

lished a combined War Department and Indian agency at Southwest Point (now Kingston), Tennessee. He spent most of his tenure at Hiwassee in the Cherokee Nation.

As an Indian agent, Meigs distributed annuities, surveyed new borders, advised on the establishment of a republican government for the Cherokees, provided medical aid, and arbitrated disputes among the Indians and with the whites. Generally, he acted as a liaison between the white and Indian governments and attempted to implement the civilization program among the Cherokees. As a chief negotiator for treaties with the Cherokees, Chickasaws, and Creeks, he enabled the federal and state governments to obtain nine Indian land cessions. He also expelled trespassing whites from Indian lands. Well-respected by Indians, Meigs was called the "White Path" by the Cherokees. Indeed, during the Creek Civil War of 1813–1814, he persuaded the Lower Creeks and Cherokees to side with the United States.

Meigs died of pneumonia on January 28, 1823.

See also *Civilization Program; Creek Civil War (1813–1814); Indian Agents.*

Caryn E. Neumann

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Menominee Tribe v. United States (1968)

In *Menominee Tribe v. United States* (1968), the Supreme Court held that Congress had not abrogated the tribe's treaty rights to hunt and fish when it "terminated" the tribe in the 1950s. Even though the tribe and the federal government were on opposing sides of the case, they agreed that the tribe's treaty rights remained intact. Only the state of Wisconsin as *amicus curiae* (friend of the court) argued that the rights had been abrogated.

In 1854 the Menominees and the federal government entered into the Treaty of Wolf River. In that treaty, the tribe ceded much of its land in exchange for a reservation in an area stocked with game and fish. The reservation was established for the express purpose of allowing the Indians to maintain their means of sustenance and way of life. In 1954, however, Congress passed the Menominee Termination Act,

intended to disband the tribal government and transfer all tribal assets into a corporation owned by the tribal members. The Termination Act also provided that the laws of Wisconsin would apply to tribal members. Thereafter, the state began to enforce its hunting and fishing laws against tribal members, and the Wisconsin Supreme Court upheld the convictions of tribal members for violating those state laws. The Menominees then filed suit in the federal Court of Claims, asking for monetary compensation for the loss of their rights. But the court held that no compensation was due because the treaty rights survived intact, and the U.S. Supreme Court agreed.

In an opinion written by Justice William O. Douglas, the Court noted that the Menominee Termination Act said nothing about the tribe's treaty rights. Applying the canon of construction, which states that ambiguities in treaties must be interpreted to the benefit of the Indians, the Court held that Congress could not have intended to abrogate the treaty rights by silence. Moreover, the Court noted that from 1954, when the Termination Act was passed, until 1961, when the tribe was actually terminated, the Menominees were subject to Public Law 280, which gave states jurisdiction over Indians but exempted treaty rights to hunt and fish. Reading the Termination Act and Public Law 280 together, the Court ruled that the act ended federal supervision of the tribe, but not the tribe's treaty rights. Although Congress could abrogate treaty rights, the Court said, to do so Congress would have to clearly state its intent.

The *Menominee Tribe* decision is important in three ways. First, the Court's narrow interpretation of the Menominee Termination Act was a harbinger of the end of the termination era. By 1968, when the case was decided, Congress had largely abandoned its termination policy, and in 1973 the Menominees became the first terminated tribe to be restored to federal recognition. Second, as one of the first decisions rejecting a state's attempt to regulate tribal hunting and fishing, the case revitalized the hope of preserving Indian treaty rights nationwide. Third, the Court held Congress to the standard of making its intent to abrogate treaty rights explicitly and abundantly clear. *Menominee Tribe* thus helped pave the way for successful Indian treaty rights litigation in the 1970s.

See also *Fishing, Hunting, and Gathering Rights; Public Law 280; Termination and Restoration; Treaty Interpretation: Judicial Rules and Canons of Construction.*

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Meriam Report

The 1928 *Meriam Report* was a comprehensive study of U.S. federal Indian policy that detailed the failure of numerous programs and called for significant reforms, many of which were later implemented in President Franklin D. Roosevelt's Indian New Deal.

In March 1923 Hubert Work became secretary of the interior, replacing Albert B. Fall, who had resigned due to the Teapot Dome scandal. With the Interior Department in disarray, Work wanted to rehabilitate the agency's image. He sought advice from outsiders on a number of issues, including Indian affairs. In 1923 Work established the Advisory Council on Indian Affairs, generally known as the Committee of One Hundred. This committee met only briefly in December 1923 to discuss the problems facing Native Americans and the government's handling of those concerns. The committee accomplished little, but the problems they identified convinced Work to commission the independent study that became the *Meriam Report*.

Work commissioned W. F. Willoughby, the director of the Institute for Government Research, to conduct this investigation. Willoughby received a grant from John D. Rockefeller to fund the study and selected Lewis Meriam, a social scientist with two law degrees, to lead it. A Harvard graduate, Meriam was a permanent staff member of the Institute for Government Research with a great deal of experience in studying the problems of bureaucratic admin-
 - - - - - He selected a staff of nine experts in various

1928 as *The Problem of Indian Administration*, although it is commonly referred to simply as the *Meriam Report*.

The *Meriam Report* described the deplorable conditions on the reservations in shocking detail. Alarming high mortality rates were documented at all ages; generally the Indian mortality rate was twice that of white Americans. Indians also suffered disproportionately high rates of certain diseases, most commonly measles and respiratory ailments. Per capita funding for Indian health care amounted to only about 50 cents per year, and the report concluded that virtually every effort undertaken by the government to address health concerns was substandard. The report also documented the stark poverty in which most reservation Indians lived; nearly half survived on a per capita income of \$100-200 per year, when the national average was approximately \$1,350.

The study also gave considerable attention to the problems of urban Indians who had left the reservations. The investigators found government Indian schools with run-down facilities and students crowded into unsanitary dormitories. The government spent only 11 cents per student per day feeding the students in these schools, and the students' diets rarely included milk or fresh vegetables. Investigator concluded that students in Indian schools did too much labor, with little distinction made between actual vocational training and mere maintenance work. In addition, the teachers and other key staff hired for Indian schools often failed to meet the standards required at typical public schools. Meriam and his staff called for the government to abandon the concept of taking Indian students out of their homes and tribal environments.

The *Meriam Report* concluded that the allotment policy and the push for rapid assimilation were failures and in fact were major causes of many existing problems for Native Americans. The researchers recommended an end to these programs and offered as an alternative to rapid assimilation the hope that Indians could be "fitted to live with the dominant society without being obliterated by it."