



Whose deal? : Burton K. Wheeler and the Indian Reorganization Act  
by William Morrow Stoddart

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in History  
Montana State University

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Abstract:

Senator Burton K. Wheeler of Montana upheld the long-standing U. S. government policy of assimilating American Indians into the dominant populace. As a Progressive, he believed the "Indian Reorganization" bill he introduced in Congress in 1934 to permit limited self-government for reservation communities would assist Native Americans in becoming prosperous, self-sufficient members of the United States political economy. Within three years, however, Wheeler sought repeal of the act, asserting that the Indian Reorganization Act had encouraged the expansion of the Bureau of Indian Affairs and thereby subverted the efforts of American Indians to achieve independence from federal oversight. Wheeler further argued that the increased administrative influence exercised by Commissioner of Indian Affairs John Collier betrayed both the intent of the legislation and Indian people as well. Wheeler's steadfast opposition to the Indian Reorganization Act demonstrated his commitment to representative government and contrasted with the non-representative policies administered by the Indian Bureau.

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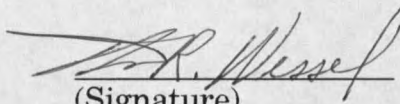
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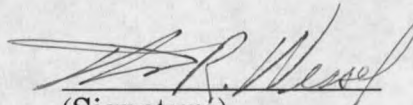
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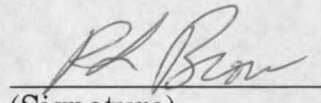
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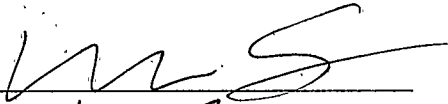
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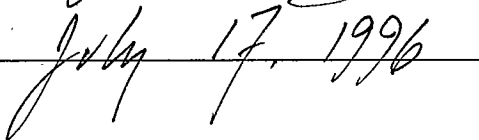
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## ABSTRACT

Senator Burton K. Wheeler of Montana upheld the long-standing U. S. government policy of assimilating American Indians into the dominant populace. As a Progressive, he believed the "Indian Reorganization" bill he introduced in Congress in 1934 to permit limited self-government for reservation communities would assist Native Americans in becoming prosperous, self-sufficient members of the United States political economy. Within three years, however, Wheeler sought repeal of the act, asserting that the Indian Reorganization Act had encouraged the expansion of the Bureau of Indian Affairs and thereby subverted the efforts of American Indians to achieve independence from federal oversight. Wheeler further argued that the increased administrative influence exercised by Commissioner of Indian Affairs John Collier betrayed both the intent of the legislation and Indian people as well. Wheeler's steadfast opposition to the Indian Reorganization Act demonstrated his commitment to representative government and contrasted with the non-representative policies administered by the Indian Bureau.

## Introduction

A Populist with progressive leanings, Burton K. Wheeler built a reputation as a defender of individual rights over the corruption of vested interests. Addressing the relationship between American Indians and the federal government, Wheeler advocated a policy of limited welfare combined with education and health provisions to help full-blooded Indian people assimilate among their non-Indian neighbors with minimal government involvement. The 1934 Indian Reorganization Act (IRA) he sponsored forced Wheeler into a temporary compromise with a pluralistic approach to American Indian issues supported by Commissioner of Indian Affairs John Collier. Collier's expansion of the Bureau of Indian Affairs, coupled with Wheeler's assertion that the IRA failed to achieve its goals, drove Wheeler to seek repeal of the legislation in 1937, a tack he pursued for the remainder of his political career.

Born in 1882 to Quaker and Methodist parents, Burton Kendall Wheeler grew up in Massachusetts and, following a conservative upbringing, headed West to seek his fortune. Shortly after his graduation from law school in Michigan, he stepped off a train in Butte, Montana, promptly lost all his money in a card game and decided to open a law practice in the thriving mining town. Wheeler developed much of his political philosophy through battles with the Anaconda Mining Company, the coercive copper giant that dominated Montana politics in the early 1900s. In private practice and as U.S. District Attorney, Wheeler fought "the Company" on behalf of labor until his election to the Senate in 1922. His position as District Attorney afforded Wheeler the

opportunity to become acquainted with a number of Indian people through his attempts to limit bootlegging operations on Montana's reservations during Prohibition. His familiarity with the reservation system from a legal and economic perspective as a western senator gained him a seat on the Committee on Indian Affairs in 1922.<sup>1</sup>

United States policy toward American Indians evolved over a long period of European contact, and rested on the notion that European societies were legally, industrially and morally superior to indigenous communities. The goal became to "uplift" Native Americans to adopt Anglo "yeoman" values through various processes of Christianization and "civilization." Under the Dawes General Allotment Act of 1887, the federal government's continuing effort to assimilate American Indians into Anglo society took a new turn; yet, considering each tribe had developed a self-determined, interdependent relationship with the land and its resources based upon spiritual and practical communion, the attempt to incorporate individual American Indians within a competitive structure succeeded only to the extent that it divorced Indian people from their lands and respective cultural backgrounds. The social upheaval dictated by the federal government's allotment policy forced many Native Americans into a cycle of poverty and degradation.<sup>2</sup>

By the end of World War I, reports of poor health conditions, starvation and bureaucratic mismanagement throughout the nation's reservation system set the stage for public condemnation of the government's Indian policies. In June 1926, John Collier and Representative James A. Frear of Wisconsin compelled the Coolidge administration to sponsor a non-partisan survey of BIA activities by the Institute for Government Research while a separate

subcommittee of the Senate Committee on Indian Affairs investigated the effects of federal Indian policy on reservations throughout the country. As Executive Secretary of the American Indian Defense Association, Collier continued to incite opposition to the Coolidge administration's Indian policies, while the Senate subcommittee turned up numerous deficiencies in the federal administration of Indian affairs.<sup>3</sup>

Throughout their investigation, Wheeler and his colleagues found reservation communities exploited by oil, timber and cattle enterprises. In addition, they documented poverty, disease and a poorly administered educational system that sponsored segregation and discrimination, and that promoted a curriculum of little value. Wheeler argued that the Indian Bureau's staff from Washington, many of whom "had never set foot on a reservation," dictated policy. Upon completion of his nationwide investigating tour, Wheeler recommended in a speech on national radio in August 1929: "old and indigent Indians should be cared for by the government," better health facilities should be built, individual states should provide for education, a "business-like accounting system" with quarterly statements should be created to monitor all tribal funds held in trust, and Indian people should be consulted about the leasing of trust and tribal properties.<sup>4</sup>

The Hoover administration saw renewed efforts by federal officials to redress the difficulties experienced by Native Americans, but the Great Depression and several years of debate intervened before President Franklin Roosevelt's New Deal developed a program under newly appointed Commissioner of Indian Affairs John Collier. Collier's background as a social reformer encouraged his participation in Indian affairs in the early 1920s,

where he grew enamored with the Puebloans' self-sufficiency and allegiance to tradition in the midst of white depredations. In light of the exploitative, pro-business atmosphere of the era, Collier considered Indian communities, in particular those of the Pueblo people, a model for all Americans.<sup>5</sup>

In January 1934, Collier and Assistant Solicitor Felix Cohen, replete with suggestions from reformers, anthropologists and some Indian people, drafted a lengthy bill touted in the press as a "New Deal for the Indians." In February 1934, Senator Wheeler, Chairman of the Committee on Indian Affairs, and his counterpart in the House, Edgar Howard of Nebraska, introduced the bill in Congress.<sup>6</sup>

The original forty-eight page document contained four main provisions premised on the termination of allotment. The first provision allowed American Indian communities "to organize for the purposes of local self-government and economic enterprise" pending the adoption of tribal charters by a three-fifths vote of tribal members and subsequent approval by the Secretary of the Interior. This section delegated a long list of powers to the tribe and sanctioned the tribal corporation to succeed any previous council.<sup>7</sup>

The second title provided a \$50,000 annual appropriation to support agricultural and vocational training programs. This title also established a \$150,000 loan fund for the purpose of promoting Native American culture through "arts, crafts, skills and traditions."<sup>8</sup>

The third title suspended the allotment program, and provided authorization to restore lands to landless individuals and to consolidate lands in the tribal interest. It extended the trust period on Indian lands "indefinitely," dictated the return of heirship lands to the communal land base upon the death

of the allottee in exchange for proportionate interest in the community or for lands of similar value, and prevented the sale of tribal or heirship lands to anyone outside the tribe. In addition, the bill entitled the Secretary of the Interior to transfer individual allotments for purposes of consolidation, to withdraw surplus reservation lands that had been opened to non-Indian settlement, and to conserve tribal lands and resources.<sup>9</sup>

The fourth title created a separate Court of Indian Affairs, complete with its own justices and attorneys appointed by the Secretary of the Interior. The legislation authorized the Court of Indian Affairs to hear cases that otherwise fell within the jurisdiction of federal district courts to facilitate the timely resolution of legal disputes within reservation communities.<sup>10</sup>

Capitalizing on the feeling of urgency that characterized the early days of the Roosevelt administration, Collier stridently presented his program to the public and to Congress. To his dismay, his proposal to reinvigorate tribal organizations and to restrict individual allotments met strong opposition from members of Congress and Indian people themselves.<sup>11</sup>

Hearings on the so-called Wheeler-Howard bill began inauspiciously shortly after its introduction. The land provisions seriously concerned many western delegates who dominated both the House and Senate Indian Affairs Committees. From the outset, however, debate over the proposal included individuals beyond the Congressional forum. The influential Crow leader and friend of Wheeler's, Robert Yellowtail, spoke on the difficulty of achieving a program of consolidation through mandatory condemnation of privately owned lands, and suggested that religious and political factionalism would prevent tribal unification and passage of the IRA among the Crow people. Concurrent

with the House hearings, Collier set out to address the concerns of Indian people through a series of ten congresses held throughout the country.<sup>12</sup>

The Plains tribes, including delegates from the Crow, Assiniboine, Blackfoot, Gros Ventre, Chippewa, Cree, Sioux and Northern Cheyenne tribes of Montana attended the first congress, held in Rapid City, South Dakota from March 2 to March 5. The face to face meeting with 200 representatives of the Plains people -- many who feared "a back to the blanket movement" and remained "uncertain as to the intentions of the act," -- convinced Collier "that on his failure or success [hinged] the fate of a victimized race."<sup>13</sup>

Collier continued his month-long tour throughout the country in an effort to reestablish the bilateral relationship between American Indians and the federal government. The meetings helped clarify the proposal among many Indian people who suspected government policy as a rule, but the Collier bill faced its largest hurdles in the Congressional arena.<sup>14</sup>

When the Senate committee reconvened on April 26 to consider the newly revised House bill, complete with over thirty amendments proposed by the House committee and the Indian delegates, Chairman Wheeler took the lead in debating Collier over the proposal. Wheeler realized the need to consider Indian opinion in the legislative process, however, he believed that Congress had the obligation as well as the knowledge to enact laws for the benefit of Indian people. Collier, on the other hand, emphasized the right of Native Americans to self-determination, although in practice he remained even more paternalistic than Wheeler.<sup>15</sup>

As passed, the act decreed that tribes had one year to approve the legislation prohibiting further allotments. The IRA made land consolidations

voluntary and required that land purchases from a \$2 million annual appropriation expand tribal estates as a whole. A \$10 million revolving credit fund permitted loans to both tribal enterprises and individuals within an incorporated tribe. The law authorized the creation of chartered municipalities, and encouraged the tribes to take control of BIA, state and local services with the aid of a \$250,000 yearly disbursement for purposes of organization. The act permitted budgetary review for the tribes and gave preferential employment for Indian people among the field personnel of the BIA. In addition, the bill created a \$250,000 annual appropriation for Indian education. Wheeler emphatically rejected the court provision; nevertheless, the act attempted to resurrect the bilateral federal-Indian relationship and emphasized Indian "grouphood" through the Anglo conception of democracy.<sup>16</sup>

On June 12, Wheeler introduced the compromise measure in the Senate, proclaiming, "There is not a provision in this bill which superimposes upon the Indians bureaucratic control from Washington." The bill passed the House by a vote of 258-88 and succeeded on a voice vote in the Senate.<sup>17</sup>

The bill that Congress approved, however, revealed many ambiguities throughout the implementation process and in practice grew into something quite different from what the framers intended. The first obstacle arose from the fact that the bill became law on the last day of the 1934 Congressional session. The legislature therefore neglected to include IRA monies in its appropriations, although the budget director had previously approved them.<sup>18</sup>

Another issue arose from language that stated the IRA would not apply to any reservation where a majority of adult Indians "shall vote against its application." The Collier administration thus counted eligible voters who



abstained from the election process as favorable votes. Due to the commissioner's ruling, seventeen tribes came under the act who opposed the legislation. In May 1935, Congress responded by extending the ratification period for the act and changing the election procedures in order to require a simple majority of adults who actually voted to prevent the act from applying to their reservation.<sup>19</sup>

Seizing upon the election issue, in April 1935, the pro-assimilationist American Indian Federation, led by Creek full-blood Joseph Bruner, declared that Collier "insulted Indians, misrepresented their attitude toward the Wheeler-Howard bill. . . and consistently advocated measures that created tribal division." Additional accusations centered on Collier's alleged socialist tendencies and his purported communist agenda. Throughout the mid-1930s, the Senate Committee on Indian Affairs provided an open forum for the AIF and became the locus for criticism of the so-called Indian New Deal.<sup>20</sup>

Commensurate with his suspicion of Collier and the increase in bureau autonomy, Wheeler supported the AIF and other opposition groups. But even among those tribes who approved the act, there remained difficulties. Of the 174 tribes nationally who accepted the IRA, only 92 adopted constitutions. Among those who adopted the IRA, several tribes resented the Anglo-American form of the IRA governments and asserted that majority election procedures created unrepresentative councils. Despite Collier's stated goal to de-emphasize bureau control, many Indian people felt the tribal councils formed under the IRA remained "pet-councils" of the Indian Bureau.<sup>21</sup>

Public support for the IRA did not alleviate Congressional criticism. Beginning in April 1935, Representative Jed Johnson of Oklahoma led the

initiative that cut appropriations to one-half the original authorization, arguing that few tribes voted to come under the act and even fewer had adopted constitutions. Johnson's success forced Collier to rely on external sources to achieve his reorganization goals. Several New Deal agencies, including the Resettlement Administration, and later the Farm Security Administration provided some \$2.5 million for land appropriations, coupled with \$4.5 million provided by Congress between 1935 and 1941. Additional support came from various relief agencies such as the Federal Emergency Relief Act and the Civil Works Administration, although total funding for Collier's program never equaled amounts authorized by the IRA.<sup>22</sup>

Eventually, Congress did not limit its criticism to withholding dollars. In the early days of the New Deal, progressives like Wheeler may have disagreed with Collier's political philosophy, but they fell in line with Roosevelt's program to encourage party unity in the face of the dire circumstances created by the Great Depression. They did not oppose the Roosevelt administration and its programs until they believed the New Deal transcended the boundaries of reasonable and practical government.<sup>23</sup>

Throughout the first decade of the IRA, Collier succeeded in improving reservation economies, conserving lands and resources, and promoting religious and cultural expression. But the fact that the IRA empowered tribal corporations to control economic resources, which for all practical purposes remained under bureau control, irritated men like Wheeler who strove to reduce bureaucratic influence and promote individual autonomy.<sup>24</sup>

Wheeler and others tolerated federal manipulation until Roosevelt revealed his plan to enlarge the Supreme Court. Throughout early 1937,

Wheeler led the fight against the proposal, claiming that "FDR wanted the court and everyone else subservient to him, just like Congress is now."<sup>25</sup>

In late February, in the midst of the court battle, Wheeler and Senator Lynn Frazier of North Dakota submitted a bill to repeal the IRA. Wheeler charged that the bureau had overstepped limits to tribal powers designated under the act and had discriminated against Indian people unfavorable to the legislation. Wheeler declared, "In the last few months some of the senators have complained privately that the tribal constitutions, voted by Indians and approved by the bureau established some of the 'objectionable features' the Senate eliminated from the bureau's original proposal."<sup>26</sup>

Collier countered, reiterating the success of the educational provisions of the legislation and stating that Wheeler's political motives for repeal reflected his court-packing stance in opposition to FDR. Collier declared, "A conflict over the act was inevitable because of 'toes being stepped on' whereas Indian property rights have been ignored up to now." He argued that the fight began in Nevada where the Pyramid Lake band of Paiute Indians threatened to eject squatters from the land if the government refused. Senator Pat McCarran of Nevada submitted a proposal for repeal of the IRA three days later, according to Collier.<sup>27</sup>

Wheeler and others continued to oppose Collier and his administration of Indian affairs. Wheeler even suggested in private correspondence that Collier should be removed from office because Congress, and Indian people as well, had lost confidence in the commissioner. Wheeler's vocal opposition finally provoked the Indian Rights Association, the California Federation of Women's Clubs and the American Indian Defense Association to mount a defense of the

IRA. These organizations supported the legislation primarily because it had prevented further land losses and offered some hope of economic stability for American Indians.<sup>28</sup>

The effect of Congressional, public and Native American discord over the IRA precluded a wholesale change in reservation conditions. Poverty, disease and bureaucratic manipulation remained the watchword in many Indian communities, even those that came under the act. In addition to the 1937 attempt to repeal the IRA, the Senate committee issued reports in 1939 and 1944 recommending the exemption of various reservations from the act. The latter report, however, proved the most detrimental as it set the stage for policies aimed at terminating the government's obligation to Indian people in the early 1950s. The 1944 report recommended the abolition of the Indian Bureau and suggested that the IRA merely perpetuated BIA interference.<sup>29</sup>

The legacy of federal policy toward American Indians is fraught with ambiguities between the obligation of the government to care for people it so systematically dispossessed and the inherent right to self-determination for all people. The Indian Reorganization Act attempted to realign assimilationist strategies under the auspices of an incorporated community that could successfully fend off white encroachment through the power of the collective in both financial terms as well as through legal authority.

Shortly after the IRA's approval, Wheeler realized the extent to which Collier's policy to reassert traditional ways to empower incorporated tribes clashed with Wheeler's belief that individual Indian people would be better off working within white society. To borrow a phrase from political commentator Gerald Johnson, Wheeler's innate sense of political survival encouraged him "to

shoot first and shoot straight"; regarding his involvement with the IRA, Wheeler fired straight across the bow of the BIA juggernaut, but to little avail.<sup>30</sup>

Collier and Wheeler both wanted to empower American Indians to compete in the dominant society. Collier promoted his vision of a traditional community structure to help Indian people avoid the selfishness and corruption he believed private ownership encouraged. Wheeler, however, sustained his attack of the BIA and the Collier administration to encourage the direct assimilation of Native Americans through government-supported welfare programs. In this light, the Indian Reorganization Act represented a reluctant compromise between Collier and Wheeler that dictated means to reestablish the viability of American Indian cultures within U.S. society under the continued direction of the Bureau of Indian Affairs.

### Notes to the Introduction

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## **Background to the IRA**

Contemporary U.S. government policy toward American Indians resulted from attempts to reconcile the goal of assimilation with the social, economic and political impacts of federal authority. Predating the formation of the United States, European relations with the various tribes centered on the conversion of Indian people to Christianity, the incorporation of Indian resources in international trade, and the glorification of the respective motherland. The eventual dominance of the English in the settlement of North America and the direct correlation between land and social status among them contributed to an unrelenting procession across the continent.<sup>1</sup>

The notion of Indian people as "wild," however, reflected a universal categorization of indigenous people and provided the basis for European cultures to initiate various programs aimed at "civilizing" Native Americans to assume the effects of European society. Efforts to assimilate Indian people within the Europeans' respective geographies of influence met with varied challenges according to the tribe encountered, nevertheless, the presumption of European hegemony over the native people of the Americas stood rooted in the right of conquest, peaceful or otherwise.<sup>2</sup>

The authority to legislate and otherwise direct United States policy toward American Indians began with the constitutional empowerment of Congress "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." In its early stages, the government proceeded to secure rights to American Indian lands through treaty negotiations subject to Senate approval in order to prevent conflict with Indian

people. The policy, as expressed by George Washington and embodied in the Northwest Ordinance of 1787, desired to create a boundary between the two cultures for the purposes of peaceful trade while "the gradual extension of our Settlements will as certainly cause the Savage as the Wolf to retire; both being beasts of prey tho' they differ in shape." Arguments in the government persisted that recognized the prior occupancy of Indian people and therefore their right to possess the soil, however, by the time of the Jefferson administration, efforts to promote trade and agriculture among the eastern tribes worked to increase their material dependency on manufactured goods and Euro-American style agriculture.<sup>3</sup>

While Jefferson avoided the direct appropriation of American Indian lands, officials entertained the idea of an allotment system as early as 1816 with the "earnest desire of the Government to draw its savage neighbors within the pale of civilization." Concurrently, the Supreme Court, in *Fletcher v. Peck* (1810) and in *Johnson and Graham's Lessees v. McIntosh* (1823), determined that fee title to Indian lands within the United States ultimately rested in the hands of the federal government. According to the court, the "conquerors" may find "some excuse, if not justification, in the character and habits of the people whose rights have been wrested from them." As a result of ongoing pressures to acquire additional land for settlement and commensurate resistance from Indian people toward the appropriation of their lands, the government authorized the creation of the Bureau of Indian Affairs in 1824, under jurisdiction of the War Department. Shortly after the creation of the BIA, President Monroe, fearing the "degradation and extermination" of the Native Americans should they remain in an increasingly white-dominated society,

proposed the voluntary removal of Indian people from their lands in exchange for instruction in the "arts of civilization."<sup>4</sup>

While the policy of removal received substantial criticism, especially as practiced by President Andrew Jackson, the Supreme Court ruled in *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832) that agreements between tribes and the government did not qualify as treaties between sovereign nations. Citing the authority of the United States government reflected in the right of conquest, Chief Justice John Marshall wrote that the Cherokee Nation constituted a "domestic, dependent nation" and maintained a relationship to the federal government parallel to that of "a ward to his guardian." In addition to the judicial authorization of United States sovereignty over Indian people, white prejudice expanded during the removal era "under the influence of more widespread frontier clashes and disparaging popular literature." In 1848, Commissioner of Indian Affairs William Medill expressed his desire for Native Americans to assume the trappings of Anglo civilization through their "physical, intellectual, moral and religious education." By the late 1860s, most treaties included provisions for Indian land cessions and permanent reservations, with certain responsibilities for the federal government to prevent trespass on Indian lands, and to provide money held in trust or annuities as remuneration. The legacy of the first century of federal policy toward American Indians thus established the right, if not the obligation, of the federal government to presume control over Indian people and their lands and to enforce their segregation from the general population while they became "civilized," albeit through "voluntary" agreement.<sup>5</sup>

A shift in government policy occurred with President Ulysses S. Grant's creation of the Peace Commission in 1869 and with the passage of the Indian Appropriation Act of 1872. According to the commission, hostilities between the tribes and non-Indians resulted from white avarice and short-sighted policy. The commission reported that mutual fear, fostered by the language barrier and corrupt agents and traders supported by incompetent military personnel, created a climate of distrust. In response, Grant appointed both Catholic and Protestant missionaries to act as agents of the federal government on the reservations and exorcise corruption within the Indian Bureau. Concurrent with the report of the Peace Commission, Grant established the Board of Indian Commissioners, a group of unpaid philanthropists, to assist the Secretary of the Interior in Indian affairs.<sup>6</sup>

Meanwhile, the House debated the power of the Senate to negotiate treaties. The result of the House discussion and the recommendations of the Board of Indian Commissioners, supported by Commissioner of Indian Affairs Ely S. Parker, a member of the Seneca tribe, appeared in the Indian Appropriation Act of 1872. A rider attached to the bill stated "that hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." While Parker argued that the farce of self-determination supported by the treaty system should cease within the context of government-Indian relations, the rider merely altered the nature of bilateral contracts between Indian tribes and the federal government and maintained, rather than reduced, a false sense of traditional leadership on the reservations.<sup>7</sup>

In spite of the legislative detail created by the appropriation bill, the *Cherokee Tobacco* case (1870) stated in part, "a treaty may supersede a prior act of Congress and an act of Congress may supersede a prior treaty," and established the right of Congress to alter Indian treaties unilaterally. Nevertheless, Congressional authority over Indian people remained couched in the tradition of mutual consent and the federal government struggled to institute a program that strictly adhered to the long-established goal of assimilating Native Americans into the dominant culture. Encouraged by the rising tide of immigration coupled with post-Civil War industrialization, there arose widespread concern among the general populace for the development of individual character coupled with government efforts to promote morality in daily life. In addition, criticism of the reservation system through the Ponca Removal of 1877, Helen Hunt Jackson's *A Century of Dishonor* and George Manypenny's *Our Indian Wards* led to a reconsideration of the government's Indian program and eventually spawned new legislation to achieve the overriding goal of assimilation.<sup>8</sup>

In the wake of public disapproval, concerned citizens moved to shape American Indian policy and fostered the formation of the Women's National Indian Association in 1879 and the Indian Rights Association in 1882, and initiated the Lake Mohonk Conferences beginning in 1883. These humanitarian and political associations of primarily eastern philanthropists established, both formally and informally, a contingent of reformers called the "friends of the Indian." The focus of these groups ultimately rested in repelling the threat to national unity posed by westward migration, the rising industrial state and increased immigration. They assumed the garb of the evangelical

Christian associations that sponsored them to promote reform policies and to reflect the growing concern with perceived threats to Anglo hegemony.

Committed to the belief that salvation of the individual would amend the evils of society, the reformers rejected the notion of tribal life. They suggested that the private ownership of separate parcels of land would segregate Indian people and effectively break up the communal nature of the reservations, in addition to fostering the involvement of individual Native Americans in the dominant political economy through their indoctrination in Anglo values.<sup>9</sup>

While the reformers wrangled over the details of American Indian policy, the government authorized the creation of an Indian police force on the reservations both as an affirmation of government authority and as a buffer to traditional leadership. To encourage "civilization," the BIA discouraged traditional religious ceremonies and prescribed "citizens' dress" and cropped hair as means to survive if not thrive in Anglo society. Supporting the government's renewed efforts to control Indian people, the Supreme Court argued, in *United States v. Kagama* (1886), "The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers is necessary to their protection, as well as to the safety of those among whom they dwell." The direct government oversight of Native Americans also expressed the concern of those involved in Indian affairs to promulgate an Anglo sense of individualism and ownership of private property as essential elements of amalgamation within white society. These efforts resulted in the Dawes General Allotment Act of 1887.<sup>10</sup>

With an implicit understanding that the alienation of American Indian lands would dissolve the basis of their respective cultures, the allotment

system allowed adult members of a tribe to select individual parcels of land: 160 acres for heads of families, 80 acres for orphans and single members of the tribe over eighteen, and 40 acres for others. The government doubled allotments where submarginal lands remained suitable for grazing but would not sustain adequate crop yields. The Dawes Act stipulated that the federal government held title to allotted lands in trust for 25 years, and they could not be sold or otherwise encumbered during that time. At the end of the trust period, the government issued a patent-in-fee to the allottee at which time the taxes and laws of the state or territory applied to the land and allottee. Upon termination of the trust relationship, the government granted the allottee United States citizenship. The Interior Department declared unallotted lands "surplus" and sold them on behalf of the tribe; proceeds from the sale of surplus lands remained in trust accounts administered by the BIA.<sup>11</sup>

Ostensibly, the allotment program sought to retain lands for Indian people in the midst of the great land rush that followed the 1862 Homestead Act and related legislation. However, arguments against allotment came from men such as Senator Henry Teller of Colorado who proclaimed that within thirty years, there would be very few Indian people with any land. Recommendations by anthropologist Lewis Henry Morgan that Native Americans were better suited to a pastoral versus an agricultural economy also went unheeded. Both Teller's and Morgan's warnings foretold the experiences of many Indian people on their allotments. Pressure from non-Indian interests to graze on reservation lands, coupled with a lack of equipment, irrigation or knowledge of dryland farming techniques, prevented the emergence of the Indian yeoman from the folds of allotment legislation.<sup>12</sup>

Combined with severalty, the government touted education in the Anglo mold as the basis for securing the future success of Indian people in white society. Throughout the allotment period, American Indian children experienced a deluge of instruction in American patriotism and corresponding direction to pursue "independence, self-reliance and self-respect." BIA agents forced Indian people to send their children to off-reservation boarding schools where they learned Anglo values often at the expense of their health, safety and identity. Acculturation proceeded rapidly after the Dawes Act, and the substantial difficulties Native Americans experienced in the transition from traditional ways to those of the dominant society found little empathy among non-Indians eager to possess American Indian lands. Corresponding with the public desire for Indian lands and the attempt to reduce government expenditures for Indian people, BIA officials dictated policy that forced Indian compliance with government authority. In the words of Indian Commissioner Thomas J. Morgan in 1889, who argued for the increased Americanization and individualization of Indian people, "The Indian must conform to the white man's ways. . . he can not escape it, and must either conform to it or be crushed by it."<sup>13</sup>

Attempts to secure self-sufficiency among Indian people suffered several setbacks in the post-allotment period. The turn of the century saw an increasing number of non-Indian grazers leasing Indian lands for a pittance or running roughshod over unsurveyed and unfenced reservation lands. It grew difficult for Indian people or the BIA to secure the removal of lessees and squatters who came to associate grazing rights with ownership. In addition, the Secretary of the Interior received authorization from Congress in 1902 to



sell allotments of deceased Indians to the highest bidder in order to make them "useful."<sup>14</sup>

Dealing additional blows to self-determination, Congress abolished tribal courts by the Curtis Act of 1898 while the Supreme Court upheld in *Lone Wolf v. Hitchcock* (1903) Congress' right to exercise plenary authority regarding its treaties with Indian people "particularly if consistent with perfect good faith towards the Indians." In exercising this power that "prevented the courts from reviewing federal Indian legislation," Congress passed the Burke Act of 1906, which allowed the president to extend the trust period on allotments but permitted the Secretary of the Interior to issue patents in fee to "competent" allottees before the trust period expired. To carry out the directives of the Burke legislation, President Wilson's Secretary of the Interior Franklin K. Lane and Commissioner of Indian Affairs Cato Sells embarked on a crusade to utilize American Indian lands to their fullest extent. Under authority of the Bureau of Indian Affairs, their practices, which permitted the forced fee-patenting of allotted Indians, succeeded in reducing American Indian landholdings by many thousands of acres.<sup>15</sup>

Throughout the first 150 years of the United States, the actions of the Supreme Court, Congress and the executive branch of the federal government gradually culminated in the establishment of the Bureau of Indian Affairs as the primary facilitator of Indian policy. For a time, the function of the BIA and its definition of purpose found expression in the ideas of Commissioner Cato Sells in 1917. In his "Declaration of Policy in the Administration of Indian Affairs," Sells stated that an Indian person who demonstrated "competence. . . shall be given full control of his property and have all his lands and moneys

turned over to him, after which he will no longer be a ward of the Government." Sells and Secretary of the Interior Lane recognized the effects their policies had on reducing the land base of Indian people and the resulting increase in poverty, but they reasoned that transferring Indian lands into white ownership would help satisfy the demands World War I placed on agricultural output. According to Sells, eventually, those people who had less than one-half Indian blood, whom Sells arbitrarily declared "competent," would have to realize "that work was necessary if they were to be saved."<sup>16</sup>

Amidst the controversy generated by their severe policies, Lane and Sells resigned their posts in 1920 and 1921 respectively. To replace the men, President Harding appointed Albert B. Fall as Secretary of the Interior and Charles Burke as Commissioner of Indian Affairs. While Burke approached competency less tenaciously, amid the criticism that had eventually besieged his predecessors, he nevertheless approved of allotment and the goal of assimilating Indian people into the dominant culture.<sup>17</sup>

The result of the ongoing pursuit of social, political, and economic assimilation of Indian people led not to the end of the "Indian problem," but to an era of dependency for Indian people. Where once American Indians exercised a certain degree of self-determination and maintained rights as sovereign nations, the various tribes throughout the country gradually became reliant upon the United States government for their survival. By the turn of the century, the policy of assimilation successfully isolated many Indian people and targeted them for indoctrination into mainstream Anglo society. The effects of the federal allotment mandate administered by the BIA, however, fostered widespread landlessness, accompanied by poverty and ill-health.<sup>18</sup>

Within two years of their respective appointments, Secretary of the Interior Albert Fall and Commissioner of Indian Affairs Charles Burke had mounted an attack on Indian lands and tribal cultures under authority of the Bureau of Indian Affairs that threatened to dissolve the Native American presence altogether. Dismayed by repeated efforts to deprive the Pueblo people in particular of their lands and their culture, the Indian Welfare Committee of the Greater Federation of Women's Clubs under Stella Atwood stepped to the fore to oppose Fall and Burke's policies. With the help of John Collier, a core of reformers unraveled a legacy of BIA autonomy in government-Indian relations and began to question federal practices that had significantly reduced the stature of Indian people.<sup>19</sup>

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### **John Collier Presses for Reform**

John Collier built upon the reformist foundations established by the "friends of the Indian" and committed himself to implementing his vision for the incorporation of American Indian values into United States society. Wed to the belief that each culture could learn from another and that each deserved recognition in the context of the world community, Collier spent much of his life fighting for these goals in a national and international framework. In Collier's words, "Community of man with man, of man with earth, of the living with the dead and unborn, of man with the Universe: this, surely, is our hope of all the hopes."<sup>1</sup>

Born in 1884 in the post-Reconstruction South, Collier spent much of his adolescence in southern Appalachia. Observing the destruction of the vast forests and the displacement of the self-sufficient mountain dwellers, Collier witnessed the "experience of men in a noble folk-life, interrelated with a nature they were helpless to save; this was my gateway into our very wide world of the wastage of nature joined with the wastage of human cultures."<sup>2</sup>

Collier's mentor Lucy Crozier, a teacher from Knoxville, Tennessee, expanded upon his experiences in the natural world and encouraged his attention to Nietzsche's writings on the transcendence of the self. Crozier helped him develop a life philosophy based upon an understanding of the shared relationship among all beings. Crozier also inspired the romantic in Collier and fostered a belief in his own abilities. Lester Frank Ward, the paleozoologist from the Smithsonian Institution, whose "cosmographic" thinking rendered the assertion that "invention, deliberate innovation, and individual creativity,

delivered into society, would transform society," further influenced the future Commissioner of Indian Affairs.<sup>3</sup>

After several years of education and travel both in the U.S. and in Europe, in 1908 Collier joined The People's Institute in New York City as editor of its publication, *The Civic Journal*. Formed to improve public welfare for all citizens, especially newly arrived immigrants and their families, The People's Institute established community centers using the local schools as a forum for voluntary associations. With the help of his wife Lucy and others, Collier instituted a variety of community-based programs during his tenure in New York, including the New York Training School for Community Workers, all of which complemented his understanding of the community of humankind or "the spirit of the whole."<sup>4</sup>

The People's Institute closed its doors due to a lack of financial support in 1923 and according to Collier, its closing marked the end of an organization convinced of the ability of people to work together as students and teachers to mark unprecedented achievements in an urban setting. Collier reckoned The People's Institute and its commitment to community died with the onset of the "gesellschaft mode of life... the shattering, aggressive drive toward competitive utility" wrought by the rise of the industrial state and the experiences of the First World War. Despite the demise of the Institute, Collier continued to maintain the personal associations he made while in New York, including that with the salon host, Mabel Dodge.<sup>5</sup>

Dodge moved from New York to Taos, New Mexico in 1918 and married an influential member of the Taos Pueblo, Antonio Luhan. In 1920, Dodge invited Collier and his family for a visit to Taos, initiating Collier's association

with the Pueblo people. According to Collier, the malaise caused by the belief that "the human group was nothing more than a contract between self-seeking individuals" plagued the decade of the twenties. In contrast, Collier's experience with Pueblo culture and his sense of deeply shared community among the unallotted people of Taos, led him to decree "with absolute finality about the Indians: *This effort toward community must not fail; there can be no excuse or pardon if it fails.*"<sup>6</sup>

Collier admitted he, too, had succumbed to the popular notion of American Indians as the "vanishing race." Yet he remained convinced of the universal significance of the Pueblo culture, and with an open invitation from Dodge, he and his family remained in the Taos area for nine months. When Collier returned to California to teach at the San Francisco State Teachers College in the fall 1921, events unfolded surrounding the Puebloans that would consume him for the rest of his life.<sup>7</sup>

The General Allotment Act of 1887 had increased the administrative pressures of land distribution and had encouraged the BIA to expand its efforts to assimilate Indian people. Dissipated BIA funds, however, and the decreasing profitability of agricultural pursuits led Native Americans to suffer massive poverty and disease in the post-World War I depression. While earlier concern for Indian people reflected the combined efforts of reformers, the BIA and Congress, the Dawes Act established the BIA as the primary administrator of federal assimilation policy. By the early 1920s, reports indicated that there remained large discrepancies between actual reservation conditions and the public perception of Indian life. Concurrently, President Harding's Secretary of the Interior Albert B. Fall displayed his indifference



toward the rights of American Indians by ignoring the reservation debacle and mounting a crusade to challenge Indian land tenure.<sup>8</sup>

The 1922 Bursum Bill represented Fall's conspiracy to claim title to nearly half of all reservation lands, primarily those that had been established by executive order and not by treaty. Sponsored by New Mexico Senator Holm Bursum, the bill stated that non-Indians who claimed lands through possession "for more than ten years prior to 1910" would be granted title with compensation paid to the respective pueblo. Section 16 of the bill, determined that those who used the land possessed title to it, and burden of proof to the contrary rested with Indian claimants. Fall apparently joined many other westerners who believed Indian people held no title to their lands but resided there only "at the sufferance of the government."<sup>9</sup>

The bill passed the Senate, but before it proceeded much further, Stella Atwood of Riverside, California, who chaired the Indian Welfare Committee of the General Federation of Women's Clubs, contacted Collier. With the initial support of the Southern California philanthropist Kate Vosberg, Collier and Atwood instituted a massive publicity campaign in the national press to bring attention to the Bursum bill and to lobby for its defeat. Collier also informed the Pueblo people of the legislation's intent. The All Pueblo Council convened in 1922 for the first time since the Pueblo revolt of 1680 and sent a delegation to the Capitol to bring attention to their plight. The Collier forces ultimately gained enough support to defeat the Bursum bill, and derailed the Indian Omnibus Bill of 1923 to end federal guardianship over Indian people as well. In January 1923, the pressure of allegations concerning conflicts of interest forced Fall to resign his position as Secretary of the Interior.<sup>10</sup>

The Pueblo land controversy opened the door to further condemnation of the BIA and secured a place for Collier in the newly formed American Indian Defense Association (AIDA) as its executive secretary. Shortly after its inception in May 1923, Collier related the goals of the AIDA in an "Announcement of Purposes." Collier supported the education of Indian people according to their "group loyalties," the pursuit of Indian arts and crafts, and the right to cultural and religious expression "not contrary to public morals." He also opposed the premises of the Dawes Act and called for the "reorganization of the Indian Bureau to end its monopoly over the personal affairs of the Indians."<sup>11</sup>

The defeat of the Bursum bill did not untangle the Pueblo lands controversy, however, and soon led to a split among those who had rallied to oppose the Bursum legislation. Meanwhile, efforts to resolve the lands dispute at least partly in favor of the Pueblo people resulted in the introduction of a compromise measure called the Lenroot bill. While Collier maintained the Pueblos' right to their day in court, the attorney for the General Federation of Women's Clubs, Francis Wilson, and members of the New Mexico Association of Indian Affairs argued in favor of a legislative compromise. After extensive debate and consideration among the Committee of One Hundred, an advisory committee of lawyers, anthropologists and others formed by Dr. Hubert Work, the newly appointed Secretary of the Interior, the issue remained in legislative limbo until the Pueblo Lands Act passed in 1924.<sup>12</sup>

That act created a lands board to settle questions of title and to determine remuneration for ceded lands and water rights. The act also ensured the right of the Pueblos to appeal decisions made by the board, and the

legislation finally received Collier's support. The BIA secured the appointment to the board of men favorable to its position, however, including the prominent rancher and former territorial governor of New Mexico, Herbert J. Hagerman, and the Pueblo people received little compensation for the many acres of irrigated land they eventually lost.<sup>13</sup>

The struggle to resolve Pueblo land issues marked only the beginning of Collier's defense of American Indian rights. The BIA persisted as a bastion of federal authority over Indian people and Commissioner of Indian Affairs Charles Burke, the former Republican congressman from South Dakota, remained a staunch defender of assimilation. Burke asserted his authority as commissioner and condemned many forms of Indian worship that included "self-torture" or the use of "intoxicants," and that prevented Indian people from tending to their crops and livestock. A report submitted by the Interior Department investigator Reverend E.M. Sweet stated that the religious rites of certain tribes, in particular those of the Hopi people, exceeded the moral strictures imposed by the quasi-missionary Indian Rights Association. Burke agreed that traditional religious observances by Indian people discouraged their commitment to work, prevented the assumption of Anglo mores and therefore obstructed the goals of the Dawes Act. In much the same way that Collier portrayed Albert Fall as the villain in the Bursum bill controversy, Charles Burke assumed the role of evil incarnate in Collier's struggle to gain religious freedom for Indian people.<sup>14</sup>

Collier's objections to Burke's assaults on American Indian religious observances expressed Collier's defense of pre-contact tribal organizations deeply "rooted in religious traditions and communal ownership of land." With

Collier's concerns in mind, the policies employed by the federal government and the rulings of the Supreme Court had effectively dissolved tribal unity through the imposition of Anglo custom and legal practice. In effect, the religious, legal and political disintegration of tribal communities doomed American Indians to poverty and dependence on the federal government, thus confirming the wardship status imposed upon Indian people in the mid-1800s. Rather than assuring American Indians the same rights accorded non-Indian citizens, however, the federal government relegated Indian issues to the largely autonomous Bureau of Indian Affairs. Misinformation, misdirection and misappropriation, combined with arrogance and a peculiar sense of expediency on behalf of the BIA, inspired widespread criticism of the bureau for its ambivalence toward Native Americans. Opposition to the BIA and its practices encouraged Collier to escalate his involvement in Indian issues and to undertake a general campaign to discredit the Indian office.<sup>15</sup>

Collier's assault on the BIA and its policy of controlling the economic, religious and political life of the Pueblo people gained support among a number of reformers; but notable opposition arose within the ranks of the "friends of the Indian," challenging Collier's authority to represent American Indian wishes. Puebloans who had long adopted Christianity formed the Council of Progressive Christian Indians, and members of the church-backed Indian Rights Association rebuked Collier's attack on the bureau and its assimilationist policies. The drain of a protracted propaganda war between divided camps of those concerned with Indian rights obscured the issues of religious freedom and compulsory education for the Pueblo people and diminished the limited resources of the AIDA. With the Pueblo land

controversy temporarily resolved in 1924, and the religious freedom issue at a standstill, Collier took the necessary time to reorganize and refinance the AIDA through various fundraisers, and in early 1925, renewed his attack on the Indian Bureau.<sup>16</sup>

Concurrently, Collier sought other avenues to gain support for his criticism of the BIA. His efforts to appraise the Indian Bureau in the political arena exposed Secretary of the Interior Albert Fall's desire to obtain mineral and other rights to executive order reservations. During his tenure, Fall had appointed Herbert J. Hagerman to organize the Navajo tribal council and to effect their approval of oil and gas leases upon the Navajo reservation. The tribal council met in early 1923 and approved Hagerman's authority to negotiate all further leases on their behalf according to the General Leasing Act of 1920.<sup>17</sup>

In the waning days of his oversight of the BIA, Fall issued a ruling that executive-order reservations consisted of the public domain, opening 22 million acres of reservation lands to prospecting, however, he neglected to include compensation for the tribes concerned. Commissioner Burke opposed Fall's ruling, stating that executive-order reservations were identical to treaty reservations and did not comprise the public domain. Therefore, the General Leasing Act of 1920 did not apply. Attorney General Harlan Stone eventually refuted Fall's assertion of federal title to executive-order reservations. The debate continued for several years, but in the interim tribes continued to suffer injustice, for in 1914 the BIA had instilled the practice of funding irrigation and other public works projects with reimbursable loans from American Indian trust accounts.<sup>18</sup>

Increasing opposition to reimbursable loans and continuing ambiguity with regard to title and receipt of proceeds for prospecting ventures on executive-order reservations encouraged Collier to set up an office in Washington, D. C. Collier asserted the rights of Indian people to retain all proceeds from oil and gas development as a consequence of their holding title to reservation lands, but he conceded that states could retain a portion of royalties for taxation. In his efforts, Collier received significant support from Senator Robert LaFollette, Sr. and Representative James A. Frear from Wisconsin, as well as from Wheeler, who raised charges of bureaucratic mismanagement and conspiracy.<sup>19</sup>

After much wrangling and political maneuvering, the Indian Oil Act of 1927 passed Congress entitling the tribes to all royalties generated from oil and gas production, less state taxes, and prohibited any altering of reservation boundaries except by act of Congress. The act guaranteed equal access to all who received prospecting permits on reservation lands and required tribal consent for any future reimbursable contracts. The Indian Oil Act notched another victory for Collier on behalf of Indian people, but failed to resolve other major problems encountered on the reservations, including issues of poverty, disease and an eroding land base.<sup>20</sup>

Throughout discussion of legislation to charge the Navajo tribe \$100,000 for the Lee's Ferry Bridge in 1926, Commissioner Burke and Assistant Commissioner Edgar B. Merritt remained unrelenting on the point of reimbursable debts and suppressed the right of Indian people to protest the practice in Congress. Burke continued to reveal his disdain for American Indian rights, especially when they came into conflict with those of whites.

Collier and Representative Frear thus continued their attack on Burke and alleged that he concealed a report by Florence Patterson of the American Red Cross entitled, *A Study of the Need for Public Health Nursing on Indian Reservations*, that documented numerous incidences of trachoma and tuberculosis among Indian people and serious deficiencies in health care among boarding school children.<sup>21</sup>

Bureau policies supported by Secretary of the Interior Hubert Work and his Board of Indian Commissioners ostensibly supported decentralizing BIA responsibility to encourage Native Americans to participate in bureau activities. Nevertheless, Frear and Collier's continuous assault on Commissioner Burke and Assistant Commissioner Edgar B. Merritt eventually persuaded Secretary Work to request a non-partisan investigation of the Indian Bureau by the Institute for Government Research, headed by Lewis B. Meriam. In addition to the Meriam Investigation, Frear and Collier approached the Senate Indian Affairs Committee to support the formation of an investigating committee to assess reservation conditions and to make recommendations that would benefit the Indian population.<sup>22</sup>

*The Problem of Indian Administration*, released in February 1928, offered policy recommendations in addition to an analysis of bureau practices and received considerable attention in a national election year. The 800-page survey, popularly known as the Meriam Report, opened with a disparaging assessment of allotment policy: "An overwhelming majority of the Indians are poor, even extremely poor, and they are not adjusted to the economic and social system of the dominant white civilization." The report detailed miserable

health and living conditions and the depressed economic state of most Indian people.<sup>23</sup>

The Meriam survey also criticized the bureau's practice of undermining family and community relationships among Native Americans: "the action taken has often been the radical one of attempting to destroy rather than the educational process of gradual modification and development." The report questioned the practice of separate Courts of Indian Offenses that prevented the integration of Indian people into state and local jurisdiction and decried the ongoing exploitation of reservation lands as a critical defect in the bureau's protection of American Indian rights. While the Meriam staff pardoned the BIA for its shortage of funds and lack of adequately trained personnel, they chastised the bureau for its arrogance and lack of attention to the needs of Indian people.<sup>24</sup>

In contrast, the Meriam Report emphasized the role of the BIA in providing education for Indian children "so that they may be absorbed into the prevailing civilization or be fitted to live in the presence of that civilization at least in accordance with a minimum standard of health and decency." The staff, composed of individuals trained in sociology, agriculture, economics and law, among others, affirmed the need of the bureau to prepare "white communities to receive the Indian," not by educating non-Indians but by raising the social and economic level of Indian people to gain the benefits accorded whites with regard to state and local services. The survey noted the right of Native Americans to be free from discrimination and arbitrary action and recommended funding to secure a staff of specialists committed to planning and developing agricultural, legal, medical and other programs with



respect to the cultural and geographical diversity involved in administering the various reservations. The document supported doubling BIA appropriations and increasing the number of trained bureau staff with the goal of decentralizing the bureau through local superintendents.<sup>25</sup>

The survey staff advocated local public schooling to replace the boarding school system and stressed the need to change the attitude toward education of Indian children from a policy of removing children from the home environment to one that recognized the need to raise children "in the natural setting of home and family life." In addition, the Meriam survey addressed the need to create economic self-sufficiency among Indian people through productive channels and discouraged the leasing of lands to non-Indian farmers or grazers, although the staff also condemned the practice of issuing per capita disbursements.<sup>26</sup>

In response to the contracting of timber sales on the Klamath and Menominee Reservations, the survey suggested an experiment in the form tribal incorporation. The survey argued that the corporate structure would foment "the effective utilization of the great property and at the same time meet the needs of the advancing Indians."<sup>27</sup>

The survey further advanced the notion that gradual taxation of Indian property was necessary to the development of Indian people along the lines of civilization with the understanding that the use of state and local services required some form of compensation. In addition, the report stressed the need to uphold family and community life among Indian people, "because the Indians' social and economic system was and is communistic. Individualism is almost entirely lacking in their native culture." The staff also advised the formation of

a Court of Claims to settle all treaty disputes as quickly and efficiently as possible.<sup>28</sup>

In a telling observation, the survey stated, "The Indians were apparently uninformed regarding the actions of the government in respect to matters of vital concern to them and did not understand the motives and purposes that underlay them." The staff suggested that assimilation remained the most beneficial and practicable approach to the problems experienced by Indian people but they expressed concern and sympathy for those Indian people and white advocates who determined that a preservation of American Indian culture in the face of white encroachment was the best possible course. The survey maintained that the "advancing tide of white civilization has as a rule largely destroyed the economic foundation upon which the Indian culture rested," however, "the Indians cannot be set apart away from contacts with the whites. The glass case policy is impracticable." The report concluded that the work of the bureau must account for diversity among individual Indian people but "in every activity of the Indian Service the primary question should be, how is the Indian to be trained so that he will do this for himself" despite the fact that, in general, Indian people were assumed childlike in their capacity to manage property.<sup>29</sup>

The survey staff also interviewed a number of non-reservation, "migrated Indians." The diverse nature of those who left the reservations and had assimilated into their respective urban environments revealed widespread dissatisfaction with the BIA and its various activities and alluded to the termination policies of the 1950s. According to the report, these people declared:

Indian problems have their present complexities and dimensions because in the past they have been met by considerations of expediency and haste without regard to terms of treaties and other facts, as well as because guardianship has been exercised largely on the power principle, enjoining restraint in property and other matters, while seldom if ever affording intelligent guidance, discussion, and participation in personal, social, or economic problems.<sup>30</sup>

While the Meriam Report castigated the BIA and offered a model for improvement, another study released in mid-1928 concerned irrigation projects on reservation lands. The *Report of Advisors on Irrigation on Indian Reservations*, or the Preston-Engle Report, documented the widespread practice of charging Indian tribes for construction and maintenance with \$31 million in reimbursable loans backed by government-held trust funds or tribal lands. The report revealed that non-Indians farmed 68 percent of irrigated land on the reservations and exposed a powerful contingent of avaricious westerners who had directly benefited from the allotment process and therefore supported the policy, yet remained disaffected by the poverty of Indian people.<sup>31</sup>

Meanwhile, Collier and Representative Frear toured the reservations of the West and, upon their return, successfully lobbied for a Senate investigation to consider many of the same issues covered in the Meriam Report. In late 1928, a subcommittee of the Senate Indian Affairs Committee initiated its investigation of the BIA, entitled, *A Survey of Conditions of the Indians in the United States*. At the outset, subcommittee members included primarily western senators including, Lynn Frazier of North Dakota, Robert LaFollette, Jr., of Wisconsin, W.B. Pine and Elmer Thomas of Oklahoma, and the dominant member of the committee, Burton K. Wheeler. Collier played an

important role in directing the field work of the senators in an effort to expose the vagaries of BIA policy and suggested that "ending reimbursable debts, providing the Indians with rural credit, and equipping them with the modern instruments of business life" could reverse the dissolution of the American Indian land base.<sup>32</sup>

The senators concentrated their initial assessment of the BIA on the case of Jackson Barnett, a Creek full-blood on whose allotment oil was discovered in 1912. The resulting scandal to distribute Barnett's estate to various interested parties, with Secretary Fall's approval, raised questions as to the bureau's probate system and left Commissioner Burke in the hot seat while Collier and Frear stoked the fire. The cross-examination of Burke at the hands of Senators Pine and Wheeler caused Burke to lose his temper and suggested his incompetence to the senators. Shortly thereafter, Burke's mishandling of the Barnett case and his condition as an ailing sixty-eight year old forced his resignation and retirement from Indian affairs.<sup>33</sup>

The Senate subcommittee also went on the road to consider issues pertinent to Indian people. At several reservations, the senators interviewed members of the various tribes and expressed their consternation at the generally disorganized nature of reservation politics. Senators could not understand why the people on one reservation in particular had not elected a business council to represent their interests to bureau superintendents. In the words of Senator Wheeler while interviewing a member of the Yuma tribe of Arizona, "You ought to be able. . . to get together and elect a business council. The majority should elect. Then there could not be any complaint."<sup>34</sup>

Collier recalled the Senate investigation in an article for the AIDA publication, *American Indian Life*, which described events in early 1929 among the Navajo people in Arizona. The senators of the subcommittee and their attorney Albert A. Grorud attended, along with President Hoover's newly appointed Commissioner of Indian Affairs Charles J. Rhoads and Assistant Commissioner J. Henry Scattergood. Together, the officials witnessed the weavers and jewelers practicing their trade and a sand-painting exhibition complete with accompanying "healing-chant" and prayer. Collier recounted:

Amid sparks volleying a hundred feet to the stars, and the muffled, booming sound of flames in the wind, the dance-song rose and fell, without pause from twilight till dawn. . .there danced Senator Frazier, Senator Ashurst, Attorney Grorud and Commissioner J. Henry Scattergood.

Collier praised their protracted efforts saying, "the record when printed will be found to reach more deeply and diversely into the Indian problem than any previous official record or any single existing treatise. . ."<sup>35</sup>

Collier's goal of reforming Indian policy celebrated a renewed commitment to Indian people and their traditional heritage, albeit within the limitations imposed by economics and politics at both a local and national level. Collier attempted to incorporate his vision of a "Red Atlantis," a society conforming to his singular notion of American Indian culture, into his criticism of the Bureau of Indian Affairs and federal government policies. While Collier's ability as a propagandist helped him rally opposition to BIA practices and their purveyors, as a government outsider and muckraker, Collier's position advocating cultural pluralism remained somewhat tenuous for the same reasons. Perhaps his ideas regarding the acceptability of various world views stemmed from his early associations with African-Americans as a child in

Atlanta, or from his encounters with the mountain people and Cherokee Indians of his boyhood adventures, or from his efforts to provide assistance to unseasoned immigrants in New York City. While Collier "was not the first non-Indian to appreciate the Indian tradition. . . he certainly became the first to understand, appreciate, articulate, and fight zealously for it."<sup>36</sup>

Collier's attempts to educate non-Indians about indigenous cultures reflected the attachment of one committed to a new-found spiritual awareness. Through American Indian cultures, particularly that of the Pueblo people, Collier struggled to perceive the world less in terms of its linear political and economic relations and more in terms of a reciprocating community where continual exploitation beckoned disaster. His idealism often forced him into political and financial corners, yet his resourcefulness enabled him to question the economic determinism of United States society. For the next twenty years and beyond, Collier attempted to resolve the immediate concerns of Indian people and remained a vocal and unswerving proponent of the value of indigenous societies in the context of a global community.

### Notes to John Collier Presses for Reform

1. John Collier, *From Every Zenith* (Denver: Sage Books, 1963): 10.
2. Ibid., pp. 31-40.
3. Ibid., pp. 71-90.
4. Ibid., p.93.
5. Ibid., pp. 119, 123.
6. Ibid., pp. 119-126.
7. Ibid., pp. 124-135.
8. Christine Bolt, *American Indian Policy and American Reform*, pp. 102-103; R. Douglas Hurt, *Indian Agriculture in America*, pp. 163-166; Vine Deloria, Jr., and Clifford Lytle, *The Nations Within*, pp. 39, 42; Collier, *From Every Zenith*, p. 128; Philp, *Collier's Crusade*, p. 51; Peter Nabokov, ed., *Native American Testimony* (New York: Penguin Books, 1991): 275-294.
9. Collier, *From Every Zenith*, p. 128; Philp, *Collier's Crusade*, pp. 26-32; Francis Paul Prucha, *Documents of United States Indian Policy*, p. 216; Donald L. Parman, *Indians and the American West in the Twentieth Century*, p. 75.
10. Collier, *From Every Zenith*, pp. 131-132; Philp, *Collier's Crusade*, pp. 32-45; Bolt, *American Indian Policy*, p. 104; Parman, *Indians and the West*, p. 75.
11. Philp, *Collier's Crusade*, pp. 46-47.
12. Deloria and Lytle, *Nations Within*, p. 41; Philp, *Collier's Crusade*, pp. 46-49.
13. Philp, *Collier's Crusade*, pp. 48-54; Lawrence C. Kelly, *The Assault on Assimilation* (Albuquerque: University of New Mexico Press, 1983): 277, 299.
14. Francis Paul Prucha, *The Great Father*, pp. 275-276; Philp, *Collier's Crusade*, pp. 28, 55-58; Kelly, *Assault on Assimilation*, p. 300.
15. Graham D. Taylor, *The New Deal and American Indian Tribalism*, p. 3; Deloria and Lytle, *The Nations Within*, p. 5; Richard White, *The Roots of Dependency*.
16. Kelly, *Assault on Assimilation*, pp. 310-339, 343-348.

17. Ibid., pp. 349-351.
18. Parman, *Indians and the West*, pp. 80-82; Philp, *Collier's Crusade*, pp. 71-80.
19. Kelly, *Assault on Assimilation*, pp. 355-357; Philp, *Collier's Crusade*, pp. 76-77; *Congressional Record*, 69th Cong., 1st sess., May 26, 1926, 67, pt. 9: 10092-10096.
20. Parman, *Indians and the West*, pp. 81-82; Philp, *Collier's Crusade*, p. 78; *Congressional Record*, 69th Cong., 2nd sess., February 2, 1927, 68, pt. 3: 2793-2795.
21. Philp, *Collier's Crusade*, pp. 78-81; Kelly, *Assault on Assimilation*, p. 368, 372; Deloria and Lytle, *The Nations Within*, p. 43.
22. Bolt, *American Indian Policy*, p. 108; Philp, *Collier's Crusade*, pp. 81-82.
23. Deloria and Lytle, *The Nations Within*, pp. 43-44; Lewis Meriam, ed., *The Problem of Indian Administration* (Baltimore, Maryland: Johns Hopkins University Press, 1928): 3-21, (hereafter cited as *Meriam Report*).
- 24.. *Meriam Report*, pp. 15, 17-18.
25. Ibid., pp. 21-22, 24-28, 59, 113-115.
26. Ibid., pp. 30-41.
27. Ibid., pp. 42-43, 462-466.
28. Ibid., pp. 44, 46-48.
29. Ibid., pp. 50-55, 74, 87-89, 101.
30. Ibid., p. 741.
31. Deloria and Lytle, *The Nations Within*, p. 45; Philp, *Collier's Crusade*, p. 78; Bolt, *American Indian Policy*, p. 104.
32. Philp, *Collier's Crusade*, pp. 82-83; Parman, *Indians and the West*, pp. 86-87; Deloria and Lytle, *The Nations Within*, p. 46.
33. Philp, *Collier's Crusade*, pp. 84-85; Parman, *Indians and the West*, p. 87.
34. Deloria and Lytle, *The Nations Within*, pp. 47-48.
35. Collier, *From Every Zenith*, pp. 145-146.



36. Deloria and Lytle, *The Nations Within*, p. 41.



Fig. 1 Burton K. Wheeler spoke frankly and forcefully, buttressing his reputation as a principled fighter. (BK 2207, Box 22, Photo #5, Montana State University)

### **"Bear Shirt"**

Born and raised a Massachusetts Yankee and galvanized by turn-of-the-century Montana politics, Burton Kendall Wheeler steered a direct course throughout his career aimed at restoring individualism in the context of an emerging corporate state. His protracted efforts to secure public ownership of utilities, to permit legislative override of Supreme Court rulings and to encourage American Indians to adopt the trappings of Anglo civilization augmented his reputation as an incorruptible fighter opposed to back room deals that often benefited special interests. Wheeler stood beyond the scope of conventional labels, despite his serving four consecutive terms in the U.S. Senate as a Democrat; he was at once liberal and conservative, Democrat and Republican, friend and foe.<sup>1</sup>

From his beginnings in the Montana legislature, Wheeler's support of farmers and laborers and his opposition to unrestricted, centralized authority established his progressive credentials. Wheeler embodied progressive ideology through his investigation of the Teapot Dome scandal, his run for the vice-presidency in 1924 on the Progressive ticket, and his opposition to President Roosevelt's "court-packing" plan. Wheeler's association with Indian people and the Indian Reorganization Act in particular, further demonstrated his commitment to representative government to guarantee all individuals the rights of citizenship recognized under the U.S. Constitution. Throughout his career, Wheeler decried the overarching authority granted the Bureau of Indian Affairs, and his involvement in Native American issues reflected this discontent.<sup>2</sup>

Wheeler began his long association with Indian people in October 1913, when he secured the position of U.S. District Attorney for Montana. His office prosecuted cases involving the transportation and sale of bootlegged liquor on the various reservations in the state. Wheeler later recalled in his autobiography that federal law made it illegal to sell liquor to Indian people at the time and the BIA under Commissioner of Indian Affairs Cato Sells, a "fanatical prohibitionist," had established a policy of employing mixed-blood Indians to entrap saloonkeepers. Wheeler discontinued the practice and met with some resistance from bureau agents, but what is more important, he forged his impressions of Native Americans during this time. His approach toward the Indian people of Montana remained decidedly ethnocentric and paternal, yet he allied with members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in opposition to the Montana Power Company and the Blackfeet people adopted him into the tribe and gave him the name, "Bear Shirt."<sup>3</sup>

Wheeler's support for increased efficiency in government accompanied by a decrease in taxes, an elimination of tariffs and the "abolition of useless bureaus in government affairs," eventually led to his election to the Senate in 1922. Wheeler's election, coupled with that of several other reformers, including Smith Brookhart of Iowa and Lynn Frazier of North Dakota, convinced Robert LaFollette, Sr. of Wisconsin to organize the newly established progressive bloc in Congress "to drive special privilege out of control of the government and restore it to the people."<sup>4</sup>

Following up on his associations with American Indians as Montana's District Attorney, Wheeler spoke in favor of reform on the reservations. Even

as D.A., Wheeler believed that oil, cattle and timber interests exploited Indian people and their resources. Once in the Senate as a member of the Indian Affairs Committee, Wheeler introduced a measure establishing the right of Native Americans to sue the federal government in the Court of Claims for treaty abrogations and other violations of American Indian rights. President Coolidge, however, vetoed the bill.<sup>5</sup>

Perhaps his most protracted struggle over the issue of American Indian rights, with the exception of the Indian Reorganization Act, was a continuation of his battle with the Montana Power Company. According to Wheeler's records, various hydro-electric companies combined to form the Montana Power Company in 1912. Largely owned by men behind the Anaconda Copper Mining Company through an interlocking directorate, the Company became one of Montana Power's largest subscribers when it electrified its entire mining and transportation network. The Montana Power Company maintained widespread contacts and financial support throughout the state, and Wheeler could not resist an opportunity to battle the Company's efforts to secure control of power sites on the Flathead Indian Reservation without adequate compensation to the tribe.<sup>6</sup>

Wheeler's association with Indian people as District Attorney led to his retainer as part-time counsel for the Flathead tribe. Once Wheeler left for the Senate, however, the tribal council contracted Wheeler's colleague and former partner from Butte, Albert A. Grorud to represent them in claims against the government. Grorud bore the primary responsibility of preventing the Montana Power Company from gaining access to the hydroelectric project at the foot of Flathead Lake without recompense to the tribe. He enlisted the

support of John Collier and the American Indian Defense Association, whom Grorud kept abreast of the issue throughout its development. In a letter to Collier dated October 14, 1926, Grorud indicated that Frank Kerr, Vice President of the Montana Power Company, had received a telegram from Commissioner of Indian Affairs Charles Burke authorizing Montana Power to proceed with initial plans for development of the site. In his missive, Grorud referred to "skulduggery" practiced by the BIA to secure backing among tribal members for the Company to develop the Flathead project. Throughout the controversy, Grorud asserted his position that Montana Power, with the knowledge of the BIA, bought the support of the tribe to approve the Montana Power Company lease and he informed Collier as to practices by the Polson Chamber of Commerce that duped members of the tribe into accepting the power company proposal.<sup>7</sup>

Additional opposition to the Montana Power Company lease came from the Senate where Wheeler maintained that the power site belonged entirely to the tribe, as stated in the Treaty of 1855, and therefore the tribe should receive all royalties. Wheeler's argument, however, ran head-on into the established bureaucracy. In 1908, under auspices of the Dawes General Allotment Act, the government opened up surplus lands on the Flathead reservation to non-Indian settlement. The Interior Department "set aside" 150,000 acres of agricultural land from the reservation and several locations on the Flathead River for reclamation and power development. The government presumed the land and power sites reverted to the public domain because of their reclaimed status. Non-Indian homesteaders purchased most of the "set aside" lands. To finance the irrigation works, the Bureau of Reclamation proposed that the non-

Indian water recipients and members of the Flathead tribe pay a pro-rata share of the costs of reclamation in installments. The Interior Department also instituted a policy to withhold title to irrigated lands until the residents paid their share of reclamation. The Bureau of Reclamation severely underbudgeted the project, however, and as costs accrued, the residents waited in vain for the government to live up to its promise to irrigate the land and provide power. After spending nearly \$6 million to develop the irrigation works, with little progress made on the power site, the Reclamation Bureau abandoned the project in 1916.<sup>8</sup>

The project languished until 1920 when Congress passed the Federal Water Power Act, creating a "makeshift" Federal Power Commission consisting of the Secretaries of War, Interior and Agriculture. The act authorized the commission to issue licenses for power projects on "navigable rivers, public lands and Indian reservations," but directed that all proceeds from power development on reservation lands would revert to the tribes. The Department of the Interior, however, argued that the reclaimed lands surrounding the Flathead project were set aside as part of the public domain and sought to develop the power site according to its own terms. Despite a previous petition from the Flathead tribal council protesting the transfer of the power site to the BIA, Commissioner Burke and other Indian Bureau officials met with a number of non-Indians and negotiated privately with the Rocky Mountain Power Company, a paper subsidiary of the Montana Power Company, to develop the Flathead site. Under the "gentleman's agreement," Rocky Mountain Power agreed to repay the government \$100,000 for previous construction costs on the power site and to provide 15,000 horsepower of

electrical energy at cost to the irrigation district. The power company also agreed to pay the government annually one dollar per horsepower generated to offset previous government appropriations for construction of the irrigation works. The contract guaranteed the Federal Power Commission twenty-five cents out of every dollar paid in rental. The Flathead tribe received one-third of the remaining funds derived from the lease while non-Indian settlers received two-thirds.<sup>9</sup>

Meanwhile, deliberations in Congress over resumption of the Flathead irrigation project began in the House in early 1924. Representative Louis C. Cramton from Michigan, chairman of the subcommittee on Interior Department appropriations, and Representative Scott Evans of Montana detailed the origins of the controversy, and questions in Congress over the next several years revolved around the government's obligation to finish the project. Congress passed appropriations bills in 1926 and 1927 permitting continuation of the project, but the settlers and the tribe, with some support in Congress, opposed placing additional charges on them for the irrigation works or for the power site. The government seemingly solved the problem in early 1927 through its agreement with the Rocky Mountain Power Company. Secretary of the Interior Hubert Work urged legislative approval of the contract through the Interior Department appropriations bill for 1928. The House passed the bill without debate.<sup>10</sup>

The Senate took up the appropriations bill in early 1928. Senator Thomas Walsh of Montana supported the bill, arguing that the agreement with Rocky Mountain Power settled the government's obligations to the homesteaders and provided the greatest royalties for the tribe. Wheeler,

however, denied the government's usufructury rights to the power site and contended that the entire site belonged to the tribe. In addition, Wheeler argued, the Federal Water Power Act of 1920 stipulated that all profits from any power development on reservation lands belonged to the tribe. A letter submitted by John Collier of the American Indian Defense Association suggested that the bid submitted by the power company precluded an objective consideration of the agreement by Congress. Collier further claimed in a circular entitled, "The Pending Flathead Indian Outrage," that the bill threatened to confiscate Indian lands in the same manner as a bureau-sponsored oil bill rejected by Congress the previous year. Wheeler essentially concurred, stating that all parties wanted the site developed, but through an agreement that was fair to all concerned.<sup>11</sup>

Seemingly benign deliberations, however, turned sour with the introduction of a circular written by Grorud, proclaiming "The Flathead Indian Spoliation," pursued by Representative Cramton and Commissioner Burke. While the agreement stipulated that the tribe would receive a limited share of the profits from the power site development and lease, it skirted any question as to actual ownership of the site and neglected the tribe in its considerations. Grorud felt the tribe deserved better compensation than that proposed by the agreement, but his allegations did not endear him to either Cramton or Burke.<sup>12</sup>

Cramton took on Grorud's accusations with a campaign of his own and revealed a conflict of interest case that had resulted in Grorud's disbarment in Montana. Cramton also indicated through Commissioner Burke that Grorud's bureau-approved contract with the tribe limited his counsel to the Court of



Claims and therefore he was not qualified to act as their attorney in this matter nor could he receive remuneration for his services in this case. Wheeler eventually vindicated Grorud in a letter to Senator Lynn Frazier of North Dakota, stating that the Flathead tribal council knew of Grorud's suspension but retained him anyway and that information provided by parties hostile to Wheeler formed the basis of Cramton's attempt to discredit Grorud.<sup>13</sup>

When the Senate again took up the appropriation bill several days later, discussion revealed that while in Montana, Cramton refused to allow either the Flathead people, Grorud, or Collier to present their arguments against the agreement with the power company. Discussion also indicated that the tribe accepted another party's bid for power development, although neither the Federal Power Commission nor the Department of the Interior approved the contract. Senator Wheeler argued that "the concern which can develop the site to the best advantage, utilize the most power and make the most money should get the lease." Collier, however, contended that both bids were unreasonably low.<sup>14</sup>

Eventually, the Senate passed an appropriation measure that authorized the Federal Power Commission to negotiate any leases for the Flathead site. Testimony presented by Senator Frazier revealed the extent to which the BIA and the Montana Power Company went to procure the "gentleman's agreement" and postponed settlement of the final terms of the lease. Hearings held on the Flathead reservation indicated that Flathead agency Superintendent Charles Coe bribed a number of tribal members into forming the Flathead Indian Association to support the Rocky Mountain Power Co. lease and sought to malign Grorud with the help of Representative

Cramton. In addition, Frazier introduced a resolution by the Flathead tribal council that referred to the Montana Power Co. as

a corrupting, blackmailing, and unscrupulous influence on this reservation, paying money to irresponsible Indians and dishonest whites, circulating fake petitions, financing fake Indian powwows, and stopping at nothing short of murder in its determination to get possession of the Flathead power sites on terms disadvantageous to the Flathead Tribe.

Frazier further revealed that the dummy arrangement between the Montana Power Co. and the Rocky Mountain Power Co. would have resulted in a net profit of \$10.21 per horsepower for the Montana Power Company, according to the Executive Secretary of the American Indian Defense Association, John Collier.<sup>15</sup>

Senator Wheeler continued to favor public development of the power site, "But when it was obvious that the government wouldn't build, claiming no market," he insisted that if Montana Power got the lease "then the Indians should get an adequate royalty." Within a year after the Federal Power Commission awarded the lease to Montana Power, however, the company won postponement of its obligation until the power commission forced them to complete the project in 1936. According to Wheeler's records, he "never understood why liberals fought him on the power site issue and claimed he was responsible for giving it to Montana Power. The Company never thought it was a gift; they had to sign one of the stiffest contracts ever negotiated giving continuous royalties to the Indians."<sup>16</sup>

Meanwhile, Wheeler and several colleagues in the Senate had traveled extensively throughout the western U.S. documenting conditions on the reservations. Instituted at the behest of Representative James Frear of

Wisconsin to corroborate the findings of the Meriam investigation, Congress approved a ten-member team to review the efforts of the BIA and to suggest alternatives to improve reservation life. Wheeler's continued representation of Indian people in Congress gained him an appointment to the subcommittee. He lambasted the practices of the federal government in February 1926, when he declared,

The time has come when we ought to call a halt on appropriating the money of the Indians of this country. . . for the benefit of the white men of the country. The Congress of the U.S. has violated in many instances every provision of these Indian treaties, and has treated them. . . as a mere scrap of paper. . . because of the fact that the Indians are helpless, because of the fact that numerically they are not strong. We have taken their land, we have turned it over to the whites, we have appropriated their money, and we have treated them in a shameful manner.<sup>17</sup>

Wheeler also supported Collier's efforts to discredit the BIA and issued statements in the *Congressional Record* to that effect. In gratitude, Collier replied to Wheeler in June 1926, "I believe every Indian welfare body and all Indians, look to you as one of the two or three men in the Senate who most disinterestedly and thoroughly care about justice to the Indians." Collier and Wheeler remained in contact throughout the Senate investigation of the BIA with additional support from Grorud, whom Wheeler had appointed as secretary to the investigating subcommittee. While the three men may not have shared the same sentiments concerning the customs of American Indians they resolved to reform the BIA and found common ground in each other's assertions of governmental responsibility toward Native Americans.<sup>18</sup>

Wheeler's condemnation of the BIA crested during the controversy over the Indian Oil Act of 1927 and the Senate subcommittee investigations of 1928 and 1929. Wheeler resented attempts to halt the Senate investigation

by Commissioner of Indian Affairs Charles Burke and objected to Burke's references to the investigating committee as a "kangaroo court." A letter Wheeler received in February 1929 confirmed his suspicions of bureau malfeasance and revealed statistics available through the 1928 Preston-Engle report that the BIA "has falsified to Congress over a ten year period, and that as a consequence an enormous debt has been loaded on Indian and white farmers after the Indian Bureau knew the facts." The letter further reported that the "Indian Bureau, through successive years has been spending from the Crow Tribal fund greatly in excess of Congressional authorization and in amounts which were not reported to the Appropriations Committees."<sup>19</sup>

Bureau intransigence throughout the 1920s led to incessant attacks on BIA administration both in Congress and by the reform-minded public, and forced Commissioner Burke to retire in early 1929. The inauguration of President Hoover introduced new personae, including Commissioner Charles J. Rhoads, Assistant Commissioner J. Henry Scattergood and Secretary of the Interior Ray Lyman Wilbur, to the public arena of Indian affairs. President of Stanford University, Wilbur's credentials included membership in the California branch of the American Indian Defense Association and support for the Christian based Indian Rights Association. Rhoads came to his post as past president of the Indian Rights Association and Scattergood, a Philadelphia entrepreneur, brought familiarity with the Indian Rights Association's philanthropic activities to the Indian Bureau. Both practicing Quakers, Rhoads and Scattergood supported humanitarian efforts in the nineteenth century tradition toward the Christianization and Americanization of Indian

people. Collier and Wheeler both favored the appointments, suggesting that conditions were ripe for improvements in Indian affairs.<sup>20</sup>

To spur action in the new administration, Wheeler "arraigned the Indian Bureau and Congress for their treatment of 'the only 100 percent Americans in the U.S.," and pleaded for "an honest, humane, and businesslike supervision of Indian affairs" addressing a national radio audience in October 1929. Wheeler's speech revealed the preponderance of underfunded health programs and facilities and poorly administered schools throughout the reservations. He related that "Indian tribal funds have been squandered by gross carelessness and inefficiency," and that rampant poverty prevailed on the reserves. According to his address, the subcommittee investigation affirmed the dissipation of former tribal cattle herds through government "incompetence" and revealed that the Indian Bureau had failed to maintain records of tribal accounts. Wheeler condemned the bureau's practice of pursuing public works projects on reservation lands with reimbursable loans and declared that "it was a plain violation of every rule of decent conduct among men and would not be tolerated among nations." He spoke in favor of public school programs run by the states that would encourage Indian people to become "self-sustaining, self-respecting citizens," and suggested the practicality of vocational education among Native Americans. He also recommended government care for the old and indigent, supported the establishment of a "businesslike accounting system" for trust money held by the government, and favored American Indian control over leasing trust and tribal property.<sup>20</sup>

Two months after Wheeler's radio address, Rhoads presented a series of four letters co-authored by John Collier to Senator Lynn Frazier, Chairman of

the Committee on Indian Affairs. Wheeler introduced the letters into the *Congressional Record* with understated approval: "It has been some time since I have found myself in a position where I could commend very much that has been done by the Commissioner of Indian Affairs." Expressing concern for Indian people and the conditions that had arisen from bureau mismanagement, the letters detailed the failure of the allotment act and questioned the constitutionality of reimbursable debts placed on American Indian lands. They reviewed the predicament created by multiple heirs to allotted lands coupled with "the flow of a small income from leased allotted lands." They argued this produced a cycle of poverty and dependence from which Indian people found it difficult to escape. The letters proposed wholesale changes in the allotment act and suggested tribal incorporation to ease the "paternalistic administration" of American Indian properties. Rhoads affirmed government responsibility for the abrogation of treaty provisions and commented that the government could not contemplate "liquidation of the Government's guardianship over Indians" until all treaty claims were settled. In addition, the letters repudiated the practice of placing reimbursable loans on Indian tribes for government-sponsored projects without their consent. Rhoads asserted that the matters he discussed deserved the legislative attention of Congress to prevent their revocation by any succeeding administration.<sup>21</sup>

Within six months, Secretary of the Interior Ray Lyman Wilbur presented a bill creating an Indian court of claims to the House. Opposition to the bill arose immediately because it came into conflict with President Hoover's economic prerogatives, even though the BIA budget had nearly doubled from \$15 million in 1928 to \$28 million in 1931. Following the

recommendations of the Meriam staff and the demands of the public, an immediate appropriation of \$1.1 million sought to improve the diet and clothing of children in boarding schools, despite opposition by Representative Louis Cramton, Chairman of the House Subcommittee on Interior Department Appropriations, who pared increases in food and clothing allowances for boarding school children by 75 percent. The remaining appropriations funded a threefold increase in BIA staff and supported a 25 percent increase in bureau salaries.<sup>22</sup>

Further addressing recommendations by the Meriam Report, Secretary Wilbur also presented a plan for the reorganization of the BIA into five departments: education, health, agricultural extension, forestry and irrigation. The divisions, complete with their own professional directors, emphasized bureau decentralization and facilitated some improvements, especially in the area of education. Wilbur appointed W. Carson Ryan, a professor of education at Swarthmore College, to implement a course of "practical education and vocational work." Ryan converted many boarding schools into day schools, and reduced student labor requirements and the strict emphasis on American patriotism.<sup>23</sup>

Wilbur's stance, however, varied little from the policies pursued by previous administrations. He believed "the fundamental aim of the BIA is to make of the Indian a self-sustaining, self-respecting citizen just as rapidly as this can be brought about. The Indian shall no longer be viewed as a ward of the nation, but shall be considered a potential citizen." He supported increased contact among Native Americans and their non-Indian neighbors, and compared Indian people to dependent children. Wilbur suggested the

government's best policy would be to "give the Indian 'a pickle and let it howl'." He deferred the question of allotment until further study could determine the proper course of action.<sup>24</sup>

Reformers quickly grew frustrated with Wilbur and the new administration. Collier and others realized the perpetuation of a mismanaged bureaucracy prevented attention to the needs of Indian people. Rhoads approved a series of memorials that referred to past government intransigence, but he made little effort to address the issues presented in his 1929 letters to Congress. The bureau thus recognized its past mistakes, but could not determine how to resolve the debacle of American Indian policy. The Depression further complicated life for Indian people; a decline in prices for agricultural products resulted in the withdrawal of lessees on reservation lands. Coupled with overgrazing and extreme weather that further degraded Indian lands, reservation conditions declined.<sup>25</sup>

Wheeler, too, expressed his continued disgust with the BIA. He had truly believed Rhoads and Scattergood could make vast changes in the Indian Bureau complete with significant improvements for American Indians. "I am sorry to say," Wheeler lamented, "the conditions on the Indian reservations have not been rectified and that mighty little progress is being made, so far as benefiting the Indians is concerned." Wheeler, citing reservation visits by the Senate Indian Investigating Subcommittee, described farming attempts upon lands where "no white man could make a living." Wheeler argued that Indian people should be taught to use their hands, and that an employment agency should be set up "to look after them, for, after all, everybody knows that most of the Indians, in the state in which they are to-day, are mere children."





Fig. 2 Members of the Senate Indian Investigating Committee toured the country's reservations throughout the late 1920s and 1930s. Pictured from left to right are Sen. Elmer Thomas of Oklahoma, an unidentified Park Service employee, Sen. Lynn Frazier of North Dakota, Special Secretary Albert A. Grorud, two unidentified women, and Senator Burton K. Wheeler of Montana. (BK 2207, Box 20, Folder 2, Photo #50, Montana State University).

Wheeler believed Rhoads an "honest and sincere man," but thought the "bureau ought to wake up and get rid of some of its dead timber." He condemned the BIA as an inept bureaucracy that administered a universal policy to a large variety of reservation situations, and maintained that the bureau itself should be eliminated.<sup>26</sup>

Wheeler and Collier again joined forces through the Senate subcommittee to discredit Herbert J. Hagerman in 1931. Hagerman served on the Pueblo Lands Board in 1924 that had been created to settle disputed land titles in New Mexico and to provide adequate compensation to the Pueblo people. The board extinguished title to 19,000 acres of Pueblo land without remuneration and did not purchase new property for the Pueblo people as required by the 1924 Pueblo Land Act. Extensive hearings revealed a complicated set of circumstances that required a legislative solution, but Secretary Wilbur opposed the proposition because of expected costs. Nevertheless, the hearings also suggested Hagerman's involvement in a scandal with former Secretary of the Interior Albert Fall to promote oil development on the Navajo reservation and resulted in his removal from the government payroll.<sup>27</sup>

Continued efforts toward reform in American Indian-government relations throughout the 1920s and into the early 1930s focused largely on the mistakes of the BIA. In 1910, the government's fixed policy aimed at assimilating Indian people on an individual basis began with efforts toward forced allegiance and incorporation within dominant Anglo society, and settled into a war of attrition. Frustrated in its mission to mold Native Americans into successful whites, bureau officials and others concerned with American Indian

affairs failed to identify a single area of progress. Indian people remained on the fringes of white society and many suffered poverty and ill-health, even as the government sought to improve the condition of its wards.

As a senator and member of the Indian Affairs Committee, Wheeler experienced firsthand the frustration of the bureau. He counted Indian people among his supporters and some were even his friends. But his efforts to change the status of Native Americans from impoverished "children," dependent upon the government for survival to participating members in Anglo society met with substantial opposition both among his colleagues and among bureau officials. After a time, Wheeler came to believe, as did fellow reformers such as John Collier, the only way to effect change in Indian affairs would be through the eventual elimination of BIA bureaucracy and a cathartic repudiation of the Republican "old Guard." Wheeler believed that his suggestions, and those of Collier as well, would be ignored as long as the primary responsibility for improvements in reservation conditions lay within the Republican paeon of laissez-faire. Motions toward reform thus became politicized efforts to eliminate Republican administration as the western-dominated Senate subcommittee and the AIDA castigated Secretary Wilbur and the BIA for their incompetence and mismanagement.<sup>29</sup>

Promised change in the field of Indian affairs came with the election of Franklin D. Roosevelt to the presidency in 1932. Wheeler was the first Democratic senator to endorse Roosevelt for the presidency in April 1930 and began campaigning for him early in the fall 1931. In Roosevelt, Wheeler and others sought an activist president who would address the needs of people who had suffered through the early years of the Depression while Hoover and the

Republicans idled in Washington. Despite Wheeler's desire to influence the formation of the new administration, Wheeler expressed his approval of Roosevelt's appointments in a memo in July 1933. With the appointment of John Collier as Commissioner of Indian Affairs, Wheeler entered a battle that would continue to the end of his years in the Senate, a battle over the Indian Reorganization Act and the perpetuation of the BIA.<sup>30</sup>

## Notes to "Bear Shirt"

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2. Wheeler and Healy, *Yankee*.
3. Ibid., pp. 104-107; "Unpublished Manuscript, BKW with Dayton Stoddard," Burton K. Wheeler Manuscript Collection 34, Box 25, Folder 13, Montana Historical Society Archives; Burton K. Wheeler Collection 2207, Box 16, Drawer 1, Merrill G. Burlingame Special Collections, Montana State University.
4. Wheeler and Healy, *Yankee*, p. 196.
5. *Congressional Record*, 68th Cong., 1st sess., 1923, 65, pt. 1: 156; *Cong. Rec.*, 68th Cong., 1st sess., 1924, 65, pt. 2: 1776; *Cong. Rec.*, 68th Cong., 2nd sess., 1925, 66, pt. 5: 4059-4060.
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8. *Cong. Rec.*, 68th Cong., 1st sess., 1924, 65, pt. 1: 797-800, 879-880; pt. 2: 1451-1453; 68th Cong., 2nd sess., 1924, 66, pt. 1: 204-206.
9. BK 2207, Box 15, Drawer 1; Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954*, pp. 85-87; *Cong. Rec.*, 68th Cong., 1st sess., 1924, 65, pt. 3: 3034; 70th Cong., 1st sess., 1928, 69, pt. 3: 2480.
10. *Cong. Rec.*, 68th Cong., 1st sess., 1924, 65, pt. 1: 797-800, 879-880; 68th Cong. 1st sess., 1924, 65, pt. 2: 1451-1453; 68th Cong., 2nd sess., 1924, 66, pt. 1: 204-206; 70th Cong. 1st sess., 1928, 69, pt. 3: 2477-2491.

11. *Cong. Rec.*, 70th Cong., 1st sess., 1928, 69, pt. 3: 2477-2491; Philp, *Collier's Crusade*, p. 86.
12. *Cong. Rec.*, 70th Cong., 1st sess., 1928, 69, pt. 3: 3131-3132; 71st Cong., 2nd sess., 1929, 72, pt. 1: 1037-1039.
13. *Ibid.*
14. *Cong. Rec.*, 70th Cong., 1st sess., 1928, 69, pt. 3: 3329-3340; BK 2207, Box 15, Drawer 1.
15. *Cong. Rec.*, 71st Cong., 2nd sess., 1930, 72, pt. 7: 7278-7288.
16. BK 2207, Box 15, Drawers 1 and 2; *Cong. Rec.*, 71st Cong., 2nd sess., 1930, 72, pt. 9: 9342-9343.
17. Philp, *Collier's Crusade*, p. 80; *Cong. Rec.*, 69th Cong., 1st sess., 1926, 67, pt. 4: 4470-4471.
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19. *Cong. Rec.*, 70th Cong., 2nd sess., 1929, 70, pr. 3: 3299-3300; pt. 5: 4368-4375; unsigned letter to Burton K. Wheeler, February 2, 1929, Collier Papers.
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21. *Cong. Rec.*, 71st Cong., 1st sess., 1929, 71, pt. 4: 4523-4525.
22. *Cong. Rec.*, 71st Cong., 2nd sess., 1929, 72, pt. 1: 1051-1053, Philp, *Collier's Crusade*, pp. 92-94.
23. Philp, *Collier's Crusade*, p. 96, Donald Parman, *Indians and the American West in the Twentieth Century*, p. 91; Bolt, *American Indian Policy*, pp. 109-111; *New York Times*, August 11, 1930, I, 3.
24. *Ibid.*
25. *New York Times*, August 11, 1930, I, 3; Philp, *Collier's Crusade*, p. 97.
26. Vine Deloria, Jr., and Clifford Lytle, *The Nations Within*, pp. 52-53; Bolt, *American Indian Policy*, pp. 109-111; Philp, *Collier's Crusade*, p. 97.
27. *Cong. Rec.*, 71st Cong., 3d sess., 1931, 74, pt. 2: 1380-1383.

28. Philp, *Collier's Crusade*, pp. 103-112.
29. Ibid., p. 112.
30. Wheeler and Healy, *Yankee*, p. 294; Richard Lowitt, *The New Deal and the West* (Bloomington: Indiana University Press, 1984): 1-3; Philp, *Collier's Crusade*, pp. 113-114; Burton K. Wheeler to Franklin Delano Roosevelt, July 31, 1933, P.P.F. 723, Franklin Delano Roosevelt Library, Hyde Park, located in the Franklin Delano Roosevelt Files on Burton K. Wheeler, Collection 2226, Merrill G. Burlingame Special Collections, Montana State University.

## Home Rule

The Wheeler-Howard Indian Reorganization Act of 1934, or IRA as it later became known, ostensibly represented a significant departure from previous federal government policy toward American Indians. Championed by Commissioner of Indian Affairs John Collier, the IRA replaced the 1887 Dawes Act that sought to assimilate many Indian people, albeit on the social, political and economic fringes of Anglo society. In its stead, the IRA sought to empower reservation communities to enable Native Americans to direct their own affairs in business, law and other aspects of daily life and therefore offer American Indian input into the U.S. political economy. Despite significant revisions of Collier's original proposal by Senator Burton K. Wheeler and others, Collier's insistence on the value of cultural pluralism remained the premise behind the IRA. The IRA achieved some modest gains for Indian people regarding the reestablishment of bilateral relations, but, from the outset, Collier's ideals and his self-directed crusade for Indian rights suffered from political apathy, if not antipathy.

No longer directly responsible for administering lease arrangements, doling out rations or chastising intractable Indian children, the Bureau of Indian Affairs faced a new era in 1934. The IRA promised an end to bureaucratic autonomy and offered significant hope for those exasperated with the government's equivocal administration of Indian people. In addition, Collier's optimism and his approach toward American Indians as responsible, dedicated, and capable of managing their own affairs marked a substantial change in the bureau's disposition toward the first Americans. The IRA faced



opposition from the outset, however, and never fully achieved its intended goals.

Nearly twenty years after the IRA became law, Collier addressed a symposium of the American Anthropological Association where he articulated "The Genesis and Philosophy of the IRA." Collier contended that several legislative and administrative measures corresponded with the IRA and its pluralist ideology, including the 1934 Johnson-O'Malley Act that encouraged state responsibility for Indian health and education, and the Indian Arts and Crafts Board Act of the same year that supported the development of markets for Native American artifacts. Collier indicated that cooperation among various government agencies in terms of direction and funding for conservation work as well as the repudiation of restrictions on Indian religious practices stemmed from the tenor of the New Deal period. The IRA and its commitment to reestablishing bilateral relations between the government and Indian people, Collier further argued, also led to the formulation of the Indian Claims Act of 1946 in conjunction with broader New Deal reform measures. Together, Collier claimed these various proposals resulted from a redirected awareness of the rights of American Indians and the obligation of the federal government to recognize and support those rights.<sup>1</sup>

In his message, Collier expounded on the origins of the legislation itself and the protracted issues the IRA sought to address. Collier stated that the impetus for the IRA arose from Commissioner of Indian Affairs Cato Sells' "Declaration of Indian Policy" in 1917, which employed forced fee-patenting and other techniques to end government responsibility for Indian people. Sells' approach freed many independent mixed-blood people from government control

but hastened the liquidation of Indian lands and succeeded in alienating many dependent American Indians from their lands and their cultural heritage. Sells' practices, largely endorsed by Congress, set many Indian people adrift in the rushing current of the dominant economy and left them washed up on some lonely, improvident shore.<sup>2</sup>

The efforts of Sells and others to force the assimilation of Native Americans into Anglo society saw little resistance until after World War I when BIA neglect led to widespread illness and poverty on many reservations. In 1922, concerned citizens, many of them women allied with the Greater Federation of Women's Clubs, set a course for reform and with John Collier at the helm, took issue with Secretary of the Interior Albert Fall and his plans to deprive the Pueblo people of their lands and rights. The indictment of the Interior Department and its policies administered through the BIA led to a long period of investigation and discussion of federal policy. According to Collier, more than a decade of debate culminated in a series of proposals to mitigate the negative effects of allotment and to provide a considered, proactive approach to assist Indian people in their relations with the foreign ideas and foreign people represented by American society.<sup>3</sup>

Collier's chronology of the IRA glossed over its origins that, in both philosophy and approach, had substantial precedent. In 1871, Congress abandoned its practice of making treaties with Indian tribes, although relations between the government and Native Americans continued to find expression in mutually acceptable agreements. Nevertheless, by the early 1900s, Congress had gradually replaced the bi-lateral effects of treaty-making with plenary authority to legislate on behalf of Indian people. The results of this change

found support in the courts and remained unchallenged, despite indications that Congress occasionally reconsidered the issue of American Indian sovereignty. In this vein, the IRA did not truly support Indian claims to self-determination; rather, the act upheld the legacy of federal government authority to direct Indian policy, primarily through the BIA.<sup>4</sup>

Congressional assertion of plenary authority over Indian policy at the turn of the century established a single arena to address Indian issues. While the early 1900s saw limited dissension among Indian activists as the allotment policy took hold, the post-World War I period rekindled the need for reform in Indian affairs. Chairman of the Senate Indian Affairs Committee Selden Spencer received one petition that referred to a report from Acting Secretary of the Interior E. C. Finney dated January 23, 1922. The authors, Robert J. Hamilton, a delegate of the Blackfeet tribe and Thomas G. Bishop, Secretary of the Society of American Indians, reflected upon the need for Indian tribes to "take a more prominent part in the government and regulation of their affairs" and suggested the need to reestablish a bilateral relationship with the government through tribal councils. The letter condemned BIA policies that directed reservation life through autonomous bureau agents and restrictive educational practices. The petition interpreted bureau control of tribal property as means "to deny [Indian people] a fundamental right which you as a white man have under the Constitution of the United States. Your property cannot be taken without due process of law. The property of the Indian can."<sup>5</sup>

Other precedent-setting efforts to implement the various provisions that eventually grew into the IRA and its associated legislation included a 1927 effort by Senator Burton K. Wheeler to transfer the responsibility for the

education and health care of American Indians to the states. Joseph W. Latimer, a "lifelong student of the Indian problem" who opposed "the continuation of Bureau supremacy over the Indian's person and property" submitted an additional proposal. Latimer suggested treating Indian people as American citizens as required under 1924 citizenship legislation and promoted state-based programs for Indian people in health, education and legal matters in an effort to encourage industry and self-support.<sup>6</sup>

Wheeler acknowledged many of Latimer's sentiments in a 1929 radio address and reform efforts gained further momentum with Commissioner of Indian Affairs Charles Rhoads' December 1929 letters to Secretary of the Interior Ray Lyman Wilbur. Rhoads' concerns as presented in the letters, and later related by Collier who essentially drafted the letters, centered on three essential elements: the communal nature of American Indian life and the devastating effects of allotment on this tradition; the inflexible nature of federal policy to accommodate the needs of a variety of Indian people; and the desire to involve various government and non-government agencies to service American Indian needs to mitigate the problems associated with BIA autonomy. Collier later asserted the letters espoused the reinstatement of the bilateral relationship previously extant between individual Indian tribes and the federal government through incorporation.<sup>7</sup>

As he introduced Rhoads' letters into the *Congressional Record*, Wheeler offered modest praise for the material content, but focused his accolades on Rhoads himself for bringing to light issues surrounding allotment, liens upon Indian lands, tribal claims and irrigation matters. For his part, Rhoads offered a few "very tentative suggestions," but nevertheless previewed some of the

provisions of the IRA. Rhoads presented the possibility of allowing allotted lands to revert to the tribal estate upon the death of the allottee to alleviate the problem of multiple heirship. He also suggested vesting tribal councils with the authority to administer tribal trust accounts, and pointed to the Klamath Incorporation Bill, introduced in 1927, as a basis for considering tribal self-governance. The letters also recommended the establishment of a separate Court of Indian Claims to facilitate the liquidation of government guardianship. Finally, Rhoads presented an option for the divestiture of BIA authority over projects such as irrigation and offered the technical expertise of the Bureau of Reclamation and other government agencies to reduce BIA autonomy. Wheeler's measured response to the letters fit well within his suspicion of government authority and his progressive bent that sought to "clean up" the administration of Indian affairs and its associated ambiguities.<sup>8</sup>

Widespread support for Commissioner Rhoads and his efforts to reform federal administration of Indian affairs encouraged a doubling of bureau appropriations between 1929 and 1931. Instead of implementing many of the proposed reforms, however, Rhoads and Scattergood opted to enlarge the BIA staff and increase staff salaries; action that only perpetuated bureau misdirection with little positive impact felt by Indian people. Continued disputes over the direction of Indian policy between the assimilationist stance of Secretary of the Interior Wilbur and Collier's cultural pluralism led to significant divisions between the Hoover administration and the forces of reform. In 1930, the bureau's negotiation of a lease with the Montana Power Company that neglected to provide adequate royalties for the Flathead tribe raised the ire of Wheeler, who had previously acted as counsel for the tribe, and

whose earlier encounters with the Montana Power Company led him to strongly suspect the company's motives.<sup>9</sup>

In addition, bureau support for Herbert J. Hagerman brought Rhoads and Scattergood into direct opposition with the Senate Indian Investigating Subcommittee, headed by Wheeler and North Dakota Senator Lynn Frazier. Hagerman's neglect of American Indian rights with regard to land and resources brought the issue of BIA autonomy to a head and, with Collier's encouragement, led to the committee's repudiation of Hagerman and Rhoads' administration of Indian affairs. The tireless pursuit of Hagerman's association with the Teapot Dome affair by Wheeler and other Democrats in the Senate subcommittee afforded them an additional opportunity to ensure defeat of the Republicans in the 1932 elections.<sup>10</sup>

While the Democrats eventually secured victory in 1932, between 1930 and 1932 reformers initiated several attempts to address the needs of Indian people. One such measure was the Klamath Incorporation Bill, introduced by Oregon Senator Charles McNary in 1927. Large stands of virgin timber dominated the reservation of the Klamath tribe of Oregon and as a result, the Klamath tribe became one of the wealthiest tribes in the country. However, the imposition of reimbursable loans on the tribe for government-authorized irrigation projects placed extensive liens upon the land. The idea for incorporating the Klamath tribe originated to distribute tribal income among the members, but more broadly conceived, it sought to vest authority over tribal affairs with the Indian people themselves through legislation "that could only be taken away by Congress." Testimony offered by tribal members Mr. and Mrs. Wade Crawford portrayed the Klamath tribe as a self-sufficient

entity, and they asserted that the federal government had little reason to further direct tribal affairs. Nevertheless, the issue of administrative responsibility for the development and oversight of the corporation itself became a point of contention. The difficulties of administration, coupled with the skepticism of Secretary Wilbur and Commissioner Rhoads, eventually prevented the resolution and passage of the Klamath bill.<sup>11</sup>

Another bill introduced by Senator Lynn Frazier authorized the creation of tribal councils for the purposes of representing the tribes before the government or the court of claims. No mention was made of incorporation, nor were issues of heirship or allotment addressed. Nevertheless, the proposal embodied the sentiments of the Senate Indian Affairs Committee in that it addressed the problem of representation to mitigate BIA authority without prescribing an inflexible set of conditions or circumstances that applied to all tribes. The bill authorized each tribe to construct a constitution and set of by-laws and vested tribal councils with authority over tribal lands and tribal funds. While the bill appeared straightforward and unencumbered, it never passed Congress, and the spirit of reform lay dormant until President Roosevelt and his appointees came to office.<sup>12</sup>

The hurried atmosphere surrounding the New Deal began with the inauguration of President Roosevelt and the convening of his Cabinet that evening. Newly appointed Secretary of the Interior Harold Ickes, a liberal committed to conservation and civil rights issues, quickly selected his staff, including Chief Solicitor Nathan Margold, a New York lawyer and former legal adviser to the Pueblo Indians, and Commissioner of Indian Affairs, John Collier. Significant resistance mounted to Collier's appointment, including

protests from oil, land and water power interests, "who did everything but offer a bounty for his skin." Nonetheless, the Senate approved Collier's appointment.<sup>13</sup>

Collier released a statement upon his confirmation reflecting ideals that would consume the next dozen years of his administration. As "a representative of the Indians themselves," Collier believed it was his responsibility to overcome the economic hardships of the depression and "to bring about liberty and positive opportunity for the Indians within an undiminished responsibility by the United States for the their welfare." Collier hoped to increase benefits for Indian people by including the assets of other federal and state agencies to promote reclamation, forestry and rural credit programs for Native Americans. Collier also aimed to decrease federal paternalism while encouraging American Indians to develop according to their specific traditions "not as segregated minorities but as noble elements in our common life." Collier spoke of "indirect administration," once successful among the Cherokee and Pueblo people, to effect efficient and responsible reorganization in the field of Indian affairs.<sup>14</sup>

Collier took several immediate steps to ensure relief for Indian people during the Depression years. The Civilian Conservation Corps created an Indian Division to employ Native Americans on their reservations engaging in flood control, preventing soil erosion and improving forested lands. By the end of 1933, the CCCID program involved approximately 14,000 Indian employees, with direct benefits reaching nearly 100,000, Collier claimed. The encampments provided not only employment and relief for Indian people afflicted by the depression economy and accompanying drouth and



grasshopper plagues, but the programs provided partial subsistence through the winter months as well. In addition to the relief provided under the Emergency Conservation Act, the Civil Works Administration employed another 4500 American Indians at government expense.<sup>15</sup>

The idea of incorporation regained a foothold shortly after Collier assumed office. In November 1933, attorneys Felix Cohen and Melvin Siegel of the Solicitor's Office traveled to a number of jurisdictions and presented suggestions for incorporation. Cohen and Siegel approached the Indian people of the Ft. Belknap Agency with a proposal that would establish self-government to "promote their advancement and welfare," ensure Indian property rights and guarantee rules of inheritance that would maintain a land base sufficient for generations to come. The Ft. Belknap tribal council, under the superintendency of Luman Shotwell, drafted a preliminary constitution and by-laws and submitted to Commissioner Collier their approval and suggestions for the proposed legislation. Senator Wheeler received copies of the Ft. Belknap communications and eventually introduced Senate bill 2755 (the original Collier bill) at the request of the Indian Bureau. Wheeler indicated that the proposed bill paralleled some of the provisions of House Resolution 4813 introduced by Montana Representative Roy Ayers, however, Wheeler declined to offer his opinion of the proposal stating, "I would rather that the Indians study this bill and give me an expression of their views."<sup>16</sup>

The Assistant Solicitor for the Interior Department Felix Cohen drew up the original text of the IRA. In a January 17, 1934 memorandum to Collier, Cohen expressed his concern over the presentation of the new legislation and cited several problems that might be encountered before the proposal gained

Congressional approval. Cohen stated that his travels to various reservations in November "revealed a large degree of misapprehension in the field. . . with respect to the program of the present Administration." Cohen also revealed "that without considerable Indian support our legislative program is not likely to meet a favorable reception in Congress." Cohen suggested that Collier immediately address "an authoritative statement of policy" to persons most closely associated with Indian affairs, and in terms of the bill itself, Cohen believed that "counsel from the field" would likely produce invaluable modifications on the proposed legislation.<sup>17</sup>

Within three days of Cohen's missive, Collier sent an eleven-page testament to the various reservations detailing past government policy and its failure to address Indian needs. The circular, entitled "Indian Self-Government," outlined Collier's program to reinvigorate local self-government and consolidate the tribal land base. Collier already recognized the need for local contributions to ease particular problems on specific reservations, but concluded that local participation in the development of a legislative solution would ease the concerns of Indian people as a whole.<sup>18</sup>

At a conference at the Cosmos Club in Washington, D.C. on January 7, 1934, Collier gained significant backing for the self-government proposal from a number of reform organizations, including the Indian Rights Association, the American Civil Liberties Union and the General Federation of Women's Clubs. A month later, Collier authorized the final version of the Indian Department bill and suggested that Assistant Commissioner Zimmerman take the bill directly to Wheeler to ensure prompt introduction of the measure and to answer any of Wheeler's questions. The Indian "Home Rule" bill was introduced in the House

of Representatives by Edgar Howard of Nebraska on February 12, and in the Senate by Wheeler on the following day.<sup>19</sup>

Throughout his career, Wheeler maintained he never read the original proposal, but introduced it at the request of the Indian Bureau, even though he directed the Senate committee hearings and ultimately voiced his support for the revised bill on the Senate floor. This denial vocalized his desire to distance himself from legislation that bore his name but did not accurately reflect his own beliefs or concerns regarding Indian affairs. Nevertheless, Wheeler reacted favorably to President Roosevelt's letter praising him for introducing the bill:

A friend of mine said the other day: 'The smile of Franklin D. Roosevelt is one of the most precious assets the American people have.' When I know that a multitude of duties are pressing in upon you from all parts of the world, and yet you can find time send such a courteous and friendly little note, I can only say that if my friend had enlarged his statement to include all your superb qualities, it would have been an underestimate.

Wheeler's kindness, however, masked the reality he later expressed that he did not think Roosevelt would have given his enthusiastic approval of the Collier bill if the president had really considered its provisions.<sup>20</sup>

Shortly after the measure reached Congress, a February 17 letter to Senator Wheeler from an attorney for the Northern Cheyenne tribe, Margaret Young, indicated that Collier and his opposition had already begun to circulate their views among the various tribes at the expense of an accurate representation of the legislation. Young requested that Wheeler look into her contract with the Northern Cheyenne tribe that she might be able to offer counsel to the tribe during upcoming discussions of the administration proposal. The body of her letter, however, indicated the circulation of

substantial amounts of propaganda on the reservation "for the apparent purpose of causing dissatisfaction."<sup>21</sup>

Young's letter only reinforced much of the negative response Collier received in reply to his January 20 "Indian Self-Government" circular to the tribes. Many assimilated Indian people found satisfaction in their allotments, while many superintendents and other bureau employees believed the proposal threatened their jobs. Some tribes perceived that the legislation would reinvigorate traditions based on an extinct way of life and therefore opposed the measure. Ignoring the criticism, Collier went ahead with his program and after hearings in Congress had begun, conducted a series of conferences held throughout the country to discuss the legislation with Indian people themselves.<sup>22</sup>

The original forty-eight page proposal, "a bill to grant Indians living under Federal tutelage the freedom to organize for purposes of local self-government and economic enterprise; to provide for the necessary training of Indians in administrative and economic affairs; to conserve and develop Indian lands; and to promote the more effective administration of justice in matters affecting Indian tribes and communities by establishing a Federal Court of Indian Affairs," presumed to do just that. Outlined in four titles, the bill attempted to cover nearly every issue relating to Indian people that had been debated publicly and privately during the previous fifteen years. In this sense, the proposal was landmark, if not revolutionary in its scope, but Congress substantially revised the original bill before it passed four months after its introduction.<sup>23</sup>

THE DAILY OKLAHOMAN, SUNDAY, MARCH 25, 1934.



*A Spring Costume for Poor Lo*

Fig. 3 Many Indian people resented Commissioner John Collier's proposal to redefine the relationship between Native Americans and the federal government. (National Archives, Record Group 46, Records of the Senate Committee on Interior and Insular Affairs, Box 27, "Newspapers and other Printed Material--W-H Act").

Title I, "Indian Self-Government," detailed the provisions for creating tribal governments to replace the functions exercised by the BIA and the Department of the Interior. With a petition signed by twenty-five percent of the adult tribal members of at least one-fourth Indian blood, section two of the first title authorized the Secretary of the Interior to issue a corporate charter to any tribe subject to three-fifths approval by the tribe. According to the bill, the charters defined the community and its membership, prescribed forms of government unique to the traditions of each community and specified "the powers of self-government to be exercised by the chartered community." Section three guaranteed federal supervision of financial transactions while the next section outlined the powers granted by the Secretary of the Interior to chartered communities.<sup>24</sup>

Under the provisions of section four, chartered communities could establish governments and constitutions, elect officers, regulate use and disposition of property, establish courts to enforce community ordinances, administer tribal funds, condemn properties as a federal agency, acquire property and issue contracts, sue or be sued, compel the transfer of Indian Service employees, exercise powers delegated to the Office of Indian Affairs, and "exercise any other powers, not inconsistent with the Constitution and laws of the United States, which may be necessary or incidental to the execution of the powers above enumerated." Section five detailed the obligations of the Commissioner of Indian Affairs to report on reservation conditions and to oversee reservation business, while section six compelled the Secretary of the Interior to offer preliminary budgets for tribal approval. The next two sections authorized the Secretary of the Interior to delegate authority

to the tribes and directed the Commissioner to classify the functions of the BIA and to transfer services to the communities themselves. The remaining sections of Title I, which in and of itself comprised nearly half the bill, expressed the authority of the Secretary of the Interior to convey trust property to the chartered tribe, retained the tax-free status of Indian property, and appropriated \$500,000 annually for the purposes of incorporation.<sup>25</sup>

The second title, "Special Education for Indians," instituted training programs for Indian people in a variety of fields from social services and forest management to accounting and public works. It authorized \$50,000 to defray the costs of training programs and suggested an appropriation of \$15,000 annual scholarship money. Title II presumed to declare the policy of Congress "to promote the study of Indian civilization and preserve and develop the special cultural contributions and achievements of such civilization, including Indian arts, crafts, skills and traditions."<sup>26</sup>

Title III, "Indian Lands," opened with a declaration of government policy, repudiated the practice of allotment, and returned "surplus lands" to the tribes. The third title extended the trust period on Indian lands indefinitely and revoked the authority of the Secretary of the Interior to issue fee patents to individual Indian people. Title III, section six, provided for the transfer of allotted lands back to the tribal estate in exchange for lands of equal value, and authorized the Secretary of the Interior to consolidate Indian lands for "grazing, forest management, or other economic purposes." In an extended and confusing form, the next two sections provided for various means to acquire additional communally held lands: section eight authorized chartered communities "to purchase or otherwise acquire any interest of any member or non.member in

land within its territorial limits;" while section nine proposed a \$2 million annual appropriation to facilitate consolidation of the tribal estate.<sup>27</sup>

Sections ten and eleven of Title III addressed the problem of heirship lands. Section ten granted the Secretary of the Interior broad discretionary powers regarding heirship laws "to prevent any subdivision of rights to lands or improvements thereon which is likely to impair their beneficial use." Section eleven prescribed that any allotted lands would pass to the tribe upon the death of the allottee, with several conditions, and section twelve provided for the issuance of certificates granting allottees a proportionate interest in the tribal estate to pass on to their heirs. The remaining sections under Title III conferred upon the Secretary the authority to conserve tribal lands and proclaim new reservations.<sup>28</sup>

The final title created a court with a chief judge and six associates appointed to ten year terms by the president. The "Court of Indian Affairs" was designed to operate as a circuit court with any or all of the judges presiding at any one time on any of the various reservations. Title IV established original jurisdiction for the court in all cases except those granted to the Court of Claims, to other courts higher than federal district courts, or to local courts established under community charters. The several sections of the final title provided for the details of the court, clerks and other staff, and established rules for juried cases and methods of appeal.<sup>29</sup>

Accompanying the bill, Collier issued a detailed consideration of the measure entitled, "The Purpose and Operation of the Wheeler-Howard Indian Rights Bill" on February 19, 1934. Collier's "memo of explanation" aimed to provide background for the legislation and detailed the disasters of the



allotment act such as the decrease in the Indian land base from 138 million acres in 1887 to 48 million acres in 1934. Collier claimed that of the remaining lands, "20 million acres are desert or semi-desert lands," and that nearly 100,000 Indian people "are totally landless as a result of allotment." He expounded at length upon the deficiencies of previous government practices before he launched into a discussion of the bill itself and his defense of its provisions.<sup>30</sup>

Collier's memo, while thorough, did not necessarily promote favorable consideration of the bill by the House Indian Affairs Committee. Hearings in the House began on February 22, at which Collier announced a series of Indian congresses he had scheduled throughout the country in March to assist the committee members in their deliberations. Throughout the hearings, Collier maintained that his bill did not completely abandon the policy of assimilation, but merely empowered Indian people to suggest alternative processes to accomplish the same goal. In his testimony, Collier continued his attacks on BIA autonomy and used the BIA's repressive authority as a foil to the proposed self-government provisions. He asserted that the legislation provided that the BIA's relationship with Native Americans would shortly assume an advisory capacity comparable to that between the Department of Agriculture and farmers. Further discussions in the House approached the assumption of fiscal liability for the tribes over breached contracts, and other issues relating to tribal authority. On the third day of the hearings, Collier presented his arguments in favor of a \$5 million revolving credit fund for tribal economic enterprise which moved the committee to double the credit figure. The remaining issues that concerned the House committee related to specifics in

the third title of the bill, "Indian Lands," many of which achieved resolution in the final conference proposal.<sup>31</sup>

During the House hearings, Collier presided over a total of ten Indian congresses throughout March and part of April 1934. Indian people in general favored the congresses, believing their voices would be heard, but as the conferences opened in Rapid City, South Dakota on March 2, Collier gazed upon faces unconvinced by his gestures of goodwill. Many Native Americans viewed life on the reservation as life behind bars; the reservation acted as a holding center for people ravaged by illness and poverty, most of whom were not allowed to participate in the rights of citizenship. Some believed the Collier bill destroyed the tradition of inheritance and embodied another government ploy to rob Indian people of their lands and give them to dissolute members who had unwisely squandered their allotments.<sup>32</sup>

Between February 22 and May 9, the Indian congresses and House hearings produced some thirty amendments to the original Collier proposal. One change eliminated the mandatory transfer of heirship lands to the tribal estate and made the transfer voluntary. Representative Howard proposed an additional title that stated, "The act would not apply to any reservation where the majority of adult resident Indians voted *against* its application." The authorized scholarship amounts were raised, and Collier suggested that the fourth title relating to a separate "Court of Indian Affairs," was expendable. Other issues remained unresolved and the bill faced significant hurdles in both Houses of Congress before its final enactment.<sup>33</sup>

Despite promises by Collier of an "Indian New Deal," negative commentary flowed in private correspondence and in the press. E.A. Towner, a

mixed-blood attorney from Portland, wrote to Collier and Wheeler criticizing the Collier program in terms that would later reflect the sentiments of the American Indian Federation. Towner believed the bill promoted "communistic" practices through its self-government provisions and forced Indian people to participate in "a noble experiment. . . like the proverbial Medical guinea pig." Towner claimed that the "larger tribes of Indians in this district do not want to be disturbed in any way," nor did they desire "to sacrifice their citizenship. . . and become wards of the government." In conclusion, Towner stated that "the Indians do not want special education, special laws, or special regulations to govern them, for they want to become complete citizens with all the rights and privileges as such." Collier replied that he resented Towner's negative campaign to discredit the act the evening before the Chemawa Indian Congress convened in Oregon on March 9, and condemned Towner's criticism as "neither searching nor intelligent. . . It merely repeats general vague allegations apparently originated and widely circulated by groups of those who for utterly selfish reasons want the bill defeated."<sup>34</sup>

When Collier returned from promoting his bill among the various tribes, he faced additional opposition from the Indian Rights Association. Despite the previous consensus established among reform groups at the Cosmos Club in January, Matthew K. Sniffen, editor of *Indian Truth*, the Indian Rights Association journal, opposed the bill because it proposed "revolutionary departures" from previous government policy and promoted segregation of Indian people instead of their integration into the surrounding non-Indian culture. The association further criticized Collier's commitment to communal

land ownership and suggested that Titles I and IV of the bill either be substantially revised or discarded altogether.<sup>35</sup>

Continued criticism of the Collier bill arose from Flora Warren Seymour. Collier abolished the Board of Indian Commissioners by executive order in 1933, and as a member of the former board, Seymour resented Collier's position as the unchallenged administrator of Indian policy. Seymour believed Collier's bill would promote segregation for a diverse group of Native Americans and argued that American Indians opposed it because they would be forced into "subservience to the community." Seymour further questioned the "communization" of Indian lands and education provisions that "would lead one to dance in propitiation of the rain gods and at the same time rely on the advice of the department of agriculture."<sup>36</sup>

Collier countered waves of criticism by focusing on the negative effects of past policy and the generally constructive recommendations he received from Indian people at the March congresses. Collier argued that much of the negative sentiment regarding the proposal stemmed from "outside influences hostile to the legislation. . . . Everywhere it became apparent that selfish interests were deliberately and continuously keeping alive and fanning the Indians' grievances based on the failure of the United States to live up to its old treaty obligations." Collier lamented that much of the opposition to the bill expressed by American Indians resulted from a "partial or complete misunderstanding of the bill and its objectives."<sup>37</sup>

Collier addressed negative representation of the bill with a publicity campaign of his own. Between April 9 and 14, two weeks prior to the Senate Indian Affairs Committee hearings, Collier and his staff prepared a barrage of

material for newspapers, magazines, radio addresses and speeches. The propaganda campaign sought to address criticisms of the proposal directly and to focus on the immediate needs of Indian people.<sup>38</sup>

Collier's success in mustering public support for the amended legislation helped prevent its outright defeat once the bill encountered the Senate Indian Affairs Committee led by Burton K. Wheeler. Wheeler's chairmanship of the committee reflected his seniority regarding Native American issues and his leadership among the progressive western senators. Wheeler and Collier had previously met on common ground in attacking the BIA and its neglect of American Indian needs, but Collier soon came to represent everything Wheeler detested about the Bureau of Indian Affairs: its ill-administered patronage, its lack of accountability for misappropriated funds and above all its unchallenged authority to govern the lives of Indian people on behalf of the government (i.e., Congress).

Wheeler, however, remained loyal to his party and to the president throughout 1934, and faithfully pushed the legislation through the Senate just days before the end of the session. Nevertheless, as the Senate hearings demonstrated, Wheeler and the committee attempted to gut the proposal, foreshadowing a break between the progressive senators and President Roosevelt. Wheeler had previously opposed the president on the remonetization of silver and the IRA represented the second of Wheeler's challenges to Roosevelt and the president's leadership of the Democratic party, albeit in the relatively obscure realm of Indian affairs.<sup>39</sup>

After a two-month break from the first deliberations, Senate hearings resumed on April 26, 1934, with Wheeler at the helm. Wheeler focused on the

compulsory provisions of the amended House bill and those which he asserted would grant additional administrative authority to the BIA. In addition, Wheeler believed the proposal mandated the development of communal lands and discouraged self-sufficiency among individual Indian people. Collier countered that the proposal itself was voluntary as were the land transfer provisions, and stated that while much needed to be worked out in the bill before it passed, 110,000 Indian people had voted in favor of the legislation and only 9,000 had voted against.<sup>40</sup>

The second day of the Senate hearings raised the issue of the power struggle between the Roosevelt administration and Congress. According to a statement made by Collier at the Anadarko Indian Congress and presented to the committee by Senator Elmer Thomas of Oklahoma, Collier believed that "if the administration had wanted to put this bill through quietly and quickly, understand, they had the power, and they have the power to do it." Senator Thomas took issue with Collier's statement from the outset of the April 28 session, encouraging the senators to focus their attacks on Collier as well as the proposed legislation.<sup>41</sup>

Continuing the onslaught, Wheeler condemned the extensive use of "propaganda and verbiage that have no place in a bill of this kind," and criticized the bill as providing for separate reservation schools and other means to segregate Native Americans from Anglo society. Wheeler's contention that Congress would never appropriate funds and turn them over to the tribes was followed by Senator Thomas' assertion that "this bill proposes to take these Indians from the community life, and from citizenship in my State, and put them off into reservations, where you will have a gate, with an admission

charge of so much to see the Indian zoo." Wheeler later commented that the bill remained unintelligible, and while he maintained that Indian people should have a larger share in handling their property, he did not believe the bill sufficiently restricted the authority of the Secretary of the Interior to administer Indian affairs directly. The remainder of the April 28 session heard the testimony of a number of Indian delegates, but Wheeler had already made up his mind to eliminate the "Court of Indian Affairs" provision and had decided to appoint a subcommittee to take up the bill "section by section."<sup>42</sup>

Collier, realizing that the bill might not pass Congress before the end of the session and fearing that it might succumb to negative pressure, sought support from President Roosevelt and Secretary of the Interior Harold Ickes. Roosevelt addressed identical letters to Representative Edgar Howard and Senator Wheeler on April 28 requesting that Congress enact the legislation before the end of the session as it was critical to the welfare of Indian people. Secretary Ickes addressed Collier's fears of internal sabotage with a memorandum to Indian Service employees on April 30. Ickes' memo stated that he anticipated resistance to the Collier proposal, but he did not expect

that employees of the Indian service would deliberately attempt to obstruct the program that has been developed by those carrying the administrative responsibility. . . My purpose in addressing you is to notify all of those engaged in this scheme to defeat our program that a continuance will be under penalty of dismissal from the service.<sup>43</sup>

The following days of the Senate hearings on April 28 and May 3-4 centered on the land issues of the amended proposal and the testimony of Indian reform groups and Indian delegates. Wheeler stated his commitment to "protecting the long-haired Indians and the Indians that are incapable of handling their property," and further vocalized his aversion to the

government's continued responsibility for people of less than one-quarter or one-eighth Indian blood. Wheeler rescinded his opposition to communal grazing lands, but echoed his earlier support for subsistence farming on irrigated lands. He remained staunchly critical of bureau operations and in somewhat convoluted terms, suggested, "It is not a question of the laws that you have upon the statute books as much as it is to have somebody who has sympathy with the Indians and knows something about it and is able to carry it into effect."<sup>44</sup>

The Senate Indian Affairs Committee then retired into subcommittee deliberations. Meanwhile, Collier again faced a spate of attacks, this time from Joseph Bruner, a full-blood Creek Indian from Sapulpa, Oklahoma and Principal Chief of the Indian National Confederacy, the forerunner of the American Indian Federation. Throughout the month of May, Collier and Bruner battled over the effects of the Collier proposal and each ultimately resorted to defaming the other's character. Bruner began the exchange by demanding Collier's resignation in a telegram to Senator Elmer Thomas that appeared on May 3 in the *Tulsa Daily World*. Bruner contended that Collier was neither "sincere nor fair in his assumed friendship for the Indians," and that Collier "conducted a campaign of propaganda which is slanderous and libelous to the Indians." Paralleling the concerns of E.A. Towner two months earlier, Bruner's organization promoted a program that abandoned colonization proposals, continued "amalgamation" policies, supported citizenship and the use of public schools, and sustained rights of protection in federal courts and ended "the campaign of race prejudice."<sup>45</sup>





Fig. 4 A man with an expressive face, several cartoonists found Wheeler's countenance irrepressible. (BK 2207, Box 22, Oversize, Montana State University).

Bruner's accusations provided Collier a public forum to promote the legislation while Collier and the Senate subcommittee formulated a revised bill. Collier acquiesced to senatorial critique in a confidential memorandum dated May 3 that stated, due to time constraints, "we will consider that the most urgent needs are met if the following elements of the bill are preserved:" the right of Indian communities to organize into corporations, to take over the powers of self-government and to oversee the expenditure of tribal funds; the inclusion of Indian people in the Indian Service; the preservation of the educational features of the bill; the prohibition of all further allotments; the restoration of surplus lands; the indefinite extension of the trust period on all Indian lands; prohibition of the alienation of any Indian land or water rights; and preservation of the authority for voluntary land exchanges, land purchases, and consolidation of lands for the tribal estate. Collier also hoped to retain the provisions authorizing the \$10 million revolving loan fund and the \$2 million annual appropriation to increase the Indian land base.<sup>46</sup>

Collier followed up his statement in a conference with Senator Wheeler that amended Senate bill 2755, the "Land and Home Rule Bill," to 21 sections. The revised measure embodied the provisions Collier believed were the "most urgent and important" and attempted to introduce the "uncontroverted" features of the bill with the "greatest possible brevity and clarity." On May 18, 1934, Wheeler introduced S. 3645 that incorporated the 21 sections of the amended S. 2755. Wheeler submitted a report to accompany the revised proposal that detailed the implementation and effects of the measure and included the text of President Roosevelt's letter calling for Congressional approval of the bill without delay.<sup>47</sup>

Before the final version of the revised bill gained legislative approval, additional commentary and discussion prevented its passage until the last day of Congress. The Solicitor's Office issued a memorandum that clarified section ten of the revised legislation to state that a corporation may not be formed distinct from the tribe itself. The memo discussed legislative precedent for the rights guaranteed a member of the corporation to the effect that "no individual rights can possibly be impaired by the act of incorporation." Representative William Hastings of Oklahoma, a member of the Cherokee tribe, also remarked at length on the provisions that would segregate Indian people and perpetuate BIA authority over Indian affairs. Hastings repeated many of Wheeler's sentiments through his support for past assimilationist policies and renewed government responsibility for Indian land and welfare.<sup>48</sup>

The bill, as reported to the House on May 28, deleted the entire 48 pages of the original Collier proposal and substituted the revised, 21 section version presented by Wheeler in S. 3645. The new measure underwent some changes in House debate and still required final touches to meet the criteria of both Houses of Congress. As represented by Senator Wheeler, "There is nothing in this bill which in any wise gives the Department of the Interior the right to impose its will upon the Indians on any reservation." Wheeler added that the provisions of the bill would eventually lead to the elimination of the Indian Bureau. After meeting in conference, with Wheeler still managing the Senate deliberations and Representative Howard controlling the House debate, the bill passed on June 16, 1934.<sup>49</sup>

The final bill as enacted on June 18, 1934 contained 19 sections that essentially embodied Wheeler's S. 3645, with some exceptions. The Indian

Reorganization Act as it became known, perpetuated non-Indian mineral claims on the Papago Reservation and eliminated language that addressed the issue of Indian "competency." At the request of Oklahoma Senator Elmer Thomas, the IRA did not apply to the "Five Civilized Tribes," and many of its provisions did not apply to Alaska Indians or to the Klamath Reservation. The law did not affect Sioux allotments, nor did it change the status of tribal claims against the government. The final act eliminated specific timber provisions under section six of the proposal, and exorcised all of section nine that had dictated the form of tribal corporations and had allowed for the incorporation of sub-reservation units. The conference committee also removed section 20 providing for the termination of Indian service employees, and altered the wording of several other sections to require majority approval of the corporate charter by adult members of one-half or more Indian blood.<sup>50</sup>

Additional changes made by the conference committee on the proposed S. 3645 condensed the powers of Indian tribes into sections 16 and 17 of the IRA. Section 16 provided tribal business committees with "all powers vested in an Indian tribe or tribal council by existing law," and included within those powers the right to choose counsel and fix fees, and to agree to leasing and other property arrangements. Section 16 provided for tribal councils to negotiate with federal, state and local governments and to submit budget estimates to Congress and the Bureau of the Budget. Section 17 of the IRA expanded upon the limited corporate powers embodied in S. 3645 and provided extensive authority for the tribal council to administer the tribal estate.<sup>51</sup>

The Indian Reorganization Act passed on the last day of the 1934 Congressional session. Upcoming elections and summer break prevented the

appropriation of funds for the act until early 1935. Nevertheless, the act gained national attention as an opportunity to right the wrongs of the previous fifty years of Indian administration. Policy makers hoped the act would reverse the allotment process "which has steadily divested the Indian citizens of their lands and their homes, until the time was in sight when the whole race would be landless roamers, a poverty stricken gypsy people."<sup>52</sup>

The Indian Reorganization Act attempted to address both the immediate and long-term needs of Indian people. Promoted by John Collier in its original and even its mutated form, the "Home Rule" bill bucked the current and recognized the value of cultural tradition in the face of economic and physical hardship. The IRA promoted local, community-based solutions to Indian problems prescribed by Native Americans themselves and created possibilities for tribal members to regain a certain degree of self-determination. Congressional wrangling, public posturing and election-year politicking, not to mention a variety of economic pressures, however, prevented a considered debate over the Wheeler-Howard proposal. In addition, the hurried legislative atmosphere guaranteed dissatisfaction among the several groups concerned with American Indians and the effects of Indian policy.

Besieged from its inception, the IRA never gained complete acceptance among either Indian people or members of Congress who controlled the deliberations and ultimately held the purse strings. In addition, the implementation of self-government and other provisions of the IRA did not free Indian people from federal control, but soon became additional fodder for the insatiable BIA. Although Collier sought to circumscribe BIA authority through the IRA and therefore create a legislative and evolving solution to Indian

problems, his frustration with Congress and its lack of support for the IRA eventually forced Collier to institute policy beyond the legislated framework.

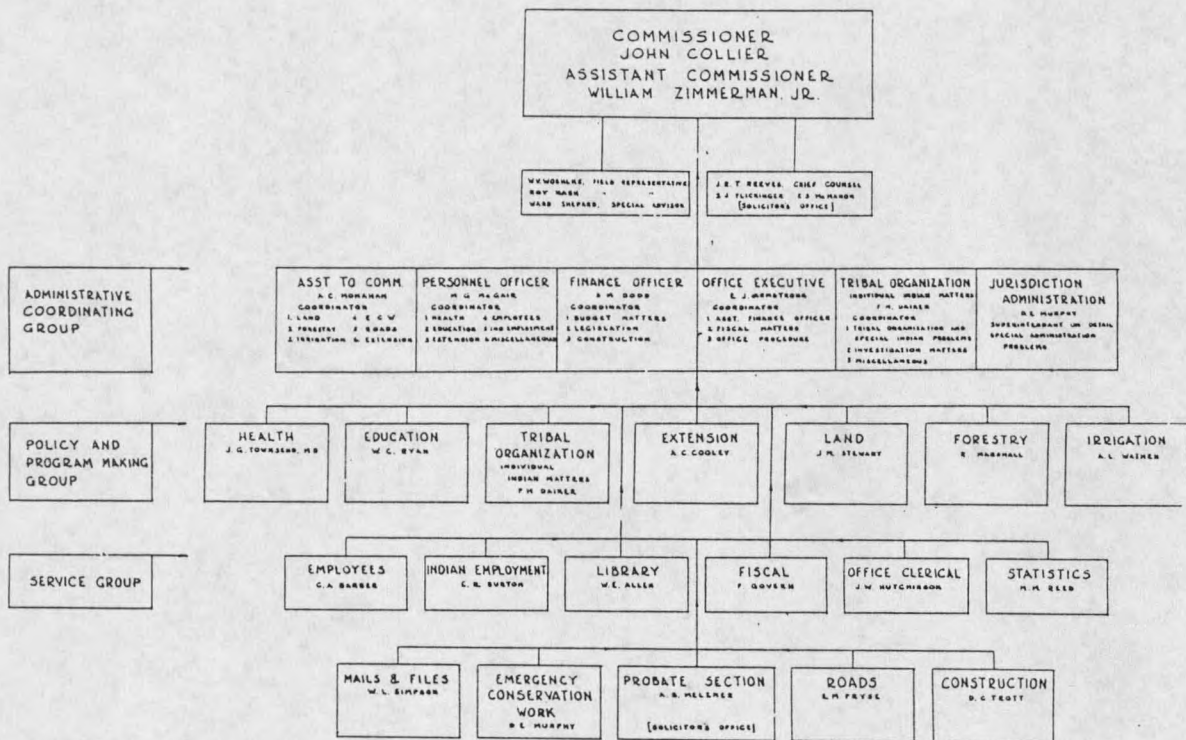


Fig. 5 Commissioner John Collier sought to reorganize and therefore redefine the BIA from the outset. (Seattle Federal Records Center, Record Group 75, Records of the Bureau of Indian Affairs, N. Cheyenne Indian Agency Decimal Subject File, Box 126, Folder 105, "Reorganization of the Indian Bureau-July 1934").

## Notes to Home Rule

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16. L. W. Shotwell to Burton K. Wheeler, January 5, 1934; Ft. Belknap General Assembly to John Collier, February 7, 1934; Ft. Belknap General Assembly to B.K. Wheeler, February 7, 1934; B.K. Wheeler to L.W. Shotwell, February 17, 1934; all of the above found in FRC-Seattle, RG 75, Ft. Belknap Agency Decimal File, Box 189, Folder 308.3, "Indian Reorganization Act-Correspondence, 1933-34."
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49. House Committee on Indian Affairs, *H.R. 7902*, 73rd Cong., 2nd sess., 1934, H. Rept. 1804, NA, RG 46, Box 27, "S. 3645-W-H bill;" *Cong. Rec.*, 73rd Cong., 2nd sess., 1934, 78, pt. 10: 11122-11139.
50. "The Wheeler-Howard Indian Bill as enacted by the Congress, June 16, 1934," FRC-Seattle, RG 75, N. Cheyenne Indian Agency, Decimal Subject File, Box 126, Folder 105, "Reorganization-Indian Bureau."
51. Ibid.
52. *Great Falls Tribune*, June 3, 1934, 4.

### **The Cat in the Hat**

The compromise that resulted in the Indian Reorganization Act sought to establish tribally-based institutions that would eventually supplant the intermediary authority of the Bureau of Indian Affairs and reinvigorate the direct relationship between Congress and Indian people. The attempt to reformulate a bilateral relationship between Congress and Indian tribes reflected in part Senator Burton K. Wheeler's continued campaign to reform government service, to eliminate non-representative authority and to reduce government corruption. As written, the IRA placed the decision to accept limited self-government in the hands of Indian people themselves and therefore established a means for Native Americans to assimilate into the mainstream of Anglo society through the incorporation of reservation communities.

The implementation of the IRA, however, resulted in the expansion of the Bureau of Indian Affairs both in terms of scope and responsibility as the sole representative of American Indian interests. Commissioner Collier hastened to reorganize the BIA to assume a largely administrative role, but shortly after the IRA passed, Collier found that Congress neglected to authorize any appropriations to support the legislation, forcing him to seek alternative sources to fund IRA programs. The funding holdup proved only a moderate setback as Collier had already stocked the Indian Bureau with professional anthropologists to facilitate the development of culturally oriented tribal governments. Beyond employing a number of "newcomers" to the field of Indian affairs, Collier ultimately took it upon himself to employ largely unfettered administrative authority to execute his vision of the legislation.

Despite hopes to reduce bureau influence and control, Collier and his staff became directly involved in purchasing land, approving loans and restructuring tribal courts, in addition to administering the primary tenets of the IRA.<sup>1</sup>

The expansion of BIA influence and authority corresponded nicely with Senator Wheeler's penchant for reform. Disgusted with the BIA, Wheeler found the IRA and its extension of bureau responsibility one of several means to criticize the Roosevelt administration and its presumption of executive power. Wheeler's efforts to repeal the IRA throughout the late 1930s, coupled with the 1934 debate over the remonetization of silver and the 1937 court fight, reflected his growing disillusion with the Roosevelt administration. Wheeler's dogged defense of farmers and laborers and their capacity to influence representative government exposed his notions of personal responsibility and self-reliance in contrast to beneficent federal programs of the New Deal era.<sup>2</sup>

The Roosevelt administration attempted to reduce personal despair that resulted from the Great Depression. The myriad agencies of the New Deal created jobs and income for many people, but in theory, the Roosevelt program "rested on the assumption that a just society could be secured by imposing a welfare state on a capitalist foundation." In this regard, the Indian Reorganization Act represented a microcosm of the New Deal as a whole; the IRA attempted to resuscitate a people devastated by loss through direct government involvement.<sup>3</sup>

Wheeler supported the premises of the New Deal, and the IRA, but strictly on a trial basis. Wheeler saw the Roosevelt program as means to mitigate the effects of the depression and to allow people to regain an economic

foothold; however, Wheeler did not envision the federal government as the benevolent overseer of the population. By 1937, it became apparent to Wheeler that enacting the Indian Reorganization Act demanded BIA inclusion, if not expansion, while administering Roosevelt's New Deal fostered direct government involvement in daily life. In response to the enlarged government bureaucracy and its capacity to manipulate influence, Wheeler again hoisted the progressive banner and called for the repudiation of federal corporatism and a return to representative government.

The overwhelming majority in Congress favoring the IRA on the last day of the session belied the true nature of its support on Capitol Hill; delayed appropriations for the IRA forced Collier to seek alternative sources to fund his program from the outset. President Roosevelt's backing of the IRA, however, coupled with the widespread appeal of the Collier plan to redress the "Indian problem," forced members of Congress to fall in line with the president's program and pass the legislation, regardless of its controversial nature. While the effect of Roosevelt's popularity encouraged Wheeler to declare in his 1934 Senate campaign that he was "for Roosevelt; for bimetallism; for recovery, but with necessary reforms," by 1935, the president doubted Wheeler's support of the New Deal and was advised of various means to "crimp" the Montana senator.<sup>4</sup>

Wheeler left Washington at the end of June 1934, shortly after the 73rd Congress adjourned, but Collier remained in the capital to implement the IRA without the watchful eyes of Congress or the pert ears of the press to evaluate his work. In a circular issued to the reservation agencies, Collier expressed his desire for bureau superintendents to cooperate with "government specialists"

to develop local programs for each reservation. He addressed the need for improved communication between the Washington office and local agencies to promote the effective administration of bureau programs and he stressed the need for cooperation among the various interests involved in the development of reservation communities. Collier also called for local resolution to community problems and for increased knowledge and understanding of the various effects of the IRA to prevent continuous and direct interference by the Washington office.<sup>5</sup>

The language of the IRA remained deliberately vague to facilitate its application to all reservations, but it prevented local resolution to several problems. The bureau encountered its first difficulties with section 18, which authorized a local vote to accept or reject the legislation, and section 19 which defined the term "Indian" as a tribal member of one-half or more Indian blood "for the purposes of the [IRA]." Among the residents of the Ft. Belknap Reservation, the people did not want "non-wards" to vote on acceptance of the act and suggested using the last census rolls to determine the list of eligible voters. In addition to the problem of who, specifically, remained eligible to vote, section 18 of the IRA implied that the act already applied to all reservations and that it "shall not apply to any reservation in which a majority of the adult Indians 'shall vote against its application'."<sup>6</sup>

The confusion surrounding the legislation was not limited to the voting procedures. Other concerns voiced by Indian people surrounded the effects of the IRA once it gained tribal approval. Land issues, such as inheritance, taxation and allotment, received considerable attention even though the IRA maintained state-regulated heirship procedures and retained the tax-exempt

status of Indian-owned trust lands. The primary function of the IRA, as stated by Collier, terminated the allotment process, but an amendment to the original proposal allowed allottees to relinquish their allotments to the tribal estate voluntarily. The issue of loans also required clarification as the IRA allowed the tribal corporation to make individual loans regardless of the person's membership status. Tribes that failed to approve the IRA or pass charters of incorporation could not access the \$10 million revolving loan fund, but once an incorporated tribe secured a loan, the tribe itself assumed responsibility for repayment of the loan regardless of who received the money.<sup>7</sup>

The formation of tribal councils and tribal charters also became a point of concern for many of the tribes. Section 16 of the IRA authorized the elected representatives of the tribe or tribal council to submit a constitution and set of by-laws to the Secretary of the Interior for approval. On some reservations, however, internal divisions among different tribes or opposing groups hindered the election of mutually satisfactory councils. The fact that majority votes elected tribal councils as opposed to councils formed from traditionally recognized leaders exacerbated and even created opposition to council authority on several reservations.<sup>8</sup>

While Collier spent time formulating his opinions on the details of the IRA for application in the field, the Solicitor's Office, under the direction of Nathan Margold, issued a lengthy memorandum detailing the powers of the incorporated tribe contained in section 16 of the act. The memorandum defined the term "tribal powers" liberally, stating: "It would be contrary to the manifest intent of the Act to interpret this phrase in a narrow sense as referring only to express statutory grants of specific powers." In this sense,

the memorandum embodied legal tenets based on the practical application of a body of law supported by the common law precedent established by a set of specific laws. Margold argued that the courts have established a "doctrine that Indian laws and statutes are to be interpreted. . . in the light of the traditions and circumstances of the Indian people."<sup>9</sup>

Margold rested his assertions on 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 this regard, the Wheeler-Howard Act recognized the powers of self-government and proposed an end to arbitrary designs by the Interior Department and the states to usurp powers "that are properly within the legal competence of the Indian tribes themselves." The opinion suggested that Congress alone had the right to relinquish its guardianship over Indian people and to dissolve tribal status.<sup>10</sup>

The concluding list of tribal powers elucidated by Margold were largely unremarkable except in several instances. Chief Solicitor Margold opined that tribal councils could "levy dues, fees, or taxes upon the members of the tribe and upon non-members residing or doing any business of any sort within the reservation," consistent with the powers of the Commissioner of Indian Affairs. In addition, Margold claimed that under the IRA, tribes possessed the power "to remove or to exclude from the limits of the reservation non-members of the tribe," with some exceptions, "and to prescribe appropriate rules and regulations governing such removal and exclusion." Margold's opinion received little comment in Congress or in the press, but assisted Collier and his staff in constructing the inner workings of the various tribal governments.<sup>11</sup>



Before the tribes could organize their respective governments, however, they had to approve the IRA through a majority vote of adult members. The election process included meetings and informative sessions as to the differences between the original Collier proposal and the resulting Indian Reorganization Act. Illustrating the difficulties in obtaining accurate representation and understanding of the proposal, the Crow tribe believed the act mandated the transfer of allotments to the tribe on the death of the allottee and feared that the extension of the trust period on Indian lands restricted the use of allotted lands owned by Indian people. Despite the efforts of BIA employees assigned by Collier to guarantee passage of the IRA among the Crow people, the tribe voted against the act.<sup>12</sup>

The final tally on the IRA referendum included 174 tribes who adopted the legislation with 78 tribes opposed. In terms of those eligible to vote, 38,054 favored the legislation, 23,894 voted against it and 35,295 abstained. In a serious blow to the Collier administration, the Navajo tribe rejected the act in a closely contested election, primarily because of the association of the IRA with the bureau's stock-reduction program on the severely depleted Navajo range. Among those who "approved" the IRA, however, seventeen tribes with a population of 5,334 voted against the act, but because the Indian Bureau counted abstentions as voting in favor of the legislation, these seventeen tribes came under the provisions of the act anyway.<sup>13</sup>

Collier informed the Mission Indians of the Campo Reservation in California that despite the fact that "more votes were cast against [the IRA] than for it. . . under the wording of Section 18. . . we have no choice except to declare that by the vote cast you are subject to all of the applicable provisions

of this legislation." The effects of this ruling by the Interior Department prompted Congress to amend the legislation in June 1935, extending the ratification period for an additional year and requiring that majority approval counted only those who voted.<sup>14</sup>

The Solicitor's Office also quietly rendered an opinion that allowed for the incorporation of multiple groups within a reservation, contrary to Senator Wheeler's wishes that such effects be eliminated from the final version of the IRA. The details of sub-group arrangements within a single reservation would be worked out within the specific constitutions, Margold argued, as would the land policies of specific tribes whose members occupied more than one reservation. Questions regarding tribal organization, however, did not concentrate on sub-groups, but focused on government structure and the establishment of business enterprise.<sup>15</sup>

In addition to the Solicitor's opinion that supported sub-reservation organizations, on February 28, 1935, the Solicitor's Office issued a memorandum that established the right for Indian tribes to form separate courts of Indian affairs. While these courts were largely administrative in character, the fact that they arose from the Secretary of the Interior's power to regulate the conduct of Indian people somewhat circumscribed the authority of Congress. That Senator Wheeler in particular had outright rejected the notion of a distinct Indian court system made the Solicitor's opinion that much more suggestive of Collier's attempts to execute the IRA as he saw fit, regardless of the law. Moreover, Collier's use of executive authority to implement the IRA played right into Wheeler's original claims that Collier's program could have been instituted without any enabling legislation.<sup>16</sup>

Even with all their guns blazing, the honeymoon period for the IRA and Collier's staff remained brief; the call to repudiate the Indian Reorganization Act arose from several quarters shortly after midterm elections in the fall 1934. One such organization, the enigmatic Indian Protective Association of Montana, established in the mid-1920s with the counsel of Wheeler's former associate from Butte, Albert A. Grorud, strove to reform Indian policy in the state throughout its early years. Changing its name to the Indian Protective Association of America encouraged the group to take on a larger arena of reform and it adopted the slogan, "Purge the Indian Bureau," to reflect its expanded ideology. Using the association's letterhead, Moses White Horse of the Ft. Peck reservation wrote Oklahoma Senator Elmer Thomas to thank him for the support of the Senate Indian Affairs Committee and to inform the senator that the Ft. Peck tribes had not approved the act. White Horse hoped that he and the Ft. Peck Indians could rely on the Senate Committee for any assistance they might need as a result of Ft. Peck's rejection of the act. While the connections between the Indian Protective Association and the American Indian Federation remain somewhat tenuous, both groups subscribed to similar philosophies aimed at reducing, if not eliminating, the Indian Bureau.<sup>17</sup>

Meantime, another group of reformers stepped in to question the efforts of Collier and his administration. Writing in December 1934, M.K. Sniffen, editor of *Indian Truth*, the Indian Rights Association bulletin, chastised Collier and the bureau for forcing the IRA upon Indian people. Sniffen pointed directly to the voting fiasco created by the IRA and the Interior Department's interpretation of the act's language. Sniffen claimed the elections were "meaningless and . . . even misleading," due to the Interior Department's

interpretation "that at any election, regardless of the number of eligibles voting, unless a majority of all the eligibles vote against the Act it is to apply to the tribe involved." Sniffen remarked that he did not intend to condemn the act as a whole, merely the voting procedures; his additional comments suggested that the act was not "a panacea for all Indian ills," and that its success lay in its "proper administration--how it is applied to meet the varying conditions." Sniffen's editorial reflected a general public ambivalence toward the act, despite private allegations that the Indian Bureau enjoyed a position of authority on many reservations and that a simple suggestion by a superintendent or bureau official could affect the outcome of tribal elections.<sup>18</sup>

Continuing in the same vein he began with Collier the previous spring, Joseph Bruner of the American Indian Federation also protested the IRA. Bruner's protracted attacks on Collier and the IRA focused on Collier's efforts as Executive Secretary of the American Indian Defense Association to reform the BIA and eliminate its "tyrannical" control over Indian people. Bruner claimed that Collier's idealistic qualities hampered the commissioner's ability to provide effective leadership and prevented the reduction of bureau influence. Bruner argued that the IRA perpetuated bureaucratic authority over the person and property of American Indians and that "under the Wheeler-Howard Act we are voluntarily surrendering the real freedom in self-government, and taking only what the bureau desires to give us." Bruner demanded the removal of Collier as Commissioner of Indian Affairs, the repeal of the IRA, and the "straightforward interpretation of the Citizenship Act of 1924."<sup>19</sup>

Criticism of the Collier program resulted from several matters of importance. As a practicing lawyer and full-blood Creek Indian, Bruner and his

supporters, including Wheeler, recognized the paradox Collier represented. The IRA intended to reduce bureau influence and control, but the reality of administering the legislation and the complexity of the program itself prevented the reduction of BIA responsibility for a significant period even after its implementation. In addition, the fact that Collier had continuously railed against the bureau and its maladministration for over a decade prior to his appointment as commissioner made his efforts to gain approval for the legislation somewhat suspect to a number of people who believed Collier, too, hoped to free Indian people from government control.

Bruner's article criticizing Collier and his motives came closely on the heels of an Interior Department press release that related Collier's testimony before the House Committee on Indian Affairs declaring the American Indian Federation a "fake organization." Collier claimed that the spokesmen for the AIF "purport and pretend to speak for and represent the American Indians," despite Collier's insistence that the AIF's support centered among a group of 3,000 Indian people in California. Collier asserted that the organization had every right to express its opinion, but that it should not present itself as representative of all Native Americans.<sup>20</sup>

Throughout the ten-page release, Collier refuted each point presented by Bruner to the House Indian Affairs Committee. Bruner's emphasis on citizenship recognition and public school education for Indian people matched perfectly with the IRA program and bureau policy, according to Collier. In addition, Collier focused on the voluntary acceptance of the act by the tribes through referenda, in opposition to Bruner's assertion that the IRA forced Indian compliance. Bruner's claims, Collier stated, stemmed largely from "the

underlying misconception, or confusion of ideas, which is the result of the evident domination over the Federation's thinking by Joseph W. Latimer." Collier acknowledged that too much executive discretion remained with the commissioner and with the Secretary of the Interior and that other issues demanded resolution before the administration met the goals of the IRA. While Collier believed that the IRA and other legislation served to emancipate Indian people, he recognized that the confusion lay in his responsibility "to preserve. . . and to reestablish, the protections which safeguard Indian lands and funds against the onslaught of white exploiters." In conclusion, Collier suggested that Bruner's demands and those of others like him did not represent their true desires, intimating that the AIF supported a hidden agenda meant to wrest control of Indian assets from individuals and tribes.<sup>21</sup>

Historian Lawrence Hauptman argues that, during its early years, the AIF represented a variety of Indian interest groups, ranging from the Sioux, who resented the subversion of traditional members through IRA elections, to the various Oklahoma tribes, whose adoption of non-Indian elements into daily life prevented accommodation with Collier's ideas of a unique tribal identity. The main goal of the AIF, to abolish the BIA, grew out of the ideas of Carlos Montezuma, the Yavapai physician, who created a following based on his denouncement of the colonial relationship between white and Indian people. Other members of the AIF, including Alice Lee Jemison, Rupert Costo, O.K. Chandler and E.A. Towner, shared Montezuma's resentment of stereotypical presentations of Indian people, his dislike for anthropologists and his suspicion of Indians employed by the BIA.<sup>22</sup>

In addition, the aforementioned Joseph Latimer, an attorney and former secretary and confidant of Carlos Montezuma, encouraged AIF members to question Collier's call for the reorganization of the Indian Bureau immediately upon his appointment as evidence of expanding bureau control. To this effect, the IRA and its requirements for Secretarial approval, coupled with its arbitrary definition of the term "Indian" without consideration of tribal custom, raised the eyebrows of Indian people who suspected government duplicity as a rule. The AIF focused on the ability of Native Americans to overcome the difficulties set upon them by the federal government and decried the authority of the IRA that presumed to address the needs of many thousands of unique individuals.<sup>23</sup>

The concerns expressed by the AIF in 1935 did not gain significant legislative support until 1937. Meanwhile, in January 1935, Wheeler passed the chair of the Indian Affairs Committee to Senator Elmer Thomas and ascended to the chairmanship of the Interstate Commerce Committee. While Wheeler's sentiments may have remained with Indian people, his leadership of the Commerce Committee proved a substantial challenge that preoccupied him for several years. Wheeler's position as chairman of the Commerce Committee encouraged him to delegate much of his load as watchdog of the BIA to the special assistant to the Senate Investigating Subcommittee, Albert A. Grorud. Since his position afforded him little arena for public expression, Grorud assumed the position of investigator and conducted his own protracted assessment of the Collier program.<sup>24</sup>

Grorud's "investigation," however, did not take into account the fact that Congress never appropriated the amounts authorized by the IRA. Western

congressmen dominated budget committees and opposed the idea of allocating federal funds to take additional lands from the tax rolls for Indian people. As a result of continuing Congressional skepticism over the Collier program, the House Subcommittee on Interior Department Appropriations led by Jed Johnson of Oklahoma declared Collier a "subversive" and took the lead in cutting funds to one-quarter the amount authorized by the IRA for fiscal year 1936. Eventually, Congress reinstated some of the appropriations, bringing the 1936 total for the IRA to \$2.5 million for the credit fund, \$1 million for land purchases, \$150,000 for tribal organization and \$175,000 for educational loans. Collier reaped substantial rewards by including the various relief agencies within his administration, but due to the fact that less than half the entire population of Indian people voted to come under the act, Congress remained frugal at the expense of the legislation.<sup>25</sup>

Confusion as to Congressional appropriations for the bill postponed organizational procedures and in some cases, delays in voting permitted opposition groups to defeat the IRA. The lukewarm acceptance of the IRA, however, did not deter Collier and his staff from encouraging tribes who did favor the IRA to create constitutions and charters as set out in the legislation. Collier's program called for a series of discussions to take place on each of the reservations to establish a list of long-term priorities and recommendations along social, economic and political lines that the legal department could write into a proposed constitution. After discussion of the draft where, with the help of field agents, the community achieved "the widest possible understanding and agreement," the constitution and by-laws were put to a majority vote where



their approval would "supersede all conflicting regulations of the Indian Office."<sup>26</sup>

On October 7, 1935, the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana became the first to adopt a constitution under the provisions of the IRA, followed closely by several other tribes in the state. While no two constitutions were identical, most defined the borders of a particular reservation, established requirements for tribal membership and outlined procedures for electing a tribal council. The constitutions also specified the powers of the tribal council, many of which remained subject to review by the Secretary of the Interior. Some of the constitutions incorporated a modified "Bill of Rights," and many included several sections pertaining to tribal and private property on the reservations and a set of by-laws that established protocols for the tribal councils. By 1941, a total of 93 tribes had written and adopted constitutions, many based on a single bureau model.<sup>27</sup>

Once the constitutions gained Secretarial approval, communities could seek charters of incorporation through additional, prolonged discussion that approached issues of tribal assets and loan repayment requirements. The charters sought to further economic development within Indian communities by providing an organizational plan that established shareholders and managers and outlined corporate powers. The charters allowed incorporated communities to make loans and other business arrangements, but only a few provisions did not mandate approval by the Secretary of the Interior. The charters required the community to keep its own accounts but allowed the corporation to govern dispersal of any dividends or other tribal assets, with Secretarial approval. Of the 93 tribes that wrote constitutions, 73 set up

charters of incorporation that the Secretary of the Interior authorized. Due to the low number of tribes that adopted charters, however, only an estimated eight percent of adult male Indians had access to the ten million dollar credit fund.<sup>28</sup>

Throughout the development of the self-government and incorporation provisions, Collier continued to defend himself and the IRA from attacks in private, in the press and in Congress. Results of the referendum vote on acceptance of the IRA by the Arapaho and Shoshone people of Wyoming showed that widespread propaganda from both camps kept the voting close, if not directed at issues other than the legislation itself. Allegations of government duplicity, supported by the former superintendent of the Fort Washakie agency in Wyoming, persuaded many of the older members to vote against the legislation, according to a report submitted by Superintendent W. R. Centerwall of the Northern Cheyenne reservation. The report demonstrated a division among the older tribal members and the younger, an issue that Wheeler found particularly distressing. Wheeler's association with older full-bloods in Montana and perhaps his own upbringing and sense of propriety encouraged respect for elders that in several cases the IRA elections seemed to ignore.<sup>29</sup>

Other criticism, previously stated by the Indian Rights Association and the American Indian Federation, asserted that the voting procedures and Collier's limitation of negative commentary demonstrated his manipulative bent. The *Christian Century* provided a forum for L.C. McEwen, a Nez Perce member of the First Presbyterian Church of Lewiston, Idaho, to call for Collier's removal from office and for the repeal of the IRA. McEwen introduced

another line of attack that claimed Collier proposed "to resurrect all the old religious ceremonials with their immorality and statutory offenses. . . Such a course would destroy every church, break up every home and debauch every Indian boy and girl." While the editors admitted that evidence of "increasing misunderstanding and hostility" among Protestant missionaries and the Collier administration pointed to a break between the groups, McEwen's allegations supported additional efforts in the Congressional forum to castigate the commissioner and his program.<sup>30</sup>

The assertions of Collier's attempts to resurrect immoral behavior complemented testimony offered before the House Indian Affairs Committee in April 1935. Collier appeared before the committee to defend his character only to be accused of Socialist tendencies through his associations with the dancer "Eye-sadore Duncan" and with Roger Baldwin of the American Civil Liberties Union, in addition to his employment of the Turk biologist Esheref Shevky. The effect of the charges, however, according to Raymond Swing in his article on the IRA in *The Nation*, provided a smoke screen for the real issues behind criticism of the Collier program. Swing argued that much of the opposition to the change in government Indian policy resulted from white people who no longer had unlimited access to Indian wealth and property, and from missionaries who opposed traditional Indian religions. Swing admitted that much of the Collier program constituted an experiment in group cooperation and expressed an effort to preserve culture as an artifact; nevertheless, Swing believed that the IRA represented a sincere attempt to address the ills cast upon Indian people throughout the previous 150 years of federal administration.<sup>31</sup>

In the midst of the Great Depression, the IRA program to develop community-based solutions to ameliorate the difficulties of poverty and drought corresponded well with New Deal efforts to provide widespread assistance to the entire United States population. For a time, Collier's efforts to secure the IRA's position as an icon in federal Indian policy seconded his attempts to provide tangible relief for Indian people in a time of great need. Through Emergency Conservation work, the BIA employed a number of Native Americans on the reservations in cooperation with state relief agencies. In addition, the IRA itself provided positive assistance to several Montana tribes in particular, allowing the Confederated Salish and Kootenai tribes to bring suit against the Montana Power Company "for failing to fulfill its previous obligations" with regard to the Flathead power site. The IRA also provided the framework for the Chippewa and Cree people of the Rocky Boy's Reservation and members of the Northern Cheyenne tribe on the Tongue River Reservation to borrow money from the revolving credit fund to support tribal herds.<sup>32</sup>

During the implementation period of the IRA, Congress turned its attention within the realm of Indian affairs to the native people of Oklahoma and Alaska who were excluded from the original IRA. After a stormy debate, the Oklahoma Indian Welfare Act became law on June 26, 1936 providing for the establishment of self-government among the Five Civilized Tribes. The Oklahoma legislation reflected much of the philosophy and employed many of the same provisions as the IRA. One exception authorized groups of at least ten Indian people to form cooperative organizations that could access a two million dollar loan fund administered by the Oklahoma Indian Credit

Corporation. The act proved moderately successful as twenty constitutions and fifteen charters were approved, but only a relatively small number of Indian people chose to adopt the provisions. Concurrently, the Alaska Indian Welfare Act, passed on May 1, 1936, permitted Alaska Indians to come within all of the provisions of the IRA. Sixty-six groups in Alaska chose to accept the constitutions and corporate charters provided by the act.<sup>33</sup>

Previous to the enactment of the Oklahoma and Alaska bills, O.K. Chandler of the AIF sent a letter to Representative Virginia Jenckes of Virginia, once again accusing Collier of subversive and anti-religious activities through his relationship with the ACLU and his support for the educational policies of John Dewey and George S. Counts. While Senator Wheeler remained apart from the discussion, Collier refuted the AIF attacks in an eight-page letter to Senator Elmer Thomas, Chairman of the Indian Affairs Committee. Collier characterized the assertions of Bruner, Chandler and Alice Lee Jemison as "nonsense and fallacy," and further provided documentation that Bruner's profit-sharing activities in Oklahoma amounted to a "racket." Collier related that Chandler had persistently but unsuccessfully sought an appointment in the Indian Office and had attempted to regain his Civil Service status "taken from him by a prior administration." The letter provided extensive reference to unsupported allegations by the federation and substantially reduced each of the AIF statements to misrepresentations of fact and character.<sup>34</sup>

The effects of criticism, however, again did not deter Collier from his vision. Cautioned that administrative authority could not supersede legislative control, Collier continued to promote his program for restoration of the Indian

estate in social, political and economic terms. Collier addressed the need for conservation of Indian lands in a report addressed to Morris L. Cooke, Chairman of the Great Plains Committee. In his report, Collier contended that for the tribes of the Great Plains to become self-sufficient, they would need an additional five million acres of land at a cost of \$35 million dollars, coupled with \$15 million in improvements, equipment and livestock.<sup>35</sup>

Collier's previous presumptions of administrative power likely caused significant apprehension among members of Congress once the scope of Collier's program both in monetary and political terms became evident. The implementation of the IRA allowed Collier substantial latitude to create a set of specific, tangible goals that would represent the success of the act. Acceptance of the act and approval of constitutions and charters of incorporation did not accurately reflect the actual number of Indian people who supported the IRA, but did provide a base measurement for the Collier program. In addition, the benefits accrued through land purchases and economic rehabilitation established a guidepost for those who sought to document the influence of the IRA. None of these issues, however, gained the attention of Congress or other interested parties whose primary agenda focused on eliminating the Bureau of Indian Affairs.<sup>36</sup>

Some facts, interspersed with circumstantial evidence, regarding the drive to repeal the Indian Reorganization Act found expression in a variety of newspapers and other sources; however, the actual details of the first repeal effort remain somewhat obscured. Wheeler and President Roosevelt had sparred over several issues prior to 1937, but these had been sufficiently resolved to prevent an outright break between the president and one of his

leading men in the Senate, Wheeler. The two men remained divided over the remonetization of silver in 1934, but when Wheeler lost the issue by one vote, President Roosevelt offered him the estimated \$75 million Fort Peck dam as a condolence. By 1937, however, the tenor had changed. The resounding image of the New Dealers as part-time professors and part-time power-brokers did not sit well with old-time Democrats, and the Roosevelt mystique no longer enamored the Senator, or Mrs. Wheeler for that matter. Wheeler's suspicion of the Roosevelt program gained substance with the president's plan to enlarge the Supreme Court in early 1937.<sup>37</sup>

Roosevelt's "court packing" plan gained national attention on February 5. On that date, Roosevelt asked Congress for authorization that would allow him, among other things, to "appoint one Supreme Court justice for every justice who refused to retire after his seventieth birthday." Wheeler opposed Roosevelt's tampering with the court from the outset, but once the details of the proposal became known, Wheeler mounted conservative opposition on the principle that giving the "executive the power to control the judiciary is not giving the law-making power back to that branch of the government to which it rightfully belongs, but rather is increasing the dangers inherent in the concentration of power in any one branch of the government." The issue split the democratic party wide open, with "the same forces which opposed the president in November. . . opposing him now," according to Senator Robert LaFollette, Jr.<sup>38</sup>

The issue also exposed a long-standing rift between Wheeler and Attorney General Homer Cummings. Cummings was a friend of Wheeler's arch-rival, Bruce Kremer. Kremer had ties with the Anaconda Mining

Company and in 1932 served as Democratic national committeeman from Montana. As related in *The New Republic*, Kremer moved to Washington, D.C. after Roosevelt's victory and became one of the most influential lobbyists in the country. To complicate matters, when the Rocky Mountain Power Company defaulted on its lease on the Flathead power site in early 1933, Wheeler wanted the Roosevelt administration to endorse a public power project at the Flathead location. Wheeler pressed President Roosevelt on the issue and reportedly gained assurance that the project would be undertaken and that the Rocky Mountain Power Company's lease would be cancelled. The Federal Power Commission, however, declared that, due to large-scale commitments at Bonneville and Grand Coulee coupled with the rural location of the Flathead site, the administration could not find sufficient markets to justify development of the Flathead site at public expense. In addition, the Justice Department, under Cummings, did not cancel the lease and Wheeler suspected collusion between Cummings and Kremer. Meantime, Commissioner Collier also expressed concern that the Department of Justice had not acted and called on Attorney General Cummings, who pleaded ignorance and "promised an investigation." Shortly after Collier's interview, Cummings had the lease canceled before Wheeler could air his charges. According to the article, Wheeler was still miffed that Collier "had deserted to the enemy," a move that had eventually precipitated Wheeler's attack on the Bureau of Indian Affairs and the Collier program. In addition, the article expressed Wheeler's continued suspicion of the Department of Justice and Attorney General Cummings in particular.<sup>39</sup>





Fig. 6 Senator Wheeler and President Roosevelt remained amicable despite their disagreements. (National Archives, Chronological Series of Clifford K. Berryman's Cartoons, Box 10, 5/14/37).

Beyond Cummings' alleged impropriety regarding the Flathead power site lease, he prodded Wheeler over the court issue, stating that "out of every flight of hysteria on this question there comes a further charge that the president's proposals will lead to dictatorship through the establishment of an evil precedent." The jabs continued throughout the month of February as Wheeler escalated his claims over the president's plan stating that "a liberal cause was never won by stacking a deck of cards, nor by stuffing a ballot box, nor by packing the Supreme Court." Wheeler further declared in a February 21 radio address that the president "was unduly influenced by the attorney general" and that the court plan expressed Roosevelt's wish to have the court, Congress, and everyone else subservient to him. Wheeler stated his allegiance to the Democrats "as long as my party is progressive and liberal. But when it went reactionary in 1934, I refused to go along with it." By May 1937, with the assistance of Chief Justice Charles Evans Hughes, Wheeler had defeated the president's plan to reform the Supreme Court and a newly formed coalition arose in opposition to the New Deal Democrats.<sup>40</sup>

In the midst of the court fight, on February 24, 1937, Wheeler and Senator Lynn Frazier asked Congress to repeal the Indian Reorganization Act. Claiming the tribal constitutions "established some of the 'objectionable features'" eliminated from the original proposal, and stating that the BIA attempted to force Indian people to vote for the bill, Wheeler and Frazier introduced a measure for an "outright repeal" of the IRA. On March 14, in the *New York Times*, Wheeler expounded on his previous remarks and asserted that the act "did not do what it was intended to do, and, more than that, the Indians don't want it. They tell me that they want to be prepared and

permitted to take their place in the world and make their way like any other American citizen." Wheeler added that the "Flathead Indians had sent a petition bearing 500 signatures to Congress, asking to be relieved of its provisions."<sup>41</sup>

In defense of the IRA, Collier issued a memorandum entitled "Six Efforts in Congress to Destroy the Indian Reorganization Act," on March 4. Collier identified two "distinct and unaffiliated groups" who sought to abolish the IRA: non-Indians who maintained interests in Indian lands and resources; and individuals who dislike "those parts of the Act which establish or reinforce Indian self-determination." Collier claimed that the "onslaught" against the IRA began in Nevada with efforts by the Pyramid Lake band of Paiute Indians to prevent non-Indian settlers from occupying tribal lands. The Paiute people reportedly threatened that if the government delayed in removing the settlers, the tribe would eject them under authority of the IRA. Shortly after the alleged confrontation, on January 6, Senator Pat McCarran of Nevada introduced a bill to repeal the IRA in Nevada, followed by a measure to transfer Indian title to the settlers without consent of the tribe and with a meager compensation to the Paiute people. The drive to abolish the act grew with Senator James Murray's January 14 bill to repeal the IRA in Montana, with subsequent companion measures arising from the senators of New Mexico and California. The efforts culminated in Senate bill 1736, introduced by Senators Wheeler and Frazier to repeal the IRA throughout the country and in its entirety.<sup>42</sup>

Hearings on the Pyramid Lake issue centered on the rights of settlers on the Pyramid Lake Reservation to occupy lands by government decree. But in a larger sense, the Pyramid Lake issue represented a struggle between the

government's obligation to sustain the rights of Indian people and the authority of Congress to abrogate those rights. While the details of the Pyramid Lake controversy remain somewhat tangential to the IRA, in this instance alone, Wheeler realized his apprehensions that the act would further segregate Indian and non-Indian people. In addition, the fact that the Pyramid Lake tribe sought to exercise its power to exclude non-members from the reservation fell well within Wheeler's assertion that certain "objectionable features" of the bill had been employed.<sup>43</sup>

The Pyramid Lake affair remains but one piece in the puzzle regarding Wheeler's intractable demand to repeal the IRA. Another issue found expression in a letter from No Coat of the Blackfeet Reservation to Secretary of the Interior Harold Ickes. No Coat complained that under the new law (the IRA), he no longer knew who leased his land or where the money came from. In addition, No Coat expressed concern that he did not know who authorized the increasing number of oil wells on the reservation or if the tribe had received any payments for them. In a reply to Senator Wheeler, Collier explained that unrelated to the IRA, the administration had instituted a policy that cleared lease monies through the Indian Bureau instead of issuing direct disbursements to the allottee. Despite Collier's reassurance concerning the positive effects of documenting lease payments, Wheeler no doubt took issue with the fact that No Coat, an elder on a reservation under the IRA, did not know who leased his land or where his money came from, not to mention the fact that he did not have any knowledge of the business affairs of his tribe.<sup>44</sup>

Attempting to clarify Wheeler's arguments as expressed publicly on March 14 in the *New York Times*, Collier issued a six-page report detailing

Wheeler's involvement with the IRA. Collier identified each of Wheeler's statements and refuted them or dismissed them. While Collier's approach may have clarified his own concerns with regard to Wheeler's disillusion over the IRA, the fact remains that Collier did not address Wheeler's concerns or alleviate them. In addition, Collier's practice of defaming the character of his opposition in occasionally overblown and sometimes inaccurate terms brought Wheeler's disgust with Collier to a head.<sup>45</sup>

In fact, Collier's attempts to refute the senator's claims merely irritated Wheeler, who continued to deride the IRA and the Collier administration in particular. In a subsequent letter to Wheeler, Collier expressed regret that the senator displayed such animosity at the hearings on S. 1736 but he failed to grasp Wheeler's charges because Collier claimed they remained unspecific, if not unsubstantiated. Collier told Wheeler that he merely sought to defend the bill from its detractors, and that he had not been "deterred by dread of your wrath." In a separate missive to Secretary Ickes, Collier alleged that by prearrangement the Senate Indian Committee's stenographer "disappeared" because Wheeler's "animus, as expressed, was violent and uncontrolled."<sup>46</sup>

While the senator and the commissioner approached issues from vastly different angles, to a large extent, Wheeler's break with Collier resulted from the commissioner's continued abuse of administrative authority and his expansion of bureau administration. Wheeler also disagreed with Collier's attempts to enact his singular vision regardless of Congressional legislation or the needs and desires of the many different tribes. The fact that the two men originally conspired against the Indian Bureau only fueled Wheeler's concerns that Collier had lost sight of the true purposes behind his appointment: to

encourage self-sufficiency among Indian people and to proceed toward elimination of the BIA.

In addition, Wheeler's confidant, Albert A. Grorud, traveled throughout the country documenting the implementation and the effects of the Collier program. The likelihood that Grorud found increased bureau involvement on many reservations and increased strife among the members of several tribes further pushed Senator Wheeler to reconsider the IRA and Collier's administration of Indian affairs.<sup>47</sup>

The issue of sub-group arrangements within a single reservation reflected another of Wheeler's points of contention. As previously acknowledged, the Solicitor's Office found reason to support sub-group organizations in opposition to Wheeler's stance on the matter. On the Fort Belknap Reservation in Montana, records indicated that some members of the Gros Ventre tribe sought to retain exclusive authority over their lands and tribal funds separate from the Assiniboiné people of the reservation. The Gros Ventre councilmen wanted to be removed from the act, while the Assiniboiné people wanted to retain the act's provisions. The issue arose concurrently with Wheeler's initial call for repeal but nevertheless provided additional reasons for his sustained attempts to repeal the act well after several Indian reform groups came to Collier's rescue.<sup>48</sup>

Even as Collier searched for means to defeat the repeal effort, Louis Clairmont, a member of the Confederated Salish and Kootenai tribes of the Flathead Reservation addressed a letter to Senator Wheeler on April 19. The letter contained copies of previous petitions the tribe had sent and specifically asked Wheeler "if you wish a petition circulated for a repeal, or an expression

as to a repeal let me know by wire and I am sure I can get it almost 100%." Clairmont expressed other concerns that centered on the secrecy maintained by the tribal council and the lack of any type of relevant support from a well-staffed agency office.<sup>49</sup>

Wheeler received additional material for his repeal effort from the Secretary of the Fort Belknap tribal council, Ruth Creswell. Creswell admitted that she had been compelled to sign a previous document that reflected support for the IRA among the Assiniboiné people. In her private correspondence to Wheeler, however, she confessed that the Assiniboiné Council was composed of "two government employees and others so dependent upon the Indian office for their existence that they do not dare oppose anything contrary to the wishes of the Indian Bureau." Creswell declared that many Assiniboiné people "are very unsympathetic toward the so-called Wheeler-Howard Act," and she hoped that Wheeler's repeal efforts met with some success.<sup>50</sup>

In April 1937, the Indian Rights Association, the American Indian Defense Association, and members of the California Federation of Women's Clubs and the Daughters of the American Revolution came to Collier's aid. M.K. Sniffen, secretary of the Indian Rights Association, defended the IRA on the grounds that it provided necessary benefits for Indian people including education and loan monies as well as restrictions on allotted lands. The National Association on Indian Affairs and the AIDA issued a joint statement, describing Wheeler's actions as "incomprehensible." The statement continued with praise for the IRA, citing its ability to protect the remaining Indian land base from exploitive interests.<sup>51</sup>

a strange God and his commandments the law + order

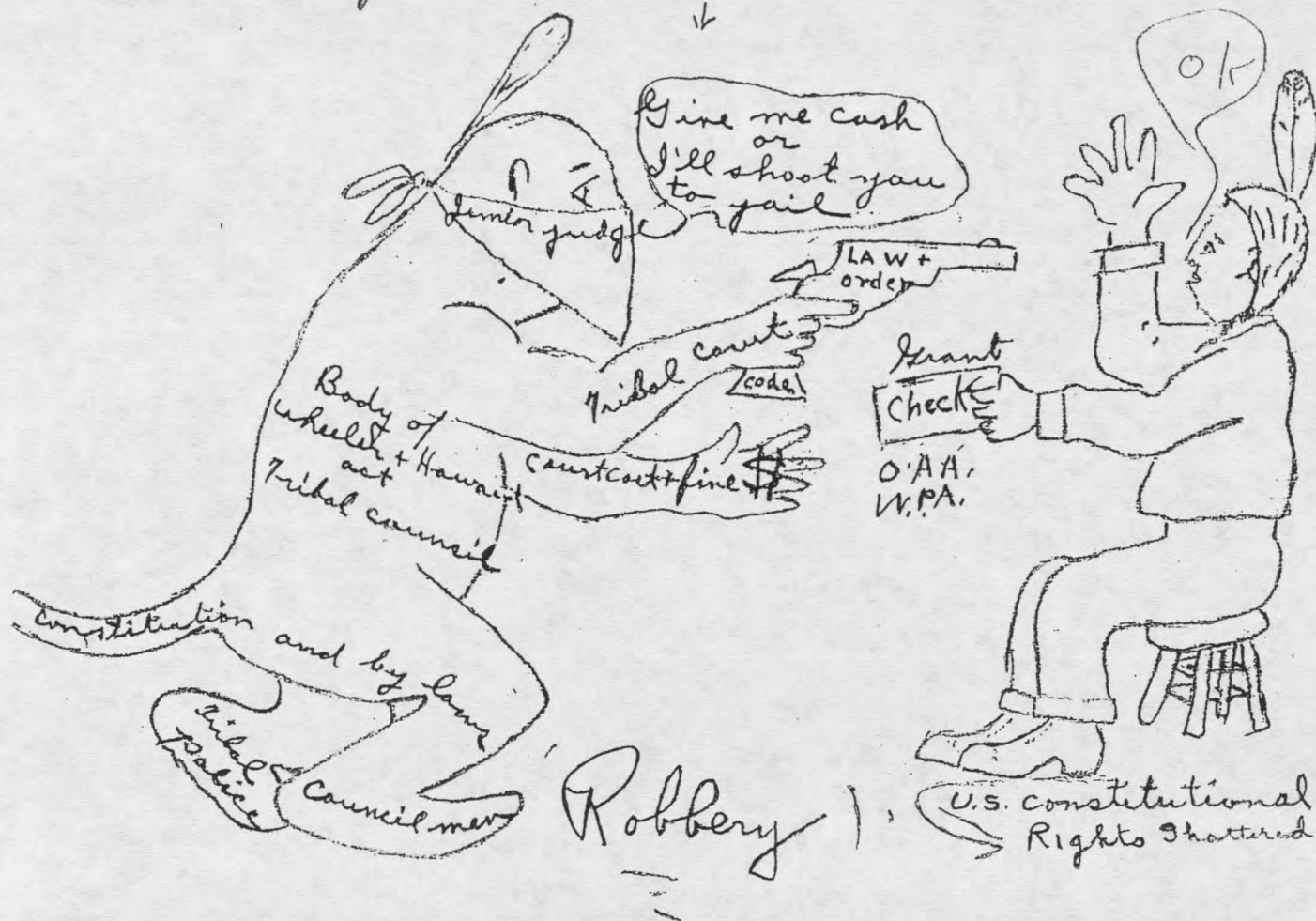


Fig. 7 Albert A. Grorud held a peculiar position as investigator and advisor to the Senate Indian Affairs Committee; the above cartoon perhaps represented his unique insight into BIA policies in practice. (NA, RG 46, Box 14, "Indian Policy").



The Interior Department also bolstered the IRA record through a report on S. 1736 issued on April 28, 1937. The report, addressed to Senator Elmer Thomas who had retained chairmanship of the Indian Affairs Committee, summarized the provisions of the IRA and documented its success in providing funds for land acquisition, tribal organization, educational loans and credit opportunities. Under the IRA, the report continued, over 500,000 acres of land had been restored to tribal ownership, while an additional 200,000 acres of land remained "under option." The secretary's report also documented the increase in educational loans, the approval of credit for several of the tribes and the authorization of a number of tribal constitutions to promote representative government. The Secretary's report countered Wheeler's assertion that Indian people didn't want the act with the statement that "85 percent of all the Indians of the United States and Alaska" have chosen to accept the act "as their basic law." The report concluded with the statement that the repeal of the IRA, "would be considered by the Indians who have accepted the Act as an injustice far surpassing the many other wrongs which have been committed against the Indian race by its national guardian."<sup>52</sup>

Despite laudatory praise of the IRA from the administration and Indian-oriented reform groups, Wheeler continued to receive details regarding the ills perpetrated in the name of the IRA. A letter from John Wagner of the Blackfeet reservation documented a June 4, 1937 meeting in which several tribal members detailed their concerns over tribal lands and assets as well as the authority of the newly established Indian courts of offenses. Wheeler also received a letter from the full-blood Indians of the Northern Cheyenne

Reservation stating that they had not prospered under the act, and wished to be removed from its provisions.<sup>53</sup>

The letters Wheeler received only reinforced his statements in the Senate Chamber concerning 1938 appropriations for the IRA. Wheeler proclaimed, "Since I have been connected with the Committee on Indian Affairs I have never known of as much waste of public money and as much extravagance and as much inefficiency as has been shown during the administration under Mr. Collier." Wheeler added that Collier had employed a number of people from New York and Chicago, "and a lot of uplifters. . . who never saw an Indian reservation in their lives." Wheeler continued with his critique of the Collier administration, claiming that "the Indian Office is going around controlling the elections of the Indians, and they have kept in vogue the same old practice of controlling the Indian councils that was in vogue under the Harding administration."<sup>54</sup>

Senator Bennett Champ Clark of Missouri continued with the attack, citing an article by Collier in *Indians at Work* published by the Bureau of Indian Affairs that allegedly "propagandized" the IRA and the president's "court packing" plan. Senator Clark commented that section 201 of the Criminal Code of the United States stated that the use of government funds to spread influence amounted to a misdemeanor that could justify Collier's removal from office. While the Senate eventually dropped the matter concerning Collier's unlawful behavior, Senator William King of Utah remarked on the dramatic increase in bureau salaries and expenditures, and concluded that "Mr. Collier's administration has not lived up to the promises made or the expectations of some of us who strongly endorsed Mr. Collier."<sup>55</sup>

With the dissolution of Congressional support for the commissioner, Wheeler continued to press for the his dismissal. In a cryptic message, Wheeler commented:

Collier has been extremely loose and careless, to say the least, in many of his statements and for that reason many members of the committee who know something about Indians have lost the confidence they ought to have in a Commissioner of Indian Affairs. I have great respect for your honesty, integrity and ability, but I confess that I have completely lost confidence in your Commissioner of Indian Affairs. For the welfare of the Indians and the Indian Department, I think a change should be made.<sup>56</sup>

Wheeler's attempts to repeal the IRA did not reflect his dissatisfaction with the legislation as much as it concentrated on his efforts to remove Collier from office and eliminate the Bureau of Indian Affairs altogether. Much of the rhetoric over Wheeler's reasons to repeal the IRA ignore the fact that he had committed himself to the abolition of the BIA from the outset. Early on Wheeler suspected the policies and motives of the bureau and its agents, and even in the midst of favorably recommending the IRA to the Senate, he focused on the eventual elimination of the BIA. As Wheeler reflected later in his career, the bill was not all bad, but it was certainly administered poorly.<sup>57</sup>

Wheeler eventually adjusted his sights in opposition to Roosevelt's lend-lease program, but Wheeler's attempts to repeal the IRA continued through the remainder of his Senate career. Another member of the Senate subcommittee, Oklahoma Senator Elmer Thomas also fought the IRA and found common ground with AIF President Joseph Bruner. The AIF gained the ear of the Senate Indian Affairs Committee within months of the act's passage and in 1939 attempted to secure legislation that authorized the payment of \$3,000 cash to any allotted Indian. When Secretary Ickes informed the bill's

sponsors, Senator Thomas and Representative Usher Burdick of North Dakota, that the proposal would cost the government nearly one billion dollars, Burdick dropped his sponsorship in the House although Thomas remained silent on the issue. Meanwhile, the AIF joined with the German-American Bund to further support its opposition to the IRA. The effect of this collaboration between members of the American Nazi party and the federation ultimately divided the AIF due to widespread accusations by AIF member Elwood Towner that Collier was a "Jew-loving Pink Red" and that President Roosevelt's real name was "Rosenfeldt."<sup>58</sup>

Despite internal squabbles among AIF members, the Senate Committee supported the organization until the federation disbanded shortly after Pearl Harbor. The committee even allowed AIF members Joseph Bruner and Alice Jemison to use special assistant Albert A. Grorud's office as a base for their critique of the IRA. To support their claims against Collier and his staff, Wheeler and the Senate committee had a powerful ally in Grorud. Among Grorud's files, a list of sixteen relatively specific allegations against the BIA shed light on the Senate committee's opposition to the IRA and their general charges of overzealous administration. Topping the list was the assertion that the IRA "merely provided the machinery and the funds for propaganda campaigns for the Indian Bureau." Other allegations pointed to irresponsible BIA agents and the inflexibility of bureau-written constitutions, and claimed that the loans issued under the corporate charters imposed "servitude" among Indian people. The list criticized the inability of the tribes to repeal their constitutions if they so desired, and countered that "innumerable cleavages . . . between the young and the old . . . have been precipitated."

Regarding the credit provisions, the document alleged that council members used their positions to gain credit "through fraud or malfeasance," and that the credit fund had been "grossly mismanaged." The list continued with the statement that Indian morale "has reached the lowest ebb in forty years," caused in large part "by the strife and misgivings" related to the IRA, and concluded that "there is less self-government now than there ever has been. The attempt to set up a state within a state has failed."<sup>59</sup>

Most of the elements contained in the aforementioned list and in another similarly obscure document found their way into a Senate Indian Affairs Committee report that accompanied Senator Lynn Frazier's 1939 bill to permit several groups to repeal the IRA. Frazier's bill passed the Senate, but before the House Indian Affairs Committee Collier testified that the Senate committee report paraphrased language used by the AIF and other "fifth column" elements. Collier intimated that the Senate committee had been duped by extremist groups, a point which alarmed members of the House committee. A conference committee could not agree on Senator Frazier's proposal, effectively killing the 1939 repeal measure.<sup>60</sup>

Additional attempts to repeal the IRA assumed much of the same character as earlier efforts, however, the fact that the war overshadowed most domestic concerns left those committed to abolishing the IRA without much of an audience. In 1943, Senate Report 310, allegedly written by Albert A. Grorud and signed by members of the Senate Indian Affairs Committee, recommended the immediate closure of all Indian schools and the cessation of all federal tuition payments for Indian children. The report further demanded that all Indian hospitals be abandoned and turned over to the U.S. Public

Health Service, and that the management of Indian forests be assumed by the Department of Agriculture. Finally, the report recommended the liquidation of the BIA, the per-capita distribution of all Indian funds, and the withdrawal of federal protection from Indian property, "so that all such property may be immediately subjected to taxation and alienation."<sup>61</sup>

Following the 1943 report, the final call for repeal during Collier's administration struck at the heart of the IRA program. Senate Report 1031, issued in June 1944, claimed that the act had repressed Indian self-government and that the lions' share of purchased lands went to established reservations as opposed to landless Indians. The report also declared that the credit provisions prevented impoverished Indians from accessing the credit fund and that the Indian Bureau had merely used the IRA to perpetuate its own bureaucracy. The report concluded with eight specific failures of the IRA, including numerous difficulties in administering the land provisions and adapting them to the Anglo system of private property.<sup>62</sup>

Collier drafted a letter repudiating the report, cautioning that several of the same factual errors found in Senate Report 310 made their way into its successor, Senate Report 1031. Collier expanded his critique of the report to include a condemnation of Albert A. Grorud and O.K. Chandler who "once more used the machinery and the prestige of the [Senate] Committee in an assault against Indian rights." Grorud and Chandler shared extensive communications regarding Indian matters. They contended that the Collier program represented reactionary policies, and their allegations laid the groundwork for later termination efforts that sought the dissolution of the Indian Bureau and the complete liquidation of government responsibility for Indian people.<sup>63</sup>

Collier's resignation from the commissionership in early 1945 signaled an end to a unique era in Indian affairs. Wheeler continued his struggle to defeat the IRA into the next year, his final year in the Senate, but to no avail. To a large extent, Wheeler's direct involvement in Indian affairs ended with his first attempts to repeal the Indian Reorganization Act. Wheeler's conflict with Collier addressed the senator's concerns over the direction of federal policy regarding Indian people, however, his primary focus lay in dismantling the BIA by whatever means necessary. In 1937, Wheeler saw an opportunity to load the anti-New Deal bandwagon with legislation to repudiate the IRA and the Collier administration, but his efforts could not persuade either the public or his colleagues in the House.

By the end of the initial struggle to repeal the IRA in 1937, Wheeler had played his hand with regard to Indian affairs. His arguments that the IRA encouraged the expansion of BIA authority over Indian people and fostered bureau involvement in their daily lives met with little immediate success. Wheeler's confidant, Albert A. Grorud, however, remained committed to the battle. Possessing Wheeler's proxy and cloaked in the authority of the Senate Indian Investigating Subcommittee as its special secretary, Grorud continued to advocate the dissolution of the BIA throughout the late 1940s. Records of the hearings of the Senate subcommittee, established in 1928 to evaluate the performance of the BIA and to promote better government service for Native Americans, amounted to forty-one printed volumes, reinforcing the notion that Congress, rather than the courts, constituted the "tribunal to which Indians may appeal." In this sense, Grorud's position as investigator for the Senate permitted him to address those factions within the realm of Indian affairs that

were either the most vocal or the most compelling. While the recommendations offered by the American Indian Federation corresponded well with Wheeler's, and apparently Grorud's, concerns over the expansion of bureau authority, it is possible that the AIF's fulminations did not represent the majority sentiments of Indian people as a whole and merely reflected the claims of a vocal minority.<sup>64</sup>

The association between the Senate Indian Affairs Committee and the American Indian Federation served their mutual interests in seeking to eliminate the Indian Bureau. Nevertheless, the rush to transform the field of Indian affairs seemingly overnight precluded the federal government from succeeding in its assimilation efforts and prevented Indian people themselves from assuming their own paths within Anglo society. In essence, the government's assimilation policy remained largely unchanged from its allotment stance, except in form, and the increased expenditures and increased responsibility granted the Indian Bureau through the IRA only reflected the government's reconstituted anxiety to resolve the "Indian problem" quickly. When the IRA, like its predecessors, did not provide a "quick fix," but further entrenched the administering bureaucracy, if only on a temporary basis, Wheeler and other reform-oriented representatives took to the press, proclaiming the "failure" of the IRA.

A 1946 conversation between Wheeler and Moses Two Bulls of the Pine Ridge Reservation in South Dakota demonstrated the ambiguity combined with the sense of urgency surrounding the field of Indian affairs both previous to and throughout the New Deal. Two Bulls advocated the IRA, stating that, "Under this law, the Indians are able to try a program for themselves and



make it stick because we are going to stay there all our lives." Wheeler asked if Two Bulls approved of the IRA. Two Bulls replied, "Yes. We are just getting started. It is only ten years old. How long did it take the United States Government to form a perfect organization? It takes time." Wheeler responded, "We have not entirely done it yet."<sup>65</sup>

The IRA was not perfect. It did not provide means to measure short-term gains, which in the political arena are the only ones that count. Nor did the IRA eliminate power-hungry superintendents, establish perfectly harmonious tribal councils or provide for true self-determination for Native Americans. In its time, however, the IRA represented a reasonable framework to reconcile the unique cultures and traditions of Indian people with the demands of Anglo society. The problem remained with the Bureau of Indian Affairs and its self-defeating mission to arm American Indians with the cultural, political, and economic weapons necessary to engage in a competitive, individualistic culture.

### Notes to the Cat in the Hat

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2. Clayton R. Koppes, "From New Deal to Termination," pp. 543-566.
3. William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, p. 165.
4. *Great Falls Tribune*, June 21, 1934, 2; Office of Indian Affairs Circular No. 3001, June 22, 1934, NA, RG 75, Records Concerning the Wheeler-Howard Act, Box 7; *Great Falls Tribune*, February 16, 1935, 8; *Great Falls Tribune*, June 7, 1934, 3; Howard Rafferty to Col. H.L. Roosevelt, March 19, 1935, P.P.F. 723, Franklin Delano Roosevelt Library, Hyde Park, located in the F.D.R. files on Burton K. Wheeler, Collection 2226, Merrill G. Burlingame Special Collections, Montana State University.
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7. "Questions and Answers Concerning the Indian Reorganization Act," FRC-Seattle, RG 75, Flathead Indian Agency Decimal Files, Box 262, Folder 105, "Indian Reorganization."
8. *Ibid.*; Deloria and Lytle, *Nations Within*, pp. 186-188; "Petition of Protest," Blackfeet Tribal Council to B.K. Wheeler, et al, January 1936, FRC-Seattle, RG 75, Blackfeet Indian Agency Decimal Correspondence, Box 20, Folder 064, "Councils-Acts of Tribal Councils, 1/11/36-12/30/36."
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10. Ibid., pp. 4, 21.
11. Ibid., p. 88.
12. John Collier to Robert Yellowtail, May 2, 1935 and Robert Yellowtail to John Collier, May 18, 1935, FRC-Seattle, RG 75, Crow Indian Agency Decimal Correspondence File, Box 119, Folder 171, "Wheeler-Howard Act-Explanations, Circulars, etc."
13. Lawrence Kelly, "The IRA: The Dream and the Reality," pp. 301-303; Philp, *Collier's Crusade*, pp. 162-163.
14. John Collier to the Indians of the Campo Reservation, January 22, 1935, NA, RG 75, Records Concerning the Wheeler-Howard Act, Box 1; Office of Indian Affairs Circular, July 18, 1935, NA, RG 46, Box 27, "Petitions Against W-H Act"; Deloria and Lytle, *Nations Within*, pp. 171-172.
15. Memorandum from Nathan Margold to the Secretary of the Interior, November 7, 1934, FRC-Seattle, RG 75; N. Cheyenne Indian Agency Decimal Subject File, Box 126, Folder 105, "Reorganization-Indian Bureau"; Graham D. Taylor, "Tribal Alternative to Bureaucracy," p. 132; Earl Wooldridge to John Collier, December 6, 1934, FRC-Seattle, RG 75, Ft. Belknap Indian Agency Decimal File, Box 189, Folder 308.3, "Indian Reorganization Act-Correspondence, 1933-34."
16. Deloria and Lytle, *Nations Within*, pp. 166-167; Senate Committee on Indian Affairs, *Hearings on S. 2755*, 73rd Cong., 2nd sess., 1934.
17. A.A. Grorud to Governor J. E. Erickson, May 14, 1926, Manuscript Collection 35, Montana Governor's Papers-Erickson Administration, Box 44, Folder 10, Montana Historical Society Archives; Moses White Horse to Senator Elmer Thomas, December 17, 1934, NA, RG 46, Box 28, "W-H bill, 9-28-34."
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## Conclusion

Senator Burton K. Wheeler of Montana found the Bureau of Indian Affairs anathema. Wheeler knew firsthand that Indian people had suffered miserably at the hands of a self-serving, if not hostile, federal bureaucracy and his efforts with the Senate Indian Investigating Subcommittee between the late 1920s and the mid-1940s exposed the maladministration of the BIA. After initially supporting the reform-oriented Indian Reorganization Act in 1934 as a means to eliminate BIA influence, Wheeler resumed his attacks on the bureau as representative of an overarching bureaucracy committed to its own survival regardless of American Indian needs.

Wheeler and the investigating subcommittee received considerable assistance in their efforts to eliminate the BIA from Albert A. Grorud. Grorud, a Republican, served as Montana's Assistant Attorney General while Wheeler held office as District Attorney in the 1910s. When Wheeler gained election to the Senate, Grorud remained in Montana, where he became counsel for the Montana Indian Protective Association in the mid-1920s. Grorud's concern for American Indian rights secured his retainer for the Flathead tribe during the power site controversy. When the Indian Bureau, under Commissioner Burke, refused to recognize Grorud's contract or authorize payment for his services from tribal funds, Wheeler stepped in and gave Grorud a job in Washington as secretary to the Senate subcommittee. Grorud shared Wheeler's dedication to eliminate the BIA. In essence, that remained his sole responsibility, and when Wheeler moved on to address what he believed were larger concerns, such as



Roosevelt's court-packing proposal and the lend-lease bill, Grorud held the reins as the so-called "chief" of the Senate subcommittee until 1956.<sup>1</sup>

The two men upheld progressive and Populists ideals based on honesty and efficiency in government, direct democracy and a disdain for party discipline. While Grorud's personal politics remain enigmatic, Wheeler's public life demonstrated his opposition to corporate control and his commitment to the assimilation of "foreign" people through an activist government. Thus, Wheeler initially supported the New Deal for its unique approach to the problems of industrial society. As he related in a speech during his campaign for the vice-presidency on the Progressive ticket in 1924, "a progressive is one who does not believe that all virtue and honor and knowledge is in the past. . . the progressive is not afraid of new ideas." In Wheeler's view, however, the bureaucracy of the New Deal hastened the transfer of control over western lands and resources to well-established interests in the East.<sup>2</sup>

In addition, the previously extant coalition among eastern reformers and western interests within Indian affairs crumbled with the exposure of BIA practices and Commissioner Collier's reliance on professional anthropologists and others who, to a large extent, gained their knowledge of Indian people and western lands through eastern universities. The employment of large numbers of eastern bureaucrats in the Roosevelt administration rankled western congressmen who had previously relied on local boosterism for economic development and who felt the New Deal intruded on their domain through the widespread distribution of federal largess.<sup>3</sup>

A Yankee by birth, Wheeler shed his New England airs in Butte, the rough and tumble mining town where he cut his teeth in the political arena

fighting the Anaconda Mining Company as a friend of labor. Wheeler carried this opposition to corporate coercion throughout his career in the Senate where he found the BIA particularly distasteful because it presumed to assist Indian people with one hand, while, with the other, it passed tribal funds, lands and resources to Indian and non-Indian benefactors of its choosing.<sup>4</sup>

In Montana, Wheeler became committed to the assimilation of non-Anglo people into the dominant political economy. His perception of full-blooded Native Americans as children who required federal guidance and assistance for survival owed much to his Quaker and Methodist upbringing. So did his belief that he held a leadership position among American Indians--a belief that gained strength through experience. Wheeler returned from Congress to Montana each summer, where he occasionally encountered various groups of Indian people who would ask him to settle disputes among them. Wheeler listened to their concerns and then offered his opinion, which the people often received as the sound judgment of a wise man. He was even adopted by the Blackfeet people and given the name "Bear Shirt" by tribal members in August 1934.<sup>5</sup>

As a member of the Senate subcommittee, Wheeler's concerns over BIA corruption gained credence with the impoverished conditions he found on the reservations. In a speech on national radio in 1929, Wheeler derided the past practices of the BIA and recommended improvements in health care and education through increased government expenditures and the integration of Indian people into non-Indian communities. The fact that the IRA failed to mark improvements in these areas, coupled with Collier's insistence on the recognition of tribal cultures through the corporate form, led Wheeler to an

outright repudiation of the both the act and Collier as well. Wheeler further argued that the IRA promoted bureau-directed projects that did not encourage Indian enterprise.<sup>6</sup>

The IRA received significant support from many who felt the bill would benefit Native Americans, but by 1939 the BIA employed 8,000 people, up from 5,000 in 1934. While bureau restructuring allowed for the employment of Indian people in many of these positions, the decentralization of BIA programs required an expansion of the administering bureaucracy. This provoked a response from Congressmen such as Wheeler who sought to eliminate the direct federal oversight of American Indians. However, despite his assertion that Indian people deserved to own their property as individuals free from government interference, Wheeler did not support the termination of federal responsibility for all Native Americans; rather he believed, "The government ought to take care of the full-blooded, not competent Indians but a lot of these 'White Indians' ought to be thrown out on their own."<sup>7</sup>

Wheeler supported the notion of rugged individualism, an idea that conflicted with Roosevelt's attempts to form grass-roots community organizations based on shared values and group solidarity. The Tennessee Valley Authority, Civilian Conservation Corps, and federal grants to support art and literature encouraged a community aesthetic that Roosevelt hoped would mitigate the alienating effects of the depression and industrial society. Wheeler, however, found that many New Deal programs signified the transcendence of government activism beyond the traditional means of personal assistance, and promoted individual reliance on government beneficence.<sup>8</sup>



Fig. 8 Portrait of Senator Burton K. Wheeler by Charles Vierheller. (BK 2207, Box 19, Folder 8, Photo #11, Montana State University).

In addition, Wheeler's association with the American Indian Federation, which he respected as an organization committed to undermining BIA authority, catered to his isolationist stance. Wheeler's pronouncement that President Roosevelt's lend-lease program would "plow under every fourth American boy" became a rallying cry for the America First Committee, which received the support of both the AIF and Wheeler. The effect of Wheeler's opposition to World War II, however, alienated farmers and laborers who eventually came to rely on the war to jump-start the economy and escape the depression. As political commentator Gerald Johnson related, "all that can be said of the Montanan with certainty is that like Fuzzy Wuzzy, 'e's all 'ot sand and ginger when alive, an' 'e's generally shammin' when 'e's dead." A remarkable politician, Wheeler's principles often paralleled and sometimes outweighed the concerns of his constituents. This allegiance to ideals cost him his Senate seat in 1946.<sup>9</sup>

Wheeler's relationship with Indian people and the IRA, however, reflected a commitment to principles and demonstrated an allegiance to his American Indian constituents as well. Wheeler maintained that he never read the original bill, but introduced it on recommendation. Once he read it, he claimed it made little sense in either a legal or practical framework. Wheeler could not reconcile the self-government or court provisions with his experiences among Indian people, nor did he believe the IRA addressed the immediate concerns of Indian people.<sup>10</sup>

Wheeler and several others hammered out a new, five-page proposal that struck a compromise between Wheeler's desire for increased and well-managed appropriations to create a self-sufficient population of Native

Americans and the Roosevelt administration's avowed support of self-government for all Indian people. Never wavering from his aversion to the BIA, Wheeler turned against the Indian Reorganization Act within a year of the IRA's enactment. The Senate subcommittee heard testimony regarding the imposition of the IRA throughout 1935 and ascertained that Collier's personal agenda for incorporating the tribes outweighed his attention to the true needs and desires of American Indians.<sup>11</sup>

Wheeler found Collier's approach to Indian administration both careless and self-serving, and Wheeler's primary concern lay in his suspicion of the BIA as representative of a self-perpetuating bureaucracy. Wheeler continued his protracted struggle to eliminate the BIA by exposing its irrepressible autonomy until he lost his bid for re-election in 1946. He never achieved the repeal of the IRA, nor did he succeed in eliminating the Indian Bureau, however his efforts ushered in attempts to terminate government responsibility for Indian people in the 1950s.<sup>12</sup>

Wheeler maintained his commitment to full-blooded American Indians and their need for government assistance throughout his life both in and out of Senate. He promoted assimilation policies to further American Indian independence within Anglo society and saw his position as a respected politician and a leader of Indian people in Montana as a way to encourage self-sufficiency by example. However, the Indian Reorganization Act, and Collier in particular, subverted Wheeler's authority and further entrenched BIA autonomy.

While the IRA represented an effort to eliminate the arbitrary influence of the federal government over the lives of Indian people, it increased bureau

staff, demanded bureau participation in the development of tribal governments and corporations, and required BIA oversight of the credit and land purchase programs authorized by the legislation. Reformers' previously acknowledged apprehensions regarding the "paternalistic administration" of Indian affairs found their ultimate expression in Collier's administration of the IRA; and Collier's idealism provided a textbook foil for Wheeler's condemnation of the Indian Bureau.

Despite the intentions of all concerned with the IRA to enact legislation to benefit Indian people, the notion of an all-encompassing federal government policy toward a diverse population inherently prevented consideration of the concerns of several hundred unique cultures and thousands of individuals. If, regarding the IRA, the analogy of a poker game could be pursued, Collier and Wheeler obliged Native Americans to sit in on a game they didn't know or even like, which prevented the creation of a program that suited Indian people or their needs. In addition, a series of bad hands, combined with high-stakes play between the opposing political forces represented by Wheeler and Collier, forced American Indians to withdraw from the game temporarily. Because the debate over the IRA did not truly include Native Americans, the final assessment of the IRA boils down to the question: Whose deal was it anyway? As the play passed back and forth between Wheeler and Collier, one thing became clear; Indian people were dealt out of the "new deal."

Little has been written about Wheeler's involvement in Indian affairs. In addition, his own personal papers provide scant evidence of his disposition toward Native Americans or his approach to Indian issues. What does exist reveals that Wheeler remained dedicated to issues that he believed demanded

greater attention through their relevance to larger concerns. However, his opposition to the IRA reflected his notion that unchecked power had no position in either the federal government or in the private sector. In this sense, he decried the corruption and arbitrary authority of the Indian Bureau much as he detested the coercive practices of the Anaconda Mining Company.

Wheeler could not reconcile improper influence within his own life or career and could not uphold legislation that supported an established machine such as the Bureau of Indian Affairs. Although Wheeler's reversal of support for the IRA appears contradictory, his penchant for principled battles, his antipathy to coercive bureaucracy, and his support for American individualism revealed a political philosophy that determined his actions.



## Notes to the Conclusion

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2. Richard White, *It's Your Misfortune and None of My Own*, pp. 370-399; Burton K. Wheeler speech at Ford Hall Forum, February, 1924, BK 2207, Box 15, Drawer 1.
3. Kenneth Peres, "The Political Economy of Federal Indian Policy," pp. 65-66; White, *It's Your Misfortune*, pp. 363, 462-472.
4. Christine Bolt, *American Indian Policy*, pp. 75-81.
5. Conversation with Edward Wheeler, March 19, 1996, Washington, D.C.; BK 2207, Box 16, Drawer 1.
6. *Congressional Record*, 71st Cong., 1st sess., 1929, 71, pt. 4: 4523-4525; Wheeler Conversation
7. NA, RG 46, Box 28, "W-H bill, 1934; Arrell Morgan Gibson, *The American Indian: Prehistory to the Present* (Lexington, Mass.: D.C. Heath and Co., 1980): 538; NA, RG 46, Box 29, "W-H Act, Repeal;" Burton K. Wheeler to Joseph Kinsey Howard, December 6, 1944, Joseph Kinsey Howard Papers, Manuscript Collection 27, Box 18, Folder 3, Montana Historical Society Archives.
8. Clayton Koppes, "From New Deal to Termination," pp. 546-549.
9. Burton K. Wheeler speech January 12, 1941, Marion Wheeler Scott Collection 2214, Box 1, Folder 25, Merrill G. Burlingame Special Collections, Montana State University; Kenneth R. Philp, *Collier's Crusade*, p. 202; Robert S. Allen, "Wheeler and the Liberals," *Current History* 51 (March 1940): 25-27; Gerald W. Johnson, "Wheeler Rides the Storm," p. 11
10. Wheeler and Healy, *Yankee*, pp. 315-317; Wheeler Conversation.
11. Philp, *Collier's Crusade*, pp. 113-134.

12. Philp, *Collier's Crusade*, pp. 113-134, 187-213; Kenneth R. Philp, "Termination: A Legacy of the Indian New Deal," *Western Historical Quarterly* 14 (April 1983): 165-180.

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The majority of sources for this paper are located in several sizable collections all of which are referred to in endnotes as to their specific location. The first is the National Archives, Washington, D.C., Record Group 75, Records of the Bureau of Indian Affairs. These records include material compiled by the Indian Bureau throughout the period considered and contain letters, memoranda, circulars and other documents both personal and departmental. They are invaluable in understanding the development of federal policy and provide significant insight, particularly with regard to the IRA.

Record Group 75 also contains materials from the local reservation agencies. These agency collections consist of interdepartmental communications as well as records of tribal business. I concentrated my efforts on collections relative to the seven Montana reservations located at the Seattle Federal Records Center as I felt these had the most bearing on Wheeler's actions regarding Indian affairs.

Another collection of interest exists under the heading Record Group 46, Records of the Senate Committee on Interior and Insular Affairs also located at the National Archives in Washington. This collection contains materials compiled by Albert A. Grorud relating to the Senate Indian Affairs Committee and the investigating subcommittee, including drafts of legislation, letters, circulars and other miscellaneous information. Substantial communications addressed to the Senate committee in care of Grorud suggest his importance and influence in opposition to the Indian Bureau, the IRA and Collier in particular.

The Merrill G. Burlingame Special Collections at Montana State University and the Montana Historical Society Archives contain substantial background and corroborative information relative to Wheeler, however, Wheeler destroyed many of his personal papers. Montana State University possesses several collections directly related to Wheeler donated by his family, as well as information concerning Wheeler from the Franklin Delano Roosevelt Library at Hyde Park and the Wilburn Cartwright Collection from the Carl Albert Center for Government Research at the University of Oklahoma, Norman. In addition to various collections relating to Burton K. Wheeler, the Montana Historical Society Archives contains a cornucopia of related material, including the Montana Governors Papers, the Joseph Kinsey Howard Papers and the Barclay Craighead Papers, among others. I also found several letters of importance in the Private Papers of John Collier, originally located at Yale University and on microfilm at the University of Washington, Seattle.

Public documents include the *Congressional Record*, and numerous reports issued and hearings held by the Senate Indian Affairs Committee relative not only to the Indian Reorganization Act, but to other matters as well. In conclusion, the record would not be complete without the *New York Times* or *The Great Falls Tribune*.

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