



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

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

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Abstract:

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

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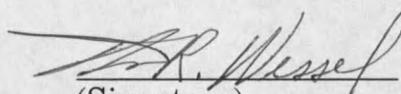
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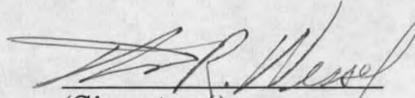
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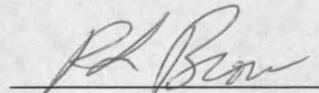
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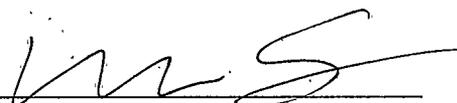
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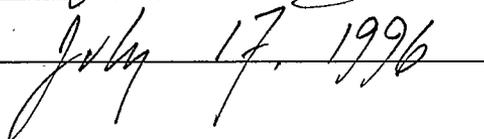
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## ABSTRACT

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

## Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Notes to the Introduction

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## **Background to the IRA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Notes to Background to the IRA

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

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

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

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

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

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

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

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

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

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

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

























































































































































































































































































