THE LONELY CROWD AND ORGANIZATION IRA MAN REVISITED.

by Hank Adams, SAIA
National Director

Perhaps, like laws and sausage, national Indian policy should not be observed in the making -- nor examined by hindsight. Unless one engages the highest level of self-deception, either process occasions an unrelieved sense of nausea.

Clearly, the Indian Reorganization Act (IRA) achieved none of its central policy objectives. Foremost among these were the promises of "complete economic independence" and "self-determination" for Indian tribes. Indian people remain far removed from either goal a half century later.

In the end, as in the beginning, the IRA was sacrificed to John Collier's own gods of "organization" -- most particularly in form of "the help...the knowledge...and the enthusiasm...of the expert." Also, it was undermined corrosively by the pragmatic assimilationist philsophy of the 1928 Meriam Report and its adjunct advocacy of termination.

Collier had claimed that the IRA "does not increase the Indian Bureau's power; on the contrary, it reduces that power and contemplates its ultimate abolition." By his own accounts of organization utility and dynamics, this outcome was untenable; its reverse assured.

The IRA gave the BIA -- not the tribes -- "organization". Because the IRA "organized" the Bureau itself in singular entity, no federal tribes were exempt from its subsequent operation -- irrespective of elective options and statutory exclusions.

The New Deal simply added its own peculiar twists to an ongoing subjugation of Indian people. It furnished a policy prescription for pervasive anomie, societal and individual, among Indians. It additionally induced a national Indian leadership system which vacated indigenous and introspective democratic impulse in favor of an abiding external direction or control -- a debilitative legacy of inert, sterile conditioning.

This century's most egregious statutory assaults on tribal security and self-government were fashioned by architects of the Indian Reorganization Act. The Johnson-O'Malley Act's passage in April 1934 was a culmination of ten years' work by John Collier. The measure which later became Public Law 280 of the 83rd Congress in 1953 initially had been drafted as a Meriam Report survey team proposal.

Indian lands claims policies in the U.S. Claims Court and Claims Commission were premised in terminationist designs. The limited adjudicatory jurisdictions allowed made manifest injustices almost obligatory. Disposition of judgements fostered the bulk of actual termination legislation.

This down side of New Deal policy reflects one basic fact. It did not rectify nor alter errors and injustices of the past; rather, it embraced them -- and gave them an insidious continuity. Both the insight and the courage to do otherwise was lacking in each the executive and legislative branches of the United States Government.

The correct national policy had been America's initial one, as expressed in the Northwest Ordinance of 1787. Indian tribes were not to "be invaded or disturbed" in "their property, rights and liberty." Indian "lands and property" would "never be taken" without Indian "consent."

The 1834 reforms in the Indian Trade and Intercourse Acts, plus Territorial and Statehood Acts for the remainder of the century, each reinforced the tenets of this "unalterable compact." All incorporated a system of "triplicate jurisdiction," respectfully distinguishing the separate interests and authorities of tribal, State, and national governments.

Radical transgressions against the uniquely enlightened American policy, in course, were empowered by a capricious malevolence in the United States Supreme Court -- the equivalent of a long-term Dred Scott tradition -- in the latter 1800s. A transformation in national policy occurred, which countenanced repeated violations of the fundamental rights that it purported to protect.

The doctrine of an unfettered plenary or absolute power of Congress over Indians emerged -- and then was exercised liberally. The character of Indian title and property ownership in all land categories -- ceded and unceded; reservation, tribal and allotted -- was fundamentally altered and diminished in stature.

A form of "trusteeship," as unprecedented as it was unprincipled, was placed over all Indian lands. Similarly, a "wardship" was proclaimed in all Indian persons. The inexorable end of the trusteeship inexplicably was construed to be a necessary state of incipient taxability, applied against both person and property.

The entire system of trust administration which evolved -- and which remains -- totally contradicted comprehension of a people not "to be invaded or disturbed" in "their property, rights and liberty." And, when President Franklin Roosevelt made use of the words "property," "rights," and "liberty," with respect to Indians and purposes of the IRA on March 13, 1934, they held but ironic meaning.

Abuses under the General Allotment Act of 1887 had drawn the focus of the Meriam Report and provided impetus to the IRA. The allotment system had operated to dispossess tribes, families and individuals, of land ownership and holdings. Yet, the problems had been ones moreso of plenary power and trust administration, rather than of allotment itself. Allotments had antedated the United States, and otherwise been instituted by treaties eons before 1887.

In 1823, Chief Justice John Marshall had given expression to a "principle of universal law," which was to be trampled on with venal abandon by century's end. "The title of the whole land is in the whole society," he wrote, "to be divided and parcelled out according to the will of the society." Regarding the alienability or inalienability of Indian title, Marshall noted that an allotment "to a native Indian" of "a particular tract of land in severalty ** could not separate the Indian from his nation, nor give a title which our courts could distinguish from the title of his tribe...".

The standards of inalienability had been so firmly established in the original America that -- from New York through the Carolinas, where Indians were not disposed to sell certain lands -- a number of white townships gained settlement right only by means of long-term lease and rentals, ranging up to periods of three hundred years.

The Maine Indians' land title claims and settlement in this past decade were maintained by reference to two critical issues concerning alienability of Indian lands. The first point was that Indian lands might be sold, and title extinguished, only by public treaty under the first laws of the United States. The second was that a constructive trust relationship had been created between America and Indians by virtue of conditions imposed upon both by these laws.

A trust relationship far different from that which tortuously evolved, in fact, did exist; both in general terms, and by formal establishment in specific cases of treaties. In discussing the attributes of the national trust in the famed Cherokee Nation cases, Chief Justice Marshall had commented uncryptically that: "Protection does not imply the destruction of the protected."

The subsequent westward "removal" of many Eastern Indians to the Indian Territory in Oklahoma, and elsewhere, was not a "proof" of an unlimited power of Congress to act against Indians; as has been argued. Most migrations were effected by treaty agreement, although both voluntary and coerced. In history, there had been precedents; in the modern era, the Jewish State of Israel represents a variation.

A fundamental fact relating to these acts is that the United States endeavored to transfer the tribes to new territories of their own -- with their national character, nationhood and rights, intact. Significantly, the federal relationships and laws applying to the tribes of the Indian Territory were extended to Indians westward of the Rocky Mountains in the Oregon Territory by the Acts of August 14, 1848, and June 5, 1850.

Twenty-one years later, Congress restricted the United States' own exercise of powers for making Indian treaties. It's commonly, though erroneously, reported that chiefly jealousy by the House of Representatives over the Senate's role in approving treaty actions generated this measure.

Actually, a spirited public debate regarding abuses in treaty making had raged for several years preceding 1871. The change was effected primarily as a decisive reaction to a shameless scheme of corrupt politicians and businessmen. The Senate, indeed, had prepared to ratify a treaty which would have transferred 8 million acres of Oklahoma Indian lands -- later proving to be among its most productive oil lands -- directly to ownership of railroad corporations.

A general disestablishment of Indian property control and self-government gained force from other abuses in Oklahoma. The rampant dispossession of full blood Indians by tribal governments, who transferred the lands to mixed-bloods and whites, became justification for suspension of Indian governmental powers under the Dawes Commission. The General Allotment or Dawes Act of 1887 was an ultimate outcome of this scandal.

In 1880, Congress reported that there were 147 Indian reservations, containing a cumulative 154,436,362 acres of land, and an estimated Indian population of 255,938. Congress advised then that "two-thirds" of the reservation acreage "will eventually be restored to the public domain, for sale and disposition." Within three years, 18.5 million acreas had been taken, leaving a total of 135,998,101 acres.

The Indian land base had shrunk to a mere 47 million acres by 1933 -- and seven million acres of that was being processed for sale. A combined total of 18 million acres of reservations lands were held under allotment. Of the more than 107 million acres which had been lost or taken after 1880, most had never been allotted. Eighty-five million acres was in this category, having been taken from tribes. Twenty-two million acres of allotted lands, however, had been alienated from trust status.

There were many variations to the takings of Indian lands, although Congress authorized or directed most through specific legislation. No rubric of constitutional protections, or of vested property rights, were recognized as standing guard against its exercise of plenary power. When Congress itself prescribed protections for Indian landowners, they were ignored routinely by administrators.

Allotted lands were auctioned out from under Puyallup Indians through device of a board of trustees -- tribal members so faithfully discharging duties of dispossession that they disregarded a mandate to preserve homesites for each allottee. When noncompetent citizen Nisqually Indians became subject to an unlawful local condemnation proceeding in 1917, the U.S. Attorney entered the state court as their trustee. He promptly consented to sale of two-thirds of the Nisqually Reservation -- before any ward Nisquallies had notice or knowledge of the lawsuit, precluding any contest of its immediate conclusion.

The Indian Competency Commissions of the Wilson Administration were undisguised agencies for the forced alienation and loss of countless Indian allotments. These stood as forerunner to the termination policy formulated during the Truman Administration and, as well, supplied terminologies for its application. A standard of "no objective standards" furnished the test of "competence" and of "being ready" for the imposed result.

The IRA did halt added losses of land. Administrative orders stopped pending sales in 1933. Some tribes were prevented, as claimed, from becoming a "landless people" by IRA's enactment. Yet, its own legacy yielded a growing, permanent class of "landless generations." And, contrary to its intent, "dissipation of Indian resources" did not end -- on either allotted or unallotted reservations.

Unfortunately, the IRA has come to be judged on basis of actions and achievements occurring wholly outside its parameters or applications. The fact that it offered incentives for more tribes to undertake projects in associations, cooperatives, and land use programs, previously initiated by some tribes, led many interests to question its need. And truly, the most significant economic gains to Indian communities in the 1930s derived from general recovery programs of the depression era -- most notably under the Public Works Administration and in Emergency Conservation Work Programs, including the C.C.C. work camps.

Certainly, Commissioner John Collier and Interior Secretary Harold Ickes were instrumental in channeling such program benefits to Indian people in large measure. Yet, examination of the commitment of $5.5 million in the first year of the Roosevelt Administration to construction of 100 reservation community day schools, plus new hospitals, discloses a questionable policy purpose beyond the meeting of readily discernible education and health needs.

That underlying policy found expression in the Johnson-O'Malley Act, which authorized a transfer of federal responsibilities to States -- through contract (JOM) funding -- for education, health, social welfare and other assistance programs. The school and hospital expenditures were accompanied by hopes that States would be encouraged to accept such transfers and "develop their responsibility."

In 1927 Senate testimony, John Collier had presumptuously dismissed Indian "alarm" and opposition to his advocacy of this "principle of State cooperation." He had noted then that "the Indian Service divides into two parts" -- being (1) "the trust administration" or "guardianship over property"; and (2) "administering of services," "like education, health, relief, and so on." He had testified that the "decentralization" proposals "do not mean property but service." Intimating that the Indians' sole concern was "property," he assumed consensual support for his plan that "would ultimately result in the States taking the initiative in planning what to do for the Indians."

Fortunately, the States themselves retarded any rapid or full measure implementation of the JOM design. Some States' refusal to provide or administer Indian services bordered on the absolute. Others marshalled their contract and services participation toward a proposition that all Indian lands within their boundaries should become subject to their taxation. Generally, both taxes, or a tax value equivalent, and service costs were being sought by State governments.

The IRA stood against this proposition in its provisions that "chartered tribes" would be declared "federal agencies" which could not be taxed. Oddly, the influential Indian Rights Association of Philadelphia, which forthrightly questioned the wisdom and workability of the Collier IRA proposals, specifically opposed maintenance of Indian tax immunities. In a position paper which relied centrally upon Meriam Report judgements, the Association emphasized that "the ideal of permanent freedom from taxation is a vicious one."

Ultimately, the IRA suffered more harm from internal contradictions than it did from its most vociferous critics. Explanations construing the IRA as promising all things to all "Indians living under federal tutelage," although imposing nothing, served as common tract in answering all criticisms as well.

In his IRA analysis, Commissioner Collier declared emphatically that the legislation did not "contemplate for the Indian a permanent tribal status." On the other hand, he proclaimed that "it makes permanent the guardianship services." It was to be the "declared policy of Congress" that, as tribes became sufficiently proficient in self-government, "those functions of government now exercised over Indian reservations by the Federal Government" and "those powers of control over Indian funds and assets shall be terminated." If not "terminated", such powers and functions would be "transferred to the duly constituted governments of local Indian communities."

While condemning the "absolutism" which had come to characterize Indian Bureau actions, Collier and Interior solicitors suggested that no challenges might be made against the plenary power of Congress in Indian matters. In fact, the plenary power doctrine was invoked repeatedly in IRA justifications to dispose of questions raised against a range of provisions.

Collier rejected some tribal requests that the legislative proposals confirm Indian title and ownership to various mineral, forestry, and water rights and resources. He later informed congressional committees that this omission was the only basis for some tribal IRA opposition. The Roosevelt Administration subsequently opposed the key ownership claims in the federal courts; although unsuccessfully.

In the nine, scattered Indian "congresses" held for soliciting Indian support for enactment of IRA, Collier had offered glimpses of his philosophies that "organization -- the psychological need to organize, the practical efficacy of being organized -- is universal and permanent;" and that, "no true liberty can be achieved without organization." He had told the Indian representatives that it was "a fundamental fact of American life" that "only organization...produces wealth or power."*

Years earlier, preceding his involvement with Indians, Collier had endorsed a movement "to bring about situations" wherein "the plain people" of a community would "solicit the help of the expert and cooperate with him in being shaped".* It seems such thoughts continued with him and influenced the formulating of the Indian Reorganization Act.

* Elmer R. Rusco. "John Collier's Attitude Toward Indian Self-Government;" University of Nevada, Reno (1979).

Unquestionably, while some tribes may swear that the IRA "salvaged" them or became their "salvation," there are others that believe the IRA inflicted serious injuries upon them. The number of tribes, particularly ones having larger reservations and populations, which elected not to organize under its provisions, demonstrated a clear lack of universal IRA Indian support.

A material fact that, over time, there are few distinguishing differences in the progress or achievements of the separate categories of IRA and non-IRA tribes is salient evidence of its general failure -- perhaps, also, of the indifferent success of countervailing forces that operated to defeat it beyond enactment.

If one reviews the history of the Snokomish Tribe, it is easy to believe that the IRA was doomed from the beginning of its implementation. Of course, there is no Snokomish Tribe -- or there was none, until pro forma congratulatory telegrams were sent in names of Secretary Ickes and Commissioner Collier to tribes which had voted on a certain date to organize under the IRA.

The dedicated effort to deliver the telegrams to the phantom Snokomish established a lengthy paper trail among Pacific Northwest Indian agencies. Snippets of "facts" about the "Snokomish" were offered along the way, as they assumed a "life" in Bureau correspondence files. When realization came that a mistake had been made in the initial telegrams, incredibly it became a complex problem for the Commissioner's Office to disestablish the non-existent tribe and to revoke their approval for organizing under IRA!

Some of the actual tribes which had voted on the same date to organize under IRA, were left waiting a decade -- in one case, more than three decades -- before their IRA constitutions for self-government were completed and approved. This proved a fortuity for some when the termination lists were being made in the two following Administrations. Extent and frequency of tribal involvement with agencies was one criteria for determining those "ready" or "not ready" for "termination." Indians on the active post-World War II organizing schedule met the involvement criteria for being listed, "not ready."

Whether necessary or not as an interim or transitional measure -- required to halt an accelerating decline in Indian fortunes, and to provide Indian people at least temporary respite for holding their own ground -- the IRA possessed an amorphous quality which confused its own public policy directions. It as much invited, as it may have rejected, the forthcoming termination policy. In its aftermath, Indian tribes became "easy pickings" for the "organizations" and "experts."

Significantly, the "termination era" was preceded by landmark decisions in each the U.S. Court of Claims and United States Supreme Court. The highest court seemed intent that a new level of justice be observed in spirit with, or in support of, New Deal pronouncements that Indian people and property must be accorded the nation's beneficial assistance and strongest protections. Variously, Indian ownership to a range of reservation resources, particularly minerals and timber, was broadly affirmed -- a reversal to prior holdings; standards and liabilities arising from the trust relationship were clarified and strengthened; and claims awards reached record amounts.

Remarkably, major victors in the cases became central targets of subsequent termination legislation -- the Klamath, Menominee, and Utes. IRA authors had cited incorporation bills for the Menominee and Klamath, proposed in 1931 and 1932, as models for IRA intents. Following World War II, these tribes were to be the model for melding America's Indian claims policy with that of termination.

Matters of unresolved Indian claims had remained a public issue from the early 1900s. The Meriam Report had emphasized the problem and its complexities. John Collier was to work for creation of a claims commission throughout his twelve year tenure as Commissioner. His proposal became a legislative priority of the National Congress of American Indians (NCAI) following its establishment in 1944; then soon was claimed as the first major NCAI success. In the Congress, House Indian Affairs Chairman Henry M. Jackson of Washington was credited with providing leadership for passage of the Indian Claims Commission Act in August 1946.

The Act's mandate for "concluding a final settlement" between tribes and the United States oddly became viewed in the Executive Branch as a policy directive to move toward termination. There were more than a few ironies in this.

In 1940, the centennial Democratic Party Platform had mentioned Indians for the first time in its history. Specifically, it pledged "enactment of legislation creating an Indian Claims Commission" in order that claims might be "finally settled at the earliest possible date." The 1940 Republican Platform similarly pledged "immediate and final settlement of all Indian claims." Commissioner Collier later invoked these pledges as commitments to the form or authority in procedure and process that the commission should possess. Even as a quasi-judicial body, he argued, the commission should be empowered to make "final determinations," and give "finality," to all "matters of fact and law."

When the national Democratic Platform next specifically addressed Indian issues in 1952, it carried these declarations: "The American Indian should be completely integrated into the social, economic and political life of the nation. To that end we shall move to secure the prompt final settlement of Indian claims and to remove restrictions on the rights of Indians **. We favor the repeal of all acts or regulations that deny to Indians rights or privileges held by citizens generally." This meant termination.

Termination proponents had assumed full control over the Bureau of Indian Affairs two years earlier with appointment of Dillon Myer as Commissioner on May 8, 1950. Myer earlier had been chief federal administrator for the infamous internment of U.S. citizens of Japanese descent in American concentration camps -- another measure championed by Washington's Congressman Jackson -- in the long days of World War II. Myer's stated BIA goals were to "get rid of Indians and Indian trust land once and for all by 'terminating' federal recognition and services and relocating Indians into cities off the reservations."

Working documents for applying a termination policy to specific tribes, however, had been produced in 1947 -- the same year the Indian Claims Commission became operational. In response to requests from the Senate Civil Service Committee, [redacted] tribes had been categorized into three classes, either which might "immediately be terminated from federal services;" "achieve self-sufficiency within ten years;" and otherwise require federal services for "an indefinite time period." Federal "withdrawal" bills were presented as draft samples for the Klamath, Menominee and Osage tribes.

The purpose of this exercise, it was later claimed, was to demonstrate the limited "economies" achievable through selected reductions in BIA staffing and services. Collier had used the "economies" argument himself in seeking the Johnson-O'Malley form legislation in 1927. As Commissioner, he often furnished horror stories to national columnists berating the high costs of BIA services to Indians. In 1933, it had been the $360 annual cost for each Indian boarding school child; in 1935, one doctor's attempted $6500 rip-off was used to assail federal Indian health services.

NCAI's establishment was to become another monument to Collier's Indian designs. Although indigenous inter-tribal organizations had long existed, NCAI emerged as extension of BIA exertions to envelop all tribes in new governing forms.

Unquestionably some innocent tribal officials were among the 1944 gathering of Indian eunuchs and freemartin, notably BIA civil servants and boarding school alumni, which produced NCAI and granted primacy to Robert's Rules of Order in Indian country. Demonstrably the best Indian men and women were away, joined in the war effort or in its support on the homefront; in any case, elsewhere engaged.

Thus, the moment was captured by those who had "reorganized" Indian tribes, in an alliance with others who had opposed the IRA altogether and otherwise who had been excluded from its statutes or who had opted not to come under them. NCAI ostensibly was to be the unifying structure, an organizational umbrella, for all.

NCAI immediately ensconced itself under the prevailing influences and domination of forces outside the Indian tribal community. Thereafter, it remained susceptible to control by an unending series of self-serving manipulators -- both Indian and non-Indian, governmental and private. Its own beginnings were to be only slightly less ignominious than those of the National Tribal Chairmen's Association (NTCA) some three decades later.

Early nefarious designs upon NCAI were coupled with separate schemes for milking excessive wealth, and illicit booty, from Indian claims awards. The most successful locked up the most lucrative claims work within the monopolistic confines of a small, self-styled "Indian Bar" of "expert" claims attorneys. Their firms enjoyed the unquestioning confidence of NCAI, plus complete contracting cooperation from the BIA -- something denied other attorneys. Ultimately, their subversions left tribes without any claims policy objectives of their own; neutralized Indians as a force in the "termination fights"; and secretly facilitated extensions of State jurisdictions over Indians under Public Law 280.

Oklahoma leaders, who had opposed the IRA assiduously, joined in NCAI's founding and a follow-up push for creation of the Indian Claims Commission. The imperiously corrupt Governor, later U.S. Senator, Robert Kerr unsuccessfully urged President Truman to name Kerr's stooge, NCAI founder Judge N. B. Johnson, to head the Commission. Rejected by Truman, Justice Johnson quickly reconciled himself to a career of buying and selling justice in the Oklahoma courts -- until his indictment and conviction for bribery was secured.

The informal chartering of the "Indian Bar" had warranted disbarments, if not indictments. The scandal attending its formation was hushed-up with an out-of-court settlement. Jointly, its law firms had hired an unscrupulous Indian to recruit selected tribal claims clients nationally. His lawsuit claimed they had promised him a $10 million fee. He had earlier worked with some in seeking passage of the Claims Act and then, with them, had used the developing NCAI membership and affiliations as their operational recruitment base.

Congressional interests in investigating the scheme ended when accusations were made that Senate Interior Committee members had sought claims payoffs through a staff attorney bagman. Claims attorney Ernest Wilkinson charged that legislative draftsman Albert A. Grorud had promised approval of a $3,000,000 recovery fee from a $32 million Ute claims judgement, if Wilkinson would agree to contribute $500,000 in kick-backs to the 1952 re-election campaigns of Senators on the Committee.

Grorud was an old hand on Capitol Hill. He had been at the side of John Collier in 1927, advancing the Johnson-O'Malley concept through their testimony and impromptu legislative paste-ups. In those ancient days, as stated in the Meriam Report, the award of fees to Indian claims attorneys generally had been subject to a standard limit of $25,000, exclusive of expenses and any contracted retainer. Wilkinson's charges must have seemed the breach of a fabled honor to Grorud. They had been working from a common agenda: on claims; for termination; and to transfer jurisdictions to States.

The John Cragun-Ernest Wilkinson law firm was the acknowledged dean of the "Indian Bar." Through the years, it hired and loaned itself out as general and all-purpose counsel to NCAI, while being contract attorneys for many member tribes. In the period of preparing filing of major new cases before the Indian Claims Commission, the Wilkinson-Cragun combine was concluding its remaining cases before the U.S. Court of Claims. A final step of having the Ute judgement funds appropriated had led to the accusations of staffer Grorud's criminality.

The FBI cursorily announced that no Senator had authorized the illicit campaign solicitation. A ranking minority Committee member, Nebraska's Republican Hugh Butler, offered a staunch public defense for the offending Grorud. With the Eisenhower November electoral landslide, Butler was swept into the Senate Interior Committee chairmanship for the 83rd Congress. Chairing his Indian Affairs Subcommittee was the re-elected Utah Senator Arthur V. Watkins -- who had been denied the anticipated Ute campaign funds; his honesty impugned in the process.

Senator Watkins rapidly energized the termination policy, transforming it into specific legislation affecting specific tribes. Although there were no conscionable nor redeeming qualities whatsoever in his attitude or approaches to that task, he had not originated the policy plans he fervently sought to implement. Indeed, his own zealousness may singularly have produced the shocked reaction which limited the force and reaches of the long-lingering termination movement.

While effective challenges to initial termination acts might have been made, none were mounted. The Wilkinson law firm aided Watkins directly in executing the termination of its Ute claims clients. The firm's objections to Menominee termination were raised only in the latter stages of the process, after the Senate chose to deviate from "withdrawal" plans which the Wilkinson-Cragun lawyers had aided the BIA in devising between 1947 and 1953.

Klamath termination was spearheaded by a tribal member who acquired and maintained power over tribal affairs, including a stint as superintendent, under the patronage of his loyal friend John Collier. The Klamath denouement evolved from a municipal corporation plan fashioned by both in the latter 1920s, and revised afterwards. It became a "withdrawal bill" in 1945; termination in 1954.

The basic "muni-corps" concepts of the IRA inextricably were tied to those of termination. While emphasis had been given to consolidations of assets and resources in 1934, corporate dissolutions and divisions of assets had also been discussed -- and pointedly recommended in whole or part. The buying out of Indian "shareholders" had been anticipated, and advised. The 1906 partitioning of Osage funds and assets, and termination of mixed-blood members, had been cited as a workable example under IRA. Ultimately it furnished the pattern for the first stage termination of Ute Indians under the guiding hands of Watkins, Wilkinson, and Cragun.

When the Commissioner's Office wrote in 1940 of "divesting its authority" "among the local state and county governments," it was only restating principles expressed by Collier in his first annual report for 1933. He had stressed then that "reorganization" was highly "dependent" "on the steady development of cooperative relations" with them. Likewise, the Meriam Report had contemplated that States would form the "single organization" of governmental administration.

The divestiture was termed, "cessation of monopolistic control of Indians," in 1940. By "divesting its authority," it was stated, "it may be found possible to cease special treatment, special protective and beneficial legislation for the Indians, and they shall become self-supporting, self-managing, and self-directing communities within our national citizenry."

Even the "ten-year development programs" which Collier had prepared for each reservation in 1943 and 1944 were converted into instruments of a termination policy. His successors derived the 1947 senatorial termination listings from their content, then subsequently instructed that the ten-year plans be used as a "basis for further programming."

In January 1948, an assistant Interior Secretary proclaimed that both the Congress and the Department were accelerating the "policy of releasing Indians from Government supervision;" primarily through budget reductions. "All of us in the Department of the Interior are hopeful that the day is not too far off when we may see the end of our guardianship responsibility to the Indian people," he publicly declared. Also, in 1948, the Hoover Commission pronounced that "assimilation must be the dominant goal of public policy" toward Indians -- attaching the standard cautions on timing commonly used in the period.

By September 1949, Interior officials were asking NCAI to assume leadership in planning "termination of Federal supervision and control special to Indians". As if the United States had been bent to their will, their national convention was told, "you have passed resolutions;" now, "kindly be specific". Finally, the organization was challenged in these words: "What is the National Congress of American Indians doing in this important administrative field -- especially with regard to groups who denounce Bureau domination?"

In fearful response, a dearth of BIA denunciations followed. The Truman Administration expanded its Navajo Relocation program the next year, recruiting Indian participants from Oklahoma to California for off-reservation urban placement. By the end of 1951, centers in Los Angeles, Denver, Salt Lake City and Chicago had been restyled as full-scale Field Relocation Offices for servicing a national Indian program of displacement. In the Congress, Dillon Meyer found a strong ally in New Mexico Senator Clinton Anderson for advancing on the termination front.

No significant Indian, and associated, opposition to termination materialized in force until early 1954, when hearings were held on the national policy already declared in the August 1953 House Concurrent Resolution 108. It is, perhaps, the timing of this tardy awakening which causes the "termination policy" to be so closely associated with Republican politics and the Eisenhower Administration in the organizational Indian mind. Yet, HCR 108 had possessed facility for declaring a policy, and directing Committee actions of the 83rd Congress, without requiring any approval from the President of the United States.

The mood of the Congress had been long made clear. Senator Anderson began working publicly for termination in June 1950. And, by House Resolution 698 of July 1, 1952, that chamber had instructed its Interior and Insular Affairs Committee to make determinations where termination should be applied. It called for bills to effect "the earliest practicable termination of all Federal supervision and control over Indians;" plus lists of tribes and States where a Federal withdrawal could be made.

The departing Truman Administration concentrated on speeding the termination thrust. The BIA furnished quick responses to congressional requests under HR 698. A full year before HCR 108 stated "the sense of Congress" that termination should occur "at the earliest possible time," Commissioner Myer directed BIA personnel to inform the tribes of their abbreviated futures. Federal funding "will be limited largely to financing items which will facilitate withdrawal," he had written. BIA officials were instructed to seek tribal agreements for "withdrawal" plans. His August 5, 1952, circular also declared, "We must proceed, even though Indian cooperation may be lacking in certain cases."

Soon after its introduction on June 9, 1953, HCR 108 passed the House on a "unanimous consent" calendar. The Senate concurred in its adoption on August 3, 1953, by voice vote. The fast track proceeding led to a complaint that the termination policy was being imposed without notice or public hearings. This mild showing of some Indian non-cooperation breached a five year span of lethargy among the Indian leadership.

A rapid series of joint hearings was held by Senate and House Indian Affairs Subcommittees between February 15 and April 19, 1954, to consider termination bills for dozens of tribes, bands and colonies in a dozen States. Termination was enacted by the Congress in all cases where committee chairmen, the BIA, and tribal attorneys, were able jointly to claim or contrive some semblance of Indian consent or acquiescence to proposed measures, some of which had no relationship whatever to promised results.

The few small Indian communities which were able to maintain their objections on the public record were spared the termination axe. The shoddiness of consent forms employed during the hearing schedule was condemned later by tribal attorneys who had participated in them. Their personal witness to deficiencies was invoked as argument belatedly, and only after final form legislation raised Indian protests. By the end of the 83rd Congress in 1954, a strident but generalized opposition to termination prevailed among tribes nationally. Attorneys then expediently divorced themselves from any discernible termination support.

Two general laws enacted August 15, 1953, indicated the Eisenhower Administration's posture relative to the termination policy. One opened Indian reservations to commerce in liquor by affirmative local option expressed by tribal ordinance approving sales and use; or otherwise vacating federal treaty and statutory prohibitions against introduction. The White House endorsed the local option principle.

The other -- Public Law 83-280 -- was more decidedly a termination measure. It first increased the number of tribes placed under the complete civil and criminal jurisdiction of State governments. It then authorized States to take initiatives independently for assuming such jurisdiction over additional tribes by State legislative actions. In signing the law, the President criticized the absence of any tribal consent provision and urged the Congress to amend the law to provide for consent. The amendment was not to come until fifteen years later.

Almost from the moment of its enactment, NCAI and the major white Indian interest and support organizations uniformly called for a consent amendment to Public Law 280. Yet, throughout the next decade, the Wilkinson-Cragun law firm privately lobbied NCAI officers and various influential tribal officials in support of State assumptions of civil and criminal jurisdiction over reservations.

Under its laws of 1957, the State of Washington authorized a jurisdictional assumption under P.L. 280. However, a transfer of jurisdiction could be effected only by a petitioning resolution initiated and approved by each tribal government. The Bureau of Indian Affairs promptly drafted petitioning resolutions for all tribes in the State, and within two years had secured tribal approval by a majority of Washington tribes. A number of the tribes had no understanding of the import of their resolutions, but were simply told that the action provided the only means by which they could have "law and order" on their reservations. None were advised regarding the extent to which civil and criminal jurisdiction constitutes the essence -- the right, power and authority -- of government itself.

The Quinault Tribe exhibited intense resistance to P.L. 280. While others rejected it also, their governing General Council had near unanimously voted agaisnt State jurisdiction at the 1958 annual March meeting. Within days, however, an unauthorized petitioning resolution was adopted secretly by a simple quorum of the Council's five-member Business Committee -- acting under guidance from BIA and the Wilkinson-Cragun law firm.

The Quinaults were devastated by the stark violation of their basic self-governing forms and institutions. An angered reaction played part in their chairman's committing suicide. Unaffected, Wilkinson-Cragun repeatedly addressed his successor for proclaiming the merits of State jurisdiction over Indian reservations. Through NCAI and directly, the attorneys manipulated Flathead, Ceour d'Alene, Spokane, and Standing Rock tribal officials for orchestrating passage of jurisdictional laws in Montana, Idaho, Washington and South Dakota between 1957 and 1963.

Most their tribal and NCAI clients had opposed these laws. Proposals officially spurned by some client tribes turned up in legislatures under sponsorship of more pliant, client and non-client, tribes. The Wilkinson-Cragun concept was enacted by Washington in 1963, which, for good measure, repealed its prior provisions for tribal consent to any jurisdiction extensions.

Two years later, NCAI officials ignored offers from congressmen to spearhead repeals of the unconsented assumptions of State jurisdiction. The organization accepted a Quinault NCAI executive officer's declaration that tribes should be required to secure any changes in the laws through political action at the State level, as South Dakotans had done successfully by referendum. The NCAI general counsel meanwhile entered costly new special contracts with tribal clients to challenge the jurisdictional laws it had favored -- and which these same lawyers had repeatedly adjudged unassailably constitutional in their correspondence.

In a real sense, the Eisenhower Administration had no Indian policy of its own. The Hoover Commission of 1948 and the Truman Congresses had set the termination policy in motion; and, absent noted objections by affected tribes, the Eisenhower Presidency was disposed to go along with it.

The 1954 transfer of Indian Health Services (IHS) from BIA to the Department of Health, Education and Welfare (HEW) evolved from another Hoover Commission recommendation. Basic federal aid to education programs had been enacted in 1950 (P.L. 81-815/874); Indian service benefits under them were increased in 1958, along with the National Defense Education Act's incentives for attracting new teachers to Indian classrooms.

Eisenhower's first Interior Secretary Douglas McKay aggressively sought to conclude actions in transferring designated submarginal lands and revenues to appropriate Indian tribes. The process initiated under President Roosevelt and prior Congresses was blocked by Senators Anderson and Butler, who jointly engineered the bi-partisan Indian policy of the 83rd Congress.

A spate of bills had been introduced in successive Congresses after 1945 to authorize an accelerated alienation of Indian allotments. The ostensible purpose was to avail Indian lands to returning wartime veterans, when expending GI benefits or otherwise participating in the nation's post-war prosperity. The Eisenhower BIA did pursue an administrative policy of forcing alienation of valuable Indian allotments -- but without regard to either Indian interests or the non-Indian veterans.

Its reversion to a program of issuing competency certificates wholesale -- often as incident to selling resource-laden lands at unconscionably low prices, or for rendering creditors unlawful satisfaction on claimed Indian debts -- was among the most shameful activities for which the Eisenhower Administration was directly responsible. The practice was partially arrested for timbered allotment owners following the U.S. Supreme Court's 1957 tax immunity decision in Squire vs. Capoeman, which ironically relied upon application of the 1887 General Allotment Act. Few allottees could ignore the value of each trust status and non-competency after the Quinault Capoeman case.

The Eisenhower Interior Department's attempt to obliterate the force and utility of Felix S. Cohen's Handbook on Federal Indian Law through publication of a demeaning, self-styled "revision" in 1958 was, likewise, ignoble. Nothwithstanding its own faults of whatever degree, the Cohen text probably embodies the most significant lasting contribution to Indian people from the Harold Ickes-John Collier Era of the Rooseveltian New Deal.

The greatest personal disservice rendered by President Eisenhower in Indian policy was manifest in his appointment of the electorally defeated Arthur V. Watkins to the Indian Claims Commission in 1959; as its chairman in 1960. In form, the action was not dissimilar to President Truman's delaying ICC appointments in 1946 and disallowing ICC activation until April 1947, having elected "to wait to see whether any worthy defeated Democrats might want the job." While Eisenhower's interest in Indian Affairs seldom varied from that of impersonal neglect, the unreconstructed racist Watkin's was seldom other than fervently obsessive and malign.

Contrary to recurrent published reports of recent years that "termination policies" ended in 1958 with new policy declarations by the Interior Secretary and his Indian Commissioner, forces for termination persisted for more than another decade -- with Indian tribal officials being the last to abandon their support, although not yet completely.

Unsurprisingly, no Administration nor anyone admits harming Indians while they are doing it, or even when they promise to stop. During the long reign of terminationist designs, "termination" was given expression explicitly but one time in presidential campaign platforms. That came with the 1960 Republic Party's repudiation of "precipitous termination of the federal Indian trusteeship responsibility," coupled with a pledge "not to support any termination plan for any tribe" not having "approved such action." It had been with reference to such same actions that their 1956 platform had declared: "We shall continue to pursue our enlightened policies".

The Republicans had possessed no "enlightened" Indian policy since 1928 and 1932, when their platforms declared that "the treaty and property rights of the Indians of the United States must be guaranteed to them," and accorded "the fullest protection." In 1956, the lip service given to tribal "cultural integrity;" "sympathetic and constructive execution of the Federal trusteeship;" and "expansion of their rights of self-government," was designed only to make "termination" seem more palatable.

Democratic platforms of 1956 and 1960 each proclaimed a "unique legal and moral responsibility for Indians." Both denounced any "repudiation of Federal responsibility," pledging first a "reversal of present policies;" then to "end practices that have eroded Indian rights and resources." "Termination" was not specifically mentioned, nor condemned as such. That may explain why the termination policy was continued under the Kennedy Administration and Democratic Congresses afterwards.

A repackaging, rather than a reversal, of policy occurred under the stewardship of Stewart Udall's Interior Department -- and with James Officer and Philleo Nash in its Bureau of Indian Affairs. An obvious example resides with the Relocation and Vocational Training Program, initiated in the Truman Administration. The Eisenhower Administration subsequently secured statutory authorization for the program and its expansion in 1956, plus an added on-reservation Industrial Development Program.

James Officer's celebrated Task Force on Indian Affairs perceived that the basic program had been stigmatized in Indian minds by real and imagined associations with the hated termination policy. Presto! Chango! Astutely, the program was furnished a new title of Employment Assistance. Accordingly, when the accomplishments of the Udall-Officer-Nash triumvirate were recited as the Democratic national platform in 1964, who could guess that the proud announcement, "Indian enrollment * has been doubled," applied to a program construed as near "genocidal" under Dwight Eisenhower?

The Kennedy Administration was presented an early opportunity to give definition to its 1960 campaign platform by acting against pending, plus future, termination measures. It refused to do so. Strenuous tribal and State objections had arisen against executing the final termination of the Menominees. The Congress had extended dates for effecting termination previously, and appeared amenable toward granting another extension at least.

At the time, there were even serious hopes that Congress would respond favorably to an Administration request to halt or repeal Menominee Termination. Secretary Udall ignored petitions for both seeking another extension for Congress to reconsider the Act, and for exercising his lawful discretion under it to delay effecting termination. Instead, he declared the termination in the Federal Register. Somewhere in the bargaining, Indians nationally were given Wisconsin's Philleo Nash and Wisconsin was given the Menominees.

Elsewhere on the termination front, Republican ICC Chief Commissioner Watkins was giving definition to the same Democratic platform's pronouncement that, "Indian claims against the United States can and will be settled promptly, whether by negotiation or other means". The Indian Claims Commission's Final Report -- issued with its expiration, and work incomplete, on September 30, 1978 -- states his presumed 1961 mission superbly: "The problem of giving the Indian his due had to be balanced somehow with giving him his walking papers, that is, ending government supervision."

When Watkins entered the Commission, only the fewest of filed cases approached decision, despite the lapse of twelve years in operations. Essentially none had reached the final processing stage of disposition and appropriation by Congress. When Congress granted one of several life extensions to the ICC in 1961, the approving Senate Committee had again linked claims and termination, noting: "Until all these claims are heard and settled, we may expect the Indians to resist any effort to terminate federal supervision and control over them."

In that vein, Watkins relished thoughts of railroading Indian claims to conclusion. When claimants' assents were needed to serve his schedule for rapidity, the old familiar Indian Bar and the BIA aided in arranging consents -- often of a lesser quality than this same combine had employed when foisting termination schemes upon helpless tribes in the early 1950s. Indian objections were openly disparaged by the ICC chief. He routinely spat invective at uncooperative Indians, whom he considered insufficiently appreciative of his beneficence and outrageously forgetful of their supposed status as "a conquered people."

Ultimately, the Indian claims handling -- moreso than the arrested "termination policy," because of its curtailed reach -- will be adjudged among the foremost national scandals in Twentieth Century Indian Affairs. Claims issues still present some of the most challenging considerations for any true policy of "self-determination;" and, indeed, have already drawn forth some of the most noteworthy Native American accomplishments during the past twenty years.

Although the question of terminating the Colville Tribes and Reservation lingered into the 1970s, the termination policy and threat was effectually abandoned by Congress in the early months of 1965. The death knell for termination legislation carried from impassioned floor speeches by Wisconsin's Representative Melvin Laird, conservative Republican and political powerhouse, and Washington's Democrat Representative Julia Butler Hansen, who had encouraged the Laird oration.

The March speeches were designed to prevent opening floodgates to new termination measures with the increased flow of claims judgement bills being processed to Congress. The House Interior Committee and Indian Affairs Subcommittee had openly discussed advisabilities of including termination provisions in each new judgement bill. The chairmen had favored resumption of termination, but had presented the issue as one of deciding then whether to renew the policy or to forget it. Other House members prevailed upon them to advance the claims dispositions without termination attached.

In that period, Representative Hansen's office had contacted NCAI and the National Indian Youth Council (NIYC) to inform them that a secret strategy was in play to renew termination. The Senate Indian Affairs Committee was intending to attach termination riders to the claims bills, beginning with Washington's Skokomish Tribe. The plan, engineered by Senate staffer Jim Gamble who worked under direction of Senators Jackson and Anderson, was to initiate a termination measure in the Senate. After a conference committee had secured House agreement on one, House chairmen Wayne Aspinall and James Haley would declare it their mandate to routinely press and provide for termination of tribes receiving claims awards.

The advice communicated from Mrs. Hansen was that it was necessary to defeat the termination measures before they had chance to be introduced -- noting that no termination measure which had been approved by a Committee of either House in the past had been defeated. Opposition to Skokomish termination was focused on Senator Jackson -- who, to staffer Gamble's chagrin, reversed field and angrily denied that he would support or allow any approval of termination in the Interior Committee.

In the preceding two Congresses, Senator Jackson had introduced and supported bills to abrogate or purchase Indian treaty fishing rights in the Pacific Northwest, and otherwise to place hunting and fishing activities under States' regulatory jurisdiction. From 1961 through 1964, the Udall-Nash-Officer Interior agencies assumed a posture of "no position" on the bills, deferring to whatever might be the "will of Congress." An Indian advocacy position later emerged -- from the Justice Department of the Johnson Administration.

Those bills died in Committee. However, that did not prevent the Interior Department from acting against the tribal treaty rights. Secretary Udall, who had initially promised that his Task Force on Indian Affairs would review the attendant problems, was soon informing the States and their elected federal officials that James Officer's Office of Tribal Operations -- which had direct line authority to the Secretary for acting and reporting; bypassing the Commissioner -- was undertaking the development of new "restrictive tribal enrollments," which would "reduce the number of Indians who may claim treaty rights."

In the same period, tribal attorneys told Congress that tribes possessed no rights in management of off-reservation treaty resources; that States held exclusive regulatory rights. The Wilkinson-Cragun firm convinced the Quinaults that they should forego off-reservation fishing, and that on-reservation treaty rights would be lost if fishing by spousal non-member Indians was not prohibited. Heads of households were pulled from the rivers, and family income thus denied for livelihood support to some tribal children.

Judging by what occurred in years following each the 1961 Officer Task Force and the famed Chicago Conference of Indians, neither proceeding can be viewed as an epochal event. Like Shakespearean sound and Faulknerian fury, "signifying nothing," both just happened -- with little effect. NIYC may have been born from the Chicago Conference; perhaps conceived more non-pristinely through an Oklahoma college Indian student conference. The "Greater Indian America" concept had roots in the 1961 Declaration of Indian Purpose, but NIYC members were dichotomically torn between leanings toward The Organization Man, and against their better lessons in The Lonely Crowd.

The James Officer-W.W. Keeler Task Force had not engendered any federal policy "reversal." Officer had put on his best Arthur Watkins act in his Taholah, Washington, meeting; angrily chastizing Indians who asked about "trust responsibilities." Before long, Philleo Nash's BIA was threatening to terminate the Shoalwater Indian Reservation -- administratively. The Shoalwaters were told they must accept a a reservation partitioning with fee patents and dissolution of the federal trust, or simply face eviction and a reassignment of the reservation to other Indians, who might then sell it. Shoalwater defeated that effort. Soon it initiated general retail sales of fireworks and untaxed cigarettes, activities other tribes later adopted to produce income and revenues.

In 1964, Quinault chairman Jim Jackson carried his dedicated campaign to rid his reservation of State jurisdiction into a face-to-face meeting with Commissioner Nash, whose notorious eyebrows arched at the old information that more than 90% of Quinault voting adults had opposed P.L. 280. Nash's response to a request for federal action was merely a question: "Have you ever tried to put an egg back in its shell after you've broken it into the pan?"

After Nash had been unceremoniously dumped and replaced by Oneida Bob Bennett, a BIA careerist, the termination issue was raised again. In 1966 at Santa Fe, NCAI uncharacteristically crashed an Interior Department planning session where the discredited policy was being revived. Sixty tribes flatly refused Secretary Udall's cunning offer to protect them from such legislation, if they would support Agua Caliente termination. In its own meeting, NCAI had initiated a policy demand for "self-determination," and firmly informed Udall that they meant, "no termination, period."

At its 1967 convention, unsurprisingly, NCAI flip-flopped into a position of neutrality on Colville termination. NCAI only refrained from adopting a resolution offered by the Colville majority pro-termination tribal council at the insistence of a couple challengers. Several years later, non-Colvilles engineered delivery of $20,000 from the Episcopal Church for a tribal voter and issue education project associated with Lucy Covington. The project restored an anti-termination government and killed the issue which had plagued the Colvilles in three successive decades.

Commissioner Bennett's confidential BIA departmental program memorandum to the Bureau of the Budget (now OMB) for Fiscal Year 1969 revealed the Udall attitude: "Present policy recognizes that many features of Indian culture may have to be adjusted in whole or in part if Indians are to attain self-sufficiency, a higher standard of living, and fuller participation in American life. Nonacceptance of this fact by Indians and others complicates the implementation of programs, even where a majority of the Indians appear to desire them." The statement, in sum, was antithetical to "self-determination" principles.

Nonetheless, significant changes in Indian policy began to occur under the Johnson Administration, and through the persistent urgings of Vice President Hubert Humphrey. Presidential assistant Joseph Califano was indispensably instrumental to the formulation of a new policy direction. In proposing $500 million for added comprehensive programming in his message to Congress on March 6, 1968, Lyndon Johnson proclaimed a "new goal" "that ends the old debate about 'termination' of Indian programs and stresses self-determination."

Within the month, Johnson had declared his decision not to seek re-election. By Executive Order of March 7, 1968, however, he had established the National Council on Indian Opportunity (NCIO) under chairmanship of the Vice President. Six Department Secretaries were included as members, plus the Office of Economic Opportunity (OEO) Director, and "six Indian leaders appointed by the President." The NCIO was to oversee implementation of the new policy direction, and to propose program improvements. President Nixon was to add the Attorney General and two more "Indian leaders" to the NCIO on August 11, 1970.

Neither major presidential candidate in 1968 threatened the late-arriving Johnson policy. Richard Nixon's October 1968 Indian pledges had promised that "termination" would not be his policy -- nor either be immediate or long-range "policy objective." Also, he opposed expansions of State jurisdiction over Indians. When his own presidential message was delivered to Congress on July 8, 1970, he reiterated the "self-determination without termination" doctrine. He added an important emphasis on "trust obligations," and announced a federal service commitment to urban Indians.

The standard appreciation for concepts of "self-determination" was evidenced when Assistant Interior Secretary Harrison Loesch and BIA Commissioner Louis Bruce finalized establishment of the National Tribal Chairmen's Association in 1971. Phillips Petroleum's W.W. Keeler furnished Iowa Marvin Franklin to service this new governing form. The ubiquitous Franklin explained that NTCA's authority should be vested in a Board of Directors generally and an Executive Committee continuously, emphasizing "there are times when you have to be expedient and move a situation." Loesch offered his perception of the overriding Indian problem, and its solution, in his remarks: "Who speaks for the Indians? I hope NTCA will become the voice."

This revival of a previous century's system of granting "chiefs certificates," modified to constitute an organizational charter, was welcomed most by Spiro Agnew's NCIO Executive Director Bob Robertson. NCIO had not been sanctioned as an Indian "power center" by Indian tribes, but NTCA was willing to make that pretension. As quickly as possible, he had NTCA ensconced in the Executive Offices of the Vice President, where its officers were pliantly controlled. That system of Indian "power brokering" activated then, prevails today -- long past NCIO's demise and NTCA's unkindly eviction.

How far had Indians come without a voice -- in the surreal world of Indian affairs? Perhaps not that far -- even given "self-government" and "self-determination," whether a year or 37 years before "granted" "the voice." Something seems out of time, out of place, when it could happen that -- more than a year after the world had noted college students being shot on American campuses at Kent, and Jackson, State for protesting an indiscriminate war -- Indians students were still at stage of being castigated and threatened, even accused of being under Communist influence, for challenging the 1971 "dormitories locked, lights out, and beds checked at 10 o'clock p.m.," rules at the BIA's Haskell Indian Junior College.

Less than ten years before that, Indian boarding schools in Oklahoma were hailing their "English as a Second Language Program," which obligated native-speaking students to wait in lines and forego food or utensils at mealtimes unless or until they asked for each item in grammatically correct sentence structures, in English with the necessary words of courtesy and politeness added; absent any obscuring heavy accents.

More than ten years afterward, in 1983, leadership students in a major university's Native American Students Program have been so fearfully apprehensive that some controversial utterance, slip, or suggestion by guest speakers might cause their loss of program funds that they provide coaching on what should not be said. Another college nearby, which might benefit from elimination of its present program, has been graduating Indians in the 1980s who have known only English as their language, but who are incapable of writing and spelling those sentences demanded of the secondary students in the Oklahoma BIA cafeterias of 1964.

In late 1972 and early 1973, the Government of the United States -- its Interior and Justice Departments, and particularly the BIA -- was identifying Indian children, particularly boys, between ages of four and fourteen by their clothing and length of hair or styling for purpose of determining the most radical parents involved with the Trail of Broken Treaties and the occupation of Wounded Knee. The labeling information was supplied not only to congressional Indian Affairs committees, but also those professedly concerned with the nation's internal security.

63 - IRA
Adams

How far have we come since Commissioner John Collier presented his first proposals to Congress in 1933 -- including the call to repeal the repressive Indian Espionage Acts; and the proposals to criminalize the fraudulent claims of Pseudo Indians? How far have we fallen in our concepts of individual and tribal sovereignty, self-respect and self-rule, since that forgotten day in 1832 when Black Hawk -- taken as prisoner before President Andrew Jackson -- could, in sense, say: "Even in chains, sir; I am your equal."

After NTCA was assigned its voice but a dozen years ago, it used it most strongly to call for police action against those TBT Indians in the BIA Building, which would have caused slaughter of those little boys with unshorn and braided hair, and their equally strong and innocent young sisters. "No mind that," the strident chairmen -- chained into Washington, D.C., by their Franklin-Loesch-Robertson masters -- explained to the press, "those are our tribal records in there." When one Executive Board member, chairman of the Navajo, dissented and made plea for reason, he was locked out of Spiro Agnew's Executive Offices Building.

No one's tribal records were in Wounded Knee in 1973. Nonetheless, the NTCA Board and NCAI executives met in "emergency session" on March 16 to grant their support to federal efforts to "terminate the critical situation there." An assistant Attorney General must have been pleased at being reviled for not having ordered "timely measures" sought by NTCA "at the time of the BIA headquarters occupation" -- he knowing that plans were ready at Wounded Knee for executing, in terms of firepower and equipment, the strongest military assault within the nation's boundaries since the American Civil War.

Without any Pine Ridge assent, then Assistant Interior Secretary-designate Marvin Franklin advised "the group assembled" that he "hoped" they would "solve this problem" "as leaders of this great nation of Indian people." The "problem at Pine Ridge" had been identified in a federally-commissioned study several years earlier. It concluded that the Pine Ridge Reservation had been devastated by imposition of an alien Indian Reorganization Act (IRA) government; then disallowed any recovery inasmuch as, at BIA direction, the IRA tribal constitution had never been followed in the conduct of government and exercise of authorities!

That finding was reaffirmed by the special investigations team which surveyed the reservation's problems as part of the Wounded Knee settlement. Although that team's conclusions were declared to be independent, and not subject to suppression before public release, the Ford Administration excised all objectionable matter and statements before officially receiving the report from the team. All conclusions supportive of Oglala positions relating to the 1868 Sioux Treaty were eliminated.

The government used only a fraction of the arsenal and ordinance committed to Wounded Knee, even that being considerable and costing millions. Wierdly, White House aide Bradley Patterson, who had marshalled many of the most beneficial Nixon measures into effect, steadfastly maintained the WK maneuvers were in support of Indian "self-rule." Yet, the Pine Ridge Indian Reservation remains among the best testaments to monumental failures in the Indian Reorganization Act -- and contemporary "self-determination policy," given all its convoluted, political and legislative, accoutrements.

In 1975 at Pine Ridge, 58% of the reservation, or 1,583,100 acres remained in Indian ownership, some 900,000 being tribal. The Indian population numbered 11,478. The tribe's lease income was $368,000 while allotments furnished $791,000 to 10,500 individual owners. Among users, however, there were such disparities as one member named Wilson owning and leasing 95,927 acres, while the combined acreage worked by all members of one-half and more degree Indian blood totalled a scant 75,290 acres, or 8.4% of all lands leased. Non-Indian direct and hidden usage of Indian lands approached 50%.

The BIA warned in October 1974 that transfers of land away from "full-blood," "traditionals," or members of higher Indian blood quanta (IBQ) were accelerating. "Indians of negligible blood quantum" and non-Indians were favored by the pattern. An early "self-determination" enactment, the 1974 Indian Financing Act, threatened to aggravate the problem, leading the BIA to state that its "promise of better conditions" is "but a cruel hoax to traditional Indians."

On other reservations throughout the West, for both IRA and non-IRA tribes, non-Indians systematically still secure the primary benefits of Indian land resources. Potential Indian users are regularly outbid by non-Indians for the best and most productive Indian lands, particularly for agricultural purposes in both irrigated and dry farming. Indians are obliged to make more costly investments for lower returns, while non-Indians experience a higher benefit ratio and return on investment in the same activities.

Another shameful episode involving NCAI occurred with its capitalizing on the celebrity of Ira Hayes, returning as hero from Iwo Jima, only to shun him as embarrassment when his alcoholism and arrests garnered national headlines. On his death, NCAI began fund-raising for itself on his name, beginning with a full-page New York Times ad. Their appeal was prophetic in noting him as "only one of many Indians" needing help. On Ira Hayes' reservation this past decade, his tribesmen were bounced in bidding from lands where their long labors had developed an irrigation system, unfinanced. In the several seasons these ancient cultivators of the soil were unable to lease lands, their farming equipment was lost to disuse and forced sales.

On the largest reservation in Western Washington, Indian timber owners are obstructed by both the BIA and tribal powers in harvesting or salvaging the forestry produce from their own lands. The BIA provides information and services to non-Indian purchasers which it denies to Indians working their own allotments or acting to retain economic benefits among working tribal members.

Needed rights-of-way are denied by BIA refusals to disclose names and addresses of all owners who must grant them, an invocation of the federal Privacy Act. Likewise, home construction that would enable Indians to live on their own allotments has been precluded, often by device of survey refusals or non-acceptance and multi-year delays in survey schedulings. It is proving that some tribes, contracting or otherwise assuming activities formerly under BIA control, are designing to be no less oppressive, sometimes moreso prohibitive, in preventing tribal members from realizing the opportunities and economic benefits that their own property resources could or should afford.

What does this mean for where Indians are going? It does mean there remain some things radically wrong in Indian affairs. Perhaps it is related to the phenomenon wherein officials and experts from the worst-managed reservations are ensconced with increasing frequency at the highest levels of national Indian leadership -- with seeming permanency, and without any true measure of accountability in either realm of action or influence.

Felix Cohen's recurring judgement that all attempts to wrest significant power from the bureaucrats "have been unavailing," remains valid. This was largely assured by the Cohen and Collier suppositions that, in reality, Indian "self-government" would or should be formed as a system of "indirect administration." Accordingly, what often passes as "self-rule and self-determination" in this day, in truth, seldom surpasses the limited parameters of "self-administration." Program and power grants, therefore, methodically give extension to the "bureaucracy" -- which now includes the Indian leadership consultants, advisors, technocrats, valets, speechwriters, supernumeraries, alter egos, and sycophants -- many of whom are well-paid.

In consequence, there exists a general conspiracy among key elements in the Indian leadership against independent tribal autonomy and culturally-based self-government, against informed constituencies and participatory democracy, and -- above all -- against qualitative reforms and accountability. It relies upon maintenance of multi-level power centers or organizations, interlocked by common office holding or controlled staffing.

This is made possible by the most serious malady afflicting the vitality of tribal self-rule -- the pervasive absence of a community or an institutional free press; not to be confused with house organs and newsletters which thrive in abundance, and in powerlessness against the demands of autocratic control of information and viewpoints. The deficiency diminishes the market of ideas and creativity within local communities, preserves distance between people of common interests, and retards the forces for self-correction which have been operative in most societies and their governing into antiquity.

The external American free press has not served these functions for Indian people with any semblance of conscionable consistency. Print and broadcast media have tended to be excessively condescending, or offensive in the other extreme, when reporting internal Indian matter directly. Their best service to Native people, which has been considerable over the last twenty years, has resulted from their coverage of Indian issues involving their own institutions, principally government -- and when they have displayed no compulstion to employ any other than their normal standards of objectivity. One major failing is that, when they "create" their minority "heroes and heroines," they are loathe then to account any subsequent misdeeds.

On the issue of accountability, it has been desperate reactions to activist demands for it which has caused all government levels to more fully insulate Indian officeholders, and their experts, from all external scrutiny. And, an irony in current designs for concentrating Indian "power" among a select few individuals is that a genuine responsiveness by Congress to Indian concerns has developed from reforms and dispersal of power in that body, more reflective of representative ideals.

In the 1950s, Indians were hard pressed to find any other than Lee Metcalf of Montana in the House of Representatives and Paul Douglas of Illinois in the Senate who were consistent advocates for Native viewpoints as a national interest and obligation. Neither held position or power to counter the hostile acts of chairmen of the Interior and Indian Affairs committees. A breakthrough occurred when Senator Sam Ervin of North Carolina determined to use his position as Judiciary chairman of the Subcommittee on Constitutional Rights to examine injustices of the termination policy and its real effects on Indian rights, civil and political; and, more broadly, to fashion protections for tribal status.

Much later, the National Indian Youth Council initiated a designed effort to carry Indian issues to varied committee jurisdictions, and to enlist the continuing interest of elected and non-elected public figures in an Indian cause. This writer came to NIYC late, in August 1963, and departed early in August 1967. In its first six years, the most radical NIYC manifestation was found in its redefinition of "youth."

In that period, NIYC often debated, without deciding, whether it should be an activist organization or primarily a mutually-supportive "self-education" body for its members, who would act primarily in their established jobs, professions, or student, capacities wherever. Its inclinations were to help generate an Indian renaissance and enlightenment through influencing other existing organizations, government and tribal, plus the public at large; but with relatively few organized activities of its own. As a unit, its primary contributions were cerebral; contributions of individual members varied in nature and extent.

Antedating NIYC, but closely associated with its development, were the Colorado-based organizations, United Scholarship Service in Denver, and the American Indian Workshop at Boulder. The USS, under Tillie Walker's direction, probably had more positive impacts upon the 1960s and subsequent redirections in the courses of Indian Affairs than any other single organization of the period. Beyond its support to NIYC, it was a strong liberating force in its own right for the many Indians served by it; additionally so by Vine Deloria's placements of high achievement students in independent private schools and Ivy League colleges.

The Boulder Workshop provided valuable learning experiences for numerous young Indians, notably through teachings by Darcy McNickle, Bob Thomas, and assorted guest lecturers; with TLC from Vi Pfrommer. The insecurities of Helen Peterson gave rise to its drawbacks. Students were sometimes made to feel eternally "indebted" for "being turned on to being Indian" at the Workshop -- and then urged to subscribe to H.P.'s cults of personality and hero worship. Past NCAI President Joe Garry was tolerable to "idolatry;" the lawyer John Cragun, who had guided her through her administration of NCAI, was absolutely not.

When NIYC launched its National Campaign of Indian Awareness by mobilizing tribal governments in support of off-reservation fishing activities -- and those Nisqually and Puyallup families at Franks Landing who had been waging a two-year non-stop fight since 1962 -- and a major demonstration at the State Capitol on March 3, 1964, the Cragun law firm instructed its client tribes to drop out of the effort. Four years later, it lobbied against Indian participation in the National Poor Peoples Campaign through tribes in the Dakotas.

At an NIYC demonstration at the White House in 1967, Walker River Paiute tribal chairman Mel Thom convinced officials from other tribes in D.C. on other business to join in. The Indian Bar intervened to convince most to withdraw. When one tribe's chairman and associated officers could not be dissuaded from demonstrating, their claims attorney locked them in their hotel room and planted himself at their door. That is radical, man; he was sitting on their constitution and his own canon of ethics! In the BIA Auditorium that day, NCAI's Helen Mitchell raised her over-sized battlecry banner, "Indians Don't Demonstrate!" Not if they have the right attorneys.

Following the 1964 Olympia Capitol conclave with Washington's Governor Rosellini and tribal officials from some 47 tribes and Bob Burnette, NCAI Executive Director; attended by some 2000 people -- a majority Indians -- Philleo Nash's BIA initiated the first undercover police investigation of NIYC members. BIA agent August Hayes was given the secret surveillance and reporting assignment in Western Washington on reservations where he was not known.

Unfortunately, the NIYC public awareness campaign attracted such attention that the Pseudo Indians were encouraged to advance forth from the shadows. Away from NIYC, they began publicly to capitalize on a new interest in Indians. Their pretensions could not be so modest as those misled in private family claims of direct descendency from Pocahontas and Hiawatha; most were spiritual "indians," traditionals in the nth degree and with the garb to show it. The time was right that they, or any actual Indians having the inclination, could instruct a budding, then booming, generation of hippies in "indian ways."

Subsequent Pseudos have been more subtle and less gaudy in their approaches to Indian and public favor. Some appeared at all major incidents of Indian demonstrations and occupations. They were at Alcatraz; in and out of AIM -- some with acceptance and others rejected outright. Now, sufficient public print and broadcast acclaim buys general Indian leadership acclaim. In the past decade and in the past year, some such Pseudos have been granted hundreds of thousands in public dollars -- while deserving, talented Indians are regularly shunted aside, unaided by public agencies.

Miscellaneous Publications: Letter L. 1920s–1930s; n.d. MS The Indian Rights Association, 1882-1986: Series 3, Printed Matter: 1830–1987 Box 401, Folder 5. Historical Society of Pennsylvania. Indigenous Peoples of North America, link.gale.com%2Fapps%2Fdoc%2FAHRKGB870328754%2FINDP%3Fu%3Dumich_law%26sid%3Dbookmark-INDP. Accessed 11 Dec. 2025.