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## An Analysis of the History of Indian-White Relations in the United States

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An Analysis of the History  
of  
Indian-white Relations in the United States

submitted in partial fulfillment  
of the requirements of the  
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for the

Department of Sociology  
Illinois Wesleyan University

by  
Nancy Ann Breville

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## I. Introduction

The American Indian has been chosen as the subject of this paper for several reasons. First, the problems of the Indian have been largely ignored in comparison with other minority groups. This situation has been unfortunate, for the American Indian had an established society here thousands of years before the "invasion" of the European and it was because of the attitudes and actions of the white man that these problems originated.

Second, because the Indian was the original owner of this continent, the white man, having taken away the Indian's land and freedom, owes him a great debt. This debt has been ignored, partly because of the white man's selfish desires for gain, and partly because of the lack of knowledge or concern on the part of the American public, a circumstance common to most of our major social problems. It was not until the American people were sufficiently aroused that any major steps were taken to improve the deplorable and inexcusable conditions of the Indian. The conditions today, although improved during the past thirty years, are still undesirable and it is only through pressure on the

Federal Government that these conditions can ever be alleviated.

The treatment of the Indian has an unusual history in the development of our country, resulting from countless situations of misunderstanding. In order to develop an adequate understanding of the Indian and his unusual position, it is necessary to study the situation from three main viewpoints. First, the historical development of Indian-white relations must be traced. These relations were influenced mainly through our Federal government, especially in the Bureau of Indian Affairs, the only governmental bureau ever established to handle the problems and affairs of any single minority group.

Second, the underlying purposes behind the actions of our government are as important as the laws themselves, for most of the laws were originally created as a result of public opinion and pressure groups.

Third, this paper will draw contrasts and comparisons within the Indian society itself, as it was before it was introduced to the European culture, and as it exists today, for the changes

wrought by the influences of the white man have been largely destructive, driven by motivations of exploitation and attempts to either annihilate the "savage" Indian, or isolate him from the white, "civilized" society.

## II. Early Indian History

The American Indians were originally of mongoloid stock. They migrated to the North American continent, probably by way of the Bering Strait, over a period of several thousand years. It is generally believed that most of them came here fifteen to twenty thousand years ago, during the Pleistocene, or glacial, epoch, and established themselves throughout both the North and South American continents.

During the following centuries, groups of Indians developed their own characteristics, customs, and mores as needs demanded. The Indian tribes of the area which is now the United States (excluding Alaska) were each uniquely different, yet they were found to possess certain basic traits which seemed to be universal throughout all of the tribes.

At the time when North America was discovered,

the Indians were a primitive people, living in primary, unified societies. They possessed such characteristics as strict moral and ethical codes, cleanliness, neatness, and they held truthfulness, honesty, and hospitality as their paramount virtues.<sup>1</sup> They seemed to possess what the white man had already lost but might have gained from the Indians, that is,

the ancient, lost reverence  
and passion for human per-  
sonality, joined with the  
ancient, lost reverence and  
passion for the earth and its  
web of life.<sup>2</sup>

Their economic life was centered mainly around hunting and fishing, although many of the agricultural products they developed proved to be major contributions to our society. Their major contribution in this area was the domestication of maize, or corn, while their other developments, in fields of medicinal plants and foods, provided us with over eighty per cent of the foods and medicines we now use.<sup>3</sup>

Their developments and achievements in other areas of their culture have greatly influenced the direction of our own culture in determining many of our customs and even laws. For example, the trails the

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<sup>1</sup>

A. Hyatt Verrill, The Real Americans (1954), p. 40-42.

<sup>2</sup>

John Collier, Indians of the Americas: The Long Hope (1947), p. 7.

<sup>3</sup>

A. Hyatt Verrill, op. cit., p. 8.

Indians blazed while hunting became some of our most important highways; the system of government devised by the Cherokees became a major basis for our own; the Thanksgiving feast we now celebrate was given to the Pilgrims by the Indians; their Indian names for parts of our country now constitute over half of the states' names as well as a majority of the rivers and lakes. Other notable contributions include the canoe, the handshake, the moccasin, as examples of the vast heritage we have received from the American Indians. What we have given to the Indians shall be discussed further.

### III. Early Indian-White Relations

When the white man arrived in America, he found the Indian to be helpful and hospitable. For example, the Indian helped the Pilgrim to survive his first miserable winter in the new wilderness. He helped many of the new settlers not only in attempts to survive the weather but in other areas as well. The Indian was eager to help the Europeans adjust to their land which they had spent so many years in cultivating. He assisted and joined the white man in exploration of the new continent, helping him to blaze new trails and establish settlements for the growing European population.



The most influential contact between the white man and the Indian was in trading. The Indians provided furs, food, and tobacco for the white man in exchange for many of the strange European luxuries which ultimately included articles which proved to be fatal in their influence on the Indian's peaceful way of life. The most important of these were firearms and whiskey, both of which were unknown to the Indian, as well as the results they were found to produce.

The earliest trade relations, however, were carried out in a sincere manner. The Europeans were willing to recognize the Indian's right to the land and all of their transactions were handled with this in mind. However, as the confidence of the settlers increased, and as their knowledge of the Indian's way of life increased, the trade relations began to assume a new character. This new character resulted entirely from the attitudes of the settlers toward the Indians, for the Europeans began to think that the Indians were both primitive and ignorant because their values and patterns of living were so different from those of the settlers. Also, the Europeans began to get ambitious and they were anxious to gain control over the new land and the primitive people who "owned" it.

The methods used for gaining control, however, differed with each nation represented here, mainly the Spanish, French, and English. The Spanish, for example, were very peaceful with the Indians, trying not to antagonize them for fear that it would hinder their relations and any dominance which they could gain over them. They often went to the extreme of adopting various aspects of the Indian culture, such as, their manners of dress, language, customs, and even, at times, intermarried with them.

The French were also peaceful, concentrating mainly on exploration and trade. They were not as anxious as the other nations to gain possession over any lands, and the Indians felt this. The advantages of the attitudes of the French were very great, for the Indians not only protected them, but proved to be firm allies with them during the Revolutionary War.

The English, on the other hand, were the first group of Europeans to promote antagonistic relations with the Indians. They were superior in both number and equipment, and their greed for the land overpowered their desire to keep peace with the Indians.<sup>4</sup> In their attempts to gain control over the land, the English

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Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (1942).

invaded the Indian lands and began to develop them for agricultural use. Very often, the lands were exchanged through trade, but usually the lands were taken without the consent of the Indians who did not want to give up the land on which they had lived for centuries. The English tried to coerce the Indians through all possible means, but when this did not work, force was used. This type of treatment was entirely unknown to the Indians, for they were not only unacquainted with the idea of force, but they held honesty as a virtue above all others. The new actions on the part of the British were dishonest and, often, cruel to the point of torture when the Indians resisted against the British demands. For the Indians did resist more often than not, for they had a new weapon to aid them in fighting for their lands - the firearms which the British had given them.

Some of the Indians, however, chose not to fight but often left their lands in search of new ones, uninterrupted by the ways of the new society which had already begun to disrupt their own. Thus, there not only began a series of Indian wars, which were not to cease until 1892, but there began a double series of westward movements - that of the Indians, followed and replaced by the whites.

This period was accompanied by a growth of public opinion against the Indian and his rights as a human being. The feeling grew that the Indian was nothing more than a "savage" and that the trouble the Indian caused was costing the United States too much in both money and lives. From this, the opinion arose that the only solution to this problem was to completely annihilate the Indian, leaving the country peaceful for the development of white "civilized" society. Attempts to carry this out were made throughout all of the atrocious Indian wars, but when the Europeans discovered that this might not be possible without considerable loss of their own lives, attempts were begun to drive the Indian as far west as possible, beyond the point of white civilization, and establish an area which would be known as "Indian territory," where the Indians could reside peacefully without being a threat to the prosperity and well-being of the white man.

This practice continued until most of the Indians were pushed completely to the west coast, and the white man thought that his problems with the Indians were finished. However, 1849 brought the Gold Rush, and the Indians were once again disrupted

and forced to leave all they had for the invasion of the gold-hungry white settlers. The effects of this disruption will be discussed further.

#### IV. Treaties

During this period, a unique system of settling differences between the Indians and the whites came to a peak. This system began during the early colonial days and as it grew in use and complexity, misunderstanding, conflict and hardship grew along with it. The system was that of treaty-making, which involves "the idea of a compact between two or more sovereign powers, each possessing sufficient authority and force to compel a compliance with the obligations incurred."<sup>5</sup>

Understanding the definition of treaty-making exposes the fallacy which lay in the system, for the two groups involved were not equal sovereign powers, but were, instead, a majority and a minority group. The white man, therefore, being in the majority, held the power of enforcement and regulation in his hands, thereby enabling him to exploit the Indian for the advancement of the interests and the selfish desires of the white man. Also, the white men were unified under one government, while the Indians still existed as individual tribes, thus hindering and usually making impossible

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<sup>5</sup>

Report of the Commissioner of Indian Affairs, 1869, p. 6, in Handbook of Federal Indian Law (1942), p. 18.

any influence on the enforcement of these treaties which they might have been able to exert had they had the advantages of the white man. Therefore, the position of the white man in this relationship enabled him to gain control of the many valuable Indian lands which contained such natural resources as timber, oil, mineral deposits, and vast areas for hunting and fishing.

#### V. Intervention of the Federal Government

The establishment and regulations of treaties gradually entered the hands of the federal government and remained there until treaty-making was considered illegal and abolished in the middle of the nineteenth century.

The United States Constitution gave to Congress the "Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."<sup>6</sup> This provision has not been amended even today, after almost two hundred years.

The first administrative attempt to deal with the Indians through a federal office was in 1775, when the Continental Congress appointed Benjamin Franklin, Patrick Henry, and James Wilson to deal with the Indians

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<sup>6</sup>

United States Constitution, Article I, Section 8.

in the middle section of the United States, with other commissioners appointed to handle the affairs of the Indians in the north and the south.

Their duties were...to treat with the Indians...in order to preserve peace and friendship with the said Indians and to prevent their taking any part in the present commotions.<sup>7</sup>

With the adoption of the United States Constitution, the Secretary of the newly established War Department was delegated the authority to have jurisdiction over all Indian affairs, with all appropriations being furnished by the Treasury Department. The first amount appropriated was \$20,000 for a year period of time.<sup>8</sup>

In 1806, a Superintendent of Indian Trade was appointed with responsibility to "purchase and take charge of all goods intended for trade with the Indian nations...and to transmit the same to such places as he shall be directed by the President."<sup>9</sup>

These few primary steps taken by the government were the first indication of a national concern for the Indian and his problems. A further step was taken when,

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<sup>7</sup> Quoted from the Journal of the Continental Congress (Library of Congress Edition), vol II, p. 175, in the Handbook of Federal Indian Law, p. 9.

<sup>8</sup> Act of August 20, 1789, 1 Stat 54.

<sup>9</sup> Act of April 21, 1806, 2 Stat 402, sec 2.

in 1822, the previous office was abolished for one more inclusive, the Bureau of Indian Affairs, established in 1824 under the War Department. This Bureau continued to carry out the duties of the Superintendent of Indian Trade, but its scope was broadened to include the regulation of laws and claims of the Indians. The Commissioner of Indian Affairs was under the direction and supervision of the Secretary of War, an indication of the prevailing attitudes toward the Indians.

#### A. Reservations

The Indians were still considered a military problem because of the continued Indian wars which seemed to be endless. Such conflict was of primary concern to the Government, as efforts were still being made to annihilate the Indians through military force. The War Department gave military forces the authority to fight the Indians and, when they were unable to destroy them, to attempt to segregate them from white civilization.

Thus, the soldiers began to "herd" the Indians onto lands which were set apart for this purpose, mainly because the white settlers found the land unsuitable  
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for development. By this time, the Indians had lost most of their lands through the continued westward progress of the white man and as a result of unfulfilled

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This land has been described and found to be "in the desert wastes of New Mexico, Arizona, and California, ...in the dust-bowl section of Oklahoma and Kansas, in the all-but-worthless Everglades in Florida, and in the least productive sections of certain other states." Carlos B. Embury, *America's Concentration Camps* (1956), p. 23.



treaties, and the government felt that this land would guarantee the Indians a place to live. Also, by confining the Indians to pre-established lands, the rest of the territory would be opened up to white settlement. This was considered to be more necessary than ever at this point because the Gold Rush had brought thousands of new settlers to the West Coast. The government felt that this would be the only alternative to annihilating the Indians which had not only been unsuccessful, but had cost the United States thousands of lives and millions of dollars.

#### B. Bureau of Indian Affairs

In 1849, Indian affairs were transferred to the Department of the Interior and the Bureau of Indian Affairs was established. This Bureau was authorized to hold the new Indian land in trust "on the theory that an Indian was too incompetent to own property and manage his affairs."<sup>11</sup>

Not only were the Indians considered too incompetent to stand on his own two feet, but they were, possible more than anything else, considered a "nuisance," for they were not only killing thousands of

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<sup>11</sup>

Handbook of Federal Indian Law, p. 102.

white Americans, but they were impeding the progress of the white man in his attempt to civilize the entire country. The reservation system was necessary, therefore, to satisfy the desires of the white man. The feeling of the time, expressed in the actions of the people, was stated and summarized by George Maypenny, Commissioner of Indian Affairs, 1853-1857:

The wonderful growth of our distant possessions, and the rapid expansion of our population in every direction will render it necessary, at no distant day, to restrict the limits of all the Indian tribes upon our frontiers, and cause them to be settled in fixed and permanent localities,<sup>12</sup> thereafter not to be disturbed.

The government believed, however, that they were acting in behalf of the welfare of the Indians, and they actually seemed to believe that the Indians were satisfied with the actions the government had taken in securing lands for them. What the government failed to consider and try to understand, however, were the feelings, needs, and desires of the Indians. For by now, the white man had completely disrupted the Indian's culture and society; he had changed his attitudes toward life and mankind, for the Indians had lost their trust in others as a result of the broken treaties and the actions of the white man since his arrival in

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<sup>12</sup>

Report of the Commissioner of Indian Affairs (1854), p. 17, in Handbook of Federal Indian Law, p. 15.

North America; his cleanliness, under force, had turned to filth; and the outstanding virtues which the Indians so uniquely held throughout their tribes, those virtues of truthfulness, honesty, and hospitality had brought them nothing but destruction and unhappiness. The Indians helped the white man in establishing homes here, and in return they had been placed on reservations under undesirable and unwanted circumstances.

### C. Changes in Policy

The problem which the government and, indeed, the whole society had created was not fully realized until after the Civil War when, in 1865,

...an awakened Congress became aware of the rapid decline in the Indian population and realized that if something were not done the problem would be solved by there being no Indians<sup>13</sup> left to constitute a problem.<sup>15</sup>

With this, Congress adopted a resolution "directing an inquiry into the condition of the Indian tribes and their treatment by the civil and military authorities of the United States,"<sup>14</sup> which resulted in a five hundred page report. Questions arose as to the

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<sup>13</sup>

George A. Trotter, From Feather, Blanket, and Teepee (1955), p. 178.

<sup>14</sup>

Ibid., p. 178.

prevailing treatment of Indians as a collective unit, with the respect for the individual personality being swallowed up in the treatment of tribes as collective units by placing them on reservations indiscriminately. The government gradually began to realize the necessity of handling the Indians individually and educating them for their own benefit and for the benefit of the white man, for it was believed that as long as the Indians remained uneducated to the white man's way of living, they would remain a burden to the white civilization.

Thus, reforms in Indian-white relations began with the establishment of schools. The original schools were boarding schools, where the Indians were usually required to send their children, for a white Christian education. The effects of these boarding schools were usually unsuccessful, for the Indians often returned to their reservations and returned to their old ways of living, or they would feel hostile toward the older, uneducated Indians who were trying desperately to keep a grasp on the fragments of culture they had been able to preserve.

Eventually, schools were established on the reservations in order to train Indians for occupations which would benefit them on the reservation as well

as in the American society, training which was never available in the boarding schools. The establishment of the reservation schools not only aided in enlightening the entire reservation, but provided teaching jobs for many of the Indians which had already received an education.

Another major step in the reformation of government policy was in the area of health services. Before this time, no aid in this respect had been given to the Indians because of the length of time which medical personnel had to spend learning the Indian languages, customs, and habits, as well as trying to gain the confidence and trust of the Indians. These problems were realized, together with the recommendation that the medical personnel be chosen carefully and scrupulously for the betterment of the Indian health problems and the saving of expenses on the part of the government.<sup>15</sup>

It was extremely difficult for the government to gain the acceptance of these services in the beginning because of the former way in which the Indian had been treated - by the same government bodies. These sudden changes were unexpected and distrusted by the Indians,

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<sup>15</sup>

Report of the Commissioner of Indian Affairs (1882), p. XL in Handbook of Federal Indian Law, p. 21.

and it took many years of careful action on the part of the government in both its legislation and its selection of personnel before the Indian began to feel that perhaps the white man could be trusted.

The government discovered, however, that their attempts to improve the health and education of the Indians were of little, if any, value, for the living conditions of the Indians were so poor economically that little could be accomplished and be effective for any period of time. This, they felt, was a result of the reservation system, in that while attempts were made to treat the Indian as an individual in certain areas, his personality and feelings were being neglected in others. The white man tried to "help" the Indians by teaching them methods of farming, but this was unsuccessful, for the Indians had no interest in farming, but wished only to be allowed to roam free and return to his activities of hunting and fishing.

It should be noted here that almost all of the attempts of the white man to improve the conditions he had put the Indian in were made with the idea of integrating the Indian into the ways of the white man, or perhaps, a better way of saying it, forcing the white man's culture upon the Indian.

#### D. General Allotment Act

In 1887, Congress made a major step in the advancement of its policies toward the Indians when they passed the Dawes (General Allotment) Act. This new system of treatment provided, generally, that the Indians would each be given a small tract of land on the reservation, and the rest of the land would be ceded by the Indians and given over to white entry.<sup>16</sup> Because of the major importance of this Act, the provisions are stated below:

- (1) A grant of 160 acres to each family head, of 80 acres to each single person over 18 years of age and to each orphan under 18, and of 40 acres to each other single person under 18.
- (2) A patent in fee to be issued to every allottee but to be held in trust by the Government for 25 years during which time the land could not be alienated or encumbered.
- (3) A period of four years to be allowed the Indians in which they should make their selections after allotment should be applied to any tribe--failure of the Indians to do so should result in selection for them at the order of the Secretary of the Interior.
- (4) Citizenship to be conferred upon allottees and upon any

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<sup>16</sup>

J. B. Nash, editor, The New Day for the Indians (1938), p. 10.

other Indians who had  
abandoned their tribes  
and adopted the "habits 17  
of civilized life."

Several purposes motivated the passage of this Act. The "friends" of the Indians thought that this would be doing them a great favor by allowing them to become citizens of the United States if they so desired, and by giving them their own land which would be in their own name, even though administered by the Bureau of Indian Affairs. Those individuals looking out for the best interests of the government felt that this Act would save a great deal of expense for the government, as well as open up new lands, for which many settlers were still hungry. Another great pressure on the Government was on the part of the railroads which were expanding across the country and desired the acquisition of more land.

The attitudes of the Indians were mainly those of confusion and bitterness. Some of them were happy with this new change in policy, for they felt that they would have at least one thing to pass on to their children. Most of them, however, felt that this division of lands, and the encouragement of Indians to leave the reservations would destroy the existing systems of tribal government, and would only aid the disintegration and impending disappearance of Indian culture. However, the Act did give



them the security of their own land, however meager, and this was perhaps one of the greatest achievements of the white man in his relations with the Indians up to this time, as it resulted in a small, although somewhat superficial, repayment of much of the land which had been taken away from the Indians for white man's gain.

In spite of whatever good intentions the government felt that it possessed, the Act was not successful but created more hostility between the Indians and the whites. Because the Indians were now considered as "wards" of the government, they were not required to pay any taxes. The white citizens became hostile to this idea, and the states refused to assume any responsibility for education, roads, health, and other services without receiving any money from the Indians in return for these services.

One of the best examples of the effects of this Act on an individual Indian tribe can be found in the Sioux Chronicle. The provisions of the General Allotment Act divided the vast Sioux reservation into six smaller ones, with the remainder (nine million acres) to be sold to the whites. The money from the sale of these lands went to the government to use as they thought would be best for the Sioux. The government's conception of what

would benefit the Sioux the most consisted of buying farming equipment, which the Sioux had no desire of using. Many other things were promised to the Sioux which seemed to outweigh their dislike for entering into farming. Being allowed to vote on accepting or rejecting the Act, the Sioux voted to accept it because of all the promises given to them by the government. After they accepted the Act, they never saw any of the rations or supplies which had been promised to them, mainly because Congress lost interest in the tribes after the main purpose, the acceptance of the Act, had been accomplished.<sup>18</sup> This is just one of many instances where the government promised Indian tribes a number of things in order to get the Act accepted, and then forgot what they had promised.

The allotment system, despite its many faults, continued to exist until 1934, when radical, needed changes were made in Indian affairs. The steps leading to these changes were often painstakingly slow, and it seemed at many times that the Indian was destined to remain in his existing conditions permanently.

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George E. Hyde, A Sioux Chronicle, pp. 180-231.

### E. The Period from 1900-1934

Most of the changes which were to occur in the future were a result of the efforts of the various Commissioners of Indian Affairs, many of which were ignorant of the problems of the Indians, and many of which were greatly concerned with their problems and the conditions under which they were being forced to live. Fortunately, for the future of the Indians, the Bureau of Indian Affairs and Congress were made aware of the impending disaster of the Indian tribes through various religious and private welfare organizations, especially the Friends, whose early efforts in the improvement of Indian conditions were influential enough to result in many legislative changes.

By 1900, the Indian wars had ceased. But by this time, the Indian was tired of fighting for all that he had lost. He still tried to maintain the bits of culture which he had been able to retain, but it seemed that the future of the Indian was doomed to nothing much more than half-existence in "America's concentration camps." The Indian was at perhaps the lowest ebb in his civilization in 1900 for there seemed to be nowhere to go to save himself and his people except away from the reservation, where he would be bound to lose

his close cultural contacts which had existed in the tribes.

The Commissioner of Indian Affairs in 1905, however, saw hope for the Indian if he could be directed in the right manner so as to insure the future of the tribes:

...our main hope lies with the youthful generation... The task we must set ourselves is to win over the Indian children by sympathetic interest and unobtrusive guidance. It is a great mistake to try, as many good persons of bad judgment have tried, to start the little ones in the path of civilization by snapping all the ties of affection between them and their parents, and teaching them to despise the aged and non-progressive members of their families.<sup>19</sup>

As the above statement indicates, the education of the Indian was still inadequate in improving the conditions on the reservations. For children were snatched away from their parents, even at this late date, and sent to Christian boarding schools to be taught in the ways of white civilization, if they were even given the opportunities to gain this much in education. But most of the Indians were still illiterate

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Report of the Commissioner of Indian Affairs (1905), p. 2, in Handbook of Federal Indian Law, p. 24.

and the attitudes of the people in treating the Indians as ignorant savages still existed.

The problem of improving educational opportunities became a major issue in the early 1920's under Commissioner Burke whose major efforts were in improving these opportunities:

In the education of the Indian youth lies the hope of the future generations of the American Indian. In this time, when it is so essential to practice economy in every possible way, it should be realized that the child who is allowed to grow up in this country without being taught English and manual skill in some useful occupation is always in danger of becoming a liability. It is false economy to neglect<sup>20</sup> the education of any children.

In 1926, the Institute for Government Research conducted an intense survey of the social and economic conditions of the Indians. The results of this survey became the basis of many of the reforms which were to occur a few years later. The problem of health was found to be exceedingly crucial, for there were no adequate facilities or personnel available for any of the Indian tribes, and little effort had been made to remedy the situation. The survey also reported

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Report of the Commissioner of Indian Affairs (1922) p. 7, Handbook of Federal Indian Law, p. 26.

various other failures on the part of the Bureau and the government in caring for their "wards." It reported that the Indian had lost most of his land, his family structure was broken down, and the living conditions were conducive to the development<sup>21</sup> and spread of disease.

During this period, only one major advancement was made in Indian affairs. In 1924, Indians were allowed to become citizens of the United States, resulting from pressure from the public to compensate for their services in World War I. Previous to this time, the Indians were the only group which did not have the right to naturalization and citizenship, because they were members of a "domestic dependent nation."<sup>22</sup>

#### F. The Indian Reorganization Act

The year 1934 brought new hope for the Indians and a chance to develop within their tribes. The situation had become crucial and the government found that something had to be done to attempt to compensate for its historical treatment of the Indians. Most of the treaties had still not been fulfilled, although they were declared to be legal and binding, and the General

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<sup>21</sup>

Handbook of Federal Indian Law, p. 27.

Allotment Act, which was still in effect, had not fulfilled the hopes of the government.

Much of the work which has been done in the last thirty years can be attributed to John Collier, who was the Commissioner of Indian Affairs in 1934. Mr. Collier has become an outstanding pioneer in the improvement of Indian conditions, much of this reforming being a result of his critical appraisal of the General Allotment Act, an appraisal which quickly accelerated the abolishment of the Act:

The Indians are continuing to lose ground; yet Government costs must increase, while the Indians must still continue to lose ground, unless existing law be changed.

Two-thirds of the Indians in two-thirds of the Indian country for many years have been drifting toward complete impoverishment.

While being stripped of their property, these same Indians cumulatively have been disorganized as groups and pushed to a lower social level as individuals.

During this time, when Indian wealth has been shrinking and Indian life has been diminishing, the costs of Indian administration in the identical areas have been increasing. The complications of bureaucratic management have grown steadily greater.

Ruin for the Indians, and still larger costs to the Government, are insured by the existing system.

Neither the Indians themselves,

nor the Indian service, can reverse the downhill process, or even materially delay it, unless certain fundamental impracticabilities of law can be changed.

The disastrous condition, peculiar to the Indian situation in the United States, and sharply in contrast with the Indian situations both of Canada and of Mexico, is directly and inevitably the result of existing law - principally, but not exclusively, the allotment law and its amendments and its administrative complications.

The approximately one-third of the Indians who as yet are outside the allotment system are not losing their property; and generally they are increasing in industry and are rising, not falling, in the social scale. The costs of Indian administration are markedly lower in these unallotted areas.

The backbone of Indian law since 1887 has been the allotment act and its amendments and administrative regulations.

The law originally possessed, and still possesses, virtues which can be preserved and made effective. The bill does preserve them. But these virtues, potential rather than realized, have been slight indeed when contrasted with the destructive effects of the law and the system.<sup>22</sup>

As Commissioner, John Collier took major steps in reorganizing the Indian program and his plans were

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<sup>22</sup>

Hearings, Committee on Indian Affairs, 73d Cong, 2d sess, on HR 7902, pp. 15 - 18, in Handbook of Federal Indian Law, p. 216.



formulated into the Wheeler-Howard (Indian Reorganization) Act of 1934, the provisions of which are briefly summarized below:

- (1) The allotment system is ended, and remaining Indian lands are protected from further loss.
- (2) Surplus lands heretofore thrown open to entry by white homesteaders which have not been entered, may be restored, and further land may be bought for Indians.
- (3) Tribes may organize themselves for their mutual benefit, and when so organized enjoy self-government under federal guardianship.
- (4) Tribes may incorporate for business purposes.
- (5) A fund is established for scholarship loans to enable gifted Indians to receive advanced education.
- (6) The Secretary of the Interior may establish special Civil Service rules to make it easier for Indians to enter the Indian Service.
- (7) A revolving loan fund is made available for incorporated communities to enable them to get started supporting themselves.<sup>23</sup>

This new policy, which passed 258 - 88 in the House, and unanimously in the Senate, "abandoned the attempt to 'Americanize' the Indian, and set about to protect tribal life on the reservations. It contemplated decreasing control by the federal government and its agents and vastly greater self-government by

the Indians themselves."<sup>24</sup> The law applied only to those tribes or bands which voted to accept it. Of 266 eligible tribes, 189 accepted, 76 rejected it.

J. B. Nash has drawn an interesting comparison between the conditions of the Indians before and after the passage of the Reorganization Act. He has made the contrasts in four areas - land, rights, social services, and personnel in the Indian Bureau. The changes are drastic and have served to improve the Indians' ways of life to a vast extent.

The Old

The New

Land

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| <p>1. The traditional policy worked toward the break-up of Indian lands by individual property ownership, thus absorbing Indians into the general population.</p>                  | <p>1. Land losses stopped; new purchases made and Indian land-holdings increased from less than 50 million acres in 1933 to 52,650,000 acres in 1937. More planned.</p> |
| <p>2. Indian tribal enterprise dormant because of lack of tools and credit. System of leasing lands to whites entrenched.</p>  | <p>2. Group organization encouraged; credit supplied to Indian tribes and coops. Marked decline in acreage leased to whites and increase in use of land by Indians.</p> |
| <p>3. Indian soil resources exploited without plan. Indian ranges in many areas imperiled by overgrazing. No legal assurance of wise use of Indian range and timber resources.</p> | <p>3. Far-reaching plans for land, range, timber, and soil being carried out in cooperation with Soil Conservation Service.</p>   |

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<sup>24</sup>

Ibid., p. 13.

### Rights

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| <p>1. Rights of Indians almost solely dependent on the Indian Bureau, which maintained itself as a monopoly in Indian administration. Tribal self-government destroyed.</p>                          | <p>1. Indians granted fundamental rights enjoyed by white citizens; power of Indian Bureau over Indians (tribal funds, civic authority) curbed. Cooperation gained from Soil Conservation Service, Social Security Administration, Civilian Conservation Corps, Work Projects Administration, state boards of education, state welfare agencies, etc.</p> |
| <p>2. Historic policy of breaking up Indian cultural, social, and economic life in favor of absorption by the dominant white population.</p>   | <p>2. Rights of Indians to their own languages, ceremonies, arts, and traditions respected and encouraged.</p>  |
| <p>3. No legal assurance of civil liberties for Indians. Indians subject to arrest, trial, and imprisonment by Indian Service officials and by judges controlled by reservation superintendents.</p> | <p>3. Gag and sedition laws repealed. Religious and cultural liberty affirmed. System of justice for Indians reorganized, safeguarded from official control of Indian courts, whose jurisdiction is carefully defined.</p>  |
| <p>4. Indian Bureau, through good administrations and poor, dealt with Indians <u>individually</u>, on paternalistic basis.</p>  | <p>4. Indian Bureau fosters democratic principles and the right to negotiate through representatives of Indians' own choosing.</p>  |

### Social Services

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| <p>1. Indian death rate double that of general population in 1920's; health services for Indians inadequate.</p> | <p>1. Indian death rate decreases to 13.7 per 1,000 in 1936 (average rate in United States - 11.5). Nine new hospitals built; 20 remodeled or enlarged; one under construction.</p> |
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| <p>2. Indian education dominated by boarding schools, for the most part poor imitations of semi-military white industrial schools. Indian family life deliberately broken up.</p> | <p>2. Many boarding schools closed or reduced in size and personnel improved; others developed as centers for older children and for children from broken or "problem" homes. 74 new community day schools opened, enrolling 5,000 children. 6,340 more Indian children enrolled in public schools; cooperation with states in Indian education.</p> |
| <p>3. Indian arts and crafts neglected and discouraged.</p>   | <p>3. Arts and Crafts Board created to raise workmanship, establish authenticity, and provide markets.</p>   |

#### Personnel

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| <p>1. Indians had few places and little preference in the Indian Service except in the most menial positions.</p>                       | <p>1. Indian employment in regular and emergency services greatly increased; for example, Indians in the Washington office increased from 11 in 1933 to 83 in 1937. On April 1, 1938, a total of 3,916 Indians were employed in the Service, of whom 3,627 were regular employees and 289 emergency workers employed for 6 months or more.</p> |
| <p>2. Men and women who regarded Indians as inferior beings held numerous positions both in the field and in the Washington office.</p> | <p>2. Outstanding men and women have been brought into the Indian Service from positions of leadership. Many of them are Indians. Many old-line employees have become valued public servants under the new system. Scientists brought into the Indian Service.<sup>25</sup></p>  |

### G. Recent Developments in Indian Affairs

The period following the inauguration of the Indian Reorganization Act was and remains today to be one of perhaps the greatest significance for the American Indians. During the recent years, the Indians have received their greatest benefits from the federal government and, at the same time, have been given more freedom in his actions. Many of the tribes on reservations wanted immediate termination of government support and guardianship, others wanted the powers of the government to be turned over to the various states, while some were not ready for either. The following criteria were established for determining what type of supervision the Indians would be jurisdicted:

- (1) The degree of assimilation of a tribe, as indicating acceptance by Indians of white habits and acceptance of the Indians by the white community;
- (2) an economic condition of the tribe indicating a reasonable possibility of gaining a livelihood through the use of available resources;
- (3) a willingness of the tribe to dispense with Federal aid and guidance; and
- (4) a willingness and ability of States and communities to provide public services.<sup>26</sup>

By 1952, most of the Indian affairs were put into the hands of the Indians themselves, except for those concerning land which had been given to them during the allotment period and rights to natural resources.

In 1954, all the medical work concerning the Indians was transferred from the Indian Bureau to the Department of Health, Education, and Welfare, a move which greatly benefited both the Indians and the Bureau. For the Indians, their appropriations were increased 17 million dollars in a three year period, and the Bureau was relieved of much of its work and expenses, thus enabling it to place more concentration in other areas.<sup>27</sup>

By 1956, 73 per cent of Indian lands had been released from supervision by the government, with another 25 per cent in trust allotments. The total number of acres of land affected by this was more than 53 million.<sup>28</sup>

These changes, however, came slowly and with much deliberation. Fortunately, recent moves by the government have benefited the Indians, but often the motives behind the actions of the Bureau and the government today are selfish ones, planned so that they will bring

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<sup>27</sup>

Thorstein Sellin, editor. Annals of the American Academy of Political and Social Science, (May, 1957), vol. 311, p. 37.

<sup>28</sup>

S. H. Steinberg, editor, The Statesman's Year Book (1959).

the greatest benefits possible to the government.

## VI. The American Indian Today

Most of the activities of the American Indian today are still under the supervision and jurisdiction of the Bureau of Indian Affairs. The objectives of the Bureau today are:

...the creation of conditions under which the Indians will advance their social, economic and political adjustment in the complex world in which they find themselves; the encouragement of Indians and Indian tribes to assume an increasing measure of self-sufficiency; and the termination, at appropriate times, of Federal supervision and services special to Indians.

And the activities of the Bureau, according to their own official statement are as follows:

- (1) to act as trustee with respect to Indian lands and moneys held in trust by the United States and to assist the owners in making the most effective use of their lands and other resources;
- (2) to provide public services when needed - such as education and welfare aid - where those services are not available to Indians from other agencies;

- (3) to furnish guidance and assistance for those Indians who wish to leave the reservation areas and enter normal channels of American social and economic life; and
- (4) to collaborate with the Indian people (both tribally and individually) in the development of programs leading toward full-fledged Indian responsibility for the management of their own property and affairs as well as the gradual transfer of public service responsibilities from the Bureau of Indian Affairs to the agencies which normally provide these services to non-Indian citizens.<sup>30</sup>

These are the manifest purposes of the Bureau of Indian Affairs. However, questions have been raised as to whether there may be more behind these purposes than what is shown to the public eye. For the Bureau and, indeed, all offices of the government seem to have ignored the promises they have made to the Indians in numerous treaties. The Indian tribes are beginning to put pressure on the government for the fulfillment of these treaties, but these efforts by the Indians have so far been futile, for it is difficult for them to find lawyers who will defend their side of the issues.

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<sup>30</sup>Ibid., p. 236.



According to a recent booklet published by the Bureau,<sup>31</sup> the Indians have few problems because of the tremendous amount of aid they are receiving from government sources. However, the side of the Government differs considerably from the view of the Indians, for they are not satisfied living under the conditions which are forced upon them. For even today, the Indians reside on reservations, many of them being unable to speak English, and the majority of them being illiterate.

The Bureau has stated that its intentions are to gradually remove the Indian from its supervision. But, before that can be accomplished, these Indians must be prepared for the situations which they will confront. As stated earlier, the Indians want desperately to hold on to the fragments of culture they have been able to retain throughout the past several centuries. And, they believe, that the only possible way to do this is to continue to live in the tribal situations to which they are accustomed. For, once they are assimilated into the culture of the white man, the Indian culture will be dissolved and perhaps forgotten forever.

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Answers to Your Questions on American Indians (1959)

## VII. Summary

This paper has sketched the development of Indian - white relations throughout their contacts with each other. The effects of these relations have proved to be disastrous to the Indians. Since the beginning, they have been exploited, cheated, and lied to because of the selfish desires of the Europeans who invaded this country and disliked the ways of life which the Indians held dear to them.

Throughout history, man has abused his rights to peaceful living by disrupting those of others so that he might gain more. The American people look with disgust on nations who do this today, because they are abusing the rights which we hold so sacred - especially those of democracy, and freedom to live as you desire. Unfortunately, few Americans know the true story of what their ancestors have done to a group of people who welcomed them here and helped them to establish themselves. These people, the Indians, are the true Americans, and we, the new inhabitants of this ancient land have taken over the title, as well as the Indian's land.

Great wrongdoings have been committed, and, indeed, are still being committed by those who see only the side of the white man. But, fortunately, some of these wrongdoings have been in a small way compensated for. For now,

after many years of violent and thoughtless action, the United States is beginning to understand the problems of the Indians and trying to work them in solving many of these problems.

The American people can do something to amend the actions of the first white men who came to this country and killed the Indian society. They can help to fight for the rights of the Indians, for it is only through public pressure that any action is finally taken - good or bad.

But it is not the duty of the American people to try and force his culture on to the Indians. For this is not what they want. They want peace, freedom, and the security to maintain these rights. And, above all, they want the chance to remain American Indians.

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