Kiowas and blamed them for the troubles. Despite the Comanche's statement of satisfaction with their own affairs and the Area Office policies they contradicted themselves by saying "The Kiowas are to blame for our plight and lack of progress and especially Goombi who has been disturbing the peace". The Separationists bitterly blamed the Kiowas for the failure of the loan fund rather than the

Bureau which was basically responsible for all the problems in KCA country except the weather. The Separationists felt they could achieve nothing through the Business Committee because they thought the trouble was beyond the period of sitting down together, talking and reasoning things out in a gentlemanly fashion. It appeared to the Comanches that the group of Goombi had become too emotional and had completely alienated the proper Bureau channels for redress. This was exactly what the Area Office wanted them to believe.

It should be mentioned that all Kiowas did not support Goombi and his group. A party of younger Kiowas began to congeal and called themselves the Kiowa Progressive Association. Their membership has built up to around 200 members. Their view is that the older Kiowa leadership has not achieved any constructive results for the economic betterment of the tribes; the Comanche Separationists were not aware of the economic dangers of separation; and took a firm stand against any action not representing the will of all the people. (Letter from Allan C. Quetone, Public Relations Officer, Kiowa Progressive Association, to Hon. Roger Ernst, Asst. Sec. of the Interior, U.S. Dept. of Interior, Washington 25, D.C., November 14, 1958.) While they fell in line accidently with the Separationists disregard for Goombi and his attempts to stand up for Indian rights, the Kiowa Progressives stoutly maintained separation was nothing but a trick of the Bureau to break down tribal unity against

termination.

The only thing all three groups agree upon is that termination is as sure as sunshine and they say that it would be a heartless and cruel thing to pull on the older people. Also they say that many Indians are not yet well enough equipped educationally and economically to compete with other people. The more sober thinking leaders say the Indian will eventually become extinct and are resigned to the fact. Others say, "We have moved away to Tulsa, Norman, Oklahoma City and other cities and live like anyone else so termination means nothing to us". Others say that we are now only a minority but others are leaving as time passes. There is no need for immediate termination since it will only cause great hardship on the unassimilated group. The old people are happy in their way of life now and it would be tragic as well as deceitful to upset them. All leaders seemed to think that in the future, with considerable economic and educational help most of the KCA will welcome termination. One case or example cited on education was that of a brilliant high school girl who attempted unsuccessfully to obtain funds for college. She eventually married a boy without education or steady work and has a mere existence now with a house full of hungry children. Why should such a fine mind be wasted for lack of opportunity is the essential question asked by the Indians themselves.

November 12-26, 1956 the Comanches voted on separation.

The vote was 575 yes and 557 no. Immediately the Kiowas charged fraud and contested thirty eight votes for wrong-address, non-Comanche, deceased, duplicate, ineligible in prison and incomplete address. The Indian observers claimed they were not allowed to observe closely enough to challenge during the election. And so the war continued on unabated and with new fuel. With reluctance the Commissioner of Indian Affairs sent out two staff members to investigate in February 1957 but no report of their investigation was ever made public. Probably they found out the truth, that they had been whipped. Later thirty four Comanches not casting ballots signed affidavits that their names were called on the yes ballot.

The new spark of trouble ignited in the Comanche tribe splitting them violently into two groups. Some members were taken for a ride and beaten, shirts were torn off at meetings and a general hatred set in. In fact, the Area Director lost a few buttons on his shirt and was fearful of getting too far out of town after that incident. Some families refused to bury their dead on the same side of the cemetary with the dead of the opposition side. Separationist leaders were appalled by the situation but had the lion by the tail and with years of effort invested in an attempt to help their people were not in any position to release their hold.

Another legal question brought up was whether the Kiowas or Apaches had any legal interest in separation.

A letter on July 1, 1957 from the Bureau ennunciated some new interpretations of the KCA Constitution saying the Business Committee responsibility extended only to those affairs that are a concern to all members of the tribes as joint property and cash in the Treasury on deposit in the name of the Confederation. It was said that the KCA Business Committee is not entitled to any information whatsoever pertaining to individual members of the tribes. (Letter from Fred H. Massey, Acting Deputy Commissioner, Bureau of Indian Affairs, to Chairman, Kiowa, Comanche and Apache Tribal Business Committee, July 1, 1957.)

It seemed that every matter that would be normal business elsewhere simply had to be controversial with regard to the KCA Indians. The letter of July 1, 1957 from Massey principally pertains to establishment of the position of a Tribal Consultant desired by the KCA Business Committee and the reasons for turning the request down. It appears that every possible deliberate bit of uncooperation by the Bureau was planned though Bureau personnel may have been as badly confused or uninformed as the Indians by this time. Many Indians were disgruntled with their relations with the Area Office citing cases ranging from leakage of lease appraisal figures on land to trading a partially blind Indian's land for a non-Indian's land of some $8,000 to $10,000 less value. Precedent is that Indians cannot trade with each other to settle pressing heirship claims so legal

basis for the trade of I.dian land for non-Indian land at a great loss is susceptible to most searching question. Perhaps these cases, while not strictly due to mismanagement nor more than accidental in some instances, were becoming embarrassing to the Bureau when brought to the attention of various senators concerned with the welfare of the Oklahoma Indians. The Indians were evidently seizing every opportunity to vent their feeling of helplessness against the relatively intangible monster oppressing them.

July 20, 1957 another resolution was adopted by the KCA desiring another expedition to Washington to discuss a tribal consultant, individual Indian money accounts, leasing policies, welfare policy, appropriation of claims money, open agency office at proper hours for Indians and cancellation of out of date hospital bills. In a letter August 28, 1957 W. Barton Greenwood, Acting Commissioner, turned down the new request. If the Indians had any troubles they should see the Area Director.

Apparently no one in the Washington office had ever heard of the use of grievance machinery set up by unions to hear and work out union members complaints. Nor evidently had they heard of the Inspector General in the Army who may hear individual soldiers complaints and take action as necessary. The Trusteeship Council of the United Nations receives petitions from individuals in trust areas who feel they have a complaint. The Bureau of Indian Affairs did not

appear interested in complaints nor did it intend to admit that there is fire where there is smoke. Perhaps apologies may be made for the Bureau personnel in that they were under orders to terminate the tribes as rapidly as possible and were not in a position to obtain qualified personnel for the type of development work they should by necessity be faced with. Services of lawyers, sociologists, economists, political scientists and anthropologists may have been needed but getting such assistance would evidently have been a highly dangerous business. There are apt to be few innovators in a bureaucracy following a policy set by a hostile Congress.

After the separation election the KCA Business Committee continued to fight against separation and attempted to get legal authorization for a vote of all the tribes. Goombi thought that the separation would entail division of tribal land; money; claims; ruin a program of leasing policy; do away completely with the Business committee, which he felt was the target of the terminationists because it was the center of organized resistance; and tie up all tribal business for several years, predicting upon the basis of past action of the Bureau. In November Philemon Berry, Robert Goombi and Lee Motah met with Assistant Secretary Ernst and as a result May 20, 1958 a ruling was made by H. E. Hyden, Associate Solicitor which concluded that there was no legal basis as to why the other two tribes should be

concerned over separation. (Memorandum from H. E. Hyden, Associate Solicitor of Indian Affairs, to Commissioner of Indian Affairs, May 20, 1958, subject: Authority of the Kiowa, Comanche and Apache Business Committee over each tribe organizing under a separate constitution.)

November 29, 1958 an election was held for the Comanche tribe to vote upon accepting or rejecting the new Separation Constitution. The Constitution was defeated by a vote of 487 against and 394 for. On the following Monday or December 3, 1958 new members were elected to the KCA Business Committee. It is interesting to note Robert Goombi's Kiowa group retained their power and non-separationist Comanches were also reelected. The two Apaches elected are also non-separationist. Goombi was elected Chairman by acclamation, being the only Kiowa candidate nominated. One thought on the Comanche Constitutional election is that had the Constitution carried, the separation would have been immediately effective and there would have been no need for the KCA Business Committee election.

A letter on November 28, 1958 to Houston Bus Hill, private attorney for the KCA Business Committee, from Royce A Hardy, Asst. Secretary of the Interior, stated that the Business Committee was unduly concerned since the separation was only in effect the mere setting up of a formal Comanche government within the framework of the Confederation and that the KCA Business Committee would continue to function. This

of course is a complete reversal of Bureau policy as a result of the pressure of aroused senators and stemming from softening of termination policy in the face of strong fires against it in other parts of the nation. If such a statement had been issued years earlier the KCA problem would not have erupted so spectacularly. The statement by Hardy makes those who worked so hard for economic progress in the face of termination policy look like pure simpletons, working for nothing. Rather than let the Indians with peace of mind solve their economic problems with gentle guidance, the general policy of Congress as exemplified by the Bureau and Area Office was to vigorously fan the glowing embers of dissension whenever a solution might be reached. Whether unintentional or not, from lack of knowledge or information, or through deliberate wickedness the effect was just as sure.

The battle over the separation has gradually abated (early 1959) and there is hope in some quarters that the individual leaders of the KCA tribes can get together and settle their individual differences in the usual and accepted Indian way of discussion, reasoning and compromise, each man getting his chance to be heard.

The Indians had their high hopes dashed to pieces by a chain of circumstances, some beyond the control of man but most not. Rather than pause and rectify error those with responsibility and authority, both Indian and non-Indian, chose to make more errors. The Separationists, having

adopted the Christian religion felt they could do more for the physical needs of their people with the aid of their preachers and enlisted the Indian preachers help in promoting their cause. The Kiowas and Apaches felt they had to do the Reformation all over again to keep church out of government. Rather than get together and solve their own differences so as to present a united smiling face to the world they chose to expose each others dirty laundry to anyone they could get to listen, even sending letters to the President. The President presumably did not, of course, read the letters but referred them to the Bureau of Indian Affairs, which was presumably carpeted with wall to wall smiles.

It appears in summary that the major problem was the cutting off of the loan funds and development policies. The government officers with orders to terminate the tribes blocked all moves in any other direction with sticky red tape. The tribesmen, many not knowing the real issues, vented their frustrations on their fellow men. Six years or so were completely wasted on the issue of separation of the three groups tribal government instead of upon the real issue facing them, that of termination of their tribes and resultant economic losses that would result therefrom. It took the tribes nearly a hundred years to get themselves geared up to do something and about six years for the Buffalo Party as evidenced by Senator Watkins influence on Indian policy to cut the Indians initiative to shreds and

cause untold and absolutely unnecessary hardship. These Indians are extremely poor and the expense of the meetings and correspondence alone was a hardship upon their families. If the Indians had known all that was transpiring and had Watkins and his pack of friends appeared in the Anadarko area some dark night they might have lost more than their buttons.

The previous paragraph concludes the KCA Report (revised slightly) made in the early months of 1959. The great confusion shown by the example of the KCA was certainly not an isolated one under the strong termination policy of the federal government as evidenced in actual administration. In fact it was prevalent in every single Indian area over the country in the early fifties and in almost every action taken in Indian affairs. While the general public assumed the government was assisting the Indians toward a better life and ability to get along on their own, the government under the early fifties termination policy particularly, was doing absolutely everything administratively possible to do just the opposite by blunting Indian desires for development and progress, and frustrating their every move. The policy was one of strict liquidation and the chief administrative device for kicking the Indians out of the nest was that of wooing those persons who could be trusted to vote their tribe out of business. All other Indians met with an official iron curtain of hostility, confusion, difficulties

with their personal affairs, long delayed letters and general inertia. In desperation they turned upon their fellow men creating further difficulties, all to the glee of the members of the Buffalo Party who were standing around waiting to profit by the confusion they had caused by getting Congress to switch from development policy to liquidation policy.

The Western Oklahoma KCA Indians are shamefully poor except mostly for those few who have moved to larger cities for employment, thereby cutting themselves off pretty much from local tribal affairs. There is not the slightest doubt that many of the tribal leaders literally took food from the mouths of their children to use for expenses in fighting against the high-handed bureaucrats and congressional policy. Perhaps this is what Congress had in mind, or was it, or did anyone care?

The KCA did not separate and was not terminated from federal relationship, having finally won their battle. The ill feeling caused may linger for decades. But hopefully the KCA will win more battles as time passes. They certainly earned the opportunity. But on the other hand they may never recover from the economic ground lost in nearly ten years of struggle. Their programs were deliberately ruined and much land was sold. No matter what happens in the future children of the KCA will be paying dearly for years to come.

General Sam Houston's Friends - The Alabama-Coushattas

General Sam Houston lived among the Cherokees before their removal, married Talihina, deserted her and went on to Texas to become a great white man. The other Indian friends of the great Sam Houston are the Alabama-Coushatti Indians who through the efforts of Houston have a small reservation in southeastern Texas. To be perfectly accurate, it would be better to say the Alabamas have a reservation while the Coushattas live in the slums nearby but outside of the reservation.

Another case study follows, again somewhat out of context, not necessarily a general example but certainly unique. The federal government induced a state to accept trusteeship of an Indian reservation and occupants. Unlike the Kiowa-Comanche-Apache group in Western Oklahoma who live on separate allotments instead of a reservation, the Alabama-Coushattas live on a one unit reserve and have a rather close community spirit. They do have difficulties with their administrators, have troubles with the white community and then there is the difficulty between the Alabamas and the Coushattis. The Alabamas look down on the Coushattis and are not willing to share the reservation with their fellow Indians of this related tribe. The brief study written in the summer of 1959 follows. If nothing else the story brings out the fact that the relationships of the

Indians with anyone are quite personal, and unless they become friends with their churchmen, doctors, administrators or others they have to deal with they remain "untalkative Indians".

1. Introduction:

"The Alabama-Coushatti Indians settled near here in 1832 through efforts of General Sam Houston. Texas gave them 1210 acres in 1854 and the Federal government purchased 3071 acres in 1928. Only reservation in Texas." Originally there were about thirty tribes indigenous to Texas.

The reservation lays about midway between Livingston, county seat of Polk County, and Woodville, Texas, towns separated by 33 miles of truly scenic well-paved highway winding through a beautiful forest of tall stately pine trees. The road right of way is at least 100 yards wide and the mildly sloping shoulders, cuts and fills are covered with lush grass from road edge to fences. The grass is trimmed to the fences and is as neat as any carefully groomed lawn. Even the debris has been raked from under the occasional pines that grow on state highway property on the outer edge of the roadway. The reservation is nearly bisected by this beautiful road.

2. History:

The Chronicles of De Sota's Expedition in 1541 refers to the land east of the Chatahoochee River and Indians there as Alabama. Little is known of Alabama life until the French

came to Mobile Bay in 1701. The French became involved in the small wars of the Alabamas and Mobiles and established peace by building Fort Toulouse in 1717 near the junction of the Tallapoose and Coosa Rivers. The Alabamas were treated kindly by the French settlers near the Fort and there were many years of friendship. The Indians built log houses but spent most of their time in the open. Women cultivated mellons, corn, rice and potatoes while the men went on extended hunts for game.

After the French abandoned Fort Toulouse, the unprotected Alabamas traveled through a number of the Southern states and in 1816 came to Texas, settling at Peach Tree Village in Tyler County with about 1,000 tribal members.

The Coushatta Tribe, better known as Koasati (today pronounced by themselves as quesahdah), was noted in history as a neighboring tribe of the Alabamas. Both are of Muskhogean stock of the Creek Nation and their language is closely related. Mention is made of the Costehe Tribe in DeSota's Chronicles as having their principal village upon an island in the Tennessee River, probably on what is now called Pine Island. In 1763 when France ceded all of her territories east of the Mississippi to England the Coushattas moved to the Torbigbee River, and sometime after 1795 a large portion of the Tribe moved to the Trinity River in Texas where they lived neighbors to the Alabamas.

During the first half of the 19th century (1832), the

Texas Congress granted two leagues of land on the Trinity River to each of the Alabama and Coushatta Tribes. The land, however, was retaken forcibly by white settlers and they were again homeless and landless until 1854 when, upon the recommendation of General Sam Houston, Texas purchased approximately 1,280 acres of land for the Alabama tribe which had decreased to 340 members. Houston also attempted to have 640 acres of nearby land granted to the Coushattas but the Texas legislature never made provisions to purchase the land for this grant. Some Coushattas, by marriage and by special permission of the Alabamas moved in with the Alabamas. The majority moved to Louisiana and formed a community northeast of Kinder where they still live. Neither tribe exhibits any marked proclivity toward intermarriage with non-Indians.

Prior to 1928, there was a period of about 60 years during which no assistance was given the tribes by either the state or federal government. The pine forest was not productive for crops or grazing and the chief means of livelihood was hunting nearby. Evenutally even hunting was forbidden. Starvation and disease killed over half of the tribe. In 1928, their plight was brought to the attention of both the state and federal government, both of which became interested in aiding the remaining Indians. In 1928 the Federal government purchased 3071 acres of land to add to the reservation.

One author states that it would seem that their contact with the white man has given the Alabamas a hopeless feeling. They are so outnumbered they evidently think the best thing to do is to forget their own civilization. They were so poor all ceremonial robes were sold to the University of Pennsylvania and the Heye Museum. Language is all they have left. The author continues, it is unfortunate that most of their primitive customs are so closely interwoven with paganism that to give up their religion meant to them that they must give up the other also. Christianity completely replaced paganism. (Mary Wade Donaldson, Alabama Indians of East Texas. Polk County Enterprise, Livingston, Texas 1936. 24 pages.) Only the Indians know if there is any truth in the last statement. There should be serious doubts as to whether any white persons would be allowed the privilege of knowing what is in the Indian's hearts, especially concerning their religion.

Federal aid in 1918 was $7,000 for education, $5,000 for a school building and $1,000 for an investigation. The first mission church was burned down by white people who then stole the Indian cattle. State aid came in 1928-1929 supposedly due to agitation by whites aroused over reservation conditions. The federal government appropriated $40,000 for the Alabama-Coushattas in 1928, $29,000 to purchase 3,071 adjacent acres. The rest was spent on horses, cattle and hogs. In 1929 the state appropriated $47,000 for gym,

hospital and an agents house. Twenty-five cottages were built and later 15 more. $7,500 worth of wire was stolen, livestock died and crops failed to grow. The light sandy soil is very poor for most crops, but pine trees thrive. In 1932 the federal government appropriated $15,000 for education. The first toilets were built in 1934, since hookworm was prevalent. It is said that a few cases still exist today.

In 1934-1937 there was a mild revolution. Mrs. Tom Coleman, an industrial arts teacher was hired. Industrial arts were taught and health care revitalized. J. E. Farley, 4th farm agent set up 4-H, home demonstration, blacksmithy, hide tanning and leather shop, a syrup mill, canning plant - all with Indians in charge. A grist mill, fertilizer plant were set up, the lake was stocked with fish and a revolving feed loan initiated. $33,640 was spent on fencing, fire lanes in timber, cleaning creeks, cutting forest underbrush and drainage for mosquito control. In 1936-37 $5,000 was spent on additional new houses. Eventually 65 houses were built and 63 shallow wells drilled. The State of Texas continues to hold title to the houses.

3. Housing:

Houses are neat and well painted. After the houses were built the Indians said they liked them but did not move in. The usual comments on the fact that Indians did not want to live in houses were made. Finally after some long

months someone accidently discovered the Indians had no money to purchase stoves. Presently there is a project in process for double flooring, adding a clothes closet and painting inside. A future project will be installing cabinets in the kitchens. The Indians said that before rebuilding began the floors had holes big enough "to throw a cat through" and accordingly the houses were hard to heat in the winter. The houses are attractive though small and the Indians seem to be proud of them. One Indian school teacher who worked previously in Choctaw territory in Oklahoma remarked that, "Choctaws live in old shacks up there." About three new houses are planned, more are needed but there is not sufficient money available. As a result there are cases of several families living together. About 360 people live on the reservation. There are some 50 to 100 who work elsewhere and return from time to time to live as is the custom of most Indian people.

4. Water

One problem regarding housing is that of water. There are shallow wells but no water piped into the houses. In a drouth shallow wells frequently dry up. The best solution is a few deep wells, over 200 feet, which cost around $1,000 to $1,500. Such a water supply would be a great deal more dependable. A network of plastic pipe to individual homes and several deep wells would cost around $35,000. There is

a vague plan of doing something on this project in the future but the expense is impossible for present tribal finances. Also, some of the present shallow wells may not be sanitary. The Indians said that at least one household has larvae in their well and were either boiling water or hauling it. The superintendent insisted all shallow well hand drawn water is quite good. Whether he actually had tests made is not known.

5. Timber:

Timber resources are to be exploited on a permanent basis and after twenty years may bring in around $30,000 per year. Approximately 100,000 pine seedlings were planted last winter and that rate will continue every year. Some hardwood that has grown over previously cut land must be removed before planting. Texas furnished forestry service which the tribe pays for out of its own funds. Texas has appropriated about $80,000 a year for the tribe, with a drop to $70,000 next year. (1960) The object of charging the tribe is supposedly to provide experience in business and finance. This fall (1959) it is hoped that the tribe will derive some funds from oil and gas leases on the land which will add to tribal funds.

6. Tribal Council:

The tribal council was reorganized recently with aims of strengthening it and they are handling all tribal business, meeting once a week. The Alabama and Coushatta

tribes were incorporated as a federal corporation October 17, 1939. The superintendent aids where he can but final decisions are up to the council. Their consent and ideas are gained on every project. The tribal books are open to any who wish to study them. There is nothing secret about where the money goes. When a tribal member knows he can inspect the books personally there is little incentive for developing rumors of corruption or double-dealing.

7. Youth Activities:

There is a youth newspaper for communication, printed on colored paper by hektograph. The apt title is the Pow-Wow Hi Lites. An Indian activity director and assistant were hired for the summer to teach the youth games and to lead recreation. A library is being started with the help of the Texas Federation of Womens Clubs who donated an initial $500. A kindergarten teacher, Virginia Baxley of Austin, teaches children English before they start to school so they will be able to start on the same level as other students. About fifteen attend now. The girl and boy scouts are active. There is discussion of a revolving education fund out of oil and gas lease money. The reservation has a small swimming pool of about 20 x 60 feet and a large gym.

A well lighted baseball park was built on a hill along the highway about a mile west of the administrative building area. The tribal council handled the project all the way through. Merchants in the two nearby cities are buying

advertising space at $45 per sign which helps pay for the materials used. Flood lights were installed this year. Indians love sports and the park contributes a great deal to the community welfare in many ways.

8. Health:

Education and medical care, including drugs, are free. Four doctors are available in Woodville and the Indian people have free choice of doctor. A registered nurse is available on the reservation. The Indian Hospital at Talihina, Oklahoma is available and used by the Alabama-Coushattas with more serious ailments. Apparently medical care is adequate at the present time though one tribal member said health insurance was needed but premiums could not be met. Some of the younger people work in Houston which is about ninety miles away and they probably are not able to avail themselves of medical care as readily when away from the reservation. Every two weeks there is transportation for dental and optical care. Transportation is also available for food purchases at least once weekly for those who have no cars.

9. Roads and Fences:

County commissioners maintain reservation roads. Roads are gravel and reasonably well kept.

The reservation is tightly fenced with steel gates at entrances. Quite a few Texans were killing themselves running over livestock on the highway during open range, consequently a fencing law was passed and enforced. The

tribe bought material and put up the fence themselves. The greater part is finished. There was an earlier fence built in 1934-36 but had deteriorated with time.

10. Education:

School is held at Big Sandy, a school plant some eight miles west toward Livingston and then some eight or nine miles south of the highway. The superintendent, Walter W. Broemer, is attempting to transfer students to Livingston High School. He states there has never been an Indian college graduate from among Big Sandy high school students. One case mentioned was of a girl who stayed over three years in teachers school and did not make the grade. The girl was intelligent but just did not have the background required from the high school. On the other hand two students who finished Livingston high school are college graduates. One is now an engineer on the Texas State Highway Department. Apparently there is little competition at Big Sandy and absolutely no homework. Also students are not exposed to the dominant culture for Big Sandy is definitely out in the trees. About 200 students attend Big Sandy.

A faction of local people is against the transfer. The local school superintendent who has a home out there naturally opposes. The county superintendent pulled out 41 transfer applications, more Indian than white, and said he wished there were not so many of those on his desk. The situation is difficult for him for so many transfers will

pull two teachers off the Big Sandy staff according to state attendance laws. The average is one classroom per twenty four students. A mixed school in a modern town would be a great deal better for the isolated Indian high school students regardless of local white "school politics" bent on saving a country high school.

11. Industry:

There is discussion of industry as a furniture factory, making outdoor furniture to compete with redwood. Also a treated fence post project is being thought of. A few families have handicraft material to sell, chiefly baskets. Most observed was handicrafts of Coushattas, being sold at a highway stand, rather than Alabamas. Another project is clearing some land for grazing. The Superintendent borrowed a tractor and plowed up garden sites at each house. The soil is very sandy, and gardens did not prosper, but it is thought that a single plot garden in good bottom land might prove to be more satisfactory.

12. Termination:

The superintendent said let sleeping dogs lie when asked about the five years of federal help on hospitals and vocational training. He thinks the Bureau of Indian Affairs will overlook that stipulation in the termination bill. Any termination plan should provide for the older people. Five years is simply insufficient and cutting off aid at the end of five years will not be satisfactory. The superintendet

believes any Indian one quarter blood or more can use federal hospitals, no questions asked.

13. Employment:

Those working away consider the reservation as home and usually return to visit. Some commute returning week ends. Local work in lumber pays from $1,000 or less for unskilled jobs to $3,000 per year for a sawyer regularly employed. Pulpwood does not pay so well as lumber. Timber is cut by quota and there are plenty of days of lay off. The bulk of employment has to be obtained away from the reservation. The average Indian wage is little more than a subsistence wage when compared with national averages.

14. Present Administration:

Apparently the Alabamas feel things are better now for they can plan themselves and are listened to. The present superintendent, Walter W. Broemer is tall, slender, reasonably pleasant (Indians say he is not friendly enough) has a Masters degree in Education, majoring in youth work-camps. He had a good job setting up a camp for three years, was offered the A-C and quit to take this challenging work at less money. He has been at the A-C reservation two years now. He said there was much apprehension and scepticism locally (white and Indian) when he took over because as he put it, "some whites and Indians were kicked off the gravy train". Now he thinks relations are good except for the Big Sandy school fuss, Broemer said everything in his

administration is open to inspection and he wanted to know what anyone else finds out or thinks for he is not always sure of where he is. He said Indians do not talk much. Some of the non-talkative Indians however told the Association on American Indian Affairs field secretary (the author) that Broemer is not very friendly and that they are still somewhat skeptical of him.

15. Welfare:

A stop at the local welfare office in Livingston disclosed five families on Aid to Dependent Children. Most Indians qualify for Old Age Assistance over 65 years. The welfare officer guessed they were getting on as well now as before the administration change. Rate of illegitimate children is too high but policy of local welfare is to hold mothers responsible to make arrangements with the husband for financial responsibility. Here the unwed mothers cannot say they do not know where the father is for he is bound to be on the reservation somewhere. Some will not tell who the father is though.

One or two Indians are blind. None are on permanent or total disability. Some white neighbors resent Aid to Dependent Children, say Indians won't work, criticize illegitimate children. The welfare officers candid opinion was that, "They are just bellyaching for the h... of it". In summary, the A-C are getting a minimum of welfare and no extras.

16. Previous Texas Administration:

Howard Jones, who was recently elected Distric Clerk in Livingston, was the previous superintendent. The Texas state auditors thought his financial administration was too loose and had him replaced. Jones said he worked closely with Ed Hyden, now in the Solicitors office, Washington, D.C. and Wade Head, now Bureau of Indian Affairs Area Director in Gallup, New Mexico. His, that is Jones, opinion was that Texas shouldn't have taken over the A-C. He stated that the A-C is now just a Texas political football. He felt that the new superintendent is not popular but Jones is on the side of the faction for continuing the Big Sandy school. Jones, who was on the school board eleven years, said an Indian girl was valedictorian last year. He said he still helps Indians, and had gotten one a job in Dallas recently. He said he still corresponds with his "friend" Commissioner G. L. Emmons. He said that the A-C quarrel too much, the Alabamas claiming to be superior. An anthropologist who made a six week study of the groups concluded there was no difference in the two tribes. Jones mentioned the ruling against the outside Coushattas which cut off all their aid. Sampson Robinson, one of the Coushattas living outside the reservation verified Jones story. The Texas auditors claimed that expenditures for the off reservation Coushattas was not authorized hence illegal. Expenditure of funds to assist the outside Coushattas was

part of the reason for the dismissal of Jones.

Jones said the Presbyterian minister was not liked. The one replaced, Dr. C. W. Chambers who worked around forty years with the A-C was probably a much more gifted man in that he knew how to get along with Indians. According to both Jones and Robinson, the present Rev. Oscar J. Landry is not well liked, lost his following and according to some sources is dishonest and bamboozles Indians.

The former doctor for the Indians who was recently fired, Dr. Dabney, said "Indians have a low level of intelligence out there and are hard to get along with." He said that he "wouldn't chase Indians out among pines to doctor them". "They would bring sick in on their last legs." Dabney did not want to talk about the affair and said he wanted to forget it all, and said he did not even want to be reminded. The authors interview with him lasted about a minute. Dr. Dabney, a member of the upper class hierarchy in the local area, was extra-ordinarily bitter about being fired and the reasons for it. He was about forty years of age. When the author went to see him the author accidently entered the colored waiting room. His secretary, without the slightest trace of a smile, ordered him to move into the white waiting room. The author never did find out which room the Indians were supposed to use, but that was no problem since Dabney did not have any Indian customers anyway.

The Indians had used the Livingston hospital, next to which elder and younger Dabney have a clinic. Now all the Indians have been transferred to the Woodville hospital exclusively, completely bypassing Livingston. The Indians said Dr. Dabney did not treat them right, Indians resented it and would not see him. He only visited the reservation once a week. Nevertheless he continued to collect his state contract fees and finally the State auditors suggested he had better resign or face charges. And in such a manner did aristocratic but socially unconscious Dabney "resign". It was rumored that Dabney contributed to some unnecessary Indian deaths and got off far too easy.

17. Left-out Coushattas:

Sampson Robinson, former Louisiana Coushatta who has lived in Texas seventeen years near the reservation, said some Coushattas living on the reservation have been forced to move to other areas to get jobs in order to pay medical bills and other expenses. On the administrative change he said that the funeral home, Dr. Dabney and Chamber of Commerce in Livingston were all after Jones outster, because Jones was doing too much for the Indians. Jones would get up at midnight to see a sick Indian. Broemer would not do this considering such a visit the nurses duty. Robinson said Jones stood for all Indians, but now outside Coushattas are cut off and some have left the area because they could not even subsist anymore. About half of those

leaving went to Houston to work or get on welfare. Health and funeral expenses are needed worst by the Coushattas. Some of the youngsters want to go to college but cannot go for lack of money. Robinson said no warning was given the outside Indians on the cutoff. All services which had been rendered by former superintendent Jones which cost the State of Texas money were abandoned as soon as Jones was replaced.

18. State termination:

How long will Texas keep the A-C in trust? Date for termination is to be as rapidly as feasible. Broemer thinks 10 to 15 years should do it. $50,000 per year will be required to operate tribal affairs after everything is set up. $30,000 may come from lumber. The other $20,000 is still to be worked out. To sum up it appears that the Alabamas are getting along well for Indians, particularly along consent, business education, and self-help lines. Chances are reasonably favorable that the Texas experiment will work out but Texan legislators do not seem to be especially proud to be in the Indian business. The extreme sore point is the Texans ignorant treatment of the "Lost Tribe", the Coushattas. Something needs to be done for them, both in Louisiana and Texas for they are in effect terminated against their will. They are just as Indian and poorer than most.

The minimum for Texas would be education, medical and funeral aid. The best would be comparable services on par with Alabamas, meaning possibly their own land. One case

since cutoff, of an outside Coushatta should be a fair example. A woman had a baby ill with a liver ailment. The A-C superintendent did absolutely nothing to help her get local medical care. However a car was going to the Talihina, Oklahoma Indian Hospital after four days and she was told she and the baby could ride along. Having no alternative she did but it was too late for the baby died shortly after arrival in Talihina. Of course the superintendent did not know the child would die and was following strict accountability orders of Texas state auditors and was legally within his authority and responsibility. Still the unnecessary delay in getting aid for the helpless child and mother certainly contributed to the childs death. The big wealthy state of Texas seems to be running away from part of its responsibility. The state may have the biggest of most things but its heart for Indians would not win the state any prizes for excellence, as far as the outside Couchatta are concerned.

The previous paragraph concludes the Alabama-Coushatta story. It, that is the brief snapshot, indicates that the Alabamas and Coushattas are still very much Indians who wish to live together in a community of their own. There has been no proclivity towards intermarriage and it is difficult to imagine any other type of meaningful assimilation which could be arranged in this area by members of the Buffalo Party such as the Dabneys. The main thing the Alabamas need

is better education and increased employment opportunities. And as a last comment it seems grossly unfair for the Great State of Texas to aid the Alabamas because their land is held in trust by the state and do nothing for the seven or eight Coushatta families who live in the "slums" around the outskirts of the Alabama Reserve. Perhaps the Coushattas should have a reserve of their own some place of their own choosing, so they would have a place they could call home. Ideally this would include the wishes of all the Coushattas, both in Louisiana and Texas and any others that may be scattered around somewhere.

Ramona's People, The Mission Indians

The next case study concerns the Mission Indians of Southern California. The private report, A Study of Termination Pressures was written in the Fall of 1959 for the Association on American Indian Affairs. In the summer of 1964 the author revisited the area at personal expense and will comment briefly upon any major changes which may have occurred, if any.

Historical background:

Before the arrival of the Spanish soldiers and padres the Mission Indians lived in Southern California subsisting chiefly upon roots, acorns and fish. The Spanish arrived in 1769 in the form of the Portola-Serra expedition. The early Mission culture was similar to the desert "diggers" who, due to their intense efforts to survive in the desert sometimes ate grasshoppers, lizards and so forth, and were characterized as living like dogs by the first haughty and ignorant Spanish observers. The Mission Indians had a more complex culture than the diggers evidenced by organization into father-clans and extensive ceremonies, centered around death, puberty and other aspects of personal life. The Yuman groups, presently near Yuma, Arizona (California Reservation) have a language related to that of the Siouan, Muskogean and Iroquoian. The other Mission tribes spoke Shoshonean, of the Uto-Aztecan family. Most tribes were renamed after Spanish

missions and today have little knowledge of their earlier Indian names. Hence the rather general and somewhat deceptive title grouping all the bands and tribes together as Mission Indians.

The first mission was founded at San Diego in 1769 and the last in San Francisco in 1823, missions being in power about sixty years with ample time to change the life of the Indians permanently. The Spanish drew and forced the wanders into settlements, put them into heavy clothing and forced them to work and become Christians. It is thought by anthropologists that there were about 150,000 Indians in California prior to conquest but by 1890 only 17,000 were alive. Between 1779 and 1833, 62,000 deaths and 29,000 births were recorded. The total loss of the Mission Indian population has been estimated, on the basis of the Padres records, at 72%. (S. F. Cook, The Conflict Between California Indians and White Civilization, II Ibero-American: 22, University of California of California Press, Berkeley, p. 31.)

In 1834 the Missions were closed by the Mexican government and the Indians separated, some staying, others drifting away. Not all "Mission" Indians in the area received mission treatment. Those farther from the coast became hostile after Spanish atrocities and fought bitterly further encroachment. Starvation, disease and battle took most of their lives as a result.

The Spanish did however, believe in the Indians right to his land and even mission farms were held in trust. In 1848 the treaty of Guadalupe Hidalgo was signed with the United States giving the Indians citizenship with liberty and property rights to be given full protection. Such protection, however, never occurred until the 1920s. While the Spanish accepted Christianized children of mixed marriages as equal the Americans brought along the nordic superiority complex, fences, No Trespassing signs, livestock which ate Indian food, clubs and rifles plus civilization.

In the early 1850s eighteen treaties were negotiated with less than half the Californian Indians, with terms giving them eight and one half million acres of land, some clothing, food and education. The California legislature refused to ratify the treaties and miners and others took over the land. Also in 1851 a land commission was set up to settle claims for land under Treaty of Guadalupe Hidalgo. The Indians were not advised of the commission and the land was taken over by the federal government becoming public domain or open for settlement.

In 1852 the first Indian superintendent arrived in California. In the 1850-1860 decade Congress spent two million dollars on four reservations but reservations were little more than cow pens, the Indians being herded in and gotten out of civilizations way. A considerable part of the money intended for the Indians was misused and some early

superintendents were dismissed. It was not until the 1920s that anyone other than a few church groups became interested in the California Indians welfare.

In 1928 the first complete roll was taken of the Indians by a special governmental agent. By 1944 a claim of 17 million dollars was won but offsets amounted to 12 million. Payment was a per capita amounting to $150. More recently a claim on lands utilized by the Northern California Indians was played up by the press with a scare technique to a figure up to 80 million or so dollars but there was no valid basis for such an exaggerated figure (Newsweek, American Indians: "The Paleface Pays", August 24, 1959) since the award was made for $29,100,000 July 20, 1964 and the appropriation for the same amount October 7, 1964. Mission Indians have a separate claim on land based on Spanish considerations (Docket 80) They will receive nothing from the claim judgment of the northern Indians though the press lumped all California Indians together.

Only twelve California Indian groups formed corporations under the Indian Reorganization Act of the thirties, being fearful of intense Bureau of Indian Affairs (BIA) regulation. Bureau of Indian Affairs superintendents wrote arguments for termination in 1937, 1944 and 1949. The line of reasoning was that Indians left on reservations were and are the most backward Indians and loans could not be gotten on trustland as recently exemplified by Indian GIs not able

to take advantage of low interest home loans. In 1953 HCR 108 declared California as ready for termination. In 1954 a bill for termination died after two days of hearings due to objections of the State of California itself on financial liabilities.

There are 117 reservations and rancheros in California plus over 300 private land allotments. Total trust acreage is approximately 525,000 acres. On sixteen reservations there are allotments. The other 101 pieces of land have assignments. Worth ranges from valueless desert rocks to 6,500 acres in Palm Springs owned by about 100 Indians. Sixteen small plots are unoccupied, 22 have less than 10 people, 50 have populations of 11 to 50, 15 have 50 to 100, 12 have 100 to 500 and 2 over 500. The total California Indian population is listed as 36,000 to 37,000. The Mission Indian population on reservations was listed as 7,088 in 1945. The Mission Indians have 33 reservations which were acquired by executive order or purchase. Reservations are in San Bernadino, Riverside, San Diego and Imperial counties of Southern California.

This brief historical capsule points up a rather dismal picture of early Indian-white contacts and relations. Nevertheless the Mission Indians have retained their identity better than might be expected and have managed to retain a small amount of land though they are seriously troubled with present day Indian problems of heirship,

factionalism, termination, poverty and governmental red tape. According to 1945 figures seven Mission reservations had over 200 people. Other statistics show only two reservations over 200, the Yuma with 1,100 and Torres-Martinez with 250 and seven reservations with 100 or over. No one really knows due to vagueness of the definition of members and due to part-time or seasonal returns of Indians who left for employment. In any case the number is of sufficient magnitude to render their problems of consequence.

Mission Indian Federation, a local informal group.

The Federation is a loosely organized group formed as a resistance movement to the Bureau of Indian Affairs in the 1920s by a man named Tibbits. It is said that the Bureau was ruthless then, even having armed guards at reservation entrances to restrict Indian movements. Purl Willis soon arose to become the titular head and has remained active for over thirty years. Willis is a controversial figure though aged now. It is alleged that the organization was used by him to keep himself in revenue. In fact John Collier accused him of taking at least $100,000 from the Mission Indians. But one must also consider that Commissioner Collier and Willis were not best of friends. Willis developed his own police force complete with large stars for badges and was accused of causing the murder of several Bureau of Indian Affairs men in the thirties. Two agents were killed on the Campo reservation by knife though the

Indians pleaded self-defense.

In any case Willis is a colorful personality and has considerable influence but there remains the suspicion that he began as a sort of confidence man moving on into deep concern for Indian welfare. Though he gets his living from the Indians he has worked positively for them on various occasions. After World War Two some 1946 claims settlement funds were used to purchase surplus prefabricated housing. The principal cost was $300 for the moving. The needy could not raise $300 and those who did buy really did not need the houses and some are still stacked. But the general idea was good and it was Purl Willis who ramroded the project.

When health, education and welfare were being moved to the state Willis contacted Indians and promised to get pensions asking only $10 out of each pay check each month for the service. In this instance he asked for nothing in advance. He is paid in cash and the Bureau of Indian Affairs has not been able to pin anything on him despite repeated attempts.

A recent case on the same order is a Escondido meeting called by Willis as a "crisis" measure. He talked of white men's misdeeds, said "all gold, silver and land belongs to the Indians". "So for $3,000 Uncle Willis will go to Washington to get something for you." But he did not want any checks. There was no proof that he went to Washington but some weeks later a telegram came saying, "Am blocked at

every turn. Need $1,500 to see this through to victory". Several weeks later he showed up in home territory, gave an anti-Bureau of Indian Affairs speech and said justice and God is on the Indians side. In April 1959 he made another trip to Washington. No one knows his business.

At one time Willis did not recognize tribal governments and selected his own agents, calling them captains. For example, Juliana Calac was his captain on the Pala reservation, though she had nothing to do with the official tribal government at the time of "appointment". She later became an active member of the tribal council. Willis stands for termination immediately because he is against white men and the Bureau of Indian Affairs. Thus he has created a sort of paranoia among the Mission Indians who listen to him. Some more suspicious Indians thought they found him interested in real estate, since for example, he advised Charles Minchetty of the Casa Grande reservation to fence up a lot of land so he would get more upon termination. Revelation of this advice lost some followers and may have weakened the Federation.

The tragic part was thatActing Deputy Commissioner Fred H. Massey has used Willis testimony to support Bureau of Indian Affairs termination moves. The majority of reservation Indians are opposed to immediate termination, seeking ultimate termination upon development of resources. Most Indians for immediate termination are those in the

Federation. Purl Willis lives at La Mesa, near San Diego. He tells the Indians that the National Congress of American Indians is communist. What he thinks of the Association on American Indian Affairs, Inc. is not known. J. Martinez of the La Jolla reservation is now President of the Federation and is a carbon copy of the Willis beliefs apparently, being strongly anti-Bureau and for immediate termination because "nothing has been done for the Indians nor ever will".

Termination, general discussion:

California has partial termination, health, education, welfare and law enforcement being turned over to the state from 1948-1954. The only major thing left is the trust status of land. Since 1954 the Bureau of Indian Affairs has withdrawn many of its personnel from the state. In 1958 the federal government made the last payments on education to the state. Bureau critics say Bureau people left tend to be hangers-on, that is, there is no future for them and the good ones have gotten out or transferred leaving the weaklings.

Leonard Hill, Area Director, of the Sacramento Area Office for California has a polished argument and policy for termination. "Indians need free and equal rights to be like other Americans. There should be ultimate assimilation into the white culture. The best thing is to give the Indian land and see if he produces. If he cannot let someone else develop the resources." When asked about the Bureau helping

Indians develop resources Hill points out places where Bureau attempts have ended in colossal failure and and states the Indians are not aggressive or are of a different mind. Hill said, "You can't force cultural isolation." He also said, "Look at the activity of the relocated Indians", and suggests the Indian problem solution is "to get lazy Indians off the reservations". Although 1960 New Frontier policy switched from termination to development in the early sixties, Hill still personally chooses termination for the Indians. If they perish in the process it is just their tough luck that they cannot adjust. How a man with his poor attitude is allowed to continue as an Area Director, his salary being a waste of taxpayers money, is an unexplained mystery in 1964.

Consequently it can be seen that the Bureau is not going in for California Indian resource development for at least two reasons from its viewpoint. First is the failures of the predetermined, packaged inflexible plans handed out to the Indians. The Bureau calls this a waste of effort. No doubt they are correct on that particular point, though such failure does not mean Indian resources cannot be developed, as the Bureau concludes. The second reason given is that the Bureau does not have the personnel now to do anything. Unfortunately, this is true due to reduction of personnel over the past five years under termination policy. In Southern California there are only five Bureau of Indian

Affairs persons active on resources, one maintenance man who travels around patching irrigation equipment and four water supervisors.

Indirect termination, cases:

Santa Rosa: The Santa Rosa reservation decided it would like to try a Christmas tree project. Agricultural people called in were enthused by the twenty five feet deep topsoil in the isolated valley. Years ago truck crops were grown but production ceased. Area Director Hill refers to the area as a low-productive valley, a favorite term of his quite frequently applied to all Indian areas. To him they are all low productive. The term is misleading as there is nothing in it to denote potential.

Richard Thomas, Pasadena American Friends Service Committee, worked on the tree project calling in experts as geologists, foresters and agriculture people all of whom agreed the project was feasible on a perpetual rotation basis. A query by Thomas to Neal Hagerty, Bureau forester, brought the following objections to such a project: 1. A University of California Extension Service Bulletin said it took 15 to 20 years for a tree to mature in Southern California (the 6000 foot altitude of the reservation rules this out). 2. Santa Rosa has no money, so where will the finance come from? 3. There might be a forest fire. 4. What would keep individual Indians from cutting trees themselves? The letter ended saying Hagerty would like

to be of assistance. Area Director Hills reply said experience was against such a project. The Forestry Division's reply was that it was interested only in selling timber, not aforestation and if the Indians were interested in their project they could go to some other agency. Richard Thomas said that the Bureau clearly resented his personal efforts toward establishing such a project. From the Area Directors point of view Thomas was just a trouble maker, interfering with termination.

Soboba Reservation: Another example is the water situation on the Soboba reservation. A mountain tunnel being drilled for the Los Angeles Metropolitian Water District in 1936 hit high pressure water which washed out equipment and drowned workers. The pressure was so great it took two years to seal off the water. Soon at least twenty five artesian springs and three wells dried up on the reservation. Non-Indians whose water was affected got immediate settlements in cash, while the Indians did not. The matter hung fire with limited litigation until Richard Thomas picked up the loose ends recently and got two hydrologists from the California Institute of Technology, Pasadena, and two attorneys interested in presenting a new case. A 1956 plea to the Bureau had been referred to the Justice Department who never bothered to answer. Richard Thomas had to contact a congressman to get information that the case had been dismissed for lack of evidence for even the Commissioner

refused to reply to a letter requesting the status of the case. Ten days after contacting the congressman the Sobobas had the answer.

A mysterious phone call came to Thomas shortly thereafter from Philadelphia from an Attorney Littell, resenting the hiring of other attorneys. Littell said he had an exclusive contract with the Soboba Indians. To make a long story short, it turned out that Rebecca Hocquioc, Soboba, a Purl Willis Mission Indian Federation captain, had signed the contract making the Mission Indian Federation a party without the Soboba's tribal council's knowledge much less their authority. (Letter, Soboba Tribal Business Committee to Norman M. Littell, Attorney, Washington, D.C., June 10, 1958) The contract was extremely liberal to Littell financially and gave him practically unlimited power over the tribe. The embarrassed Bureau officials explained that William Zimmerman, Acting Commissioner who signed the contract, was pressed with a claims filing deadline and the choice was either sign or not get a claim in.

However, Commissioner Emmons elected to stand by the contract, apparently fraudulent nature and illegality being of small consequence. Littell ceased answering letters. Finally in April, 1959 the power of attorney expired solving the problem of the contract. The Bureau in the meantime approached the Los Angeles Metropolitan Water Department suggesting settlement before someone became embarrassed

further. A contract was drawn up with terms of $30,000 cash and privilege of annexing 2,750 acres to the water district, plus pipe to the reservation and the Bureau is to put in $40,000 for domestic water with a charge of $3.50 per month per home for line maintenance and free water until termination. A letter from Fred Massey to Leonard Hill attempted to tie water with termination. (Letter, Land Operations, Irrigation. Fred H. Massey, Acting Deputy Commissioner, Bureau of Indian Affairs, to Leonard M. Hill, Area Director, Sacramento, September 18, 1958.) The Indians refused to accept the termination tie in.

Today the last well is going dry, that is, sipping sand. The Bureau said only nine inches of water were lost while expert hydrologists say the total loss, surface and subsurface, is over 100 miners inches. The background of the Bureau report is similar, unfortunately, to the litigation. Robert Hill, the Palm Springs office appraiser with two years experience, made the water report. His background prior to Bureau service was buying old houses, repairing and selling them. When Thomas asked Robert Hill "why" the discrepancy on the reports, Hill said his report was a real lousy one. His further reply was, "I know when I have a good thing. If I really report the situation I won't have a job tomorrow". Robert Hill attempted to help Thomas and suggested the Water District suspected trouble and before tunneling bought water rights from non-Indians on both

sides of the mountain. The Riverside recorders office has records of such transactions.

The obvious points brought out by the Soboba case are the indifference to Indian rights and welfare. The payment if the Indians accept is not to repay for loss of water for twenty years but to put in new systems. If the Indians refuse to spend the judgment in that manner then the only other way to get water is apparently to sign an agreement for termination. Another point of concern is that belonging to a water district does not always mean getting water for there is no guarantee of delivery. Indians are always concerned with the pressure that could be exerted by leaving them on the tail end of distribution.

Tribal constitutional provisions on termination: In 1958 three new tribal constitutions had the following unrequested and mysterious clause appended to the end of each constitution:

> Nothing contained in this Constitution shall operate to delay or prevent termination of Federal responsibilities with respect to the trust properties contained in the _____ Reservation. In the event of such termination, all powers, duties, or other functions of the Secretary of the Interior, or his duly authorized representative shall terminate.

The Bureau of Indian Affairs when asked why the clause was attached could not answer clearly. Only three or four tribes out of 33 have constitutions and those few are a relatively new development. Soil Conservation Service:

There is no Federal Indian Soil Conservation Service in California, however Federal Soil Conservation Service may help when approached for advice.

Agua Caliente (Palm Springs) reservation: Here approximately 100 Indians have 31,128 acres (6,500 in Palm Springs) worth ten million dollars, roughly. Becoming disgusted with local Bureau officials at the Riverside Office in southern California and the Area Director they hired Ray Simpson, Attorney to deal directly with the Commissioner. The Commissioner set up offices in Palm Springs on proviso that the Indians pay costs and salaries. While it was perfectly clear that these Indians needed help, they have to pay the Bureau. One wonders why Indians should pay the Bureau for services it should be required by law to render. For example the Arenos case is an eye opener.

Arenos sued the government to make allotments and the suit went to the Supreme Court. The Supreme Court directed the Secretary of Interior to make the allotments. Meanwhile the United States District Court assessed attorneys fees of $136,000 plus seven per cent against Arenos, the estate of his wife and also adopted daughter, Della Brown, and ordered the land sold. Arenos negotiated a sale just ahead of the sheriff sufficient to cover his share of the fees. (Interest from 1951 amounted to $18,000) Della Brown, the adopted daughter still owes her share but, unfortunately, she died before they could be collected. (Hearings Senate

Resolution 115, California, p. 294. See footnote 9)
Morongo reservation peat bog: The Morongo reservation has a peat or peat moss bog. Which, is important as there is a difference between peat and peat moss. Ted Armejo, Spokesman (Chairman) for the tribe, made a contract for sale of peat moss at the rate of royalty of 10% of 60¢ of the selling price or 75¢ per cubic yard of peat moss bailed. The tribal code states 10% is a minimum royalty thus the contract is not valid to begin with. Peat wholesales at an average of $22.50 per cubic yard with 20 to 30% markup for retailing. Clearly there is a difference between 75¢ and $22.50 per yard.

It now seems that what is being mined is peat, dried and hauled out loose in large trucks. The Indians are understandably irritated. Ted Armejo gets $8,000 a year from the company and Viola Mathews, tribal secretary, is the bookkeeper. Last year Armejo got a $1,000 bonus in addition to "salary".

Louise Agular and Jane Penn went to Area Director Hill and asked, "Who do you represent?" Hill said he had as much interest in protecting the company as the Indians but did not want to be quoted. A truck driver for the company in Pasadena said he saw a check from the company for $1,000 made out to Area Director Hill and is willing to testify in court to that effect.

After this attempt by the Indians to do something the Bureau attempted to modify the contract so the 75 cents a yard would be legal. The tribal business committee signed the modification after being voted out of office. The Bureau however, refused to recognize the tribal outster action. In the December 1958 elections Ted Armejo and Viola Mathews sent out ballots containing information favorable to themselves. Also there was an excess of ballots apparently so they managed to win by two votes. The tribe then passed by a majority a resolution stating there would be no pay to tribal people dealing with any company on tribal business. At present there is a stalemate since the election board is also split, the third neutral member resigning. There are not any tribal officers and will not be until next December or January. Meanwhile, peat continues to be moved out. The Bureau continues to carry ejected officers as the legal officers of the tribe. Allotments: The best reservations are allotted, some fully, some partially. For example, the Rincon reservation situated in a beautiful valley has five acre allotments which are of little use for anything but home sites. The Torres Martinez reservation land north of the Salton sea is very good for resort development. Two and a half years ago it was one eighth allotted. Now choice land is all allotted, but the hills are not. The 1950 Congressional Coachella Valley (Allotment) Act calls for irrigable land to be divided into

forty acre parcels or less, and the non-irrigable land to be sold. Gripes of the Torres-Martinez Indians are: 1. Method the Act was approved for it never was approved by the tribe. The Bureau got signature of each Indian saying it was for his welfare, benefit and so forth without explaining the real issues. 2. There was no opportunity to explain pros or cons of allotment. 3. Recreational land near the Salton Sea is being allotted despite the fact that the tribe wanted to develop it. Thomas approached the Area Director who said, "the definition of the Bureau on irrigable land was that the Bureau could get water to it".

The Land Operations Officer of Sacramento said the Bureau planned to allot the rest during 1959. He said, "It is obvious the Indians do not want to develop the land. If allotted they can either lease or sell it. If they sell they get cash and whites can make a garden spot." Richard Thomas feels there is definite pressure on the Bureau to use the system of allotment as a means to stifle tribal enterprise, appease the desperate money hunger of individual Indians and soon get the land out of Indian hands into the fists of the real estate speculators and developers of southern California.

In 1954 A. D. Edmonston, State Engineer of the Division of water resources, Department of Public Works, State of California, placed the following phrase in his report to the California Legislature, Senate Interim Committee on California Indian Affairs: (Senate Interim

Committee on California Indian Affairs, Progress Report to the Legislature, Senate Resolution 115, Published by the Senate of the State of California, January 1955, p. 53) "Because of the subsistence type of allotment to individuals and the relatively high cost of works historically provided therefor, it is doubtful if it will be at all feasible to retire the entire cost of many existing water facilities." In short the type of use allotted Indians put their water to makes it difficult to avoid liens upon their property. Indian reservations were selected without regard for getting water to them and a broad generalization can be made that such costs tend to be well above average.

The Bureau of Indian Affairs has some reasoning on the Coachella Valley water situation which states allotment is merely to facilitate irrigation, the government will finance it, water will go to Indians at the same rates and charges as non-Indians, 50% of the funds received from water sales to Indian lands will be used to reimburse the government. If water payments are not met the Secretary of Interior will pay placing a lien on the land which becomes due when the lands go out of Indian ownership. The Bureau felt that no danger is foreseen in the Indian owner losing his land, or in fact, running any risk whatsoever. When all the facts are considered the Bureau complacency on land loss does not seem very convincing.

Water: Despite lack of interest in Soboba Indians

water, since it would cost the Los Angeles Metropolitan Water District hard cash, there is interest in water. For the past two years the Bureau has been pushing strongly to get a two million dollar congressional appropriation for pipe, leeching lines and so forth, projects on Torres Martinez, Augustine and Cabazon reservations. It is presented to the people as a wonderful plan which will increase the value of the land. The plan may however have hidden flaws. Standby charges of $2.50 per acre per year would be put on the undeveloped land. Thus nice liens could accrue on the land before development and with termination taxes might tip the balance causing the Indians to lose out. It takes from about $400 to $600 to develop an acre of good irrigation land.

Lowell Weeks of the Coachella Valley Water District (Indio) said, "Indians will never benefit from this. Government money will be used to develop the land and white men will take over with water already available."

In January 1959 twenty one 40 acre plots were up for sale. July sales are postponed until October. Harry Hopkins, Chairman of the Torres Martinez tribe said sales alarm the Indians desiring cooperative farming. The tribe actually wishes to slow allotting. They wanted to allot the hills for homes, and use the rest for either farming or tribal enterprises. They asked Thomas to write to the Commissioner, and a rationalization type reply came back.

Area Director Leonard Hill was said to be furious at the appeal over his head.

Thus one can visualize a more intelligent and subtle policy of Bureau termination efforts in this particular case. The Bureau in California has in a sense, gone underground, reverting to the tried and proven method of allotting to break up reservations and stifle any attempts at tribal cooperative reservation resource development. Clever manipulation of tribal affairs seems to be the more logical explanation rather than mere ignorance and indifference upon the part of Bureau officials. Either way the result is the same. When the tribes wanted to do something Area Director Hill fought it with every device he had at hand, but when local whites wanted water on lands they had planned to take away from the Indians Hill paid no attention to wishes of the Indians. After all, his orders were to get rid of the Indians lands and being an Indian hater, he enjoyed his work.

Sale of allotments: "Bureau policy is against sale of land by one Indian to another", according to Orlando Garcia, Agent at the Riverside office. "If the Indian wants to sell he must put the land up for auction." Florin Garcia, an Indian, wanted to sell his allotment to Virgil Lawson, another Indian, and wrote asking Orlando Garcia, the Bureau Agent, if such a sale could be handled. The above reply implied that such sale was impossible though regulations say that sale from Indian to Indian would that the land out of

trust, but an Indian can buy Indian land. The point indicated here is that fuzzy wording of letters easily mislead Indians who are not lawyers or legal experts. Here the implication is clearly that one Indian cannot sell land to another while in fact it is legal. The reason for this sort of action is to attempt to drive the Indians away from Bureau services and welcome termination as the lesser of two evils.

Mission Reserve: In 1897 the Warner Springs Indians were given twenty four hours to pack up and leave. United States Calvary were sent in as persuaders. As an inducement the Indians were promised five room houses on the Pala reservation, a four and a half day march away. In due time the government did come through with one room shacks. The two groups have never gotten along very well. Public opinion caused the Secretary of Interior to set aside on April 8, 1903 the 9,000 acre Mission Reserve for Pala and the Warner Springs groups. The Secretary failed to fix the title and recently the Area Director Leonard Hill decided to get some action. As a result Congressman Haley introduced a bill, 86th Congress, 1st Session, HR 6523, giving 708.5 acres to the Pala Reserve, 136.5 to the Pauma, 200.3 to the Cleveland National Forest and 5.0 acres to a Santa Ysabell woman and 8,250 acres <u>back to public domain</u>. The Pala Indians oppose the bills S 1215 and HR 6523 in their entirety. (Resolution of Pala Indians, Subject: S. 1215

and HR 6523, 19 April 1959) A May 23, 1959 press release by the Department of Interior Information Service played up the bills so that they sound as though a great deal of land is being "given" the Indians.

The land in question has timber, semi-precious stones and beryllium (now used in space age manufuature) possibilities. The joker in the bill, besides that of putting most of the land into public domain is that "use privileges may be made available to the Indians subject to joint regulations of the Secretary of Agriculture and Secretary of Interior." The Palas and others feel certain they will not get to use the land due to the quoted clause. It seems that in this case the Bureau of Indian Affairs should be working hard to protect the Indian claims rather than for the interests of outsiders. Perhaps Purl Willises views of the Bureau were more appropriate than most people would give him credit for. Under termination policy the Bureau of Indian Affairs in California was certainly not working for Indian development or Indian interests in the slightest degree.

Pala coop: Richard Thomas indirectly helped the Pala Indians realize their coop potentialities through an adult education program of the American Friends Service Committee wherein experts were brought in to lecture on subjects suggested by the Indians. Five tribal members united, formed a constitution and bylaws and incorporated. As local interest

grew a local farm couple, Mr. and Mrs. Paul Lloyd of Rancho Santa Fe, donated a two ton truck, Farmall M tractor and so forth with a minimum valuation of $15,000 for the farm equipment, no strings attached, to the new Pala coop.

Roy Lattin had fifteen acres he wanted to lease to the coop for five years to help the fledgling coop get on its feet. The Area Office of the Bureau of Indian Affairs in Sacramento showed its colors by opposing all the way. Bureau personnel said the 1. allotment program would frustrate the coop. 2. the coop must abide by legal leases which would require $750 in hand before anything could be done. 3. the coop must pay $6.50 per acre month for water since they were organized and one non-Indian member made the entire coop non-Indian. Indians pay $1 for water. One young Indian girl is married to a non-Indian who was later "adopted" into the tribe. He belongs to the coop, so the Bureau contends the whole coop is non-Indian. 4. a surety bond of $100 was needed so the property would not be damaged. 5. Lease had to be put out to open bid. 6. and if the coop did not have $1,000 there was no point in talking and the Indians might as well give up before starting. Naturally the coop was discouraged and the future appeared most uncertain. The tribe, seeking to help, invited the area office to send a government official to a tribal meeting to discuss the matter. John Speraugh of the Sacramento Bureau Area Office repeated all the BIA demands

at the tribal meeting. The Palas asked him why he was so concerned and why he did not get concerned with illegal Indian leases which are common. Speraugh replied, "I can't be a one man police force". Phillip Freeman Coop President said, "Why can't you turn your back on the coop for five years?" Sperauch replied, "No. It must be strictly legal."

A plan developed to obtain an irrigation pump for a good but unused pumpless well on Roy Lattin's fifteen acres with plans to let the pump revert to him in five years for use of the well. Richard Thomas with help of California Technical Institute experts located a surplus pump of a government agency who were willing to release it to the Bureau of Indian Affairs merely by signature for accountability. Area Director Hill refused to sign. Faced with this obstacle the coop found the Bureau would let the tribe have the pump if they took a lien against their assets for it. Roy Lattin who would get no pump after five years under the new setup withdrew his lease and well offer and resigned from the coop. Phillips Freeman, the Coop President, thoroughly frustrated, became intoxicated and smashed up his car. Another man involved in the accident died of injuries a month or so later. Freeman felt he had given the coop undue bad publicity and cleared the way by resigning on his own accord.

Now the coop has 20 members. Machinery is being rented this year as it is too late to plant and next year it is

hoped that forty acres can be planted to alfalfa, the safest crop, since there are two large dairies nearby who use tremendous amounts of hay. The next step will be cattle and eventually truck crops are planned.

One of the tribal attorneys met Area Director Hill in Sacramento. Hill wanted to know what the attorney did for the Palas. The attorney mentioned the coop and Hill replied that he heard "it was dead". Throughout the struggle Hill told Thomas the coop was a waste of time. The Bureau had tried many times to help the Indians and had failed and they were much better equipped than the American Friends Service Committee. Today the coop has about $1,000 in the bank plus $15,000 worth of machinery and is not very dead despite the unnecessary obstacles encountered. /By the summer of 1964 the coop was dead mostly due to lack of land, leadership and the active Bureau opposition. Thomas left the Indian work in the fall of 1959 and without his energetic leadership the Indians were no match for the terminationists in Sacramento and Washington, D.C./

State Relations; Health, Education and Welfare: There were some complaints on all of these areas of state administration. One major difficulty involved was that of local officials not being informed of their new responsibilities. Apparently the Bureau felt the state should work with local officials while the state, not being very well informed on Indian affairs itself, expected the Bureau to work with local

officials. (Paper, What You Should Know About Assembly Bill 2117 and Senate Bill 1161 to Establish California State Advisory Commission on Indian Affairs) Most local officials gladly cooperated to their fullest ability when they learned of their new responsibilities towards the Indians in the fields of health, education and welfare.

Reservations without occupants: Near Twenty Nine Palms there is an unused quarter section of desert Indian land with no residents left. Also there is a 1.5 acre cemetary adjoining the city. The Daughters of the American Revolution called Richard Thomas asking about the land for a national monument. Thomas checked with the Bureau agent at Riverside who said no descendents could be found. When Thomas mentioned the matter to Jane Penn of the Morongo Reservation she said she knew of at least ten Twenty Nine Palm Indians sent to the Cabazon reservation. Apparently the descendents had no idea that the land might still be theirs and will organize and try to claim it. Actually Area Director Hill was aware of the descendents but had made no effort to prepare a roll.

The Twenty Nine Palm descendents will have to take the initiative themselves. Hill was also aware that the land in the vicinity is being subdivided and value is increasing. The local agent probably knew of the heirs but wanted to put Thomas off or was just totally ignorant of the situation and too lazy to try to find out. There is no excuse in either

case.

The Ramona reservation is also vacant. Harry Hopkins of the Torres Martinez Reservation is a great grandson of Ramona of the Helen Hunt Jackson book, Ramona. Though Area Director Hill stated there are no descendents Harry Hopkins plans to lay claim through heirship rights. The Ramona reservation has rolling hills, a beautiful spring and is valuable.

The Cuyapaipe reservation has one Indian left who some claim dislikes whites and uses his rifle to maintain his peaceful isolation. The rest of the Indians with relationship to that reserve are all dead or have gone elsewhere. General observations: Indirect land termination seems to be strongly in operation in southern California among the Mission Indians on a rather sophisticated basis. The Bureau of Indian Affairs personnel in California appear to be completely saturated with the idea from bow to stern 1. that it is necessary that Indians become equal citizens, 2. they are extremely lazy, 3. they will not develop their lands so whites should, and 4. the Bureau should dedicate itself toward non-development of Indian resources. The Area Office went on record as being against Indian development as evidenced by the Christmas tree project and Pala coop, yet turn their Janus face toward development of peat sales where it was evident the Indians are being cheated. The Indians could sack up the peat and sell it themselves now that they

are aware of the potential income. The California Area Office apparently has not cared whether the Soboba Indians got water or not for twenty two years. Yet they fervently push allotment and water development where the land value is obvious and real estate interests are known to be active, particularly the area by the Salton Sea where the resort potential is what might be termed "a perfect set-up". The Indians believe the irrigation plan is all right but the practice of water districts in California is to charge for water with no guarantee of delivery. The Indians fear they may be left on the tail end of water distribution so liens can accumulate and the land or land value will be lost through no fault of their own.

The clause surreptitiously tacked on the end of new constitutions is perfect evidence of government dedication toward termination of all the California tribes without their consent. True, past Indian attitude may have been generally negative toward Washington inspired development plans, but the shock of termination may have focused tribal attention upon the fact that someday, if congress has its way, federal relationships with the tribes will be severed. As a result the tribes have started groping around. For example, the Pala Indians have made some progress in organization and interest in the past two years with a small amount of guidance. The spark of self-improvement has ignited and they continue to push ahead day by day. Federal

policy is dedicated toward killing that spark. This paragraph concludes the views gathered in the fall of 1959.

A look at southern California in the summer of 1964 indicated that no great changes had taken place in local Indian affairs. Pressures of termination policy had lifted but little progress had taken place in economic development. Without the leadership of Richard Thomas, of the American Friends Service Committee, the coop at Pala failed. There were too many difficulties to overcome, the primary one being that of getting adequate lands together for farming. The major problem of getting smaller plots together revolved around financial difficulties. Lack of leadership was probably the most crucial problem. Under federal termination policy the Bureau of Indian Affairs was not about to provide any leadership for the tribes.

The population of the Mission Indians is small and the Bureau of Indian Affairs, under New Frontier policy, is placing its effort and limited resources at the disposal of larger more heavily populated reservations in other states. But the purpose of including the brief case studies of the Mission Indians is to indicate as clearly as possible the general effect of congressional termination policy upon the individual reservations and individual persons involved, for proper contrast between what the proponents of termination said they were aiming for and what the policy actually achieved. The achievement in southern California,

in so far as creating more problems, hatred and confusion are concerned was similar to that elsewhere in Indian country. The Indians were forced into an expensive time wasting battle to save what little property and community spirit they had left. The expensive trips to Sacramento made by tribal officials deprived their families of necessities. This is an inexcusable hardship, for the poverty stricken.

The author interviewed Leonard M. Hill, the Bureau of Indian Affairs Area Director for the California Area, at his office in Sacramento in July 1964. He seemed termination oriented as usual and said that the Indians should not be treated as a special group. And as usual, he said the California Indians had little resources to develop except for Hoopa, Round Valley and Tule River reservations which have timber. He seemed to think that Indians have to swim or sink on their own, and if they sink, well so what? Society will go on.

Undoubtedly he will retire someday since he is no longer young and his views on termination, though not changed, were tempered enough to get along with the New Frontier spirit without being fired apparently, since he had not been. It is difficult to reconcile such an attitude with any sort of governmental push towards social and economic development of Indian groups, at least in California. In all probability Hills continued presence in California satisfied those California politicians who hate Indians and

Hill can put in his time without any unusual disturbances of the New Frontier development policies. It is a shame that the taxpayers have to waste their money on his salary however.

The attorney for Soboba, Norman M. Littell, will be discussed briefly in the last chapter. Littell was the attorney for the Navahos for many years but in 1964 was expelled from tribal meetings by the Chairman of the tribe, Raymond Nakai. It is extremely difficult to evaluate the doings of attorneys for the various tribes but an attempt to do so will be attempted in the above mentioned chapter. Littell's ideas will be discussed briefly.

The Soboba Reservation is just a few miles east of Hemet, California. Hemet is the scene of the Ramona Bowl which produces three runs of California's "greatest outdoor play" Ramona. The cast is composed of 350 townspeople of Hemet and San Jacinto. The play was first staged in 1924, has ran 37 seasons and has been witnessed by more than 800,000 people. Seats run from $1.50 to $3.00 and there are 5,280 of them. The play is based upon the famous novel Ramona by Helen Hunt Jackson, first published in 1884.[2] Miss Jackson also wrote A Century of Dishonor, published in

[2]Helen Hunt Jackson, Ramona (Roberts Brothers, 1884; Boston: Little, Brown and Co. 1912, 1939).

1893, which described Indian troubles somewhat from the Indian point of view, a rare happening.[3]

Despite the fact that the Soboba Reservation is only a few miles away, populated with genuine Mission Indians, only one or two, ever take part in the play. If the Indians were operating and putting on the play they could enhance their now rather poor economic situation, but apparently they have never had a chance.

During termination days the old government buildings were demolished, being condemned. In June 1964 a tribal meeting that was held under the open sky at the old government buildings site. The tribe certainly needs a central meeting place, better homes, jobs and many other things. Anyway, through the pageant the story of Ramona is perpetuated though the local Indians get nothing in direct return. That is precisely what the story of the pageant is all about, mistreatment of the southern California Mission Indians.

[3]Helen Hunt Jackson, A Century of Dishonor (Boston: Roberts Brothers, 1893).

Five Civilized Tribes, Eastern Oklahoma

Under the theories of the terminationists and liquidationists, we hear that cutting federal ties with the Indian tribes will almost automatically make white northwestern Europeans, English or Scandanavians of them. In Eastern Oklahoma it is possible to make a case study of tribes that have not had reservations nor very many ties with the federal government for over fifty years. Despite this fact there are Indians in Eastern Oklahoma who live in Indian communities as "Indians" in the present day sense. Fifty years ago they owned half the state of Oklahoma.

Dr. Angie Debo, of the Oklahoma State University, Stillwater, has written several excellent books upon the economic decline of these Eastern Oklahoma Indian tribes. Included among her timeless works are The Rise and Fall of the Choctaw Republic[4]; And Still the Waters Run[5]; and The Road to Disappearance[6]. In the spring of 1949 Dr. Debo was asked by the Indian Rights Association (1305 Race Street, Philadelphia 2, Pennsylvania) to make a survey of the social and economic conditions in the fullblood settlements of Eastern Oklahoma. Her survey was reported in a brief report

[4]Angie Debo, The Rise and Fall of the Choctaw Republic (Norman: University of Oklahoma Press, 1934, 1961).

[5]Angie Debo, And Still the Waters Run (Princeton: Princeton University Press, 1940).

[6]Angie Debo, The Road to Disappearance (Norman: University of Oklahoma Press, 1941).

The Five Civilized Tribes of Oklahoma published by the Indian Rights Association April, 1951. In the summer of 1959, ten years later, the author made a much briefer revisit to the Five Civilized Tribes areas to note changes. And then again, in the Fall and Winter of 1963 during a tourism survey of Eastern Oklahoma the author again had the privilege of traveling extensively through the Five Civilized Tribes area, reviewing earlier impressions and information.

Dr. Debo states in her report that the tribes "live in appalling poverty". According to her views, the whole beautiful region of the Cherokees east of the Grand River "is one vast slum". Throughout the hill country the Indians live in log cabins as did the original Cherokees settling in that country. Today it is the practice or lack of practice to not repair an old cabin or build a new one. Fractionated land ownership is the usual reason for such lack of interest in housing upon many Indian lands over the country. This does not mean the Indians are slovenly. In almost any rural area, Cherokee or other, one always sees lines heavy with washings, sometimes, or even usually done by hand, later to be ironed by hand.

In 1949 the tribes owned 930,833 acres of allotted lands, with 326,935 acres of inherited lands still in the possession of heirs, or a total of 1,257,768 acres. There is no accurate statistics on the population of the tribes for when the tribes were terminated in 1907 no further

effort was made to keep track of population statistics. Estimates in 1950 set the number of quarter-bloods or over at 25,600 Cherokees, 1,600 Choctaws, 3,200 Chickasaws, 16,640 Creeks, and 2,560 Seminoles or a total of about 64,000. The best figures available for the tourism survey of Eastern Oklahoma in 1963 were the 1950 estimates. There simply are no reliable figures available, one of the minor disadvantages of termination.

The type of lands the Five Civilized Tribes hold are not like the rich farm land acres of the western Oklahoma Indian residents. Much of the eastern land is hilly or even mountainous, with cutover pine areas or blackjack post oak which is good for just that, posts. Any land is valuable though and the prices for Cherokee Ozark jungle acres has risen from $2 or $3 per acre to about a minimum of $30 per acre. Ranchers are clearing the hills and planting grasses for pasture, even on rather tough steep terrain. The economic possibilities for the Indians beyond commercial strawberries and family gardens, or livestock are slim. Most of their living has to come from seasonal jobs in the timber, with power companies, rock quarries or other employment demanding unskilled labor. The average land holding is around 100 acres per family, quite inadequate for ranching or adequate timber income.

In such a poverty stricken environment the pressure for land sales is strong. Frequently an uninformed person

will say that if the Indians love their land so well, why do they sell it. There have been many laws upon the sale of Indian lands, all making it easy to sell under certain circumstances. For years any one heir to lands could elect to sell his interest, an undivided interest, forcing an entire tract to be sold. As a rule the others had no funds to buy out the heir and many times the Bureau of Indian Affairs actively agitated against such sales between Indians anywhere in Indian country. In many cases, judging from Dr. Debo's report and personal interviews over the country, Indians still do not quite understand the white man's system of land tenure. Many Indians will live on undivided inherited lands, paying no rent, living as they have for untold centuries. When the land is sold out from under them they move to other similar lands.

What happens if they run out of lands? The author knows of one group living in a city dump in Nevada; a Utah group living on a small parcel of land donated by a friendly local church; and of other examples of what we would term "squatting" upon federal land or other lands to which they hold no title. A prime example is Hill 57, a landless Indian slum squatter settlement near Great Falls, Montana. Dr. Debo gives one example of an elderly Choctaw lady who lost her allotment, but with some other funds she accidently came into, built herself a small house on the land of another Indian. She told the social worker that it was her house

and nobody could take it away from her because it was her house, built with her own money, and that was that.

The land base of the Five Civilized Tribes was not large and the allotments were very small for the type of terrain. The Cherokees and Choctaws have the most difficult times, with the Creeks running third. The Chickasaws received fairly productive farm lands south of Oklahoma City. The Seminoles to some extent were beneficiaries of oil and gas leases. There are Creek groups that live in hilly country, use stock pond water for drinking when their shallow wells go dry, and exist on season job incomes. Dr. Debo mentions a case of crowding where one Indian lady had six families living on her 60 acres in extremely poor cabins. One cabin housed fourteen persons.

There is one development highlight in the Cherokee area that carries through to the present time. It occurred under the terms of the Oklahoma Indian Welfare Act of the Oklahoma version of the Indian Reorganization Act. A young gentleman, Herbert Kinnard was sent to Stilwell to teach the Cherokee fullbloods farming. The Lyons Switch community had built a small community meeting place with the help of a boarding school teacher who had been ordered to go live with Indians for six weeks by the Washington, D.C. Bureau of Indian Affairs Office. She aroused a certain amount of community spirit in the process. Kinnard felt that the loose rock covering the flint hills would grow strawberries

and he felt the Indians would be capable of the hand work needed. The average cash family income was $54 per year so there was not anything to lose. The little cooperative which was formed borrowed $2,800 and went to work. The venture was successful and the coop paid off the loan and interest amounting to $3,200 and each of the member families received an average profit of $600 per year. In 1946 the coop was dissolved in favor of individual growing. By 1949 there were 150 families growing berries and it was expected that 300 would be growing berries by 1950. From two to four acres the average family can clear six to eight hundred dollars annually. One Cherokee after a good season paid off debts he had owed the local store for thirty years. It does not take much imagination to visualize the great jump in prosperity from an income of $54 per year to $600 per year or more. And the Cherokees were doing this themselves. One must keep in mind that before tribal dissolution in 1907 they were governing themselves, had built seminaries, had their own prison, newspaper and were almost beating the white man at his own game in business. The strawberry growers are those who decided after the trouble in the east and in Oklahoma that as long as they had anything of value the white man would be after it, so they took their vow of poverty and began to live at a starvation level in the Ozark hills.

In fiscal 1948 363 loans totaling $168,567.49 had been

made. $120,329.94 had been repaid (including about $3,000 through foreclosure). $47,821.11 was outstanding and only $416.44 had been charged off to loss. The record as with most Indian credit is as good as, if not better than usual standards for agricultural loans.

Loans in the Five Tribes area were made by county credit associations. In 1949 there were fourteen active associations. At the end of fiscal 1948 they had borrowed $906,864.93, of which $590,454.99 had been repaid, including $24,578.01 through foreclosure. $312,709.43 was outstanding and loss written off stood at $3,700.51. The loans were made to poverty striken Indians who had neither capital nor farming experience. Not all the loans were successful. One of the major forces moving the Cherokees at Lyons Switch was a revival of their community spirit. Also they had exceptional leadership. Apparently both are needed for success.

The Creeks with better lands were farming to some extent. Some of them were at least getting along in the late forties fairly well with assistance from county agents. The Seminoles experienced an oil development and were able to enter industry or office work. They and the Chickasaws tend to have less economic integration difficulties than the hill country Choctaws, Cherokees and Creeks. However the Chickasaws do have one rather noticable slum area.

Dr. Debo's recommendations center around economic

development since she states that the Indian's worst problem is economic. She suggests that many of their social ills would disappear as their living standards improve. According to her reasoning there are two alternatives for the Five Tribes; either enter into a rehabilitation program, which would stop loss of lands and provide the leadership and opportunities needed or the other alternative, that of reduction of these formerly great and proud people to homeless, hopeless paupers, actually a menace to the morals and health of the surrounding society.

It must be clear though that except for trusteeship of the lands, the Five Tribes as individuals have not been restricted by the government. For nearly fifty years they have been free to do as they like within their capacities and opportunities. Termination did not turn them overnight into anonymous general melting pot citizens. This is the problem policy formers must consider when they began pontificating about what the Indians should be, policy aims of freedom, assimilation, genocide, miscegenation, farming, factory workers, dead Indians, or whatever. True, many of the Oklahoma Indians have become satisfactorily involved in the normal civilization but many have not.

In the early fifties the Indian Education Division, Oklahoma State Department of Education, and the Branches of Education, and Placement and Relocation of the Muskogee Area, Bureau of Indian Affairs, made an effort to secure

information upon 479 Cherokee households within fourteen school districts situated in the Old Cherokee Nation. The report of the study was made in June, 1953.

The 1950 federal census for Adair County indicated that half the adults over twenty five years of age had not had schooling beyond the fourth grade and that family income of half the households was $555 a year or less. The household contained 2,228 persons, 1,119 male and 1,109 female. The study provided a nearly 20% sample of the rural Cherokee people living within the area of the original Cherokee Nation. The survey considered the degree of Indian ancestry which was 5.2% with no Indian ancestry, 3.4% less than one fourth, 10.8% 1/4 to 1/2, 18.2% of 1/2 to 4/4 and 62.4% full blood. The full bloods amounted to 1,365 out of 2,189 persons. The researchers thought that full projection of the sample to all rural Cherokees in the nine county area would give a total of 6,825 of full and 1,995 of half to full Indian ancestry. As a rule the mixed bloods of half or below tended to move to other areas, while the fullbloods tended to remain and intermarry.

Language spoken in the homes, according to the studies, were found to be that 40.9% spoke English, 1.1% used both languages and that 58.0% or 278 used on Cherokee. Age distribution tests indicated 53.8% were under 19 years. The sixty and over was about half that for the state indicating high mortality rates due to disease for older

persons. The figure for the Cherokees was 6.8% while the state population percent for 60 years or over was 12.5%.

Income data according to the researchers is notoriously inaccurate unless actually backed by records. In fact they said that only one statement can be made with certainty, and that is that annual income is very low, compared with state averages. Low household income was around $932 for the self-employed to $2,456 for professional. Self employed ran 122 households and the professional 14 households. Average annual earnings for all was $1,069 per household. Average per capita income would be about $231. Income coming from paid employment was 51.0%, welfare payments 40.4%, agriculture products 22.3%, timber 14.3% and other 12.3%.

Fifty to seventy-five percent of the homes were considered to be substandard. Thirty two point six percent had electricity available. Forty five point three percent had either a car or truck. Over half then were without transportation, a rather difficult situation for rural residents.

Homes though overcrowded were usually found to be clean and well kept. Furniture might be lacking but the floors were clean, bedding neatly folded and so forth. The people are poor but not slovenly as a rule. About half the homes had wells, but over a third used springs. Most homes had to carry water into the house.

The reporters concluded that the hill Cherokees were

insulated from the rest of society by the remoteness of their homes, by their withdrawal, and by language handicaps. There were no other apparent problems since the innate ability of the Cherokees is apparent.

The problem of how to help them is not so easily solved. The surveyors felt that more contact with others, better education and for some, leaving for jobs in industry or agriculture in other areas would be desirable. The beautiful hill country in which they live is not very well suited for either industry or agriculture. The report asks what is the responsibility of the government in this situation? "If the American people have an obligation to stay with these First Americans until they are ready to meet the tests of present day civilization, that obligation has yet to be fully discharged."

That seems to be the answer. Merely terminating federal relationships and saying starve or make your own way really solved nothing because the American people will not allow very many persons to starve to death. Consequently many of the families exist upon welfare so the average uninformed taxpayer is paying whether he likes it or not. In the local areas it is possible that those competing for Indian lands would prefer that the Indians remain on welfare, and not compete economically. In this respect termina-tionists are the enemies of the general public.

The question may arise as to whether the tribes have

any government left of their own. The answer is yes and no. During the 1930s vestigal tribal governments were revived among the Five Tribes to liquidate remaining tribal assets. Legally the governments were merely for completing the termination authorized under the Oklahoma Enabling Act over fifty years ago. The vestigal governments do still exist. There is an Intertribal Council of the Five Civilized Tribes which meets periodically. The Intertribal Council does consider many problems relating to health, education and welfare but has no control over individual properties or other assets, consequently is relatively ineffectual in the area of economic development.

In 1959 the author attended an Intertribal Council meeting for the first time. One of the bigger problems considered was the loss of Indian lands. Under the Stigler Act of 1947 Oklahoma Indian land goes out of trust at death of the allottee so all remaining lands will go out of trust in the next several decades. Old age assistance regulations require that land be sold before a person can qualify for assistance. Some lands were being placed on tax rolls and after five years were irretrievable by the Indian due to a statute of limitations. This matter was discussed at the meeting. A great deal of the meetings consider education matters. But as stated before the Intertribal Council has litle power and has not been an effective power in general economic development. With the resource base of

the Five Tribes there is little else they can do. In 1963 the Intertribal Council invited Oklahoma State Department of Commerce and Industry, the Area Redevelopment Administration and Bureau of Indian Affairs to sponsor a tourism survey of the eastern half of Oklahoma to begin a preliminary plan for tourism development, with the Indians to be kept in mind. The author served with the Oklahoma firm making the survey and believe that in some areas there are possibilities for Indian tourism development. This is probably one of the more important recent acts of the Five Tribes Intertribal Council.

Personal findings in 1959 or in 1963 did not deviate substantially from Dr. Debo's report nor the report on the 479 Cherokee households. Change comes slow in most rural communities. Hill Stancil of Baron in Adair County headed the Adair County Indian Credit Association for years and has faith in the program, echoing Dr. Debo's contentions about the Cherokee experiment with credit and strawberries. However under termination policy the government sent an agent out from Muskogee to pick up the fund and terminate the Credit Association. Stancil said he absolutely refused to give up the fund since none of the payments had been missed and there was no valid reason to close the Association. The capital at the time was running around $12,000 and $14,000. Here is one more proof that termination policy would do exactly the opposite of the objectives mouthed

by the congressmen involved. The Area Director in Muskogee in 1959 was a man named Fickinger whom all the Indians hated thoroughly. His job was solely that of liquidating the Bureau and as many Indians as possible in the process. It seems that considering the type of men found in positions of power during termination pressure in the fifties the Buffalo Party had developed techniques of infiltration that would put the communists anywhere to great shame.

Stancil, a full blood Cherokee, said that Fickinger personally did not like the Cherokees and fought them. This type of action was generally true throughout Indian country during the termination push although there were a few exceptions depending on the personality of the man in charge, meaning superintendent or area director. But as a rule, any tribe that attempted to do any developing or attempt to do anything to better itself was automatically placed on the black list of the agent in charge. There were a few exceptions but this is merely because the Buffalo Party had failed to get their evil minded monsters into every position of authority. Stancil, who was unsympathetic with Fickingers troubles with the Cherokees, was not very popular with the bureaucrats. He said that the Cherokees were in some cases becoming worse off and that in the few weeks earlier his wife had given away over twenty cases of home canned fruit to Cherokees who needed food to stay alive.

No picture could be clearer regarding ignorant, misguided and ill-founded government policy. The government had done practically nothing to better the livelihood of the Cherokees and wanted to destroy any little sign of progress through destruction of the credit program.

The Cherokees had also set up a Cherokee Foundation, Inc. in March 1952 to assist tribesmen in a non-profit and non-political way. A great deal of the earlier work was devoted to distributing Christmas baskets, collecting and distributing clothing to hundreds of needy Cherokee School children in Eastern Oklahoma.

The thirty seven page report on the Five Civilized Tribes contains much more detailed information but overall the picture in the isolated communities or even the smaller towns is one of bleak future for the Choctaws, Cherokees and Creeks; and to a lesser extent the Seminoles and one special slum group of Chickasaws. In fact the situation was worse in 1963 than in 1959 because the trend in agriculture is toward larger units. Unless the Indians can obtain considerable amounts of capital and go into business type farming there is little future for them in agriculture. One of the better solutions would be to encourage industry to locate in the urban areas or smaller towns in order to allow commuting or trips home on weekends. Tourism if properly done could help in some areas but small resorts and similar establishments have a high mortality rate. The average

Indian would not be able to make money without relevant training and long term consulting services designed to fit his needs. It seems in the final analysis, that the government moved the Five Tribes to Oklahoma against their will. Whatever is necessary should be done to allow the tribesmen to compete economically with the local whites. The Indians, as yet, do not have the political power to attain such an end. Members of the Buffalo Party of course have no morals when concerned with Indians. The general public does not know or care that the problem exists. The Oklahoma Indians get drunk, suffer illness, fight, have accidents, exist in soul-grinding poverty and finally die with no real hope for any better life for their children. What chance do their children have in a society whose employment is based on college degrees, and where sharp competition in business has developed to the point of honoring the slickist criminals, and where money is the measure of all things?

At the time this thesis goes to typing it can be stated that some changes for the better are in store for some of the poorer Indian communities in Eastern Oklahoma. The Bureau of Indian Affairs is helping new industry locate in those areas. The Cherokees are working on a two million dollar social and economic program to be financed from an Indian Claims Commission Award.

Projects anticipated include financing of construction and equipment for industrial enterprises; construction of

trade and technical schools at Stilwell and Tahlequah; a loan guarantee program for tribal members; home improvement projects; student loans; research and writing a history of the Cherokee Nation; establishment of a Cherokee Shrine and a drama production at Tahlequah; and development of a forty acre commercial site near Tahlequah, to include an arts and crafts center and a Cherokee Council House. This type of policy and planning is taking place under New Frontier and Great Society programs in the 1960s.

Space Age Indian War, North West Coast Indian Fisheries*

This is the last case study to be presented. There could be many more. In the authors files is much information regarding Utah, Nevada, Colorado, Alaska and other geographic areas. It is impossible to include so much material in one thesis. The larger groups as the White Mountain Apache, San Carlos Apache in Arizona or Navaho who have lands in Utah, New Mexico and Arizona receive a certain amount of public attention. The Montana tribes and the North and South Dakota tribes have great difficulties with development, much steming from strong shifts in governmental policy. The Oregon and Idaho tribes are not prosperous. There are many tribes left in the east. For example the Pamunkey Indian tribe still pays an annual animal tax, which it has done since 1945. Originally the Pamunkey tribe was required to pay an annual tribute of twenty beaver skins to the king of England. Now they present the governor in Richmond, Virginia with a large deer. The Iroquois Tribe who acquired more territory than was acquired by Rome in all ancient history is still around having difficulties.

Stories of each and every tribe in their present status would be interesting and a contribution to knowledge. Hopefully other persons looking for topics for a Phd. or Masters thesis will write about the recent economic, and social development of each tribe, or lack thereof, considering carefully the role of governmental and private

*See Chapter Close Appendix. Utah Small Bands - Kanosh, Koosharem. p. 468

relations. The central purpose in this thesis is to delineate and illustrate policy and indicate actual effects of that general broad governmental policy when applied to its consumers. One more illustration should suffice on termination policy. The Potlatch or Rich tribes in Western Washington have a resource which has not yet been totally destroyed. This is the salmon industry or fisheries. A "war" developed in the 1960s. Although no one was killed, tempers ran high and participants in the "last Indian war" carried weapons at times. People were shot at occasionally, but fortunately for law and order the marksmanship was deliberately poor. Violence to physical properties of the Indians included beating up boat motors with sledge hammers, cutting up Indian fish nets, boats destroyed and even attempt to push the automobile of an Indian into a large river, with the Indian in the auto.

Fishery problems in Western Washington are not new. The exact rights of the Indians under the treaties have been subject to litigation for years. However, the great anger and hatred did not peak until the congressmen pushing termination had "their" man installed as superintendent in the Western Washington Indian Agency. He was not an evil man but could take orders and may have actually felt that there was nothing that the government could do to better the economic situation of the Indians. He was an older man, nearing retirement and was more concerned with his carrying

out orders to the nth degree than the actual effect of those orders. After all, not all administrators administrate with the same degree of intensity. The author spent many hours with him and in 1960 made a few notes of his views, in a private report made at the request of several of the local Indian tribes.

Clarence W. Ringey was superintendent of the Agency from 1955 to mid-1962. His basic thesis was that the reservations should be terminated and the Bureau of Indian Affairs abolished. Although the New Frontier policy of President Kennedy was inaugurated in 1960, Superintendent Ringey carried on termination policy full blast until he was sent to a nonadministrative resource development job concerning lands of the great plains tribes.

His early training was dairy farming which culminated eventually in a college degree in animal husbandry. Early in his career he entered government service in Indian work with agricultural and credit assignments progressing to administration in 1941. He was eligible for retirement in 1961 but elected to continue working. He said his retirement would depend upon "whether I can do the Indians a service".

Superintendent Ringey had definite views regarding Bureau relationships and the West Coast Indians, gained he felt, from his lifetime of work with Indians. He said that he had built up a staff of thirty professional people,

"The best people he could find who would accept government salaries". The employees did appear to have excellent morale and loyalty to their jobs and the Superintendent. Despite many visits to the Agency the author heard only several mildly adverse comments directed toward the fact that, "the Superintendent is strong willed and perhaps overly firm in his beliefs". After he left, the new superintendent began putting pressure upon the employees to get their work done promptly and do more than put in their time. Morale declined correspondingly with the decline in independence and increase in work load. But this report is concerned with Indian morale, particularly the morale of those not on the federal payroll.

A digest of Ringey's theories follows: "The West Coast Indians are not like other Indians because they have never been isolated, but instead have been at the crossroads of world trade for several centuries". The statement on trade is true in part, for over a hundred vessels from Europe and the United States reached the Northwest Coast in the twenty years between 1774 and 1794. But the implication that assimilation is nearly completed just is not factual. Almost reversing himself Ringey claims that, "individual tribes are extremely different in culture, attitudes and progress". Ringey states that, "the local Indians have lost faith in the Bureau offices, they go other places for aid, hence they are past the stage of needing agency help. The

taxpayer is paying for a lot of professional help that is not being used efficiently due to the Indian's attitudes. Ninety nine percent of the letters received are complaints. Only one percent compliment. Here the Indians do not need help and figure the Bureau is a detriment. As soon as the Bureau favors something there is much opposition. How can professional people function? The Bureau is here to advise and recommend with its professional staff. These intracacies and involvements cost $1,000 for what the state could do for $150."

"The Indians here are 80% terminated already. And each time a Bureau service is terminated or turned over to the state, as state welfare, the Indian gets ten times more benefit. Indian health is another excellent example. Termination is dumping Bureau service for something better. Instead of getting rations the Indians get state welfare and buy their own food. Why should Indians stick by the Bureau for meager services when better ones are to be had outside?"

Ringey feels, "the main thing the Indian Reorganization Act has accomplished is the creation of a group of Indian politicians who bleed the rest of the Indians dry. Indians were always individualists and should be treated that way. On the reservation other Indians pull the ambitious ones back down to their level. Indians have personal problems, not tribal problems today. The normal procedures, of our society, while not perfect, are better than what anyone can

devise for Indians".

The Superintendent has little use for certain outsiders who claim they want to help Indians. "Few people come in with open minds. They want to make public issues out of Indian affairs and enjoy the public battles. It is too bad the Indians are political footballs. When the church people get a scholarship awarded, they have to put it in the paper and bellow it to the four winds."

"Indians shouldn't be called Indians because they are very different groups of people. We don't call ourselves Europeans do we? The Indians should be called by their tribes, as Sioux, etc. Different Indians respond differently because they are different peoples and different individuals."

"All we have done is confuse these people for 150 years. We have a regulation problem, not Indian problem. We've about tried every philosophy there is on them. There are over 5,000 laws on Indians, and almost none are clearcut. Lawyers are the only ones who can understand them; laymen can't interpret them correctly. We should throw this book of laws in the fire and start all over again. Whats best for other people is best for the Indians. We make Indians what they are. Indians don't want to abide by these regulations so its time to sever the trusteeship. The Indians out here started resenting the Bureau in the 1920s. The government should have stepped out then."

"Many regulations are unrealistic and out of date. For example, we now have sixty actions on trespass because that is the responsibility on the trustee, not the owner. Thirteen heirs may own a piece of property. One who lives near the property may go in and cut the timber. There are then twelve other very unhappy Indians and it is practically impossible to prosecute the Indian who illegally cut the timber. In one actual case our forester caught Indian loggers cutting illegally. We enjoined them and marked all the cut logs on the ground and at the mill. As luck would have it, when we advertised for transportation for the cut timber to the mill, the same Indian loggers won the hauling contract. One weekend they finished logging the tract and sold all the logs. The father of the boys is the business manager for the reservation but he claimed no knowledge of the resumption of the logging though he admitted he accepted mill receipts to pay off the heirs."

"The Indians don't want to abide by the regulations and I don't blame them. I put myself in their shoes and see myself as one of the most obnoxious Indians there ever was. The Indians are a very patient people. Ninety five percent of the Indian problems are caused by reservations or regulations. If you would create a reservation for a group of Irishmen you would have the same problems."

"Congress should define an Indian and make them prove they meet the definition. The 1/32 and 1/64 Indians have

blossomed out now. Ten years ago they wouldn't admit they had Indian blood. After the claims settlements are finished those persons struggling so hard to prove they are Indians will probably go back home and be quiet. Congress should vote assistance to true Indians who need help. Why help those fareing for themselves? Those who don't need the help take up a lot of valuable time leaving little for the others."

"Liquor is a problem here too. Indians usually don't drink but the tribes vote liquor out. This causes law violations because teenagers get liquor from bootleggers and drinking becomes popular. There are eleven bootleggers at Neah Bay, the most popular people in the community. They have nice homes and drive nice cars. Little children say they want to be a bootlegger when they grow up. I say enforce the reservations dry or repeal the laws. Church groups say that idea is awful. Ringey is driving the Indians to drink. He advocates whiskey on the reservation. It seems to me that what little we do for the Indians directly is offset 100 times by these other evil things the Bureau and regulations have caused indirectly."

"Heirship is the worst problem facing the Indians here. Now 100% of the heirs must agree on anything done with the property. Even if the law were changed to 70% heirship would be easier to solve. The government should stand the expense of straightening the folly of heirship since the

government caused it. Lots of factionalism is due to inheritance troubles causing family feuds. Probates continue to multiply. They should be settled when a person dies."

"We worked 18 months on law and order in 17 counties to pave the way for legislation. Most Indians felt they were already under the counties. Some had their own agreements with counties. All counties were willing to accept law and order except at Neah Bay. The distance from Port Angeles is too great there. There was a case at Skokomish where a girl was molested. Nothing was done for there were no tribal laws on the subject. The girl was molested again by the same individual in defiance of all concerned. The women wanted something done so the Skokomish introduced a bill for law and order. At Lummi law and order was OKed. All the tribes wanted in under Public Law 280 but objections arose regarding the bill as to constitutionality, though there was no dissenting vote in the legislature. It is all a big mess now. Outsiders fight law and order, confusing the Indians. At Neah Bay the judge doesn't know mud and there is no appeal from his rulings. Denial of Indian rights because they are Indians is no good. Some Indians who enjoy their lawless state and don't want to behave oppose law and order. The others want it. Outsiders don't know the real situation and aren't open minded enough to try to find out."

This concludes Superintendent Ringey's major views. His will dominates the Agency and for all practical purposes

the employees agree with the philosophy of his, even though he tends to overlook rather important factors in order to enhance the attractiveness of his own story. Their loyalty to his theories and concepts did not continue under the superintendent replacing Ringey.

Ringey constantly recites instances where Indians have sold their timber and land and have greatly improved their economic level. His sole thought is that the local Indians are competent and should go on out on their own, governed by the regular laws of society, living like the rest of us. He sees the Everett, Washington Agency as little more than a large realty office with Indian's property in trust and states that the Indians are probably capable of handling their own property better than the Bureau because they have their own interest at heart whereas the Bureau is faced with a mass production method of handling the property matters. The mass production statement contradicts his other view that the large professional staff is, through non-use of their talent, wasting the taxpayers money. Termination to Ringey does not mean loss of race or culture but merely release from the multiple outdated, outmoded red tape which pins the Indians down.

Superintendent Ringey was cordial, reasonably cooperative and willing, even eager, to spend three or four hour sessions almost anytime expounding in detail his termination philosophy. A substantial portion of his

working hours were devoted to that cause at local Chamber of Commerce meetings or any other place where an attentive audience could be assembled.

The previous paragraph concludes the material from the twenty five page private report made on the Western Washington Tribes, Washington, completed in the Fall of 1960. Ringey pointed out that the Bureau was furnishing few services to the tribes and most actions of that Agency were designed to get the Indian to go elsewhere for assistance. Such policy was that of termination policy over most of Indian country. Ringey was a very effective politician and spent a lot of time spreading his views among local people in towns adjoining the reservations. The Indians could get practically no assistance of any kind from the Western Washington Agency. Whenever they complained to church groups or any other group which might push for rectification, the Superintendent would blame the following uproar on the fact that the churchmen enjoyed fighting. As an administrator he found the 5,000 extra laws and treaties that pertain to the Indians a headache but the Indians found them a much greater headache as a rule under his administration. Consequently a few laws were ignored at one time or another.

Since Indian affairs have operated for nearly two centuries now without consent of the governed except when a big enough rumpus is raised it seems that Congress and the lawyers themselves should bear the responsibility for the

legal mess they have brought into being. But when one remembers that the basic objective of certain lawyers and congressmen has been to drive the Indians from their properties then the actual situation makes more sense than not.

The law and order situation was one of the moves pushed by terminationists because with state law and order it was felt that Indians could be induced to mortgage their properties, and that the local businessmen could then foreclose and take possession. There seemed to be no other logical reason for almost fanatic pressures to get the tribes to take local law and order. Ringey would always mention a luscious rape case or so as an example of why the Indians needed state law and order immediately. But he always omitted a number of pertinent details particularly in the case where he was advocating the adoption of legal liquor upon the larger Western Washington Reservations. The Indians themselves thought his only aim was to get legal liquor voted in, whereupon he could say that the Indians have liquor and no way to control it. The man was clever, and his arguments sounded fairly good to anyone uninformed about Indian affairs. But the Indians themselves were by and large attempting to remain neutral in the interests of peace, or even going along with him for favors he would render when they did his bidding. One tribe fought rather strongly and received the stick as a rule

rather than a carrot. That tribe was the Lummi Tribe near Bellingham, Washington.

As can be seen by the Superintendents views, he considered the Everett, Washington Agency as a giant real estate office. His main duty as he saw it was to sell Indian lands as rapidly as possible. Most Indians said that regardless of the reason they entered the agency office they were usually detained by the Superintendent and asked if they would not like to sell their land and get some cash. The three policies of this man under the umbrella of termination were: 1. diminishing government services to the least point possible 2. selling Indian lands as fast as possible 3. stirring up as much trouble as possible between the Indians and their neighbors in order to foment public opinion for early termination of the government trusteeship of Indian lands. The only trouble was that in 1961 President Kennedy announced his New Frontier and the Democratic platform on Indians called for economic and social development rather than termination. The Indians knew this and began to make a counter-attack. The Lummi tribe led the attack.

Before going on with the Lummi case a general area background will be offered and then although the Western Washington tribes have about every problem regarding land, education, welfare and so forth that other reservations have, particular attention will be devoted to the problems

of the Indian fisheries. Except for timber and land, the fisheries are about the only natural resource of any value left to the Western Washington group of Indians. Devotion of a few pages to fisheries does not by any means imply that other problems are minor. The diminishing lands of the Oklahoma Indians parallels the diminishing lands of the Western Washington Indians. Problems inherent with poverty prevail. However, in good fishing years the Western Washington Indians have a resource which yields cash in quantities adequate for a reasonably good "Indian standard" of living. Preservation and development of this resource is of vast economic importance.

In Western Washington there are eighteen reservation tribes listed by the Bureau of Indian Affairs and fourteen non-reservation tribes. The reservation tribes are the Chehalis, Hoh, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Squaxin Island, Swinomish and Tulalip. The latter two reserves have members of three or four tribes who were moved onto one reservation. The non-reservation tribes live upon individual public domain allotments rather than reservations. These tribes include the Chinook, Cowlitz, Duwamish, Jamestown Band of Clallam, Kikiallus, Lower Skagit, Nooksack, San Juan, Skagit, Snoqualmie, Snohomish, Stillaguamish, Steilacoom and the Suiattle. There are a number of other tribes which

the Bureau does not list as the Skykomish or Stillaguamish which have rivers named for them. Their members are few in number and few live in the ancestoral areas. The Quinault is the largest and probably the strongest reservation politically with about 150,000 acres and a population of around six hundred persons.

The Makah Reservation has about 27,000 acres and a population of 600 or more. Both Quinault and the Makah reservations are located on the Pacific coast. The Tulalip Reservation has about 12,000 acres and 400 persons. The Lummi Reservation has around 12,000 acres. It is extremely difficult to get accurate acreage counts since the reserves laying along Puget Sound include tidelands, some of which could be reclaimed for uplands. The Swinomish Reservation has around 5,000 acres in trust plus tidelands. The other reservations are not as large.

The administration problem for so many relatively small groups of Indians has not been adequately solved by the Bureau of Indian Affairs. The close contact and leadership needed for development of resources has been sadly lacking. Under termination policy the superintendent selected for that Agency was an expert in causing delay, confusing issues, misguiding uninformed persons and other activities calculated to force the Indians to turn to other agencies or go without services. The superintendent was a fine man probably from the classical viewpoint of Max Weber's theory

of administration which stated that in effect all the administrator has to do is follow the rules without thinking. However, the late Oliver La Farge, President of the Association on American Indian Affairs, Inc. said in that organization's annual address in 1962 that, "To your experienced bureaucrat, the high-ranking, Presidential appointee is but a cloud that will soon pass - unless and until he discovers that the cloud has lightning in it".[7] Superintendent Ringey did not expect the lightening of the New Frontier.

With small acreages it might be assumed that the tribesmen of the area may not have much in the way of resources to administer. No one in history ever made an honest attempt to evaluate the worth of the assets of the Western Washington tribes, until the author made a sketchy economic analysis of their visible assets, in 1960. That estimate of land, tidelands, minerals (known only), annual fish take (actual) and timber, with many exceptions and qualifications came to about $110 million. Several reservations have industrial possibilities which could greatly increase the value of the Indians holdings. One particular project being talked about for one reservation has a potential in excess of the total estimate. The bulk of the tribesmen's present assets are in land and timber, while the chief source of income is from

[7]Oliver La Farge, Indian Affairs, Newsletter of the Association on American Affairs, Inc. 475 Riverside Drive, New York. June 1962, p. 8.

diminishing fisheries. Income levels are substantially below that of the surrounding population and there is little economic difference between the tribes of the Northwest and the hill tribes of Oklahoma, except that once in a great while the northwest fisherman has a few days of good fishing, or a timber allotment is sold resulting in a large piece of cash which does not last very long as a rule. On the other hand a few of the Oklahoma tribes had their day with oil. Few of these assets were put to work on a lasting investment basis, in either area.

So in summary the Western Washington tribes have small but relatively wealthy reservations, are subject to intense pressure in a semi-urban area as people are talking of the City of Puget Sound, exist in relative poverty, and survive as community groups, although the languages are not spoken as a rule. Most of the older Indians know the languages but seldom teach them to the young. Some anthropologists think the Indians in this area are about assimilated and are not really Indians culturally. Some of the Indians insist that they are about as genuine Indian as anyone could be and bristle at the anthropologists suggestions.

Since fisheries are so important historically and remain important, and because brevity is necessary in this study, focus is briefly applied to fisheries. There are tremendous timber problems, much waste, and in times past much graft and corruption in Oregon and Washington timber.

In the Gold Coast affair in Oregon two poor Indians were gyped out of about $900,000 worth of timber causing quite a scandal in the 1950s. In Western Washington timber cruises decades old were used to evaluate timber in sales. Bureau regulations prevented Indians from using selective logging with modern conservation practices with the result that much older timber was diseased, dying and lost forever. The allotting of the Quinault broke up the Indian forest so that it could scarcely be administered in a profitable manner. Enemies of the Indians saw to it that there was no chance ever of unallotting the lands for the benefit of the Indians. Superintendent Ringey pushed strongly for complete sale of all of the Quinault timber allotments, to the detriment of the Indians and the advantage of powerful west coast timber interests whose greed is said to be unlimited. J. P. Kinney has written two valuable relatively objective books on Indian timber which the reader interested in Indian timber may find of value in his research. The books are Indian Forest and Range,[8] and with less emphasis upon timber, A Continent Lost - A Civilization Won[9].

Timber grows slowly and the tribes have little immediate interest in timber, mostly because work now does

[8]J. P. Kinney, Indian Forest and Range (Washington, D.C., Forestry Enterprises, 1740 K Street N.W., Washington 6, D.C., 1950).

[9]J. P. Kinney, A Continent Lost - A Civilization Won (Baltimore: Johns Hopkins Press, 1937).

not pay for years. Fish are a ready cash crop. In a fish run several thousand dollars can be caught in a few hours.

Under treaties and aboriginal rights the tribes feel they have the right to fish to make a living. They run afoul of state and federal laws regulating the sports and commercial fisheries, and in consequence get into rather hot feuds with sportsmen and non-Indian fishermen who think that the Indians have no rights at all, or to restate the similar view regarding the Buffalo, the Indians have as much right with salmon as those with Buffalo had on the plains, which is none at all. The fishery problem from the Washington State point of view is that of running the Indians completely out of all net fisheries. The Indian point of view is that they were there first, have aboriginal rights and also have treaties which say that they can fish in common with the white people.

In November 1965 the Puyallup Tribal Council (Tacoma, Washington) wrote to President Johnson urging enforcement of the 1854 treaty. Puyallup Indian Reuben Wright was in the Pierce County jail being sentenced to 60 days for contempt of court on October 22 after he was arrested for fishing with a net in the Puyallup River in violation of a court injunction. This example is part of a consistent pattern of Washington State harassment over the past thirty years. The court cases are numerous.

The pragmatic effect of the state policy is that Indians

are constantly subject to arrest, confiscation of gear, fines or short periods in jail. This process has been in progress since the thirties when the state began a campaign of arrests, and destruction of all gear including boats. As a marginal income group the fishermen and their families have suffered unnecessary deprivation of the necessities of life, as well as considerable mental torture. The New Frontier policy had little effect upon the state's continual raids, arrests, and confiscation of private property.

Most of the tribes had a clause included in their treaty which stated: "The right of taking fish and of whaling or sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States." (Makah Treaty, 1855) The items raising problems for lawyers is where are the usual and accustomed places and what does in common with all citizens mean? The Indian interpretation is that all areas were Indian areas before the whites came and that in common means that the Indian has the right to catch enough fish to make a living.

To the whites, the usual and accustomed places mean within reservation boundaries and in common means abiding strictly with all state and national fishery laws, including those for sportsmen even though the Indian is trying to make a living and not catch fish for the undiluted pleasure involved. Some of the tribes were not subjects of

a treaty and it is held that they have no rights at all. These Indians maintain that since they did not make a treaty they retain their full rights for they gave up nothing.

The state has more power than the Indians so as a rule the state temporarily wins, bringing almost endless law suits, throwing Indian fishermen in jail, confiscating their fishing boats and gear or destroying it, and even private citizens are willing to use illegal types of harassment to try to drive the Indians from their fisheries. Superintendent Ringey was strongly in sympathy with the white fishermen and against the Indians in the interests of termination, consequently the tribesmen were getting no assistance from their great "protector". In fact they were getting just the opposite from the Great White Father in Washington, D.C.

The irate sportsmen succeeded in getting an article stressing their views into the April 1962 Field and Stream, entitled Indian Massacre . . . 1962. by J. E. Fowler and Frank Dufresne. The title was correct if one takes it to mean Indians received the action but the information was quite inaccurate. The article states in effect that the Indians are massacring the steelhead and salmon fishery of the northwest because they do not have to obey state conservation laws. The article neglects to say that the Northwest Indians were the worlds foremost conservationists otherwise there would not have been any salmon left when

the whites got there. Older persons of either race always recount the days when fish were five cents each or less and were hauled out by the wagon loads for fertilizer. Fishermen used pitch forks to load the wagons.

The article did say that the state fishery departments were making no general indictment of the thirty-five tribes living in Washington, and blamed the difficulty on a small portion of the Indians, maybe one percent and those being mainly of non-Indian blood. Several select cases were mentioned, appropriately for the article, the worst abuses that could be found. They were portrayed from the so called "sportsmens" point of view and made no effort to tell the Indian's side of the story.

John A. Biggs, Washington's Director of Game, under whose jurisdiction is the game fish, attempted to blame only a scattered few renegade Indians. Biggs said also that the treaty makers did not envision the modern methods of fishing. He said that steelhead (an ocean going trout) and salmon filled the rivers bank to bank in the old days and who could forsee that they might some day be facing extinction? He was contradicting himself to some extent by implying that the fishery was headed for extinction. Certainly the Indians who had fish from bank to bank in their streams before the whiteman came had little to do with building dams, polluting rivers and sea waters and the many other things that gradually led to the unfortunate and

wasteful decline of the salmon fishery.

The object of the article was apparently to present a solution. The program suggested was: 1. All Indians should be required to abide by state conservation laws outside their reservation. 2. No individual with less than 25% Indian blood should be entitled to treaty privileges. 3. All rights under the treaties should be abolished and the Court of Claims should compensate the tribes. The article requested a large volume of mail to the United States Senators Warren Magnuson and Henry Jackson of Washington State.

The tribes involved objected to the program because most of the fishing rivers in the usual accustomed places were not included within reservations. Most of the reservations were set up as homesites or as places for farmer Indians, the government being totally ignorant of the fact that these Indians were fishermen. Under the Dawes Allotment Act all Indians over the country were to farm whether they wanted to or not, including the whaling tribes on the Pacific Coast.

The blood identification is difficult in Western Washington due to a great deal of intermarriage. In some tribes the right to call oneself an Indian goes down to 1/8 and some others with less quantum feel that any amount of Indian blood qualifies them to be experts on Indian matters. Another problem tends to confuse things. If a

person is a fullblood Indian, yet three fourths or more of some blood besides northwest what sort of rights does he have? He may have inherited lands and be a completely northwest Indian culturally. There are no end of troubles over who is an Indian and who is not. The Intertribal Council of Western Washington suggested that all tribes establish tribal rolls and keep them up to date for identification purposes to protect their members as well as the general public from frauds. This suggestion would add to reservation administration expenses and none of the tribes had sufficient funds for such activity. Under termination policy the Bureau of Indian Affairs was not about to spend any money on anything that might have the slightest tinge of development or progress connected with it in the Northwest. With tribal rolls the tribes might tend to avoid the vanishing act they were expected to perform.

Before continuing the reader is referred to the State of Washington Fisheries Codebook. It is a small volume which contains over 100 law cases in various courts, not all applying to Indians but many setting precedent for handling the fishing rights of the Indians. Because of the complexity of the court rulings and current uncertainty as to what is law and what is not the cases are not dealt with here in detail. The nearest correct information will come in the latest court rulings as time

passes.

Several brief briefs of important cases follows:

State ex rel Campbell v. Case 182 Wash. 334 July 1935. Decision: Held that Indians fishing on reservations are operating under federal regulations. Those fishing off reservations were subject to state regulations.

State v. Edwards 188 Wash. 467. December 1936. Decision: Held that a fish trap operated on the Swinomish reservation tidelands was not illegal. The trap is still in operation in 1965, providing several jobs, food and tribal income.

State v. Meninock, State v. Wallehey, State v. Barnhardt 115 Wash. 528 April 1921. Decision: Yakima Indians fishing near Prosser Falls in their usual and accustomed places under a 1859 treaty were convicted of violating state law and finded $10. The state supreme court affirmed the conviction.

Tullee v. State of Washington, United States Supreme Court, October 1941. Decision: Held that an Indian fishing off reservation does not need a license. While the United States Supreme Court reversed the states ruling, the Washington Codebook prints in large block letter only those parts of the case which supports its views.

Ward v. Racehorse 163 U.S. 504 May 1896. Decision: In a Wyoming case it was held that the state has power to regulate the taking of game.

Makah Tribe v. Moore, District Court of the United States, Western District of Washington, Case No. 2131, December 30, 1949. Decision: Difficulty arose over Makah fishing in an usual and accustomed area, namely the Hoko River, off reservation ten miles. The court said that the Indian must observe conservation laws when operating his gear without the boundaries of an Indian reservation. That information is in small type. In bold letters is the part of the case which mentions that as with the Tullee case the state cannot force Indians to purchase licenses. The bold letters are intended apparently to remind the reader that the state thinks it could and should regulate off reservation fisheries, court decisions or not.

State v. Quigley 52 Wash. (2d.) 234, April 1958. Decision: Held that a Chinook Indian, a non-treaty tribe, could not hunt game under aboriginal rights, those rights antidating treaties. The appellant claimed game were within such rights while the state claimed state ownership of game. The state was upheld in that view.

A summary of the Indian cases decisions, considered as good law by thesstate of Washington follow. The Indians and to some extent the federal government may not agree. The following statements are not a complete summation of Washington state Indian fishery law by courts.

Indians have title to the fish in the waters of their reservation and their right to take the same cannot be interfered with by the State Fisheries Department. (Pioneer Packing Co. v. Winslow, 159 Wash. 655)

Indians have the right to sell fish taken by them from the waters of the reservation for shipment direct to points outside the boundaries of the state, as protected by the commerce clause of the United States Constitution. 12-4-33

An Indian cannot sell fish within the boundaries of the state taken in a reservation at such time as it is unlawful to have said fish in possession. 1-15-32

A dealer may take fish off the reservation for re-icing before shipping direct to the purchasing agent outside the state. 12-1-31

It is unlawful to purchase fish from an Indian on the reservation during closed season unless the fish have been ordered by an outside agent outside the boundaries of the state. 12-1-31

The marriage of a white man to an Indian woman does not confer the status of an Indian upon the husband. 11-19-29

Treaty Indian not obligated to purchase fishing license. (State v. Sampson Tullee, U.S.)

If an Indian buying fish confines himself exclusively to the reservation he does not need a license but if he sells his fish outside the reservation he does need a license. 6-22-27

The rights of an Indian to fish within the limits of his reservation cannot be abridged or destroyed by legislation. 9-1-25

The state has taxing jurisdiction over Indian reservations in so far as people other than Indians are concerned. (Page v. Pierce County, 25 Wash. 6)

The Quinault Indians have title to the clams on the tidelands to low water since the tidelands specified are part of the reservation. 11-2-35

An Indian buying fish on a reservation and selling them to canners, wholesale dealers or retail dealers should have a wholesale license. Should he dispose of his fish to one specific wholesale dealer or canner he should have a buyer's license from the firm. If his dealings are confined exclusively to the reservation licensing provisions do not apply. 6-22-27

Indians prohibited from selling salmon outside the limits of the reservation which were caught within the reservation during closed season. 5-16-21

Cannery operated by other than Indian ward of government on reservation subject to license and tax. 5-25-23

State has jurisdiction to enforce criminal laws on reservations in so far as persons other than Indians are concerned. 5-25-23 (Draper v. U.S., 164 U.S. 240)

Recognized principle that territory of an Indian reservation may be territory of a state for some purposes. Attorney General 1921-22, p. 81, 5-25-23. (Draper v. U.S., 164 U.S. 240.)

During the open season Indians can sell fish to wholesalers outside the reservation caught on the reservation, but during closed seasons it is unlawful for any person, firm or corporation to purchase, handle, deal in or have in possession any food fish taken from the waters of the state. 5-26-25

Case tax can be collected from fish canners who are non-Indians operating upon the Quinault reservation. 12-4-33

Illegal to can, handle or otherwise dispose of commercially, private or Indian reservation clams during closed season. 6-25-37

When possession is prohibited it is unlawful for a wholesale dealer to have steelhead in possession regardless of where the steelhead were taken. 12-6-29. (Pioneer Packing Co. v. Winslow, 159 Wash. 655, makes exception)

Unlawful to handle or deal in salmon taken by Indians during closed season and placed in cold storage with a retail outlet. 10-26-36

Stevens Treaty leaves state with power to impose on Indians equally with others such restrictions of a purely regulatory nature concerning the time and manner of fishing outside the reservation as are necessary for conservation of fish. State cannot impose licensing provisions. (Sampson Tulles, Appellant v. State of Wash., U.S. case No. 318, October term 1941).

Tribal Indian operating boat house on reservation not subject to boat house operator's license in spite of fact that such boats operate off the reservation.

Under termination policy Superintendent Ringey pushed with all his might for state law and order, under Public Law 280 which allowed states to take over total jurisdiction of reservations, including fisheries. The hope was that the state would have better grounds for pursuing its policy of bringing the Indian fisheries to an end, which would be the result of confining the Indian fishery to the tiny farmer reservations which were set up under force and duress in the days of conquest.

The third part of the article mentioned earlier asking that the treaties be abolished, is the ultimate goal of the state government. However it is not easy to compute the loss of the fishery to the Indians, say over the next 1,000 or 1,000,000 years. Some Indians say that if the state wishes to pay us $10,000 per year based on 1960 money and price value, per Indian forever we might be tempted to negotiate a change in the treaties. Another view advanced occasionally is that if the federal government is free to unilaterally abrogate the treaty then the Indians are free to go about their business as if there had been no treaty in

the first place. Merely arguing of course will not solve the problems.

Senator Warren G. Magnuson of Washington, (former) Congressman Thor C. Tollefson of Washington and Congressman George A. A. Goodling of Pennsylvania held joint hearings on Northwest Salmon Fisheries Resources (Joint Hearing before the Senate Committee on Commerce and House Merchant Marine and Fisheries Committee) at Tacoma, Washington October 13, 1961. In most instances the views of the tribes that did finally attend were stated. The Bureau of Indian Affairs, representing national policy, attempted to keep as many Indians away from the hearings as possible, consequently the well thought out views of a number of tribes never got into the official record. The statement of the Intertribal Council of Western Washington Indians, p. 122 is quoted in full:

Des Moines, Washington
October 25, 1961

> The Bureau of Indian Affairs, Western Washington Agency, 1620 Hewitt Avenue, Everett, Washington, wrote a letter to the Inter-tribal Council of Western Washington Indians dated October 2, 1961, suggesting the intertribal council appoint a spokesman to appear at a hearing by Congressman Tollefson in Tacoma, Washington, October 13, 1961, regarding only Puyallup Indian fisheries.
>
> Testimony by the various agencies, private and public, encompassed all Indian fisheries, including the Klickatat River Indian fishery by the Yakima Nation of Eastern Washington.
>
> The Bureau of Indian Affairs failed to notify the tribes. The Inter-tribal Council of Western

> Washington Indians is unable, physically and financially to perform the Bureau's responsibilities. As a result most of the tribes were not notified at all, or were not notified in time for the hearing. The testimony does not contain or reflect the views of each individual tribe.
>
> Senator Warren G. Magnuson announced at the conclusion of the hearings in Tacoma that others who wished may present a written report and had until the first week in November to do so sending such reports to him as chairman of the Senate Commerce Committee, U.S. Senate, Washington, D.C., or to Congressman Tollefson in Tacoma. Written reports are being prepared by each tribe who was not represented and will be sent to Senator Magnuson.
>
> Respectfully yours, Harold J. Plaster, Secretary

Most of the added reports sent in to the committee after the hearing were not printed. The local Bureau office, meaning Superintendent Ringey said that he was not adequately informed of the hearing. Perhaps this is true but he had a number of telephones paid for by the taxpayers at his disposal in his office. It would not have been impossibly difficult to find the correct information and relate the same to the tribes. Congressman Tollefson had no interest in having Indian side of the picture brought to public attention. Goodling of Pennsylvania did not know enough about the west coast fisheries to even ask intelligent questions. Senator Magnuson managed to be reasonably objective and polished.

Wayne Williams, Assistant Manger, Tulalip, drew up some circular charts indicating the extent of Indian catches. In the period from 1951 to 1960 the commercial catch in the state was 87½% or 62,592,899 salmon. The Indians got

3,718,674 fish or 5¼% and the sport fishery got 5,227,665 or 7¼% of the fish. The accusations that the Indians were the cause of a declining fishery are pure fabrications viewed in the light of the actual statistics.

The ten year Silver Salmon catch indicated that commercial took 10,172,415 fish or 73½%, sports took 2,742,300 or 20% and the Indians only got 902,864 or 6½%. The ten year Sockeye catch indicated that the commercial catch was 21,131,646 or 96-3/4% while the Indians got only 716,270 or 3¼%. The ten year Chinook catch gave the Indians 478,963 fish or 6½% against 28% or 2,154,765 for the sports fishery and 65% or 4,880,089 to the commercial. The ten year Pink catch gave the Indians 4% or 910,174 fish against a commercial take of 21,849,668 or 94½%. Sports fishery on Pinks was light being 1½% or 330,600 fish. Pinks are not as desirable as Chinooks or Silvers in the sports fishery.

The problem that the state and the Indians face is that the Indian fisheries are, because of the regulations forcing them down to their small reservations, heavily fishing the mouths of the rivers at one or two of the reservations. The salmon have to get up these rivers to spawn. After the sports and commercial fisheries get all the fish they want there is really none left for the Indians. Consequently if the state squeezes fishing times of the sports or commercial fishermen, more fish get past them to the Indians. The Indians take more fish and then the so

called "conservation minded" sportsmen and commercial fishermen begin to yell that the Indians are taking all of the salmon bypassed to spawn. The Indians say that we are finally just about getting a fair share of the fish.

On October 13, 1965, agents of the State Game Department in Washington ran into strong opposition when arresting Indians participating in a "fish-in" on the Nisqually River. One agent was dumped out of his canoe into the river. Another one was smacked with a canoe paddle. Despite the seven arrests the Nisqually and other Indians in that immediate area continued "fish-ins" with another November 23. State Game Director John A. Biggs stated prior to the November 23, 1965 "fish-in" that at any time any individual engages in any serious, illegal fishing on any of the rivers of the state, whether he purports to be Indian or not, he may expect that his gear will be seized and that he will be arrested and brought into court. He added further that, "We do, however, distinguish as between this responsibility and publicity spectacles of the type of this so-called fish-in, which, in our opinion, have little or nothing to do with actual fishing". He continued, "I'm not certain what a fish-in is supposed to be, but I am certain that it is not a serious effort to engage in any illegal fishing".

Biggs seemed to think fish-ins were illegal fishing October 13, 1965, and seven Indians arrested were awaiting

trial in Thurston County Justice Court.

The local Indians have formed an organization called The Survival of American Indians Association and invited the Republican Governor Dan Evans who strongly opposes them, and the public to "come witness your state fisheries and game men violating the United States Constitution", at the November 23 fish-in. The state game men are involved because of the steelhead, an ocean going trout, which is considered to be a game fish by Washington State. Indian caught steelhead from Washington are served in better restaurants in London, Paris, Rome and other cities abroad. The Indians would like to have more fish to sell and the uncontested right to catch their "fair share".

The answer in summation to the problem is basically that of increased conservation, meaning extremely strict control upon all factors which cause declining fish supplies which include the Russians, Japanese, Canadians, sea gulls, bears, beavers who block streams, illegal fishing by sportsmen and commercial vessels and so forth. The Intertribal Council of Western Washington Indians spent many months setting up a functional Intertribal Fisheries Committee which had plans for Indian conservation regulations and for Indian policing of their fisheries and increased conservation activities in and around reservations. However, the enemies of the Indians did not welcome any such enlightened approach to the Indian fishery. Their desire was to

obliterate the Indians and their fishery completely and are still working toward that goal.

One of the recent conservation efforts of the Inter-tribal Council Fishery Committee was to suggest that the federal government implement measures on reservations whereby fish production could be increased. The Committee working for months on the problem concluded that would be about the most constructive attitude the Indians could adopt. Scientists at the College of Fisheries, University of Washington reinforced those views, although they were sticking their necks out politically.

In the summer of 1965 the Federal Bureau of Sports Fisheries announced plans to put in a "Quinault national fish hatchery on the Cook Creek tributary on the Quinault River. Washington State's attitude as evidenced by the Attorney Generals office was that planting of Indian fish even on the reservations would seriously undermine State efforts to regulate [annihilate] off reservation fishing.

The Washington State fishery director, Thor Tollefson, a Republican United States Representative who was just voted out of office by his constituents was appointed fisheries director in May 1965. His appointment was not because of any scientific knowledge of fisheries since he is a politician, lawyer and Indian hater. His attitude is that other treaties have been broken by the federal government and likewise "<u>the Indian treaties should be broken</u>".

He thinks rather philosophically, that this is the way things happen "when civilization pushes on". His cultural and economic outlook on Indian rights fits those of the Buffalo Party philosophy 100%. The Indians think that if he is so unhappy with things in this country that it might be well if he went back to where ever his ancestors came from. Indian interest group advisory support to the Intertribal Fisheries Committee was withdrawn for unknown reasons in July 1962 and the work on fisheries was allowed to slowly collapse as a joint undertaking between the tribes. Individual tribes as the Quinaults and the Lummis have continued programs of their own and in August of 1964 the Lummi tribe began a police and court system designed to regulate their own fishery violators. With vast expenditures of effort small gains were made. Superintendent Ringey was removed from Western Washington by reassignment in the late Spring of 1962. The intense disputes and confusion over all Indian problems abated substantially with his leaving, except for fisheries.

The war over Indian fisheries in the space age continues and there is still talk of buying out the Indian fishery. The most sensible approach would be to consider that the reservations and Indians are going to be around for a while and that since the Indians are notoriously good at conservation, allow them to take part in conservation work with fish farms on their reservations, policing of their

own waters and also through the benefits of tourism by allowing a certain percentage of the sportsmen use their fishery with guides, boats and profitable fees being charged. The basic problem is one of greed by the commercial fishermen, most of whom migrated to the United States from other fishing cultures of the world. A few of them have little social or economic perspective and possibly no ability to understand the Indian cultural viewpoint. About all they know is boats and fish. They have to make their living but it appears that in the long run more and more of them will have to find something else to do, leaving the salmon fishery to the Indians and the sportsmen. The trend in commercial fisheries is towards the big companies and hundreds of company owned boats instead of the small individual entrepreneur who invests his own capital and time. No one should weep if the big commercial monopolies are gradually phased out of the economic picture some day in the face of the growing population of the United States. Perhaps they can turn to ocean fishing for fertilizer or protein fish which the world will need increasingly as the population expands.

In 1955 Dr. James Crutchfield of the University of Washington, Department of Economics conducted an Economic Valuation of the Commercial Fishing Industry of Washington. The summary concluded that the production of seafood in Washington State in 1955 amounted to 145,007,351 pounds of

fish and shellfish, with total value of $39,794,586. Processing and marketing services of firms in Washington added $3,249,392 to the value of imported fish. The breakdown of the total value shows $20,064,616 of total wholesale receipts was received by fishermen and shellfish growers. $7,423,159 was disbursed as wages by the wholesalers and processors. Handlers of fish paid $774,787 in taxes (excluding income taxes) and received $10,687,237. The fishery business in Washington State is about a forty million dollar a year business.

According to the 1960 National Survey of Fishing and Hunting by the Department of Interior, sports fishermen in 1955 spent $1,914,292,000 during 397,447,000 recreation days in the United States. The same reports show that in 1960 $2,690,872,000 was spent in 465,796,000 recreation days.

Although the analysis in this section is not very complex it appears that the value of the forty million dollar commercial fishery in Washington is quite small compared with a nearly three billion dollar industry of the national sports fishery. The Indians take of fish is so small that if their industry were completely liquidated, the commercial fisheries will be feeling the pressure from sportsmen. Since the Indian fishery is so small there seems to be no reason whatsoever, moral, legal, value judgment or otherwise, why the federal governmental policy should not be to preserve and improve that fishery, just to

keep the Indians off welfare rolls if nothing else.

Today the ideal situation would be a program of the most intense conservation measures possible aimed at rebuilding the fisheries to the bank to bank status that was prevalent when the Indians had the fishery all to themselves. Thus no one would be, presumably, injured by being forced out of business. Presently there is too much bickering among conservation groups to successfully tackle the task at hand. The Indian fishery problem uproar is an excellent example of their emotionalism display. The local Bureau of Indian Affairs superintendent was running around the Puget Sound area with a lighted torch touching off additional brush fires to add heat to the controversy. Ignorant Congressmen who pushed termination must bear full and final responsibility for such a state of affairs resulting from their blundering actions.

Fishermen are jokingly said to be notorious liars and in the Northwest many of their talents have been directed towards the poor Indian. An anonymous letter from a self styled swivel-eyed Swede [actually an Indian] in Mount Vernon, Washington to the Seattle Times explains the Indian viewpoint fairly well with satire.

Dear Editor:

> Head for the hills, men: The Indians are taking the country! They are a sneaky, greedy, unscrupulous, money-hungry, destructive, inartistic lot that will bear close watching. In the past two hundred years they have killed off the buffalo, the sea otter, the

> fur seal, and exterminated the sea cow. They cut down vast forests and drained lakes and swamps, thus destroying the nesting grounds of game birds. Early in the twentieth century they trapped millions of salmon and let them ripen in the sun, then dumped them back into the sea because their canneries lacked capacity to handle them. They built smoke, enshrouded, smog-cursed, sooty cities where buildings stand with paint peeling most artistically. They polluted rivers and sea shores with human and industrial wastes. They slashed the country with hard surfaced roads whose sides are adorned with lovely bill boards extolling the qualities of barbeques, booze and beer.
>
> Now it is up to the white man to take over and repair all this damage done by the Indian; to purify the waters and restore fish, game, and the beauty of the countryside. Congress can follow the pattern set by the Russians and abrogate the Indian treaties. It can plug some loopholes and oversights such as those made on the Columbia. We should start by kicking the pants of the blundering bumbleheads responsible for this sad situation - the white idiots who proposed, drafted, and signed the treaties. One of them may have been your own great-grandfather.
>
> THE SWIVEL-EYED SWEDE, Mt. Vernon, Wn.

Almost limitless irregularities or battles could be related regarding Indian affairs in Western Washington. The people do not have incomes or educations on par with the rest of the people in the area. Yet the area was one of those marked specifically for early termination as was the Small Bands in Utah. Although the tribes all opposed termination Superintendent Ringey certified that several tribes, the Shoalwater and Lower Elwah had no objections. Local church groups and friends of the Indians made the Indians wishes known and the bills were dropped. Ringey had good reason to hate church and civic groups since they were frustrating his activities and goals.

Before finishing this chapter a few more of Superintendent Ringey's actions may be worth putting in the record. Earlier it was reported that the Lummi tribe resisted his overtures for termination. Their method was that of passive resistence, that is, doing as little as possible of the things that Ringey wanted. He made special efforts to cause trouble at the reservation spreading false rumors, and splitting the governing body. He worked with the Chief who has only honorary power and against the Tribal Chairman who was the Chief's son-in-law, causing family troubles, already existent to deepen. The Chairman became quite vocal against Ringey at meetings and so forth. The Chief felt Ringey could be trusted, at least as much as the son-in-law who was never quite good enough for the Chief's daughter anyway. Ringey was clever and twisted his knife once he had it in place. He accused the son-in-law or Tribal Chairman of cutting timber without permit and spent a lot of time and put a lot of mileage on government automobiles trying to get something on the Chairman.

He attended Chamber of Commerce meetings in local towns, spoke to the local editors and in general spread the word around that the Indians might be out raping children, throwing rocks at your car or stealing it or the hub caps. He sided with Republican Senator Perry Woodall of Toppenish (near the Yakima Reservation east of the Cascade Mountains) who said the only Indians against state law and

order on the reservation were those persons "who wished to play Indians". Woodall himself is alleged to have had some serious personal deficiencies. During a legislative session at Olympia he was noted going around telling people that in effect Indians were apt to be going around raping everyone so the reservations needed state law and order. At a legislative committee meeting he was noted surveying some pornographic magazines with more enthusiasm than seemed tasteful.

The serious student of Indian affairs becomes rather tired of such foolishness but apparently any fool has the right to talk as he pleases in a democracy, the truth being of no consideration. Even the editor of the Bellingham Herald, who should have known better, was running editorials on the business of molestation, rock throwing, etc., and in the process interfering with tribal affairs. At the request of the tribe, there was formed a group of about a dozen of the more important businessmen in Bellingham including several millionaires, who decided to call themselves the Friends of the Lummis. With them a campaign was started to get the truth of the situation to the public, and a community effort on the Association on American Indian Affairs type of "We Shake Hands" program was initiated. "We Shake Hands" is based upon the principal of community development, with active participation of the people themselves. In a few months after the people of Bellingham

found they had been led around by the nose, the bulk of the hostility vanished and the people pitched in to help the tribe repair the tribal buildings which the Bureau of Indian Affairs was letting decay into a near ruin condition, and began some activities aimed at increasing the economic level of the tribesmen and their friends. Community development organizations may not be a cure all for community ills but at least they are better than open warfare among hostile groups and individuals.

A New Frontier was dawning across Indian country, though belatedly in Western Washington where the Indians had claim to a portion of a substantial near ready cash resource, the salmon.

Chapter Close Appendix

Utah Small Bands-Kanosh, Koosharem

While it is not usually desirable to generalize about Indians or Indian reservations since every case is unique, the case of the Kanosh and Koosharem Paiutes contains many elements that any theoretical policy maker would be concerned with. Most of the material is from brief private reports the author made at the request of the tribes involved in 1960.

1. Utah Paiutes-Kanosh

A. Geography: The Kanosh reservation was established by the Act of February 11, 1929 (45 Stat. 1161). The area was enlarged by purchase of additional land under the Act of June 18, 1934 (48 Stat. 984) to a total of 7,730 acres. Population in 1950 was estimated by the Bureau at 28 persons. Population on the final tribal roll in 1956 was 42 persons.

The hillside reservation lies on the western slope of the Pavent Mountains (Fishlake National Forest) about 125 miles southwest of Salt Lake City. The area immediately westward is the Black Rock Desert which exhibits half a dozen scattered extinct volcano cones of varying heights. Cinder flows from the volcanos cover extensive areas and average about twelve feet in height. With irrigation, the Mormon farmers cultivate the valley between the mountains and lava flows. The first state capitol of Utah was established in 1851 at Fillmore, the present county seat for Millard County, twelve miles north of the reservation. The Las Vegas, Nevada - Salt Lake City, Utah Highway 91 passes two miles west of the reservation.

The northeast boundary enters a cedar forest in the foothills while the western lower edge approaches the valley and is adaptable to dryland farming. None of the land is flat however and the limited agriculture must depend upon an average rainfall of 14 inches, barely sufficient to produce wheat. There

are several good springs on the Hillside whereby limited irrigation and grazing could be developed to a greater extent.

The Indian community itself lies on a gravel road about two city blocks long running north and south, just above the cultivated land. Several homes are small, neat cabins while one at least is nothing but a makeshift shack of used lumber and tarpaper. There are several one room cabins also. Tall shade trees lessen the effect of poverty but it is evident that the community economic level is substantially below that of the local Mormon communities of Kanosh, Hatton, Meadow and Fillmore. Springs were developed to deliver culinary water to hydrants in the yards of the houses.

In a letter January 28, 1954 from Acting Supt. Norman G. Holmes of the Uintah-Ouray Agency to Alexander Lesser, Executive Director of the Association on American Indian Affairs it is stated that, "The Mormon Church is actively engaged in assimilating this group into the community. The church, with the Indian's help, has built a nice little community house for the Indian's use, and weekly meetings are being held with the Indian people." Today, the building mentioned, a conventional concrete block building about 12x25 feet, has every single pane of glass broken while weeds about three feet tall encircle the building. There is no evidence of recent use. Eddy Wiggens, an older Indian Peaks Paiute living at the Kanosh village, was asked if many Paiutes joined the Mormon Church. He replied, "No, they don't believe him much". He added rather forcefully that the Paiutes still have their own belief.

B. Termination: The story on termination one hears everywhere in Utah is that Senator Watkins was was supporting northern and western timber interests on termination of Indian reservations with timber. Someone is supposed to have asked him why he was inconsistently supporting those vested interests while not advocating termination in his home state, Utah. Then, as the story goes, Senator Watkins, former editor of the Vernal, Utah Vernal Express (near the Uintah-Ouray Reservation) proceeded to select all of the Utah Indian groups for termination; the Koosharem reservation near Richfield, the Indian Peaks or Paiute reservation near (70 miles) Milford, the Shivwits reservation near St. George (Brigham Young's winter home) in extreme southwestern Utah, Kanosh near Fillmore, the Shoshone Skull Valley

reservation near Grantsville and Tooele, the Shoshone Washakie reservation almost on the Idaho border, and possibly the large Uintah-Ouray Ute reservation.

There are some other Indian groups in Utah as Goshute which sits on the Nevada-Utah line (under the Nevada Agency); Allen Canyon Utes (public domain Ute Mountain Utes of Colorado who are governed by the Colorado Ute Mountain Ute Tribal Council, but live near Blanding, Utah, under jurisdiction of the Ignacio, Colorado Bureau of Indian Affairs Agency), and the Navahos of southern Utah governed by the Navaho Tribal Council in Arizona. Watkins allegedly left these groups alone for lack of jurisdiction or representation since they are all governed by out of state agencies.

As a result of Watkin's pressure (termination was sponsored by Watkins, not the Indians) and the lack of knowledge of the issues involved by the Indians five groups were to be terminated. They were Kanosh, Koosharem, Shivwits, Indian Peaks and the Affiliated Utes or mixed bloods of the Uintah-Ouray Ute reservation. (Affiliated Utes came under later legislation.) Kanosh and the other three groups were terminated two years after Public Law 762, 83d Congress was approved September 1, 1954, as specified by terms of the Act. The Affiliated Utes or halfbloods and less at the Uintah-Ouray Reservation were terminated in 1961.

C. Post-termination, 1956-1960: Under the bill a final roll was prepared. The tribe elected to divide the land among themselves and the land was divided into 42 individual pieces accordingly, each tribal member getting a piece of ground. Since termination over half of the land (about 4,000 acres) has been sold into local non-Indian ownership, frequently at give away prices. Some grazing land went for two to four dollars per acre. If the Indians were to repurchase it the price would run from eight to fifteen dollars per acre or more. Minors land continues in trust under the Walker Bank and Trust Company, Salt Lake City, Utah.

Presently there are three related families (Pickyavits) attempting to earn a living from the land that remains, though five families continue to live in the community. The remaining group wanted to purchase the Indian land being sold but had no funds to expend for land. In fact, they traded some of their own holdings in order to secure a tractor to farm with. The local machinery dealer, who tried to be helpful, allowed them sixty dollars per acre on the tractor.

There remains 321 acres of wheat land though the wheat allotment was set at 221 acres, leaving 100 plantable acres idle. Additional wheat land is summer fallowed each year as a moisture conservation practise. Summer fallow means leaving the land idle one season, working it to control weeds, so that the next crop will have almost two season's moisture, a necessity in minimal rainfall areas.

The Pickyavits (McKay Pickyavit, ex-SFC in the Army, Korean war, around 30 years of age, is the spokesman for the group and manages the farming) approached their congressman Representative H. A. Dixon for help in getting the wheat allotment enlarged to 321 acres, a more nearly feasible economic unit. With 221 acres they feel they just barely cover costs of operating and maintaining the machinery, drills, disc plow, combine, tractor, truck and so on, which they now own. Twenty one persons (including children) are dependent upon the operation for a living.

Representative Dixon wrote to the Secretary of Agriculture, Ezra Benson (also Mormon) and Senator Watkins. The reply of the Assistant Secretary, Marvin L. McLain is attached. In a letter February 10, 1958 to McKay Pickyavit, Rep. Dixon talks of working up legislation on the matter with then Senator Watkins. On the authors last visit to the Pickyavits in June (1960) they had heard nothing more on the issue except that the wheat allotment was down to 170.4 acres. They are thoroughly discouraged with their lack of funds and the hardship the small wheat allotment has caused so may lease the land and give up all attempts to farm. McKay Pickyavit asked if the Association on American Indian Affairs could help them on the wheat allotment and a loan, despite the band's terminated status. Nothing was ever accomplished on the wheat allotment, in spite of some persistent efforts by concerned persons.

D. Tax: The Kanosh group have paid no taxes on their land to date. Tax officials at the court house in Fillmore said land tax can be delinquent five years so the Indians must pay next year or lose their land. The Pickyavits were asked what they intended to do and they replied; "We will pay somehow". The tax amounts appear to be quite reasonable but can be reviewed by the county commissioners if the Indians desire. Any land tax is a hardship though since the farming enterprise is about to go under, not because this group does not know farming (they have experience) but

because they have been terminated without proper safeguards economically and without any post termination economic aid whatsoever. As Senator Watkins said, "They are free to handle their own property and affairs".

E. Welfare: The major view of Roy Cooper, Welfare Director, Fillmore, Utah was that the government handled the situation wrong by dropping the Indians so rapidly and without warning or preparation. There are 8 to 10 older people and 10 school children leaving only three or four persons of a productive employable age. Eight older people are on welfare. One family draws Aid to Dependent Children because the parents are not able to work. Cooper felt the government withdrew too rapidly to the detriment of the local community as well as the Indians. Cooper said the church had paid one $1,800 doctor bill recently for an Indian.

F. County Agent: Rodney Rickenbach, County Agent at Fillmore, said the Indians did not really know what termination was about. He said, "they felt the government had given them no services before so thought they had nothing to lose. But there were things to lose and the situation was like putting a first grader in college".

When asked what could be done now Rickenbach said there is a chance that with a supervised loan the remains of the reservation could provide a fair living for two families. He advised relaxing the wheat allotment so the Indians will have a cash crop. Additional fencing is required so cattle can be utilized on the range. There are water sources which can be further developed for small irrigation and stock water. Rickenbach said he had tried every way he knew to get the wheat allotment relaxed and a development loan for the Indians but had failed so far.

G. Theodore Whitaker, Mormon Bishop: Whitaker lives three miles north and two miles west of Kanosh, last house on the left side of the road. He said the Indians are not very stable and that it is hard to work with them. He said McKay was a strong sturdy-appearing boy but not completely dependable due to drinking problems occasionally.

A present difficulty arises from an incident in Arizona during some drinking. McKay was to go to jail six months but the Bishop said the local community is undecided as to what to do with him. McKay has about seven children (one or two by his wife's previous marriage) and his wife to provide for. The Bishop

said the church has had to give them food sometimes to keep the children from going hungry. McKay's wife a tiny Indian girl from Arizona, had recently undergone an operation for her thyroid. During surgery she sank so low the doctor hastily stopped the operation and is now trying to rebuild her strength for another operation this fall. (She just barely pulled through)

McKay has no money to pay for the operation so the county commissioners said he could work out the estimated $300 medical bill on the county road systems at $1.00 per hour. McKay was to let his younger brother do the farm work. On the authors last visit McKay said he had quit the county to oversee the farming and take care of his wife.

Bishop Whitaker, a pleasant, thoughtful and hard working man, concluded that the local community would like to help the Indians but feels that the Indians will have to show more initiative in helping themselves before the community will solidly back them.

H. Summary: Before termination the reservation had too many people for the land base to provide a living for all of them. The government rendered few services and the few that were rendered were paternal. A $25,000 revolving loan fund loan failed because the government rigidly insisted the Indians raise cattle while the Indians insisted on wheat. $15,000 not expended was returned to the government. The constructive things the Bureau accomplished was fencing the reservation, reseeding grasses, paying hospital bills and assisting schools under the Johnson-O'Malley Act. Services to these smaller reserves were diminished as a prelude to termination. It was then easy for the bureaucrats to say that the Indians were not getting any services anyway so termination was only a sort of unimportant technical change in law or step towards disposition of an unneeded relic of the past, that is, the Bureau of Indian Affairs.

After termination, which some of the older persons (who wanted to get it over with) supported because they were on welfare and had nothing to lose, over half the reservation was sold to non-Indians despite desire to purchase by those Paiutes electing to remain and farm. Over half the Paiutes early water rights went with the land sales.

The Indians were too poor to send a representative to Washington for hearings so Superintendent Gilmore

and others testified at the hearings supposedly giving the Indian's viewpoint but no Indians were present to render the Kanosh group's opinions. The hearings as published indicate some doubt by Gilmore as to whether the Kanosh group wanted termination or not. He said, "It seems that this little band changes it's mind frequently. (Utah Bands, Joint Hearing, Subcommittee of the Committees on Interior and Insular Affairs, Congress of the United States, 83d Congress, 2nd Session. 1954. p. 60.)

Charles H. Harrington of the Triumph Uranium and Oil Company, Fillmore, Utah entered the scene by attempting to lease Paiute land without going through Bureau procedure. He intimated that the four Paiute groups wanted termination enthusiastically. Apparently there are no commercial minerals on any of the terminated Paiute reservations though Harrington may have thought so in 1954. He is out of the picture now but probably influenced Indians to terminate with promises of income from mineral leases and mining, promises which have never yet been fulfilled.

Several families of the Kanosh band of Paiutes, six years after the termination bill and four years after final termination continue to live together, socialize together and continue to speak their language. There is a split between the Indians with land and those who sold out. For example, the Levi family who advocated termination and have sold their land said there was no point in meeting with the author saying they had nothing to talk about since they have no land. Before the reservation was set aside they existed on odd-jobs, welfare and the church. Today they exist in town in the same fashion. McKay Pickyavit asked if any aid on the wheat allotment and so forth would have to be shared with the landless Indians who live in town. This did not seem likely since the land remaining is owned by individuals and not as a tribal group. Evidently a loose tribal feeling continues to exist through identification as Indians.

A few of the Indians in the area of Kanosh, Delta and other small towns have left for good, going to other reservations or Indian communities, selection depending upon marriage or other relationship. This is ironic in view of the fact that termination was supposed to be a surefire means of integrating Indians into local communities. Instead, in these cases, the population on other reservations has increased as a

result of termination policy. It is difficult to ascertain how many families are involved but there are several. None of the terminated Indians entered the regular lifestream of the dominant society as would say immigrants from Northern Europe.

The Kanosh problem remaining today is whether anything can be done to help the small group struggling to farm what is left of their reservation. The only two things possible are relaxing the wheat allotment and a supervised loan in that order. The local community is not exactly hostile but is prejudiced to varying degrees because the Indians have not responded as expected, socially or economically. One Mormon was quite bitter because he felt his "brothers" in the church had really taken undue advantage of the Indians by buying the Indian land at give away prices. He said, "Such purchases deprive the Indians of their only means of livelihood and throw a large welfare problem on the rest of our community".

The "farmers" have tried the federal agency (FHA) which loans to farmers but are stymied by the fact that loans can only be made to individuals. Here they have commonly consented to throw their individual ground into a common pot in order to farm as one economical unit but are unable to get a loan except as individuals on their own individual plot. No one has the funds to buy the others out to place the land in one ownership. McKay tried a local bank loan, borrowing $400 at a relatively high interest rate. He paid it back but does not plan to try any further short term loans at high interest rates because they do not meet the Indians need. The county agent, Rickenbach, said a person trying to build up a herd of cattle cannot afford to sell part of his breeding stock at an inopportune time just to pay back a maturing short term loan. Short term loans are good for a successful farmer who needs a little operating cash until crops come in but the developing farmer can be wiped out by a short term loan which may call for capital before the prospective farmer's productive capacity has reached a stage of minimum ability to repay.

McKay and the county agent were asked how much capital would be required. Neither knew for certain for the amount will have to depend upon a farm plan. Five thousand dollars would probably be the minimum required. The county agent appeared to be genuinely interested in working out such a plan and helping

carry it through if there is a way to obtain long term, low-interest financing.

Information received May 1966 indicates that most of the land has been leased or sold to local non-Indian farmers. Two relatively young men are self-supporting. Ten members of one family are on welfare in three cases. Three other families are on assistance, one for winter months only. Most of the people have remained in the area. Only one person may be farming a small amount of land.

UTAH STATE UNIVERSITY
EXTENSION SERVICE

Copy

in cooperation with county commissioners
and U. S. Department of Agriculture

Fillmore, Utah

April 12, 1960

Claude H. Heyer
Field Secretary
Association on American Indian Affairs, Inc.
475 Riverside Drive
New York 28 New York

Dear Mr. Heyer,

You were recently at my office discussing various problems the Indians are having at the Kanosh Reservation. At that time I agreed that I would try to find certain information and correspondence with Congressman Dixon and Senator Watkins, and others, of the State of Utah.

I regret that I have not been able to find all the correspondence, apparently in our disgust over the inactivity of the legislature on this matter we have thrown the file away.

You indicated that perhaps you could bring information to the legislature that might alleviate some of the problems encountered by this group of Indians.

If I can be of service in any way, please feel free to call on me.

Sincerely,

s/Rodney G. Rickenbach
t/Rodney G. Rickenbach
County Agricultural Agent

RGR/ler

HOUSE OF REPRESENTATIVES
WASHINGTON D. C.

Copy

February 10, 1958

McKay Pickyavit, Tribal Chairman
Kanosh, Indians
Fillmore, Utah

Dear Mr. Pickyavit,

Please don't think I have forgotten our visit at Fillmore and your request for exemption from the acreage wheat allotment. This is not the case as will be revealed by the attached letter from Marvin L. McLain, Assistant Secretary of Agriculture.

I learned for the first time from his letter that Senator Watkins has introduced a bill to help the Piute Tribe. Now Mr. McLain says he has talked with Senator Watkins and to the Department of Interior in the hope of drafting legislation that will cover your tribe as well as the Piutes. I shall talk with Senator Watkins and introduce a similar bill on the House floor. It might take some time, because this is a difficult process. However, I am determined to do all I can for you.

Sincerely,

H. A. Dixon
Member of Congress

HAD:bls

cc: Joe Pickyavit

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D. C. Copy

January 8, 1958

The Honorable Ezra Taft Benson
The Secretary of Agriculture
Washington 25, D. C.

Dear Ezra:

Messrs. McKay and Joe Pickyavit, tribal chairman of the Kanosh Indians, and several other members of their tribe came to see me at Fillmore to request a greater wheat allotment. As I recall, they have now only 221 acres of wheat for 21 growers. (There are only 42 people in the tribe.) They would like the government to take off all restrictions and let them plant their entire 321 acres in wheat. They now have 100 acres idle.

I believe that Mont Robins at Scipio is the A.S.C. Committee manager.

Most faithfully yours,

H. A. Dixon
Member of Congress

HAD: bls

cc: Messrs. McKay and Joe Pickyavit

DEPARTMENT OF AGRICULTURE

WASHINGTON 25, D. C. Copy

January 31, 1958

Hon. H. A. Dixon
House of Representatives

Dear Congressman Dixon:

This is in reply to your letter of January 8, 1958, in which you advised that you had been approached by the Kanosh Indians with a request that all government restrictions be removed so that they might plant their entire acreage to wheat.

The present law under which individual farm wheat acreage allotments are determined does not provide for preferential treatment by operators, size of farms, or method of operating such farms. The Agricultural Adjustment Act of 1938, as amended, provides that allotments to farms shall be established on the basis of the following five factors: past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography.

Individual farm wheat acreage allotments are determined by local committees of farmers in accordance with regulations issued by the Secretary of Agriculture. These regulations were developed on the basis of the provisions of law and prescribe detailed rules to be followed by such committees when determining farm allotments. It is realized, however, that a county committee may have failed to determine the quota for a farm in accordance with applicable regulations and Handbook instructions because of error, oversight, or for some other reason. For these reasons, an appeals procedure is provided for farmers desiring to have their cases reviewed.

The regulations provide a course of action in which the producer may file an appeal to the county committee for reconsideration of his allotment by a disinterested review committee. The review committee, however, is bound to follow the same regulations and instructions that the county committee was required to follow in establishing the quota.

As indicated on the allotment notice, such an appeal must have been made within 15 days after mailing of the allotment notice. Thus, it can be seen that, while local farmer committees are depended upon to establish farm allotments, each producer is given the right of protest and an opportunity to have his case considered by a committee of disinterested people.

This system of determining farm allotments, which is in accordance with law, has resulted in equitable allotments being established for the vast majority of farms and gives the exceptional case additional consideration as may be merited.

It would appear that an allotment of 221 acres of 321 acres of land would be comparable to other farms and there is no apparent reason for increasing the allotment under the law.

In connection with this matter, however, Senator Watkins has requested this Department to furnish him with a draft of legislation which would permit some special treatment for Indian farmers. His original inquiry had to do with the Piute tribe but after a conference with his office it has been decided to consult with the Department of the Interior with a view of drafting some type of general legislation rather than confining it to a particular tribe.

If we may furnish you with any further information in this matter, please feel free to call on us.

Sincerely yours,

Marvin L. McLain
Assistant Secretary

Copy

Termination of this relatively small reservation did not suddenly improve the economic or social status of the group. The major effects are apparent, that is, local farmers were able to increase their land holdings, while the local community social services were required to expend greater funds to keep the Indian children in food and to take care of larger hospital bills. Those Indians who were on welfare due to disability or age were probably not injured financially by termination but they may have forfeited medical care. Some of the people moved to other reservations where they had friends or relatives. Achievement of the objectives of Congress such as complete assimilation into the Anglo society seem rather remote if not unattainable for a good many years.

II. Utah Paiutes-Koosharem

A. Geography: The Koosharem reservation was established by the Act of March 3, 1928 (45 Stat. 162). The hillside reservation consisted of 240 acres in 1928 and was enlarged to 840 acres later. Most of the land is low value hillside sagebrush. About 100 acres are suited for dry land cultivation and are fully utilized. It is interesting to note that the valley land utilized by other people supports prosperous irrigated farms. Sagebrush begins with the foothills. Before the Mormons arrived the Koosharem band of Paiutes utilized the entire valley. After signing a treaty July 1, 1873 at Cedar Grove, pledging eternal peace, the Paiutes began to lose their high grassy mountain valley.

Bureau of Indian Affairs population figures in 1954 ranged from 27 to 44, the latter figure being fairly accurate. There were eleven families in 1954.

The reservation abuts the east side of the Fishlake National Forest, two mountain ranges southeast of the Kanosh reservation. Air distance between the reservations is about 35 miles. Road distance is nearly 100 miles. Mountain peaks on both sides of the valley range over 10,000 feet. The valley is high with a relatively short growing season and is cool all summer. In late March lakes were still frozen and the wind was icy. A small amount of irrigation water is available for the reservation from a nearby canyon but is limited to spring runoff from melting snow.

Only two people live on the reservation (1960), Frank Woody and a relative he calls his "brother". Both are in their fifties. They farm successfully, as evidenced by a late model pickup, three small tractors, a grain combine, horses and so forth. Only 15 acres are plant ed to wheat, due to wheat allotment limitations, however. Barley and other non-quota dry land crops are the major crops, Frank Woody and his brother grow on their 200 acres. They live in an old, unpainted three room, woodframe cabin.

The rest of the tribe live in a colony at Richfield, 45 road miles northwest. Frank Woody said there are 400 acres of sage brush on a low hill west of his house, owned by other Indians. They would sell for $10 per acre but the productive potential of the land is so low that it would take an excessive time period to amortize $4,000. There is another 160 acre

tract up in the canyon, immediately northwest of Mr. Woody's place. The Indian owners also live in Richfield since the 160 acres are too poorly endowed to provide a living for a family.

Mr. Woody said taxes on his 200 acres are only $20 a year and present no problem. He seemed to feel he was getting along reasonably well, with his small farm, deer hunting and so forth. The two men continue to use their Paiute language, live about as they did before termination in 1956 and feel that termination meant little to them. Mr. Woody said, "Most of the other Paiutes are on welfare and they get by fairly well, also."

B. Richfield Colony: The Richfield colony consists physically of a small group of houses, liveable but no more than cabins, built upon several acres owned by the Postmaster of Richfield. The Church of Latter Day Saints rents the area and donates it to the Indians. The colony is located in the north side of town and is in the northwest corner of about 20 or 30 acres of cultivated land. Electricity is available on a regular monthly billing basis. Water is free. The LDS Church has helped the colony install toilet facilities and a communal bath house. Several homes have television.

Undoubtedly living conditions or conveniences in the colony are better than on the reservation, but there is no room for small enterprises as a garden or a few laying hens which would provide needed food and absorb idle time devoted to less productive pursuits.

Lono J. Dunn, Director of Welfare (Richfield, Utah) said there is excessive drinking by most of the Indians and that there are two or three regular "winos". Several neglected children have been placed in foster homes. The Fred Yazzia family (father is Navaho and Paiute) have eight children. Dunn was perturbed over lack of birth control in this case. "Some families deliberately keep children out of school for trivial reasons, using the excuse that children don't have shoes etc." One orphan boy from the Shivet band (Cedar City) lives with the Kenneth Charles family and gets all his needs from them.

Dunn said Mrs. Arrowgarp, an enrolled Ute from Uintah-Ouray who married a Koosharem Paiute, has received per capita payments of $200 per month. With this income the Welfare Department helped her purchase

a four room house near the colony. Now it seems there is a $400 repair bill against the house, and no funds are available for payment. Mrs. Arrowgarp recently sold 60 feet of the lot to pay a fine to obtain her release from jail. Dunn said, "She spends two thirds of her per capitas on fines and drinking." Dunn recently asked the Fort Duchesne Agency (Utes) if there is any way to prevent the eventual sale of the house but was informed that since the title of the house was in Mrs. Arrowgarps name it is her right to handle the property as she pleases.

Dunn said, "There is no planning for tomorrow, and the Indians don't take care of things". The author disagrees with him since the Paiutes, children and older people, were cleanly dressed, and the colony was very clean and neat. Dunn continued saying that the Paiutes did not like to work and have bad employment records. Two or three seasonal workers qualify for unemployment and receive $28 a week plus $12 the Welfare Department gives them gratis in the winter months. Welfare in the winter runs as high as 75% of the Indian population while the average local population figure fluctuates between 5 and 10%. According to Dunn several boys took vocational training in California, took jobs in Salt Lake City but quit and returned to Richfield.

The county and LDS Church (Mormons own abbreviation) provide basic medical care and local doctors render their services to the Indians free of charge. Adequate dental care for children is one of the problems that has not been solved on health. Some members of the group received no government help before termination either, since they lived off the reservation. Medical care, as well as dental care is marginal.

Summing up Dunn's views, it is evident that he sees a great variation between the social standards of the Paiutes and the local community and is quite critical of the Paiutes. Dunn was asked if the Paiutes resented the Mormons and he replied, "The children don't but the older people say the United States took the Indian's land and owe the Indians a living".

There is little intermarriage with local whites. One Ute man from Colorado married a Paiute girl and lives in the colony. Several Indians from the former Indian Peaks band also live in the colony.

C. Jimmy Timmikin, spokesman: Jimmy Timmikin is an aged man, stooped and ill. Any cause of this thin,

poverty stricken old Indian would have anyones complete sympathy. He said he was not making it too well through the winter and was two months behind on his $7 a month "light" bill. When asked what the Paiutes needed most he replied that they need a place for gardens, chickens, a few pigs and so forth so they could grow a little food, "because the government isn't helping us much anymore". He said he tried to get a bit of land near Sigurd, eight miles from Richfield, but the LDS Church said it was too far away.

Jimmy Timmikin said he needs glasses, went to Welfare and was told he had to wait until a "big shot" came out from Salt Lake City for approval. He said he was trying to shoot a deer last fall (1959), could not see well and missed a few shots. Timmikin has a freezer in his home at the colony for his venison.

Timmikin said there is no work locally. His son was laid off all winter and was to begin work at a sawmill about 100 miles away the next week. (early April, 1960) He said the Indians used to work in agriculture, but now machines do all the work and it is hard to get a job around locally. Timmikin said the children go to school and get on quite well as the LDS Church helps out. In fact, the church has set up a small non-integrated chapel in town so the Indians may have their own Mormon church services. Timmikin said he usually goes to the Kaibab reservation in northern Arizona in the summer to stay with relatives.

D. Richfield Dormitory: Under the Bureau program for placing Navaho children into off reservation schools, a dormitory was set up at Richfield, Utah. Mose Paris, principal, is a Cherokee from Park Hill near Talequah, Oklahoma. He spent three years at the Towac, Colorado Ute Mountain reservation before being transferred to Utah. He appears to be extremely capable.

The dormitory has a capacity for 125 children. In March there were 119 Navahos living there. Age range is from 8 years in the 2nd grade to high school age. Four children are ready to graduate from high school this year. One or two are college material and the others will enter the relocation program. Paris thinks vocational training is a must after high school for those graduates who do not attend college.

In Richfield the Navaho students attend regular city schools. Paris said there are no serious problems

although he felt the Navahos should be mixed up with Utes and other tribes so they would speak more English among themselves. One other problem is that the Indian children always get blamed for thefts and trouble by the white community although there is considerable vandalism by white children in Richfield. While the author was visiting the dormitory the sheriff and a woman came in and interrupted the conversation with Paris.

The children of the Paiute colony in Richfield are encouraged by Paris to take part in Indian social activities at the dormitory. Paris said the children all do "pretty good". "Some even hate to go home in the summer." The Bureau is now in the process of evaluating the school (March 1960) and presumably a report will be available on the role of the dormitory and this system of education. Paris said that about 3,000 Navaho children were still not in school.

E. Conclusions: Generally speaking, the Timmikin Indians, Koosharem group, are getting by to varying degrees. Their situation is not desperate since they have autos, shelter, the benefits of local schools and the interest of a few elements of the community. Yet they are not "integrated" socially nor economically as exponents of forced termination so eagerly anticipated.

Acting Superintendent Norman G. Holmes, Unitah and Ouray Agency, Fort Duchesne, Utah, wrote to Alexander Lesser, Executive Director of the Association on American Indian Affairs, January 28, 1954 raising this question in defense of termination, "Why make a special group of them /Indians/ and highlight their differences from all the rest of the world?" One answer is that government trusteeship did not totally cause the differences and likewise suspension of trusteeship did not automatically end the differences nor sweep history under the rug.

CHAPTER VII

NEW FRONTIER POLICY, 1960s

Nixon

Although President Truman installed dictator Commissioner Myers as Commissioner of Indian Affairs, it is the Republicans who have to take the responsibility for poor Indian policies, in the fifties. During the election of 1960 the members of the Association on American Indian Affairs attempted to discover the views of the two Presidential candidates. They follow, quoted in full. First let us look at Nixon, keeping in mind the Space Age Indian War in Western Washington, and contrasting it with his views. The "Statement by Vice President Nixon to the Association on American Indian Affairs" follows:

> Since 1953, we have had more progress toward a better way of life for the American Indian than in any comparable period of our National History. In the field of Health, for example, the system of hospitals, clinics and other facilities serving Indians on reservations has been substantially expanded, modernized and improved. Both the professional and non-professional staffs have been greatly increased. Rates of Indian death from tuberculosis have been cut 40 to 50 percent. Infant death rates have been significantly reduced. All signs point toward a continuing, steady improvement of Indian health conditions in the future.
>
> In Indian education the advancements since 1953 have been equally dramatic--and encouraging. The percentage of school-age youngsters enrolled for elementary and secondary education has been boosted from 79 to well over 90. For the first time ever, a school seat is now available for every Indian child except in a very few extremely remote, isolated areas.

Adult education classes have been started under the Eisenhower Administration for Indians on reservations who had little or schooling in their youth and are now being given at 97 locations throughout the country. Enrollment of Indian youngsters in colleges and other institutions beyond the high school level has been virtually doubled in the few short years since 1955.

Tremendous strides have also been taken to provide Indian people with broader and better opportunities for making an adequate living. Hundreds of miles of roads serving Indian reservations and linking them up with the centers of trade and industry have been constructed or improved to carry all-weather traffic. Beneficial programs to conserve Indian resources--soil, water, timber, recreation, grass and minerals--and develop them for the best use have been aggressively pushed; Indian income from mineral resources alone since 1953 has amounted to well over $300,000,000. Over 30,000 Indian people--men, women and children--have been given financial help and practical guidance in voluntarily moving away from the reservations to metropolitan centers where jobs are more abundant; more than 20,000 of them have made a successful adjustment in their new locations and are now enjoying greatly improved living standards. Vocational training in trade schools and on-the-job training in industrial shops have been provided for hundreds of young Indians to equip them with job skills and boost their earning power. A good start has been made in attracting new industries with year-round jobs for Indian workers to the vicinity of the major reservations.

These are just a few of the highlights in the broad record of constructive accomplishments which the Eisenhower administration has hammered out through its programs to help the American Indian people over the years since 1953. It is a record in which all of us associated with the Administration and all other Americans, regardless of party, can take pride and satisfaction. But it is--and I want to stress this--only a beginning. Much still remains to be done.

Specifically, we need to strengthen and intensify our programs and measures in aid to Indian education. Classroom facilities and teaching staffs must be constantly expanded to keep pace with the growing school-age Indian population and to eliminate overcrowding wherever it exists. Antiquated school buildings, dormitories and dining halls must be replaced by clean, safe, modern structures. Greater

efforts must be made to keep Indian children in school longer--at least through the high school grades--and to improve the general quality of instruction. Enrollment of qualified Indian youngsters in colleges and technical schools should be doubled and redoubled in the years ahead. I will not be satisfied until Indian people along with all other Americans have equal opportunities for education. Coupled with this, there should be a tremendous expansion in the opportunities that can be offered to Indian young people in the field of vocational training.

Under present law the amount of Federal money that can be spent each year on such training activities is strictly limited, with the result that the program today is meeting only a fraction of the need and the demand which have been made evident on nearly all reservations. The Eisenhower Administration has already asked Congress to remove from the law the present dollar limitation on funds for Indian vocational training. So far, however, no such amendment has been enacted.

Renewed and greater efforts should be made in this direction. The goal, as I see it, should be to make vocational training available for every Indian high school graduate requesting such an opportunity. Anything less, in this age of growing automation, would be totally inadequate.

Another big job, which still lies largely ahead of us, is to help the Indian people in consolidating their land holdings into more productive economic units and in protecting Indian ownership. Our present policies are specifically designed to further these objectives and during the past few years considerable progress has been made in improving the Indian land ownership pattern. But, to make the operation more effective, additional legislation must be passed.

Here again the Administration has submitted recommendation to Congress for the necessary legislation but so far without results. I earnestly hope that the 87th Congress, which will begin its deliberations in January, will enact the kind of broad and constructive legislation that is needed to bring a greater degree of order out of the tangled land ownership maze which denies the Indian full benefits from his resources.

There are, of course, many other vital tasks that will have to be accomplished in the years ahead before the Indian people, as a whole, reach a level of full parity with other American citizens. These items I have mentioned, however, should make it completely clear that we have no intention of resting on our laurels or taking curtain calls for the improvements in Indian life which we have helped to bring about in the years since 1953.

Now, how about the tone and quality of our Administration of Indian affairs? Here, it seems to me, we can look to the recent past as a guide to the future. Our Administration of the Federal Indian programs has been characterized, above all, by a warmly sympathetic concern for Indian needs and aspirations and by a profound respect for Indian tribal members both as human beings and as full-fledged American citizens. There has been no high-handed dictation to the Indian people by governmental autocrats and there have been no sneering references to the "backwardness" of the Indian culture.

On the contrary, we have had full discussion with the Indians on all matters vitally affecting their welfare and healthy cooperation with them toward the attainment of agreed-upon objectives. In line with this, I personally believe that it would be wholly unwise and unjustifiable for the Federal government to terminate its special relationships with any Indian tribal group unless such a plan is fully understood and accepted by the group that would be affected.

This, of course, is the policy which Secretary Seaton has already enunciated in our behalf and which the Administration has been consistently following. It has been vigorously applauded by practically all Indian tribal groups and all organizations interested in their welfare throughout the country.

The official platform of the Republican party for 1960 firmly pledges us to a continuation of this policy.

In addition, I want to emphasize here my deep and abiding respect for the values of Indian culture and for the undeniable right of Indian people to preserve their traditional heritage. Our overriding aim, as I see it, should not be to separate the Indians from the richness of their past or force them into some pre-conceived mold of human behavior. Rather, it should

> be to provide them with the greatest possible gamut of opportunity so that they can move steadily forward and participate increasingly in the dynamic growth and upward surge of 20th Century American Life.
>
> For the future we pledge that the constructive Indian programs of the past eight years will be continued, expanded and intensified. New programs will be undertaken to speed the pace of progress. Every conceivable effort will be made to shape our actions and our policies in full harmony with the deepest aspirations of the Indian citizenry. The initiative of individual Indians will not be subordinated or stifled but progressively freed from bureaucratic red tape and encouraged to reach the maximum level of achievement. That is our promise to the American citizen of Indian descent and we intend to keep it.

Apparently Vice President Richard M. Nixon was not aware that Superintendent Ringey had orders to sell off every plot of Indian land in Western Washington that could be sold, and would continue to do so even under a Democrat administration until his transfer in June 1962. Or perhaps all the prevaricators about Indian affairs are not full time fishermen in Washington State. There is little personal bias involved in this discussion since the author is a registered Republican at the time of writing.

In some areas Nixon was correct, the Ute Mountain Utes and Southern Utes of Colorado accidently got a warm sympathetic superintendent but such persons have always been rare in the top levels of the Indian service. Nixon talks of freeing Indians from bureaucratic red tape. This is impossible in the United States, however desirable it could be. Abolishing the Bureau of Indian Affairs certainly would not free the Indians from red tape as evidenced by

the Oklahoma tribes experiences. He stated that, "Every conceivable effort will be made to shape our actions and policies in full harmony with the deepest aspirations of the Indian citizenry." Up to 1960 there was practically nothing that the administration had done voluntarily to back up such a statement as Nixon made on policy. It is pure idealism and nothing more when compared with actual facts.

Kennedy

Now we can compare John F. Kennedys views with Nixons and the Eisenhower administration:

Dear Mr. La Farge:

I have received a number of inquiries from readers of the publication "Indian Affairs" concerning my position on Federal policies toward American Indians. As my staff has informed your office, I am pleased to set forth my views, as heretofore expressed in the Democratic platform, and in public statements by me.

At the outset, let me say that I wholeheartedly support the Democratic platform pledge to American Indians. To me this pledge, as any other pledge, is not hackneyed political phraseology. It is a specific promise of a positive program to improve the life of a neglected and disadvantaged group of our population.

As stated in the platform, my Administration would see to it that the Government of the United States discharges its moral obligation to our first Americans by inaugurating a comprehensive program for the improvement of their health, education and economic well-being. There would be no change in treaty or contractual relationships without the consent of the Tribes concerned. No steps would be taken by the Federal Government to impair the cultural heritage of any group. There would be protection of the Indian land base, credit assistance, and encouragement of Tribal planning for economic development.

The program which my Administration will support will not write Indian Reservations and their population off as not worthy of any help, as has been the case under the present Republican Administration. We pledge ourselves vigorously to a program of development of Indian communities, as suggested in the "Indian Point 4" program.

(1) enact an Area Redevelopment Bill which would offer substantial Federal help for the development of industry in depressed areas, including Indian reservations. Such legislation has been passed by the Democratic Congress, only to be vetoed by a Republican President. Area redevelopment legislation would at last provide jobs for Indians in contrast to the empty economic development

promises which Indians have for years been hearing from Republican spokesmen, but which have not been accompanied by action.

(2) provide ample credit assistance through expansion of the Indian Revolving Credit Fund. That Fund was established under the Roosevelt Administration. During the present Administration loans were for many years sharply contracted.

(3) help Indians retain their land by rendering credit assistance and by removing the elements of economic pressure and desperation which have caused them to sell their land.

(4) make the benefits of the Federal housing programs available to Indians. Housing conditions on Indian reservations are a national shame. The Republican Administration has done nothing to cope with the problem and has not shown any inclination to develop any program to give Indians decent housing at prices and interest rates they can afford.

(5) give young Indian people full opportunity to participate in a Youth Conservation Corps. The present Administration has opposed such a bill. The Democratic Party supports it. It would give jobs and good training to young Indian people and at the same time make it possible to use their energies for effective conservation work on Indian reservations.

(6) develop an effective vocational training program. Such a program was initiated by a Democratic Congress. We would develop it further and train young Indian people for the jobs for which they want to qualify without getting ensnarled in red tape over their place of residence, as does the present Administration.

(7) develop a better health program for Indians. For years a Democratic Congress has increased appropriations for Indian health beyond what the Republican Administration has requested. We believe that the eradication of the terrible conditions of disease on Indian reservations must be a national goal. A Democratic Administration would fully cooperate with a Democratic Congress to help improve Indian health. It would have to dragged along against its will, as has been the case under the Republicans.

(8) work with Tribal groups to prepare community development programs. A Democratic "Point 4" program abroad has shown how technical assistance can be rendered to people of underdeveloped areas. We can do the same at home by sending technically qualified personnel to our Indian reservations to assist Indians in developing their own resources.

(9) work for constant improvement in Indian educational opportunities. The Democratic program for school aid to federally-impacted areas has benefitted Indian communities. Indian youth, coming largely from families unable to finance their college education, would benefit from the college scholarship program which the Democratic Party supports.

(10) emphasize genuinely cooperative relations between Federal officials and Indians. Under the Republican Administration, Indians have frequently been threatened with termination and other dire consequences for failure to "cooperate". A Democratic Administration would require all Federal officials to recognize their responsibility as public servants.

My Administration, as you can see, would make a sharp break with the policies of the Republican party. I am sure Indians know that in 1953 and 1954 a Republican Administration and a Republican Congress joined in what became known as a "termination program." That headlong drive to break faith with our first Americans was fortunately slowed down when the Democratic Party regained control of Congress in 1955. Since then, the Congress has been a protective shield for Indians against bureaucratic attacks.

As this election approached, the Republican Administration changed its tune. Recently we have seen some very fine policy pronouncements from the Secretary of Interior. But the Secretary's words have time and again been belied by the actions of the leadership of the Bureau of Indian Affairs. Indians have heard fine words and promises long enough. They are right in asking for deeds.

The program to which my party has pledged itself will be a program of deeds, not merely of words. We will not rest after fine policy pronouncements by the Secretary of the Interior. We have pledged ourselves to bring leadership into the Bureau of Indian Affairs which will carry out our platform promises. We would

not tolerate a situation in which promises are made by the Secretary of the Interior, only to be ignored or even undermined by the Commissioner of Indian Affairs.

When the Democratic party pledges itself to a program of human and natural resource development, a program to improve health, education and economic well-being, it does so against a background of experience and accomplishment. One major reason why the present Administration has failed to give needed help to our Indian population and why a Nixon Administration will similarly fail is that it would be neither equipped nor inclined to do the constructive thinking that is needed to help a depressed and impoverished group of our population. It is hard to visualize a Nixon Administration concerned with the welfare of Indians, but unconcerned about West Virginia coalminers, unemployed textile workers in Massachusetts, hardhit farmers in Minnesota, aged people in need of medical care, school districts in need of funds to augment teacher's salaries.

Our program for Indians, by contrast, fits into our general approach to the problems facing the United States in the Sixties. We believe in raising the sights of our country, in exercising world leadership and backing up our position through a stronger, more productive America. In such an America there would be no room for areas of depression, poverty and disease. We want every group which is now unable to make its full contribution to American strength to be given the opportunity to do so.

In pledging assistance to American Indians we are offering them new opportunities not only as Americans of Indian descent, but as American citizens who, through no fault of their own, have not had these opportunities until now. Our Indian platform pledge, you will note, harmonizes fully with other, more general, platform pledges, such as that to assist depressed areas of chronic unemployment, to provide decent housing, and to inaugurate a Youth Conservation Corps. As you can see, Indians would benefit not only from our specific program in the field of Indian affairs, but also from our programs for help to underprivileged groups generally. The increased productivity of all these groups, including the Indian group, which would result from our program of opportunity, would repay the Federal investment manifold.

> In closing this letter, I want to express my respect for the fine efforts of the Association on American Indian Affairs, and also the National Congress of American Indians, and the Indian Rights Association in their work on behalf of our first Americans. Similarly, I want to congratulate the church groups and other organizations united in the Council on Indian Affairs, such as the American Missionary Association, the Board of Catholic Indian Missions, the Division of Home Missions, National Council of Churches, the American Friends Service Committee, the American Civil Liberties Union, Arrow, Inc., and the Friends Committee on National Legislation. I want you to know that, if I am elected, my Administration will be vitally interested in the suggestions and recommendations of these citizen groups and church organizations in the area of Federal policy toward Indians.
>
> Sincerely,
>
> John F. Kennedy

In analysis of Kennedy's "platform" the first key policy standard is "There would be no change in treaty or contractual relationships without the consent of the tribes concerned." Also, "No steps would be taken by the Federal Government to impair the cultural heritage of any group." If followed these two statements could make a world of difference in changing the Indians negative attitudes toward government policy. The termination push in the early fifties, started to some extent by the Hoover Commission, President Truman and various congressmen did not operate upon the principal of Indian consent, or democracy. Their moves as evidenced by results were as tyrannical, dictatorial and as absolute as any other despotism. The Indians were shocked, frightened, confused. Brother was set against brother. The superintendent in Western Washington

actually attempted to cause grave trouble in an individual family as well as in the community and region. He also divided the tribe by spreading rumors which set families apart into those for state law and order jurisdiction and those against, causing unneeded and unwelcome emotional battles. His divide and conquer theory nearly worked. But is this type of policy necessary in a democracy or as President Truman calls the United States, a republic? If the Indians were not prone to suffer so long, if they were not so kind and patient, there could be much more serious repercussions.

Kennedy pledged that his party would vigorously enter a program of development of Indian communities. His view indicated that a program of development would be entered into to emphasize genuinely cooperative relations between Federal officials and Indians. "Under the Republican Administration, Indians have frequently been threatened with termination and other dire consequences for failure to "cooperate". "A Democratic Administration would require all Federal officials to recognize their responsibility as public servants." President Truman made an extremely poor choice when he picked gun toting Myers for Commissioner. However, President Kennedy made good many of the points in his platform.

Such then was the New Frontier. March 31st 1960 Secretary of Interior Seaton said in an address, "Let me

assure you that we have no thought whatsoever of trying to force Indian people off the reservations, or even of subtly persuading them to move against their will. That would be cruel and inhumane, and foredoomed to failure. I will have no part of it. Nor will I be a party to insisting that they remain on the reservation, no matter what." In Western Washington in the same March of the same year Superintendent Ringey was selling Indian land at wholesale prices and advising the Indians to take their cash and go live in Chicago or Los Angeles like everyone else. Officials in Washington, D.C. knew what was going on since there was ample mail arriving from the Puget Sound country.

Oliver La Farge, President of the Association on American Indian Affairs, Inc. titled his June 1960 annual address, "Confusion Worse Confounded". He pointed out that through fraud the Quinault tribe had been induced to accept state law and order although the tribal government voted against it three times. By manipulating the tribal government Superintendent Ringey finally induced a favorable vote. The tribe was split many ways and even families were split asunder in the ensuing battles. Some of the Indians thinking mostly of criminal jurisdiction felt state law and order would be beneficial. Others who knew the state was seeking any route to control the tribal fisheries, or that businessmen wanted to get into a position to foreclose upon Indian properties were strongly opposed. It was not

until the early Spring of 1965 that the State of Washington finally decided it had been hoodwinked by Bureau of Indian Affairs employees, and admitted the state had no jurisdiction over the Quinaults.

In effect then much of Secretary Seaton's views were just so much hot wind when related to actual effects of policy being applied to most reservations. In such large bureaucracy it may be difficult for the top men to know what the underlings are doing, particularly if the top men are not of highest quality, or lack the energy and ability to put out some effort to seek accurate information. Policies calculated to destroy the Indians were being used at the ground level while the top level talked in moral platitudes.

In February 1961 Oliver La Farge was calling for an enlightened American Indian Program for the Sixties. Secretary of Interior Stewart L. Udall from Arizona was willing to take a sympathetic, yet hard headed approach of practical idealism towards the Indians. More important he was willing to move out of Washington from time to time and actually visit some of the tribes with the objective of getting facts rather than seeking information to bolster "moral platitudes" to be given the indifferent general public.

Elsewhere on the scene there were bubblings. The University of Chicago and Schwarzhaupt Foundation held an American Indian Chicago Conference at the University in

June 1961. The objectives of the conference was to arrive at a consensus statement of Indian rights and needs, of proper Federal policy, program and administration with respect to Indian affairs; and appropriate programs for organizations concerned with Indian development. The University of Chicago continues to publish a communication for the Indians entitled Indian Voices. It is written in a rather homey style and attempts to inform Indians of some of the current happenings in Indian affairs, research, books and so forth. It does fill a need for accurate information. The Conference which met June 13-20, 1961 saw some 460 Indians from 90 tribes in attendance.

February 10, 1961 Secretary Udall announced the appointment of a newly constituted expert group of five, a task force charged with recommending plans for reorganizing the Bureau, and the development of improved policies and programs. Included were John O. Crow, Acting Commissioner of Indian Affairs (appointed February 10, 1961) a 28 year veteran of the Bureau of Indian Affairs; W. W. Keeler of Bartlesville, Oklahoma, principal chief of the Cherokee Nation of Oklahoma and executive vice-president of Phillips Petroleum Company; William Zimmerman, Jr. former assistant and associate commissioner with the Bureau; Philleo Nash, an anthropologist, former Lieutenant Governor of Wisconsin; and James E. Officer, an anthropology staff member from the University of Arizona.

Secretary Udall instructed them in part: "For the next ninety days, the assignment of your group will be to advise me from day to day as to how we can be more effective in the discharge of our present statutory duties. I have particularly in mind President Kennedy's objective, stated in a letter to Mr. Clarence Wesley, President of the National Congress of American Indians: "During the recent campaign I have expressed my concern over the conditions of poverty and disease which afflict so many American Indians and have made clear that I am intent on doing something about the matter. I want to repeat, therefore, that I am pledged to a program for the development of the human and natural resources of the Indian reservations. Such a program will indeed be an integral part of the total program of my Administration."[1]

Six months after being appointed to Secretary Udall's task force Dr. Philleo Nash was appointed the new Commissioner of Indian Affairs. He has been an expert administrator and friend to the Indians. He served as a special assistant and legislative assistant to President Truman specializing in Interior Department matters from 1946 to 1953. From 1946 he also served in private business as president of the Biron Cranberry Company of Wisconsin Rapids and was president of

[1]Indian Truth, Indian Rights Association., 1505 Race Street, Philadelphia, Pennsylvania, Winter 1961, p. 5-6

the Wisconsin Cranberry Growers Association. His experience in business is appropriate in development efforts of the Bureau. As far as it is possible to ascertain the top staff selected for the task force and Bureau are well qualified. Officer was an unknown though capable person. He personally spent several weeks "educating" himself upon the problems of Western Washington. A friend of his that he personally selected as a $10,000 a year economic development specialist for Western Washington was actually ordered off one of the reservations due to inability to get along with that particular tribe. The man was placed in another less sensitive position and continued in civil service drawing a good salary, until resignation in late 1965. Officer has served in his role as associate commissioner quite efficiently. It is extremely difficult to find men who can be sympathetic, appear to be human, and yet do their job of administration well in an organization as the Bureau of Indian Affairs. The Indians consider their relationships with administrators to be personal and whether the man is genius or an idiot is sometimes irrelevant, at least to them if they approve of him.

The Democratic platform as indicated by Kennedy's letter to La Farge contained the basic policy guides for the New Frontier. President Kennedy appointed good, dedicated men to the Department of Interior and the top level of the Bureau of Indian Affairs. The next step in

reviewing policy is to check the contents of the Report to the Secretary of the Interior by the Task Force on Indian Affairs submitted July 10, 1961.

The surveyers conducted fifteen day hearings at Oklahoma City, Oklahoma; Albuquerque, New Mexico; Tempe, Arizona; Pierre, South Dakota; Duluth, Minnesota; Spokane, Washington; and Reno, Nevada and visited the Sisseton-Wahpeton, Crow, Northern Cheyenne, Rocky Boy's, Pyramid Lake, Seminole, and Eastern Cherokee reservations and the Hill 57 (landless Indian slum squatter settlement) near Great Falls, Montana. The committee conferred with various Indian interest group organizations, religious groups, Senate and House Indian Affairs Subcommittees, Bureau of the Budget, Indian Claims Commission, Indian Arts and Crafts Board, Library of Congress Legislative Division and Indian tribal attorneys.

The Statement of Objectives of the report gives the aims of the Bureau of Indian Affairs at the time of the research as:

1. To create conditions under which the Indians will advance their social, economic and political adjustment to achieve a status comparable to that of their non-Indian neighbors.
2. To encourage Indians and Indian tribes to assume an increasing measure of self-sufficiency.
3. To terminate, at appropriate times, Federal supervision and services special to Indians.

The Task Force felt that the recent policy of the Bureau was that of placing more emphasis upon the last

objective rather than upon the first two. Indian thinking was preoccupied with vigorous denunciation of the so-called "termination policy" during the many hearings which the Task Force conducted. According to the report, "It is apparent that Indian morale generally has been lowered and resistance to transition programs heightened as a result of the fear of premature Federal withdrawal . . . Now, many Indians see termination written into every new bill and administrative decision and sometimes are reluctant to accept help which they need and want for fear that it will carry with it a termination requirement."

The Task Force thought the following objectives should be those of the Bureau of Indian Affairs:

1. Maximum Indian economic self-sufficiency.
2. Full participation of Indians in American life.
3. Equal citizenship privileges and responsibilities for Indians

The Task Force strongly emphasizes that the aid of the tribe or the Indian community is crucial to the achievement of these objectives and that this support should be secured before projects are commenced. The Indians can retain their tribal identities and much of their culture while working toward a greater adjustment and, for the further enrichment of our society. The Statement of Objectives concludes, ". . . it is in our best interests to encourage them to do so."

The report consists of only three chapters. The first is the introduction and Statement of Objectives. The second is Development of Human and Natural Resources and the third is Organization, which considers the Bureau of Indian Affairs, interdepartmental relations, relations with tribal governments and states as well as Alaska. Consequently it can be seen that the major policy objective for the New Frontier was achieving gains in human and natural resource development rather than continuing termination. This marks a sharp reversal of policy again, tending somewhat towards the New Deal but not quite so strong since there seemed to be greater sentiment for dumping the Indians out of the federal nest eventually. In order to justify a strong push for economic development the new administration had to admit that the eventual goal is severing federal ties with the tribes. This eventual goal is that of various private citizens and congressmen rather than all Indians however. Of course, the Indians are split on the issue. The conservatives wish to hold their reservations intact and continue to live as communities. Those who have moved out and are not living as Indians nor in Indian communities frequently see the reservations as little more than a chance to get some quick pocket money when they are sold. Others in between, forced to leave for employment feel the reservations should be saved for a place to come home to in event of sickness, unemployment and so forth. Judging from

the Task Force report, however, most Indians did not accept involuntary termination.

In the field of economic development the report recommends some of the plainly evident things as resource surveys, work on the fractionated heirship lands to get them into economically viable units, sources of capital for development, contract labor which would allow Indians to be hired rather than follow the eight year practice of hiring outside contractors for construction work on the reservations (Republican policy), revitalizing youth conservation corps for reservation conservation work badly needed, solving problems of vocational training and placement, strong emphasis upon industrial development, and assistance on arts and crafts which had provided the Indians with about seven million dollars in the ten year period preceding the survey. Education, health and law and order merited attention.

Prior to the adoption of Public Law 83-280, legal jurisdiction over lands held in trust by the Federal Government for the benefit of Indian tribes or individual Indians was either Federal or tribal. Under Federal jurisdiction, the Code of Indian Offenses promulgated by the Secretary of the Interior prevailed, subordinate to the Federal statutes relating to major crimes. Regulations governing Courts of Indian Offenses were intended to provide law enforcement machinery for those tribes in which usual

agencies for enforcement of tribal law and custom had broken down, but for which no adequate substitute had been provided under Federal or State law. No Court of Indian Offenses was intended to be established on reservations where justice was effectively administered under State law and by state law enforcement agencies. In 1961 there were fifteen Courts of Indian Offenses in existence. Several times as many courts had been created by tribal ordinances.

The size and effectiveness of the Indian forces of law and order vary. The Navahos have a court with seven judges and spend more than a million dollars yearly for law and order activities, with well equipped police personnel, squad cars and modern jails. In some cases there may be only one judge and little evidence of any other pieces of the law enforcement machinery, due to lack of funds. (Recommendations on law and order will be considered in the following chapter.)

Welfare problems, housing (the report considered housing to be urgent, due to the "truly shocking" situation encountered in their travels), and surplus foods, were also discussed. Housing is one of the severest needs of most of the tribes. Few Indians anywhere in the United States are living in even minimum standard housing. The severe crowding, lack of water and other services hinder the personal development of the people.

The report spends some time upon the organization of

the agencies serving the Indians and from a public administration point of view the discussion is interesting. The question is, what is organization doing for or against development?

The Indians receive services from many different organizations. The Department of Agriculture supervises extension services. In 1955 Indian health was transferred from Interior to the Department of Health, Education, and Welfare. The Bureau had handled Indian health so poorly the move was beneficial for the Indians, but there is no valid reason for the Bureau so neglecting its duties other than inadequate appropriations. So the final responsibility for the high rate of Indian disease rests with Congress. The report indicated that in the distribution of functions serious questions of uniformity in areas as budgeting, program planning, and coordination of eligibility standards and relationships with the state governments arose. The reporters recommended an interdepartmental liaison committee be formed to meet until uniform standards and program coordination could be achieved.

The Bureau itself is organized on a three level basis. The Central Office in Washington has about 300 employees and is responsible for over-all direction, planning and programming, coordination, inspection and evaluation. In the middle area is the eleven area offices who have broad delegations of authority as well as supervisory

responsibility over the field offices. There are some 500 field installations, some very small, with some 42 superintendents in command. Agencies include reservations, schools, relocation offices, and sub-agencies. The Bureau has about 11,600 employees with about half involved in education.

The major criticism of the Indians was that paper work moved so slowly. This state of affairs was deliberate under termination policy in an effort to drive the Indians away from the Bureau. It is almost unbelievable that such a situation would be allowed. The Task Force makes no mention of it either, but much of the delay was deliberate stalling, which no amount of reorganization could overcome. In various agencies personnel were required to get their work out under deadlines or else under the New Frontier policy. Employees who had found life in the Bureau rather easy and club-like were forced to move with vigor and some employees apparently feeling they had been betrayed quit. Others who were overloaded to begin with could not alter their work flow very much.

The report suggested that a Division of Economic Development be initiated to include: research and analysis, community planning and development, recreation development, contact with industry and on the job training. A separate office for economic development was later established. In cooperation with the Area Redevelopment Administration 43

reservation development programs were prepared and 75 feasibility studies were started since 1962. Twenty of these were initiated in fiscal 1964. Please see Appendix 1 for a listing of feasibility studies 1962-1965.

There were criticisms of the Area Offices but except for some minor changes the reporters felt that they served a valid purpose in furnishing technical advice and serving as middle management between the ground level and Washington. Superintendents can make or break a program. The task force thought that superintendents selection and care was highly important. It was thought that they should have maximum on the spot decision making authority. The practice of promoting technical or professional employees who had good records in their special fields was not always desirable since one of the greatest needs was the ability to work successfully with the Indians.

Promotion meant moving to a job with more employees or where greater amounts of funds were spent, whereas the task force felt that promotions in place made more sense, since a superintendent at a small agency could have a much more difficult task and more acute problems, than the superintendent at a larger reservation. Western Washington was not mentioned but is an excellent example.

Another consideration for the Bureau was the Information Office. The public administration expert reading the report may have mixed feelings about a government agency

selling itself. However if the information is reliable there is no reason why an agency should not communicate with the public. The Indians are not very well understood by the average United States citizen. The brief statement by the task force on public relations and information is reproduced here in full because of its relevance

Information Office:

> Throughout this report, the Task Force has emphasized that achievement of the objective of full Indian participation in American life requires the collaboration of the Indians, the American people, and Government officials at all levels. Since at present many persons outside the Bureau view Indians and their problems in terms of stereotypes based on myths, anachronisms and deliberate distortions, there is serious need for a major public relations effort which will acquaint the American people with the Indian as he is today, with the history and present status of his problems, and with programs which the Federal Government and other agencies have instituted in his behalf.
>
> Bureau employees everywhere should consider public relations one of the most important of their responsibilities. Superintendents are area directors, especially, should not only accept invitations to discuss their work, but should undertake to create opportunities for such discussions. Regular appearances before service clubs, Chambers of Commerce, and women's organizations should be a required part of the responsibility of all superintendents, area directors and members of their staffs.
>
> In its travels, the Task Force observed considerable variation from area to area in the kinds of information materials which were available for distribution to the public. In a few places, office staffs had prepared small booklets summarizing pertinent data for each reservation and including small maps showing reservation locations. The Task Force found these extremely useful, but noted that the statistical information which they contained did not always agree with that included in publications prepared by the Central Office. Apparently, this calls

for more coordination and constant updating of statistical materials.

It was something of a surprise to the Task Force to learn that the Information Office of the Bureau of Indian Affairs consists of only four persons, scarcely a sufficient number to handle the myrid responsibilities confronting it. In view of the great American interest in Indians and the vast quantity of misinformation circulated by other sources, the Bureau should have available at all times a large reservoir of books, pamphlets,photographs, color slides, motion pictures, recordings, and conceivably, video tapes, which could be utilized by Bureau personnel at all levels, by teachers, newspapers, radio and television stations, lecturers and others. Members of Congress could certainly find a use for such materials, both to circulate among their constituents and to employ for committee briefings. The availability of this information in a condensed, palatable form would be of great value in the Bureau's program for training new employees.

The Task Force was advised that certain members of Congress are opposed to the idea of an expanded Bureau information effort because of their fear that it would be employed in the Bureau's behalf, rather than in behalf of the Indians and the Federal program. The Secretary should attempt to determine whether this is true, and, if it is, confer with the Congressmen involved to get their suggestions as to how the necessary Bureau information activities (of which there are a great many) can be performed in some fashion which will not include this danger. If we are to enlist the aid of local agencies of Government, the non-Indians near the reservations, and the American public generally in helping solve Indian problems, it is absolutely crucial that all necessary steps be taken to inform these individuals and agencies concerning the nature of these problems.

If an adequate amount cannot be appropriated for a sound Bureau information program, then the Department should consider approaching some of the foundations which have given aid to the U. S. Information Agency, the National Park Service and other bureaus faced with similar problems. In fact, the U.S.I.A. and the Bureau of Indian Affairs might work together in preparing some information materials, since there is almost as much interest in Indians outside the country as within.

The Task Force does not believe that the need for a strong Information Office in the Bureau of Indian Affairs can be overstated. The present arrangement is so grossly inadequate that it subjects the Bureau to much undeserved criticism from outsiders. In terms of staff, functions, and budget, this unit must be greatly strengthened or the Federal effort in behalf of Indians will continue to be misunderstood by many upon whom the success of that effort depends.

As a postscript to these comments, the Task Force recommends that tribal councils be encouraged to develop information programs of their own. A few have done this with notable success. For example, one of the most useful films now available was produced by the Indians of the Fort Apache Reservation. If tribal governments can develop their own materials and make them available to the Bureau, the interests of both the Indians and the Federal Government will be better served.

Tribal Government, Law and Order

A majority of the recognized Indian tribes of the United States have some kind of governing body. About seventy percent have tribal governments operating under the Indian Reorganization Act of 1934. Many tribes have formed business corporations under the Act. Usually business and political activities are carried on by the same tribal officials. Expenses of operation come from business enterprises rather than taxation.

One of the most frequent complaints heard against tribal governments was that many tribes had no constitutional directives to extend the guarantees of the Bill of Rights and the 14th Amendment to those within their jurisdictions. The task force has a separate section on law and order but since this aspect of tribal administration is so important it is considered in connection with the tribal governments.

Public Law 280 was passed in 1953 as a measure to begin transfer of federal law and order on the reservations to the states. The states for various reasons seemed anxious at first to get control over legal jurisdiction of the reservations. As time passed and the actual costs of such programs became known the states reconsidered. The state of Arizona is not particularly anxious to spend $1,000,000 for Navaho law and order. The State of Washington in its great efforts

to run the Indians out of their historic and aboriginal fisheries is still working toward that end, by trying to get the people to amend the state constitution as required in Section 6 of the Act.

The basic contents of Public Law 280 and the state law of Washington are reproduced in full in the Chapter Close Appendix, this chapter.

The recommendations of the Task Force are:

1. That Public Law 83-280 be amended to provide for the transfer of jurisdiction to the States only on the basis of negotiated agreement between the Federal Government, the appropriate State governments, and the tribal governments affected. We feel this is an essential principle of the American way and a step which is necessary to remove Indian fears of unilateral termination.

2. That the Branch of Law and Order of the Bureau of Indian Affairs be directed to develop programs with the tribes and the State governments looking toward a revision of the tribal codes and the organization of tribal courts to bring them as nearly as possible into accord with the civil and criminal codes of the States in which they are located.

3. That immediate steps be taken by the Bureau of Indian Affairs in cooperation with appropriate State governments, tribal governments, and Congressional committees to prepare step-by-step transfers of jurisdiction to the States in selected causes of civil and criminal action. Among

causes where transfer would be immediately beneficial and where testimony of tribal leaders leads the Task Force to feel that early agreement could be reached are the following: Juvenile affairs, commitments, and domestic relations. Important, but more difficult, are such problems as trespass, police protection, and the protection of constitutional rights.

4. That the Secretary of the Interior insist that constitutional guarantees of civil rights be observed in the Courts of Indian Offenses which are bound by his own regulations. We further think that it is incumbent upon the tribal governments which have created tribal courts under the I.R.A. to provide for protection of these rights by their own ordinances. We have determined from the Manual of the Bureau of Indian Affairs that technical advice and assistance in such matters are available through the Area offices and the Branch of Law and Order. The necessary remedies are within reach of the Bureau and of the tribal councils and should be put into effect without delay.

In regards to constitutional rights, the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 88th Congress, Sesond Session made a report on the Constitutional Rights of the American Indian after hearings running from August 1961 to March 1963. A Summary Report was available from Senator Sam J. Ervin, Jr., Chairman of the Subcommittee in 1964.

The recommendations are listed:

1. The constitutional rights and protections conferred upon American citizens should be made applicable to American Indians in their relationship with their tribal governing bodies.

2. The Attorney General of the United States should be authorized to investigate complaints alleging that an Indian has been deprived of any rights conferred upon citizens by the Constitution. He also should file a written report with Congress and the Secretary of the Interior each year showing the number of complaints filed and the action taken thereon.

3. To provide Indian citizens living on reservations a more adequate system of justice, the subcommittee recommends that a criminal model code for the courts of Indian offenses be drafted by the Secretary of the Interior and submitted to Congress by July 1, 1965.

4. To assure that Indian tribes can obtain legal representation when needed, the subcommittee recommends that a time limit be established for the Secretary of the Interior to approve contracts between attorneys and Indian tribes.

5. An Indian deprived of a constitutional right in a criminal proceeding before an Indian court should be authorized to appeal the conviction to a U.S. district court.

6. The consent of the United States should be given to any State to assume, in whole or in part, civil and/or criminal jurisdiction over Indian reservations, provided that the Indian tribes involved consent. The Congress should further authorize the United States to accept a retrocession by any State of any civil or criminal jurisdiction.

7. The document entitled "Indian Affairs, Laws, and Treaties," which was published originally as Senate Document No. 319 in the 58th Congress, should be revised by the Secretary of the Interior to include as of July 1, 1965, all treaties, laws, Executive orders, regulations, and other matters relating to Indian affairs. Such document should be printed by the Government.

8. An accurate compilation of all the opinions of the Solicitor of the Department of the Interior relating to Indians should be prepared and such compilation should be printed by the Government.

9. The United States should be given concurrent jurisdiction with the various States over certain criminal offenses committed by non-Indians against non-Indians in Indian country.

10. The offenses over which the Federal Government has exclusive jurisdiction in Indian country should be expanded to include "aggravated assault." Such offense should be defined according to the law of the State.

11. That title 25 of the United States Code, which deals with "Indians," be updated and recodified by the Congress.

12. That Federal Indian Law, formerly the Handbook of Federal Indian Law, by Felix S. Cohen, be reprinted by the Government Printing Office.

Item six should not be interpreted to mean that the states actions must result in total warfare upon the tribes in order to bring about tribal "consent". For sake of clarity the word voluntary should be inserted before consent. Consent has so many times in Indian affairs meant that the agency or officials involved were completely free to use almost any strong arm methods to gain "Indian consent". Superintendent Ringey had to get the Quinaults to vote for state law and order jurisdiction three times before the vote was favorable, and that election was gained through some unethical if not illegal practices. Tribal governments strongly urge that the term voluntary consent be used instead of the word consent in any laws, administrative decisions or whatever. Otherwise the meaning of the word is apt to be perverted into something like

Communist China's word "peace", or "people's democracy", where the exact opposite of the original meaning of the word or phrase is the actual case.

Consent can be engineered. The termination of the Catawba Indians in South Carolina was gained by promising the Chief (about the poorest men in the tribe) a cash settlement through sale of the tribal cattle herd and some tribal land. The Chief had so many children and was in such dire need that he really did not have any alternative to the pressure. A number of the tribesmen were strongly against termination and requested aid from various agencies to make their views known to Congress. The engineered consent was allowed to stand and the tribe was terminated from federal responsibility.

In a similar case in Washington, the wealthy farmers near Yakima who farm Yakima Indian lands, use state Senator Perry Woodall, Toppenish Republican, as their chief wedge to try to drive the Yakimas from their rich farmlands. Woodall, who goes around scaring people by building upon their fears of the possibilities of being raped by Indians as Ringey did, made the only economic value estimate of the total worth of all Indian property in the state that the author is aware of. There is doubt that his figures have much validity but he indicated that 15,400 members of 22 tribes in Washington /there are 37 tribes and bands or more/ have total assets worth $332,000,000 and if this could all be sold each Indian

could get his hands on $21,550 approximately, assuming the money was divided up equally.

Considering the extreme poverty of some of the Indians such bait is strong. It was used successfully in the Catawba Indian case. It was used in termination of the half bloods and below in Utah at the Uintah-Ouray Reservation in northeastern Utah. Consent can be engineered, it has been done, and probably will be done in the future. Therefore the word voluntary is necessary and even then may not be adequately meaningful. All tribal governments advocate strongly the policy of voluntary consent.

The reasoning involved in splitting up tribal assets can be compared by analogy to a similar splitting up of the United States federal assets. If a person were to move to Australia permanently, under the splitting up theory, he could demand his share of the federal assets of the United States. Many of the Indians say that "we should keep our lands for our children". Others say, "if my parents and grandparents hadn't sold their properties and run through the money we would be more prosperous today and our children after us." Members of the Buffalo Party are more interested in their descendents than those of the Indians, despite all of the talk of golden rules, church going and so forth. Consent to them is valid no matter what type of duress was involved in getting it.

The remainder of the items in the Constitutional Rights

of the American Indian Report are housecleaning items that just need to be done, except for item 10. As a result of the Crow Dog case or Ex parte Crow Dog, 109 U.S. 556 (1883) which held that a state court had no jurisdiction over offenses committed in Indian country, Congress enacted a statute known as the Seven Major Crimes Act (23 Stat. 362, 385, 1885) which provided federal court jurisdiction over the crimes of murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, committed by one Indian against another Indian in Indian country. Incest, assault with a dangerous weapon and robbery were added giving the list ten items. Aggravated assault is apparently needed to strengthen the handling of cases concerning assault with a deadly weapon. For an example, a good many years ago interested persons observed an enraged Indian on the Makah Reservation carrying an axe, pursuing the superintendent at a rapid pace. The superintendent was fortunately fleet of foot and the issue of aggravated assault never arose.

Most cases of assault with a deadly weapon or aggravated assault result from use of alcohol and consequent personal fights. Generally the offense of aggravated assault would allow longer sentences for the act than for the offense of assault and battery. Aggravated assault would include serious offenses where a dangerous weapon was not used, examples being boiling water, an

automobile, broken bottles and so forth.

Concluding Statement

According to the Task Force:

The Task Force believes that in the foreseeable future, the proper role of the Federal Government is to help Indians find their way along a new trail--one which leads to equal citizenship, maximum self sufficiency, and full participation in American life. In discharging this role, it must make available to Indians a greater range of alternatives which are compatible with the American system, and where necessary, to assist Indians with choosing from among these alternatives. As a part of this responsibility, it must mobilize and direct the vast reservoir of good will toward Indians which is found throughout the country. Finally, since many of the problems relating to Indian development are local problems, it must use its influence to persuade local governments, as well as those who live near Indian reservations, to recognize their stake in the Indian future and to work with the Indians and with the Federal Government in preparing the new trail.

The above paragraph is the concluding statement in the Task Force Report. Not all Indians agree with all details of the report. Some in fact disapproved of it in general. As a rule they see the concluding statement as nothing more than termination of their resources, way of life and transfer of county governments. They see no reason why the Indians cannot retain elements of their treaties and parts of their

relationship with the Federal government in perpetuity. They say that Keeler is a wealthy man with little attachment to Indian culture in his own life though they admire his willingness to serve in Indian affairs; and Nash, Officer and Zimmerman, Jr. while kindly men are not representative of conservative Indian thinking; and that Crow who served as Acting Commissioner would not be able to represent local Indian thinking.

One of the more important things to consider is that in the democracy of the United States the people who oppose the views of the government officials and those of private persons which come to light through their Congressmen, have the right to do so and should be encouraged. There should be no governmental attempts to silence them whatsoever. The Bureau and Congress has used many devices in the past to circumvent Indian opinion. One of the easiest ways is to pretend that those complaining actually represent no one but themselves. This is government by the herd. An individual Indian had no right to voice an objection. This device was used in Western Washington where the Chairman of the Lummi Tribe, duly elected, was shunted aside by the superintendent who called him a troublemaker, letter writer or renegade who did not represent the tribe. The same superintendent told of another tribal Chairman who was a crook. That is, the Chairman of the Skokomish tribe stole shellfish and converted the proceeds to his own use. There was no evidence of such

thievery but the chairman like the one at Lummi was resisting termination strongly. The superintendent leased shellfish tidelands claimed by the Skokomish chairman to a white man who lived nearby, even though the father of the chairman had harvested the plot of tidelands involved for years. The superintendent leased the tidelands to the white man just for spite. The new leasor refused to voluntarily relinquish the lease because of the profit potential. The Chairman of the tribe had been farming the plot, throwing out starfish and generally taking care of it, so the white man got a windfall because the tribal Chairman would not jump when the superintendent cracked the whip. This is no isolated example. Administrative pressures on the Indian's pocket books were used throughout Indian country during termination policy days.

The Area Director in California pulled similar stunts in slightly different situations over most of California, yet the Great Society has not been able to get rid of him. Area Directors in east and west Oklahoma acted in the same manner during termination pushes in the fifties, and were thoroughly hated by most Indians. The same thing occured in Montana. A former Area Director at Phoenix was not noted for having the Indian interests at heart. A former Area Director in Portland was placed there because he was a good termination man. There are many other similar examples.

This is why many Indians insist so strongly that democracy in the form of voluntary consent be one of the

foremost principles used in dealing with any Indians as individuals or as tribes or as committees. Lack of consent or adequate consultation is one of the primary causes of serious difficulties in administration of policy in Indian affairs. The Indians are now United States citizens and no longer are they prisoners of war.

Alaska Task Force Study

In 1962 the Secretary of Interior called for a survey of problems of the Alaska Indians. W. W. Keeler, Principal Chief of the Cherokees and officer of Phillips Petroleum Corporation, was appointed Chairman of the Alaska Task Force study.

The census of 1960 indicated that one-fifth of the population of Alaska are descendents of pre-Columbian peoples. Total Alaskan population was 226,167 with about 43,000 original natives. About 23,000 Eskimos live in the western half of Alaska. Their principal means of living is by subsistence hunting and fishing. They do of course use modern implements as nylon fish nets, shotguns and rifles, outboard motors and other manufactured goods. His hunting may be more efficient but his living still depends upon products of the hunt. Many times one hears the ignorant cry that the native hunters are no longer native hunters because they use modern weapons. The contention is that they should be considered as white sportsmen and regulated in the same fasion. Or, conversely, one supposes they should go back to spears and bows and arrows.

The Aleuts may number 5,000. They live along the Alaska Peninsula and the Aleutian Islands. Their language is related to the Eskimos but of such difference that they are unable to converse. Many of the Aleuts were exposed to Russian influence, including race mixture. The fullbloods

are not numerous.

The Athapascan Indians live along the Yukon and near Anchorage. They also number 5,000. Their relatives are the Navahos and Apaches of the Southwest. They were exposed to white influence during mining operations at the turn of the century and turned toward the wage economy. Usually they work at seasonal work, hunt and trap to some extent, and are unemployed a great deal. A number of them migrated to the cities of Fairbanks and Anchorage.

The Tlingits, largest tribe in Alaska, were one of the most powerful northern tribes since their original home was British Columbia. They depended upon fishing for a living as did the northwest United States tribes. There are about 8,000 Tlingits. Related to the Tlingits are the Haida who number less than 1,000 living at the southern end of Prince of Wales Island. The Tsimpshians live on Annette Island, number about 1,000, were original natives of British Columbia. Their village, Metlakatla, is well known because of a successful salmon cannery and the high standard of living among the group.

The standard of living problems of the groups differ. The unemployed near the cities may have more problems than the hunting Eskimos who make their own way with better adjustment and health.

The task force made a number of recommendations upon education. In 1931 the Bureau of Indian Affairs took over

the Alaskan native administration of the Bureau of Education. The Nelson Act of 1905 declared that the native children living in villages would be the responsibility of the Bureau of Education which was located in the Interior Department. In the period of the New Frontier new emphasis was placed upon native education in Alaska and in fiscal 1962 the Bureau of Indian Affairs operated 81 schools and subsidized 22 others which were operated by the state and helped five others. The cost for native enrollments was about $6,000,000. Since 22 schools did not offer a full eight years of education the recommendation was that full eight years be established. Also the problem of high schools needed attention, including aid to graduates who wished education beyond high school. Vocational and adult training was discussed. Teachers had tended to operate the schools as little white islands, avoiding any part of the community life of the people. The study group felt that the teachers should be selected for qualities which would allow them to take part in native community life and really contribute to the community. It was thought that many teachers took up assignments in isolated villages with inadequate preparation for delivering a maximum amount of assistance to the village and the students. This does not mean all the teachers are not functioning well, but rather implies that good orientation is difficult.

Hunting is one of the areas of controversy. The survey thought the state should set up a satisfactory program of licensing, and establishing seasons and bag limits to take into greater account of subsistence hunting and fishing needs. Great Britian and the United States were parties to a 1916 treaty which prohibits taking of many kinds of ducks and geese in Alaska between March 10 and September 1 when the Eskimos wish to hunt them, to make up for the using up of the fall and winter foods, as fish, seal, moose and reindeer. In 1961 the U.S. Fish and Wildlife Service began strict enforcement of the treaty and the Eskimos were thrown into panic because they had no other available food supplies. Several Eskimos were arrested and the next day 138 Barrow Eskimos came in with a duck in hand to get arrested. The issue is that of aboriginal rights, versus a modern treaty and present laws. The Eskimos appealed to the Association on American Indian Affairs who consulted with them and others involved. Governor Egan wrote personally to Interior saying that the reason for the original treaty was the slaughter of birds far south of Alaska breeding grounds, and that he felt the hunting by the Alaskan natives posed no threat to the preservation of the migratory birds. The push against native subsistence hunters was dropped.

Alaskan walrus were brought near extinction in the 1870s by New England whalers. It appears that the few the natives are getting today may be having adverse effects

upon the herds and that there will be excuse to blame the natives for killing off all the walruses. The Eskimos see rather clearly the effects of the so called "sportsmen" who hunt polar bear with rifles mounted atop airplanes. In 1961 there were thirteen aircraft engaged in the polar bear sportsmen industry. Not all had the illegal mounted rifles but a polar bear has little chance against an aircraft loaded with high powered rifles. The natives use the bears for food. The hunters take the head and hide, wasting the rest. The report recommends that natives be represented on the Alaskan State Board of Fish and Game and on the local district advisory boards.

The native Americans in any of the areas concerning fish and game should be adequately represented in formal and informal organizations. Members of such boards and organizations will always strive to get "good" natives who will be yes men but surely as a policy measure the possibility of accidently getting a person seriously concerned with the rights of the natives should make the effort worth while. With the deep and long interest the natives of the Americas had in hunting and fishing, their reputation for killing only for food and not just for pleasure (if killing innocent animals to see them kick and squirm in their death throes can be construed as pleasure) it would seem that they would soon become leaders in conservation and farming of wildlife.

The survey discussed health problems and found few major areas of need. In some areas hospitals were needed by small communities. Dental care was not easy to get and that gotten was only extractions. A major problem is that of food preservation in many of the villages. Ice boxes were dug into the permafrost in some areas but could not be accomplished in others. In the late spring and summer the natives have considerable problems with meat preservation. The Eskimos and Indians need refrigerators and freezers.

Economic development, according to the report, has not been a major policy of the government. In handicrafts the Alaska Native Arts and Crafts (ANAC) and Alaska Native Industries Cooperative Association (ANICA) function as small industry. Most programs of the government have focused on the problems of health and education.

One of the oldest activities in Alaska is that of reindeer herding. Dr. Sheldon Jackson, a Presbyterian missionary was the first resident general Indian agent to Alaska. He raised several thousand dollars and in the summer of 1891 purchased 16 reindeer. Eventually Congress appropriated money and herds grew. The report makes no mention of Carl J. Lomen and Lomen's book Fifty Years in Alaska.[2] Instead the report blames overgrazing, increasing predators, declining native interest in herding and

[2]Carl J. Lomen, Fifty Years in Alaska (New York: David McKay Co., Inc. 1954.

excessive slaughter and severe spring storms for the great decline in the herds from a top of 600,000 animals in 1936. Lomen who helped develop the herds points out that bureaucratic bungling in the government, in Congress and in the Interior Department ruined this valuable resource.

Reindeer were introduced into Alaska by Dr. Sheldon Jackson, a Presbyterian missionary. His idea was not original but as a schoolman he saw that schools of hungry natives would be of little value and was searching for a way to change the native economy from hunting to herding. Congress failed to respond and an Act of August 30, 1890 failed. Private donations totaling $2,146 were received and Dr. Jackson began his experiment. In 1892 the ship Bear carried 171 reindeer from Siberia to an experimental station. After that Congress made small appropriations to carry on the work. The Siberian deer men failed to instruct the Eskimos in the herding art, but Lapp reindeer men proved more successful as teachers.

Loman entered the reindeer business in 1913 when he purchased a herd from a Lapp whose contract with the government was expiring. The Lapp wished to sell and return to his homeland in Norway. Loman with associates incorporated Lomen and Company and paid $5,000 for their first herd. Estimates were that the area of Alaska could support permanently 4,000,000 deer. In 1920 the Loman Company marketed 257,000 pounds of reindeer meat. The peak

years of business were from 1928 to 1930 when 30,000 carcasses of meat and thousands of hides for manufacture of gloves were shipped. Selling price was 12.5 cents per pound FOB Seattle. The Lomens had developed large herds, equipped their business with modern storage plants, cold storage plants and refrigerated ships for transportation of their product. By 1953 the meat retailed at Nome for 75 cents per pound.

In 1929 the Loman Company employed full and part time 579 Eskimos, and were the largest employers of Eskimo labor in the world. The livestock men in the lower 48 did not appreciate the competition and began campaigns against the reindeer meat, in some cases with full page newspaper ads urging people not to buy reindeer meat. The Department of Interior shipped 137 deer on a government vessel in 1930 and offered them for sale at 9 cents per pound undercutting the price of Loman and Company 3.5 cents. Also the Department had to pay only $5 per ton for shipping while the commercial vessels charged $42 per ton. In 1932 the Department was selling deer for as low as 4 cents per pound, or less than the freight rate from Alaska. Next California found that the reindeer meat had to be inspected and since the meat was not included in the Meat Inspection Act of the United States, refused the meat. Loman offered to pay for an inspector to go from California to Alaska, but California refused saying the inspector would have no jurisdiction in Alaska.

As the herds grew efforts were made to secure some measure of security for grazing, as against the Eskimo herds. Soon the Quaker group, the Indian Rights Association, in Indian Truth was condemning the Lomens for preying on the Eskimo in Alaska. The fact that the Lomen's had built the industry was lost in the emotional battle between women's organizations, cattlemen, and the Department of Interior against the Lomens. By 1933 the Lomens had a quarter of a million animals and equipment all valued at about five million dollars. Under great pressure Lomen offered to sell out to the government for $1,200,000. Due to the death of a partner and the depression the Lomens had to appeal to the Reconstruction Finance Corporation for a loan. Considerable difficulty was experienced with the loan and under financial pressure herders were reduced to skeleton crews.

Herds dispersed, a number of diminishing offers were made by the federal government and finally the Lomen Company received payment for 32,500 animals (of their estimated 250,000), the removal from business taking place in 1940. Lomen stated that when the company quit that most of the Eskimo quit since they had no markets left for their meat. Lomen was interested in making money, a not completely outmoded concept but in pursuit thereof found a domesticated animal that can live without shelter in the Arctic the year around, feeding itself, a relatively disease free animal, with fine meat and beautiful skins. The question now is,

could the resource be redeveloped for the benefit of the natives and the economy of Alaska?

Further detailed exploration of the difficulties of Lomen are beyond this review of the Alaska Task Force Report but the serious reader may wish to refer to the treatise on the difficulties of a private entrepreneur in the reindeer business. The Reindeer Act of 1937 (50 Stat. 900) provided for Federal purchase of the reindeer owned by non-natives, whether they wanted to sell or not, and forbade future non-native ownership. In 1952 the Bureau of Indian Affairs estimated the deer herds at less than 19,000 animals. Today there are about 38,000 animals. In some cases the natives are blamed but it seems rather doubtful that the government ever had any employees with leadership qualities and intelligent ability to work with the natives to help some of them enter the reindeer business, successfully. It does not seem unreasonable to believe that if the walrus, ducks, geese, and polar bear become scarce, the natives in the appropriate areas for grazing could be gradually induced to turn to reindeer herding. Such a program would have to be on a sustained basis for many many years. The Task Force did not seem to have any grasp of the potential value of reviving the reindeer industry. Perhaps this is due to the fact that the task force contained an anthropologist, Indian chief and career Bureau of Indian Affairs employee. It is certainly strange that they would include a section on

economic development but have no one with any knowledge of economic development in their crew. After the report the Bureau did place four or five resource development officers in Alaska. However the Bureau does not want economists for their economic development work. This fact was made plain to the author in a letter from the U.S. Civil Service Commission, Denver Region dated July 2, 1964. It said, ". . . Economic Development Officers are not necessarily Economists . . . the Bureau of Indian Affairs is not hiring Economists. . .".[3]

There is another book in existence which the authors of the Alaska Task Force Report never heard of which has some pointers for future policy regarding the Alaska natives. It is The Future of Alaska, by George W. Rogers, a study sponsored by the Arctic Institute of North America and Resources for the Future, Inc.[4] Rogers, an economist, states in effect in his conclusions that one of the more promising supply of human resources in Alaska is that of the natives themselves. He had analyzed the great difficulties in recruiting labor from the lower 48 which would be satisfied and remain in Alaska. Roger's theory is that the natives could be induced to take a greater part in the white man's economy, with long term transitional programs.

[3]Letter from the United States Civil Service Commission, Denver Region, July 2, 1964.

[4]George W.Rogers, The Future of Alaska, Economic Consequences of Statehood. (Baltimore: Johns Hopkins Press, 1962). p. 54.

Undoubtedly his claim has merit but it has tinges of the usual ignorant bias that the natives must forsake their own culture and value systems. If however, the gentleman has in mind the idea of making the natives of Alaska into a much more important economic segment of the population, allowing them to pick their own way through increased educational and vocational opportunities he may have something worth while. The Alaska Task Force Study concluded, "Isolation and lack of physical resources and of human skills severely limit the potential of many areas of Alaska for industrial development".[5]

The task force reiterated throughout the report that community workers who can live with the people, help them organize, help them solve local problems and point out opportunities, are a first need in Alaska. Such a suggestion is sound providing that the persons selected for such tasks have the technical ability required and personality which would allow them to accept the natives as equals rather than look down on them. Also it is rare to find a person with the above attributes and a degree of entrepreneurship necessary for business development. Many of the persons who fit these requirements are probably already in some type of business or endeavor of their own and the inflexibility of government regulations and red tape is scarcely enticing

[5]Alaska Task Force Report. (Mimeographed, Bureau of Indian Affairs, 1962) p. 54.

to such persons if jobs for community advisors were readily available at adequate pay.

The land problem of the Alaska natives is especially thorny from the natives view. The Alaska natives live in villages by streams and hunt and fish roaming at will. They have lived this way for centuries and persist in the accustomed way. This would be fine if they had title to the lands but they do not. Homestead laws have been tried for them but laws set up to help an 1880 farmer make a living on 160 acres are not valid for a hunting people who live in villages and travel to get their livelihood. Allotments were not successful in the south 48 where circumstances were much more favorable, in a period of time when a family could live on 160 fertile acres.

The statehood law for Alaska authorizes the state to select 100 million acres of public lands which are "vacant, unappropriated and unreserved". Many of the desirable acreages which the state has selected or desires to select the natives feel is theirs due to "aboriginal use and occupancy". Therefore there is new pressures against the natives lands that were not present in territorial days.

The task force recommends that more effective implementation of the existing legislation directed towards conveying titles to individual natives be attended to. The task force does not think large withdrawal of lands for the natives are good for them or the state. This suggestion is

strictly a value judgment and one is curious as to the views of the natives regarding this report suggestion. Certainly the interest of the natives would be to claim all of the areas that they had been accustomed to using. The report also suggested that the state and federal government designate subsistence use areas for the natives and others living in like manner who could have privileged claim to the harvest of natural products. Under pressure of private ownership in the better berry picking, hunting and fishing areas that suggestion appears to be necessary if the natives are not to be driven from their homes by hunger. The researchers think that Congress should set up some type of tribunal to adjudicate native claims to lands. The state of Alaska is sincerely worried about the aboriginal claims and the claims the state will soon be required to make in selecting its 100,000,000 acres.

The report considers several other items as credit. The Bureau has considerable revolving fund monies tied in the Alaska program. Ninety-seven percent of all extensions of repayment terms, 32 percent of all delinquencies and 93 percent of the total reserve for potential losses are concentrated in Alaska, with five canneries. The Metlakatla cannery community has an excellent fishing fleet and is quite successful. The manager is a Certified Public Accountant. This seems to indicate the main reason for the difficulties of the other canneries. The Bureau of Indian Affairs under

termination pressures, was unable to provide leadership or enlightened assistance to the industries. The situation appears to be that of the usual attempts to drive the natives to the wall so that the Bureau of Indian Affairs could unload them and get out of the Indian or native business. According to the task force there was little contact between the Bureau credit officials and the native councils. In 1960 the credit officer for the Area visited only one cannery once.

That sort of communication and assistance would hardly be conducive toward good management practices and advisory service. As is usual in government bureaucracy the combatants inside the service shift the buck from one to the other, no one taking the responsibility for the difficulties at the canneries. It appears, though the report does not say so, that termination policy and poor fish runs were the basic troubles for the Alaska canneries. Termination policy derives from Congress. There the blame must ride, whether the congressmen like it or not. The low fish runs might not be readily attributed to an individual congressman but lackadasical conservation policies also are within an area which is subject to policy guides established by Congress. The solution to the problem is installation of well qualified managers who can work with the councils, and who do not have to depend upon decisions from Washington,D.C. for every move they make. Indian canneries provide competition for other

canneries and it might be politically expedient to reduce the competition of the Indians by trying to bankrupt their canneries through the political process.

Village Problems: Under the 1936 Alaska Reorganization Act 69 Associations were established. The problems involved are those of establishing village governments on par with other municipal organizations in the state. Since most of the tribes or groups live in villages, there is some difficulty between municipal officials and the community associations. Who has the authority for what is the chief problem. According to the report, the state of Alaska could license the municipal associations if it would set up a program to do so. This suggestion is in line with the total report, that of turning most of the Bureau functions over to the state of Alaska.

Under village problems the report said that housing in almost all native areas was deplorable, and that fuel bills were incredibly high because houses were so poorly insulated against the cold. The reserachers said that because of the exorbitant cost of building materials and problems of transportation a satisfactory housing program for native communities is much more complicated than for the lower 48 states. Because the Bureau does not have adequate funds to meet all the needs of its charges, or even a substantial part of them, the reporters felt that the Alaska Public Housing Authority or Housing and Home Finance Agency should

shoulder the task, consulting with the Indian Health Service.

In discussing the organization of the Alaska area, or precisely, the Juneau Area Office, the study group indicated that over three fourths of the staff were employed in education. (350 out of 500 employees) The reporters said that everywhere there appeared to be a lack of communication between field offices and the natives. One village reported that they had not seen a bureau Field Representative for more than two years. Even in the cannery communities the Bureau welfare workers were the only employees making somewhat regular visits. The only conclusion one can make is that the policy of the federal government under termination policy did little to assist the Alaska natives toward a higher standard of living or toward a meaningful role in the new state of Alaska. In fact the natives and state of Alaska could almost consider themselves cheated by the termination philosophy in face of great need.

Chapter Close Appendix
Public Law 280 - 83d Congress, Chapter 505 -1st Session
H.R. 1063

An Act - To confer jurisdiction on the States of Califorina, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil clauses of action committed or arising on Indian reservations within such States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

"1162. State jurisdiction over offenses committed by or against Indians in the Indian country.

SEC. 2. Title 18, United States Code, is hereby amended by inserting in chapter 53 thereof immediately after section 1161 a new section, to be designated as section 1162, as follows:

"PARA. 1162. State jurisdiction over offenses committed by or against Indians in the Indian country."

"(a)Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:

"State of	Indian country affected
California.....	All Indian country within the State
Minnesota.....	All Indian country within the State, except the Red Lake Reservation
Nebraska.....	All Indian country within the State
Oregon.....	All Indian country within the State, except the Warm Springs Reservation
Wisconsin.....	All Indian country within the State, except the Menominee Reservation

"(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against

alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

"(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section."

SEC. 3. Chapter 85 of title 28, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1331 of such title the following new item:

"1360. State civil jurisdiction in actions to which Indians are parties."

SEC. 4. Title 28, United States Code, is hereby amended by inserting in chapter 85 thereof immediately after section 1359 a new section, to be designated as section 1360, as follows:

"Para 1360. State civil jurisdiction in actions to which Indians are parties.

"(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

"State of	Indian country affected
California.....	All Indian country within the State
Minnesota..... "	except Red Lake Reservation
Nebraska..... "	
Oregon..... "	except Warm Springs Res.
Wisconsin..... "	except the Menominee Res.

"(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or Indian tribe, band, or community that is held in trust by

the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

"(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section."

SEC.5. Section 1 of the Act of October 5, 1949 (63 Stat. 705, ch. 604), is hereby repealed, but such repeal shall not affect any proceedings heretofore instituted under that section.

SEC. 6. Nothwithstanding the provisions of any Enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act: Provided, That the provisions of this Act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes as the case may be.

SEC. 7. The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof.

Approved August 15, 1953.

State of Washington, Chapter 240, Laws of 1957 - Indians, Criminal and Civil Jurisdiction of State

Section 1. The State of Washington hereby obligates and binds itself to assume, as hereinafter provided, criminal and civil jurisdiction over Indians and Indian territory, reservation, country, and lands within this state in accordance with the consent of the United States given by

the act of August 15, 1953 (Public Law 280, 83rd Congress, 1st Session).

Section 2. Whenever the governor of this state shall receive from the tribal council or other governing body of any Indian tribe, community, band, or group in this state a resolution expressing its desire that its people and lands be subject to the criminal and civil jurisdiction of the state of Washington to the extent authorized by federal law, he shall issue within sixty days a proclamation to the effect that such jurisdiction shall apply to all Indians and all Indian country, territory, reservation, and lands of the Indian body involved in accordance with the provisions of this act: Provided, That with respect to the Colville, Spokane, or Yakima tribes or reservations, he shall not issue such proclamation unless the resolution of the tribal council has been ratified by a two-thirds majority of the adult enrolled members of the tribe voting in a referendum called for that purpose.

Section 3. Sixty days from the date of issuance of any proclamation of the governor as provided by Section 2 of this act, the State of Washington shall assume jurisdiction over offenses committed by or against Indians in the lands prescribed in the proclamation to the same extent that this state has jurisdiction over offenses committed elsewhere within this state, and the criminal laws of this state shall have the same force and effect within such lands as they have elsewhere within this state.

Section 4. Sixty days from the date of issuance of any proclamation of the governor as provided by Section 2 of this act, the State of Washington shall assume jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the Indian lands prescribed in the proclamation to the same extent that this state has jurisdiction over other civil causes of action and those civil laws of this state that are of general application to private persons or private property shall have the same force and effect within such Indian lands as they have elsewhere within this state.

Section 5. The jurisdiction assumed pursuant to this act shall be subject to the limitations and provisions of the federal act of August 15, 1953 (Public Law 280, 83rd Congress, 1st Session).

Section 6. Nothing in this act shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust

by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulations of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein, shall deprive any Indian or any Indian tribe, band or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

Section 7. Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the state, be given full force and effect in the determination of civil causes of action pursuant to this section.

Section 8. This act is necessary for the immediate preservation of the public peace, health, and safety, and for the support of the state government and its existing public institutions, and shall take effect immediately.

CHAPTER VIII

AN OVERLOOK AND RECOMMENDATIONS

New Frontier Achievements to 1965

Continuing under the policy objectives set forth in Secretary of Interior Udall's Task Force report of 1961 the Bureau of Indian Affairs divided its activities into two headings, programs for development of human resources and for development of natural resources. The objectives of the report were: 1. Maximum Indian economic self-sufficiency 2. Full participation of Indians in American life 3. Equal citizenship privileges and responsibilities for Indians.

There are a few clouds on the horizon of the Great Society of President Johnson's, as far as the Indians are concerned. Dr. Philleo Nash, Commissioner, Bureau of Indian Affairs wrote that "we have been directed to reduce the size of our staff at the Area Office level, and during Fiscal Year 1966, will be eliminating a substantial number of positions".[1] One of the greatest needs in the Bureau is to recruit and maintain exceptionally competent men and women who have the ability to work with the Indians. Such persons are rare, particularly in the latter requirement.

[1]Letter from Philleo Nash, Commissioner, Bureau of Indian Affairs, Washington, D.C. April 8, 1965.

Consequently a reduction in force tends to kill morale in the service and may cause a loss of needed skills and curtailment of programs. Such action could mean that the enlightened development policies of the New Frontier are in for a storm, or an unloading of deadwood employees.

The Great Society poverty program under President Johnson has not added greatly to the New Frontier Indian programs of President Kennedy. May 7, 1965 the author wrote to the Office of Economic Opportunity regarding possibility of getting an executive type position set up for development work in Western Washington. The person would work with the Intertribal Council. In September a reply was received indicating that OEO would look into "setting up an Intertribal Council". Actually the Intertribal Council in Western Washington was formed nearly forty years ago.

Sargent Shriver attended the National Congress of American Indians convention in November 1965 at Scottsdale, Arizona. He told the Indians that when his agency was being set up he was told that Indians were not ready for any local initiative programs, so there was not any planning for them in his agency until recently. On the other hand during the Summer of 1965 over 22,000 Indian children were enrolled in the Neighborhood Youth Corps with employment provided by the Economic Opportunity Act. The minimum wage was $1.25 per hour. Head start projects for pre-schoolers enrolled nearly 10,000 Indian children in the Summer of 1965.

Under the 1964 Economic Opportunity Act the following took place:

1. Job Corps. Ten conservation centers for Indians were approved.

2. Neighborhood Youth Corps: Fifty five Indian communities submitted programs for work training opportunities for young men and women aged 16-21. Twnety seven were approved. More than 9,000 Indians were to participate in part time jobs while completing high school.

3. Operation Head Start: Twenty plans were submitted with eighteen approved to serve 1,600 pre-school children. The program is designed to bring Indian pre-school children up to the development level required for regular school.

4. Community Action Program. Sixty six programs were requested, totaling $10 million. Twenty six were approved, to cost $2.5 million.

5. Small loans to individual families. Approximately 150 loans were made, averaging $1,700 each.

6. Loans to small businesses. One was approved.

7. Work experience programs. Two programs were approved, one at Turtle Mountain, North Dakota and one at Fort McDermitt, Nevada. Both reservations have severely limited employment possibilities.

The Great Society is carrying on the New Frontier Indian policies satisfactorily in the Department of Interior. The other programs are somewhat uncoordinated at times but at

least appear to have sincere top administrators. But it is unreasonable to believe that those persons working so hard for the end of the tribes, end of the Bureau of Indian Affairs and general destruction of the Indian way, will disappear or cease to be actively working against Indian progress.

The Bureau has been working hard on education. In fiscal 1964 132,654 Indian children were enrolled in schools, 59.8% in public schools; 33.3% in Bureau schools and 6.9% in mission and other private schools. The Navaho Reservation has 40,000 children. Of these 17,000 are in Bureau schools. One eighth of these are in day schools and others board at schools across the reservation. Several thousand live in dormitories and attend public schools in peripheral towns. Some are within range of a regular public school and commute. About 8,000 Navaho children still receive no schooling, but work on narrowing this gap is proceeding rapidly.[2] Figures on the number of Navaho children not in school range from 3,000 to 8,000. No reliable figures are presently available.

Since 1960 Bureau reports do not include numbers of Indian children enrolled in public schools in California, Idaho, Michigan, Minnesota, Nebraska, Oregon (except Warm Springs Agency), Texas, Washington, and Wisconsin where

[2]Christian Science Monitor. April 24, 1965, p. 11.

children attend public schools. TheBureau does provide funds in the form of grants to public schools for Indian children in 18 states under provisions of the Johnson O'Malley Act of 1934. In Fiscal 1964 the payments amounted to $7,423,676. Also under Public Law 874, 1950 as amended (Federal Activities Impact Areas), which is administered by the Department of Health, Eudcation, and Welfare, school districts that enroll Indian children residing on tax-exempt lands may receive financial aid from the federal government. The load of educating the Indian children does not fall completely upon the local communities.

Other educational activities include emphasis upon summer schools, college scholarships, adult education, teacher preparation, school construction and vocational training and employment guidance. For example in 1964 183 Indian communities shared in adult education with 30,868 adults participating. Quality of teaching in Bureau schools has met criticism and efforts are under way in a master teacher program in all areas with a centralized orientation and teaching training program. Many teachers are poorly equipped to meet the needs of teaching and living in isolated areas, particularly Alaska.

Forty three projects in school construction were completed during 1964. Value of the projects were about $30,000,000. The major projects completed were on the Navaho Reservation. If 8,000 children are still out of

school more remains to be done. Considerable emphasis is being placed on vocational training, on the job training, refresher courses and direct employment assistance. April 5th the House of Representatives passed a $15,000,000 bill to increase the Indian adult vocational education program. Since the programs beginning in 1956 to December 31, 1964 some 10,040 Indians have entered the program. Of that number 1,677 were still in training and 5,576 had completed the work. Some 3,243 Indians had been placed in on-the-job training, learning a trade, or job, while they work. The backlog of applicants is about 4,872 persons. It was expected that nearly 3,000 additional persons would apply when funds became available.[3] The Bureau awarded college scholarships to 1,718 students in 1965. Grants amounted to $1,225,000 or about $700 per student.

In the Summer of 1959 the author toured the Oklahoma State Technical School at Okmulgee, Oklahoma which handles about 75 to 100 Indian students per year. Trades include electronics, mechanical work, office work, drafting, printing, photography, leather work, beauty shop and barber training, welding and many more worthwhile trades. Interviews were held with Indians across the country who had completed such training programs. There were few if any complaints regarding the program. A few individuals have difficulties

[3] Congressional Record, House of Representatives April 5, 1965, pp. 6590-6591.

relating to personal problems but that is to be expected in any educational program. The large numbers taking the program and large backlog speaks well of it. Congressmen feel it will be cheaper in the long run to educate those desiring a trade than it is to support them on welfare. There is very little controversy regarding vocational training. The Bureau had agreements negotiated in fiscal 1965 with companies for 717 Indian workers to receive on the job training, about 70 more than the previous fiscal year. Types of jobs include jewelry making, electronic parts manufacture, leather craft items, aluminum culvert fabrication, lumber manufacture, extrusion of plastic pipe, manufacture of women's garments and others.

Housing is deplorable on most reservations, being crowded, without normal facilities required today and inadequate in many ways. The Public Housing Administration earmarked in 1964 3,200 housing units on Indian reservations in 17 states. About half would be low rent units and the other half built under a mutual help program where the Indians contribute labor and PHA advances funds for purchase of materials and whatever skilled labor that is necessary. Sixty three tribes have established local housing authorities comparable to those in cities and counties. The Bureau put considerable effort into helping individual Indians get loans from private or public sources for housing and home improvements. About $6,200,000 was borrowed during

1963, more than double the amount borrowed in 1962. About 90% of Indian housing is substandard so there is much to be done if Indian families are to enjoy the conveniences of an average non-Indian standard of living.

The Bureau extends some technical assistance to the tribes. In 1964 tribal groups expended more than $17,500,000 of their own funds on physical resource development. About $22,000,000 was expended upon human needs. Physical expenditures include reforestation, timber harvests, fire lookout towers, roads and trails, disease eradication in forests, irrigation, water reservoirs and recreation facilities. Human expenditures included per capita payments, family plans, community centers, education, welfare, loans, laws and order, sanitation, health, employment assistance, job training, youth camps and recreation activities.

The Bureau has with the Area Redevelopment Administration had 43 reservation development programs prepared and 75 feasibility studies started since 1962. These studies consider tourism and recreation, public accommodations, wildlife development, agricultural production, food processing, forestry, sawmills and wood products industries, mineral deposits, industrial parks, and arts and crafts. The Mescalero-Apache Reservation in New Mexico invested $1,500,000 in a ski facility and hotel complex. Getting the surveys as guides is important but implementation of the programs will be the acid test of the surveys.

Industry has been encouraged on or near reservations to provide employment. There are many types of businesses. Oklahoma got a charcoal company, Arizona received a yarn mill, Idaho a plywood factory and other plans were in the works. In 1962 the ground work was privately provided for a commercial weaving business at the Lummi Reservation near Bellingham, Washington while the tribe was wasting 95% of its energies battling a terminationist superintendent. The business is not an instant success due to management and competition problems but is holding its own in early 1966 and could be valued at $50,000 or more. Since the weaving is modern with Indian design or non-Indian design there seems to be no limit to growth potential. But there will be failures in the world of Indian business.

Availability of credit has been one of the more severe problems of the tribes. In the early 1950s the revolving loan fund was halted by the Buffalo party philosophers. In 1964 over $23 million was outstanding and demand for loans was $42 million and the cash balance in the fund was at less than $2 million. During 1964 about $103 million was received from sources other than the government. If banks, and other private lenders began to profit from Indian development they may not be so wild for liquidation of the reservations, tribes and Indians. About half the loans went for land improvements, sawmills, cattle herds and tourist facilities. The other half went for living conditions

improvements, sanitation and water, housing and educational purposes. In June 1965 Interior asked for a $35 million boost in the revolving loan fund from $27 millions to $62 million. The Department also asked authorization to, in special cases, grant up to 20% of the loan amount. Although $103 million was received from other sources, Indian credit was short by approximately $42 million.

Timber purchases in 1964 amounted to $11,400,000 for 741 million board feet of timber. Multiple use and sustained yield is the guiding policy now in management of most of the Indian forests. This is not true of all the reservations, however. The Quinault on the west coast in Washington which was allotted to tribes other than the Quinaults over the western part of Washington is being sold like hotcakes, and the Quinaults seem to be unable to do anything about it. The sale for May 1965 at the Western Washington Agency had no lands offered other Quinault. In that sale about 3,200 acres of virgin and cutover timber lands were being offered in mostly 80 acre tracts, with a few 40s, in 49 tracts. J. P. Kinney, the first Bureau of Indian Affairs forester, thought that it was a great tragedy that this large piece of timber was not managed on a sustained, multiple use basis. If the accusations heard in Utah are correct in that the last big push to liquidate the reservations came from timber interests in Washington then it would be reasonably appropriate to assume that they are getting their way with

Quinault regardless of termination. A great deal of timber has been wasted in this area since older trees were not harvested but were allowed to decay and die. The inappropriateness of the allotment programs for timber were discussed earlier and it can be seen that the inefficient effects continue to persist. Most of the tracts are reserving oil, gas and other mineral rights since it is presumed that Quinault has some petroleum possibilities.

The Bureau finds itself in the highway and road construction business. The road program serves 160 reservations in 22 states. In 1964 the Bureau expended $19 million on the maintenance of 15,794 miles of roads and for grading and surfacing of nearly 1,000 miles of roads. Most of the work was completed with Indian labor giving considerable employment to local Indians.

Agriculture products from Indian lands through Indian use provided an income of $67,213,000 in 1963 from 31,278,000 acres. A return of about $2 per acre indicates that much of the land is desert or range land little suited for any other use. Total income from Indian lands was $163,647,000 in 1963 (from about 50,000,000 acres) down from $168,780,000 in 1962 due to drop in cattle prices. Some of the irrigation programs began fifty years ago were being pushed again. For example 36,000 acres of land were reclaimed for intensive agricultural development during 1964 through irrigation system improvements.

Long term development leases were made on nearly 11,000 acres of new land following the Supreme Court's settlement of a dispute over diversion of water from the Colorado River to the Colorado River Reservation in Arizona. The reservation's irrigation project, authorized over 100 years ago was only 35% completed in 1963. Many of the Bureau's programs followed this pattern and time is one of the larger elements needed to push programs on to successful conclusion. Getting only 35% of a project completed in over 100 years is a trifle slow, even considering bureaucractic red tape.

The above review of the major steps forward of the New Frontier policies in 1964 indicate a reasonably sensible development policy toward the human and natural resources of the tribes. Many problems remain. From an overall policy point of view it is important to point out that at last the New Deal programs are finally being implemented in the form of the New Frontier and Great Society. But the enemies of the Indians are still active and one wonders where they will strike next to keep the bumble bee development policy approach to Indian affairs in existence. By bumble bee approach is meant the ability to flit all over the place, here and yon at apparent random never really developing anything, the irrigation projects providing an excellent example.

Fund for the Republic Recommendations

The Fund for the Republic established a Commission on the Rights, Liberties and Responsibilities of the American Indian in March 1957. In 1961 a Program for Indian Citizens was released to the public. In discussing Indian values the report emphasized that Indian made plans should receive preferential treatment and that government programs would be more effective if they drew upon those parts of Indian heritage important to the Indians. Few honest persons would argue with this recommendation. In the process the culture of the Americas would be enriched. In considering such recommendations the background of the researchers helps one in perspective in evaluating their findings.

The first Executive Director of the Commission was William A. Brophy, a lawyer, who was with the Commission from 1945 to 1948. After serving six months he resigned and Dr. S. D. Aberle, Superintendent of the United Pueblo Agency from 1935 to 1944 finished out the report. Her major fields of interest in her personal career concerned medicine and science.

The recommendations on termination were that undue haste be avoided and that the Indians make their own decisions and participate fully. Treaties should not be affected by termination legislation. The findings do have a termination bias since services by the states after termination are

discussed. The researcher assumes that some day the states will take over the reservations apparently. For this reason the report was very poorly received in "Indian country" since various Indians feel such discussion is dangerous to development, a viewpoint which has excellent historical basis. Discrimination against Indians is greatest near reservations and in Indian states.

Planning in the economic development area was recommended, not just to fill more shelves with studies but in view of getting something done. It was felt that technical assistance should come from government agencies, educational institutions and any other sources. The tribes should be free to select the best sources of information available.

In discussing the responsibility of the Indians themselves it was mentioned that one of the shortcomings is the lack of long term non-political personnel to work in stable on-going development programs. Frequently the tribal political leaders are also the management leaders if not managers. Most Indian leaders are in agreement with this recommendation, so long as hired managers can be found who will work successfully with Indians and be willing to take orders from the tribal government. Few persons exist who are able to meet these two very important qualifications, especially for the salaries the average tribe would be able to pay. Many tribes cannot afford such luxury and

apparently the Bureau should fill the need. As an example a resource development man, a good hearted Quaker, who received a $10,000 a year post in Western Washington under New Frontier policy was so poorly qualified technically in resource development and had such difficult relations with the tribes that he was ordered off one of the reservations. Subsequently he switched to a slightly less sensitive position and failed to resign, until more than three years had passed. Finding persons who have the capacity for getting along with Indians is extremely difficult apparently.

It is difficult to say what would be the best method for recruiting or training persons for the key development leadership jobs with the tribes. Perhaps a special category beyond civil service would be desirable, with the persons being responsible to the tribes and hired by special contract. In many cases such employment would or should be at government expense due to poverty of the tribes. In the case mentioned above the man would have had to produce adequately for the tribes from their viewpoint or resign. No doubt his work is satisfactory from a bureaucratic standpoint, but accomplishments are diminished where there is continual friction or lack of support.

The report considered that the policy of tribal governments was good and that the federal government should act unilaterally only when basic civil rights were in jeopardy through actions of the tribal government. It was felt that

the tribes should use modern fiscal controls and manage properties to ensure that all members participate fairly in the benefits. Also the areas of economic development should be separated from formation of political policy as much as possible. The recommendations are simple and well taken. Many of the tribesmen who become political leaders have very little education, a few are extremely well educated, but almost none have the management capabilities required for operating businesses and assets worth thousands to millions of dollars. Education can remedy that problem. Proper accounting practice should be applied to tribal governmental and business activities and that the accounting be carried out with the results being available to any tribal member who wants to know what his tribal government is doing. In some situations it is nearly impossible for an Indian citizen to find meaningful information on the tribal financial status. This situation frequently included tribal officers too. During termination the Bureau encouraged such dark situations as much as possible, hoping to drive disgruntled individuals into support for termination.

Most of the recommendations on education called for strengthening existing programs in the late fifties and early sixties. The Bureau has placed a great deal of emphasis upon education, particularly since this is the one area where Congress is willing to spend money. The general public is easily aroused over the numbers of Navaho children

not attending any school at all. Therefore Congress is under pressure to act in the interest of getting votes as much as for humanitarian reasons.

The report states that the Indians should receive adequate medical care. According to the report the poor health of Indians, as exemplified by a lifespan of 40 years compared to 62 or more for the general population, is due to substandard housing, inadequate sanitary facilities, contaminated water, ignorance as to how and when to obtain professional care and uneven provision of medical services. Dr. Aberle is an expert on Indian health and the recommendations in this section of the report are particularly potent. The report states, "Among certain tribes illnesses due to microbes predominate; among others, obesity, diabetes, and hypertension. Dental diseases also abound and alcoholism is common. Most of these conditions take a particularly heavy toll among infants and children. Their death rate is approximately double the national average."[4]

Since Dr. Aberle is an expert on health and has spent many years working with the Pueblos the recommendations upon health are quoted in full.

[4] A Program for American Indians, A Summary Report. Commission on the Rights, Liberties and Responsibilities of the American Indian, Fund for the Republic. (There are no restrictions on use of the material copyrighted. Copies available Rt. 3, Box 3030, Albuquerque, New Mexico). p. 37.

The Indians should receive adequate medical care. This, for maximum results, should be supplemented with improved education and economic betterment. Funds allocated for hospitals, medical personnel, and general health services should bear a proper relation to those appropriated for these other purposes.

In some areas, Federal-State-local health agencies need to be co-ordinated and local specialists used. In others, a closer cooperation between the Public Health Service and the Bureau of Indian Affairs should be established to ensure that the national policy for Indian development and welfare is effective and consistent. Funds should be made available to improve roads and telephones to clinics and hospitals.

Sanitary water and sewer systems should be increased. They should be installed in co-ordination with housing and like programs. Pains should be taken to eliminate duplication in construction, operation, and administration of these undertakings.

The United States Public Health Service, despite its excellent record of performance, should adjust traditional professional attitudes and practices to make them more suitable and acceptable to the Indian people. The doctor should treat patients not only as individuals but also as constituent members of a group, a group which may sharply differ both culturally and linguistically from a white community. He should confer with the Indians and seek when possible to benefit from their counsel.

In view of the historic responsibility of the United States for Indian health, the Public Health Service should not agree with States to relinquish services without prior consultation with the tribes to be affected.

When the tribes approve such transfer, the Government should set enforceable standards to assure the quality and continuation of the services and prevent discrimination against Indians.

Preventive medicine and maternal and child health should be stressed. Effective cooperation between the Public Health Service and schools, whether Federal or State, should be obtained. Public health nurses should be made directly responsible to the physicians in charge, and doctors and nurses and hospital administrators should increase their use of Indian

personnel whenever possible.

> The tribes, for their part, should assume greater responsibility for health and sanitation. To this end, Indians should learn to recognize those common diseases which demand immediate attention. Both adults and children should be educated by health agencies to take the first steps when illness strikes, and the agencies should make it possible for patients lacking transportation to get to hospitals and clinics.
>
> Finally, the schools should provide instruction in sanitation and nutrition for both children and adults.

The final portion of the 45 page report summary considers the Bureau. The report states that, "over the years there has accumulated a plethora of 389 treaties; 5,000 statutes, many of which may have been repealed by implication; 2,000 Federal Court decisions; more than 500 Attorney General opinions, numerous Interior Department and Solicitor rulings; 141 tribal constitutions and 112 tribal charters; besides a mass of administrative regulations and a gigantic manual. This unwieldy body of prescriptions and directions has handicapped present day management with the result that many decisions are reached on a legalistic basis instead of on economic, welfare, or social considerations. And the delay and uncertainty caused by the need to consult this mountain of material have been frustrating to the Indians, the Public, and Bureau employees and costly to everybody."

The report continues saying, "Various proposals have been made to improve the administration of Indian affairs. Some of them are: abolish the Bureau of Indian Affairs

entirely and summarily, with no substitute; shift all the work to the Department of Health, Education and Welfare; spread it among other Federal Departments and Bureaus; create an Authority like TVA to fix policies to be executed by a general manger; transfer complete responsibility to the States. Sometimes this last plan is accompanied by a recommendation to compensate the State and its subdivisions for the cost; sometimes no recompense is suggested,"

The report sensibly states that the retention of the present Bureau of Indian Affairs is the simplist if responsibilities and functions are redesigned. The study points out that while the form of an organization is important for accomplishing tasks, no organization pattern, "however beautiful it looks on paper, will substitute for a skillful, understanding, courageous Secretary of the Interior and a Commissioner of Indian Affairs with competent personnel dedicated to showing Indians that they are the key to their own advancement, educationally, materially, socially, politically, and spiritually."

The report recommends an Advisory Board of distinguished citizens to work in governmental policy. As pointed out earlier in this thesis such an advisory board did exist for years, no Indians were ever allowed to give their ideas and frequently the board was used as a device to work against the Indian's interests. The enemies of the Indians have considerable political power and would get their

henchmen appointed among the few sincere persons who might accidently get a place on the board. Individual Indians are not apt to represent the views of all the Indians either, so there seems to be little reason for an advisory board. Ideally though, or in theory, a well qualified board of sincere persons should be able to contribute constructively to policy. But they would have to be sincere from the Indian point of view and not some other view. Otherwise their value would be equivalent to the old Board.

A small body of interested social scientists and Indians, representing all of the social science disciplines and tribes might be developed to go into specific situations and make factual reports upon the request, advice and consent of the Indians involved. Such role has been partially played by interest groups as Indian Rights Association, National Congress of American Indians, or the Association on American Indian Affairs, Inc., the three most prominent national Indian interest group organs. None of these organizations have the funds to provide adequate technical research upon problem areas. The author drove about 150,000 miles in four years attempting to provide some meaningful semi-professional reports to the Association on American Indian Affairs during 1958-1962 and barely scratched the surface. If such groups of intellectuals were provided, their final reports would have to be passed by the Indians themselves, otherwise you have a situation

of the "elite" proscribing the activities of an "alien" group. Some social scientists have no more ability to get along with the Indians than subscribers to the Buffalo Party philosophy. Therefore if such an advisory group is again attempted the chance for service and being of value is limited primarily because the United States culture is rarely able to produce persons who have the common sense ability to see the Indian viewpoint and yet work from their own technical and general society point of view. Such persons are exceedingly rare.

Most Indians agree with the view that the Bureau should be continued and revised as need be rather than invoke a wild period of experimentation as was done in termination days of the fifties and at earlier periods. The Advisory Board recommended could be of value but the type of persons suggested are never of much value to Indians. In many cases donating money to the Indian interest organizations is the maximum contribution within the capabilities of prominent citizens or various social scientists. This is true due to inability to establish rapport with the clients usually, rather than evident professional deficiencies.

The report states that whenever a function can be carried out more effectively by agencies other than the Bureau it should be delegated after consultation with the Indians involved. This view may be fine from efficiency of administration viewpoints but the Bureau is notoriously

prone under pressure of Congress to cease doing anything effectively. The report does suggest that the Bureau take it upon itself to see that the delegated work is coordinated and should make available to the agency its supporting service and establish minimum standards of performance. Considering the jealously between "professional agencies" chance of the Bureau devoting itself to oversight is remote in delegated activities and impossible if the function is moved to another agency. The forestry difficulties mentioned earlier in the thesis are in point.

The report continues to say that the primary function of the Bureau should be an affirmitive one; always to counsel and assist the Indian, not to control or regiment him. "It should offer him technical advice and other help in the initiation and execution of plans for developing and managing his natural resources, or expanding his economic opportunities, for operating his government, and for bettering his living conditions. To this end, the Bureau should create a special division staffed with competent economists, planners, and community analysts." Under the New Frontier an economic development division was set up, and in Fiscal 1966 technical assistance staff at the Area Office or mid-level is to be cut, thereby depriving the superintendencies of technical assistance and advice needed to develop Indian human and natural resources. The termination philosophy

is still at work.

Other recommendations on the administration of Indian affairs are that complexity of red tape be cut. Where possible control of Indian affairs should go to the tribes themselves on a piecemeal basis although the tribes will require protection of their properties for some time to come. "Under the Indian Reorganization Act of 1934 the Secretary of the Interior is required to inform tribes falling under the law as to the appropriations he will request for their projects before he submits estimates to the Bureau of the Budget. This principle of prior tribal review, now frequently ignored by the Bureau, should be enforced and extended to the tribes." This action could increase tribal attention and interest in work with Congress and the national political scene. The last recommendation in the summary is that the Department of Interior and Bureau of Indian Affairs speak with one voice on policies. This is possible only so long as the Secretary of Interior and Commissioner are both reasonably well tuned in on the desires and needs of their clients out in Indian country. If one or the other is out of tune then there will be smoke and perhaps fire.

Future Policy, Education

There are many considerations involved in determining future policy. Certainly the Indians customs have been rigorously studied by anthropologists and sociologists. Lawyers with their eye on the dollar have become involved occasionally. Few political scientists or economists have paid any attention to the natives of the United States or the Americas, although there are millions of such persons in North, South and Central America. After all, exhibiting an interest in the living Indians would be building a career on quicksand when Indians are despised in most areas of the country.

The University of Idaho (Moscow, Idaho) is an excellent problem example. The Nez Perce, one of the most respected tribes in literature and anthropology, live only an hours drive from the University. Yet the University has only one anthropologist and many personal actions bordering just outside the realm of good taste have been taken by staff and faculty to cause him to leave. Neutral persons say there is no valid cause for such activity. While he has not written a lot of books he knows his subject well enough. Consequently there is not one single link of any type between the state institution and the Indian reservation. After teaching a year at the University it was perfectly clear that there was not the slightest effort made on the part of

the social sciences staff to have any on-going contact whatsoever with the Nez Perce. One of the Deans in the Social Sciences used the word savages to describe some of the American Indians. Apparently stubborn ignorance exists inside universities as well as outside their walls.

The Bureau of Indian Affairs contracted in 1961 for a study of the Fort Hall Reservation Shoshone-Bannock in the name of socio-economic analysis. Consequently a number of staff members of the University of Idaho in business, economics and the social sciences participated. The report is primarily sociological with little emphasis on economics although an economist has his name listed as a fellow researcher. The report was made at the initiative of the Bureau of Indian Affairs rather than the University. The study is supposed to be inter-disciplinary which should be attempted in future studies of this reservation or others. The problems of the groups of natives in the Americas are not solely within any one discipline though certain anthropologists seem to think the Indians are their preserve and that other disciplines should stay out. The report on Fort Hall is being published in book form and will serve as an excellent source book of the reservation. The major problems unearthed are those of lack of leadership and lack of self-discipline among the people. This situation fits many tribes although the lack of self-discipline applies mostly to the factionalism within the tribes rather than to

the total life of individuals. The tribes have many social problems but many are not greatly different from any other lower income group in the United States.

The study concludes that decades ago when on their own these peoples had leadership which was respected and the people were able to cooperate and get along with one another.[5] The problem pointed out in the closing sentence of the study is that of re-establishing such leadership. Perhaps stated so shyly at the end of the report, this startling suggestion will escape the attention of the Indian haters in Idaho. And since the report was made at the request of the Bureau of Indian Affairs the University will not be badly damaged, reputation wise. Nothing is suggested as to how this leadership could be recreated. In a more wholesome atmosphere the researchers could have contributed a great deal more than they did, although their work is blemishless from a professional or academic point of view. The one lone anthropologist at the University of Idaho did not participate in the study of the Fort Hall Reservation.

The Indian Rights Association had a short report published on Fort Hall in June 1959.[6] That report indicated

[5]Harry C. harmsworth and Norman Nybroten, Human Resources, Relations and Problems on the Fort Hall Indian Reservation. Bureau of Business and Economic Research, College of Business Administration, University of Idaho, Moscow, Idaho. September 1961.

[6]William Zimmerman, Jr. The Fort Hall Story: An Interpretation, The Indian Rights Association, 1505 Race St., Philadelphia 2, Pa. June 1959.

in topic headings that "want exists where plenty is possible", "community development and responsibility is needed", Indian Bureau and the tribes must work together", "big advances are possible", "need for management and technical aid", and "reservation has strategic location". That report concluded that a human resources survey was needed. The Chairman of the Tribal Business Council said: "We here on the reservation are like a man who stands before a warehouse full of food and starves because he lacks the keys necessary to open the doors, the keys of education and finance."

Perhaps the brief survey by the Indian Rights Association sparked the larger survey at Fort Hall. There have been endless surveys and studies of Indian reservations. Something more is required, in fact many more things are required. One of the first could be that the surrounding communities quit looking down their noses at the Indians. The anthropologist at the University of Idaho is not even listed as an advisor on the Idaho study. It seems that a man who has devoted his life to studying Indians and other native peoples might know a little something about human resources. Perhaps this is why his services were not wanted.

It almost appears in fact that in certain cases the academic world with all the Phds, 4.0 grade averages, honorary degrees, Greek or Sanskrit letter societies,

libraries, and all of the paraphernalia of academia is poorly equipped to be of any particular service to the natives of the Americas in any meaningful way, in most cases beyond sanitation and welfare services advice. This is not the fault of the individual scientist but the fault of a community which will not sanction legitimate research or is ignorantly oblivious to need or problems.

The University of Chicago Department of Anthropology, an exception to the norm, held an American Indian Charter Convention in 1961 to arrive at a Declaration of Indian Purposes written by all Indians at the Chicago Conference. Dr. Sol Tax is to be commended for his interest and work on behalf of the Indians in their present day situation, a rarity in most academic situations. The Creed of the Conference is reproduced here in full because it states clearly that the future of the Indians depends considerably upon the general public of the United States.[7]

CREED

> WE BELIEVE in the inherent right of all people to retain spiritual and cultural values, and that the free exercise of these values is necessary to the normal development of any people. Indians exercised this inherent right to live their own lives for thousands of years before the white man came and took their lands. It is a more complex world in which Indians live today, but the Indian people who first settled the New World and built the great civilizations which only now are

[7]The Voice of the American Indian, Declaration of Indian Purpose, American Indian Chicago Conference, University of Chicago, June 13-20, 1961. Dr. Sol Tax, Coordinator.

being dug out of the past, long ago demonstrated that they could master complexity.

WE BELIEVE that the history and development of America show that the Indian has been subjected to duress, undue influence, unwarranted pressures, and policies which have produced uncertainty, frustration, and despair. Only when the public understands these conditions and is moved to take action toward the formulation and adoption of sound and consistent policies and programs will these destroying factors be removed and the Indian resume his normal growth and make his maximum contribution to modern society.

WE BELIEVE in the future of a greater America, an America which we were first to love, where life, liberty, and the pursuit of happiness will be a reality. In such a future, with Indians and all other Americans cooperating, a cultural climate will be created in which the Indian people will grow and develop as members of a free society.

The Bureau of Indian Affairs under New Frontier policy has contracted with many Universities for surveys and projects of various types. Only a few examples can be listed here as the Fort Hall case. The University of Oklahoma had little directly to do with Indians in their affairs other than offer a half hour Indian radio program weekly, allow a yearly pow-wow, build a library concerning the history of the Indians and an abortive attempt was made to publish an Oklahoma Indian Newsletter. The first issue came out November 1958 under Editorship of Dr. Angie Debo, well known and respected historian from Oklahoma University, Stillwater. The next issue printed by "Indian time" (whenever someone gets around to it) came out August, 1959.

In 1962-1963 the Southwest Center for Human Relations Studies, under contract with the Bureau of Indian Affairs

offered an education community development type project to the Comanches near Lawton, Oklahoma. (southwest) The program was judged successful and was extended in western Oklahoma to service centers at Ponca City, Watonga, Carnegie, Anadarko and continued in Lawton. The work concerned lectures and discussion on communications, group organization, problem solving, school problems, family finance, family life with emphasis on parent-child-community relations, civil rights, religion, employment, Indian history and culture and subjects that deal with everyday life. The object is to help the Indians enter into the mainstream of local community life through their own efforts and planning rather than being a mere spectator. Since these tribes do not have reservations of the isolated Navaho or Hopi type, educational emphasis is one of their greatest needs. The tribes concerned are the Comancho-Kiowa-Apache at Lawton; Kiowa at Carnegie; Cheyenne-Arapahoe at Watonga, Kaw-Otoe-Ponca-Pawnee-Tonkawa at Ponca City. The Anadarko center may draw Wichita, Caddo and some elements of the Delaware tribes. The program is quite modest considering the numbers of Indians in Oklahoma but is a starter in areas where the Indian communities are not generally close knit geographically or by common reservation ties.

There are other examples, as the education work by a two man office at the University of Utah, in connection

with a development program at the Uintah-Ouray Reservation in northeastern Utah. Various services of the University of Utah were related to the Uintah-Ouray Ute Reservation.

Perhaps the New Frontier policy of encouraging academic institutions to take a more active interest in Indian affairs may prove to have some lasting effects. Lack of funds on the part of many institutions may be one of the major reasons for little interest in the problems of the Indians. The misguided belief that the Bureau of Indian Affairs was taking care of the Indians may have been another reason. But on the other hand the universities are public institutions and with the controversial nature of Indian political affairs and public policy the safe way has been to study dead Indians and leave the live ones to their own fate, as far as human or natural resources were concerned. In this respect it is with only sheer hypocracy that the institutions of learning would allow themselves to be deluded into believing that they were and are true universities.

The Future Policy-Development Plans or Termination

Greater policy emphasis is being placed on education. Increased attention is being placed upon resource development. What happens when a reservation is terminated or begins a development program? The purpose of a sincere truth seeker would be to seek fresh viewpoints and bypass issueless issues, if possible. One of the reasons suggested for termination is that the bureaucrats in Washington like their jobs and will keep the Indians under their thumb from now on. This myth is designed primarily to frighten taxpayers. The real issue of whether so called federal withdrawal will be for the benefit of the Indians and local communities or not is important.

August 13, 1954 a bill was passed in the 2nd Session of the 83rd Congress, P.L. 587, making mandatory termination of the Klamath Indian Reservation in Oregon. The 2,000 member tribe was allowed six months to prepare a tribal roll of membership. The tribe had three years to terminate and was to transfer its million acre property to a corporation or if the tribe refused or failed to complete such action the Secretary of Interior would transfer the property to one or more trustees for the purpose of liquidating and distributing the assets among the members. All personal property and funds held in trust for individuals would be released from the trust within three years. The value of

the reservation was considered to be $100,000,000. Yearly income from the forest operated on a sustained yield basis since 1913 and other resources was prior to termination $2,000,000 per year, or a family income of 3,000 to 4,000 dollars per year.

Stanford University Research Institute made a report in the summer of 1956 which found that only 14 out of 100 Indians who believed that the tribe had requested termination legislation. Only six believed that the Klamaths had been selected because of being more advanced than other tribes. The educational level of the tribe was low, relatively few had a high school education, there were few skilled workmen and no professional persons. There seemed to be no real reason for terminating this reservation other than the fact that it held over four billion board feet of tribal timber. The tribesmen were promised around $60,000 per member. Those electing to withdraw received some $20,000 less or only $40,000. About three fourths elected to withdraw assuming they would get $60,000. The remaining twenty-five per cent of the tribe elected to remain as a tribe, with their property under trust of a bank. Banks of course, welcome the responsibility and profit of such business.

Jesse Kirk, Sr., Chairman of the Klamath Tribe, Beatty, Oregon, spoke at the Fifth Annual Indian Education Conference at the Arizona State University in March 1964.

The words of this Indian speak clearly about the results of termination policy upon the Klamath. Kirk's speech outline follows:[8]

> It is good to see the many Tribal leaders who are here. It is good to know that they are interested in the topic, Unity. Perhaps if the Klamath Tribe had had more unity, or if other tribes had united with us, we might not have experienced the tragedy we did.
>
> I was asked to talk about termination and what it did to the Klamath. This is a subject that one must go back and see what happened. Before I leave the conference I will leave a book which tells all about termination and the Klamath.
>
> The story of the Klamath can be summarized with one word, GREED: the white man's greed to get Indian land and the Indians' greed to get money. Each Klamath who accepted the distribution of tribal resources received $43,000. Most of them accepted the money. This we learned from the whites.
>
> The final chapter of the Klamath is now being written. Those Indians who chose to stay together formed a corporation which was to manage the resources. These Indians are supporting many of the Indians who received the $43,000 and now have nothing. Now this small group that chose to remain together has to make a decision. Next month we will hold an election. We will decide whether we who resisted dividing up our land now want to divide up our land. It looks to me like greed has got us too. It looks like we shall divide up our resources and take the money.
>
> You can hardly find Indians around our old reservation anymore. They lost their land and now many have moved away. We have lost our mineral and hunting and fishing rights. Now that the state has taken over, an Indian who hunts is arrested. He now needs a license to hunt and can't hunt out of season. Before termination an Indian could go out and hunt anytime. This is gone.

[8]Unity Between Tribes, Fifth Annual Indian Education Donference, Indian Education Center, College of Education, Airzona State University, March 20-21, 1964. pp. 8-9.

> When our claims case was settled the Indians wanted the money right away. The government said if you want the money, you must agree to submit a plan for termination by a certain time. I think we felt that termination would never come. It came!
>
> There are always Indians who live off the reservation who have no love for the reservation or any need for it. These are the ones who favor dividing up tribal resources. These are the ones who favor termination.
>
> The tribes in the Southwest think it will never happen to them. But so did we. I think you had better get ready. I think you had better learn to work together. I think other tribes could profit from our unhappy experiences.

The other major sized reservation (230,000 acres) terminated as the result of the congressional policy in the fifties was the Menominee. Under a House bill passed July 24th, 1953, the Menominees were to withdraw by December 31, 1956. They objected strongly to the short time period. The Senate and House could not get together on the details of the bill. A new bill was introducted in the next Congress specifying five years to terminate. Other bills introduced in 1954 considered the Indians of Kansas; Klamath of Oregon; Flathead Indians of Montana; Turtle Mountain Indians, North Dakota; California Indians and Seminole Indians of Florida. The Menominees were terminated but elected to keep their reservation intact by becoming a county in Wisconsin. They have been continually plagued with financial problems in making the transition. Hopefully someone working on a thesis will thoroughly research the Menominee situation from the Indian point of view and write

a report upon the economic, political and social consequences of the forced withdrawal of the Menominees. The bills on the other tribes were fought to their death except for rancherias in California which were home sites or homestead type of property holdings, and the Klamath Reservation just mentioned.

The affairs of termination are complex as the Menominee example indicates. A brief survey follows: The conditions prevailing among the Menominee Indians of Wisconsin have been a cause of widespread and growing concern. This concern caused Governor Reynolds on July 27, 1964, to announce a Menominee Action Program under which each of 13 departments and agencies of the State was assigned responsibilities in a general attack on "the severe economic, educational, and health problems of Menominee County." By mid-September the State agencies were able to report a very impressive list of actions taken or planned. Many of the more significant steps would require additional funds and these were included in requests submitted on behalf of Menominee County under the provisions of the Economic Opportunity ("Anti-poverty") Act of 1964.

The reason that the initiative was taken by the State rather than the Federal Government lies in the fact that the Menominee Termination Act of 1954 (P.L. 83-399, 66 Stat. 250) which went into final effect April 30, 1961, closed out the Bureau of Indian Affairs' relationship to the Menominees by

providing that:

> Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States.

This language reflects amendments that were made in the Senate to the bill (H.R. 2828) introduced in 1953 by Representative Laird, of Wisconsin, upon which final agreement between the two Houses was not reached until June 1954. As amended and as approved by President Eisenhower, June 17, 1954, the Laird bill required termination no later than December 31, 1958. Congress further amended the act several times after 1954 and finally made the effective date April 30, 1961. As of midnight that date, what had been the Menominee Indian Reservation became Menominee County, Wisconisn's 72d.

As the effective date of the Menominee Termination Act approached, it was proposed that Congress authorize financial assistance to ease the impact of termination. In reporting on the bill, the Department of the Interior stressed the possibility that the termination plan "may encounter serious difficulties, and hardships may result to the tribe, the State, and local units of government." To guard against such developments, the Department recommended that title to

tribal property not be transferred by April 30, 1961, as the law required, but that such transfer be made discretionary with the Secretary of the Interior at any time prior to April 30, 1965. The Department's report went on to state very explicitly the following principle:

> If there is to be any continuation of Federal assistance beyond 1961, we believe that it should be based upon a continuation of the Federal trust during the period of assistance, and not be in the form of Federal subsidy after a termination of the trust.

The Menominee Termination Act went into effect without further amendment, however, and nearly a year later the bill providing financial assistance was enacted (Public Law 87-432, of April 4, 1962). Thus, Congress acted both to terminate the trust relationship and to continue limited financial assistance to the Menominee despite termination. P.L. 87-432 provided for the completion of certain sanitation works in Menominee County by the Public Health Service and for the payment from the budget of the Bureau of Indian Affairs, over a five year period, of diminishing annual sums in connection with the county's school costs.

The House Appropriations Committee, in its report of March 13, 1964, referred to the amount being appropriated for Menominee Educational Grants as representing "the fourth annual grant under the five year program to lessen the impact of the termination of Federal services to the Menominee Indian Tribe of Wisconsin as authorized by Public Law 87-432." The Committee went on to request "that the

Bureau of Indian Affairs submit a detailed report in connection with the 1966 estimates as to status of their termination." In response to that request a report was prepared, on the basis of information made available by the State of Wisconsin, Menominee County, Menominee Enterprises, Inc., and the University of Wisconsin, and submitted to the Committee in February 1965. The Appropriations Committee has not published the report, but the text was inserted in the Congressional Record of March 30, 1965 (pages 6092-97).

Paralleling the concern of the State of Wisconsin for the residents of Menominee County, Members of the Wisconsin Delegation in Congress have also explored the needs of Menominee County as the diminishing annual payments toward school costs draw to a close in fiscal 1966. On May 10, 1965, Senator Nelson, of Wisconsin (for himself and for Senator Proxmire), introduced a bill (S. 1934) "authorizing the Secretary of Health, Education, and Welfare to make certain grants to Menominee County, Wisconsin." Senator Nelson explained the bill on the floor of the Senate in the following language:

> In April 1961 over 100 years of tribal status for the Menominee Indians was terminated in the bright hope that the Menominees could make their way on their own.
>
> The hope has not materialized. The bill is designed to help make it a reality.
>
> The bill would provide 10 years of aid for education, health, and welfare, finance careful economic planning, and provide the long-term loans needed to establish a stable economy.

> Specifically the bill would provide $1,125,000 over the 10-year period for education--$150,000 annually for 5 years and a declining amount for 5 additional years; $747,000 over the 10 years of welfare--$100,000 annually for 5 years and a declining amount for 5 additional years; $500,000 for health, especially tuberculosis eradication, $100,000 a year for 5 years; $450,000 for the completion of sanitation connections in Neopit and Keshena; $50,000 for a detailed recreational development study under the direction of the Interior Department; $25,000 for a detailed study of the possible expansion of the timber industry; $5 million in long term, low-interest loans to carry out the study recommendations.

A companion bill (H.R. 8034) was introduced in the House on the same day by Representative Laird, of Wisconsin, without any accompanying statement.

A brief analysis of the Menominee situation shows unemployment three to four times as high as the state as a whole. Families are generally large. Education is well below state averages. Health is poor and tuberculosis is much more prevalent among the Menominees than among the general population. Drinking is excessive. The birth rate is double the state average. Infant deaths are proportionately high. All of this information was available before termination legislation. The views of the Menominees themselves could have been obtained. Measures for correcting the difficulties are not unknown. This information was all readily available, so there is no legitimate refuge in ignorance for the perpetrators of this undesirable action in the name of sound and beneficial public policy.

In conclusion one can factually say: 1. The misery,

destitution and dependency of the Menominees was not eliminated by termination as Senator Watkins, Representative Laird and all their ignorant Buffalo Party friends cunningly led the rest of Congress and the United States public to believe. What the Menominees needed most was planning program guidance and adequate time, funds and assistance to advance, melting into the dominant society at their own rate of speed. 2. The responsibility for the Indians lays with the federal government historically and not upon the overtaxed, underfinanced states or cities. The State of Wisconsin was not prepared for responsibility of this hungry, ill orphan unceremoniously dumped on its door step by enemies of the Indians, enemies of all common decency and enemies of all democratic principles. 3. In the Menominee case it is a grievous sin that legislative responsibility cannot accompany the legislative act. In cases where ignorant legislation as that regarding Menominee causes suffering and hardship those who deliberately and willfully initiated the policy with full knowledge of its injurious design, should experience exactly the identical difficulties as the recipients of their action. It might be ideal from this view of justice if Watkins and his people could be relieved of their jobs which are supported by public tax monies, receive appropriate diseases and all the rest that goes with it. Since this is impossible a few years in prison might be about as good to repay them

for their work. This is harsh thinking and slightly exaggerated perhaps for illustration purposes but social scientists need to consider means for fixing responsibility upon appropriate legislators for the results of such type acts. Merely getting voted out of office is inadequate. Watkins was voted out of office by Utah citizens but he somehow got himself almost immediately appointed as head of the Indian Claims Commission where he still is, supported comfortably with public funds, plush as compared with average Indian incomes, continuing to exert his influence upon this relatively helpless, dependent people.

In Russia or Red China a parallel situation might be excusable due to lack of personal freedom of the individual to seek his own future. In the United States Republic it is a travesty of justice to legislate without fair play and reasonable consultation with those subject to the new law. Apparently Indians have to get their justice in the Happy Hunting Ground rather than here upon their beloved earth.

Under the plan adopted by the Klamaths the financial care and protection of the interests of the children and other persons needing assistance was turned over to banks in the form of trusts with banks for safe-keeping and investment of assets. The Klamath had 911 trusts with 38 banks. Two banks of Portland, Oregon received a total of 547. The Klamath termination act provided for a vote by members of the reserve as to whether they wanted their

share or to retain their rights in trust. There were 1,659 who voted to sell out (many lived away from the reservation) and 474 who elected to remain. The United States National Bank of Portland, Oregon was appointed by the Department of Interior to manage the property of the remaining Klamath. The retained land totaled 144,960 acres containing 134,000 acres of forest land, 8,000 acres of marshland and 675 acres of farmland. The remaining 2,285 acres was classified as open range.

The question for future policy is, "has termination of a reservation greatly enhanced the social, economic and political achievements of the persons involved?" The answer is negative by and large. There is no shining example for members of the Buffalo Party or termination philosophy to point to with great pride. The small bands of Utah were thrown upon the mercy of the local community. The Klamath or Menominee situations have not been pointed to in popular or academic literature as a guide for future Indian policy.

The Catawbas of South Carolina were a rather poor tribe with heavy intermarriage with whites (not colored). Termination in the early sixties did not reflect that any great state of intellectual or financial advancement had been attained by the Catawbas. The older chief, Samuel Thunderbird Blue would never have sanctioned such a development. But he died April 16, 1959. The next chief with an extremely large family, no regular job and only a

a third grade education felt that termination would be a way to get a little cash to keep the wolf from the door. Few Catawbas had finished high school and none had finished college. The author interviewed many Catawbas in 1959 and many felt that the intermarried whites in the tribe had influenced the vote towards termination, and that the extremely poor tribal members were under financial pressure and saw the sell-out payments as a way to ease their situation. The Bureau of Indian Affairs capitalized upon these views since the congressional order was "terminate". Frequently Indian politicians spent their time fighting the Bureau when they should have been applying their talents to their enemies in Congress. There is little evidence to see that termination of the federal relationship made the Indians "free" as Watkins of Utah promised with the rectitude of a prophet.

While termination policy was in process, with certain ambivalence, the government was stressing development plans for other reservations. No attempt will be made here to list all of them. The more prominent were the three Ute groups, the Southern Ute and Ute Mountain Ute reservations in Colorado and the Uintah-Ouray Utes of Utah, and the Navaho Reservation in the four corners area.

Briefly looking at the programs, the Uintah-Ouray Utes were split into band factionalism, since they operated all over Colorado in pre-settlement days as independent bands

or smaller tribes rather than as a large integrated tribe. This splitting caused jealousy and hindered development programs. The Bureau helped write a ten year program which called for the considerable expenditure of their claims judgment funds. A faction arose cutting across the band splits (historic) and asked that the claims settlement funds being used in the program be left on deposit in the United States Treasury and that the interest be used for long range development. In 1950 the Utes in four cases won $31,460,216.84 in the United States Court of Claims. (not the Indian Claims Commission). The Utah Utes received 60% and the Colorado tribes split the remaining 40%.[9] The True Utes, the small political opposition group, consumed most of their own private personal funds to no avail against the ten year spending programs. By 1964 most of the funds were gone and a retrenchment was necessary. The greatest valid outcry against the program was that the Indians did not get a chance to write their own program. The government told them they would spend the claims funds on a program to get ready for termination and that is what happened, no ifs or buts allowed.

The author interviewed Bureau officials in December 1964 in Utah and they felt that the ten year program, while providing employment, homes and considerable benefits had

[9]Ute Ten Year Development Program, Ft. Ducheane, Utah Mimeograph. p. 1.

not succeeded in placing the Utes of Utah on a social, economic and political level comparable with their white neighbors. The officials were quite pessimistic about the future particularly for the unemployed Indians, who had "development" related employment and had been dropped from employment due to decreasing funds and expenditures. Policywise the greatest deterrent to a successful development of lasting basis was the fact that the Congress forced the plan on the Utes. Under the bill of termination the tribe was told to draw up a long range development plan in 90 days for the assets of the fullbloods. The Indians of half blood or below were terminated. Whether part of a family was terminated and other members were not made no difference to the mad men in Congress.

The Utes came up with an emergency three year program which in 1954 turned into a projected 10 year program, and was to go into an indefinite length program after 10 years but the money supply gave out. Employment was created and considerable progress was made with tribal resources, which now include one of the largest cattle ranches in Utah. But the economic level of the Utah Utes individually is not comparable with their neighbors.

In contrast to the Utah Utes, the Southern Utes of Colorado were under less political pressure from predatory interests in the state as were the Utah Utes (ex-Senator Watkins had lived at Vernal, Utah forty miles east of

the Uintah-Ouray Reservation). They were quite proud that they wrote their own program even though it was not approved by Congress until June 28, 1954. The Southern Utes say that we have a larger portion of our claims money left and have made greater strides towards responsibility for their own affairs as individuals and as a tribe. Special attention was placed upon education in high school and college to insure technical and professional leadership of the Utes government and to provide means for the young people to enter the competitive white mans world.

The Ute Mountain Utes were extremely conservative, with some still living in aboriginal housing, by choice, when the tribe received the claims settlement. Few children ever entered high school, nor were they encouraged to by the parents. They too were forced into a termination development plan, which began in 1953. The first progress report was assembled in 1960. Whether they have equipped themselves to shoulder the burdens of the white man's world is problematical. Nevertheless the tribal council did gently lead them into 187 new houses or mobile homes, from their hogans, huts and tents. The author spent some time at the reservation in 1959. Most of the houses had a fairly new or new Pontiac automobile sitting along side. Throught the period 1954-1959 the tribe spent slightly over $13 million dollars, on resources, health, education, management, buildings and so forth. Over half of the expenditures went

to Utes as individuals through per capita payments of family plans, where the funds are released for specific purposes as home improvements, education or other worthwhile causes. A student from Arizona came to the reservation to make a survey for an advanced degree thesis, promising the tribe a copy of his work. After the survey the student said the work was his property and the tribe could not have a copy. Therefore the highly irritated conservative Utes wrote in their 1960 report, "This Report is the Property of the Ute Mountain Tribe and Nothing Contained Herein May be Used For Any Purpose Whatsoever Without Written Permission From the Ute Mountain Tribal Council."[10] Therefore, in consequence with their wishes there is no quoting or otherwise using of material from their report. Their program is relatively successful but has depended upon the claims judgment strongly for finance. Whether any of the three Ute tribes can sustain themselves after the judgment funds give out is the big question. Perhaps later researchers can delve into the long range effects of the long range programs with better perspective.

April 19, 1950 Congress approved expenditure of $88,570,000 for a ten year Navaho-Hopi long range development program. The design of the program follows in table form.[11]

[10]Progress Report, Ute Mountain Ute Tribe 1953-1960, (Towaoc, Colorado, mimeograph, 1960). Preface sheet.

[11]Department of Anthropology, 1st Annual Report, Bureau of Ethnic Research, (Tuscon: University of Arizona, 1953) p. 77.

Education Facilities	$25,000,000
Hospital and Health Facilities ..	4,750,000
Development of Industrial and Business Enterprises	1,000,000
Revolving Loan Fund	5,000,000
Off-Reservation Employment and Resettlement	3,500,000
Resettlement on the Colorado Irrigation Project	5,750,000
Irrigation Projects	9,000,000
Soil and Water Conservation and Range Improvement	10,000,000
Roads and Trails	20,000,000
Surveys and Studies of Timber, Mineral and other Resources	500,000
Telephone and Radio Communication	250,000
Common Service Facilities	500,000
Housing and Necessary Facilities and Equipment	820,000
Domestic Water Supply	2,500,000
	$88,570,000

When the plan was presented to Congress in 1948, Acting Commissioner William Zimmerman thought that this first plan for a specific Indian area that had reached Congress would hopefully be precedent for many other plans. He was wrong except for the claims judgment plans which were designed to assist the Indians in spending their funds as much as for placing themselves in perpetual economic security. It is said that few other tribes received the publicity of the near starving Navahos and that Congress felt itself under rather severe public scrutiny. Termination of this vast desert would have caused Arizona to spend a lot of money. There was no great pressure to end trust status of Navaho lands so apparently the best thing to do was

allocate a great deal of the taxpayers money to this one specific reservation and continue termination policy on all of the rest of the reservations where the Indian's loss would be someone elses gain.

The last thing the average sociologist, economist or political scientist will do is become involved with the Indians of the United States or the Americas, if he can help it. Few anthropologists will bother with the lives of present day Indians. Possibly their careers are at stake or they are just ignorant of the fact that there is need for their professional judgments. Occasionally an article will appear. An article in the December 1960 Challenge Magazine attempts to point out that the Navaho program is a failure.[12]

The author points out that the United States has tried for centuries to change the Indians thinking and has not managed to do so, one clear evidence of failure to the author and his nordic superiority complex. The Navaho tribe has developed a $11 million sawmill and model community to house the Navaho workers. To writer Tinker this is a racial, socialistic setup and at direct odds with "The United States, a nation which has carried the concept of free enterprise further than any country on earth", whatever that means.

[12]Frank A. Tinker, The Navaho Experience, Failure of a development program. Challenge Magazine, The Magazine of Economic Affairs. December 1960. p. 26-29.

After beating his chest with appropriate noise and gestures, Tinker fails to mention that about 500 companies control most of the business in the United States and that only 10% of the population is in a business of their own. The rest are "wage slaves" which seems to be rather socialistic.

In fact, corporations are socialistic themselves, since they combine power of a number of individuals into a group effort. Apparently one is supposed to gather from the article that the Navaho development plan is ruining free enterprise. Tinker states that we have spent an enormous amount of money to find out that the American concept of free enterprise is incompatible with the primitive outlook of the Indian. Tinkers biased view is that if the Indian does not jump when the whip is cracked he is a primitive. Tinker contradicts himself beautifully by pointing out that the Navahos as independent sheepherders nearly doubled their flocks in 60 years though they severely overgrazed their desert lands. As a matter of fact, if free enterprise had allowed the Navahos a little grassy land for their flocks, they would still be independent.

Tinker is unaware apparently that in a democracy persons should have the right to retain their own values, as a defense against tyranny, if nothing else. The Indian mind is certainly not primitive. Those who know the Indians extremely well are apt to say that the non-Indians

are much more primitive in many ways. No one likes to think of himself as a barbarian or savage but all races and cultures seem to have a few. If there is to be any developing accomplished, the wishes of the people must be taken into account. This fact applies as well in South Viet-Nam, Korea, Indonesia, hill-billy country, city slums, Boston, Pendleton or anywhere else. Merely saying that someone has a primitive mind because they do not agree with you is pure stupidity. If the academically trained persons in the humanities or business have nothing more to offer the Indians than Tinker then it is just as well that they continue to devote their time to whatever usually takes up their time. Tinker is an economically oriented 1890 business type who seems to be extremely poorly prepared for any writing in the human science field. Broader training would be highly desirable in his case if he has the capacity for it. His ignorance through specialization is shocking.

The last step in the planning process for the Indians is Secretary of Interior Stewart L. Udall's call for a ten year plan for all reservations July 10, 1964. The deadline for submission of reports by Bureau officials for spelling out ways and means to institute a ten-year plan, and outlining needs on each of the 300 reservations under the Bureau's trusteeship was October 1, 1964. Five factors were considered in preparation of the reports:

1. New ideas for state or federal programs or laws that would help raise the level of economic opportunity at Indian reservations.

2. New program efforts that might be financed by outside capital provided from invested savings or by income from the tribe.

3. Identification of the probable amount and probable time of receipt of any forthcoming judgment funds or large oil and mineral royalties, with indications of present plans of affected tribes for use and investment of such funds.

4. A conservative estimate of the probable costs of each new program, aside from expected expansion of existing, ongoing programs.

5. Projection of probable population changes in the ten-year period ahead.

The time pressure for this research was extreme. The report for the Lummi Tribe, near Bellingham, Washington was prepared by a realty officer who had been brainwashed by years of exposure to the termination philosophy. He is a very capable man and a good friend of the Indians. Yet his report draft, which he thought was fairly good, caused the tribal council to almost blow their stacks, because it simply did not represent their thinking and left out many of the items they would wish to inclose in a report. Since there is some element of timeliness and speed involved in

business transactions, there were some projects the tribe rate as confidential and not for public knowledge of everyone in the government. Here again is another case of the Indians not getting their ideas into the planning process, yet they are the ones that are supposed to be progressing toward independence from the government, rather than the civil servants. The new issue of privacy for Indians is raised but is not unique to the Indians. The question of how much prying and snooping by government is allowable in the United States democracy and ideals of civil rights is certainly not new.

Despite organization and time problems the present program is moving towards general development plans for all reservations, and away from termination in the hurried, frustrated manner of the fifties. Arizona did not want to support thousands of hungry Navahos; the local communities of Utah are not anxious to pay hospital bills and buy food for hungry Indian children; states are not anxious to spend thousands of dollars to provide services the reservations will require under state law and regulation so some of the pressure may be dropped. At least the general public is a little wiser, thanks to better supplies of information and experience. Whenever the Indians approach the economic, political and social level of their neighbors they will be happy undoubtedly to diminish their relations as children of the Great White Father. This does not mean that they

must be formally placed under the states. If the relationships diminish there is increasing reason just to leave certain areas of federal relationship alone, such as the treaties, archives and channels of communication for example. The Bureau of Indian Affairs might even be changed into a cultural institute and provide advisory and consulting services, one hundred years from now or somewhere there abouts.

In conclusion, planning has provided income and development; termination has contributed nothing to the welfare of the tribesmen. In all cases it appears that termination of the federal relationship has been either directly or indirectly forced. Planning has been under force, usually without Indian citizen participation at his own pace. No or little account of the Indian intellect and proclivities have been taken into account. The "everyone in the United States should be a successful banker" style predominates. Anyone who does not try to play golf, develop ulcers trying to get a fifty room castle, maintain a fancy flower garden, drive a $16,000 auto, chase other men's wives, or pound his chest for free enterprise and competition (when no one really enjoys losing the battle) or do a few other things an iron-red blooded American is supposed to do, he is suspect. If an Indian uses a medicine man's services he is probably crazy. If someone else uses a $100 per hour psychiatrist he is probably considered to be

sane. Tampering with peoples deeply held values is rather poor philosophy in engineering a development program.

Before closing the study on future policy, the relevant question of what happened to those Indians who never had relations with the federal government or possibly with any government? Did they all automatically turn into church deacons, mayors, professors and other respected citizens in the local white communities? Brewton Berry made a study which was published in 1963 on this subject.[13]

No one ever heard of the Lumbee Indians until the Ku Klux Klan decided to object to an Indian lady who made the serious social mistake of dating a white man. The Grand Wizard dressed in his fancy clothing was present at a night meeting January 18, 1958. The Klanners were preparing to have some speeches, cross burning and whatever it takes to get the local social order back in balance. The Lumbees (about 500 of them) armed with rifles, letting loose war cries, shooting out the Klanners one light bulb and shooting into the sky invaded and instilled panic in the brave Klanners who fled leaving cross, electronic equipment and other property behind. The United States Census reported no Indians living in Robeson County, North Carolina, yet some 30,000 to 45,000 Lumbees live there.

[13]Brewton Berry, Almost White (New York: MacMillan Co., 1963) Chart page 14 on census.

Who are the Lumbees? Historians think think they may be the descendants of Raleigh's "Lost Colony", the first English settlement in North America, which vanished in 1584. Though they have no relations with the federal government they have not disappeared. Judge Lacy W. Maynor (Lumbee), Robeson County, North Carolina stated in his address to the 15th Annual Convention of the National Congress of American Indians, Missoula, Montana in September 1958, "I suggest that we band together in unity to terminate the inferiority complexes which have set in among our people so heavily over the years and which have become such a crippling handicap . . . The big push to de-Indianize the Indian has gone on ever since white men set foot upon our shores. From time to time, those who would do this come together in a great push to stage a Death March on everything which is Indian. But it is a great tribute to Indians that in spite of all the pronouncements, the decrees, the removals, the dispossessions, regulations, policies, programs, gimmicks and propaganda Indians as a distinct cultural group still survive in America today."

Berry reports 114,465 Indians in the Eastern United States, more than double the 1940 census. In 1960 individuals were permitted to fill out their own forms and classify themselves racially however they chose. Probably some who were reported as Negros or other race, chose their Indian "blood". There are seventeen reservations in the

eastern section of the United States, nine in Wisconsin, three in Michigan, three in Florida, one in Mississippi, and one in North Carolina. Several states have state reservations, as the nine in New York, two in Maine, four in Connecticut, two in Virginia, one in Texas, and one in Pennsylvania. The Catawba's of South Carolina were related to the state for many years, then for a short time with the federal government, and were terminated from federal services in the termination rampage of Congress of the 1950s.

Many of these people are mixed bloods and are frequently accused of "playing Indian". Such comment is not rare, for I have heard uncivil civil servants in the Bureau of Indian Affairs, persons in state legislatures and elsewhere accuse even full blood Indians of "playing Indian". One would presume, conversely, that Europeans who say this kind of thing are just "playing white man". This is simply evidence that some persons have a racial complex similar to Hitlers or ancient China and there is not much else to be said. If a person indicates he is tolerant, that means he is still looking down his nose at someone who does not quite fit his own lofty, pure, God-given values.

In Colonial Virginia the Indian or mixture had few rights. Early laws prohibited miscegenation between whites and "persons of color". In 1705 the darker races including Indians were barred from holding civil, military or church office, nor vote, work as millers or overseers

nor appear in court as witnesses. In other words the mixed persons, Indians and Negros were sub-humans. Consequently these groups tended to live among themselves, secluded in some cases, and they still remain as islands in eastern United States after centuries of associations of sorts with the other peoples. Apparently termination of the reservations will not wipe out the Indians nor their problems with the remainder of society. Those in the east continue to have social, economic and political difficulties.

An example chosen for portrayal is that of Maine. When Maine became a state in 1820 it assumed responsibility to the "aboriginals". A treaty was made between the state and the Penobscot tribe August 17, 1820, which fact seems to upset the fact that states have no legal authority or business making treaties, said power being retained by the federal government. Since the state had jurisdiction over the tribe, the word "agreement" appears to be appropriate. The Treaty provided for certain consumer goods and a store. In 1833 four townships belonging to the tribe and excepted from the Treaty of 1820 were purchased for $50,000 and the money was placed in the Treasury of the State and the interest was used for the benefit of the Tribe. This is exactly what the unofficial True Ute political party at the Uintah-Ouray Reservation wished to do for long term development, that is, use the interest from their tribal claims settlement.

The other tribe, the Passamaquoddy Indians have no lands of their own, but the state reserves for their use a 17,000 acre township north of Princeton and a one hundred acre parcel at Pleasant Point near Eastport. The tribe may sell or lease this land. The Commissioner of the State Forest Service manages the use of the Indian Township land for the benefit of the tribe.

Both tribes have trust funds with the state. Both run around 90,000 dollars. The Passamaquoddies used nearly $100,000 from their fund in the late nineteen fifties and early sixties to construct new housing. Capital of these trust funds is used only if there is means to pay it back, so in effect the tribes have revolving loan funds. The Penobscot has no tribal income so cannot withdraw their capital, at this writing at least. Maine spends through annual appropriations about $45,000 on the Penobscots and $135,000 on the Passamaquoddy Tribe. These monies go for education, building maintenance, municipal services and welfare.

Originally the tribes were the responsibility of the State Governor and his Council. Forestry took over for three years and in 1933 the Department of Health and Welfare took over responsibility of Indian administration. To be a member of either tribe a person must be one fourth Indian. This is by state law and as such is quite unusual since tribes themselves usually consider who will be members.

Maine state law regulates adoption into the Penobscot tribe, which is probably the only case in the United States.

Census lists are prepared annually by the Governors of the Tribes, with consent of the Tribal Councils. The state indicates in 1964 there were about 1,200 members of the tribes living in Maine, about 600 in each tribe. The 1960 United States census however indicates that number in 1940 and 1,879 in 1960. No one knows how many live away from the reservations in other areas of the country.

The Passamaquoddy Tribe still uses their language in every day life, but the Penobscots are said to make little use of their old tongue. The tribes, especially the Penobscots are interested in a revival of their culture, for tourisms sake, employment and other advantages. They have been bothering the welfare folks about building campgrounds, facilities for evening programs and so forth. The welfare administrators say they have no funds for such purposes and the development agencies of the state say they have no jurisdiction over Indians or Indian affairs. The Passamaquoddies say someone has been developing their land with a laundromat and open-air movie house, without tribal consent or profit. Also the highway department has been helping itself to their gravel without paying the Indians for it. The Indians tried to hire a lawyer, but the state said no funds were allocated for lawyers for the tribes. As a result when the Governor nicely proclaimed Indian day

the Passamaquoddies refused to dance. So apparently the savages or redskins in Maine are about to go on the warpath with the state.

Considering the several State relations cases in this report, that on the Alabamas of Texas where the state reluctantly spends money on them; the Maine case where there are rustlings in the puckerbrush; and Washington State where an Indian fishes under constant threat of being tossed behind bars the Indians have little to look forward to in the change from the federal relationships to state relationships. The bureaucratic difficulties with the states may even be greater than with the relatively impartial federal congress and bureaucracy. And once the general public discovers that appropriating funds for care and handling of Indians by the state governments is one of the features of the much vaunted termination idea, the smoke signals to Washington, D.C. may rival the smog in Los Angeles, London or Tokyo. In any case, the states do not appear to be very well adapted to handling Indian affairs. The Passamaquoddies have a very high unemployment rate and low standard of living. Pulp cutting offers seasonal employment to a limited few. Maine does not have a strong employment economy. For years the Indians made baskets for sale, but competitive imports have forced drastic price reductions and has decreased the income from that craft. Maine would not be in a position to brag about its Indians being ready

for "state termination", even after a century and a half of relations, particularly since of 147 Passamaquoddy families only about 34 persons have regular employment. (1952) Thirty five families have not a single member employed.[14] The Penobscots faired better with 43 working in Old Town canoe, shoe and moccasin factories, 60 doing baskets and 119 working in migrant or temporary employment. Housing in 1952 was considered to be just plain bad, but new housing has been built with their own funds.

The Indians of the Eastern United States have not vanished. If census figures are reliable the trend is for increasing numbers of Indians in the East. Their numbers are relatively small but considering the disease and poverty many of them have had to live through as sub-humans it is interesting to know the direction of the trend. The groups have not disappeared through integration into the white communities. They have not become real estate brokers, preachers, college professors, mayors, bankers or any of the other respectable professions as a rule. Judge Maynor (Lumbee) is an outstanding exception, and he is more interested in considering himself as an Indian than as a faceless "white man" whatever that term is supposed to mean.

[14]Indian Truth, Indian Rights Association, 1505 Race St., Philadelphia 2, Pennsylvania, January-February 1952, p. 6.

Philosophical Reflections and Values

The study is nearing the close. The major focus has been on physical and material well being. Perhaps a glance at Indian values will be delightful and informing. Originally the tribes, groups or individuals had developed particular modes of life, ideas and values. The eastern Indian though associated with the other society for centuries retains some of his values. What are these "Indian" values and why the tenacity for them? Probably no one knows but preliminary excursions into the unknown may contribute a few isolated facts relevant for formation of Indian policy.

Melville J. Herskovits, who writes in the field of economic anthropology states that the students of the social sciences including economics, politics, art, literature or religion have all developed theories that have penetrating qualities after a great deal of research in a narrow field. He states in effect further that those developing their theories have had little ability nor forseen the possibilities for transferring their findings to civilization differing from their own. There has been too little attempt to test the new theories against other civilizations in terms of their history, environment or state of technology, according to Dr. Herskovits.[15]

[15]Melville J. Herskovits, Economic Anthropology, A Study in Comparative Economics (New York: Alfred A. Knopf, 1952) p. 44.

In regards to change Herskovits finds that an element susceptible to change will vary among differing peoples. Also in every culture there are things that will be easier to change than others. He thinks it is the job of the anthropologist to discover why cultural patterns seem right to a certain people at a certain time. He feels that the fact that few persons are trained in that method of research make it extremely difficult to view the customs of others with scientific attachment.

This is the view of this report essentially. Most of the policy of the governments involved with Indian policy was towards anniliation of that culture and replacement with a standardized ideal of what the average American should be, but not necessarily what actually is. The preference was for normative Indians rather than for empirical Indians. For example, in the literature and legislation regarding Indians one never hears of a campaign to make all Indians entrepreneurs, bankers, lawyers or other respectable professionals, yet they are to cease being or "playing" Indians.

An almost classical case study of the tenacity of the Indian culture concerns Dr. Carlos Montezuma, a Yavapai. The Yavapai of Arizona did little farming so raided the farming Pimas. After a raid of this nature for food, the Pimas who are historically noted for their devotion to peace except when sorely provoked, tracked the Yavapais and

returned some of the death and destruction of the raid upon the Yavapai camp. About 15 children were taken prisoner. Among these was a six year old boy named Wassaja. He was sold to Carlos Gentile, an Italian photographer for $30. He was a handsome lad and the photographer was able to use him for many western photos. For the winter Gentile returned to Grand Rapids, Michigan since his property in Chicago was ruined by the great fire of October 8, 1871. Wassaja was taken to Brooklyn for care. Eventually he came under the care of Reverend W. H. Steadman in Urbana, Illinois. The boy was bright and graduated from the University of Illinois at seventeen, apparently shocking those ignorant persons who thought all Indians were a hopelessly inferior type of homo sapiens. In 1888, at the age of twenty-two he recived his degree of Doctor of Medicine from Chicago Medical School, Northwestern University. He was a superior student.

He was offered a job with the Bureau of Indian Affairs and was soon having difficulties resulting from competition between his medicine and that of tribal medicine men. He left the Bureau in 1896 after concluding that he could do nothing for the Indians primarily because of the red tape and policies against improving the lot of the Indians on the reservations.

He went on to be, by forty, one of the most successful doctors in Chicago with a distinguished clientele, the

majority of which were the affluent and fashionable in that city. He married a lovely blond girl. One would assume that he would round out his career and life most successfully, in the new environment, somewhat different from the Yavapai camp.

He made a number of trips back to Arizona. Then something snapped. He moved to the Chicago slums and practiced medicine free, for those who could not pay. He had been studying the injustices of the Indians for years and could restrain himself no longer. He embarked on an Indian rights campaign tour. His language was gifted. He published a monthly magazine named Wassaja, which meant beckoning for he was beckoning the Indians back to their "great society". He spent most of his funds and contracted tuberculosis. In 1923 he closed his affairs, bid his wife farewell and returned to Arizona where he would have nothing to do with either medicine men or white doctors, and died.

Although Dr. Carlos Montezuma became a white man by profession and learning he did not want to cut his ties with his people, as a matter of fact, he wished to better their lives and ruined his own in the process against the policies which were designed to keep the Indians in subjection. After all, the Army was still fighting Indians in 1892. Perhaps he was also fighting the old ways of the people. The resistance of the medicine men to change can

be explained through the idea that few persons ever willingly give up power. Many of the Indians of Arizona continue to exist in the poverty that Dr. Montezuma was fighting, many still retain elements of their older culture, mingled with the new of course.

From the standpoint of policy it would seem to have been wiser to recognize that there were cultural differences between the various Indian tribes and between the elements of the white culture. On the frontier this idea would be highly idealistic. But in the space age, government policy is still based on frontier principles. According to that idea the Indians should still be encouraged and pressured to drop their "inferior" culture and take on the "highly superior" one of the major society. This is subjectivism at its worst. The Federal Bureau of Investigation records an average of five crimes a minute across the country. So who is to say which culture is inferior?

What were some of the values of the Indians? While the Christians regarded the Indians as pagans, the Indians never swore, for profane language was beyond their "pagan" minds. To the Indians, words given by voice were as sacred as those written down. The Indian valued an accurate memory. In deep concentration, when addresses were made at Indian councils, the chiefs and women sought to memorize every statement and every circumstance. Indians are noted for their unbelievable hospitality.

Felix S. Cohen, a noted friend of the Indians who spent fourteen years with the Interior Department as a solicitor, wrote an article which he called "Americanizing the White Man".[16] He also wrote the Handbook of Indian Law and Indian Laws and Treaties. In the article Cohen's theme is that there are many things the Europeans could learn from the Indians and points out many that have been accepted. He points out that the Indians enjoyed considerable freedom among themselves while the Europeans were busy killing and enslaving each other. This would imply that the Indians were somewhat ahead of the Europeans in political theory. At least some tribes were. Cohen states that the bureaucrats issued countless orders to stop Indian dancing, feasting, wearing Indian costumes, hunting, or traveling for pleasure. He tells that nearly half the crops produced in the United States are from plants domesticated or created by Indian botanists.

He describes the Indian's intense love for freedom which defeated attempts made to enslave him. He mentions that there was nothing in the kingdoms and empires of Europe in the fifteenth and sixteenth centuries to parallel the democratic constitution of the Iroquois Confederacy with its initiative, referendum and recall, and suffrage for

[16]Felix S. Cohen, Americanizing the White Man, American Scholar, Vol. 21, No. 2, Spring 1952.

women. He states that no where in the Old World was there a system of old-age pensions, disability benefits and unemployment insurance comparable to the system of the Incas. Cohen claims that out of America came the vision of a Utopia, where all men might be free, where government might rest upon the consent of the governed, rather than upon the divine right of kings. Thomas More, with the first reports from Amerigo Vespucci and other explorers, envisioned a forty hour week with time left to enjoy life. His Utopia was published in 1516. More refused to take the oath of supremacy of Henry VIII over the church and clergy of England and was beheaded on 1535. For writing his Utopia, he was probably considered a fool in most quarters of Europe, by those few who could read, that is.

The chief claim of Cohen is that the Indians were the greatest teachers of American democracy. According to the article, Jefferson when discussing the Cherokee forms of government said, "The fool has as great a right to express his opinion by vote as the wise, because he is equally free and equally master of himself." The Indian tribes would refuse time after time to make decisions for their people until the decision had been thoroughly thrashed out in the councils of the people and approved by a majority or most often by unanimous agreement. White administrators were dismayed at the time consumed as well as the fact that the decision might not be to their liking. Reference

is to the reservation Indian agents, for example.

In regards to land Amerigo Vespucci was reporting to Europe that in America where "everyone is his own master", men's rights in the land they lived on were sacred and inalienable. The European accustomed to thinking in terms of land sales and rent was unable to grasp the Indians respect and love for nature and the earth. This is still true in the Space Age.

The first national conference on outdoor recreation research in the entire history of the United States was held May 6-8, 1963. True, there have been many isolated conservationists, but as a national culture, there has been little interest in nature or the earth except for what could be exploited for profit. Only now are the people in the United States beginning to see what the Indians had known for untold centuries.

Perhaps Cohen was a visionary but he has a point of view that bears further research in the social sciences. So much of the research on so called primitive cultures merely describe the physical features and not how people feel. In reading one can never get any flavor of how individual internal life really was in such a society. How did democracy feel to the Indians? The author has searched in vain for a paper on the democracy of the Indians. Perhaps none have been written. Herskovits has an intuitive grasp of the trouble that social researchers

have. They tend to judge everything by their own culture. Dr. Montezuma found it difficult to accept a different culture, however. Why does not the academic world turn out a few well reasoned "scientific" works of anthropology or political science written strictly from the Indian point of view? An Indian book disclosing how the dominant European society really looks to the Indian might be devastating if policy were to be set by it. Perhaps this suggestion is one of asking for the unthinkable. Is society afraid that they will be written, or are the academicians unable to write them, or has the thought never occurred to anyone in this age of intellectual conformity?

Ernest Thompson Seton was one of the great naturalists on the American scene in this century. He loved the great out of doors and turned to the Indians as they were the best teachers. He wrote the Indians Creed which concludes this overly brief discussion of genuine Indian values.

The Indian's Creed

1. While he believed in many gods, he accepted the idea of one Supreme spirit, who was everywhere all the time; whose help was needed continually, and might be secured by prayer and sacrifice.

2. He believed in the immortality of the soul, and that its future condition was to be determined by its behavior in this life.

3. He reverenced his body as the sacred temple of his spirit; and believed it his duty in all ways to perfect his body, that his earthly record might be the better. We cannot, short of ancient Greece, find his equal in physical perfection.

4. He believed in the subjection of the body by fasting, whenever it seemed necessary for the absolute domination of the spirit; as when, in some great crisis, that spirit felt the need for better insight.

5. He believed in reverence for his parents, and in old age supported them, even as he expected his children to support him.

6. He believed in the sacredness of property. Theft among Indians was unknown.

7. He believed that the murderer must expiate his crime with his life; that the nearest kin was the proper avenger, but that for accidental manslaughter compensation might be made in goods.

8. He believed in cleanliness of body.

9. He believed in purity of morals.

10. He believed in speaking the truth, and nothing but the truth. His promise was absolutely binding. He hated and despised a liar, and held all falsehood to be an abomination.

11. He believed in beautifying all things of his life. He had a song for every occasion - a beautiful prayer for every stress. His garments were made beautiful with painted patterns, feathers, and quill-work. He had dances for every fireside. He has led the world in making of beautiful baskets, blankets, and canoes; while the decorations he put on lodges, weapons, clothes, dishes and dwellings, beds, cradles, or grave-boards, were among the countless evidence of his pleasure in the beautiful, as he understood it.

12. He believed in the simple life. He held, first, that land belonged to the tribe, not to the individual; next, that the accumulation of property was the beginning of greed that grew into monstrous crime.

13. He believed in peace and the sacred obligations of hospitality.

14. He believed that the noblest of virtues was courage, and that, above all other qualities, he worshipped and prayed for. So also he believed that the most shameful of crimes was being afraid.

15. He believed that he should so live his life that the fear of death could never enter into his heart; that when the last call came he should put on the paint and honors of a hero going home, then sing his death song and meet the end in triumph entering a new and better world.

The policy makers in Indian affairs seldom ever say anything about the values of the Indians as portrayed by Seton. Seton's views are corroborated by those of Dr. W. Arthur Lewis, principal of the University College of the West Indies. In a speech before a nineteen nation Policy Conference on Economic Growth and Investment in Education in 1961 he said, "Education is being introduced into Africa the same way as the Christian Religion has been introduced into Africa - by missionaries of various kinds who are just as much interested in fighting one another as improving the minds of the natives". He said further, "the people of underdeveloped countries do not know what they need, where they are going. What they hope is that they are following in the footsteps of Europe and North America. But perhaps the people of North America do not understand where they have been and where they are going."[17] One wonders with great seriousness if the United States has anything original or unique to offer the less developed countries ethnic groups in the way of values gleaned from centuries of dealing with the American Indians.

[17]Ex-Economic Aid Says Feuding Educators Confuse Africans, Seattle Post-Intelligencer, October 19, 1961, p. 6.

Senator William E. Borah of Idaho in a speech before the Council of Foreign Relations in New York City in 1934 said: "It is one of the crowning glories of the world that we have different peoples and different nations and different civilizations and different political concepts. Standardization may be all right for cattle and sheep and swine of all kinds, but it is not applicable to peoples, or nations, and it is not in accordance with the divine economy of things."[18] If what Senator Borah said is true the question arises as to why Indian values are valueless in United States Indian policies.

Latin American Indians are mostly beyond the scope of this report but the novel The Villagers-Huasipungo with a setting in Ecuador pictures the dark caverns of human suffering among the native peoples. Though written in 1934 the story is still as timely as ever. Briefly the story is that the landlords aided by greedy wealth seeking Catholics drives the natives into rebellion, whereupon they are slaughtered by the government troops.

The book was translated into eleven different languages but not into English until 1964. It is considered to be one of the more significant works in contemporary Latin American literature. Why it was not translated into English is not

[18]Borah Foundation Lectures: 1964, University of Idaho, Moscow, Idaho. Senator Frank Church, The Role of Borah in American Foreign Policy, p. 46.

certain but one suspects that the Church would not be over-joyous since a landowner and a drunken priest are depicted in a scene as enjoying the favors of a sheriff's wife while the sheriff is away fetching another bottle for them, an errand upon which they dispatched him. The priest purchased several trucks and eventually drove the Indian mule cargo carriers out of business. Hunger, illness, deprivation and no hope for the future marks the Indians. Finally a big oil and timber deal calls for removal of the Natives from the little villages and gardens where their forefathers had lived for untold centuries. They rebell from hunger and fear, and are exterminated or flee into the high mountains.[19]

The book is only one more bit of evidence that many people in the Americas wish that the natives had been completely exterminated. Any concern with values or culture of the natives in this extreme view is nonexistent or meaningless. Since attitudes influence policy the policy is not likely to reflect upon or enhance any of the finer things in the native lives which may not be dead yet.

Men of vision as Dr. Manuel Gambio who saw a revival of the Indian cultures through education (he wrote La Poblacion del Valle de Teotihuacan, three large volumes published in 1922); Dr. Ernest Huber of Johns Hopkins and others founded the First Inter-American Conference on Indian

[19]Jorge Icaza, The Villagers-Huasipungo (Carbondale, Illinois: Southern Illinois University Press, 1964).

Life. The first meeting was held April 19, 1940 at Patzcuaro, Bolivia. At the Conference it was decided to form an Inter-American Institute of the Indian. Dr. Gambia became the Director. The objectives of the organization were broadly to exchange information, study native problems and allow the native cultures to enrich each nation of the Americas. The Institute came into life with the ratification by treaty of the member governments. Each country was to form a National Institute as a branch of the International, actually inter-American, Institute. The United States became a member, formed an Institute but the House Appropriations Committee refused to pay for any such Institute and nothing has happened of much consequence. The office of the organ is Instituto Indigenista Inter-Americano, Ninos Heroes, 139, Mexico, 7 D.F. Professor Demetrio Sodi M. is the Secretario General of the organization.

The fifth conference was held in Quito, Ecuador October 19-24, 1964.[20] Eighteen countries were represented. W. W. Keeler, Principal Chief of the Cherokees represented the United States. Keeler, an official of Phillips Petroleum Co., served on the New Frontier task force study mentioned earlier.

[20]Acta Final del Quinto Congreso Indigenista Inter-Americano, Quito, Ecuador, 19 and 24 de Octuber de 1964. Instituto Indigenista Inter Americano, Mexico, 1965.

Fifty three resolutions were passed at the conference. Two of the more important ones were Resolution 19 and 25. Resolution 19 concerned itself with the need for specialized personnel for development programs in Indian communities. Mentioned were labor groups, technical persons, professional persons and others in agriculture, education, economics, health and sanitation. Resolution 25 suggested that those members with large populations use social anthropologists in their central planning organs.

The organization has had no great effect upon policy in the United States. The Institute is seldom mentioned in the United States press or literature. Its best work is being done in Central and Latin America. At a minimum, administrative leaders of various countries at least get together for a visit periodically. Canada which has a native population is not even a member. The other nations with native populations in the Americas, Denmark, France, Britain and Holland are not members either.

The goals of the founders have beem met, but the organ continues to exist and work quietly. The organ issues two trimestral publications, the America Indigena and El Boletin Indigenista. The subscription for both is $32.00 Mexico or $4.00 United States. The periodicals carry articles by professionals and specialists upon the American natives, including the United States. Other pamphlets and booklets are available.

A Glance at Canada

Frequently, it is rumored that the Indians of Canada have a much better situation than that of the United States. Philip Drucker in his work on Native Brotherhoods gives a different view.[21] He states:

> In eastern Canada, Indian policy was very similar to that in the United States, for the obvious reason that Canadian and United States policies derived from the same source. Briefly it may be characterized as having the complete assimilation of the Indian as its final goal, that, through cultural adaption his elimination as a racial entity. The road to this cultural adaption was seen to be through education to white Canadian skills, patterns, and values. To accomplish this thorough transformation, the Indians were segregated on large reservations, or "reserves" as the tracts are called in Canada, where they could be protected from deleterious influences and subjected to intensive education, generally aimed at converting them into tillers of the soil. As part of this process, treaties were invariably made by which the Indians relinquished their aboriginal lands to the Government in exchange for the reserve lands, treaty moneys, and schools and welfare programs guaranteed by the Government. The similarity to United States Indian policy is clear. In British Columbia, however, this administration pattern never went into effect.

Since the general policy in middle and eastern Canada is so similar to the United States, attention toward British Columbia follows. The Hudson's Bay Company, very thoroughly correct before English law, purchased for modest prices and with some question of legality from the Indian viewpoint, the lands the Company needed along the coast. In 1867

[21]Philip Drucker, The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast, Smithsonian Institution, Bureau of American Ethnology Bulletin 168, 1958. p. 78.

J. W. Trutch, who had become Commissioner of Lands and Works in 1866, began to formulate a colony Indian policy. He denied that the Indians had any right to land beyond that actually required by them, that is, the reserves. In 1870, in an official memorandum, he declared, as a fait accompli, that the concept that the Indian had ever had title to land in fee simple had been completely denied and disapproved in British Columbia. In short, he eliminated the principle of aboriginal land right entirely from policy in British Columbia. Efforts were made by the whites in the land to reduce the reserves to the smallest areas possible to hold the Indians.

Drucker continues:[22]

> At the time of confederation with Canada, in 1871, the conduct of Indian affairs was one of the administrative responsibilities turned over to the Dominion Government. Clause 13 of the "Terms of the Union" states that in Indian matters the Dominion Government was to follow "A policy as liberal as that hitherto pursued by the British Columbia Government after Union." Some writers have objected to this phraseology as shocking cynical, for British Columbia Indian policy was anything but liberal. Nonetheless, the clause on later occasions served as documentary support of liberal policy in disputes between the Province and the Dominion, and also points up how little was known in eastern Canada about conditions on the coast. Dominion regulation of Indian affairs brought no changes for some time, despite attempts by the Dominion Government to carry out, as nearly as it could, its policies standardized in the East.
>
> Only 28,437 acres were set aside as reserves, of which 5,302 acres were on lower Vancouver Island, and the remainder in the Fraser Valley and southern interior.

[22] Ibid. p. 83.

> The Dominion wanted to set aside additional reserves, and to increase the size of many of those already established; the Province refused to make land available. There was a long period of bickering and conflict.
>
> The overall picture of Indian administration in British Columbia is thus one of a relatively long period during which exercise of legal sanctions was the chief work of Indian agents, education and medical care were in hands of missionary organizations who did what they could with their limited budgets (their own funds supplemented by Government subsidies), and general welfare programs which were practically nonexistent. Economically, the Indians had to sink or swim in an increasingly industrialized environment, in competition with whites and orientals already well adjusted to an industrial society . . . The police, courts and jails were the provincial entities with which Indians were most familiar.

After World War II greater emphasis was placed on education, public health and welfare services. Perhaps the basis for the myth of the Canadian Indians getting a better deal is that all Canadian Federal legislation affecting Indians, but not Eskimos, is incorporated into a single act except for a few matters applying to enfranchisement. Undoubtedly on the first glance, a single law would seem much more orderly than the 5,000 plus laws that the United States has enacted for Indians. With as widely differing groups, in culture and geography as the United States, the Canadian Government allows the Minister of the Department of Citizenship and Immigration, under whose authority the Indian Affairs Branch is now placed, a great deal of discretion in apply the law.

Another well written work concerning the Indians of British Columbia is that of H. B. Hawthorn, C. S. Belshaw

and S. M. Jamieson, published in 1960. Early in 1954 the Department of Citizenship and Immigration commissioned the University of British Columbia to undertake an Indian Research Project to focus on the adjustments of the Indians to the Canadian economy and society. No attempt was made to see how the Canadian economy and society was adjusting to the Indians. Since the authors had had experience in British Columbia they chose that area for research.[23]

The study group states that it did not consider provincial interest in Indian affairs to be within their field of study. One recommendation was however that the Province should assume a greater administrative responsibility for particular services to the Indians, as Indians progress toward a full incorporation into the Canadian society. It appears from the study that the Indians have been skeptical of the intentions of the Province, since the Province is always the authority which has been arguing against their rights with the federal authority. As in most areas of the United States, Indian members to advisory groups are handpicked for their viewpoint if it parallels the white thinking, rather than as being representative of much of the real Indian opinion. White members of any advisory groups do not have the time nor technical ability

[23]H. B. Hawthorn, C. S. Belshaw, S. M. Jamieson, The Indians of British Columbia, (Toronto: University of Toronto Press, 1960).

to systematically study Indian affairs. Further they do not have access to objective data, which is usually the Indian case in Canada and the United States. Some of the data on personal affairs is confidential and under this cover the bureaucracy can pass out only whatever information it chooses, in the United States and Canada.

It appears that the Canadian situation generally speaking has little accumulated knowledge resulting from successes in relations with its Indians to pass on for this study. The work of the research group in British Columbia is well done and considers the entire range of problems of the Indians, including economic resources as game, fish and fur; agriculture; fishing; housing; and also considers the family; schools; liquor problems; social and political structure of the community and many other items pertinent to a comprehensive study. Perhaps other studies can use this one for a guide at least for reference, particularly in the United States. It would be much better than the superficial task force studies or the incomplete study of Fort Hall Reservation by the University of Idaho.

The judgment that Canada has nothing to offer the United States in policy is born out through interviews and visits with Genevieve Mussell, Secretary of the North American Indian Brotherhood, Chilliwack, B.C., Canada, and with Canadian federal officials and individual Canadian Indians. The North American Indian Brotherhood submitted a

Provincial Brief to the government of British Columbia in 1961. The 23 page brief describes in detail many of the problems of the British Columbia Indians and sustained the comments of Genevieve Mussell in early 1962. Many of the problems are nearly identical with the Indians of the United States.

Some of the reservations are isolated and unemployment is high. The dynamic fur trade of yesterday in time was not an Indian institution. The Indians and white men cooperated as partners but as the rush for gold grew, the Indians were left to their own devices. Fur trapping is carried on but is of diminishing importance to the Indians and those that do trap do so because of no other alternative to earn a few dollars.

The liquor problem is complex. British Columbia has prohibited, under authority of the Indian Act, sale of liquor to British Columbia Indians. Consequently liquor possession and intoxication charges keep the magistrates busy. In the United States individual reservations have the right to opt for liquor or not their reservation. The situation in British Columbia can be characterized as being like that of a dry state, Kansas and Oklahoma being good past examples. Whenever a person comes by an illegal bottle it is the custom to hurry it down to avoid being caught in possession of the spirits externally. The results are not quite what society had in mind with the prohibition laws.

According to the brief ten percent of the male inmates and forty percent of the female inmates of Oakalla Prison Farm are Indians. They are model prisoners. About 90% of their crimes resulted from liquor. The brief states that part of this situation is due to prohibition.

The relationship between the Indian culture and the white culture is that of lack of common interests, lack of understanding and fearbased hostility. This situation limits social contact between Indian and non-Indian persons.

Manifestation of the difficulties stemming from the conflict of cultures is seen in the problem of juvenile delinquency among the Indians. The Indians attribute delinquency to boredom and lack of stimulation caused by the closely related problems of education, vocation and cultural conflict, together with the absence of recreation facilities. The Indians feel there is little incentive to education since the most interesting jobs are those reserved by the whites. Also, lack of understanding on the part of the values and expectations of a white community, and the hostile attitudes of non-Indians, lead to feelings of remoteness and inferiority on the part of the Indians. This last statement is true anywhere in the Americas evidently. Therefore the Indian is out of touch with the authorities and people and groups who are the mainsprings of urban life.

In regards to health the brief states that the transfer from the Indian Affairs Branch to the Department of Health

and Welfare has resulted in great decreases in communicable diseases such as tuberculosis. This statement could be made by almost any United States Indian regarding a similar transfer in 1955 with perfect truthfulness. The report goes on to say that 90% of the Indians have critical dental problems.

Income is dreadfully low for the Indians. Severe economic disability is the usual case in Indian affairs. Most Indians houses have only one room with very little furniture. The homes are often overcrowded and there is little privacy. Children have nowhere to do school homework and there is no room for home recreation. Children often go short of sleep on school nights because they cannot go to sleep until the activities of the adults cease for the day. This situation is typical of many of the United States reservations.

Like the United States there is friction over uncertain boundaries of lands. The situation of the British Columbia Indians is a great deal similar to that of Alaska, except that some of the Alaska Indians do not even have reserves, but they do have land to use, for a while anyway. Where the reserves in British Columbia border a town there is continual friction over uncertain boundaries (whites like to crowd Indians) and the disputed claims are one of the major problems in British Columbia.

In conclusion regarding Canada, one of the greatest

problems is employment. The Indians, as in the United States, have not had the education or opportunities needed to hold down a full time job in industry. Many secondary problems arise mainly as the result of poverty. The British Columbia Indians have been deprived of much of their aboriginal grounds and the economic resources that could be developed to their benefit. A few have land where cattle are grazed, but the areas and herds are too small even to afford the grazing fees of off reservation grazing. Timber companies have in some cases taken over their trapping rights. Also it seems reasonable to believe or assume that some measure of the timberlands of British Columbia should be made available to them. Indian roads are not kept up as has happened occasionally, in fact usually, in the United States under termination policies. The states wanted the roads improved at federal expense before taking them over in the United States.

The report concludes that, "The economic position of most Indian bands in the Interior of British Columbia is substandard and arises from dependence upon a few primary industries, differing cultural attitudes and motivations, and a general lack of training and saleable skills required in a largely urban society." The major recommendation is for leadership training directed toward the development of

community planning and the industrial progress of the Indians in Canada.[24]

[24]Provincial Brief, North American Indian Brotherhood, Chilliwack, B.C., Canada. May 1961 (mimeographed)

A Glance at New Zealand, Maori Affairs

The Maori are another group of original people experiencing the moving in of a more complex culture. The scene is New Zealand and the newcomers are as in the United States and Canada primarily English speaking. Does the Maori situation in New Zealand have any innovations in policy applicable to the United States Indians?

Who are the Maori? The Maori is a Polynesian, a member of the race described by Sir Peter Buck as "Vikings of the Sunrise." The Polynesians are thought to be of Caucasian origin, migrating from India in the dawn of civilization fanning out across Indonesia and throughtout Micronesia. They settled in Samoa, the Hawaiian Islands, and the Society Islands. It is said that they were bold and restless explorers; they were star-reading experts, had full knowledge of the trade winds, studied ocean currents closely, and had developed remarkably efficient systems of navigation.

The Treaty of Waitangi was made in 1840. It made provision for exclusive right to purchase of tribally owned land to be vested in the Crown, with the intention of making lands available for settlement while protecting the interest of the Maori owners. Troubles over land ownership developed and culminated in the outbreak of the Maori Wars, which began in 1860, about the time of similar uprisings in the United States. As a result of the wars the Maori Lands

Acts of 1862 and 1865 were passed establishing a Maori Land Court presided over by a Judge. The function of the court was to investigate and define customary Maori title to land and to establish the Maori's rights on a legal basis. By 1891 the Maori had only 11,000,000 acres left. By 1956 the Maori had only 4,000,000 acres left with 2,500,000 acres suitable for farming. Of this area approximately 1,140,000 acres were leased to Europeans as of January 31, 1950, 463,000 acres under departmental control, 39,000 acres under control of the Maori Trustee (children's land, aged and so forth), 498,000 acres farmed by individual Maoris or by major incorporations, and 750,000 acres lying idle.[25]

No one knows exactly the number of Maori in the pre-conquest days but it is admitted that the population of the Maori declined to a count of 42,113 in 1896 through war and disease. In 1926 there were 63,670; 1936 82,326; 1945 89,744; 1951 115,740; 1954 127,384; 1955 131,965 and in 1960 about 158,000. Projections place the population at about 265,000 in 1975 and in the year 2000 at at least half a million. The Indians in Canada and the United States are making similar gains. Policy should be developed with such increases in mind. The Annual Report for the year ended

[25]Annual Report for Year ended 31 March 1956. Annual Report, Dept. of Maori Affairs, Government Printer, Wellington, New Zealand. p. 11.

March 31, 1958 states that little is known about the rate of intermarriage, nor the number of New Zealanders who are not classed as Maoris but who have some Maori ancestry. Half bloods and up are counted as Maori by the government.

Until in recent years large numbers of the Maori people lived in isolated country areas. Their assimilation of European culture varied according to the extent of their association with the pakeha way of life. The whites are known as pakehas. Nowhere does the pre-pakeha way of life continue but vestiges of the culture linger strongly in the remoter areas. The New Zealand situation seems quite parallel in this respect to Canada and the United States.

With few exceptions pakehas believe in the desirability of an eventual homogeneous New Zealand culture. The educated Maoris express a strong belief in the worth, vigor and lasting qualities of various Maori attitudes and institutions, called "Maoritanga" meaning Maoriness. They know that culture changes but they take pride in Maori traditions and elect to retain Maori identity.

This attitude is evident in education where the Maori, perhaps not consciously, views education as a part of changing Maoris into money hungry, frustrated, anxiety-ridden pakehas; all this taking place almost exclusively in terms of pakeha values and objectives. The Maori nationalism, culturally that is, is of a mild sort but real. One might say that the demand in the dominant society for

homogeneity and conformity is an outdated relic based on imperialism and evangelicalism of the past. Why would it not be just as well in New Zealand that everyone become Maori or in the United States that all become American Indian? Or better yet can we inquire as to whether an amalgamation of the better features of both cultures would not produce a new and better culture and social environment?

No serious efforts were made to help the Maori farm their own lands until in the 1920s. Several governmental funds as the Maori Trust Board of 1921 and Maori Land Boards in 1926 were empowered to advance funds on Maori agriculture projects. The funds were limited and insufficient for large scale development. A similar situation existed in the United States, and still does. Most development programs have only been half-heartedly made, by the white administrators and governments.

From a New Zealand policy viewpoint, it was maintained that the Maori could not be successfully integrated into a city population. The basis for limited agricultural assistance was then established. But from 1936 to 1956 the Maori population almost doubled and the number of city dwellers nearly tripled, rising to nearly 30%. In the light of events, the narrow view of integration strictly in agriculture was discarded as untenable. The similarities with the United States situation is certainly striking.

The agricultural development concept was not discarded

entirely and efforts continue to be made to resettle some Maori on newly developed lands. As in the United States, farmers are finding it extremely difficult to meet the charges payable on their loans and at the same time provide for living expenses, maintenance of pasture, production and stock, and the cost of developing the full farm potential. Costs for developing and stocking a 125 acre dairy farm in the pumice land area for an owner occupier rose from 9,695 pounds in 1950 to 13,067 pounds in 1959, the latter figure translating into about $260 per acre. In the Northland where most of the Maori live a considerable number of farms have been abandoned, to the dismay of the government since the Northland has over-population problems and limited employment resources. Causes for abandonment are varied. In some cases leases were made, others incorporated into development schemes and other reasons.

The Land Development and Settlement Division of the Department of Maori Affairs is one of the larger farming enterprises in the country. It carried direct control of 101 stations comprising 291,185 acres either farmed as stations or under development and supervised 1,341 unit settlers farming on a further 211,259 acres. Produce in 1955 was 6,494,128 lb. of butterfat and 7,839 bales of wool.

Housing is a severe problem with serious overcrowding and with resultant detriment to the Maori health. A great deal of effort has been expended by the government to provide

homes for the Maori. The problems are quite similar to those of the United States Indians. Many of the Maori are not accustomed to paying rent or house payments. With low incomes they cannot afford quality housing. Furthermore, the European idea of an individual family house is not part of their culture, which was of a communal nature. Also difficulty with land titles has made it impossible to build with assurance that the house would not be on someone elses property. The situation on heirship lands in the United States is exactly the same.

Health problems arose with importation of the white's civilized diseases and in the 1800s the Maori were thought to be a vanishing race. The exact same thought passed through the mind of the white man in the United States. Measures of health show infant mortality to be about three times that of the Europeans, and deaths from tuberculosis about seven times higher for the Maori. The average number of occupants of a Maori house was nearly double that of the Europeans. Only thirteen percent of European permanent private dwellings had less than four rooms while nearly half of the Maori dwellings had less than four rooms. About 500 new houses are being built per year for the Maori, the housing program being one of the major programs of the New Zealand government.

During the war years many of the youth went to the cities. In 1944 more than one fourth of the prison

population was members of the Maori race though they represented only six percent of the population. Overcrowding in cities, squalid living conditions led to association with undesirable company and crime of various sorts resulted. Excessive use of liquor was reported in 1956 as being the cause of many Maori difficulties and the government, in that year, carried out an extensive campaign against such drinking.

The Annual Report for 1954 states that probably the greatest mistake the average pakeha makes in his attitude towards the Maori is to judge him by pakeha social and economic standards and to condemn him because occasionally he does not conform with them. This comment is applicable to Canada and the United States. The report continues to point out that if the Maori must hold his own in the activities he has adopted from the pakeha, he has to accept the basic conditions of the pakeha social and economic structure. The same attitude is held in Canada and the United States by the "pakeha".

In 1955, after a nine months study in the Northland settlement the Department's Research Officer suggested that a community development project be started. He thought that development should take a form that will lead to fuller realization of the potential wealth of the community, both in the production of goods and in the employment of all the inventiveness, initiative, and intelligence of the people.

It was thought that each individual would be better able to satisfy all his needs, both physical and psychological. Development as thus conceived is a complex process in which the human community and its material environment is regarded as a whole.

In the Annual Report of 1958 the Right Hon. W. Nash, Minister of Maori Affairs and Chairman, Board of Maori Affairs reflects upon policy and aims. He states that the fundamental purpose of the Department's work is undoubtedly to bring about beneficial changes in Maori life.[26]

> This is a task that demands a considerate human approach. Sometimes a newcomer asks whether the work cannot be done without maintaining intensive contact which seems time consuming and drawn out, but looking back over the years at the really important tasks the Department has achieved, it is clear that its success has depended on the people's gradual recognition of the value of the proposed changes. Behind every successful land development or consolidation scheme there lies a history of long meetings with the owners and discussions with the occupiers of the land, which were all necessary to bring about a change of attitude on the part of the people enabling them to succeed in their new enterprise . . .
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> Recently, American sociologists have been trying to describe the processes of social change more closely. In a work on Rural Sociology by Ch. F. Loomis and J. A. Beegle /Rural Sociology, The Strategy of Change, Prentice Hall Inc., Englewood Cliffs, N.Z., 1957, p. 197, it is shown that a successful project of social change has to go through three stages: initiation, legitimation, and execution. By initiation is meant the process whereby an organization brings the proposed or advocated change to the attention of the people. Legitimation is the process whereby the proposed change is made "rightful" to the

[26] Ibid. 31 March 1959, p. 9.

> people. This almost invariably involves a ceremonial meeting. Execution is the process whereby the project is put into effect . . .
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> Undoubtedly, one of the main reasons for the need for the Department of Maori Affairs lies in the specialized work involved in transactions with Maori land. However, of at least equal importance at the present time, is the special skill needed in the initiation and legitimation of departmental action. The general public is very often impatient for some action in the "execution" state but has little or no idea of what has first to be done . . .

In summary the New Zealand government is placing most emphasis upon land, housing, health and education. The Department understands that the schools are the chief instruments by which the Maori attitude to life is being transformed. The Maori attitude toward school is said to be strongly emotional, ranging from generosity to rejection, and from enthusiasm to neglect.

Judging from the comments of W. Nash there is public sentiment towards abolishing the Department of Maori Affairs, although the need for such an element of public administration is quite evident. Ignorant public opinion is as much a problem in New Zealand apparently as in any other area of the world where ethnic groups are struggling to maintain their identity and improve their status.

The goal of the New Zealand government is eventual integration of the Maori. Development of resources has been haphazard. The problems of health, education, crime, unemployment parallel the situations in Canada and the United States. Some Maori are successful farmers as are

some United States Indians. Some have attained relatively high offices in the government and had successful careers. In the work towards the goal of social and economic integration the Maori is told that he must do all of the changing or else someone will be peering down their nose at him. On the other hand, in recent years the government has taken considerable measures to install the Maori in the atmosphere of an individual family type home with room for study and general living. Financing and land titles were beyond the capabilities or interests of the Maori and the government is doing its duty.

The Minister of Maori Affairs has a proclivity towards the academic world and is apparently interested in seeking the reasons behind resistance to social change, cultural tenacity, poverty and rural sociology. There is no evidence of this type of research on the scene in the United States, as far as policy is concerned. The Bureau of American Ethnology has accumulated much useful information at the Smithsonian Institution over the years, but the professional persons have been deliberately kept from influencing governmental policy in the United States. But this fact does not necessarily imply any great loss because many of the persons who could apply their talents to Indian problems either are not interested or do not have the mental ability and framework to contribute anything new. The same situation may hold true in Canada and New Zealand since

neither country from the standpoint of government appears to have made any spectacular gains in policy or theory that might be applied to the United States Indians. The parallels in problems are closer than one would have imagined before doing the reading and making interviews necessary for perspective in this reporting.

Summary and Views

The purpose of this study was to search for, isolate, examine and evaluate concepts and elements of policy in the fields of business, economics and political science relating to development procedures, goals and values. The overall object was to seek concepts for minimum conflict adjustments of the native society and the newcomers. The worst policy problem isolated from the Indian viewpoint is that newcomers do not approve of the Indians culture by and large, consequently feel that the Indians are inferior. The Indians seeing that they do not fit in very well, withdraw into their own communities, frustrated, angry or passive. The needed contact for a flowing together of ideas and values of both cultures is seldom present. In individual cases the opposite is occasionally true, but broadly neither culture seems willing to learn from the other consciously. True the Indians have taken autos, televison and liquor into their value system with great intensity, as has the newcomers taken the Indian's tobacco to heart, literally at times, if tobacco is responsible for heart conditions.

Within that framework, what can be offered in the way of recommendations? There are no easy answers because the goals of the Indians and those of the newcomers are out of focus. Except in areas where there is a focus of goals there is little reason to offer neat rules on improvement of public administration or officialdom. Perhaps this last

section of the report can be fruitfully devoted to the general problems of policy and areas where goals may cross or where goals can be bent to satisfy the general public and Indians. Although legislation coming from Congress indicates public policy, the basis for policy must originate with the people, if democracy is to mean anything. The public is uninformed and as a rule has no desire to know anything about the Indians present day affairs, except in cases where community development workers have served as a catalyst between groups and powerful individuals, whom the community depends upon for guidance and leadership.

The general public has no monopoly on ignorance. Many people think that the Congress and Bureau of Indian Affairs are solving the Indian difficulties and stop thinking at that point. Rumors that the Indians are being pampered are spread far and wide and the public is even a bit jealous of what they think is the Indian's privileged position. When the facts are out on development, one sees that the policy approach in the United States has been a Bumble Bee approach of relatively little value to anyone concerned as far as providing the Indians with lasting benefits. Professional persons are many times as ignorant as the general public, particularly the ones living in Indian areas where they assume that all there is to know about Indians is what can be physically seen.

The legal profession as a rule exhibits little

fundamental knowledge of the social, historic and cultural background of the tribes. To protect the federal government trusteeship responsibility towards tribal properties, it is necessary that potential tribal attorneys secure contracts approved by the Secretary of Interior. Individual Indians are free to hire a personal attorney in divorce matters, for example, and so forth.

Norman Littell, an attorney for the Navahos and other Indians gave a speech before the Federal Bar Association at their 1960 Convention. He stated that, ". . . certain do-good organizations have systematically appealed to the innocence of the American public in regard to Indian affairs and to our romantic interest in Indians, and have depicted "termination" in a disastrous light - as if Indian tribes were about to be precipitated over some sort of a cliff as the financial and moral responsibility of the Federal Government for its "wards" is brought to an end . . ." On page nine of his speech he states in sharp contrast regarding Arizona, ". . . the state with more Indians and more ignorance of Indian affairs than any state in the Union, with local state leadership looking hungrily over the fence at those Navajo resources and Navajo millions accumulating from oil and gas royalties . . ." According to his speech, he, as an attorney, is a great knight in white shining armor who saved the Navahos from every danger under the sun. In 1964 the Chairman of the Navajo Tribal Council expelled

Littell from a council meeting and Littell brought suit against the Secretary of Interior claiming that Secretary Udall did nothing to keep Littell from being thrown out of the meeting. The details of the controversy are not available for publication but the shining knight was having a bad day with his client.

Another case involves Littell. A mountain tunnel being drilled for the Los Angeles Metropolitan Water District in 1936 hit a high pressure water area which washed out equipment and drowned workers. Soon at least twenty five artesian springs and three wells dried up on the Soboba Reservation, one of the Southern California Mission Indian Reservations. Richard Thomas, a field worker for the American Friends Service Committee in Pasadena, took up the wrong of the Sobobas with two local attorneys to see what could be done for them in 1958. Thomas was unable to get any satisfaction, even to the extent of being able to get letters answered by the Bureau of Indian Affairs. When the matter was taken to a Congressman, a phone call came from Littell, who told Thomas he resented the hiring of other attorneys and that he had an exclusive contract with the Sobobas. The contract was fraudently made, had been approved by the Bureau of Indian Affairs and the Commissioner in 1958, Glenn Emmons elected to stand by it, fraud and illegality being of small consequence. Littell ceased answering Thomases letters. The Bureau with a little scandal showing

approached the Los Angeles Metropolitan Water Department and worked out a settlement. The Acting Deputy Commissioner Fred H. Massey, in Washington, D.C. attached a termination clause to the contract, attempting to bargain the settlement as the price for termination. The tribe got $30,000 cash and the privilege of annexing 2,750 acres to the water district, plus pipe to the reservation and the Bureau was to put in $40,000 for domestic water with a charge of $3.50 per month per home for line maintenance and free water until termination.

Littell who had done nothing for the tribe, got his contract illegally, that is from an individual Indian and not the tribal government, and was attempting to be placed on a $5,000 retainer a year. Yet he claimed to be a knight in shining armor, in effect. None of the major Indian interest organizations say that the Indians should be kept as museum pieces as he alleged in his speech. Oliver La Farge, late President of the Association on American Indian Affairs, Inc. made a major policy statement in March 1956 which states that we cannot artificially attempt to return the Indians to their old ways or keep them as museum pieces, even if the Indians themselves would tolerate this, which they would not.27

27Oliver La Farge, This Way Lies Freedom, Indian Affairs, Newsletter of the Association on American Indian Affairs, Inc. 432 Park Avenue South, New York 10016, Number 15 New Series, March 1956.

He laid down several concepts, namely: 1. The Principle of Consent which means that the benevolent paternalism of "we know whats good for you" must end. Many Indians add for clarity the idea of voluntary consent as being a vital necessity to all relations between the Indians and all levels of government and the general public. 2. Opportunity in the economy, education and health are obvious needs if the Indian is to be placed on an equal footing with other Americans. In the economic area consent means then, doing things with, and not for Indians. 3. The tribal organizations must develop if they are to take on an increasing part in their own affairs and operating their own business. In time presumably the tribes will ask that the government withdraw from certain activities. But for protection of their property the government does have a moral and legal obligation. 4. La Farge talks of self-determination, saying that one of the glories of our country is that in it very different people, having different ideas, religions, tastes, are equals. The Indians have a right to be different, to realize themselves in their own way, in equality, and that right must be vigorously defended. La Farge stated that if we would approach the Indians, not as subjects, not as peculiar beings, but as our brothers, then they and we together can solve the ruinous problems we have created for them. Was La Farge thinking of the story of Cain and Abel as he wrote?

The only interest Littell had in the Indians was the large retainers he could get for performing no work. Since Littell is a Washington, D.C. lawyer it would be interesting to speculate upon the political involvements he might have with members of the Buffalo Party philosophy but the facts are not known so there is no point in pursuing the matter further. Another Washington attorney who has represented large tribes was expelled from his church for drunkenness. He admitted this under interrogation at a meeting where he was thoroughly drunk and did not know who he was talking to. Another attorney in Nevada secured a $600 retainer per month from a poverty stricken tribe to represent them. His interference killed a development project that was to require an investment of about ten million dollars. He killed it by insisting on ten percent of the net profit forever. On the other hand, a Salt Lake City attorney (not a member of the predominant church in that state) representing one of the Utah groups of Indians, was much maligned for attempting to do the obvious, that is, establish a large working ranch in an area where development was possible but where political interests had used their power to prevent development, in hopes that after termination they could come into control of the land. Most attorneys working for Indian tribes are only interested in money or political angles and the future welfare of the client is of slight interest to them. Occasionally there is an

exception as the man in Salt Lake City, or Cohen mentioned earlier serving as examples. They are exceedingly rare. The examples mentioned above are given to illustrate professional ignorance and professional enlightenment.

As was mentioned earlier in the report many professionals in the Bureau were driven out by termination policies. The professionals in the universities are not free to say what they think because of problems with the Boards of Regents and their jobs. The University of Idaho, only thirty or forty miles from groups of Nez Perce and a hundred or so from the Coeur d'Alenes and slightly more than that from the Umatillas near Pendleton, Oregon, has one of the poorest situations regarding anthropology in the entire United States. Whether this is due to ignorance of the problems or deliberate evil is of no consequence since the fact is simply fact. The state university, supported by taxpayers funds has no service to offer those who in some ways need help the most. There are professional persons whose talents could be applied to working with the Indians but the avenues for relative ease of contact are almost closed. Communication is one of the major problems since presumably closer relationships could result in better, that is more accurate, information reaching the general public, who now must lean on folklore, pioneer hatreds, and myth for their decision making information.

The best persons the United States has to offer

should be encouraged to work with the Indians, in the Bureau of Indian Affairs, in the field of law, in professional areas, and in the local communities. As it is, with all due respect to the competent and capable who are now constructively involved, the situation is lacking. Since public servants are just that, including Congressmen, they should act as servants rather than as kings or tyrants. In the civil service the persons working with Indians must get on with the people or leave. The decision should be that of the clients and not dictators in Washington, D.C.

Development should be meaningful if excellent persons are involved. The Bumble Bee approach of changing policy every two or three years should be diminished but not to the point of inflexibility or stagnation. If the development policies of the thirties and fourties had been pushed hard the Indians could be a great deal better off today. The enemies of the Indians have only made the expenses of the taxpayer greater, if that is a valid criterian to judge by. Pseudo-development and wrecking of programs under termination has held Indian affairs in a status quo, greatly emotional, almost warlike suspension. The difference between communist governments and that of the United States during the termination period was very slight. This is not the fault of the Bureau of Indian Affairs, but the fault of Buffalo Party philosophers in Congress prodded by ignorant pressure groups or individuals, including attorneys.

Economic development restarted under the New Frontier must be continued in the so-called Great Society and onward, regardless of party in office. Special problems as Alaska must be carefully evaluated again and again to see where the new state and its important native population is moving. The native population may be one of the most important elements of the Alaska economy if allowed and helped to develop, especially since the warm blooded southerners do not care much about living their lives out in cool, cool Alaska.

Another area of conflict is that of requiring the Indians to vote on whether they want termination about every time the previous election votes are counted and it is found that the Indians did not want it. This is not exactly double jeopardy but it does place development programs and continuity of work in great jeopardy. Until the social and economic level of the Indians reaches or surpasses that of the rest of society, talk of cutting federal assistance is ridiculous. The examples of the small Utah bands and other reservations as the Alabama-Coushattas show this. Neither group changed culture automatically with the termination bill. All that was done actually was throw the problem upon the scarce resources of the state or county or municipal governments. The general public is not usually told that this is what they are getting.

A great many studies are needed to help the states strengthen their programs and attitudes towards the Indians. After all, by geographical proximity the groups must live together. There appear to be no studies in existence on the Indian municipalities, or of municipalities bordering or partly upon an Indian reservation. The first studies may not be very good but at least there is need to see what the legal rights are, problems of administration, finance, zoning and other measures that require the attention of a municipality. It cannot be stressed powerfully enough the need as the Indians begin to develop cities upon their reservations. As population grows many Indians will leave but those remaining to work in factory developments, tourism and so forth are faced with all of the problems of a modern municipality. Present rule of thumb guides are inadequate.

The role of the church needs new perspective. First, the Indians have several churches of their own. The Shakers in Western Washington continue to be an influence upon some of the tribes there, but not all of them. The largest Indian church is the Native American Church which dates from about 1870. It uses Pre-Columbian and Christian elements for its creed, ethical code and ceremonies. In the ceremony a cactus product, peyote, is used to bring a communion of souls and the Supreme Being. Alfred Wilson, a Cheyenne Indian of Oklahoma, who was head of the church for years said that the Indians would go to prison or suffer anything

but would not go away from their religion. In this religion man is the manifestation of the breath or spirit of God. He is earth, but the earth part is only that which makes him visible. The part which is his real life, which makes his existence is the spiritual essence, or breath of God. It flows from the deity and is his to use during his life. Man has both a material mind and an ability to go beyond the material mind. So when a man is sick the peyote ceremony is used by his brothers to lend him elements of their immaterial minds, reinforcing his. Peyote is then a part of that immaterial mind, or a pathway to the breath or spirit, neither word meaning exactly what the Indians mean. The Indians do not speak of a beginning or an ending. Hell is unknown to them. Perhaps it would be more precise to say that Hell is not known in their religion. They say that man must live right according to the laws of nature which are also moral laws. If an Indian fails to live according to the code he will go off towards the Milky Way into a branch which leads to nothingness, or emptiness. Whether no existence at all would be worse than the Christian Hell is an interesting problem for contemplation.

As would be expected of the whites, they did everything in their power to destroy the Native American Church. The most likely way of ruining the religion was to attempt to destroy its "symbol" the peyote button which comes from the top of a small type cactus in the lower Rio Grande

Valley. Their description of the button effects as narcotic or habit forming is not born out by scientific studies. The Association on American Indian Affairs, Inc. has a Supplement, Number 41A of their Newsletter, undated, which surveys current literature and states that there is no evidence to support any claim that the plant is a narcotic, nor any evidence to show that use of it has any harmful effects. /other than tending to unite Indian souls./

There have been a number of court cases regarding peyote. The latest ruling is that of the Supreme Court of California which August 1964 ruled 6 to 1 that the Indians had the right to use peyote in religious ceremonies. The court held that peyote contained a nonhabit-forming derivative that stimulates visions, and since it is non-habit forming did not violate state narcotics laws. The court overruled a lower-court conviction of three Navajos in 1962. The court stated that, "To forbid the use of peyote is to remove the theological heart of peyotism". The ritual use of peyote dates back in time to at least 1560 in Mexico.

Another little noted trouble between the church, state and Indians concerned the early church schools among the tribes. In 1819 Congress appropriated $10,000 to the War Department to be used as a civilizing fund. The War Department asked those groups already engaged in Indian education to state their needs. The churches replied and the

precedent lasted for eighty years approximately. Discord among the churches developed by 1870 and by 1885 the Commissioner of Indian Affairs stated in his annual report that it would be the intention of the Bureau to build and operate its own schools. In 1889 the Commissioner recommended that funds be cut off completely from the churches over a gradual phaseout period and mentioned the violation of the Constitution through the use of tax funds to support religious schools. Appropriations at this time were around half a million dollars. In 1895 Congress in the appropriation act of that year stated that it would be settled policy of the government to make thereafter no further appropriation whatsoever for education in any sectarian school.

The protestant churches accepted the policy generally, some with bouncy enthusiasm since the Roman Catholic Church was getting about three fourths of the funds. The Roman Catholic Church set up a Bureau of Catholic Indian Missions in Washington, D.C. in 1874 primarily to direct the missions and be in a good position to see that it got an ample supply of government funds. Catholic Missions objected to the change and attempted to prevent the Indian children from attending the "heathen government" schools where it was rumored that sexual laxity and other forboding things were the order of the day. In 1891, before Congress had taken decisive action, the Bishops in Washington, D.C. placed many

of their charges against the Commissioner before the President in an effort to get him removed. Their charges that Commissioner Morgan was a perjuror, a liar, a bigot, a pagan, a dishonored soldier, a persecutor, a brute, a corrupter of morals, a destroyer of the faith were to no avail. Some of the churches were closed, in others as Montana for example the Jesuits turned to cattle raising on the reservations, with Indian herders and the proceeds going to the church instead of the Indians. Whether this is good or bad is not the point. History is done and can not be rewritten. In many instances the missionaries were the only friends the Indians had, even though elements of force, indirect and direct were used to make Christians out of the Indians. In modern America it would seem that the Indians should have the right to choose their own religion, but some of the churches insist upon brainwashing the children before they are old enough to have any opportunity to know what it is all about.

The Presbyterian Church spent several thousand dollars on a survey of the Indian religion at the Nez Perce Reservation near Lewiston, Idaho in the last six months of 1963.[28] The highlights of the report indicate that only one church in the community, the Pentecostal, was actively

[28]Deward E. Walker, Jr. A Survey of Nez Perce Religion, for Board of National Missions, United Presbyterian Church of U.S.A. 475 Drive, New York, New York, 10027. January 1964. (Digest of report March 1964) p. 9-12.

picking up Indian members. The clue as to the reason seems to be mainly that the white Pentecostals are willing to have social relations with the Indians, rather than look down their noses at them. The report mentioned that there persists some non-Christian beliefs, such as ghosts returning from the dead, belief in spiritualism or in white man's language "witchcraft", and healing. There appears to be considerable social unacceptance of the Indians by the whites, particularly the females. Prejudice is said to occur in shopping, church, Parent Teacher Associations and other social experiences. Also white females question alleged sexual immorality of Indians and offend the Indian women. Also whites comment upon style and manner of dress, use of English, and even body odors [presumably of the Indians]. Consequently the Indians withdraw if at all possible. The Indian female who marries outside tends to leave her own racial contacts and move into the other society, as best she can. The report concludes saying the family income is only one third or less that of the neighboring people. In earlier days the Indians accepted the white religion quite well, with fervor even. When the Indians saw that the whites did not live their religion, that is did not keep the sabbath day, were not men of their word and so forth the enthusiasm of the Nez Perce dwindled and today the church members tend to be the youngsters or the aged. "While the church has undoubtedly influenced

the Nez Perce, it has really failed in its mission as a servant of God", is the summary of the report. There are no recommendations to offer except that so long as the "superior race" continues to look down its nose at the Indians the Indian is not going to respond very favorably. This comment applies to Central America, South America, Canada and New Zealand as well.

Hopefully many new Phd. thesis surveys will be made presenting the Indian point of view on matters of religion and all other aspects of Indian life. Further reports from the viewpoint of the dominate society will not be of much value if any real gains are to be made in focusing the Indian goals and those of the dominate society, at least in a few areas of common agreement. Pioneering types of studies of the type of Almond and Coleman's book, The Politics of the Developing Areas, which strives to set up a theory or technique for a functional approach to comparative politics are needed.[29] Their object is twofold, that of comparison and an attempt to discover processes of of political change or modernization. It can be strongly urged that their work be carried out to political sub-divisions and into ethnic areas so that facts will be available for policy guidance and decision making. Perhaps their model of a modern political system can be redesigned

[29]Ed. Gabriel Almond, James S. Coleman, The Politics of the Developing Areas (Princeton, N. J., Princeton University Press 1962).

to consider some of the groups which might be better termed as social, ethnic or anthropological groups rather than political, at least in the sense of sovereignty.

Leadership has been mentioned as one of the problems of the tribe or even in families. The solution is not easy for the goals of such leadership are not very well defined. Presumably the goals of part of the white community are those of taking the Indian off the tax roll and getting the remainder of his forests, lands and minerals. The limits to Indian leadership are narrow. Factionalism in tribes, not unlike white communities which split themselves into hate groups, political parties and into hundreds of clubs and organizations, precludes certain types of leadership. If leadership is to be had it will have to be voluntary, because of the democratic flair of the dominate society and because much of the power structure for political leadership is lacking. The Indians are notoriously independent and free as a rule, as evidenced by their refusal to become slaves for long and their resistance to coersion of the government, missionaries and other forces to throw away their culture and accept another.

An aspect of leadership involves problem solving. Reference is not to the Indians being a problem but to administrative problems in handling of their affairs and having affairs handled for them. During many years of work

with the Indians a great deal of interest groups time is spent being an ombudsman, or a sort of independent agent for discovering facts on wrongs or problem areas and then reporting the Indians views through the hierarchical chain of command until someone listened. Richard Thomas did this in the water case at Soboba when the lawyer who had his fist into the tribes money bag did nothing. Thomas got results by getting settlement of the water problem, and the tribe with full knowledge of the criminal type activities of the attorney, forced the Bureau to desist from renewing the contract after the Commissioner stood by the old one.

What is an ombudsman? Sweden established the office in 1890, Finland in 1919, Japan in 1948, Denmark in 1955, Norway and New Zealand in 1962. The British are considering the idea. Several bills have been in committee in the United States Congress on the subject. Their duty is to make decisions when there is criticism of a government official. Government officials must cooperate with him and disclose facts or papers at his request. In the role of researcher it is relatively frequent that information is not easily obtained even though the tribe involved requested the research. In many cases officials are graciously helpful but in some areas the atmosphere becomes rather sticky for no reason other than that the information could cause unfavorable public opinion. The ombudsman can recommend

change, and could if necessary institute prosecutions of officials, though he cannot overrule past administrative actions. He works with the public through the press and by personal contact, has constant national audience and influences the government through his popularity, prestige and publicity. He is a conscience of the government and a powerful friend of the people. He would attempt to avoid political questions.

Something similar could benefit the Indians. Preferably the person or persons would have training in the social sciences. General knowledge of business or some special area could serve as well. Attitude of the person in his work would be the key while reasonable competency in getting on with Indians would be expected. The problem of political questions could be extremely hazardous and difficult even with a perfectly qualified person or persons. They could be responsible only to the Secretary of Interior or fill a role in the Office of the Presidency. Perhaps in some cases they could be hired by tribes. Their job would be that of a sort of friendly trouble shooter engaged in oiling the relations between the Indian community and everyone else. Present Bureau officials do this type of thing but in the termination era in Western Washington the superintendent was working full time or even overtime attempting to make the worst possible relations, and this has happened in other areas.

These persons should have the unique ability to get along as frictionless as possible with the Indians. The American Friends Service Committee has used field workers who would be qualified for this type of position. Richard Thomas formerly of the Pasadena office is an excellent example. The special type ombudsman should be competent, have fairly long term jobs, be subject to recall from any reservation area if the tribe as a majority asks that he be withdrawn. The New Frontier man hired as economic development officer in Western Washington, though a good hearted man, was ordered off one reservation. In this case the person could be redeployed several times to check to see if the local political situation explosiveness was the cause of the discontent. After three or four moves or less possibly the person could be re-employed in an area requiring low human relations skills. Because this stipulation would not fit civil service rules it is preferable that the person be placed in a special category. If nothing else the government could contract with a foundation to administer the program, or at least that is another possibility. Universities are too political in nature as a rule to handle such a delicate position. And as another thought, should university deadwood be shoved off on the Indians it would be better that the plan suggested never be implemented.

Perhaps the positions could be semi-administrative,

semi-technical advisor and semi-ombudsman. The idea is that such person would be free to do what had to be done rather than be forced by red tape to move through channels. If he was needed at a reservation for a month or so, he or they could fill the need. Regular Bureau personnel are tied to an eight hour day, or gripe if they have to work overtime, especially since it is government policy to discourage overtime wages. Instead employees are asked to take compensation time off from regular hours but this leads to difficulties if there is too much overtime activity. Many times they are unavailable for weeks. The reservations that have a regular staff are better off, but they have problems with the remoteness of the Area Offices. The new persons involved would have to be relatively free from Bureau influence, that is, should be as nearly free to do their research and report as possible. Generally speaking, attorneys would not be desirable, nor would the missionary type of person. The attorneys are so steeped in the tea of financial gain rather than service, one of the dominate traits of the dominate culture, that they with rare exception can ever see the Indian point of view. The author even met an Indian lawyer (quarter blood) who said he would never understand Indians. With that sort of attitude he probably never will understand them. The missionaries are out to force their religion upon someone which automatically sets up a communication barrier. A number of neutral

persons, detached from any supervision by the Bureau hence above retaliation, though attached to the Department of Interior for general control could do a great deal toward helping the Indians do the things they think should be accomplished according to their values. One of the primary functions of such a position would be to discover the Indians views and provide accurate information for decision making.

It is not the purpose of this paper to work out all of the details of the positions suggested. Special interests in business and in Congress, and even in certain churches are certain to set up a long mournful howl at the thought of someone or group of someones actually dedicated toward beneficial service toward the Indians. Perhaps one of the major roles of such a person would be merely that of getting good information to Indian individuals. Sometimes tribal governments are prone to sit on information to keep themselves in power. Ideally, in a democracy that should not exist. In reality all that is suggested is that some new thinking be given to transforming the relations of the government from the communistic type of dictatorship which took place under termination activities of the fifties into a real functioning democratic system. Why continue to apply covered wagon-frontier-conquest thinking in the atomic and space age?

If nothing else is emphasized in the study of policy, the idea that the Indians should have final say in their

affairs without coercing or force from either private citizens or the government at any level or by corporations, should be the paramount guiding policy principle. The Indians are intelligent. Many of them could walk in Dr. Montezuma's footsteps if so motivated. The Indians cared for themselves for thousands of years before the Europeans appeared. The Indians value their leisure, something the newcomers have not yet learned. For example May 6-8, 1963 the first National Conference on Outdoor Recreation Research was held at the University of Michigan in Ann Arbor. Dr. Norman I. Wengert, Chairman, Department of Political Science, Wayne State University, Detroit, Michigan cited the need for more research on individual personal recreation values. The Indians were children of nature. Seton got many of his ideas and values from Indians. Perhaps an intensive search into Indian values will guide the values of the industrial society which is increasing its leisure by leaps and bounds through automation. Dr. William J. Klausner states that intensified analysis of all the larger social institutions, as the family and the educational, economic and political institutions is needed. He said, "Inventions are badly needed at this time. Social inventions."[30]

[30]Dr. William J. Klausner, Automation and Leisure, Redlands Faculty Review, University of Redlands, Redlands, California. Fall 1963. Vol. 3, No. 1, p. 20.

A few of the economists are looking for new ideas. Dr. K. W. Rothschild writes that the problem of ethical value judgments in economics have been haunting German economists ever since Max Weber insisted that economic theory be restricted to a detached investigation of what is and not of the what ought to be. Dr. Rothschild thinks that economists pack their renderings into and between their lines with value judgments anyway.[31] Whether the views of Dr. Rothschild will be precedent for any great earthquake in the social sciences is problematical. But his views are pertinent to the studies of the Indians certainly. The basic premise of the white societies in Canada, New Zealand and the United States is the value judgment that the natives should junk their cultures and adopt the new, no matter how terrible it might be, in actuality. /There are five crimes a minute in the United States according to the Federal Bureau of Investigation./

Another article probing the unknown is that of Dr. Kaufman, who states in regard to organization theory and political theory that the scarcity of unconventional ideas rather than the problems of choosing among them is the thing that impresses him.[32] He states that in the recent studies

[31]K. W. Rothschild, The Old and the New - Some Recent Trends in the Literature of German Economics. American Economic Review. Supplement Part 2, Vol. LIV, No. 2, March 1964. p. 14-15

[32]Henry Kaufmann, Organization Theory and Political Theory. American Political Science Review, Vol. LVIII, No. 1, March 1964. p. 11.

of human behavior that even sophisticated methods of research and analysis, bound by the outlooks and assumptions of earlier times add little to our knowledge and insight. He does apologize to some extent by saying that we are products of our heritage and that it is not easy to conceive of new ways of looking at things, however urgent the need for novel ideas. His viewpoint is relevant to human change, that it is important to try not only to invent new concepts, but to seek them in current studies by borrowing from unrelated disciplines and following through studies which may have been dropped for no real good reason. He goes on to talk about providing stimuli to generate perceptions which apparently lay beyond the scope of ordinary frames of reference. He would treat human organizations as forms of life rather than as an artifact designed, created or directed solely by human intelligence.

Perhaps it is possible to credit too much "life" to an unreal entity, or artificial entity. Perhaps there are nuances or varying senses where his idea is applicable. The Indians and natives of other countries or geographic areas have many unexplored ideas. Why not explore them? They are much closer than the Moon or Mars.

In looking for unconventional concepts psychological studies may be in order to see why races or cultures feel superior to other races or cultures. This complex disease afflicts many societies. Another area of study would

concern the effect or pressures a given society is able to exert upon anyone fool enough to dare suggest anything out of the ordinary. If such study or number of studies were successful perhaps the few thinkers, those extremely rare minds, could be protected in some manner by society, in order that they could carry on their work in peace of sorts, at least without threat of loss of their jobs. Some new thinking on the natives of the Americas and the rest of the world is in order.

There is no lack of worthwhile ideas however. Tolstoi said that the trouble begins because men sometimes think that you can handle people without love, and you cannot. You can handle things without love. You can carve wood and hammer iron without it, but you cannot deal with people in this fashion. People are like bees. If you handle bees roughly, either they will get hurt or you will get hurt. Perhaps Tolstoi is right. Hopefully the Congressional policy approach to Indian social and economic development can be adapted to Tolstoi's Bee Theory.

In closing one is asked to reflect if the values of the dominant society are all alike and if the meaning of complete integration really has any meaning. Further one is asked to reflect as to whether the Indians might not have some values which make the Europeans look like blood thirsty savages. The report of the Secretary of the

Interior for 1873 carries the following example:[33]

> In 1870 a commission was sent to Oregon to hold council with the band of Nez Perces occupying Wallowa Valley, in Oregon, with a view to their removal, if practicable, to the Nez Perce Reservation in Idaho. They reported this removal to be impracticable, and the Wallowa Valley has been withdrawn from sale, and set apart for their use and occupation by Executive order.
>
> This same commission reported that one of the most troublesome questions in the way of the Government's control of Indian affairs in Idaho is the contest between the Catholic and Protestant churches. This strife is a great detriment to the Indians. To illustrate this, they quote Chief Joseph's reason for not wishing schools on his reservation. He was the chief of the non-treaty band of Nez Perces occupying the Wallowa Valley, in Oregon:
>
> "Do you want schools and school-houses on the Wallowa Reservation?" asked the commissioners.
>
> Chief Joseph: "No, we do not want schools or school-houses on the Wallowa Reservation."
> Commissioners: "Why do you not want schools?"
> Chief Joseph: "They will teach us to have churches."
> Commissioners: Do you not want churches?"
> Chief Joseph: "No, we do not want churches."
> Commissioners: "Why do you not want churches?"
> Chief Joseph: "They will teach us to quarrel about God, as the Catholics and Protestants do on the Nez Perce Reservation and at other places. We do not want to learn that. We may quarrel with men sometimes about things on this earth, but we never quarrel about God. We do not want to learn that.[34]

[33]Helen Hunt Jackson, A Century of Dishonor (Boston: Roberts Brothers 1893), p. 124.

[34]The final review of the final draft of this thesis was completed in the Wallowa Valley in Oregon. It is a beautiful valley but only the ghosts of the Nez Perce remain.

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APPENDIX 1

Feasibility Studies 1962-1965
Bureau of Indian Affairs

SUMMARY
FEASIBILITY STUDIES

FISCAL YEAR	ARA		BIA		CORPS OF ENGINEERS		STUDIES COMPETED	STUDIES UNDERWAY	TOTAL
	No. Studies	Cost	No. Studies	Cost	No. Studies	Cost			
1962	19	718,343	1	6,500			19	1	20
1963	2	27,000	41	538,353	1	32,500	44	0	44
1964	11	297,935	12	115,069			14	9	23
1965	4	60,378	16	151,847			4	16	20
Total	36	1,103,656	70	840,069	1	32,500	81	26	107

July 1965
Projects Development Staff
(Bureau of Indian Affairs)

Total cost of studies initiated $1,976,225
No. studies initiated 107
No. studies completed 81
No. studies underway 26
No. studies with action started

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1962

ABERDEEN

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
8-BIA 293 ARA	Determine character, extent & location of commercial recreation facilities needed in Big Bend Redevelopment Area, SOUTH DAKOTA	Harland Bartholomew & Associates 14-20-0650-1054	40,750 (ARA)	6-29-62	3-15-63*	200

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

ABERDEEN

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
*52-MRBI	A Development Plan for Pine Ridge, SOUTH DAKOTA	AREA Incorporated 14-20-0650-1115	5,500	7-10-62	1-31-63*	Not App.
59-BIA	Creating New Industries and Markets on the Turtle Mountain Indian Reservation, NORTH DAKOTA	American Scientific 14-20-0650-1191	41,500	12-4-62	10-1963*	40
94-BIA	Commercially Feasible Employment and Income Creating Opportunities at Four Bears Parks, Fort Berthold Indian Reservation, NORTH DAKOTA	Nason, Law, Wehrman and Knight 14-20-0100-5536	10,150 (BIA)	4-1-63	4-30-64*	30
97-BIA	Layout Plans and Costs Commensurate with the Findings of a Market Analysis, Motel-Restaurant Combination at the Rosebud Indian Reservation, SOUTH DAKOTA	Real Estate Research Corporation 14-20-0100-5527	9,180 (BIA)	3-11-63	10-11-63*	15

*Completed

ABERDEEN - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
163-BIA	Commercially Feasible Employment and Income Creating Opportunities at Indian Island Memorial Park, Standing Rock Indian Reservation, SOUTH DAKOTA	Nason, Law, Wehrman and Knight 14-20-0100-5673	9,200 (BIA)	6-26-63	9-30-64*	20

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

ABERDEEN

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
40-BIA	Omaha Reservation Recreation Development - A Design Analysis, NEBRASKA	Theodore J. Wirth & Assoc. Billings, Montana 14-20-0100-5748	3,643 (BIA)	10-24-63	1-31-64*	10
177-BIA 706-ARA	A study to determine the feasibility location, optimum size, identity, layout plans and costs of commercial recreation facilities commensurate with the findings of a market analysis for the Pine Ridge Reservation with particular emphasis adjacent to U.S. Hwy. 18 and the non-monument portion of the Badlands, SOUTH DAKOTA	ARA - with BOR tourism study team will do the study	7,500 (ARA)	Due to start 9-64		

*Completed

ABERDEEN - FY 1964

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
184-BIA 708-ARA	A project to determine the feasibility of chemical processing facilities to utilize the lignite and other minerals of Fort Berthold Resv., NORTH DAKOTA	Arthur D. Little, Inc. 25 Acorn Park Cambridge, Mass. Cc - 6177	40,000 (ARA)	6-30-64	6-30-65	30
186-BIA 709-ARA	A study to determine the feasibility of locating a plastic and rubber molding plant on or near the Sisseton Reservation, SOUTH DAKOTA	Denver Research Inst. University of Denver Denver, Colorado 14-20-0650-1378	28,000 (20,000 ARA) (8,000 BIA)	5-22-64	7-6-65	75
193-BIA	Land utilization and wild fruit survey of Indian lands in Rollette County, Turtle Mountain, Resv., NORTH DAKOTA	University of North Dakota	1,461 (BIA)		9-1964*	-

*Completed

ABERDEEN - FY 1964

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
271-BIA	A study to determine a desirable production facility for the Pine Ridge Indian Reservation with particular reference to pottery and other items that could be manufactured for national distribution and retail sales	American Scientific Corp. Alexandria, Va. 14-20-0100-6004	3,000 (BIA)	6-64	9-64*	10 -
288-BIA -ARA	A project to determine the feasibility of establishing a shopping center to service the Pine Ridge Indian Reservation, SOUTH DAKOTA	Stephen K. Plasman and Associates	2,500 (ARA)	6-24-64	9-30-64*	15

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1965

ABERDEEN

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
298-BIA	Land use and recreational planning for Fort Totten Indian Reservation, SOUTH DAKOTA	Corwine & Doell Minneapolis, Minnesota 14-20-0100-6276	5,600 (BIA)	3-30-65	8-10-65	
309-BIA	An analysis to determine the most feasible marketing plan for Chippewayan Authentics, Turtle Mountain Indian Res., NORTH DAKOTA	International Technology, Inc. McLean, Virginia 14-20-0100-6277	5,000 (BIA)	4-5-65	Unkn.	
313-BIA	Analysis of product line and market determination for Electro-Tech Educational Corporation, Yankton Res., SOUTH DAKOTA	Lester B. Knight & Assoc. 14-20-0100-6413	3,350 (BIA)	6-30-65	9-30-65	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

ANADARKO

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
165-BIA	Utilization of Property of Specified Cheyenne-Arapaho Lands Bordering and Adjacent to Canton Lake, in Blaine County, OKLAHOMA	University of Oklahoma Research Institute 14-20-0200-1588	4,675 (BIA)	6-15-63	6-30-64*	25
166-BIA	Utilization of Property of Specified Lands in Caddo County, Oklahoma, for the Caddo Wichita, and Delaware Tribes, OKLAHOMA	University of Oklahoma 14-20-0200-1584	3,888 (BIA)	6-1-63	8-1964*	20

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1962

BILLINGS

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
34-BIA 310-ARA	Determining the quantity and condition of timber on the Blackfeet, Rocky Boy's and Wind River Indian Reservations, MONTANA and WYOMING	K.B. Wood and Assoc., Inc. 14-20-0650-1058	48,500 (ARA)	6-29-62	2-29-64*	200
51-BIA 331-ARA	Timber resource of Flathead Indian Reservation, MONTANA	Greenacres, Inc. 14-20-0650-1033	Not to exceed 75,000 (ARA)	6-28-62	8-15-63*	111

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

BILLINGS

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
68-BIA	Potentials for Crow Indian Participation in Big Horn Canyon Recreation Area, MONTANA	Ernst and Ernst 14-20-0250-3124	32,500 (BIA)	5-7-63	5-7-64*	300
96-BIA	Tribally-owned Bath-house Enterprise, Confed-Salish and Kootenai, Hot Springs, MONTANA	Montana State University Bureau of Business and Economic Research 14-20-0100-5527	3,979 (BIA)	6-19-63	2-10-64*	10
174-BIA	Employment potential resulting from Forest Inventory of Flathead Reservation, MONTANA	Branch of Forestery, BIA Memo of Agreement Forest Service, BIA	2,500 (BIA)	7-12-62	12-31-63*	85

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

BILLINGS

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
208-BIA 710-ARA	A project to determine the feasibility of creating a ceramics industry & markets on the Blackfeet Reservation, MONTANA	American Scientific Corp. Alexandria, Va. 14-20-0650-1379	30,450 (ARA)	5-27-64	6-27-65	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEARS 1965

BILLINGS

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
277-BIA	A study to investigate and appraise the economic potential for recreation and tourist facility developments on or near the Fort Belknap and Rocky Boy's Indian Reservation MONTANA	Program Research New York, N.Y. C-227-65 (Neg)	18,975 (17,078-ARA) (1,897-BIA)	5-10-65	3-10-67	
300-BIA	Expansion of Dupuis Bros. Lumber Co., Inc. on Flathead Reservation, MONTANA	Montana State University Missoula, Montana 14-20-050-3415	2,500 (1,250-BIA) (1,250-DBLCo.)	6-7-65	7-15-65	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1962

GALLUP

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
15-BIA 284-ARA	Determine economic utilization of mill & wood by-products of Navajo Forest Products Industries, Navajo Reservation, ARIZONA & NEW MEXICO	Kenneth Smith 14-20-0650-1057	17,500 (ARA)	6-29-62	3-29-63*	75
21-BIA 276-ARA	Establishing a meat processing plant on the Navajo Reservation in NEW MEXICO, ARIZONA & UTAH	AGRI-Research, Inc. 14-20-0650-1048	14,000 (ARA)	6-29-62	6-1-63*	30
50-BIA 102-ARA	Determine the tourism & recreation potentials of Colorado River Indian Reservation, Mescalero Indian Reservation & Acoma Pueblo, ARIZONA & NEW MEXICO, & Laguna Pueblo, NEW MEXICO	Checchi & Company Washington, D.C.	27,750 (ARA)	1962	2-5-63*	400

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

GALLUP

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
32-BIA	Determination of the quantity & condition of Timber on the Mescalero Indian Reservation, NEW MEXICO	Branch of Forestry BIA Memo of Agreement	10,000 (BIA)	2-15-63	6-30-63*	75
55-BIA	Development possibilities along Navajo Route #1 on the Navajo Reservation and Adjacent Areas, NEW MEXICO & ARIZONA	Chambers & Campbell, Inc. 14-20-0600-7567	40,645 (BIA)	2-18-63	11-11-63*	425

*Completed

GALLUP - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
57-BIA	Feasibility of establishing a Concrete Block Producing Facility on the Navajo Reservation, ARIZONA, NEW MEXICO & UTAH	Armour Research Foundation 14-20-0650-1178	15,700 (BIA)	12-3-62	9-30-64**	75
57A-BIA	Study to determine the technical and economic feasibility of a Diversified Enterprise Manufacturing Major Construction Material and Products on the Navajo Indian Reservation, ARIZONA, NEW MEXICO, & UTAH	Armour Research Foundation 14-20-0650-1239	12,500 (BIA)	5-16-63	9-30-64*	

*Completed

GALLUP - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
58-BIA	A study to determine feasibility of establishing a wool processing plant on or near the Navajo Indian Reservation, ARIZONA, UTAH, & NEW MEXICO	Ernst and Ernst 14-20-0600-7602	10,000 (BIA)	3-25-63	5-5-64*	50
73-BIA	Feasibility of Developing Commercial Recreation Facilities, and for Establishing Selected Business Enterprises on the Jicarilla Apache Indian Reservation, NEW MEXICO	Armour Research Foundation 14-20-0600-7725	11,964 (BIA)	6-29-63	9-30-64*	35
168-BIA	Resort Hotel Complex and Sierra Blanca County Ski-lift Facility on and near Mescalero Apache Reservation, Mescalero, NEW MEXICO	Horwath & Horwath 14-20-0650-1265	28,000 (BIA)	6-28-63	3-23-64*	20

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

GALLUP

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
33-BIA	Determining the quantity and condition of timber on six Pueblo Indian Reservations (Zuni, Santa Clara, Acoma, Jemez, Isleta, Laguna) NEW MEXICO	Greenacres, Inc. Seattle, Washington (Being handled by Forestry)	32,000 (ARA)	6-29-64	2-29-65	40
247-BIA 833-ARA	Survey of commercial recreation and tourist potential as well as other economic development possibilities along Navajo Route #3 ARIZONA and in the Chuska Area of NEW MEXICO & ARIZONA	Kirschner Associates 530 Jefferson St.NE Albuquerque, New Mexico Cc - 6163	62,000 (6,200 BIA) (55,800 ARA)	6-30-64	9-30-65	290

*Completed

GALLUP - FY 1964

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
279-BIA	Development possibilities along the Zuni Cibola Route, NEW MEXICO	Chambers & Campbell 3500 Indian School N.E. Albuquerque, New Mexico Cc - 6166	24,650 (2,465 BIA) (22,185 ARA)	6-29-64	7-29-65	80
287-BIA	Creation of a tribal enterprise, Zuni Pueblo, NEW MEXICO	American Scientific Corp. Alexandria, Va. 14-20-0650-1387	20,000 (BIA)	6-19-64	3-31-65*	120

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FICAL YEAR 1965

GALLUP

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
297-BIA	Economic feasibility and recommended plans for developing tourist oriented commercial facilities near proposed Interstate 40 Interchange on Laguna Reservation, NEW MEXICO	Chambers & Campbell, Inc. Albuquerque, New Mexico	5,000 (BIA) (2,500 BIA) (2,500 Tribe)	6-9-65	11-9-65	-
301-BIA 942-ARA	Recreation development and use plan, Santa Clara Pueblo, NEW MEXICO	Yguado & Associates Albuquerque, New Mexico	8,600 (ARA)	6-29-65	12-15-65	
307-BIA	A plan for development of the Cochiti Lake Recreation Area for Cochiti Pueblo, NEW MEXICO	Consulting Service, Kirschner & Associates Albuquerque, New Mexico	No details available Handled in Field		3-1965*	
315-BIA	Determine economic feasibility of commercial recreation and for creating related business enterprises on the Southern Ute Res., COLORADO	L. H. Bell & Assoc. Phoenix, Arizona	14,500 (BIA)	6-28-65	3-28-66	

*Completed

GALLUP - FY 1965

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
316-BIA	Economic feasibility and prepare recommended plans for restoration & development of commercial tourism facilities and services on Acoma Reservation, (Sky City & Acoma Valley, NEW MEXICO	Kirschner & Assoc. Albuquerque, New Mexico	8,000 (BIA)	6-30-65	11-30-65	
317-BIA	Prepare plan for development of recreation facilities (including a planned museum at Fort Burguvin) Picuris Res., NEW MEXICO	Chambers & Campbell Albuquerque, New Mexico	3,000 (BIA) Museum partly financed by private person	6-28-65	10-28-65	
318-BIA	Prepare plans for management of agricultural industries for Navajo Irrigation Project, NEW MEXICO	Doane Agric. Services St. Louis, Mo.	24,500 (BIA)	6-29-65	6-29-66	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1962

JUNEAU

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
7-BIA 285-ARA	Determine improved methods & changes needed to increase & expand the market for Alaskan Native Arts and Crafts, ALASKA	University of Alaska 14-20-0650-1053	40,500 (ARA)	6-25-62	8-31-64*	275
11-BIA 281-ARA	Feasibility of reindeer meat, fish processing, tanning & fur production operations at Kotzebue, ALASKA	Arthur D. Little, Inc. 14-20-0650-1055	50,000 (ARA)	6-29-62	9-30-63	300
44-BIA 317-ARA	Ascertain the feasibility of harvesting, processing & marketing of sea lions on the Alaska Peninsula & the Aleutian Islands through a native-owned & operated enterprise, ALASKA	Arthur D. Little, Inc. 14-20-0650-1056	48,000 (ARA)	6-25-62	May 1964*	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

JUNEAU

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
6-BIA	Determination of Possible Additional Uses for Five Native-Owned and Operated Alaska Salmon Canneries Located at Angoon, Kake, Klawock, Hydaburg, and Metlaskatla, ALASKA	Battelle Memorial Inst. 14-20-0300-1296	44,000 (BIA)	2-11-63	7-16-64*	50
65-BIA	An Action Oriented Project for the Development of Barrow, ALASKA	University of Alaska 14-20-0300-1303	25,000	6-25-63	4-24-64*	NA

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

JUNEAU

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
84-BIA	A project study to determine the economic and technical feasibility of a cement plant to be located on or near the Moquawkie Reserve (Tyonek) ALASKA	University of Alaska Inst. Bus. Economics & Gov't. Research College, Alaska 14-20-0300-1386	15,000 (BIA)	6-29-64	12-15-64	75
289-BIA	A project study of the economic and technical feasibility of timber operations & development of an integrated wood products plant in or near the native village of Minto, ALASKA	University of Alaska Inst. Bus. Economics & Gov't. Research College, Alaska 14-20-0300-1384	10,000 (BIA)	6-26-64	12-10-64*	25

*Completed

JUNEAU - FY 1965

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
311-BIA	Improve organization and management of Alaska Native Arts and Crafts Cooperative Association (ANAC), ALASKA	Ernst & Ernst Seattle, Wash.	47,000	6-25-65	4-25-66	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1962

MINNEAPOLIS

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
14-BIA	The tourist & recreational development potential of Nine Indian reservations in MINNESOTA & WISCONSIN	Aguar, Jyring & Whiteman Planning Associates 14-20-0650-1165	55,000 (ARA)	9-24-62	4-23-65	1100
46-BIA 334-ARA	Potential minerals of Fond du Lac, Grand Portage, Leech Lake, Nett Lake, White Earth & Red Lake Indian Reservations, Minnesota, & the Bad River Indian Reservation, WISCONSIN	Burns & Roe, Inc. 14-20-0650-1081	63,000 (ARA)	6-29-62	7-10-64*	

*Completed

MINNEAPOLIS - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
18-BIA 283-ARA	Current and potential Wild Rice Production Processing, and Marketing on the White Earth, Nett Lake, and Red Lake Indian Reservations in MINNESOTA, and Mole Lake and Bad River Indian Reservations in WISCONSIN	University of Minnesota 14-20-0650-1267	17,000 (ARA)	6-28-63	9-28-64*	150
31-BIA	Production and Marketing of Forest Products from the Red Lake Diminished Indian Reservation, MINNESOTA	George Banzhaf & Co. 14-20-0350-199	7,500 (BIA)	3-6-62	10-6-63*	10
114-BIA	Architectural, Engineering and Site Planning for Village and Tourist Center, Grand Portage Indian Reservation, Grand Portage, MINNESOTA	Jyring and Whiteman, Inc. 14-20-0350-222	22,000 (BIA)	6-29-63	6-1-64*	See 14-BIA

*Completed

TECHNICAL ASSISTANT PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

MUSKOGEE

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
164-BIA 624-ARA	Study to determine recreational potential planning specific projects and determining feasibility and ways of implementing in Eastern and South Central OKLAHOMA	Hudgins, Thompson, Ball & Assoc., Inc. 14-20-0650-1295	48,000 (5,000 BIA) (43,000 ARA)	8-22-63	4-23-65*	220

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1962

PHOENIX

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
4-BIA 279-ARA	Entrepreneurial & managerial skills of Pyramid Lake Indians, NEVADA	Dr. William Gomberg Univ. of Pennsylvania 14-20-0650-1065	7,000 (4,500 ARA) (2,500 BIA)	6-29-62	2-22-63*	-
17-BIA 295-ARA	Potential for recreation & economic development for the Pyramid Lake Indian Reservation, NEVADA	International Development Services, Inc. 14-20-0650-1066	38,200 (ARA)	6-29-62	5-29-63*	200
27-BIA 310-ARA	Economic potential for the industrial development of the Salt River & Gila River Reservations, ARIZONA	Western Management Consultants, Inc. 14-20-0650-1086	26,000 (ARA)	6-29-62	6-28-63*	150
47-BIA 319-ARA	Development of an adequate water supply & subsequent expansion of tourism for Hopi Indian Reservation, ARIZONA	Armour Research Foundation 14-20-0650-1069	29,100 (ARA)	6-29-62	6-30-63*	30

*Completed

PHOENIX - FY 1962

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
47-A-BIA	Census study of the Hopi Indian Reservation, ARIZONA	Armour Research Foundation 14-20-0650-1151	4,000 (BIA)	9-11-62	3-15-63*	-
48-BIA 318-ARA	Evaluate the potential for the food-processing industry on the Colorado River Indian Reservation, ARIZONA	AGRI-Research, Inc. 14-20-0650-1060	18,000 (ARA)	6-29-62	6-15-63*	350

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

PHOENIX

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
54-BIA	Feasibility of establishing a Charcoal-Producing Operation and a Briquetting Plant on the San Carlos and Fort Apache Reservations, ARIZONA	Hammon, Jensen, & Wallen 14-20-0650-1181	10,000 (BIA)	12-5-62	2-14-64*	20
69-BIA	Expansion of Year-Round Use and Employment of Recreational Facilities and to Perform Engineering & Design of Additional Facilities, Hawley Lake Recreational Area, Fort Apache Indian Reservation, ARIZONA	Chambers and Campbell 14-20-0450-4566	24,502 (BIA)	6-28-63	4-15-64*	50
90-BIA	Recreation Management, Uintah & Ouray Reservation, UTAH	University of Utah Purchase Order 3-450-1138	2,500 (BIA)	6-28-63	4-1964*	20
116-BIA	Havasupai Tourism & Recreation, ARIZONA	Horwath & Horwath 14-20-0450-4568	3,300 (BIA)	6-28-63	11-28-63*	40

*Completed

PHOENIX - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
132-BIA	Seneca Tourism & Recreation, San Carlos, ARIZONA	Van Cleve Associates 14-20-0450-4567	7,865 (BIA)	6-28-63	10-26-63*	125
132A-BIA	Hydrologic Reconnaissance & & Geologic Survey San Carlos, ARIZONA	Turner and Associates 14-20-0450-4558	4,600 (BIA)	6-24-63	8-15-63*	NA
146-BIA	Pyramid Lake Marina Study, NEVADA	Community Facilities Planners, Smith & Williams, Prin. 14-20-0450-4543	4,700 (BIA)	6-13-63	6-23-63*	See 17-BIA
149-BIA	Geological Survey of the Gila River Indian Reservation to Determine Potentially Valuable Stone and Mineral Deposits, ARIZONA	University of Arizona Bureau of Mines	5,000 (BIA)	4-2-63	8-2-63*	NA
173-BIA	Feasibility Analysis, Papago Farms, ARIZONA	Western Farm Management Consultants Purchase Order 3-450-1161	2,500 (BIA)	6-28-63	8-12-63*	20

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

PHOENIX

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
270-BIA	Tourist Potential of the Fortress Village, Gila Bend Indian Reservation, ARIZONA	Chambers & Campbell, Inc., Albuquerque, New Mexico 14-20-0450-4932	5,000 (BIA)	No details available Handled by Field		-
280-BIA 358-ARA	Tourist and Recreation Feasibility Study of the Uintah-Ouray Indian Reservation, UTAH	Bureau of Economic & Business Research University of Utah		No details available Handled by Field then (Completed in Field)*		ARA.
290-BIA	Community Development & Self-Help Housing Program, Salt River Indian Reservation, ARIZONA	International Basic Economy Corp. 14-20-0650-1410	15,000 (BIA)	6-29-64	12-29-64*	-

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1965

PHOENIX

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
285-BIA	Integrated cattle feeding and beef production on the Gila River Indian Reservation, ARIZONA	Engineering-Science, Inc. Arcadia, California C-182-65(Neg)	25,200 (ARA)	3-4-65	9-66	
314-BIA	Economic and physical feasibility of winter and summer recreation facilities in the Mount Ord Vicinity, Fort Apache Reservation, ARIZONA	Bell & Associates Phoenix, Arizona 14-20-0450-5352	5,000	6-30-65	6-20-66	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FISCAL YEAR 1962

PORTLAND

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
12-BIA	Development of Kahneeta Hot Springs Report on the Warm Springs Indian Reservation, OREGON	Fenton, Conger & Ballaine, Inc. 14-20-0650-1049	10,000 (ARA)	6-29-62	11-29-62*	100
25-BIA	Mining, processing & Marketing of sodium sulphate & other saline deposits, Colville Indian Reservation, WASHINGTON	Michael A. Rivisto Industrial Consultants, Inc. 14-20-0650-1073	76,800 (ARA)	6-29-62	6-29-63*	-
49-BIA 341-ARA	Determine comprehensive overall plans, facilities, accommodations, & attractions needed to develop tourist and recreation resources of Nez Perce Country, Lapwai, IDAHO	Armour Research Foundation 14-20-0650-1067	35,743	6-29-62	6-29-63*	150

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FISCAL YEAR 1963

PORTLAND

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
19-BIA	Economics of the Yakima Indian Reservation Forest Products, WASHINGTON	C. D. Schultz & Co., Inc. 14-20-0650-1266	10,000 (ARA)	6-28-63	7-10-64*	100
76-BIA	Marketing of Fish & Shellfish, Quinault Indian Reservation, WASHINGTON	Dr. James A. Crutchfield Univ. of Washington 14-20-0500-1739	2,000 (BIA)	6-24-63	4-14-64*	15
80-BIA	Commercial Production of Shellfish on the Tidelands, Swinomish and Lummi Indian Reservations, WASHINGTON	State of Washington Dept. of Fisheries 14-20-0500-1623	10,000 (BIA)	3-1-63	6-30-64*	30
81-BIA	Fish Hatchery Feasibilities on the Quinault Indian Reservation, WASHINGTON	Bureau of Sport Fisheries and Wildlife, Dept. of Interior	10,000 (BIA)	2-27-63	1-6-64*	50
147-BIA	Forest Inventory-Plot Remeasurement-Spokane Reservation, WASHINGTON	Porteous & Porteous 14-20-0500-1738	11,655 (BIA)	6-25-63	1-15-64*	100

*Completed

PORTLAND - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
160-BIA	Employment Opportunities and Skills from Available Human Resources, Nez Perce Reservation, IDAHO	Community Services, BIA Memo of Agreement	5,000 (BIA)	4-12-63	6-30-63*	NA
169-BIA	Appaloosa Stable Feasibility, Nez Perce Reservation, IDAHO	Mr. Morris Hemstrom 14-20-0500-1733	4,500 (BIA)	6-18-63	9-9-63*	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

PORTLAND

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
196-BIA 705-ARA	An analysis of the cost of alternate locations of an integrated wood utilization plant on and off the Colville Reservation, WASHINGTON	Bovay Engineers, Inc. West 933 Third Ave. Spokane, Washington Cc-6172	44,500 (ARA)	6-29-64	5-10-65*	600
292-BIA	Recreational Potential of the Spokane Reservation, WASHINGTON	Cornell, Howland, Hayes & Merryfield Portland, Oregon 14-20-0500-1973	6,000	6-25-64	2-25-65*	25
293-BIA	Fishery Resource Management Study at Colville Reservation, WASHINGTON	Oregon State Univ. Portland, Oregon 14-20-0500-1964	3,300	6-26-64	3-15-65*	5

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1965

PORTLAND

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
79-BIA	Determine the potential for the acquisition of a Fabric Weaving Business on the Lummi Reservation, WASHINGTON	American Scientific Corp. Alexandria, Va. 14-20-0650-1438	10,000 (BIA) (5,000 Ind.Dev.) (5,000 Proj. Dev.)	10-6-64	6-16-65	
252-BIA	Determine best method of marketing timber of the Makah Indian Reservation, WASHINGTON	Northwest Economics, Inc. Tacoma, Washington 084-65(Neg)	9,500 (ARA)	9-21-64	3-21-65*	
305-BIA	Feasibility of establishing a commercial trout farm, Fort Hall Reservation, IDAHO	Dougald A. MacFarlane Univ. of Washington Seattle, Washington 14-20-0500-2320	4,500 (BIA)	6-29-65	2-1-66	
308-BIA	Potential Ski Area Development, Mt. Putnam, IDAHO	SKITECK (F.D. Voorhes) 5-P00-411	600-BIA Phase I 2,500-BIA Phase II	6-9-65	5-17-65* 9-9-65	

*Completed

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1963

WASHINGTON, D. C.

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
53-BIA	Feasibility of establishing a Furniture-Producing Plant on or near an Indian Reservation in the United States	Ernst & Ernst 14-20-0650-1196	13,950 (BIA)	1-23-63	7-30-63*	175
56-BIA	Development Opportunities on the Cherokee Reservation, North Carolina, including Resource and Non-resource Based Industries, NORTH CAROLINA	Wilsey, Ham and Blair 14-20-0650-1176	43,900 (BIA)	10-19-62	2-21-64*	75
60-BIA	Recreational and Industrial Parks Possibilities on Allegany Reservation, New York	Brill & Company 14-20-0650-1197	50,000 (17,500 BIA) (32,500 C.E.)	2-20-63	8-20-63*	200

*Completed

WASHINGTON, D. C. - FY 1963

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
95-BIA	Costs, Layout Plans, and Market Analyses Establishing a Restaurant on the Tamiami Trail, U.S. Highway 41, FLORIDA	Reinhold P. Wolff Economic Research, Inc. 14-20-0650-1227	3,000 (BIA)	2-13-63	4-11-63*	20
153-BIA	Market Price and Demand, Alaskan Eskimo Muk Luks, ALASKA	Washington Office, BIA Projects Development Staff	___	3-1963	6-1963*	85
170-BIA	Development of a Restaurant Lease for Miccosukee Tribe, FLORIDA	Reinhold P. Wolff Economic Research, Inc. 14-20-0650-1249	1,500 (BIA)	5-16-63		*See 95-BIA

*Completed

737

TECHNICAL ASSISTANCE PROJECTS
OF THE BUREAU OF INDIAN AFFAIRS AND AREA REDEVELOPMENT ADMINISTRATION
FOR FISCAL YEAR 1964

WASHINGTON, D. C.

Project Number	Title	Contractor	Amount	Date Awarded	Completion Date	Emp. Est.
257-BIA	A project to expand the production of Indian made products, Allegany Reservation, NEW YORK	American Scientific Corp. Alexandria, Va. 14-20-0650-1357	7,000 (BIA)	2-18-64	7-18-64*	30
272-BIA	Village Planning Study, Selected Indian Reservations in the U. S.	Jacob L. Crane 1224 Boucher Ave. Annapolis, Md. 14-20-0650-1365	4,000 (BIA)	3-27-64	6-17-64*	N.A.

FOR FISCAL YEAR 1965

295-BIA	A study to Determine the Feasibility of Establishing Boys and Girls Camps on Certain Indian Reservations	Systems Analysis & Research Corporation 821-15th St., N.W. Washington, D. C. 14-20-0650-1426	10,000 (BIA)	8-20-64	11-19-64*	

*Completed

Appendix 2

U. S. DEPARTMENT OF COMMERCE
Area Redevelopment Administration

WHAT WE HAVE LEARNED ABOUT OVERALL ECONOMIC DEVELOPMENT PROGRAMS (OEDPs)

(Based on the two-year experience of Area Plans Division Staff)

About the OEDP Process

1. The OEDP must be a continuing process, not a document; it is a continuing and progressive effort to create new economic activity through local planning and action.

2. The OEDP enables the people to take a good look at the opportunities they have, to evaluate them, and decide on a plan of action. It is their guide for action and for making annual plans.

3. The OEDP provides a means of coordinating what the various local groups do, and helps to eliminate duplication of effort.

4. The OEDP provides a means to help local areas decide on the allocation of limited resources and to focus attention on priority problems.

5. Generally speaking, local people do not always see the value of overall planning for area development; hence this need be stressed constantly by everyone working with local groups on economic development problems and programming.

6. The OEDP has served as a useful device for bringing groups together for the first time who are interested in development but have never worked with each other before. It has been determined that many rather unsophisticated local areas can cooperate and put together a satisfactory OEDP.

7. It has been learned that many areas lack the leadership to prepare a satisfactory program regardless of the time available to work on the project. One dedicated leader to carry the ball is all important in area development.

8. Although OEDPs prepared by conscientious local people may not have the refinements of a professionally prepared job, in most cases it can be more effective in creating concrete economic development than the "glossy" professional publication.

9. The committee approach for investigating opportunities for economic growth is good, but care must be taken not to form committees and subcommittees until there is a definite job to do.

10. A good OEDP clearly outlines an area's chances for achieving substantial economic growth. In many cases, the picture may be bleak, yet the local committee in most cases shows great reluctance to face up to this situation. Hopelessness, disinterest, and negative attitudes must be broken down.

11. It appears that too many areas have been depending on getting industry to come in, without giving enough consideration to possible alternatives.

12. A do-it-yourself, locally-conceived program is more valuable, even though less professional, than a paid-for document.

13. The basic OEDP must start as a local-area approach, i.e., county or labor market. Regional planning needs should be identified after the local leadership is established and operating. In largest metropolitan areas recognition must be given to interests of individual parts of the area.

14. It appears that local enthusiasm for OEDP work to some extent is tied to success in getting projects approved by ARA. If one or several projects are turned down, the community may go sour on the whole ARA program.

15. At one stage or another in the continuing OEDP process, all redevelopment areas will need some type of technical assistance--such as, for example, a mining engineer, a professional forester, a tourism and recreation specialist, and a community planner.

16. Assistance in OEDP work is most effective when combined with local visits, rather than through letters and instructions alone.

17. Most OEDP's have revealed tremendous concern about poor quality of educational programs, lack of community facilities, and inability to finance needed improvements.

About the OEDP Document

Experience thus far in reviewing and appraising OEDPs indicates there is considerable room for improvement. Deficiencies include the following:

1. Goals are not realistic in terms of employment possibilities.

2. Population and labor force projections, as well as manpower planning and training aspects of local programs have not been adequately developed.

3. The causes of present unemployment have not been spelled out.

4. Sources of technical assistance, such as local employment security offices, RAD committees, etc., are often overlooked.

5. A thorough investigation of local financial sources is often lacking. Too often the statement is merely made that there is a lack of venture capital.

6. There is a failure to recognize that there may be a lack of entrepreneur initiative.

7. Out-migration is not dealt with realistically.

8. The redevelopment organizations are not generally set up to attack the problems from all possible approaches--the lack of subcommittees dealing with forestry opportunities, opportunities in agriculture, etc.

9. Need to check more closely the nature, extent, and quality of local participation in the OEDP preparation.

10. Some OEDPs indicate there are undertones of internal conflicts within the areas which may themselves be obstacles to economic growth.

About the Role of State Agencies

It appears that the role of State agencies in the development of OEDPs needs strengthening in some areas. For example:

1. Some States need to take more initiative in furthering, coordinating or facilitating redevelopment activity.

2. Thus far, review and approval of OEDPs by many State agencies has been largely "pro forma."

3. On the other hand, a few State agencies have assumed too much responsibility for preparing the OEDPs. In these States, planning techniques used were excellent but local efforts to analyze and solve problems were obscured.

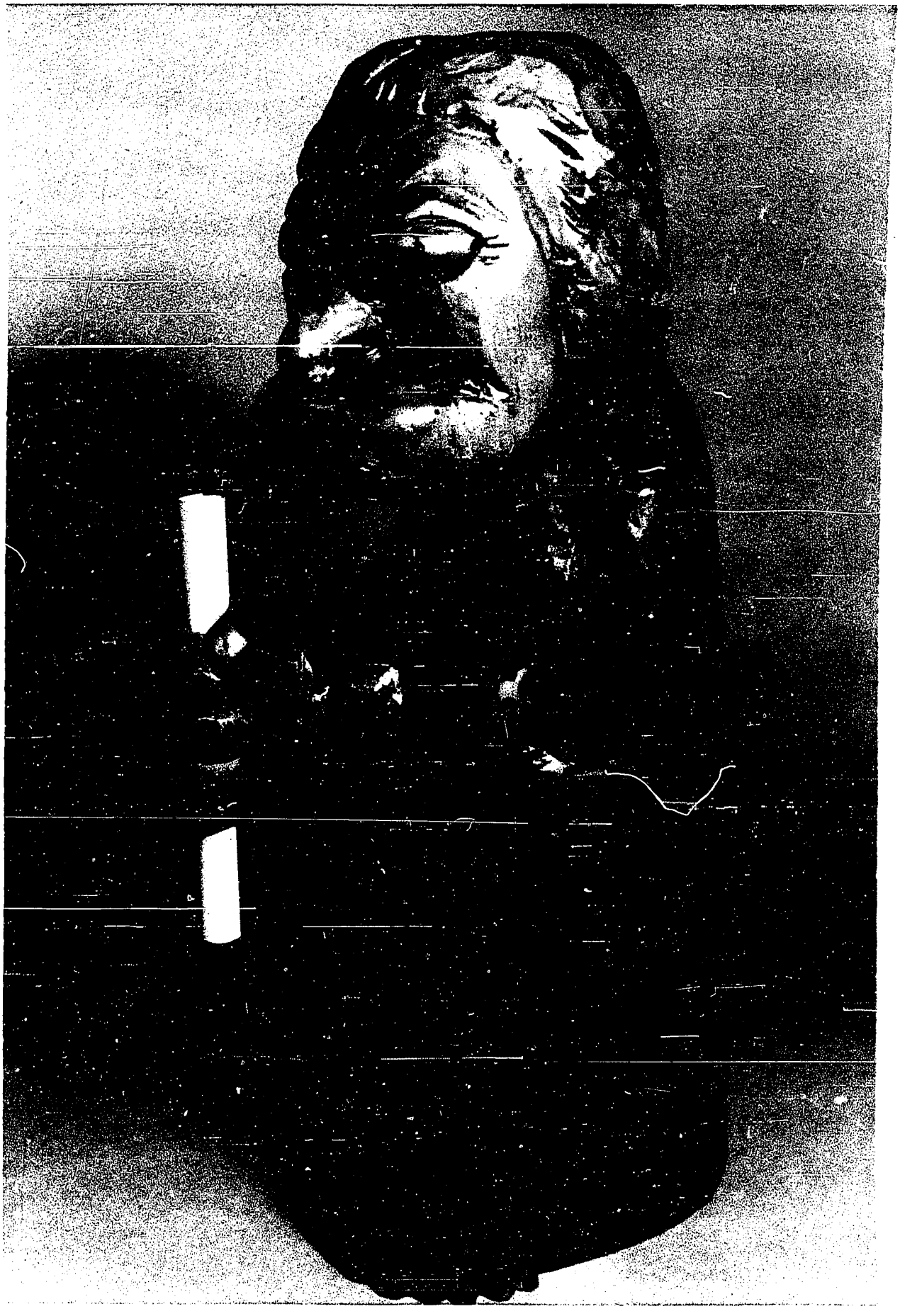
USCOMM: 53870

Prepared by
Area Plans Division
Office of Planning and Research
U.S. Department of Commerce
May 17, 1963

APPENDIX 3

Photos: A. Bureaucracy And The Indian: Indian Agent

B. Bureaucracy And The Indian: Supplicant Indian



APPENDIX 4

Map: Indian Land Areas, Bureau of Indian Affairs

INDIAN LAND AREAS

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

For sale by the Superintendent of Documents,
U.S. Government Printing Office
Washington, D.C. 20402 Price 20

FIELD OFFICE ADDRESSES
BUREAU OF INDIAN AFFAIRS
(INCLUDING PRINCIPAL TRIBES WITHIN JURISDICTION OF EACH)

ALASKA

Anchorage Field Office
c/o Area Field Representative
Anchorage, Alaska 99501
Eskimo, Aleut, Athapascan

Bethel Field Office
c/o Area Field Representative
Bethel, Alaska 99559
Eskimo, Athapascan

Fairbanks Field Office
c/o Area Field Representative
P. O. Box 81, Fairbanks, Alaska 99701
Eskimo, Athapascan

Juneau Area Office
c/o Area Director
P. O. Box 1751, Juneau, Alaska 99801
Tlingit, Haida, Tsimshian

Nome Field Office
c/o Area Field Representative
Nome, Alaska 99762
Eskimo

ARIZONA

Colorado River Agency
c/o Superintendent
Parker, Arizona 85344
Cocopah, Mohave, Chemehuevi, Yuma

Fort Apache Agency
c/o Superintendent
Whiteriver, Arizona 85941
Apache

Hopi Agency
c/o Superintendent
Keams Canyon, Arizona 86034
Hopi, Paiute

KANSAS

Horton Agency
c/o Area Field Representative
Horton, Kansas 66439
Iowa, Kickapoo, Potawatomi, Sac & Fox

LOUISIANA

(see Mississippi)

Chitimacha

MICHIGAN

(see Wisconsin)

Chippewa, Potawatomi

MINNESOTA

Minnesota Agency
c/o Superintendent
P. O. Box 489
Bemidji, Minnesota 56601
Chippewa, Sioux

Red Lake Agency
c/o Superintendent
Red Lake, Minnesota 56671
Chippewa

MISSISSIPPI

Choctaw Agency
c/o Superintendent
Philadelphia, Mississippi 39350
Choctaw, Chitimacha (in Louisiana)

MONTANA

Blackfeet Agency
c/o Superintendent
Browning, Montana 59417
Blackfeet

Crow Agency

OKLAHOMA

Anadarko Agency
c/o Area Field Representative
Anadarko, Oklahoma 73005
Kiowa, Comanche, Apache, Caddo, Delaware, Wichita

Ardmore Agency
c/o Area Field Representative
P. O. Box 997, Ardmore, Oklahoma 73401
Chickasaw

Concho Agency
c/o Area Field Representative
Concho, Oklahoma 73022
Cheyenne, Arapaho

Five Civilized Tribes Agency
c/o Area Office
Federal Building, Muskogee, Oklahoma 74401
Cherokee, Chickasaw, Choctaw, Creek, Seminole

Okmulgee Agency
c/o Area Field Representative
Okmulgee, Oklahoma 74447
Creek

Osage Agency
c/o Superintendent
Pawhuska, Oklahoma 74056
Osage

Pawnee Agency
c/o Area Field Representative
Pawnee, Oklahoma 74058
Kaw, Otoe, Missouria, Pawnee, Ponca, Tonkawa

Miami Agency
c/o Area Field Representative
P. O. Box 391, Miami, Oklahoma 74354
Eastern Shawnee, Miami, Quapaw, Seneca-Cayuga

Shawnee Agency
c/o Area Field Representative

Colorado River Agency
c/o Superintendent
Parker, Arizona 85344
Cocopah, Mohave, Chemehuevi, Yuma

Fort Apache Agency
c/o Superintendent
Whiteriver, Arizona 85941
Apache

Hopi Agency
c/o Superintendent
Keams Canyon, Arizona 86034
Hopi, Paiute

Navajo Agency
c/o General Superintendent
Window Rock, Arizona 86515
Navajo (in Arizona, New Mexico, and Utah)

Papago Agency
c/o Superintendent
Sells, Arizona 85634
Papago

Pima Agency
c/o Superintendent
Sacaton, Arizona 85247
Papago, Pima & Maricopa

Salt River Agency
c/o Superintendent
Rt. 1, Box 907, Scottsdale, Arizona 85251
Pima & Maricopa, Mohave-Apache

San Carlos Agency
c/o Superintendent
San Carlos, Arizona 85550
Apache

Truxton Canyon Agency
c/o Superintendent
Valentine, Arizona 86437
Hualapai, Apache, Havasupai, Yavapai

CALIFORNIA

(small scattered groups)

California Agency
c/o Area Office
P. O. Box 749
Sacramento, California 95804

Hoopa Area Field Office
c/o Area Field Representative
Hoopa, California 95546

Riverside Area Field Office
c/o Area Field Representative
6192 Magnolia Avenue
Riverside, California 92501

COLORADO

Consolidated Ute Agency
c/o Superintendent
Ignacio, Colorado 81137
Ute

FLORIDA

Miccosukee Agency
c/o Superintendent
P. O. Box 237
Homestead, Florida 33030
Miccosukee

Chippewa

MISSISSIPPI

Choctaw Agency
c/o Superintendent
Philadelphia, Mississippi 39350
Choctaw, Chitimacha (in Louisiana)

MONTANA

Blackfeet Agency
c/o Superintendent
Browning, Montana 59417
Blackfeet

Crow Agency
c/o Superintendent
Crow Agency, Montana 59022
Crow

Flathead Agency
c/o Superintendent
Dixon, Montana 59831
Salish & Kootenai

Fort Belknap Agency
c/o Superintendent
Harlem, Montana 59526
Gros Ventre, Assiniboine

Fort Peck Agency
c/o Superintendent
Poplar, Montana 59255
Assiniboine, Sioux

Northern Cheyenne
c/o Superintendent
Lame Deer, Montana 59043
Cheyenne

Rocky Boy's Agency
c/o Superintendent
Box Elder, Montana 59521
Chippewa-Cree

NEBRASKA

Winnebago Agency
c/o Superintendent
Winnebago, Nebraska 68071
Omaha, Ponca, Santee Sioux, Winnebago

NEVADA

Nevada Agency
c/o Superintendent
Stewart, Nevada 89437
Shoshone (in Nevada and Utah), Paiute, Washoe, Goshute

NEW MEXICO

Jicarilla Agency
c/o Superintendent
Dulce, New Mexico 87528
Apache

Mescalero Agency
c/o Superintendent
Mescalero, New Mexico 88340
Apache

United Pueblos Agency
c/o General Superintendent
1000 Indian School Road
Albuquerque, New Mexico 87104
Pueblo, Off-reservation Navajo Communities

Zuni Agency
c/o Superintendent
Zuni, New Mexico 87327

c/o Superintendent
Pawhuska, Oklahoma 74056
Osage

Pawnee Agency
c/o Area Field Representative
Pawnee, Oklahoma 74058
Kaw, Otoe, Missouria, Pawnee, Ponca, Tonkawa

Miami Agency
c/o Area Field Representative
P. O. Box 391, Miami, Oklahoma 74354
Eastern Shawnee, Miami, Quapaw, Seneca-Cayuga

Shawnee Agency
c/o Area Field Representative
Shawnee, Oklahoma 74801
Iowa, Kickapoo, Citizen Potawatomi, Sac & Fox, Absentee Shawnee

Tahlequah Agency
c/o Area Field Representative
P. O. Box 459, Tahlequah, Oklahoma 74464
Cherokee

Talihina Agency
c/o Area Field Representative
P. O. Box 187, Talihina, Oklahoma 74571
Choctaw

Wewoka Agency
c/o Area Field Representative
P. O. Box 1060, Wewoka, Oklahoma 74884
Seminole

OREGON

Warm Springs Agency
c/o Superintendent
Warm Springs, Oregon 97761
Paiute, Walla Walla, Chinook, Cayuse, Wasco

SOUTH DAKOTA

Cheyenne River Agency
c/o Superintendent
Eagle Butte, South Dakota 57625
Sioux

Pierre Agency
c/o Superintendent
Pierre, South Dakota 57501
Sioux

Pine Ridge Agency
c/o Superintendent
Pine Ridge, South Dakota 57770
Sioux

Rosebud Agency
c/o Superintendent
Rosebud, South Dakota 57570
Sioux

Sisseton Agency
c/o Superintendent
Sisseton, South Dakota 57262
Sioux (South Dakota and North Dakota)

UTAH

Uintah and Ouray Agency
c/o Superintendent
Fort Duchesne, Utah 84026
Goshute, Ute

WASHINGTON

Colville Agency
c/o Superintendent
Coulee Dam, Washington 99116

c/o Superintendent
Valentine, Arizona 86437
Hualapai, Apache, Havasupai, Yavapai

CALIFORNIA

(small scattered groups)

California Agency
c/o Area Office
P. O. Box 749
Sacramento, California 95804

Hoopa Area Field Office
c/o Area Field Representative
Hoopa, California 95546

Riverside Area Field Office
c/o Area Field Representative
6192 Magnolia Avenue
Riverside, California 92501

COLORADO

Consolidated Ute Agency
c/o Superintendent
Ignacio, Colorado 81137
Ute

FLORIDA

Miccosukee Agency
c/o Superintendent
P. O. Box 237
Homestead, Florida 33030
Miccosukee

Seminole Agency
c/o Superintendent
6075 Stirling Road
Hollywood, Florida 33024
Seminole

IDAHO

Fort Hall Agency
c/o Superintendent
Fort Hall, Idaho 83540
Shoshone-Bannock, Washakie Band of Shoshone (in Utah)

Northern Idaho Agency
c/o Superintendent
Lapwai, Idaho 83540
Coeur d'Alene, Kootenai, Nez Perce, Kalispel (in Washington)

IOWA

Sac & Fox Area Field Office
c/o Area Field Representative
Tama, Iowa 52339
Sac & Fox

Chippewa-Cree

NEBRASKA

Winnebago Agency
c/o Superintendent
Winnebago, Nebraska 68071
Omaha, Ponca, Santee Sioux, Winnebago

NEVADA

Nevada Agency
c/o Superintendent
Stewart, Nevada 89437
Shoshone (in Nevada and Utah), Paiute, Washoe, Goshute

NEW MEXICO

Jicarilla Agency
c/o Superintendent
Dulce, New Mexico 87528
Apache

Mescalero Agency
c/o Superintendent
Mescalero, New Mexico 88340
Apache

United Pueblos Agency
c/o General Superintendent
1000 Indian School Road
Albuquerque, New Mexico 87104
Pueblo, Off-reservation Navajo Communities

Zuni Agency
c/o Superintendent
Zuni, New Mexico 87327
Pueblo, Off-reservation Navajo Community

NORTH CAROLINA

Cherokee Agency
c/o Superintendent
Cherokee, North Carolina 28719
Eastern Cherokee

NORTH DAKOTA

Fort Berthold Agency
c/o Superintendent
New Town, North Dakota 58763
Gros Ventre, Arikara & Mandan

Standing Rock Agency
c/o Superintendent
Fort Yates, North Dakota 58538
Sioux (in North and South Dakota)

Turtle Mountain Agency
c/o Superintendent
Belcourt, North Dakota 58316
Chippewa, Sioux

Cheyenne River Agency
c/o Superintendent
Eagle Butte, South Dakota 57625
Sioux

Pierre Agency
c/o Superintendent
Pierre, South Dakota 57501
Sioux

Pine Ridge Agency
c/o Superintendent
Pine Ridge, South Dakota 57770
Sioux

Rosebud Agency
c/o Superintendent
Rosebud, South Dakota 57570
Sioux

Sisseton Agency
c/o Superintendent
Sisseton, South Dakota 57262
Sioux (South Dakota and North Dakota)

UTAH

Uintah and Ouray Agency
c/o Superintendent
Fort Duchesne, Utah 84026
Goshute, Ute

WASHINGTON

Colville Agency
c/o Superintendent
Coulee Dam, Washington 99116
Colville, Spokane

Western Washington Agency
c/o Superintendent
1620 Hewitt Avenue
Everett, Washington 98201
Chehalis, Hoh, Clallam, Lummi, Makah, Muckleshoot, Nisqually, Suquamish, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Squaxin Island, Swinomish, Snohomish

Yakima Agency
c/o Superintendent
Toppenish, Washington 98948
Yakima

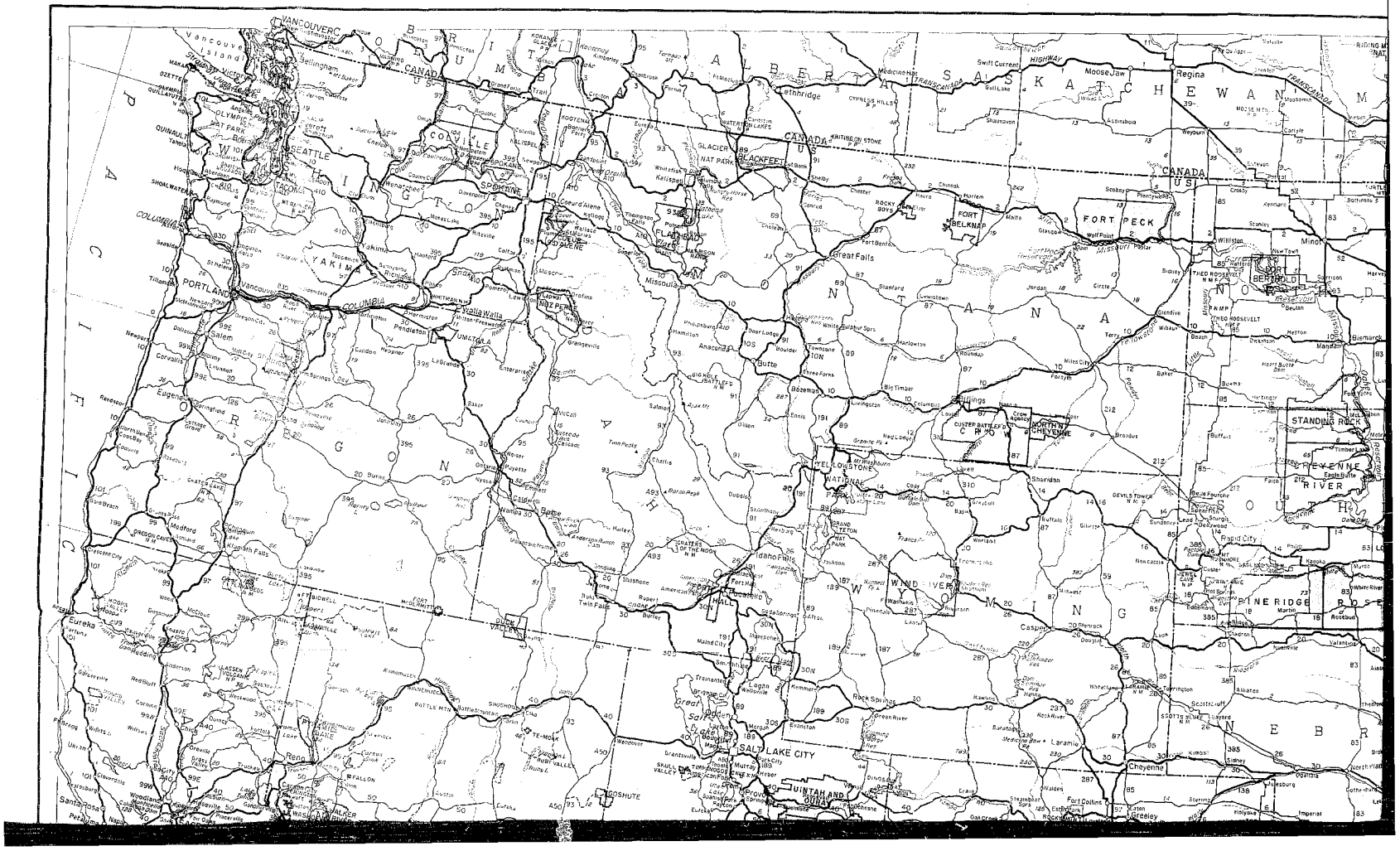
WISCONSIN

Great Lakes Agency
c/o Superintendent
Ashland, Wisconsin 54806
Chippewa, Oneida, Forest Potawatomi, Stockbridge-Munsee, Winnebago (in Wisconsin & Minnesota)

WYOMING

Wind River Agency
c/o Superintendent
Fort Washakie, Wyoming 82514
Arapahoe, Shoshone

NOTE: "Bureau of Indian Affairs" should be included in mailing address.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Victoria
Strait of Juan de Fuca
Sellingham
CANADA
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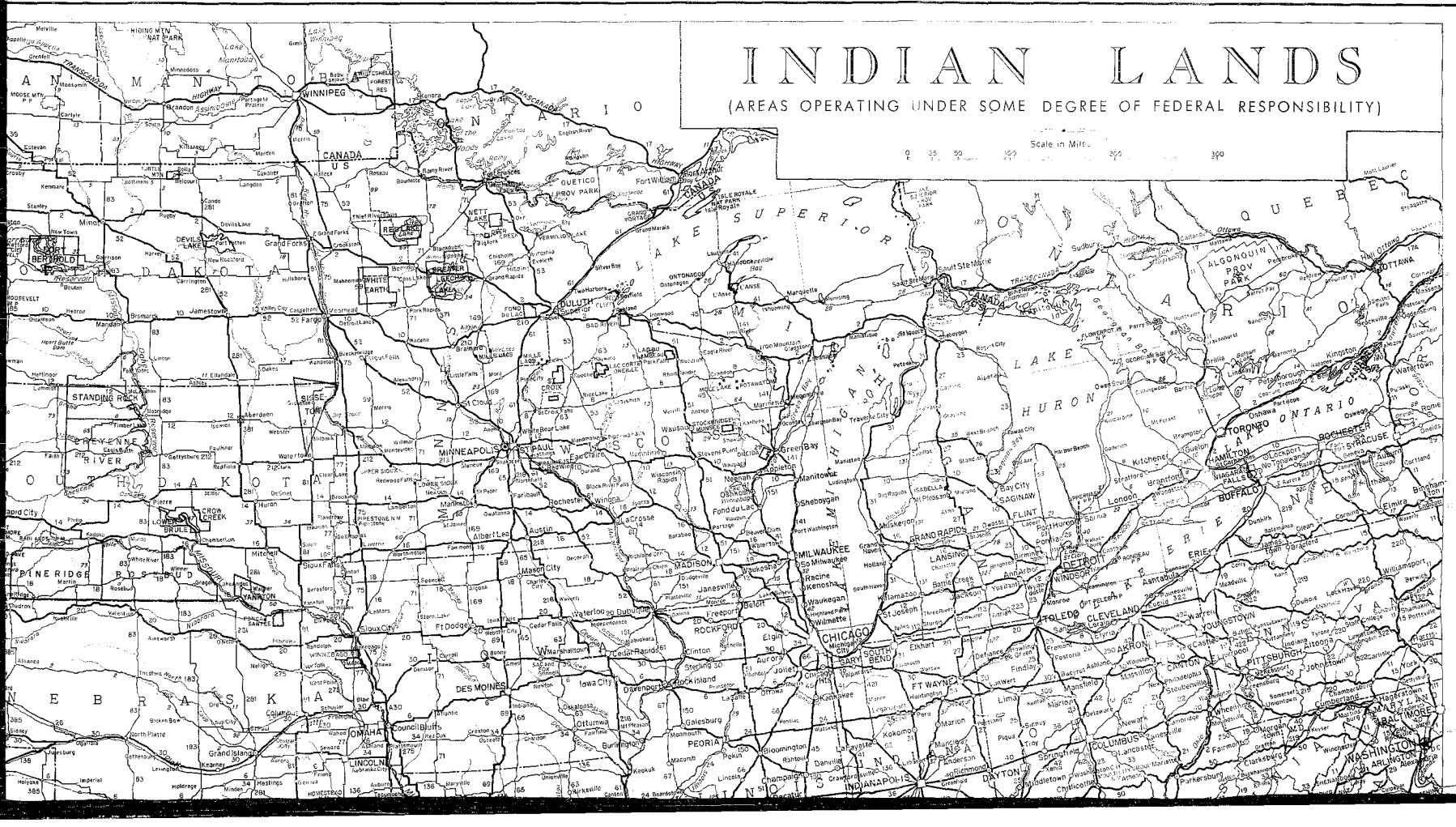
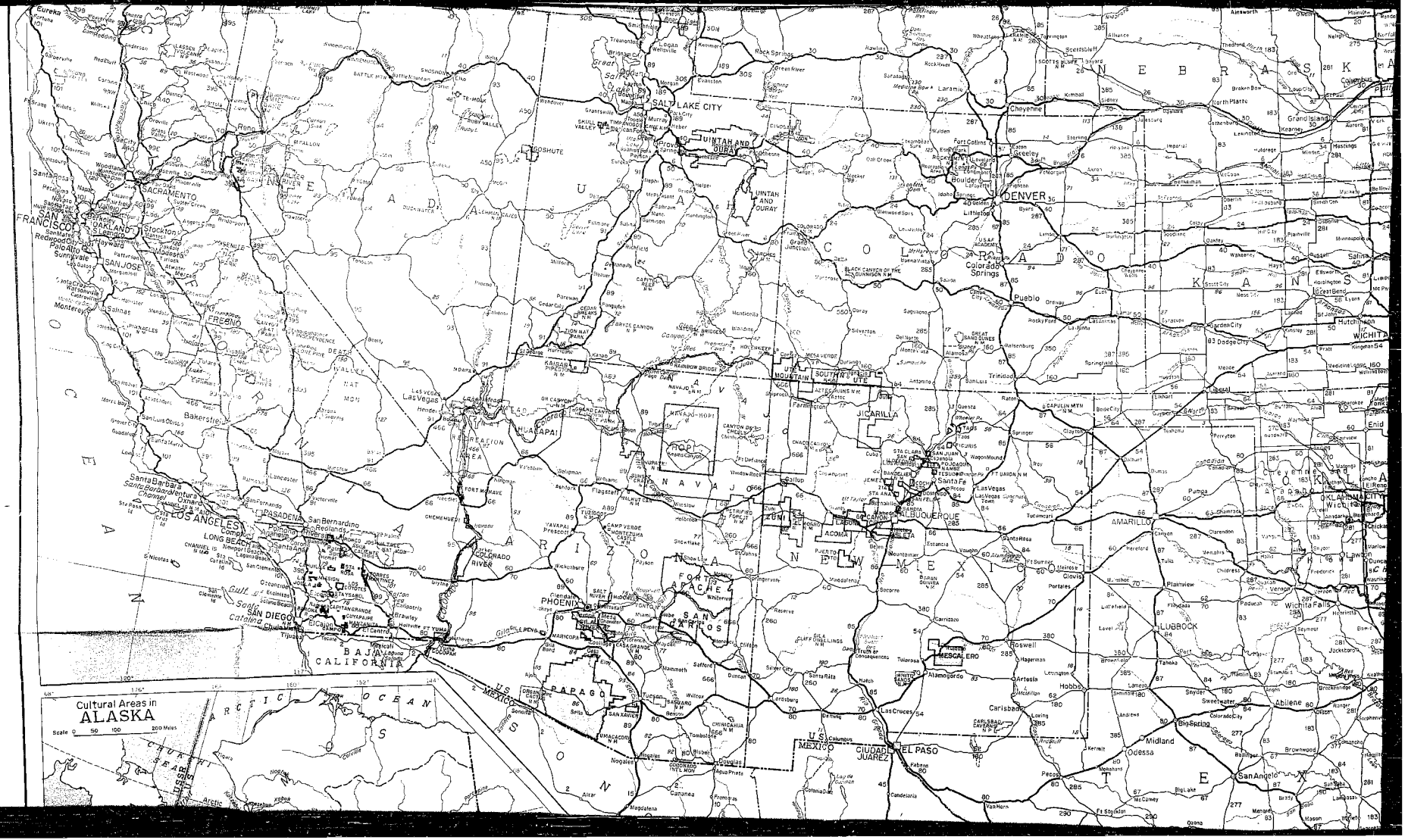
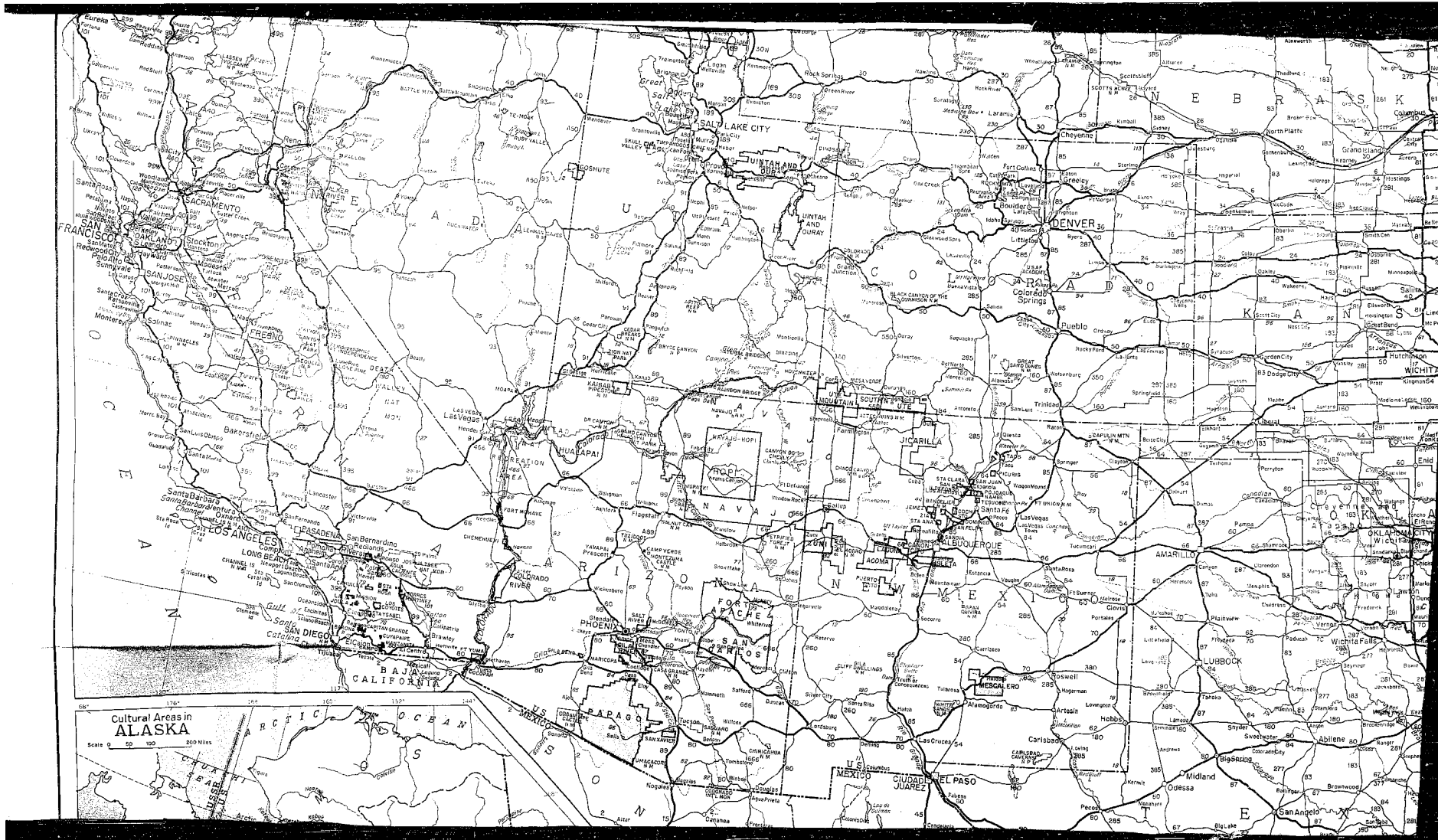
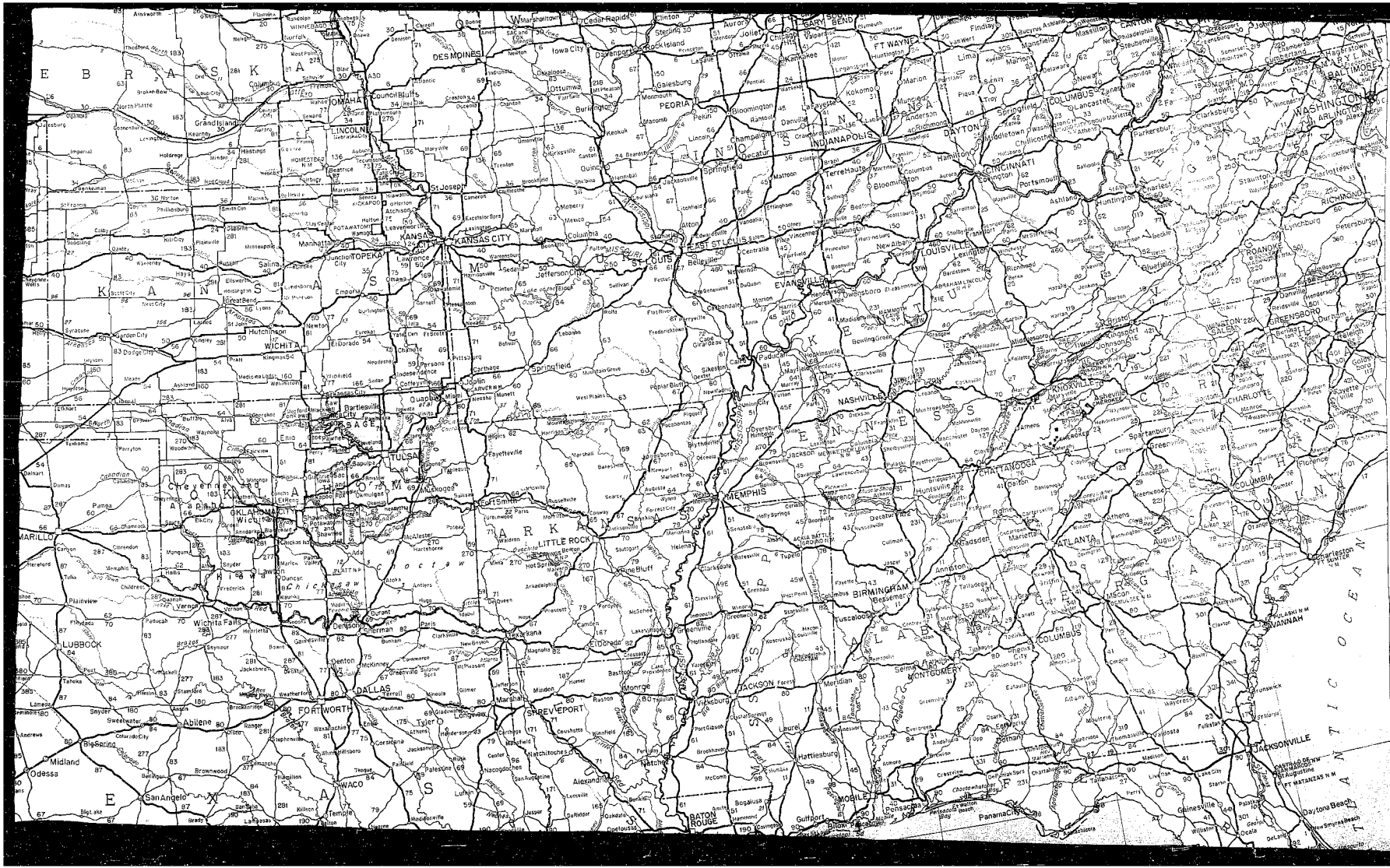
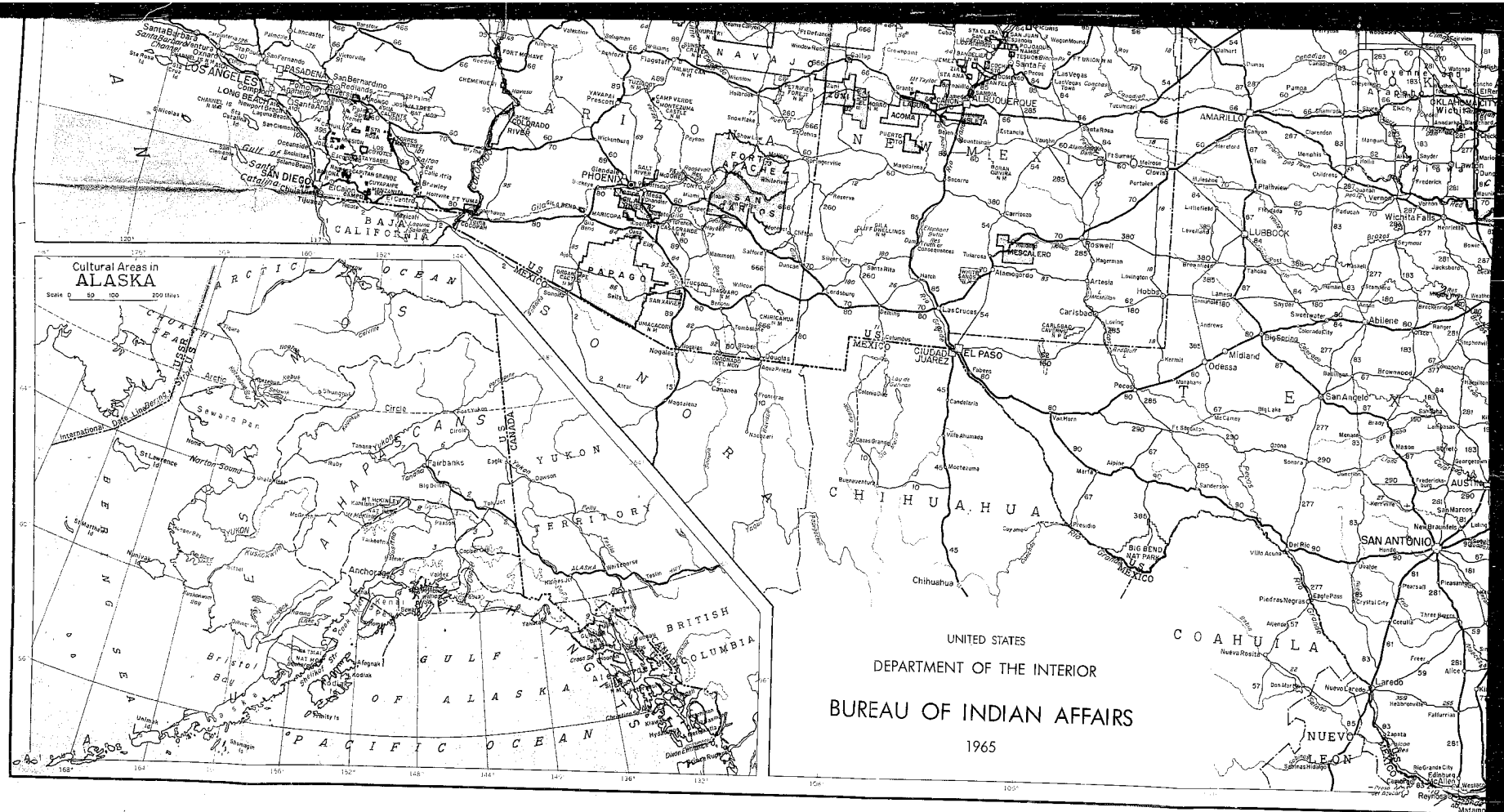
SEATTLE
TACOMA
OLYMPIC NAT. PARK
QUINAULT
SHOALWATER
COLVILLE
SPOKANE
COEUR D'ALENE
KOOTENAI
GLACIER NAT. PARK
BLACKFEET
WATERTON LAKES
CANADA
U.S.
WASHINGTON
PACIFIC
COLUMBIA
YAKIMA
PORTLAND
Vancouver
Salem
Eugene
Corvallis
Albany
Dallas
Newport
Reedsport
Tillamook
Seaside
Astoria
Longview
Kelso
Centralia
Chehalis
Olympia
Shelton
Aberdeen
Hoquiam
Raymond
South Bend
Willapa
Grays Harbor
Ocean Shores
Port Angeles
Sequim
Port Townsend
Bellingham
Anacortes
Mount Vernon
Everett
Snohomish
Monroe
Arlington
Marysville
Stanwood
Oak Harbor
Coupeville
Friday Harbor
Lopez
Orcas
San Juan
Deception Pass
Whidbey Island
Camano Island
Skagit
Sedro Woolley
Concrete
Darrington
Granite Falls
Index
Gold Bar
Stevens Pass
Wenatchee
Leavenworth
Cashmere
Chelan
Lake Chelan
Entiat
Waterville
Coulee City
Grand Coulee
Soap Lake
Ephrata
Quincy
Moses Lake
Othello
Ritzville
Davenport
Reardan
Odessa
Harrington
Sprague
Cheney
Medical Lake
Deer Park
Chewelah
Colville
Kettle Falls
Republic
Curlew
Tonasket
Oroville
Omak
Okanogan
Brewster
Pateros
Methow
Twisp
Winthrop
Mazama
Conconully
Loomis
Nespelem
Coulee Dam
Grand Coulee Dam
Banks Lake
Columbia Basin Project
Wanapum Dam
Priest Rapids Dam
Rock Island Dam
Wells Dam
Chief Joseph Dam
Rufus Woods Lake
Lake Roosevelt
Lake Pend Oreille
Priest Lake
Sandpoint
Bonners Ferry
Kootenai
Libby
Troy
Yaak
Eureka
Whitefish
Kalispell
Columbia Falls
West Glacier
Polson
Flathead Lake
Flathead Indian Reservation
Ronan
Arlee
Missoula
Lolo
Lolo Pass
Hamilton
Darby
Sula
Stevensville
Florence
Lolo Hot Springs
Clearwater
Powell
Lochsa
Selway
Selway-Bitterroot Wilderness
Bitterroot Range
Bitterroot Valley
Bitterroot
Salmon
Salmon River
Challis
Stanley
Sawtooth Mts.
Sawtooth Nat. Rec. Area
Ketchum
Sun Valley
Hailey
Bellevue
Carey
Craters of the Moon N.M.
Arco
Idaho Falls
Blackfoot
Pocatello
Fort Hall
American Falls
Rupert
Burley
Twin Falls
Jerome
Shoshone
Gooding
Hagerman
Buhl
Malad City
Preston
Soda Springs
Montpelier
Bear Lake
Paris
Bloomington
Georgetown
Grace
Dingle
Oneida
Franklin
Cache Valley
Logan
Wellsville
Brigham City
Great Salt Lake
Promontory
Corinne
Tremonton
Bear River
Bear River Range
Malad Range
Raft River Mts.
Albion Mts.
Sawtooth Range
Boise
Nampa
Caldwell
Weiser
Payette
New Meadows
Cascade
Council
Meadows
Donnelly
McCall
Lake Cascade
Payette Lake
Emmett
Horseshoe Bend
Garden Valley
Lowman
Idaho City
Boise Basin
Boise Range
Boise National Forest
Sawtooth Nat. Forest
Sawtooth Wilderness
Sawtooth Nat. Rec. Area
Challis Nat. Forest
Salmon River Mts.
Lemhi Range
Lemhi
Leadore
Gilmore
Patterson
Dubois
Spencer
Island Park
Henrys Lake
Targhee Nat. Forest
Big Hole Mts.
Big Hole Battlefield N.M.
Big Hole River
Big Hole
Wisdom
Jackson
Dillon
Beaverhead
Beaverhead Mts.
Beaverhead Nat. Forest
Red Rock Lakes Nat. Wildlife Refuge
Centennial Valley
Centennial Mts.
Monida
Monida Pass
Lima
Lima Reservoir
Clark Canyon Reservoir
Clark Canyon
Grasshopper
Bannack
Bannack State Park
Dillon
Anaconda
Deer Lodge
Deer Lodge Valley
Flint Creek Range
Flint Creek
Philipsburg
Hamilton
Stevensville
Darby
Sula
Lolo
Lolo Pass

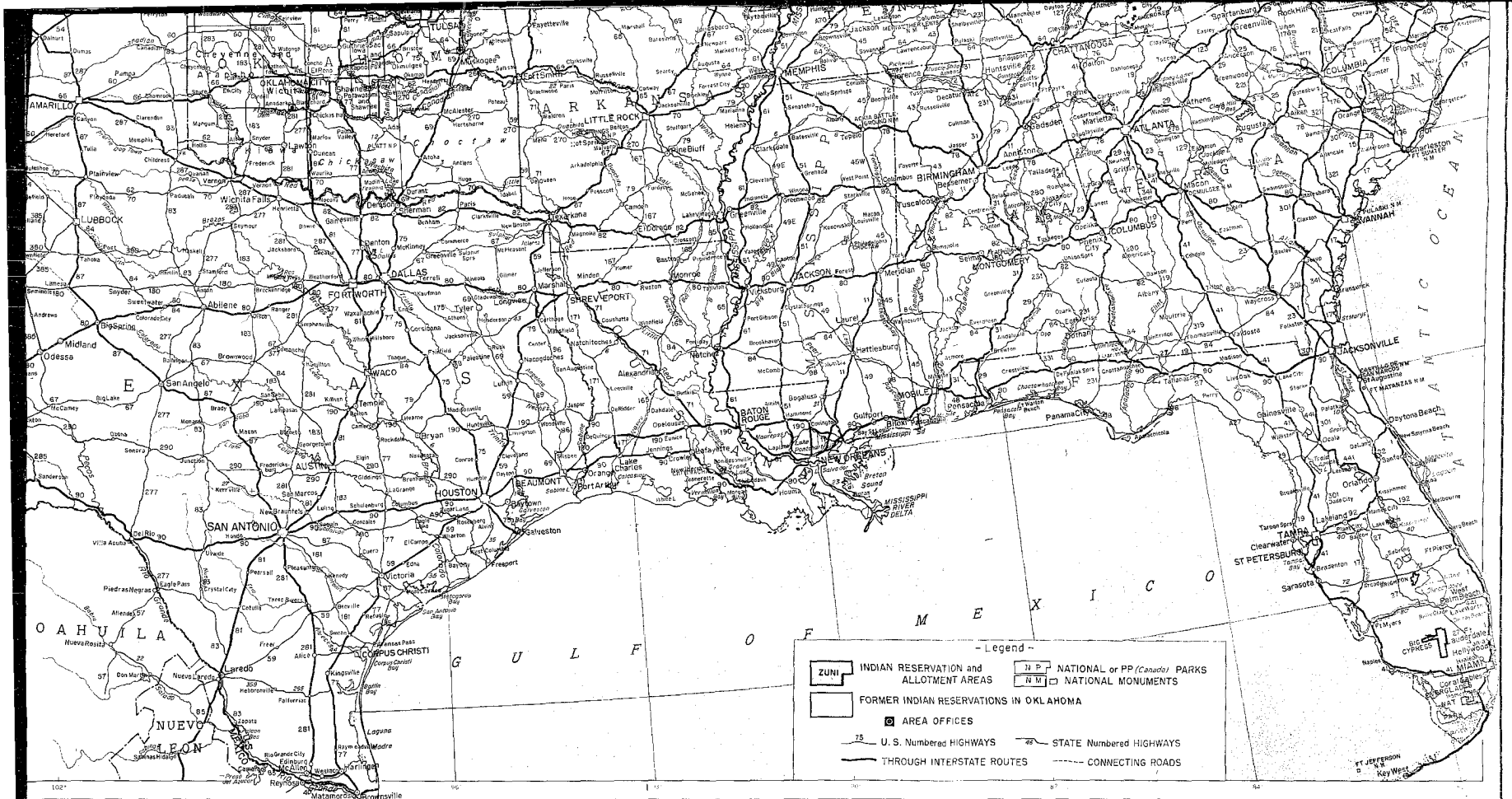

INDIAN LANDS
(AREAS OPERATING UNDER SOME DEGREE OF FEDERAL RESPONSIBILITY)
Scale in Miles
0 25 50 100 200 300
CANADA
U.S.
MANITOBA
ONTARIO
QUEBEC
NORTH DAKOTA
SOUTH DAKOTA
NEBRASKA
MINNESOTA
IOWA
MICHIGAN
WISCONSIN
ILLINOIS
INDIANA
OHIO
PENNSYLVANIA
NEW YORK
LAKE SUPERIOR
LAKE HURON
LAKE ERIE
LAKE ONTARIO
WINNIPEG
DULUTH
MINNEAPOLIS
ST. PAUL
CHICAGO
DETROIT
TORONTO
BUFFALO
CLEVELAND
PITTSBURGH
OMAHA
DES MOINES
INDIANAPOLIS
COLUMBUS
WASHINGTON
BALTIMORE
PHILADELPHIA
ROCHESTER
SYRACUSE
OTTAWA
MILWAUKEE
MADISON
GRAND RAPIDS
TOLEDO
FORT WILLIAM
SAULT STE MARIE
STANDING ROCK
PINE RIDGE
CROW CREEK
LOWER BRULE
YANKTON
DEVILS LAKE
WHITE EARTH
RED LAKE
GRAND FORKS
FORT BERTHOLD
QUETICO PROV. PARK
ALGONQUIN PROV. PARK
RIVER
MISSISSIPPI RIVER
MISSOURI RIVER
CHEYENNE RIVER


Cultural Areas in
ALASKA
Scale 0 50 100 200 Miles
ARCTIC OCEAN
PACIFIC OCEAN
Gulf of Alaska
Aleutian Is.
Arctic Circle
Kobuk
Nome
Kotzebue
Hooper Bay
Yukon
Kuskokwim
Bethel
Kodiak
Cook Inlet
Anchorage
Kenai
Valdez
Prince William Sound
Juneau
Sitka
Ketchikan
Dixon Entrance
Hudson Bay
Mackenzie
Yellowknife
Great Slave Lake
Great Bear Lake
Athabasca
Peace
Fort Nelson
Fort St. John
Dawson Creek
Prince George
Prince Rupert
Queen Charlotte Is.
Vancouver I.
Vancouver
Victoria
Strait of Juan de Fuca
Seattle
Tacoma
Olympia
Puget Sound
Bellingham
Spokane
Coeur d'Alene
Lewiston
Boise
Twin Falls
Pocatello
Idaho Falls
Yellowstone Park
Jackson
Grand Teton Nat. Park
Great Falls
Helena
Butte
Missoula
Kalispell
Glacier Nat. Park
Billings
Miles City
Bismarck
Minot
Williston
Fargo
Grand Forks
Devils Lake
Winnipeg
Lake Winnipeg
Lake of the Woods
Thunder Bay
Sault Ste. Marie
Lake Superior
Duluth
Minneapolis
St. Paul
Rochester
La Crosse
Madison
Milwaukee
Chicago
Lake Michigan
Gary
South Bend
Fort Wayne
Indianapolis
Terre Haute
Evansville
Cincinnati
Lexington
Louisville
Nashville
Memphis
Mississippi River
Arkansas River
Little Rock
Fort Smith
Texarkana
Shreveport
Monroe
Baton Rouge
New Orleans
Mobile
Gulf of Mexico
Pensacola
Tallahassee
Jacksonville
Orlando
Tampa
St. Petersburg
Miami
Florida Keys
Key West
Atlantic Ocean
Charleston
Savannah
Columbia
Greenville
Spartanburg
Asheville
Charlotte
Greensboro
Winston-Salem
Raleigh
Durham
Norfolk
Virginia Beach
Richmond
Petersburg
Roanoke
Lynchburg
Charlottesville
Fredericksburg
Washington
Baltimore
Annapolis
Wilmington
Dover
Philadelphia
Camden
Trenton
Atlantic City
New York
Long Island
Manhattan
Brooklyn
Queens
Bronx
Staten Island
Newark
Jersey City
Hoboken
Paterson
Elizabeth
Perth Amboy
New Brunswick
Princeton
Hackensack
Yonkers
White Plains
New Rochelle
Mount Vernon
Stamford
Bridgeport
New Haven
Hartford
Springfield
Worcester
Boston
Cambridge
Lowell
Lawrence
Salem
Gloucester
Fall River
New Bedford
Cape Cod
Nantucket
Martha's Vineyard
Providence
Pawtucket
Woonsocket
Newport
Block Island
Long Island Sound
Buffalo
Niagara Falls
Rochester
Syracuse
Utica
Albany
Troy
Schenectady
Binghamton
Elmira
Corning
Ithaca
Watkins Glen
Oswego
Lake Ontario
Lake Erie
Cleveland
Akron
Canton
Youngstown
Toledo
Sandusky
Columbus
Dayton
Springfield
Zanesville
Cambridge
Wheeling
Parkersburg
Charleston
Huntington
Ashland
Portsmouth
Ohio River
Pittsburgh
Erie
Harrisburg
Lancaster
York
Reading
Allentown
Bethlehem
Easton
Scranton
Wilkes-Barre
Williamsport
Altoona
Johnstown
Pocono Mts.
Delaware Water Gap
Susquehanna River
Delaware River
Chesapeake Bay
Eastern Shore
Ocean City
Cape May
Cape Hatteras
Outer Banks
Roanoke Is.
Pamlico Sound
Albemarle Sound
Cape Fear
Myrtle Beach
Hilton Head I.
Port Royal Sound
Beaufort
Parris I.
Tybee I.
Okefenokee Swamp
Atlanta
Macon
Augusta
Athens
Gainesville
Rome
Chattanooga
Knoxville
Tri-Cities
Kingsport
Bristol
Johnson City
Tennessee River
Cumberland River
Clarksville
Murfreesboro
Tullahoma
Chattanooga
Huntsville
Decatur
Florence
Muscle Shoals
Birmingham
Anniston
Gadsden
Tuscaloosa
Montgomery
Selma
Dothan
Panama City
Fort Walton Beach
Destin
Biloxi
Gulfport
Hattiesburg
Meridian
Jackson
Vicksburg
Natchez
Tupelo
Oxford
Corinth
Jackson
Greenville
Clarksdale
Cleveland
Yazoo City
Delta
Mississippi River
Arkansas River
Pine Bluff
Hot Springs
Fayetteville
Fort Smith
Texarkana
Shreveport
Monroe
Alexandria
Lafayette
Baton Rouge
New Orleans
Lake Pontchartrain
Lake Maurepas
Lake Borgne
Mississippi Sound
Gulf of Mexico
Mobile
Mobile Bay


Cultural Areas in
ALASKA
Scale 0 50 100 200 Miles
ARCTIC OCEAN
PACIFIC OCEAN
CHUKCHI SEA
BERING SEA
NEVADA
UTAH
COLORADO
ARIZONA
NEW MEXICO
NEBRASKA
KANSAS
OKLAHOMA
TEXAS
SALT LAKE CITY
DENVER
SACRAMENTO
SAN FRANCISCO
OAKLAND
SAN JOSE
LOS ANGELES
SAN DIEGO
PHOENIX
TUCSON
LAS VEGAS
ALBUQUERQUE
EL PASO
CIUDAD JUAREZ
MEXICO
BAJA CALIFORNIA
UINTAH AND OURAY
SOUTHERN UTE
NAVAJO
HOPI
ZUNI
JICARILLA
MESCALERO
PAPAGO
FORT APACHE
SAN CARLOS
COLORADO RIVER
GRAND CANYON
Colorado Springs
Pueblo
Cheyenne
Grand Island
Lincoln
Omaha
Wichita
Topeka
Kansas City
Oklahoma City
Amarillo
Lubbock
Abilene
San Angelo
Midland
Odessa
Roswell
Carlsbad
Las Cruces
Albuquerque
Santa Fe
Gallup
Flagstaff
Yuma
Reno
Carson City
Fresno
Bakersfield
Monterey
Salinas
San Jose
Oakland
Stockton
Sacramento
Eureka
Redding
Medford
Klamath Falls
Boise
Pocatello
Idaho Falls
Twin Falls
Ogden
Provo
Logan
Rock Springs
Green River
Laramie
Cheyenne
Scottsbluff
North Platte
Grand Island
Hastings
Kearney
Lincoln
Omaha
Columbus
Fort Collins
Greeley
Boulder
Littleton
Aurora
Colorado Springs
Pueblo
Canon City
Salida
Grand Junction
Durango
Cortez
Farmington
Gallup
Zuni
Acoma
Laguna
Santa Fe
Las Vegas
Tucumcari
Clovis
Portales
Roswell
Artesia
Hobbs
Carlsbad
Las Cruces
Alamogordo
Mescalero
Ruidoso
Truth or Consequences
Socorro
Carrizozo
Gallup
Holbrook
Winslow
Flagstaff
Prescott
Kingman
Needles
Barstow
Victorville
San Bernardino
Riverside
Pasadena
Los Angeles
Long Beach
Santa Ana
San Diego
Oceanside
Escondido
El Centro
Brawley
Calexico
Mexicali
Tijuana
Ensenada
Yuma
Gila Bend
Ajo
Tucson
Nogales
Douglas
Bisbee
Sierra Vista
Benson
Willcox
Safford
Globe
Miami
Superior
Casa Grande
Phoenix
Mesa
Tempe
Glendale
Wickenburg
Parker
Blythe
Indio
Palm Springs
Riverside
Redlands
Ontario
Pomona
Whittier
Compton
Inglewood
Santa Monica
Malibu
Oxnard
Ventura
Santa Barbara
San Luis Obispo
Paso Robles
Atascadero
Morro Bay
Lompoc
Santa Maria
Guadalupe
Arroyo Grande
Pismo Beach
Grover City
Avila Beach
Cambria
San Simeon
Big Sur
Carmel
Monterey
Salinas
Hollister
Gilroy
Morgan Hill
Los Gatos
Saratoga
Cupertino
Sunnyvale
Mountain View
Palo Alto
Redwood City
San Mateo
Burlingame
San Francisco
Daly City
Pacifica
Half Moon Bay
Santa Cruz
Watsonville
Capitola
Aptos
Soquel
Felton
Boulder Creek
Scotts Valley
Ben Lomond
Davenport
Bodega Bay
Point Reyes
Petaluma
Santa Rosa
Healdsburg
Ukiah
Willits
Fort Bragg
Mendocino
Point Arena
Gualala
Sea Ranch
Jenner
Guerneville
Sebastopol
Cotati
Rohnert Park
Novato
San Rafael
Mill Valley
Sausalito
Tiburon
Belvedere
Corte Madera
Larkspur
Fairfax
San Anselmo
Ross
Kentfield
Greenbrae
Alameda
Berkeley
Albany
Richmond
El Cerrito
Hercules
Pinole
Martinez
Concord
Walnut Creek
Pleasant Hill
Lafayette
Orinda
Moraga
Danville
San Ramon
Dublin
Pleasanton
Livermore
Tracy
Manteca
Ripon
Escalon
Lodi
Galt
Elk Grove
Folsom
Auburn
Grass Valley
Nevada City
Truckee
Tahoe City
Kings Beach
Incline Village
Carson City
Virginia City
Fallon
Lovelock
Winnemucca
Battle Mountain
Elko
Wells
West Wendover
Wendover
Tooele
Grantsville
Delta
Fillmore
Richfield
Salina
Manti
Ephraim
Gunnison
Moab
Monticello
Blanding
Bluff
Mexican Hat
Kayenta
Tuba City
Page
Lake Powell
Glen Canyon Dam
Bryce Canyon
Cedar City
St George
Hurricane
La Verkin
Springdale
Zion National Park
Kanab
Fredonia
Jacob Lake
North Rim
Grand Canyon
Williams
Seligman
Kingman
Lake Havasu City
Parker
Quartzsite
Gila Bend
Ajo
Why
Sells
Topawa
San Xavier
Tucson
Green Valley
Sahuarita
Nogales
Douglas
Bisbee
Sierra Vista
Benson
Willcox
Safford
Thatcher
Pima
Duncan
Clifton
Morenci
Metcalf
Lordsburg
Deming
Columbus
Las Cruces
Anthony
Sunland Park
Chaparral
Santa Teresa
Hatch
Rincon
Truth or Consequences
Elephant Butte
Caballo
Hillsboro
Kingston
Silver City
Santa Rita
Tyrone
Reserve
Quemado
Alpine
Springerville
Eagar
Show Low
Pinetop
Lakeside
Heber
Snowflake
Taylor
Holbrook
Joseph City
Winslow
Meteor Crater
Leupp
Tuba City
Kayenta
Monument Valley
Mexican Hat
Bluff
Blanding
Monticello
Moab
Green River
Price
Helper
Wellington
Huntington
Castle Dale
Ferron
Emery
Orangeville
Castle Gate
Sunnyside
Wellington
Scofield
Fairview
Mount Pleasant
Manti
Ephraim
Gunnison
Richfield
Salina
Aurora
Monroe
Sevier
Joseph
Elsinore
Nephi
Levan
Fayette
Scipio
Holden
Fillmore
Meadow
Kanosh
Oak City
Delta
Hinckley
Abraham
Lynndyl
Leamington
Sugarville
Sutherland
Kanosh
Cove Fort
Beaver
Minersville
Milford
Frisco
Newcastle
Enoch
Cedar City
Parowan
Summit
Paragonah
Beryl
Enterprise
Veyo
Pine Valley
Central
Santa Clara
Ivins
St George
Hurricane
La Verkin
Springdale
Zion National Park
Virgin
Rockville
Grafton
Rockville
Hildale
Colorado City
Fredonia
Kanab
Jacob Lake
North Rim
Grand Canyon
Tusayan
Valle
Williams
Parks
Bellemont
Flagstaff
Winona
Kachina Village
Mountainaire
Munds Park
Oak Creek
Sedona
Cottonwood
Clarkdale
Jerome
Chino Valley
Prescott
Prescott Valley
Dewey
Humboldt
Mayer
Cordes Lakes
Yarnell
Wickenburg
Morristown
Aguila
Salome
Wenden
Hope
Vicksburg
Quartzsite
Parker
Lake Havasu City
Needles
Topock
Golden Shores
Bullhead City
Laughlin
Searchlight
Boulder City
Henderson
Las Vegas
North Las Vegas
Nellis AFB
Indian Springs
Pahrump
Beatty
Death Valley Junction
Furnace Creek
Stovepipe Wells
Panamint Springs
Trona
Ridgecrest
Inyokern
China Lake
Mojave
Tehachapi
Lancaster
Palmdale
Edwards AFB
Rosamond
Boron
Barstow
Daggett
Yermo
Newberry Springs
Hinkley
Lenwood
Victorville
Hesperia
Apple Valley
Adelanto
Oro Grande
Phelan
Wrightwood
Mount Baldy
Upland
Claremont
La Verne
San Dimas
Glendora
Azusa
Duarte
Monrovia
Arcadia
Temple City
Rosemead
El Monte
South El Monte
Baldwin Park
West Covina
Covina
Irwindale
Azusa
Glendora
San Dimas
La Verne
Pomona
Chino
Ontario
Rancho Cucamonga
Upland
Claremont
Montclair
Fontana
Rialto
Colton
Loma Linda
Redlands
Yucaipa
Calimesa
Beaumont
Banning
Cabazon
Palm Springs
Cathedral City
Rancho Mirage
Palm Desert
Indian Wells
La Quinta
Indio
Coachella
Thermal
Mecca
Oasis
Salton City
Desert Hot Springs
Morongo Valley
Yucca Valley
Joshua Tree
Twentynine Palms
Landers
Yucca Valley
Barstow
Daggett
Yermo
Newberry Springs
Hinkley
Lenwood
Victorville
Hesperia
Apple Valley
Adelanto
Oro Grande
Phelan
Wrightwood
Mount Baldy
Upland
Claremont
La Verne
San Dimas
Glendora
Azusa
Duarte
Monrovia
Arcadia
Temple City
Rosemead
El Monte
South El Monte
Baldwin Park
West Covina
Covina
Irwindale
Azusa
Glendora
San Dimas
La Verne
Pomona
Chino
Ontario
Rancho Cucamonga
Upland
Claremont
Montclair
Fontana
Rialto
Colton
Loma Linda
Redlands
Yucaipa
Calimesa
Beaumont
Banning
Cabazon
Palm Springs
Cathedral City
Rancho Mirage
Palm Desert
Indian Wells
La Quinta
Indio
Coachella
Thermal
Mecca
Oasis
Salton City
Desert Hot Springs
Morongo Valley
Yucca Valley
Joshua Tree
Twentynine Palms
Landers

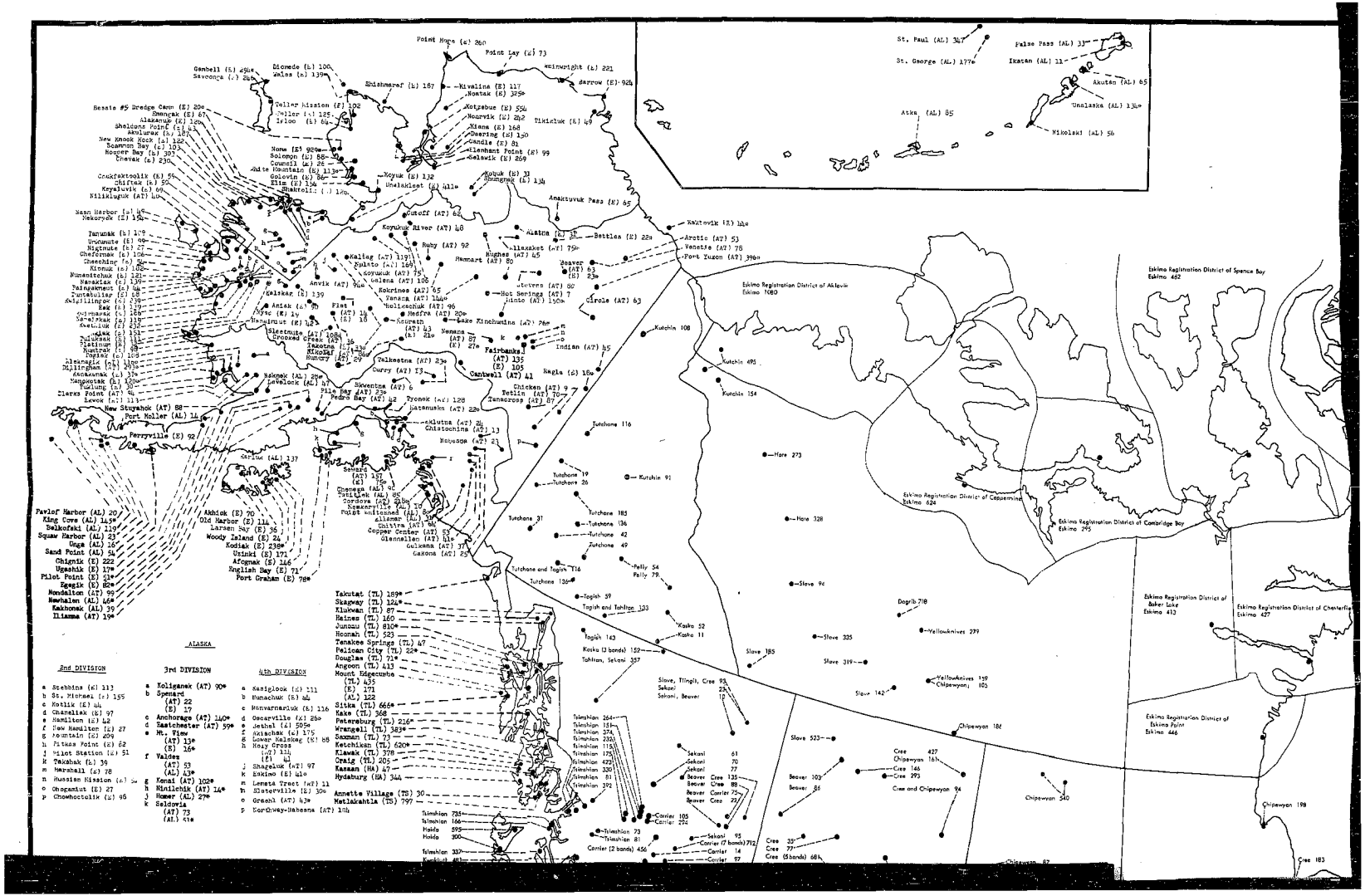

NEBRASKA
KANSAS
OKLAHOMA
TEXAS
MISSOURI
ARKANSAS
LOUISIANA
MISSISSIPPI
ALABAMA
GEORGIA
TENNESSEE
KENTUCKY
INDIANA
ILLINOIS
OHIO
WEST VIRGINIA
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
ATLANTIC OCEAN
OMAHA
LINCOLN
DES MOINES
KANSAS CITY
ST. LOUIS
TOPEKA
WICHITA
TULSA
OKLAHOMA CITY
LITTLE ROCK
MEMPHIS
NASHVILLE
LOUISVILLE
INDIANAPOLIS
CHICAGO
COLUMBUS
CINCINNATI
DAYTON
PEORIA
SPRINGFIELD
EVANSVILLE
PADUCAH
CHARLESTON
RICHMOND
WASHINGTON
BALTIMORE
PHILADELPHIA
PITTSBURGH
CLEVELAND
DETROIT
TOLEDO
FT WAYNE
GARY
ROCKFORD
DAVENPORT
MILWAUKEE
MADISON
GREEN BAY
MINNEAPOLIS
DULUTH
ROCHESTER
SIOUX FALLS
SIOUX CITY
COUNCIL BLUFFS
GRAND ISLAND
NORTH PLATTE
HASTINGS
HOLDREGE
MCCOOK
IMPERIAL
SCOTTSBLUFF
ALLIANCE
CHADRON
VALENTINE
O'NEILL
NORFOLK
FREMONT
BLAIR
WAYNE
HOLDREGE
GOODLAND
COLBY
HAYS
RUSSELL
SALINA
MANHATTAN
ABILENE
EMPORIA
HUTCHINSON
GREAT BEND
LIBERAL
GARDEN CITY
DODGE CITY
PRATT
ELDORADO
CHANUTE
INDEPENDENCE
COFFEYVILLE
PARSONS
BARTLESVILLE
MUSKOGEE
ENID
WOODWARD
GUYMON
PERRYTON
AMARILLO
CANYON
PLAINVIEW
LUBBOCK
SNYDER
BIG SPRING
MIDLAND
ODESSA
SWEETWATER
ABILENE
SAN ANGELO
BRADY
BROWNWOOD
COLEMAN
STEPHENVILLE
BIG LAKE
TEMPLE
WACO
KILLEEN
BRYAN
HUNTSVILLE
LUFKIN
NACOGDOCHES
CENTER
CARTHAGE
HENDERSON
LONGVIEW
TYLER
CORSICANA
ATHENS
MINEOLA
GLADEWATER
KILGORE
MARSHALL
HENRIETTA
WICHITA FALLS
DENTON
MCKINNEY
GREENVILLE
SULPHUR SPRGS
PARIS
DENISON
SHERMAN
GAINESVILLE
DECATUR
BOWIE
JACKSBORO
MINERAL WELLS
STAMFORD
ANSON
SWEETWATER
COLORADO CITY
BIG SPRING
ANDREWS
LAMESA
SNYDER
ROBY
HAMLIN
ANSON
ABILENE
BROWNWOOD
BANGER
STEPHENVILLE
HILLSBORO
WACO
TEMPLE
KILLEEN
BELTON
GEORGETOWN
AUSTIN
SAN MARCOS
SAN ANTONIO
SEGUIN
NEW BRAUNFELS
SAN ANGELO
DEL RIO
EAGLE PASS
LAREDO
BROWNSVILLE
HARLINGEN
MCALLEN
EDINBURG
PHARR
MISSION
RAYMONDVILLE
KINGSVILLE
CORPUS CHRISTI
ALICE
GEORGE WEST
FREER
CRYSTAL CITY
UVALDE
SONORA
OZONA
MENARD
JUNCTION
KERRVILLE
FREDERICKSBURG
LLANO
BURNET
MARBLE FALLS
GRANITE SHOALS
BASTROP
LA GRANGE
GIDDINGS
BRENHAM
HEMPSTEAD
WALLER
HOUSTON
GALVESTON
TEXAS CITY
ALVIN
PEARLAND
LAKE JACKSON
FREEPORT
ANGLETON
BAY CITY
EL CAMPO
VICTORIA
GOLIAD
BEEVILLE
PORT LAVACA
ROCKPORT
ARANSAS PASS
KINGSVILLE
ALICE
FALFURRIAS
ZAPATA
LAREDO
EAGLE PASS
DEL RIO
ROCKSPRINGS

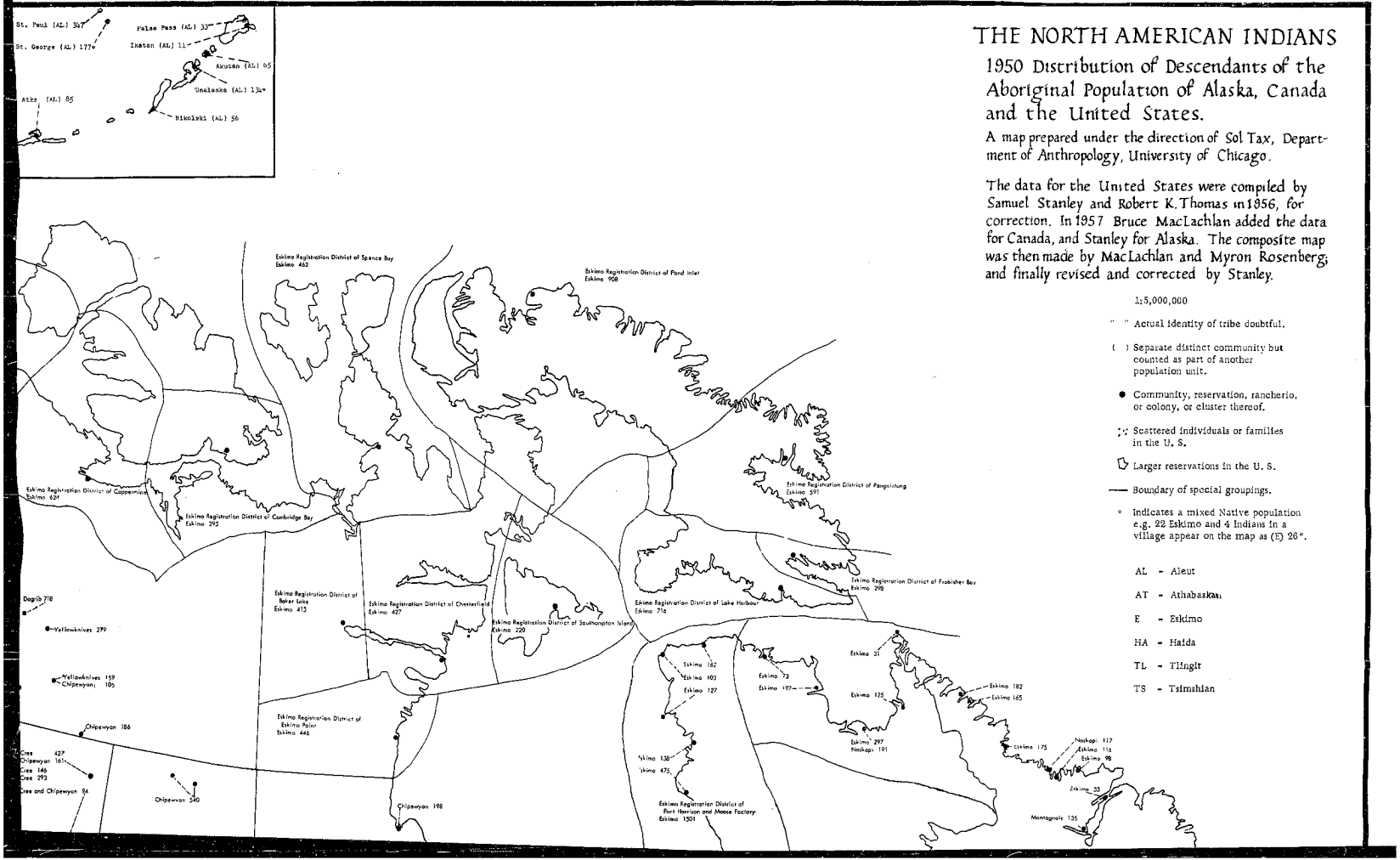

Cultural Areas in
ALASKA
Scale 0 50 100 200 Miles
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
1965
NAVAJO
APACHE
PAPAGO
PIMA
MARICOPA
YUMA
COCOPAH
MOHAVE
HOPI
ZUNI
ACOMA
LAGUNA
SAN FELIPE
SANTA ANA
SANDIA
ISLETA
SAN JUAN
SANTA CLARA
TESUQUE
POJOAQUE
NAMBE
PICURIS
JICARILLA
MESCALERO
TEXAS
NEW MEXICO
ARIZONA
CALIFORNIA
BAJA CALIFORNIA
SONORA
CHIHUAHUA
COAHUILA
NUEVO LEON
TAMAULIPAS
ATHAPASCANS
YUKON TERRITORY
BRITISH COLUMBIA
ALASKA
PACIFIC OCEAN
GULF OF ALASKA
BERING SEA
ARCTIC OCEAN
Los Angeles
San Diego
Phoenix
Tucson
El Paso
Albuquerque
Santa Fe
Las Cruces
Roswell
Amarillo
Lubbock
Abilene
San Angelo
San Antonio
Midland
Odessa
Hobbs
Carlsbad
Wichita Falls
Anchorage
Fairbanks
Juneau
Ciudad Juarez
Chihuahua
Nogales
Douglas
Laredo
Eagle Pass
Del Rio
Big Bend Nat Park
Colorado River
Rio Grande
Gila River
Salt River
Pecos River
Brazos River
Canadian River
Red River
Yukon River
Kuskokwim River
Norton Sound
Bristol Bay
Kodiak
Aleutian Is
Pribilof Is
St Lawrence Is
St Matthew Is
Nunivak Is
Barrow
Point Hope
Kotzebue
Nome
Unalakleet
Bethel
Aniak
McGrath
Tanana
Ruby
Galena
Nenana
Tok Jct
Delta Jct
Valdez
Cordova
Kenai
Seward
Homer
Kodiak
Afognak
Shumagin Is
Unimak Is
Dixon Entrance
Prince Rupert
Juneau
Sitka
Ketchikan
Wrangell
Petersburg
Skagway
Whitehorse
Dawson
Mayo
Stewart
Telegraph Creek
Watson Lake
Fort Nelson
Fort St John
Dawson Creek
Prince George
Williams Lake
Kamloops
Vernon
Penticton
Cranbrook
Kelowna
Revelstoke
Golden
Banff
Jasper
Edmonton
Grande Prairie
Peace River
Fort McMurray
Lac La Biche
Athabasca
Slave Lake
Whitecourt
Hinton
Edson
Grande Cache
Rocky Mountain House
Red Deer
Drumheller
Calgary
Medicine Hat
Lethbridge
Cardston
Fort Macleod
Pincher Creek
Waterton Lakes Nat Park
Crowsnest Pass
Blairmore
Coleman
Fernie
Elkford
Sparwood
Kimberley
Invermere
Golden
Revelstoke
Salmon Arm
Kamloops
Merritt
Hope
Chilliwack
Abbotsford
Vancouver
New Westminster
Victoria
Nanaimo
Courtenay
Campbell River
Port Hardy
Prince Rupert
Terrace
Kitimat
Smithers
Houston
Burns Lake
Vanderhoof
Fort St James
Mackenzie
Chetwynd
Dawson Creek
Fort St John
Fort Nelson
Watson Lake
Teslin
Whitehorse
Carcross
Skagway
Haines
Klukwan
Hyder
Stewart
Prince Rupert
Queen Charlotte Is
Dixon Entrance
Hecate Strait
Queen Charlotte Sound
Vancouver Is
Gulf Is
Strait of Georgia
Juan de Fuca Strait
Puget Sound
Olympic Peninsula
Port Angeles
Seattle
Tacoma
Olympia
Aberdeen
Hoquiam
Raymond
South Bend
Longview
Kelso
Vancouver
Portland
Astoria
Cannon Beach
Tillamook
Lincoln City
Newport
Florence
Reedsport
Coos Bay
North Bend
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Eureka
Arcata
Fortuna
Ferndale
Redway
Garberville
Willits
Ukiah
Clear Lake
Lakeport
Middletown
Calistoga
St Helena
Napa
Vallejo
Benicia
Martinez
Concord
Walnut Creek
Oakland
Berkeley
Alameda
San Leandro
Hayward
Fremont
Newark
Union City
San Mateo
Redwood City
Palo Alto
Mountain View
Sunnyvale
Santa Clara
San Jose
Gilroy
Hollister
Salinas
Monterey
Carmel
Pacific Grove
Pebble Beach
Big Sur
San Simeon
Cambria
Morro Bay
San Luis Obispo
Pismo Beach
Arroyo Grande
Guadalupe
Santa Maria
Lompoc
Santa Barbara
Carpinteria
Ventura
Oxnard
Port Hueneme
Malibu
Santa Monica
Beverly Hills
Hollywood
Burbank
Glendale
Pasadena
San Marino
Alhambra
San Gabriel
Monterey Park
El Monte
Whittier
La Habra
Fullerton
Anaheim
Santa Ana
Orange
Tustin
Irvine
Laguna Beach
Newport Beach
Huntington Beach
Long Beach
Compton
Inglewood
Torrance
Redondo Beach
Hermosa Beach
Manhattan Beach
El Segundo
Lancaster
Palmdale
Victorville
San Bernardino
Redlands
Riverside
Corona
Norco
Chino
Ontario
Upland
Claremont
La Verne
San Dimas
Glendora
Azusa
Covina
West Covina
Pomona
Rialto
Colton
Loma Linda
Redlands
Yucaipa
Beaumont
Banning
Palm Springs
Cathedral City
Rancho Mirage
Palm Desert
Indio
Coachella
Thermal
Mecca
Salton Sea
Brawley
Calexico
El Centro
Holtville
Imperial
Calipatria
Niland
Westmorland
Blythe
Needles
Barstow
Victorville
Apple Valley
Hesperia
Adelanto
Lucerne Valley
Yucca Valley
Twentynine Palms
Joshua Tree Nat Monument
Morongo Valley
Desert Hot Springs
Cabazon
Banning
Beaumont
Calimesa
Redlands
Yucaipa
Highland
San Bernardino
Rialto
Fontana
Ontario
Chino
Norco
Corona
Riverside
Moreno Valley
Perris
Hemet
San Jacinto
Lake Elsinore
Temecula
Murrieta
Fallbrook
Oceanside
Carlsbad
Encinitas
Solana Beach
Del Mar
La Jolla
San Diego
Coronado
Imperial Beach
Chula Vista
National City
Lemon Grove
La Mesa
El Cajon
Santee
Lakeside
Alpine
Jamul
Descanso
Pine Valley
Julian
Ramona
Escondido
San Marcos
Vista
Oceanside
Camp Pendleton
San Clemente
Dana Point
Laguna Niguel
Mission Viejo
Laguna Hills
Laguna Beach
Newport Beach
Huntington Beach
Seal Beach
Los Alamitos
Cypress
Buena Park
La Mirada
Norwalk
Downey
Bellflower
Lakewood
Paramount
Hawaiian Gardens
Artesia
Cerritos
Hawthorne
Gardena
Lomita
Rancho Palos Verdes
San Pedro
Wilmington
Long Beach
Signal Hill
Carson
Lynwood
South Gate
Bell
Huntington Park
Maywood
Vernon
Commerce
Montebello
Pico Rivera
Santa Fe Springs
La Habra Heights
Whittier
Hacienda Heights
La Puente
Walnut
Diamond Bar
Chino Hills
Yorba Linda
Placentia
Brea
Fullerton
Anaheim
Orange
Villa Park
Tustin
Irvine
Lake Forest
Rancho Santa Margarita
Aliso Viejo
Laguna Niguel
Dana Point
San Clemente
Camp Pendleton
Oceanside
Vista
San Marcos
Escondido
Rancho Bernardo
Poway
Santee
El Cajon
La Mesa
Lemon Grove
National City
Chula Vista
Imperial Beach
Coronado
Point Loma
Ocean Beach
Mission Beach
Pacific Beach
La Jolla
Del Mar
Solana Beach
Encinitas
Carlsbad
Fallbrook
Ramona
Julian
Pine Valley
Descanso
Alpine
Jamul
Lakeside
Santee
El Cajon
La Mesa
Lemon Grove
National City
Chula Vista
Imperial Beach
Coronado
San Diego
Tijuana
Mexicali
Calexico
El Centro
Brawley
Holtville
Imperial
Calipatria
Niland
Westmorland
Salton Sea
Coachella
Thermal
Mecca
Indio
Palm Desert
Rancho Mirage
Palm Springs
Cathedral City

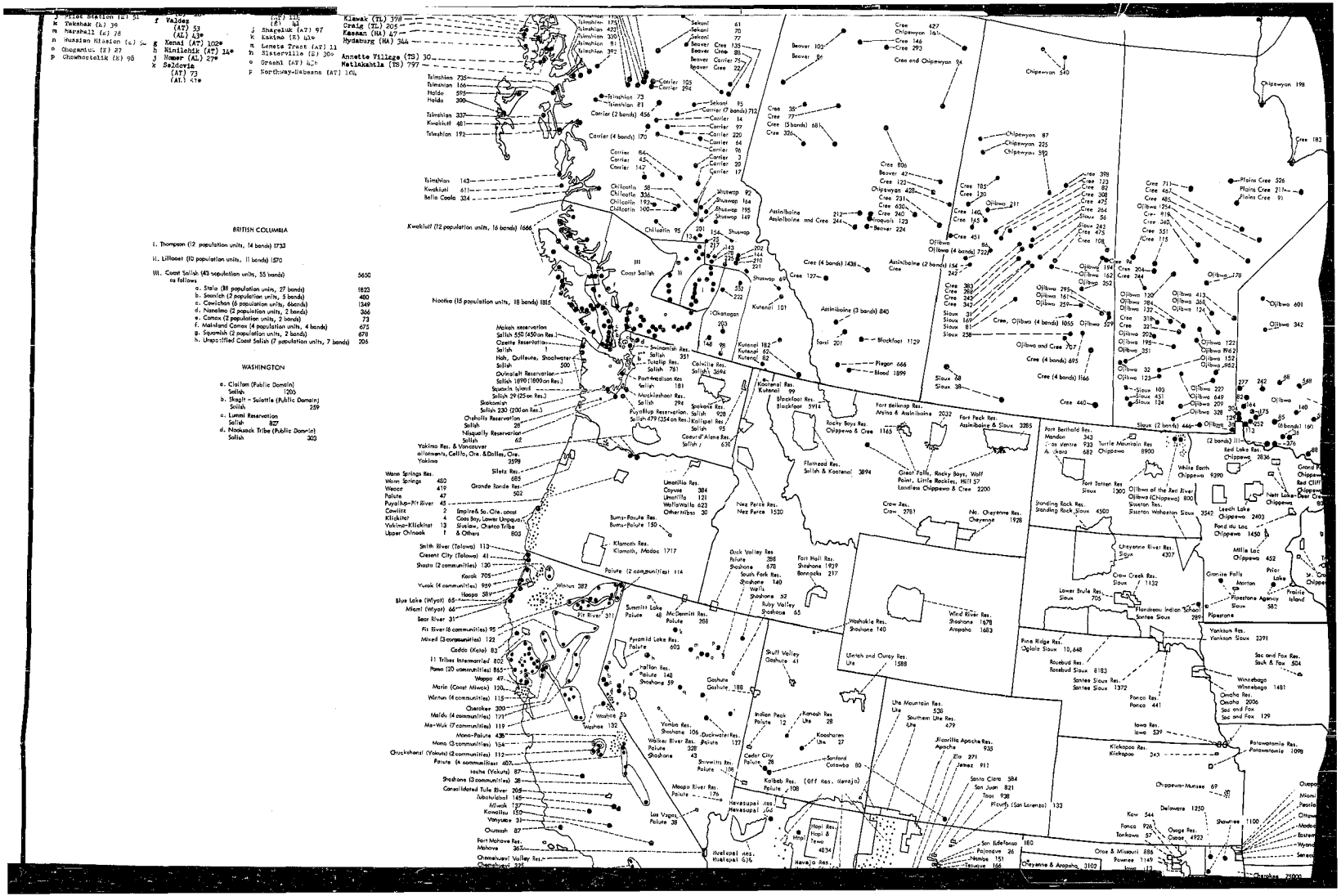

- Legend -
ZUNI INDIAN RESERVATION and ALLOTMENT AREAS
FORMER INDIAN RESERVATIONS IN OKLAHOMA
AREA OFFICES
U. S. Numbered HIGHWAYS
THROUGH INTERSTATE ROUTES
NATIONAL or PP(Canada) PARKS
NATIONAL MONUMENTS
STATE Numbered HIGHWAYS
CONNECTING ROADS
GULF OF MEXICO
ATLANTIC OCEAN
MISSISSIPPI RIVER DELTA
OKLAHOMA
TEXAS
ARKANSAS
LOUISIANA
MISSISSIPPI
ALABAMA
GEORGIA
TENNESSEE
SOUTH CAROLINA
FLORIDA
TULSA
OKLAHOMA CITY
AMARILLO
LUBBOCK
WICHITA FALLS
FORT WORTH
DALLAS
ABILENE
MIDLAND
ODESSA
SAN ANGELO
WACO
AUSTIN
HOUSTON
BEAUMONT
SAN ANTONIO
CORPUS CHRISTI
LAREDO
BROWNSVILLE
LITTLE ROCK
SHREVEPORT
MONROE
JACKSON
VICKSBURG
MERIDIAN
NATCHEZ
BATON ROUGE
NEW ORLEANS
MOBILE
PENSACOLA
MEMPHIS
CHATTANOOGA
ATLANTA
BIRMINGHAM
MONTGOMERY
COLUMBUS
SAVANNAH
CHARLESTON
COLUMBIA
GREENVILLE
JACKSONVILLE
ORLANDO
TAMPA
ST PETERSBURG
MIAMI
KEY WEST

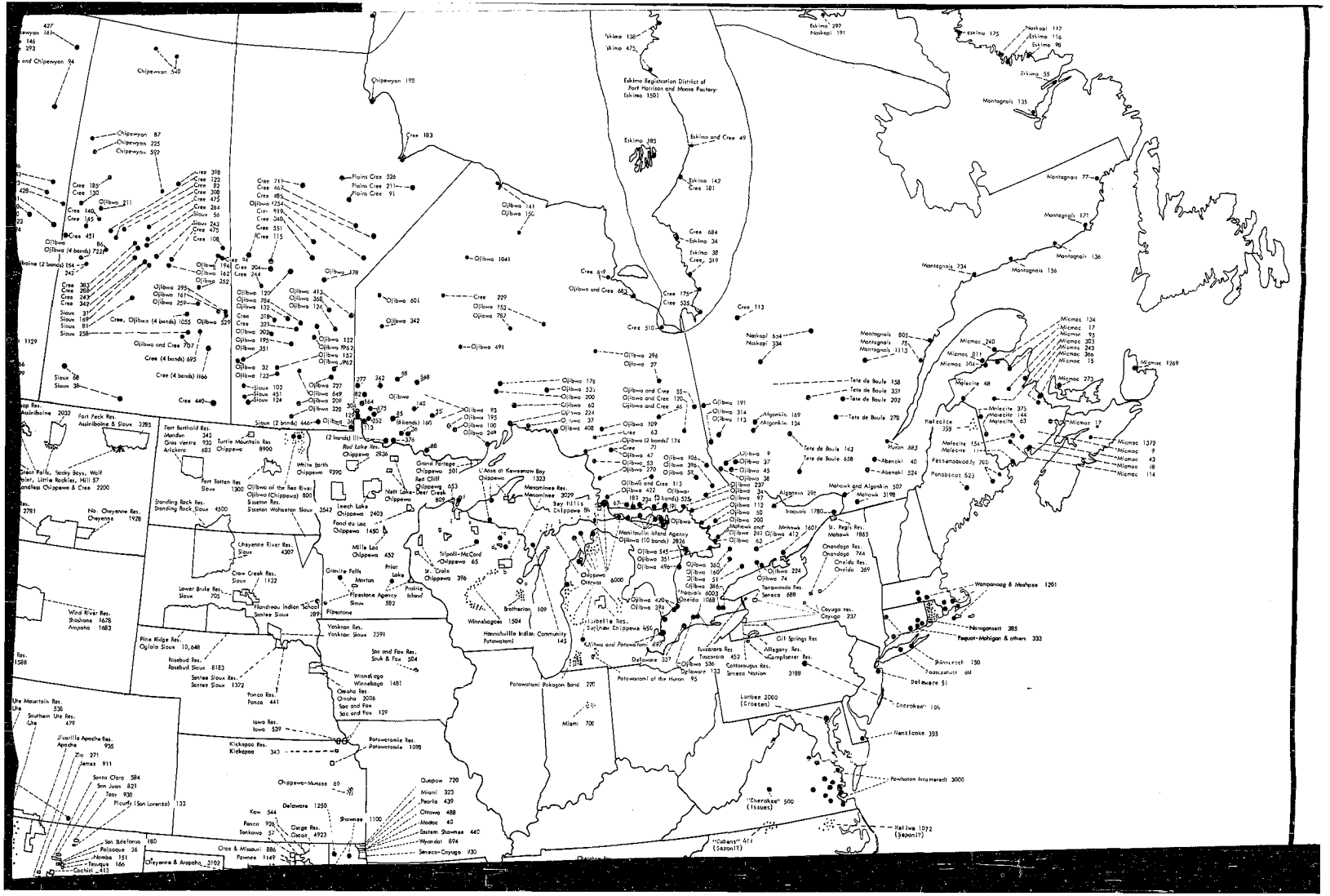
APPENDIX 5

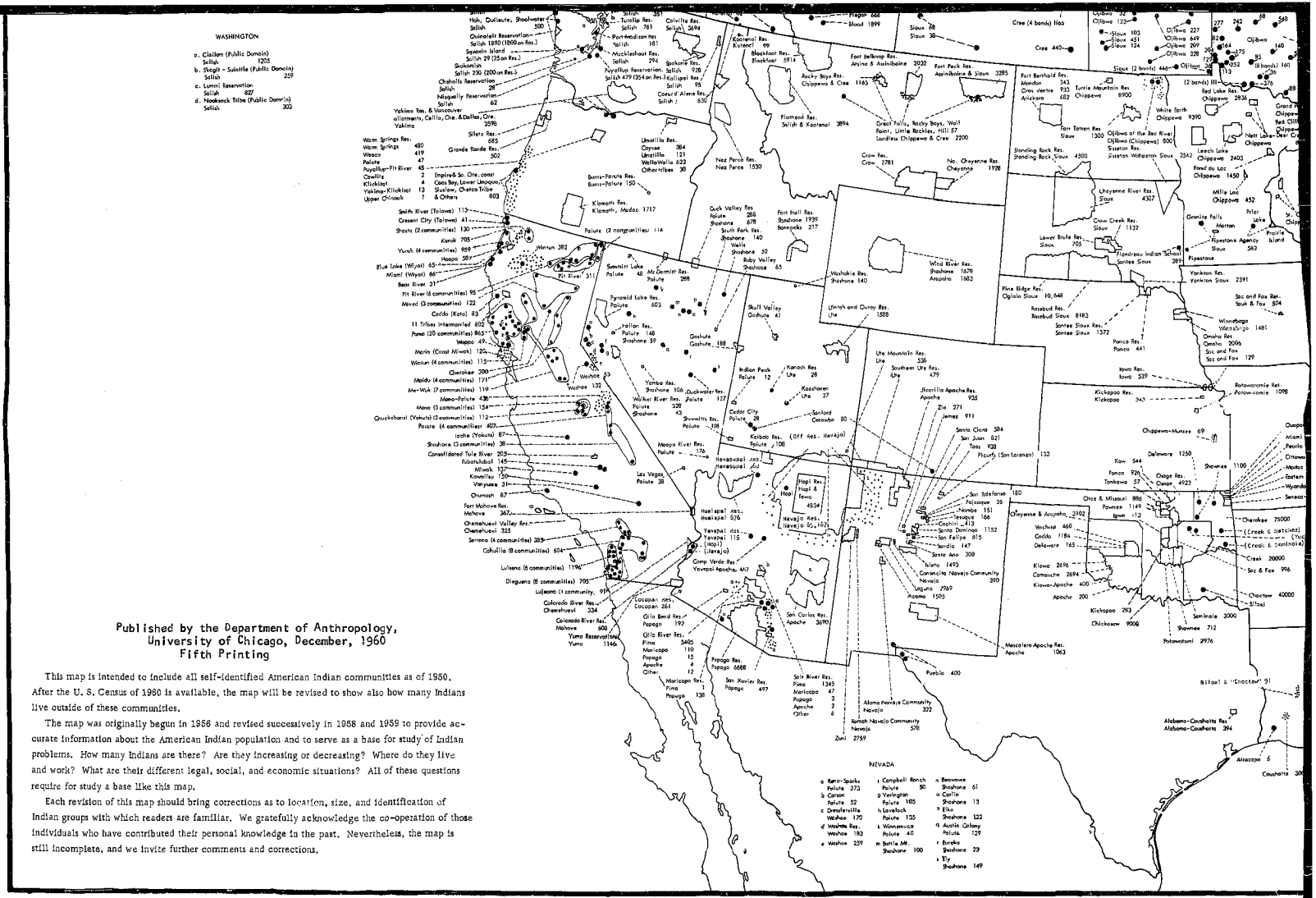
Map: The North American Indians - 1950 Distribution of Descendents of The Aboriginal Population of Alaska, Canada And The United States. University of Chicago


Point Hope (E) 260
Point Lay (E) 73
Wainwright (E) 221
Barrow (E) 924
Gambell (E) 498
Savoonga (E) 266
Diomede (E) 100
Wales (E) 139
Shishmaref (E) 187
Kivalina (E) 117
Noatak (E) 389
Tikigluk (E) 49
Kotzebue (E) 594
Noorvik (E) 260
Kiana (E) 168
Deering (E) 150
Candle (E) 81
Elephant Point (E) 99
Selawik (E) 269
Teller Mission (E) 102
Teller (E) 125
Igloo (E) 64
Nome (E) 920
Solomon (E) 88
Council (E) 26
White Mountain (E) 113
Golovin (E) 82
Elim (E) 134
Shaktoolik (E) 126
Koyuk (E) 132
Unalakleet (E) 411
Koyuk (E) 31
Shungnak (E) 134
Anaktuvuk Pass (E) 65
Cutoff (AT) 62
Koyukuk River (AT) 48
Ruby (AT) 92
Hughes (AT) 85
Alatna (E) 32
Allakaket (AT) 79
Bettles (E) 229
Kaktovik (E) 144
Arctic (AT) 53
Venetie (AT) 78
Fort Yukon (AT) 396
Beaver (AT) 63
(E) 23
Stevens (AT) 80
Hot Springs (AT) 7
Minto (AT) 150
Circle (AT) 63
Nenana (AT) 87
(E) 27
Fairbanks (AT) 135
(E) 105
Indian (AT) 45
Regla (E) 16
Chicken (AT) 9
Tetlin (AT) 70
Tanacross (AT) 87
Eskimo Registration District of Aklavik Eskimo 1080
Eskimo Registration District of Spence Bay Eskimo 462
Eskimo Registration District of Coppermine Eskimo 624
Eskimo Registration District of Cambridge Bay Eskimo 295
Eskimo Registration District of Baker Lake Eskimo 413
Eskimo Registration District of Chesterfield Eskimo 427
Eskimo Registration District of Eskimo Point Eskimo 446
Kutchin 108
Kutchin 495
Kutchin 154
Kutchin 91
Hare 273
Hare 328
Tutchone 116
Tutchone 19
Tutchone 26
Tutchone 185
Tutchone 136
Tutchone 42
Tutchone 49
Tutchone 37
Tutchone and Tagish 116
Tutchone 136
Pelly 54
Pelly 79
Slave 94
Slave 325
Slave 185
Slave 319
Slave 142
Slave 523
Dogrib 218
Yellowknives 239
Yellowknives 159
Chipewyan 105
Chipewyan 186
Cree 427
Chipewyan 164
Cree 146
Cree 293
Cree and Chipewyan 94
Chipewyan 540
Chipewyan 198
Cree 183
Beaver 102
Beaver 86
Cree 39
Cree 77
Cree (5 bands) 681
Chipewyan 87
Tagish 59
Tagish and Tahltan 133
Tagish 143
Kaska (3 bands) 152
Tahltan, Sekani 357
Kaska 52
Kaska 11
Slave, Tlingit, Cree 93
Sekani 23
Sekani, Beaver 11
Sekani 61
Sekani 70
Sekani 77
Beaver Cree 135
Beaver Cree 88
Beaver Carrier 75
Beaver Cree 23
Sekani 95
Carrier (7 bands) 712
Carrier 14
Carrier 97
Carrier 105
Carrier 222
Carrier (2 bands) 456
Tsimshian 264
Tsimshian 151
Tsimshian 274
Tsimshian 230
Tsimshian 115
Tsimshian 175
Tsimshian 472
Tsimshian 220
Tsimshian 81
Tsimshian 292
Tsimshian 73
Tsimshian 81
Tsimshian 735
Tsimshian 166
Haida 595
Haida 300
Tsimshian 337
Kwakiutl 481
Yakutat (TL) 189
Skagway (TL) 126
Klukwan (TL) 87
Haines (TL) 160
Juneau (TL) 810
Hoonah (TL) 523
Tenakee Springs (TL) 47
Pelican City (TL) 229
Douglas (TL) 71
Angoon (TL) 413
Mount Edgecumbe (TL) 435
(E) 171
(AL) 122
Sitka (TL) 666
Kake (TL) 368
Petersburg (TL) 216
Wrangell (TL) 383
Saxman (TL) 73
Ketchikan (TL) 620
Klawak (TL) 378
Craig (TL) 205
Kasaan (HA) 47
Hydaburg (HA) 344
Annette Village (TS) 30
Metlakahtla (TS) 797
Kwakiutl 220
Kwakiutl 481
Kwakiutl 220
Kwakiutl 481
Kwakiutl 220
Kwakiutl 481


St. Paul (AL) 347
St. George (AL) 177
False Pass (AL) 33
Ikatan (AL) 11
Akutan (AL) 65
Unalaska (AL) 134
Atka (AL) 85
Nikolski (AL) 56
THE NORTH AMERICAN INDIANS
1950 Distribution of Descendants of the Aboriginal Population of Alaska, Canada and the United States.
A map prepared under the direction of Sol Tax, Department of Anthropology, University of Chicago.
The data for the United States were compiled by Samuel Stanley and Robert K. Thomas in 1956, for correction. In 1957 Bruce MacLachlan added the data for Canada, and Stanley for Alaska. The composite map was then made by MacLachlan and Myron Rosenberg, and finally revised and corrected by Stanley.
1:5,000,000
" " Actual identity of tribe doubtful.
( ) Separate distinct community but counted as part of another population unit.
● Community, reservation, rancherio, or colony, or cluster thereof.
;·; Scattered individuals or families in the U. S.
Larger reservations in the U. S.
Boundary of special groupings.
° Indicates a mixed Native population e.g. 22 Eskimo and 4 Indians in a village appear on the map as (E) 26°.
AL - Aleut
AT - Athabaskan
E - Eskimo
HA - Haida
TL - Tlingit
TS - Tsimshian
Eskimo Registration District of Spence Bay Eskimo 462
Eskimo Registration District of Pond Inlet Eskimo 908
Eskimo Registration District of Coppermine Eskimo 624
Eskimo Registration District of Cambridge Bay Eskimo 295
Eskimo Registration District of Pangnirtung Eskimo 591
Eskimo Registration District of Frobisher Bay Eskimo 298
Eskimo Registration District of Baker Lake Eskimo 413
Eskimo Registration District of Chesterfield Eskimo 427
Eskimo Registration District of Southampton Island Eskimo 220
Eskimo Registration District of Lake Harbour Eskimo 716
Dogrib 718
Yellowknives 299
Yellowknives 159
Chipewyan 105
Chipewyan 186
Eskimo Registration District of Eskimo Point Eskimo 446
Cree 427
Chipewyan 161
Cree 146
Cree 293
Cree and Chipewyan 94
Chipewyan 540
Chipewyan 198
Eskimo 187
Eskimo 103
Eskimo 127
Eskimo 73
Eskimo 197
Eskimo 31
Eskimo 125
Eskimo 297
Nashagak 191
Eskimo 182
Eskimo 165
Eskimo 175
Nashagak 117
Eskimo 116
Eskimo 98
Eskimo 55
Montagnais 135
Eskimo 130
Eskimo 475
Eskimo Registration District of Fort Harrison and Moose Factory Eskimo 1501


BRITISH COLUMBIA
I. Thompson (12 population units, 14 bands) 1733
II. Lillooet (10 population units, 11 bands) 1570
III. Coast Salish (43 population units, 55 bands) 5650
as follows
a. Stalo (18 population units, 27 bands) 1823
b. Sooniich (2 population units, 5 bands) 480
c. Cowichan (6 population units, 6bands) 1349
d. Nanaimo (2 population units, 2 bands) 366
e. Comox (2 population units, 2 bands) 73
f. Mainland Comox (4 population units, 4 bands) 675
g. Squamish (2 population units, 2 bands) 678
h. Unspecified Coast Salish (7 population units, 7 bands) 206
WASHINGTON
a. Clallam (Public Domain) Salish 1205
b. Skagit - Suiattle (Public Domain) Salish 259
c. Lummi Reservation Salish 827
d. Nooksack Tribe (Public Domain) Salish 303
Kitwak (TL) 378
Craig (TL) 205
Kasaan (HA) 47
Hydaburg (HA) 364
Annette Village (TS) 30
Metlakahtla (TS) 797
Kwakiutl (12 population units, 16 bands) 1666
Nootka (15 population units, 18 bands) 1815
Coast Salish
Okanagan
Kutenai
Assiniboine
Assiniboine and Cree
Cree
Cree, Ojibwa (4 bands)
Ojibwa
Ojibwa and Cree
Ojibwa (4 bands)
Ojibwa (2 bands)
Ojibwa (3 bands)
Ojibwa (6 bands)
Sioux
Sioux (2 bands)
Sioux and Assiniboine
Blackfoot
Blood
Plegan
Sarsi
Chipewyan
Beaver
Carrier
Chilcotin
Shuswap
Tsimshian
Haida
Kwakiutl
Bella Coola
Hoh Reservation
Ozette Reservation
Quileute, Shoalwater
Quinault Reservation
Skokomish
Chehalis Reservation
Nisqually Reservation
Yakima Res. & Vancouver
Yakima
Warm Springs Res.
Warm Springs
Wasco
Paiute
Puyallup-Pt Elliott
Cowlitz
Klickitat
Yakima-Klickitat
Upper Chinook
Siletz Res.
Grande Ronde Res.
Umatilla Res.
Coyuse
Umatilla
Walla Walla
Cayuse
Nez Perce Res.
Nez Perce
Burns-Paiute Res.
Burns-Paiute
Klamath Res.
Klamath, Modoc
Paiute (2 communities)
Smith River (Tolowa)
Crescent City (Tolowa)
Shasta (2 communities)
Karok
Yurok (4 communities)
Hoopa
Blue Lake (Wiyot)
Miami (Wiyot)
Bear River
Pit River (8 communities)
Mixed (3 communities)
Cahto (Kato)
11 Tribes Intermarried
Pomo (20 communities)
Wappo
Marin (Coast Miwok)
Wintun (4 communities)
Cherokee
Maidu (4 communities)
Ma-Wuk (7 communities)
Mono-Paiute
Mono (3 communities)
Chuckchansi (Yokuts) (2 communities)
Paiute (4 communities)
Yokuts (Yokuts)
Shoshone (3 communities)
Consolidated Tule River
Tubatulabal
Kitwuk
Kawaliisu
Vanyume
Gutnish
Fort Mohave Res.
Mohave
Chemehuevi Valley Res.
Chemehuevi
Pit River
Summit Lake Paiute
Pyramid Lake Res. Paiute
Walker River Res. Paiute
Yerington Res. Paiute
Yomba Res. Shoshone
Duckwater Res. Shoshone
Ely Shoshone
Goshute
Deep Creek Res. Goshute
Skull Valley Goshute
Dock Valley Res. Paiute
Shoshone
South Fork Res. Shoshone
Walls Shoshone
Ruby Valley Shoshone
Fort Hall Res. Shoshone
Bannocks
Washakie Res. Shoshone
Wind River Res. Shoshone
Arapaho
Uintah and Ouray Res. Ute
Ute Mountain Res. Ute
Southern Ute Res. Ute
Indian Peak Paiute
Kanosh Res. Ute
Koosharem Ute
Cedar City Paiute
Santaro Catawba
Kaibab Res. Paiute
(Off Res. Navajo)
Havasupai Res. Havasupai
Hualapai Res. Hualapai
Moapa River Res. Paiute
Las Vegas Paiute
Hopi Res. Hopi & Tewa
Navajo Res.
San Ildefonso
Pojoaque
Jemez
Tesuque
Cheyenne & Arapaho
Otoe & Missouri
Ponca
Iowa
Kickapoo Res.
Kickapoo
Iowa Res.
Iowa
Sac and Fox Res.
Sauk & Fox
Winnebago
Winnebago
Omaha Res.
Omaha
Sac and Fox
Sac and Fox
Potawatomie Res.
Potawatomie
Chippewa-Munsee
Delaware
Kaw
Ponca
Tonkawa
Osage Res.
Osage
Shawnee
Quapaw
Miami
Peoria
Ottawa
Modoc
Eastern
Wyandot
Seneca
Cherokee
Pine Ridge Res.
Oglala Sioux
Rosebud Res.
Rosebud Sioux
Santee Sioux Res.
Santee Sioux
Yankton Res.
Yankton Sioux
Standing Rock Res.
Standing Rock Sioux
Sisseton Res.
Sisseton Wahpeton Sioux
Lower Brule Res.
Sioux
Crow Creek Res.
Sioux
Cheyenne River Res.
Sioux
Fort Berthold Res.
Mandan
Gros Ventre
Arikara
Turtle Mountain Res.
Chippewa
Fort Totten Res.
Sioux
Devil's Lake Res.
Sioux
Red Lake Res.
Chippewa
White Earth
Chippewa
Oilbwa of the Red River
Ojibwa (Chippewa)
Leech Lake
Chippewa
Nett Lake
Chippewa
Deer Cl
Chippewa
Grand P
Chippewa
Red Cliff
Chippewa
Pond du Lac
Chippewa
Mille Lac
Chippewa
Fond du Lac Chippewa
Prior Lake
Granite Falls
Morton
Pipestone Agency
Sioux
Pipestone
Flandreau Indian School
Santee Sioux
Prairie Island
Fort Belknap Res.
Assiniboine
Assiniboine & Sioux
Fort Peck Res.
Assiniboine & Sioux
Rocky Boys Res.
Chippewa & Cree
Flathead Res.
Salish & Kootenai
Great Falls, Rocky Boys, Wolf Point, Little Rockies, Hill 57
Landless Chippewa & Cree
Blackfoot Res.
Blackfoot
Kootenai Res.
Kutenai
Coeur d'Alene Res.
Salish
Spokane Res.
Salish
Kalispel Res.
Salish
Colville Res.
Salish
Swinomish Res.
Salish
Tulalip Res.
Salish
Port Madison Res.
Salish
Muckleshoot Res.
Salish
Puyallup Reservation
Salish
Quileute Reservation
Quileute
Quinault Reservation
Quinault
Shoalwater Reservation
Chehalis
Lummi Reservation
Lummi
Nooksack Tribe
Nooksack
Cheyenne & Arapaho
Kiowa
Comanche
Apache
Fort Sill Apache
Kiowa
Comanche
Apache
Zia
Jemez
Santa Clara
San Juan
Taos
Picuris (San Lorenzo)
Havasupai
Hopi
Hualapai
Navajo
Zuni
Acoma
Laguna
Isleta
Sandia
Santo Domingo
Cochiti
San Ildefonso
Pojoaque
Nambe
Tesuque
Jemez
Santa Clara
San Juan
Taos
Picuris
Zuni
Acoma
Laguna
Isleta
Sandia
Santo Domingo
Cochiti
Tonkawa
Kiowa
Comanche
Apache
Fort Sill Apache
Wichita
Caddo
Delaware
Absentee Shawnee
Citizen Potawatomi
Iowa
Sac and Fox
Kickapoo
Ponca
Otoe & Missouria
Pawnee
Oklahoma Cherokee
Eastern Cherokee
Chickasaw
Choctaw
Seminole
Creek
Quapaw
Seneca
Wyandot
Modoc
Ottawa
Peoria
Miami
Eastern Shawnee


Eskimo Registration District of Fort Harrison and Moose Factory
Eskimo 1500
Eskimo and Cree 49
Eskimo 142
Cree 181
Eskimo 185
Eskimo 138
Eskimo 475
Eskimo 297
Naskapi 191
Eskimo 175
Naskapi 112
Eskimo 116
Eskimo 98
Eskimo 55
Montagnais 135
Montagnais 77
Montagnais 171
Montagnais 136
Montagnais 734
Montagnais 156
Chipewyan 198
Cree 183
Chipewyan 540
Chipewyan 87
Chipewyan 225
Chipewyan 592
Cree 398
Cree 123
Cree 82
Cree 308
Cree 475
Cree 284
Sioux 56
Sioux 243
Sioux 475
Cree 108
Cree 189
Cree 130
Cree 140
Cree 185
Cree 451
Ojibwa 211
Ojibwa 86
Ojibwa (4 bands) 722
Cree 204
Cree 244
Cree 71
Cree 467
Cree 486
Ojibwa 1254
Cree 919
Cree 340
Cree 551
Cree 115
Plains Cree 526
Plains Cree 211
Plains Cree 91
Ojibwa 378
Ojibwa 141
Ojibwa 154
Ojibwa 1041
Ojibwa 601
Ojibwa 342
Cree 229
Ojibwa 153
Ojibwa 782
Ojibwa 491
Cree 619
Ojibwa and Cree 684
Cree 175
Cree 535
Cree 510
Cree 113
Naskapi 604
Naskapi 334
Ojibwa 296
Ojibwa 27
Montagnais 805
Montagnais 75
Montagnais 1113
Micmac 124
Micmac 17
Micmac 95
Micmac 203
Micmac 243
Micmac 386
Micmac 18
Micmac 240
Micmac 816
Micmac 1042
Micmac 1269
Micmac 273
Malecite 48
Malecite 375
Malecite 144
Malecite 63
Malecite 359
Micmac 17
Malecite 154
Malecite 11
Micmac 1372
Micmac 9
Micmac 43
Micmac 18
Micmac 114
Passamaquoddy 700
Penobscot 523
Tete de Boule 158
Tete de Boule 331
Tete de Boule 202
Tete de Boule 278
Tete de Boule 143
Tete de Boule 658
Huron 385
Abenaki 40
Abenaki 524
Ojibwa 191
Ojibwa 314
Ojibwa 113
Algonkin 169
Algonkin 134
Ojibwa and Cree 55
Ojibwa and Cree 120
Ojibwa and Cree 46
Ojibwa 109
Cree 63
Ojibwa (2 bands) 174
Cree 71
Ojibwa 47
Ojibwa 53
Ojibwa 270
Ojibwa 106
Ojibwa 396
Ojibwa 58
Ojibwa 9
Ojibwa 37
Ojibwa 45
Ojibwa 38
Ojibwa 237
Ojibwa 34
Ojibwa 97
Ojibwa 112
Ojibwa 50
Ojibwa 200
Mohawk and Algonkin 507
Mohawk 3198
Algonkin 299
Iroquois 1780
Mohawk 1601
St. Regis Res.
Mohawk 1865
Mohawk and Ojibwa 241
Ojibwa 412
Ojibwa 63
Chandoga Res.
Chandoga 744
Oneida Res.
Oneida 369
Ojibwa 224
Ojibwa 74
Tonawanda Res.
Seneca 688
Cayuga res.
Cayuga 237
Wampanoag & Mashpee 1291
Narragansett 385
Pequot-Mohigan & others 333
Mohegan 150
Paugussetuck 60
Delaware 51
Cherokee* 104
Nanticoke 395
Powhatan (scattered) 3000
Nativa 1072 (Saponi?)
"Cubeno" 411 (Saponi?)
"Cherokee" 500 (Tissues)
Ojibwa 1269
Ojibwa 1129
Ojibwa and Cree 707
Cree (4 bands) 695
Cree (4 bands) 1166
Cree, Ojibwa (4 bands) 1055
Ojibwa 529
Sioux 68
Sioux 38
Cree 440
Sioux 31
Sioux 161
Sioux 81
Sioux 258
Ojibwa 295
Ojibwa 161
Ojibwa 259
Ojibwa 194
Cree 162
Ojibwa 252
Cree 361
Cree 268
Cree 242
Cree 342
Cree 318
Cree 329
Ojibwa 120
Ojibwa 284
Ojibwa 132
Ojibwa 202
Ojibwa 195
Ojibwa 351
Ojibwa 32
Ojibwa 123
Ojibwa 413
Ojibwa 368
Ojibwa 126
Ojibwa 122
Ojibwa 1962
Ojibwa 152
Ojibwa 1962
Sioux 103
Sioux 451
Sioux 124
Sioux (2 bands) 446
Ojibwa 227
Ojibwa 649
Ojibwa 209
Ojibwa 229
Ojibwa 140
Ojibwa 93
Ojibwa 195
Ojibwa 100
Ojibwa 248
Ojibwa 176
Ojibwa 331
Ojibwa 200
Ojibwa 60
Ojibwa 224
Ojibwa 37
Ojibwa 408
Red Lake Res.
Chippewa 2826
Grand Portage
Chippewa 501
L'Anse or Keweenaw Bay
Chippewa 1323
Red Cliff
Chippewa 653
Bad River
Chippewa 809
Menominee Res.
Menominee 3029
Bay Mills
Chippewa 864
Ojibwa 1780
Ojibwa and Cree 113
Ojibwa 422
Ojibwa (2 bands) 525
Ojibwa 191
Ojibwa 67
Ojibwa 1780
Manitoulin Island Agency
Ojibwa (10 bands) 2826
Ojibwa 545
Ojibwa 351
Ojibwa 496
Ojibwa 360
Ojibwa 160
Ojibwa 21
Ojibwa 386
Chippewa 6000
Ojibwa 620
Ojibwa 394
Isabella Res.
Saginaw Chippewa 655
Ojibwa and Potawatomi 697
Potawatomi of the Huron 95
Lumbee 2000 (Croatan)
Cattaraugus Res.
Seneca Nation 3188
Tuscarora Res
Tuscarora 452
Ojibwa 536
Delaware 133
Cayuga 1504
Hannahville Indian Community
Potawatomi 145
Potawatomi Pokagon Band 220
Miami 700
Brotherton 109
Oil Springs Res.
Allegany Res.
Cornplanter Res.
Delaware 337
Ojibwa 1088
Cheida 6000
Ojibwa 394
Ojibwa 1504
Ojibwa 396
Ojibwa 58
Ojibwa 1780
Ojibwa 1780
Ojibwa 1780



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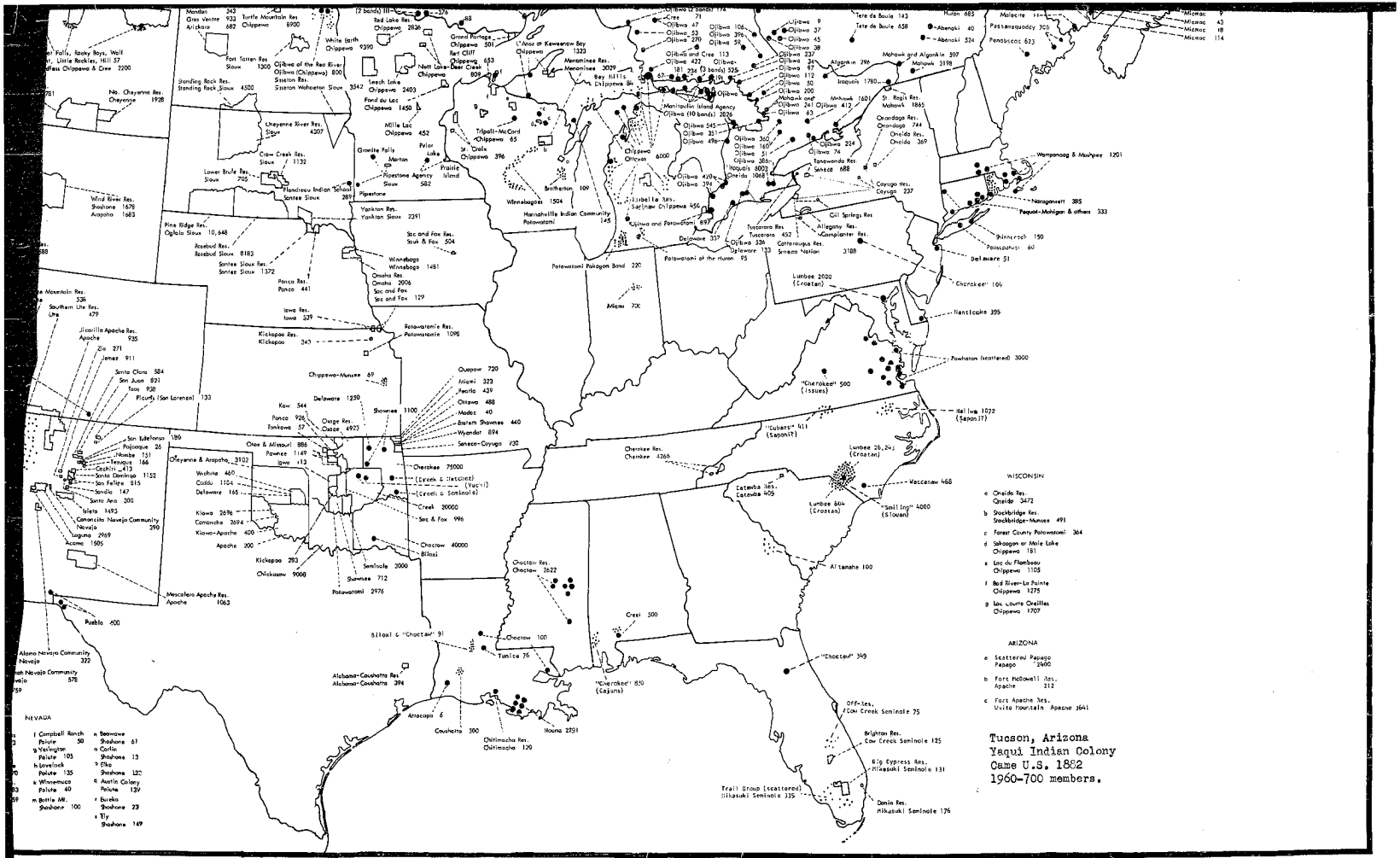
Fifth Printing

This map is intended to include all self-identified American Indian communities as of 1950. After the U. S. Census of 1960 is available, the map will be revised to show also how many Indians live outside of these communities.

The map was originally begun in 1956 and revised successively in 1958 and 1959 to provide accurate information about the American Indian population and to serve as a base for study of Indian problems. How many Indians are there? Are they increasing or decreasing? Where do they live and work? What are their different legal, social, and economic situations? All of these questions require for study a base like this map.

Each revision of this map should bring corrections as to location, size, and identification of Indian groups with which readers are familiar. We gratefully acknowledge the co-operation of those individuals who have contributed their personal knowledge in the past. Nevertheless, the map is still incomplete, and we invite further comments and corrections.


WISCONSIN
a Oneida Res. Oneida 3472
b Stockbridge Res. Stockbridge-Munsee 491
c Forest County Potawatomi 364
d Sokaogon or Mole Lake Chippewa 181
e Lac du Flambeau Chippewa 1105
f Bad River-La Pointe Chippewa 1275
g Lac Courte Oreilles Chippewa 1707
ARIZONA
a Scattered Papago Papago 2490
b Fort McDowell Res. Apache 212
c Fort Apache Res. White Mountain Apache 3641
NEVADA
f Campbell Ranch Paiute 50
g Yerington Paiute 105
h Lovelock Paiute 135
k Winnemucca Paiute 49
m Battle Mt. Shoshone 100
n Beowawe Shoshone 61
o Carlin Shoshone 13
p Elko Shoshone 120
q Austin Colony Paiute 139
r Eureka Shoshone 23
s Ely Shoshone 149
Tucson, Arizona
Yaqui Indian Colony
Came U.S. 1882
1960-700 members.

Appendix 6

Macropolicy Guide (Indian Ideas)

Unless there is substantial agreement on the major broad purposes of American Indian policy, intense professional analysis of special issues cannot be translated into action beyond the usual admonitions that Indians obviously need better health, income, education and so forth. The following macropolicy guide offers genuine Indian ideas for replacement of the ideas of undefined assimilation and death of the Indian cultures so prevalent throughout the past five hundred years of Indian history.

1. Develop consistent federal government policy towards all American Indians regardless of historic and present government relationship. Present relationships allow governmental discrimination between tribes and also individuals, frequently depending upon some arbitrary, undemocratic historical relationship. Federally terminated, non-treaty, Hill 57, public domain, state trust and desert Indians are all Indians, and should be treated so without federal discrimination of any sort. In this manner the spectre of "termination" is banished. Firm responsibility of the federal government is established.

2. Enlightened development of American Indian human and natural resources must be placed on a consistent but flexible, unrushed, long term approach to reach the goals

of the Indians themselves. The federal Bumble Bee shock treatment development approach must be abandoned forever.

3. The American Indians democratic rights must be fully respected, always.

4. The love of beauty of the American Indian culture must again be allowed to flower and blossom forth, instead of being poisoned, assimilated and dissipated.

5. The general public must shoulder the burden of seeing that its representatives carry out with fidelity the policies towards the American Indian beneficial to the general welfare rather than beneficial for hearts of insatiable avarice, anglo or Indian.

6. The opportunity for the United States to set a fine example for the rest of the world having problems with racial "minorities" must not be lost to the efforts of a handful of evil men who follow the Buffalo Party Philosophy. In a democracy racial "minority" should not necessarily always be synonymous with political minority. In certain respects they differ.

7. The American Indians were the first conservationists and knew well the profitable use of leisure. Indians must be strongly encouraged to accept positions of responsibility and leadership in developing these areas of increasing national interest. Examples: Outdoor recreation, fish and wildlife management, parks, forestry, land management, and tourism.

8. Revive Indian leadership by rekindling Indian hope, trust, pride and spirit. Respect for Indian opinion is an absolute must.

9. Unassimilate Indians now totally integrated into the material and spiritual poverty of low income, under-privileged groups of American society.

10. Develop future government Indian policies on the basis of unhurried voluntary consent within the concept of self-determination.

11. Professionally imbue Indian leadership with the theories and concepts of the social sciences to facilitate sound decision making and policy formation.

12. Develop Indian political strength to provide meaningful opposition to policies repugnant to the rebirth of American Indian freedom, democracy and influence.

13. The general public should become aware of the effects of its condescending attitudes towards the American Indian.

14. Communication and mutual assistance should increase among all of the native peoples of the Americas including Hawaii, who though differing in certain respects culturally, face many similar problems involving health, income, education, opportunity and culture preservation.

15. Establish a universal learning institution with facilities in all countries having native populations. Chief emphasis would be on science and social research; accumulating vast quantities of documents, books and material

relating to native cultures; and professional assistance to communities, governments and persons. The university would be specially organized around concepts of native teaching and democracy. The medieval Europe university system based upon hierarchy, hatred and fear rather than upon love of learning and knowledge would not be practical for the places of learning envisioned. Major stress could be upon studies of the art of and grace of living itself. In the age of automation such studies are vital. Perhaps a blending of the older and apparently highly-satisfactory native philosophies with the age of automation and leisure could present meaningful alternatives for the future of all Americans, especially those who are not quite sure what their philosophy of living is.

16. The Indians of the Americas must be encouraged in every possible voluntary way to contribute to and take part fully in the life of American society. Such participation does not mean simply a factory job or voting. It extends further, into the very heart of values, philosophy and ideals of democracy. What can the first Americans teach us? Will we listen? Can we all be native Americans one day?