
First Peoples



A Documentary Survey of American Indian History

Third Edition

Colin G. Calloway

DARTMOUTH COLLEGE

BEDFORD/ST. MARTIN'S

Boston ♦ New York

JOHN COLLIER

*An "Indian Renaissance," from the Annual Report
of the Commissioner of Indian Affairs (1935)*

This annual report is burdened with overcondensed statements of things done and more things yet to do; with urgencies, programs, and life-and-death necessities, all under the compulsion of speed.

It is all true. But the foundations of Indian life rest in a quiet earth. Indian life is not tense, is not haunted with urgencies, and does not fully accept the view that programs must be achieved, lest otherwise ruin shall swiftly befall.

Indian life is happy. Even the most poverty-stricken and seemingly futureless Indians still are happy. Indians have known how to be happy amid hardships and dangers through many thousand years. They do not expect much, often they expect nothing at all; yet they are able to be happy. Possibly this is the most interesting and important fact about Indians.

THE ACCELERATED TASK

The Indians and the Indian Service have had a difficult and challenging year, due to drought and depression; on the other hand, many Indians, and Indian property, have benefited from the generous relief appropriations. The effort to spend these relief funds wisely has meant extra work for the Service staff, which already had assumed the additional burden of launching the Indian reorganization program without benefit of new funds or personnel.

REORGANIZING INDIAN LIFE

The Indian Reorganization (modified Wheeler-Howard) Act was approved June 18, 1934. Its pas-

sage made mandatory a complete change in the traditional Federal Indian policy of individual allotment of land—which resulted in the break-up of Indian reservations—and of destroying Indian organization, institutions, and racial heritage to the end that the Indian as an Indian might disappear from the American scene with the utmost speed.

The next result of this policy has been the loss of two-thirds of the 139,000,000 acres owned by Indian tribes in 1887, the year when the General Allotment Act was adopted; and the individualization policy has broken up the land remaining on allotted reservations, has disrupted tribal bonds, has destroyed old incentives to action, and has created a race of petty landlords who in the generous Indian manner have shared their constantly shrinking income with the ever-increasing number of their landless relatives and friends.

The Indian Reorganization Act prohibits future allotments, and the sale of Indian lands except to the tribes; it restores to the tribes the unentered remnants of the so-called surplus lands of the allotted reservations thrown open to white settlement; it authorizes annual appropriations for the purchase of land for landless Indians, provides for the consolidation of Indian lands, and sets up a process which enables Indians voluntarily to return their individual landholdings to the protection of tribal status, thus reversing the disintegration policy.

The act also authorizes a ten-million-dollar revolving loan fund, the use of which is restricted to those tribes which organize and incorporate so as to create community responsibility. It is expected that the organization of Indians in well-knit, functional groups and communities will help materially in the creation of new incentives for individual and collective action. The Indian is not a "rugged individualist"; he functions best as an in-

SOURCE: An "Indian Renaissance," from the *Annual Report of the Commissioner of Indian Affairs* (1935) by John Collier. Copyright © 1973. Pages 921-26. Reproduced with permission of Greenwood Publishing Group, Inc., Westport, Connecticut.

tegrated member of a group, clan, or tribe. Identification of his individuality with clan or tribe is with him a spiritual necessity. If the satisfaction of this compelling sentiment is denied him—as it was for half a century or more—the Indian does not, it has been clearly shown, merge into white group life. Through a modernized form of Indian organization, adapted to the needs of the various tribes (a form of organization now authorized by law), it is possible to make use of this powerful latent civic force.

The Indian Reorganization Act was passed a few days before the end of the Seventy-third Congress. None of the authorized appropriations, however, became available until May 1935. For land purchases the authorized appropriation was reduced to one-half, or \$1,000,000; the revolving credit fund was limited to a quarter of the authorization, or \$2,500,000; for organizing expenses the amount was reduced from \$250,000 to \$175,000.

THE INDIANS HOLD THEIR FIRST ELECTIONS

Congress had ordained in section 18 that each tribe must be given the unusual privilege of deciding at a special election whether it wanted to accept these benefits or reject them. Beginning with August 1934 and ending June 17, 1935, a series of 263 elections resulted in the decision by 73 tribes, with a population of 63,467 persons, to exclude themselves from the benefits and protection of the act, and by 172 tribes, with the population of 132,426 persons, to accept the act.

The participation of the Indians in these referendum elections was astonishingly heavy. In national elections, when a President is chosen and the interest of the voters is aroused through a long, intensive campaign, the average number of ballots cast does not exceed 52 percent of the total number of eligible voters; in referendum elections deciding on such matters as constitutional ratifications, bond issues, etc., when no personalities are injected into the campaign, less than 35 percent of the eligible voters participate. The referendum election on the Indian Reorganization Act

did not concern itself with candidates and personalities, yet 62 percent of all adult Indians came to the polls and cast their ballots. . . .

The rejection of the Reorganization Act on 73 reservations, most of them very small (but including the largest reservation, that of the Navajos), was due in the main to energetic campaigns of misrepresentation carried on by special interests which feared that they would lose positions of advantage through the applications of the act. Joining hands in this campaign of misrepresentation were stockmen who feared that the Indians would run their own stock on land hitherto leased to white interests; traders who were afraid of losing their business through the competition of Indian consumers' cooperatives; merchants and politicians in white communities on the edge of reservations; a few missionaries who resented the extension of the constitutional guarantee of religious liberty and freedom of conscience to Indians (not an element in the Reorganization Act, but enforced as a policy by the present administration); lumber interests which did not want to see Indian tribes exploit their own forest resources. These interests, working frequently by the historic method of defrauding Indian tribes with the connivance of certain of their own leaders, spread extreme and bizarre falsehoods concerning the effects of the act.

Among the myths spread by adverse interests on various reservations were such as these: Acceptance of the act would cause Indian owners of allotments to lose their land, which would then be distributed among those Indians who had disposed of their allotments; all farm crops would be impounded in warehouses and thereafter would be equally distributed among the population; the Indians would be segregated behind wire fences charged with electricity; all the livestock would be taken from certain tribes; unallotted reservations would be thrown open to white entry; Indian dances and other religious ceremonies would be suppressed; Indians would not be allowed to go to Christian churches; certain Southwestern reservations would be turned over to Mexico, etc.

THE NAVAJO VOTE

On the Navajo Reservation, certain interests disseminated the most fantastic fictions in their effort to induce the 43,500 Navajos to reject the help the Federal Government was offering them. With the aid of these fictions, and by falsely connecting the referendum on the Reorganization Act with the unpopular but necessary stock reduction program, the propagandists succeeded in bringing about the exclusion of the Navajo Reservation by a very narrow margin of votes: 7,608 for acceptance; 7,992 against acceptance. Immediately after the result became known, Navajo leaders started a movement to reverse it through a renewed referendum which will be possible only through a new enabling act of Congress.

THE INDIAN RENAISSANCE

Considering the long history of broken treaties, pledges, and promises, the fact that 172 tribes with an Indian population of 132,000 accepted the word of the Government that the fundamental reorganization of their lives would not harm them is evidence of a new, more satisfactory relationship between the Indians and the Indian Service. The referendum elections served a most valuable purpose. They were palpable proof to the Indians that the Government really was ready to give them a voice in the management of their own affairs, and that the period of arbitrary autocratic rule over the tribes by the Indian Service had come to an end.

This evidence of good faith was reinforced by the request that the tribes begin immediately to formulate the constitutions and charters authorized by the act. Reservation committees and groups set to work at the unaccustomed task of drafting constitutions and of making plans and programs for the economic rehabilitation of the tribes. Charters and constitutions under the Reorganization Act, when once adopted, cannot be revoked or changed by administrative action. Personal government of the tribes by the Secretary of the Interior and the Indian Commissioner is brought to an end.

INDIAN EMERGENCY WORK

In the revivifying of the Indian spirit, the wide-opened benefits of Indian emergency conservation and of other relief work played an important part. It must be remembered that on many reservations the kind of depression which struck the Nation in 1929 had been a chronic condition for a long time, becoming acute when land sales dropped off and the revenue from farm and grazing lands leased to whites dropped almost to the vanishing point. Opportunities for wage work had been all but nonexistent on most reservations, and the psychology of the chronically unemployed had prevailed for so long that it was feared that most of the Indians had become unemployable.

This fear proved to be groundless. Indians young and old not merely accepted emergency relief work, but almost fought for the chance to labor. And they labored effectively. Through their effort the physical plant, the land, the water, the forests, have had many millions of dollars added to their use value in the last 2 years. Incalculable benefits have been derived from the improvement of 20 million acres of range, through the development of springs and wells and the construction of thousands of stock-water dams, through roads and truck trails, through the construction of thousands of miles of fences and telephone lines. There is not one reservation which, as a result of the emergency and relief work, is not a better place to live on, an easier place in which to gain a living from the soil.

A clear gain to the Indians—and to many white communities in the Indian country—accrued out of the grants from Public Works funds for new Indian community-school buildings, hospitals, and sanatoria, many of them built entirely by Indian labor. Yet the pressing need for structures of this kind has not been half filled. Nor is the Indian irrigation program, financed from emergency grants, more than one-third completed.

AFTER THE DEPRESSION — WHAT?

The benefit derived by the Indians from the emergency and relief work has many aspects. Thou-

sands of the Indian workers have, for perhaps the first time in their lives, learned what it means to have sufficient nourishment of the right kind regularly. Other thousands have been able to acquire minimal household goods, clothing, livestock, and farm implements. Thousands of savings accounts have been started at the various agencies out of earnings of \$2.10 per day for 20 days in the month during part of the year.

There have been entries on the debit side also. The number of bootleggers on the fringe of many reservations has multiplied; law enforcement has become more and more difficult. Automobile dealers with second-hand wrecks for sale have encouraged the younger Indians to obligate their potential earnings for years ahead; some traders have encouraged credit buying on far too lavish a scale.

But more important than these shortcomings due to the innate generosity of a race unfamiliar with wise consumption habits is the problem that arises from the introduction of a wage economy on reservations which will supply almost no per-

manent opportunity for wage work. After the depression is over and the emergency grants cease, what will happen to the now-working Indians?

REHABILITATION EMPHASIZED

To prepare for this inevitable crisis additional funds must be obtained for rehabilitation projects, such as land purchase, housing, the construction of barns and root cellars, the development of domestic water and sanitary facilities, the subjugation of land, the financing of purchases of seeds, implements, and livestock, the stimulation and development of Indian arts and crafts, and the organization and financing of sawmills, fisheries, and other industrial enterprises. This amended program would mean a playing down of the wage motive, a playing up of production for use.

If the necessary grants for this program be made, the Indians on many reservations should be able to pass gradually from relief work to subsistence farming, craft, and other supplemental industrial work of their own.

ROBERT BURNETTE AND JOHN KOSTER *A Blueprint for Elected Tyranny* (1974)

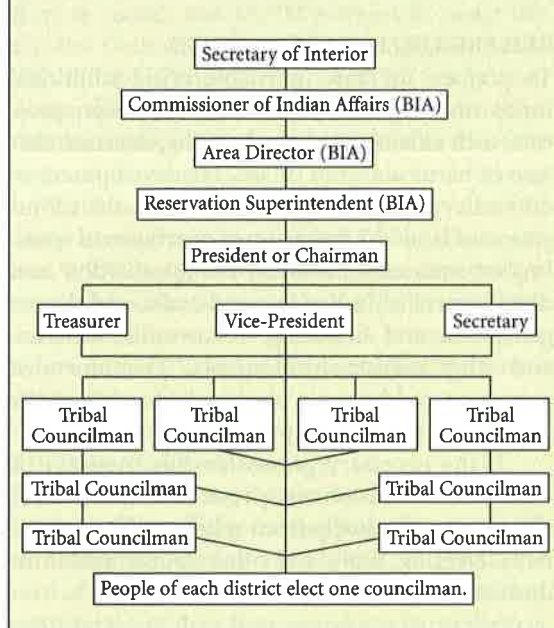
Under the IRA, the once all-powerful agent was pushed from his dictatorial position in favor, usually, of a chairman-council form of elective government. For the first time in fifty years the Indians were allowed to pick their own leaders. This was a radical change from the traditional tribal government which had total democracy in council, advised by a smaller council of wise elders who had to agree unanimously on every decision and even then could not force their decisions

on any adult male. Built into the BIA's chairman-council system were all the weaknesses, but none of the strengths, of local government in middle America. The white agent was retained in the form of the *superintendent*, a white BIA appointee who holds veto power over tribal finances. Through the superintendent, the BIA could still tell the Indian people how many cows they could buy or sell, how much timber they could cut, and what their school curricula should be. There was no system of checks and balances, no procedure through which inequities could be righted. It was a blueprint for elected tyranny. . . .

Before the IRA, there were almost as many tribal governing bodies as there were tribes. Owing to restrictive federal policies, some tribes

SOURCE: Robert Burnette and John Koster, *The Road to Wounded Knee* (New York: Bantam Books, 1974), 15-16, 180-87. Copyright © 1974 by Robert Burnette and John Koster. Reprinted with permission of Bantam Books, a division of Bantam Doubleday Dell Publishing Group, Inc.

Robert Burnette: "No act of tribal government except taxation of tribal members can be performed without express approval of the BIA."



◆ **Chart 7.1 IRA-Style Tribal Government, According to Robert Burnette**

SOURCE: Robert Burnette and John Koster, *The Road to Wounded Knee* (New York: Bantam Books, 1974), 295. Copyright © 1974 by Robert Burnette and John Koster. Reprinted with permission of Bantam Books, a division of Bantam Doubleday Dell Publishing Group, Inc.

were actually without a government. The actual power on the reservations, as far as the government was concerned, was the Indian agent, acting on behalf of the secretary of the interior. The tribes themselves sometimes managed to maintain a link with their past in the form of traditional governing bodies. The form differed tribe by tribe. The Red Lake Chippewas of Minnesota maintained their traditional chief system, in which chieftainship was hereditary. The Sioux across South Dakota were operating under the three-quarters-majority council system that stemmed from the Sioux Treaty of 1868. This required that three-fourths of all adult males sign any legislation affecting the tribe. The Pueblo tribes of the Southwest operated their traditional Kiva system, which was strongly linked to their religion. The Crow tribe of Montana kept their general council system, a forum of one hundred people empowered to represent the rest of the tribe.

On their own, the Indian peoples had developed the checks and balances that were needed to keep a brake on ambition. Most plains tribes originally had at least two governing bodies that kept the power decentralized. Among the Cheyenne, for example, four old man chiefs served as advisers and executives, and a council of forty chiefs made up the legislative body. The police duties were assumed by three or more warrior societies, which were rotated to prevent any group from gaining power. Each warrior society was headed by a big war chief, assisted by nine little war chiefs. The various council chiefs expressed the will of the people, and the government had no right to compel anyone to take any action unless to do otherwise would threaten the whole tribe. . . .

The New Deal's Indian Reorganization Act of 1934 carried the promise of constitutional guarantees of liberty; finances for economic growth; an end to the steady loss of Indian lands; legal

counsel needed by the tribes in order to cope with modern society; and lastly, the right to self-government to those who chose to adopt it.

Despite the golden promises, many traditional leaders were wary of anything that would disrupt the forms of government the Indians had created for themselves. The bitterly fought battle of the traditionals against the Indian Reorganization Act raged from 1934 until 1940. In the end, the Indian opposition was the victim of a provision of the act that allowed it to be adopted by 30 percent of the voting-age population of the reservation. This was a deviation both from Indian tradition and American democracy, since it allowed less than a majority to rule. The same provision that sets 30 percent as a quorum supposedly allows the Indians to petition for a referendum to recall the tribal constitution by securing at least 30 percent of the voting-age population's signatures. Yet the secretary of the interior has invariably ignored this and has categorically refused to hold referendums to repeal the tribal government system set up by the IRA. Thus the government has twisted its own rules for its own convenience.

In actual practice, a tribal council is a strange vintage of constitutional government: the federal government is divided into the executive, legislative, and judicial branches; the tribal constitutions created by the federal government provide for one single governing body, which tends to operate under constant conflicts of interest.

Under the IRA, the tribal president, chairman, or chief is generally empowered only to carry out the resolutions, ordinances, or directives of the tribal council. Thus, Indians have an executive who can only function whenever the tribal council orders him to act. Likewise, the vice-president, vice-chairman, or vice-chief can only act in the absence of the president, chairman, or chief.

The tribal secretary, although he may be a constitutional officer, is the keeper of the tribal records and as such is subject to the powers of the tribal council. The tribal treasurer is the custodian of all tribal funds and can disburse such funds only by orders of the tribal council.

The size of the tribal council depends on the size of the tribe. Many have as few as six members; the Navajo tribe has seventy-two. The average number is around sixteen.

These councilmen are elected by various methods. On the Sioux reservations of Rosebud and Pine Ridge, among others, the tribe has an open nonpartisan primary, in which anyone with the required number of signatures on his nominating petition can get on the ballot. The primary narrows the field down to two candidates for each office. These two vie for office in the final election, usually about two months after the primary.

On other reservations, like the Crow reservation of Montana, there is no primary. The general election is open, with as many as a dozen candidates running as spoilers to take votes away from their friend's political opponents. Anyone who thinks that Indian people lack political sophistication would find some of the elections held by the north plains tribes, the Sioux in particular, to be very instructive. Not the least compelling reason for seeking office is that tribal chairmen receive a five-figure income—not easy to come by on a reservation—and can control a great deal of patronage, such as jobs for relatives.

Tribal constitutions specifically grant tribal councils the power to act for and in behalf of the entire tribe, without consulting the wishes of the people.

The tribal council has the power to negotiate with the federal, state, and local governments; to legislate the economic, social, educational, and domestic affairs of the tribe; to establish a tribal court, maintain a law-and-order code; to control domestic relations; to charter subordinate tribal enterprises; and to regulate the appointment of guardians for minors and mental incompetents.

In the area of land, the tribal council was empowered with restricting undesirable persons from the reservation; making assignments of tribal land to members; employing legal counsel for the advancement and protection of the tribe; purchasing lands through condemnation in courts of competent jurisdiction; governing the inheritance of

real and personal property; and executing leases on tribal land. In addition, the council had the power to veto any action that would destroy tribal property.

The council also had the power to expend tribal funds; to levy taxes on tribal members or require the performance of labor in lieu of taxes; to regulate tribal elections; to advise the secretary of the interior on budget estimates prior to submission to Congress or the Bureau of the Budget; and to regulate their own procedure.

Despite this impressive list of powers, tribal self-government was a charade. The tribal constitution provides that the secretary of the interior approve the tribal council's actions, which means that the conflict of interest inherent in Interior's control over the Indian tribes is written right into their constitutions.

To add to the confusion, the Department of the Interior holds that the charters issued to the tribes are separate and distinct documents with no application or control over the tribal constitutions. This is an extremely contradictory position for the Department of the Interior to take, since the tribal constitutions, *Powers of the Tribal Council*, say bluntly:

"To manage economic affairs and enterprises of the tribe in accordance with the terms of the charter which may be issued to the tribe by the Secretary of the Interior . . ."

Thus the government set up for the Indians by Congress violates the Congress's own form of government. Indians hate this second-class form of government because their original, traditional tribal governments were invariably far superior.

Time and again, the Department of the Interior has interfered in tribal affairs against the Indians' best interests. For instance, a tribe may have a tremendous reserve of oil and gas on their reservation and have no desire to have some oil company exploit their wealth. They would prefer to form a tribally owned oil company employing their own people and profiting the tribe. But government officials will be bribed and the BIA will begin applying pressure to force the tribal council

members to enact a resolution to advertise the oil and gas leases in their reservation for public bids. . . . The BIA has habitually meddled in tribal business, usually to the tribe's detriment.

After the BIA had established blocks of land known as range units, they began making loans to the tribes to establish Indian credit corporations, under the tribal council's authority to charter subordinate organizations. The tribal credit corporation was totally controlled by the BIA's required secretarial-approval clause. This credit corporation was intended to advance money for Indians who desired to enter business. The funds were supposed to provide capital for opening filling stations and grocery stores, or buying livestock or farm machinery to be used in working the Indians' land. In actual practice, the BIA would only approve loans that led to Indian indebtedness.

Nearly every loan client was limited to a loan of five thousand dollars or less, when twelve thousand dollars would have ensured success. But despite the fact that the loans were failure-bound, the Indian Loan System had a national loss rate of less than 1 percent. The Indian—unlike the government—paid his debts.

This Indians' relations with the federal government began and usually ended with the BIA superintendent, and it was the superintendent, not the tribal council, who held the real power on most reservations. Except in rare cases, the balance of power has not changed since the days of the 1880s when the Indian agent ran his reservation like an army camp. Tribal government, as provided for by the Indian Reorganization Act and administered by the BIA, is now and always has been such a mess that those few tribes who escaped from the IRA government, like the Onondagas of upstate New York, feel that they are much better off under their traditional form of government.

In battles between the all-powerful superintendents and the Indian people, all too many elected officials washed their hands of the whole affair and let their constituents do their own fighting. Those elected officials who chose to try to de-

fend their people were drawn into constant battles with the superintendents, but because of the pervasive apathy of reservation living and because of their lack of knowledge of how to appeal a decision, most individual Indians seemed to think that attempts to protect their people were hopeless. One could hardly expect the Indians to be informed on Indian law when 99.44 percent of the nation's lawyers know nothing of the matter either.

Another very special fact is that Indians or anyone else affected have the right to an adminis-

trative appeals system. This is a tiresome and almost endless process because the government on any level is not subject to time limitations. Most Indian appeals taken in this manner die a natural death for lack of persistence on the part of those who seek such adjudication.

Unlike the Indians, who felt strangled and frustrated by this morass of white tape, BIA officials seemed to thrive on it. But they took pains to stifle any challenge to their powers.

Indians in the Cities



WHEN GLENN EMMONS, a banker from New Mexico, became Commissioner of Indian Affairs under President Eisenhower in 1953, he devoted considerable energy toward improving the relocation program established by his predecessor, Dillon S. Myer. Emmons moved the Bureau of Relocation headquarters from Washington, D.C., to Denver to bring it closer to Indian populations and opened new field offices, secured additional funding, and stepped up publicity for the program. He placed great faith in relocation's ability to weaken tribalism and promote assimilation. In his annual report for 1954 he described the program in optimistic terms. Interest in relocating from the reservations was growing, stimulated by letters home from friends and relatives who had already moved to the cities; the numbers of relocatees were up, and relocation agencies were proving successful in finding jobs for Indians when they arrived in the cities. In addition, the Chicago Field Relocation Office assisted in the establishment of an All-Tribes American Indian Center in Chicago. This center, reported Emmons, "raised its own funds, and under the directorship of a board composed almost entirely of Indians, began providing opportunities for Indian relocatees to meet, engage in social and recreational programs, exchange experiences, and assist each other. Its operations were completely independent of the Bureau."⁶⁴

Indian individuals and families looked for jobs and new lives in urban America long before the BIA program provided additional incentives; they continued to do so long after the program was phased out. Those who made the move often saw things quite differently from Emmons. "The decision to leave their homelands," writes historian Kenneth Philp, "was more than a response to the prodding of federal bureaucrats who favored termination. It was a stride toward freedom from Indian Bureau paternalism, economic insecurity, racial injustice, segregation, and second-class citizenship."⁶⁵ The accounts reprinted here by anonymous Indian people living in Chicago and by Ignatia Broker, an Ojibway or Anishinaabe elder