



Irrigation on the Crow Reservation / tribal and community benefits of the proposed Hardin Unit, Big Horn County, Montana
by Raymond Eugene Borton

A thesis submitted to the Graduate Faculty in partial fulfillment of the requirements for the degree of DOCTOR OF PHILOSOPHY in Agricultural Economics
Montana State University
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Abstract:

Irrigation on the Crow reservation is a complex problem involving groups and institutions as well as economic considerations. This thesis shows the background and current status of the problems which must be considered in making development decisions and plans for the Hardin Unit, This 42,600 acre project is to be made possible by the Yellowtail Dam, now under construction.

Tribal benefits from the Hardin Unit depend on the solution of complex heirship problems and Indian administration policies. Development and operation of irrigated land by Indians would require extensive changes in education, credit, employment and attitudes.

The indirect benefits to be gained by the Hardin community are considered, Business expansion through farm and non-farm population is the basis for measurement. The benefits are compared to the indirect costs including income foregone and social expenses.

This investigation prompts the following recommendations: (1) Land ownership may be simplified through an expanded tribal purchase program and by revision and passage of the Church Bill in Congress. BIA. policies on limitations to heirship status and formation of Indian land enterprises plus encouragement for Indian owner-operators expansion through education and credit facilities would also be helpful, (2) Indian administration may be assisted through more Indian employment and responsibility within the BIA, contracting new activities to agencies outside the BIA, expanding and improving tribal organization, (3) Indian education will be aided by expansion and improvement of existing programs emphasizing teacher recognition, materials adaptation, parental involvement, preschool training and job training for adults, (4) Credit programs should be expanded for those Indians who are interested in and able to operate farms and ranches. (5) Indian employment will be enhanced through continued full employment policies, discouragement' of reliance on outside income, industrial development and tribal enterprises.

The development of the Hardin Unit may be recommended as an economy stabilizing measure. It would add to short sugar production and subtract from surplus wheat. The question of sharing costs between taxpayers in general, landowners and/or water users and the community residents receiving indirect benefits remains. The formation of a conservancy district is recommended.

The value of the indirect benefits to the Crow Tribe is investigated and found to be slight with respect to stabilization benefits and the development of socio-economic complexes. Employment and business expansion will benefit the Crow only if there is a high demand for labor and more Indians take an active part in farm and non-farm business operations.

This report concludes with a discussion of the alternative methods of irrigation development as proposed by Sargent in his accompanying study.

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COMMUNITY BENEFITS OF THE PROPOSED
HARDIN UNIT, BIG HORN COUNTY,
MONTANA

by

RAYMOND E. BORTON

A thesis submitted to the Graduate Faculty in partial
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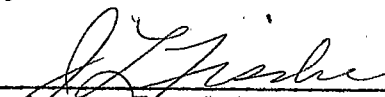
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VITA

Raymond Eugene Borton, son of the late Howard E. Borton and Frances Frost Borton, was born September 11, 1931 in Lansing, Michigan. His education began at Grove District No. 2 and he graduated from Lansing Sexton High School in June, 1949. He completed his B.S. in Plant Science at Cornell University, graduating in February, 1954. His 4-H activities led to selection as a delegate to the National 4-H Conference in 1950 and as an International Farm Youth Exchange delegate to The Netherlands in 1952.

Between graduation from Cornell University and entrance into graduate work at Michigan State University in January 1956, he served as a commissioned officer in the U. S. Army. While at Michigan State University he was a graduate assistant with the National Project in Agricultural Communications and majored in Agricultural Economics with a minor in Journalism. He received his M.S. in 1957.

From July, 1957 to September, 1958 he was employed as Publications Editor at the University of Connecticut, after which he worked for two years in South Vietnam with International Voluntary Services, Inc., primarily in the development of an horticultural research station.

Since June, 1961, he has been a graduate student at Montana State College where he and his wife were assisted by International Cooperation Center Fellowships and spent one quarter in Mexico under this program. During the summers of 1962 and 1963 both he and his wife have been employed as staff members of a Peace Corps Training program. In addition, he was a special lecturer to a Peace Corps training program at the University of Wisconsin-Milwaukee in September, 1963.

His appointment as a graduate research assistant in the Department of Agricultural Economics of Montana State College began in September, 1963.

He was married June 4, 1961 to Verena Rachel Reckendorf who received her B.A. in Foreign Languages from the University of Connecticut in 1961 and her M.S. in International Studies from Montana State College in 1963.

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The research project under which this thesis was completed was made possible by the Missouri River Basin Investigations Project, whose director, Dr. Walter C. Fuhrman, has been most helpful during the investigations. The assistance of his staff was also greatly appreciated.

The help of the Bureau of Indian Affairs staff in Crow Agency, the Big Horn County Extension Service staff, members of the Bureau of Reclamation staff and business leaders of Hardin and Billings played a significant part in the success of this study. The approval of the Crow Tribal Industrial Development Committee, headed by Mr. Henry Old Coyote, and the Land Committee, headed by Mr. Louis Yellowmule, was instrumental in the development of the project.

It has been a pleasure to work with Mr. Robert Sargent whose related work will complete the project.

To the author's wife, Verena, goes special gratitude for her encouragement, patience and editorial assistance.

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ABSTRACT

Irrigation on the Crow reservation is a complex problem involving groups and institutions as well as economic considerations. This thesis shows the background and current status of the problems which must be considered in making development decisions and plans for the Hardin Unit. This 42,600 acre project is to be made possible by the Yellowtail Dam, now under construction.

Tribal benefits from the Hardin Unit depend on the solution of complex heirship problems and Indian administration policies. Development and operation of irrigated land by Indians would require extensive changes in education, credit, employment and attitudes.

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This investigation prompts the following recommendations: (1) Land ownership may be simplified through an expanded tribal purchase program and by revision and passage of the Church Bill in Congress. BIA policies on limitations to heirship status and formation of Indian land enterprises plus encouragement for Indian owner-operators expansion through education and credit facilities would also be helpful. (2) Indian administration may be assisted through more Indian employment and responsibility within the BIA, contracting new activities to agencies outside the BIA, expanding and improving tribal organization. (3) Indian education will be aided by expansion and improvement of existing programs emphasizing teacher recognition, materials adaptation, parental involvement, preschool training and job training for adults. (4) Credit programs should be expanded for those Indians who are interested in and able to operate farms and ranches. (5) Indian employment will be enhanced through continued full employment policies, discouragement of reliance on outside income, industrial development and tribal enterprises.

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PART I. BACKGROUND AND BASIC BLOCKS TO INDIAN
DEVELOPMENT OF HARDIN UNIT.

CHAPTER I

INTRODUCTION AND BACKGROUND

Introduction

The Crow Indians and the residents of Big Horn County will soon face the decision of approving or disapproving the proposed Hardin Unit Irrigation Project and deciding the manner of organization for the project if it is approved. The need for information on which to base these decisions and possible plans has prompted this study of the problems and benefits of the Hardin Unit Irrigation Project.

The research project of which this study is a part was initiated and financially supported by the Missouri River Basin Investigations Project (MRBI) whose office is located with the Bureau of Indian Affairs Area Office in Billings, Montana. In part, the contract between MRBI and Montana State College asks that the project "identify and describe factors, both physical and human, which at present or in the future are likely to prevent Indians from achieving the physically potential level of agriculture economically most advantageous to them." This statement has become the basis for Part I of this thesis--Background and Basic Blocks to Indian Development of the Hardin Unit. The contract also asks that the costs and benefits of developing the Hardin Unit to the Indians and the communities be identified and evaluated. This suggestion has become the guiding force for Part II of this thesis--Community Development Relative to the Hardin Unit.

Part-III Analysis and Conclusions, is prepared in fulfillment of MRBI's request for a comparison of the advantages and disadvantages of development to the Indian people. The problems of development are described and the possibilities of Indian participation are evaluated.

For a complete picture of costs and benefits and the various ways the Hardin Unit could be developed this report will be combined with the forthcoming work of Robert Sargent who is working under other parts of the same contract. His presentation of farm plans and summaries of direct production costs and benefits from irrigation development, as well as his analysis of various land development plans, will provide additional data for decision making pertaining to the construction of the Hardin Unit.

The plan of this presentation is to provide background material and the current situation on the Crow Reservation in preparation for the analysis and conclusions which complete the paper. Before the specific problems are outlined, Chapter I presents background on the Crow Tribe, Big Horn County and the Yellowtail Dam in order to show the origin of some of the facets and complexities of the problems to follow.

The institutional blocks to Indian development of the Hardin Unit are the main emphasis of Part I. Because two-thirds of the 42,600 acres which could be irrigated by the Yellowtail Dam in the Hardin Unit are within the boundaries of the Crow Reservation, development becomes more than the usual matter of farm layout and operation. Decisions about irrigation development in this case involve the complex land ownership problems of heirship and trust status, plus the leasing arrangements

which have evolved on the reservation lands.

Other main problems which are presented in a similar manner, showing the background the evolvement of the general problem and the development of the current specific situation on the Crow Reservation, are Indian Administration, Indian education, credit facilities for Indians and employment for Indians. An understanding of the background of each of these leads to a better basis for analysis of the present situation. Study of the general problem as well as the one specific to the Crow Reservation suggests possible solutions and guides the recommendations for the Hardin Unit development.

The construction of the Hardin Unit Irrigation Project will result in various kinds of benefits to the Big Horn County community as well as to the Crow Tribe. Part II of this report presents Community Development Relative to the Hardin Unit, using various methods of measurement and estimation.

The development of the Hardin Unit will result in changing the pattern of dryland grain farming and cattle ranching to one of irrigated crop production. The details of this transition and how it may be accomplished are to be presented in the accompanying report by Sargent. For the purposes of this paper, an increase in population is assumed because of the proposed irrigation development and the expansion of business, trade, employment, etc., is calculated from this population increase. The measurement of these so called indirect development benefits follows the techniques tested by several investigators studying the impact of irrigation development on the local and general economy.

These previous studies and methodology developments are presented and applied to Big Horn County.

Stabilization benefits are discussed as they might apply in this case. The integration of irrigated crop production and surrounding range areas, the stabilization of farm incomes, farm size and land values are investigated in their applicability to Big Horn County. Population, business, and tax base stabilization are also presented.

Irrigation development and the increase in population which it brings will have an effect on several socio-economic complexes of the area including schools, health and hospital facilities, banking facilities, organizational level and marketing facilities. Each of these is discussed, showing the present situation in Big Horn County and how the proposed irrigation development might affect it.

Special problems in Big Horn County which are not covered in the above mentioned sections on stabilization and socio-economic complexes are outlined. These include the separation of the Indian community, the possibility of irrigation development other than the Hardin Unit, the expansion of the sugar beet growing industry and the problem of business leaving Big Horn County for other trade centers. Each of these is discussed.

Besides the direct costs of development such as construction costs for canals and other water distribution equipment, and the costs of preparing the land for proper irrigation there are other less direct costs to be considered. This report presents only these latter less direct costs. In this paper the income forgone is measured using farm and

ranch budget analysis to calculate the income generated on the land under its present use pattern. The employment changes which would be expected due to irrigation development are discussed and the social costs to the community such as education, health, welfare and roads are also considered. When this information is combined with that being prepared by Sargent, a comprehensive picture of the possible methods of developing the Hardin Unit will emerge.

The analysis and conclusions presented in Part III pertain to all the above mentioned areas of inquiry. Following an overall economic view of the Hardin Unit's possible development, recommendations pertaining to the blocks to Indian development are presented. Possible solutions to the land ownership, Indian administration, Indian education, credit for Indians and Indian employment problems are included. In the concluding sections a general outlook on the entire problem is presented together with some comments on the more limited Indian outlook. The value of community development to the Indians of the area is analyzed as well.

The final section presents the six systems of development proposed by Sargent and a discussion of each, using the information and analysis developed earlier to determine the potential of each system.

Before discussing the specific institutional problems and analyzing benefits and costs of the Hardin Unit Development, a summary of the background of several aspects is in order. Pertinent historical and statistical material will be presented concerning the Crow Tribe, Big Horn County, and Yellowtail Dam.

The Crow Tribe

Origin

Today's Crow Tribe resides in the heart of its traditional homeland, the valleys of the Yellowstone and the Big Horn Rivers. Closely related to the Hidatsa and friends of the Mandan tribes of the Dakota Territory, the Crow were constantly at war with the Blackfeet, Cheyenne and Dakota (Sioux). Their close ties with the Hidatsa led to one estimate that they were split from that group not more than 500 years ago.^{1/}

The name "Crow" seems to be a mistranslation for a word denoting a bird which is no longer seen on the reservation. Its description leads to the belief that it is the "kite", a bird whose range included parts of Nebraska and Kansas at a time when the Crow lived in that area.

Another definition of the Indian word Absaroke by which the Crow were known is "sharp people." This translation is given by a Crow in his master's thesis in anthropology. This might refer to their reputation as warriors.^{2/}

Contacts With Non-Indians

Perhaps the earliest recorded writing of some details about the Crow comes from Prince Maximilian of Wied, in his "Travels in the Interior of North America, 1832-1834." He met them as a visiting band among the

^{1/} Robert H. Lowie, The Crow Indians, New York: Holt, Rinehart and Winston, 1935, p. 4.

^{2/} Joe Medicine Crow, quoted in Missouri River Basin Investigations Project Report No. 147, Cultural and Economic Status of the Crow People, Billings, Montana, Bureau of Indian Affairs, 1955, p. 2.

Mandans of North Dakota with whom they were on friendly footing. The Prince's inquiries prompted the information that their territory was at that time bounded on the north or northwest by the Yellowstone River and extended "round Bighorn River, towards the sources of the Cheyenne River and the Rocky Mountains."^{3/}

Other information gathered by the Prince led him to estimate that the tribe had about 1,200 warriors and was said to possess more horses than any other tribe of the Missouri.

From his observations, the Prince found the Crow to be fine figures of men with exceptionally long hair and the women were very skillful in various crafts. He particularly admired their shirts and dresses of bighorn sheep leather, embroidered and ornamented with dyed porcupine quills. The men rode horses colorfully decked with red blankets and mountain lion skins.

The Crow reaction to Whites was recorded by the Prince: "The Crows, in particular, as the proudest of the Indians, are said to despise the Whites. They do not, however, kill them, but often plunder them."^{4/}

Prince Maximilian was treated hospitably in the teepee of Chief Rotten-Belly even though the chief was in mourning and hence was plastered with clay, had cut his hair, and was wearing his worst clothes.

^{3/} Prince Maximilian of Wied, Travels in the Interior of North America, 1832-1834, in Vol. XXIII of Early Western Travels, 1748-1846, ed. Reuben Gold Thwaites, Cleveland, The Arthur H. Clark Company, 1906, p. 352.

^{4/} Ibid., p. 351.

Exact information about the early history of the Crow is nearly non-existent. Some theorists believe that they moved from the East and gave up habits of living in villages of huts, growing crops and making pottery to become roving hunters in the Plains as late as 1760. By 1800 they were typical roving buffalo hunters. Some comments from other tribes indicate that the Crow were an extremely powerful force before the smallpox plague of 1780-81 when their numbers were drastically reduced.^{5/}

Probably the earliest recorded white visitor to the land of the Crow was a French trader, Francois Antoine Larocque, whose journal of a journey with the Crow from North Dakota to the Powder River and Yellowstone River area indicates that they were in full possession of the area in 1805. Larocque's description of the Big Horn Canyon is the first record of a white visit to that area.^{6/}

Lewis and Clark's famed journey up the Missouri and on to the Pacific took them through the northern edge of Crow Country and on his return in 1806, Captain Clark came through the Yellowstone Valley. However, he did not meet any of the Crow Tribe. That they did see him is evident from the fact that all of his horses were stolen in the area.

An Army Lieutenant who was commander of some Crow scouts in 1876,

^{5/} George E. Hyde, Indians of the High Plains, Norman, University of Oklahoma Press, 1959, p. 177.

^{6/} Francois Antoine Larocque, The Journal of Francois Antoine Larocque, From the Assiniboine River to the Yellowstone--1805, translated and edited by Ruth Haslitt, "Sources of Northwest History No. 20", Historical Reprints, Missoula, State University of Montana, 1934, p. 19.

investigated and recorded what he could of Crow history with the help of a "white" Crow who was residing among the tribe at that time--Thomas Laforge. Lieutenant Bradley states that:

By the traditions of the tribe it is made to appear that they once dwelt upon the waters of the Gulf of Mexico or along the Atlantic Coast in Georgia or South Carolina. The Crows are remarkable for the evidence they present of having at some early period in their history received a considerable admixture of white blood; and one hundred years ago the Cherokee Indians of Georgia had a tradition of having in former times expelled a tribe of white Indians from that country, who, they said, fled to the Mississippi and then up the Missouri where they yet dwelt. Among the other evidences of their Southeastern origin are traditions that they once dwelt in a land of perpetual summer, where they grew corn, and they possess a lingering dim knowledge of the alligator which could only have been acquired in a southern land. They say that they once dwelt upon a great water so broad they did not know its extent, and that it was out of this water that the first white men came to them, as well as the first horses they ever saw. This tradition is almost lost, and all their other traditions are vague and indistinct.^{7/}

Another journal of the land of the Crow, published about one century ago, comes from an Army officer's wife, Margaret L. Carrington, who arrived in Wyoming with a unit which built and manned Fort Phillip Kearney in Wyoming. Her impressions of the Crow and their homeland are summarized as follows: The valleys of the Yellowstone, the Tongue and the Powder Rivers were the heart of Ab-sa-ra-ka, the home of the Crow, and in 1866 they were being pressed from both sides into an ever smaller area. On the west were white settlements brought by the mining discoveries in western Montana and the farm and ranching development of

^{7/} James H. Bradley, The March of the Montana Column, edited by Edgar I. Stewart, Norman, University of Oklahoma Press, 1961, p. 75.

the Bitterroot and Gallatin Valleys. On the east, the Sioux and Cheyenne had combined forces to push them out of part of the good game grounds. They ventured not much farther than the west bank of the Big Horn at that point.

Colonel Carrington's mission was to establish a safe passage through Crow Country for the new Bozeman Trail, a route to the mines of Bannack, Virginia City, Alder Gulch and Helena, Montana which was 500 miles shorter than the journey through Salt Lake City. The Crow were not opposed to the new route but the Sioux and Cheyenne, who were occupying the eastern part of the Crow Country, were opposed to any white encroachment on their hunting grounds.

Colonel Carrington, in editing his wife's narrative, says:

Among the tribes of the Northwest, the Crow Indian stands first in manliness and physical perfection.

While they alone have the title to negotiate the right of way for the New Virginia City Road, independently of its occupation by the Sioux and their allies, they also have pride of race and nation. They can be trusted as friends within its boundaries whenever they are treated with the consideration they deserve. Would white men do more?"^{8/}

Tribal Customs

Depending on buffalo and being constantly at war with the Blackfeet, Cheyenne and Sioux created among the Crow a society of skilled hunters, horsemen and warriors whose glory was in "counting coups,"

^{8/} Margaret I. Carrington, Ab-Sa-Ra-Ka Land of Massacre, edited by Colonel Henry B. Carrington, Philadelphia, J. B. Lippincott & Co., 1879, p. 18.

such as touching or killing an enemy, leading war parties and stealing horses from an enemy camp. When game was plentiful, everybody feasted, and when it was scarce, everyone was hungry. Lodges were made to be moved quickly and easily and possessions were limited to what could be worn or packed on a moment's notice of approaching enemies or big game movements.

Tribal organization was democratic since eminence depended on individual deeds of merit. Being highly superstitious, a super-natural meaning was attributed to unusual success through the medium of dreams or visions and special powers possessed by certain objects and animals. Sun Dance dolls were highly revered and particular stones and parts of animals were kept as the objects of special attention or worship. Fasting for a vision was practiced by young men who went to the mountains for days to receive their individual omens. The process was repeated on occasions when specific help or revenge was sought.

Kinship patterns were complicated and important. The most important unit was the clan and it was impossible to marry anyone from the same clan. The cohesion within the clan is illustrated by the translation of the Crow word for clan, which is "lodge where there is drift-wood", the connotation being that clansmen cling together like drift-wood lodges along a stream. All men of the same age within a clan referred to each other as brothers.

The Crow word for father extends far beyond the English term and includes a person's paternal uncles, his father's maternal uncles, his paternal aunt's sons and the husband of any aunt by marriage. These

complex relationships led a white man who lived among the Crow during the last part of the nineteenth century to note that the "number of physiological offspring of a particular person in a lodge was neither easily discoverable nor too widely investigated."^{9/}

Treaties and Events Leading to Their Present Situation

Their being at war with the Sioux and Cheyenne helped to put the Crow on the side of Custer at the time of the ill-fated battle. In earlier treaty negotiations, the Crow fared considerably better than their enemies and retained the heart of their homeland centering on the Big Horn River. Although old hatreds have crumbled somewhat in the years since 1876, there is still a distinct lack of contact between the Crow and the Northern Cheyenne who live on adjoining lands.

In a treaty between the Crow and the United States Government, signed in 1868, all the territory south of the Yellowstone River from where it crosses into Montana near Gardiner to the 107th Meridian, was reserved for the tribe. Included in the treaty were numerous provisions to motivate the Indians to settle down and begin farming on the reservation. Heads of families were given 320 acres and other members over 18 years of age received 80 acres. Those who promised to farm were given a cow and a pair of oxen within 60 days after they had settled. For a period of 30 years, the Indians were to receive a suit of clothing each year on the first day of September. Daily rations of one pound of

^{9/} Thomas B. Marquis, Memoirs of a White Crow Indian, (Thomas H. Leforge), New York, The Century Company, 1918, quoted in Lowie, op. cit., p. 19.

meat and flour per Indian over four years of age who had settled on the reservation were to be provided for a period of four years.

In addition, a sum of \$10 for each roaming Indian and \$20 for each settled one was to be appropriated each year for use by the Secretary of the Interior to purchase what "the condition and necessities of the Indians may indicate to be proper."10/

A final article in the treaty makes an extra effort to motivate the Crow to farming:

Article 12. It is agreed that the sum of \$500 annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe, who, in the judgment of the agent may grow the most valuable crops for the respective year."11/

The original 1851 Treaty of Laramie gave the Crow a reservation of 38 million acres. This was first reduced by government order to nine million and later through further land cession to the United States Government, Northern Pacific Railroad, State of Montana school land and sales to non-Indians. Today there are only 1.5 million acres of land held in trust by the government for the Crow Indians and the reservation boundaries extend around 2,282,764 acres which includes private, state and federally-owned lands in addition to the trust lands.12/

10/ "Treaty with the Crows--1868", Water Resources Survey, Big Horn County, Montana, Part 1, Helena, Montana, State Engineer and State Water Conservation Board, May, 1947, p. 11.

11/ Ibid., p. 12.

12/ Leasing of Indian Trust Lands on Crow Reservation, Montana, Missouri River Basin Investigations Report No. 170, Billings, Montana, Bureau of Indian Affairs, February, 1963, p. 1.

The 1962 Indian population data shows 2,730 Crow residing on the reservation. The Tribe includes 1,356 living off the reservation which brings the total to 4,086. The increase from 1,674 enrolled in 1930 to 2,781 in 1950 to the present more than 4000 illustrates one of the basic Indian problems--a triple population increase in 32 years without increase in land resources.^{13/}

More background on land ownership and use, Indian education and employment will be given in following sections on these specific topics.

Big Horn County

Organization and Development

Big Horn County was created in 1913 from parts of Rosebud and Yellowstone Counties. Hardin, the county seat of the 5,025 square miles, was settled in 1907. The 3.2 million acres extend from the Big Horn, Wolf and Pryor Mountains on the Wyoming border in the South nearly to the junction of the Big Horn and Yellowstone Rivers in the North.

Fur traders were the first white men to see what we now know as Big Horn County. Larocque came in 1805, traveling with a band of Crow and a few Snake Indians returning from a visit to the Mandans of North Dakota. He came as far as the foothills of the Big Horn Mountains, and recorded the first description of Big Horn Canyon.

After Captain Clark's description of the wealth of fur to be found in the area had been circulated upon his return to St. Louis in 1806,

^{13/} State of Montana, Biennial Report of the Department of Indian Affairs, Helena, Montana, 1962, p. 2.

there was a flurry of trading enterprises which endeavored to take advantage of the new information. In 1807, Manuel Lisa, a Spaniard from New Orleans, was the first trader to set up business at the mouth of the Big Horn River, according to several records. However, since no remains of a fort can be found at that point and because some indications of a trading establishment have been located at the junction of the Little Big Horn and Big Horn Rivers, it may be guessed that his earliest fort was near the present town of Hardin.

Lisa returned to St. Louis with good accounts of the furs available. With Captain Clark, he set up the Missouri Fur Company which met with misfortune among the Blackfeet in the Gallatin Valley but established good trade with the Crow along the Yellowstone, even though the early fort was abandoned after 1808. Trade continued with roving bands of trappers and traders until 1829 when the American Fur Company established Fort Union at the mouth of the Yellowstone.

Several forts were founded within Crow Country during the following years including Fort Cass in 1831 and Fort Van Buren in 1835, both on the Big Horn, and Fort Sarpy in 1850 on the Yellowstone below the mouth of the Rosebud River.^{14/}

The area's entry into American history came on June 26, 1876, when General Custer and his Seventh Cavalry were ambushed and annihilated by a powerful and infuriated band of Sioux and Cheyenne warriors. A year later Fort Custer was established at the junction of the Big Horn and

^{14/} James H. Bradley, *op. cit.*, pp. 80-81.

Little Big Horn Rivers.

Freedom from fear of Indian raids opened up the area to white settlers in the 1880-1890 decade and the first to arrive were ranchers with large company-owned herds of up to 30,000 head. The earliest ranch headquarters in this area were established adjacent to the Wolf and Big Horn Mountains.

The earliest irrigation development was the construction of the Reno Unit of the Crow Indian Project in 1885. The Crow Irrigation Project was authorized in 1891 and is now comprised of 11 separate units which divert water from the Little Big Horn and Big Horn Rivers and the Lodge Grass, Soap, Lost, and Pryor Creeks. Sheep ranching began in the country in 1901.

Indian land adjacent to the Yellowstone River and land in the lower Big Horn Valley was ceded to the government in 1904 and opened to homesteading. Within a few years, a large area had been brought under cultivation and dryland farming prospered from 1906 to 1917 due to abnormal rainfall and high prices. In 1918, the Montana Farming Corporation began operations in Big Horn County. It now farms large areas of wheatland on the reservation under the new name of Campbell Farming Corporation. The original effort was made possible through loans from the Astor family and government approval of the use of the lands to raise wheat for the war effort.^{15/}

^{15/} Water Resources Survey, Big Horn County, Montana, op. cit., pp. 12-13.

The Yellowtail Dam Project

Its Development Through 50 Years

The site of Yellowtail Dam figured in the early history of the area as the location of one of three forts built in 1866 to protect the Bozeman Trail. Known as Fort Smith, it was abandoned in 1868 after the signing of the Laramie Treaty which prohibited further settler traffic over the Crow Reservation.

As a possible damsite, the spot was investigated as early as 1903 by the Indian Service and the Big Horn Canyon Irrigation and Power Company, which was organized in 1913, presented a detailed investigation in 1917.^{16/}

Further investigations were reported in 1933 by the War Department which decided that there was insufficient information at that time to warrant conclusions on the combination of irrigation with power development and flood control.

The Big Horn Dam Association presented arguments in favor of the dam construction in a pamphlet called "Victory, or What of the Future?" in 1938. A Hardin attorney, H. W. Bunston, was president of the organization and devoted his energies for 50 years to the promotion of the dam and irrigation development. Data were presented particularly to show the need for water storage to provide a continuous flow into the Big Horn and Yellowstone, because the reduced flow caused by water use in

^{16/} Hardin Tribune Herald, Oct. 12, 1961.

Wyoming and Montana was already being felt.^{17/}

Testimony was presented in hearings conducted by the War Department, Board of Engineers for Rivers and Harbors, in Billings, January 30, 1941. By this time the problem of siltation on the Big Horn was paramount and it was reported that 21.2 million tons were passing Hardin annually and that the Big Horn contributed 51 percent of the silt which passed Glendive in the Yellowstone. Predictions were that a dam at the mouth of the Big Horn would be silted up in 64 years and hence it was recommended that a water storage dam be built in Boysen, Wyoming, before the Big Horn Dam.

To emphasize his testimony in the hearings, Mr. Bunston quoted from Early Steamboating on the Missouri, a book by Captain Hiram M. Chittenden, of the Corps of Engineers:

Here, then, is the answer to our question--What of the Future? Turn this river out upon the lands. Unlock its imprisoned power. Where the rains do not fall let it supply the need. Then the new and greater history of the Missouri River will begin. Utility will take the place of romance. The buffalo, the Indian, the steamboat, the goldseeker, the soldier, will be seen in its valley no more, but in their stead the culture and comfort, and the thousand blessings that come with civilization. Such, let us hope, in drawing the curtain over a mighty past, will be the consummation of a still more mighty future.^{18/}

The following chronological listing of the various studies and

^{17/} Big Horn Dam Association, "Victory or What of the Future?", 1938.

^{18/} United States War Department, Board of Engineers for Rivers and Harbors, "Report of Testimony and Statements, Re: Improvements In the Basins of the Yellowstone and Big Horn Rivers, Wyoming, Montana and North Dakota, in the Interest of Flood Control and Other Water Uses", Billings, Montana, January 30, 1941, Exhibit G.

reports on the proposed dam indicates the length of time and the continued interest and study that has gone into the project.

1. "A Report on the Big Horn Canyon Irrigation and Power Project" by G. W. Goethals, consulting engineer of New York City for the Big Horn Canyon Irrigation and Power Company, May 16, 1917.
2. "A Report on Water Power of Big Horn Canyon, Wyoming and Montana" by B. E. Jones, Geological Survey and D. V. Guy, Federal Power Commission, April 16, 1923.
3. House Document 256, 73rd Congress, 2nd Session, Yellowstone River, Wyoming, Montana and North Dakota, March 31, 1931, was a combination of reconnaissance surveys and studies of the Big Horn Basin by the Corps of Engineers, Department of Army.
4. "Reconnaissance Land Resource Survey of Hardin Bench" was made in 1938 by the Montana Agricultural Experiment Station in cooperation with the Bureau of Plant Industry, Department of Agriculture.
5. "Survey Report on the Big Horn Basin, Montana-Wyoming" (Project Investigations Report No. 81) was completed by the Bureau of Reclamation, June 1942.
6. "A Review Report on Flood Control and Other Purposes, Yellowstone River and Tributaries, Wyoming, Montana and North Dakota" was prepared by the Corps of Engineers late in 1946.
7. From Missouri River Basin Project funds made available in 1946 a sum of \$50,000 was allocated for preconstruction studies on the Yellowtail Unit and a Definite Plan Report on Yellowtail

Unit, Montana, was issued in January, 1950.^{19/}

Other agencies which have also prepared reports on the Yellowtail Dam and related studies are: The Missouri River Basin Investigations Project (MRBI) of the Bureau of Indian Affairs (BIA), the National Park Service, the Bureau of Mines Geological Service and the Smithsonian Institute. These include: "Crow Indian Participation in Proposed Hardin Irrigation Unit", MRBI 36, 1947; "Yellowtail Dam and Reservoir", MRBI 80, 1949; "Appraisal of Indian Interests in Yellowtail Dam Unit", MRBI 107, 1950; "Returns to Crow Indians for Use of Hardin Unit Land", MRBI 123, 1951; "Appraisal of the Archeological and Paleontological Resources of the Yellowtail Reservoir Site, Montana and Wyoming", Smithsonian, 1952; "Preliminary Report on Recreational Use and Development, Yellowtail Reservoir, Big Horn River, Wyoming-Montana", National Park Service, 1948; "Geology of Bighorn Canyon, Hardin Area, Montana and Wyoming", Geological Survey, 1955; and "Report on Mineral Reconnaissance Survey of Yellowtail Reservoir Site, Yellowtail Unit, Big Horn-Carbon Counties, Montana and Big Horn County, Wyoming", Bureau of Mines, 1956.

The original authorization for Yellowtail Dam was in the Flood Control Act of 1944 as part of the Missouri River Basin Project. After being reapproved in 1955 the Definite Plan Report of the Bureau of Reclamation was prepared and published in 1960. The prime contract for construction was awarded April 24, 1961. At the time of this writing,

^{19/} United States Department of the Interior, Bureau of Reclamation, Region Six, Definite Plan Report on Hardin Unit--Montana, Lower Big-Horn Division, Missouri River Basin Project, Cody, Wyoming, January, 1960.

in early 1964, the construction is nearing half completion while full completion is scheduled for late 1965 or 1966.

When finished, the dam will have a height of 520 feet and a crest length of 1,450 feet. The reservoir will extend for 71 miles through Big Horn Canyon into Wyoming and will store 1,375,000 acre-feet of water. The power plant will have a total capacity of 200,000 kilowatts and will generate an estimated 900 million kilowatt-hours of hydroelectric energy annually, becoming a major power supply factor in the upper Missouri River Basin.

Besides irrigation and power, the dam has flood and sediment control values among its multiple purposes. Flood control benefits are estimated at \$320,000 annually and its sediment control will stop the heaviest contributor to the Yellowstone River basin silt load.^{20/}

The recreation potential of Big Horn Canyon is being studied in some detail by the firm of Ernst & Ernst of Denver on a contract with the Crow Tribe and the Bureau of Indian Affairs. They estimate the potential number of visitors in 1970 to be 665,000, about equally divided between those living within 100 miles, those living 100-250 miles away from the area and the rest from beyond 250 miles. Average daily expenditures of such a group might reach \$25,000 and the tourist season could be expected to last about 100 days.^{21/}

^{20/} United States Department of the Interior, Bureau of Reclamation, "Yellowtail Unit--Missouri River Basin Project", pamphlet available to dam-site visitors, undated.

^{21/} Ernst & Ernst, "Report on Study of Bighorn Canyon National Recreation Area", Denver, July 1963, p. S14.

CHAPTER II

LAND PROBLEMS

A government policy which was intended to encourage the Indians to settle on the land and begin farming has not realized its goal. Instead the allotment program has created confusion in land ownership and the complexity of the situation has been compounded to a point which invites ridicule.

Because of the small scattered non-economic units involved, the unprobated inheritance problems, and a general lack of interest among the Indians in working the land themselves, most of the reservation land is now used by non-Indians who lease it either directly from the Indians or through the BIA. This situation permits a scale of lease and land values to exist which is not consistent with surrounding areas and has made possible and plausible the operation of large areas by single operators. Risk and uncertainty run high on these lands where policies are not well defined and normal business demands abnormal amounts of patience and fortitude.

Although baffled by complexity and cornered by circumstances seemingly beyond his control, the Indian does not necessarily have to resign himself to acceptance of a bad situation. The following pages give a description of the circumstances which led to the present situation and some of the ways out of the maze of laws, policies and programs which confound the present position.

Background

Treaties

In a recent Senate Subcommittee Hearing, Edison Real Bird, a member of the Crow Tribe, stated: "Bitter things have caused us to be on guard to preserve our lands. Our most important responsibility is to preserve our home for ourselves and our children."22/

The "bitter things" extend back through the entire history of the dealings between the Crow Tribe and the United States Government in its many forms and with whites in general. The original territory given to the Crow in the Laramie Treaty of 1851 included more than 38,500,000 acres in Montana and Wyoming--all of what was known as "Crow Country." However, this was reduced by the second treaty of Fort Laramie in 1868 to 9,000,000 acres. The treaty of 1851 was considered by officers of the United States at that time not to have been ratified and was not believed to be binding on either the Indians or the government. As explained by a 1947 report, "consideration, therefore, to the Indians for this relinquishment of more than three fourths of the land granted them by the Treaty of 1851 was apparently not thought of by the officers of the government."23/

22/ United States Congress, Senate, Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, Hearings on S. 1049, A Bill Relating to the Indian Heirship Land Problem, 88th Congress, 1st Session, April 29 and 30, 1963, p. 455.

23/ Howard M. Gullickson and Fred B. Woodward, The Laws and Treaties Affecting the Crow Indians, Missouri River Basin Investigations Project Report No. 74, Billings, Montana, Bureau of Indian Affairs, 1947, p. 2.

Conditions leading to the treaty of 1868 were confused by lack of information and considerable variation in motives and methods on the part of varying groups of both Indians and Whites. According to a report by Colonel and Mrs. Carrington who were assigned to Fort Phillip Kearny in Wyoming, the main question was one of protecting overland travel and securing a route for the proposed Union Pacific Railroad. The Commander of the West, General Pope, is quoted as follows in regards to the Western emigration:

What right under our treaties with Indians have we to be roaming over the whole mining territory, as well as the plains to the east of them, molesting the Indians, in violation of treaties and rights, which we solemnly pledged ourselves to prevent? How can we expect the Indian to observe a treaty which he sees us violate everyday, to his injury? How can the Indian keep peace under such circumstances? We promised to protect him from our people, and do not fulfill our promise...the Indian cannot keep peace, even if he would. 24/

The same narrative points out that treaties conducted with one tribe or band were not binding on others and that the chiefs did not have full control over tribes because of the loose associations which were customary.

Details on later reductions of the size of the reservation are complex. Some transactions involved payments or promises to pay which have not been verified, in other cases the legality of the Indians' ownership was questioned. A variety of methods were used: Presidential Proclamations, Executive Orders, Congressional Acts and grants of rights of way

24/ Carrington, op. cit., pp. 260-61.

to railroad companies. The sum total of all the cessions to the United States, to the Northern Pacific Railroad, and to the State of Montana reduced the reservation to its present size, approximately 2,282,768 acres as shown in Figure 1.

At one point there was an attempt to move the entire Crow tribe to a new reserve in the Judith Basin. A reserve of 3,625,000 acres was set apart in 1873 for this purpose and the Indians reportedly agreed to the shift as that had been one of their good hunting grounds. However, the order to make the Judith Basin Reserve was revoked in 1875. A report of the Crow Indian Agent in 1874 helped to defeat the idea:

...the fact that a wagon-road has been constructed across that country, terminating a few miles below the line of the proposed reservation, and the establishment of trading houses and whisky-shops, all render that country unfit for the Indians; the main argument in favor of that country--to wit, its isolation--has been destroyed.^{25/}

Miners had invaded the Crow Country even before the 1868 treaty. Emigrant and Bear Gulches south of the big bend of the Yellowstone were yielding gold. Cattlemen, especially Nelson Story of Bozeman, grazed into the edges of the reservation and coveted the Yellowstone Valley. The popular opinion of the frontier is illustrated by these excerpts from the Montana Post, the Virginia City newspaper that spoke for the territorial capitol.

^{25/} Crow Indian Agent, Annual Report to the Commissioner of Indian Affairs, Sept. 21, 1874, quoted in Thomas E. White, Indian Reservations of Montana, A Study of Their Political Geography, unpublished manuscript, Montana State College, 1959, p. 14.

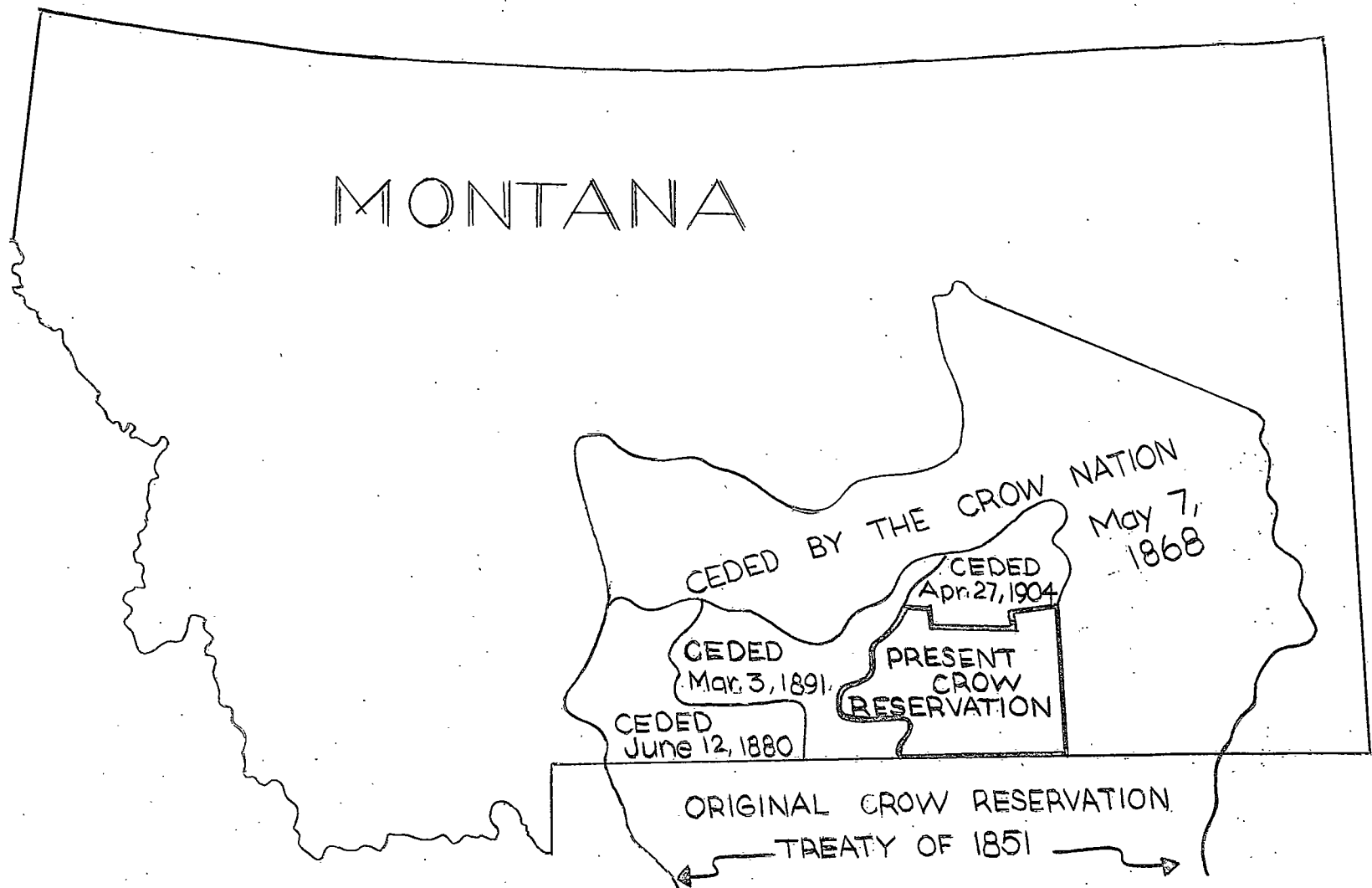


Figure 1. Changes in Crow Reservation Boundaries - 1851 to Present.

Source: Thomas E. White, Indian Reservations of Montana, A Study of Their Political Geography, (unpublished manuscript, Montana State College, 1959).

July 21, 1866:

Let all the nonsense of education for the Indian, and kindness will be returned, be put aside. Wayne, who killed hundreds of them is the only military man they respect. If we would have peace and safety, we must adopt the aggressive policy.

January 26, 1867:

It is high time the sickly sentimentalism about humane treatment and conciliatory measures should be consigned to novel writers and if the Indians continue their barbarities, wipe them out.^{26/}

As Montana was settled and more cattlemen brought in large herds, the desire for the Indian lands grew and probably all who lived on the frontier would have agreed with the Northern Pacific publicity man who wrote about the Yellowstone Valley in 1882:

A serious obstacle to the thorough settlement of this region is the Crow Indian Reservation, which stretches along the south side of the river for 200 miles and has an average width of about 75 miles. Its area cannot be much less than that of Massachusetts, and it probably contains as much land valuable for the uses of man as that State. Upon this magnificent domain, live about 3,000 Indians.^{27/}

Resentment of the Treaty of 1868 was widespread. The removal of the forts along the Bozeman Trail was thought to be particularly detrimental to the settlement of the area. From the booming Gallatin Valley expeditions were organized to explore and settle the Yellowstone Valley area regardless of the reservation rights written into the treaty.

^{26/} Merrill G. Burlingame, "Historical Background for the Crow Indian Treaty of 1868," unpublished manuscript, Montana State College, Department of History, 1956, p. 63.

^{27/} E. V. Smalley, "The New North-West," Century, Vol. XXIV, Sept. 1882, p. 772.

Groups ventured forth in 1873 and 1874 with the expressed purpose of prospecting for gold, but the actual motivation was better expressed by one suspicious chronicler:

...Its real object was to stir up the Sioux and Cheyenne in the Bighorn and Yellowstone Valleys to commit hostilities, which would compel the government to take these tribes in hand and thereby open the Yellowstone and Bighorn for trade and provide a market for the agricultural surplus of the mountain valleys.^{28/}

During this time the provisions of the Treaty of 1868 with the Crow which were designed to make farmers out of the Indians were being half-heartedly carried out. Article Six of the Treaty of 1868 states that any head of an Indian family who desired to commence farming should have the privilege to select a tract of land not exceeding 320 acres in extent. Those who were not heads of families could receive 80 acres of land for cultivation. Certificates of claim and its recording in the "land book" were provided for in the Treaty.^{29/}

Reservation Allotments

The first schedule of allotments was not approved until March 20, 1905 and was done under the Act of February 8, 1887. Subsequent Acts of June 4, 1920 and May 19, 1926 provided for further allotments, allotments to heirs, and for the designation of 640 acres of land already allotted or to be allotted as a homestead. In each of these Acts, the

^{28/} M. L. Wilson, "The Evolution of Montana Agriculture in its Early Period," Proceedings of the Mississippi Valley Historical Association, Vol. IX, p. 438, quoted in Burlingame, *op. cit.*, p. 81.

^{29/} "Water Resources Survey", *op. cit.*, p. 10.

kind of land influenced the acreage allotted. For instance, an acre classified as irrigable agricultural land was considered to be equivalent to two acres of non-irrigable agricultural land or four acres of range land. Acreages of some allotments of range land exceeded 1,000 acres.

A large number of persons received allotments under both the 1887 and 1920 Acts and most of these have entered heirship status. Some of the allotments of 1920 were made to heirs of unallotted tribe members who died after 1905 and before 1920. Thus, these allotments were in heirship status from the beginning. Each year more land enters heirship and in the cases of second and third generation heirship, the number of claims has risen to 50 or 100 or more.^{30/}

Leasing Developments

Because the allotments were made at different times and under different Acts most Indians received several small tracts which were not adjoining. This, plus the heirship status of many tracts, has led to a situation where leasing is the only way the land can be operated in the large economic units demanded by today's modern agriculture. It is also the only method for numbers of joint heirs to divide the income.

The average acreage per lease in 1962 for leases consisting predominantly of range land was 358; for dry cropland, 116, and for irri-

^{30/} Land and Probate Records, Crow Agency, Montana, Missouri River Basin Investigations Project, Report No. 148, Billings, Montana, Bureau of Indian Affairs, 1956, pp. 3-27.

gated land, 64 acres.^{31/}

The allotment of Indian Lands was made with the intention of providing the Indian with the means of starting his own agricultural enterprise. Leasing arrangements were discouraged and limited in early days. The commissioner in his report for 1892 said:

Agents are expressly directed that it is not intended to authorize the making of any lease by an allottee who possesses the necessary physical and mental qualifications to enable him to cultivate his allotment.

The first non-Indian use of allotted land did not occur until 1908.

Legal Aspects

Early leases made under the general authority of the Act of June 25, 1910 (36 Stat. 855) were made under the supervision and with the approval of the Superintendent. Lease rentals were collected through the office and given to the land owner with the objective of helping the Indian to make effective use of his property and income to be derived from it.^{32/}

Leasing of Indian trust lands without the approval of the Superintendent is made possible by the Crow Competency Acts of May 26, 1926 (403 Stat. 658), and September 8, 1949 (63 Stat. 695), and intervening Acts. Through these specific pieces of legislation for the Crow Reser-

^{31/} Missouri River Basin Investigations Project Report No. 170, Leasing of Indian Trust Lands on Crow Reservation, Montana, With Particular Reference to Competent Leases, Billings, Montana, Bureau of Indian Affairs, February 1963, p. 2a.

^{32/} Ibid., p. 6.

vation nearly all Crow Indians were declared competent to carry on their own business which included negotiating their own leases on trust lands held under allotments. At the present time only 22 enrollees have not been declared competent, and in some of these cases only because the individuals have not applied at the right time.

At the present time, leases are made through the Agency Office and with the Superintendent's approval for the following cases:

1. Land owned by incompetent Indians,
2. Land owned by orphaned minors,
3. Heirship lands which are owned by more than five competent persons,
4. Heirship lands in which some interest is owned by a non-competent adult, by minor children both of whose parents are incompetent,
5. Land of a deceased person, the probate of whose property has not been completed.^{33/}

Early in 1962, there were 265,415 acres of allotted land under official lease, 85.5 percent of which is range land. The dry cropland totaled 12.1 percent and irrigated land, 2.4 percent. The total of allotted trust land under competent leases was 871,865 acres at the same time.

This freedom to lease their own lands is not enjoyed by Indians of most other reservations and some of the present complications which confound the Crow Reservation are exclusive to it.

^{33/} Ibid., p. 7.

In the next section, the present situation on the Crow Reservation will be reviewed in some detail and following this specific review will be a general summary of proposals for solving the Indian Heirship Land Problem as proposed in Congress.

Present Situation on the Crow Reservation

In December, 1961, the lands of the Crow Reservation were in the kinds of ownership shown in Table I.

Although the statistics show only 29.1 percent of the lands in fee patent, the influence of these lands which have been sold out of Indian ownership is much greater than this figure might indicate. Key tracts for the grazing areas such as those containing springs and those bordering streams are in the hands of non-Indians, permitting control of surrounding lands which are leased by the owner of the key tract. There is little in the way of alternatives for the Indian owners in these situations as they cannot operate the land themselves without the key tract and their land is leasable only to the owner of the key tract.

How the Land and Leases are Handled

The use of the land on the Crow Reservation is shown in Table II. Through leasing and ownership of the key tracts, non-Indians use 90 percent of the grazing land and 94 percent of the dry and irrigable cropland.

The nature of the leasing arrangements which have become common on the Crow Reservation also adds to the land use problem. Leases on the grazing and dry cropland are limited to 5 years and on irrigable land to

TABLE I. OWNERSHIP OF CROW RESERVATION LANDS--1961.*

	Acres	Percent
Trust Land		
Tribally owned	266,408	11.7
Allotted and inherited	1,309,313	57.3
Total Trust Land	1,575,721	69.0
Federally Owned		
Willow Creek Reservoir	1,097	
Custer Battlefield	763	
Yellowtail Dam and Reservoir	6,499	
Total	8,359	.4
State Lands	34,000	1.5
Fee Lands	664,684	29.1
Total Reservation	2,282,764	100.0

*Source: MRBI Report 170, op. cit., Table 1, p. 1.

TABLE II. AGRICULTURAL TRUST LAND USE BY OPERATORS--1961.*

Operator	Open Grazing		Dry Farmed		Irrigable		Total	
	1,000 Acres	Percent	1,000 Acres	Percent	1,000 Acres	Percent	1,000 Acres	Percent
Used by Indians	120	10	11	6	1	3	132	10
Used by non-Indians	1,022	90	171	94	24	94	1,217	90
Other (government and idle)	2				1	3	3	
Total	1,144	100	182	100	26	100	1,352	100

*Source: Stanford Research Institute, Provisional Overall Economic Development Program: Crow Reservation Area, Stanford Research Institute, Menlo Park, California, 1962, p. 20, Table VIII.

10 years (Acts of 1926 and 1948). However, the arrangement has arisen whereby the lease made for 5 or 10 years is paid up for the entire period, then each year the lease is cancelled and a new 5 or 10-year lease made with the payment of the last year's rental of the new lease. Payments made in advance under this system are discounted for the 5 or 10-year period.

The net effect of such a system is to circumvent the 5 and 10-year Congressional limitations on leases and to keep control of the land in the hands of non-Indians almost indefinitely. Having used up the 5 or 10-year advance payment, the Indian could not wait out the period of the lease in order to advertise and renegotiate it with a competing land user.

An investigation in 1952 disclosed that for cash competent leases, this practice had become almost universal.^{34/} Although these competent leases are filed in the Agency Office according to the Acts of 1926 and 1948, the BIA, until recently, has neither made determination regarding the legality or validity of the lease nor regarding the reasonableness of the rentals or the desirability of any terms in the lease contract. The statement in the 1948 Act to the effect that:

Any Crow Indian classified as competent shall have full responsibility of obtaining compliance with the terms of any lease made,

is interpreted to mean that the Superintendent has no responsibility

^{34/} MRBI Report 139, *op. cit.*, pp. 4-5.

for the terms of competent leases.

Other deficiencies have been noted on the competent leases. About three percent of the leases on file contain no recorded rental fee or rate. Legal descriptions are incorrect on some, acreages were omitted on others. Signatures of all or some of the owners are missing on some. One lessee usually witnesses both his own signature and that of the lessor. Terms of some leases exceed those prescribed by law and written or typed corrections on dates or rates are usually not initialed by either party.

In the same investigation, it was found that signing of blank leases appears to be a common practice. Out of 28 Indian lessors, who answered a question on signing of blank leases, 15 said yes they had, and 13 said no.^{35/}

In 1961, the Tribal Attorney, Bert W. Kronmiller, questioned the validity of the leasing arrangements in a letter to the Solicitor General of the Department of the Interior. The reply agreed that the cancellation and renewal type of lease then in use was a violation of the Acts pertaining to the leasing of Crow Indian lands. Considerable publicity was given to the two letters and the ensuing controversy and uncertainty brought about various changes in the leasing of lands.

The Department of the Interior, Bureau of Indian Affairs, made no official change in its policy regarding the leasing, maintaining that it was a question for judicial determination. The Field Solicitor noted

^{35/} MRBI Report 170, op. cit., p. 24.

in a memorandum of June 5, 1961, that "Whether or not the Crow Competency lease is void due to 'overlapping or stacking' is a question for judicial rather than administrative interpretation."^{36/}

The tribal reaction was expressed in two resolutions by the Crow Tribal Council adopted unanimously on August 11, 1961, and February 2, 1962. The first protested that action had been requested and assistance promised on the leasing question by the Secretary of the Interior in 1927; that the law had been a dead letter for 33 years and that they demanded action by the Government of the United States to abolish alleged abuses under the Crow Competency Leasing Laws. The second more specifically demanded legal action to determine the validity of the overlapping leases.

Meanwhile, the doubt cast on the validity of the leases led to a number of remedial reactions on the part of the non-Indians making the leases. Because the leasing and cancellation on the same document was questioned, the practice was soon changed to making the lease and the cancellation on separate documents. Rentals in advance of the legal 5 and 10-year limits were reduced to those figures where they had exceeded the limit. Increases in rentals were evident on a considerable number of lease contracts made in December, 1961. Because of the belief that the leases were now illegal, some were cancelled and others filed on top of the existing ones. This led to a tract of land having two or three leases on it at one time.

^{36/} MRBI Report 170, Ibid., p. 18.

The question of the validity of the unique leasing arrangement is yet to be settled.

Comparison of Office and Competent Leases to Private Lands

Using the data of the previous Tables I and II, the MRBI made calculations of the possible increased income which could be realized by the landowners if the higher rates obtainable through office leases and market rates were applied to land under competent lease. A summary of their findings is presented in Table III.

Because of the variety of leasing arrangements and the varying tracts involved, the lease income realized by the Indian owners shows a wide variation. The distribution of the rental rates for both office and competent leases is shown in Figures 2 and 3. The effects of suggested minimums for office leases are evident as the bulk of the range lands are leased at approximately the 40 cent rate, the dry cropland is concentrated near the \$3 mark and irrigated land near the \$5 suggested minimum.

Comparison of the lease income received by the Crow Indians to open market rates is difficult because of the small amount of fee land in the reservation that is rented or leased. The unique situation in which these leases operate, makes their comparison to similar lands outside the reservation difficult, too. Ranchers and farmers within the reservation who operate their cattle, wheat and irrigated enterprises largely on leased land spend considerable time in negotiating with the large numbers of Indian owners or hire local attorneys or specialists for the

TABLE III. POSSIBLE INCREASED INCOME TO BE REALIZED THROUGH OFFICE LEASES AND MARKET RATES.*

		Increase	Percent
1. Increase if office lease rates were applied to land under competent lease.	Irrigated	\$ 52,273	63
	Dry Crop	152,315	107
	Range	157,741	84
	Sub Total	362,329	88
2. Increase if estimated market rates were applied to land under office lease.	Irrigated	19,590	91
	Dry Crop	10,535	31
	Range	38,216	39
	Sub Total	68,341	44
3. Increase if estimated market rates were applied to land under competent lease.	Irrigated	175,100	213
	Dry Crop	244,322	172
	Range	291,894	156
	Sub Total	711,316	173
4. Increase if estimated market rates were applied to land under office and under competent lease.	Irrigated	194,690	187
	Dry Crop	254,857	145
	Range	330,110	116
	Total	779,657	138

*Source: MRBI Report 170, op. cit., Table 16, p. 41.

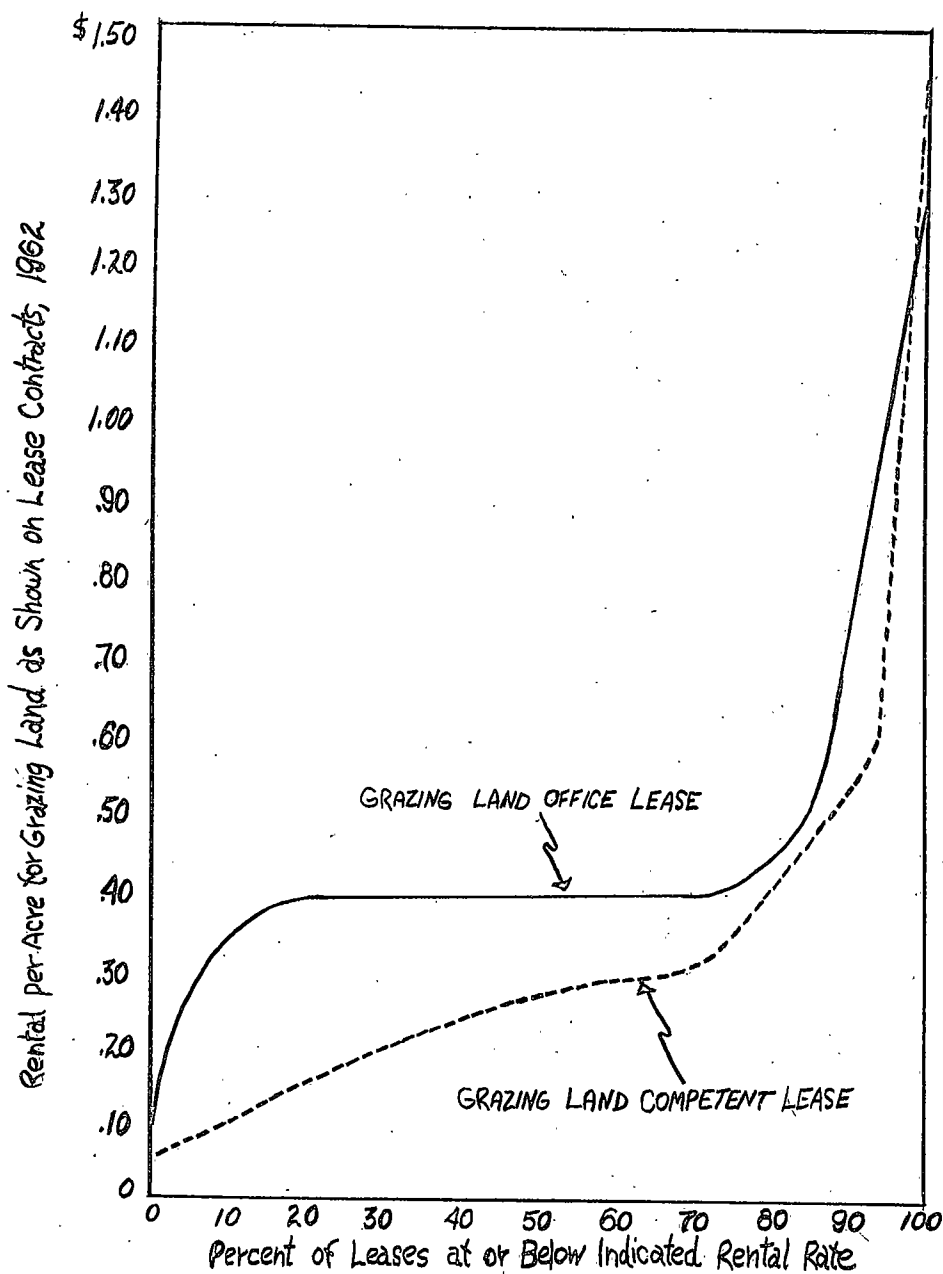


Figure 2. Distribution of Office and Competent Leases of Grazing Land by Rental Rates per Acre, Crow Indian Reservation, Montana, 1962.

Source: Missouri River Basin Investigations Project, Report 170, Leasing of Indian Trust Lands on Crow Reservation, Montana, Billings, Montana: Bureau of Indian Affairs, February, 1963, p. 29a.

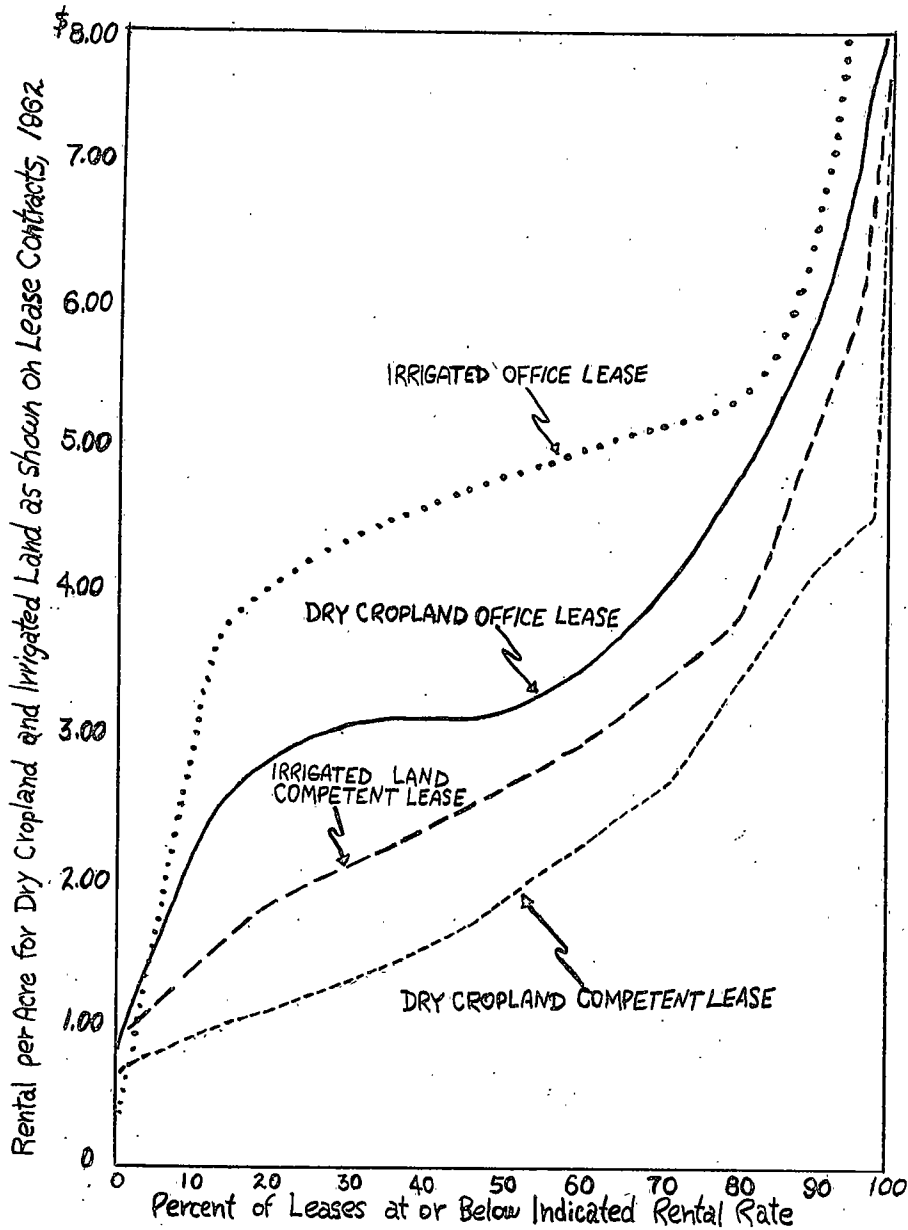


Figure 3. Distribution of Office and Competent Leases for Irrigated Land and Dry Crop Land by Rental Rates per Acre, Crow Indian Reservation, Montana, 1962.

Source: Missouri River Basins Investigations Project, Report No. 170, Leasing of Indian Trust Lands on Crow Reservation, Montana, Billings, Montana: Bureau of Indian Affairs, February, 1963, p. 29b.

job. Risk and uncertainty may be counterbalanced by the avoidance of costs of ownership, including taxes and long range improvements, but these factors are difficult to appraise and calculate.

Table IV indicates the variation between the leasing arrangements and gives a comparison to estimates of fee land available at the time the study was made in 1962 by the MRBI.)

This calculation of yearly income forgone because of the usual leasing situation amounts to \$190.81 per enrolled tribe member. The loss of lease income is highest in each case on the irrigated lands where returns could almost be doubled if market rates were applied to land under office and competent leases.

Irrigated lands lose more income through the existing leasing arrangements because of several factors. The 10-year lease in advance permits discounting future income over a longer period, the reduction being 36-52 percent depending on the interest rate used (5-7 percent). The operator of the leased irrigated land must pay the water charges which are about \$3 per acre currently on Crow Irrigation Projects. Technical and mechanical inputs necessary for irrigated operations are much more costly than for dryland or range crops if maximum returns are to be realized from such intensive crops as sugar beets and silage corn. The apparent absence of interest on the part of the Indian operators in irrigated farming may also contribute to the low lease income realized from these areas. An added factor is that one non-Indian leases approximately 2,000 acres of irrigable lands at a rate of \$2 per acre and releases the same land to non-Indian operators at \$6-7 per acre.

TABLE IV. COMPARISON OF CURRENT PER ACRE LEASE RATES IN 1962.*

Class of Land	Competent Leases			Fee Land
	Office Leases	Contract Rate	Adjusted Rate	
Grazing land:				
per acre	\$.47 _a /	\$.26 _a /	\$.34 _a /	\$.50 - \$.90
per AUM	1.41 _b /	.75 _b /	1.02 _b /	1.65 - 2.00
Dry cropland:				
cash lease	3.81	1.84	2.54	5.00 - 6.00
crop-share lease	5.58 _c /	5.24 _c /		5.07
Irrigated land:				
cash lease	5.23	3.20	4.89	
crop-share lease	13.44	15.20 _d /		19.67

*Source: MRBI Report 170, Table 14, p. 37.

a/Rate per AUM divided by three which is the average number of acres required on the Crow Reservation to produce one AUM of grazing.

b/Cash rate per acre times three.

c/Bonus payments not included.

d/Computed from data in Table 10, MRBI Report 170, except that shares to lessors for land under competent leases were used instead of crop-share for office leases.

The existing leasing situation must be kept in mind throughout the following sections where the various changes in the existing conditions will be discussed and again when the application of the general situation to the Hardin Unit lands is presented.

Solutions to the Leasing and Heirship Problems

Legal Solutions

Each session of Congress since the Eighty-first (1951-52) has considered some bill presented as a solution to the "Indian Heirship Land Problem". The fact that none of the proposals have been enacted into law reflects the inability of legislators from varying parts of the country to agree on a solution. Also involved are conflicts of opinion between the legislative and executive branches of the federal government and conflicting evidence presented in hearings on the various bills by Indians themselves, attorneys representing the different tribes and groups interested in Indian affairs in general.

Only the allotted reservations are faced with the problem in quantity, so that most of the complex heirship cases are located in North and South Dakota, Montana and Wyoming. The tribes of the Southwest are much less affected. In each hearing, cases are cited where the number of heirs has risen so high and the fraction to which each is entitled is so complex that the least common denominator of the fraction of the income each receives extends to 12 digits, and the checks issued for income from 40 acres of such land are worth less than the bank charges to cash them.

The problem on a national scale involves approximately six million acres of which one-half or three million acres, is owned by from two to five heirs and the other half by six or more heirs. On the Crow Reservation, land being leased by the office is either owned by five or more heirs or is in probate and involves 265,415 acres or 20.3 percent of the total reservation.^{37/}

According to the testimony of the Commissioner of Indian Affairs Phileo Nash, before the House Subcommittee on Indian Affairs on April 2, 1962:

The principle remedies that are open to reduce the problem of fractional ownership now, and keep it from getting larger in the future, are partition, sale and exchange.^{38/}

Partition among the heirs, although it is the usual solution under the existing legal system, does not fit the circumstances involved. None of the tracts of land are really large and the numbers of heirs are many in proportion to the land in question. Hence, division would only make it more impossible to use the land in economic units. Although the idea of land ownership has been forced upon the Indian culture by the predominant white culture, there is still a general unfamiliarity with legalities involved in land ownership. In addition, the court costs and

^{37/} MRBI Report 170, *op. cit.*, p. 2.

^{38/} United States Congress, Senate, Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, Hearings on S. 2899, A Bill Pertaining to the Indian Heirship Land Problem, Part 2, 87th Congress, Second Session, 1962, p. 209.

attorney fees for carrying out partition in many cases could not be met by the Indian owners. The general Indian cultural traits of generosity to family members, family solidarity, and sharing of wealth, make it unlikely that one member of an heirship would force partition and put some members of the family in jeopardy.

The bills presented to Congress by Senator Church, chairman of the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs, have had as their main provision some way by which the heirs could request partition and/or sale without the consent of the entire group of heirs.

The most recent bill (S. 1049) would make it possible for the owners of not less than 50 percent of any piece of land, if there are ten or fewer persons owning interests in it, or 25 percent of the owners when 11 or more are involved, to request the Secretary of the Interior (as represented by the BIA) to partition the land in kind, partition part and sell part, or sell the land if a sale would be in the "best interests of the Indian owners."^{39/}

The conclusion can be reached from just this part of the bill that partition would lead to sale so that the value can be divided among the heirs. Also, the BIA would have complete control over the decisions on what is in the "best interests" of the Indian owners.

^{39/} United States Congress, Senate, Hearings on S. 1049, A Bill Relating to the Indian Heirship Land Problem, Eighty-eighth Congress, First Session, 1963, p. 380.

Indian Concern Over Loss of Ownership

Many Indian tribes, including the Crow, opposed this bill and similar previous bills because of these two implications. They did not wish to make it possible for Indian land owners to sell their lands out of Indian hands and they did not wish to be at the mercy of local BIA officials any more than they already are. The concern about loss of reservation land is well expressed by the testimony of Edison Real Bird, Vice-Chairman of the Crow Tribe on the proposed bill:

Our tribe is among those fortunate tribes of Indians living on their reservations. Our tribe is not rich and our reservation is neither extensive nor capable of producing great wealth. But it is our land and so long as we retain our present land base, we can maintain our tradition, our heritage, and survival....

We must resist any further encroachment upon our land. We are instructed to oppose this legislation whose practical effect will be the rapid displacement of Crow Indian families from the existing Crow Reservation and the substitution of non-Indian ownership for our lands....

With the population growth and increase of the Crow people and our land base gradually diminishing, it is not good economics when the supply and demand do not correspond closely. So this bill would only lead to hardship for my people.

Will legislation help us to preserve our reservation in Indian ownership? Or will it make it easier for non-Indians to acquire our lands? This is the standard to apply. We want to hang on to our own. That is why we are instructed to oppose this bill. It will not help us keep our land base for ourselves and the next generations of the Crow tribal members.^{40/}

The Crow Tribal Chairman, John B. Cummins, presented his views in a somewhat less emotional and more complete manner: He applies the

^{40/} Hearings on S. 1049, op. cit., p. 456.

proposed law to the Crow Reservation where some heirship lands are under 5 or 10-year leases. The forced sale of these lands upon which leases are active would discount the land values drastically and in addition to losing title to the lands, the Indian owners would not realize a fair price for them.

No provision was made in the bill to give Indian land buyers a preference outside of the owners of the land in question. The bill also contained a provision that the Secretary shall approve no plan pursuant to the act that contains any provision that will prohibit or delay a termination of federal trust responsibility with respect to the land during the plan. This mention of termination as a possibility is enough to embitter many tribes against the entire bill. Chairman Cummins states the case for the Crow when he says: "...termination provisions in any legislation would be limited to those tribes and those tribes only who request termination."41/ (See Chapter III on Indian Administration.)

Chairman Cummins continues his criticism:

Next, we oppose the bill because it places in the administrative branch of the Government, a most powerful instrument, specifically the authority in the Secretary of the Interior, to arbitrarily force land sales of restricted Indian lands. Some officials may and would use this powerful instrument of law in a discretionary manner. On the other hand, what would a tyrant do under the law?

Lastly, we propose that unfair legislation is more evil than no legislation at all. Consequently, to assist in solving the fractionated heirship problem, we have now established under existing law, a feasible land purchase program...42/

41/ Hearings on S. 1049, op. cit., p. 406.

42/ Ibid.

The sale and exchange methods of alleviating the land heirship problem offer the most promising means of success but the Indians are particular to whom the land is sold. If the land is sold to the tribe under such a proposal as the Crow tribal purchase program or to other Indians, sale of lands will be sanctioned as the tribes realize that the problem will compound itself with each land owner's death. Fearing sale of land outside the tribe, they demand some restrictions be put into the bill to prevent rather than promote this loss of Indian ownership.

Each of the bills sponsored by Senator Church in the Eighty-eighth Congress has had some provision for a loan fund to be made available to the tribes for land purchase programs such as the Crow have organized. Arguments against the bill mentioned that these loan funds are often not appropriated after they are recommended in a law and that loan applications by the tribes for already available funds through the BIA have not been processed for months or years after they were made. The adequacy of the proposed funds is questioned also.

The exchange system has been used on the Rosebud Sioux Reservation in South Dakota to meet the heirship problem. A Tribal Land Enterprise was incorporated which acquired fractionated individual land by issuing certificates of interest to individual land owners in exchange for their land. The acquired lands were consolidated into economic farm and ranch units and assigned to Indian operators or leased to non-Indian operators. Dividends were paid to the certificate holders on the basis of earnings from the consolidated units. The system seemingly solved the fractionated heirship problem but its limitations and complications on other

aspects such as the setting of grazing fees, the revaluation of the certificates and the negotiability of the certificates have caused some criticism of the system.^{43/}

The National Congress of American Indians entered its opinions at the hearings on each of the Senate Bills presented by Senator Church. The following is quoted from Robert Burnette, Executive Director of the Congress and former Chairman of the Rosebud Sioux Tribe:

The objectives of the legislation as we understand them are to obtain full economic benefits from the land and to bring to a halt excessive costs of administration.

We cannot agree that a new law is needed to obtain the greatest economic benefits from land owned in fractional interests. Imagination and aggressive management is needed. The Secretary has ample power now to protect and manage trust property. Good management does not depend on whether title is in one heir or many heirs. Too often the title status is used as an alibi for poor management.

...The administrative failure to meet the fractionated heirship problem should not be used as a reason for removing the trust.^{44/}

An address to the National Congress of American Indians Executive Council by James Gamble is also quoted in the hearings:

Contrary to statements sometimes heard, fractionation need not interfere with the utilization of Indian land.

...Where the owners of an heirship trust cannot agree on the manner in which the land is to be leased or where they cannot be found, the local superintendent may lease the land out on his own authority.

^{43/} Carl K. Eicher, Constraints on Economic Progress on the Rosebud Sioux Indian Reservation, Ph.D. Thesis, Department of Economics, Harvard University, December, 1960, pp. 85-119.

^{44/} Hearings on S. 2899, op. cit., p. 253.

Thus, the heirship problem is not primarily one of land utilization, but of cumbersome record keeping....

One most unfortunate aspect of the present situation is that except for a few isolated instances in which attempts at solving the problem have been made, the Bureau of Indian Affairs with the lack of positiveness and imagination which has traditionally characterized much of its officialdom, has stood idly by as the matter became worse. Oddly enough, on the few reservations in which executive authority was used to simplify the heirship problem, the experiments were successful. Yet no effort was made to launch a general nation-wide attack on the condition.^{45/}

The feelings of a number of the tribes is summed up by Kermit Smith, Vice-chairman of the Assiniboine and Sioux Tribe on the Fort Peck Reservation when he stated: "...we do not need a new law from Congress to correct a situation which is really not the Indian's fault. All we need is a little common sense from the Bureau."^{46/}

Tribal Purchase

Because of the concern of the Indians over possible loss of land from Indian ownership or trust status, the most feasible way out of the Indian heirship land problem is purchase by the tribe or by other Indians. For such a program, funds are necessary and some safeguards on the procedures for appraisal, sale and distribution of the returns.

There are two possible sources of funds; the tribal incomes from recent claims judgments, and loans from the government. Availability of these depends on the tribe's financial position, and the ability it

^{45/} Ibid., p. 261.

^{46/} Ibid., p. 259.

has to allocate money to this use and on the policies of the BIA in requesting and administering long term loans under Congressional authority.

Limiting sales of Indian owned lands or trust lands to the tribe or tribal members need not be made a federal law unless the BIA carries out a policy in opposition to this. The superintendents have the power to set and administer this policy if they wish.

Experience on the Crow Indian Reservation on this matter has been varied over the past few years. Up until 1961, the BIA was pursuing a policy of approving nearly all requests for titles in fee and sales to non-Indians were the result of these approvals. The amount of land held in fee on the Crow Reservation (together with a minor amount of state-owned land) increased from 310,062 acres in 1952 to 698,648 acres in 1962. This was done primarily on the basis of Congressional policies which emphasized assimilation of the Indians into all phases of white culture. In the words of Senator Church:

...because the only way we can ever give the Indian complete equality is to have him hold the land the way the other people hold their land. Then he would be subject to the operation of the normal laws, but it has been this trust relationship that has caused the heirship problem to develop.^{47/}

Since 1961, the policy has been reversed and few requests for title in fee have been granted; most transfers have been with titles in trust status. The Crow Tribe lobbied for this policy through its introduction to Congress in 1960, (S. 3321 of Eighty-eighth Congress, Second Session).

^{47/} Hearings on S. 2899, op. cit., p. 244.

of a bill which would have given the Indians on the Crow Reservation the sole right to purchase fractionated heirship lands.

Included in the opposition of the Crow to the Church Bill, has been the assurance that under present laws and policies the Crow are conducting their own solution to the heirship problem and that no new legislation is necessary at this time.

The present Crow Tribal Land Purchase Program got under way in July, 1963 and after seven months of work, they have 11,000 acres of land obligated for purchase. One million dollars of the Crow judgment funds have been assigned to the land purchase program and a loan request for a second million has been placed with the BIA. As much as 100,000 acres of range land could be brought into tribal ownership and out of heirship status through this program as it is now operating. If dry croplands or irrigated lands are purchased, the amount will be reduced in proportion to their values relative to range land.

Through its present tribal purchase program the Crow Tribe has outlined a way out of the heirship problem which will require a considerable period of time. The Land Committee has a constant amount of business to conduct as there are more than enough requests for sale of heirship lands to the tribe. Under the existing organization, the program is operating as well and as fast as is possible.

The remaining problem is whether this program is adequate to meet the demands of the situation. With so much land in heirship status it may be possible to alleviate the most complicated inheritance problems but not much more than that. The success of the present program will

depend on its administration through the early years. Hence, it will be well to watch carefully the manner in which the land committee carries out its job. The volume of purchases which they are able to handle will be important and the choices they make will also be a factor. If the lands purchased are among those in the most complicated heirship category the program will certainly aid the situation but if the lands selected for tribal purchase are not among the lands in complex ownership, this program will not help the present situation.

The criteria for purchases are listed as follows:

1. Access
2. Water
3. Existing railroads, highways, roads, trails, etc.
4. Adjacent to or affected by urban areas
5. Industrial sites
6. Recreation areas
7. Base property for farming or ranching
8. Potential rights-of-way
9. Consolidation or control of grazing area
10. Homesites
11. Business sites
12. Protect and enhance values of other lands.
13. Maintain trust status

From this list it can be seen that there are a good number of important criteria to be considered on any land purchase and that the question of heirship status may not be the most important factor.

The policies set forth for management of land after purchase emphasize use of the land by Indian operators wherever possible. The qualifying general principle: "The land must be managed for the greatest good of the most people," provides the only exception to the preference for Indian ownership or management. The methods of leasing allow the Indian bidder either first preference or the opportunity to meet the highest non-Indian bid.

Provision is made within the land management policies for the operation of tribal farming and ranching enterprises. It is mentioned that the beginning of a farming operation will need to be delayed until "sufficient land area has been acquired with the capability of producing the desired crop or combination of crops."^{48/}

Thus the mechanics of providing a way out of the heirship problem on the Crow Indian Reservation have been set up. One million dollars is now available and another has been requested on loan from the BIA. Arrangements for land purchases under this program and the management of these lands as they come under tribal ownership take time to develop. The program has been in operation for less than a year and it is much too early to assess the manner in which it will ultimately meet the problems at hand.

Voluntary Office Leases

A means of solving the leasing situation is also available to Indian

^{48/} "The Crow Tribal Land Purchase and Sales Program", mimeograph, Crow Agency, Montana, 1962, pp. 32-38.

landowners on a voluntary basis. The Code of Federal Regulations under which the BIA operates its offices has been amended as of January 13, 1964, (29 F.R., 1-18-64), to make it possible for any Indian whose land is in competent lease and not under office regulations to request that the lease for his land be handled through the office.

The regulations on leases which are handled and recorded by the office are made quite specific in their requirements and the following section illustrates the tightening procedure:

131.15 (c)...any grazing lease executed more than 12 months, and any farming lease executed more than 18 months, prior to the commencement of the term thereof or any lease which purports to cancel an existing lease with the same lessee as of a future date and take effect upon such cancellation will not be recorded.

This regulation in itself does not insure that the Indian landowner will receive a better deal nor that the practices that have become standard will be abandoned. It does make it possible for the lessor to request office help in leasing if he wishes and hence is useful to the Indians as a bargaining tool in making leases. Use of this possibility will, of course, depend on how well the Indian understands the new regulation, the amount of dissatisfaction he feels with his present lease arrangements and the amount of control and influence the lessee has over the Indian landowner.

Renegotiations of leases for 1964 have already produced a considerable number of increases in the rentals paid to the landowners. On crop share leases this year a bonus of one dollar per acre was offered in addition to one third of the production, and 60 cents per acre for

grazing land was not unusual, depending on the quality of the land.

Not all the lessees have entered into the competition for land and raised their rates, and the new regulations have not been or may not be brought to court.

Summary of Land Ownership Problems

The land ownership situation is perhaps the crucial one of the Indian utilization of lands on the Crow Reservation. Because of the allotment system, the trust status, and fluctuating government policies on land sales to non-tribal members a complicated situation has arisen.

The practice of making leases 5, 10 or more years in advance, cancelling and releasing each year, in addition to the discounting of rent paid 5 and 10 years in advance has placed the Indian landowner in a poor bargaining position. The operators of the land have needed the leases to make economic units and have achieved some security of land tenure through this system.

As each allotment has been handed down from one generation to the next, the shares of ownership within the many small pieces of land have multiplied to sometimes ludicrous proportions. Small pieces of land and many owners for each have forced the Indians into leasing as the only way of obtaining income from the land. Lands with more than five heirs or lands which are in the process of being probated are leased through the BIA Office. Until 1962 there was a BIA policy that the validity of the leases on file was a subject for judicial determination only and not the concern of the Department of Interior.

Recent developments have provided means of solving the land problems on a voluntary basis. Tribal money received for claims and judgments has been allocated to a tribal land purchase program, which will purchase some of the heirship lands and bring them under tribal control. Federal regulations have been changed so that according to present BIA policy, the validity of the leases can be determined by the BIA and the land-owners may request that their leases be subject to this policy.

CHAPTER III

INDIAN ADMINISTRATION

It has been said: "The road to hell is paved with good intentions," and some people would say this applies to the administration of Indian affairs in the United States. Almost without exception, the policies have been made with a background of the best intentions on the part of most administrators, but the results have been hellish as far as the Indians are concerned and many an Indian administrator has found himself in a frying pan of criticism and pressures.

Changing times do bring forth changing policies and programs in the administration of any governmental program, but the fluctuations in Indian administration have been so frequent and so wide that a "cloud of mistrust" has settled between the Indians and their administrators. It has existed from the time when the Sioux Chief Red Cloud, would not negotiate until the white men could bring him a white man who would not lie, until the present when a group of anthropologists considering Indian attitudes agreed on the prevailing opinion: Indians can expect no long-term consistency in policies affecting them.

Throughout the history of Indian administration there has been a great deal of experimentation and new policies have been needed to meet new situations. However, the present situation of the American Indian indicates that there is need for some greater efforts even though the plight itself does not seem to provide a plan for alleviating past wrongs and present injustices.

One thing is certain. The Indian is enduring everything and multiplying in spite of, or because of it all. From a low of 350,000 in 1920, the Indian population has increased to approximately 500,000 in the United States today. The vanishing Indian refuses to vanish.

Background

History of Indian-Government Relations

In a brief resume of Indian administration throughout the history of the United States, it is possible only to highlight some of the most pertinent policies and programs which affect Indians of the United States as a total group. Each tribe has its own history of administration and each tribe or group has different problems because of different backgrounds, agreements and resources. Such diversity has in itself contributed greatly to the confusion, consternation and controversy involved in any discussion of Indian administration.

A short outline of Indian administration history will be presented here followed by some discussion of particular basic issues which recur throughout this history. The problems of the Crow Reservation and their background will be presented in the last section after the general problems have been discussed.

When the earliest explorers and settlers arrived in America, they found the country in possession of widely dispersed tribes and bands of "savages". Perhaps a million in total, (nobody really knows) they had their own territorial divisions and some kind of administration within the tribe. Early encounters of non-Indians and Indians were friendly,

animosity grew out of encroachments, rivalries and misunderstandings.

In the North and East, a great deal of assimilation took place through intermarriage between settlers and Indian women until today some tribes of New England have left only traces behind. In the South, the rise of the importance of the Negro slave brought with it the color consciousness that was to continue into today's society. Laws were passed forbidding miscegenation between Whites and Indians in Virginia: the definition of Indian by amount of Indian ancestry was set just high enough so that descendents of the famed John Smith-Pocahontas marriage would not be affected.

The South today has a few Indian communities such as the Lumbees of North Carolina who gained fame in 1958 for their routing of the Ku Klux Klan. In New England, by contrast, there is little more than the memory of Indian great-grandmothers.

Some early Europeans considered the Indians uncivilized savages and were repulsed by them. Quotes from early writings show the attitude:

More brutish than the beasts they hunt.

Animals, vulgarly called Indians.

Bad people, having little of humanity but shape.^{49/}

Columbus himself is quoted as finding the Indians:

^{49/} Brewton Berry, "The Myth of the Vanishing Indian," Phylon, XXI, Spring, 1960, pp. 51-57.

...very intelligent...a loving people without covetousness, and fit for anything...they love their neighbors as themselves, and their speech is the sweetest and gentlest in the world.

Others also praised the Indians they met for their fidelity, serenity, dignity, generosity, self-control and tender piety.^{50/}

Time and European colonization marched on and the Indians, few in number and poorly armed, were easily persuaded to move westward. Already at the time of the first government of the United States, there were few Indians left in the East. Henry Knox, Secretary of War in Washington's cabinet and the first federal official to have responsibility for the Indians, said:

It is painful to consider that all the Indian tribes existent in those states, now the best cultivated and most populous, have become extinct. If the same causes continue, the same effects will happen, and, in a short period, the idea of an Indian on this side of the Mississippi will only be found in the pages of the historian.^{51/}

With somewhat more brevity, Ralph Waldo Emerson said: "Alas for them, their day is o'er."^{52/}

Frontiers pushed Westward and men like Andrew Jackson gained fame as Indian fighters. Perhaps it is not unusual that his annual message to Congress in 1830 should contain the following passage:

^{50/} Ibid., p. 51.

^{51/} Ibid., pp. 52-3.

^{52/} Ibid., p. 53.

Humanity has often wept over the fate of the Aborigines of this country, and philanthropy has been long busily engaged in devising means to avert it; but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth.^{53/}

It was during this period that one of the landmarks of Indian administration was established. In a Georgia case appealed to the Supreme Court, Chief Justice John Marshall ruled that the United States Government should uphold its treaties with the Indians. Throughout the colonial period and through the early years of the Republic, treaties had been established with tribes over land rights and other matters. The Indians had been treated in the same manner as a foreign country in the making of these treaties but little was being done to uphold the agreements. Non-signatory Indians brought reprisal to all Indians and the enterprising frontiersmen and pioneers settled lands wherever they found them...after all, they said, nobody was using them.

The Supreme Court decision to uphold the treaties was not to President Jackson's liking and he expressed his disapproval by saying: "Marshall made his decision, let him enforce it."^{54/}

The soldier's toast on the frontier was, Civilization or death to all American savages, and much more emphasis seemed to be put on carrying out the latter than the former.

Removal and reservations became the general Indian policy for 50

^{53/} Ibid.

^{54/} Oliver La Farge, "The Enduring Indian," Scientific American, CCII, February, 1960, p. 39.

years following 1830. The removal of Eastern tribes, especially the Five Civilized Tribes (Cherokees, Choctaws, Creeks, Chickasaws and Seminoles) of the Southeastern United States to west of the Mississippi into what was to become Oklahoma Territory was carried out in a most brutal manner. The Trail of Tears was a road on which many perished, either while being forced West or while trying to return home illegally. States rights were involved in the debates over removal and the South won this battle.

Reservations were established by treaty or executive order, but boundaries were not honored nor protected when, for instance, gold was discovered in the Black Hills on the Sioux reservation. Tribes and parts of tribes did not always sign the treaties nor regard them as binding on themselves. Homesteaders going to the new settlements drove their wagon trains over Indian territory using the food, fuel and game along the way. Trappers who had prospered in the West until the beaver hat went out of fashion in 1840, became the guides for the wagon trains or settled down among the Indians.

The treaty of Guadalupe-Hidalgo ending the Mexican-American War settled some rights and boundaries for the tribes of the Southwest. This underscored their treaty rights as being the same as those negotiated with foreign countries.

Development of the Bureau of Indian Affairs

Indian administration was transferred from the War Department to the Interior Department when the latter was first organized in 1849.

There was agitation over the following years to return it to the jurisdiction of the Army because of the need to protect the westward movements of settlers, but it remained in the Interior Department where it is today.

The Civil War brought a relaxation of the military force assigned to the West and as a result, a number of tribes or groups escaped from their assigned reservations. The Indians protested against the illegal intrusion of gold prospectors and settlers. The railroads were crossing the Great Plains and the buffalo were disappearing. Indian agents of the period were appointed by the President and the posts were coveted political plums. General Sherman is said to have described the reservations as "a tract of land entirely occupied by Indians and entirely surrounded by white thieves." Dealings in buffalo robes, rations, powder and guns, and other goods which the Indians desired were clouded by intoxication, gambling and monopolistic practices.

Perhaps because of his firsthand experience on the Indian frontier, President Grant took more than the usual interest in Indian administration. He rather shocked the country and amazed the politicians of his day by appointing members of the Society of Friends (Quakers) instead of military men, as Indian agents. Later, men recommended by other religious groups were also appointed.

Thus, the outstanding military leader of his day turned for aid to a religious group which has as one of its principles, the employment of only peaceful methods in all relations of individual and national

Life.^{55/}

In his first annual message to Congress, December, 1869, President Grant stated what was to become known as his Indian Peace Policy, although it never mentions the word peace.

From the foundation of the Government to the present, the management of the original inhabitants of this continent, the Indians, has been a subject of embarrassment and expense, and has been attended with continuous robberies, murders, and wars. From my own experience upon the frontiers, and in Indian countries, I do not hold either legislation, or the conduct of the whites, blameless for these hostilities. The past, however, cannot be undone, and the question must be met as we now find it. I have adopted a new policy toward these wards of the nation (they cannot be regarded in any other light than as wards) with fair results, so far as tried, and which I hope will be attended ultimately with great success.^{56/}

Through the 1870's, there evolved policies of subduing the Indians who reacted against governmental control and confinement to reservations. In addition to military action, came programs of civilizing the savages and the issuing of rations to those who would remain on the reservations where game had become scarce. Feeding was cheaper than fighting; nevertheless the campaigns carried out against the Nez Perce and the Sioux-Cheyenne made history because of the chase of Chief Joseph and the massacre on the Little Big Horn known as Guster's Last Stand.

A rider added to an appropriation's bill in 1871 removed the

^{55/} S. Lyman Tyler, "A Study of the Changes in Policy of the United States Toward Indians", unpublished manuscript, Brigham Young University, N. D., p. 6.

^{56/} Ibid.

Indians from a status of foreign nations. It said:

Provided: 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.^{57/}

The objective of civilizing the Indians was carried out in a number of ways; through eliminating the Indian community life, eliminating assistance in order to force Indians to do things for themselves, and eliminating the communal land system.

The following quotations from reports of Indian Commissioners of this period will serve to illustrate these policies and the conviction and good intentions which characterized them.

So long as tribal relations are maintained, so will individual responsibilities and welfare be swallowed up in that of the whole, and the weaker, less aspiring, and more ignorant of the tribe will be the victims of the more designing, shrewd, selfish and ambitious headmen.

They are loath to give up their savage customs, and view with suspicion any innovation upon their nomadic mode of life.

Take the most prosperous and energetic community in the most enterprising section of our country--New England; give them their lands in common, furnish them annuities of food and clothing, send them teachers to teach their children, and physicians to heal their sick and I predict that in a few years, a generation or two at the most, their manhood would be smothered, and a race of shiftless paupers would succeed the now universally known

^{57/} George P. Sanger, Statutes at Large of the United States of America, Forty First Congress, Boston, Little Brown & Co., 1871, p. 566, quoted in Federal Indian Legislation and Policies, Chicago, The University of Chicago, 1956, p. 10.

"enterprising Yankee."^{58/}

The first appropriations for Indian Education were made in 1870 when \$100,000 was made available by Congress as part of the civilizing program. Yet this too, came in for criticism as not being enough of the right kind of aid for the Indian. As Senator Dawes, sponsor of the Allotment Act of 1887 said:

Congress had begun the experiment of trying for the first time in history of the government to take money out of its own treasury to educate the Indian. They found, however, that something more than mere education was necessary. The Indian could not be civilized or Christianized by mere intellectual training. If he was to become a Christian, self-supporting citizen of the United States, he must have a home. The home is the center of all the civilizing and Christianizing forces by which he can be lifted up out of his barbarianism into self-supporting Christian citizenship.^{59/}

The Allotment Movement

The allotment program initiated in 1887 was to be one of the most controversial programs in the history of Indian administration. Acreages were assigned to each adult Indian with the promise of title in fee simple to be granted after 25 years. The hope was that within this period the Indian allottee would have become properly educated to

^{58/} United States Bureau of Indian Affairs, Annual Report to the Secretary of the Interior, Washington, United States Government Printing Office, 1887, pp. 9-19.

^{59/} Board of Indian Commissioners, Twenty-Seventh Annual Report, Washington, Government Printing Office, 1886, p. 40, quoted in Federal Indian Legislation and Policies, op. cit., p. 11.

the appreciation of land ownership and value. The allotment program was to be continued until 1934 and the results are the basis for the present Indian land heirship problem.

The bill was hailed as the emancipation of the Indian and all hopes for the solving of the Indian problem in one legal stroke were voiced on many sides. It was an experiment in Indian administration and was based on the expectation that once given land the allottees would automatically become energetic homesteaders. The following statement from the annual report of the Board of Indian Commissioners in 1888, illustrates the high hopes placed in this measure.

This bill, which became a law on the eighth of February, 1887, is a great step in advance in our Indian policy, and the day when it was approved by the President may be called the Indian Emancipation Day. The measure gives to the Indian the possibility to become a man instead of remaining a ward of the Government. It affords to him the opportunity to make for himself and his family a home, and to live among his equals a manly and independent life. It offers to him the protection of law and all the rights and immunities of citizenship.

It is plainly the ultimate purpose of the bill to abrogate the Indian tribal organization, to abolish the reservation system and to place the Indians on an equal footing with other citizens of the country.^{60/}

The allotment procedure was a slow one and the assignment of lands continued for three decades after the passage of the law. Some reservations, however, completed their allotting and the government obtained agreements from the Indians to open up the unallotted lands to home-

^{60/} S. Lyman Tyler, *op. cit.*, p. 10.

steads. The effect was varied on different reservations but some Montana and Dakota reservations created their characteristic scattered pattern of land ownership through this procedure.

Indian Education and Other Developments

The Indian boarding school became the main means of educating the young tribal members throughout this period. Carlisle Barracks in Pennsylvania and Riverside School in California became well-known and many of the reservations had schools set up at the agency headquarters. Quotas of Indian students were sometimes filled through questionable means and practical work was emphasized.

After President Grant's policy of appointing Indian administrators from church groups recommendations fizzled out in 1880, there was a return to the political appointment of superintendents. This continued until 1891 when Civil Service rules were brought to apply to school superintendents, physicians, matrons and teachers.

In 1903, the Supreme Court handed down what was to become known as the Lone Wolf decision. This decision stated that Congress had the powers to abrogate the provisions of any treaty. Fortunately for the Indians, perhaps, Congress has not used its powers in this regard during the years since the decision but has continually expressed caution in treaty modifications in the name of moral obligations.

During the years prior to World War I, there was increased concern over the health of the Indians. President Taft sent the results of an alarming Indian health survey to Congress with a special message and the

appropriations increased from \$40,000 in 1911 to \$350,000 in 1918.

The Burke Act which had been passed in 1906 gave the Secretary of the Interior rather broad powers to declare allotted Indians competent and give them a patent in fee for their lands, thus releasing them from federal supervision. Vigorous application of this power came in 1917 when the Commissioner of Indian Affairs declared the time had come for discontinuing federal guardianship of all competent Indians. Competency commissions were sent to reservations and fee patents were issued, only to be sold in most cases for quick cash.

Citizenship for all Indians not covered by previous Acts came in 1924 and a growing concern for the problem of Indian administration became evident through visits of Congressional committees to reservations and culminated in the request for a complete survey of the Indian situation in 1926. Funds for the survey were provided by John D. Rockefeller, Jr. and it was conducted through the Institute of Government Research of Johns Hopkins University. The Meriam Report, as it was to become known, indicated that the Indians were in an unhealthy situation, confused and in a state of frustration.

The Meriam Report, Congressional investigations and the appointment of concerned individuals by President Hoover as Commissioners of Indian Affairs seemed like a new light on a little understood problem. The problem, then as today, was extremely complex and the rate of progress shown was slight.

Commissioner Rhoads confessed:

The appointment as Commissioner of an experienced business executive with little knowledge of Indian affairs and in consequence, no preconceived ideas might be excellent in theory but not so good in practice.

He was overwhelmed with the intricacies of the Indian situation and the "mass of detailed information necessary to arrive at even a reasonable understanding of its complexities."^{61/}

The Indian Reorganization Act

Early programs in agricultural extension, home economics education, employment assistance and industrial development were begun during this period but real changes of a sweeping nature in the entire picture of Indian administration began with the Wheeler-Howard Act of 1934, generally known as the Indian Reorganization Act (IRA). The advent of anthropologist John Collier as Indian Commissioner, brought a change of emphasis under the Roosevelt Administration.

The policy of bringing the individual Indian into the dominant society through education, granting of land, the right of ownership, etc., was superceded by one of group organization and development within the Indian society itself. Tribes could become incorporated under the IRA and allotments were halted immediately. Through loans, the tribes were encouraged to purchase lands to be owned by the newly incorporated group. Indians were encouraged to enter the employ of the Indian Service. Indians were encouraged to remain on their reservations and the

^{61/} S. Lyman Tyler, *op. cit.*, p. 38.

overall effect was a new deal for the Indians.

The original IRA bill contained provisions for setting up tribal courts for law enforcement below the federal level and for consolidations of fractionalized allotted lands which were to be taken over by the tribal estate. These provisions did not pass.

Critics of the IRA, such as Senator King of Utah, feared that it "would perpetuate for an indefinite period an expensive and bureaucratic organization which in its operation would lead to enervate rather than elevate the Indians."62/

The National Relief Programs which the new Administration launched were also felt on the Indian reservations; CCC programs, special WPA programs for Indians and the encouragement of conservation and forestry programs all aided the Indian economy.

A summary of the early progress of the IRA is given by Tyler:

Although bitter opposition was developing to the Reorganization program, it was apparent by 1937 that the Indian Service was making progress in many ways: Acquisition of additional lands, irrigation works, checking of erosion, further use of Indian resources by Indians, new homes, schools, hospitals, roads, trails and bridges. Federal work projects had been largely responsible for many of the improvements in physical facilities. There were improved medical resources, a new attack on trachoma that by 1939 would see vast improvement of treatment, and by 1943, a virtual end to consideration of this disease as a major problem. The formation of the Arts and Crafts Board with its accomplishments, the continuing and enlargement on cooperation with other government agencies, such as the Department of Agriculture, the Public Health Service,

62/ Congressional Record, Seventy-third Congress, Second Session, 1934, p. 11127.

and the Forest Service, all these and other accomplishments denote the vitality of the program.^{63/}

Measurement of the achievements of the IRA goes on today since it had long-range effects. Four years after its passage in 1934, a survey was conducted and reported by Jay B. Nash in The New Day for Indians. By that time the land transfer out of Indian ownership had been arrested and the acquisition, or reacquisition as the case may be, had begun. The Indian land base increased from a little less than 50 million acres in 1933 to 52.65 million acres in 1937. The Indian death rate had decreased from 13.7 to 11.5 in the four years and Indian employment in the BIA was gaining. Only tribes who voted to incorporate under the IRA were subject to many of its provisions and by 1938, 206 tribes had voted to come under it. Of these, 85 had voted to adopt constitutions and by-laws as provided in the Act.^{64/}

One of the basic problems of Indian administration was evident in the effects of the IRA: General policies made on a national basis have variable effects on the diverse tribes. Policies put forth with the best of intentions for solving a major problem in one area may only serve to accentuate the seriousness of the situation in another tribe or area.

In a Cornell study of the Ute tribe, it is pointed out that the tribe consented to the goal of self-determination without understanding the real intent. Political power under the new constitution and elec-

^{63/} S. Lyman Tyler, op. cit., p. 66.

^{64/} Federal Indian Legislation and Policies, op. cit., p. 14.

tions went to the mixed-bloods who were already removing themselves from the larger body of full-bloods. Transmission of the ideas, events, policies, etc., of the BIA under the new program was stifled rather than encouraged.

The study goes on to point out that the BIA personnel were still operating under the same static organizational handicaps even though the program had been changed. Lang says:

Basically, nothing changed in the structure of Indian Administration. The business committee, presumably the self-administering body, still had to act under this supervision of the superintendent. He gave advice, and vetoed all attempts to be truly self-determining, because the mistakes which the committee made were thought by him to be harmful. The idea that learning takes place by making mistakes was alien to him; and he had to make "good reports" to his superiors.^{65/}

National and international conditions during the decade of the 1940's were not conducive to progress in the administration of Indian affairs. Compared to the war effort, the magnitude of the problem was insignificant, funds were withdrawn, personnel drafted and the office was moved to Chicago for the duration of the war.

Congressional Investigations and Resolutions

Personal relations between Commissioner Collier and Congress deteriorated to a point where Assistant Commissioner Zimmerman had to

^{65/} Gottfried Otto Lang, The Ute Development Program: A Study in Cultural Change in an Underdeveloped Area Within the United States, Doctoral Dissertation, Cornell University, 1954, pp. 383-385, quoted in Tyler, op. cit., p. 61.

testify at House Hearings where Congressman Jed Johnson (Oklahoma) chairman of the Indian Affairs Subcommittee of the House Appropriations Committee, was present. Surveys of Indian Affairs were conducted and published by both houses of Congress with sometimes confusing and conflicting results.

The IRA also was attacked for being un-American. In testimony before a House Committee in 1947, Joseph Bruner, President of the American Indian Federation had this to say:

During the past 10 years I have been president of the American Indian Federation, a national organization which was formed for the purpose of opposing the passage and approval of the Wheeler-Howard Bill then pending in Congress for the reason that this bill provided for communistic and un-American activities and governmental policies that were in principle communistic, subversive, and dangerous to our Nation, not only among Indians but all other Americans.

The Wheeler-Howard Act was conceived and sponsored by American Civil Liberties Union, a communistic organization...we have continued to oppose the Indian Bureau program authorized by this act of Congress. We believe the same to be a dangerous, Christmocking, communistic aiding, subversive set up.^{66/}

The 1944 Senate investigations brought stronger statements to the public than the House Report of 1947. As stated by Tyler:

1. The Senators were so overwhelmed by the problems they observed that they wanted to get rid of the system, which to them, seemed to mean to get rid of the Bureau.

^{66/} United States Congress, House, Indian Affairs Committee, Hearings, A Bill to Authorize and Direct and Conduct an Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian, 78th Congress, Second Session, Pursuant to H. Res. 166, Hearings in the Field, 1947, p. 1054, quoted in Tyler, op. cit., p. 84.

2. They began to think of themselves as the authorities on Indian affairs, which led to an invasion of the executive prerogatives.^{67/}

The House Investigations brought some of the same criticisms up but offered constructive recommendations among which can be found some of the policies which were to prevail through the next decade of Indian administration.

Among the proposals which reappear later as policies were the initiation of an Indian Claims Commission, proposals for providing funds for purchase of fractionated heirship lands, improvements in the Indian education system, voluntary programs for migration off the reservation and individual ownership of family-sized farms. Assimilation was to be the ultimate goal of Indian education and administration. Proposals for economy in the BIA were also included, emphasizing the Congressional concern over expanding bureaucracy.

Two threads of thought run through both of the Congressional Reports; they did not want the special status for Indians to be unduly prolonged and were concerned about the possibility that the BIA might be building an expensive machine that would tend to perpetuate itself indefinitely.

Recent Developments

Indian administration policies change and develop slowly and the investigations of the 1940's influenced policies in the 1950's. Thus,

^{67/} Tyler, *op. cit.*, p. 75.

the stage was set for House Concurrent Resolution 108, Eighty-third Congress, First Session, passed on August 1, 1953. It states the policy in part as follows:

...it is the policy of Congress, as rapidly as possible, to make the Indian within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all the rights and prerogatives pertaining to American citizenship...68/

Since the passing of this resolution the subject of termination has infiltrated into every facet of Indian administration. Fears that it will be carried out have placed Indians in general on guard against all proposed changes in policies. Fears that it will not be carried out have often pitted Congress against the Administration.

Two other policy landmarks appeared in the 1953-1955 period which caused considerable concern among those interested in or affected by Indian legislation. Public Law 280 of 1953 was signed "reluctantly" by President Eisenhower with recommendations that it be amended at the next session of Congress--it never was. The law provided for extension of state jurisdiction to any Indian reservation under certain conditions; however, consent of the Indians themselves was not included as one of the criteria. The BIA recommended consultation but not consent. President Eisenhower himself called it a "most un-Christian Bill," but signed

68/ Congressional Record, Eighty-third Congress, First Session, 1953, p. 10815.

it anyway.^{69/}

A May, 1955, memorandum from the Commissioner of Indian Affairs to all area directors modified the terms on which an Indian might sell his land allotment and caused considerable consternation among those who aimed to preserve the Indian land base. By the older ruling, a land sale had to be investigated and would be approved only if it could be shown that it had no "serious adverse effect upon the applicant's family, his land or the tribe" and "would not destroy or jeopardize a timber unit or grazing area." The new ruling stated that sales "need not be subordinated to the interests of the tribe, nor to the management of the land as a part of a timber or grazing unit," and directed that:

In the administration of this policy you may approve application for patents in fee on allotments without making arrangements for access to other lands remaining in trust status.^{70/}

These policies were put forth together with a new program for relocation of Indians in the larger cities. Transportation costs for the Indian and his family were provided to the city and special employment offices helped them locate themselves and adjust to the new surroundings and work.

All of these programs (termination, land sales, state jurisdiction

^{69/} Edith R. Mirrieles, "The Cloud of Mistrust", Atlantic Monthly, February, 1957, pp. 55-59.

^{70/} Ibid., p. 59.

without consent, and relocation) were defended by the Commissioner of Indian Affairs, Glen Emmons, and Secretary of the Interior, Douglas McKay, as being designed to assist the Indians in their attainment of freedom from federal restrictions. In a letter to President Eisenhower in 1955, Oliver La Farge accused the Administration of depriving Indians of their rights and destroying their communities and traditional organizations, while stating that "consultation with Indians followed by utter disregard of their wishes is a mockery." In replying to these charges, Secretary McKay points out that:

We believe in freedom of movement and freedom of choice for the Indian people. We believe also that the problem of a rapidly growing Indian population on a fixed, and largely inadequate, land base will lead many Indians in the future, as it has in the past, to seek a livelihood away from the reservations. Our primary concern is to assist this voluntary movement and guide it along constructive channels. But we are not seeking a solution by trying to break up Indian communities.

On the subject of Indian consent to laws affecting them, he says:

What you are proposing--and let us be quite clear about this-- is that, over and above these normal rights of citizenship, the Indians should also have a special veto power over legislation which might affect them. No other element in our population (aside from the President himself) now has such a power and none ever has had in the history of our country.^{71/}

Thus the controversy raged back and forth as the fluctuations in

^{71/} Federal Indian Legislation and Policies, op. cit., p. 22, quoting Letter from Secretary of the Interior, Douglas McKay to Mr. Oliver La Farge, President, Association on American Indian Affairs, Inc., November 30, 1955.

Indian policies favored first one policy then another. A critic of the Eisenhower Administration's policy stated that 1.6 million acres of land had been released from Indian control in the four years previous to 1957. The success of the relocation program is seriously questioned by at least two investigators.^{72/} Termination actually was carried out for two major tribes and several small bands. Anyone wishing to question the policy and its motives can easily point to the fact that the Menominee of Wisconsin and the Klamath of Oregon who were terminated had excellent timber reserves in their possession which were coveted by lumber companies. Whether these two tribes were better able to go through termination because they had better resources on which to operate or whether pressure was put on them to go through termination so that the timber could be sold is debatable.

In 1960, Oliver La Farge, outspoken defendent of Indian people, was able to write that by 1958 there had been an almost three-fourths return to policies of the Roosevelt Administration within the upper echelons of the BIA but that the subordinate bureau personnel had not made the shift. This, he says, is "rather bewildering to the Indians."^{73/}

^{72/} Peter Paul Dorner, The Economic Position of the American Indians: Their Resources and Potential for Development, Ph.D. Thesis, Department of Economics, Harvard University, 1957.

Carl K. Eicher, Constraints on Economic Progress on the Rosebud Sioux Indian Reservation, Ph.D. Thesis, Department of Economics, Harvard University, 1960.

^{73/} Oliver La Farge, op. cit., p. 43.

The new Administration in 1961 appointed as Commissioner, Philleo Nash, who is an anthropologist by training. He had been a member of the Task Force on Indian Affairs which studied the Indian administration situation on the reservations as well as on the top level. Their report was submitted to the BIA in 1961 before Mr. Nash became Commissioner and has become a policy statement under which the current BIA is operating.

Basic aims or objectives are listed by Commissioner Nash as follows:

1. Maximum Indian economic self-sufficiency;
2. Full participation of Indians in American life; and
3. Equal citizenship privileges and responsibilities for Indians.^{74/}

Manifestations of the present policy are found in the halting of land sales since 1961, increased employment assistance, increased vocational training programs, emphasis on industrial development and the encouragement of tribally owned enterprises. Housing is also receiving increased attention.

A member of the Task Force on Indian Affairs in discussing the report before a meeting of applied anthropologists sums up some of the current concerns of the BIA:

We have a public relations problem here. We must sell the American public on the idea that there should be a special program for Indians. There are many people in these United States who

^{74/} Philleo Nash, "Indian Administration in the United States," Vital Speeches, XXIX, February 15, 1963, p. 279.

do not believe that Indians, whatever the past situation has been and whatever the present realities, deserve anything different from anyone else. We are not going to be able to sell them on the idea that we should subsidize Indians, so they can be different for difference's sake. We have to go beyond that. We must adopt some objectives that will get across the ideas that the Indian is not as effective an American as he might be because of certain conditions of his past and present, and that special programs are required to make him a more effective American. No, making him a more effective American does not necessarily imply making him not an Indian but making him "less Indian" may to some extent be involved. We must face that reality. We cannot justify special services simply in terms of past wrongs, but we can justify a special program on the basis of the results of our past policies.^{75/}

Through this chronological review of Indian administration in the United States can be seen certain recurring themes. In the next section we will emphasize some of these in a context which does not include the day to day and decade to decade changes in political influence. Extracted from the realities of the place and time where they occur, these basis issues can be examined for their factual basis, emotional appeal and usefulness to future makers of Indian policy.

Basic Issues in Indian Administration

The Integrity of the United States

In all the discussions throughout the history of Indian administration treaties often form the basis for argument or appeal. Is the United States bound to fulfill promises made in the early days of negotiations with the tribes? That many of the terms of the treaties have been unheeded is evident. One instance of conflict between principle

^{75/} Task Force on Indian Affairs, "Implementing Change Through Government," Human Organization, XXI, Summer, 1962, p. 136.

and practice might be cited; in the Northwest Ordinance of 1787 it was specified:

That utmost good faith shall always be observed toward the Indians. Their land and property shall never be taken away from them without their consent and their property rights and liberty shall never be invaded or disturbed unless in just and lawful ways authorized by Congress.^{76/}

These words are compared to the instructions given to Territorial Governor Arthur St. Clair. He was not to:

...neglect any opportunity of extinguishing the Indian rights to the westward as far as the Mississippi.

He was advised to adhere to treaties already drafted, "...unless change of boundary beneficial to the United States can be obtained."^{77/}

Each tribe or band has a different treaty, in many instances prepared in haste and signed only by a part of the ruling chiefs of the day. Indian self government was not absolute and changed with the rise and fall of men elevated to chieftainship through feats of courage.

The Supreme Court found in favor of upholding the treaties in the days of Chief Justice John Marshall, but President Jackson did not agree and ignored enforcement of the decision. The 1871 rider to a Congressional Appropriations Act prohibited the United States from recognizing

^{76/} D'Arcy McNickle, "Indian and European: Indian-White Relations From Discovery To 1887," Annals of the American Academy of Political and Social Science, CCCXI, May, 1957, p. 6.

^{77/} Ibid.

Indian tribes as an independent nation or power with whom the United States could contract by treaty.

Old grievances over treaty rights were constantly brought out by the Indians and their attorneys until the establishment in 1946 of the Indian Claims Commission. Prior to this time each tribe had to obtain permission from Congress to present its claim before the Court of Claims. This procedure was costly to both the Indians and the government. The Claims Commission Bill had been introduced in every Congress since the Merriam Report of 1928 until its passage. Within the first five years claims had to be filed and 852 claims were recorded. Settlement is extremely slow, as in the case of the Northern Cheyenne of Montana who filed in 1951 and received a judgment in 1963.

Most claims involve land and are settled on the basis of land values when the treaty was made. Hence, extensive research is necessary. Subtracted from the claim are the total governmental expenditures for the tribe in question since the treaty was made. Thus, from the value of lands the Cheyenne gained by treaty in 1863 was subtracted the value of their present reservation given them in 1872 by executive order and the cost of all rations issued to tribal members throughout the years.

The Claims Commission began as a temporary agency but the settling of all the claims will take many more years. For some tribes these settlements will sooth a very sore spot which colors their thinking on relations with the government. For many, it may also provide some badly needed financial resources for the development and education of the tribe. Judgments are paid out only when a comprehensive plan for use of

the money has been approved.

Thus the integrity of the United States Government is being tested in these claims on early treaties. The results may help to heal old wounds and improve relations with some of the tribes.

Indian Resources

Many aspects and questions in Indian administration revolve around what is to be done with physical resources which are owned by Indians, either individually or as a tribe. Land is the most important of these resources for it is basic to the valuable timber, the mining claims and the oil and gas leases which become the actual subjects of contention along with the farmlands and cattle range.

Using a highest and best use approach one can make a case for taking the lands out of Indian operatorship because to date the non-Indians are much better able to make good use of these lands than the Indians themselves. Small holdings of rangeland or timber are uneconomic but combined with other small pieces and leased by one operator they become an economic unit for a cattle operation or a logging enterprise.

Conservation of resources enters into many arguments over what could or should be done with Indian resources. The question arises as to whether conservation is an end in itself, and whether thought has been given to the future value of such projects as water storage reservoirs and if so, are they calculated in terms of use by Indians or non-Indians?

The development of leasing arrangements allowed many land, timber and mineral resources to pass from Indian hands without the transfer of

the actual lands involved. In terms of today's use, this often seems like the best way to facilitate operations but it builds up systems and situations which are not competitive to surrounding areas and enterprises.

Pessimism in the past has prevented some reservations from even exploring in detail what real resources are available. The Indian relocation program was predicated on the proposition that the Indian land base was so small that efforts were better applied to moving the Indians off the reservation than to development of opportunities on the reservation. Most of the industrial development has been considered as an addition to rather than a development of the reservation resources.

The Merriam Report of 1928 states:

Even under the best conditions, it is doubtful whether a well-rounded program of economic advancement framed with due consideration of the natural resources of the reservation has anywhere been thoroughly tried out.^{78/}

Dorner comments that: "This statement is applicable today with only a few exceptions where tribes have recently obtained money to carry out their own rehabilitation program."^{79/}

The Task Force report of 1961 found Indians uninformed and misinformed about their resources. Qualities of timber involved, the costs of irrigation development and the potential number of people that a

^{78/} Quoted in Peter Dorner, "Needed: A New Policy for the American Indians," Land Economics, XXXVII, May, 1961, p. 167.

^{79/} Ibid., p. 167.

given resource would support were factors which had not been carefully considered in many cases.

Any suggestions for improved Indian administration must include detailed resource development studies carried out by competent economists. If the BIA cannot and does not provide such a service then the tribes must turn to outside contractors for help in this matter.

Indian Human Resources

Great improvements have been seen in Indian health and education programs in recent years. The transfer of the health program responsibility from the BIA to the Public Health Service in 1955 greatly aided the ability of this program to secure appropriations commensurate to its needs. Congress has a tendency to pass expenditures for public health with ease while questioning carefully the budget of the BIA.

Funds for education have been forthcoming from several sources. The federally operated boarding schools continue to take care of Indian children from broken and unstable homes but a large proportion of the education is now in the hands of local and state school boards and authorities, while federal aid is supplied for buildings, vocational programs, and school lunch programs. Attendance in many instances is taken less seriously than school authorities require so the results are still not on a par with non-Indian society. As a group throughout the United States, Indians are now about half as well educated as the average of the rest of the population.

In a speech reported in Nation (April 10, 1963) Commissioner Nash

asserts that the faith of the BIA is now being placed in the development of resources and of people, and to this end programs of education and economic development are being accelerated. The editorial comment at the end of the review is:

We wish Commissioner Nash would address himself to the question of motivation: Does the Indian want what is offered? If not? Why not?^{80/}

That there has been some effort to determine what the Indians want is witnessed by the recent five month long period of visits by the Task Force to all the tribes. They met with the top three elected officials of every tribe, to determine their views and desires. The results were as varied as the tribes and some would question whether the Indians themselves are not unaware of their wants because of their lack of education, experience in the dominant society and inability to correctly assess their own physical and human resources.

Indian operation of land serves as an example of the kind of circular reasoning one can reach if wants and existing resources are the only factors considered. Indian land is leased because Indians "don't want to farm," or because "land is better used by non-Indians," or "land realizes its full potential under non-Indian operation but not under Indian operation." It is agreed that Indian managerial talent is not available and therefore investment in Indian owned lands is not justified. Without investment it is useless to train managers and without

^{80/} "Commissioner Nash on Indian Needs," Nation, April 10, 1963, p. 453.

management the investment is not justified...and so it goes.

Rather than relying completely on such assumptions as the "Indians don't want to farm," more attention needs to be given to the kinds of education Indian children are receiving and the barriers to managerial training, credit availability and the prestige value of successful farm enterprise development for Indian farmers.

Individual vs. Group Orientation

The conclusion of the Task Force on Indian Affairs was:

It would defy everything that social science teaches us, if policies of complete individualization and denial of group relationships had any results other than lowered morale, poverty in the midst of abundance, apathy, and economic insufficiency.^{81/}

Nevertheless, most of the policies of the BIA before the IRA of 1934 were pursued with the individual Indian in mind. Except for a few anthropologists who studied the group and its organization, little attention was paid to tribal relationships which predate the arrival of the whites. Even today, the bulk of the programs are individually oriented; for example: public health, education, relocation, etc.

The IRA of 1934 encouraged tribes to organize and incorporate under the provisions of the law and provided loan funds to the tribes as groups for their collective projects. As has been noted earlier, this policy was attacked in Congress as being Communist and un-American. Nevertheless, many tribes have developed extensive tribal enterprises

^{81/} Task Force on Indian Affairs, "Implementing Change Through Government," *op. cit.*, p. 125.

since that time. The San Carlos Apaches, for instance, operate stores, motels, gas stations, irrigated lands and cattle herds, all on a tribal basis.

Imbedded in most Indian heritages are customs and traditions which encourage group action. The tribal groups and kinship groups within the tribe feel a sense of responsibility toward all members of the group. Sharing of whatever possessions they have with all tribal friends and especially relatives is a tradition with which the non-Indian emphasis on individual initiation and enterprise based on economic incentives has clashed in many ways. In some cases the encouragement of tribal enterprises can capitalize on this long tradition of communal effort and sharing of benefits.

It has been found on the Wind River Shoshone Reservation, that the success of tribal enterprises can sometimes hinge on the employment of a manager who has no connections or relatives among the tribe. Where tribe members have been employed for some tribal enterprise managements there is a distinct tendency for rivalries, jealousies and nepotism to erode the profits and benefits which a tribal enterprise makes possible.

The administration of welfare has also encountered some of these problems. Benefit checks or disposition of surplus foods are often geared to monthly issues or monthly checks. BIA employees have recently been shifted from a monthly to a bi-weekly system. The tendency is for everybody to fare well after the payment or issue for a week and to starve for the remaining time. Weekly payments or issues might tend to alleviate these day-to-day or week-to-week disparities.

Tribal organization and enterprise encourage identification with and dependence on Indians and as such some say it hinders the process of acculturation and adjustment to the dominant society. Complete assimilation will not be possible if Indian traditions are not only allowed but encouraged and revived under some of the current tribal programs. To some, this represents a step backward.

The choice between programs with an individual or with a group approach is one that must be made with long range goals in mind rather than short term relief from whatever the present situation is on a given reservation. Combinations must be carefully balanced and presented in ways that will cause the least amount of confusion among the Indians as to what the real purposes are.

Responsibility

What kinds of responsibility the non-Indians should take for the welfare of the Indians has always been a question. There are no rules governing the victor-vanquished relationship and the evolution of the present trustee-ward status has been haphazard.

Early feelings ran from revenge and death to all savages to Emerson's lament: "Alas for them, their day is o'er."^{82/} The present dilemma is expressed by anthropologist, William Whyte of Cornell, when he says:

I think that we all feel a sense of guilt about what our forefathers did to the Indians, but this sense of guilt does not

^{82/} Quoted in Berry, op. cit., p. 52.

necessarily lead to any appropriate line of action.^{83/}

In the same discussion, a United States Public Health Service official commented on the relation of the BIA to the Indians:

It has been too authoritarian in nature. It seems time now that a shift from the vertical axis of conducting guidance and management of Indian's affairs to a horizontal axis of relationship, treating the Indians as peers, should take place.^{84/}

Responsibility is the basis for several current controversies in Indian administration; namely, trusteeship of lands, citizenship for Indians, and the shift of social services such as schools, health and welfare, law and order from federal to state or tribal jurisdiction.

Indian trust land cannot be alienated or rented without the consent of both the trustee and the beneficiary. It is tax-exempt and so is income derived from it by its Indian owners. The situation seems advantageous but the trustee is not an individual but a large bureaucracy that is not always consistent in its policies. The government is a trustee of Indian funds as well of lands and its officials are educated, and experienced; the beneficiaries are often ignorant and inexperienced. Thus, it is easy for the trustee to withhold funds or refuse assistance, and the Indian's legal status is somewhat negated by the realities of the situation.

^{83/} William F. Whyte, in discussion of "Implementing Change Through Government," Human Organization, op. cit., p. 136.

^{84/} Gordon Macgregor, Ibid., p. 135.

Citizenship, although extended to all Indians by act of Congress in 1924, has not brought about many changes in the situation. The right to vote was contested in state courts as late as 1948 and the Task Force Report of 1961 lists as one of its three main goals, "equal citizenship privileges and responsibilities for Indians."^{85/}

Responsibility for health and education has been shifted from the BIA to other agencies or to the states. The responsibility for agricultural and home economics extension work on Indian reservations is in the hands of the states in most cases with funds being provided by the federal government.

Law and order on the Indian reservation is carried out by a combination of federal jurisdiction over criminal offenses and tribal jurisdiction over lesser offenses. State courts and law enforcement are excluded from this arrangement.

The nature of these combinations of responsibility for various parts of Indian administration is enough to confuse the issue of responsibility considerably.

Governmental Organization for Indian Administration

The confusion on the subject of responsibility is compounded by the system of government under which the BIA operates. The division of responsibility between the legislative and the executive branches, the separation of the policy and appropriations measures in Congress, the

^{85/} Governors' Interstate Indian Council, Proceedings of the Sixteenth Annual Conference, Boise, Idaho, September 22-25, 1963, p. 25.

Civil Service system and the slowness of the Claims Commission and Justice Department all contribute to the situation.

Because of this situation, statements like the following can be quoted from the Handbook of Federal Indian Law:

The most basic of all Indian rights (the right of self-government) is the Indian's last defense against bureaucratic oppression, for in a realm where the states are powerless to govern and where Congress, occupied with more pressing national affairs, cannot govern wisely and well, there remains a large no-man's land in which government can emanate only from officials of the Indian Department or from the Indians themselves.^{86/}

Congressional action on Indian affairs is sporadic at best. Only a few Congressmen and Senators have enough Indians in their constituencies to find that their votes are important enough to worry about in elections. (Montana is one of the few states where it could make a difference.) Through the years, bills have been introduced and passed which affect only one tribe at a time for a particular point or project. Few bills, which propose to affect all Indians are introduced. The IRA is an example of a major policy bill which was made optional to the Indians: It could have affected all but did not. The Resolution 108 on termination was aimed at all but has been applied to only a few.

Bills passed through the Committee on Insular and Interior Affairs are still inoperative if money is involved, as is often the case with

^{86/} Felix Cohen, Handbook of Federal Indian Law, Washington: United States Government Printing Office, 1942, p. 122, quoted in Helen Peterson, "American Indian Political Participation," Annals of the American Academy of Political and Social Science, CCCXI, May, 1957, p. 119.

industrial development, land purchase programs and relocation subsidies. A bill must pass the appropriations committee as well. We have seen earlier in the review of policy history what happens when the Commissioner of Indian Affairs becomes a personal enemy of the chairman of the Subcommittee on Appropriations for Indian Affairs in the House of Representatives.

It is little wonder then that the job of Indian Commissioner is not really regarded as a prize plum. One review says that there used to be a saying in Washington in the early twenties that any man who let himself be appointed to the Commissionership of Indian Affairs showed by his doing so that he was not fit to be a Commissioner. In outlining the complexity of the situation the same source says:

Every Commissioner is, in part, the victim of all the Commissioners who have preceded him. He finds himself caught in webs of laws, treaties, resolutions, prohibitions, which he had no hand in making and which may differ from tribe to tribe. Whatever he does, he must do so in haste with usually four years or less for his full accomplishment. And he works against a cloud of mistrust grown thick with time.

If the Commissioner, then seems here to have been cast as the villain of the piece, these handicaps should be remembered. Still more it should be remembered that he does not act alone or solely on his own motion, though he is the one who stands out in full view. Above him is the Secretary of the Interior. Above the Secretary is the President. Behind all three is Congress with its power to initiate legislation, grant or deny appropriations. And behind Congress, of course, lies the huge often indifferent, bulk of the American people, who, when they care to take the trouble, mark out the path the other four will follow.

So far, in regard to the Indians, they have not taken the trouble...^{87/}

^{87/} Mirrielees, *op. cit.*, p. 59.

Indian Attitudes

Throughout the history of Indian administration there has been a constant psychological problem which creates a barrier between the Indians and the administrators. Hostility and inferiority are manifested in a number of ways.

In the early days, overt hostility was the rule with Indian wars and massacres as the recorded result in American history books. Later the Ghost Dance movements became an indirect spiritual hostility in the supernatural efforts that were made to evict the white man and bring back game, especially buffalo in the Great Plains. The last battle of the Indian wars was recorded in 1890 against the Sioux at Wounded Knee, South Dakota and was the direct result of Ghost Dancers meeting trigger-happy frontier guards.

Failure to overcome the white man in warfare and in the supernatural realm resulted in apathy, sullen hostility and uncooperativeness. Dependence on issues of rations from the government created an atmosphere where immediate consumption of tangibles was paramount and accumulation and investment as well as planning for the future were discouraged.

Out of this dependency, plus inconsistent policies and increasing complexity of Indian resource administration has come what has been called "hostile dependency."^{88/}

Passiveness and un-cooperativeness are the current manifestations

^{88/} E. E. Hagen and Louis C. Schaw, "The Sioux on the Reservations," Cambridge, Massachusetts Institute of Technology, 1960, preliminary edition mimeographed, pp. 8-10.

of this hostile dependency. Thus the Indians are fighting in the only ways that remain and perhaps without complete consciousness of what and why they are fighting. The previously cited Sioux study stated their reaction as:

...by being completely passive and leaving complete responsibility for their social problems in the hands of the white society, would remind the white man of his incapacity to solve the problem he had so arrogantly set out to master.

Every case of economic need, every individual delinquency is as if to make the Bureau officials feel a sense of their personal failure, and to make them feel guilty and defeated.^{89/}

Suggestions for solving this attitude situation evolve around capitalizing on traditional Indian values and finding new outlets for the energy that is expended in dependency. Removing or replacing the BIA as the focus of hostility is often suggested with the functions being taken over by the local and state governments and private agencies contracted for special tasks.

The tribal sense of responsibility, generosity, and relatedness to family and clans or extended kin groupings may be capitalized on for community action. Efforts to organize under Roberts Rules of Order have on some reservations only led to dissention between those elected to power and alienation of the elected leaders from the tribe for having yielded to non-Indian organizational methods. Hence, the psychological balance between Indian and non-Indian values which will permit the

^{89/} Ibid., p. 9.

alleviation of the hostile dependency situation is extremely difficult to achieve.

Termination

From the beginning at least some of the people making policies for Indian administration have believed they were working themselves out of a job. The enthusiasm with which they pursue this goal and the methods used have caused controversy and helped to create the fluctuations in policy and the hostile resentment of the Indians.

Short range goals and long term programs sometimes have not meshed as well as they might. The allotments, while they were meant to make farmers out of the Indians, were not accompanied by enough agricultural education; the simultaneous growth of dependence on government issued rations, in spite of alleviating hunger and curtailed warpathing, combined to discourage the transition desired.

More recently, the emphasis on relocation perhaps helped those who were ready for such a drastic move, but the conditions of no return under which it was carried out and the lack of help in developing reservation resources for those left behind only increased the problems.

The word termination has been enough to put many tribes on the defensive since the Congressional Resolution of 1953. That there are vast differences in the abilities of the tribes to meet an end to federal services was recognized from the beginning, but without definitive assessments and precise schedules the generality of the resolution could be construed in many ways. Indians have watched the BIA closely to see

how this resolution might be carried out and what they see is variations in adherence to the principles. Hence, the Indians are on guard against all proposals which might in the future be used to encourage or to pressure terminations which are not advantageous to them.

Charges that the Menominee and Klamath terminations were engineered through threats and misinformation and that their timber resources were the prize available to non-Indians only through such a termination seem to have a certain amount of validity to them. Yet, by their very possession of these valuable resources, these Indians were considered better able to enter the non-Indian economic and social world removed from federal government strings.

Termination of federal services may be one way of breaking the dead-lock of hostile dependency. Yet the abilities of the various tribes to move into non-Indian conditions make it predictable that many would be plummeted into great destitution and degradation by the same operation if it were applied to all at the same time.

These factors lead one to think that performance of BIA functions must be continued through some other agencies while the federal supervision is terminated. However, the state and local governments are most often the least prepared financially and psychologically to take over these functions. Prejudice rears its ugly head most visibly at the local level where attitudes of discrimination are evident in employment policies and where patience with Indian attitudes and practices has long run out, or seldom existed in the first place. All too evident alcoholism, religious and moral standards which conflict with non-Indian

practices, and specialized treatment and aid from the federal programs do not encourage local attitudes conducive to integration in the communities.

Wavering emphasis on termination policies will only serve to prolong the problems if the long range goal indeed is to be the ultimate end to the special wardship status of the Indians. Putting different names on the process may serve short run needs but may be confusing to all in the long run.

Indian Administration on the Crow Reservation

Early Treaties

Treaties with the Crow were made in 1825, 1851 and 1868. By 1868, the Crow had found themselves pushed westward by their old enemies, the Sioux. Opportunities to ally themselves with the white men and their superior weapons were seized to regain some lost hunting grounds and count revenge upon their enemies.

Colonel and Mrs. Carrington, who came into the Wyoming part of the Crow country in 1866, recorded that the Crow were "first in manliness and physical perfection," and that "they never had killed a white man but in self-defense." They felt that the Crow were the ones who could rightfully negotiate the permission to establish the Bozeman Trail and that they could be trusted as friends within their territory. Further, the Carringtons proposed that Ab-Sa-Ra-Ka, should be the name of the new territory and not Wyoming.^{90/}

^{90/} Carrington, *op. cit.*, pp. 16-18.

The first Indian agency office for the Crow was established in 1870 near the mouth of Mission Creek, about 10 miles down the Yellowstone River from the present town of Livingston. Major Camp, an Army officer from Fort Ellis, was the first agent assigned to the Crow. Some of the only early information we have available on the early days of Crow administration comes from the memoirs of a white Crow, Thomas La Forge whose recollections were recorded by a doctor on the reservation in the 1920's. La Forge lived with the Crow from the time of the establishment of the first agency until the 1890's, was adopted into the tribe and eventually married a Crow.^{91/}

During these first years, rations were issued to the Indians according to the treaty arrangements and more or less in lieu of the vanishing buffalo. La Forge tells about the disposition of some of these:

For everyday wear I had the "annuity" clothing--that is, the shirts, shoes and trousers issued to Indians. The Indians themselves made but little use of this apparel, so the articles could be bought for trivial payments or might be obtained as gifts.^{92/}

In telling about the food issued to the tribe he comments that the Indians did not eat the beef but fed it to their dogs. They much preferred game and found beef quite distasteful. They fried the bacon in order to get the fat which was used in tanning hides and the flour was given away in order to use the sacks for making women's clothing.

^{91/} Marquis, *op. cit.*, p. 32.

^{92/} *Ibid.*, p. 44.

The next agent to be assigned to the Crow was General Clap who had been Minister to Honduras before arriving in the Crow Country. He built a new headquarters somewhat farther east on the Stillwater River just above the mouth of its Rosebud Creek branch. This is near the present town of Absarokee.

During these early days there was a good deal of trading in buffalo hides and other furs at the agencies. Nelson Story, the first cattleman to drive Texas cattle into Montana and an early settler of the Gallatin Valley, was the concessionaire for what was known as the sutler's store. La Forge says he personally helped the Crow to get better prices for their hides and furs than they might have received elsewhere but that there was still a great profit to be made in the trading. Story cattle were sold to the government to issue to the Indians, in fact some say that the same cattle were sold to the government several times.

At one point, La Forge and his Indian wife were persuaded to try farming and the agency issued them such equipment as a wagon, a mower, a rake and other farm implements for cattle ranching. They did not remain more than part of one summer on their land allotment as was probably the case with most Indians who were persuaded to farm. They found life alone on a ranch too isolated for their liking and preferred the combination of hunting and existing on government rations which was the Crow way of life at that time.

Lieutenant Bradley, who commanded the Crow scouts attached to the mounted detachment of the Seventh Infantry in the campaign against the Sioux in 1876, enlisted the aid of La Forge and another White who

resided with the Crow. These served as interpreters and scouts along with the 25 Crow. Apparently, La Forge was valued as a messenger and interpreter by the Indian agents as well and was often on the payroll with only occasional duties.

A book by a matron of the government established school for Crow children describes some of the life of the area in the 1900-10 period.^{93/} Efforts at that time were to give the Indian children an education based on the white system with the addition of practical work on the farm. Bobby Yellowtail, a contemporary patriarch of the tribe and a former superintendent of the reservation, was one of those whom Matron Woodruff mentions as having been full of mischief. Some efforts were made to teach better home-making practices as she also served as a visiting teacher among the women of the tribe for two years. The effort was in the right direction but apparently was not of enough consequence to have had much total effect.

Other early programs on the Crow Reservation included the irrigation developments begun in 1890 which were the first in the country to be constructed by the BIA.

Effects of Various BIA Policies on the Crow

The Crow have never organized under the IRA of 1934 and their system of government to this day reflects tribal customs rather than organization according to Roberts Rules of Order. The decisions of the tribe are

^{93/} Janette Woodruff as told to Cecil Dryden, Indian Oasis, Caldwell, Idaho, The Caxton Printers, 1939.

voted on by the Tribal Council which consists of 100 or more adult members of the tribe. A tribal chairman is elected by all the members of the tribe as well as committee representatives from the various districts and judges for the tribal court.

The history of administration on the Crow reservation in this century is outlined by listing the special laws passed by Congress applying only to the Crow. For a detailed list one may refer to MRBI Report No. 74, March 1946, The Laws and Treaties Affecting the Crow Indians. Only a few of the several hundred will be listed here to show the type of laws passed by Congress through the years.

In the 1880-1900 period almost all the laws passed concerned changing ownership of lands. Railroad rights of way were purchased and large areas were ceded to the government for certain payments. Permission was granted to the Secretary of the Interior to use tribal funds for purchase of cattle for the Crow, and openings of ceded lands for homesteading and irrigation were included in early laws and proclamations. Two and one-half acres of land for a school were ceded by the tribe to School District Number 17 in an Act of Congress of May 25, 1918. Money was withdrawn from tribal funds for irrigation development through authorization of Congress.

An Act of June 4, 1920 has become known as the "Crow Act." The allotments of lands and conditions of trust patents were outlined and limitations were imposed on the number of acres owned by any one person or company within the reservation. Indians were exempted from this limitation by a 1940 amendment but otherwise no sales of land are to be made

to persons or companies who already own 640 acres of agricultural land or 1,280 acres of grazing land. Repayment of costs of irrigation construction were also outlined in this 1920 Act. Further allotments were authorized in 1920, 1926, 1927, 1928, 1931 and these are sometimes called the Crow Competency Laws as they set competency standards and therefore, eligibility for an allotment. Custer Battlefield was purchased from the tribe in 1931 through an Act of Congress. An Act of August 31, 1937 places a certain area of land outside the reservation without stating a reason for doing so, but it may be supposed that the reason was to allow the sale of liquor in Hardin. A number of acts apply to leasing of land for mining and oil or gas leasing. Further adjustments on irrigation laws are made by several acts.

Each act which involves money is, of course, accompanied by an act for the corresponding appropriation or a part of another such act. It seems evident that administration by Congress of the Indian Reservations is complex and time consuming.

Under Commissioner John Collier in 1936, the well-educated and prominent tribal leader Robert Yellowtail was appointed Superintendent. He and others appointed by Collier were to find that administration by a member of the tribe leads to dissention and dissatisfaction among all parties involved. What seemed like a well intentioned solution to the improvement of administration on the reservations only served to create confusion and hard feelings which survive to this day.

Changes in general Indian Administration Policy which were outlined earlier, have affected the Crow Reservation to varying degrees. The

Claims Commission's establishment made it possible for the Crow to obtain a settlement concerning ceded lands for which the government had not reimbursed the tribe. Under this longstanding claim they received more than \$10 million in 1961. The change in land sales policy allowed lands to be sold out of Indian hands from 1956 to 1961.

Summary of Indian Administration

Throughout this extended presentation of the history and basic issues involved in Indian administration the ways in which these policies and their application have or have not assisted the development of the Indians and their reservations have perhaps become evident. Experimentation has resulted in many programs. Experience has encouraged or discouraged some and the politics or economics of the situations have determined the fate of others.

Whether Indian administration is considered a block or a catalyst to the development of the Indians and their reservations depends on the evaluator's point of view. Indians such as Clarence Wesley, President of the Inter-Tribal Council, general manager of the San Carlos Apache Tribe and Vice President of the National Congress of American Indians tend to think as he has stated:

There is something radically wrong with the kind of federal supervision of Indian affairs we have had when after 135 years of Indian Administration, Indians face more problems than ever.^{94/}

^{94/} "Clarence Wesley Explains Real Indian Issues," Congressional Record, June 26, 1956, Appendix A5037, Extension of Remarks of Hon. Barry M. Goldwater of Arizona.

That Indians are not the only group facing more complex problems today is not considered in this statement but by comparison the Indians' position certainly is alarmingly poor. Other groups are also beset with poverty problems and similar circumstances.

Some of the basic facts of the problems that Indians face are pointed out in a Nation editorial of April 10, 1963. It states that the Indians are half as well educated, live two-thirds as long, have incomes of one-fourth to one-third of the average American and their unemployment rate is six to seven times the national average. All this still faces the Indians even though the United States Government has spent \$3 billion on Indian welfare up to 1960 and is currently spending \$250 million annually. This is approximately \$725 per Indian each year for administration.

Commissioner Nash defends the BIA and maintains that the problems are not due to lack of money nor to BIA inadequacy. He places the blame on the reservation system and on former government policies which have reduced the Indian lands. Therefore, he has placed the emphasis of his administration on acceleration of education and economic development.

The current policies which place faith in the development of the Indian-owned resources and in the development of the Indian people themselves are a departure from the previous adherence to complete assimilation policies. That complete Indian integration and assimilation into the normal stream of American life is inevitable is still maintained by many well-intentioned people. Adherence to the they will disappear attitude is based on good will and the belief that there is no better fate

for any group than to be melted into the main stream of America, much as the Irish and the Italians have been.

But the vanishing Indian is not vanishing! As Oliver La Farge says: "The urge to retain tribal identity is strong and operates powerfully for many Indian groups."^{95/} Looking to history one can find few if any cases where ethnic groups as strong and as distinguished as the American Indians have been absorbed into another culture except through the passage of many centuries or through the use of dictatorial methods and tactics destructive of human life.

Indian administration is decision-making. The choices need study and documentation and the Indians who are being brought into the decision-making processes need broader and more helpful education and experience. The following sections will examine Indian education, employment, and credit opportunities, crucial areas in the strides toward better Indian conditions.

^{95/} La Farge, op. cit., p. 37.

CHAPTER IV
INDIAN EDUCATION

Development

Throughout the history of Indian administration and to the present time, Indian education has played a most important role in the efforts to introduce these native Americans to non-Indian customs and values. Before the coming of the white men, Indian education was informal, with mothers teaching their daughters the skills they would need and fathers or uncles teaching the boys. Skills in hunting and physical prowess were encouraged by games, shooting matches and track meets. Girls made small teepees and tied them to dogs just as their mothers took care of the home and transported it on horseback.

Little mention of education can be found in most of the treaties made with different tribes except for an occasional promise to provide a blacksmith. In 1819, President Monroe recommended to Congress that an annual appropriation of \$10,000 be made for the purpose of instructing Indians in agriculture and instructing their children in reading, writing, and arithmetic. Some tribes, such as the Five Civilized Tribes, established their own schools, but the first general appropriation for Indian education came in 1870 when Congress authorized \$100,000. By 1887, this had risen to \$1,226,415 which shows some of the increased interest that had developed in this method of introducing among the Indians the habits and arts of civilization.

Effects of Various Policies

Mission schools and boarding schools have played a major role in Indian education from 1887 to the present. Some disputes over the legality of the government in making contracts with mission schools separated these two and the boarding school was emphasized as the way to educate the Indian children like whites. This was thought to be best accomplished by separating the children from their parents and the influences of their tribal environment.

As the mission contracts were terminated, federal government reimbursement to local schools for Indian education came into practice. All of these programs remain today. Many reservations have mission schools, the boarding schools remain as the place for Indian children from problem homes, and renewed emphasis on education in local public schools has put the bulk of Indian children into this type of system.

Indian education was investigated by the Meriam group in 1928 and in 1931 by the National Advisory Committee on Education. Each found conditions grossly inadequate. Coercion had been used in some cases to fill the schools, buildings were poorly constructed and maintained, food was substandard and teaching levels were not adjusted to the special needs of the Indian children. The half day practical work program was being used to kill time rather than give the students good experience in manual and agricultural skills.^{96/}

^{96/} Lloyd E. Blauch, "Educational Service for Indians," Staff Study No. 18, prepared for the Advisory Committee on Education, Washington, Government Printing Office, 1939, pp. 37-40.

The Meriam Survey recommended:

To adapt the educational system to the needs of the pupils, (it is designed) to teach, with due consideration of the economic and social conditions of the Indians in their jurisdictions and of the nature and abilities of the individual child.^{97/}

In its survey, the Meriam group found that only 8 percent of Indian children in school were at or ahead of their normal grade for their age while 27 percent were retarded more than five years. A serious thesis had been written to prove that Indians, unlike Caucasians, reach an early plateau of learning beyond which few are able to advance.^{98/}

The improvement of this situation began in 1930 and received a real boost from the IRA of 1934. Improvement of the teachers and the curriculum was emphasized. Teachers were selected by Civil Service Examinations on their ability to implement the following set of objectives:

1. To give students an understanding and appreciation of their own tribal lore, art, music, and community organization;
2. To teach students, through their own participation in school and local governments, to become constructive citizens of their communities;
3. To aid students in analyzing the economic resources of their reservation and in planning more effective ways of utilizing these resources for the improvement of standards of living;
4. To teach, through actual demonstration, intelligent conservation of natural resources;

^{97/} Quoted in George A. Dale, Education for Better Living, A Study of the Effectiveness of the Pine Ridge Educational Program, United States Department of Interior, Lawrence, Kansas, Haskell Institute, 1955, p. 16.

^{98/} Ibid.

5. To give students first-hand experience in livestock management, use of native materials in housing and clothing, in subsistence gardening, cooperative marketing, farm mechanics, and whatever other vocational skills are needed to earn a livelihood in the region;
6. To develop better health habits, improved sanitation, and higher standards of diet with a view to prevention of trachoma, tuberculosis and infant diseases;
7. To give students an understanding of the social and economic world immediately about them and to aid them in achieving some mastery over their environment;
8. To serve as a community center in meeting the social and economic needs of the community;
9. To provide the training necessary to obtain and hold a job away from the reservation area for those students who desire and need such training.

The methods prescribed for meeting these objectives were guidelines only and not specific levels of proficiency as had earlier been required of all Indian schools throughout the country. Teachers were encouraged to organize their own programs based on the needs of the local environment with emphasis on learning and using English.^{99/}

Vocational training was to be emphasized, especially agriculture and home economics. Mechanical arts and crafts were also included. In South Dakota, for example, schools set up gardens and kept pigs, chickens and milk goats. Morgan stallions were assigned to the Indian schools for the combination purpose of teaching care and handling of good horses and improvement of Indian owned stock.

^{99/} Willard W. Beatty, "Twenty Years of Indian Education," in The Indian in Modern America, edited by David A. Baerreis, Madison, The State Historical Society of Wisconsin, 1956, p. 21.

A study of the Pine Ridge, South Dakota schools which traced all the students who had attended between 1937 and 1947 found that in 1951 these students were distributed as in Table V. Because most of the Indians interviewed in this survey said yes when questioned as to whether the vocational programs had helped them, the survey concluded that "schools can contribute to economic regeneration and better living; and on Pine Ridge, it is equally clear that they have done so."100/

Another finding of this study was that the closer an Indian rancher lived to a federal day school, the greater the number of desirable characteristics of a successful rancher he exhibited. Thus the extension of the school's work throughout the community was documented in this case.

The usefulness of the vocational training is a question that is still very much with us. For the 53 percent who remain on the reservation, the opportunities for using the agricultural training are limited by the acreage in the Indian land base and the amount of this land that is actually under Indian control. The crafts programs have not proven to be popular nor profitable on several reservations and the value in maintaining this heritage or recreating it in some cases must be measured in other than monetary terms.

The Present Situation

The trend in Indian education is increasing reliance on local public

100/ Dale, op. cit., p. 10.

TABLE V. PLACE OF RESIDENCE OF FORMER STUDENTS OF PINE RIDGE, SOUTH DAKOTA SCHOOLS.*

Number	Percent	Place of Residence
825	53.5	Still on reservation
248	16.1	In South Dakota and Nebraska counties bordering Reservation
28	1.8	Elsewhere in South Dakota
116	7.5	In states adjoining South Dakota
92	6.0	Elsewhere in the United States
59	3.8	In the armed forces
25	1.6	In institutions
127	8.2	Dead
<u>22</u>	1.4	Address unknown
1,542		

*Source: George A. Dale, Education for Better Living: A Study of the Effectiveness of the Pine Ridge Educational Program, United States Department of the Interior, Lawrence, Kansas: Haskell Institute, 1955.

schools. These local schools are eligible for federal aid under the Johnson-O'Malley Act of 1934 and under the more recent Public Laws 815 and 874 which authorize assistance to local schools where federal activities have an impact. Over the 10 year period from 1952 to 1962, the number of Indian children in federally operated schools remained about constant, rising from 38,000 to 38,300. The number in public schools increased from 52,800 to 69,600 during the same period. Mission schools are still an important factor on many reservations but the proportion of the total Indian student population attending mission schools has dropped from almost 10 percent in 1954 to 7.7 percent in 1962.

Education takes 60 percent of the BIA's budget and has been emphasized by all Commissioners as perhaps the most important activity. It is perhaps among the Indians themselves that the value of education comes into question. From a Canadian study of Indians comes the comment: "It is easiest for him if he never goes to school. School introduces him to many doors, and the doors begin to close."¹⁰¹ The problems of fitting the school to the Indian children's needs have been considered through the years but the continuing problems of Indian life show that there is need for further work in this field. This subject will be pursued in greater detail at the end of this section after a presentation of the Indian education situation in Montana and on the Crow Reservation.

¹⁰¹/ H. S. Hawthorn, C. S. Belshaw, S. M. Jamieson, The Indians of British Columbia, A Study of Contemporary Social Adjustment, Toronto, 1958, p. 303, quoted in Elizabeth E. Hoyt, Tama: An American Conflict, unpublished manuscript, Iowa State University, Ames, 1964, p. VIII-5.

Montana Indian Education

Schools and Attendance

Table 6 and Figure 4 on the following pages give the overall picture of Indian attendance in Montana Public Schools for 1962-63. A total of 6,954 Indian children were enrolled. In addition, 47 Montana Indians were enrolled in various units of the University system, 27 attended private colleges such as Carroll College, College of Great Falls, Rocky Mountain College and the Columbia School of Nursing, and 36 attended business colleges within the state.

One federal boarding school for Indian children is operated at Busby on the Northern Cheyenne Reservation. Students are accepted there who would not be able to attend school because of distance of home from school or who would have come from broken homes. Some Montana Indian students attend out of state federal schools and are not included in these statistics.

Workshops for teachers in public schools where Indian children attend were organized in 1962. These included a two-week course at Eastern Montana College of Education and a one day intensive workshop on the Blackfeet Reservation. Efforts in these programs to develop approaches to and attitudes toward Indian education by the teachers of the Indian children were reported to be extremely beneficial by the Montana State Director of Indian Education.

Problems of Administration

From the chart it can be seen that the critical and obvious problem

TABLE VI. TOTAL INDIAN STUDENT ENROLLMENT BY GRADES, 1962-1963.*a/

Reservation	G R A D E												
	Elementary					High School							
	1	2	3	4	5	6	7	8	9	10	11	12	Grads
Blackfeet	273	180	163	176	149	158	144	136	98	59	50	45	27
Crow	146	139	140	104	112	100	91	79	72	50	31	23	15
Flathead	120	114	89	94	92	101	76	90	61	60	46	27	21
Fort Belknap	83	93	77	64	75	59	67	51	45	24	25	13	12
Fort Peck	182	129	143	132	129	108	118	91	83	61	32	25	20
Northern Cheyenne	112	76	94	69	77	70	66	60	57	70	44	35	33
Rocky Boy's	75	63	52	54	69	54	39	29	51	24	13	4	3
Total	991	794	758	693	703	650	601	536	467	348	241	172	131

*Source: State Department of Public Instruction, Helena, Montana.

a/Having any degree of Indian blood.

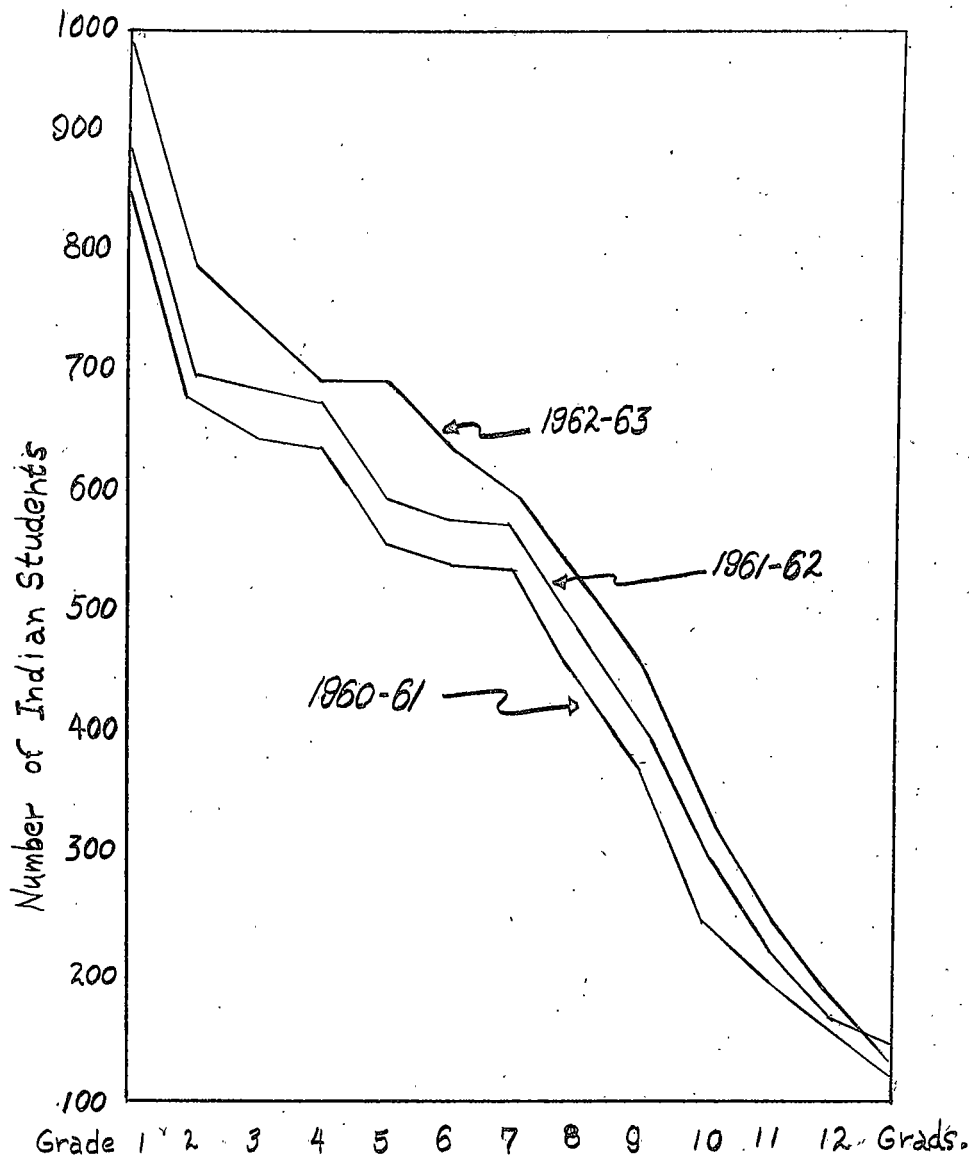


Figure 4. Number of Indian Students in Montana Schools, 1961-1962-1963.

Source: State Department of Public Instruction, Report of Indian Education in Montana, 1962-1963, Helena, Montana: Director of Indian Education, William E. Howard, p. 56.

in Indian education is attendance. Drop-outs and sporadic attendance are noted as the most important problems by most of the teachers and administrators who are quoted in the State Director's report. Examples of these comments are:

The only real problem we experience in Indian education is getting the children in school on time in the fall.

The problems that arise in connection with the education of Indian students in this school system are poor attendance, tardiness, poor scholarship, and dropouts...

We continue to have attendance problems. The biggest single problem in Indian education is attendance.

Attendance is an area in which continual improvement is necessary.^{102/}

A somewhat more penetrating analysis of the problem of attendance is given by one school administrator:

In dealing with the problems of Indian education, it is quite easy to confuse the symptoms of the problems with the problems themselves. Such things as poor attendance and dropouts have too often been considered the problems rather than symptoms of deeper problems which manifest themselves in behavior of this type.

The Indian student is caught in a great conflict. As a participant in a transitional culture, he faces the difficult choices in values which stem from the traditions of his race as opposed to the infringements of the Twentieth Century value system which bombard him from every side. His respected elders cling to that which they understand, a socio-political system based on government paternalism allied with the Indian's own desire to maintain a racial identity. Of necessity, such a system demands a form of isolationism and rejection of values inherent in what is considered

^{102/} State of Montana, Department of Public Instruction, Report of Indian Education in Montana, 1962-1963, Helena, Montana, 1963, pp. 60-70.

"the outside world." Yet on every hand, by radio, newspaper, television, trips to other communities, mass advertising, everyday business contacts, the outside world impresses itself on the consciousness of the student. Increasing inter-marriage also tends to bring the influence of the outside world to the reservation.

The problem is magnified when it becomes necessary to define the needs of the Indian student. Successful instruction must be based on a system of fulfilling felt needs. Significance is a basic component of instruction. The assessment of significance is a personal matter, subject to many influences. If the home and school disagree on what constitutes the need of the student, the home will naturally assume dominance with the result that rejection patterns accompanied by withdrawal tendencies will appear. Suspicion of motives and ill-feeling are by-products of the situation, and lack of support for the school program can be characteristic.

The basic problem then becomes two-fold; to educate the parent to the positive contribution the school can make to the life of the individual child, and to provide the highest possible level of achievement and sense of achievement in the individual child. The first is a slow process simply because only time can provide evidence of the school's contribution. The second is the basis for the day-by-day challenge that exists in Indian education. The problems attendant in the second are individual in nature and must be met individually. A combination of superior instructional practices and individualized concern are the tools by which adult support and student acceptance of the educational program must be built.^{103/}

Awareness and perception of the type shown above are certainly commendable and to be encouraged. Further workshops, follow-up visits and summer sessions with the teachers of Indian children are excellent steps being taken in the direction of improvement of Indian education.

Indian Education on the Crow Reservation

Local Schools

The statistics on public and mission school education on the Crow

^{103/} Ibid., pp. 60-62.

Reservations are given in the following Tables VII, VIII and IX. A total of 911 Crow children were enrolled in elementary schools last year and 191 in high schools. The drop-out rate in the high schools is emphasized in special tables and compared with non-Indian drop-outs. Attendance of Indian students is also presented. Federal funds distributed to schools on or near the Crow Reservation are listed in Table X. The level of education for Whites and non-Whites in Big Horn County as compared to Montana in general, is shown in Table XI.

Availability of schools is not a problem on the Crow Reservation except for high school students on the extreme west side who are now attending the Edgar High School. Some problems are reported because of language difficulties. Crow is still spoken rather widely throughout the reservation among the younger tribal members as well as the elders.

The local school situation is such that no children are sent to boarding schools because of location or lack of facilities. However, there are 106 Crow children attending federally operated schools outside Montana and two at the Busby School on the adjoining Northern Cheyenne Reservation. All of these are assigned to these schools for social and educational retardation reasons. Broken homes and lack of family support often lead to poor attendance and retardation. A few attend these federal schools through two years of post high school training at such trade schools as the Haskell Institute in Lawrence, Kansas and two are enrolled in the Institute of American Indian Arts in Santa Fe, New Mexico.

TABLE VII. INDIAN STUDENT ENROLLMENT BY GRADES, CROW RESERVATION AREA, 1962-1963.*a/

School	G R A D E												
	Elementary					High School							
	1	2	3	4	5	6	7	8	9	10	11	12	Grads
Crow Agency Public	34	47	42	36	30	31	22	0					
Edgar Public	0	0	0	0	0	0	0	0	15	1	2	1	1
Hardin Public	27	9	14	9	15	16	13	21	28	21	13	10	5
Lodge Grass Public	52	41	43	22	34	24	23	28	29	28	16	12	9
Pryor Public	8	4	12	8	10	5	8	9					
St. Charles Mission	0	7	3	5	5	3	5	4					
St. Xavier Mission	6	5	4	4	4	3	1	3					
St. Xavier Public	12	14	10	12	7	11	12	6					
Wyola Public	7	12	12	8	7	7	7	8					
Total	140	139	140	104	112	100	91	79	72	50	31	23	15

*Source: State Department of Public Instruction, Report of Indian Education in Montana, 1962-1963, Helena, Montana: Director of Indian Education, William C. Howard.

a/Having any degree of Indian blood.

TABLE VIII. SCHOOL ENROLLMENT AND AVERAGE DAILY ATTENDANCE, CROW RESERVATION AREA, 1962-1963.*

Name	District	Total Enrollment	Indian Enrollment	Total ADA	Total ADA as % of Total Enrollment	Indian ADA	Indian ADA as % of Indian Enrollment
ELEMENTARY SCHOOL							
Crow Agency	17-H	275	242	249.9	90.8	194.1	80.2
Edgar	33 & 4	74	0	63.9	86.4	0	
Hardin	17-H	825	124	739.9	89.7	74.9	60.4
Lodge Grass	27	403	267	346.1	85.9	181.4	67.9
Pryor	2	69	64	52.3	75.8	47.6	74.4
St. Charles Mission		34	32	31.0	91.2	29.1	90.9
St. Xavier	17-H	186	84	149.9	80.1	62.3	74.3
St. Xavier Mission		41	30	38.1	92.9	27.6	92.0
Wyola	29	103	68	89.1	86.5	59.6	87.6
HIGH SCHOOL							
Edgar	33 & 4	57	19	46.2	81.0	12.1	63.7
Hardin	17-H	508	72	422.6	84.0	46.1	64.0
Lodge Grass	27	162	85	113.2	69.9	51.0	60.0

*Source: State Department of Public Instruction, Report of Indian Education in Montana, 1962-1963, Helena, Montana, Director of Indian Education, William C. Howard.

TABLE IX. HIGH SCHOOL DROPOUTS 1961-1962-1963, CROW RESERVATION AREA.*

School	Grade:	Indian				Total			
		9	10	11	12	9	10	11	12
1961-1962									
Edgar Public		3	4	1	1	Not reported			
Hardin Public		10	6	2	1	15	13	15	3
Lodge Grass Public		4	4	6	1	5	5	8	5
1962-1963									
Edgar Public		2	0	0	0	3	1	0	0
Hardin Public		6	4	2	5	Not reported			
Lodge Grass Public		6	1	4	4	6	1	5	4

*Source: State Department of Public Instruction, Report of Indian Education in Montana, 1962-1963, Helena, Montana: Director of Indian Education, William C. Howard.

TABLE X. FEDERAL FUNDS (MAINTENANCE AND OPERATION) DISTRIBUTED TO SCHOOL DISTRICTS ON OR NEAR INDIAN RESERVATIONS, JULY 1, 1962 TO JUNE 30, 1963.*

County and School	District	Date Paid	Amount Paid
<u>BIG HORN</u>			<u>\$233,525.00</u>
Hardin	17H	11-1-62	40,113.00
		1-17-63	119,505.00
Lodge Grass	27	4-18-63	41,313.00
Pryor	2	9-6-62	2,245.00
		3-25-63	15,606.00
Wyola	29	10-5-62	3,926.00
		2-25-63	943.00
		3-22-63	9,874.00

*Source: State Department of Public Instruction, Report of Indian Education in Montana, 1962-1963, Helena, Montana: Director of Indian Education, William C. Howard.

TABLE XI. YEARS OF SCHOOL COMPLETED BY GROW INDIANS 25 YEARS OF AGE AND OVER--1960.*

Highest Level Completed	Big Horn County		State of Montana	
	Non-white (N=1,248)	White (N=3,466)	Non-white (N=9,416)	White (N=346,671)
0 to 6 years	27.6%	11.2%	27.2%	8.0%
7 or 8 years	31.2	30.4	29.1	26.3
1 to 3 years of high school	26.6	17.0	22.4	17.1
4 years of high school	10.3	23.8	14.5	28.5
1 to 3 years of college	2.4	9.8	5.1	12.4
4 or more years of college	<u>1.8</u>	<u>7.9</u>	<u>1.7</u>	<u>7.7</u>
Subtotal - high school and college	14.5	41.5	21.7	48.6
Total	99.9	100.1	100.0	100.0
Median	8.5	9.6	8.7	11.7

*Source: Stanford Research Institute, *op. cit.*, p. 15, compiled from U. S. Census of Population, 1960, Montana, General Social and Economic Characteristics, pp. 92-92, 136, 156.

Educational Opportunities

Indian education is augmented by the Extension program which has organized eight Indian 4-H Clubs on the Crow Reservation. In 1963, there were 107 members completing projects and 13 local leaders were involved. In addition to the eight Indian clubs, there are two mixed clubs and two additional clubs with an Indian member.

The projects completed by the Indian clubs include wood-working, electricity, clothing, knitting, and foods. The mixed clubs included beef and sheep projects but no Indian members have entered these livestock programs.

Vocational agriculture training in high school is available to Crow Indians only in Hardin. The Lodge Grass High School has had a Vo-Ag program but does not have one at the present time.

Under the Area Redevelopment Administration Program, a special 14-week course for agricultural workers is being conducted in the spring of 1964. Twenty students have signed up for this course which will be taught in Lodge Grass using the Vo-Ag Department equipment.

Crow Tribal Educational Assistance Program

From the recent Judgment Funds, the Crow Tribe has set aside \$200,000 for educational purposes. Scholarships are being arranged from this fund for higher education which will not exceed \$600 per student per year and will be used in conjunction with other funds available to Crow students enrolled in courses beyond high school.

During the 1963-64 school year there were 33 Crow students enrolled

in colleges, universities, business colleges and trade schools. In addition to these, 19 were enrolled in On-the-Job Training, and 39 in Adult Vocational Training courses. Since the beginning of these adult programs, 107 Crow have participated.

Indian Education's Effect on Aspirations and Adjustments

The previously quoted comments from a Montana school administrator about education for Indians touched on the subject of the effect of non-Indian environment on the students. The quotation from Canada which indicated that education opens doors for Indians which will only be shut to him later also brings up the rather complicated and intricate discussion of the school's effects on Indian aspirations and adjustments.

A recent Montana study on the aspirations of eighth and twelfth grade pupils of both Indian and non-Indian origin shows that:

The occupations which appeal to Indian pupils are related to White society. In no case did Indian respondents indicate that the jobs they most wanted are ones associated with traditional Indian life.^{104/}

In conclusion of this study the author states:

...the overwhelming impression from examining these data is that Indian youth are affected by American "mobility orientation" and that they also plan to achieve. Why these Indian youth continue to remain on the reservation is not that they are indifferent to all American incentives. A convincing explanation would take

^{104/} Henry E. K. Herrington, "A Comparison of the Education and Occupational Aspirations of Indian and Non-Indian Students in Montana," paper presented to 1963 meetings of American Sociological Association, pp. 5-6.

into consideration not only the lack of appeal of some incentives but also the barriers these youth would have to overcome were they to attempt to assimilate.^{105/}

An earlier study by Macgregor on the South Dakota Sioux of the Pine Ridge Reservation mentions some of the same conflicts in its conclusion:

The younger generation appears generally unprepared for their social position either at home or off the reservation and the difficulties they will have to face after their school years.^{106/}

Elizabeth Hoyt's study of the Iowa Fox Tribe ends with a plea for better understanding and help for the Indian students as they leave school--the most critical period, she believes. There are four possibilities when the Indian leaves school, she says. The first is to revert completely to Indian life which is almost an impossibility, for only a very few of the oldest members of the tribe hold out in this category. The opposite extreme is to leave Indian society completely and become White. This involves leaving home and family and severing ties with relatives and finding employment off the reservation. In between the two extremes, there seem to be two alternatives, one dark and the other bright according to Miss Hoyt. The dark side is illustrated by the marginal, disturbed lives, broken homes and addiction to alcohol, a life of transition which includes great generosity and hospitality but also dangerous violence. In the fourth possibility there seems to be

^{105/} Ibid., p. 9.

^{106/} Gordon Macgregor, Warriors Without Weapons, Chicago, The University of Chicago Press, 1946, p. 152.

more hope. The student must in this case take with him the values of his Indian heritage and gain the respect of the white world for these values. These cases require the cooperation and personal help of Whites and are few and far between.

The study concludes:

The White has attained great control over material resources and in this he foresees unlimited possibilities of human welfare. He is right. He sees his goal, however, without seeing the depth and the number of the obstacles. The Indian sees the obstacles without so bright a vision of the goal; sometimes with no vision of the goal at all.

The Indian knows that something is wrong, and that he is suffering. The White man relieves suffering here and there, but blinded by his vision he causes more suffering, and the nature of the suffering of other people is not clear to him.107/

Education for the Indian children can and does open doors as the study of their aspirations shows. Macgregor finds that school provides a happy experience for the young Indians but that it is liked not so much for its learning value as its social opportunity. The students enjoyed being in a crowd of others of their same age but did not respond individually to classroom work.

We have seen that after the IRA came into being in 1934 there was some effort to improve the teaching staff of Indian schools. This interest in special training for teachers of Indian children is being revived now in summer sessions and special clinics in Montana. One of the subjects which always is up for discussion when special work for teachers

107/ Hoyt, op. cit., p. VIII-7.

of Indians is mentioned is the need to help the children to be aware of their own cultural heritage as well as the non-Indian history and culture. This is usually presented as a means of making the Indian children understand the bridge between the two cultures and as an aid to making him proud of his own background rather than constantly reinforcing the inferiority complex that his situation dictates and which is punctuated by discrimination in reservation areas.

One administrator's viewpoint on this is illustrated in a comment quoted from the State Director of Indian Education's report:

I do not agree with Mr. Phileo Nash in his criticism of the Indian schools. He apparently would like to have us teach classes in Buffalo Hunting, Arrowhead Making, Fundamentals of Wigwam Construction, etc., rather than the basic courses.

There is no doubt that the Indian will have to compete in the White man's world and will have to have the same training. Possibly we are only making "poor imitations of ourselves" but our only goal can be to make equals of ourselves.^{108/}

Goals in Indian education as in Indian policy administration are the factors which should guide decisions and training. If we are to guide the young Indian into a modern non-Indian society there must be some agreement on how to do it, what parts of the Indian culture may remain without being detrimental and considerably more attention needs to be placed on the transition from school to adult life.

^{108/} Montana State Department of Public Instruction, *op. cit.*, pp. 66-67.

CHAPTER V

CREDIT FOR INDIANS

Background

The history of credit programs for Indians follows some of the same outlines found in the review of Indian administration and education. There was a real lack of attention to the problem before 1934 when the IRA stressed the availability of credit along with its tribal organization plans. By the end of the Second World War, however, policies were being reversed and in the early fifties Indians were being told they should turn to local credit agencies rather than the BIA for their credit needs. In recent years, a variety of programs have been instituted, often by the tribes themselves, for solving the credit shortage and new programs such as the Area Redevelopment Administration have helped to encourage economic development projects through credit and the insuring of loans.

The earliest government credit programs for the Indians date back to 1911 when the first appropriation of \$30,000 was made for this purpose. The government personnel purchased the items for the Indians under this first program which afforded little opportunity for them to learn the methods of financial transactions. The amount available varied from year to year depending on the Congressional appropriations and it is perhaps not surprising that these early efforts were not really successful in terms of repayments, education, and development of Indian resources.

During the period from 1935 to 1950 a revolving fund was set up under the IRA with \$5.5 million in appropriations, and \$1.8 million of tribal funds which made possible loans of approximately \$17 million over the entire period. The primary loans were made to the tribe, a tribal corporation, credit association or cooperative which in turn loaned money to individuals. Local supervision and technical assistance helped to bring a change in the repayment record. On loans from the government to tribal corporations, credit associations and cooperative groups, 96.6 percent had been repaid on their due date up to June 30, 1960. On relending operations of tribal groups, 92.35 percent had been repaid, 3.95 percent had been extended and the remaining had either been cancelled, liquidated, or declared delinquent.

In the early fifties, the economy-minded governmental policies combined with Congressional emphasis on termination brought the credit program to a virtual standstill. Indians were advised to go to regular local credit agencies for their needs, the agricultural extension program which had assisted the credit supervision was transferred to the states and a new policy of only making loans for one year at a time was instituted. By 1954, the unused balance in the revolving loan fund was more than \$5 million.^{109/}

Another change of policy came through around 1960 and the present Administration is again granting more loans from the revolving fund. The 1962 Commissioner's report states that commitments from the revolving

^{109/} Federal Indian Legislation and Policies, *op. cit.*, pp. 24-31.

fund totaled \$3.2 million in 1960 and \$6.4 million in 1961. At the time of the report, requests for \$40 million were pending.

During this time, tribal programs were being established on funds received from tribal enterprises, leases or judgment funds. The Crow program will be presented in some detail in the next section. Some tribal groups such as the Shoshone and Mescalero Apaches are now entering into guaranty agreements with banks to cover loans to tribal members who qualify in every respect except security. The Blackfeet have posted \$50,000 with a local production credit agency to back loans to members of the tribe.^{110/}

Credit Programs Available to Crow Indians

Tribal Credit Program

The Crow Tribal Credit Program is now operating with funds from the 1961 Tribal Judgment, a loan from the BIA Revolving Credit Fund and other tribal funds. The Tribe has approximately \$550,000 in the fund and the BIA loan is approved and committed to provide \$250,000 during the present fiscal year and an equal amount for the 1965 fiscal year.

The objectives of the tribal credit program are stated as follows: To rehabilitate and promote economic and social development of the borrowers; utilization of resources; improvement of housing; and education. It is administered by a committee of six tribal members elected by the people from each of the six districts.

^{110/} United States Secretary of the Interior, Annual Report, 1961, Washington, Government Printing Office, 1962, p. 19.

Under this program up to November 12, 1963, 63 loans had been made amounting to a total of \$300,595.04. The kinds of loans are as follows:

Farming and Ranching	15	\$135,149.00
New Homes	13	61,059.00
Home Improvement	24	17,774.04
Furniture and Appliances	17	16,564.00
Debt Payment	17	29,783.00
Business Enterprise	2	40,166.00
Medical and Dental	1	100.00

Many of the loans were made in conjunction with the Family Plan Program. At the time of the above report there were applications pending for approximately \$700,000 and the need for extra assistance in the office to help in the field work involved was emphasized.^{lll/}

The Tribal Credit Program, as it now operates, charges 3 percent interest on educational loans with repayment beginning one year after completion, 4 percent on land improvement loans over \$1,000 and 5 percent on loans for livestock purchase, farm equipment, etc. A loan fee is charged which begins at \$5.00 for a loan of \$25-\$250 and becomes a straight 1 percent rate on loans of \$3,000 or more.

The annual report of the BIA credit office shows the following totals for loans (Table XII) to Crow Tribe members over the entire period from April 8, 1947 to June 30, 1963.

^{lll/} Minutes of the Economic Development Planning Committee Meeting, November 12, 1963, Crow Agency, Montana.

TABLE XII. INDIVIDUAL LOAN SUMMARY, THE CROW TRIBAL CREDIT PROGRAM, APRIL 8, 1947 TO JUNE 30, 1963.*

	Number	Amount
Individual Loans For:		
Seed	214	\$ 33,011.42
Feed	20	5,156.75
Subsistence	51	11,023.00
Other Non-recoverable Items	735	87,862.52
Machinery	160	116,877.08
Livestock	196	152,885.50
Permanent Improvements	158	94,328.32
Education	18	8,420.00
Refinancing	89	87,515.51
Other Recoverable Items	<u>83</u>	<u>49,757.24</u>
Total	1,724	\$646,837.34
Individual Commitments by Size of Loan:		
Over \$1,000	141	\$444,239.98
500-1,000	124	85,295.66
101-500	403	113,136.00
100 or Less	<u>66</u>	<u>4,165.70</u>
Total	743	\$646,837.34
Individual Commitments by Degree of Blood:		
Full Blood	517	\$396,909.15
Half or Over, but < Full	195	176,072.43
Less Than Half	<u>22</u>	<u>73,855.76</u>
Total	743	\$646,837.34

*Source: Crow Tribal Credit Office, Crow Agency, Montana.

Other Programs

The tribal credit officer emphasizes that the BIA program is not to be in competition to private credit but is designed to assist individuals who could not get loans outside. Tribal members are advised to apply to the Hardin office of the Farmers Home Administration (FHA) when they are eligible. Through an agreement at the national level between the BIA and the FHA, loans are made with the approval of the local BIA Superintendent. Applications to FHA are sent through the local BIA Credit Office. If foreclosure is necessary, the Superintendent has the power of attorney to negotiate the equities and liquidate allotments if necessary.

The former Hardin FHA office manager who is now with the PCA in Billings remembers making loans to about eight Crow Indians over the last five years. Five of these were for housing improvement and the other three for agricultural development, such as ranch expansion and livestock purchase. He estimates that about half of these have "gone sour", while three were actually liquidated and turned over to the BIA.

The reasons stated for the poor record on these loans were: "Lack of character", "lack of history of reliability", and "lack of initiative". The former FHA manager feels that education was definitely not a factor as the Indians involved were as well or better educated than most non-Indian borrowers in the area.

Even with these various programs operating as they are, the need for credit is not satisfied according to the Crow Agency BIA credit supervisor. Problems encountered and mentioned include the difficulty

in obtaining an adequate land base to set up an enterprise of sufficient size to repay substantial loans and also give a family a good standard of living. Care and diligence in making the loans is being exercised by the tribal committee in approving loans which helps to keep the program operational and in good standing.

In conclusion it can be emphasized that although a number of credit programs are available and operating which are quite helpful to the Crow Indians, the lack of credit is still a block to agricultural development because of the limitations on the amount available, the lack of good qualifications on the part of the Crow borrowers and the size of the demands that current agriculture puts on credit.

CHAPTER VI

INDIAN EMPLOYMENT

General Situation

Historically, Indian employment has been thought of in terms of agriculture, hunting and fishing. At the present time, however, the capacity of agricultural employment for Indians is being questioned because of the numbers to be supported on a given land base and because of the general urbanization of our total society.

The result is increased emphasis on industrial employment for Indians in addition to development of agricultural resources for Indian use. The recent emphasis on vocational education and the relocation programs has been directed in this line and some of the interest in arts and crafts has sometimes been justified as a diversion of employment away from the meager agricultural base.

The agricultural products of Indian lands still represent a large source of Indian income. In 1962, the Indian receipts from Indian farm and range lands were as follows in Table XIII.

Despite the impressive totals, the income for Indians is extremely low. The \$63 million mentioned above when distributed among one-half million Indians provides a per capita income of only \$126 per year. The overall plight of Indians is demonstrated by the previously mentioned fact that their incomes are one-fourth to one-third of the American average and their unemployment rate is six to seven times the national average. These conditions remain even though the United States govern-

TABLE XIII. INDIAN RECEIPTS FROM INDIAN FARM AND RANGE LANDS, 1962.*

<u>Source of Income</u>	
Crop production on Indian used dry farmlands	\$ 9,650,232
Crop production on Indian used irrigated lands	8,436,760
Livestock production on Indian used grazing lands	26,072,669
Fish and wildlife--direct Indian use	<u>7,083,213</u>
Total receipts from Indian use	<u>\$51,242,874</u>
Rentals--from non-Indian operators for use of farm and pasture lands	\$ 9,273,550
Grazing fees--from non-Indian operators, for use of rangelands	1,914,385
Fish and wildlife fees--from non-Indian operators for use of fish and wildlife resource	1,117,668
Other	<u>29,821</u>
Total receipts from non-Indian use	<u>\$12,335,424</u>
Total Indian receipts from Indian farm and range	\$63,578,298

*Source: United States Department of the Interior, Bureau of Indian Affairs, Answers to Questions about American Indians, Washington: U. S. Government Printing Office, 1963, p. 10.

ment has spent three billion dollars on Indian welfare up to 1960 and currently is spending one-quarter billion dollars annually which amounts to approximately \$725 per Indian.112/

Employment is part of the complex of programs and ideas which have already been discussed in sections on Indian administration and education. The emphasis of the early schools on practical work, the later efforts on vocational education, the IRA's emphasis on employment of Indians within the BIA and the recent rally round the flag of economic development are all efforts to create employment and the desires and attitudes which lend themselves to stable employed people.

In his study of the Rosebud Sioux Reservation, Eicher separates the employable Indians into three categories for application of development techniques and recommendations. The planning and adjustments need to be considered for:

- (1) The present and potential ranchers and government employees,
- (2) the seasonal workers, and
- (3) potential out-migrants.

Different programs are needed for each of the three groups.113/

A number of Indian groups throughout the country have gained some reknown in fields where their unique qualities serve them particularly well. The Mohawks of New York have become the leaders in high steel

112/ "Commissioner Nash on Indian Needs," Nation, op. cit., p. 453.

113/ Carl K. Eicher, "An Approach to Income Improvement on the Rosebud Sioux Indian Reservation," Human Organization, Winter, 1961-62, p. 194.

construction where bravery and fearlessness make them valuable in the early stages of skyscraper construction. The Navajos of Arizona have been incorporated into factory work which involves small piece assemblies. Their craftsmanship, attention to details and manual dexterity have been proven superior to non-Indian groups in this job. Several tribes of the West have distinguished themselves through organizing fire fighters for the protection of national forests. Again, the bravery and exertion over short periods of time needed for such work is characteristic of the cultural heritage of the Indian hunters particularly.

Indian Enterprises

Tribal leadership, which according to many observers has been improving markedly over the past 25 years, has been responsible for several successful tribal enterprises which use Indian resources and provide employment for the Indians. In an article on "Economic Development of Indian Reserves" in the special issue of Human Organization on "American Indians and Their Economic Development," Newton Edwards recounts the success of the Cherokees of North Carolina who have capitalized on the tourist trade coming into the Great Smoky Mountains. In addition, they have brought a plastics manufacturer to the reservation through financial assistance in construction of the factory and local help in recruitment of workers. The Seminoles of Florida have developed a cattle industry through a system of leases of land to vegetable growers who leave the land in improved pasture after taking two years' crops from the land. The accompanying cattle improvement program, through

help from the BIA, has brought the total enterprise into a profitable form in which each participating Indian will soon have a goal of 125 head of good cattle.

Continuing the account of successful enterprises, the White Mountain Apache Tribe of Arizona is cited for its livestock improvement program and its successful entry into the management of a popular recreation area. Lakes were created, fish planted, campsites built, a boat dock built and operated, summer home sites leased and horses and guides provided. Special fishing and hunting licenses are issued and sold by the tribe and their own game wardens enforce the special regulations and game management.

Another article from the same collection gives the problems of developing and managing the "San Carlos Apache Cattle Industry". The organization of this particular enterprise involved a number of small cattle associations which operated communal herds. Although there has been a generally successful profit realized from the herds, the author points out that this enterprise has not made cattlemen of all the San Carlos Apaches since more than 300 of the 713 members of the cattle associations have 10 head or less. The author feels that the traditional Indian values of cooperative family use of present resources, lack of value being placed on work or saving, and the desire for high social contact have worked against the complete success of the project. He concludes by saying that the San Carlos Apaches have "incorporated the cattle industry into their slowly changing culture largely in terms of pre-reservation values." It represents, nevertheless, the greatest

success they have achieved and it has been done through this non-Apache activity introduced from outside.^{114/}

Another successful tribal cattle enterprise is owned by the Wind River Shoshone. Their good fortune has been due in part to the excellent management they have hired--the person in charge has no relationship to members of the tribe and hence is not under family and tribal pressures.

Industrial employment in the form of plants located on or near the reservations is being promoted by the present Indian Commissioner. In 1962, an administrative reorganization within the BIA created the Division of Economic Development. It was a combination of several existing functions with the addition of some personnel with training and experience in industrial location.

In February, 1963, Commissioner Nash reported that a total of 26 plants had been located on or near Indian reservations which employ 1300 Indians. There is the possibility of twice this number of Indians being ultimately employed in these plants. Aid to the new industries is provided in the form of loans to tribal organizations for building plants to lease for industry, and helping the industries meet initial labor costs through special payments for on-the-job training for Indians. Assistance for such programs is available through the Area Redevelopment Administration for whose help all Indian Reservations automatically are

^{114/} Henry T. Getty, "San Carlos Apache Cattle Industry," Human Organization, Winter, 1961-62, pp. 181-186.

eligible, and the Manpower Development Training Act. Hence, the help of the Department of Commerce and the Department of Labor is being brought into the total effort for Indian reservation development and employment assistance.

One report to the Governor's Interstate Indian Council by Rex Quinn states that through the first half of 1963, 31 plants had been established with a total Indian employment of 987 and a potential of 2,632. However, he believes that if Indians would take advantage of the job opportunities that are now available to them right on the reservations, there would be very little need for the staff in Industrial Development. He cites examples of new plants which have not been able to employ Indians once they are located on or near the reservations.

He calls for better education for Indians and more help from the BIA, the Tribal Councils, the communities and the State Planning Boards and State Departments of Commerce and Economic Development.115/

Looking at the total Indian employment in agriculture, it is reported by the Commissioner that Indians operate 391,000 acres of irrigated land themselves out of the 647,000 acres which are under Indian irrigation projects. This irrigated farm income accounts for 20 percent of the Indian agricultural income and is produced on less than 1 percent of the land base.116/

115/ Proceedings of Sixteenth Annual Conference of Governor's Interstate Indian Council, *op. cit.*, pp. 35-36.

116/ United States Secretary of Interior, Annual Report, 1961, Washington, Government Printing Office, 1961, p. 280.

In the 1962 Annual Report, the Navajo Irrigation Project authorization was announced which will provide 110,630 acres of irrigated land when completed. This report estimated that 1,120 Navajo families would have a new economic agricultural base and additional employment opportunities for 2,240 families would be provided in service and commercial enterprises made possible by the development. A total of 17,000 Navajos would benefit from the development in one way or another which includes one-fourth of the reservation population.117/

Employment on Crow Reservation

In a survey of all United States Indian reservations made by Peter Dorner in a Ph.D. thesis for Harvard University on "The Economic Position of the American Indians: Their Resources and Potential for Development," an estimate of the possible agricultural employment on the Crow reservation showed that 621 agricultural family farm and ranch units could be made out of the 2 1/4 million acres of land. He also estimated that jobs for 51 other on-reservation families would be provided so the total employment possible was 672 families. This compared rather favorably with the estimate of 586 existing Crow families at the time of his study in 1959. His estimate was made under admitted heroic assumptions about levels of income and productivity of land.118/

The principal sources of income to Crow families in 1952 and 1962

117/ United States Secretary of the Interior, Annual Report, 1962, Washington, Government Printing Office, 1962, pp. 7-14.

118/ Dorner, op. cit., p. 145.

are shown in Table XIV. In 1962, one-third of the families' principal source of income was leases and rentals and another third relied upon wages and salaries.

An estimate of the active and potential labor force of the Crow Reservation is presented in Table XV. According to this survey only 81 out of a possible labor force of 574 were engaged in agriculture either partially or wholly.

In November, 1963, the BIA employment officer at Crow Agency was able to announce that essentially full employment existed on the Crow Reservation at that time. This condition had not been known to exist before and the fact gave considerable pride to the BIA staff and tribal officials.

The attainment of full employment was admittedly seasonal and included: 86 working at the Holly Sugar Plant in Hardin, 40 working on the Yellowtail Dam construction, 45 working on an Accelerated Public Works program of construction in Black Canyon, 100 employed in agriculture wage work (the Holly field man estimated 52 employed in beet harvest), 100 employed in Family Plan Housing construction, and 120 self-employed in agriculture.

An estimate of the total labor force for 1962-63 by the Crow Agency BIA office lists 856 men and women between the ages of 14 and 64 available for employment. A truer picture of the actual labor market according to the employment officer is the 1962 estimate of 650 employable adults between 18 and 55.

Because in the past, agricultural work has been the only kind

TABLE XIV. CROW FAMILIES AND UNRELATED INDIVIDUALS BY PRINCIPAL SOURCE OF FAMILY AND UNRELATED INDIVIDUAL INCOME, 1952 AND 1962.*

Source of Income	1952 ^{a/}		1962 ^{b/}	
	Number	Percent	Number	Percent
Agriculture	35	9	56	8
Lease or rental	193	47	263	37
Wages or salary	125	31	253	36
Welfare assistance	38	9	99	14
Other (includes pensions)	16	4	33	5
Total	407	100	704	100

*Source: 1952 data from Missouri River Basin Investigations Report 147, p. 23, 1962 data from an unpublished MRBI Survey, Stanford Research Institute, Provisional Overall Economic Development Program: Crow Reservation Area, p. 12.

a/Sixty additional families in 1952 were classified as deriving less than 50 percent of their income from a single source. In the 1962 survey, no such category was included, since the principal source of family income was recorded for each family surveyed.

b/Includes only Crow families and unrelated individuals living on the reservation (excluding Hardin) with enrolled tribal members as family heads; 704 families and unrelated individuals surveyed in 1962 had enrolled tribal members as heads and 43 additional families with Crow wives had non-enrolled males as heads. Possibly 100 unrelated individuals are included in the 704 total; therefore, it is estimated that there are approximately 600 Crow families with enrolled heads living on the reservation.

TABLE XV. STATUS OF THE ESTIMATED CROW INDIAN ACTIVE AND POTENTIAL LABOR FORCE ON THE RESERVATION, 1962.*

Employment Category	Males	Females ^{a/}	Total ^{b/}
Agriculture (only)			
Fully employed	43		43
75-99 percent employed	3		3
50-74 percent employed	11		11
25-49 percent employed	11		11
Less than 25 percent employed	<u>3</u>		<u>3</u>
Total	71		71
Agriculture and wages			
Fully employed	7		7
75-99 percent employed	1		1
50-74 percent employed	1		1
25-49 percent employed	1		1
Less than 25 percent employed	<u>—</u>		<u>—</u>
Total	10		10
Wages and salaries (only)			
Fully employed	72	42	114
75-99 percent employed	22	1	23
50-74 percent employed	46	5	51
25-49 percent employed	102	1	103
Less than 25 percent employed	<u>71</u>	<u>4</u>	<u>75</u>
Total	313	53	366
All agriculture and wages			
Fully employed	122	42	164
75-99 percent employed	26	1	27
50-74 percent employed	58	5	63
25-49 percent employed	114	1	115
Less than 25 percent employed	<u>74</u>	<u>4</u>	<u>78</u>
Total	394	53	447
Not gainfully employed	90	37	127
Grand total or weighted Average	484	90	574

TABLE XV. (Continued)

*Source: MRBI Project, unpublished data collected in 1962.

Stanford Research Institute Report, Provisional Overall Economic Development Program: Crow Reservation Area, 1962, p. 13.

a/Includes only employed females and those unemployed females having no minor children, physically capable of full employment.

b/Includes 65 unmarried adult sons and daughters living at home, and 35 employed wives, as well as persons classified as family heads in other tables.

available it is estimated that at least 75 percent of the men have had general farm and ranch experience. Irrigated farms need hay crews and beet harvest provides many opportunities for tractor and truck drivers. Work is generally on a short term basis. Cash wages are usually paid on a daily basis with recent rates being from eight to twelve dollars per day. Beet harvest work has been paying ten to twelve dollars and general summer work, eight to nine dollars per day. Campbell Farming Corporation, one of the larger employers, pays nine dollars and charges for meals when the men stay at their camps or headquarters.

A new system of contract hay baling has become popular in the last few years. Using equipment owned by the rancher, one Indian will contract to bale on a five to six cents per bale rate. He then, in turn, hires other Indians for his crew. This eliminates the necessity for the rancher to hire daily and the work is put on a speed basis which involves some competition and is apparently more acceptable to the present day Indian cultural orientation than straight wage-hour rates. There is, however, a general feeling as expressed by the local extension agent that "when they (Indians) don't want to work is when they are needed most."

In 1953, a survey of "Cattle Ranching on the Crow Reservation," conducted by Montana State College with MRBI, 89 Crow Indians were found to have more than 20 head of livestock but of this group only 54 actually received more than half of their total income from their agricultural enterprise. The present family plan records show 60 families are self-employed in agriculture so the number has changed only 10 percent over

the last 10 years.119/

The Extension Agent reports that four Indian families expanded their ranching operations this year through loans of from \$30-50,000. Although these were mostly for cattle operations, two were expanding their hog production as well.120/

The BIA employment officer at Crow Agency feels that employment opportunities in agriculture have been decreasing each year. The good employment picture that exists at the present time is the result of increased employment of Indians by Holly Sugar Corporation, the Yellow-tail Dam construction and the combination of a building boom fostered by the Family Plan money and the Accelerated Public Works Project of building a summer camp in Black Canyon. Until two years ago, Holly Sugar Corporation did not employ any Indians, but due to non-Indian labor competition from Yellowtail Dam and other reasons, they shifted from a seven day week to a 40 hour week and began hiring Indians. A total of 114 have been employed during the last year at Holly although only two work throughout most of the year. Several Indian foremen have been offered full year-round employment but have declined.121/

Besides the Crow Agency employment officer's help in finding jobs, the Crow Indians may seek employment directly through the Billings office

119/ Ralph E. Ward, et. al., "Indians in Agriculture—Cattle Ranching on the Crow Reservation," Montana Agricultural Experiment Station, Bulletin 522, July 1956, pp. 8-9.

120/ Interview, Howard Morton, April 28, 1964.

121/ Interview, Robert Shotwell, November 13, 1963.

of the State Employment Service. During the summer months an extra employee of this office is assigned to the area which includes the Crow reservation for assistance in locating and placing the extra summer agricultural demands for labor.

The Billings agricultural area offers summer field work in sugar beets which is not acceptable to the Crow Indians. The importation of Mexican hands for this work presents the curious situation of labor being imported thousands of miles to an area where unemployment among the Indian population is often high. Feelings against this type of stoop labor are well ingrained, however, and the need for employment has never been great enough to overcome this prejudice.

Although the present employment situation is relatively good, the employment of Indians in agriculture is still somewhat limited. The extension agent says that they are holding up their end of the deal. With only eight percent of the American population now in agriculture, he asks: Why should we expect more than eight percent of the Crow Indians to be employed in agriculture?

PART II. COMMUNITY DEVELOPMENT RELATIVE TO THE HARDIN UNIT.

Having looked into the background and growth of some of the present institutional problems confronting the proposed Hardin Unit Irrigation Project, this study now turns to the benefits and costs area. Part II deals with the benefits and costs which accrue to a development project outside the direct production and actual building costs.

Development of the Hardin Unit Irrigation Project will involve building canals and water delivery systems and the expense of preparing the land for irrigation through leveling and rearrangement of fields. The production from the newly irrigated land will be of considerable direct value through the ready markets for sugar beets, grain, hay and cattle in the area. But more than this, the additional people who will become the owners or operators of the newly irrigated land or their employees will create more business and employment for the area, especially Big Horn County. These developmental benefits and the costs such as income foregone and the increase in social expenditures are investigated and pertinent data are presented in the following chapters.

Later, these benefit and cost aspects are combined with the unique problem situations outlined in Part I pertaining to the Indian development situation. The people who receive the calculated benefits may be members of the Indian community or, in some cases, only the non-Indian community may be the benefactor. This division may also pertain to costs. Combining the institutional background and problems outlined in Part I with the benefits and costs outlined in Part II produces Part III, the Analysis and Conclusions.

For the purposes of calculating the developmental benefits and costs in Part II, an assumption is made pertaining to the number of farm operators that would be using the newly irrigated land. The possibility that these new farmers will be from the Indian population depends on the solutions to the problems outlined in Part I. If land ownership complexities can be reduced, the problems of Indian administration ironed out and improvements made in programs for education, credit and employment for Indians, the possibility of Indian operators would be greatly enhanced. Indian attitudes and aspirations which are influenced by all the problems and programs just mentioned are also a factor to be considered.

Among the special problems of Big Horn County discussed in Part III is the division of the Indian and non-Indian communities. Which community is most likely to benefit from the community development and bear the costs is part of the analysis and conclusions. All three parts of this presentation together show the advantages and disadvantages of developing the Hardin Unit. The information contained here will be useful, it is hoped, to all the residents of Big Horn County in their decision-making processes pertaining to the proposed irrigation development.

CHAPTER VII

DEVELOPMENT BENEFITS

The development of irrigation in the western United States has had a vast influence on all parts of the economy, particularly on the agricultural sector. Throughout world history, irrigation from some major rivers such as the Nile, the Tigris and Euphrates and the Indus has been the base on which economic and social empires were built. Wherever rainfall is insufficient or undependable, the addition of water to good soil has often created a profitable agriculture.

Irrigation adds considerably to the number of people and the business that a given area may support. It is the measurement of this addition and the qualities of development produced that are the subject of this section. To see the possible effects of the establishment of the Hardin Unit Irrigation Project in Big Horn County, we will proceed to compare it to other similar developments and predict from those the amounts and kinds of development.

Stabilization of range areas, development of irrigated crop production, additional population and the employment provided are the possible results of irrigation development. Some of the ramifications of these possibilities will be presented.

Such an analysis of benefits needs to be weighed in some fashion against the costs involved. Some of these benefits and costs are intangibles but some possible comparisons will be presented in the hope that they will aid the people of the area in their judgment of how to proceed in determining land use in the future.

