



NATIONALISTIC TRENDS AMONG  
AMERICAN INDIANS

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Radical changes in the situation of the American Indian in the very recent past make Indian nationalism a significant force in American affairs. Modern Indian nationalism, while new in its ability to transcend tribal boundaries, is not without historical precedent. The paper which follows is not only a review of the historical antecedents of Indian nationalism, but also a characteristic statement of the point of view of the highly vocal National Indian Youth Council. -- SGL

Within the United States there exists "the perpetual inhabitant with diminutive rights"<sup>1</sup> -- the American Indian. He is an anachronism. His persistent identity as an Indian makes for an unique phenomenon in a country whose "melting pot" tradition borders on the sacred. That he should retain his ethos in the midst of a culture whose vast impact upon all peoples of the world is easily demonstrable, poses questions which seek out the core of America's firm belief in its superiority. Furthermore, the legal status of the Indian is distinct from that of non-Indians and a notable exception to the American code of equality before the law. My purpose is to discuss those historical antecedents which may have led to the development of American Indian nationalism, to describe the framework within which Indians have functioned in the twentieth century, and to offer for consideration certain traits among contemporary Indians which may prove to be nationalistic. The Indian world is a living thing, a collection of unasimilated individuals and communities which have chosen to go their own way rather than integrate with the dominant culture. At a time when new nations all over the globe are emerging from colonial control, their right to choose their own course places a vast burden of responsibility upon the more powerful nations to honor and protect those rights. The Indians of the United States may well present the test case for American liberalism. As Felix S. Cohen observed:

It is a pity that so many Americans today think of the Indian as a romantic or comic figure in American history without contemporary significance. . . . Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere;

and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith.<sup>2</sup>

## I

## THE BACKGROUND OF INDIAN NATIONALISTIC THOUGHT

Confederation among American Indian tribes was the exception rather than the rule throughout traditional and recorded history. The tendency was proliferation into more and more tribal groups. In fact, it might be said that the proclivity to separate off into autonomous tribes was the distinctive feature of Indian political development.

And yet, confederation did occur. Long before contact with non-Indians, the northeastern Iroquois founded the League of the Hodelosaunee, or Iroquois, made up of five (later six) nations -- Mohawk, Oneida, Onondaga, Cayuga, and Seneca (the Tuscarora joining around 1712). The League produced the first federal constitution on the American continent, the Gayaneshagowa, or Great Binding Law.<sup>3</sup> It affected the nations already mentioned as well as such subjugated tribes as the Susquehannocks, Hurons, Eries, Wyandotts, Neutrals, Delawares, Nanticokes, Saponis and Tutelos. Estimates as to the date of its founding range widely, but investigators now tend to place its origin in the fifteenth century.<sup>4</sup>

But the founding date is not at issue here; the League's main importance for this report is its example as the first documented incidence of a strong cohesive confederation of American Indian tribes. Other incorporations followed. The Creek Confederacy appeared during the 1600's, and, in New England, King Philip of the Wampanoag tribe succeeded in fusing his tribe for a time with the Narragansetts, Nipmucks and others in 1675. In the Southwest, the Pueblos were united under the leadership of Popé in 1680. Pontiac, in 1763, managed a concerted effort against the British with warriors drawn from such tribes as the Potawatomi, Chippewa, Ottawa, Miami, Delaware, Mingo, Huron, Shawnee, Wea and Kickapoo. The sagacious Joseph Brant envisioned a union of all Indian tribes during the Revolutionary War and, while his messengers sought allegiance of tribes as remote as the Sauk and Foxes, he led his Mohawks with the Onondaga, Seneca and Cayuga into the war on the side of the English.<sup>5</sup> In the years following the Revolution, Tecumseh conceived the idea of a vast Indian confederacy and travelled from Wisconsin to Florida in order to elicit support for this cause. William Henry Harrison wrote that "if it were not for the vicinity of the United States, he [Tecumseh] would perhaps be the founder of an Empire that would rival in glory that of Mexico or Peru."<sup>6</sup> Tecumseh's scheme for an Indian free state or nation within the United States echoed Brant so nearly that one might well wonder at the outcome had the two men been of the same generation.

## SOME DEFINITIONS USED IN THIS PAPER

The Indian world. Throughout the report of this investigation, the term "Indian world" shall be interpreted as meaning the totality of American Indians who maintain identity with, and orientation to, their ethnic group. The definition applies equally to reservation Indians, nonreservation Indians, relocatees, and people having any degree of Indian blood who so identify.

Nation and nationalism. According to one dictionary definition, a nation is "any aggregation of people having like institutions and customs and a sense of social homogeneity and mutual interest." In this report, however, it will be necessary to expand the definition somewhat. Looking at the culture of the American Indians as a whole, we find tremendous diversity -- in the past and the present. Even neighboring peoples or societies can differ considerably from one another. Politically, they are a conglomeration of multiple societies, often possessing their own distinct tract of land. "Nationalism" shall be interpreted as the devotion to, or advocacy of, group interests or group unity and independence.

Termination. As it will be used in this report, "termination" means the unilateral withdrawal of federal services to Indians. It will further imply those related policies and legislation, such as resolutions, bills, acts and public laws, which lead to this same end.

## List of abbreviations used:

BIA	U. S. Bureau of Indian Affairs, Department of the Interior
ICC	Indian Claims Commission, U. S. Department of Justice
IRA	Indian Reorganization Act of 1934, also referred to as the Howard-Wheeler Act
NCAI	National Congress of American Indians
NIYC	National Indian Youth Council

In 1830, Black Hawk of the Sauk tribe attempted to enlist the aid of the Osage, Cherokees, Creeks, Potawatomi, Kickapoo and Winnebago in a final stand against American advancement. He appealed to them to lay aside their tribal animosities for the greater good of all Indians.

Another type of unifying effort was waged by Wovoka, the Paiute prophet. This was a nativistic revival movement centering on the Ghost Dance by which the spirits of the dead would be enlisted to aid the living in their eleventh hour struggle in the 1880's.

Each of these figures gives clear evidence of incipient or overt nationalism. Citing other prominent Indians as, for instance, Chief Joseph,

Cochise, Geronimo and Crazy Horse would confuse patriotism to tribe with the concept of an all-Indian nationalism. The leaders briefly described above shared the dream of tribal unification and a united Indian nation, although they varied in the breadth and scope of their philosophical development.

The most realistic vehicles for the attainment of Indian unity of those mentioned were the League of the Iroquois and the concepts of Tecumseh and Brant. The League sufficiently impressed Benjamin Franklin so that "in 1754 . . . [his] proposed Albany Plan of Union for the colonies drew direct inspiration from Hiawatha's League."<sup>7</sup> In a letter he said:

It would be a very strange Thing, if six Nations of ignorant Savages should be capable of forming a Scheme for such an Union, and be able to execute it in such a Manner, as that it has subsisted Ages, and appears indissoluble; and yet that a like Union should be impracticable for ten or a Dozen English Colonies, to whom it is more necessary, and must be more advantageous; and who cannot be supposed to want an equal understanding of their interests.<sup>8</sup>

That the League may have been the governmental key to a united Indian nation is a moot point. However, its persistence in the present-day Iroquois world clearly demonstrates its survival value throughout 350 years of envelopment by a dynamic non-Indian civilization.

Tecumseh's wisdom lay in his conception of himself as an Indian first and a Shawnee second. Like Brant, he fought for more than resistance to encroachment; he propounded a design for an Indian state built on national consciousness above and beyond tribal consciousness.

Despite the general autonomous character of Indian societies, the idea of Indian commonality is clearly grounded in Indian history. The importance of the incidents I have mentioned lies less in any possible direct evolution to present trends than in their simply having happened. It would be difficult, if not impossible, to determine whether these concepts were consciously harbored from the historical sources or not. The point remains, however, that Indian nationalism of one form or another did exist in the past, and that precedent has been set for further development.

## II

### TWENTIETH CENTURY INDIAN AFFAIRS

At the turn of the century, American Indians were a decimated, demoralized people. The population had sunk to its lowest ebb because of war, disease and famine. The General Allotment Act of February 8, 1887, as amended by the Act of March 2, 1889,<sup>9</sup> was in full force, and Indian land was being alienated at a constant, rapid pace.

The Act produced internal tribal schisms unlike any previous governmental deed. Detribalization was concomitant with personal demoralization and disintegration. Intertribal communication was slight. The struggle for continued existence inhibited political development.

One exception to the picture of detribalization and the lack of intertribal communication was the political development of the Five Civilized Tribes of Oklahoma, the confederacy established by the Cherokee, Seminole, Chickasaw, Creek and Choctaw. These tribes formed a solid bloc with an aim toward creating a separate Indian state at the time of Oklahoma's admittance to the Union in 1907. Needless to say, the attempt was unsuccessful. The supposedly inviolate Indian Territory of Oklahoma was wrested from the Five Civilized Tribes and the neighboring tribes by homesteaders who owed their success to the Allotment Act.

This incident, as well as those to follow, shows that for the major part Indian history since the Massacre at Wounded Knee on December 29, 1890, has been written by Congressional legislation. However, its importance for this paper derives from the confederacy itself, the submergence of five tribal identities to a single Indian "cause."

In 1907, Congress passed the Burke Act<sup>10</sup> amending the General Allotment Act. Although the amendment was aimed at protecting the Indians from further land losses, it merely added more red tape to the process of alienation. Its worth lay in the fact that it was a step -- and perhaps the first federal step -- toward improving the lot of the Indians.

Three years later a medical division was established as part of the Bureau of Indian Affairs. This event might be viewed as the first nominal attempt to fulfill portions of provisions extant in treaties made in the eighteenth and nineteenth centuries. Educational provisions in the treaties were ignored by the government. Willard W. Beatty wrote that:

The United States' Government is obligated to provide education for its Indian citizens by virtue of almost every treaty which it consummated with the Indian tribes since colonial times.<sup>11</sup>

This responsibility had been tacitly handed over to missionaries and anyone else so inspired.

Actions such as the 1910 medical service provision served to keep the elusive dream of treaty fulfillment alive. Several tribes<sup>12</sup> took up collections among their impoverished members in order to hire lawyers, hoping they might be able to win a special Act of Congress allowing them to press their claims. Usually they met with defeat.

With the advent of World War I, Indians pledged their active allegiance to the United States by enlisting by the thousands although they were not subject to the draft. The Iroquois League, humiliated by this exemption, instituted "selective service." One might well wonder at this patriot-

ism to the federal government only a quarter-century after the last Indian war, but the fact of its existence remains.

Following World War I, lay organizations became active in pleading the Indian "cause." The first of these organizations was the National Indian Association, founded in 1879, a "society for improving the conditions of the Indians." Although this particular group died out, others rose to replace it, such as the Indian Rights Association and the Friends of the Indians. In 1923, the Secretary of the Interior appointed a non-professional Committee of One Hundred to investigate Indian problems. John Collier's American Indian Defense Association was established in 1924 in protest of the Bursum Bill, aimed at taking Pueblo lands.<sup>13</sup> Such actions and publicity brought about an upsurge of public sentiment which culminated in the Curtis Act of June 2, 1924,<sup>14</sup> granting citizenship to all American Indians not yet enfranchised. The rationale offered for this privilege was the excellent record established by Indians during the war. Under the provisions of the Act, the right to vote and to hold public office was guaranteed by federal statute, although state laws could and often did deny these rights.

Information appears to be lacking as to the attitudes and specific actions of the returning Indian veterans after World War I. Changes such as those which occurred among World War II veterans do not seem to be in evidence. It needs only to be said that Indian political development remained in a nascent state. One observer reasoned that:

The development of leadership among the Indians has been nullified for the past fifty years because there was no goal for the individual to strive for. . . . The development of leaders was suppressed by the system under which the Indians were governed. There was no chance for development because there was no object in developing -- no incentive.<sup>15</sup>

More concisely, D'Arcy McNickle remarked that "the Indians were dying of legislatively induced anemia."<sup>16</sup>

In 1926, Secretary of the Interior Herbert Work commissioned another survey which was to become the most enlightened document yet to be seen in Indian affairs. Published in 1928, the Meriam Report was a comprehensive summary of Indian problems, but its greatest value lay in its recommendations. The basic emphasis was on the need for across-the-board education on all age levels.<sup>17</sup> It exposed the low quality of personnel in the Bureau of Indian Affairs (BIA), particularly its field administrators.<sup>18</sup> Recommendations were made for the improvement of the medical service.<sup>19</sup> And, second only to its priority upon education was the suggestion that:

No evidence warrants a conclusion that the government of the United States can at any time in the near future relinquish its guardianship over the property of restricted Indians, secured to the Indians by government action.<sup>20</sup>

Although it did not say in so many words that land alienation must cease, it did point out that "the policy of individual allotment should be followed with extreme conservatism."<sup>21</sup>

The Meriam Report was never implemented as official policy. Instead, a third survey was inaugurated by the U. S. Senate. Herbert Hoover appointed Charles J. Rhodes as Commissioner of Indian Affairs in 1928 with the designated task of accelerating the assimilation of Indians into the general society. Termination may have been the ultimate goal, but the immediate steps involved the expansion of governmental services in the areas of health, education and welfare. The Allotment Act was officially abandoned. BIA personnel improved and great advances were made in school construction.

The depression struck the still-destitute Indians with greater impact than many other groups. The BIA budget was severely reduced and the recent programs were discontinued.

In 1934, President Roosevelt appointed John Collier as BIA Commissioner. Collier stood firmly behind the recommendations of the Meriam Report and went further to institute policies unequalled by any administration before or since. In contrast to the previous BIA emphasis upon acculturating individuals as the means by which to achieve Indian assimilation, Collier's program was based upon the assumption that Indian communities should be economically and otherwise assisted to the point where they might choose and develop their own patterns of adjustment.<sup>22</sup>

In June of 1934, Roosevelt signed the Howard-Wheeler Act, otherwise known as the Indian Reorganization Act (or IRA).<sup>23</sup> Of its many provisions, that which has had the most lasting effect was the establishment of tribal governments and corporations by charter. A total of 189 tribes (129, 750 Indians) voted to accept this provision of the Act and to set up tribal governments under it; seventy-seven tribes (86, 365 Indians) rejected it. However, not all of the 189 tribes who voted for it actually formed up constitutions.<sup>24</sup> Failure to do so was for many reasons, not the least of which was total unfamiliarity with government by constitution. The ramifications of this choice could not have been predicted at that time, but subsequent legislation has placed much emphasis and weight upon the acceptance or rejection of this provision by the tribes.

The policies of the Collier Administration and the Howard-Wheeler Act brought about external pressures for tribal and intertribal communication unknown to that degree in previous history. The very nature of the methods employed by the BIA produced dynamic situations. The usual procedure was to call a regional conference of tribal leaders in order to explain the Act's provisions. What for the BIA was a facilitating technique resulted, in many cases, in the first face-to-face interaction of tribes culturally and geographically remote. What was considered "regional" to the BIA did not, in fact, correspond to intertribal relations. For example,

William R. Zimmerman, Assistant BIA Commissioner, called together a regional group composed of delegates drawn from South Dakota, North Dakota, Minnesota, Wisconsin, Michigan and Iowa. Thus were bands, communities, tribes and subtribes of Sioux, Chippewa, Oneida, Winnebago, Fox, Menominee, Potawatomi, Stockbridge, Munsee and Ottawa brought together to face a mutual problem, a situation theoretically impossible in aboriginal times and occurring in historic times with such strange heterogeneity only in U.S. -Indian treaty-making situations. The delegates were faced with a proposition the implications of which affected all Indians and were not keyed to specific tribes. Although the response was tribal, the stimulus was universal.

For the first time since the subjugation of the tribes, the burden of responsibility for self-government was placed squarely upon the shoulders of the Indians. Tribal and other groups fused through internal debate. "A surprising amount of community spirit had survived the generations of attempts to break up the tribes."<sup>25</sup> Leaders of different tribes compared notes freely and frequently, and latent tribal organizations awakened to meet the challenge. The record of acceptance or rejection of the opportunity is less important than the fact that 266 tribes composed of 216,115 Indians grappled with the problem and produced a vote.

Those tribes which accepted the provisions of the Howard-Wheeler Act were then required to formulate their own types of government and constitution. Less than the 189 tribes actually submitted their constitutions, but the more important benefit -- that of political consciousness -- had been largely achieved.

The remaining years of Collier's BIA administration were encouraging ones for the Indians. The population continued the upswing begun in the early 1900's, more and more land was brought back under trust status, and educational services and medical care reached new dimensions. Restrictive legislation upon the Indians' individual liberties was repealed or drastically modified. In 1938, Indians were granted freedom of religion for the first time.

World War II left Indian legislation at a standstill. The BIA budget was sharply reduced as were the quantity and quality of its personnel. Indians enlisted or were drafted into the Armed Services. As of 1945, 25,000 had served their country. Of these, two received the Congressional Medal of Honor, 51 had received Silver Stars, 70 the Air Medal, 34 the Distinguished Flying Cross and 30 the Bronze Star -- an impressive war record for any ethnic group.

The war uprooted Indians as it did other Americans. In addition to the servicemen, an estimated 40,000 Indians left the reservations for the war industry. Others became migratory farm workers.<sup>26</sup> Though statistics are lacking, a certain portion of the migrating workers consisted of whole families, while a larger part was composed of fathers or fathers and

mothers who had left the remainder of their families under care on the reservations. This latter group supported those at home in a fashion far surpassing the previous subsistence level they had known.

Acculturation was bound to play heavily upon these scattered Indians, and it did. Literally thousands first really learned English at this time. Furthermore, this was the first time Indians in such numbers had the opportunity to view the non-Indian world at such close quarters. Re-evaluations of personal worth, especially in the services, raised morale to new heights. The relative affluence of the war-workers accustomed them to a vastly higher standard of living. New ideas about health and sanitation were inculcated. And there appeared a renewed interest in education.

For the Indian world perhaps the most significant fringe benefit acquired during the war years was that of leadership training. This applied to both servicemen and war workers. During the years of detribalization and demoralization, there were few incentives to young men in the area of tribal politics. Those who had risen to power in IRA days and the traditional leaders did not encourage or foster the growth of leadership abilities in the successive generations. Despite the flurry of excitement engendered during the early 1930's, the older reasons for this lack of leadership training returned: general ennui, lack of goals beyond mere continued existence, traditionalism, the BIA's vacillating interests and a monolithic five thousand statutes and supplementary regulations governing virtually every phase of Indian tribal and individual life.<sup>27</sup> But because of the off-reservations opportunities in the war years, many young people received on-the-job and formal leadership training which was to prepare them for the problems ahead.

In 1944, the first all-Indian national organization was founded in Denver, Colorado -- the National Congress of American Indians. Its membership included tribes and individuals. It chose as its task the dissemination of Indian viewpoints in Washington, and registered as a lobby. In addition, its affiliate, ARROW, Inc., operated as the financial arm and field operations unit.

At the end of the war, the war workers and the veterans returned to the reservations, at least briefly. The intervening years had accomplished more in the way of acculturation than had all previous efforts specifically designed for that purpose. Dissatisfaction with reservation conditions caused thousands to emigrate to the cities. Some reservations became so depleted of population as to leave them totally devoid of tribal organization. Other reservations were crucially overpopulated for the land base available. In the cities, Indians generally found themselves unable to compete in the depressed job market with non-Indians on the basis of skills and education. Indian ghettos developed in most major cities, containing the jobless or part-time worker relocatees.

Discontented with second-class citizenship, the young reservation men fought energetically for equality in terms of the right to vote, to purchase liquor, and other measures. Their efforts were rewarded when New Mexico, Arizona and Idaho revised their constitutions and statutes to provide for Indian suffrage.

With the establishment of the Indian Claims Commission (ICC) on August 13, 1946, Indians were made eligible to file suits against the government. Any "identifiable" group of Indians within the U.S. or Alaska could press for adjudication suits arising from (1) claims in law or equity, (2) tort claims, (3) claims based on fraud, duress, unconscionable consideration, mutual or unilateral mistake, (4) claims based on the taking of lands without payment of the agreed compensation and (5) claims based upon fair and honorable dealings not recognized by existing rules of law or equity.<sup>28</sup> The term "identifiable" caused considerable problems and soon it came to mean almost exclusively those tribes who had become corporations under the IRA in the 1930's. Furthermore, the variety in types of claims under which suits could be filed devolved primarily to treaties and executive orders concerning claims based on the taking of lands without payment of the agreed compensation. Provision was made for review by the Court of Claims, and appeal on questions of law to the Supreme Court.<sup>29</sup> Appropriation of monies for claims adjudication was the responsibility of Congress.

In addition to the stated purposes of the ICC, there were indications that with the settlement of Indian claims the way would be considerably cleared for the withdrawal of federal trust over reservations and individuals. Furthermore, those who believed that old unjudicated claims lent incentive to Indians to retain tribal membership and residence on the reservations felt that treaty settlements would finally sever this bond.

The establishment of the ICC keyed up the somnolent hopes of treaty fulfillment. Within the five year period assigned for filing, 852 separate claims were included in 370 petitions entered.<sup>30</sup> The Howard-Wheeler Act in 1934 allowed for tribes to contract with attorneys (subject to capricious BIA approval<sup>31</sup>) and once again the tribes were in business. The Indians expended some \$1,000,000 in preparing their claims for trial. Anticipations were high and the Indians back home waited eagerly for their leaders to return from Washington with their long-awaited payments. A few cases were treated and favorably adjudicated, such as the impressive \$7,200,000 Mountain Ute recovery. But for the most part, it was a tedious and lengthy process. As of January 1961, only 128 petitions or docket numbers had been finally adjudicated. These awards totalled \$37,127,116.25.<sup>32</sup> Hopes for quick recoveries had to be put into greater perspective and Indian patience was called for once again. The ICC, due to its ponderous operating procedures and the vast amounts of material involved, requested and received an extension to the time limit for adjudication in the form of an

amendment to Section 23 of the ICC Act.<sup>33</sup> In addition to the above factors, a third reason for the extension was the slowness of the Indians in preparing their cases. Their lawyers were almost as much in the dark as to what they should offer in the way of evidence as were the Indians themselves. Neither did the ICC have any clear notion of what constituted evidence.<sup>34</sup> No real precedents had been laid for this type of action. The ICC often discounted Indian testimony as having any weight whatsoever.<sup>35</sup> Soon the matter was taken from the hands of the Indians and placed solely in those of the lawyers, who were free to compromise and make deals as they could. In the period 1959-60, more than \$18,000,000 was awarded "largely because of compromise settlement."<sup>36</sup> Again the mysterious processes of the white man's world were closed from viewing.

The use of the anticipated treaty funds became a tribal matter, however. Each eligible tribe was to take a vote of its membership to decide how it would disburse the award. Many Indians clamored for division on a per capita basis, while tribal leaders generally urged a compromise consisting of a token per capita distribution and investment of the remainder in tribal enterprises. (For landless tribes, of course, only a per capita distribution was feasible.) In later years, the BIA required the tribes to prepare programs for the use of the monies before disbursement.

Another tribal matter was the preparation of the tribal roll. In theory, the tribes established their own eligibility rules, subject to BIA approval. On the other hand, the BIA's "Patterson Opinion" sanctioned as members those who had one-quarter degree Indian blood, were recognized by the tribe, and who had tribal residence. Except for California, the tribal decisions have generally won out and such variety in distribution as the following has resulted. According to these tribes, a candidate must be:

Crow - one quarter degree blood and having tribal membership as of July 23, 1953,

Fort Berthold - any degree of Indian blood providing that seven tribal council members endorse him,

Pine Ridge Sioux - born on the reservation and having one parent as a tribal member,

Chippewa - a descendant of the 1889 tribal roll,

Ute - any degree of blood, on any roll, and having received a favorable vote by the membership committee,

Ottawa - a descendant of the 1853 tribal roll.

And yet no matter what the rules may be, the formulation of a tribal roll is an expensive, time-consuming task.

House Concurrent Resolution 108 was introduced to the House of Representatives on June 9, 1953, 83D Congress, 1st Session, by Harrison of Wyoming -- the controversial termination policy. It read in part:

. . . It is the policy of Congress, as rapidly as possible, to make the Indians 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 . . . .

This initial statement was riddled with inaccuracies.<sup>37</sup> In actual fact, Congress was not so much interested in making full-fledged citizens out of Indian citizens as it was concerned with cutting down government spending. One of the first targets of the current budget reform was the Department of the Interior, and, more specifically, the BIA. Senator Arthur V. Watkins of Utah felt it high time to "get the government out of the Indian business." He sponsored and introduced the Resolution to the Senate. Both Houses endorsed it and termination became official federal policy.

Ten termination bills were introduced during the second session of the 83D Congress, six of which passed. Senator Watkins was very prominent in most of this action.<sup>38</sup>

The Indian committees in the House and Senate were determined in that 83D Congress to activate the policy established by Concurrent Resolution 108. . . . It seemed likely to some members, and most clearly to the chairman of the Senate Committee [Watkins] that, if left to themselves, the Indians might postpone indefinitely the time when they would be willing to excuse the United States and agree to go their own way.<sup>39</sup>

Dillon S. Myer, then BIA Commissioner, also favored the Resolution and bills, but the thankless task of scheduling the tribes for termination fell to Acting-Commissioner William Zimmerman, who had no taste for these policies. The proposed list began: all tribes in California, Florida, New York and Texas; the Flathead, Menominee, Kansas and Nebraska Potawatomi, Turtle Mountain Chippewa, and the Nebraska Omaha and Winnebago. Termination soon began in earnest with the removal of federal trust status over the Menominee, Alabama-Coushattas and the Klamath.

But it quickly became all too clear that passing bills did not necessarily make for acculturated, assimilated Indians. Instead, it threw vast numbers to the not-too-tender mercies of the local and state governments, to say nothing of the general public. The state of Wisconsin was caught with no plans for the assumption of responsibility for the Menominees,<sup>40</sup> and responded by creating a county of the previous reservation area. The Menominees were billed for taxes on their lands immediately and were unable to pay them. They were faced with the problem of paying further fees for fire and police protection, sanitation services, highway maintenance

and virtually all the services a county normally provides -- and all at once. The Klamath, in order to meet the demands of termination exigencies, lost \$32 million in timber sales almost overnight. Despite a huge per capita payment in 1958, many Klamath were soon on welfare, their money spent.<sup>41</sup> Simply, the Klamath as well as other tribes had not achieved an economic sophistication which would allow them to function adequately without federal supervision.

The termination legislation sounded like a death knell to all Indians, reservation and non-reservation alike. It rang as the finale to the remnants of an Indian homeland, a way of life and a heritage. Alarm was universal. After its initial impact, however, the Indians went into action. The NCAI called an emergency conference and drew up a resolution wherein it requested that consent of the tribes would be required before such legislation could be enacted. Tribal and intertribal meetings proliferated. Protest after protest from Indians and non-Indians assailed the government. Finally, Secretary of the Interior Fred A. Seaton in 1958 made a statement endorsing a "consent" clause, although he made it clear that termination would remain as official policy.

The actions of Congress compelled the tribes to analyze their ability to survive if and when terminated. Older leaders stepped aside or were replaced by young progressives whose knowledge of the non-Indian world was required now more than ever. The modus operandi of many of the new leaders was decidedly of different type than that of their predecessors. The earlier "conservative" syndrome of protest-rejection-dejection was replaced; the younger men knew how to haggle, prepare alternative plans and compromise. Indian politics changed character almost overnight.

On June 12, 1961, several hundred Indians from 210 tribes congregated at the American Indian Chicago Conference, called by the University of Chicago. It became a demonstration of young dynamic leadership. A Declaration of Indian Purpose was drawn up for presentation to Congress. Simultaneously, President Kennedy called a halt to termination, at least temporarily. The news was greeted by the AICC participants with joy, then cautious relief. The presidential decision probably had at base the results of the Task Force on Indian Affairs and a summary report by the Commission of the Rights, Liberties, and Responsibilities of the American Indian, both prepared earlier in the year. At any rate, the pressure for immediate termination was gone, allowing Indian political energies to concentrate on other needful projects.

The AICC provided a valuable opportunity for Indians to meet, learn and work in seven days of intense interaction. At the outset, each tribe was prepared to do battle for its own personal aims; by meeting's end, virtually all were working as Indians first and tribal members second.

Another AICC product was the meeting of college students and recent graduates not yet in leadership positions in their tribes, who had come as

observers. Several had attended the Workshop on American Indian Affairs, sponsored by the non-profit corporation American Indian Development, Inc. The Workshop, begun in 1956, provides a concentrated six-week summer study on Indian affairs keyed primarily to college students.

The meeting of the student and recent graduate group resulted in the August, 1961, establishment of the National Indian Youth Council. The NIYC was designed basically as a service organization, a forum for ideas and a site for leadership training -- training which had gone into eclipse again since the war years.

In September, 1961, the NCAI elected a new slate of officers mostly from the ranks of progressive AICC voices and the organization took on a more aggressive character than before. It chose Public Law 83-280 as its immediate target. PL 280 conferred upon certain states all civil and criminal jurisdiction over reservation Indians. It was viewed as another termination step. Considering it "contrary to American principles of democracy and self-determination to impose jurisdiction on any people without their consent,"<sup>42</sup> the NCAI pressed for an amendment or amendments to the law which would require consent of the tribes involved before such action was taken. President Eisenhower, at the time of the bill's signing, also felt the law to be out of keeping with American traditions and described it as "a most unchristianlike approach" to the problem.<sup>43</sup> However, PL 280 remains on the books at this writing although several amendments<sup>44</sup> have been proposed and are still pending.

In 1962, new attention was brought to the problem of fractionated heirship, the result of the old Allotment Act. Now, as many as one hundred descendants can be found sharing original 80- or 160-acre allotments. Among the Kiowa-Apache, for instance, it is not rare for a set of twenty to thirty individuals to own and attempt to live off 80 acres of virtually worthless land. The shares are frequently split into strange fractions: one individual owns 2889/12150s of one-half the mineral rights on an 80-acre plot.<sup>45</sup> Several bills have been introduced into Congress<sup>46</sup> in an attempt to grapple with the problem but no panacea has yet been found adequate.

The Senate Subcommittee on Constitutional Rights launched an inquiry into Indian problems in 1961 and by mid-1962 it had uncovered chaotic situations during the course of its regional hearings, particularly in South Dakota and Arizona.<sup>47</sup> Preliminary findings showed that Indians frequently lacked knowledge concerning even their most basic liberties as citizens. The full report was to come later, though.

In March, 1963, the Pine Ridge Reservation was the recipient of 51 new low-rent homes provided by the U.S. Public Housing Administration, and obtained mainly through the efforts of the NCAI. Learning that low-rent housing and a mutual-help housing program were also available to them, several other tribes filed applications with the USPHA. However, the process being slow and the housing problem so acute, these efforts could only

begin to answer the needs. At present, the USPHA has announced that 3,300 dwelling units have "been set aside for the reservations."<sup>48</sup> As the wording implies, most of the housing is still in the planning stage.

The reservations have been in economic trouble for more than a century in spite of one scheme after another. But clearly, one answer became available with the introduction by Representative Berry (South Dakota) of H.R. 980 in the 88th Congress. The bill, "Operation Bootstrap," provided for tax and other inducements to industry to locate on reservations. But it received an unfavorable report from the Department of the Interior and the Treasury. The Indian people, having been alerted to this bill by the NCAI and other agencies, viewed its career with dismay.

In 1963, the matter of civil rights affected Indians as well as other Americans. Discrimination occurred in several areas, being more frequent where the Indian population was large in proportion to the whole. Both the NCAI and the NIYC issued statements endorsing the sentiments of the Civil Rights measures.

In March, 1964, the NIYC was called to the aid of forty-plus tribes in Washington State in their running battle with the Fish and Wildlife Department. The state had not only abrogated the fishing rights portions of the U.S.-tribal treaties but had also instituted a vigorous campaign to jail and/or fine all Indians caught fishing even in their "usual and accustomed places" as defined by treaty. This state action impinged heavily upon the livelihood of countless Indians. The state maintained that Indian fishing was depleting the streams. The Indians charged that stream depletion was brought on by the logging industries' tearing up of the stream beds, the chemical companies' dumping of waste into the streams, the damming up of the waterways and the multimillion dollar sportsmen's fishing enterprise. Unofficial U.S. Conservation Department surveys tended to side with the Indians' charges. But the issue that concerned tribes throughout America was the question, "can states unilaterally abrogate treaties contracted between the federal government and the Indian tribes?" (PL 280 was a side issue as well.)

The NIYC with the help of the movie star, Marlon Brando, the Rev. John J. Yaryan of the Grace (Episcopal) Cathedral of San Francisco, the Civil Liberties Union and the NCAI, staged a protest demonstration which succeeded only in clarifying the situation concerning the fishing rights. Arrests and fining resumed shortly after the incident.

And yet, the demonstration was by no means a total failure; indeed, it was most heartening to many observers, mainly the Indians themselves, for a secondary result. It was the first time in recorded history that that many tribes in Washington (or possibly anywhere else, for that matter) had joined in such a concerted effort to resolve a specific problem. The protest received support from the Indian organizations already mentioned as well as from many tribes across the nation.

Another problem came to a climax soon after the Washington matter. The construction of the Kinzua Dam on the Allegany Reservation in New York threatened to flood out nine-tenths of the Seneca land guaranteed by the Pickering Treaty of 1794.<sup>49</sup> With the aid of the Friends Indian Committee, the Senecas had been protesting the dam for years. Apparently unable to stop the U.S. Corps of Engineers by any means whatever, the Senecas hoped that the government would do the next best thing; that is, pay them for the land which was to be flooded in order that they might begin construction on new homes, roads, churches, schools and other community buildings to replace those soon to be inundated. A conflict developed between the House and Senate Subcommittees on Indian Affairs to the effect that the Seneca reparation and rehabilitation bills came to a stalemate, the House version of the bill being the more liberal. The Senate bill called for termination. The NIYC and tribes across the nation joined voices first in protesting the dam and then against the stalling of the bills and the threat of termination. They feared that termination would be revived and they also suspected that the construction of dams was to be a new means for alienating Indian land. Ultimately, in August, a compromise of the Joint Committees resolved upon a median figure plus termination.

The "War on Poverty" certainly concerned the Indians. On February 13, 1964, BIA Commissioner Philleo Nash issued the following statements:

1. Unemployment on the reservations runs between 40 and 50 per cent -- seven or eight times the national average.
2. Family income on the reservations averages between one-fourth and one-third the national average.
3. Nine out of ten Indian families live in housing that is far below minimum standards of comfort, safety, and decency.
4. Average schooling of young adults on the reservations is only eight years -- two thirds the national average.
5. The average age at death on the reservation is 42 years, two-thirds the figure for the national population.<sup>50</sup>

When the War on Poverty began to mobilize, Indians found that they were sixth on a list of six areas requiring immediate attention. The Council on Indian Affairs, an organization of Indian and non-Indian groups, called the American Indian Capital Conference on Poverty on May 9-12, 1964. Both the NCAI and the NIYC as well as many tribal organizations sent delegates to participate. They examined and made recommendations upon all phases of Indian life related to the problem, such as education, employment, health, housing and community mobilization.

"Operation Bootstrap" reappeared briefly as a proposed amendment to the Civil Rights Bill, but again it met defeat.

An interesting case of "turning the tables" occurred when Mr. Amos Hopkins-Dukes, a Kiowa, filed for an allotment under the provisions of the old Allotment Act which, though virtually forgotten, was still in effect. He and others now viewed the bill as a possible vehicle by which Indians could acquire land from public domain sources.<sup>51</sup> However, the Department of the Interior took a dim view of this idea and the matter will now be determined in the courts.

In recent years, the number of state Indian commissions designed to handle internal problems has increased. In 1964, Minnesota and Michigan were added to the list, the latter having been prompted primarily by the efforts of the NIYC. The roster now includes Arizona, California, Michigan, Minnesota, Montana, New Mexico and North Dakota. In September, the 17th Annual Convention of the Governors' Interstate Indian Council met in Denver to compare problems and procedures and to formulate new attacks within the scope of state jurisdiction.

The 1964 NCAI convention in September produced new evidences of intertribal and intergeneration unanimity with the election of the NIYC's Vine Deloria, Jr. as its executive director. There appeared a fusing of philosophy within the Indian world heretofore lacking. Later in the year, there were indications that further consolidation within the Indian political sphere were in the offing. Furthermore, Indian affairs took on an international flavor when, at the NIYC board meeting in December, Canadian Indians were represented by tribal delegates from every province except Saskatchewan.

The election year brought about Indian political activity contrasting sharply with previous indifference. The Mescalero, Jicarilla-Apache, Navaho and five New Mexico pueblos issued a joint statement supporting the candidate of their choice. In Nevada, much interest centered upon the proposed Washo Drainage Project. Rallies were held and tribal voters turned up at the polls on November 3 in impressive numbers. The matter of PL 280 brought South Dakota Indians to vote and the issue was soundly defeated. Not only were several Indians throughout the nation actual candidates for office, but for the first time in such proportions, non-Indians actively sought the "Indian vote."

The issuance of the Subcommittee on Constitutional Rights' Summary Report was the final major event in 1964 affecting Indians. Its recommendations and observations brought to light such matters as denials of due process and equal protection of the laws, complex legal difficulties, arbitrary decision making by the BIA, job discrimination by Federal and State agencies and private businesses and the like. On the matter of PL 280, the Subcommittee recommended that:

. . . The consent of the United States should be given to any State to assume, in whole or in part, civil and/or criminal jurisdiction over Indian reservations, provided that the Indian tribes involved consent. The Congress should further authorize the United States to accept a retrocession by any State of any civil or criminal jurisdiction.<sup>52</sup>

Concerning tribal sovereignty, it noted that:

. . . Although tribal power has been defined and limited by acts of Congress, the subcommittee's investigation revealed that the broad interpretation and administration of the guardianship power of the Secretary of the Interior has been used to thwart the development of meaningful tribal self-government.<sup>53</sup>

And, noting that "a fundamental cause of the entire Indian problem -- the lack of education -- has long been evident," the Subcommittee offered the view that:

Until such time as the Indian does receive the education which adequately meets his needs, we cannot expect him to make an appreciable contribution to his progress and the Nation's.<sup>54</sup>

To close this section, a few words concerning Peyotism might be in order. The Peyote Religion is the main present-day religion of more than fifty tribes from California to Michigan. Considerable legal difficulties have arisen for its adherents through their use of peyote (Lophophora williamsii), a non-habit-forming cactus product containing a mild hallucinogenic substance called mescaline. Recently, the Supreme Court of California set aside the conviction of three Navaho Indian peyotists arrested during a traditional religious ritual. The Supreme Court ruled that "to forbid the use of peyote is to remove the heart of peyotism" and so infringes the principle of religious freedom.<sup>55</sup> Further litigation is pending in several states but peyotists and their sympathizers hope that the religious freedom granted to American Indians in 1938 will continue to be upheld in terms of the Native American Church and the Peyote Religion.

### III

#### FACTORS IN INDIAN NATIONALISM

In order to examine the morphology of the contemporary Indian world and its stage of evolution, it will be necessary to inspect some of its more complex elements.

As an economic asset, reservation land is generally too poor or underdeveloped to provide anything but meager subsistence for its users.

Thus off-reservation wage work is often vital. This kind of employment provides several building blocks for socio-political development.

1. Off-reservation wage work obviously provides money, thus increasing financial stability.

2. Off-reservation wage work brings about knowledge of the non-Indian world; the most important benefits are "learning the ropes" of white economic practices and recognizing the need for more formal education.

3. This newly-acquired knowledge when applied to reservation life usually takes the form of material items, but it is also manifested in the use of more general economic techniques and in the encouragement of child education.

4. The relative financial stability, allowing for free time away from economic pursuits, permits the growth and evolution of the socio-political consciousness.

Economic development on the reservations is increasing steadily, though slowly. Tribal enterprises provide internal cohesion as well as employment. This too leads to more tribal awareness and tribally-oriented activities.

With increased family financial stability, more attention can be given over to tribal affairs, as we have seen. Tribal council members, now seldom BIA figureheads, are more integrated with, and representative of, the reservation populations and are more involved with their economic, educational, and political development. Furthermore, the councils are often assuming BIA functions. They plan and operate tribal enterprises, assume responsibilities in education, and intervene between the reservation people and non-Indians as need be, to name a few.

Individual financial stability plus tribal capital derived from ICC adjudications and tribal operations provide an economic base for the development of extra-tribal considerations. In addition, the increase in the number of educated individuals adds more trained resources to activities undertaken along these lines.

As we have seen, the socially and financially strengthened tribal councils are now actively participating in local, state and national politics. Intertribal cooperation is increasing, notably in Arizona, New Mexico and Nevada. There is also considerable political activity among tribal members not in council positions, as exemplified by the NIYC membership in general (although several have become tribal council members since 1961). Supplemental to these two groups are the large numbers of off-reservation and relocatee Indians who contribute their efforts on behalf of the Indian people as a whole. The off-reservation political group is made up of college organizations, city Indian community centers and clubs and, of course, non-affiliated individuals.

All this collective interest and activity is encouraged as communication between tribes, groups and individuals is increased. Communication

is effected in numerous ways. Individual mobility has increased considerably. Powwows and ceremonials bring about interaction to a significant degree, as do meetings of Indian clubs, regional and national organizations and the growing Indian sports leagues. Tribal and other newspapers, newsletters and the like facilitate extratribal awareness and exchange. Even the "Indian grapevine" or "moccasin telegraph," a highly developed institution, plays an important part in the communication network. And, not to be overlooked, the English language has provided the primary means by which intertribal communication has been made possible.

The first result of this communication has been the comparison of individual and tribal problems throughout the nation's Indian population. This plus the realization of the similarities in philosophy and goals has brought about a strong sense of commonality. Thus has Indian identity above and beyond tribal identity been evolved and fostered. A large part of the meaningful innovations in the Indian world in recent years have been initiated by intertribal unity. These successes, in turn, have encouraged further intertribal or nationalistic activities.

The general goals of Indian nationalism are: (1) increased education of all kinds on all age levels, (2) improved health and general welfare, (3) retention of land base and accumulation of more land, (4) economic development on the reservations, (5) true rather than nominal tribal sovereignty, (6) assumption of BIA functions as the individual tribes reach the necessary level of development required to do so, (7) greater political solidarity and strength in order to exert significant control over their affairs and (8) maintenance and development of Indian culture.

Certainly these goals are intimately related one to another. The sum total is no more or no less than the goals of non-Indian municipalities throughout America with which the reservations should be equated. The one, and perhaps only, important difference between the two is the desire of the Indian people to maintain and develop their own culture. It can be argued that with the acquisition of the first seven goals, acculturation will have negated number 8. The possibility of this happening has occurred to many participants in Indian nationalism. No final answer can be offered, but the persistence of the traits next to be discussed may provide the threads for cultural continuity within an evolving framework.

One constant within the Indian world is the importance placed upon the extended family as the basic social unit. In this, it contrasts strikingly with the "typical American" nuclear family, which consists of independent couples and their offspring. The extended family is a major and persistent cultural difference between Indians and non-Indians.

As the economic level of the Indian people rises, the extended family is strengthened despite the loss of some members through relocation. It has withstood countless small- and large-scale attempts to destroy it. Furthermore, the extended family constitutes the basic building block of tribal

organization and its strength is directly related to tribal viability. Today, family and tribal organization reinforce each other as they have in the past.

As a second factor of cultural persistence, no little importance must be placed upon the role of Indian land itself. It is both a tangible and intangible base for Indian uniqueness within the surrounding non-Indian world. As a physical entity, it constitutes a habitation site and an economic source. Its intrinsic value is that of providing a focal point for Indian culture and identity -- to all intents and purposes, a homeland -- for both reservation and nonreservation Indians.

Given the elements of land, extended family system and tribal identity, what can be said about the future of tribalism? John Provinse and others at the Conference on the American Indians Today agreed that:

Despite external pressures, and internal change, most of the present identifiable Indian groups residing on reservations (areas long known to them as homelands) will continue indefinitely as distinct social units, preserving their basic values, personality, and Indian way of life, while making continual adjustments, often superficial in nature, to the economic and political demands of the larger society.<sup>56</sup>

Alexander Lesser has stated that:

It has become increasingly probable that many of the communities that have endured are likely to be with us for a long and indefinite future unless radical or brutal measures are taken to disorganize and disperse them.<sup>57</sup>

The changes that have occurred are of a highly selective nature. Tribes and their individual members have chosen elements of non-Indian material culture and technology but have retained their Indian orientation to the world in the realm of values and philosophy. What might seem to be cultural ambiguity or dual-culturalism appears to result in a reintegration, an evolved political development described by John Collier as "emergent social-economic political forms which are predictive of a future world not totalitarian and not ravenous-capitalistic."<sup>58</sup>

The survival and florescence of tribalism ultimately fosters and encourages the development of Indian nationalism. In the recognition of intertribal commonality which only tribal stability can truly accord, Indian political development will warrant and perhaps demand the right of self-determination. But neither tribalism nor nationalism are of themselves the philosophic goal of the American Indians. What is distinctly Indian and its most annealing factor has been best drawn by John Collier who said:

These ancient men in their ancient societies are striving with concentrated and confident will toward physical survival and victory only as a means to an end;

the end is spiritual survival and victory, and "spiritual" means that mystical fire which the universe, they believe, entrusted to them in a past time which must not die. The fire, they believe, even contains the inmost significance of the universe.<sup>59</sup>

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Footnotes:

<sup>1</sup> C. T. Loram and T. F. McIlwraith (eds.), The North American Indian Today (Toronto, 1943), Introduction.

<sup>2</sup> Felix S. Cohen, "The Erosion of Indian Rights," The Yale Law Journal, LXII, 3 (February, 1953), 348.

<sup>3</sup> U. S. Department of the Interior, Office of the Solicitor, Federal Indian Law (Washington: Government Printing Office, 1958), 407.

<sup>4</sup> Ibid.

<sup>5</sup> See Howard H. Peckham, Pontiac and the Indian Uprising (Princeton, 1947), 320, for an additional evaluation of Joseph Brant, Little Turtle, Pontiac and Tecumseh.

<sup>6</sup> Henry Adams, History of the United States of America during the First Administration of James Madison, II, 67-89. Quoted in Wilcomb E. Washburn, ed., The Indian and the White Man (New York, 1964), 363.

<sup>7</sup> Alvin M. Josephy, Jr., The Patriot Chiefs (New York, 1961), 29.

<sup>8</sup> Benjamin Franklin, "Smiths Instead of Jesuits," in The Papers of Benjamin Franklin (New Haven, 1961), IV, 118.

<sup>9</sup> 24 Stat. 388-91, c. 119; 25 Stat. 890-899, c. 405.

<sup>10</sup> 34 Stat. 1018, c. 2285.

<sup>11</sup> William W. Beatty, "Indian Education in the United States," in Loram and McIlwraith, 275.

<sup>12</sup> E. g. Phineas Pam-to-pee, et al. vs. U.S., No. 21, 300 (1904).

<sup>13</sup> D'Arcy McNickle, They Came Here First (Philadelphia and New York, 1949), 287-8.

<sup>14</sup> 43 Stat. 253, c. 233.

<sup>15</sup> William V. Woehlke, U.S. Bureau of Indian Affairs (mimeographed text of speech delivered at Hayward, Wisconsin, April 23, 1934), 11.

<sup>16</sup> McNickle, They Came Here First, 300.

<sup>17</sup> Institute for Government Research, The Problem of Indian Administration (Baltimore, 1928), 21.

<sup>18</sup> Ibid., 23.

<sup>19</sup> Ibid., 25.

<sup>20</sup> Ibid., 47.

<sup>21</sup> Ibid., 41.

<sup>22</sup> Edward H. Spicer, Cycles of Conquest (Tucson, 1962), 584.

- <sup>23</sup> 48 Stat. 984-988, c. 576; 49 Stat. 1967-1968, c. 831.
- <sup>24</sup> John Collier, "Policies and Problems in the United States," In Loram and McIlwraith, Indians Today, 144.
- <sup>25</sup> Alvin M. Josephy, Jr. (ed.), The American Heritage Book of Indians (New York, 1961), 409.
- <sup>26</sup> Harold E. Fey and D'Arcy McNickle, Indians and Other Americans (New York, 1959), 149.
- <sup>27</sup> Federal Indian Law, 1.
- <sup>28</sup> Ibid., 357.
- <sup>29</sup> Ibid.
- <sup>30</sup> Arthur V. Watkins, et al., "Recent Data on Indian Claims" (Report to the U.S. House of Representatives, Washington, D. C., January 18, 1961).
- <sup>31</sup> U.S. Congress, Senate, Committee on the Judiciary, Constitutional Rights of the American Indian, Summary Report of Hearings and Investigations before Subcommittee, 88th Cong., 2d Sess. (Washington: Government Printing Office), 18-20, 23.
- <sup>32</sup> Watkins, "Recent Data."
- <sup>33</sup> "Sec. 23. The existence of the Commission shall terminate at the end of Ten years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it . . . ."
- <sup>34</sup> See Hannahville Indian Community v. U.S., Dockets L, M, O, P (Testimony taken in ICC hearings, Washington, D. C., May 6-12, 1963).
- <sup>35</sup> Ibid.
- <sup>36</sup> Watkins, "Recent Data."
- <sup>37</sup> McNickle, They Came Here First, 137.
- <sup>38</sup> See U.S. Congress, Senate and House, Committees on Interior and Insular Affairs, Joint Hearings before Subcommittee, 83d Cong., 2d Sess., on S. 2745 and H.R. 7320 (Washington: Government Printing Office), Parts 4, 4-a.
- <sup>39</sup> Fey and McNickle, Indians and Other Americans, 141.
- <sup>40</sup> William T. Hagan, American Indians (Chicago, 1961), 163.
- <sup>41</sup> Fey and McNickle, Indians and Other Americans, 139-47.
- <sup>42</sup> Congressional Record, September 21, 1962, 19161.
- <sup>43</sup> Ibid.
- <sup>44</sup> S. 143 (Metcalf, Mansfield; Montana) and H.R. 2104 (Olson; Montana).
- <sup>45</sup> Unpublished field notes extracted from BIA records, Anadarko Area Office, Oklahoma, 1964.
- <sup>46</sup> S. 1757 (Mansfield, Metcalf; Montana) and H.R. 5464 (Haley; Florida).
- <sup>47</sup> Constitutional Rights (see fn. 31), 10 ff.

- 48 J. Wagner Carruth and Erwin S. Rabeau, Indian Poverty and Indian Health, U.S. Department of Health, Education, and Welfare (Washington, 1964), xxix.
- 49 U.S. Congress, House Committee on Interior and Insular Affairs, Kinzua Dam (Seneca Indian Relocation), Hearings before Subcommittee, 88th Cong., 1st Sess., on H.R. 1794, H.R. 3343 and H.R. 7354, May 18-December 10, 1963 (Washington: Government Printing Office, 1964), 16 ff.
- 50 U.S. Department of Interior Press Release, February 14, 1964.
- 51 News item in Indian Voices (The University of Chicago), April, 1964, 1.
- 52 Constitutional Rights (see fn. 31), 23.
- 53 Ibid., 1.
- 54 Ibid., 22.
- 55 Weston La Barre, "The 'Diabolic Root,'" The New York Times Magazine, November 1, 1964, 96.
- 56 John Provinse, et al., "The American Indian in Transition," American Anthropologist, LVI, 3 (June, 1954), 389.
- 57 Alexander Lesser, "Education and the Future of Tribalism in the United States," The Social Service Review, XXXV, 2 (June, 1961), 4.
- 58 John Collier, Patterns and Ceremonial of the Indians of the Southwest (New York, 1949), 23-4.
- 59 Ibid., 30.