Especially when one is young, fifty years—half a century—seems like a long, long time. Exactly fifty years before I was born in 1915, Abraham Lincoln had just been murdered and the American Civil War was ending. The white men’s wars with Red Cloud, Crazy Horse, Captain Jack, Chief Joseph, Geronimo, and many other Native American patriots were still in the future. I was eleven years old before the nation observed the fiftieth anniversary of “Custer’s Last Stand” in an atmosphere something like that of a day of mourning and rededication, a 1926 Memorial Day on June 25. I was old enough then to thrill to “The Flaming Frontier,” Hollywood’s super-epic salute (with an intermission) to the martyred cavalry leader at the Little Bighorn, and to the white actor, Richard Dix, coated in makeup, playing the role of “The Vanishing American” (both films helped to form false and stereotypic images of Indians for me and many other non-Indians). Lincoln, Appomattox, Custer, cavalry, and Indians, they were ancient history to me, visions of long, long before I was born.

Now we are looking back together at a half century since the passage of the Indian Reorganization Act in 1934 (I was in college then), and although to younger people, it must now seem a very long time ago, it strangely does not seem so to me. During those fifty years, of course, many events occurred and many changes came to Native Americans, to Indian-white relations, and to relations between Indians and the federal and state governments. But, in many of the most basic matters concerning the status and well-being of America’s Native American population, the more that things changed, the more they stayed the same, so that I see the fifty years as a period of compressed
time in which numerous wheels spun and few, if any, of the funda­mental issues of Indian affairs of 1934 were solved.

John Collier, Dillon Myer, William Zimmerman, Glenn Emmons, and many others have come and gone. At times, it seems like they were here only last week, for the issues over which they contested in the name of Indians are still with Indians. Rupert Costo, Barney Richard, Sam LaPointe, Thomas Sam, Max Bigman, Joseph Bruner, John Snake, Ray Claymore, and many others seem closer to us than the 1930s. Those among them who are still alive could be—and in fact, often are—saying today just what they said in the 1930s.

Indians still do not possess the same freedoms enjoyed by their fellow Americans. Indians still do not enjoy meaningful self-government, self-determination, or sovereignty. The Bureau of Indian Affairs still lays the dead hand of patronizing (usually smirking) bureaucratic authority over reservation matters far beyond the parameters of its trust and treaty obligations. Reservation and tribal natural resources and other properties are still victimized by theft, cheating, and fraud. Indian religion is still not respected and protected. Discrimination and prejudice are still rampant in many states. Indian health, education, housing, and sanitation are still underfunded and largely neglected. Indian unemployment and poverty are still a national scandal. Indeed, even the ration system is back—disguised today to hungry reservation victims of cutbacks and lack of opportunity as commodity distribution programs.

The scene is not good, and one must wonder what has happened in all those fifty years through which one has lived—years filled with zigs and zags in policies, with National Congress of American Indians and National Tribal Chairmen's Association resolutions, with National Indian Youth Council and American Indian Movement activism, with task forces, Bobby and Ted Kennedy educational investigations, and a battery of unending studies. There were changes, as stated, to be sure, and some were undoubtedly for the good. But which ones, and what did they accomplish?

It is time to ask questions, to seek what Indians wanted and expected fifty years ago, twenty-five years ago, and today. Fifty years ago, relatively few Native Americans like Rupert Costo asserted the right of Native Americans to speak and act for themselves. In those days of John Collier and Oliver LaFarge, most whites deemed Indians
“children” or “incompetents,” unable to know what was best for themselves. Yes, that was the way it was only fifty years ago, but how many whites, including those still in government, continue to think the same way today? Less than twenty-five years ago, in Chicago, an Indian conference demanded the right to participate with whites in deciding policies and programs for Indians. How much has changed since then? Today—well, who is in the Indians’ driver’s seat: Native Americans or the secretary of the interior?

In this book and in the Institute of the American West conference on “Indian Self-Rule” that preceded it, it was hoped these fifty years would be carefully examined, drawing not alone on the studies and perspectives of Indian and non-Indian historians and students, but on the memories and reminiscences of participants, again both Indian and non-Indian, in the historic events and processes of that era. To assess what was good and what was bad, what was hoped for and what was frustrated, what was planned and what went wrong, what seemed right and what proved a mistake, what should be kept and what discarded, all these contributors had to ask—and try to answer—a multitude of questions.

Did the planners and writers of the IRA hold up the promise of real self-government, of self-determination and the sovereignty of the tribes? If so, where was it killed, how, and by whom? What were the roles of the Felix Cohens and of Congress, and how judge them? What were the feelings of the tribes about the IRA in 1934? Who were right and who were wrong? What were the enduring good and bad things about the IRA?

In later periods, what were—and are—the lasting adverse impacts of the termination policy, of relocation, of other events of the late Truman and Eisenhower years? How do we assess, from the tribes’ points of view, the Indian Claims Commission? Then came the Kennedy and Johnson Administrations, the Area Redevelopment Act and the Office of Economic Opportunity, the proliferation of non-BIA programs and “Indian desks” in Washington that brought new funds to reservations, the Indian Civil Rights Act, the Red Power movement and years of activism, the resurgence of traditionalism and the reassertion of Indian pride on and off the reservations. What about the long,


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The context, too, is broad, for the changes and wheel spinning have not only been political and economic. What has happened in Indian education and health (contract and tribal schools for instance, and the move of Indian health in 1955 out of the BIA for better or worse), to Indian art, literature, music, and other cultural expressions? What, indeed, in an age of accelerated Indian assimilation and acculturation with perhaps fifty thousand young Indians in white-run colleges, universities, and graduate schools, has happened to tribal cultures, Indian values, and Indian spiritual beliefs and lifeways? All of these are only a few of the areas and subjects worthy of being discussed and questioned.

It is, for certain, a long time, as hairs grey and infirmities appear, from 1934 until today. But perhaps with the help of those who lived through the last fifty years, we will realize that it was all only yesterday and is still very much with us, affecting not only today but tomorrow and the next fifty years as well. Our own years, after all, stemmed from the days of our parents and are, in turn, bequeathed to the years of our children and grandchildren. This is an opportunity to let them know.

Alvin M. Josephy, Jr.
President, National Council,
Institute of the American West

When Europeans arrived on the North American continent, they found hundreds of tribes occupying a vast and verdant country. Although the invaders quickly recognized the wealth of natural resources, their religious bigotry and cultural ethnocentrism prevented them from recognizing the cultural, spiritual, and intellectual riches possessed by the Native Americans. For three hundred years prior to the drafting of the United States Constitution, Europeans confronted the American Indians, usually attempting to expropriate the tribes' territories, often fighting them and trying to convert them to Christianity and materialism, and rarely, if ever, attempting to understand or learn from them. Despite this pattern, during that same three centuries, a foundation of law to deal with Indian tribes was built. Though it seems incredible to us today, Spanish legal scholars argued whether Indians were human
and entitled to some rights just like other people. Similarly, the French, British and English were able to establish certain basic codes of law that dealt with Indian-European relations.

By the time the United States Constitution was ratified, the framers had quite a history of precedents from which to draw in order to set down the method by which the new country was to deal with tribes. There were even those among the whites who knew enough to examine the Indian experience, as well, before drafting that remarkable document. The Iroquois Confederacy, it has been argued, was one model that the framers of democracy used. The authors of the Constitution could have gone much farther than they did in guaranteeing the rights of Indian tribes (the same for other non-whites and females), but they did make a start. They concluded that tribes were sovereign entities and that they held their natural resources in common. The Constitution prohibited states from legislating laws over Indians and reserved for the federal government the right to govern Indian trade. The federal government became a trustee for Indian rights and resources. But as Felix Cohen stated in his *Handbook of Federal Indian Law*, "Perhaps the most basic principle of all Indian law, supported by a host of decisions... is the principle that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers, granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished."

In 1984, it will have been one hundred and fifty years since the Indian Trade and Intercourse Act refined federal policy, legitimized removal of tribes from their ancestral lands, and suggested that the relationship of the federal government to the tribes was a "paternal one." The federal government had a condescending and paternalistic attitude towards tribes and committed innumerable unconscionable acts against Indian peoples (including the occasional campaign to exterminate them), but during the period up until the Grant administration, the government, when it did make a formal, honorable effort to deal with tribes, signed treaties with them as sovereign nations. Ratified by Congress, a treaty becomes the most legally binding kind of agreement this country is capable of making.

During the first century of federal Indian affairs in the United States, a very corrupt and mismanaged bureaucracy, the Indian Office,
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grew to have considerable autocratic control over tribes' relations. As part of a "reform" movement in the 1870s the government decided not only to cease making treaties with tribes, but to change the whole course of Indian policy. It became government policy to assimilate all Indians into what was thought to be the mainstream of American life. Although Indians had already lost millions upon millions of acres of land to the new republic, pressures were great to take from tribes what had been left them through treaties, acts, and executive orders. In the 1880s, the policy of assimilation took shape in what came to be called the Dawes Act. This piece of legislation, formally called the General Allotment Act and passed on February 8, 1887, was to "Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations . . . ." In essence, the act was meant to force Indians to cease their tribal ways, to become individual farmers on small plots of lands, and thus to open the remainder of U.S. Indian reservations to non-Indian use.

During the last decade of the nineteenth century and the first decades of the twentieth century, the government used all of its might to force Indian peoples to give up their tribal identity—their languages, cultures, arts, spirituality, and knowledge. Even today most tribal elders can recall a childhood when Bureau of Indian Affairs officials forced them to attend white schools where their native tongue was forbidden on penalty of punishment (often violent). Elders can recall how native religion was suppressed and condemned as pagan and backward. Indians were warned to give up any thoughts of tribalism and told their only chance in the United States was to act like whites. Bureau officials demanded that traditional dancing and singing cease. On some reservations in the West, BIA agents became petty dictators, demanding that Indians use passes to visit doctors, leave the reservation, or be out after curfew. Pregnant women were forced to dig out the roots of cottonwood trees as punishment for playing cards on Sunday. Children knelt for hours on wooden rods because they had spoken a single word of their native tongue. Religion was suppressed, tribal resources were stolen or swindled away, and Indian people lived in scandalous poverty. In the early twentieth century conditions on some reservations became a blight on the democracy.

It was exactly one hundred years after the Indian Trade and Intercourse Act that Congress enacted the Wheeler-Howard Act, also
known as the Indian Reorganization Act (IRA). The Meriam Report of 1928, John Collier's crusading, and Felix Cohen's scholarly legal work all helped lead to its passage. The bibliography at the end of this publication lists quite a number of additional sources that shed light on the years surrounding the passage of the act and on the motivations of those who pressured it through. Among those sources are Kenneth Philp's *John Collier's Crusade for Indian Reform*, Graham Taylor's *The New Deal and American Indian Tribalism*, and Lawrence Kelly's new book, *The Assault on Assimilation*.

In reading about the IRA, one overriding fact should be remembered. At the time it was passed, the first and most important thing about the IRA, to the people who passed it, was that it would negate the Dawes Allotment Act. Indeed, the Indian Reorganization Act begins, in the first section, by saying, "... hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian."

Those Indians and non-Indians who opposed the act and preferred traditional governments were sharply attacked by Collier and his allies. A 1938 publication entitled *The New Day for the Indians: A Survey of the Working of the Indian Reorganization Act of 1934* and sponsored by F. W. Hodge, Ruth Benedict, Ales Hrdlicka, A. V. Kidder, Oliver La Farge, Jay B. Nash, and a number of other Collier supporters, charged that opponents of the IRA included

- People who resist any change in the historic policy which succeeded in diminishing Indian landholding...
- Those who resist the assistance being given by the present administration to Indians in taking back the use of their own lands and range from whites, and preventing further land losses.
- Property holders and local officials who do not want to see land added to reservations taken off the local tax roles.
- Those who deplore giving Indians the right to control their own domestic relations, customs and the like.
- Those who oppose a policy that looks toward the Indian as a relatively permanent, distinct (though not segregated) element in our population and culture.
- Those who also oppose giving authority to Indian tribes to assert their property rights through independent suits.
Those who insist on confusing modern cooperative forms of enterprise with Communism.

Those who dislike a policy which changes government employees from masters of Indians to collaborators with Indians.

And finally, those Indians and whites who have used Indian misfortunes and disagreements to collect fees for their own support.

Under the present regime Indian Service opposition to fee-chasing among Indians has constantly provoked intemperate attacks from the racketeering interests whose incomes have been jeopardized.

At that time, in 1938, 189 tribes had accepted the IRA and 77 tribes had rejected it. Clearly, the administration was attempting to force the policy on tribes, whatever their objections.

The IRA and "Indian New Deal" were part of a broader reform movement under the Roosevelt administration, which resulted in such environmentally oriented acts as the 1934 Taylor Grazing Act. The movement to protect overgrazed lands led to the stock reduction program in the Southwest, a program that turned the Navajos against Collier and the IRA and has affected that tribe's attitude towards federal programs ever since.

The Indian New Deal was also supposed to give Indians new educational and economic opportunities and to provide tribes with an avenue for creating representative and effective tribal governments. One of the purposes of this book, the conference from which it resulted, and the overall Institute of the American West project is to assess to what degree the IRA has helped tribes, during the last fifty years, move towards more self-rule. The roots and effect of the later termination and self-determination policies also are examined here by some of those who are best qualified to discuss the subjects—those who battled against termination and for self-determination.

If we are surprised at the number of about-faces—the twists and one hundred and eighty degree turns that federal Indian policy has taken in the last hundred years—that is all the more reason to attempt to understand the dilemmas facing tribes today. How could it take our elected officials more than two centuries to come upon the policy of self-determination, in "the land of the free"? And yet it was not until 1975 that Public Law 93-638, the "Indian Self-Determination and Educational Assistance Act," was passed—legislation designed to give Indians
the chance to control more of Indian affairs. Under this act tribes began to take over some functions of the Bureau of Indian Affairs in a process known as "638 contracting."

The late 1970s and 1980s have brought new problems for tribes, or a resurgence of old problems. During the Kennedy and Johnson years, a flood of federal funds helped lower the unemployment rate on reservations to its lowest percentage in history, but when federal funds began to dry up, many of the industries that had been attracted to reservations began to disappear. During the Carter administration, unemployment and associated economic problems began to increase. Under the Reagan administration, unemployment has reached crisis proportions. Education and health care have also suffered in the past three years.

Both the Carter and the Reagan administrations have publicly stated support for the policy of self-determination, but in the 1980s there are a number of fundamental questions about what that means. Is health care a trust responsibility of the federal government? Dr. Everett Rhoades, a Kiowa physician who was chosen in 1982 to head the Indian Health Service, suggested in June of this year that health care is a trust responsibility of the federal government. Is education a trust responsibility? President Ronald Reagan says, "No." When he vetoed an amendment to the Tribally Controlled Community Colleges Act, he specifically reported that support for tribal colleges and Indian students was not a trust responsibility. Are tribal governments and reservations sovereign? Former Secretary James Watt's publication "Preparing Indian Tribes . . . for Economic Self-Sufficiency in the 21st Century" includes a statement affirming the "government-to-government relationship" of tribes to the federal government, but at the same time there are persistent charges that the Interior Department will not approve reservation severance taxes or tribal constitutional amendments, and that the BIA continues to drag its feet in approving tribal economic development plans.

More important was Secretary Watt's public posture and his rhetoric concerning tribes and tribal governments. Accusing tribes of "socialism," he said he would like to "liberate" them, but was meeting resistance. Ironically, he said, "We have terrible schools on the Indian reservations and we've tried to change that. Congress won't." The
attack by Watt on tribal governments was particularly unsettling since he must be aware that IRA governments were designed by the federal government itself and patterned after the U.S. Constitution. His rhetoric seemed to include carefully chosen words reminiscent of the termination period. When the secretary of the interior first met with the National Tribal Chairmen's Association, he reportedly told the congregation of leaders, "If your agenda is to play political hardball, to get news headlines, if you're going to scream and yell about getting someone fired, then why should I deal with you." Sioux leaders have charged that Watt's publicizing of eagle killings was an unfair attack on Indians, an attack that may have been inspired by Indian leaders' criticism of Watt.

There are other reasons why this administration reminds Indians of termination. By law Indians are supposed to be consulted before decisions that affect them are made. In late 1982, when the National Advisory Council on Indian Education (appointed by President James E. Carter) complained that the government was closing Indian boarding schools without first consulting the affected tribes, President Reagan fired all fourteen council members. The Association on American Indian Affairs has added:

The Association is . . . especially concerned about the current Administration's practice of attempting to use the budget process to settle basic questions of public policy. Programs that have been the subject of national debate have been terminated, or termination has been attempted, through the practice of not requesting monies for them in the President's budget. Examples of this include vital programs for Indian tribes in jobs, child welfare, health, and schools.

The President's public emphasis on volunteerism and private sector support for reservation industry is also reminiscent of the policies of the Eisenhower administration. The Reagan administration budgeted money to encourage new industry on reservations, but in amounts no greater than Collier budgeted fifty years ago (when populations were less and the dollar was worth more).

On the heels of his veto of the Eastern Indian Land Settlement Act, President Reagan proclaimed "American Indian Day" and encouraged Americans to observe May 13, 1983, by engaging in "appropriate ceremonies and deeds and to reaffirm their dedication to the ideals which our first Americans subscribe." The ideals which Indians are reach-
ing for today include energy independence, conscionable employment levels, adequate health care, fair educational opportunities, and political self-rule. As United States citizens, Indian and non-Indian, it is our obligation to understand these ideals and the issues associated with them. (Unemployment on reservations has reached 50 percent, 60 percent, and even 80 percent in some areas, levels which would not be countenanced in any other segment of the U.S. population.)

The contemporary significance of the IRA can perhaps best be seen in Alaska today. Native leaders have been struggling, since 1971, to survive the consequences of the Alaska Native Claims Settlement Act. A number of organizations have been formed, including the Alaska Federation of Natives and the Inuit Circumpolar Conference, which was organized in 1977 and which, every three years, brings together representatives of Inuit peoples from Alaska, Canada, and Greenland in order to defend and preserve the culture and rights of the Inuit, as well as the Arctic environment. There are nearly seventy IRA native Alaska communities, and another thirty who have requested approval of IRA constitutions. The Alaska Federation of Natives, with a grant from the Alaska Humanities Forum, recently sponsored a conference for Alaska IRA councils. Because native leaders believe that the 1971 act did not extinguish rights guaranteed under the IRA, at that recent meeting a new organization was formed. This new group, called the United Tribes of Alaska, has a membership of IRA Alaskan tribes intent on preserving those rights promised by the Indian Reorganization Act. The battle for sovereignty for Alaskan native communities will not end quickly.

A broad spectrum of assessments of the IRA can be evoked from non-Indian and Indian critics. Certainly, from an Indian point-of-view the act was inspired, written and passed by whites, without much consultation with Indian leaders. But from the non-Indian point-of-view it was a dramatic improvement over the assimilationist policies followed under the Dawes Allotment Act. A half century later, the history of the IRA, its implementation, and the policies which grew out of it are of immediate relevance to current issues.

E. Richard Hart,
Former Director
Institute of the American West
Mr. Munnell, author of the Consolidated Chippewa constitution, and Mr. Murrell, interpreter at the Chippewa meeting on the Indian Reorganization Act, in 1936 or 1937.