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Our First Integration Problem:

The Decline and Fall of the American Indian

Who are the Indians? Where did they come from? What has happened to them since their encounter with the enlightened and civilized white man?

"Indian", ~~as you know~~, is the name given to the red-brown skinned natives who paddled out in their canoes to meet Columbus when he laddered in the new world. This was a mistake based on the erroneous idea that Columbus had landed in India - and this was only the beginning of the mistakes the white man made in dealing with the Indians.

No one knows just how long Indians have lived on this continent, but they have been here for thousands of years. It is thought that they originally came from Asia, crossing over from Siberia to Alaska when a strip of land connected the two. They spread over the continent from coast to coast either adjusting their ways of life to suit their environment or seeking a part of the country suited to their living habits. To get a picture of the Indians established in this country at the arrival of the first settlers, it is easier to locate them in our mind's eye if we think of the types of country and the Indians inhabiting the areas rather than try to keep in mind the too numerous tribes. The many tribes living in each area all seemed to have a common culture and way of life. The area between the Mississippi River and the East Coast is a region of forests and lakes and the Indians living here could be called the Forest People. They lived in houses made of poles covered with bark, traveled on rivers or lakes in birch bark canoes or "dug-out canoes, cultivated gardens, hunted, fished, and wove baskets and mats from reeds. The decorations they wove into baskets and mats or painted on their deerskins were designs of leaves, vines or flowers.

Between the Mississippi River and the Rocky mountains lived the Plains Indians. They were wandering people, taking their teepees and all their belongings with them as they moved from place to place following the buffalo herds. They lived in teepees made of buffalo skins sewed together and support by poles - and easily collapsible and portable. Their main food was buffalo meat, and this huge animal, along with elk and deer, supplied their clothing and tools as well. The Plains and Mountain Indians also trapped animals for fur but considered fish unfit for human consumption. They wove baskets and mats from the prairie grasses and decorated their handiwork with straight lines, triangles, circles and squares symbolizing the things they knew - the flat country, jagged mountains, sun, moon and stars.

The Desert Indians lived in the Southwest. ~~They~~ lived in pueblos made of rock and adobe, often on a mesa and always near water which is so scarce in this region. One pueblo housed an entire city, America's first apartment house living. The desert Indians were the farmers of early America and grew the best corn, beans, squash and peppers in the country. They were peaceful domestic people and centuries before had learned that living on high unapproachable ground was a protection from marauders. They made beautiful pottery and weaving and made ornaments with turquoise. The designs they decorated with were the things they knew best; rock formations, clouds, desert animals and plants.

In the Northwest and along the Canadian coast to Alaska lived the People of the Sea. They lived in houses built of cedar planks, having in that area a certain kind of hard rock especially good for cutting and carving wood. Their canoes were made of hollowed-out cedar logs and were so large and well-constructed that they could be used in the sea. These

tolerant. No program was adopted to train Indians for civilization or for citizenship. No liberal or far-sighted policies were developed to assure their future well-being or to educate them so that they could take care of themselves. The policy was to isolate and confine them on reservations and so they ended on land often notoriously unfit for anything - if the land first assigned to them turned out to be fit and suitable it was generally taken from them without regard for their welfare. We have treated them sometimes as foreign nations with whom we make treaties, sometimes as wards who are entitled to no voice in the management of their affairs, and sometimes as subjects from which we require obedience but for whom we recognize no obligation.

The first Congress, within five weeks after convening in 1789, delegated the handling of Indian affairs to the newly-created Department of War because the dealings with the Indians often involved war. While the primary problems of handling Indian affairs have long since ceased to be military in nature, the type of controls established at this time continue to this day to play a large part in Indian law. The following year Congress enacted a statute which has been used to the Indian Administration to give it broad, blanket, and absolute powers over Indians down to the present time.

The Indian wars were needless and wicked. The American people have been told, and accepted as truth, the teaching that the Indians were a degraded brutal race of savages. The Indians, in actual fact, were doomed and their only redress was war. Not one single treaty the United States made with them was ever kept by our government - we have been brain-washed to believe that it was the Indians who broke the treaties. Out of the wars came new treaties only to be violated and broken by government and settlers alike; then more wars and more treaties - from one ocean to the other.

Bishop H. B. Whipple, Bishop of Minnesota in the middle and latter 1900's, spent most of his life trying to better the lot of the Indians and

Indians sometimes hunted land animals but they usually lived on all kinds of fish, whale meat and seal. The women wove beautiful blankets from dyed mountain-goat wool, and the men carved and painted totem poles which told their histories

Today, in this United States, the Indian is the worst fed, the worst clad, the worst housed of any racial group of our society. It follows that he has the highest illiteracy rate. He gets the poorest schooling, the poorest medical care, and the poorest government services of anyone in the country. The average life of a white person in the United States in 1960 was 68 and that of a Negro was 60, but the life expectancy of a baby born on the Papago reservation in southwestern Arizona was (and still is) 17 years. This figure is approximately the same for the Navajos, the Hopis, the Utes, the Sioux, and all other reservation Indians.

Poor housing is one of the causes of this discrepancy. The typical abode, which houses the entire family, has one room, a dirt floor, no windows, no toilets, no electric lights and no telephones. There is almost no furniture. Another cause of high mortality is the lack of ample and well-balanced food. There is a woeful deficiency of protein foods, including milk, butter, eggs, and green vegetables.

Opportunities for physical advancement on Indian reservations are practically non-existent. The Indian, as an individual or as a tribe, cannot buy, sell, mortgage, or lease land on a reservation. This statement does not begin to convey the handicaps under which he is forced to operate. He lives in a capitalist economy in which the bulk of business is carried on through credit, but it can be said of the Indian that he has no credit whatsoever.

Fundamentally, Indians have the same virtues and the same vices as people of other races. As with other people, it is not difficult to find striking contrasts among them. Some are religious and conscientious, others

have a devil-may-care attitude. Some are ambitious; others lackadaisical. The governmental restraints under which the Indians have been forced to live for generations past have certainly had an effect upon them. The paternalism of our Government has produced many economic cowards among this once proud people. Some fear being "turned loose" as free people lest they lose their land through taxation. Others hesitate to leave their reservations because they feel that Uncle Sam may yet meet his treaty obligations. It is the exceptional Indian who has gained sufficient education to compete with the white man in any given field.

The plight of these unfortunate people is not due to a deficiency in their innate character or intelligence, but rather resulted from the direct policy and design of our national government, - and its people who allowed such dealings. Double-dealings of treachery and deceit with the Indians began shortly after the white settlers' arrival. History tells of the early friendliness and helpfulness of the Indians until the white men alienated them by breaking promises and taking their land. The attitude of the white men made it impossible for them to develop their own settlements side by side with the Indian inhabitants. The Indians had to be pushed out of the way and all Indians who resisted were natural enemies. Most of the Indian massacres of this period which are pointed at as evidence of barbarous ferocity were the results of such attitudes and behavior. Both the French and the English used the Indians' natural grievances to stir up trouble for their own benefit. At the beginning of the Revolutionary War, the majority of the Indians sided with the English, having been convinced with good reason that the settlers were determined to possess their (the Indians') land and would use any method of trickery, force or deceit to get it.

During the 150 years of Colonial living, the policies of the Colonial governments and white settlers continued to be hostile and grasping, and so it may not be too surprising that the new nation was not wiser or more

undo the wrongs done to them by white men. He knew them well and said of them: "The North American Indian is the ^{most} noblest type of man. He recognizes the Great Spirit, believes in immortality, has quick intellect, is a clear thinker, is brave, has passionate love for his children, and until betrayed he is true to his word." The French explorer, Nicolet, said the Souix were the "Finest type of wild men" he had ever seen, and old traders said it used to be the boast of the Souix that they had never killed a white man. Lewis and Clarke, Daniel Boone, Catkin, the artist who spent years with many different tribes, and many others praised the Indians for their wisdom, integrity, and friendliness.

Bishop Whipple went to Washington in 1862 to plead before the Administration for a fair treatment for the Indians in his State so as to do away with causes of Indian massacres. After pleading in vain with anyone he could corner, Secretary Stanton is reported to have said to a friend, "What does the Bishop want or expect? If he came here to tell us that our Indian system is a sink of iniquity, tell him we all know it. Tell him the United States never cures a wrong until the people demand it; and when the hearts of the people are reached, the Indians will be saved."

Helen Jackson states in A Century of Dishonor, published in 1885, "It makes little difference where one opens the record book - every page and every year is dark-stained. There is not one band of Indians which has not suffered cruelly at the hands of either the Government or the white settlers or both. The poorer, the more insignificant, the more helpless the band, the more certain the cruelty and outrage to which they will be subjected. The tale of the wrongs, the oppressions, the murders . . . of any of the tribes would be a volume by itself and is too monstrous to be believed. The story of one tribe is the story of all."

Since the story of one tribe is the story of all, let us look more closely at one, the Delewares. Great numbers of this powerful tribe lined the

shore to receive Hendrik Hudson in 1609 believing that the gods had come to visit them. Nearly two-hundred years later, an aged Moravian missionary, a Rev. Heckewelder, reported on an address made by one of the great chiefs of the Delaware, reviewing the tribe's experiences with the white man. This was in 1787, at the beginning of our nation, and the chief concluded in these words: "I admit there are good white men, but they bear no proportion to the bad; the bad must be the stronger for they rule. They do what they please. They enslave those who are not of their color, although created by the same Great Spirit who created them. They would make slaves of us if they could, but as they cannot, they kill us. There is no faith to be placed in their words. They are not like the Indians who are only enemies while at war and are friends in peace. They will say to an Indian, 'My friend, my brother!' They will take him by the hand and at the same time destroy him. Remember, this day I have warned you to beware of such friends as these. I know the Long-knives. They are not to be trusted."

The first United States treaty with the Delaware, made about that time, gave them territory in western Pennsylvania and Virginia and guaranteed the land to them and their heirs. It also stipulated that "the Delewares shall be entitled to send a representative to Congress." Needless to say, none of the treaty provisions were honored by the Government. Several years later, after much bloodshed and the Delewares had been pushed into Ohio, the United States made another treaty with them. It gave them most of Ohio, Michigan and Indiana as a permanent home forever, and further stated that if "any citizens of the United States or any person not an Indian attempted to settle on any of the lands allotted to the tribes, the Indians may punish him as they please." Three years after this the Council of these tribes sent a message to the Government expressing disappointment in the fulfilling of the conditions of the treaty because white territorial governors had been appointed over

those lands, and they requested that "you will prevent your surveyors and other people from coming upon our side of the Ohio River."

The next year the President instructed Arthur St. Clair, Governor of the Territory of the United States Northwest of the Ohio River (where they really had no business having a governor) to "examine carefully into the real temper of the Indian tribes" and the treaties to see if a "change in boundaries beneficial to the United States could be obtained." The President stipulated, however, that white persons going over the Indian boundaraies without a license from the proper officers of the United States may be treated in such manner as the Indians saw fit. This permission for the Indians to fight intruders in their own territory has been generally omitted in the history of Indian wars, and most Americans today are honestly unaware that it ever existed. Governor St. Clair made new seperate treaties with each of the Six Nations involved and reported that it might not be hard to stir up a war among them. And thus, early in our history as a nation, the ingenious plan evolved of first inciting the Indians into a war and then falling upon them with exterminating punishment.

As the Ohio River boundary disputes increased, the Chiefs of the tribes met with United States Commissioners, pointing out the provisions of the treaties, and especially the provision stating "no additional lands will be required of you or any other tribe to those that have been ceded by former treaties." But to no avail! The Commissioners regretted that the Ohio River could no longer be the noundary and notified the Governor that "The Indians refused to make peace." Another cruel and bloody war followed, under the leadership of General Anthony Wayne. When the settlers had first began taking Indian land in Ohio, Gen. Wayne had urged war with the Indians who resisted the settlers and had written to the Secretary of War, "The safety of the Western frontiers . . and the dignity and interest of the nation forbid giving up one inch of ground we now possess." He was merciless in his

campaigns, killing and burning until the Indians had either fled or been destroyed. He wrote the Secretary of War after a particularly fruitful campaign, "I have gained possession of the grand emporium of the hostile Indians of the West. The very extensive and highly cultivated fields and gardens show the work of many hands. The margins of these beautiful rivers and lakes appear like one continued village for a number of miles both above and below this place; nor have I ever before beheld such immense fields of corn in any part of America from Canada to Florida."

The new treaty made with the defeated tribes gave the Indians land west to the Mississippi River for as long as they pleased - under the protection of the United States - but stipulated that when any tribes wanted to dispose of their land they must sell it to the United States. This treaty not only denied the Indians the right to protect their land but forced them to give up the privilege of disposing of their land as they saw fit.

Within 10 years time, however, the Government had made the Indians cede so much land, piece by piece, that all the land was taken away from them! General Harrison, who was instrumental in "persuading" the Indians to cede the land back to the government, said of it, "it embraces some of the finest lands in the Western Country." In return for these rich and desirable lands, the Government gave the Indians land west of the Mississippi River and guaranteed them peaceful possession of it "for themselves and their children's children forever." And thus the peaceful "Forest and Lakes" Indians, the Delaware, were forced into the open plains.

The Delaware made the best of their exile to Kansas, however, and the Government records of 1838 reported that they were cultivating 1500 acres of land in grain and vegetables, raised a great many hogs, cattle and horses, and the women spun and wove clothe for clothing and other uses.

By 1854, so many settlers came into Kansas and neighboring areas that the Indian lands could no longer be kept separate. The Delaware had to sell

back to the United States a large part of the land just to avoid open war. The following year their Agent wrote in protest: "The Indians have experienced enough to shake their confidence in the laws which govern the white man. . . Many wrongs have been perpetrated on many parts of this reserve; the white men have wasted their most valuable timber with an unsparing hand; the trust lands have been greatly injured in consequence of intruders and settlements made upon them. The Indians have complained but to no purpose. I have found it useless to threaten legal proceedings. The Government is bound in good faith to protect this people."

But the Government seemed not to feel any obligation! Things went from bad to worse for the Delaware. They had to give up 100,000 acres of land for a railroad right-of-way. Their reservation was surrounded by white settlers who acted on the principle that an Indian had no rights. They stole the Indian stock, broke down their fences, destroyed their timber, plied their young men with whiskey to gain further advantage, and attacked their women. In a two-year period, \$20,000 worth of stock was stolen, and \$28,000 worth of timber was stolen or destroyed. The Indians had no recourse but to give in again to Government's demands that they move again. They knew the Rocky Mountains, having made numerous trips there for trapping, and they wanted to move into that area. By this time, however, the Government had decided to consolidate the reservations and put all the Indians on as few as possible. Parts of Oklahoma had already been chosen as reservation land for consolidating Indian tribes, and the Delaware had to go there whether they wanted to or not. Again, they had to leave cultivated fields and established villages, but worst of all, they had to move into the Cherokee nation, give up their own tribal organization, lose their nationality, and become identified with the Cherokees. After this, there were no more official reports distinctly mentioning the Delaware. A sad end to a proud, intelligent and industrious people.

The Cherokees and many other tribes had even rougher treatment. The Cherokees were rounded up like animals, often while peacefully attending to their own daily routines, crowded into stockades where they were sometimes held for months on end, and later escorted by soldiers to their western reservations. Illness, hunger, cold and the strains of the long march of hundreds of miles took the lives of huge numbers of them. One is reminded of the marches the Japanese forced American prisoners to take to prison camps when reading of this terrible exodus. Yet, the Government officially reported that the Cherokees went West to the reservation "willingly and peacefully."

After the Civil War all Indians were to be confined to reservations, in spite of treaties guaranteeing peaceable possession to their land "forever as long as water runs and grass grows." The Western Indians especially resented their subjection, removal and confinement. Our (the government's) methods of combating this were unbelievable cruel. An example is to be found in a document of the Court of Claims covering the Government treatment of the Northern Cheyennes after their surrender and removal to Indian Territory in 1877. After they had been confined for a year on a reservation in Indian Territory - a year marked by bitterness, sickness, misery and death - and after repeated pleas to be taken back to the country where their children could live free, the bands of Dull Knife and Little Wolf, numbering 320 persons, broke away from their captors. They were promptly pursued and overtaken. Little Wolf told the commanding officer, "We do not want to fight you, but we will not go back," whereupon the troops instantly fired upon the Cheyennes. Over half of the band was killed in the fight that followed, and the rest were taken as prisoners of war to Fort Robinson, Nebr. There they persistently refused to return to the reservation and were kept in close custody. In January, 1879, the Interior Department issued orders directing the commanding officer to remove them to the reservation. The Cheyennes

were informed of this and the next day gave their answer: "We will die, but we will not go back." The commanding officer apparently shrank from shooting them down immediately so an alternate plan was devised which had produced results with wild animals. In the midst of that dreadful winter, with the thermometer at 40° below zero, the Cheyennes, including the women and children, were kept for five days and nights without food or fuel, and for three days without water. At the end of that time, they broke out of the barracks in which they were confined and rushed out into the night. The troops pursued, firing upon the Indians as enemies of war. Nearly all of them were mercilessly killed. The few who escaped were rounded up the next day and sent to prison. In his dispatch announcing the result, the commanding officer unconsciously wrote the epitaph of the slain: "The Cheyenne fought with extraordinary courage and firmness, and refused all terms but death."

The story of our conquest of the West shows repeated instances of our efforts to exterminate the Indian. General Ord advocated that they be hunted like wild animals and wrote in one report: "Since my last report, over 200 have been killed, generally by parties who have trailed them for days and weeks into the mountain recesses, over snows and among gorges and precipices, lying in wait for them by day and following them by night." The most serious Indian hostilities and outbreaks in the West resulted from concentrating them upon desolate reservations and, either by mismanagement or design, leaving them without food or means of getting any. Unable to wait longer for promised food, the starving Indians have had to leave the reservations to look for it. Soldiers have not only killed the hunting parties, but have completely wiped out the villages, including all women and children, because the Indians could not sit calmly still and starve.

It would seem that some were not above germ warfare. The official attitude in the early times was expressed by General Jeffery Amherst who advised his subordinates: "You will do well to try to inoculate the Indians

by means of blankets in which smallpox patients have slept, as well as by other means that can serve to wipe out this detestable race." During President Cleveland's administration, General Hugh L. Scott, a humane man opposing the nomination of R. V. Belt as Commissioner of Indian Affairs, recounted Belt's actions when the children of the Kiowa School were stricken with measles. "Instead of keeping them quarantined in the school and treating them rationally, he turned them all out, carrying the infection into every family, and shortly after brought the Comanches as well as the Kiowas into the camp at the agency with the infection. The parents had no knowledge of the proper treatment of measles and put the children into water to allay their fever with the consequence that the Kiowas lost 300 children in one month. The sight of so many mourning parents in one camp was heart-rending."

The laws which control the Indians today, based on and evolved from the statute enacted in 1790, are found in summary in American Jurisprudence, a sort of legal encyclopedia. The next few pages, quoting liberally from the volume on Indians, point out some of the restrictions and discriminations with which they must live today.

The section begins by plainly stating: "Generally, the recognized relationship between the Federal Government and the Indian is that of a superior and an inferior, whereby the latter is placed under the care and control of the former." From the beginning of the United States, Indians and their tribes have been treated as "wards of the Nation." The tribes have been regarded as dependent political communities and have been so completely under the sovereignty and dominion of the United States that any attempt to set up a country of their own or to form some sort of political connection would be considered an invasion of our territory or an act of hostility. When Oklahoma was admitted into the United States in 1907, the Five Civilized Tribes, to which the Delaware and Cherokee belong, made an unsuccessful

attempt to form a separate state. This guardian-ward relationship between the Federal Government and the Indians need not be perpetually continued; Congress has the right to determine how and when it may be terminated.

Indians do not constitute "nations" as the word is used in International Law, although in a great number of treaties they are so designated. Until 1871, Indian tribes were recognized by the United States as possessing the attributes of nations to the extent that treaties were made with them. In that year Congress declared its intention thereafter to make Indian tribes subject directly to the power and authority of the United States by the immediate use of its legislative power over them instead of by treaty.

It wasn't until 1924 that a Federal Law was passed making all Indians born within the United States territorial limits citizens - that is, all Indians born in 1924 and later would be citizens. Here, as in many other instances, the ambiguity of the Federal attitude toward the Indian shows up, for it was specified that an Indian born before 1924 may, like subjects of any other foreign government, apply for naturalization and by the authority of Congress may become a naturalized citizen. The law also provided that every Indian who had served in the military or naval services of the United States during World War I and who had received an honorable discharge may be granted full citizenship. To set the Indian apart and confuse his status further, the provision of the 14th Amendment to the U.S. Constitution that all persons born in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state in which they reside, has been construed not to apply to Indians!

Government schools have been established to teach technical skills to the Indian children. At first this was often done at the request of far-sighted Indian chiefs who saw that their children must live a much different life than they had lived. Provisions for establishing schools were often part of the

treaties the United States made with the Indian tribes as they pushed them from one piece of land to another, and it usually eventually fulfilled this obligation - although often using Indian money to do so, that is, money which had been promised the tribes for land they had had to cede back to the Government. As for school privileges, it was ruled, in general, that the children of Indian blood whose parents were citizens of the United States "conforming to the customs and habits of civilization" were entitled to attend public school. However, if the States objected to Indian children going to white schools, the States could constitutionally enact laws providing for the establishment of separate schools for Indian children - provided such schools were equal in equipment and efficiency to the schools for the white children. I have been unable to find out whether the recent laws banning segregation in public schools would make such laws regarding Indian children unconstitutional or whether, like the 14th Amendment, they may be construed not to apply to Indians.

The nature of the Indian title to land has changed with the growth and expansion of the United States. The present status of the Government, the Indian and the land is stated as follows in American Jurisprudence: "Title against the United States is merely a right to perpetual occupancy of the land with the privilege of using it until such right of occupancy has been surrendered to the Government. These agreements cannot be terminated except by the Government whose dealings with Indian tribes are not subject to judicial review." It is further stated that the Secretary of Interior has the authority to acquire for the United States by purchase or condemnation any rights or property of Indians. "The Government may wholly extinguish the Indian title and the right of occupancy, and the manner, time and condition of the exercise of this authority is exclusively for its own authority."

The "right of occupancy" does not give the Indians rights comparable to the right of ownership. Tribes or individual members cannot sell any of their land except to the United States. In fact, the land right of the individual Indian is only through the tribe, and a lone Indian would have to attach himself to a tribe in order

to have any land privileges.

There are other land restrictions also. Indians are not allowed to mine the land they occupy. Mining leases may be given out to white companies or individuals under the direction of the Secretary of Interior to provide money "for the benefit of the Indians" - to be used as the Government sees fit. Mine claims may be made by white people even though they may have been doing illegal prospecting. American Jurisprudence states, "If the claim is properly recorded the mine can belong to the Claimant after the land has been relinquished by the Indians even though he wrongfully entered and prospected on the premises before the land was relinquished." And why would the Indians relinquish valuable mining land? Further quote: "In all matters of this nature, it is a recognized principle that the right of land held by Indians is only that of occupancy . . . and the manner, time and conditions on which their rights are extinguished are matters for the determination of the Government."

As a general rule, Indians are denied the right to cut and dispose of standing timber on their lands. Timber cut for sale alone is wrongful and any cut timber immediately becomes the absolute property of the United States. If timber has been sold by the Indians, the Government may take the money paid or may reclaim the timber from whomever it was sold. Sometimes, however, the Government may grant Indians permission to clear some land if the cleared tract is needed for some specific and approved purpose. The trees cut in such clearing belong to the Government.

By an Act of Congress, the Government may grant a right-of-way to a canal or a railroad and may extinguish the Indian title to the portion needed regardless of how the Indians feel about it or of guarantees contained in prior treaties. Indian tribes may not make private contracts with individuals for right-of-way through Indian land - a right-of-way may only be obtained through the Government.

The power of the United States to control and manage Indian affairs does not enable it, however, to appropriate lands of an Indian tribe for its own use or to hand over to others without paying the Indians a "just compensation" for it. Congress decided what constitutes "just compensation" and the money is not given directly to the tribes but is held by the government to be used for the benefit of the Indians.

By the way, the money of the "oil-rich" Indians isn't given to them to spend or invest as they see fit. The Government considers Indians unable to handle their own money and has approved six attorney to handle it for them. The attorneys are paid 10% of all monies spent for the Indians so they are not particularly interested in spending it wisely or investing it. There is no constructive policy or plan in using it. This same thing is true of the Klamath Indians in Oregon, the only Indians who were given timber rights on their reservation - approved and highly paid attorneys must spend the money for them.

In general, it can be said that the power of the United States over the Indians is very complete with no hints of references to integration. It is fully empowered to assume full control over the tribes and their affairs. It prescribes the Courts in which all controversies to which an Indian may be a party shall be submitted and is empowered to punish all offenses committed by or against Indians within Indian reservations - thus controlling any judicial recourse Indians may have. It may allot and distribute tribal land and funds, and may determine who are citizens of a given tribe. This not only controls a determination of who on the reservation gets land (an individual Indian must belong to a tribe to get any), but may add people to a tribe or take them out without the tribes consent. Furthermore, it completely eliminates the age-old custom of Indian tribes of adopting others when they want to. It may prohibit all trade with Indians except under Government license - thus eliminating business enterprises Indians may want to start on their own initiative. And, the Government alone has the right to determine when the guardianship of the Indian shall cease.

In 1934, the Indian Reorganization Act was passed by Congress and I mention it by name even though it has been incorporated in the information from American Jurisprudence because it was regarded by many as a revolutionary change in the methods of handling Indian Affairs, - and one hearing of it for the first time might think some constructive changes had actually been made. In fact, those really interested in the Indians have been trying to get off the books at least as recent as the late 1950's but to no avail. There is actually very little change, and it conforms

perfectly to the historic United States pattern in policy and treatment. Read by title only, it sounded hopeful: "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 ~~in~~ Indians; to provide for vocational education for Indians; and for other purposes.

In reality, the IRA serves to keep the Indian in virtual slavery to Uncle Sam, economically tied to the reservation. The first section of the Act makes this plain when it restates the policy that all reservation land will continue to be held by the Government in trust for the tribes and will not be divided among the tribe members or deeded to them individually. Section 4 emphasizes again the absolute government ownership of the land by stating: "no sale, devise, gift, exchange, or other transfer of restricted Indian land " can be made by the Indians. It further provides that, with the approval of the Secretary of Interior, the government may sell Indian land to non-Indians, and that the Secretary of Interior may authorize "voluntary exchanges" of lands 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 cooperative organizations."

The control by the Government ^{absolute} through the/dictatorship of the Secretary of Interior and the Indian Bureau is reiterated throughout the bill. "The Secretary of Interior is hereby authorized, in his discretion . . ." The Secretary of Interior is directed to make rules and regulations. . . " The Secretary of Interior is hereby authorized to proclaim. . . " The Secretary of Interior is directed to establish standards. . . " The Indians to whom the Government has given a chance to learn to read English can easily understand who is the boss!

Section 6 has been a bone of contention in many tribes - and perhaps the near-starvation found on some of the reservations can be traced to it. Among other rules and regulations are restrictions of the number of livestock to be grazed on Indian range units. The Indians' judgments as to what the ranges will take in numbers of grazing stock ~~are~~ completely disregarded and their appeals are in vain. Government officials are the ones who judge and decide, and many Indian leaders, including tribal

officials of the Apaches, the Hopis, and the Souix, say that the Government men take a quick run out to the watering places where stock are apt to gather and then pronounce the range overgrazed without even getting back to the real grazing lands. Orders to "kill 75 sheep and 30 goats," "get rid of 100 head of stock!" "kill 150 old horses", are numerous. (In the case of the horses, the Indians complained that they had to kill their old wise ones and work with the inexperienced, often untamed ones but their requests to keep their best horses was ignored). This is a very serious problem for the Indians who are barely subsisting with their present flocks and livestock, and orders from Washington to reduce the numbers of any of them may be tragic.

The "rights to form businesses and the credit system" are really a farce. While this is the first time the Indian has been granted credit, his only connection with it is as a borrower (borrowing legitiment Indian funds) under rules set up by the Secretary of Interior and only for specific things the Secretary and Indian Bureau approves of. Any Indian business corporations must be chartered by the Sec. of Interior who also specifies with whom the corporation may do business. Credit unions which the Indians may handle themselves are completely out of the question. Credit as we know it does not exist for the Indians.

The IRA provided for the establishment of a fund to be used as loans to Indians for the payment of tuition and expenses in unrecognized vocational and trade schools. This is all right as far as it goes, but it doesn't go nearly far enough. It appears to be, and to have been over the years, the policy of the Indian Bureau not to educate Indians for the professions and for positions of leadership. The limitations of this Section seem to reinforce the position that the Indians are inherently unsuited for anything except some manual trade or agricultural pursuit.

The section authorizing limited self-government is a tragic "heap big joke."

It gives the Indian tribe or tribes residing on the same reservation the right to *organize for their common welfare and* adopt an appropriate constitution and by-laws which becomes effective when ratified by a majority of the adult members of the tribe. However, the constitution and by-laws just first be approved by the Secretary of Interior and the special election for ratification is to be called by the Secretary of Interior at a time he designates

and under such rules and regulations as he may prescribe. Any amendments to the constitution and by-laws must be approved by the Secretary and voted upon under rules he makes.

Any business done in a tribal council must follow certain forms. A careful and complete record of the minutes must be kept. One or more copies of these minutes must be retained by the tribe for its permanent record; then one or more copies must be made for the Agency or reservation Superintendent, one or more copies for the area office, and at least six copies for the Washington office. These minutes must be indexed so that anyone examining them may see at a glance what questions were discussed and what action taken.

The meeting minutes are required only to provide information to Washington and the Indian Bureau. The tribal organization must submit a separate document with its resolution, request or ordinance if it wants any action taken by the reservation Superintendent, area director, or Washington office. Several copies have to be made which go through several hands before they can reach Washington. These copies have to follow certain forms and specific language, cite the specific provision in the charter or constitution authorizing the action, be properly signed, endorsed, certified, and numbered. Then, before it goes higher than the Superintendent, to must be accompanied by a letter from him containing his comments and recommendations. And, after all this has been done - and by a group of people whose education and business skills have been limited - there is no limit on the time they may have to wait before the Secretary of Interior passes it. The resolutions or ordinances can become effective only when and if approved by the Secretary of Interior. What kind of self-government is this? It almost seems that the Bureau of Indian Affairs has loaded down the tribal organizations with red tape just for the purpose of demonstrating to everyone, including the Indians, that they are not capable of handling the affairs of government.

Besides the rights of limited self-government, the IRA allows the tribes the "right and power" to employ legal counsel - but the choice of counsel and the fixing of fees is subject to the approval of the Secretary of Interior. What it actually

comes down to is that if the Indians want a lawyer, the Secretary of Interior (or his subordinates) choose one and set the fee he is to be paid. This "right and power" doesn't fool anyone, especially the Indians. Another interesting "right and power" is the one stating that the Indians will be advised by the Secretary of Interior of "any Federal projects for the benefit of the tribe prior to their submission to the Bureau of Budget and Congress." In other words, the tribes gained the right and power to be informed what was going to happen to them before the projects were actually in operation.

This country was faced with the problem of integrating two small minority races, the Indian and the Negro. The results speak for themselves. Although 95% illiterate at the end of the Civil War, the Negro was at least emancipated, and in 100 years he has emerged as the dominant minority race, desegregated (at least legally), and well established in the American economy. (This is not a record our nation can be proud of, but at least the Negro was given half a chance). About the time the Government freed the Negro, it began to relocate the Indians on vast areas of worthless waste lands in the West where ever since they have been treated as a defeated, dependent people. D. M. Madrano says of them. "They were driven from their native lands like cattle and were ostracized, paternalized, supervised, baptized, scrutinized, and finally victimized."

The Indian is not only a human being, he is potentially a valuable citizen. Yet, in our time, we still hold this race in bondage. He is set apart as an inferior, incapable of being integrated into our society. This condition and attitude has been fostered and perpetuated through the Bureau of Indian Affairs in the Department of the Interior. This Bureau is a government within a government employing some 12,500 persons almost entirely white. It is an archaic governmental agency and should have been abolished when the Freedman's Bureau for Negroes was discontinued.

Leaving all moral and legal issues aside, it seems that if, after nearly two centuries, we whites have been unable to elevate the Indian and integrate

him into a position of competence in our society, we should at least free him and let him do the job himself. It may be that no attempts as yet at economic, social, political or legal integration has been made because the non-Indians, 99% of our population, do not really know the Indian is not yet integrated. Then the first step is for the American people to be acquainted with the facts. Once the evils are exposed, our national sense of fairness may go a long way toward forcing constructive action.

Mildred Davis

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