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This paper covers the impact of Franklin D Roosevelt's, "Indian New Deal" and the effect it had on federally recognized Indian tribes. I have taken an in-depth look at specific areas of New Deal legislation including the Indian Reorganization Act, the Johnson O'Malley Act, and the Indian Arts and Crafts Board Act. I then explain how this legislation impacted Native Americans at the time as well as how it continues to have an impact on Indian communities today.

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The Indian New Deal and the Effects It Had On Federally
Recognized Tribes

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**The Indian New Deal and the Effects It Had On Federally
Recognized Tribes**

CHAPTER I

Introduction to the Indian New Deal

The Indian New Deal, from 1934 to 1944, was a time of change which set a new precedence in Indian affairs for years to come. Three major pieces of legislation that were passed, under the Indian New Deal, brought about large changes which had lasting effects on Indian communities. These three pieces of legislation will be the focus of this paper. They are the *Indian Reorganization Act*, the *Johnson-O'Malley Act*, and *The Indian Arts and Crafts Act*. I will also provide a brief overview of the allotment era that preceded the New Deal, and explain the impact it had on Indian tribes. I will also summarize the Meriam Report, which served as an outline for the Indian New Deal.

An important aspect, of the Indian New Deal, is the time period in which it occurred. The United States was trying to come out of the depression and was a country on the verge of World War. This impacted the way in which these three pieces of legislation were interpreted and perceived. There was a belief that drastic changes needed to be made to the Federal Government's special relationship with Native Americans. The longstanding division between those who favored forced assimilation and those against it gave way to a common realization that it was a time for change and a time to reorganize Indian Affairs.

President Franklin Roosevelt wanted to set forth a New Deal to provide work and economic security for struggling Americans. However, it was Roosevelt's Commissioner of Indian Affairs, John Collier, who called for a New Deal specifically for Indian people. As described in the following quote, Commissioner Collier had very strong ideas about how to help Native people and the role that the Federal Government should play in their lives.

Collier strongly condemned previous Indian policy for trying to wipe out Indian ways of life and Indian modes of thought 'utterly regardless of their significance, beauty, or adaptation to the intellectual and spiritual needs of the Indians.' The old policy was primarily 'static and nihilistic, successively abstracting from Indian life its human values and activities.' Sheer fanaticism could continue the further destruction of Indian languages, crafts, poetry, music, ritual, philosophy, and religion. These significant and beautiful cultural expressions are the results of patient growth 'through endless generations of a people immersed in the life of nature, filled with the imaginative and ethical insight into the core of being.' Collier described New Deal policy as 'dynamic and functional, seeking to release the Indians into the normal activities of human life by striving for three goals: economic rehabilitation of the Indians, organization of the Indian tribes for managing their own affairs, and civic and cultural freedom and opportunity for the Indians. This policy was based on the simple principle of treating Indians as normal human beings capable of working out an adjustment to, and a satisfying life within, the framework of American civilization, yet maintaining the best of their own cultural and racial idiosyncrasies.¹

It was this ideological belief that permeated the Indian New Deal era. Collier was sympathetic to the plight of Native people and was determined to make changes for the better. Collier believed that the Federal Government's past policies of forced assimilation had failed because they were based upon the "false premise that all Americans should conform to a single, uniform culture standard."² Collier believed that Indian people were different and had a unique cultural history that greatly impacted their lives. Collier wanted to keep this history and Native cultural values in mind when proposing legislation that would have an effect on Indian communities.

Collier and his administration wanted to move away from the devastating effects of the *Dawes Act* or *General Allotment Act* of 1887 (hereafter referred to as the *Dawes Act*). Yet, in doing so, he wanted to learn from the mistakes of the past and to mitigate the destruction caused by the allotment policy. Collier was able to look at past legislation such as the *Dawes Act* and see the devastation it created among Indian

communities in both an economic and cultural sense. He recognized that the *Dawes Act* was instrumental in breaking down tribal unity and the loss of Indian culture and identity through the forced assimilation of large numbers of Native Americans. Because of the *Dawes Act* the Indian people's whole communal living structure was destroyed, and, 90 million acres of Indian land were lost through the allotment process.³

"The ultimate purpose of the *Dawes Act* was to break up tribal governments, abolish Indian reservations, and force Indians to assimilate into white society."⁴ President Theodore Roosevelt described this act as "a mighty pulverizing engine to break up the tribal mass. It acts directly upon the family and the individual."⁵

The idea behind the *Dawes Act* was to assimilate Native people into mainstream society by giving them land and making them farmers. In doing so, the government felt that the Indian would begin to think and behave more as individuals than as a tribe. However, another equally devastating goal of the *Dawes Act* was to break up reservation land and give to non-Indians any surplus land that was not allotted to tribal members.

The allotment process mandated by the *Dawes Act* consisted of the Bureau of Indian Affairs giving 160 acres of tribal land to each Indian head of household and 40 acres to each minor. Land that was not allotted to Indians was then termed "surplus land" and opened up for white settlement. By the end of the allotment era, 60 million acres of Indian land were lost strictly because of the land provision of the *Dawes Act*. This not only created a huge transfer of Native land to non-Natives, but also brought about checkerboard reservations of Indian owned land bordered by land controlled by whites.

Under the *Dawes Act*, Indian allotments were originally to remain in trust for a period of 25 years. Land held in trust would not be subjected to local taxation and the owner would not be able to sell the land until the trust period ended. However, the *Burke Act of 1906*, modified the trust provisions of the *Dawes Act*. It provided that Indians considered "competent" could have their trust relationship ended before the previously required 25 years. This act increased the speed with which Indian lands were transferred to whites.

Many Natives were not good farmers. Therefore when their trust period was prematurely ended, they found it easier and more profitable to sell their land. Furthermore, once the land went out of trust, many Indians could not afford to pay the taxes and they incurred large debts which also caused them to sell their land.

Supporters of the *Dawes Act* had several goals in mind, first and foremost was the total assimilation of Indians into white society. They also wanted to teach Indians how to become individual landowners and farmers instead of communal landholders as they had been traditionally. The checkerboard allotments were designed with the hope that Indians would learn to be more like their white neighbors by having close interactions with one another.

Another driving force behind the *Dawes Act* was that the government wanted the surplus land and other natural resources that would become available with the breakdown of the tribal unit and reservations.

The *Dawes Act* was a failure for the majority of Native people. There were vast differences in how assimilated certain Native groups became. The *Dawes Act* succeeded in assimilating some Indians and failed in assimilating others.

The type of land that a former reservation was located on was instrumental to whether a tribe's members became assimilated or not. If tribal members were given allotments on good farming land, then whites were willing to take up surplus lands next to Indian allotments. This encouraged interactions between the races and increased the likelihood of the Indians becoming prosperous farmers. However, if the former reservation consisted of arid desert land with no irrigation, the chance of interaction between Indians and whites lessened, as did the number of prosperous farmers. Therefore, location and good farmland were key to the assimilation of Indian people.

The *Dawes Act* created a large loss of Indian land, which led to wide spread poverty. Although some Indians were able to adapt to the farming lifestyle and did well for themselves, as shown by the following quotes, these success stories were few and far between.

When the Dawes Act was passed Native Americans numbered "243,000 and owned a total of 137,000,000 acres of land, or about 546 acres per capita. By 1934 the number of Indians had dwindled to approximately 200,000 and the acreage to 47,000,000 or 235 acres per capita. Almost half, 19,000,000 acres of this land, was semi-arid or desert and, for all practical purposes, useless. At the same time more than fifty percent of the Indians owned no land at all and the annual income for all Indians in the United States averaged \$48.00. Instead of prosperous small farmers, the original owners of the continent were, to a considerable extent, landless paupers.⁶

The partial success of the *Dawes Act* was a major obstacle to Collier's New Deal. Collier, unfortunately, did not understand that, due to the *Dawes Act*, tribes across the United States had assimilated at different rates. Collier was most familiar with the tribes located in the southwest section of the United States and therefore based his policies

upon their communal and somewhat traditional ways of life. Many of the southwest tribes still held fairly strong cultural ties and had maintained their communal lifestyles.

Among tribes that endured the allotment process and maintained their cultural unity it could be said that the *Dawes Act's* policy of assimilation failed. Where assimilation had failed, the New Deal policies were more likely to succeed. This was due to the fact that new deal policies worked best under circumstances where the Native culture remained strong and the community still remained somewhat cohesive.

The opposite of this was also true to an extent. If the *Dawes Act* allotment process was successful, then those Indians were more assimilated into the predominant culture and were more likely to not agree with the New Deal policies which they viewed as a step back or as returning to the old ways. These assimilated Indians saw the new policies of the Collier Administration as an effort by the government to regain control of their lives. This brought about feelings of resentment from those Indians who did not want to return to a communal way of life and who resented legislation that would force that upon them.

The Indian New Deal overlooked the many changes that occurred due to the checkerboard land ownership policies of the *Dawes Act*. The new influx of white neighbors caused by the transfer of surplus land to whites led to racial intermarriage, which dramatically altered the ratio of mixed and full bloods on the reservation.

"Between 1910 and 1930 full bloods decreased from 65 percent to 58 percent of the total Indian population. During these two decades mixed bloods added to their number by 51 percent while full bloods increased by 2.6 percent."⁷ The authors of the Indian New Deal did not take this into consideration when they developed plans to strengthen tribal unity.

This was an oversight of Collier's administration, which failed to realize that some Indians had embraced white culture and did not want to go back to a traditional way of life.

This brief over-view of the allotment process shows some of the challenges that Collier and his administration had to face. Fundamental to Collier's plan for Indian people was the *Indian Reorganization Act* (IRA). The purpose of the IRA was "to rehabilitate the Indians' economic life and to give the Indian people a chance to develop the initiative destroyed by a century of oppression and paternalism."⁸ The IRA officially ended the allotment process of the *Dawes Act*. It also set up funds to purchase land, and enlarge already existing reservations, create new reservations, and restore surplus lands that had not been turned over to non-Indians.

The IRA consisted of four major areas: "self-government, special education for Indians, Indian lands, and a Court of Indian Affairs."⁹ Each tribe had the opportunity to vote as to whether or not it wanted to accept the IRA and its stipulations. Of the tribes given the opportunity to vote on the IRA, 192 tribes chose to accept it and 28 voted against it. Many of those who voted not to accept the IRA did so because their previous relationships with the Federal Government, had created a lack of trust. The IRA was also a very complex act. The original bill that was proposed to Congress was extremely different than the bill that eventually became law.

Under the IRA federally recognized tribes were encouraged to adopt their own constitutions and become more self-governing. However, each tribe's constitution had to be approved by the Secretary of the Interior. Indians were also to be given a voice and offered positions in the Bureau of Indian Affairs. During the Indian Reorganization era,

Indian held lands increased by over two million acres. The federal government also contributed funds for improving Indian health care, education, roads, homes and irrigation networks for Native crops.

Another important piece of legislation passed by Congress as part of the Indian New Deal was the *Johnson-O'Malley Act* (JOM) which became law on April 16, 1934. JOM authorized contracts between the Federal Government on behalf of tribes with other public agencies. These contracts were to be geared towards retaining better welfare and educational services to benefit tribal members.

JOM had its greatest impact in the area of education. Due to aspects of the act, the Bureau of Indian Affairs was able to make independent contracts with public schools in order to insure that Native children attending the schools would receive appropriate education. Some of the contracts provided funding for classes related to tribal history while others paid for educators to help with the transition of students from all Indian boarding school into public schools.

The BIA and tribes could also make contracts with local health care agencies for the health care of tribal members. JOM was instrumental in bringing about higher quality education and health care. It also made these services more accessible to tribal members across the United States.

The *Indian Arts and Craft Act* was passed on August 27, 1935 and was also part of the Indian New Deal. This act established The Indian Arts and Craft Board, which was responsible for overseeing the marketing and promotion of Indian arts and crafts. The board helped establish standards of authenticity for Indian hand made crafts and developed a marketing strategy so that Indian artisans could make a profit from their

work. The board felt that by doing these things, Indian artists would be able to increase their income and gain recognition and appreciation for their Native art.

Together these three pieces of legislation (IRA, JOM, & IACA) had a large impact on Native people across the United States, touching almost every aspect of Indian life, from education and tribal government to land acquisition and Native art.

Commissioner Collier and his administration defined their goals for Indian people as "helping to enable them, on good, adequate lands of their own, to earn decent livelihoods and lead self-respecting, organized lives in harmony with their own aims and ideals, as an integral part of American life."¹⁰ If all of this were to become a reality the Indian Office would eventually be phased out and Indian people would be solely responsible for their own welfare. Collier felt that this legislation could bring Native people closer to self-determination and further away from forced assimilation.

In order to accomplish this, Collier saw the ideal solution for the Indian as choosing the best of both worlds, and a blending of cultures. He believed this would allow Indians to select from the dominant culture that which they believed to be helpful and good without, sacrificing those good and desirable aspects of the Native culture.

Collier described the Indian New Deal policy as striving for three goals: "economic rehabilitation of the Indians, organization of the Indian tribes for managing their own affairs and civic and cultural freedom and opportunity for the Indians."¹¹ This policy was based on the simple principle of treating Indians as normal human beings who were capable of adjusting to American civilization while at the same time maintaining the best of their own culture.

The Indian New Deal was different because it had a sense of forward thinking and a new appreciation of what the Indian had to offer. Commissioner Collier wanted to expand on the positive characteristics of Native culture and use those characteristics as the foundation upon which the Indians could improve their livelihoods. Never before had the government shown any appreciation for what Indians had to offer or given any respect to their history and cultural values. This change in perspective may have been the greatest impact of the Indian New Deal; the idea that Indians should celebrate being Indian and see their heritage as a key to a successful future.

CHAPTER II

The Meriam Report

Before the passage of the *Indian Reorganization Act* and the revocation of the *Dawes Act* the predominant goal of the Office of Indian Affairs was the total assimilation of Indian people into mainstream society. The *Dawes Act* of 1887 was instrumental to this goal. The *Dawes Act* was devastating to Indians on several levels and had long lasting effects. Prior to the allotment process, mandated by the *Dawes Act*, Native American tribes were this country's largest communal landholders. However, after allotment, the majority of Native Americans were destitute and landless. Allotment wreaked havoc on long-standing Native communities and led to ongoing economic hardship.

By the 1920's it became apparent that the Federal Government needed to change the manner in which they were dealing with Native people and begin to repair the devastation from the allotment era. Indian communities were struggling economically as well as in the areas of health care and education yet, the government did not understand the reasons for these problems and had no suitable solutions for addressing them.

For this reason, in 1924, the Federal Government took steps to learn more about Native issues, by establishing a national advisory group related to Indian affairs. This newly formed group was known as the "Committee of One Hundred." The committee's job was twofold: first it was to study the current situation of Native people and make recommendations on how to improve their lives. Second, it was to help define the role that the Office of Indian Affairs should play in the lives of Indian people. In order for the committee to achieve its goals, it needed to learn about the problems that Indian people

and the Office of Indian Affairs were facing. By establishing the Committee of One Hundred the government took the first proactive step to learn more about the Native people.

However, Hubert Work, who was at that time Secretary of the Interior, wanted to expand the research beyond what the Committee of One Hundred had undertaken. Therefore, in 1926 he requested that an extensive report be made on the current status of Indian affairs. He wanted this report to look at the problems that Indian people were facing and offer recommendations on how to successfully address them.

A group of individuals from the Institution for Government Research was selected to conduct research and prepare a report that would outline these problems and make recommendations. A staff of nine research specialists under the direction of Lewis Meriam undertook a two-year intensive study of the Indian Office and Native people. The research board consisted of: Lewis Meriam, Ray Brown, Henry Roe Cloud, Edward Everett Dale, Emma Duke, Herbert Edwards, Fayette Avery McKenzie, Mary Louise Mark, W Carson Ryan, Jr., and William Spillman.¹²

Interior Secretary Work asked the group to look specifically at the economic and social conditions of Native people. One of the main goals of this project was to "examine the administration of Indian policy and its impact on Indian life."¹³ The research team studied a wide variety of issues such as: health care, education, political organizations, land use, natural resource issues and economics.

The final product of this in-depth study was titled: *The Problems of Indian Administration* but it was commonly referred to as, The Meriam Report. The report was published in February of 1928. This report was referred to as "a masterpiece of reform propaganda in the best sense of the word."¹⁴ There was hope that the report would be

used as a tool to help outline future legislation that would positively impact Native Americans. The report "exposed in a very scholarly manner the serious flaws in Indian administration and pointed out the fundamental need for a change of direction in American Indian policy."¹⁵

The Meriam Report brought to light the extreme poverty and low standards of living that permeated nearly all Indian communities. Most Americans did not know about the many problems facing Indian people. The report was the most in-depth and accurate information that had ever been compiled concerning Native American living conditions and life styles. Many people were shocked by the contents of the report and saw the need for dramatic changes in the Administration of Indian Affairs and future legislation.

The Meriam report described in great detail the lifestyle of the majority of Indian people. There were countless descriptions of people suffering from poverty and disease, which led to feelings of discontent among many Native people. The report openly criticized the government as being inefficient and paternalistic in its dealings with Indian communities. It went so far as to say that the administration's actions in many ways discouraged Indian self-sufficiency and encouraged dependency on the Federal Government.

The report took into account, to a certain extent, the history of Native people and the impact this had on their situation. According to the Meriam Report, the *Dawes Act* failed because the Federal Government did not educate Native people on become successful individual landowners. The report states that: "the lawmakers assumed that the mere act of giving an Indian land would make him a farmer, whereas the real need

was to educate him in the use of the land.”¹⁶ This was just one example set forth in the report that showed how ineffective past policies were and how they contributed to many of the problems that Natives faced.

The Meriam report described how prior legislation had impacted Native Americans and made recommendations for future legislation. The report included in-depth research on the effects of the *Dawes Act* and made findings as to why the act failed. They found that the major weakness of the *Dawes Act* was that the majority of Indian people did not accept the government’s plan to make them farmers. Most Indians did not want to be farmers nor did they have the proper resources to become good farmers. According to the Meriam Report these two factors contributed to the failure of the *Dawes Act*.

The following statistics reflect the economic failure of the *Dawes Act*. In 1928, “46.8 percent of American Indians lived on a per capita income of \$100 to \$200 per year, while only 2.2 percent received incomes over \$500 per year.”¹⁷ It did not pay to be an Indian farmer. These statistics show that most Indian people were not financially making a profit from farming or any other proposed solution to their economic crisis.

The authors of the Meriam Report were able to look at the results of the *Dawes Act* and understand how it had negatively impacted Indian people. By doing this they concluded that they could not support the continuance of the allotment process, but instead they needed to recommend its immediate abolishment. The researchers and authors of the Meriam Report studied how prior legislation had impacted the lives of Indians and then used this knowledge to better identify prevalent themes that contributed

to problems in Indian communities. After doing this, they made viable recommendations that would help solve some of the problems in Indian country.

After conducting their research and thoroughly analyzing the information, the authors of the Meriam Report adamantly recommended that the *Dawes Act* be immediately abolished. They then went on to make further in-depth recommendations in the areas of healthcare, government, land use and economic development.

They also recommended that education should be made easily available for all Indian students and suggested that, when necessary, scholarships and loans for higher education should be attainable for Indian students. The authors of the report also recommended that tribes should reaffirm their governments and work to strengthen their political organizations. This recommendation was based on the knowledge that strong political units stood the best chance of successfully negotiating with the Federal Government on a government-to-government basis.

The report also suggested that tribes setup their own Indian courts. They proposed that these court systems could be modeled after the United States courts or on traditional tribal practices. This recommendation was made with the hope that tribal courts could lessen the load of the state, county and federal dockets as well as provide greater freedom for the tribes with regards to their judicial practices.

Another specific recommendation, which was geared toward helping to improve economic conditions on reservations, was a system of low interest loans. The idea behind the loan system was to add greater capital to Indian communities while at the same time increasing the value of existing agriculture farms on and near Indian reservations.

It was suggested that the government should invest in purchasing land for landless tribes and increase the acreage for tribes that had an existing reservation. Land ownership was central to many of the proposed solutions found in the report. The report also suggested that Native people could use their land to develop a long-term program for livestock grazing that would fully utilize their land and improve the economy of the community. The grazing program would increase revenue and help to make tribes more self-sufficient. The report said that the Indian office should encourage Indians to use their lands with the hope that this would provide a solution to some of their economic problems.

It was stressed that any changes made, due to the recommendations in the report, should be formulated and designed to meet the problems of reservation life, while at the same time being sensitive to the Native people impacted by the changes. It also was suggested that the Indian office create systematic economic planning and development programs.

The report went on to recommend that the Indian Office employ more efficient and better-qualified personnel. In order to do this, there would need to be wage increases in many positions so that qualified people would apply for the jobs. There was also the need to offer education to current employees so they would be better equipped to successfully do their jobs. Good employees would be vital to the implementation of new policies. Indian Office personnel also would be instrumental in fostering a more cohesive working relationship between the tribes and the Federal Government.

The Meriam Report had a general message that new policies should be constructed so that Indians could learn to fit into mainstream society, if they chose to do

so, or could remain in predominately Indian communities. Either way the authors of the report wanted Indians to be able to function within the dominant society. The report was different than earlier studies, because it looked at Indian problems and tried to find solutions that would solve these problems while remaining within the context of the existing Indian culture. The recommendations of the report were not trying to move away from the ultimate goal of assimilation, and the abolishment of the Office of Indian Affairs. The report just suggested a new approach to achieving this ultimate goal.

The Meriam Report stressed humanitarian values and recommended funding increases for Indian programs. This was viewed as the most efficient way to eventually end the government's unique relationship with Native tribes. The recommendations would initially cause extra expenditures but would save money once the tribes became fully self-sufficient, or completely assimilated. The Government had learned from past experience that forced assimilation was a slow process if and when it did work.

When the ideas of the Meriam Report were compared to those of the allotment era, the recommendations seemed quite liberal and more culturally appropriate. The report defined its goal for Indian policy as being "the development of all that is good in the Indian culture rather than to crush out all that is Indian."¹⁸ The idea of keeping any Indian values was a radical change in thought and policy.

This quote sums up how the authors of the Meriam Report felt the Office of Indian Affairs should operate,

The fundamental requirement is that the task of Indian Service be recognized as primarily educational, in the broadest sense of that word, and that it be made an efficient educational agency, devoting its main energies to the social and economic advancement of the Indians, so that they may be absorbed into the prevailing civilization or be fitted to live

in the presence of that civilization, at least in accordance with a minimum standard of health and decency.¹⁹

A year after the release of the report, there were important personnel changes within the Indian Office. Charles Rhoads was appointed Commissioner of Indian Affairs, and J. Henry Scattergood was appointed Assistant Commissioner. Together Rhoads and Scattergood tried to implement some of the recommendations of the Meriam Report. The new policy changes were most evident in that area of education. The number of boarding schools decreased while the number of Indian day schools increased, as did the number of Indian children attending public schools. During this same time period President Herbert Hoover helped the Indian people by supporting a financial increase to Congress for Indian education. There was a notable increase in appropriations from "\$3,100,000 in 1929 to \$12,336,900 by 1932."²⁰ These changes were a direct result of the recommendations of the Meriam report.

After Franklin D. Roosevelt (hereinafter President Roosevelt) was elected president his administration had the responsibility to institute more of the report's recommendations for change. It was made clear to President Roosevelt, that people were eager to see these new changes. On January 28, 1933, President Roosevelt received a petition signed by more than 600 of the country's leading educators, physicians, social workers, attorneys, newspaper editors, scientists, and ordinary citizens. Their petition read:

In justification of our request, we point out that the Indians are dependent on the United States government and are at its mercy in ways and to an extent true of no other elements in our population. The system of property administration, insures in its very structure the continued shrinkage of Indian lands, with the complete ultimate disinheritance of more than two-thirds of the Indians still holding property under

government trust. A comparable dissipation has taken place, and is continuing, with respect to the Indian owned natural resources and the funds derived from their exploitation. So great is the Indian distress in many tribes, and so rapid is the shrinkage of Indian property held in trust by the government, that we do not believe we are exaggerating when we suggest that your administration represents almost a last chance for the Indians... There is required, we venture to suggest, not only an Indian administration of extraordinary determination and technical ability but a reorganization of the government's system of Indian Affairs, including an extensive reconstruction of Indian law.²¹

The petition stressed that President Roosevelt's administration represented the last chance for Native people and that drastic changes were called for as well as good leadership. President Roosevelt supported this petition by appointing John Collier as the new Commissioner of Indian Affairs.

John Collier had taken a personal interest in helping Indian people after he had extensive interactions with Pueblos Natives. Collier held great admiration for their communal way of life and saw great strengths within the Native culture. Collier was a well-known activist and in 1923 he established the American Indian Defense Association to help advocate for Indian rights and protect Native groups from further forced assimilation. It was well known that Collier, as an Indian rights activist, was passionate about helping Native people so that they could, in turn, help themselves.

Collier made it clear that as Commissioner of the Bureau of Indian Affairs he wanted to follow through with the recommendations of the Meriam Report. The report served as a blueprint for his administration. Under Collier many of the recommendations became reality either through acts of congress or by executive order. Because of this, "The immediate result of the Meriam recommendations was to slow

down the allotment of Indian lands and to help usher in a whole "New Deal" in Indian affairs."²²

CHAPTER III

The Indian Reorganization Act

The "Indian New Deal" was a time of great change for the Office of Indian Affairs and Native American people and the *Indian Reorganization Act* (IRA) of 1934, was the most prominent aspect of the Indian New Deal era. In this chapter I will discuss the goals of the *Indian Reorganization Act*, and the lasting effects it had on Native people. I will begin by explaining the bill that was initially proposed and how it differed from the act that was eventually passed into law. I will then discuss different aspects of the IRA and address some of the problems and opposition that it faced. In closing I will cover the impact this legislation had on Indian tribes and the future of legislation involving Native Americans.

The initial *Indian Reorganization Bill* and what became the *Indian Reorganization Act* are two completely different pieces of legislation. The bill that was initially proposed consisted of forty-eight pages of detailed changes that would affect Indian people and the Indian administration. However, the bill that was passed into law was cut from its original length to four pages. The bill had been changed to the extent that it was said that the only remaining part of the original bill was the title. However, the original draft of the *Indian Reorganization Act* and the amended bill are both important and will be addressed.

There was a great deal of hope among Indian advocates that finally some of the long standing problems within the Office of Indian Affairs and Native American communities would be brought to light and addressed. Many Native Americans were maintaining bleak lifestyles, and their lives had grown stagnant. It was obvious to many that drastic changes were needed in order to rehabilitate Indian communities. A great deal of support both legislatively and financially was needed to help address these

problems and successfully implement changes. It came as a relief to many Indian rights activists when President Roosevelt made it clear that he would support changes to help the Native people. President Roosevelt did this by his appointment of John Collier as Commissioner of Indian Affairs and his support of budget increases for Indian programs.

Many Indian advocates believed that the Indian office needed to be restructured in order to better address issues affecting tribes across the United States. A key component to addressing problems was the need for well-organized political groups within each tribe. The office of Indian Affairs decided to strongly encourage tribal governments to organize and exercise their inherent powers of self-government. President Roosevelt felt that the "IRA represented a congressional decision to help preserve Indian lands and tribal self-government indefinitely."²³

As Commissioner of Indian Affairs, John Collier set forth to create the ideal piece of legislation that would revitalize Native culture while at the same time help Indian people to become less dependent on the Federal Government. Collier and his administration designed the *Indian Reorganization Bill* with the hope that it would serve as a tool to help Natives adapt to modern society while at the same time maintaining aspects of their traditional Native culture. Collier wanted Native people to have the choice to remain autonomous units or assimilate into mainstream society. Collier's primary goal was to move away from the long practiced policy of forced assimilation.

Accordingly, one of the major objectives of the proposed IRA was to preserve Native American identity or tribalism. Collier felt that strong cultural ties were essential to the survival of Indian tribes and the race as a whole. He believed tribalism or cultural identity was formed through years of shared experiences and a belief in similar values

and that it would be instrumental to the future success of the tribe. Collier also believed that forming stronger political units would help to strengthen the tribe and the bonds between tribal members.

Collier felt that the only way for Native groups to avoid further loss of their lands and destruction of their culture was for them to form strong governments that could interact within the political arena. He believed that strong political units could successfully work on a government-to-government basis and address issues regarding natural resources and land, as well as the enforcement of treaty rights.

An issue that was often overlooked, when developing legislation that would impact Native American tribes, was that each tribal group was different and unique and that the needs of each varied. However, it was unrealistic to expect the Federal Government to deal with each tribe on an individual basis. The method used throughout history had been "blanket legislation". It addressed the needs of a few and was often irrelevant to the rest.

Collier's solution to this problem was to take advantage of society's perception of tribal unity, and to use that perception to create political change. Collier believed he could strengthen each tribe's unity by having them form their own governments, and tribal councils. Collier intended to avoid blanket legislation by proposing an all-encompassing bill that would prove beneficial to each tribe despite their differences.

There were several driving forces behind the goals of the IRA. The outline for the bill was based on recommendations from the Meriam Report. The composition of the bill was also strongly influenced by the personal perspective of John Collier, Felix Cohen, and Nathan Marigold, all of whom were employed by the Office of Indian

Affairs. Collier, Cohen, and Marigold felt that the IRA was more than just another piece of Indian legislation. They believed that the bill would serve as the building blocks for a new foundation in Indian law. One example of this new way of thinking was that the IRA was the first piece of legislation since 1607 that would actually attempt to increase Indian land holdings.

Throughout history, John Collier has been given the majority of the recognition for the IRA when actually it was Felix Cohen who was the chief architect of the bill. Cohen's main goal was to preserve and to protect Native people's rights to self-determination. Cohen believed that "Indians had purchased, by treaty, some special protections from the Federal Government. One of those being an inherent right of self-governance which the Federal Government had failed to honor."²⁴ Cohen was instrumental in keeping the focus of the bill on what would best serve Native people in the future.

The original draft of the bill consisted of four distinct sections. Title I, granted all Indians the opportunity to organize local tribal governments to serve as both a political and economic entity. Indian governments created under Title I of the bill would have all the powers of common corporations. They could elect government officials, control the distribution of property, levy taxes, and they would have the power to transfer federal employees such as local Indian agents who were not efficiently and effectively caring out their duties. Tribes also would be given the power to create tribal courts for the enforcement of ordinances and laws.

Title II stated that all expenditures and appropriations of the Interior Department, on behalf of the tribes from tribal funds, must be submitted to Indian tribal councils for

approval before being forwarded to the Bureau of the Budget, or Congress. This section also dealt with Indian Education. It recommended that Congress support the study of Indian history including learning about Native arts, crafts, languages, music and traditions. The following quote shows the emphasis being placed on valuing Indian culture and history.

It is hereby declared to be the purpose and policy of Congress to promote the study of Indian civilization and preserve and develop the special cultural contributions and achievements of such civilization including Indian arts, crafts, skills, and traditions, the Commissioner [of Indian Affairs] is directed to prepare curricula for Indian schools adopted to the needs and capacities of Indian students, including courses in Indian history, Indian arts and crafts, the social and economic problems of the Indians, and the history and problems of the Indian administration.²⁵

This section of the bill is a prime example of how the IRA tried to reinforce Indian values and history. It addressed traditional practices and emphasized their importance with regards to the tribe's future. There was recognition of how the past could help to improve the future. This was a drastic shift in perspective because for the first time there was recognition by outsiders that Indian history and culture were vital to the future success of Native Americans.

Title III dealt with the issue of Indian land. It abolished the *Dawes Allotment Act* and set forth provisions for the return of unallotted and surplus land to tribal ownership.

Title IV was by far the most forward thinking recommendation, it called for the creation of tribal courts. These new courts would have jurisdiction over all Indians within a reservation and would have the power to pass laws affecting the citizens of the tribe. The courts would be created in a manner that allowed for traditional practices that ranged from rules and regulations to traditional forms of punishment, and censure.

Title IV was designed to complement title one. It provided that under the new court system Indians who accepted the IRA would be removed from the jurisdiction of state and federal courts and would be subjected only to the newly formed tribal courts. The new Indian court systems would be similar to state courts yet, at the same time would be more aware and accepting of Indian culture and its concepts of justice.

However, the changes proposed by the authors of the IRA were too radical for the time. When the IRA was presented for review and approval it was rewritten and most sections of the original bill, especially those that pertained to strengthening Indian culture and building on traditional values, were rewritten, amended, or completely deleted. Due to the extreme amendments that were made to the original draft of the bill, the final IRA that was passed into law in no way resembled the original bill. Changes were made to specific programs and proposed actions as well as to the overall intentions of the bill. The whole perspective of the initial bill was changed. In the final bill there was no evidence that Indian culture was of value or something that should be preserved and passed on to future generations. The radical shift in perspective by the authors of the IRA had been too drastic of a change from prior practices for Congress to fully understand and support it.

A few of the major changes in the bill were:

The congressional committees deleted the statement in Title II promoting the preservation and enhancement of Indian culture; Title IV, the Indian court provision, was eliminated completely. The mandatory provisions for the transfer of allotted Indian lands to tribal ownership were made voluntary. At the insistence of Burton K. Wheeler, the Senate sponsor of the bill, the self-governing powers of Indian tribes were severely curtailed and made subject to approval by the Secretary of the Interior. Indians who were not members of an officially recognized band or tribe were excluded from most of the act's benefits. As were the

95,000 Indians of Oklahoma and those of Alaska....Funds for assisting Indians to organize tribal governments were cut in half, from \$500,000 annually to \$250,000. The clause which would have made all persons of one-fourth Indian blood eligible for benefits was rewritten; eventually only persons of one-half Indians blood were entitled to benefits under the IRA. The application of the act to all tribes was amended at the request of Congressman Edgar Howard of Nebraska, the house sponsor of the bill. Instead, a referendum was to be held, thereby giving individual tribes an opportunity to reject the act.²⁶

Committees of both the House and the Senate were strongly against the Indian Courts proposed in Title IV. They feared that if this provision were approved it would create a dual system of justice. "The states were afraid that a separate court system would make the reservations within their borders autonomous political units."²⁷

Representative Dennis Chavez of New Mexico, who supported this section of the bill went so far as to send letters to state and federal judges and gain their input on the Indian courts. The replies he received strongly favored the creation of tribal courts. Federal and state judges were eager for any changes that would lighten their overloaded dockets. However, even with the strong support of the judges, the entire section dealing with a Court of Indian Affairs was deleted from the bill. The only section of the bill that was unanimously agreed upon was the section that abolished the *Dawes Allotment Act*.

One change that was included in the final bill and that may have had the greatest future impact on tribes was the provision that permitted all Indian tribes the right to reject or accept the act by holding a vote and referendum. In regards to this change, Felix Cohen said, "Freedom does not mean simply the freedom to conform; in fact, it means the freedom not to conform."²⁸ This change may have had the greatest impact of all because if a tribe chose to reject the act they were then no longer eligible for any of its

financial benefits such as the revolving credit fund or the possibility of increasing their land holdings.

The bill was completely rewritten and amended to the point that the bill was cut from forty-eight pages, to only four pages. However, the new bill was passed into law and became known as the *Indian Reorganization Act*. The 73rd Congress approved the act on June 18, 1934. The final bill consisted of 19 sections, all of which would apply to any tribe that voted to accept the bill. There were several exceptions throughout the bill that only pertained to specific tribes. (Please refer to Appendix A to see a copy of the bill in its entirety.) The following is a brief summary of the bill with emphasis given to some sections.

Sections one through eight of the bill dealt with Indian land. Section one ended the allotment of Indian lands, which had been standard procedure since the passage of the *Dawes Act* in 1887. Section two, extended the trust period for land that was under Indian ownership or that was already held in trust by the government for tribes. Section three, set up a system by which any unallotted land that had been part of an existing reservation or surplus land would be returned to tribal ownership. Section four, restricted the sale or transfer of Indian lands and restricted the exchange or sale of shares or assets of any tribal corporation that was formed under the act. Lands could only be sold, or exchanged with approval from the Secretary of the Interior. Section five established a fund of \$2,000,000 a year with which the Secretary of the Interior could purchase land for Indian tribes. Section six, dealt with timber and livestock land that was under Indian control. The Secretary of the Interior was given the power to set forth rules and regulations that would preserve natural resources. Timber harvesting was to be done on a sustainable

yield basis and the number of livestock on Indian ranges was restricted in order to prevent deterioration and soil erosion. Section seven, dealt with land that was purchased by the Secretary of the Interior for tribes. The newly purchased land was for the exclusive use of Indians who were enrolled members of the tribe for whom the land was purchased. Section eight, clarified that nothing in the act pertained to "Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter."²⁹

Section nine, of the bill set up a fund of \$250,000 a year to help establish Indian governments or corporations. Section ten, set up a revolving credit fund of \$10,000,000 that would be used to provide loans to tribes that had formed chartered corporations. The money was to help in the economic development of the tribes and their communities. When the tribes repaid the loans, the money was to go back into the credit fund for future use by the tribes. Section eleven, set forth \$250,000 annually for education related loans. Money from this fund could be used towards tuition or other costs related to vocational and trade schools for Indian students. Section twelve, established an Indian preference policy in hiring for the Office of Indian Affairs.³⁰

Section thirteen, clarified which sections of the bill would or would not apply to specific states or tribes. It stated that sections of the bill would not apply to tribes in the State of Oklahoma and the Territory of Alaska. Section fourteen, clarified that the act would not override or supplant previous specific agreements between individual tribes and the Federal Government. Section fifteen, dealt with pending litigation between tribes and the Federal Government. The act was not to change, influence or create a prejudice with respect to any current legal suits nor were any of the economic benefits to offset

current claims or suits for damages that were pending between tribes and the government.

Section sixteen, said that any tribe, or tribes, residing on the same reservation, had the right to form a government and adopt a constitution and bylaws. The constitution and bylaws would become effective once they were ratified by a majority vote of the tribal members and approved by the Secretary of the Interior. Section 17 went on to explain the process by which a group of Indians would petition to become a tribe and then set up a corporation.

Section eighteen said that the act would not apply to any reservation or group of Indians unless approved by a majority at a special election that would be called by the Secretary of the Interior. The last section of the bill, section 18, defined the words "Indian" and "tribe" and explained who was eligible for the benefits of the act. The term "Indian" referred to anyone who was a descendent of a person who belonged to a federally recognized tribe, as well as all descendants who were residing within reservation boundaries on June 1, 1934. The term "tribe" referred to any organized group or band of Indian people. For the purpose of the act "adults" were those who were of at least twenty-one years of age.

There was strong debate in both the House and the Senate over the newly rewritten bill. Alfred F. Beiter, of New York, attacked the bill as "being a step backward aimed at segregating the Indian and increasing the bureaucratic control of Washington."³¹ While Vincent Carter, of Wyoming, asked, "has not this Government done enough wrongs to the Indians without trying these radical social principles on them?"³² Despite opposition such as this, the bill successfully passed both the House and the Senate and

was signed into law by President Roosevelt on June 18, 1934. Roosevelt is reported to have said; "whether that date shall be known hereafter as the Independence day of Indian history, will be determined by the Indians themselves."³³

President Roosevelt strongly endorsed the bill in a letter to Edgar Howard that was later published in all the major newspapers. He stated "that the present condition of the Indians was incompatible with the American ideal of liberty and applauded the self help aspects of the legislation."³⁴ He went on to say that: "this is a measure of justice that is long overdue."³⁵

After the law was passed, each tribe held a vote as to whether or not they wanted to accept or reject the act. This was the first time since treaty signing that tribes actually had a say in legislation that would directly affect them. If a tribe voted to accept the act, the first thing they were required to do was to setup a constitution and bylaws. According to Felix Cohen prior to the passage of the IRA there was a list of sixty-five Indian tribes that already had written constitutions on file in the Indian Office.³⁶

In order to save time and help tribes, who did not already have written constitutions, Cohen and Nathan Marigold wrote a model constitution for the tribes. Field representatives used this model document as an outline for tribes to follow. The outline could be adjusted to fit each tribe's distinct needs, and was useful because several tribes had no experience in writing constitutions. However, at the same time it limited the creativity that tribes would otherwise use in drafting their constitutions.

Many of the constitutions were modeled after that of the United States and therefore included things such as preambles, by-laws, and parliamentary procedures. These provisions rarely reflected tribal customs and led to one of Collier's original

supporters, anthropologist Scudder Mekeel's, eventual opposition to the IRA. Mekeel felt the IRA actually lead to the further breakdown of the tribal groups because it encouraged tribes to form governments patterned after the United States instead of their traditional political organizations.

The IRA did have provisions that allowed for traditional tribal constitutions, yet these had to be approved by the Secretary of the Interior. There were some tribes that continued to follow their traditional constitutions and by laws after they had been approved.

Like any legislation, there were initially problems implementing the IRA. One of the major problems was that John Collier and the Bureau of Indian Affairs failed to recognize the extent to which certain groups of Native people had become assimilated into mainstream society. The IRA was based on the notion that all Native groups were united communities who wanted to preserve their customs and traditional way of life. A major problem with the IRA was that it was adaptable to certain groups such as the Pueblos who still had a strong cultural cohesiveness but not so adaptable to other tribes who lacked unity.

Many assimilated or semi-assimilated Natives no longer needed or wanted government interference in their lives. This came as a shock to Commissioner Collier. Collier was most aware of the customs and traditions of the Indians of the southwest, particularly the Pueblos and he made the mistake of assuming that all Indians were similar to that specific group. Collier held a fanciful notion that each Indian would be willing to sacrifice individual success in order to ensure the success of the tribe as a whole. Collier even thought that the majority of Indians would willingly give up their

land into the community domain instead of passing it on to their heirs. Collier believed that Indians across the United States, if given the chance, would choose to return to a communal lifestyle and traditional tribal practices.

The IRA policies received two major types of criticism: ideological attacks and attacks based on economic motives. The ideological critics consisted of Indian welfare groups, religious groups, assimilated Indian organizations, and certain members of Congress. The majority of these groups did not agree with Collier's ideas about developing or preserving Indian cultural values within a communal way of life. Collier's idea of communal living was often viewed as un-American, and communistic. Many people felt that the IRA was attempting to transform Indian reservations into museums. It was believed that "the IRA sought not so much to reverse the nation's historic attitude toward the Indians as to freeze it where it was in 1934."³⁷

IRA critics also included businessmen who feared that if Native groups were given control of their own land and natural resources that non-Indians would lose out economically. However, the IRA strictly regulated the sale of land and natural resources to non-Natives and so the white businessmen did have cause to worry.

Added to these critics were all of the people who held a personal dislike for Commissioner of Indian Affairs, John Collier. There was strong opposition against the bill from several different groups. Some of the hostility towards the IRA was directly related to John Collier who, with Cohan, was instrumental in writing the original bill.

The IRA's most outspoken critics were part of the American Indian Federation (AIF). The AIF was a national Indian organization that had three main goals: "that Commissioner of Indian Affairs John Collier should be removed from office; that the

Indian Reorganization Act should be overturned; and most importantly, that the Bureau of Indian Affairs (BIA) be abolished."³⁸

The AIF is a prime example of how a dislike for John Collier directly affected the IRA. The AIF went so far as to charge before "Congressional Indian committees and Martin Die's House Committee on Un-American Activities that the Interior Department had been seized by communists intent on undermining American as well as Indian freedoms."³⁹ This charge was extremely exaggerated but the AIF felt they were justified in making it because of Collier's views.

Collier believed Native people and their traditions had the best chance of surviving if they formed independent political groups. He also strongly supported Natives remaining on the reservation and having little contact with their white neighbors. Collier believed Natives had the greatest chance at success if they were able to assimilate into the predominant society at their own rate.

The AIF also disliked that Collier had people working for him who were "aliens." Collier had employed Dr. Esherf Shevky, a Turkish biologist, and Dr. Moises Saenz, a Mexican educator. He also hired Rene d'Harnoncourt who was from Vienna, Austria as the head of the Indian Arts and Craft Board. (For a complete discussion of this board refer to chapter five of this paper.) Added to that was the fact that Robert Marshall, Ward Shepard (Director of Indian Education) and Walter Woehlke, all employees of the Indian office, and Felix Cohen were all followers of the Jewish religion. For the AFI this was further confirmation that Collier was un-American, and negatively influencing Indians in this respect.

The AIF felt the IRA was a step backwards and that Indian people should be trying to move forward and assimilate into mainstream society. Joseph Burner, the founder of the AIF wrote to Congressman Boren in 1939 saying: "The Indian citizen would appreciate Congress realizing that the tom-tom, tomahawk and scalping knife, and our illustrious leaders of that time, together with renowned 'Indian fighters,' are of the dead past."⁴⁰ A similar complaint was voiced by Delos K. Lone Wolf, a successful farmer and a prominent Kiowa peyote leader, who said "the IRA, would put Indians back sixty years, and that he would rather pay taxes and be a man among men than a useless Indian forever."⁴¹ Another member of the AIF, Thomas Sloan, an Omaha Indian attorney, said that "the Indians have the will and can work out their own salvation if they have a fair opportunity. To do so they must be relieved of the burden of the Indian Bureau system."⁴² This is just some of the opposition the IRA was receiving. Many of those who opposed the act believed that the IRA was wrong in moving away from forced assimilation.

An article in the *New York Herald Tribune* on April 8, 1934 spoke out against the IRA. The headline read: "Commissioner of Indian Affairs Urges Tribesmen to Accept Soviet Type Rule."⁴³ The article spoke out against the bill and all of its segregationist aspects. The article went on to accuse Collier of misrepresenting the condition of the Indians in order to gain sympathy that would help with the passage of the bill. There was a quote in the article from a Cherokee leader who denied that his tribesmen were poor and starving as Collier reportedly described them. The article quoted several people who were opposed to the IRA and the Indian administration's policies in general. Opposition

came from both Indian and non-Indian groups who felt that assimilation was the best solution to the Indian problem.

There was also criticism for the exact opposite reason. Some tribes felt the IRA ignored their own political traditions, and customs and tried to replace them with American or mainstream governing methods. It seemed that the IRA was unable to attain a happy medium, which may have been an unrealistic expectation.

In the end there were 258 referendums held on reservations in the year following the passage of the IRA. The attendance at these meetings was usually high and the debates were vigorous with strong opinions for and against the bill. There were several bureau representatives present at most meetings. John Collier tried to attend as many meetings as he could to help explain the complex bill and answer questions. He made an extra effort to attend the meetings where he expected the greatest opposition to the bill. Many delegates who came to the meetings already had their minds made up as to whether or not they were in favor or opposed to the bill and it was hard for the bureau representatives to persuade people once they had already made their decision.

The Bureau of Indian Affairs officials faced several problems. One of the most prominent was the infighting between groups. It was very common for there to be factions within a tribe. Often times these factions were set up along age lines, bloodlines, and traditional lines. The older more traditional Indians tended to be full bloods and the majority of them were opposed to the IRA. Their opposition stemmed from a learned distrust of the Federal Government. It was also difficult for them to understand all of the bureaucratic red tape. An example of this is that they did not understand why the bill had been changed from its original form. The drastic changes in the bill seemed to reaffirm

their belief that the Federal Government could not, or would not keep their word and could not be trusted. A history of broken promises had a strong effect on how the older members of the tribes voted.

On the other hand, the younger Indians were ready to try something new. Many saw the IRA as a way to take political power away from the older Indians. The younger Indians were also more likely to be mixed bloods due to intermarriage. Most of the younger generation did not have allotments or, if they did, they had been passed down to them and so they most often were not of an adequate size to provide a good living by farming. All of these things combined to create a group of younger individuals who were ready and willing to accept the changes that the IRA offered.

These were just some of the problems that the bureau delegates had to address. The bureau delegates had to try and sell the tribes on the bill while at the same time defending the past actions of the Federal Government.

By the summer of 1935 seventy-three tribes, with a combined population of 63,467, voted to exclude themselves from the act while 172 tribes, with a population of 132,426, accepted the IRA.⁴⁴ It was disappointing for the Bureau of Indian Affairs when the nation's largest tribe, the Navajo rejected the act. The Navajo's rejection of the act was based largely on their distrust of the Federal Government and their past experiences with legislation that had many negative impacts on the tribe's way of life. The Navajo's vote showed they would not support what they viewed as further governmental interference in their lives.

Why did so many tribes vote to decline the IRA? One reason was that a number of tribal leaders had become assimilated to the point that they did not want to go "back to

the blanket” or resume their traditional way of life. Some Natives had taken their allotments from the *Dawes Act* and become successful farmers and no longer wanted to be viewed as unable to make it on their own. Many Natives also had been brought up in mission and government boarding schools that stressed individual success and instilled American values in their students. Many Native people lived on checkerboard reservations/allotments and were in constant contact with their white neighbors and they had become accustomed to the way of life that the *Dawes Act* had hoped they would achieve. Another reason for Indian hostility towards the IRA was due to the influence of missionaries who had successfully converted Native people. It would not be appropriate for these “saved” Indians to revert back to their pagan and backward ways.

Skudder Mekeel, director of the Bureau of Indian Affairs’ applied anthropology unit, felt that the Indians’ negative response was largely due to the complexity of the bill. The bill was very rigid and difficult to understand to Natives who only wanted something simple that would help to solve their problems. Mekeel felt that the IRA was intentionally trying to implement non-Indian forms of government on tribes. Mekeel was correct in this because most tribal Constitutions were patterned after the United States Constitution rather than tribal custom.

It soon became obvious that one section of the IRA was going to have huge implications. That section said that once a tribe rejected the IRA, or even if they accepted it but failed to adopt a constitution within the allotted time frame they became ineligible for all of the financial benefits of the act. The IRA contained no provision for more than one referendum per tribe. A letter written by Charles de Y. Elkus a lawyer and Native American activist clearly stated this problem. “The Indians of California and the

Pueblos of New Mexico who had "correctly" refused to adopt written constitutions, he states, now found themselves cut off from the credit loan fund. Because they had not adopted "your particular brand of self-government,"⁴⁵ Elkus went on to charge, that these tribes along with others were being unfairly discriminated against. He recommended an amendment to the bill that would resolve this situation so that tribes could still benefit from specific aspects of the act.

Commissioner Collier and Assistant Commissioner, William Zimmerman were both in agreement with Elkus's criticism. However, due to the growing hostility towards the IRA in Congress, they were fearful to request amendments because they worried they could lose important things that they had already gained. There was also the possibility that the amendments would not be approved and this would just further increase opposition to the IRA. At a later time Collier attempted to have the law amended to allow tribes a second vote but the amendment did not pass.

During 1936, Congress passed two acts that were similar to the IRA for tribes in the states of Oklahoma and Alaska. The *Oklahoma Welfare Act* and the *Alaska Reorganization Act*, enabled Natives living in those states to apply for financial assistance and to organize governments or corporations. In Oklahoma, eighteen tribes adopted constitutions, and thirteen tribes formed corporations. This group consisted of less than 20% of all the Indians in Oklahoma. For tribes within the state of Oklahoma there was a special two million dollar credit fund to which they could apply for assistance. However, only tribes that had formed corporations or adopted constitutions were eligible to receive money from the credit fund. Since over 80% of the Indians in Oklahoma were ineligible for the credit fund there was very little economic change for

the Indians within the state. In Alaska, "forty-nine villages voted in favor of constitutions and charters, and they established a Native Industries Cooperative Association to borrow money from the Federal Government to help with economic development."⁴⁶

Sadly one of the largest obstacles that the IRA had to overcome was John Collier himself. The majority of the opposition to the IRA was largely due to the personal dislike that people had for Collier and his methods of operation. Collier failed to learn that he could not continually upset and publicly berate people in positions of power if he wanted his programs to be successful. One example of this was Colliers turbulent relationship with Congress with whom he had problems throughout his entire career. Congress's reaction to Collier's antics was the continual cutting of funding appropriations for his programs. Collier only received \$5,245,000 of the \$10,000,000 that was actually appropriated to him during his administration.⁴⁷ Collier found that it was very difficult to successfully coordinate his relief efforts when he was constantly lacking the appropriate funds.

One of the major successes of the IRA was in the area of natural resources and land acquisition. The IRA, along with help from work programs such as the Indian Emergency Conservation Work programs and the Civilian Conservation Camps, had a huge impact on Native American natural resources. As part of these work programs, the Indian Office initiated an in-depth agricultural education program that was geared towards providing better utilization of land and resources. Over-grazing was decreased while extensive water development and flood control programs prevented harmful

erosion. Land nutrition programs were also put to use to help in refurbishing the soil.

Timber cutting on Indian lands was also put on a sustainable yield basis.

In addition to the natural resource improvements that occurred under the IRA and during the New Deal, there were also new land acquisitions for Indians. Congress funded a little over \$5 million under the IRA land acquisition program. By 1943 this led to the purchase of 398,189 acres of new land from IRA funds, and 265,852 acres from tribal funds, as well as the return of 621,621 acres of surplus lands created by the *Dawes Act*. The total land acquired for Indian use, was approximately 4 million acres. Besides purchasing land outright, some land was secured under provisions of the *Taylor Grazing Act*. A program also was developed for purchasing sub-marginal land (land that was not being used for an explicit purpose for example grazing or raising crops) that had been part of former Indian reservations.⁴⁸

The IRA had a significant impact on the number of Native people who were employed by the Bureau of Indian Affairs. "By 1945 Collier could proudly claim that sixty-five percent of the bureau's positions were held by Indians."⁴⁹ This was a powerful statement because it showed that Indian people were becoming more involved in the decision making process that would effect them as well as future generations of Native people.

Overall a total of 258 elections were held concerning the Indian Reorganization Act. (This figure does not include the Indians of Oklahoma or Alaska because there was separate legislation passed for tribes of these two states.) Ultimately, over two-thirds of the eligible tribes voted to accept the IRA. However, this represented only 40 percent of the Indians. Ninety-two tribes, or approximately 36 percent, wrote constitutions; 72 out

of 158 tribes, or 28 percent, drafted business charters, which made them eligible for the revolving credit fund.⁵⁰

In conclusion the Indian Reorganization Act was both a success and a failure. It was a failure in that it did not go far enough in achieving political freedoms for Native people. There was a feeling that the tribes were still being too closely controlled by the Indian Office, and the majority of tribal functions still required departmental approval. On the other hand, some activists felt that the IRA only slowed down the inevitable process of assimilation.

Unfortunately the IRA did not have the huge impact that John Collier and the Indian Office had hoped it would. The outcome would most likely have been very different if the IRA had not been rewritten and if the receipt of benefits had not been conditioned on acceptance. However, the fact that Indian people were given a choice in voting on the IRA and a voice in the legislative process may be the greatest impact of the IRA. Due to the IRA, Native people had finally been given a choice in the running of their own lives and this proved to be a step in the right direction towards self-government, which was one of the main goals of the Indian Reorganization Act.

CHAPTER IV

The Johnson-O'Malley Act: Education, Health Care & Social Welfare

The *Indian Reorganization Act*, had a huge impact on Native communities but it was just one of the pieces of legislation that was passed during the New Deal era. This chapter will provide an in-depth look at the *Johnson-O'Malley Act*, which was passed on April 16, 1934. The major themes of this chapter will be what the act entailed, the passage of the act, those people who were involved in overseeing the act and the impact that the JOM programs had on Indian communities. Before getting into the details of the JOM Act it is helpful to have a general understanding of events that preceded the "Indian New Deal" era and led to the development of this legislation.

To help in the recovery from the Great Depression, President Franklin Roosevelt set forth a "New Deal" for the American people. This "New Deal" consisted of several components, some of which were the Public Works Administration, Civilian Conservation Corps, Agricultural Adjustment Administration and Emergency Relief Appropriations Act. The portion of the "New Deal" legislation that is not as well known is the new deal that was composed for Indian people. The "Indian New Deal", as it became known, was largely due to the work of the New Commissioner of Indian Affairs, John Collier.

John Collier wanted to put an end to the forced assimilation of Native peoples. Collier's idea for New Deal Indian policy was "setting free the Native genius of the Indian, enabling and helping the establishment of profound democracy among the Indians, transforming the economic situation of the Indians and turning their life-tide from the direction of death to that of life."⁵¹ Collier described "New Deal" policy as striving for three goals: "economic rehabilitation of the Indians, organization of the Indian tribes for managing their own affairs and civic and cultural freedom and

opportunity for the Indians."⁵² This policy was based on the simple principle of treating Indians as normal human beings who are capable of adjusting to American civilization while at the same time maintaining the best of their own culture. An instrumental step in achieving these goals was the passage of the *Johnson-O'Malley Act*.

The *Johnson-O'Malley Act* states:

The Secretary of the Interior is authorized, to enter into contracts with any State or Territory, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, and to expend under such contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.⁵³

It is important to remember that the funding appropriated by Congress was only available to tribes that were recognized by the Federal Government and their tribal members.

The JOM Act was very similar in its goals to the *Snyder Act* of 1921. The *Snyder Act* sought to distribute federal funds for the care and assistance of Natives and also suggested entering into contracts with local school districts so that they would provide education to Indians.⁵⁴ After the *Snyder Act* failed to be approved a similar act, called the *Swing-Johnson Act*, was proposed, however it too failed in Congress during the last days of the Hoover presidency.⁵⁵ The *Johnson-O'Malley Act* was the third attempt and was finally successful in gaining approval.

However, the JOM Act did have a difficult time in the House of Representatives. The Indian Office's decision to close down boarding schools due to high expenses and a number of other problems was heavily questioned. With the proposed closure of boarding schools, Indian children would begin attending local public schools. The JOM Act requested special funds that would help the new Indian students who would enroll in

the over crowded and under funded public schools. The House questioned the legitimacy of providing funds for Indian children when general school funding was in desperate need due to the depression. Supporters of Indian education pointed out that the JOM money would in fact help the public schools because they would be providing assistance for the new Native students and therefore would not be draining the resources of the public schools. The House did not have very many options because it seemed unrealistic to put Native students back in boarding schools. In the end, Congress allotted funds for JOM programs although it did so reluctantly.

There were several reasons why the JOM Act was approved but the main one was that the Office of Indian Affairs was trying to "reduce expenditures and phase itself out of existence by transferring various functions under authority of the JOM Act."⁵⁶ The Indian Office was now able to negotiate with states and counties on issues ranging from education to road maintenance on reservations and by doing so they would shift the responsibility from them to the counties, states and cities with whom they had contracted.

JOM was most effective in the area of education. The JOM Act would theoretically lessen the strain of the Indian Office because they would no longer have to deal with the expenses associated with the running of boarding schools. Instead, they could make contracts with local public schools. Historically the Federal Government would send Indian students to boarding schools but, when that was not possible, students would enroll in public schools. The Indian Office would then contract with each school district individually. However, under the JOM Act the Indian Office could contract with states and counties instead of every individual school district that had Indian students in attendance. This would diminish the workload for the Indian Office. New financing was

also available under JOM for the enrollment of Indian students into public schools.

Indian students had previously had their educational opportunities limited to schools that were run by the Indian Office, missionaries, or private institutions. Several people were worried about the transition of Native students into mainstream education. Even with all the problems that the boarding schools had, there were some benefits for both the students and the Indian Office.

The Indian Office found certain aspects of running boarding schools easier than contracting with public schools. An Indian Office official said:

"In running boarding schools there was no other authority involved. State conditions seem to exist in an infinite variety and each needed to be dealt with individually. Variety itself was not a new phenomenon for the Indian Bureau, but variety compounded by the administration of a separate bureaucratic entity was."⁵⁷

The Indian Office now had more paper work to deal with as well as learning the different regulations that pertained to the states, and counties with whom they would be contracting.

One of the most skeptical people about enrolling Native children into public schools was the Indian Office's Director of Education, Willard Beatty. Beatty was well aware of the financial needs of the public schools and was worried that school administrators would be more interested in the additional funds than in the new Indian students. Indian students would be going into schools that were still suffering from the depression and, because of this, programs such as health and physical education, shop work, home economics, art and music had been cut. All of these programs were offered by many of the boarding schools. Due to this, Beatty was hesitant to endorse Indian children transferring to public schools without some sort of assurance that a modern type

of education would be provided. Indian Education officials also questioned the ability of public schools to be culturally sensitive to Native students.

The Indian Office decided they needed to focus on the public school administrators and teachers in order to insure that Indian students would have a successful transition. Indian education officials realized that the public school faculty and staffs needed specific training so they could learn how to work successfully with the Native community. The Office of Indian Education wanted to educate the teachers on how to deal with their new students, many of whom spoke English as a second language, or who were not accustomed to being one of only a few Indians in a class. They also wanted the teachers to be patient with not only the new students but also the parents of the Indian students.

The majority of problems with public school administrators were in rural communities. This was largely due to the pressure that school officials would receive from the surrounding non-Indian communities who did not want Indians to attend their schools. The Indian Office found that if head administrators were not in support of JOM programs it then became highly unlikely that teachers or community members would support the programs. There were several complaints of teachers, community members and students being unprofessional and rude to Indian students. An extreme example of this occurred in Nevada, where several communities refused to allow Indian children to attend their public schools.⁵⁸

Due to this type of negative attitude, the Indian Office did not receive a very good response when they suggested that teachers try to provide individual guidance to their new students. Indian education officials came to the conclusion that the majority of

public school administrators had little if any experience in running special programs.

They often times had even less experience in working with diverse groups, such as Indian students. The Indian Office was afraid that this problem would seriously affect the quality of services that JOM funding would be providing.

Director of Indian Education, Willard Beatty concluded,

"School for school, the teachers of the Indian Service are superior in training and character to those found in many small rural public schools... administrative direction of the Federal schools is superior, and the supervision more continuous ...than is true in any state school system."⁵⁹

However, Beatty was basing his analysis on his own administration. Beatty had made it a point to provide adequate training for his staff. However none of his predecessors in Indian Education had done the same. The best way to guarantee that the new JOM programs would work was to educate the new public school teachers who would be overseeing them. This was the only way that the Indian Office could possibly hope to successfully integrate Indian children into their new learning environment.

George C. Wells, the state director of Indian education for Oklahoma, outlined a number of suggestions, which would help any person who was going to be involved in working closely with Indian communities. His ideas are outlined as follows:

A system of close supervision and in-service training of rural teachers (in cooperation with the state); use of health workers and social workers in Indian communities; training to properly equip Indians to serve as teachers, physicians, nurses, and so on; a program to make both whites and Indians more conscious of the contributions the Indian has made to civilization; and an increase of the part played by Indian's in working out their own problems.⁶⁰

Efforts were made to educate public school officials about how to work better with Native children, but still there was a fear that funds that were allocated for Indian

education would be spent on non-Indian students. Native American parents often had no idea what was going on in the schools. This was due to several factors, the main one being that many of the parents had never attended public school themselves, or if by chance they had, few actually graduated. These issues led to the parents feeling unprepared or uncomfortable in dealing with situations occurring at the schools. Another factor was the distance of Indian communities from the public schools that their children attended. Usually the public schools would be located in towns that bordered Indian reservations or in the nearest city. So, to meet with school officials, parents would often times have to arrange transportation for the long drive to and from school. Also, if an Indian parent got involved with the local school board, that parent would most likely be the only minority on a board that consisted of all non-Native people. Due to this, their opinions were rarely heard or given much consideration.

Most Indian parents felt that they had little say in the public schools that were being run by all non-Indian administrators and school boards. Indian students felt the same way, and, if they did voice their concerns, often times nothing was done. To compound this feeling of having little say in the education that one received there was the issue of what the Indian students were being taught. "They were taught the culture and history of mainstream non-Indian America, and from this perspective they learned that they were nonentities, or worse, "savages," as outdated textbooks continued to describe them even in the 1960s."⁶¹ It became quite obvious in many school districts that there needed to be some kind of Indian representation if JOM funding was going to be used exclusively for Native students. It was also apparent that a system was needed that

would help insure that culturally appropriate lessons, and classes were made available to Indian students.

In order to keep a better eye on the JOM program funding, Indian parent advisory committees were made mandatory by an amendment to the JOM Act in 1974. Section 456 of the *Johnson-O'Malley Act* states:

Whenever a school district affected by a contract for the education of Indians has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contracts.⁶²

These committees had the dual responsibility of making sure that JOM money was spent on only Native children, and of overseeing the general welfare of Natives in the public schools. Originally JOM money went into a general education fund at the school district. It was soon determined that the money was not being spent specifically on Indian needs. This is one of the first things that the parent advisory committee changed. They also set up and implemented different supplemental programs such as special counseling, tutoring, and cultural programs. In trying to make the education of their children more culturally relevant, the advisory committees began to give greater emphasis to Native language textbooks and they started teaching tribal histories. Some parent committees even helped to implement bilingual curriculum materials.

The implementation of JOM programs was a slow process. "Between 1934 and 1941 only four states negotiated contracts with the Department of the Interior: California (1934), Washington (1935), Minnesota (1937), and Arizona (1938)."⁶³ Many problems occurred with the California and Washington contracts. Because the Indian Office was in

the process of trying to initiate its new programs under JOM it had a difficult time with its first two contracts. The Arizona contract was much smaller and therefore not as large of a burden to the Indian Office. The Minnesota contract was the most successful by far. The overwhelming reason for this was addressed in a letter to Willard Beatty, from Samuel Thompson, the Indian Office's liaison in Minnesota. Thompson wrote: "There is no state within my knowledge where the head of the state school system and his right-hand man have either the knowledge or the interest in the education of Indian children as is to be found in the state Department of Public Instruction in Minnesota."⁶⁴ The Minnesota contracts showed the importance of strong community support at the public school level.

Before an amendment to the JOM Act in 1975, Indian students were not eligible for JOM benefits unless they were located on a reservation or in very close proximity to a reservation. This was one of the main reasons the Indian Office had trouble with their California contracts. California Natives received benefits based on the rule that one had to be on or near "trust land" to be eligible. But the state of California only had two or three large reservations that were considered "trust land." Under the JOM guidelines, before the 1975 amendment, the majority of California Natives were not eligible for JOM programs.

This was in stark contrast to the state of Oklahoma. Since the whole state of Oklahoma was defined as being "on or near trust land," all the Natives there were eligible for JOM benefits even if they did not live on reservations.

Under the 1975 amendment to the JOM, the state of Oklahoma became excluded from receiving any funding and instead had alternate programs set up to assist Natives in

the state. The same amendment also set up a system where public schools could be reimbursed for educating Natives even if they were not located on or near trust land. The amendment states:

Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, may in the discretion of the Secretary of the Interior, be reimbursed by him for the full per capita costs of educating Indian students.⁶⁵

This 1975 amendment was necessary because of the 1973 Supreme Court case *Morton v. Ruiz*, that ruled "all Indian recipients of federal services must live 'on or near' a reservation."⁶⁶ Due to the new amendment, tribal membership, not proximity to a reservation, became the basis for how funds would be distributed. This amendment had a significant impact on Californian and other Natives who had relocated to urban centers.

In discussing the implementation of the JOM Act, historian Margaret Connell Szasz described the challenge for the Indian Office's educators as being twofold:

Could they retain sufficient control over the funding and administration of public school programs to insure that the type of education needed by Indian pupils would be provided? Given the trend of increasing state control of JOM programs, could they teach state administrators the unique approach necessary for Indian students before the states took over?"⁶⁷

Many would argue that the Office of Indian Affairs failed on both accounts. However, there is evidence that they achieved both goals to a certain degree. Yet, this depends on what specific public school one looks at because the results of the program vary dramatically.

Local JOM programs often tried the best that they could to control the funding that was provided to the schools. If they failed in doing so it likely had a good deal to do

with the parent advisory committee: if the parent committee was actively involved, the chances of funds being misused was less likely. Often times the Indian Office failed to teach state administrators how to work well with Indian students and their parents. If the Indian Office held training sessions for state administrators that taught them how to successfully work with the Native community the success of the Indian students was more likely. However if no such workshops were made available, then the transition for the Indians students was made more difficult and they were more likely to struggle. In general the JOM program's success was dependent upon two things: community involvement and support from public school faculty.

Within the area of education the impact of the JOM Act varied with each state. For example, in Arizona very few Indian children attended public schools. Yet, in Oklahoma more than three-fourths of the Indian children were enrolled in public school.

"In 1969, 28 percent of all reservation Indian children attended federal schools; nine percent mission and the other private schools; and 63% public schools. This was not markedly different from the distribution in 1930; roughly 37 percent were in federal schools, 11 percent in mission and other school and 53% were in public schools."⁶⁸

These statistics show that overall the JOM programs were not all that influential in getting Indian students into public schools. The number of Indian children in public schools was not the only thing that varied widely from state to state. The way that education systems were funded also was different depending on the specific structure of the state school system. For example, Oregon received about 60 percent of public school revenue from local funds, while others states were dramatically different and depended almost entirely on state income.⁶⁹

The JOM program demonstrated that a prevailing theme in federal Indian policy was the need for diverse approaches when dealing with different Native groups. For JOM to be successful the program had to look at each area specifically and determine what the needs were. Then they had to develop a plan that considered the needs of the community as well as the local agencies involved. The Indian Office also had to be open and willing to work with other agencies ranging from the local schools, and fire departments to the state or county road departments.

John Collier and the Indian education officials had high expectations for the JOM programs, but in many cases the changes were minimal. Three specific areas have been noted as to why the JOM programs did not achieve their initial goals. First, is that the Indian Office failed to organize and track the funding allocations for JOM programs. Secondly, the state and federal administrators did not work successfully together due to a great deal of animosity between the two sectors. Lastly, the public schools did not take adequate steps towards establishing special Indian programs and helping Native students.⁷⁰

Regardless of these problems, the JOM program was not a total failure. A study that was released in 1946 showed areas of progress specifically in the area of education. "In 1928 only eight percent of Indian children were at or ahead of grade, and 27 percent were more than five years behind; by 1946, 38% of children were at or above grade, and only four percent were more than five years behind."⁷¹ These statistics show that Indian children were doing better in school. However, the credit for this may not be directly related to JOM because during this time period the majority of states had not yet entered into JOM contracts with the Federal Government.

In closing, the *Johnson-O'Malley Act* attempted to make the transition of Native students into the public schools as easy and successful as possible. Whether JOM programs were instrumental in that transition depended on the public school administrators, teachers and the Indian parent advisory committees. If the public school officials took an interest in the Native students, the program was more likely to be a success. When public officials only had an interest in the JOM funds and not necessarily the new Indian students, the program was likely to fail. The JOM program demonstrated the diversity of conditions that existed between the federal government, the states, and the tribes. Most importantly JOM offered a much-needed alternative to the poorly run boarding schools.

Arguably the most tangible results of the JOM act can be seen in the area of education, however, other contracts were also made. For example, contracting for health care was common. Many tribes did not have sufficient economic resources to provide adequate health care to their tribal members. Due to the JOM act, tribal governments could contract with local hospitals when they did have adequate facilities to offer good health care to their members. Contracts also were negotiated for road maintenance and emergency services such as ambulance, fire and, in some cases, policing of tribal lands.

Overall, the biggest contribution of JOM and the "Indian New Deal" was that it became the stepping-stone for later federal programs that helped to shift the decision making from the Indian Office to the individual tribes. One of the Indian Office's main goals was to phase itself out. JOM helped with this to a certain extent. Initially the Indian Office had a large role in the administration of the JOM because it had to oversee all of the new contracts with the local state and county governments but eventually this

duty was shifted to the tribes. This increased the responsibility held by the tribe and gradually decreased the influence of the Office of Indian Affairs.

JOM was just one of the new programs implemented under President Roosevelt's New Deal. It was a time of great change for the Indian Office and Indian legislation. Within a year of the passage of the JOM Act, new legislation was proposed that would further help Native Americans by acknowledging and preserving their traditional forms of art work.

CHAPTER V

The Indian Arts & Craft Board

The *Indian Reorganization Act* (IRA) helped to develop stronger political organizations for tribes while the *Johnson O-Malley Act* (JOM) provided a mechanism for these tribal administrations to contract for services from local state and city agencies. Both the IRA and JOM Acts were helpful and valuable pieces of legislation for Indian tribes, but neither act emphasized the importance or significance of Native American artistic expression. Native American art and rhetoric are instrumental to Native culture yet they had always been over looked and were not given the proper recognition or acknowledgment they deserved.

It was evident that Native arts and crafts need greater recognition of their value and cultural significance but they also needed to be preserved, shared and enjoyed by all. The Indian Arts and Crafts Act was written with the goal of promoting and sharing the artistic genius of Native Americans. Fundamental to this act was the development of "the Indian Arts and Crafts Board (IACB) which would assist in the marketing and promotion of Indian cultural expression."⁷² This chapter will cover the development of the Committee on Indian Arts and Crafts, which then led to the writing and passage of the Indian Arts and Crafts Bill. There will be an overview of the individuals, and work involved in preserving and promoting Native American, Alaskan Native, and Eskimo arts and crafts in the United States. This chapter shows the impact that the IACB had on Native people and their traditional arts and crafts, both during the New Deal era and today.

Initially, Indian reform groups viewed the demand for Native arts and crafts as an opportunity to industrialize the Indians and therefore assimilate them more quickly into mainstream society. However, John Collier held a different perspective on the

significance of arts and crafts, as well as the role that the Federal Government should serve in promoting and preserving these traditional forms of art. Collier, along with other Indian activists, wanted to bring about legislation that would provide a government guarantee of authenticity for Indian arts and crafts. They also saw the need to develop marketing and advertising systems that would further promote Indian handcrafts.

Indian arts and crafts provided an opportunity for Indians to earn a small income while expressing their artistic abilities. Due to the disorganized market system, very few Natives could rely solely on their art for a livelihood. The 1928 annual report from the Secretary of the Interior stated that the total sale of Indian arts and crafts for 22 states was \$1,267,816. Indians from Arizona, Minnesota and New Mexico had earned \$944,863 or 74% of the total income from crafts.⁷³ By 1928 the Southwestern United States had become well known for their Indian arts and crafts.

In 1929 the Meriam Report was released, and provided an in-depth look at problems in Indian country. The report advised the Indian Office to develop a market and marketable Indian handcrafts. The report suggested that the quality of Indian crafts should be standardized and the genuineness guaranteed under a plan formulated by the government. The Meriam Report believed that the development of Indian arts and crafts would improve both economic and social conditions within Indian communities. The report stated that: "the success of the enterprise should be measured therefore, not merely by financial results but more particularly by social consequences."⁷⁴

The Meriam Report strongly emphasized the need for cultural sensitivity and an understanding of Native people and their diverse lifestyles. The report suggested that in order for art and craft programs to be successful there needed to be strong support from

the local tribes and surrounding communities. One example of community support occurred at an Indian day school where the female students were sent to the home of the best local potter for lessons on her art. The school also employed a local weaver to teach the traditional craft to the students. In doing so, the crafts were preserved and passed on to a new generation.

The Meriam report went on to suggest that caution should be used when formulating a program to promote Indian arts and crafts. The report warned against the standards for art being too structured. They feared that this would limit the creativity of the artists. They also stressed that the arts and crafts should not become over industrialized or too directed towards business success. They felt that, by doing this, the art work would lose some of its cultural significance, and the artist would come under pressure to produce arts that the public wanted instead of using their own personal preference. The report suggested that artists should not become consumed in their work to the point that their family duties would suffer. The report also warned against any sort of a factory system with long hours, low wages, and poor working conditions.

There also was a concern that the majority of the artists would be women, especially in the fields of weaving and pottery. It was recommended therefore that there should not be pressure placed on the females in the family to become the main contributors for the family income.

The Meriam Report went so far as to outline what the government should strive to maintain in the area of Indian arts and crafts:

“products that were characteristically Indian, of good materials, of good quality of execution, of good color and design, usable unless intended merely for display, unique or original so far as compatible with other

requisites, tagged with the governments guarantee of geniuses and quality, and priced fairly.”⁷⁵

Since the report was so in-depth, with regards to its study on Native arts and crafts, the next step became the implementation of the recommendations.

The Meriam Report was instrumental in forming The Committee on Indian Arts and Crafts. This new committee would look further into developing legislation to promote Native interests in the areas of arts and crafts. Secretary of the Interior, Harold Ickes, set up the committee and appointed James Young to serve as chairman. The committee which was commonly referred to as the “Young Committee” consisted of Kenneth Chapams, Thomas Dodge, Oliver La Farge, Berton Staples, Leslie Denman, Charles Elkus, and Lorenzo Hubble.⁷⁶ This group had the task of preparing a thorough report on Indian arts and crafts. Which would be used as the foundation for the Indian Arts and Crafts Bill. On January 11, 1934, Secretary Ickes announced the Young Committee’s purpose was “to study and make recommendations concerning the whole problem of Indian arts and crafts, and their relation to the economic and cultural welfare of the American Indian.”⁷⁷

All of the committee members had a personal interest in Native arts and crafts. This was an advantage because the committee served without pay. The majority of the committee preferred art created in the Southwest style because they were most familiar with the artwork from this region. The chairman of the committee, James Young did not consider this to be a problem because of the high volume of Indian arts and crafts produced in the Southwest. This initial emphasis on the arts and crafts from the Southwest had longtime repercussions on Native art, which can still be seen today.

The Committee decided to focus their initial efforts on the weaving industry of the Navajo Nation. They first studied the existing market and found what was available for woven materials. Then they developed a plan of action to better improve the market. They also considered the quality or grade of the product they were selling, and developed a way to guarantee its authenticity, or at least guarantee that it was made by an Indian. Within this process, the Young Committee looked at laws that already existed to protect arts and crafts and developed objectives for the government's arts and crafts program. After the committee developed a plan of action to market Navajo weavings, they critiqued this plan and applied it to different tribes and various forms of arts and crafts.

The Young Committee's final analysis was titled the "Report of the Committee on Indian Arts and Crafts." This report was extremely thorough and provided the most realistic appraisal of the Indian arts and crafts situation to date. Oliver La Farge made sure that the report made an effort to be sensitive to the cultural needs of the Indians involved. The committee felt sincere in their effort to help Native people in reviving and promoting their arts and crafts industry.

One of the main components of the "Report of the Committee on Indian Arts and Crafts" was the development of a government run Indian Arts and Crafts Board (hereinafter IACB). This government board would be under the supervision of the Department of the Interior. The Young Committee said that the board needed to act as a sort of guide, and needed to feel their way slowly through the new process and remain open to experimentation. The IACB also needed to be willing to work closely with the tribes and the Native artists as well as marketers and retailers of Indian crafts. The board would consist of five members, each of whom would serve a term which would not

exceed six years. The pay for the board members would be one dollar a year plus travel expenses. The board was to appoint a full-time general manager and to hire necessary permanent or temporary staff. The Committee recommended an annual budget of no less than \$50,000. The board also would be able to keep any money that it earned by selling trademark or licensing certificates, which they developed.

The Young Committee described the main functions of the IACB as making plans and recommendations in regards to research, and financial ventures relating to Indian Arts and Crafts. The board would oversee and manage the production, and marketing of Native arts and crafts. The Young Committee recommended that the board undertake market research to determine the most appropriate course of action for various products. In order to find the most effective approach, the Young Committee knew there would have to be a great deal of experimentation. The board also would have the responsibility of making recommendations to the Secretary of the Interior for loans that would help advance Native art projects. The responsibilities of the IACB were extensive and unique in that they were the first government run board to take the initiative in helping the Native arts and crafts industry.

The Young Committee's report also cautioned against extensive commercial exploitation of Indians and their artwork. They feared that creating a good market for Indian arts and crafts could lead to an increased number of machine imitators, which would damage the reputations of Indian artwork on the grounds of authenticity. The Young Committee realized that the mere process of organizing and marketing Indian art was going to place white society's ideals and values on Indian arts and crafts.

The Young Committee focused on three key areas that would help to establish a wider market and increase the income earned from Indian arts and crafts. The first area was to improve the production of products: Secondly, the quality of the products was to be improved and maintained finally, traditional Native arts needed to be adapted to modern American usage.

The Young Committee felt that it was essential for Indian art to be distinguished by the following:

First, what the Indian had within himself- his feeling for form, color, and design; second, certain characteristics in his products, which could only be retained by, true handcraft methods of production. The committee agreed on the need to prohibit the use of any more efficient aids to production that might alter the aesthetic character of the products. The committee also agreed to encourage the use of such technical processes as better firing methods, which it believed would not alter the essential character of the products yet would improve the products or lower the labor cost in producing them. The committee was convinced that the Indians would retain their essential characteristics as artists and would make, as they had in the past, new adaptations to a changing world simply by employing new materials, tools and facilities.⁷⁸

The report by the Committee on Indian Arts and Crafts also addressed the threat of imitation Indian arts and crafts. To help prevent imitation art, the board suggested a system of distinguishable trademarks of identification for all Indian made artwork. This system would protect the Indian artist from machine made imitations and also would guarantee to the buying public the genuineness of the product they were purchasing. To ensure that this idea would become a reality, the report on Indian arts and crafts suggested that the IACB be given the power to develop standards for arts and crafts. If a product met these government standards, it would be approved and given a government mark of genuineness and quality.

On January 18, 1935 Secretary Ickes called the report of the Committee on Indian Arts and Crafts "an extraordinary thorough and persuasive discussion of the problems and opportunities of Indian arts and crafts."⁷⁹ He referred to the report as a milestone and said it had few if any equals. The report, with few changes, became the Indian Arts and Crafts Bill (see Appendix E). On March 6, 1935 Congressman Will Rodgers introduced the *Indian Arts and Crafts Bill* as House Bill 6468, "To promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes."⁸⁰ Two days later, Senator Thomas introduced Senate Bill 2203, a duplicate of the House measure. Both the Houses and the Senate then referred the bills to their Committees on Indian Affairs. This was not the first time that an Indian Arts and Crafts bill had been proposed. Senator Lynn Frazier introduced the first Indians Arts and Crafts Bill on February 4, 1932. This bill was defeated but many of its components were included in the house and senate bills of 1935.

The *Indian Arts and Craft Bill* became law on August 27, 1935 and was commonly known as the *Indian Arts and Crafts Board Act*. The first order of business was to organize the Indian Arts and Crafts Board. Commissioner of Indian Affairs, John Collier was placed in charge of appointing board members. The board's specific function and duty was "to promote the economic welfare of the Indian tribes and the Indian wards of the government through the development of Indian art and craftsmanship."⁸¹

Under the new Indian Arts and Crafts Board Act, the misrepresentation of Indian products and the production of counterfeit or imitation government trademarks would now become criminal offenses. Persons charged with one of these offenses would be

tried in a federal court. If found guilty, one could be charged with a fine not exceeding two thousand dollars, or imprisonment not exceeding six months, or both.⁸²

On January 18, 1936 Indian Commissioner, John Collier made a list of possible Indian Arts and Crafts Board (IACB) members. Only one of these proposed members had been consulted about their willingness to sit on the board. All board members had to be approved by Secretary of the Interior, Harold Ickes before they could be appointed. It was difficult to find people who were willing to be board members because it required a good deal of time and little financial compensation. Four board members were appointed they were: Alfred V. Kidder of the Carnegie Institution and the National Research Council; Williard W. Beatty, the director of Indian Education, who would also represent the Indian Office and the Department of the Interior; Lorenzo Hubble who would contribute to the board because he was an Indian trader who was in close contact with Native people, and the temporary appointment of Ebert Burlew, Secretary Ickes's administrative assistant.⁸³

Collier wanted James Young to serve as the chairman for the IACB but Young refused due to a previous dispute with Collier regarding the appointment of board members. Collier then went on a ten month long search for an appropriate chairman. Collier wanted a chairman who had experience in marketing, advertising, mail order, working with department stores, and who had an interest in helping Native people. The problem in finding an appropriate chairman was twofold. First, one had to find a person who held all or most of the qualities that Collier felt were instrumental to the success of the program. Secondly, this ideal candidate had to be willing to accept a salary of about \$10,000, which was all the IACB, could pay the chairman. Added to this was the

requirement that the board needed to be complete before the appropriations hearing on July 1, 1936. Collier, who was running out of time, suggested the temporary appointments of Ebert Burlew as a board member and himself as chairman. He later appointed Louise West, an investment banker and former financial director for the city of Cleveland as the board's General Manager.

Commissioner Collier put a great emphasis on the creation of the board because he knew that this group of people would be responsible for overseeing the revitalization of Native art as well as introducing Indian arts and crafts to a much larger audience.

"Collier considered Indian arts and crafts as all embracing and all important to Indian culture. Through the IACB the government was setting out 'to preserve, enrich, and protect from factory-made imitations the rapidly disappearing and unique Indian crafts.'"⁸⁴

The first act of the newly formed board was to submit a budget request of \$60,000 to the Senate Appropriations Committee. The final appropriation for the board, however, was only \$42,500 with the stipulation that no one person's salary could exceed \$7,500. The reaction to the reduced budget and salary cap was disappointing, but things soon began to improve. John Collier soon found a person whom he believed to be ideal to join the IACB. On September 11, 1936 Rene d'Haroncourt was appointed to the Board as assistant to the general manager (Louis West).

Rene d'Haroncourt was born in Vienna, Austria and later moved to Mexico City. While in Mexico, d'Haroncourt worked to promote indigenous art and in the process worked with such well known Mexican artists as Diego Rivera, Jose Clemente Orozco and Rufino Tamayo. A United States Ambassador saw the great work d'Haroncourt was doing with Mexican indigenous art and suggested that he come and work with

Native American art, and d'Harnoncourt took him up on the offer. Collier immediately placed d'Harnoncourt on the IACB. Both had similar views on how the IACB should work to promote Native arts and crafts.

One of the first things for the board to discuss was the current condition of the market for Indian arts and crafts. One problem was that some artwork was of a high grade while other artwork was of a poorer grade. This became a real issue because instead of the standard for Indian art being raised it was lowered due to the poor craftsmanship of certain pieces. Another problem was that the market was unorganized, had little to no advertising and it was often difficult to get the craftwork to metropolitan areas where it could be sold.

From past experience, d'Harnoncourt knew the best possible method for dealing with Indian arts and crafts was to work with each tribe as a separate entity. He knew that one set of standards would not work for each group because they were so diverse in culture. D'Harnoncourt believed the key to success would be good background research that considered the past history and present condition of each tribe. He also believed that close contact and cooperation with local Indian leaders was important.

One of the first things that d'Harnoncourt did was expand his staff. He appointed three new employees Julia Lukas, a marketing specialist, Maria Chabot, a production advisor, and Ethel Petty, an administrative clerk. These additions created a complete IACB, which then consisted of a General Manager, an assistant to the General Manager, and a small staff. However, no Indians filled any of these positions.⁸⁵

The first goal for the newly reformed IACB was to establish standards for the government mark of authenticity and quality for Navajo, Pueblo and Hopi silver

products. The board set a meeting in Albuquerque, New Mexico to decide on the standards for silver work. The IACB was able to brainstorm and establish a plan for standards in silverwork yet, no Indian artists were contacted or in attendance at the meeting to offer their input.

Indian silver work, as an art form, had begun to be replaced by machine production. The Native American artists could not compete in cost or speed of production with the machine-made and factory-made imitations. Just to compete with "outsiders" some Natives had transformed their traditional art form into a machine made craft. The majority of Indian people did not have access to the expensive machinery even if they chose to use it in place of traditional methods. In order to keep up with the high-speed production of the factory system, many Native artists were forced to work in conditions that resembled a sweatshop. They would put in long hours of work on a silver piece and then have to compete against the large industries to try and sell it. Money was being lost to the large industries and at the same time the quality of the art was being compromised. The traditional Native art form of silver work was quickly being transformed into a low paying, and low quality, endeavor.

The IACB saw that a system needed to be set up to guarantee quality and genuineness of Indian silver work, and to help increase the amount of money that the Indian artists were making on their craft. In addition the board wanted to educate the public on the differences between handmade Indian silver work and machine made/factory imitations.

On March 9, 1937 the Indian Arts and Crafts Board produced a declaration of standards for the Navajo, Pueblo and Hopi silver and turquoise products.

"The government stamp could be affixed only to work individually produced and to work entirely handmade. No objects under conditions resembling a bench work system and no objects in whose manufacture any power-driven machinery had been used were eligible for the use of the government stamp."⁸⁶ (For a copy of the Silver Work Regulations see Appendix F.)

Secretary of the Interior, Harrold Ickes, approved the regulations governing the use of government trademarks of genuineness and quality for silver work on April 2, 1937. The government mark could not be added to Indian silver work unless the weight and design were in accord with Indian usage and custom and the work displayed good handcraft techniques. The name of the tribe would be written in die on the stamp, and every tribal stamp would be different. Arts and crafts dealers were authorized to attach a label explaining the government mark and authenticity standards. For a small fee, dealers could obtain the stamps and certificates from the IACB.

Once the IACB developed a procedure to guarantee quality and authenticity, they shifted their focus to the Navajo Weaving industry. The IACB used the same research method in developing the standards and regulations for the Indian weaving industry. On October 20, 1937 the Secretary of the Interior approved the Navajo weaving regulations. In part, these regulations required that, in order to obtain a license to use the government certificate and obtain a government mark a weaver would apply to the arts and craft board, and sign a contract stating that they would follow the regulations. (For a copy of the Navaho weaving regulation see Appendix G.)

The Government mark ensured that the craft was handmade and would only be applied to the finest quality of silver work and weaving. It proved that the artwork was genuine, and made from authentic Indian silver, wool and turquoise products. The IACB

thought that they had developed a perfect system. The problem was however that, no one use it. The only dealer to reorder any use of the certificates of authenticity was Lorenzo Hubbell, a member of the IACB.

In this respect the IACB had much better results in the state of Alaska. However the Alaskan Native and Eskimo arts and crafts presented a totally different set of problems for the IACB than those of the lower forty-eight states. One of the main challenges was that Indian traders in Alaska did not show a real appreciation for quality craftwork. They dealt mainly in the souvenir markets. Another challenge, that was unique to the Alaskan Natives and Eskimos, was the Japanese imitations of Native art. The IACB came up with several solutions for this problem. First, they would educate the public on the differences between imitation goods and handmade artwork. Second, the board would develop and enforce a labeling system similar to the one used for the silver work industry. The board planned to speak with the distributors of Japanese and Native art and ask that they not be sold side by side.

The IACB planned to develop two markets in Alaska, the souvenir trade for less expensive arts and crafts and, a market for merchandise of a high quality. In order to successfully accomplish this there needed to be two major changes. First, the artwork needed to be designated as Indian made, then a separate government system would have to describe the quality or grade of the artwork. The board decided that the trademark would consist of a rubber stamp. This stamp would be applied directly to the object, or in the case of basketry, fabrics, and furs, a label would be attached to the object by a wire caught in a lead seal. Articles that were too small would just read "U.S. Eskimo" or "U.S. Alaskan Indian."

Virgil Farrell a marketer and trader, who worked closely with the IACB, was instrumental in the implementation of the IACB's programs in Alaska. In December 1938, Farrell reported having contacted all 57 Alaskan dealers of Indian and Eskimo trading merchandise.⁸⁷ He had spoken to them about the new government standards of authenticity and quality. The results of his work were tangible. The next year the income for arts and crafts in Alaska was \$98,000. Farrell reported that approximately \$78,000 worth of Alaskan Indian and Eskimo goods that were sold would not have been sold without the new regulations.⁸⁸ About 60% of this figure represented brand new income, which was received because of higher prices for higher quality goods.

"A sudden demand for American Indian art and handicrafts gave Native artists the opportunity to receive premium prices for their work and encouraged them to improve the quality of their production."⁸⁹

In 1938 the IACB underwent some personnel changes. Rene d'Harnoncourt replaced Louis West as General Manager of the board. D'Harnoncourt was the ideal person for the position because he had great communication skills, and was building up a large network of influential friends and associates. He had experience in artistic evaluation and promotion, and he believed in direct contact with the Indian artists. D'Harnoncourt knew how to sell his ideas to people and he was dedicated to helping the Indian cause.

One of the first things that d'Harnoncourt did was to appoint three new members to his personal staff. In 1938 he appointed Kenneth B. Disher, an employee in the Museum Division of the National Park Service, as Assistant Manager at a salary of \$3,800 per year. He then appointed Henry Klumb, an expert on interior design and

display, at a salary of \$3,600 per year. Klumb's general assignment was to create displays stressing the adaptability of Indian arts and crafts to modern rooms.

D'Harnoncourt also wanted to appoint a professional photographer. In 1938 he chose Konrad Cramer to work with the board for a period of three months. During this time Cramer was to work on publications for the IACB.⁹⁰

The board constantly did research and compiled intensive surveys for possible board activity. Some of the states where data was being compiled for possible field work sites were: North Carolina, Oklahoma, New Mexico, Arizona, Southern California, North and South Dakota, Montana, Oregon, Washington, Wyoming, and New York. Through research, the board concluded that they should concentrate on three areas: the Southwest, Oklahoma, and North and South Dakota. This was mainly due to the large number of Native artists in these areas as well as the quantity of crafts that could be produced.

D'Harnoncourt then appointed three field specialists: The first was Gladys Tantaquidgeon, who was assigned to the Sioux area in North and South Dakota. Alica Marriott was hired to be a specialist among the Oklahoma tribes with the majority of her attention devoted to the Kiowa. Her specific duties included reviving old Indian craft groups, as a starting point for setting up practical Indian cooperatives, collecting new materials, researching old techniques of beadwork, and preserving techniques of leather work and pottery making. In July 1938 Gwyneth B. Harrington was appointed as a field specialist and assigned to the Papago Indian country and southern Arizona in general with the purpose of reviving basketry. This was extremely urgent work because the

Papago basket makers were in danger of being ruined by unwise commercial exploitation.⁹¹

“The full-time position as an IACB field specialists paid \$2,100 per year in 1938.”⁹² The job offered a variety of challenges and required a person who was open to trying new things. The specialist served as an intermediary between the IACB and all-Indian and non-Indian local groups, art and crafts producers and the sellers of Native art. The specialist also would help in the production and improvement of Native arts. They were required to critique Indian artwork from both a technique and design viewpoint. The field specialists were only supposed to encourage the production of arts and crafts that would be able to find a ready market. They were also in charge of finding retail outlets for the arts and crafts produced in their assigned area.

D'Haroncourt took a two-way approach to increasing the sales of Indian arts and crafts. The first was to educate the buying public on the essential value of Indian handcrafts. He wanted to create an appreciation for the artwork. “Native peoples had generally produced objects - even very beautiful and highly decorated objects for utilitarian or ceremonial uses. Most Americans regarded these objects as crafts - albeit extremely attractive in their own ‘primitive’ way.”⁹³

His second approach was to create a distinct market for souvenirs. The board had found that there were two different types of people who bought Indian artwork. There were those who wanted nice expensive art and then those who wanted a little token of a trip or less expensive art. It was decided that the souvenir market would consist of lower quality art that could be produced at low cost and in high volume. D'Haroncourt was not afraid to encourage adaptations of Indian crafts to take advantage of the souvenir market.

He was aware that Indian people had always practiced a living art form and adapted it to their current surroundings.

The IACB is probably best known for their work with the 1939 Golden Gate International Exposition held in San Francisco. The board saw this exhibit as the ideal opportunity to reach a large population and make them aware of what the Native American artists had to offer to society. The IACB wanted to educate the public about Indian art while at the same time demonstrating that Indian art was something that could be used and appreciated in the modern home. This was going to be the largest Indian art exhibit to date and was not being held in the Southwest, where many people were already familiar with and appreciated Native art.

D'Harnoncourt saw the San Francisco exhibit as a means of gaining the public's attention and creating a better understanding of the Indian problems and recognition of their talents. The IACB had a budget of \$50,000 but managed to put on a \$200,000 Indian exhibit. D'Harnoncourt's influential contacts definitely played a role in financing the huge international exhibit. Forty-eight individual tribes also contributed financially to the exposition.

D'Harnoncourt had high expectations for the exhibit and no one was disappointed. He wanted to show more than just the beauty of Native American art. He wanted the visitors to gain an understanding of the people who created the art, and gain some perspective on the future possibilities of these people. The exhibit was able to successfully show both the past and present achievements of the Native American culture.

The exhibit represented eight general areas of Native culture: Eskimo hunters, Northwest fishers, seed gathers of the west, hunters of the Plains, woods-dwellers of the East, Pueblo farmers, Navajo shepherds, and desert dwellers of the Southwest (refer to Appendix H for a floor plan of the exhibit).⁹⁴ In all, sixty-four Indians participated at the exhibit and served as demonstrators of tribal arts and crafts work. Some of the Indian artists at the exhibit held public demonstrations of their crafts as: painters, basket makers, bead workers, silversmiths, stone carvers, rug weavers, sand painters, potters, and totem pole carvers.⁹⁵

Approximately 1,250,000 people had visited the Indian exhibit at the San Francisco Exhibition when it was closed on October 29, 1939.⁹⁶ The first lady, Eleanor Roosevelt, praised the Indian exhibit in her weekly column saying: "I think the exhibit of this Indian work is going to open the eyes of many of us to what they are capable of doing as artists and craftsmen."⁹⁷ Praise also came from New York University professor, John B. Nash who said the exhibit was "one of the finest things I have ever seen assembled."⁹⁸ The chairman of the Race Relations department of Yale University, Charles T. Lorum, called the Indian exhibit "far and away the most admirable demonstration of Indian culture that I have ever seen."⁹⁹

The IACB exhibit at the 1939 San Francisco Golden Gate International Exposition was the crowning achievement of two and one-half years of work. The results of the exhibition were tangible both in compliments and in sales of Indian arts and crafts. In 1938, the year prior to the exposition, Indian arts and crafts activities, supervised by the board, had an income of \$863,267. In the year of the exposition, that figure jumped to \$1,007,422.¹⁰⁰

During the San Francisco exposition, d'Harnoncourt tried to produce a book that would tell the history of Native American art. Unfortunately the book was not finished in time for the exhibition. When it was finally published the book was titled, *Indian Arts in North America*. The book previewed North American Indian art from pre-Columbian times to contemporary achievements. It gave explanations of different Indian cultures and origins of Indian groups. The book contained 142 pages, 983 photographs, 111 of which were colored.¹⁰¹ This was the first book ever dedicated solely to Native American arts and crafts.

During and after the San Francisco exhibit, the IACB continued to work directly with Indian tribes. An example of the IACB's individual approach to different tribes was their relationship with the Coeur d'Alene Indians, of Idaho. The IACB assisted the Coeur d'Alene Indians in taking the traditional art form of making leather gloves and turning it into a modern day moneymaking enterprise. The Coeur d'Alenes established a glove-making organization with the help of Sister Providencia, who had been living and working with the Coeur d'Alenes as a missionary. The Coeur d'Alenes established a contract with a large department store in Spokane, Washington to market their gloves.

It was ideal timing for the Coeur d'Alenes, because, due to the upcoming war, glove making in Europe was at a standstill and buyers were looking to the domestic market to meet the demand for this quality product. "The wide recognition given to the Idaho Indians not only added to their own pride and self-respect, claimed Sister Providencia, but also brought new respect from non-Indians."¹⁰²

By early 1941, d'Harnoncourt's advice and encouragement of the Coeur d'Alenes had affected the lives and well being of countless Indians in the Northwest. The success

of their industry spread to Washington, Montana, Wyoming, and Oregon, and a number of different tribal groups such as the Kootenai, Yakima, Spokane, Kalispel, Nez Perce, Colville, Flathead, and Arapahoe Indians. The Indians received 80 percent of the income from sales, and the remaining 20 percent went for expenses. The unique thing about the Coeur d'Alenes enterprise was that it was exclusively Indian run and operated except for Sister Providencia.¹⁰³ With each individual project, the IACB was achieving its goal of eventual acceptance of Indian arts and crafts as a part of both Indian and non-Indian life in the twentieth century.

The IACB brought about major changes in Indian country by focusing on Indian art as a way to preserve a tradition but also as a financial industry. H. Warren Shepard, the financial assistant of the Carnegie Corporation said:

"The value of crafts to the Indian cannot be measured in economic terms alone. It is important to their psychological effect. In a period of general cultural disintegration, it is most important that a people preserve their self-respect and their sense of racial worth. The successful exercise of an art and a skill serves this function."¹⁰⁴

The IACB's next big project would be an exhibit at the Museum of Modern Art, in New York City. D'Harnoncourt had started planning this exhibit with Alfred H. Barr Jr., director of the museum, before the San Francisco Exhibition was even over. Initially D'Harnoncourt thought the exhibit would be rather small and hoped at best to get one story of the building. However, D'Harnoncourt, with a persuasive speech, ended up being able to use the whole museum and a large courtyard for the Native American art exhibit.

D'Harnoncourt wanted this exhibit to create a new interest in Indian arts and crafts. He was very excited about the prospect of reaching a totally new population. The

Board wanted to focus on the original art of the United States because the feeling of patriotism was prevalent, yet few people were aware that the United States had a rich history in art. The overwhelming focus on this exhibit was to increase the sales of Indian arts and crafts and possibly reach a different market segment. The board wanted the exhibit to show that Indian arts and crafts could have a place in modern fashions and decoration, and to prove that the products of contemporary Indian artists were both useful and beautiful. This exhibit would cost the IACB nothing but their time. D'Harnoncourt planned once again to obtain funds from the various foundations that had supported the board's work in San Francisco.

D'Harnoncourt's preliminary design plan called for three major divisions of the available indoor space: prehistoric Indian art, living Indian cultures, and contributions of Indian art to the contemporary American scene. Objects in the prehistoric gallery would be shown for the aesthetic value only and would include Mound Builder stone and clay work, Bering Strait carvings and engravings, eastern Alaska carvings, Florida gold and clay work, and prehistoric Pueblo basketry, pottery, and weaving. The last section would be followed by historic and contemporary Pueblo art that would lead into the second division, composed of the eight areas presented in the San Francisco exhibit. The division on the contributions of Indian art to the contemporary American scene was to be subdivided under three headings: the first, Indian art as a means to understanding the function of art in a community where it is part of all economic, social and ceremonial life; the second, Indian raw material, function, and form; and the third, the uses of Indian art in the modern world, as in a home, in personal adornment, and as fine Indian architecture, its techniques, forms and materials. On the first floor section devoted to "Indian Art of Modern Living," he planned to show that contemporary Indian work had a place in and filled a need in the twentieth century. The installation was purposely similar to that used to display the finest modern jewelry. Clothing accessories, and articles for the home. Here silver work, quill and animal-skin work, pottery, baskets, rugs, and many other types of contemporary pieces had an opportunity to show their natural affinity for the simple forms of a thoroughly modern setting.¹⁰⁵

The IACB also composed a book for the exhibit it was entitled, *Indian Art of the United States*. The book was issued on January 22, 1941 at the opening of the exhibit, and was written by Fredrick Douglas and d'Harnoncourt. On the cover of the book was a shield, which pictured a bear charging fearlessly into a shower of bullets. D'Harnoncourt meant this as a symbolic reference to the years of private and official efforts to stamp out Indian culture and to substitute non-Indian ways. The Museum of Modern Art exhibit provided reassurance that the tragic mistakes of the past had not been fatal. "The book contained 204 pages, sixteen colored pictures, and 200 black and white photos."¹⁰⁶ The book followed the theme of the exhibit, and provided a comprehensive presentation of Indian art. Art Digest called the book "a compact, vital, and absorbing record of America's indigenous civilization and praised the clear, authoritative text."¹⁰⁷

The IACB saw the Museum of Modern Art project as a way of sparking a new interest and understanding of Indian artwork. The board also hoped that the exhibit would help the general public to see Native Americans in a new and different way. An average of 1,350 people a day paid admission to explore the Museum of Modern Art exhibit, and it ran for over three months.¹⁰⁸ The exhibit was a huge success in its beauty and by educating numerous people on Native art.

Even though the IACB appeared to be doing an effective job, there were several complaints. One of the most outspoken critics was Alice Lee Jemison, the Washington representative for the American Indian Federation. Jemison complained to the 1937 Senate Indian Affairs Committee that Collier was educating Indian children to do nothing but arts and crafts work and telling them that by doing so they would be fit for life on the

reservation. Jemison also did not agree that the IACB, should have absolute control of all Indian arts and crafts.

Another complaint came from Congressman Scrugham who blamed the IACB for the increased price of silverwork. He felt that this lessened the sales of Indian made handicrafts and increased the sales of machine made crafts. He felt that the board had established production and merchandising restrictions that were too rigorous, and that Indian arts and crafts goods were being catered to wealthy purchasers.

“By establishing standards of authenticity and developing market strategies, the IACB helped accelerate Indian crafts production to provide an additional source of income for Indian people. In doing so, however, it also curtailed the expression of individual Indian artists who wished to speak to non-Indian Americans through the artistic medium. Personal expression took a back seat to the production of objects that resonated the American attuned not to the artistic but to the ‘primitive.’”¹⁰⁹

Diego Abeita, an Isleta Indian, and manager of *The Tewa*, an Indians arts and crafts shop in Isleta, New Mexico disagreed with the harsh regulations. He felt the “regulations imposed by the board were so strict that the average independent Indian craftsman could not live up to them in commercial production and make any money,”¹¹⁰ Abeita also questioned why Indian artists were not represented on the board.

The following facts support the complaints against the IACB: of all the Indian style silver that was sold, only 23% was produced on the reservations and was strictly Indian made.¹¹¹ The majority of the jewelry was being made by machine, and Indians were not operating the machinery.

It was suggested to the IACB that the regulations should contain only minimum requirements, such as whether the artwork was handmade, well-finished, of quality materials, and good design. Instead of the rigorous and specific requirements, critics

suggested the main focus should be on the quality of Indian arts and crafts, and not so focused on whether the regulations were being followed precisely. The board was aware of all the issues being raised, yet decided to ignore the recommendations and proceeded with their original plan.

The board had several problems to address, one being the small volume of products that were being produced. It had been proven that people would buy Indian arts and crafts of high quality. There had been definite improvements in the quality of artwork and its accessibility to the general public. There was a demand for Indian art that was both decorative and useful but the quantity of available art needed to be increased. According to John Collier, by 1941 the market had exploded. He estimated the total gross income from Indian crafts to be above a million dollars a year.¹¹²

There was a market demand for Indian arts and crafts but, with the impending war, the IACB budget took a drastic cut. This impacted the board's ability to successfully continue their work. This budget cut was the beginning of many problems for the board, and Indian arts and crafts. Many Native Americans were leaving the reservations and the art field to get better paying jobs in war industries or other jobs that had become vacant. The programs, that the board had initiated, continued to be effective but their future did not look promising.

Overall in 1941 there was a 38% increase in the sales of Indian arts and crafts over prior years. Alaskan arts and crafts sales skyrocketed from \$242,100 in 1943 to \$420,201 in 1944, this was largely due to military bases that were now being occupied in the state.¹¹³ Indian arts and crafts sales outlets now numbered about 800, of which, 55 were in Alaska, 262 in Arizona, and the remainder spread across the United States.¹¹⁴

The war brought about an interesting situation for Native handcrafts. Many Natives were leaving the craft industry to pursue other fields, and at the same time the importation of handcrafts from Europe dramatically decreased because of the war. The market was better than ever for handcrafts but the production volume was far below the demand. On October 1, 1942 the War Production Board began to limit the availability of silver to a priority rating. It was not until February 25, 1943 that the board was able to negotiate the use of small amounts of silver, to be used for art work that required the use of hand tools only.

The IACB continued to have their budget cut by the House Appropriations Subcommittee until they only received \$25,000 a year with the stipulation that no more than \$9,000 could be spent in the District of Columbia.¹¹⁵ Due to this stipulation the board underwent a total reorganization. They could no longer afford to pay a general manager. Therefore; Rene d'Harnoncourt left the board, and was soon followed by John Collier who resigned as Indian Commissioner on December 4, 1944.¹¹⁶ In Collier's letter of resignation to Secretary Ickes, he discussed his reasons for leaving. Collier placed a great deal of blame on the House Interior Department Appropriations Subcommittee. He felt that they had intentionally "scorned and even hated the program of Indian regeneration."¹¹⁷

With the departure of John Collier and Rene d'Harnoncourt the future of the IACB was uncertain. Yet, the board's policy of helping the Indians to help themselves remained strong, and there was an emphasis placed on respecting the Indian culture. As late as 1948, the board was still working to re-establish those producing groups that had stopped operating during the war years.

In 1951 a full-time general manager was appointed and the board began to function at full capacity again. By 1960 the board had successfully helped in establishing funding for the Institute of American Indian Arts in Santa Fe. The purpose of the institute was heritage-centered instruction for young Indian artists from all parts of the country. "In 1962 the Institute of American Indian Arts and Crafts was established at the Santa Fe Indian school on the recommendation of the Indian Arts and Crafts Board."¹¹⁸ The board also was instrumental in getting six states to pass additional Indian arts and crafts protective legislation between 1955 and 1965.

Overall the IACB had the best interests of the Indian people in mind. However, "the Indian Arts and Craft Board institutionalized the concept that preserving and invigorating Indian societies lies in linking Indian products to the American market."¹¹⁹ Where would Native American arts and crafts be today if the board had not taken the steps to preserve them and share their value with the general public? Some questions remain: What would the Indian arts and craft situation be like today if Indians had been able to play an instrumental leadership role in the IACB? Would the Southwest be so dominate in the sales of Indian artwork? Would other tribes be equally recognized if they were marketed as heavily as the Southwest? Surely there would be even less indigenous art practiced today if there had not been people who took action to preserve it.

The value of the IACB is two-fold: First, it gave opportunities to Native people to help themselves and preserve their artistic culture; Secondly, it marketed the beauty of Indian artwork which in turn increased the awareness of the American people to the significance and importance of Native arts and crafts. Thereafter, it was up to the Native

people to pursue similar programs that would insure the future of the Indians and the art that they produced.

Through-out the New Deal era, Native artists were able to get involved and share their art work through self-help programs such as the Works Project Administration. Under the guide of the nation's self-help programs, artists were able to do a variety of projects ranging from painting murals on government buildings to creating sculptures and large artwork to decorate town squares and schools. These self-help programs were a way for artists to share their talents and earn extra income and a way for them to provide a glimpse of beauty to a country that was heavily burdened by the depression.

CHAPTER VI

New Deal Programs and the Effects They Had on Native Americans

President Roosevelt's whole notion of a "New Deal" was in response to the devastating depression that the United States was trying to endure. Roosevelt and his staff developed extensive plans and programs to help bring the country out of the depression. The underling theme to all of these programs was to put people to work, and therefore decrease the high unemployment rate. The programs were also designed to increase revenue, which would in turn better the economy. Roosevelt and his administration came up with so many self-help and relief organizations that the administration's "New Deal" legislation was jokingly referred to as alphabet soup due to the abbreviated names of all the relief programs. Many of the new relief programs also included Native communities. Many Native people became involved in the relief programs through a work crew, or by having their arts and talents displayed or due to the agriculture reconstruction that their lands underwent.

The depression and the relief programs effected each tribe differently. Some tribes were not as devastated as others by the depression, because they were used to living on very low incomes and surviving with only the necessities. Therefore, to these Native people the depression was just a continuation of their ongoing daily struggle. Other, more prosperous tribes, were able to maintain somewhat of a high standard of living throughout the depression due to their own resources.

However, those Indians who were able to benefit from relief programs stood to gain a great deal in both added income and training in new fields. Overall the depression and the relief programs of the New Deal impacted Native communities to different degrees and in various ways.

The relief program, that had the greatest impact on Indian people, was the Indian version of the Civilian Conservation Corps (CCC). The CCC was big throughout the country but it held special significance to Indian people because they were able to have their own CCC division. The Indian CCC was initially known as the Indian Emergency Conservation Work (IECW), and later renamed the Civilian Conservation Corps Indian Division (CCCID). Commission of Indian Affairs, John Collier was instrumental in bringing about a separate CCC program for Indians. Collier was afraid that Native people would resent whites coming on to their reservations and doing work, while they were without jobs. To address this concern, legislation was passed to help insure that jobs on reservations went to suitable Indians before being opened up to the general public.

Collier, with the help of the Secretary of the Interior, Harold Ickes, was successful in his mission to get an all-Indian CCC. He also persuaded President Roosevelt to approve a plan for Indian Emergency Conservation Work (IECW) with a budget of \$5,875,000 for the first enrollment period of six months.¹²⁰ This money was to be used to start up seventy-two camps that would be located on thirty-three reservations, and would employ 14,400 Indians.¹²¹ The Office of Indian Affairs would play an intricate role in the supervision and administration of the program.

There were several differences between the Civilian Conservation Corps, Indian Division, (CCCID) and its parent organization the CCC. The most obvious difference was that whites were not allowed to serve as enrollees. Besides the racial difference in the CCCID, the enrollment qualifications were different as well. Any man over eighteen could serve. Martial status was not a factor for enrollment in the CCCID. Camp life was

also very distinct. The camps were not limited in their size, and some consisted of a very small group of around 50 people while others swelled to between 200-500 people. This flexibility was more compatible to the reservation lifestyle because each reservation differed in the amount of enrollees and the work that would be done. For this reason, it was unrealistic and ineffective to have one set of rules that would regulate all of the camps.

There were more than just logistical and racial differences between the original CCC and the CCCID. Indian people were working to improve their own land and communities where as the average CCC worker often times did not have that same connection to the project in which they were involved. In the CCCID, enrollees were able to work to develop and restore their tribe's natural resources, which would then in turn benefit the whole tribe. Most of the improvements were geared towards making the land more suitable for ranching and farming. Collier saw the CCCID as the perfect means to improve 52,000,000 acres of Indian land in order to make it easier to maintain a farming and ranching lifestyle. Collier felt that the CCCID had dual benefits in that it would "revitalized and protected Indian culture for those who wished to remain on reservations, and at the same time, properly equip those who chose to leave the reservation."¹²²

The CCCID also offered Indian people, who wanted to leave the reservation, great work experience. Enrollees were able to gain new skills that they could later apply to jobs both on and off the reservation. They also became familiar with a routine work schedule and a wage economy. The skills learned were vital to those who wanted to be successful in their future employment. Many Indians acquired skills that would help

them to become better independent farmers as well because they were able to take these new agricultural skills and put them to use on their individual allotments or reservation lands.

Indian reaction to the CCCID varied from reservation to reservation. Many Natives took advantage of what they saw as a good opportunity, while others refused to participate based on their distrust of the government and anything that was administrated by the government.

Not all tribes had a CCCID camp or headquarters near their reservation. Those Indians that were not so lucky as to have a camp near their home but who wanted to join had to relocate in order to become part of a crew and find work. Also, some Indians were not able to enroll in the CCCID because they refused to participate in the required medical exams and vaccinations. Also, a few tribes were able to maintain a high standard of living during the depression due to their own resources. Enrollment in the CCCID by members of these tribes was minimal.

The Office of Indian Affairs, appointed Jay Nash as the initial director of the Indian CCCID. Nash was a former member of American Indian Defense Association, and had worked closely with Collier in the past. Nash helped to established district offices located in "Minneapolis, Minnesota; Muskogee, Oklahoma; Phoenix, Arizona; Spokane, Washington; Billings, Montana; and Albuquerque, New Mexico."¹²³ Once the enrollment had begun in these initial areas, work projects were lined up for the new crews. The district office served as a headquarters for the surrounding CCCID camps and crews. Each office employed project coordinators, supervisors, engineers as well as

forest and agriculture specialists. This core group was essential because they were often the only source of information and training for the new enrollees.

By July 1, 1933 fifty-six reservations had started work projects. The total number of Indians employed varied throughout the year. An estimate in 1933 was that about 25,000 Indians were working for the CCCID. The Office of Indian Affairs implemented a system of staggered employment. An example of this was to have two separate work crews that both worked 20 hours a week. Crews were then alternated throughout the week. By doing this they were able to employ more people with everyone working fewer hours.

The first work season was full of problems and confusion. One of the biggest problems was in getting the initial funding released. The Office of Indian Affairs had taken on a huge project and had trouble getting all of the logistics resolved. For the most part, however, the CCCID did what it set out to do by increasing employment on reservations and developing land.

A major part of the Indian CCC experience was life in the camps. CCCID camps differed greatly from standard CCC camps. There were three basic types of camps for the Indian division: the boarding camp; the married camp; and those living arrangements that allowed the enrollee to stay in their own home. Each of these camps was created to fit the needs of the particular reservation or community.

The boarding camp came closest to resembling the regular CCC camps. The boarding camp was created when the superintendent was certain that there was enough work in a particular area to keep a crew busy for at least one year. The boarding camp consisted of permanent buildings for housing, eating, office space and training areas.

Some of the nicer boarding camps even had facilities such as gyms, libraries and recreational buildings. If work could not be maintained in one area for a long period of time, temporary housing was also available. The temporary housing usually consisted of tents with no luxuries at all. These temporary housing camps were never intended to become permanent housing, but often times they would be used longer than initially anticipated.

The married camp was unique to the CCCID. An enrollee's whole families would live in the married camps instead of just the individual. "Since the married enrollee was responsible for providing shelter for his entire family, he received a commutation allowance of twelve dollars per month in addition to his regular salary of thirty dollars."¹²⁴ The married camps often had only the necessities and little more. Some of the camps provided self-help programs for the Indian women in such areas as child-care, sewing and cooking. Many of the camps become over crowded, and they became unhealthy places to live.

The third style of camp was no camp at all. No housing was provided and enrollees were able to live in their own homes. The enrollees would have a basic car pool system, where they would all meet at a designated location and then commute to the work location together. This living arrangement was only possible in areas where the work was within close proximity to existing communities. Those enrollees who lived in their personal homes were given the same allowance as those in the married camps. "This system was most common in Oklahoma where Indians owned small farms and lived fairly close together."¹²⁵

It quickly became apparent that there was an interracial part missing from the CCCID programs. This missing part was, training. CCCID enrollees were getting little to no training when they joined. Many times the training was so minimal that the enrollees were left to do little more than conjecture or completely guess. Many crews "received no more planning than that given by an Oklahoma foreman who measured off a dam the first day and told his inexperienced crew: 'Well boys, there it is.'"¹²⁶ It became obvious after a short period that more time and attention was going to have to be given to training and project planning.

Once it became clear that training was needed, supervisors had to determine the type of training that should be implemented. "Forty-eight percent of the enrollees had never attended school beyond the fourth grade, and a fairly sizable portion were not fluent in written or spoken English."¹²⁷ Depending on the education level of the enrollee, the training programs varied. One superintendent said that he only required those who were illiterate to attend education classes but for all others the education classes were optional. Many superintendents did not feel that education beyond basic job duties was important. One superintendent "maintained that participants in the CCC could best learn by on-the-job training rather than through formal education. The latter, he complained, was too expensive and impractical."¹²⁸ The majority of leader's felt that the work experiences and skills gained through the CCCID was more than adequate for enrollees.

There was pressure from Washington to increase the educational training due largely to the fact that the Indian CCC was not only to increase employment, but was also suppose to help in the rehabilitation of the Indian people. A costly example of inadequate training occurred "on the Klamath reservation in Oregon, when an

inexperienced all-Indian crew cut green timber in a beetle control project, causing the tribe to lose several hundred dollars."¹²⁹ Mistakes, such as this, further emphasized the need for more adequate and extensive training.

Assistant Commissioner of Indian Affairs, William Zimmerman insisted that reservation superintendents include in their budget funding for educational training. "By mid-1939 it was reported that fifty-nine agencies had formed Enrollee Program committees and provided an average of three hours of instruction per week for Indians on the CCC payroll."¹³⁰

As a result of the pressure from Washington, there were several new education programs implemented. They ranged from the "three R's" to first aid and safety instruction. However, most of the classes were for practical purposes and related only to current projects on which the crew was working. Many of these classes were geared toward the operation and maintenance of machinery. Some crews were taught how to effectively fight forest fires, surveying techniques and general agricultural practices.

The CCCID was different from reservation to reservation. The Indians that were enrolled had different cultures depending on their tribe and the type of work they did was directly related to where their reservation was located. There was not just one standard way of doing things in the CCCID. Work projects and practices varied drastically from crew to crew. One report stated that there were "126 different types of projects which range from archaeological work in Arizona to the operation of a fish hatchery in Wisconsin."¹³¹

From 1933 to 1936 approximately two hundred Choctaw and Chickasaw were employed in projects throughout southeastern Oklahoma. These men planted trees and

constructed bridges, firebreaks, truck trails, reservoirs, and corrals.¹³² Some of the other jobs that were done by Indians, through the CCC, were the building of trails, construction of watch towers to protect the reservations' lumber resources from fires, and the cutting and clearing of timber for roads.

One of the jobs that caused some controversy was the removal of wild Mustangs from open grazing lands in the Southwest. By doing this the Southwestern tribes were able to open up grazing lands for the tribes' sheep, goats and cattle. However, this practice found some resistance because of an existing cultural value. For many Indians, horses held great importance and the possession of them bestowed prestige on the owner. The quality of the horse was irrelevant. This situation served as an example of traditional values that were in direct conflict with an economic opportunity for the Indians. In the end a number of the wild Mustangs were relocated.

From 1936 through 1939 the Indian CCC ran somewhat smoothly and accomplished many of its initial goals. However, in late 1939, funding for the program began to decrease and, by the end of the year, the budget was cut by over one million dollars.¹³³ A lack of funding was just the beginning of the problems facing the CCCID. Many supervisors and enrollees were being drafted and encouraged to join the army in preparation for the impending war. From 1939 to 1941 the CCCID struggled to survive due to drastic budget cuts, and the loss of a large number of supervisors and enrollees.

In 1941 Native Americans were made eligible for training in defense industries through *The National Defense Vocational Training Act*. Under this act, the Federal Government paid for all training as it related to war preparation and defense industries.

Commission Collier saw this as a great opportunity for Native people to put the skills they had acquired through the CCCID to use and to further increase their knowledge.

Training sessions were held in a variety of fields such as mechanics, carpentry, radio operation and repair as well as welding and sheet metal work. The average training session lasted between six and eight weeks with about three hours of classes each day.

At the end of the training period all students would take proficiency tests. Any individual who could pass the test was almost guaranteed a job in the national defense industry. "The Indian CCC sponsored forty-three classes for 932 enrollees with national defense funds."¹³⁴

Many former CCCID enrollees put their new skills to use in the defense industry. An example of this occurred in 1941 in Fort Wingate, New Mexico where a group of Navajos were hired to construct a new ordnance depot for the army.

"Army officers and contractors at the project," wrote a local reporter, "wondered where so many of the Navajo workmen learned to operate tractors, trucks, and perform so well as skilled carpenters and stone masons. The answer," the reporter continued, "is that the Civilian Conservation Corps program on the Reservation for the past eight years had enabled many Navaho so inclined to learn those occupations." The Navaho cultural trait of changing their names frequently threw the payroll at Fort Wingate into chaos. They also learned how to cope with abusive white bosses. Each foreman started with an equal-sized gang of Indian each morning, but the Navajo slipped quietly away from disliked bosses at every opportunity. At the end of the day, some gangs had doubled or tripled in size. Navajo proved adaptive and willing workers."¹³⁵

With the increase in job opportunities, due to the forthcoming war, many Indians left the reservations in pursuit of change and higher paying jobs. Jobs in the defense field were usually located in larger cities and were very enticing because they paid on average about ten dollars a day if not more. Even the semi-skilled positions paid well. Many

Indians were able to find jobs as "welders, sheet metal workers, machinists, or in semi-skilled tasks such as truck driving. Most had learned their trade through the Indian CCC and other relief work."¹³⁶ Added to this exodus from the reservation were the hundreds of Indians who decided to join the armed forces. "An estimated 11,000 Indians were in the military by the end of 1942, and approximately 6,400 of these were former enrollees. Another 8,000 Indians were working in war industry at the same time."¹³⁷

Due to the impending war and the mass migration of Indians into urban areas, the CCCID became obsolete. Employment was on the rise, the country was coming out of the depression and relief funding was now being used to fund the upcoming war. On July 2, 1942 Congress cut off all funding for the CCCID. This brought to a close a program that for nine years had directly or indirectly affected thousands of Indian people. Be it the enrollees themselves or the reservation occupants who were affected by the various projects that work crews had done on the reservation. "More than 85,000 had served in the CCCID and over seventy reservations had received \$72,000,000 in conservation funds."¹³⁸

The Indian CCC was both beneficial and a hindrance to Indian people. The benefits were that Indians were able to improve their communities, increase employment and gain valuable work skills. The down side of this was that because of the acquisition of these skills, Indians began leaving the reservations and going to work in urban areas. Collier wanted to improve the reservation land so that Indians would become farmers. Yet, instead of becoming farmers many began to do relief work. One study, that demonstrates this, was done in Lower Brule, South Dakota. The study concluded that residents made only "18 percent of their income from agriculture as compared to 50

percent from the CCC and other relief agencies. Relief work had attracted fifty-five of ninety-six Indian families away from their land.”¹³⁹ Many critics of the CCCID saw it as nothing more than a welfare system or community dole. Indians grew dependant on the relief programs and often failed to take what they had learned back to their land to become an individual success.

There were several tangible results of the work done by the approximate 85,000 Indians who participated in the CCCID. “Indian forests benefited from 9,739 miles of truck trails, 1,315,870 acres of pest control, and 91 lookout towers.”¹⁴⁰ Grazing and farmlands received “263,129 acres of poisonous weed eradication, 12,230 miles of fencing, and 1,742 large dams and reservoirs.”¹⁴¹ Due to fencing projects and the reseeded of grazing land, the sales of Indian cattle significantly increased from \$263,095 in 1933 to \$3,126,326 by 1939.¹⁴²

The CCC in general was a great opportunity for young men to learn a trade and put it to use for the rest of their lives. The younger generation was able to take full advantage of the opportunity and grow and mature as well as move about the country and see things that the average person of their age would never be able to experience. Added to this was the added income and increase in morale that the CCC gave to the whole nation. The Indian Division of the CCC was unique in its goals and its methods. Due to this, Indian people were given an equal opportunity to participate in the relief efforts. Each of the enrollees was able to improve not just their individual financial situation but they were also able to better their communities and land for future generations.

Several other New Deal relief programs, in addition to the CCCID, had a direct impact on Indian people. Funding was instrumental to the relief effort. Due to the

passage of the *Emergency Relief Appropriations Act*, President Roosevelt allotted an extra \$5 billion that was put towards the relief effort for the nation. John Collier went before the Emergency Relief Council to request funding and was successful in obtaining \$15 million for Indian rehabilitation. Due to this money, Indians were able to participate in such relief programs as the Works Progress Administration (WPA) and the National Youth Administration (NYA). The WPA helped to employ approximately 10,700 Indians through a variety of projects, which included indexing, as well as organizing and filing documents for the Indian Office. The WPA also had certain projects that were directed towards Indian women specifically- "canning kitchens, root cellars, and sewing centers focused on helping Indian women to become better homemakers."¹⁴³ The National Youth Administration geared some programs towards Native youth as well. Youth were able to earn \$6 a month through the NYA.

Indian farmers and ranchers found some relief through the *Agricultural Adjustment Administration* (AAA). The AAA provided \$800,000 to Indian farmers so they could purchase surplus cattle from white ranchers who were struggling due to the ongoing drought. Many tribes were able to build up rather large cattle herds on their reservations due to this funding. A statistic that supports this is that between "1933 and 1939 the number of Indians owning cattle increased from 8,627 to 16,624, the size of the herds jumped from 167,373 to 267,551."¹⁴⁴ Due to the large herds of cattle, income on many reservations increased. In the same six year time period from 1933 to 1939 the "income derived from these cattle expanded from \$263,095 to \$3,125,326, while the income from all Indian livestock jumped from \$2,087,000 to \$5,859,000."¹⁴⁵ The AAA through the *Federal Surplus Relief Corporation* also purchased surplus sheep from the

Navajo tribe. In some cases the meat from these purchases would go to other tribes who were in need of an extra food source due to the depression.

Other relief programs that had a direct impact on Native people were the *Public Works Administration* (PWA) established in June of 1933 and the *Civil Works Administration* (CWA), established in November 1933. Both programs employed a large number of Indian people. In the winter of 1934 there were "4,423 Indians working for the CWA doing a variety of jobs such as repairing government and tribal buildings. Other tasks included road construction, the digging of wells, clerical work, and the making of cloths."¹⁴⁶

John Collier "obtained \$1,735,000 from the PWA to begin construction of eleven Indian hospitals and to improve ten existing facilities."¹⁴⁷ Collier also designated \$3,613,000 of PWA funds to construct 100 day schools, which would replace the old and outdated Boarding schools. PWA funds were instrumental to this as were the workers and artisans who helped build and decorate the new schools.

The PWA was a strong promoter of traditional Native American arts and crafts. Work was done to construct museums, and to set up demonstrations of Natives doing their handcrafts. Some Native American artists were even able to put their artistic abilities to work by helping to paint murals on tribal and government building and by providing decorations for the same buildings. Some of the decorations included traditionally woven rugs and baskets as well as pottery and traditional jewelry. The Indian artists were able to display their traditional artwork and share their talent while at the same time increasing their income.

All of President Roosevelt's New Deal relief programs brought hope to the people of the United States. Indian people were able to participate in these National programs on a community level. Many Natives increased their income while at the same time bettering their communities. John Collier was instrumental in securing funds that would go directly to Indian relief programs. "The total annual appropriations for the Indian Office were approximately \$20,000,000, Collier received almost \$45,500,000 in emergency appropriations from a number of New deal agencies."¹⁴⁸ This money went towards rehabilitating Indian communities and in many areas providing the general necessities such as food, water and shelter. Overall, Indian communities, like the rest of the United States, were able to endure the depression and emerge stronger.

CHAPTER VII

Conclusion

The Indian New Deal was both a failure and a success. It all depends on how one views the initial goals of the administration, and then if and how those goals were accomplished. Regardless of how one views the Indian New Deal, it still had a profound effect on the future of Indian people and on the Bureau of Indian Affairs.

The prominent flaw of the Indian New Deal era was John Collier's misconceived notion of what the majority of Indian people were like and how they were currently living their lives. Throughout his career, Collier had misconceptions about the Native American's lifestyle as well as a misunderstanding regarding the cultural values of each individual tribe. This notion caused him to mistakenly assume that Indians somehow maintained their tribal unity despite the government's past policies of forced assimilation. However, Collier began to understand the reality of Indian life and the fact that many Natives had become assimilated. He began to realize that reservations were divided into factions, making it difficult to establish a unified government.

Commissioner Collier went to reservations expecting to find unified groups of people who would be overjoyed and appreciative of his efforts to strengthen tribal unity. However, he often found groups with little or no cohesiveness. Indian people were beginning to move away from the poverty stricken reservations and into urban areas. Even prior to the depression, there was a noticeable migration of Native people to cities in search of employment. Between 1910 and 1930, the number of Indians living in urban areas increased from 4.5 to 9.9 percent.¹⁴⁹ This number was further increased due to the massive employment opportunities in war related industries. By 1944, the Indian Bureau estimated that as many as 25 percent of the total Indian population, or 92,204 individuals,

had migrated away from reservations.”¹⁵⁰ Collier and his administration could not have predicted this exodus from the reservation. However once they recognized it they could have geared some of their reform towards helping the new urban Indians.

The New Deal slowed the process of assimilation and preserved many aspects of Native culture. Collier was adamant about maintaining certain cultural values. He tried hard to preserve Native arts and crafts and shared their beauty and Indian creativity with the world. He also helped remove the ban against certain Native religions and traditional dances and ceremonies.

If Collier had not seen the importance of Native culture, many Native traditions may have been lost forever. Collier in a sense helped to preserve Indian identity from complete absorption into mainstream society. Collier said, “he pursued his policy because it offered the best chance of preserving Indian tribal identity or grouphood.”¹⁵¹ Collier may have been misguided in understanding exactly what tribal identity was, but he was adamant in keeping intact his notion of what it should be.

The New Deal legislation consisted of new ideas with a unique approach to managing Indian affairs. The new legislation was implemented with the intent of restoring and healing the damage that had been heaped on to the Native community through 100 years of legislation and governmental executive orders. Instrumental in this effort was the *Indian Reorganization Act*. The IRA was intended to help tribes govern themselves as they traditionally had done. There also were areas within the IRA that allowed for limited tribal sovereignty and independence. Research established that the Federal Governments past practices had done little to improve the lives of Indian people.

In fact past practices had done the exact opposite. They practically destroyed the traditional way of life for many tribes and created more problems than they solved.

Collier and his administration had taken on the responsibility of righting some of the wrongs of the past. They went about doing so by proposing legislation that they felt would be beneficial to tribes. Collier's respect for Indian people and their traditional way of life was perhaps his greatest and most lasting achievement as Indian Commissioner.

Late in Collier's term as Commissioner of Indian Affairs he wrote:

"I see the broad function of Indian policy and Indian administration to be the development of Indian democracy and equality within the framework of American and world democracy... The most significant clue to achieving full Indian democracy within and as a part of American democracy, is the continual survival, through all historical change and disaster, of the Indian tribal group.... Indian "tribalism" seems to be foreign to our American way of life. It seems to block individual development. We do not know how to deal with it. Consciously or unconsciously, we ignore it or try to eliminate it. Remove the tribe, rehabilitate the individual, and our problem is solved so runs our instinctive thinking.... We can discard everything else if we wish, and think of the tribe merely as a fact of law. At the minimum, the tribe is a legally recognized holding corporation a holder of property and a holder of tangible rights granted by treaty or statute, by virtue of which a member enjoys valuable privileges which as a non-member he could not have. ¹⁵²

It was this unique and rare view of Native Americans and their place within the United States that Collier was able to contribute to society. This enlightened perception of Indian people and the value that their history held was something that at the time was unheard of yet, extremely important to the future of Native people.

However, even with Collier's great respect for Native American culture he, in many aspects, continued the history of the Federal Government making decisions for Indian people. Collier wanted to strengthen tribal unity. This seemed like a good idea

but if that was not what Indian people wanted for themselves then it should not have been forced upon them. There was a feeling by some Native leaders that "Collier had a presumption to speak and plan for Indians, rather than to empower Indians to speak for themselves."¹⁵³ In a sense this was just as bad as prior governmental interference in Indian people's lives. Felix Cohen, who was instrumental in drafting the *Indian Reorganization Act*, said, "it was not his intent that the future of Indians' relations with the United States should take place under the aegis of and in accordance with a white view of what Indians and Indian culture should be."¹⁵⁴ Yet, in many cases this is exactly what happened.

An example of this can be found in the changes that happened to the Indian arts and crafts industry due to the guidance of the Indian Arts and Craft Board (IACB). The arts and craft board was supportive of artwork that mainstream society liked. The IACB geared the majority of their efforts towards having Indian artists produce artwork that white people could use as decorations or as a conversation piece. Often times it was not about the Indian artists expression through their craft. Instead it became about producing art work that white people would buy.

In retrospect, John Collier was able to see how in many ways his own policies had continued the history of controlling Native Americans. In 1944, during a meeting with the Committee on Indian Affairs, Collier stated that that legislation passed during his administration had failed in many respects. Collier believed the IRA was instrumental to the success of many of his programs. He felt that when so many tribes declined to accept it they in turn lost several future opportunities. Collier felt that because the IRA was too complex and was not explained thoroughly enough to tribes before they voted to accept it

or reject it many tribes failed to benefit from it. A strong unified tribal government was key to many of the programs that Collier and his administration wanted to implement. Therefore if this fundamental step was declined there was often little foundation upon which to build future programs.

Collier also came to the realization that the Indian Office did not have the funding nor the man power to implement such massive changes in such a limited time frame. It was due to this issue that Collier himself came out in support of terminating the Federal Governments' responsibilities with certain tribes. "Collier recommended that Congress, in the future, concentrate its efforts on the needs of fewer tribes and told committee members that over 100,000 tribesmen could be 'shed-off' or 'relieved of federal supervision.'" ¹⁵⁵ Collier believed the Federal Government should no longer supervise tribes who had assimilated into mainstream society. In doing this, the Indian Office would be able to gear their funds and man power towards those Indians who had strongly maintained their cultural identity. In making his point, "Collier classified the Indian populations into three categories: (1) 93,000 predominantly "Indian" persons, (2) 124,000 semi-acculturated (semi-assimilated) tribesmen, and (3) 150,000 acculturated (assimilated) individuals." ¹⁵⁶ It was this last group of acculturated individuals with whom Collier wanted to terminate the relationship with the Federal Government.

In the end, Congress chose termination instead of a continuation of the Indian New Deal policies. They did this primarily because they saw this as economically sound and the most efficient way to move Indians into the mainstream society. The main goals of the Indian New Deal such as tribal reorganization, land acquisitions and self sufficiency had to some extent been achieved. "New Deal reformers, like others before

them, had made the mistake of imposing their image of what was desirable upon all Indians."¹⁵⁷

In conclusion the Indian New Deal was both a success and a failure. Many of its goals were accomplished partially. Some of the tribes were able to develop a new system of government or were able to use their traditional form of government. But these new governments were limited in their power and so had little impact on the tribe and they were unable to bring about meaningful change. In other areas, such as education, the all-Indian boarding schools were closed in favor of the new day school or so that Indians could attend local public schools. The day schools were often under funded and over crowded.

There were also problems with the public schools. Indian students had no support in their transitions from an all-Indian boarding school into a diverse public school. The Indian students were just added to the overcrowded public system and if they were not current with the curriculums they were simply left behind.

In regards to the fundamental goals you could say that the New Deal had partial success. As to the goal of Indian self-pride, the New Deal had positive and lasting effects. There was a "re-establishment of the Indian peoples' pride in their race and culture. For more than one hundred years they had felt out of place. Their history was ignored and their traditional way of life submerged by the white man's civilization."¹⁵⁸ The newfound recognition of Indian peoples' value and contributions to society could be greatly accredited to John Collier's outspoken support for Indians and their way of life.

Secretary of the Interior, Harold Ickes wrote a letter to President Roosevelt that said, "your administration will go down in history as the most humane and far seeing

with respect to the Indians that this country ever had.”¹⁵⁹ I think that this is true because for the first time the Federal Government through the Indian Office was acknowledging that the Indians had something of value to offer to society as a whole. It was the vision of Collier and his administration that is remembered today. It is not so much whether legislation proposed by him was overly complex or that once passed it failed in some areas and succeeded in others. It was the vision in which he believed that had become his legacy. The Indian New Deal became a turning point in how people viewed Native Americans. “It resulted in the active encouragement of Indian culture and civilization. It ushered in a more humane administration of federal policy than ever before in U.S. history, and it brought new hope to thousands of Indians.”¹⁶⁰

Collier described New Deal policy as ‘dynamic and functional, seeking to release the Indians into the normal activities of human life by striving for three goals: economic rehabilitation of the Indians, organization of the Indian tribes for managing their own affairs, and civic and cultural freedom and opportunity for the Indians. This policy was based on the simple principle of treating Indians as normal human beings capable of working out an adjustment to, and a satisfying life within, the framework of American civilization, yet maintaining the best of their own cultural and racial idiosyncrasies.’¹⁶¹

Collier’s dream of what his administration would accomplish and the actual results vary greatly. When looking back at his goals and what he wanted to achieve, one can marvel at Collier’s foresight. Today, one can also see the results of his work throughout Indian communities. Indian governments on many reservations are as Collier dreamed they could be and are evidence of his hard work. Many tribes now have powerful political units that are the foundation for the tribes and that help in guaranteeing a successful future for Indian people. “The tribal governments are organized groups with inherent power to maintain themselves as governments dealing

with the most powerful government on earth.”¹⁶² These tribal governments have continued to grow stronger over the years and have proven instrumental in the battle to uphold treaty rights, gain the return of Indian lands , as well help to restored and in increasing the education and economic welfare of tribal members throughout North America. It is the foundation that was laid during the New Deal era that is proving invaluable today for tribes heading towards self-determination and economic prosperity. Tribes today are proud of their Indian heritage and are more in control of their own destiny now than they ever have been and this should lead towards a more promising future for Indian people.

CHAPTER I

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CHAPTER III

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APPENDICES

INDAIN REORGANIZATION ACT

73d CONGRESS. SESS. II. CHS. 576. JUNE 18, 1934.

[CHAPTER 576.]

AN ACT

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

SEC. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other from of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further,* That this section shall not apply to lands within any reclamation

project heretofore authorized in any Indian reservation: *Provided further*, That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further*, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: *Provided further*, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: *Provided further*, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of \$1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further*, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the

cost thereof; the payment of \$1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

SEC. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however,* That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further,* That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperate organizations.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for the purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield

management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

SEC. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided*, That lands added to existing reservations shall be designated for the exclusive use of the Indians entitled by enrollment or by tribal membership to residence at such reservations.

SEC. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

SEC. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed \$250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

SEC. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under

this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

SEC. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed \$250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided*, That not more than \$50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

SEC. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

SEC. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: *Provided*, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche,

Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

SEC. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat.L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat.L. 334), to all Sioux Indians who would be eligible, but for the provisions of the Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat.L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SEC. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations

authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SEC. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as afore-said and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of council and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SEC. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such

charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SEC. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever

used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Approved, June 18, 1934

OVERVIEW OF THE INDIAN REORGANIZATION ACT

Here is a brief over view of the Indian Reorganization Act that was passed by the 73rd Congress on June 18 1934. The bill consisted of 19 sections and all sections would apply to any tribes that voted to accept the bill, there are several exceptions throughout the bill that pertain to specific tribes. (Please refer to Appendix A to see a copy of the bill in its entirety.)

Sections one through eight of the bill all deal with Indian land. Sections one ended the allotment of Indian lands. Which had been standard procedures since the passage of the Dawes Act in 1887. Section two extended the trust period for land that was under Indian ownership or that was already held in trust be the government for tribes. Section three set up a system by which any unalloted land that had been part of an existing reservation or surplus land would be returned to the tribe ownership. Section four of the bill restricted the sale or transfer of restricted Indian lands and the exchange or sale of shares or assets of any tribal corporation that was formed under the act. Lands could only be sold, or exchanged with approval from the Secretary of the Interior. Section five established a fund of \$2,000,000 a year with which the Secretary of the Interior could purchase land for Indian tribes. Section six dealt with timber and livestock land that was under Indian control. The Secretary of the Interior was given the power to set forth rules and regulations that would preserve natural resources. Timber harvesting was to be done on a sustainable yield basis and there was to be a restricted number of livestock on Indian ranges in order to prevent deterioration and soil erosion. Section seven dealt with land that was purchased by the Secretary of the Interior for tribes. The newly purchased land was for the exclusive use of Indians who were enrolled members

of the tribe that the land was purchased for. Section eight clarified that nothing in the act pertained to "Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter."¹

Section nine of the bill set up a fund of \$250,000 a year to help in the establishing of Indian governments or corporations. Section ten set up a revolving credit fund of \$10,000,000 that would be used to provide loans to tribes that had formed chartered corporations. The money was to help in the economic development of the tribes and their communities. When the tribes repaid the loans the money was to go back into the credit fund for future use by the tribes. Section eleven set forth \$250,000 annually for educational related loans. Money from this fund could be used towards tuition or other costs related to vocational and trade schools for Indian students.

Section twelve established an Indian preference policy in hiring for the Bureau of Indian Affairs. It stated that "the Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe."²

Section thirteen clarified which sections of the bill would or would not apply to specific states or tribes. The two major exceptions where sections of the bill would not apply were the State of Oklahoma and the Territory of Alaska. Also, section four dealing with the restricted sale or transfer of Indian lands without the approval of the Secretary of the Interior did not apply to the Indians on the Klamath Reservation located in Oregon.

Section fourteen clarified that this act would not override or encompass previous specific agreements between individual tribes and the Federal Government. Section fifteen stated that "nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States."³ No expenditures by this act would offsets any "suit brought to recover upon any claim of such Indians against the United States."⁴

Section sixteen said that any tribe, or tribes, residing on the same reservation, have the right to form a government and adopt a constitution and bylaws. The constitution and bylaws will then become effective once they are ratified by a majority vote of the tribal members and approved by the Secretary of the Interior. The next section goes on to explain the process of how a group of Indians would petition to become a tribe and then set up a corporation.

Section eighteen states that this act will not apply to any reservation or group of Indians where the majority do not vote to approve it at a special election that is called by the Secretary of the Interior. The last section of the bill clarifies who the terms "Indian" and "tribe". "The term "Indian" as used in this act include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever

used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.”⁵

¹ United States, Statutes At Large from March 1933 to June 1935, 73d Congress. Sess. II. CHS. 575, 576. June 18, 1934 (Vol. XLVIII, Part 1, Washington: 1934) 985.

² United States, Statutes At Large from March 1933 to June 1935, 73d Congress. Sess. II. CHS. 575, 576. June 18, 1934 (Vol. XLVIII, Part 1, Washington: 1934) 986.

³ United States, Statutes At Large from March 1933 to June 1935, 73d Congress. Sess. II. CHS. 575, 576. June 18, 1934 (Vol. XLVIII, Part 1, Washington: 1934) 986.

⁴ United States, Statutes At Large from March 1933 to June 1935, 73d Congress. Sess. II. CHS. 575, 576. June 18, 1934 (Vol. XLVIII, Part 1, Washington: 1934) 986.

⁵ United States, Statutes At Large from March 1933 to June 1935, 73d Congress. Sess. II. CHS. 575, 576. June 18, 1934 (Vol. XLVIII, Part 1, Washington: 1934) 988.

JOHNSON- O'MALLEY ACT**§ 452. Contracts for education, medical attention, relief and social welfare of Indians**

The Secretary of the Interior is authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.

(Apr. 16, 1934, ch. 147, § 1, 48 Stat. 596; June 4, 1936, ch. 490, § 1, 49 Stat. 1458.)

AMENDMENTS

1936-Act June 4, 1936, substituted "with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution", "through the agencies of the State or Territory or of the corporations and organizations hereinbefore named," and "such State or Territory" for "any State or Territory having legal authority so to do," "through the qualified agencies of such State or Territory," and "such State", respectively.

SHORT TITLE

Act April 16, 1934, ch. 147, 48 Stat. 596, which enacted sections 452 to 457 of this title, is popularly known as the "Johnson-O'Malley Act".

DISTRIBUTION OF PUBLIC SCHOOL ASSISTANCE

Pub. L. 100-446, title I, Sept. 27 1988, 102 Stat. 1795, provided that:

"notwithstanding any other provision of law, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the basis of the formula recommended by the Assistant Secretary of Indian Affairs in a letter to the Committees on Appropriations dated June 27, 1988, except that for the fiscal year ending September 30, 1989, the minimum weight factor shall be 1.1 rather than 1.3 and for the fiscal year ending September 30, 1990, the minimum weight factor shall be 1.2 rather than 1.3".

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100-202, § 101 (g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-228.

LIMITATION ON CONTRACT AUTHORITY

Pub. L. 99-190, § 101 (d) [title I], Dec 19, 1985, 99 Stat. 1224, 1235, provided that: "notwithstanding any law or regulation, in allocating funds for aid to public schools under the Act of April 16, 1934, as amended [sections 452 to 457 of this title], the Secretary shall enter into contracts only for the provisions of supplementary educational services for Indian children".

ACT REFERRED TO IN OTHER SECTIONS

The Johnson-O'Malley Act is referred to in sections 13-1, 13e, 292b, 304a, 450d, 450e, 450f, 458d, 458cc, 2010, 2432 of this title; title 20 sections 2313, 2471, 7816; title 43 section 1620.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 453, 454, 456, of this title.

§ 453. Use of Government property by States and Territories

The Secretary of the Interior, in making any contract authorized by sections 452 to 457 of this title, may permit such contracting party to utilize, for the purpose of said sections, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

(Apr. 16, 1934, ch, 147, § 2, 48 Stat. 596; June 4, 1936, ch, 490, § 2, 49 Stat. 1459.)

AMENDMENTS

1936-Act June 4, 1936, substituted “, may permit such contracting party” for “with any State or Territory, may permit such State or Territory”.

§ 454. Rules and regulations; minimum standards of service

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of sections 452 to 457 of this title into effect: *Provided*, That such minimum standards of service are not less than the

highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective.

(Apr. 16, 1934, ch. 147, § 3, 48 Stat. 596; June 4, 1936, ch. 490, § 3, 49 Stat. 1459.)

AMENDMENTS

1936- Act June 4, 1936, substitution "within which" for "with which".

§ 455. Contracts for education in public schools; submission of education plan by contractor as prerequisite; criteria for approval of plan by Secretary of the Interior; participation by non-Indian students

The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students.

(Apr. 16, 1934, ch. 147, § 4, as added Jan 4, 1975, Pub. L. 93-638, title II, § 202, 88 Stat. 2213.)

PRIOR PROVISIONS

A prior section 4 of act Apr. 16, 1934, ch. 147, 48 Stat. 596; June 4, 1936, ch. 490, 49 Stat. 1458, directed Secretary of the Interior to report to Congress any contracts made under provisions of sections 452 to 454 of this title, prior to repeal by Pub. L. 86-533, § 1 (15), June 29, 1960, 74 Stat. 248.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 2313

§ 456. Local committee of Indian parents in school districts having school boards composed of non-Indian majority

(a) Election; functions

Whenever a school district affected by a contract or contracts for the education of Indians pursuant to sections 452 to 457 of this title has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however,* That whenever a local Indian committee or committees established pursuant to section 7814(c)(4) of title 20 or an Indian advisory school board or boards established pursuant to sections 452 to 457 of this title prior to January 4, 1975, exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purpose of this section.

(b) Revocation of contracts

The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a) of this section.

(Apr. 16, 1934, ch. 147, § 5, as added Jan. 4, 1975, Pub. L. 93-638, title II, § 202, 88 Stat. 2213; amended Oct. 20, 1994, Pub. L. 103-382, title III, § 393 (d), 108 Stat. 4027.)

REFERENCES IN TEXT

Section 7814 (c) (4) of title 20, referred to in subsec. (a), was in the original “section 9104 (c) (4) of the Elementary and Secondary Education Act of 1965”, meaning section 9104 (c) (4) of Pub. L. 89-10 which was translated as reading section 9114(c) (4) of Pub. L. 89-10 to reflect the probable intent of Congress, because Pub. L. 89-10 does not contain a section 9104, but it does contain a section 9114 which in subsec. (c) (4) relates to committees of parents of Indian children.

PRIOR PROVISIONS

A prior section 5 of act Apr. 16, 1934, ch. 147, 48 Stat. 596, excluded Oklahoma from the application of contract provisions, and was omitted by act June 4, 1936, ch. 490, 49 Stat. 1548.

AMENDMENTS

1994-Subsec. (a). Pub. L. 103-382 substituted reference to section 7814 (c) (4) of title 20 for reference to section 241dd (b) (2) (B) (ii) of title 20.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 2313.

§ 457. Reimbursement to school districts for educating non-resident students

Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purpose of attending

public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for the full per capita costs of educating such Indian students. (Apr. 16, 1934, ch. 147, § 6, as added Jan. 4, 1975, Pub. L. 93-638, title II, § 202, 88 Stat. 2214.)

INDIAN EDUCATIONAL REPORT; SUBMISSION TO CONGRESSIONAL
COMMITTEES; TIME OF SUBMISSION; SCOPE AND CONTENT OF REPORT

Section 203 of Pub. L. 93-638 provided for a report to be prepared and submitted not later than Oct. 1, 1975, by the Secretary of the Interior and Insular Affairs of the United States Senate and the House of Representatives after conferring with persons competent in the field of Indian education and consulting with the Secretary of Health, Education, and Welfare. The report was to include analysis of the act of Apr. 16, 1934, and a specific program to meet the special education needs of Indian children who attend public schools.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 453, 454, 456, of this title; title 20 section 2313.

United States Code. (1995). Containing the General and Permanent Laws of the United States. In Force On January 4, 1995 (1994 ed.). Washington, DC: U.S. Government Printing Office. Vol. 12.

OVERVIEW OF THE JOHNSON-O'MALLEY ACT

April 16, 1934

Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State or Territory having legal authority so to do, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the qualified agencies of such State or Territory, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, agricultural assistance and social welfare, including relief of distress, of Indians in such State.

SEC. 2. That the Secretary of the Interior, in making any contract herein authorized with any State or Territory, may permit such State or Territory to utilize for the purpose of this Act, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of this Act into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the State or Territories with which said contract or contracts, as herein provided, are executed.

SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.

SEC. 5. That the provisions of this Act shall not apply to the State of Oklahoma.

Approved, April 16, 1934

American Indian Quarterly

INDIAN ARTS AND CRAFTS ACT

27 August 1935

An Act To promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That a board is hereby created in the Department of the Interior to be known as "Indian Arts and Crafts Board," and hereinafter referred to as the Board. The Board shall be composed of five commissioners, who shall be appointed by the Secretary of the Interior as soon as possible after the passage of this Act and shall continue in office, two for a term of two years, one for a term of three years. And two for a term of four years from the date of their appointment, the term of each to be designated by the Secretary of the Interior, but their successors shall be appointed for a term of four years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. Both public officers and private citizens shall be eligible for membership on the Board. The Board shall elect one of the commissioners as chairman. One or two vacancies on the Board shall not impair the right of the remaining commissioners to exercise all the powers of the Board.

The commissioners shall serve without compensation: *Provided*, That each Commissioner shall be reimbursed for all actual expenses, including travel expenses, subsistence and office overhead, which the Board shall certify to have been incurred as properly incidental to the performance of his duties as a member of the Board.

SEC. 2. It shall be the function and the duty of the Board to promote the economic welfare of the Indian tribes and the Indian wards of the Government through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship. In the execution of this function the Board shall have the following powers: (a) To undertake market research to determine the best opportunity for the sale of various products; (b) to engage in technical research and give technical advice and assistance; (c) to engage in experimentation directly or through selected agencies; (d) to correlate and encourage the activities of the various government of operating groups for the furtherance of specific projects; (f) to make recommendations to appropriate agencies for loans in furtherance of the production and sale of Indian products; (g) to create Government trade marks of genuineness and quality for Indian products and the products of particular Indian tribes or groups; to establish standards and regulations for the use of such trade marks; to license corporations, associations, or individuals to use them; and to charge a fee for their use; to register them in the United States Patent Office without charge; (h) to employ executive officers, including a general manager, and such other permanent and temporary personnel as may be found necessary, and prescribe the authorities, duties, responsibilities, and tenure and fix the compensation of such officers and other employees: *Provided*, That the Classification Act of 1923 as amended, shall be applicable to all permanent employees except executive officers, and that all employees other than executive officers shall be appointed in accordance with the civil-service laws from list of eligibles to be supplied by the Civil Service Commission; (I) as a Government agency to negotiate and execute in its own name contracts with operating groups to supply management, personnel, and supervision at cost, and to

negotiate and execute in its own name such other contracts and to carry on such other business as may be necessary for the accomplishment of the duties and purpose of the Board: *Provided*, That nothing in foregoing enumeration of powers shall be construed to authorize the Board to borrow or lend money or to deal in Indian goods.

SEC. 3. The Board shall prescribe from time to time rules and regulations governing the conduct of its business and containing such provisions as it may deem appropriate for the effective execution and administration of the powers conferred upon it by this Act: *Provided*, That before prescribing any procedure for the disbursement of money the Board shall advise and consult with the General Accounting Office: *Provided further*, That all rules and regulations proposed by the Board shall be submitted to the Secretary of the Interior and shall become effective upon his approval.

SEC. 4. There is hereby authorized to be appropriated out of any sums in the Treasury not otherwise appropriation such sums as may be necessary to defray the expenses of the Board and carry out the purposes and provisions of this Act. All income derived by the Board from any source shall be covered into the Treasury of the United States and shall constitute a special fund which is hereby appropriated and made available until expended for carrying out the purpose and provisions of this Act, as it may determine to be necessary for the accomplishment of the purposes and objective of this Act.

SEC. 5. Any person who shall counterfeit or colorably imitate any Government trade mark used or devised by the Board as provided in section 2 of this Act, or shall, except as authorized by the Board, affix any such Government trade mark, or shall knowingly, willfully, and corruptly affix any reproduction, counterfeit, copy, or colorable

imitation thereof upon any products, Indian or otherwise, or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of such products, or any person who shall knowingly make any false statement for the purpose of obtaining the use of any such Government trade mark, shall be guilty of a fine not exceeding \$2,000, or imprisonment not exceeding six months, or both such fine and imprisonment.

SEC. 6. Any person who shall willfully offer to display for sale any goods, with or without any Government trade mark, as Indian products or Indian products for a particular Indian tribe or group, resident within the United States or the Territory of Alaska, when such person knows such goods are not Indian products or are not Indian products of the particular Indian tribe or group, shall be guilty of a misdemeanor and be subject to a fine not exceeding \$2,000 or imprisonment not exceeding six months, or both such fine and imprisonment.

It shall be the duty of each district attorney, to whom the Board shall report in writing any violation of the provisions of this section which has occurred within his jurisdiction, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalties herein provided.

SOURCE: *U.S. Statutes at Large*, 49:891-93



INDIAN ARTS AND CRAFTS BOARD SILVER REGULATIONS

Specifications that had to be met by Indian silver objects in order to merit the government stamp were as follows:

1. **Material.** Silver slugs of one ounce weight or other silver objects may be used, no silver sheet shall be used. Unless cast, the slug or other object is to be hand-hammered to thickness and shape desired. The only exception here are pins on brooches or similar objects; ear screws for earrings; backs for tie clasps and chain, which may be of silver of different fineness and mechanically made.
2. **Dies.** Dies used are to be entirely hand-made, with no tool more mechanical than hand tools and vice.
3. **Application of dies.** Dies are to be applied to the object with the aid of nothing except hand tool.
4. **Appliqué elements in design.** All such parts of the ornament are to be hand-made. If wire is used, it is to be hand-made with no tool other than a hand-made draw plate.
5. **Stone for ornamentation.** In addition to turquoise, the use of other local stones is permitted. Turquoise, if used, must be genuine stone, uncolored by an artificial means.
6. **Cutting of stone.** All stone used, including turquoise, is to be hand cut and polished. This permits the use of hand- or foot-driven wheels.

Finish. All silver is to be hand-polished. For the present the Arts and Crafts Board reserves to itself the sole right to determine what silver, complying with the official standards shall be stamped with the Government mark.¹

¹ Schrader, Robert Fay. The Indian Arts & Crafts Board: An Aspect of New Deal Indian Policy. Albuquerque: University of New Mexico Press, 1983. P. 133.

INDIAN ARTS AND CRAFTS BOARD NAVAHO WEAVING REGULATIONS

These regulation for the use of a government certificate of genuineness for Navajo all-wool fabrics were established by the Indian Arts and Crafts Board on June 15, 1937 and approved by the secretary of the interior on October 20, 1937. Under these provisions any person might obtain a license to use the government certificate after applying to the board and signing a contract with it based on conformity with the regulations. No fabric could carry the government certificate of genuineness unless the following conditions were met:

1. The fabric is made entirely of local wool that is locally hand-spun and is entirely woven on a native Navajo loom;
2. The fabric is made by a member of the Navajo Tribe working under conditions not resembling a workshop of factory system;
3. The size and weight of the fabric are indicated in the certificate;
4. The licensee dates and signs the certificate.

As under the silver regulations, criminal penalties provided by Section 5 of the Indian Arts and Crafts board Act serve to give force to the Navajo wool regulation. After the licensee paid an initial registration fee of two dollars and a license fee of one dollar for each forty certificates ordered, he was furnished one hand seal press and the requested number of certificates. The certificate was documentary proof of the genuineness of the product.¹

¹ Schrader, Robert Fay. The Indian Arts & Crafts Board: An Aspect of New Deal Indian Policy. Albuquerque: University of New Mexico Press, 1983. P. 135.

