

I. THE FORMATIVE YEARS - POLICY DEVELOPMENT THROUGH 1871*

The view of American History from the Native American side of the frontier offers a curiously reversed image of the rise and fall of nations. Commonly, historians of the United States describe the period 1607 to 1776 as the "colonial period." For most Indian tribes, this same stretch of years represents a period of relative independence and equality between red nations and white colonies. The "winning of independence" in 1783 transferred power to white Americans organized as a new nation and reduced the independence of the Indian nations. For nearly all the tribes, the period 1848-1871, marked by the inauguration of the reservation system and concluding with the abolition of the treaty system, represents for the tribes the beginning of a long "colonial period." America's "rise to world power" entailed the reduction of the Native Americans to the status of a captive population, euphemistically termed "wards."

During the seventeenth and eighteenth centuries, European powers followed the practice of treating Indian tribes as sovereign political communities, or nations. Formal treaty negotiations established boundaries and trade relationships. This policy of treating the various bands and tribes as nations reflected the Indians' military and diplomatic strength, as well as the competition among European sovereigns -- and even among the various British colonies -- for the natives' allegiance, trade, and military support.

The practice of treaty-making often reflected gross ignorance of native political organization and the extent to which chiefs enjoyed centralized, coercive political power and moreover, the negotiating process itself often encouraged factional rivalries among local Indian leaders. Nonetheless, the challenge of maintaining profitable relations with European powers also encouraged attempts on the part of tribal leaders to develop more centralized authority.

*Prepared by Professor Mary E. Young, University of Rochester

PROF. YOUNG
U-OF ROCHESTER
- FOUNDATION TO 1871
POLICY D. 1871

Though colonial governments attached great importance to acquiring land, the international trade in hides and furs dictated most economic relationships between Europeans and Indians in the seventeenth and eighteenth centuries. The tribes accommodated their hunting practices and patterns of residence and warfare to the demands of the fur trade, and soon found themselves dependent upon European tools and fabrics. While many coastal tribes became fragmented, accepted reservation status, or virtually disappeared before the advance of settlement, the larger Indian nations of the Great Lakes and Appalachian regions retained their political independence.

Immediately following the War for Independence, United States negotiators tried to impose the status of conquered nations on the several tribes who had allied with the British. According to the "conquest theory" the native had forfeited all legitimate claims to their tribal territories within the areas surrendered by the British. However, tribes north of the Ohio did enough damage to the United States army in the 1780's and early 1790's to convince the President and Secretary of War that the "conquest" doctrine was unworkable. Consequently, Secretary of War Henry Knox proposed to treat the tribes as foreign nations, to secure their consent to such land cession as they might be willing to grant, and to make them good neighbors by "civilizing" them. Knox proposed to equip the natives with hoes, ploughs, and spinning wheels, and send them agents who might convince them to adopt laws modeled after white man's laws, private property, schools, and the Bible.

After the Louisiana Purchase (1803), President Thomas Jefferson elaborated on Knox's formula. Jefferson realized that the Indians' shift from subsistence hunting to gathering furs and skins for an apparently insatiable market was gradually exhausting the supply of game in much of the area east of the Mississippi. The President encouraged United States "factories" engaged in the Indian trade to extend credit, and suggests that the tribes settle their mounting debts by selling

land. Even after 1822, when the government got out of the fur business, this method of settling debts subsidized a generation of private trading companies, whose obligations were routinely written into the provisions of various treaties. Jefferson and his successors believed that selling their hunting lands would give the Indian enough money to develop what remained, and that the loss of hunting territory would provide incentive to take up intensive agriculture and introduce the idea of treating improved farm land as private property. Those who could not make the grade as civilized farmers could then move into territory west of the Mississippi.

Statesmen of the new American republic though their system of managing Indian affairs superior to that of the British, for Americans took their civilizing mission seriously. Washington, Jefferson, and their successors frequently congratulated themselves on the benevolence of their policies and intentions. Thus, even as they acknowledged a degree of political autonomy in the tribes, their conviction of the natives' cultural inferiority led them to interfere in their social, religious, and economic practices. Federal agents to the tribes not only negotiated treaties and tendered payments; they pressured husbands to take up the plow and wives to learn to spin. The more conscientious agents offered gratuitous lectures on the virtues of monogamy, industry, and temperance. Beginning in 1819, Congress regularly appropriated \$10,000 a year to support Christian missionary teachers of various denominations who sought to remake Indian culture on the Anglo-American model. Not until the 1890's did anyone seek to disestablish this unconstitutional alliance between religious societies and the state.

In political terms, Jefferson's program of "civilization" reflected not only the demands of an expanding white population, but the capture of the United States government by men more deeply concerned with acquiring agricultural land than with the export of furs. Jefferson and his immediate successors hoped that some combina-

tion of the progress of "civilization" among the Indians, the shortage of fur-bearing animals in the East, and judicious bribery of tribal leaders would gradually and peaceably assure the United States' acquisition of Indian lands and the assimilation or removal of the natives.

This gradual process failed. The bribery of tribal chiefs fostered militant factional resistance among the Ohio River tribes, who allied with the British during the War of 1812. Simultaneously, the Creek Nation, of Georgia and Alabama, carried on its own war against the whites of the southeast. These tribes, who followed much of Jefferson's prescription for acculturation, responded to pressures for land cessions by centralizing the control of their national governments in the hands of sophisticated leaders dedicated to maintaining the territorial and administrative integrity of their nations.

The Cherokees, noted for their "progress" in farming, literacy, journalism, constitution-making and Christianity, proved adamantly insistent of maintaining their national territory in Georgia, North Carolina, Alabama and Tennessee. When the Federal government under Andrew Jackson's direction and the state government of Georgia pressured them outrageously, the Cherokees proved sophisticated enough to take their case to the Supreme Court.

Today, Andrew Jackson is best known as the "Hero of New Orleans," in honor of a battle he won against the British after the conclusion of a treaty of peace. At the Battle of Horseshoe Bend, Jackson not only defeated the Creek Nation, but paved the way for the cession of millions of acres of cotton land from the southeastern tribes to the United States.

When Jackson attained the Presidency in 1828, he had received his strongest support in states with large Indian populations. He served his constituents with a two-pronged attack on tribes that would not voluntarily sell their land and move

west. He encouraged Georgia, Alabama, and Mississippi to extend their jurisdictions over the Cherokee, Creek, Chickasaw and Choctaw Tribes within their borders. The states subjected individual Indians to state laws and in some cases, denied them the right to testify in court or to vote. Such laws encouraged intrusion on Indian lands, the abuse of persons, and the theft of property. Jackson also persuaded Congress in 1830 to pass an Indian Removal Act (4 U.S. Stat. 411-413), appropriating half a million dollars to enable the President to negotiate with tribes east of the Mississippi for removal. The funds permitted officials of the War Department to bribe tribal leaders and buy out individual Indians' farms and improvements, such as stores or ferries. These actions undermined the unity of tribal governments that resisted removal. In defense of his policies, Jackson insisted that the civilization program had affected only a small minority of mixed-blood Indians who enjoyed undeserved prosperity and tribal authority; that to continue to treat the "miserable remnants" of Eastern tribes as sovereign nations and their corrupt leaders as heads of sovereign states was unrealistic to the point of absurdity.

Jackson and his supporters were correct in their perception that the tribes -- whether a few hundred "remnant" Peorias or several thousand "remnant" Cherokees -- could no longer protect their sovereignty through military actions. United States laws and treaties theoretically afforded them the protection they needed. Treaties defined and guaranteed borders between Indian nations and the surrounding states and the Intercourse Act of 1802 (2 U.S. Stat. 141-142) prohibited intrusion on Indian land. Federal courts pursuant to treaty agreements were exercising jurisdiction over crimes committed by whites in the Indian country. Yet none of these legal remedies proved effective. Insofar as the tribes had accepted qualifications upon their sovereignty -- such as extraterritorial court jurisdiction -- for the sake of receiving United States protection, they relied upon remedies of small practical use.

The Cherokees, believing that both the extension of state laws and the President's refusal to use his powers under the Intercourse Acts to expel intruders from their midst, violated United States treaty obligations, took two cases to the Supreme Court. In the first, Cherokee Nation v. Georgia (5 Peters, 1-89; 1831), the court held that the Cherokees could not sue on their own behalf as a foreign nation because they were not a foreign nation. In a second, Worcester v. Georgia (6 Peters, 515-597; 1832), a majority of the court upheld the Cherokee reading of the constitution. Chief Justice John Marshall argued that while in fact Indian tribes within United States borders could no longer be classed as truly independent foreign nations, they had proved capable in law and fact of self-government within the borders guaranteed them by treaty; and they should be acknowledged as "domestic dependent nations" with full powers over their internal policy, subject to no state's jurisdiction. Unfortunately for the Indian nations, Andrew Jackson refused to acknowledge the validity of Marshall's contentions or to employ the army to protect tribal territories. Georgia courts refused to register the writ of the Supreme Court in the Worcester case. The state extended its jurisdiction to the point of granting Cherokee lands to white citizens of Georgia, and Jackson's agents promoted both state interference and tribal factions.

In December, 1835, a United States Commissioner signed a removal treaty with 79 Cherokee (Kappler, 1904: pp. 439-449) who had no legal standing as tribal representatives under the written constitution the tribe had adopted in 1827. The Senate confirmed the treaty. By such tactics, Jackson and his immediate successors secured the removal of nearly all the large independent tribal groups east of the Mississippi.

The removal treaties provided for the exchange of lands, often on an acre-for-acre basis, wherein the tribes traded their holdings within eastern states and organized territories for grants in the area of present-day Oklahoma, Kansas, Nebraska and Wisconsin. At the time, the exchange placed the Indian nations outside the bound-

daries of organized states and territories and thus, theoretically, enhanced the likelihood that they might enjoy self-government. Jackson and his Secretaries of War frequently tried to persuade tribal leaders that only removal would preserve the existence of their nations. Yet the removal process itself undermined the social and political structure of the tribes. Many chiefs who signed removal treaties so discredited themselves that they had to sever their relations with their tribes and did not themselves remove. For example, Greenwood Laflore of the Choctaw Nation became a Mississippi planter and served in that state's legislature; the majority of the Choctaw Tribe migrated to Oklahoma without their former chief. Hundreds of Choctaw villagers remained in eastern Mississippi, but as effectively stateless persons. The United States did not recognize the Mississippi Choctaws as a tribe until 1918.

Both the bitter factionalism engendered by conflicts over the signing of removal treaties and the ultimate helplessness of all the tribal leaders who tried to retain their homelands tended to erode the legitimacy of public authority within the tribes. Emigration took a grim toll of life and health among the involuntary Indian emigres. Tribal populations became dispersed geographically between eastern fragments and western "nations." All these processes undermined the unity and stability of the tribal nations.

Some advocates of removal had believed that a western Indian territory, governed by a federation of tribes, might be established on a permanent basis with representation in Congress. Once the tribes had been removed, most United States officials lost interest in this project, while the diversity of tribal cultures and the value the tribes attributed to their special claims under treaties, undermined Indian support for the proposed federation. Though proposals for organizing "Indian territory" continued to surface from time to time, the tribal nations remained separate and unequal.

Few persons of Andrew Jackson's generation foresaw the dramatic acceleration in the pace of settlement and territorial exploitation that would ensue from the coming of the railroad. Within the generation following Jackson's death (1845), the eastern tribes which presumably had removed to permanent homes in Kansas and Nebraska were divested of their newly acquired lands to accommodate settlement along the lines of the transcontinental railroads and their branches. The Mexican cession (1848) brought the southwestern tribes clearly within United States jurisdiction. The discovery of gold in 1848 drew thousands of migrants along trails passing through Indian country, and directly into territory occupied by the Indians of California. Protection of the Oregon and California trails, the various railroad surveys, and scores of burgeoning mining communities required that the tribes be brought under United States control. The western tribes had little experience with treaty negotiation and comparatively slight contact with Anglo-Americans. Most tribesmen showed minimal interest in accommodating their own cultural patterns to pretend that the Dakota or the Comanche might be "civilized" before ceding their hunting grounds. Two decades of warfare reduced their defensive strength and forced them onto reservations whose resources could not sustain their traditional mode of life.

While United States agents recognized as de facto the authority of tribal leadership, reservation populations were treated as wards of the government rather than as citizens of a separate sovereignty. The United States continued to negotiate treaties with the tribes until 1871, but in the 1850's and 1860's, the treaty process became a device for eroding the independence of tribal governments and for legitimizing interference both by Congress and by the executive in the day-to-day management of tribal society.

When the Department of the Interior took form in 1849, Congress officially shifted control of Indian affairs from the War Department to the new "Home" Depart-

ment. The transfer reflected congressional hopes, as Senator Jefferson Davis expressed them, that "war being the exception, peace the ordinary condition, the policy should be for the latter, not the former condition." (30 Cong., 2 Sess., Congressional Globe, Appendix, p. 678). More certainly, the reorganization placed Indian affairs firmly in the realm of domestic business and, as Davis put it, indicated Congress' intention that dealings with Indians should "assume a character consonant with the relations of guardian and ward." (Ibid., p. 678)

The shift signaled no diminution of Indian warfare -- more nearly the reverse. The army continued active both in fighting and in managing Indians; veteran Civil War officers returned to their vocations as Indian fighters and Indian agents. President Grant's Peace Policy, inaugurated in 1869, supplanted military agents with men nominated by the various religious denominations. Grant accompanied this genteel reform with the appointment of a Board of Indian Commissioners. The commissioners, mainly businessmen of humanitarian propensities and an established interest in educational and other reforms relating to children, undertook to review Indian policies and to supervise contract compliance on the part of those who supplied rations, clothing, and other goods to the reservations. The Grant reforms reflected the government's inclination to regard Indian populations as dependent wards of a hopefully benevolent American sovereign.

Jefferson's dream of assimilation -- of transforming tribal peoples into independent, literate, land-owning farm families -- continued to influence policy in the 1850's and 1860's. The various Commissioners of Indian Affairs reiterated their conviction that private property in land offered the key to civilization. Each head of an Indian family or single person over 21 should receive a plot of land; the remaining tribal property should be sold to support education and agricultural improvement -- in other words, to discharge the government's financial obligations to the tribe at tribal expense. This self-financing method of obtaining

Indian title had been applied in various ways to the Creek, Choctaw and Chickasaw Tribes of the Southeast on the occasion of their removal in the 1830's. It produced an orgy of speculation in Indian land claims, but few Indian homesteaders. Commissioner George W. Manypenny nonetheless supplied the same remedy in the 1850's to tribes in Kansas and Nebraska whose domains lay in the path of proposed transcontinental railroads. In addition, treaties of the 1850's and 1860's with tribes of the eastern Plains, Minnesota, and the Northwest provided for prospective allotment of land at the President's discretion. The model for such treaties, often cited in subsequent agreements, was the Omaha Treaty of 1854, which provided that the President might "from time to time at his discretion" have all or part of the territory reserved to the Omahas surveyed and allotted, in quantities of from 80 to 640 acres, proportioned to family size, and award the allotments to those who would locate on them as a permanent home. Although the allottee would receive restricted patents, the treaty provisions foresaw the likelihood that states might revise the restrictions with the consent of Congress. (Kappler, 1904: pp. 612-613)

The notion that Indians who received individual allotments should eventually become citizens of the states where they lived -- and the concomitant assumption that tribes should cease to exercise jurisdiction over them -- was embodied in general allotment agreements as early as the Choctaw Treaty of Dancing Rabbit Creek in 1830 (Kappler, 1904: 310-318). Beginning with a Georgia law of 1828, several of the southeastern states extended jurisdiction over "their" Indians, and granted them more or less restricted rights of citizenship. Such laws were aimed principally at removing the Indians, and they proved relatively successful, despite the fact that the Supreme Court decision in Worcester v. Georgia invalidated the state's attempt at assuming jurisdiction.

In the wake of the resumption of general allotment treaties in the 1850's, the court spoke again on the questions of jurisdiction and citizenship, reaffirming

Marshall's position. Several Kansas counties attempted to tax lands allotted under various treaties to the Shawnee, Wea, and Miami. Upholding the Indians' contention that allotments were not taxable, the court argued that regardless of particular treaty restrictions on the allottee's right to convey land or encumber its title, all Indian lands, including allotments, were exempt from state jurisdiction. The court held that the Federal government's intention in removing the tribes was to place them beyond state jurisdiction and that the law organizing Kansas Territory and admitting Kansas to statehood explicitly commanded that Indian rights remain unimpaired. Further, the court maintained that so long as tribal organizations persisted, the regulation of Indian property lay with the tribes and the Federal government, precluding state jurisdiction. Indians might live among a largely white population, follow most of the customs of their white neighbors, sue in state courts and vote in elections without losing the status of tribal citizens. "If the tribal organization of the Shawnees is preserved intact, and recognized by the political department of the government as existing, then they are 'a people distinct from others' capable of making treaties, separated from the jurisdiction of Kansas, and to be governed exclusively by the government of the union." (The Kansas Indians," 5 Wallace, 756)

The court pointed out that the Shawnee had their own elective government and their own laws and customs; only another treaty or voluntary abandonment of tribal organization might change their status. Clearly, the court did not regard the possession of tribal land in common as an essential feature of tribal organization.

In the contemporary case involving the Wea, the court identified the intent of the allotment treaties as hostile to tribal organization, but insisted that allotment as such did not terminate the tribe. "The basis of the treaty, doubtless was, that the separation of estates and interests would so weaken the tribal organization as to affect its voluntary abandonment and, as a natural result, the incorporation

of the Indians with the great body of the people.

"But this result, desirable as it may be, has not yet been accomplished with the Wea Tribe, and, therefore, their lands cannot be taxed." (Yellow Beaver v. Commissioners of Miami County, 5 Wallace, 758)

Nonetheless, a generation in advance of congressional legislation providing for allotment of Indian lands at the discretion of the executive, treaties negotiated with theoretically sovereign tribes granted the President the effective right to dissolve tribal territories.

Other treaties of the period granted far-reaching discretion in the President and Congress to govern the tribes and to regulate the lives of individual Indians. The fifth article of the 1855 agreement with the Ottawas and Chippewas provided for the dissolution of their tribal organization, except for purposes of effecting the provisions of the treaty. (Kappler, 1904, p. 729). The Sac and Fox Treaty of 1859 asserted, "in order to render unnecessary any further treaty engagements... it is hereby agreed" that the President with the assent of Congress would have full power to modify any previous treaty "to whatever extent he may judge to be necessary and expedient for their welfare and best interests." (Ibid., p. 798) The Cheyenne and Arapaho Treaty of 1867 granted Congress power to legislate "on all subjects connected with the government of said Indians on said reservations, and internal police thereof, as may be though proper." (Ibid., p. 986)

Meanwhile, the Yankton Sioux Treaty of 1858 permitted the President to discontinue annuity payments to any Indians who "fail to make reasonable and satisfactory efforts to advance and improve their condition," and delegated to the Secretary of the Interior authority to impose the same penalty on families who refused to send children to school. (Ibid., pp. 777-778)

The threat to withhold annuities revealed a basic tribal weakness. From the 1790's, treaties generally specified that the United States would compensate the

tribes for land cessions in yearly installments. Not only did individual tribal members sometimes come to depend on their share of such payment for cash income, the tribal governments themselves usually subsisted on annuity income rather than impose taxes. Federal officials could routinely pay or withhold annuities for purposes of influencing tribal decisions. Conflicts over the use of funds owed or paid by the United States became a source of tribal factionalism.

The House of Representatives, in a rider to the appropriation bill of 1871, secured the Senate's concurrence to abolishing the treaty system. Supporters of the rider took the position that the treaty-making powers of the President and Senate could not bind the House to appropriate money. Debate on this proposition broadened into a general discussion of the policy of making treaties with Indian tribes. These debates are of interest because they reveal how far the lawmakers had removed themselves from the conciliatory impulses of Knox, Washington, and Jefferson.

Representative Aaron A. Sargent of California ridiculed the "so-called" treaties with the 38 men, women, and children who constituted the "'great nation of Umpquas,'" and the 238 Rogue Rivers, whose "chiefs" had to be appointed by the Commissioners in order that the tribe have representatives who could sign a treaty. Declaimed Sargent: "We pay tribute to these Indians not to make war upon us, not to murder our citizens.... Yet they are simply the wards of the government, to whom we furnish the means of existence, and not independent nations with whom we are to treat as our equals.... Has not the comedy of 'treaties,' 'potentates,' 'nations,' been played long enough?" (41 Cong., 3 Sess., Congressional Globe, p. 743)

In the Senate, William Stewart of Nevada supported his fellow westerner's admonitions: "I regard all these Indian treaties as a sham." (Ibid., 1112) Stewart also repudiated appropriations for the tribes, and supported a measure to allot all the tribal lands in what is now Oklahoma. Stewart's ideas and even his language

echoed the Jacksonian rhetoric of the removal period. He regarded Indian chiefs as corrupt aristocrats, and allotment as the key to civilization. When every Indian becomes a homesteader, he argued, "you can break up this aristocracy, break up these swindling treaties, and let these Indians have their present annuities on the proceeds of these lands." (Ibid., 1578) In words reminiscent of Jackson's first message on Indian removal, Stewart intoned: "The idea of thirty or forty thousand men owning in common what will furnish homes for five or ten millions of American citizens, cannot be tolerated." (Ibid., p. 1758)

Stewart's opponent argued that abolishing the treaty system would prove "the first step in a great scheme of spoliation in which the Indians will be plundered" of their land. (Ibid., 1825) They held that Congress could not amend the constitution unilaterally by limiting the treaty-making power of the Executive. Nearly all the 'friends' of the Indian concurred; however, in representing most of the tribes as diminishing in significant numbers. (Ibid., 1822) They merely affirmed that the United States had an historically-established obligation to grant protection to the vanishing Americans.

In the end, Congress did not repudiate the treaties then pending ratification. Instead, a conference committee of both houses agreed to an amendment to the appropriation bill which affirmed: "that hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." (Ibid., 1821) Thus ended the treaty system. Henceforth, instruments negotiated between the Executive and tribal representatives would be known as "executive agreements." In the immediate situation, the abolition of the treaty system reflected the reluctance of the House to appropriate money for projects agreed upon in treaties ratified exclusively by the Senate. In the context of contemporary trends in Indian

policy, the abolition of the treaty system reflected the increasing suppression of the sovereign political status of the tribes, and signaled an era in which the United States was to deal with Indian groups unilaterally, by legislation, and with Indian persons not as citizens of their own nations but as wards of the United States government.

The development of United States policy toward the tribes in the first century of independence reflected two variables: changing market conditions that rendered direct control of Indian land and mineral resources more profitable than trade in the goods Indians might extract or produce; and the changing balance of military power as the United States gained in numbers and wealth while the tribesmen lost their erstwhile French, English, and Spanish allies. The reeducation of the status of the tribes from independent sovereigns to domestic dependent nations, and finally to wards of the government, reflects these basic changes.

The official ideology of Federal-Indian policy reflected humanitarian aims. Almost universally, those in charge of Indian affairs assumed that Anglo-American civilization represented a higher level of cultural and moral development and a more viable economic system than tribal cultures might encompass. Federal agents therefore regarded their "civilizing" mission as a humane one.

Through treaty provisions and independent appropriations, the United States supported schools, supplied iron, hoes, ploughs, spinning wheels, and instructions in an effort to help Indians become independent, literate farmers or spinners, and practitioners of monogamy, Christianity, and pecuniary accumulation. Federal officials conceived this noble effort as complementary to the aim of transferring the major part of tribal resources to United States citizens. Industrious farmers need less land than hunters.

As it worked out in practice, the "civilization" policy wholly disregarded the values and the strengths of Indian cultures. Furthermore, the measures undertaken to civilize Indians either served the overall objective of depriving them of their land, or, where the goals of the policy did not fit the objective, the goals were subordinated. The clearest instance of such subordination can be found in the story of the Cherokees. In the 1820's, that tribe established a peaceful, thriving, self-sustaining community whose governing elite actively promoted constitutionalism, commercial farming, education, and Christianity. The United States virtually denied the abundant evidence of Cherokee success, deliberately assaulted the administrative integrity of the Cherokee government, and fostered enduring tribal factions -- all in a successful effort to secure a treaty of cession for tribal lands in Appalachia.

Few tribes in the nineteenth century went as far as the Cherokees in trying to accommodate to the government's notion of civilization. But nearly all received their education for civilization in the context of an overall plan of action that deprived them of their most valuable resources, displaced them from their homes, attacked and subverted their chosen leaders, and denigrated their religious and ceremonial life, family relations, dress, language, and sexual division of labor.

By replacing land with cash payments for land forever lost, by making tribal governments dependent on uncertain and frequently inadequate congressional appropriations, by attacking traditional authorities and subverting native leaders who were not compliant, Federal agents deprived the tribes of the economic, cultural, and political resources for building or sustaining viable independent communities. The agents, moreover, complained that their Indian wards had flunked the civilization test and failed to become decorously self-supporting citizens. The government then proceeded to elaborate a policy for dealing with Indians as dependent paupers.

II. THE STRATEGY OF ASSIMILATION - POLICY DEVELOPMENT: 1871-1920 *

When Congress in 1871 discontinued treaty making with Indian tribes, United States Indian policy was determined unilaterally. This breach in the historic relationship permitted Congress to legislate rather than negotiate in Indian matters, often not even to consult, no matter what effect the legislation might have on the rights and lives of Indian people. For Indian tribes, only the judicial process remained as a defense or curb on the plenary powers of Congress. In the years ahead, the success or failure of policies legislated by Congress would depend upon the ability of the bureaucratic structure to manipulate Indian communities into compliance.

From its formal organization in 1824 the Indian Service has been vested with considerable powers and had gained a reputation for inefficiency and corruption. Its personnel more often than not were ignorant of the people they were supposed to assist and protect. Congress might determine policy, but its results were brought to fruition by the Indian Service. Only to the extent that Congress kept a close watch and demanded accountability, was it able to insure that its purposes would be carried out at the agency or community level. Unfortunately for Congress and Indians alike, Indian Service employees were not always both honest and able.

Although top pay for Indian agency positions in the 1870's was only \$1500 per annum, there was never any shortage of aspiring agents. Perhaps, the attraction lay in the commonly held belief that a few years in the Indian field opened vistas of opportunity for anyone with an acquisitive spirit. At any rate, the means used to defraud Indians and the Federal government ranged from outright theft to shabby ventures just within the letter of the law. One clever agent in the Southwest developed mining enterprises, using tribal funds, and succeeded in recruiting an Indian Office inspector and the son of the Commissioner of Indian Affairs in his promising but illegal business venture. Another stocked the ranches of his friends with cattle issued for tribal use.

* Prepared by Professor Roger Buffalohead, University of Minnesota

Honest mismanagement occurred as frequently, with just as damaging results. Indian farms were established where drought and grasshopper invasions were seasonal. Sawmills were built on reservations where the only timber was cottonwood and willow. Agency buildings and homes were not uncommonly constructed out of green timber and promptly warped into unusable structures. Bakeries were set up at agencies, even though the patrons did not use or buy the product.

Such blundering and outright theft occasioned calls in the Congress for reform in the administration of Indian Affairs, but prior to the Civil War, interest in justice for the Indian was limited to a few souls along the eastern seaboard. Typical of the attitude of most westerners was the comment of an Iowan that Indians "are as worthless as so many tamed wolves."

In the immediate post-Civil War years, the American public was in no mood to launch new crusades. But the frightful reports of bloody incidents like the massacre of Indians at Sand Creek in Colorado, and the misery and suffering of tribes shuttled from location to location, stirred public opinion and kept the so-called Indian problem before the nation.

A few days before the nation celebrated its centennial in Philadelphia, General Custer and his troops died at the Little Bighorn. Public reaction was instant but not unanimous in calls for revenge, suggesting that the American conscience was awakening, if slowly, to the moral question posed by the nation's treatment of native people.

Certain eastern seaboard cities soon emerged as the center of agitation for the rights of Indians, even if local eastern tribes went ignored. In the early 1880's, Helen Hunt Jackson, a Bostonian lady, published her famous book, A CENTURY OF DISHONOR, which recited the wrongs inflicted upon Indian tribes. This was followed by her novel, RAMONA, based on the story of California Indians caught up in the atrocities consequent upon the discovery of gold.

Damned by her critics for lack of balance in reciting the history of Indian-White relations, Helen Hunt Jackson nevertheless call American morality into question. She publicized the Indian cause as it had never been publicized before and through the power of her writing enlisted numerous Americans in the movement to reform Indian affairs.

A fundamental tenet of the reform philosophy of the period was the belief that as long as Indians remained Indians the injustices of the past and present would continue. For their own and the nation's best interest, it was argued, Indians had to be made over, willingly or if necessary by force, into Christian farmers and home-makers. Indian policy should be aimed at removing the barriers to civilization and putting Indian people on an equal footing with their White neighbors. Then and only then would Indians as individuals assimilate into American life and, with the nation's moral obligation met, the Federal government could dispense with protection of Indian land and life.

Even before Congress responded with specific legislation to implement the goals of the reformers, the education of Indian children had shifted from a voluntary to a forced acculturation basis. In part this shift occurred as a result of the extreme dependence in which the Plains tribes found themselves once their hunting and gathering economy was destroyed. Cut off from their primary source of subsistence, the great buffalo herds, the government either had to feed the people or let them starve. Having adopted the principle that it was easier to feed than fight the western tribes, the government soon began to use this leverage to force the Plains tribes towards subsistent farming. Slowly, the dictatorial powers of the agents were broadened into other areas of reservation life, reinforced by the creation of Indian police forces and Indian courts. Refusal to send children to school became one of the many punishable offenses which brought the agent or his representative to Indian doorsteps.

Prior to the Civil War, the education of Indian children was limited to half-hearted attempts to fulfill treaty obligations. Most of the funds appropriated for education went into so-called model farms, mills, and salaries for sundry agency employees. A few Christian groups subcontracted these monies and helped some tribes, like the Cherokee and Creek, to establish model school systems.

In most tribal communities, however, little progress in formal education had been made since the first appropriation of funds was authorized in 1819. The average agency school was usually staffed by the agent's wife and only accidentally with anyone competent in the field. This condition prevailed until the 1870's, when education emerged as a significant feature of Indian policy.

In those early years, most Indian children attended schools in their home communities. Persuasion was used to encourage attendance and the course of study varied little from that available in non-Indian frontier communities. In 1879, however, a school was founded which attracted national attention and greatly influenced the direction of Indian education for many years. The school was Carlisle Indian Training School in Pennsylvania and its founder was Richard H. Pratt, captain in the United States Army.

The novelty of Carlisle lay in the educational philosophy of its founder. Pratt's ideas about educating Indians were simple enough. Older Indians, he argued, were beyond salvation. But the young, if separated from the influences of home and tribe, forced to give up their native tongue and culture, immersed in the habits and beliefs of White Americans, and taught useful trades and skills, could become functioning, self-reliant adults like other Americans. Carlisle became the model for Indian education and in succeeding years, schools on and off the reservation adopted Pratt's philosophy.

In the early and harshest years, the boarding schools took Indian children from their parents, and through educational and work experiences, marked by heavy discipline, tried to de-tribalize Indian youngsters while preparing them for a future away from the Indian community.

The effects of boarding school experience upon the Indian students ranged from frustration to psychological destruction. Even when the harsher features of the system underwent modification in later years, more youngsters emerged from the experience as psychological casualties of American good intentions than as functioning, self-reliant adults, as was intended by the educational policies.

Intervention into the parent-child relationship further undermined Indian family life, already weakened by the transition from older life-style to reservation existence. In time, Indian communities came to view education with great suspicion and hostility -- seeing it as a threat to the Indian community.

Perhaps most unfortunate of all, tribal groups which had previously accepted formal education and made great strides in providing academic training for their young people, saw their efforts thwarted by the educational bureaucracy established by the Federal government. The Cherokee and other tribes, whose locally run and controlled school systems produced astute leaders and provided bi-lingual and bi-cultural education, were forced to turn their schools and children over the Federal control.

At the time, of course, Indian educators did not see their efforts in the light provided by later historical perspective. They fell in with the prevailing wisdom of the times, which was to eradicate Indian cultural influences and to prepare their young people to live like White Americans. Inner turmoil, confusion, frustration, and other manifestations of psychological stress were only indications that the youngsters were making progress in casting off their "savage" backgrounds and habits of mind.

In education as well as in other aspects of Indian life, reformers and policy-makers envisioned a "savagery to civilization" scale upon which Indians were making progress in casting off their "savage" backgrounds and habits of mind.

In education as well as in other aspects of Indian life, reformers and policy-makers envisioned a "savagery to civilization" scale upon which Indians were measured. Indian culture represented "savagery" and was regarded as the greatest barrier to Indian assimilation or civilization. With the enemy in clear focus, policies soon arose to change Indian land-holding patterns and undermine and suppress Indian political and cultural institutions.

In earlier times, when a frontier separated White settlement and Indian country, tribal autonomy was possible and the internal affairs of the tribes were handled by custom and tradition. But the concept of Indian country, where tribal authority and law prevailed, was destined, like the frontier, to fall victim to the growth and development of the Nation.

In 1885, as a result of the much publicized Ex Parte Crow Dog decision of the U.S. Supreme Court upholding tribal law, Congress passed the Major Crimes Act, extending Federal criminal jurisdiction to Indian country for the crimes listed in the legislation. In later years, through amendments to the original legislation and other statutes, tribal sovereignty was further curtailed. Eventually, the Federal government extended its jurisdiction in civil matters as well and promoted legislation by-passing tribal authority altogether.

The Indian system of common land ownership had never been understood or accepted by the American people. Europe and western civilization had grown to greatness on a system of private property in land and most Americans reasoned it must therefore be a proper system for any people.

At various times from the earliest days of settlement, the idea of individualizing Indian land-holding was suggested and even incorporated into some treaties. Thomas McKenney, the first Commissioner of Indian Affairs, in requesting funds from Congress to support Indian schools, proposed that as Indian youth "are qualified to enter upon a course of civilized life, sections of land be given them."

After the Civil War, western settlement gathered enormous momentum. Favorable land laws, immigrants from abroad, and the construction of roads and railways westward resulted in demands to reduce Indian land-holdings and to move tribes out of the way of western settlement.

By the '880's, westerners and eastern reformers both agreed that too much land had been set aside for Indian use. Indians were not making proper use of the lands they owned and were keeping decent, hardworking folk from making farms and ranches. Eastern reformers convinced themselves that Indian salvation lay in private property and its "civilizing effect." The more Indian people knew about White culture, they pointed out, the less they would need in the way of resources and governmental protection. Eager to profit from Indian lands, railroad developers and land speculators lent their support to any proposals to reduce the size of Indian reservations.

All these pressures, in their individual and combined effect, resulted in Congress exploring ways to reduce Indian land-holdings while forcing Indians to develop their lands and become a part of American society. The device by which this would be accomplished was an act of Congress in 1887, called the General Allotment Act or the Dawes Act, after the name of its major sponsor in Congress, Senator Henry Dawes of Massachusetts.

The Dawes Act was neither proposed nor justified as a legal means of separating Indians from their land. Rather, the Act was rationalized, oftentimes with great passion, as responsible government policy, designed to give Indians the protection and assistance long denied them in American society. Advocacy for the legislation

came from leading public figures, from religious and civic bodies, and from Indian welfare organizations chartered to promote and protect Indian rights. Less vocal, though no less active in promoting the legislation, were railroad, mining and industrial interests.

The Act had its opponents as well. Senator Teller of Colorado responded to the introduction of an earlier version of the Act as "a bill to despoil Indians of their land and to make them vagabonds on the face of the Earth." But supporters of the idea eventually prevailed and the Act was signed into law by President Cleveland in June of 1887.

To those who call themselves friends of the Indian, the Dawes Act seemed to provide a formula for what they had long been urging as a solution to the Indian problem----a means to turn Indians away from their past while easing their acceptance into American society. But, as time would prove, they underestimated both the land-greed of their fellow countrymen and the hold that traditional beliefs and practices had on Native Americans.

The essential feature of the Dawes Act were: (1) the President was authorized to divide tribal lands and assign or allot 160 acres to each family head, 80 acres to single persons over eighteen and orphans, and 40 acres to each other single person under eighteen. (2) Each Indian was supposed to choose his own allotment, but if he refused or failed to do so, a government agent would make the selection. (3) Title to the land was to be held in federal trust for 25 years or longer, at the President's discretion. (4) At the end of the trust period, U.S. citizenship would be conferred upon all allottees and upon other Indians who separated themselves from their tribe and took up "the habits of civilized life." (5) Surplus lands remaining after allotment might be sold to the United States.

That the allotment policy was a mistake was apparent shortly after its authorization. The effect of the legislation was almost exactly what its critics anticipated----it became an efficient device for separating Indians from their land and pauperizing them. Reservation after reservation was surveyed and allotted, even where insufficient rainfall made farming, at best, a precarious enterprise. So-called surplus lands, often at the behest and sometimes as a result of the coercion of Indian Service officials, was sold without tribal consent to the federal government and opened to white settlement. Funds from the sale of these lands were held in the U. S. Treasury and used by the government to purchase farm and ranch equipment and supplies, provide education and welfare and sundry other purposes which, in many cases, were to have been provided under treaties still in effect between the tribes and the United States.

When Indians particularly in the Plains states resisted the effort to convert them into farmers on their allotted acres, Congress amended the Dawes Act to permit the leasing of lands not being farmed or grazed. Enterprising White farmers and ranchers took advantage of the allottees who might not be aware of the worth of their lands and negotiated leases at ridiculously low prices. This prompted another layer of bureaucratic control to regulate and oversee Indian land leasing procedures.

The Burke Act of 1906 further amended the Dawes Act to permit the Secretary of Interior to by-pass the trust period restrictions and issue "certificates of competency" to Indians declared by him to be "competent." As soon as the amendment became law, anxious creditors and land buyers were on hand to help allottees make out applications and prepare the necessary affidavits, showing competency in land matters and evidence of habits of civilized life. And when the certificates were issued, the same creditors and land-buyers were on hand to purchase the land from the Indian owners.

In this way and through other devices in the law, the best of Indian land passed into White ownership. First to be lost were agricultural and grasslands, virgin timber acreage, and land with potential water and mineral resources. As William T. Hagan has observed: "Severalty may not have civilized the Indian, but it definitely corrupted most of the white men who had any contact with it."

In 1887, Indian tribes collectively owned about 140 million acres of land. The Dawes Act as amended in succeeding years set up the mechanisms whereby some 90 million acres passed into White ownership before the policy was abandoned some 45 years later.

Unfortunately for Indians, loss of land was not the only burden they faced. Accompanying the severalty legislation were assimilation policies designed to destroy tribal life and culture. Indian religions, ceremonies, and other cultural activities were outlawed and suppressed. In time, federal intervention touched every aspect of Indian life, from forcing Indians to abide by non-Indian marriage customs to tribal visiting practices and even the age of those who could participate in tribal dances.

Little wonder that when word began to spread about an Indian messiah, called Wovoka, and a religion promising salvation from the White man, many Indians were eager to learn more. From delegations sent to the homelands of the prophet in Nevada and by word of mouth, the message came that in the near future a great cataclysm would destroy White America, the buffalo and other animals would return to the land, and Indians who practiced the new religion, the Ghost Dance, would be free to return to ways of their ancestors.

The Plains tribes, especially the Teton-Dakota, quickly converted Wovoka's message into a Ghost Dance religion of their own. The spread of the dance, especially among the more traditional members of the tribe, or the "recent hostiles" as Indian agents preferred to call them, alarmed Washington as well as neighboring White communities.

If Indian officials had taken the time to find out more about the Ghost Dance religion, one of the most tragic events in the history of Indian-White relations might have been avoided. The religion itself posed no serious threat to White settlers and, eventually, like other faiths based on prophecies of doom, would have lost converts or modified its doctrines.

Out of fear and by resorting to military intervention, Indian Service personnel precipitated a series of events which led to the tragic massacre of Indian men, women, and children at Wounded Knee in South Dakota. Congress later awarded Congressional Medals of Honor to 22 of the soldiers who took part in the massacre, but public reaction then as well as much later expressed greater shame than pride.

Charles Alexander Eastman, the Sioux doctor and author, was the resident physician at the Pine Ridge Agency when the Wounded Knee Massacre took place. Military and Indian Service officials kept him from the massacre site for several days and when he was able to go, the sight of frozen, grotesque bodies greeted him. While he gave medical aid to the survivors, mostly babies protected by their mother's bodies from gunfire, a detail of troops dug a huge trench, gathered the frozen bodies, and dumped them into a mass grave.

Eastman left the Indian Service shortly thereafter. The efforts he had made to adjust medical practices to the cultural traditions of the Pine Ridge people died with his departure. Although the Indian Service desperately needed men of Eastman's calibre to improve health conditions at Pine Ridge and other reservations in the country, little effort was made to keep him in the Indian Service.

In every part of Indian country, tuberculosis remained the greatest killer of Indians with infant deaths from dysentery following a close second. Trachoma affected most of the reservation populations in the Southwest and diabetes was emerging as an affliction of peculiarly high incidence among Indian populations.

In appropriating funds for Indian Affairs, Congress considered Indian health care a low priority. Not Indian health, but Indian progress in civilization, most concerned Indian policy-makers.

Indian opposition to the assimilation policies never disappeared completely. But every time Indians found an answer to the policies, the bureaucracy found a way around it. The Cherokee and other so-called Civilized Tribes in Indian Territory, now Oklahoma, resisted the allotment policy in vain, and then under the provisions of the law tried to reserve their surplus lands for the use of future generations. Congress, at the insistence of the Bureau, passed the Curtiss Act which dissolved the governments of the Five Civilized Tribes and proceeded to negotiate with compliant tribal members for the sale of the surplus lands.

By the close of the 19th Century, Indian economic and psychological resources were both badly eroded. On most reservations, Indian leadership was a thing of the past with older leaders either dead, imprisoned, or in sullen retreat from tribal affairs. Although traditions and languages were being quietly passed

on to future generations away from the watchful eyes of agents and missionaries, Indian cultural traditions were on the decline. Older familial and clan practices had been greatly disrupted and no longer held sway among some groups. An economy based upon land rental fees, seasonal labor, and occasional handouts from the government and private charities came to characterize reservation life.

Tribal groups especially in the Southwest who had managed to escape allotment fared as badly as allotted tribes. Their reservations happened to be located in areas which even White Americans spurned. Some of these reservations proved later to be valuable for their mineral and other natural resources, but the absence of development funds rendered the resources useless and the people experienced starvation conditions and chronic malnutrition. A few of these reservations were so isolated that the Indian Service provided only minimum supervision, in the expectation that in time the inhabitants would die off anyway in accordance with the popular myth of the Vanishing Americans.

Although the period from 1900 to World War I is known as the Progressive Era in American history, little of the concern of American progressives about the quality and direction of American life spilled over into Indian Affairs. The problems of urban and industrial life absorbed the attention of the nation and the only time most Americans thought about Indians at all was when they appeared in the Wild West Show or, as in the case of Jim Thorpe, emerged as an Olympic champion.

For most older and recent Americans, Indians were understood as a vanishing people who wore feathers and beads and lived in teepees and gallantly but foolishly resisted the march of western civilization and progress.

But whatever White Americans thought about Indians, the Indian Office remained enthusiastic about the future. As former Commissioner of Indian Affairs Francis E. Leupp reflected on the Indian situation in 1919, he observed: "The Indian problem has now reached a stage where its solution is almost wholly a matter of administration." Many years would pass before anyone, save Indians, would believe that Indians could be better off as members of tribal societies than as prototypes of White Americans.

III. THE RIGHT TO CHOOSE - A POLICY FOR THE FUTURE *

By the 1920s it should have become apparent that for most of the preceding one hundred years the Nation had proceeded from false assumptions in administering Indian affairs.

The critical assumptions were: (1) The Native American racial stock lacked biological vigor and would succumb to invading diseases and abusive use of alcohol, and (2) The Indian way of life could not compete with the more aggressive, more "rational," ways of the dominant society and must yield to it. Whichever horn of the dilemma prevailed, the Indians would cease to exist as a political or cultural component in the developing nation. Policy based on such assumptions in the beginning generated no concern for the well-being of the original inhabitants, but was directed rather to speeding up the process of dissolution. A kind of death-bed watch resulted.

As a consequence of this negativism, the Indian population declined, seeming to bear out the prophesy of biological deficiency. By the close of last century, three-fourths of the natives inhabiting the area comprising the United States in pre-Columbian times had disappeared. Some tribes were totally gone. Other tribes, the Mandans of the upper Missouri, the Jicarilla Apaches of northern New Mexico, seemed headed for extinction. Health conditions were wretched, with killer diseases like tuberculosis decimating the generations. Life expectancy ratios were shockingly low.

A professional field nurse engaged by the American Red Cross to investigate health conditions on Indian reservations in 1921 reported that on seven reservations,

*Prepared by D'Arcy McNickle, Center for the History of the American Indian
The Newberry Library, Chicago

all in the Southwest, the Indian birth rate was "26 per cent higher and (the) average death rate 163 per cent higher than that for the United States" in the same registration area. (Survey of Conditions... Part 3, 1929: 935).

Programs of education were poorly funded and were staffed by poorly trained and poorly motivated teachers and administrators. The inefficiency of these early schools worked to the Indian advantage, although that was not intended. The educational philosophy was designed to destroy the Indian community, and if the schools had been more effective in achieving that goal Indian life might have deteriorated more rapidly.

The greatest threat to Indian survival resulted from the land policy imposed by the General Allotment Act of 1887, which in the years following its enactment reduced Indian land holdings in total disregard of future Indian needs. (See Part II, p. 11, supra.) The damage was not confined to a shrinking land base, however, Indian social organization, belief systems, moral vigor were all related to land, to a universe defined by myth and ritual.

In brief summary: The preceding one hundred years had wrought incalculable damage to Indians, their property, and their societies. Tribes had been moved about like livestock until, in some cases, the original homeland was no more than a legend in the minds of old men and women. Children had been removed from the family, by force at times, and kept in close custody until they lost their mother tongue and all knowledge of who they were, while parents often did not know where the children had been taken or whether they even lived. Tribal religious practices when they were not proscribed outright were treated as obscenities. Land losses, as noted, were catastrophic, while the failure of government to provide economic tools and training for proper land use left

the remaining holdings untenable or leased to White farmers at starvation rates. The bureaucratic structure had penetrated the entire fabric of Indian life, usurping the tribal decision-making function, demeaning local leadership, obtruding into the family--and yet was totally oblivious of its inadequacies and its inhumanity.

The failures of the federal government as trustee had become so notorious by the 1920s as to compel public action. The Pueblo Lands Board Act of 1924 (43 Stat. 636) and the Osage Guardianship Act of 1925 (43 Stat. 1008) gave notice of a new mood in Congress. Both acts came about in response to public outcry against intolerable exploitation of Indian resources. This was followed by a more general demand for reform, which in 1926 led President Coolidge's Secretary of the Interior, Hubert Work, to request the privately endowed Institute for Government Research (later the Brookings Institution) to investigate the conditions of Indian life. The investigation resulted in the report of Lewis Meriam and associates, entitled "The Problem of Indian Administration," published in 1928.

For the first time in the long history of Indian affairs administration the performance of the government was brought under scrutiny by a body of competent, professional students of public affairs. The findings of that survey are widely known and only these highlights are mentioned here:

"The income of the typical Indian family was low....Only 2 percent of the Indians had incomes of over \$500 a year. Partly as a result of this poverty the health of the Indians in comparison with the rest of the population was bad. The death rate and infant mortality were high. Tuberculosis and trachoma were extremely prevalent. Living and housing conditions were appalling; diet was poor; sanitary provisions were generally lacking. The system of public health

administration and relief work was inadequate. The educational system had no well considered broad educational policy. A uniform curriculum was being applied throughout the Indian school system, although the different tribes were at quite different stages of development. Indian children were being fed at reservation schools on an average expenditure of eleven cents a day per child, and were being forced to do heavy domestic work actually to ease the financial burden but ostensibly to acquire training in useful industrial arts." (Aspects of Indian Policy, 1945: 29).

The Preston-Engle report on Indian Irrigation, also commissioned by Secretary Hubert Work and published in 1928, revealed how inadequately the government had dealt with Indian water rights, a basic tribal resource. Significantly, the Report recommended: "That the principle promulgated in the Winters decision be invoked and enforced with respect to all those reservations where necessary to secure an adequate water supply for Indian lands." (Survey of Conditions, Part 6, 1930: 2213).

The Report also recommended that where use rights had been established adverse to Indian water rights, the government should "provide an adequate water supply for the Indians in question, either by purchase of valid rights, or the construction of storage reservoirs....such purchase of rights or storage reservoir construction to be paid for out of gratuity appropriations." The purpose of such a recommendation was to give effect to the Winters decision of 1908, in which the Supreme Court upheld the right of a tribe to make maximum beneficial use of the waters needed to irrigate reservation lands.

The failure to act fully on these recommendations after almost fifty years has left Indian water rights still in jeopardy and has increased greatly

the cost of effecting an equitable adjustment.

The 70th Congress (1927-29) set up its own investigative procedure, adopting Senate Resolution 79 which authorized a special sub-committee to conduct hearings and gather information. In succeeding years the Senate accumulated a vast archive of material dealing with Indian reservations and the relationship between Indians and the federal government.

The growing demand for reform resulted in the adoption of the Indian Reorganization Act of 1934, the first major legislation in this field since the enactment of the General Allotment Act. That earlier legislation was based on the premise that the individualizing of tribal land would expedite the process of transforming a tribal people into competitive, tax-paying, free citizens, in repudiation of their own values and traditions. The Indian Reorganization Act, in contrast, was designed to restore some measure of the resource base and the self-governance which tribes had enjoyed prior to 1887.

Of the Allotment law the Meriam report had observed: "It almost seems as if the government assumed that some magic in individual ownership of property would in itself prove an educational civilizing factor, but unfortunately this policy has for the most part operated in the opposite direction. Individual ownership has in many instances permitted Indians to sell their allotment and to live for a time on the unearned income resulting from the sale." (Meriam, et al., 1928: 7). The report could have added that by the 1920s more than 100,000 Indians were landless.

Certain essential features of the Indian Reorganization Act were left on the drawing board as that legislation took its course through committee hearings. The excised articles were central to the reform design and their elimination

postponed the day when Indians might assume control over their affairs. Of particular importance were the following:

(1) The power "To compel the transfer from the community for inefficiency in office or other cause, of any employee of the Federal Indian Service locally assigned." (Hearings on H.R. 7902, 1934; Title I, sec. 4-h).

(2) "The Secretary of the Interior may from time to time delegate to any Indian community, within the limits of its competence as defined by charter, the authority to perform any act, service, or function which the United States administers for the benefit of Indians." (Ibid., Title I, sec. 7).

(3) "The Commissioner is authorized and directed to make suitable provision for the training of Indian members ... in the various services now intrusted to the Office of Indian Affairs ... including education, public health work and other social services, the administration of law and order, the management of forests and grazing lands, the keeping of financial accounts, statistical records, and other public reports, and the construction and maintenance of buildings, roads, and other public works." (Ibid., Title II, sec. 1).

(4) "It is hereby declared to be the purpose and policy of Congress to promote the study of Indian civilization and preserve and develop the special cultural contributions and achievements of such civilization, including Indian arts, crafts, skills, and traditions. The Commissioner is directed to prepare curricula for Indian schools adapted to the needs and capacities of Indian students, including courses in Indian history, Indian arts and crafts, the social and economic problems of the Indian, and the history and problems of the Indian administration." (Ibid., Title II, sec. 2).

(5) "There shall be a United States Court of Indian Affairs, which shall

consist of a chief judge and six associate judges ... appointed by the President, by and with the advice and consent of the Senate."

The court would have original jurisdiction in specified cases, including "actions at law or suits in equity wherein the pleadings raise a substantial question concerning the validity or application of any federal law, or any regulation or charter authorized by such law, relating to the affairs or jurisdiction of any Indian tribe or chartered community."

"The final judgment of the Court of Indian Affairs shall be subject to review on questions of law in the circuit court of appeals of the circuit in which such judgment is rendered ... subject to review by the Supreme Court." (Ibid., Title IV, secs. 1 and 3 (5), and sec. 15 cited).

By eliminating Items 1 and 2, the continuance of bureaucratic control was assured in personnel assignments and resource development.

By denying Indians the special training authorized in Item 3, Indian leadership found itself handicapped in dealing with management problems; while the failure to reorient school curricula as directed in Item 4 allowed the schools to continue as alien institutions within the Indian community. Some thirty years would go by before Indian studies programs began to be offered, first at major universities across the country, and then in schools taken over and managed by Indian communities.

By failing to establish a federal Indian court with appellate procedures, the administration of law and order on Indian reservations continued to be dominated by the Interior Department and subject to the department's budget limitations. Failure of the department to provide adequately for public safety induced some tribes to request state jurisdiction over civil and criminal

matters. This request from the Indians of a few states was cited as justification for the adoption of Public Law 280 in the 83rd Congress, authorizing any state to assume jurisdiction over an Indian reservation without consulting the wishes of the Indians. And because courts of Indian offenses created under the department's law and order code lacked adequate provision for appeal and review of trial court decisions, Indians were brought under the Civil Rights Act of 1968. (25 U.S.C., Title II). This again was a case of some Indians expressing dissatisfaction with a system created by the federal government, in response to which the Congress curtailed further the right of self-government. Some tribes previously had incorporated Bills of Rights in their written constitutions; all tribes could have done so in time, as and when they felt the need.

By the 1930s it had become evident that the Indians would not vanish; indeed, the surprising fact was that the rate of net increase for the enumerated Indian population exceeded the growth rate of the general population. Between the years 1900 and 1950 the number of Indians increased by some 70 per cent; by the end of that period the rate of increase for the Indian population was 22 per 1000, compared with a rate of 15 per 1000 for the nation. (Hadley, 1957: 29). The Navajo tribe increased five-fold during the sixty-year period 1870-1930.

Survival was not in numbers alone. What came to be realized, reluctantly at times, was that Indian custom and tradition, Indian languages, Indian belief systems, Indian ways of rearing children, the Indian style of living in extended families, Indian sharing, still prevailed. For the administrator, the educator, and the missionary worker this adherence to Indian ways seemed perverse and intolerable. On occasion it resulted in an intensified effort to obliterate the Indian past, as when Indian Commissioner Charles Burke, in 1923, instructed

his field officers to require: (1) That Indian dances be limited to one each month in the daylight hours, in midweek, and at only one center in each district (except that during planting and harvesting no dances were to be allowed); (2) That no individuals under the age of fifty take part as dancers or spectators; and (3) That the field employees carry on an educational campaign against the dances. (McNickle, 1971: 73-74).

The Meriam report made passing reference to "native ceremonies, such as celebrations, dances, games, and races," and found that such activities "tend to disappear under the general influence of white culture, or to take on the form of a spectacle and become commercialized, thus losing much of their original significance in group life." (Meriam, et al., 1928: 629).

In offering this observation the survey staff reflected the conventional wisdom of the period, which still held to the belief that Indian identity and tradition could not remain separate and distinct within the general society. The ultimate fate of the Indian people, according to this view, was assimilation into American society.

This view, in fact, went unchallenged through the first half of this century; it was the basis of law and public policy. Meanwhile, evidence was accumulating which would seriously question the assumptions supporting this view.

While Indians in increasing numbers found employment in urban centers, especially after World War II, a relatively small percentage took up permanent residence in the city. A pattern of commuting between the reservation and the city began to emerge. Even highly skilled industrial workers, such as the Indians employed in "high steel" work on bridges and skyscrapers, remained closely

attached to an Indian community. Intertribal and regional organizations came into existence, and Indians found themselves discussing shared problems and experiences. This was a new development, since with only a few exceptions tribes had no tradition of forming permanent alliances. Tribal ceremonies, of both ritual and social nature, attracted growing numbers, and individuals and families traveled to distant reservations to observe or to participate in local performances. A phenomenon referred to as the "pow-wow circuit" began to flourish. Ceremonies that had not been performed for many years, were revived. The growth of the Native American Church after the 1930s accelerated. (Aberle, 1966: 17-20). Tribal groups presumed to have been exterminated in the early years of settlement in the east and southeast, were rediscovered, often bearing a cryptic name and claiming Indian heritage, and moreover their numbers were increasing. (Berry, 1963: 1-51).

Factors such as these were discussed and evaluated at a conference sponsored by the Wenner-Gren Foundation at the University of Chicago in the winter of 1954. The conference was chaired by John Provinse, formerly Assistant Commissioner of Indian Affairs, and the twenty participants were mainly social scientists, who had devoted their professional careers to the study of Indian communities or to administrative duties related to such communities. The stated purpose of the conference "was not to evaluate administrative policies and practices but to examine objectively those assumptions of fact or value, express or implied, which are held by the general American public, by Congress, and by the Executive, and which appear to guide the present handling of Indian affairs." (Provinse, et al., 1954: 387).

A number of assumptions then current were examined against the collective

experience of the participating conferees, and all agreed that the one assumption basic to national policy was the idea that "assimilation of the American Indian into the normal stream of American life is inevitable, that Indian tribes and communities would disappear." (Ibid., 388).

The discussants found themselves in "complete agreement" that the assumption and the policy that followed from it were unwarranted. They noted: "Most Indian groups in the United States, after more than 100 years of Euro-American contact and in spite of strong external pressures have not yet become assimilated in the sense of loss of community identity and the full acceptance of American habits of thought and conduct ... The urge to retain tribal identity is strong, and operates powerfully for many Indian groups." (Ibid., 388).

While recognizing that Indian society would continue to change, making adaptations to social and environmental pressures, also that some individual Indians would choose to abandon tribal life, the conferees agreed that "despite external pressures, and internal change, most of the present identifiable Indian groups residing on reservations (areas long known to them as homelands) will continue indefinitely as distinct social units, preserving their basic values, personality, and Indian way of life, while making continual adjustments, often superficial in nature, to the political and economic demands of the larger society."

To the above observation, the conferees added a cautionary note: "Forced, or coercive, assimilation is self-defeating in practice, tending to antagonize and drive underground in the Indian groups those leaders who might otherwise develop constructive and cooperative attitudes toward greater acceptance of

non-Indian society Meanwhile, the current practice of telling Indians that their assimilation is inevitable is probably more deterrent than contributory to adjustive changes, since it gives rise to feelings of anxiety and resistance that lead to rejection of new ideas and institutions." (Ibid., 389).

The discussions were not devoted exclusively to assumptions on which government policy was based; assumptions commonly held by Indians were also reported to the conference. Typical of Indian views reported were these: "Over the years, the Indian can expect no consistency in policies regarding him. No matter what policy is today, tomorrow it will be different--even opposite."

And: "The interests of the dominant society will take precedence over the interests of Indians in any policy decision; Indian interests will be considered only when they coincide with or at least do not contradict 'white' interests." (Ibid., 393-94).

These sentiments, when they are reviewed twenty-odd years later, are remarkably contemporary.

This 1964 conference occurred at the very time that the 83rd Congress was holding hearings and adopting legislation for the purpose of terminating federal responsibility and compelling Indian tribes to accept assimilation as the ultimate resolution of a long historic process.

As the evidence for Indian survival accumulated, obviously refuting the 19th Century predictions, the federal establishment found itself unprepared to meet the challenge. The fact that past policies had failed to achieve their stated objectives was taken as a failure of management, not of basic purpose. When critical voices were raised denouncing government performance, response took two forms: (1) studies and investigations were carried out, (2) followed

by new or amended legislation.

A case in point was the Meriam survey of 1926-28, initiated in response to critical attacks during the early 1920s. This was followed by the Indian Reorganization Act and other reform legislation of the 1930s. It is relevant to note that the Meriam report was entitled "The Problem of Indian Administration," and that the thrust of the report was centered on recommended improvements in the delivery of services to the Indian people. The underlying philosophy of Indian affairs administration was not questioned. The report specifically stated: "Since the great majority of the Indians are ultimately to merge into the general population, (administration) should cover the transitional period and should endeavor to instruct Indians in the utilization of the services provided by public and quasi public agencies for the people at large in exercising the privileges of citizenship and in making their contribution in service and in taxes for the maintenance of the government." (Meriam, et al., 1928:22).

The same investigate-legislate pattern was followed at later critical junctures, again without questioning the motives or the ultimate purpose of government policy. After World War II, for example, a growing concern was voiced, in and out of Congress, over the increasing complexity and cost of government. In response to this expressed anxiety, the Congress in 1947 created the Commission on Organization of the Executive Branch of the Government, of which former President Herbert Hoover was named chairman. The Commission appointed a special task force to look into the administration of Indian affairs, with a Princeton University professor of political science, George Graham, serving as chairman. Graham had no knowledge of Indian life and no more than a briefing in Indian history, and the recommendations advanced by his task force gave no evidence that the subject matter had been

explored in depth. The task force advocated "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." (Graham, 1949: 63).

As a device for speeding up the "integration" of Indians in the general population, the Commission further proposed that programs for Indian welfare be "progressively transferred" to state governments and that the Bureau itself be buried in the Federal Security Agency, or its successor.

Significantly, Dean Acheson, Vice Chairman of the Commission, dissented, observing: "Recollections of the painful history which surrounds the cases of The Cherokee Nation vs. The State of Georgia (5 Peters 1) and Worcester vs. Georgia (6 Peters 534) make a novice in this field pause before endorsing a recommendation to assimilate the Indian and to turn him, his culture, and his means of livelihood over to state control."

Acheson was joined in this dissent by James H. Rowe, Jr., and James Forrestal, member of the Commission.

Legislation did not result immediately from these recommendations, but the work of the Hoover Commission gave impetus to the drive to reduce federal responsibility for Indian survival. The Booz, Allen, and Hamilton Report, contracted for by the Department of the Interior and published in 1950, viewed Indian affairs as comparable to problems encountered in industrial management. It contributed nothing to an understanding of cultural adjustment, since, like previous studies, it concerned itself primarily with ways to extricate the federal government from its treaty and statutory obligations. This report, issued in four volumes, almost

succeeded in avoiding any mention of Indians, the putative subject matter. (Booz, Allen, and Hamilton, 1950).

Both the Hoover Commission and the Booz, Allen, and Hamilton reports encouraged the notion that the government should abandon as expeditiously as possible its historic role as trustee and advocate for the Indian people. Thus the termination legislation of the 83rd Congress that dominated the Indian scene from the mid-1950s until well into the next decade, had its ideological base in superficial surveys conducted by unqualified investigators.

A more serious defect was the failure of these surveys to take notice of the wrongful assumptions upon which policy had been based. Nowhere in these official reports is any reference made to the evidence for Indian survival in numbers and in cultural identity. Program failures resulting in Indian poverty, poor health, wretched housing, educational deficiencies-- all the ills recited twenty years earlier in the Meriam survey-- were attributed to failures of execution. The report writers seemed unprepared, or unwilling, to recognize that program failure was symptomatic of a basic misconception of the government-Indian relationship. In their preoccupation with cleansing the government of responsibility, they failed to notice that the death watch policy of an earlier time was no longer acceptable in a national society becoming concerned about the civil rights of individuals and groups.

The concerted drive during the Eisenhower administration to terminate federal responsibility alerted Indian leaders throughout the country of the fact that their property and their civil rights had been placed in jeopardy by a badly advised bureaucracy. This growing alarm among Native Americans accounts for the unprecedented demonstrations that erupted in the mid-1960s, culminating

in such spectacular forays as the occupation of the Washington headquarters of the Bureau of Indian Affairs and the take-over of the Wounded Knee community in South Dakota. The protests, moreover, could not be dismissed as transient anger, but marked the beginning of Indian involvement in the process of policy formulation. While the federal establishment might be unprepared to deal with the mounting evidence of Indian survival and continued to promote ideas that prevailed in the 19th Century, a new tribal leadership emerged to challenge those ideas.

The federal agencies established in the 1960s to deal with problems of poverty and community decay encouraged this emerging leadership and assisted Indian reservations in developing their own planning and action programs. Of particular importance were the changes in attitude and operating procedures that came with the new agencies. With no hardened regulations dictating action and no traditional policies to defend, it was possible for them to serve in an advisory capacity and to give priority to Indian decision-making; they had no commitment to a strategy of assimilating the Indian people into White, urban society.

In the course of a survey conducted by the Department of Labor to determine the impact on the Indian population of its various manpower programs, the reporting team commented:

"We grew to admire the Indians tremendously as a group, to marvel at their courage and dignity even in the midst of abject poverty, and to appreciate their lack of aggressive acquisitiveness. Even their reserve appeared to be the symbol of an inner strength as well as an insulation against the deteriorating influence of white society....We realized what a tremendous loss to mankind

would be the obliteration of this culture, call the obliteration process what one will-- assimilation, acculturation, or termination. We became strong partisans of the belief that the Indians should be encouraged and helped to preserve their culture." (Joint Economic Committee, Vol. 2, 1969; 389).

Such sentiment was a refreshing new note in the long history of government-Indian relations and seemed to promise that a better attitude might come to prevail.

The outstanding innovation of the period was the establishment of Indian Community Action Programs (ICAP), which brought to reservation communities technical services and financial assistance for which tribes in the past had always been dependent on the Bureau of Indian Affairs. The Office of Economic Opportunity which administered the new program invited tribal officials to prepare and submit plans for local projects. Once a plan was approved, OEO contracted with the tribal organization to operate the project, and it advanced the budgeted funds. This transferral of authority and responsibility for decision making to the local community was an administrative device which the Bureau, after more than one hundred years of stewardship, had failed to employ, excusing its failure by alleging the incompetence or inexperience of Indian leadership. What the Bureau did not recognize, or did not acknowledge, was that Indian tribes were asking to be allowed to choose whether to continue in a state of dependency or to exercise such sovereign powers as were theirs to assert. The Bureau in the 1960s still had not adapted its thinking to the evidence of Indian survival and the Indian drive for self-determination.

The manner in which the Rough Rock community on the Navajo reservation in Arizona assumed responsibility for the education of its children exemplified the

new direction in Indian affairs. A new school plant had just been completed by the Bureau when the Office of Economic Opportunity proposed that the Navajo community assume control of the school through a school board to be appointed by the community. The OEO agreed to provide developmental funds, if the BIA would make available to the community the operating funds which it had already budgeted for that purpose.

The shift in educational goals and methods which resulted from this agreement was of more importance than the actual transfer of authority, though that was significant in itself. For the first time an Indian community, not the professional people recruited from the outside, became responsible for the success or failure of a school. As a consequence of the shift in control, the school could contribute to the development of the community by providing learning opportunities for adults as well as children. Because it was now part of the community, the school was involved in the normal process by which children are integrated into the adult world; it was no longer an alien institution depriving that adult world of a natural increment of functioning members. By teaching English as a second language, the child could acquire a basic competency in his native language before venturing into a foreign mode of speech, and the school was less threatening. (U.S. Senate, Part 1, 1969: 12-25).

This development at Rough Rock had an explosive affect all through the Indian country. Tribal delegations from as far away as Canada visited the site and listened to the all-Navajo school board members talk about educational goals and philosophies-- and on their return to their home communities many of these tribal leaders began actions that would lead to control of the education of their children. Within a few years tribes or communities in several states and in

Canada established their own school boards and assumed the management of local schools. In a movement paralleling these efforts, Indian community colleges were organized and staffed with Indian teachers and administrators.

By the 1960s still another development marked the changing time. Indians were enrolling in colleges and universities in unprecedented numbers, and going on to graduate and professional schools. Moreover, the major universities and many state institutions found it necessary to install special programs, or to expand traditional offerings, to accommodate this new student body. A survey conducted in 1974 by the Western Interstate Commission on Higher Education reported that 100 institutions of higher learning, located in 23 states, were offering course work designed to meet the interests of Indian students, and in that year a total of 13,300 were enrolled in college work. Of this total number, 438 were undergraduates, 535 were in graduate school, and 3347 were in special (non-degree) programs. (Patricia Locke (ed.), 1974).

This was a different kind of student body, as the institutions recognized in their curriculum changes. The Indian students entered college training, not primarily as a means of achieving material success in the White man's competitive society, but to acquire the knowledge and skills needed to bring about improved living conditions at home, to protect their position as a sovereign people, and to define acceptable goals for themselves and their tribes. They talked about "education for Indian purposes" and they were concerned that "self-determination," as the term was used in the 1970s, should have substance and meaning.

The term received wide public attention when it was employed in Presidential messages to Congress relating to the conduct of Indian affairs. President Johnson in 1968 declared: "We must affirm the right of the first Americans to remain

Indians while exercising their rights as Americans. "We must affirm their rights to freedom of choice and self-determination." (Presidential Documents, Vol. IV, No. 10).

In 1970 President Nixon denounced the termination policy of the Eisenhower administration-- making no mention of his position in that administration-- and declared: "This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community....There is no reason why Indian communities should be deprived of the privilege of self-determination merely because they receive monetary support from the federal government. Nor should they lose federal money because they reject federal control." (Message from the President...July 8, 1970).

These declarations, at the highest level of government, acknowledged for the first time what Indians have always wanted: the right to make choices; the right to decide, as individuals and as tribes, how to adapt to the modes of the general society without destroying the values they cherish. When this right of decision prevails, some individuals may opt for making themselves over to conform with another life style; some tribes may abandon traditional patterns in favor of new goals and new ideals. But unless such a climate of free choice exists, change will be resisted; and coercive change will only repeat the antagonisms and failures of the past.

Congress has now moved to give legal sanction to the principle of free choice with the enactment of the Indian Self-Determination and Education Assistance Act. (88 Stat. 2203, 1975). Laws are not self-fulfilling, however, and while the language is reassuring, the manner in which the 1975 Act is administered will determine its effectiveness. If the administrators proceed from the assumption

that the Indian people have no future as Indians, and that assimilation and the loss of identity are inevitable, the explicit intent of Congress will be subverted. National policy will continue to be what it has been in the past-- a strategy of manipulating tribal leadership into compliance, with the usual result of discrediting the leadership.

The Self-Determination Act is of particular promise because it provides a formula for dealing with what has always been a major obstacle to the transfer of power from the bureaucracy to the Indian community. The Secretary of the Interior as the federal official accountable for Indian trust property, has never been willing or legally able to reduce his responsibility as trustee. A principal criticism leveled at the Indian Reorganization Act arose from the failure to confront that issue. The Act required that tribal constitutions and charters be approved by the Secretary, as well as tribal actions affecting trust property, tribal membership, or any matters relating to federal trusteeship. The tribal contracting arrangement authorized by the Self-Determination Act, if constructively administered, can lead the way to effective and purposeful tribal government.

What could be the decisive factor in determining national Indian policy is the state of readiness of the Indian population. Many negative conditions still prevail; educational levels are still much too low; the delivery of health services is grossly inadequate; wretched housing breeds health problems and social ills; unemployment rates greatly exceed local and national averages; the affirmation of water rights remains clouded, and meantime the pressure to reduce or to confiscate available water continues to grow; resource development languishes.

In spite of these crippling handicaps, remarkable advances have been made. As already indicated, Indians have entered academic and professional training in

unprecedented numbers. Indian lawyers are now in practice, many of them specializing in the intricacies of Indian case law. The number of trained physicians and nurses has increased to the point of warranting the formation of professional associations. Administrative and supervisory positions in a number of school systems are manned by Indians. Indian artists, writers, poets, musicians, scientists, and engineers have established national reputations. Indian tribes are writing their histories and organizing libraries and archival depositories. Where native languages were falling into disuse, special study courses have been initiated and several tribes are compiling their own dictionaries. Culture centers are operating at many reservations, encouraging a renaissance in traditional arts, music, dances, myth and legend, costume making, even cookery.

What is most remarkable about these developments is that they intensify and make explicit the boundaries of Indian identity. Native America before the coming of Europeans was a land of many separate peoples, with their separate languages, histories, traditions, and manner of adapting to the physical environment. Each tribe, or band, or camp was a self-contained entity organized in varying patterns of social structure. Such a population of separate and closed systems was easy prey for invading forces employing divide and conquer tactics.

What is now happening, after four hundred years of Indian-White contact, is a coalescing of Native Americans into something approaching a sense of national identity. Indians have become aware of their common problems and common peril, and they are learning how power is used in contemporary society. Tribal boundaries are not likely to disappear, but increasingly Indians can be expected to act in common cause.

National Indian policy in the future must take into account that Indians

will survive, as individuals and as communities; they will grow in numbers, and they will insist on freedom of choice. That insistence, it should be recognised, is of the same quality of mind and spirit that made possible the growth of the free peoples of the world.

BIBLIOGRAPHY

- Aberle, David F., "The Peyote Religion Among the Navaho," Viking Fund Publications in Anthropology, No. 42, Wenner-Gren Foundation, New York, 1966.
- Berry, Brewton, "Almost White," The Macmillan Company, New York, 1963.
- Booz, Allen, and Hamilton, "Management Review and Appraisal; System, Organization and Management Practices, Bureau of Indian Affairs," 1950.
- Graham, George (ed.), "Indian Affairs, a Report to the Congress by the Commission on Organization of the Executive Branch of the Government," Washington, D.C., 1949.
- Hadley, J. Nixon, "The Demography of the American Indians," The Annals, American Academy of Political and Social Science, Vol. 311, Philadelphia, Pennsylvania, 1957.
- Library of Congress, Legislative Reference Service, "Aspects of Indian Policy," Washington, D.C., 1945.
- Locke, Patricia (ed.), "A Survey of College and University Programs for American Indians," Western Interstate Commission for Higher Education, Boulder, Colorado, 1974.
- McNickle, D'Arcy, "Indian Man, A Life of Oliver LaFarge," Bloomington, Indiana University Press, 1971.
- Meriam, Lewis and associates, "The Problem of Indian Administration," Baltimore, Maryland, The Johns Hopkins Press, 1928.
- Presidential Documents, Weekly Compilation of, Vol. IV, No. 10, Washington, D.C., March 11, 1968.
- Provinse, John (ed.), "The American Indian in Transition," American Anthropologist, Vol. 56, No. 3, 1954.
- United States Congress, Joint Economic Committee, "Toward Economic Development for Native American Communities," Vol. 1, Washington, D.C., 1969; p. 125 .
- United States House of Representatives, Hearings Before Committee on Indian Affairs on H.R. 7902, Washington, D.C., 1934.
- United States House of Representatives, Message from the President of the United States, Doc. No. 91-363, 91st Cong., 2nd Sess., Washington, D.C., 1970.
- United States Senate, Survey of Conditions of the Indians in the United States, Part 3, Washington, D.C. 1929.
- United States Senate, Survey of Conditions of the Indians in the United States, Part 6, Washington, D.C., 1930.
- United States Senate, Committee on Labor and Public Welfare, "Indian Education," Hearings, Part 1, 1969: 12-25.