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American Indians and World War II

Toward a New Era in Indian Affairs

Alison R. Bernstein

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By Alison R. Bernstein

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Chapter Two

Indians and the Draft

On September 20, 1940, Congress enacted America's first peacetime draft law, a departure which raised a series of problems unique in American Indian history. Since a sizable number of Indians, perhaps as many as one-half of the population, were not citizens in 1917, the government had not drafted them in the First World War. The contributions of approximately 10,000 Indian volunteers led Congress in 1924 to grant all Indians blanket citizenship. ¹ In the period between the wars, little thought was given to how the Indians' new status would alter their relationship to the federal government in the event of another war. Furthermore, the Indian New Deal had advocated the preservation of tribal culture and defended Indian civil rights, whereas the war emergency did not encourage cultural pluralism or tribal sovereignty. Indians were expected to respond no differently than other Americans to the draft.

Since Indian participation in the military had not come up in the congressional debates over the draft. Commissioner Collier tried to lobby within the Interior Department for special treatment for Indian soldiers and an expanded role for the BIA. In a memo submitted to the department secretary, Collier suggested that "the best means of using Indian man-power should the need arise would be through the formation of an All-Indian division administered by the Bureau of Indian Affairs."² He noted that there were 42,000 Indians eligible for military service, and claimed that the Indians wanted to be separated from whites and have their identity specifically and specially recognized. Nothing came of this recommendation, but after the draft was enacted, Collier actually received a request for the creation of an all-Navajo division. "The Navajo will cheerfully accept any assignment of selective service," the head of the tribal council, J. C. Morgan, assured the BIA, "but it would seem wise to consider the advantages of maintaining the Navajo as an indigenous regiment."³

Morgan and Collier had different reasons for favoring the establishment of separate Indian units. Morgan saw them as a means of easing Indians into the army, while Collier urged the concept as a way of preserving Indian culture. The Navajo leader, an old-time assimilationist, wanted as many tribesmen as possible to see military duty and felt that scores would be rejected as illiterate if they had to serve in English-speaking units. Collier simply believed that Indians' special status warranted a separate military organization. Furthermore, he nursed hopes that an Indian unit administered by the BIA would strengthen the agency's role in the defense mobilization.

The Selective Service Act said nothing about separate Indian units, but regulations did empower the BIA to handle the registration of reservation Indians. The commissioner was given functions "corresponding generally to those of a governor,"⁴ and Indians on reservations were to be registered under his direction. Reservation superintendents performed duties analogous to county clerks. However, Indians living both on and off reservations in Kansas, Louisiana, Michigan, Mississippi, Nebraska, New York, Oklahoma, and Texas, in addition to a few bands of Indians living in California, reported to county offices to register. Collier himself had asked for these exceptions. He wrote, "Superintendents indicate that the Indians at those jurisdictions are largely intermingled with whites."⁵

Still, Collier did not give up easily on the idea of an all-Indian division. Even after the regulations went into effect, and Indians were registering, he again tried to ensure that they received special status. In a radio interview on October 24, 1940, he insisted, "The question of separate military units for Indians is still under consideration." This time Collier used Morgan's argument that because large numbers of Indians did not speak English, they would feel more comfortable in separate units where they could learn a new language while serving their country. In other words, separate units would help assimilate native speakers into the military.⁶ Collier made a similar argument in a formal letter that he drafted and that Acting Secretary of the Interior Willard Wirtz sent to the War Department, requesting separate Indian training units. Secretary of War Stimson's reply was short and unequivocal: "War Department feels that the proper policy governing the assignment and training of the Indian under the Selective Service

should be the same as for the white trainee." 7 In contrast to policies governing black inductees, the War Department favored the integration of Indians into white units. Therefore, Collier had lost in his bid for a BIA-controlled Indian division.

Meanwhile, the bureau was discovering that it had its hands full trying to get less acculturated and more isolated Indians to register for the draft. These Indians initially reacted to registration with confusion and mistrust. They did not understand the intricacies of the Selective Service regulations, and some were even uninformed about their citizenship status. One young Paiute from Utah complained to Washington: "The gent here is signing up all the young boys in the Army. . . . The young Indian boys aren't citizens and they don't buy whiskey. . . . We are not citizens. . . . We wanted to know if all of us Indian boys are going to fight for the white people and you should have let me know."8 The president received pleas from Indians who felt that they were being duped once again by the government. A Mississippi Choctaw chief argued, "Choctaw Indians never vote or pay poll tax. The white friend here say we are not allowed to vote. . . . If we are not citizens, will it be right for Choctaws to go to war?"9 Fred Daiker, one of Commissioner Collier's assistants, composed a reply for Roosevelt's signature saying that Choctaws were indeed citizens and subject to the draft. "However," he wrote, "the matter of voting is governed by the laws of each state."10 Ironically, the federal government had the power to force Indians to serve in the military but did not have the power to compel Mississippi to grant Indians the vote.

With Washington's consent, superintendents adjusted regulations and tried to make allowances for Indians experiencing difficulty with the registration process. On the Navajo reservation agency staff established 125 registration sites and allowed three days instead of one to complete registration, and on the Rosebud Sioux reservation the BIA hired Indians to explain the draft regulations in the Lakota language.¹² One local Indian Bureau official publicly admitted that he was uncomfortable forcing Indians to register for the draft. "There may be some justice in the Indians' opposition to registration," argued the superintendent of the Ute agency. "They feel that this country was taken away from them by white men and for that reason they should not now be required to help in case of invasion or attack."¹³



Papago Indians registering for the draft at San Xavier Mission, October 17, 1940. Credit: Bettman Archives/Acme Photo.

Newspapers in Indian country inadvertently added to the confusion over the relationship of Indians to the draft. One reader asked the editor of the *Denver Post* if the American Indian could claim exemption from conscription. "All Indians are exempt from conscription if they are living on Indian reservations," the editor erroneously replied. On October 13, 1940, three days before registration was scheduled to occur, the *Albuquerque Journal* observed, "The government hasn't yet decided whether Indians will be subject to drafting for military service, but an estimated 4500 voteless redskinned wards in New Mexico will be registered anyway this week." 14

A few whites deliberately encouraged Indians to resist the draft. Individuals financed by the German-American Bund mounted propaganda campaigns to persuade Indians to oppose the BIA's attempts to register them. These pro-Nazi agitators focused their efforts on the

Plains Indians since, in a propaganda move, the German government had officially declared the Sioux to be Aryans. ¹⁵ Alice Lee Jemison, a part-Iroquois publicist and Washington representative of the staunchly anti-Collier American Indian Federation, revealed in a congressional hearing that she had been paid by an agent of the Bund to circulate falsehoods about the BIA and incite Indians in Montana and the Dakotas against the draft. "Indians are incompetent wards and as such cannot be conscripted for military service any more than the inmates of an insane institution," Jemison shamelessly wrote.¹⁶

Some communists formed an organization of landless Indians in Montana and encouraged them to oppose conscription. Already discontented over the lack of work opportunities and the deportation of fellow tribe members to Canada, these poverty-stricken Indians proved an easy mark for local propagandists. Commissioner Collier received reports about the group and forwarded them to the United States Attorney General's Office, which set up an FBI investigation of the organization and its leader, Raymond Gray, a self-avowed Communist. Within a few months, the protesters halted their activities.¹⁷

Occasionally, Indians who opposed the draft cited religious traditions and the conflict between their cultural mores and those of whites. Taos Pueblo Indians, for whom long hair is an important religious symbol, expressed concern that "members of the tribe who are conscripted for National Defense will lose their long braids and their chance to go to the Happy Hunting ground."¹⁸ Elders of the Sioux tribe on the Pine Ridge reservation who wished to enlist objected to the arbitrary age ceiling of thirty-five years for "eligible braves." And when nine younger braves heard an announcement of the draft they snorted, "Since when has it been necessary to conscript the Sioux as fighters?"¹⁹

Some sixty-five Seminole Indians in Florida went to great lengths to avoid registration, without realizing that they might never be drafted. They hid out in the Everglades despite warnings from the superintendent of the reservation that they would be prosecuted if they did not register. "Since the tribe is still technically at war with the United States," wrote Superintendent Gardin to Collier, "they'd probably be classified as COs and would not be called up for training."²⁰ After tracking down the renegades, Gardin succeeded in convincing all but two Seminoles to register for the draft and face the consequences.

These incidents attracted considerable attention from sympathetic whites, especially those involved with pro-Indian organizations and civil liberties causes. The American Association on Indian Affairs in New York published monthly reports concerning the treatment of Indian resisters, and Commissioner Collier frequently received inquiries from the American Civil Liberties Union. "I see you have got some conscientious objectors among the Indians and not Christian pacifists either!", quipped Roger Baldwin, the ACLU's executive director. "In the case of those refusing to register, I presume the Department of Justice will not proceed against them, for it would be a very foolish gesture." Collier reassured Baldwin that "there does not seem to be any disposition in the Selective Service or in the Department of Justice to be brutal or hasty with Indian resisters." Baldwin continued to keep a watchful eye on the situation since, as he told Collier, "The Indians' moral position is unassailable." 21

Collier did not need to be reminded about the Indians' side of the story, but he also knew that illegal resisters could not disregard federal laws with impunity. His patience was soon tested in a bizarre incident in the remote canyons of southern Arizona where an aged Papago medicine man, Pia Machita, insisted on counseling his young tribesmen not to register.

Machita had a history of noncompliance with federal authority. In 1934, T. B. Hall, the superintendent of the Sells Indian agency, visited the small Papago village of Toapit on the Mexican border to talk about the Indian New Deal. Pia Machita, an elderly Indian of "unusual and commanding appearance," sprang to his feet and began talking rapidly in Papago. "He said that he did not recognize the Gadsden Purchase and that his people owed allegiance to Mexico," Hall recalled. "I was out of my country!"²² After that meeting, the medicine man opposed all efforts to cooperate with the BIA's attempts at land conservation, the inoculation of cattle, and even taking the 1940 Census; but he was never prosecuted.

Machita's final confrontation with the federal government took place on October 13, 1940, when agents for the BIA attempted to register thirty Indians at Toapit village, and they resisted. The next evening, the chief deputy United States marshal from Tucson and the chief of the Papago police tried to arrest the Indian leader, but they were

roughed up and forced to release the eighty-year-old Papago, who then escaped into the desert with twenty-five followers. The BIA, fearing that additional federal pressure would exacerbate the situation, began negotiations through the good offices of other Papago chiefs. But this approach did not work because Pia Machita refused to listen. In his eyes, English-speaking Papago were whites and should not be trusted. On May 21, 1941, seven months after the Indians went into hiding, a posse finally apprehended the recalcitrant leader and his band on the Pima Indian reservation. ²³

This episode symbolized the changing nature of federal-Indian relations on the eve of war. Although he sympathized with the Indians, Commissioner Collier knew that tribal sovereignty could not supercede federal authority when it came to the draft. An editorial describing the plight of the Papagos captured the irony of the situation:

For goodness knows how many years Pia Machita has exercised undisputed authority over his little group of villagers. To those who have sought to bring him into what we call civilization he has declared, "this is my land, these are my people; the white man leave me alone, I leave the white man alone."

And so Pia Michita's life tells a little story of civilization. The weak must give way to the strong, must submit to superior force. In this year 1941, when with one breath we express horror at the use of race, we give approval to the use of force against a man who has had part of his lands taken away from him by force, who now has his own liberty taken away by force.²⁴

The Indian was tried in U.S. District Court for resisting a federal officer, and although the BIA pleaded for leniency, Machita was sentenced to eighteen months in prison. The judge was unmoved by the BIA's appeal that the Indian was following his conscience. "Denying the sovereignty of the United States is an offense far too serious in these times," he declared.²⁵

Though the Pia Machita incident was the most dramatic example of Indian resistance, other Indians, too, tested the federal government's authority, in ways that were legal if not conventional. Three member tribes of the Iroquois Confederacy—the Tuscarora, the St. Regis Mohawk, and the Seneca—offered their treaties with the United States as proof of their separate nation status. They claimed that the draft did



Three members of the Iroquois Confederacy join their lawyer in New York City to argue that the draft violates the 1794 treaty between the Six Nations of the Iroquois and the United States government.

The case was heard by three federal judges in March 1941.

not apply to them because they refused to recognize the legitimacy of the 1924 Citizenship Act. A resolution passed by the St. Regis Mohawk tribal council on October 13, 1940, summarized the Iroquois position: "Under our treaties with the United States of America, we are a distinct race, nation and people owning and occupying and governing the lands of our ancestors and under the protection of the federal government in reciprocation for our friendship etc. to the government. . . . Under these treaties with the USA we do not consider the Act of June 2, 1924 as applying to the Six Nations Confederacy." 26

The controversy did not center on the draft, but rather on congressional authority to make members of these tribes United States citizens. "The Citizenship Act was not executed by a special treaty with the Six Nations Confederacy as it should have been. We do not believe that any nation has the right to make laws to govern another nation or vice

versa," the St. Regis Mohawk Council stated.²⁷ The Iroquois reminded their white brothers that they had not smoked the peace pipe with Germany since they had declared war on the Kaiser as an independent nation in 1918. Therefore they were technically still at war with the Germans.

The Tuscarora angrily contrasted American policy with that of Canada. They pointed out that the treaties of Fort Stanwix and Canandaigua signed with the federal government in 1784 and 1794 had identical texts to the Haldimand Treaty which Canada concluded with the Iroquois Nations in 1794. The Tuscarora chief, Clinton Rickard, wrote to President Roosevelt, "Canada, unlike the United States, kept its treaty with the Six Nations by not requiring any of the members to register or to be subject to compulsory military service."²⁸ The Indian claimed that in 1941 the Iroquois in Canada were notified that they would have to register for conscription, but when they called their treaties to the attention of Canadian authorities, the ruling was reversed.

The Seneca asserted that their hostility to the draft was only the latest chapter in a long struggle to maintain tribal sovereignty and independence from federal rule. In 1912, they noted, George Dekker, the chief of the Seneca Nation, had assured his people that they were a separate nation and could not be subjected to any outside law without their express consent. One of Dekker's successors, Chief Wilfred Crouse, claimed that the 1924 Citizenship Act had no effect on the Indians' status, and in the fall of 1940, Crouse became a primary leader against the draft. The growing complexity of the case prompted F. A. Archambault, the senior clerk of the New York Indian Agency, to seek outside legal advice. "The lawyer was of the opinion that the Indians need not register because he considered the Indians to be an independent nation," Archambault wrote Collier. "The only possible way in which this opinion can be changed would be to detail a legal expert here."²⁹

A few days earlier, Collier had issued a press release commenting on the Seneca stand and underscoring his determination to get these Indians registered: "They cherished a pleasing myth of unlimited sovereignty whose aesthetic value is real to themselves. It would be unfortunate if any of them are led to violate the draft law. . . . Their status in this matter is exactly that of all other Indians. They were made full citizens by Act of Congress and possess no such sovereignty as they have

been led to dream of." ³⁰ The press release also provided a way for the Indians to save face. Collier urged them to register for the draft as aliens: "Even if they could establish separate nation status, they would still have to register. An alien who refuses . . . is subject to the penalties."³¹ On October 10, 1940, the day Collier released this statement, newspapers carried fresh reports that Crouse might bring his case to the courts. After two days of discussions with other Seneca leaders, the chief urged tribesmen to sign up and file claims for exemption later. Collier had found a way to keep the Indians from breaking the law, at least for the time being.³²

After this success, the BIA used the same approach with other resisting tribes. Collier told the Mohawk that it would be a mistake not to register since registration was not dependent on citizenship or non-citizenship. In a letter to the editor of the *Buffalo Evening News*, Collier stated that he believed Indians were subject to the draft, but that "after registering the Indians could proceed to seek a court decision to support their views."³³ For a time, the controversy appeared to die down as the Indians followed the commissioner's suggestion and registered. But reporting for induction, it seemed, was another matter.

In March 1941, a young Mohawk wrote Roger Baldwin at the ACLU for legal advice concerning the draft. "The Chiefs of the Six Nations tribes have forbidden anyone from reporting for induction," he noted. "One Indian who failed to appear in response to a draft notice was jailed, while others were inducted against their will." The Indian hoped that Baldwin would concur with his position that the 1924 law did not apply to the New York Indians. "Congress may as well pass a law making Mexicans citizens," the Mohawk wrote.³⁴ Baldwin conferred with Oliver La Farge, the president of the American Association on Indian Affairs, who assured him that the Iroquois' interpretation of citizenship was legally incorrect. Baldwin then wrote back that the Indians' problem was "a bit too complicated for us" and referred them to the association where "they could count on La Farge's sympathetic interest."³⁵

Meanwhile, one Indian decided to test the legality of citizenship and the draft in the courts. Warren Green was an Onondaga living off the reservation in Syracuse, New York, but still a member of one of the tribes of the Six Nations Confederacy. He registered for the draft in the

spring of 1941. When he was classified 1A he did not appeal it. After taking an oath of allegiance to the United States, he was inducted into the army. Green's mother then petitioned the district court for a writ of habeas corpus ordering that her son be discharged because he was not a citizen. The court denied the motion for discharge, and in September 1941 the decision was appealed by the heads of the Six Nations to the United States Second Circuit Court of Appeals. The appeal was heard in October 1941.³⁶

Attorneys for both the appellant and the government introduced new arguments to support their by-now familiar positions. The Indians' lawyer pointed out that the status of the Iroquois was unusual. Unlike many other American Indians, they were never conquered by the United States; therefore, they had never ceased to be a separate nation on equal diplomatic footing with the federal government. Attorneys for the government based their case not only on the 1924 Citizenship Act but also on the recently passed Nationality Act of 1940. They asserted that if misunderstandings about the citizenship of Indians still existed, the 1940 act clarified the intent of Congress, for it provided that all Indians, including those born after 1924, were citizens.³⁷

It is worth noting that the judges could have refused to decide the case on the substantive issues. In fact, Jerome Frank, speaking for the three-member court, noted that on at least two procedural counts the motion for appeal could have been denied. Green had failed to claim exemption before the local draft board and the motion to appeal was filed late. But one judge acknowledged privately that Green had a right to appeal without following the Selective Service's exemption regulations. Thomas Swan wrote in a memorandum, "I am disposed to think that when an appellant claims the United States has no jurisdiction over him, he may assert his claim in the courts without first going through the appeal board."³⁸ Despite this seeming disagreement in interpretation, the judges declared, "The case would not be disposed of on these narrow grounds." The Indians deserved at least a substantive judgment on the merits of their claim.

On November 25, 1941, the court decided unanimously against Green. It concluded that when a domestic law conflicts with an earlier treaty, the statute must be honored and cited the 1884 Head Money case as precedent.³⁹ But the judges were not pleased with their own

decision. "The white men have treated Indians shabbily for so long that I would like to give them a break on compulsory military service, but I don't see how we can work it out in any lawyer-like way," 40 Swan admitted. In an uncommon display of emotion, Frank's opinion lamented the fact that the judges could not find a way to avoid handing down this ruling. "We have taxed our ingenuity in vain to find any interpretation which would result in a decision in his favor," he wrote. "We reach this conclusion most reluctantly."⁴¹

Ex Parte Green dealt a fatal blow to Indian hopes for exemption from the draft. The Iroquois tried to appeal the decision but the Supreme Court refused to hear the case. Different Iroquois factions had fought the draft for over a year, and Commissioner Collier publicly had urged the Indians to try their case in the courts. All parties recognized that *Ex Parte Green* had been the "test" of whether Indian treaties could restrain the federal government from forcing individual Indians to register for the draft.⁴² Since 1960 numerous judges have cited it as the controlling case in decisions related to compulsory military service for Indians. As a result, no Indian has ever won in his bid to be exempted from military service on the basis of tribal membership or his objection to United States citizenship.⁴³

Although he supported the court's decision on *Ex Parte Green* and urged Indians' full participation in the military, Commissioner Collier did not forget that they sometimes required a champion to defend special objections to the draft. He occasionally went out of his way to help Indians obtain deferments on religious grounds. He interceded with a local draft board on behalf of a twenty-six year old Zuni rain priest after the tribe had written to the BIA pleading that the priest's services were needed to bring rain not only for their reservation "but for the whole world." Collier persuaded the board of the sincerity of the Indians' religious beliefs, and it reversed its ruling on the grounds that the rain priest was entitled to the same consideration given ministers of other religions.⁴⁴

Once Collier went too far in his efforts to justify Indians' opposition. When six members of the Hopi tribe in Arizona appealed to Collier for aid in receiving deferments, the commissioner invited his friend Oliver La Farge to submit an analysis of Hopi religious tradition which would help non-Indian officials to understand the Hopis' objection to military

service. La Farge argued that Hopi culture was based on a tradition of pacifism, an explanation which Collier enclosed in a letter to the attorney general suggesting, "Mr. La Farge's letter will throw light on our reasons for urging a sympathetic treatment of these half dozen Hopis." ⁴⁵ Unfortunately, the tribe did not agree with Collier and La Farge. The superintendent of the Hopi reservation, Dr. Sophie Aberle, wrote Collier that the BIA should not defend these Indians: "Their refusal is based according to La Farge's letter on religious difficulties. This however is not true according to the old Hopi chiefs themselves. They say that the six boys are refusing to serve wholly and solely because they are hostile to the United States."⁴⁶ Aberle urged the commissioner to inform the Justice Department to treat the Indians like other Americans.

In New Mexico state politics eventually worked to the Navajos' advantage in getting the draft board to reverse a negative ruling regarding Indian eligibility. In December 1940 the board at Gallup had decided that non-English-speaking Navajo were ineligible for Selective Service. This galled tribal leaders because it meant that a majority of the nearly 4,500 registrants would be disqualified. "It's discriminatory. . . . Navajo are extremely patriotic and want to serve," protested Morgan, the council chairman, who earlier had sought to avoid this problem by establishing an all-Navajo training unit.

While Morgan pressured the Gallup board to accept non-English speakers, the governor of New Mexico, John Miles, wrote to Selective Service Director Robert Dykstra after receiving complaints that whites were being called up in greater numbers because of the Gallup board's decision. He pointed out that due to restrictions placed on literacy only 5 percent of the classed-1A Navajo were eligible for military service. "This," Miles asserted, "obviously places a terrific burden on white registrants."⁴⁷ The local board revised its regulations and gave former rejectees temporary deferred status, after Selective Service officials promised that a remedial English training unit for Navajo soldiers would be established. As long as a separate unit was seen as a short-term tactic for assimilating Indians rather than a strategy aimed at preserving their culture, the federal government had no objections. Morgan welcomed the arrangement, since this had been his goal all along, and suggested using English-speaking tribesmen as special teachers for the recruits.

These isolated problems notwithstanding, Indians made a good showing in the first registration. In March 1941 the BIA announced that it had registered 7,500 Indians, while fewer than 100 had tried to resist. The 7,500 figure fell far short of the 42,000 Indians who were eligible, but it did not represent all those who were registered along with whites and who were thus not reported by the BIA. It is more likely that closer to half of the reservation Indians actually registered, since, by the end of the war, 25,000 Indians served in the military. The overwhelming number of the BIA Indian registrants came from the tribes of the southwest. 4,500 Navajo and 1,500 Pueblo Indians signed up, exceeding original estimates, while registrants from the Plains tribes accounted for the remaining 1,500. More impressive than these figures was the report that by the spring of 1941, 547 Indians had volunteered for military service. Since only 37 had been inducted, the ratio of volunteers to inductees was nearly 15 to 1.⁴⁸ The record number of Indian volunteers came from the Ft. Peck Sioux-Assiniboin reservation in northern Montana. Of 252 Ft. Peck Indians who registered for selective service, 113 volunteered for duty. Besides being the site of Sitting Bull's surrender, Ft. Peck was also the home of Chief Gall, one of the leaders of the battle of Little Big Horn. "The Sioux who left this reservation," Collier noted, "were descendants of the band which whipped Custer."⁴⁹

Collier also took particular delight in reporting reconciliations that took place between Indians and whites on the eve of the war. On the evening of April 12, 1941, Indians from the Pine Ridge reservation, the site of the Wounded Knee Massacre in 1890, were guests of honor at a dinner in Washington hosted by members of the all-white Order of Indian Wars. Some of the hosts were themselves veterans of Wounded Knee, and all were old-time military men who fought against the Indians. About this occasion, the commissioner wrote, "The fact that the Indians were specially honored guests provides a measure of the transformation that time has brought."⁵⁰ He firmly believed that in 1941 both Indians and whites shared responsibility for fighting against nations that challenged American security and democratic ideals that were as meaningful to the Indian as to non-Indians. "Now one single ideal moves our entire nation, North and South, Indian and Black and White. That ideal is the preservation of the democracy," Collier pro-

claimed. Whites should not be misled by a few incidents of Indian draft resistance, Collier assured his readers: "The overwhelming majority of Indians welcomes an opportunity to serve." 51

Although the BIA assumed that it would register Indians in the second round, scheduled for July 1941, the Selective Service disagreed. In May 1941, over Commissioner Collier's objections, it gave full authority for Indian registration to state authorities. This shift reflected the fact that Indians had responded so well to the first draft that the need for special registration procedures on the reservation, administered by the BIA, had diminished. Ironically, the bureau's success with registration convinced the Selective Service that Indians did not need special treatment, although Commissioner Collier warned that there might be confusion on some reservations where the superintendent's authority suddenly had been taken away. "We feel that there should be full support for our superintendents to advise the Indians that registration is a requirement of the law," he wrote. "Not to support the superintendent by action where necessary is likely to make the second registration a more difficult problem."52 Collier wanted it understood that no one could blame reservation superintendents for the failure of Indians to register with county clerks.

After the local boards took over in July 1941, BIA officials complained that classification policies had become arbitrary and discriminatory. At a special conference called to discuss problems with the second registration, superintendents described how some boards rejected Indians with minor criminal records, while others inducted parolees. "Besides being unfair in many instances," one superintendent remarked, "this creates a bad situation on the reservations. There are too many inconsistencies."53 Occasionally these inconsistencies led to bizarre situations. After traveling to the Leech Lake Chippewa reservation to induct tribesmen, one draft board wound up rejecting a number of Indians because they had no teeth. The Indians were furious. "I don't want to bite 'em, I just want to shoot 'em!" one rejectee replied.54 But it wasn't a laughing matter. When the BIA controlled the registration of reservation Indians, it followed a uniform policy regarding eligibility. With local control, the Indians did not get uniform treatment

Moreover, as Indians ceased to be considered a separate category of citizens, the bureau could not get systematic information from local

boards about the Indians' participation. "The Indians as a race have just cause to be proud of their 1917 record and we feel that we should obtain and keep as complete records as possible relative to Indians' involvement in the present emergency," Collier told Selective Service Director Lewis Hershey. He urged that "state directors be instructed to have local boards supply our superintendent with such data."⁵⁵ The flow of information began slowly to trickle in, but Collier resented having to rely on the states to find out about "his" Indians.

Collier often received information about Indians and the draft in a circuitous fashion. Through a press release issued by the Army Air Corps, Collier discovered that the highest-ranking American Indian in the armed forces was an Osage from Oklahoma. Brigadier General Clarence Tinker, a career man, headed the Hawaiian Air Force.⁵⁶ In reports on the Indian branch of the Civilian Conservation Corps, superintendents noted that ranks were almost depleted because so many trained personnel enlisted or were inducted into the armed forces. The skills Indians acquired through this New Deal program as well as their familiarity with non-Indian culture led many to sign up for active duty or go into war work.⁵⁷

The BIA tried to keep track of Indian registrants by hounding other agencies, but after Pearl Harbor local BIA personnel complained about new problems in obtaining Indians' records from state authorities. Reporting mechanisms eventually broke down entirely. An Indian superintendent in Oklahoma reported that, following the declaration of war, local draft boards were forbidden to give out information on draftees to anyone. One BIA official in Montana wrote Washington: "We called upon the local draft board to ask for information to make our military service report for December, 1941. The secretary informed us that this is now restricted information. Unless the office is able to work through nation and state headquarters to get the release of this information, there will be no object in making further reports."⁵⁸ Collier secured a directive from the Selective Service requesting that the local boards provide Indian Bureau officials with information. The practice, however, was not uniformly carried out and records on Indian participation in the military remained difficult for the BIA to obtain.

The fifteen-month period between the passage of the Selective Service Act and the outbreak of war had altered the structural relation-

ship of Indians to the federal Government in general and to the Indian Bureau in particular. Court decisions thrust individual Indians into an unambiguous position with regard to compulsory military service, and quieted Indian protests against the United States citizenship. The Bureau of Indian Affairs energetically jumped on the national defense bandwagon and focused its efforts on helping Indians to participate in the registration process. And while Commissioner Collier maintained his vigil over Indian civil rights, making sure that religious customs were not wantonly disregarded, it was equally clear that he believed individual Indians had to take their place beside whites in defending their country. The time to talk of separate Indian communities and customs, it seemed, had passed. Because the draft created a structure within which Indians and whites had to operate equally, it minimized their differences and thrust them into new and similar experiences.

The process of bringing the draft to the reservation eroded the Indian Bureau's exclusive involvement with and control over the tribes. Tribal governments established under the Indian Reorganization Act began to do business with other federal departments. The General Council of the Klamath Tribe, for example, donated \$150,000 to the federal government to establish a defense training school on the reservation under the direct supervision of the army. The school trained young Indians in aviation and forest fire control, and gave special attention to jobs connected with national defense.

Perhaps the most graphic example of the changes wrought by the draft could be found on the reservations in the Southwest. Shortwave radios scattered throughout Indian territory brought news of "Mustache Smeller" and "Gourd Chin" the Navajo's names for Hitler and Mussolini respectively and trucks carried young Indian inductees to Phoenix and Gallup to start basic training. Though old feuds and worries over land conservation still dominated tribal discussions, there was a marked shift from preoccupation with local problems to a more nationalistic view. Oliver La Farge movingly depicted the change in one small Pueblo village. He arrived at the Santa Clara pueblo in New Mexico on Sunday, December 7, 1941. The original purpose of his visit was to discuss a BIA-sponsored dam project that had met with strong resistance because the Indians were worried that it might flood their farmlands. But the news of Pearl Harbor changed the nature of La Farge's discus-

sions: "There were expressions of regret for the many boys, not just their own people, but American boys in general who were going to be killed. There was an unexpectedly keen sense of Hawaii and the Philippines where a New Mexico antiaircraft regiment had been stationed. . . . There was a general acceptance of the war as their own. . . . There was some talk about the dam, but it had become quite secondary." 59

By the winter of 1942, across Indian country, the outbreak of war stirred emotions as no other single event had. Nearly ten thousand Indians had registered for the draft and it was clear that thousands would be fighting. The draft propelled Indians on a new course where they would be integrated into the military like their white counterparts, thus binding their fate with that of other Americans. As a result, their lives and their land-based societies would never be the same.