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**Debating Termination: Rhetoric and Responses to  
U.S. American Indian Policy, 1947-1970**

**Reetta Elina Humalajoki**

**Thesis submitted for the degree of Doctor of Philosophy  
Department of History  
Durham University**

**2016**

## **Abstract**

### **Debating Termination: Rhetoric and Responses to U.S. American Indian Policy, 1947-1970** **Reetta Elina Humalajoki**

This thesis examines discussions surrounding U.S. American Indian policy from 1947 to 1970, a period in which Congress aimed to “terminate” the federal trust status of Native individuals and groups. Federal rhetoric promised that Termination would lead to “equality” for Native Americans, allowing them to become “full citizens” and gain “freedom” from government paternalism. In practice terminated tribes, like the Klamath, lost both Bureau of Indian Affairs health and educational services and protections on their land holdings, and were consequently subjected to land tax. These changes led to a loss of lands, as well as increasing rates of unemployment, alcoholism and ill-health among members of terminated tribes. This thesis argues that public and tribal acceptance of Termination was secured by the vague nature of policy rhetoric, obscuring the gravity of federal aims, as well as the persistence of assimilationist social evolutionary ideology in the U.S. throughout the twentieth century.

Scholarship agrees that Termination was destructive, but generally presents the policy as short-lived, beginning in 1953 and running out of political steam by 1958. However, it was not actually repudiated until 1970. Drawing on discussions in the national press and the councils of both terminated tribes (Klamath) and groups that retained their trust status (Navajo, Mississippi Choctaw, Five Tribes), this thesis argues that eventual Termination remained the aim of federal Indian policy until President Nixon’s 1970 Special Message on Indian Affairs. It also demonstrates that the rhetoric of “freedom” and “citizenship” was interpreted in multiple ways, playing both to the mainstream belief in the inevitability of Indian assimilation, and tribal governments’ hopes to gain further self-determination. This thesis thus highlights the power and significance of language, demonstrating that understanding the development of U.S. Indian policy demands that more attention be paid to its role.

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## Abbreviations

|                    |  |
|--------------------|--|
| AAIA               | Association on American Indian Affairs   |
| AP                 | Associated Press   |
| BIA                | Bureau of Indian Affairs   |
| <i>CSM</i>         | <i>Christian Science Monitor</i>   |
| FCTITC             | Five Civilized Tribes Inter-Tribal Council   |
| HCR                | House Concurrent Resolution  |
| IRA                | Indian Reorganization Act  |
| KEC                | Klamath Executive Council  |
| KGC                | Klamath General Council  |
| MBCTC              | Mississippi Band Choctaw Tribal Council  |
| <i>MCMAIT 1/I</i>  | <i>Major Council Meetings of American Indian Tribes, Part One, Section I, 1914-1956</i>  |
| <i>MCMAIT 1/II</i> | <i>Major Council Meetings of American Indian Tribes, Part One, Section II, 1956-1970</i> |
| <i>MCMAIT 2/I</i>  | <i>Major Council Meetings of American Indian Tribes, Part Two, Section I, 1914-1956</i>  |
| <i>MCMAIT 2/II</i> | <i>Major Council Meetings of American Indian Tribes, Part Two, Section II, 1956-1970</i> |
| NCAI               | National Congress of American Indians  |
| NIYC               | National Indian Youth Council  |
| NTC                | Navajo Tribal Council  |
| <i>NYT</i>         | <i>New York Times</i>  |
| OEO                | Office of Economic Opportunity   |
| PHS                | Public Health Service  |
| PL                 | Public Law   |
| SAI                | Society of American Indians  |
| <i>TIME</i>        | <i>TIME magazine</i>   |
| UPI                | United Press International   |
| <i>WP</i>          | <i>Washington Post</i>   |

## Introduction: “What is it to withdraw?”

*“You brought up the question about withdrawing, but on the other hand the United States Government wants to terminate the Indian. If you terminate the Indians, then what is it to withdraw? Now, you talk about the Indians, a lot of these people don’t understand. [...] I declare myself that the Indians are not ready today and never will be ready. I want you to understand.”<sup>1</sup>*

- Unnamed Klamath Tribal Member,  
Klamath General Council

In January 1958, the General Council of the Klamath tribe met with Louis Sigler, a representative of the Department of the Interior, to discuss the enactment of Public Law 587, the Klamath Termination Act, which sought to remove the federal trust status of the tribe. Federal trust status, for both the Klamath and other federally recognised tribes, was born both out of treaties signed between 1776 and 1871 and national legislation, marking a historic relationship between the federal government and tribal nations.<sup>2</sup> Trust status prevented the sale of tribal lands, exempted tribal members from paying land tax, guaranteed aid for the management of tribally owned goods and resources, and provided an array of services to tribal members, like education and health care. After the Second World War, federal Indian policy

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<sup>1</sup> Klamath General Council (hereafter KGC) (25 January 1958), *Major Council Meetings of American Indian Tribes, Part Two, Section II, 1957-1970* (hereafter MCMAIT 2/II), Reel X.

<sup>2</sup> Thomas Clarkin, *Federal Indian Policy in the Kennedy and Johnson Administrations, 1961-1969* (Albuquerque, 2001), p. 3.

turned toward eradicating this status through a policy commonly referred to as “Termination”, and the Klamath tribe was one of the first selected for this process.

Despite the bill to remove their trust status having been passed four years earlier, Klamath tribal members’ discussions within this 1958 meeting demonstrate a clear confusion over what ‘termination’ meant, what the impact on tribal members would be, and how it related to the idea of ‘withdrawal’ – another term in common use. Both words conveniently elided the question of agency, as neither provided an indication of whether the government or Indians themselves were ending trust status. Indeed, a whole rhetoric formed around Termination which spoke of granting American Indians “equality”, but did not make clear exactly *how* this was to be achieved. Instead, Termination was enshrouded in the language of liberation – “freeing” Natives from supervision and unnecessary federal paternalism. This rhetoric is exemplified by a 1957 essay titled ‘Termination of Federal Supervision: The Removal of Restrictions over Indian Property and Person’ by Senator Arthur Watkins (R-Utah), a main proponent of Termination:

“Secluded reservation life is a deterrent to the Indian, keeping him apart in ways far beyond the purely geographic. [...] Firm and constant consideration for those of Indian ancestry should lead us all to work diligently and carefully for the full realization of their national citizenship with all other Americans.”<sup>3</sup>

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<sup>3</sup> Arthur Watkins, ‘Termination of Federal Supervision: The Removal of Restrictions over Indian Property and Person’, *Annals of the American Academy of Political and Social Science* 311 (1957), p. 51, 55.

Watkins' essay highlights four central themes of Termination rhetoric that will be discussed in this thesis: the limiting condition of "Indianness"; the need to be "American"; the rights and responsibilities of "full citizenship"; and "freedom" from reservations.

Despite this rhetoric, in practice Termination not only failed to achieve its stated aim of securing Native "equality", but it impoverished tribes and eliminated the economic advancements made during the early twentieth century. Standing Rock Sioux legal scholar, activist and former National Congress of American Indians president Vine Deloria Jr. aptly labelled Termination a "disastrous policy".<sup>4</sup> Over 13,263 tribal members lost their legal status as Indians, and 1,365,800 acres of land was removed from federal trust status.<sup>5</sup> Indeed, nearly all of the 109 tribes and bands that were legally terminated consequently faced high levels of unemployment, poverty, racial discrimination, alcoholism and psychological trauma.<sup>6</sup> Considering this disjuncture between public presentations of Termination policy and the reality of its impact on tribes, it is surprising that the rhetoric surrounding Termination has to date attracted scant scholarly attention. This thesis will address the question of how the *language* of Termination was interpreted on a national and local level, to examine why Termination came to be accepted as official federal policy and carried out for nearly two decades. The rhetoric of Termination could operate within varied ideological frameworks and be interpreted quite differently, yet meaningfully, by either mainstream Americans or members of

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<sup>4</sup> Vine Deloria Jr., *Custer Died for Your Sins: An Indian Manifesto* (New York, 1969), p. 54.

<sup>5</sup> Raymond Butler, 'The Bureau of Indian Affairs: Activities since 1945', *Annals of the American Academy of Political and Social Science* 436 (1978), p. 53.

<sup>6</sup> Roberta Ulrich, *American Indian Nations from Termination to Restoration, 1953-2006* (Lincoln, 2010), pp. xiv-xv; Charles Wilkinson, *The People Are Dancing Again: the history of the Siletz tribe of western Oregon* (Seattle, 2010), p. 279.

legally recognised Native American tribes.<sup>7</sup> A reassessment of Termination is thus required, specifically one which recognises that the power of the policy was rooted in language.

## Termination legislation and policy development

Before moving on to investigate the debates which surrounded Termination, the legislation and development of the policy throughout the 1950s and 1960s requires explication. Efforts to remove special Indian status began in the early 1940s, with scholarship pointing to World War II and reaction against the Indian New Deal as initiating a shift in Congressional opinion.<sup>8</sup> Positive 1940s media depictions of Native soldiers indicate that public attitudes became more supportive toward the integration of indigenous peoples as a result of American Indian participation in the national war effort.<sup>9</sup> Historiography also shows that Indians who had served overseas or been employed in wartime industries in urban areas became disillusioned with the poor living conditions of reservations on their return post-war.<sup>10</sup>

Simultaneously, federal reaction against New Deal Bureau of Indian Affairs (BIA) Commissioner John Collier and his 1934 Indian Reorganization Act (IRA) led to a movement against reservation-centric Indian policy.<sup>11</sup> In the 1940s the IRA, which organised tribal governments and consolidated communal landholdings, was criticised for being

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<sup>7</sup> In this thesis, “mainstream Americans” denotes the largely Christian, middle-class, Euro-Americans majority population during this period.

<sup>8</sup> Donald Fixico, *Termination and Relocation: federal Indian policy, 1945-1960* (Albuquerque, 1986); Kenneth Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln, 1999).

<sup>9</sup> Fixico, *Termination and Relocation*, p. 20.

<sup>10</sup> *Ibid.*, pp. 6-8.

<sup>11</sup> Philp, *Termination Revisited*, pp. 1–15.

“socialistic”, and Congress repeatedly attempted to repeal it.<sup>12</sup> This anti-New Deal sentiment came to a height post-war, fuelled by tensions with the Soviet Union. In the context of the early Cold War, congressional representatives presented reservations as “socialistic environments” and “concentration camps”, claiming communal landownership and tribal identity were inherently “un-American”.<sup>13</sup> Congressional – and popular – opinion had evidently turned both against reservations and the “big government” services associated with the BIA. This occurred despite the increasing presence of Native activism on a national level, spearheaded by the 1944 establishment of the National Congress of American Indians (NCAI).<sup>14</sup>

Late 1940s developments in Indian policy marked the beginnings of the Termination era. The 1946 Indian Claims Commission Act, though not explicitly affecting tribes’ legal status, was aimed at preparing for the removal of federal trusteeship by allowing tribes to settle historic legal grievances with the U.S. government.<sup>15</sup> As the case of the mixed-blood Utes shows, Claims Commission awards were often followed by withdrawal legislation: after an \$18 million victory, intra-tribal conflicts and outside pressure from Senators for Ute Termination led to the eventual withdrawal of tribal trust status from virtually all mixed-blood members of the Uintah Ute band.<sup>16</sup> The Claims Commission, thus, contributed to the erosion of tribes’ federal trust status.

Senate concurrently planned for federal withdrawal behind the scenes. In 1947, Acting BIA Commissioner William Zimmerman, under instruction by the Senate Civil Service Committee, compiled a list of tribes categorised according to their ‘readiness’ for the

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<sup>12</sup> Ibid., p. 6.

<sup>13</sup> Paul Rosier, “‘They Are Ancestral Homelands’: Race, Place, and Politics in Cold War Native America, 1945-1961”, *Journal of American History* 92.4 (2006), p. 1301.

<sup>14</sup> Philp, *Termination Revisited*, pp. 14–5.

<sup>15</sup> Ibid., p. 16.

<sup>16</sup> R. Warren Metcalf, *Termination’s Legacy: The Discarded Indians of Utah* (Lincoln, 2002), pp. 3–4.

removal of trust status.<sup>17</sup> Zimmerman divided tribes into three groups: the ‘predominantly acculturated’ who were supposedly ready for immediate withdrawal, the ‘semi-acculturated’ who needed another ten to twenty-five years, and the ‘predominantly Indian’ who would require at least twenty-five years before Termination.<sup>18</sup> Zimmerman, apparently reluctant to participate in such plans, established a set of four criteria for ranking tribal levels of “acculturation”: the degree to which a tribe was assimilated with surrounding non-Native communities; their economic position; the willingness of the group to relinquish federal aid; and the agreement and ability of the state to take over responsibility from the federal government.<sup>19</sup>

This “infamous Zimmerman plan” became the template by which the Termination of specific tribes was justified, with many ‘predominantly acculturated’ tribes losing their trust status in the 1950s and 1960s.<sup>20</sup> Withdrawal plans were also drawn up for some tribes on the ‘semi-acculturated’ and ‘predominantly Indian’ lists, including the Wyandotte and the Oklahoma Choctaw respectively, indicating that Zimmerman’s criteria was not strictly followed. Nevertheless, the list marked the first concrete plans for the systematic withdrawal of tribal trust status, and for this reason 1947 has been selected as the starting point for this study.

President Harry S. Truman further supported the shift toward removing federal trust status by appointing Dillon Myer as Commissioner of Indian Affairs in 1950. Myer had no background in Indian affairs; rather he was an experienced federal assimilationist, having run Japanese internment as head of the War Relocation Authority throughout WWII.<sup>21</sup>

Myer’s three years as Commissioner were steeped in controversy, with both Native and

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<sup>17</sup> Fixico, *Termination and Relocation*, pp. 29–38.

<sup>18</sup> Philp, *Termination Revisited*, pp. 70–1.

<sup>19</sup> Edward Charles Valandra, *Not Without Our Consent: Lakota Resistance to Termination, 1950-59* (Chicago, 2006), pp. 30–1.

<sup>20</sup> Fixico, *Termination and Relocation*, p. 33; For an extensive analysis of Zimmerman's List, see: Philp, *Termination Revisited*, pp. 71–5.

<sup>21</sup> Fixico, *Termination and Relocation*, pp. 63–5.



non-Native Indian rights activists opposing his nomination from the start. Scholarship has shown that Myer spoke publicly of the need to “free” the Indians and put an end to the history of federal paternalism under the Bureau, but his actions strongly contradicted this rhetoric. Most notably, he issued a circular to BIA Area Office directors stipulating that all tribal contracts with attorneys should be approved by himself – including cases where tribes hired lawyers to seek redress from the BIA.<sup>22</sup> This action was met with public outrage, eventually leading President Dwight Eisenhower to replace Myer with Glenn Emmons in early 1953.

It is important to note that while the language of ‘freedom’ surrounding Termination was usually vague, the policy itself was clearly understood by its supporters. Mid-twentieth century Indian policy was formulated behind-the-scenes by a number of key federal figures. Critical roles were played by – among others – Senator Watkins and Congressman E.Y. Berry (R-South Dakota), who headed the Senate and House Subcommittees on Indian Affairs, respectively.<sup>23</sup> These subcommittees were the most significant driving forces of Termination, and represented the members of Congress whose constituencies were most affected by Indian policy – 76 out of 83 members of these two subcommittees represented states with a substantial Native land base.<sup>24</sup> Those federal figures who supported fast-paced removal of the federal trust status of all tribes, and the closure of the BIA, will be referred to throughout this thesis as ‘Terminationists’ due to their unified Indian policy aims.

As this thesis will discuss, various terms – such as “termination”, “withdrawal”, “independence”, and even “handling one’s own business” – circulated around the policy, but in essence these all were used by federal officials to denote the removal of federal trust

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<sup>22</sup> Ibid., p. 67.

<sup>23</sup> Valandra, *Not Without Our Consent*, pp. 40–1.

<sup>24</sup> Ibid., p. 26.

status from tribes on a case-by-case basis. This aim to withdraw tribal trust status was set out in House Concurrent Resolution 108, passed in August 1953:

“Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship [...].”<sup>25</sup>

This statement accurately reflects the aims held by federal proponents of Termination – to eradicate the trust status which set Native Americans apart from the mainstream population. Critically, the resolution also indicates Congressional reasoning behind the policy, by presenting legal tribal status as “wardship”. Moreover, in referring to “privileges and responsibilities”, the resolution implied that the Native population had not lived up to the requirements of U.S. citizenship, as well as having been denied its benefits.

HCR 108 was little discussed in Congress; supporters of Termination coupled the resolution with a variety of minor bills, concealing its scope and serious consequences for Indian affairs, and it was passed without much debate.<sup>26</sup> The implications of HCR 108 were undeniably serious and had the potential to affect dozens of tribes, specifically listing those whose federal trust status should immediately be removed: “The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potawatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota.”<sup>27</sup> However, it was not a *law*, but rather “only” a resolution, a statement of the federal government’s intent in relation to

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<sup>25</sup> House Concurrent Resolution 108 (1 August 1953) in Francis Paul Prucha (ed.), *Documents of United States Indian Policy* (Lincoln, 2000), p. 234.

<sup>26</sup> Fixico, *Termination and Relocation*, p. 94.

<sup>27</sup> HCR 108 (1953) in Prucha (ed.), *Documents of United States Indian Policy*, p. 234.

Indian policy.<sup>28</sup> The nature of the resolution as not legally binding perhaps contributed to the lack of congressional discussion on the matter, thereby allowing it easier passage.

HCR 108 was not the only national Indian policy legislation passed by Congress that month; Public Law 280 followed two weeks later. While this law did not explicitly refer to Termination, PL 280 substantially eroded the federal-tribal relationship of several tribes by transferring their civil and criminal jurisdiction to the state in which each reservation was situated.<sup>29</sup> Before PL 280, jurisdiction was shared by tribes and the federal government. The latter authority applied over a wide-range of offences committed by an Indian against a non-Indian or vice versa, specific major offences committed by Indians against each other, and designated crimes that focused on federal trust responsibility, like liquor use, hunting and fishing.<sup>30</sup> PL 280, as such, marked the first instance in which states gained authority over tribal civil and criminal jurisdiction, and it was immediately imposed on tribes within California, Minnesota, Nebraska, Oregon and Wisconsin. A few tribes, like the Menominee in Wisconsin and Red Lake Ojibwa in Minnesota, strongly lobbied against the bill and gained exclusion from it.<sup>31</sup>

Most critically, the law included a provision by which any state could extend its civil and criminal jurisdiction over reservation lands *without* tribal consent, clearly demonstrating a top-down dictation of policy. Thus, while PL 280 did not end the federal trust status of tribes, it significantly limited this without their consultation, paving the way for future withdrawal of other services, in addition to funds for tribal police and courts. Despite HCR 108 speaking of “freedom”, in practice it was quickly followed by coercive legislation. Furthermore, though when signing PL 280 President Eisenhower advised Congress to add a

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<sup>28</sup> Charles Wilkinson and Eric Biggs, ‘The Evolution of Termination Policy’, *American Indian Law Review* 5.1 (1977), p. 150.

<sup>29</sup> Public Law 280 (15 August 1953), in Francis Paul Prucha (ed.), *Documents of United States Indian Policy* (Lincoln, 2000), pp. 234-5.

<sup>30</sup> Duane Champagne and Carole Goldberg, *Captured Justice: Native nations and Public Law 280* (Durham, 2012), pp. 5–7.

<sup>31</sup> *Ibid.*, pp. 6-7.

tribal consent clause into the law, this was not achieved until the 1968 Indian Civil Rights Act. In fact, PL 280 has never been repealed and still has an effect on law enforcement and criminal jurisdiction for almost a quarter of reservation-based Indians, as well as all Alaska Natives.<sup>32</sup>

HCR 108 and PL 280 had a clear national significance, expressing the intent to remove the federal trust status of all tribes at some point. Throughout the 1950s and into the 1960s these aims were supported by laws Terminating individual tribes. Each case had its own specific conditions and arrangements, but they were all usually based on the same draft Termination Act drawn up by the BIA.<sup>33</sup> As such, though there was variation in exactly how the elimination of federal trust status would be implemented, it always meant tribal members were no longer eligible for services provided by the BIA, and tribal lands were no longer held in trust.

The Termination of the Klamath Tribes is illustrative of the problems caused by the “withdrawal acts” passed by Congress. The 1954 Klamath Termination Act not only removed federal trust status over the tribe, but gave members the choice to either ‘remain’ or ‘withdraw’ from their tribe after federal trust status was removed. This highlights an alternative use of the phrase ‘withdrawal’ in the 1950s and 1960s, meaning the withdrawal of individual members from a tribal collective that no longer had trust status. The Act provided for the appointment of three Management Specialists by the Secretary of the Interior, charged with calculating the value of tribal assets. It is telling that these figures were termed ‘Management Specialists’ – it reflects their role as strictly confined to planning the management of tribal affairs, and also indicates that apparently no tribal members were deemed able to manage this process, despite the Klamaths’ supposed readiness for

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<sup>32</sup> Ibid., pp. 12-4.

<sup>33</sup> Patrick Haynal, ‘The Influence of Sacred Rock Cairns and Prayer Seats on Modern Klamath and Modoc Religion and World View’, *Journal of California and Great Basin Anthropology* 22.2 (2000), p. 277.

Termination. The tribe's finances needed to be valued in order to determine each member's share: the Act mandated an election to be held in 1958, where former tribal members would choose whether to maintain their assets communally as a tribe, or withdraw their individual portion thereof in the form of cash.<sup>34</sup>

To the surprise of the federal government, the appointed Management Specialists, after surveying the Klamath tribe's situation, unanimously opposed the 1958 date for withdrawal, citing tribal members' lack of both education and experience in managing their own affairs. They eventually gained Congressional approval to extend the final Termination deadline to December 1961 by arguing that decades of federal paternalism had ill-prepared the tribe for supposed "freedom". They failed, however, to halt the process altogether. In 1958, 78% of tribal members voted to "withdraw from the tribe and have his interest in tribal property converted into money and paid to him", attracted by a \$43,000 payment, and unsure of what exactly the alternative was – this had not been clearly outlined in the act, which only made vague references to appointing a new 'trustee' for those who wished to remain a community.<sup>35</sup>

Through Termination in 1961, Klamath tribal members lost their status as "Indian" and became "full American citizens". Yet they struggled to find jobs, manage swiftly diminishing finances, and gain services in Euro-American communities unwilling to accept them as equals. Fernando Herrera, a tribal member who received his withdrawal money in 1965 in his late teens, describes the sudden cash influx, alcoholism and confusion as destructive: "The parties we used to have, at one party my cousin, he stabbed a guy and he killed him. [...] Then I had another cousin that was mixed up in another killing. And this was all during Termination. [...] The scars are still there, people are still remembering what happened

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<sup>34</sup> Patrick Haynal, 'Termination and Tribal Survival: The Klamath Tribes of Oregon', *Oregon Historical Quarterly* 101.3 (2000), pp. 280–1.

<sup>35</sup> Public Law 587 (13 August 1954), <http://www.gpo.gov/fdsys/pkg/STATUTE-68/pdf/STATUTE-68-Pg718.pdf> (viewed: 17.8.2015).

during Termination, people my age.”<sup>36</sup> Herrera’s personal history demonstrates the violent chaos that was a direct consequence of the Klamath Termination process.

Furthermore, Termination only eradicated *federal* trust status – those members choosing to remain with the tribal collective were placed under the trusteeship of the U.S. National Bank of Portland. Many withdrawing members were no more ‘free’ than those who had chosen to remain; 48.9% of both withdrawing and remaining tribal members were deemed “incompetent” under the Termination Act, including all minors, and placed under the bank’s guardianship, forced to appeal to loan officer Ray Lung’s approval for purchases as simple as children’s school clothes.<sup>37</sup> Furthermore, as a result of the loss of education and health services, alongside increasing rates of alcoholism and unemployment, the median age of death dropped among former tribal members from forty-six years in 1961, to just thirty-nine and a half by 1971, in comparison to Oregon’s overall figure of 72.1.<sup>38</sup> Through Termination, most of the former reservation lands were purchased by the government and turned into Winema National Forest, meaning Klamath tribal members lost ownership over their traditional homelands.<sup>39</sup> Moreover, these disastrous effects of Termination have extended well into the twenty-first century. Despite regaining federal trust status in 1986, reservation lands have never been returned to the Tribes, Klamath County remains the second most economically depressed county in the state of Oregon and poverty rates are still high.<sup>40</sup>

The terms ‘termination’ and ‘withdrawal’ could thus denote two parts of the process – the removal of federal trust status from a whole tribe, or an individual’s withdrawal from a tribal collective after trust status had been revoked. Throughout this thesis, ‘Termination’

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<sup>36</sup> Fernando Herrera, interviewed by author (26 October 2015).

<sup>37</sup> Theodore Stern, *The Klamath Tribe: A People and their Reservation* (Seattle, 1966), p. 254; Gordon Bettles, interviewed by author (29 October 2015).

<sup>38</sup> Ulrich, *American Indian Nations*, pp. 65–8.

<sup>39</sup> *Ibid.*, p. 70.

<sup>40</sup> Charles Kimbol, interviewed by author (27 October 2015).

will be used to refer to the federal process of removing trust status from federally recognised tribes, seeing as this is both the term commonly used to denote the policy today, and the term widely used in Congressional and BIA circles at the time. By the time HCR 108 and tribal Termination bills were passed in Congress, the policy had taken a very clear shape. While this thesis will explore the multiple interpretations of the policy by various interest groups, including members of the press, tribal councils and mainstream public, what Termination was *in practice* can be defined in this manner.

Though the Termination of each tribe was carried out in varying ways, they all faced serious problems as a result of losing their trust status. Despite HCR 108 and tribal termination bills not usually specifically mandating the division of tribal lands, 3,307,217 acres of land was removed from trust status by the government, between 1948 and 1957, with serious ramifications.<sup>41</sup> For instance, though the Menominee Tribe in Wisconsin retained a communal structure by agreeing to register as a corporation, not allowing individual members to withdraw, leaders of Menominee Enterprises Inc. had little choice but to sell land to non-Indians to help pay for services within the newly created Menominee County.<sup>42</sup> Similarly, the Coos, Lower Umpqua and Siuslaw Confederated Tribes, who were terminated despite lacking substantial resources for self-sufficiency, saw a stretch of their homelands in the Oregon Dunes turned into a national recreation area in 1972, no longer protected by federal trust.<sup>43</sup> This loss of land and resources significantly contributed to the further impoverishment of tribal members, who often remained on former reservation lands, far from mainstream workplaces, as well as health and educational facilities that were no longer offered by the BIA.

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<sup>41</sup> Fixico, *Termination and Relocation*, p. 175.

<sup>42</sup> Nicholas Peroff, *Menominee Drums: Tribal Termination and Restoration, 1954-1974* (Norman, 1982), p. 8.

<sup>43</sup> David Beck, *Seeking Recognition: The Termination and Restoration of the Coos, Lower Umpqua, and Siuslaw Indians, 1855-1984* (Lincoln, 2009), p. 175.

The federal drive for the termination of trust status over tribes was supported by a sister policy of relocation. Begun in the late 1940s but amplified by Myer in the 1950s, relocation was a federally-funded BIA programme to aid tribal members in leaving reservations and tribal lands for urban areas, for employment and job training.<sup>44</sup> Between 1952 and 1957 seventeen thousand Native Americans received relocation services, but after this both funding and popularity declined. Relocation was an obvious attempt to assimilate the Native population by removing them from their tribes, with individuals often purposely placed as far away from their reservations as possible in major cities like Chicago, Los Angeles and Cleveland.<sup>45</sup> However, jobs provided through the programme were almost exclusively unskilled and low-level, and often seasonal. Consequently, relocatees struggled to achieve better living standards than they had experienced on reservations, and return rates were high. Discrimination and culture shock also added to the marginalisation of Native people in urban spaces, with Indian slums quickly developing in areas of poor quality housing. Furthermore, Native people often resisted assimilation in city environments, instead organising culturally, socially and politically engaged communities.<sup>46</sup> This, alongside the continued urban migration of American Indians after relocation funding ceased, contributed to a growing pan-tribal movement that became vocal on a national level in the 1960s. Relocation efforts largely functioned separately from Termination and had quite different results. For these reasons, though the policies had similar aims, this thesis will focus solely on Termination and will bring in relocation only where discussions surrounding the two overlapped.

In the late 1950s, various political figures began to speak out against the fast-paced withdrawal of trust status and problems of relocation. Secretary of the Interior Fred Seaton,

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<sup>44</sup> For more on relocation, see: Fixico, *Termination and Relocation*, pp. 134–57.

<sup>45</sup> *Ibid.*, p. 138.

<sup>46</sup> Ned Blackhawk, 'I Can Carry on From Here: the Relocation of American Indians to Los Angeles', *Wicazo Sa Review* 11.2 (1995), p. 24.



for instance, discouraged the withdrawal of trust status without tribal consent in a 1958 radio speech.<sup>47</sup> With the election of John F. Kennedy as President, and the transition to a Democrat government, emphasis in Indian affairs shifted further away from Termination. BIA Commissioner Philleo Nash (1961-1966) emphasised bringing Native Americans under the umbrella of programmes for the development of impoverished areas; under President Lyndon Johnson's Office of Economic Opportunity (OEO), considerable funding became available to tribes for reservation development.<sup>48</sup> The influence of major Termination supporters in Senate also decreased in the period, with Watkins leaving office in 1959. Scholarship, as a result, generally presents Termination as having ended in the early 1960s, with historian Donald Fixico even stating that "termination came to a halt" under Nash.<sup>49</sup>

Indeed, some significant legislation was passed in the late 1960s, most notably the 1968 Indian Civil Rights Act which added a tribal consent clause to PL 280. This portion of the Act was universally applauded, but Native activists were concerned by its simultaneous assertion of the U.S. constitution over tribal governments, seeing this as limiting tribal sovereignty.<sup>50</sup> Furthermore, the withdrawal process was not stopped or reversed in this period for any tribes. The last Termination bill to take effect was passed in 1962 and enacted in 1966, removing the trust status of the Northern Ponca Tribe of Nebraska.<sup>51</sup> The Oklahoma Choctaw Termination law was repealed just one day before it was meant to take effect in August 1970.<sup>52</sup> This is in part due to the efforts of a few determined Terminationists, who retained their positions on the Senate Indian Affairs Subcommittee, including Senator Clinton Anderson (D-New Mexico).<sup>53</sup> Though President Johnson released a message on Indian Affairs in 1968, titled "The Forgotten Indian", it was not until 1970,

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<sup>47</sup> Clarkin, *Federal Indian Policy*, p. 11.

<sup>48</sup> *Ibid.*, pp. 67-72, 124.

<sup>49</sup> Fixico, *Termination and Relocation*, p. 198.

<sup>50</sup> Clarkin, *Federal Indian Policy*, p. 266.

<sup>51</sup> Ulrich, *American Indian Nations*, p. 135.

<sup>52</sup> Valerie Lambert, *Choctaw Nation: a story of American Indian resurgence* (Lincoln, 2007), p. 3.

<sup>53</sup> Clarkin, *Federal Indian Policy*, p. 170.

with Nixon's Special Message on Indian Affairs, that a major federal figure publicly denounced Termination outright – not just Termination without consent.<sup>54</sup> Only with tribal restorations, beginning with the Menominee in 1973 and extending to the Klamath in 1986, was there a genuine recognition of, and attempt to rectify, the human disasters caused by Termination.

### **“An ethnohistorical approach to politics”**

In 2002, historian Daniel M. Cobb declared that American Indian policy history was on the “decline”, citing the need for an “ethnohistorical approach to politics”.<sup>55</sup> Rather than suggesting Native American history return to the one-way study of “what non-Indians have done to Native peoples”, Cobb encouraged the employment of ethnohistorical methods to enliven policy studies, re-examining the roles that Native peoples played in political interactions.<sup>56</sup> This has occurred to a limited extent – for instance, Cobb himself has illustrated how Native activists employed Cold War rhetoric to justify their aims of tribal sovereignty in the 1960s, drawing on oral histories and the records of Indian activist organisations.<sup>57</sup>

His 2002 criticisms nevertheless remain valid in relation to Termination scholarship, where two separate trends have emerged: legislative histories and tribal case studies. This study will bridge the historiographical gap between these by drawing focus to the language of Termination. To date no extensive research has been conducted regarding the development of rhetoric surrounding Termination from the late 1940s plans for withdrawal

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<sup>54</sup> Dean Kotlowski, *Nixon's Civil Rights: politics, principle, and policy* (Cambridge, 2001), pp. 191–200.

<sup>55</sup> Daniel Cobb, ““Us Indians Understand the Basics”: Oklahoma Indians and the Politics of Community Action, 1964-1970”, *Western Historical Quarterly* 33.1 (2002), pp. 44–5.

<sup>56</sup> *Ibid.*

<sup>57</sup> Daniel Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence, 2008), pp. 4–5.

up until the 1970 Nixon Message. Debates surrounding Termination, and the language employed in discussing Indian affairs by federal officials, public commentators and members of specific tribes, must be investigated to gain a better understanding of why Termination prevailed in the 1950s, and the extent to which policy aims really changed in the 1960s.

Termination historiography has tracked the development of Indian policy over two decades – as outlined above – with most early literature on the period focusing on legislative history. The seminal text on Termination is Donald Fixico's *Termination and Relocation* (1986), documenting the development of withdrawal policy from the end of WWII through to the early 1960s.<sup>58</sup> Fixico's book draws almost exclusively on federal and congressional records, providing little indication of the author's own Native background as Shawnee, Sac & Fox, Muscogee Creek and Seminole. While attempting to demonstrate the psychological effects of Termination and relocation on Native peoples, Fixico largely relied on an uncritical reading of mainstream newspaper articles and interviews to represent Native voices, rather than utilising oral histories or tribal documents.<sup>59</sup>

This neglect of Native viewpoints was criticised by Kenneth Philp in *Termination Revisited* (1999).<sup>60</sup> Philp's significant contribution is in demonstrating how Native responses to potential Termination plans developed and changed in the years before HCR 108 was passed, showing that the policy was initially supported by organisations like the NCAI.<sup>61</sup> Regardless of his criticisms of past historiography, Philp nevertheless draws similar conclusions to Fixico – both ascribe Termination's failure to Native refusal to assimilate into Euro-American society.<sup>62</sup> Both books also focus on the background of, and build-up to,

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<sup>58</sup> Fixico, *Termination and Relocation*.

<sup>59</sup> In particular, see chapter 7: Fixico, *Termination and Relocation*, pp. 134–57.

<sup>60</sup> Philp, *Termination Revisited*, p. xi.

<sup>61</sup> *Ibid.*, pp. 171-73.

<sup>62</sup> Fixico, *Termination and Relocation*, p. 183; Philp, *Termination Revisited*, p. 175.

Termination, mainly addressing the questions of why Termination was adopted and how the legislation developed, but not considering how it was implemented or how it ended.

Legislative histories of 1960s Indian affairs are similarly limited by a lack of consideration for local variations. George Pierre Castile's *To Show Heart: Native American Self-Determination and Federal Indian Policy, 1960-1975* (1998) and Thomas Clarkin's *Federal Indian Policy in the Kennedy and Johnson Administrations, 1961-1969* (2001) shed light on the development of Indian policy in an understudied period, examining transitions from Termination to self-determination.<sup>63</sup> Castile claims that Termination ran out of "political steam" in the 1960s, presenting Native activism as relatively weak in the period, while Clarkin underlines continuities in federal officials aiming for eventual Termination, with Native activism mounting against restrictions to sovereignty.<sup>64</sup> Both bring in Termination as a contrasting background to 1960s legislative developments, and argue that Native involvement in the OEO marked a clear departure from assimilationist federal policy.

Research on Termination legislation has, thus, strictly divided the two decades of the 1950s and 1960s, with virtually all scholarship focusing exclusively on one or the other. As a result, Termination emerges in historiography as a short, intense period between the Indian New Deal and self-determination legislation. Focusing only on the 1950s fails to address the question of why Termination was not officially repudiated until Nixon's 1970 Special Message on Indian Affairs. Even historians of the 1960s, while accepting that Termination was still widely feared amongst tribes, emphasise change in federal administration and legislative 'developments', de-legitimising the real concerns of Native groups in the period as the federal trust status of tribes continued to be removed despite their opposition. Examining these decades together will allow for a more adequate consideration of

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<sup>63</sup> George Pierre Castile, *To Show Heart: Native American self-determination and federal Indian policy, 1960-1975* (Tucson, 1998); Clarkin, *Federal Indian Policy*.

<sup>64</sup> Castile, *To Show Heart*, pp. 18–9, 175; Clarkin, *Federal Indian Policy*, p. 274, 281.

continuities throughout the period, rather than imposing an artificial end point to the policy despite tribal terminations continuing.

Both 1950s and 1960s legislative histories therefore pay scant attention to regional or tribally-specific policy developments, limiting any sense of Native activism or involvement to the most vocal, pan-tribal actions. Maori scholar Linda Tuhiwai Smith has called for academic “decolonization”, criticising the discipline of history for maintaining colonialist structures by drawing on Western written sources, and neglecting Native systems of knowledge.<sup>65</sup> Despite – or perhaps in response to – his largely federal-centric first book, Fixico has recently presented similar criticisms of historical scholarship. In *Call for Change: The Medicine Way of American Indian History* (2013) he re-assesses approaches to Native history, outlining the need for research to be conducted based on Indian views, in order to construct “cross-cultural bridges of mutual understanding”.<sup>66</sup> These are valid criticisms for legislative histories of Termination, which tend to marginalise Native perspectives on Termination in their top-down focus on federal impact on indigenous lives.

This decolonization theory, advocated by figures like Smith and Fixico, has led to the emergence of a second, predominantly interdisciplinary methodological approach in twenty-first century scholarship on Termination – tribal case studies. The most notable of these are Laurie Arnold’s (Lakes Band of the Colville Confederated Tribes) *Bartering with the Bones of their dead: the Colville Confederated Tribes and Termination* (2012), Charles Wilkinson’s *The People Are Dancing Again: the history of the Siletz tribe of western Oregon* (2010), David Beck’s *Seeking Recognition: the Termination and Restoration of the Coos, Lower Umpqua, and Siuslaw Indians, 1855-1984* (2009) and Edward Charles Valandra’s (Sicangu Lakota) *Not Without Our Consent: Lakota Resistance to Termination, 1950-59*

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<sup>65</sup> Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (Dunedin, 1999), pp. 30–3.

<sup>66</sup> Donald Fixico, *Call for Change: The Medicine Way of American Indian History, Ethos, and Reality* (Lincoln, 2013), pp. 3–5, 15.

(2006).<sup>67</sup> Each documents a tribe's struggle against Terminationist policies – whether a Termination Act or PL 280 – drawing on tribal knowledge and oral history in addition to written documents, bringing out the ways in which tribal members engaged with legislative change and policy-makers.

Termination case studies have otherwise largely surfaced as journal articles, or sections of larger works on twentieth century tribal sovereignty, like anthropologist Valerie Lambert's (Oklahoma Choctaw) *Choctaw Nation* (2007).<sup>68</sup> In addition, former journalist Roberta Ulrich has attempted to bring a variety of case studies together in one volume, *American Indian Nations from Termination to Restoration, 1953-2006* (2010), including the struggles of the Menominee, Alabama-Coushatta, Utah Paiute and Nebraska Ponca tribes, amongst others.<sup>69</sup> This increased focus on Termination within specific tribal contexts has provided important insight into not only the local implementation of federal policy, but how various tribes engaged with, resisted and shaped its execution. These case studies provide a scholarly response to legislative histories that – perhaps inadvertently – have cast Natives as passive victims of U.S. paternalism.<sup>70</sup>

Possible Native support for Termination has become a taboo subject, with most tribal case studies identifying support for it as restricted to specific individuals pursuing personal interests, notably Klamath tribal representative Wade Crawford and Oklahoma Choctaw Principal Chief Harry Belvin. Only Philp contends that there was some support for trust status withdrawal plans by activist organisations like the NCAI, making clear that this was tentative and quickly turned to protest after the passing of HCR 108. To date, no broad examination of how Termination was communicated to tribes has been conducted, or how

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<sup>67</sup> Laurie Arnold, *Bartering with the Bones of their Dead: the Colville Confederated tribes and termination* (Seattle, 2012); Wilkinson, *The People Are Dancing Again*; Beck, *Seeking Recognition*; Valandra, *Not Without Our Consent*.

<sup>68</sup> Lambert, *Choctaw Nation*.

<sup>69</sup> Ulrich, *American Indian Nations*.

<sup>70</sup> Popular revisionist Western histories have been published for a much longer period, see: Dee Brown, *Bury My Heart at Wounded Knee* (London, 1971).

members of varying tribes interpreted and navigated the policy. This thesis seeks to complicate the 'victim narrative' of tribes dealing with Termination and to explain why the policy gained a degree of support – both from the mainstream public and some Native individuals and groups – by examining the multiple ways in which the language surrounding it was interpreted and understood.

### **Tribal councils: between the BIA and tribal members**

Examining policy discussions between local BIA Area Office staff and tribal members is critical for understanding how assimilationist programmes were executed on the ground. As Cathleen Cahill and Gabriella Treglia have shown, BIA Area Office employees, including reservation superintendents, had a tangible influence on the implementation of federal policy at the local level in the late nineteenth and early twentieth centuries.<sup>71</sup> Seeing as the BIA – in addition to tribal attorneys – was the main source of information on federal policy for tribes living on remote reservations, the extent to which local BIA staff influenced the development of Termination policy for different tribes requires investigation. The ways in which federal officials communicated policy to a variety of tribes, as well as the ways in which tribal members interpreted Termination, need to be explored in order to understand the development of withdrawal. Tribal responses also need to be examined, recognising both vocal resistance and the possibility of initial acceptance.

The minutes of tribal council meetings, collected and archived by both the BIA and tribes themselves, provide an avenue for gauging both federal and tribal understandings and uses of Termination rhetoric. These hitherto neglected sources offer an insight into the conduct

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<sup>71</sup> Cathleen Cahill, *Federal Fathers & Mothers: a social history of the United States Indian Service, 1869-1933* (Chapel Hill, 2011), p. 257; Gabriella Treglia, 'The Consistency and Inconsistency of Cultural Oppression: American Indian Dance Bans, 1900-1933', *Western Historical Quarterly* 44.3 (2013), p. 146.

of Indian affairs at a local level, containing discussions between BIA staff and council representatives, as well as the voices of a variety of tribal members. It is important to note that tribal councils are heavily linked to the federal government; rather than reflecting traditional tribal governing systems, tribal councils today are largely federal creations, with many having been established under the 1934 Indian Reorganization Act or other BIA action, and based on a European parliamentary system.<sup>72</sup> Though the exact structure and size of each tribal government varied, all were monitored by the BIA in the mid-twentieth century: each tribe's superintendent attended every meeting of the council, including sessions of any executive committees, and council documents were stamped and filed at the BIA Headquarters in Washington, DC.<sup>73</sup>

As a result, councils have been heavily criticised as unrepresentative "elite" institutions, particularly by pan-Indian activist organisations. In the early 1960s, tribal councils were ridiculed by Native youth at the annual Workshop on American Indian Affairs. Bruce Wilkie (Makah) summed up activist criticism of tribal councils in his final exam for the 1962 workshop: "The Indian Council is, in reality, a figurehead body providing a buffer between the Indian people of the community and the colonial administration (the Indian Bureau)."<sup>74</sup> These views were shared by members of the 1970s activist group the American Indian Movement, who commonly referred to tribal council leaders as 'apples' and 'Uncle Tomahawks'.<sup>75</sup> These criticisms were justified in the respect that councils did not constitute indigenous forms of government and were essentially colonialist constructs.

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<sup>72</sup> For details on the introduction of parliamentary systems in the Navajo context, see David Wilkins, *The Navajo Political Experience* (Lanham, 2003), p. 81.

<sup>73</sup> See, for instance, stamps on a letter from Superintendent Raymond Bitney to the BIA: KGC (11 August 1949), *Major Council Meetings of American Indian Tribes, Part One, Section II, 1957-1970* (hereafter *MCMAIT 1/II*), Reel XVIII.

<sup>74</sup> Quoted in Cobb, *Native Activism in Cold War America*, pp. 65–6.

<sup>75</sup> An 'apple' is a derogatory term meaning someone is 'red on the outside and white on the inside', see Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York, 1996), p. 121.



Council meetings appear to have been largely conducted in English, in order for non-Native bureau officials to communicate with tribes. In most cases Euro-American stenographers were employed to record these minutes, meaning any discussions or comments that occurred in a tribe's own language were generally not included.<sup>76</sup> A notable exception is the Navajo tribe, in which a council member was elected to interpret from English to Navajo and vice versa.<sup>77</sup> In other cases, tribal members who did not speak English were unable to participate fully, as their contributions were not translated. However, the inability of BIA employees to speak the tribal language may in some situations have also been advantageous to tribal members, serving to exclude federal officials from partaking in a given discussion.

The evidence of both English and tribal languages being used to varied extents in council meetings demonstrates that proceedings were not dictated solely by BIA employees. Even a preliminary examination of the minutes of various tribal councils shows that these meetings allowed tribal members space in which to voice their concerns. The general council meetings of most tribes in this period were open for all members to attend, not just community elites. While the use of the English language did undeniably disadvantage some, the very fact that these minutes mention Native languages being spoken is significant, demonstrating that a wide variety of tribal members actively participated in council discussions. While critics of tribal councils, like Wilkie, may have been correct in highlighting the limited control that these exercised, reading between the lines of these minutes provides a sense of wider debates within tribes and the diverse ways in which the language of Termination was adopted and challenged. As such, the minutes are an invaluable tool

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<sup>76</sup> The Navajo Tribal Council, for example, hired stenographers, see: Navajo Tribal Council (hereafter NTC) (17-21 November 1958), *Major Council Meetings of American Indian Tribes, Part Two, Section One, 1957-1970*, (hereafter *MCMAIT 2/I*), Reel II.

<sup>77</sup> See for instance: NTC (22 January 1959), *Major Council Meetings of American Indian Tribes, Part One, Section One, 1914-1956* (hereafter *MCMAIT 1/I*), Reel V and NTC (22 January 1959), *MCMAIT 2/I*, Reel II.

not only for evaluating how federal Indian policy was communicated to tribes, but also how tribes negotiated and responded to it.

An awareness of the colonialist nature of these sources is nevertheless needed in order effectively to interpret discussions surrounding Termination. As Fixico has suggested in *Call for Change*, the study of American Indian history requires a reassessment of Euro-American sources and recognition of the one-sided nature of – and bias inherent in – written documents.<sup>78</sup> Such an ethnohistorical method involves consideration of an indigenous community's specific historical and cultural context. For this reason, four tribal councils have been selected for close examination in this study: the Klamath Tribal Council; the Five "Civilized" Tribes Inter-Tribal Council; the Mississippi Band Choctaw Tribal Council; and the Navajo Tribal Council. The minutes of various meetings of these councils from the 1940s, 1950s and 1960s are available in *Major Council Meetings of American Indian Tribes*, a microform collection drawn from BIA records. These tribes have been selected according to their categorisation in Zimmerman's withdrawal plans, with the Klamath labelled as 'predominantly acculturated', and the Mississippi Choctaw and Navajo as 'predominantly Indian'.<sup>79</sup> The "readiness" of the Five "Civilized" Tribes was contested among the BIA – according to Zimmerman's list they were 'predominantly Indian', but they continued to be referred to as "civilized" throughout the period.

The Klamath Tribes consist of three historically distinct groups brought together on a single reservation by the Treaty of 1864: the Klamath, Modoc and Yahooskin Paiute.<sup>80</sup> Today the tribes refer to themselves in the plural as the Klamath Tribes to reflect all three groups, but the singular term was used by both BIA officials and tribal members in the mid-twentieth century, and will be employed throughout this thesis for that reason. The

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<sup>78</sup> Fixico, *Call for Change*, pp. 76–7.

<sup>79</sup> Philp, *Termination Revisited*, p. 75.

<sup>80</sup> Haynal, 'Termination and Tribal Survival', p. 271.

Klamath General Council consisted of all adult members of the tribe, but only one hundred out of roughly a thousand and a half were required to be present at a meeting for quorum to be reached.<sup>81</sup> In addition to the General Council, a ten member Executive Committee was established under the constitution accepted by the General Council in 1950, replacing the Business Committee established by the BIA in 1908 to aid in communicating programme matters to the full tribal membership. The stated aim of the new Executive Committee was preparing the tribal government for full administration over the common estate, and they appear to have met on roughly a monthly basis.<sup>82</sup>

In practice, however, the BIA practiced significantly more administrative power on the reservation than the Council, as reflected by the much larger size of the local Agency: the reservation Superintendent employed over one hundred staff members, compared to the General Council's fifteen. It must be noted, however, that the Council was not purely a BIA imposition, having grown out of a combination of a tradition of collective tribal meetings held since at least the late 1800s and the needs of the BIA for a formal organ of tribal representation to communicate with.<sup>83</sup> Indeed, the lack of control over their administration and resources was a constant source of frustration for tribal members throughout the first half of the twentieth century, as evidenced by the numerous proposals made by representatives to gain greater control over their own affairs.<sup>84</sup>

As detailed above, the tribe was terminated in 1961 through the enactment of PL 587, the Klamath Termination Act. The Klamaths had long been considered a prime candidate for the removal of trust status, with former superintendent and tribal member Wade Crawford having lobbied Congress for a full liquidation bill from 1945 onwards.<sup>85</sup> It was no surprise, then, that Zimmerman categorised the tribe as 'predominantly acculturated'. The

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<sup>81</sup> Stern, *The Klamath Tribe*, p. 245.

<sup>82</sup> *Ibid.*, pp. 236-8.

<sup>83</sup> *Ibid.*, p. 243.

<sup>84</sup> Haynal, 'Termination and Tribal Survival', p. 272.

<sup>85</sup> *Ibid.*, p. 276.

belief that the Klamaths were largely assimilated is evident in a 1954 statement by Assistant Interior Secretary Orme Lewis:

“Through intermarriage with non-Indians and cooperative work and association with their non-Indian neighbors... these people have been largely integrated into all phases of the economic and social life of the area. The standard of living of the Klamath Indians compares favourably with that of their non-Indian neighbors. Their dress is modern, and there remains little vestige of religious or their traditional Indian customs.”<sup>86</sup>

The tribe’s “readiness” for withdrawal was, thus, based on apparent material equivalence with Euro-American society in the area, rather than clear information on economic ability, willingness of tribal members to give up their trust status, or the state’s capacity to take over services. While the tribe did have a relatively successful lumber industry, individual Klamath tribal members had little income: 37% of the tribal population lived solely off their \$800 per capita payments.<sup>87</sup> As stated earlier, the economic effects of Termination upon the Klamaths were disastrous.

Furthermore, BIA staff appear to have based their evaluation of the tribe’s acculturation on a few individual pro-Termination members, like Crawford, who could afford to travel to Washington to campaign for withdrawal.<sup>88</sup> However, the continued practice of traditional Klamath and Modoc religious and cultural rites to this day contradicts Assistant Secretary Lewis’ description of the Klamath. As anthropologist Patrick Haynal has noted, Klamath tribal members – including those who self-identify as Christians – generally believe in the significance of the spiritual connection between people and the natural environment, in

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<sup>86</sup> Quoted in Susan Hood, ‘Termination of the Klamath Indian Tribe of Oregon’, *Ethnohistory* 19.4 (1972), p. 381.

<sup>87</sup> Donald Fixico, *The Invasion of Indian Country in the Twentieth Century: American capitalism and tribal natural resources* (Niwot, 1998), pp. 82–3.

<sup>88</sup> Haynal, ‘Termination and Tribal Survival’, pp. 275–6.

accordance with the Klamath origin story of their cultural hero *Gmok'am'c* creating their tribal homelands. Traditional religious practices, like the use of sacred rock cairns and prayer seats for individual spiritual quests, did not die out under early twentieth century assimilationist policies. Rather these beliefs are considered private and not suitable for discussion with outsiders, meaning BIA employees may not have been aware of the extent to which traditional cultural practices persisted.<sup>89</sup> Reassessing discussions within Klamath tribal council meetings taking into account their cultural and historical background, while still acknowledging their frustrations with BIA administrative structures, will lead to a deeper understanding of their interpretations of Termination rhetoric.

Unlike the Klamath, the Five “Civilized” Tribes do not reside on their traditional homelands. As a result of 1830s federal removal policies, the Cherokee, Choctaw, Creek, Chickasaw and Seminole tribes were forcibly and violently removed from their lands east of the Mississippi into present-day Oklahoma.<sup>90</sup> Though the tribes re-established themselves as self-governing nations remarkably quickly, the trauma of removal lives on in their communal memory and informs their identities today.<sup>91</sup> The questionable moniker of the “civilized” tribes is rooted in this post-removal period, as the tribes each established their own constitutions, governments and schooling systems by building on both Euro-American models and traditional patterns of communal land ownership.<sup>92</sup> Many of these steps at building self-sustaining nations by combining the traditions of their tribes and Euro-American methods were lost as a result of allotment policy and the 1906 Five Tribes Act, which significantly limited their sovereignty, for instance transferring power of electing tribal chairmen to the U.S. President. Historiography on the Five Tribes generally contends that tribal members favoured assimilation throughout the first half of the twentieth

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<sup>89</sup> Haynal, ‘Influence of Sacred Rock Cairns’, pp. 170–85.

<sup>90</sup> Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton, 1973), pp. 3–5.

<sup>91</sup> Lambert, *Choctaw Nation*, p. 41.

<sup>92</sup> Debo, *And Still the Waters Run*, pp. 5–13.

century, with traditional cultural practices falling out of favour and tribal leaders becoming involved in pan-Indian organisations like the Society of American Indians.<sup>93</sup> For the Choctaw, a Termination act was even passed, with Fixico attributing this to the tribe's own willingness to "seize the initiative in abrogating their trust relationship."<sup>94</sup>

Anthropologist Valerie Lambert has complicated this view, demonstrating both how cultural practices were maintained on a local level amongst Choctaw communities, and that Choctaw Termination was profoundly guided by Principal Chief Harry Belvin and repealed due to strong tribal opposition before it could be executed in 1970.<sup>95</sup> This study will consider the minutes of the Inter-Tribal Council, a forum consisting of five representatives of each tribe (including the chairmen nominated by the U.S. President) which normally held a day-long session four times a year, in January, April, July and October.<sup>96</sup> These representatives were certainly elites largely instated by the federal government. Including the Inter-Tribal Council within this study of the language of Termination will allow for an examination of potential differences in how BIA employees presented Termination policy to "elite" members of tribes in comparison to those considered "predominantly Indian". These minutes are especially useful for investigating the extent to which Termination was accepted by the supposedly "elite" acculturated members of tribes not officially deemed ready for wholesale withdrawal.

Removal is equally a significant part of Mississippi Band Choctaw history and an influence on the tribe's identity. As a result of Article 14 of the 1832 Treaty of Dancing Rabbit Creek, individual Choctaws were granted rights to land allotments in Mississippi,

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<sup>93</sup> Lambert, *Choctaw Nation*, pp. 50–7.

<sup>94</sup> Fixico, *Termination and Relocation*, p. 170.

<sup>95</sup> Lambert, *Choctaw Nation*, pp. 64–75, 157–206.

<sup>96</sup> This pattern is clear in 1950s and 1960s minutes, with records of some meetings evidently missing, see: Five Civilized Tribes Inter-Tribal Council (hereafter FCTITC), *MCMAIT 1/I*, Reel XI and FCTIT, *MCMAIT 2/I*, Reel I.

which would lead to state citizenship if continuously occupied for five years.<sup>97</sup> After struggling for over a century to both practice these rights and to be recognised as a tribe, Choctaw lands were reclassified as a reservation in 1944, to allow the local BIA area agency to set up an oil lease requested by the Shell Oil Company.<sup>98</sup> A tribal council was also established at this time, to work as an advisory body to the BIA Muskogee Area Office in Oklahoma, which controlled the tribe's few funds and administered programs.<sup>99</sup> In terms of national Indian policy, the tribe was often forgotten – not even being specifically mentioned in Zimmerman's List, but rather implicitly included under the general 'Choctaw' heading as over twenty-five years away from Termination.<sup>100</sup>

The tribal council was initially small and limited in power, with its sixteen members meeting in the BIA agency kitchen. These representatives were popularly elected by adult tribal members, with one to three from each of the reservation's seven districts, usually including already prominent community and religious leaders, as well as WWII veterans.<sup>101</sup> The council's chairman, vice-chairman and secretary-treasurer were then elected by council members, rather than by the general Choctaw public. However, a shift away from paternalist BIA control occurred under the leadership of Phillip Martin, who entered tribal politics in 1957 and went on to be tribal chairman until 2007.<sup>102</sup> Throughout the 1960s and 1970s the tribal government expanded and took over control for their own administration with the help of OEO programmes, eventually developing a successful tribal economy and judicial system.<sup>103</sup>

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<sup>97</sup> Katherine Osburn, *Choctaw Resurgence in Mississippi: Race, Class, and Nation Building in the Jim Crow South, 1830-1977* (Lincoln, 2014), p. 11.

<sup>98</sup> *Ibid.*, p. 125.

<sup>99</sup> Sharon O'Brien, *American Indian Tribal Governments* (Norman, 1989), p. 7.

<sup>100</sup> Philp, *Termination Revisited*, p. 72.

<sup>101</sup> Osburn, *Choctaw Resurgence*, pp. 134–6.

<sup>102</sup> For more on Phillip Martin, see: Benton White and Christine Schultz White, 'Phillip Martin - Mississippi Choctaw', in R.D. Edmunds (ed.), *The New Warriors - Native American Leaders Since 1900* (Lincoln, 2001), pp. 195–209.

<sup>103</sup> Osburn, *Choctaw Resurgence*, p. 478.

The Navajo Nation, as it is known today, was straightforwardly classified as ‘predominantly Indian’ in Zimmerman’s list, due to their undeniable poverty, poor health and lack of formal schooling. After the end of WWII, the Navajos had the highest rate of tuberculosis in the country, an infant mortality rate ten times the national average and classroom space for only 6,000 of the 24,000 children on the reservation.<sup>104</sup> As a result of press outrage at the poor conditions on the reservation, Congress negotiated a development package for the tribe throughout the final years of the 1940s, passing the Navajo-Hopi Rehabilitation Act in 1950.<sup>105</sup> With the support of this act, further government aid, and a lucrative spell in the value of many of the tribe’s natural resources like coal and uranium, the tribe fared relatively well economically in the Termination period.

These economic achievements were coupled with the tribe taking major steps toward sovereignty and greater self-government, as the tribal council consolidated its role as governing body and tripled its budget. Historian Peter Iverson has gone so far as to say that “[...] the termination movement helped inspire a Navajo nationalist movement.”<sup>106</sup> Historically the Diné – meaning “The People” – have been a unified group for generations before the establishment of the U.S. government, being united through a vast but well-defined territory, common language and shared customs and beliefs.<sup>107</sup> Diné culture is traditionally “matricentered”, with women holding a strong socio-economic position as the owners of livestock and heads of household.<sup>108</sup> Before Spanish contact, the Diné were usually separated into local bands led by headman known as *naataanii*, but interaction with

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<sup>104</sup> Philp, *Termination Revisited*, pp. 52–3.

<sup>105</sup> *Ibid.*, p. 66. These negotiations will be discussed in Chapter One.

<sup>106</sup> Peter Iverson, *Diné : a history of the Navajos* (Albuquerque, 2002), p. 198.

<sup>107</sup> Wilkins, *Navajo Political Experience*, p. 7.

<sup>108</sup> Marsha Weisiger, ‘Gendered Injustice: Navajo Livestock Reduction in the New Deal Era’, *Western Historical Quarterly* 38.4 (2007), pp. 441–2.



Spanish and American militaries led to the formation of a more centralised tribal leadership.<sup>109</sup>

The mid-twentieth century form of the tribal council, which was established by the BIA in the 1920s to sign off on oil leases, by no means reflects the traditional forms of Diné government. It expanded in the 1930s and by the 1950s, the Tribal Council consisted of seventy-four representatives, selected through elections hosted by local chapters, which had been drawn up by BIA staff based on pre-existing networks and local groups.<sup>110</sup> These council representatives then elected the tribal chairman and vice-chairman, usually choosing men who had been educated at off-reservation boarding schools, like Jacob Morgan (1938-1942), Sam Ahkeah (1946-1954) and Paul Jones (1955-1963).<sup>111</sup> Post-WWII, a significant portion of both tribal leaders and council representatives were also veterans. However, historian Carolyn Niethammer, biographer of councilwoman Annie Wauneka, has noted that the majority of council delegates “came from the lower economic levels of the community.”<sup>112</sup> This assertion is supported by the fact that English-to-Navajo interpreters were used continuously out of necessity. Compared to the other tribal councils considered here, the Navajo representatives were probably the most varied in background. It is important to note, however, that *naataanii* continued to function separately from the council as local advisors, and traditional “singers” who conducted ceremonies like the Blessing Way also held a position of importance.<sup>113</sup>

The tribal councils examined in this thesis, therefore, varied broadly in terms of their geographical location, historical context and composition, but each was an administrative

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<sup>109</sup> Wilkins, *Navajo Political Experience*, pp. 60–70.

<sup>110</sup> Iverson, *Diné*, p. 134; Wilkins, *Navajo Political Experience*, pp. 81–7.

<sup>111</sup> Iverson, *Diné*, p. 205, 211; Andrew Needham, *Power Lines: Phoenix and the Making of the Modern Southwest* (Princeton, 2014), p. 50.

<sup>112</sup> Carolyn Niethammer, *I'll Go and Do More: Annie Dodge Wauneka, Navajo Leader and Activist* (Lincoln, 2001), p. 62.

<sup>113</sup> See, for instance, the accounts of veterans Tom Jones and Albert Smith on ceremonies in the 1940s and 1950s in: Laura Tohe, *Code Talker Stories* (Tucson, 2012), pp. 85–91, 131–9.

group composed of tribal members recognised by, and linked to, the BIA. Apart from the Five Tribes Inter-Tribal Council, the council representatives were popularly elected by tribal members in diverse ways, reflecting varied elements within each tribe. In the mid-twentieth century, these councils, as such, constituted meeting grounds in which tribal members both interacted with BIA staff and *with each other*. Both English and a tribe's own language were used to varying extents in each context, from the only occasional mention in Inter-tribal Council meetings, to much of Navajo meetings being conducted in Diné. This mirrors the varied socio-cultural influences at work within council meetings, which were both the main avenue for BIA officials to communicate policy and news to reservations, and for tribal members to voice their concerns. Council meetings presented spaces in which tribal, federal and more broadly Euro-American interests could most visibly intersect and interact.

In this respect, the workings of tribal councils bear some resemblance to another federally administered space in which tribal members worked – boarding schools. As literary scholar Amelia Katanski has demonstrated, though boarding schools attempted to assimilate Native youth by imposing Euro-American values and the English language onto them, these students found ways of expressing their identities as both Indians and members of their tribe.<sup>114</sup> Though boarding school students often wrote in English, they practiced a “linguistic subversion” in encoding the words taught by their Euro-American teachers with meanings and phrases relevant to their own experience – a process Katanski terms “writing ‘Indian’”.<sup>115</sup> Tribal council members in meetings were also faced with English terms and language through their communications with federal officials and off-reservation Americans. This thesis will demonstrate that tribal council members displayed agency in interpreting and employing the language of Termination in their own ways and to their own

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<sup>114</sup> Amelia Katanski, *Learning to Write ‘Indian’: the boarding school experience and American Indian literature* (Norman, 2005), p. 13.

<sup>115</sup> *Ibid*, p. 218.

means in verbal communication as Klamath, Five Tribes, Mississippi Choctaw or Navajo tribal members, American citizens and American Indians – effectively *speaking 'Indian'*.

## **The national press: communicating the language of assimilation**

Tribal council debates can aid in understanding the varied ways in which Termination was implemented on a local level, but these discussions alone cannot sufficiently answer why the policy was not officially repudiated until 1970. Historians have noted that Termination rhetoric was vague in nature, but have paid little critical attention to the extent to and manner in which it was publicly discussed. Fixico simply notes that Myer offered “platitudes on Indian assimilation”, but offers no concrete examples.<sup>116</sup> To examine the question of why the federal government continued to plan for the removal of federal trust status well into the 1960s, this thesis will look to national discussions surrounding Indian policy, as exhibited in the press. The hegemonic presumptions which underpinned mainstream beliefs about Native Americans – that are reflected in contemporary press reporting – can help explain why support for the removal of federal trust status was dominant in the mid-twentieth century.

Before looking more closely at the role of the press in communicating policy, the historical background of assimilationist rhetoric must be noted. The idea that federal supervision is harmful and creates dependency had been prevalent within congressional circles since the late 1800s. This belief was heavily influenced by social evolutionary theory, which proposes that human societies evolve in a set pattern from “savagery” to “civilization”, as outlined by social theorist Lewis Henry Morgan in his 1877 book *Ancient*

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<sup>116</sup> Fixico, *Termination and Relocation*, pp. 66–7.

*Society*.<sup>117</sup> By this reasoning, Native tribes, with their communal land ownership systems, were on a lower rung of development, destined naturally to progress toward a Euro-American societal model of democracy and capitalism. This principle is exemplified by the infamous statement by 1890s Indian rights reformist Merrill Gates: “Discontent with the tepee and the starving rations of the Indian camp in winter is needed to get the Indian out of the blanket and into trousers, - and trousers with a pocket in them, and with a pocket that aches to be filled with dollars!”<sup>118</sup> The strong belief in the capitalist system’s transformative abilities and in the necessity of individual land ownership to foster full “maturity” in Indians, were major motivations behind passing the 1887 General Allotment Act (Dawes Act). The Act split up tribal lands into individual parcels and granted U.S. citizenship to those Indians who accepted their 160 acre allotment, freeing up “surplus” lands for white settlement.<sup>119</sup>

“Liberation” from the reservation was, thus, already an established approach in Indian affairs by the turn of the twentieth century. This is evident in contemporary press editorials, which commonly promoted the elimination of the reservation system as “pernicious”, causing “increasing Indian pauperism”.<sup>120</sup> The disastrous results of the assimilation era, including poverty and a wide-scale land loss among Native peoples, fuelled support for Collier’s reservation-centric plans for Indian affairs.<sup>121</sup> However, the language of assimilation survived the 1930s Indian New Deal. While HCR 108 did not explicitly mention the issue of land ownership, elements of assimilation-era rhetoric can nevertheless be seen in the resolution, marking a re-emergence of social evolutionary ideology in claiming Natives needed to be ‘elevated’ to Euro-American standards.

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<sup>117</sup> James Wilson, *The Earth Shall Weep: a history of Native America* (London, 1998), p. 298.

<sup>118</sup> Quoted in *Ibid.*, p. 299.

<sup>119</sup> *Ibid.*, pp. 303-4.

<sup>120</sup> See for example ‘The Reservation System’ (19 October 1891) and ‘Promoted Indian Pauperism’ (15 November 1900) in: Robert Hays (ed.), *Editorializing ‘The Indian Problem’: The New York Times on Native Americans, 1860-1900* (Carbondale, 1997), p. 89, 92.

<sup>121</sup> Peter Iverson, *We Are Still Here: American Indians in the twentieth century* (Wheeling, 1998), pp. 33–6.

The power structures which supported Termination cannot be fully understood by examining legislative action only, but also the attitudes and beliefs which informed these. Since the passing of the 1831 Supreme Court decision *Cherokee Nation v. Georgia*, Native tribes have been considered “domestic dependent nations”, under the control and protection of the federal government, with limited sovereign powers.<sup>122</sup> This decision was followed in 1832 by *Worcester v. Georgia* in which Chief Justice John Marshall affirmed the rights of the Cherokee Nation against impositions by the state of Georgia, and termed tribes “separate nations... having institutions of their own, and governing themselves by their own laws.” This ruling confirmed a limited sovereignty for tribes, laying the foundations for the modern conception of tribal-federal interactions as a government-to-government relationship, which continues dependent on the federal government.<sup>123</sup>

Tribal sovereignty, then, is established in the U.S. legal system, but is dependent on the federal government for its enactment, and in practice an ideal overlooked for most of the nineteenth and twentieth century until drawn on by Native rights activists in legal battles from the late 1960s onwards. Termination must be considered within this context of long-standing paternalist control, and the assumptions about Native Americans inherent within this ideology. As anthropologists Jean and John Comaroff have highlighted, historical research needs to recognise power structures as “many-sided” and consider their implications in “culture, consciousness and representation”.<sup>124</sup> This study’s focus on press rhetoric will bring to light the ways in which language constructs and communicates control over the indigenous population of the United States. The national news media, in

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<sup>122</sup> Robert Berkhofer, *The White Man’s Indian: Images of the American Indian from Columbus to the Present* (New York, 1978), pp. 163–4.

<sup>123</sup> Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York, 2005), pp. 244–5.

<sup>124</sup> Jean Comaroff and John Comaroff, *Of Revelation and Revolution: Christianity, Colonialism, and Consciousness in South Africa, Volume 1* (Chicago, 1991), pp. 16–7.

reproducing mainstream viewpoints for a mainstream audience, perpetuates the colonialist structures under which tribal communities live.

The power of public opinion and attitude is in implicit consensus – a hegemonic system of beliefs so naturalised among a majority population that it is barely perceptible and therefore difficult to challenge.<sup>125</sup> This examination will demonstrate that the ideas of assimilation and societal evolution, of Euro-American superiority over tribal nations, form a hegemony through which Native peoples are viewed as “less developed” and therefore not able to make their own decisions. In this respect, while contributing to the historiography of Termination, the implications here extend far beyond the mid-twentieth century. A study of language and the ways in which official federal rhetoric was publicly discussed – including how it was employed and interpreted, and the responses it received – will facilitate greater understanding of the ways in which national mainstream populations conceive of, and interact with, indigenous populations.

A critical reading of how Indian affairs were discussed in the press, as well as how indigenous peoples were represented, can help to reconstruct public opinion from a specific time period. Sociologist Michael Schudson has described the press as a “composite, shared, ordered, and edited product”, suggesting that news does not simply report on events, but replicates the subconscious biases and beliefs of those who create it.<sup>126</sup> Reflecting capitalist concerns and cultural attributes, the press works as a mirror for public sentiment.<sup>127</sup> Indeed, in the mid-twentieth century – if not still today – national newspapers were largely staffed by Euro-Americans; in 1995 ninety-five percent of journalists were white.<sup>128</sup> Furthermore, national newspapers in the United States are an inherently commercial venture, owned by major press companies and heavily dependent on sales for

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<sup>125</sup> *Ibid.*, p. 25.

<sup>126</sup> Michael Schudson, *The Power of News* (Cambridge, 1995), p. 2.

<sup>127</sup> Mark Cronlund Anderson and Carmen Robertson, *Seeing Red: A History of Natives in Canadian Newspapers* (Winnipeg, 2011), p. 15.

<sup>128</sup> Christopher Campbell, *Race, Myth and the News* (Thousand Oaks, 1995), p. 4.

income – as such, press writing is by necessity aimed at an average consumer readership: middle-class and white.<sup>129</sup> The anticipated audience for the national press has been, hence, strictly non-Native. As a result, press representations of Indian policy – whether in support of or in apparent opposition to it – reflect mainstream views of Termination which, presumably, could differ vastly from Native interpretations.

The U.S. press is, however, not explicitly government-controlled and is often called a “free” press. Journalism historiography has shown that throughout the early twentieth century, the primary value of press reporting was objectivity, meaning newspapers claimed to present news in an unbiased and fair manner – and were believed to be doing so both by those working in the press and readers.<sup>130</sup> The extent to which reporting on Indian affairs aligned with federal rhetoric, and whether opposing views came through in the press must, thus, be explored. A critical analysis of not only the content, but the structure and form of the press is required to uncover underlying attitudes about Native peoples. As a result, the news is a valuable source for gauging mainstream perceptions of and attitudes toward marginal populations, as news reporting reflected inherent societal power structures. What was accepted as “common sense” knowledge about Native people in the press can help answer questions of why Termination as a policy was adopted and persisted throughout the 1950s and 1960s despite increasing opposition from Native communities. The ways in which Termination was presented, as well as protested, in the press, can help explain the extent to which attitudes to Native peoples developed in a period of supposed change in the government’s approach to the indigenous population.

In 1947, the Commission on the Freedom of the Press, led by educational philosopher Robert Maynard Hutchins, released a report criticising the media for being unfair in its

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<sup>129</sup> Schudson, *Power of News*, p. 7.

<sup>130</sup> Michael Schudson, *Discovering the News: a social history of American newspapers* (New York, 1978), pp. 144–59.

representation of minorities, for focusing unduly on negatives whilst neglecting to cover their “common humanity”.<sup>131</sup> Hutchins, as such, challenged the hegemonic representations of racial minorities, highlighting that these were based in stereotyping. Evidently negative bias in press reporting on race persisted, as is evidenced by the 1968 Report of the National Advisory Commission on Civil Disorders, which similarly criticised press coverage of African Americans for contributing to 1967 race riots, stating that it was the “responsibility of the news media to tell the story of race relations in America.”<sup>132</sup> These reports demonstrate that while an understanding of the significance of power structures in press reporting on racial minorities was being awakened in the United States, both in academic and in federal circles, little tangible change toward fairer minority representation occurred. As such, during the Termination period, minorities’ access to the press was severely limited, restricting their ability to participate in public discussions of federal policy.

In order to evaluate general mainstream perceptions and understandings of Indian policy, this thesis will examine national press reporting on Native Americans in the Termination era. In her broad study of Native imagery in the twentieth century press, *Native Americans in the News*, journalism historian Mary Weston argues that local newspapers were more sympathetic to tribal members’ concerns regarding Termination, whereas the national press either overlooked Indian affairs or presented stereotyped imagery.<sup>133</sup> However, most of the American population did not live in areas close to reservations, meaning they depended on national press publications for information on Indian affairs.<sup>134</sup> Furthermore, in order to understand mainstream reactions to federal Indian policy and perceptions of Native Americans, they must be situated within the

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<sup>131</sup> Beverly Ann Deepe Kever, ‘The Origins and Colours of a News Gap’, in B.A.D. Kever, C. Martindale, and M.A. Weston (eds.), *U.S. News Coverage of Racial Minorities: A Sourcebook, 1934-1996* (Westport, 1997), pp. 13–4.

<sup>132</sup> Mary Ann Weston, *Native Americans in the News: Images of Indians in the Twentieth Century Press* (Westport, 1996), p. 7.

<sup>133</sup> Weston points to Menominee imagery in local and national newspapers to demonstrate this: *ibid.*, pp. 109-16.

<sup>134</sup> *ibid.*, p. 15.



framework of an American national identity. For these reasons, local publications will not be considered here; instead the focus is on widely influential national news media, available across the country: the *New York Times*, *Washington Post*, *Christian Science Monitor*, and *TIME magazine*.

The *New York Times* was founded in September 1851 by college student Henry Raymond, as a paper for the masses with a staunchly non-partisan position.<sup>135</sup> While the *Times* has not fully succeeded in maintaining non-partisanship, with the paper strongly supporting Kennedy in the early 1960s presidential elections, throughout the twentieth century it was one of the most widely circulated broadsheet daily newspapers in the United States.<sup>136</sup> It is not only a popular paper, but a well-respected one; it has won 114 Pulitzer Prizes, including fifteen between 1947 and 1970.<sup>137</sup> As such, in the 1950s and 1960s, the paper was seen as presenting high quality, unbiased news reporting. Examining its representations of Indian affairs is, thus, critical to understanding mainstream perceptions of Native Americans.

The *Washington Post* is another well-regarded national publication, gaining particular praise in the early 1970s for its exposure of the Watergate scandal.<sup>138</sup> The paper has featured a strong emphasis on political reporting since its establishment in 1877. Though perhaps not as well-known as the *Times* in the mid-twentieth century, the *Post* nevertheless held an important position in the US press market during the period. Based in Washington D.C., it was well placed to cover federal government issues, including matters concerning the BIA. Like the *Times*, the *Post* aims for a non-partisan stance, but Phil Graham, editor from 1946 until his death in 1963, was a close friend of John F. Kennedy.

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<sup>135</sup> Michael Emery, Edwin Emery and Nancy Roberts, *The Press and America: An Interpretive History of the Mass Media* (Needham Heights, 2000), p. 108.

<sup>136</sup> Both before WWII and in 1997, the paper had some of the highest circulation numbers in the country, see: *Ibid.*, p. 352, 545.

<sup>137</sup> 'Pulitzer Prize Timeline', <http://www.nytc.com/pulitzer-prizes/> (viewed: 7.4.2015)

<sup>138</sup> Emery, Emery and Roberts, *The Press and America*, pp. 440–2.

Consequently, the editorial stance of the paper tended towards Democratic sympathy in the Termination era.<sup>139</sup>

Unlike the *Times* and the *Post*, the *Christian Science Monitor* displayed a more conservative stance in this period, pledging support for Richard Nixon in 1960s presidential campaigns.<sup>140</sup> While the *Monitor* was not as popular in the mid-twentieth century as the *Times* and the *Post*, suffering from decreasing circulation numbers from the 1960s onwards, it was nevertheless a respected paper, winning four Pulitzers, 1950-1969.<sup>141</sup> Though the *Monitor* claims to be a secular publication, it is owned by Boston's First Church of Christ, Scientist and was founded in 1908 under the motto "to injure no man, but to bless all mankind."<sup>142</sup> Since the Board of Directors of the Church appoints the editor, it is clear that the publication is influenced by Christian ideology and values, if not explicitly driving such an agenda. The *Monitor* has been selected for study here due to this distinctive background.

Finally, *TIME magazine* is a weekly news magazine established in 1923, aiming to serve a market of "busy working men" by summarising day-by-day news into weekly digests.<sup>143</sup> As a result, *TIME* has presented readers with a more narrative style, focusing on human interest pieces and, from the mid-1960s onwards, an increasing number of essays. Unlike the broadsheet papers here considered, *TIME* does not present itself as objective, instead blurring the boundaries between opinion, editorial and hard news. While in the mid-twentieth century the publication was perhaps considered sensationalist rather than strictly respectable, it nevertheless gained high circulation numbers, reaching up to three million in

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<sup>139</sup> *Ibid.*, p. 396.

<sup>140</sup> *Ibid.*, p. 436.

<sup>141</sup> 'Pulitzer Prizes', <http://www.csmonitor.com/Specials/Monitor-Centennial/Pulitzer-Prizes> (viewed: 21.8.2015)

<sup>142</sup> 'About the Christian Science Monitor', [www.csmonitor.com/About](http://www.csmonitor.com/About) (viewed: 7.4.2015)

<sup>143</sup> Emery, Emery and Roberts, *The Press and America*, p. 333.

1962 for its domestic, Canadian and three overseas editions.<sup>144</sup> Both in structure and style, *TIME* presented a departure from broadsheet newspapers. As the most circulated news magazine of the mid-twentieth century, it was influential in the wider arena of print media. *TIME* must, therefore, be included in this study as a useful point of comparison to more “traditional” broadsheet publications.

Notably, all four of the publications here studied are based on the East Coast, *TIME* included. This selection reflects the dominance of East Coast publishers in the news media, with most major national newspapers being concentrated there throughout the twentieth century. According to 1997 circulation statistics, six of the top ten news publications had headquarters in East Coast states, including four in New York City alone.<sup>145</sup> Furthermore, the main newswire services operate from East Coast offices, with the Associated Press (AP) and United Press International (UPI) based in New York City and Washington D.C., respectively. Though the geographical variation here is narrow, these papers are nevertheless most representative of the United States *national* press, ranging from liberal to conservative, daily broadsheet to weekly news magazine. The presentation of, as well as responses and reactions to, Indian affairs in these papers thus exemplify mainstream American attitudes toward Native peoples.

## Chapter outlines

The issue of *why* such a disastrous policy was accepted for nearly two decades underlies all inquiry in this thesis. The following six chapters will demonstrate how language shapes U.S. American Indian policy – the ways in which it is presented, interpreted and responded

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<sup>144</sup> Ibid., p. 333.

<sup>145</sup> A notable exception is the *Los Angeles Times*, which in 1997 had the fourth highest circulation numbers in the country, making it the top-ranking non-East Coast publication, see: Ibid., p. 545.

to. Federal rhetoric implicitly presented four elements as key to solving the “Indian problem” through assimilation: “Indian” dependency; joining American mainstream society; living up to “full” citizenship standards; and land ownership. Specific tribes and the federal government negotiated the vague concepts of “freedom”, “Americanness” and “independence” across their respective cultural boundaries; areas in which these perspectives both differed and overlapped must be considered in interpreting local discussions of federal policy. This language also shaped the ways in which the mainstream public viewed the indigenous population within their country – public acceptance of Termination thus depended on mainstream Americans’ belief in the ability of Native people to integrate with Euro-American society. These debates within the U.S. domestic and Native spheres coexisted with, and shaped, federal Indian policy to varying extents and must, therefore, be examined in order to gain a more comprehensive understanding of *why* tribes were terminated.

This thesis will start by examining Native and non-Native understandings of Termination legislation specifically. **Chapter One: Communicating Legislation to Tribes, 1947-1954** provides an account of how federal officials communicated about legislation with tribal council members in the years leading up to HCR 108 and tribal Termination acts. It also examines the varied responses of tribal council members to federal statements, indicating how withdrawal was interpreted by a variety of Native individuals and groups. This demonstrates that possible support for the eradication of federal trust status can be understood in light of the varied interpretations of what “Termination” would entail, as well as a willingness of tribes to appear cooperative in a volatile period of Indian policy.

**Chapter Two: Press Presentations of Termination and Issues of Consent** investigates the extent to which national press presentations of Termination policy differed from BIA statements to tribal councils. This demonstrates that the press largely accepted and

reproduced the aims and ideology of assimilation. Most significantly, this chapter pays close attention to opposition to Termination, to show that it focused mostly on the *pace* at which trust status was to be withdrawn, rather than the idea of assimilation as an ultimate goal. Determining the range of voices who participated in discussions about Indian policy in the press – Native, mainstream, federal, etc. – will contribute to scholarship on limits to the supposed “freedom of the press”. This chapter examines the time immediately following the passing of HCR 108 and PL 280, and also tracks changes from the late 1940s to Nixon’s Special Message in 1970.

The four remaining chapters adopt a thematic approach, examining specific debates related to Indian policy, to see how these influenced Termination and developed in the period. **Chapter Three: ‘Looking Down on Indians’ – the Persistence of Discrimination and Control**, investigates limitations to the belief in assimilation, demonstrating that racial discrimination was prevalent throughout the 1950s and 1960s, even affecting Native interactions with federal officials. Despite Termination rhetoric speaking of “freedom” and claiming the process was “voluntary”, the implementation of the policy was paternalistic and coercive. This chapter highlights the paradox in Indian affairs in the mid-twentieth century: that despite being pushed toward assimilation, Native Americans were consistently presented as racially and culturally inferior to the mainstream, raising the question of whether they would ever be able to fully join it.

**Chapter Four: Being “American” – Identification and Acceptance** compares Native and mainstream perceptions of “Americanness” and what it means to be part of a national whole. Patriotic allegiance became critical in the McCarthyist atmosphere of the early Cold War; this chapter explores the effect anti-communist pressure had on Native self-perception and identification. The main questions considered here involve cultural and social identity, rather than legal status, to demonstrate that identifying as “Indian”

constituted a barrier to being categorised as “American”. The chapter illustrates that the continuing interest in Native peoples and cultures did not preclude assimilation, but rather grew into a 1960s push to integrate stereotypical, perceived aspects of “Indianness” into the mainstream, thus transforming it into something “American”.

Issues of legal status are explored in **Chapter Five: Recognition of and Limitations to Native American Citizenship**. All Native Americans were granted American citizenship status under the 1924 Indian Citizenship Act, but HCR 108 nevertheless described Natives as not yet “full American citizens”. This chapter examines how supporters of Termination deliberately distorted the factual legal status of American Indians, and how the press equally accepted the notion that Natives were not “fully” citizens. Finally, through comparing tribal councils’ discussions of citizenship to press representations of Native Americans as “wards”, the chapter will demonstrate that interpretations of what constituted “full” legal citizenship varied drastically. Increasingly into the 1960s, Natives spoke of themselves not only as U.S. citizens, but as citizens of their own tribal nations – sowing the seeds for an era of self-determination after Nixon’s Special Message.

As chapters four and five establish, a key element generally accepted as inherent to both being culturally “American” and a legal citizen of the United States, is land ownership. The final chapter of this thesis, **Chapter Six: The Rhetoric of Reservations**, explores differing mainstream and Native interpretations of the significance of land to explicate tensions surrounding land ownership in Termination debates. This illustrates that “individual land ownership” was perceived by the mainstream public as being at odds with Native lifestyles, with reservations presented as encouraging dependency and idleness. Members of tribal councils, in contrast, had varied conceptions of what “individual land ownership” could entail, not necessarily seeing it as a hindrance to the continued self-government of tribes.

Land was indeed an issue of much debate in the four tribal councils here considered, with varied “traditional” cultural influences and economic concerns not necessarily conflicting.

Overall, the thesis argues that while federal rhetoric surrounding Indian policy may have shifted in the early 1960s toward a more gradual approach to Termination, through the economic development of reservations, the ultimate goal of assimilation remained inherent throughout the period. The unfixed, malleable nature of the language of assimilation means it could be altered to achieve varied aims and to gain support for questionable policies. However, the same rhetoric of “freedom” can equally be used as a tool by minorities at the margins of society, with tribal council members voicing alternate interpretations of rhetoric that had been cultivated by federal officials. Rather than emphasising change due to alterations in federal legislation, this thesis will draw out continuities in mainstream attitudes and perceptions underlying superficial developments.

Outside of the circles of indigenous history scholarship, Termination is largely unknown. While Termination has long since been rejected as official federal policy, the ideologies which powered it have not died out. Forgetting the history of Termination, and ignoring the distorted rhetoric which garnered support for federal trust status withdrawal, leaves federally recognised Native tribes open to future threats. Attempts at terminating individuals or whole groups of tribes have resurfaced even in the twenty-first century. In 2000, the Washington State Republican Party passed a resolution to terminate all tribal governments in the state, with a vote of 248 for and two against.<sup>146</sup> Though the Bush administration distanced itself from any such claims and the resolution achieved no ground in practice, this support for eliminating tribal status is an alarming indication that Terminationist sentiment lives on.

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<sup>146</sup> Thomas King, *The Inconvenient Indian: A Curious Account of Native People in North America* (Toronto, 2013), pp. 198–9.

In fact, the policy of assimilation through the removal of indigenous peoples' special status has in recent years surged in popularity across the globe: Canadian Prime Minister Stephen Harper advocated changes to the legal status of First Nations, and Australian Prime Minister Tony Abbott equally promoted the "closure" of remote aboriginal communities.<sup>147</sup> Not only must we determine *why* 1950s and 1960s American Indian Termination in the United States was a failure, but *how* Natives and Euro-Americans interpreted the policy – and why the mainstream considered Indians "a problem" to be solved. Only then can a step be taken away from the idealisation of assimilation, and towards better cross-cultural understandings of the hopes and aspirations of specific indigenous populations for their futures, both as sovereign nations and as participants in broader society.

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<sup>147</sup> Canadian indigenous policy under new Prime Minister Justin Trudeau remains to be established, but an unprecedented number of First Nations and Inuit candidates were elected in October 2015. See: Helen Davidson, 'Explainer: the facts behind the outrage over Tony Abbott's Indigenous 'lifestyle choice' remarks', *The Guardian*, 12 March 2015, <http://www.theguardian.com/australia-news/2015/mar/12/behind-the-outrage-over-tony-abbotts-indigenous-lifestyle-choice-remarks> (viewed: 10 April 2015) and John Schertow, 'Stop Harper's First Nations Termination Plan!', *Intercontinental Cry*, 18 February 2014, <https://intercontinentalcry.org/stop-harpers-first-nations-termination-plan/> (viewed: 10 April 2015).



## Chapter One: Communicating Legislation to Tribes, 1947-1954

“It is important to note that in our... language the only translation for termination is to ‘wipe out’ or ‘kill off’. We have no... words for termination... Why is it so important that Indians be brought into the ‘mainstream of American life’?”

- Earl Old Person, Blackfoot Tribal  
Chairman (1960)<sup>1</sup>

The term “Termination” has undeniably negative connotations, a matter recognised by Native American activists in the 1960s and 1970s, as demonstrated by the quote from former Blackfoot tribal chairman and NCAI president Earl Old Person. How could a policy carrying the multifarious negative connotations of a word like “termination” gain support, either in the public eye or amongst tribal councils? The key is in understanding the early rhetoric surrounding the policy. Though Termination is today the label most commonly attached to 1950s and 1960s federal Indian policy, until the passing of HCR 108 and PL 280 the term was hardly used in public discussions of Indian affairs. In fact, the word “termination” is not even mentioned in HCR 108, the resolution which consolidated withdrawal of trust status as a federal aim.<sup>2</sup> Rather HCR 108 stated that the aim of federal Indian policy was to “end their status as wards of the United States.”<sup>3</sup>

Scholarship on Termination to-date, particularly Fixico and Philp’s key works on the legislative development of the policy, only briefly outlines Indian affairs rhetoric in the

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<sup>1</sup> Quoted in Smith and Warrior, *Like a Hurricane*, p. 8.

<sup>2</sup> James Officer, ‘Termination as Federal Policy: An Overview’, in K. Philp (ed.), *Indian Self-Rule: First Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (Logan, 1995), p. 114.

<sup>3</sup> HCR 108 (1953) in Prucha (ed.), *Documents of United States Indian Policy*, p. 234.

years leading up to the 1953 shift in official Indian policy.<sup>4</sup> This chapter will add to this existing historiography by assessing how potential legislation was presented to different tribes in the years preceding and following the passing of HCR 108 and PL 280. In particular, the extent to which legislative action on Indian affairs was communicated to tribal members both before and after the adoption of Termination legislation in Congress will be examined. Considering the Senate Subcommittee on Indian Affairs requested Assistant Commissioner Zimmerman draw up a list of tribes ready for the termination of their federal trust status as early as 1947, it is clear that this was already the set federal goal before HCR 108 was passed. The extent to which this goal was communicated transparently to tribes considered to be at various stages of the federal withdrawal plan, will be determined.

At least up to 1953, Termination was interpreted in multiple ways by varying tribal councils. The statements of BIA officials like Commissioner Dillon Myer, as well as Area Office staff of various locations, show that Termination was typically described in vague and inconclusive terms. This trend is clear in the BIA's communications to varying tribes regarding government policy throughout the two decades of Termination. Officially, the BIA and its staff do not regulate Indian policy – rather their role is to make recommendations to Congress and implement whatever policy Congress adopts.<sup>5</sup> In relating to tribes, Area Office staff are – at least theoretically – not in a position to bring out their personal opinions of Congressional Indian policy, but are rather compelled to follow through with given guidelines. Legal scholars Charles Wilkinson and Eric Biggs have accused the BIA of corruption in the years immediately preceding the passing of HCR 108 in August 1953, already vehemently advocating the Termination of federal trust status of all tribes.<sup>6</sup> However, recent historiography on the assimilation era has underlined the importance of looking at local variations in the implementation of Indian policy. Historians Cathleen Cahill

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<sup>4</sup> Fixico, *Termination and relocation*; Kenneth Philp, *Termination Revisited*.

<sup>5</sup> Donald Fixico, *Bureau of Indian Affairs* (Santa Barbara, 2012), p. xii.

<sup>6</sup> Wilkinson and Biggs, 'The Evolution of Termination Policy', pp. 147–48.

and Gabriella Treglia demonstrate in their works how the influence of local BIA staff's interpretations of Indian policy had a tangible effect on its implementation in various tribal contexts.<sup>7</sup> Similar research has not so far been undertaken to uncover variation in how Termination legislation was communicated by Area Office staff.

Furthermore, while historiography has acknowledged the significance of federal rhetoric in drawing support for and implementing Termination policy, the varied responses both between and within tribes to these actions have been insufficiently explored. Since federal Indian policy throughout the first half of the twentieth century was essentially top-down, largely determined by Congress rather than discussed and negotiated with tribes, it would be easy to simply categorise Native discussions of Termination as reactionary. However, this chapter will demonstrate that the ways in which tribes interpreted and understood the aims of federal policy had an impact on how Termination developed over time. In particular, council members of tribes not immediately selected for the removal of federal status, like the Navajo, Mississippi Choctaw and Five "Civilized" Tribes, held varied understandings of Termination because they did not have to deal with it directly. Indeed, federal rhetoric could be interpreted in a multitude of ways before the negative effects of Termination acts on tribes like the Klamath and Menominee became more widely known. This chapter will show that in the period immediately preceding and following the passing of HCR 108 and PL 280 in 1953, Termination was even seen by some tribal council representatives as a step toward eventual self-determination or a genuine tool for the "liberation" of the Native population. Only more rarely did tribal council members speak of it as an attack on Native communities and identities.

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<sup>7</sup> Cahill, *Federal Fathers & Mothers*, p. 257; Treglia, 'The Consistency and Inconsistency of Cultural Oppression', pp. 146–47.

## 1.1. Early understandings of Termination in tribal councils, 1947-1953

While it is significant that the word “Termination” did not appear in 1953 Indian policy legislation, it is important to note that term was already in use among federal officials and BIA employees. A 1944 document by the BIA’s Portland Area Office Director, outlining a management programme for the Siletz tribe of Western Oregon, may contain the first instance in which the term was used in this context, stating the aim of “decreasing government assistance during the next ten years and final termination of such help at the end of that time.”<sup>8</sup> Termination was also mentioned, for instance, in the appendices to a February 1952 Mississippi Choctaw tribal council session, titled “Enclosures to the Minutes of the Special Session of the Tribal Council of the Mississippi Band regarding the Establishment of the Bureau of Indian Affairs Division of Program”. The appendices included a memorandum addressed to “All Bureau Officials”, outlining details of how BIA employees were to implement Indian policy, signed by Commissioner Myer himself and dated 10 December 1951.<sup>9</sup> This document unequivocally stated that the “ultimate objective” of the bureau was to “area by area and tribe by tribe, to bring about termination of Federal supervision over the Indians of continental United States and Alaska[...].”<sup>10</sup> The word “termination” was, thus, already in use within internal BIA discussions of federal Indian policy in late 1951. The use of this term in a document meant for circulation among local BIA Area staff moreover indicates that Termination was already an accepted descriptor of official federal Indian policy, as this was a communication of aims agreed upon within the central BIA office. This, alongside the 1944 Portland Area Office document, demonstrates that the term originated amongst BIA employees and was commonly employed several years before any tribal Termination acts were passed.

<sup>8</sup> Wilkinson, *The People Are Dancing Again*, p. 280.

<sup>9</sup> Mississippi Band Choctaw Tribal Council (hereafter MBCTC) (7 February 1952), *MCMAIT 1/I*, Reel XI.

<sup>10</sup> *Ibid.*

Myer's statement here also included details about how Termination would be carried out, with guidance given to staff to conduct "fact-finding surveys of the existing social and economic status of groups of Indians" and "to review and coordinate current Bureau programs to ensure that they conform to the ultimate objectives of the Bureau".<sup>11</sup> The memorandum outlined the establishment of the 'Division of Program', a new branch of the BIA to coordinate the altered aims of Indian affairs, and aid Area Offices in establishing new programmes to support this, stating as its function to "develop basic concepts and policies that are to guide programs aimed at improvement of the economic and social status of the Indians to the end that Federal supervision is no longer necessary."<sup>12</sup> This detailed description of federal Indian policy aims, coupled with an established plan for how they would be achieved through cooperation between the central BIA office, local agencies, and "full cooperation with the Indians", demonstrates that Termination as a policy was already moving forward long before HCR 108 was passed.

Crucially, this document was addressed to "Bureau Staff", not to tribal councils. It is unclear whether the memorandum was read by members of the tribe: it was not labelled as confidential, and the document itself stated that "Indian groups and individuals" should be kept "fully informed on Bureau actions affecting them".<sup>13</sup> The minutes of the Mississippi Band tribal council meeting with which these are included, however, show no indication of the memorandum having been discussed in the meeting. This indicates that local BIA employees in Mississippi did not openly refer to "termination" in communicating with the council. Furthermore, the minutes of the Klamath and Navajo tribal councils, as well as the Five "Civilized" Tribes Inter-Tribal Council, do not contain any reference to this document, indicating that it was not discussed with representatives of these tribes either. Myer's

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

memorandum, though stating in several places that tribes should be kept informed on policy procedures, was evidently not circulated to tribal members.

This raises the question of how local BIA area employees discussed policy with members of tribes, and whether these discussions clearly stated the established aims of ending federal trust status and special services. Examining tribal council minutes from the late 1940s onwards shows that BIA employees – both local area staff and central figures like Myer – did not communicate the aims and implications of federal policy as clearly as stated in that document, nor did they refer to “Termination” when actually speaking to tribes. Instead, vague terms were employed when speaking of federal policy: “freedom”, “equality”, “independence”. Discussions in 1949 and 1950 surrounding a long-awaited economic assistance bill for the Navajo and Hopi tribes provide an early example of such rhetoric. The Navajo-Hopi Rehabilitation Act, finally passed by Congress and signed by President Truman in 1951, appropriated substantial funds to address long-standing health and educational problems among the two tribes.<sup>14</sup> In discussions within the Navajo Tribal Council it was often referred to as the “long range bill”, indicating it was seen as significant for the tribe’s future.<sup>15</sup> However, New Mexico Representative Antonio Fernandez succeeded in adding an amendment to the bill to extend state civil and criminal jurisdiction over reservation lands in New Mexico, Arizona and Utah. The implications of this amendment were strikingly similar to those that PL 280 would later carry, eroding federal responsibilities over tribal lands. Most significantly, the amendment was accepted by the Navajo tribal council in a June 1949 meeting, though representatives later expressed objections to the initial vote.<sup>16</sup> As a result of this, along with criticisms from non-Native

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<sup>14</sup> Philp, *Termination Revisited*, p. 66-7.

<sup>15</sup> For discussion of the ‘long range bill’ see Ahkeah’s statements in: NTC (11-14 October 1949), *MCMAIT*, 1/1, Reel V.

<sup>16</sup> Philp, *Termination Revisited*, pp. 64–5.

Indian rights activists, the Act was repealed by President Truman, who only signed the bill after the Fernandez Amendment was scrapped.<sup>17</sup>

To understand why a policy so similar to PL 280, which was consistently opposed by the Navajo Tribal Council once passed in 1953, was accepted at this point, it is critical to look at how the Fernandez amendment was presented to the tribe by its main proponent – Fernandez himself. Though the minutes of the Navajo council meeting where the amendment was supposedly accepted are not available in the *Major Council Meetings of American Indian Tribes* microfilm collection, discussions at an emergency meeting in October 1949 are included.<sup>18</sup> Fernandez, though not himself present, sent a telegram to be read at the meeting, which referred to extending state jurisdiction over the reservation as a civil rights issue: “I DO NOT WANT NAVAJOS TO LOSE RIGHT TO VOTE AND WILL FIGHT TO THE END FOR SAME PROVISION OR ANY OTHER REHABILITATION BILL PRESENTED WITH RESPECT TO NEW MEXICO. [...] I SHALL NEVER GIVE UP FIGHT FOR THE CIVIL RIGHTS INDIANS ARE ENTITLED TO UNDER LAWS OF MY STATE.”<sup>19</sup> Fernandez evidently prioritised what he saw as equal citizenship over the legal rights of tribes, implying Navajo tribal members were captives of a lawless reservation and not guaranteed state rights. Fernandez’s concerns regarding Navajo rights in New Mexico and Arizona were to an extent legitimate; tribal council discussions in the 1950s show dissatisfaction with inadequate provisions for tribal members to vote in state and federal elections.<sup>20</sup> However, he did not consider the ways in which state jurisdiction would limit the much valued Navajo treaty rights, such as the guarantee that the reservation would be their exclusive domain.<sup>21</sup>

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<sup>17</sup> Ibid., p. 67.

<sup>18</sup> As this collection was drawn from BIA records held at the National Archives in 1982, before most terminated tribes had been restored, such omissions are conspicuous.

<sup>19</sup> NTC (11-14 October 1949), *MCMAIT*, 1/I, Reel V.

<sup>20</sup> See, for instance: NTC (13 October 1958), *MCMAIT* 2/I, Reel X.

<sup>21</sup> Wilkins, *Navajo Political Experience*, pp. 75–7.

Fernandez continued to propagate such rhetoric on his visit to the reservation to consolidate support for the amendment less than two months later. In speaking to the tribal council, Fernandez compared the tribe's situation to the civil rights struggle of New Mexico's Hispanic population, stating:

"My people were here when the Americans came. They made us immediately a part of the state. And we suffered. All people who work have to suffer. My people were poor. We had nothing. But we worked with the state. [...] we should learn to know what the rules and laws of the state are and we should begin to obey them. If we obey those laws our neighbors in the state will think better of us and that is what we want. Then we can all be friends."<sup>22</sup>

This small segment of Fernandez's speech to the Navajo council epitomises his general attitude in addressing the tribe. Rather than going into detail about the practical implications of the extension of state jurisdiction over the reservation – for instance, how the Navajo might manage the state criminal court system – Fernandez stuck to simple imagery and language, speaking in short sentences about "rules", "laws" and "friendship." By explicitly referring to his own Hispanic identity, Fernandez claimed greater understanding of the Navajo situation, whilst equating challenges faced by two distinct minority populations.

The responses of Navajo tribal council representatives demonstrate that Fernandez's vague language did not go unchallenged. At the October 1949 meeting in which Fernandez's telegram was presented, elected council chairman Sam Ahkeah gave a long statement criticising the idea that state jurisdiction would protect the rights of tribal members. The Chairman, though enthusiastic about the \$90,000,000 dollars the proposed

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<sup>22</sup> NTC (29 November – 2 December 1949), *MCMAIT*, 1/1, Reel V.



Navajo-Hopi bill would provide to the tribes, presented the Fernandez Amendment as ruining any positive effects:

“There are more of our people uneducated over the reservation today who we feel will be hurt under this Fernandez Amendment. [...] Congress is telling us that the Government would pay for the show with the \$90,000,000 and invite the State as the audience and say dance the strip tease here. [...] I believe the Government should educate us, make us lawyers, teachers, engineers and surveyors [...] before presenting us to the State.”<sup>23</sup>

In contrast to Fernandez’s characterisation of state jurisdiction as ensuring equality between minority and majority populations, Ahkeah presented the process as degrading, comparing pandering to the interests of the State over those of the tribe to a “strip tease”. In Ahkeah’s view, tribal members could only achieve the “equality” Fernandez spoke of through further education and economic development programmes, presenting the immediate imposition of state jurisdiction as mere federal abandonment.

Tribal council Advisory Committee member and former Chairman Howard Gorman added that though the committee had initially accepted the Fernandez Amendment, their stance had been altered due to reactions during local meetings held in chapter houses, stating that “the people in our areas objected to us taking the very drastic arbitrary action on approving this Fernandez Amendment.”<sup>24</sup> Members of the Advisory Committee, who could be considered “elites” of the tribe as they held most decision-making power in the council, evidently prioritised local reaction and brought up the concerns of the wider tribal membership. Gorman nevertheless did not object to the idea of state jurisdiction altogether, but rather – like Ahkeah – presented it as a move to be conducted in future, once the tribe was sufficiently prepared by the federal government:

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<sup>23</sup> NTC (11-14 October 1949), *MCMAIT*, 1/I, Reel V.

<sup>24</sup> *Ibid.*

“[...] the Government could go all out educating the Navajos and speed up educating the Navajos so that the time will come when we will emerge into what the Fernandez Amendment stands for. Letting the Navajos become assimilated to the white civilization and eventually become under the State.”<sup>25</sup>

Both Gorman and Ahkeah, then, appeared to accept that the tribe would at some point come under State jurisdiction, but argued that the tribe was not yet ready for this. Instead further Government social and educational programmes were needed before tribal members could accept such a transfer. Rather than wholly opposing state jurisdiction in the future, these council representatives challenged Fernandez’s claims that equality would result from its immediate imposition. In this sense, Chairman Ahkeah and representative Gorman referred to the need for further federal involvement through its trust responsibilities as a method to secure “assimilation” through education and employment training.

In contrast to Fernandez, who ignored the unique relationship of tribes to the government, Navajo tribal council representatives referred to federal responsibility intrinsic to the treaty relationship. However, discussions over jurisdictional issues in the Navajo Tribal Council do not appear to have had an effect on wider federal discussions of Indian policy in the early 1950s. Official federal rhetoric relied rather on ideas similar to those Fernandez used to justify his amendment – that the eradication of Native special status would lead to greater “freedom”. This use of language is best illustrated by the statements of BIA Commissioner Myer just before HCR 108 and PL 280 were passed. When appointed, Myer was criticised by both Native and non-Native Indian rights activists for his lack of experience in Indian affairs, a weakness historiographic scholarship has also underlined since the 1980s. Indeed, Myer’s closest dealings with Native American tribes had been in

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<sup>25</sup> Ibid.

taking over sections of reservation lands for use as Japanese internment camps as the head of the War Relocation Authority during WWII.<sup>26</sup> In administering Indian affairs Myer displayed a proclivity for autocratic control, as his attempt to control tribal attorney contracts demonstrates.<sup>27</sup> The action proved to be a misstep for a bureau that promoted the end of the federal trust relationship, and abetted Myer's forced resignation.<sup>28</sup>

Comparing Myer's interactions with different tribal councils, it is clear that he employed vague rhetoric in communicating with all tribes, regardless of what stage of the withdrawal plan – according to Zimmerman's list – they were considered to be at. At the onset of his commissionership, Myer visited the Navajo Tribal Council to express his plans for the future of Indian affairs: "It is my belief that the time is coming – and that the time should come – when Indians as groups and individuals should be handling their business on an independent basis and that we should work step by step toward that goal."<sup>29</sup> In referring to Indian "groups and individuals", Myer's statement was open to multiple interpretations by council members, who could have seen this as either referring to greater self-determination for *tribal* groups or as advocating a move toward interest groups *other than tribes*. Furthermore, Myer did not refer to the removal of trust status or BIA services which Termination in practice entailed; instead he emphasised his wish not to "liquidate Indian reservations", even stating: "The reservation lands belong to the Indians; the other resources belong to the Indians."<sup>30</sup>

Similar elements of Myer's rhetoric were communicated to the Mississippi Band Choctaw. In an October 1951 council meeting, a member of the local BIA Area Office read out a quote of Myer, stating: "[...]the development of constructive programmes leading to Indians [sic] independence and a higher standard of living is the most important job that

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<sup>26</sup> Philp, *Termination Revisited*, p. 98.

<sup>27</sup> See Introduction, p. 6.

<sup>28</sup> Fixico, *Termination and Relocation*, p. 67.

<sup>29</sup> NTC (11-15 September 1950), *MCMAIT*, 1/I, Reel V.

<sup>30</sup> *Ibid.*

lies ahead both for the Bureau of Indian Affairs and for Indian Tribal Organizations.”<sup>31</sup> In speaking of “independence” with reference to new programmes, the BIA employee was evidently referring to ways of decreasing tribes’ dependence on federal support. This statement therefore attests to the homogeneity of Myer’s BIA rhetoric despite variations in tribal situations. Myer consistently referred to “independence” in communicating with the tribal councils of the Group III Navajo and Mississippi Band Choctaw, rather than addressing the problems of poverty and poor living standards faced by these tribes. In so doing, Myer implied that the “Indian problem” was a result of tribes being too dependent on the government, rather than inadequate BIA programming. In this respect, Myer echoed turn-of-the-century BIA arguments, demonstrating the persistence of the belief that Native peoples and lifestyles were to blame for the state of Indian affairs.<sup>32</sup>

Myer, in addressing Group III tribes, espoused Terminationist values, but veiled these in the rhetoric of ‘independence’, portraying this as a long-term goal. How, then, did he present his policy ideas to a tribe like the Klamath, which was considered ready for immediate removal of federal trust status? Klamath Tribal Council minutes retained by the BIA contain no record of Commissioner Myer visiting the reservation. Rather it seems that the Commissioner interacted with the Klamath primarily through elected Washington representatives of the tribe, like Boyd Jackson. Jackson, who later actively campaigned for the repeal of the Klamath Termination Act, reported on a summer 1950 General Council meeting with Myer, stating that the commissioner had “taken the position that he intends to extend to you the handling of your own business as fast as you can administer your ability to handle such parts of the business, if not all.”<sup>33</sup> Even paraphrased by Jackson, Myer’s language comes across as consistent, whether addressing tribes considered

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<sup>31</sup> MBCTC (23 October 1951), *MCMAIT*, 1/I, Reel XI.

<sup>32</sup> Cahill, *Federal Fathers & Mothers*, pp. 38–9.

<sup>33</sup> KGC (6-7 July 1950), *MCMAIT* 1/II, Reel XVIII.

“predominantly Indian” or “predominantly acculturated”, using the same turn of phrase as with the Navajo: “handling business”.

Jackson makes no mention of Myer discussing land or the liquidation of assets. While this may have just been an oversight by Jackson, it is entirely plausible that Myer simply did not mention land in communicating with the Klamaths. In 1950 Klamath policy discussions largely grappled with land issues, and planning for legislation to allow individual members to withdraw from the tribe and rescind their legal Indian status. The major question surrounding these plans was how these withdrawing members would be compensated for their share of assets, as will be discussed in Chapter Six. If Myer had made a statement against land liquidation it would have had tangible implications for the Klamath situation. In interacting with the Navajo the commissioner could safely make statements distancing himself from the concept of liquidation, so closely associated with memories of the assimilation era, without this contradicting any ongoing agreements or policies with the tribe. Furthermore, Myer was obviously aware of BIA categorisations of the tribes’ respective ‘readiness’ for Termination. When speaking to the Navajo and Mississippi Choctaw, Myer made no reference to the timing of his plans, whereas Klamath representatives were told they would be expected to takeover administration of their own affairs “as fast” as possible. However, this only demonstrates a very cursory knowledge of the Klamath situation, not giving the tribe’s Washington representatives any concrete indication of a timetable for Klamath Termination.

That Myer did not visit the Klamath tribe seems odd, particularly considering that various potential bills removing the trust status of individuals or the entire tribe were discussed throughout the early 1950s. It is possible that minutes of a meeting Myer attended have been lost by the BIA or purposely not released in the public microfilm collection of BIA records. This seems to have occurred with the Mississippi Choctaw

minutes; while historian Katherine Osburn states that Myer visited the tribal council in February 1952 to discuss the opportunities for self-sufficiency offered by Termination, the minutes of this meeting are not contained in the federal microfilm collection.<sup>34</sup>

Retained minutes do show that Myer visited the Five “Civilized” Tribes Inter-Tribal Council in Oklahoma. The categorisation of the Five Tribes was complicated; according to Zimmerman’s list these tribes were more than ten years away from being ready for Termination, yet federal officials generally considered them ‘advanced’ and well-assimilated. Furthermore, at least one of the Five Tribes was deemed ready for Termination by Congress: in 1959 a law to later withdraw Oklahoma Choctaw trust status was passed.<sup>35</sup> When Myer visited the Inter-Tribal Council in 1950, plans for Choctaw Termination had not yet been formulated, let alone publicly discussed. Nevertheless, it is evident that elite members of the tribes, including the Inter-Tribal Council representatives, were considered heavily assimilated.

Exceptionally, Myer spoke in far more detail to the Five “Civilized Tribes” than he did to the Navajo Tribal Council or even the Klamath Washington representatives. He referred not only in vague terms to “independence” for tribes, but stated explicitly that “there will be no Indian Service one day”.<sup>36</sup> Myer gave this relatively candid and detailed speech knowing that the Inter-Tribal Council consisted largely of exceptionally well-educated and economically successful members of these tribes, who were often politically active not just within their tribes, but on a state-wide or even national level. For instance, Cherokee Principal Chief W.W. Keeler was also the executive vice president of Phillips Petroleum and served as an advisor on various federal committees, including President Lyndon Johnson’s 1966 Task Force on American Indians.<sup>37</sup> This difference between the Inter-Tribal Council

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<sup>34</sup> Osburn, *Choctaw Resurgence in Mississippi*, p. 160.

<sup>35</sup> Lambert, *Choctaw Nation*, p. 57.

<sup>36</sup> FCTITC (11 October 1950), *MCMAIT 1/I*, Reel XI.

<sup>37</sup> Clarkin, *Federal Indian Policy*, p. 209; Cobb, *Native Activism in Cold War America*, p. 22.

and other tribal councils was noted by Myer: "I am impressed by this group of leaders. It is quite different than most places I have visited. As I look around and see you as successful business men in your own right taking your time in trying to help us in the Indian problem, I am impressed."<sup>38</sup>

Despite these commendations of leadership, the administration of the Five Tribes was strictly controlled by the U.S. government, even in relatively unique ways. Tribal chairmen, for instance, were not elected by the tribal membership, but appointed by the US president. In addition to Keeler, these leaders included Choctaw Tribal Principal Chief Harry Belvin, who drove the Termination process of his tribe.<sup>39</sup> However, despite granting the Inter-Tribal Council a clearer indication of what policy would entail than he did for other tribes, Myer still dressed up his take on Indian policy in his characteristic rhetoric of "independence" and "freedom". Though Myer did not use the phrase 'handling business' in this context, he did speak of 'self-help': "I feel very deeply that you do not help people by 'doing' for them. The only thing we can do is to help people 'help themselves'."<sup>40</sup>

An interview with Myer conducted in 1970, seventeen years after he was ousted as Commissioner, demonstrates that he genuinely believed that Termination was the solution to Indian affairs problems:

"I think my record will bear out the fact that I believe very strongly that time is past due when many Indians should be released from all types of Federal supervision. While I have pointed out that many Indians do not wish this, I strongly feel that the trusteeship and other special forms of government services to the Indians are holding the Indians back politically, socially, and

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<sup>38</sup> FCTITC (11 October 1950), *MCMAIT 1/I*, Reel XI.

<sup>39</sup> Lambert, *Choctaw Nation*, p. 57.

<sup>40</sup> FCTITC (11 October 1950), *MCMAIT 1/I*, Reel XI.

economically. [...] for the benefit of the Indians a strong hand will have to be taken both by the [Interior] Department and Congress.”<sup>41</sup>

Despite Termination having largely been discredited by 1970, Myer maintained his conviction in the need for federal withdrawal, a belief which his discussions with tribal councils in the early 1950s clearly reflected. Critically, Myer’s 1970 statement illustrates that he believed he knew what was best for Native Americans, as he stated that trusteeship should be ended even if “many Indians do not wish this”.

Paradoxically, Myer’s Indian policy was fuelled by these coercive tendencies, despite his belief that he was eliminating a paternalist system. Furthermore, though clearly believing that federal withdrawal was the right step for tribes, Myer saw no need to keep them well-informed on policy developments. His communications with BIA staff demonstrate that he had clearly established goals, as his use of the term “termination” in such communications shows. However, when speaking to tribes Myer largely employed vague rhetoric, omitting the practical implications withdrawal would have. Though Myer may have admitted to the Inter-Tribal Council that his goal was the shutdown of the BIA, it is significant that in speaking to all of these tribes there is no evidence of him referring to “termination”. This indicates a conscious attempt to use language with more positive connotations when speaking with tribes, obscuring the problems that the removal of federal trust status would result in. The rhetoric of assimilation was thus established well before any actual Termination legislation was passed.

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<sup>41</sup> Dillon Myer, Interview (7 July 1970), [http://www.trumanlibrary.org/oralhist/oral\\_his.htm](http://www.trumanlibrary.org/oralhist/oral_his.htm) (viewed: 24.9.2015).



## 1.2. Discussions surrounding HCR 108 and PL 280

Until August 1953, when HCR 108 and PL 280 were both passed, Indian policy was in a state of transition. The Senate Subcommittee on Indian Affairs headed by Senator Arthur Watkins evidently had plans about what form Indian policy should take, influenced by Zimmerman's testimony and a 1949 Hoover Commission Indian Task Force report which recommended integrating the Native population into the mainstream.<sup>42</sup> The language in which federal officials spoke about Indian policy was, however, open to interpretation until congressional action was taken. Examining the language of HCR 108 and PL 280, as well as how these were presented to tribal councils, demonstrates how Terminationists in the BIA and Congress attempted to maintain the same vague rhetoric of 'freedom' to maintain support for Termination in the months immediately following the passage of the policy.

"[I]t is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians [...]"<sup>43</sup>

As is evident in the above extract, HCR 108 encompassed the rhetoric of Indian policy that had developed in congressional and BIA circles from the mid-1940s onwards. The language of the resolution was evidently carefully selected by its proponents to avoid conflict – surely no one could object to 'freedom' and liberating Indians from 'disabilities and

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<sup>42</sup> Valandra, *Not Without Our Consent*, p. 31.

<sup>43</sup> HCR 108 (1953) in Prucha (ed.), *Documents of United States Indian Policy*, p. 234.

limitations'. Indeed, the resolution was rapidly passed in Congress, with minimal attention and virtually no debate.<sup>44</sup>

Considering the homogenous nature of Congress from 1947-1953, it is perhaps unsurprising that an assimilationist Indian policy produced little dispute. Edward Charles Valandra's description of the 1953 Congress as "white, male, Christian, heterosexual, racist and scared of communism" may seem extreme, but is to an extent justified as there were few women or non-white representatives: out of over five hundred members of Congress and Senate only four were non-white and twenty-four were women (all white).<sup>45</sup> Perhaps more significantly, few congressmen had any interest – let alone experience – in Indian affairs, as the high turnover of members in Senate and House Indian Affairs subcommittees attests. With members frequently giving up their seats, the subcommittees were invariably staffed by newcomers who would deflect decision-making power to the chairman, giving experienced individuals like Senator Watkins and Congressman E.Y. Berry inordinate power in Indian affairs.<sup>46</sup>

The resolution also resembled Myer's vague rhetoric and tactics in speaking to tribal councils, referring to the process of withdrawal happening "at the earliest possible time". It was not specified whether that was when tribes would be politically and economically ready for withdrawal, or when states would be ready to subsume Indian services. It was also unclear who would determine when that time had come: the BIA, Interior Department, Congress, states or tribal councils? Just as Myer provided representatives of the Klamath General Council no detailed information on when the termination of their trust status would be carried out, barring an ominous reference to a fast pace, HCR 108 equally did not establish a concrete timeline for its aims.

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<sup>44</sup> Fixico, *Termination and Relocation*, pp. 93–4.

<sup>45</sup> Valandra, *Not Without Our Consent*, p. 19, 23.

<sup>46</sup> Peroff, *Menominee Drums*, pp. 60–2.

The language of PL 280 differed substantially from HCR 108, offering greater detail, which reflected its nature as a law rather than a resolution:

“Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed [...] to the same extent that such State has jurisdiction over offenses committed elsewhere in the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State.”<sup>47</sup>

PL 280 here set out to fulfil some of the aims outlined in HCR 108, to remove all “disabilities and limitations specially applicable to Indians”. That tribes retained civil and criminal jurisdiction over their lands, with federal jurisdiction only covering cases of the seven major crimes, was in PL 280 presented as a ‘limitation’ rather than an enactment of tribal sovereignty guaranteed by nineteenth century treaties.

The provisions of PL 280 did not, however, completely do away with tribal jurisdiction, as specifically stated in the law:

“Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.”<sup>48</sup>

This statement provides for some continuation of independent tribal civil jurisdiction, but only as long as it did not conflict with state laws or interests. Furthermore, the Department

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<sup>47</sup> PL 280 (1953) in Prucha (ed.), *Documents of United States Indian Policy*, pp. 234–5.

<sup>48</sup> *Ibid.*

of the Interior has in practice often cut funding for tribal law enforcement and criminal justice from tribes covered by PL 280.<sup>49</sup>

Similarly, PL 280 explicitly does not “authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States [...]”<sup>50</sup> This provision, while deemed positive by historians like Philp, is limited by the overlap between tribes covered by PL 280 and put forward for Termination in HCR 108.<sup>51</sup> Of the states immediately taking over the criminal and civil jurisdiction of tribal lands under PL 280, California, Nebraska, Oregon and Wisconsin all had tribes listed as ready for federal withdrawal in HCR 108, meaning their treaty rights would soon come under question anyway. Indeed, members of several tribes later became engaged in Supreme Court cases to determine whether their treaty rights were terminated along with their trust status, resulting in long-lasting legal battles.<sup>52</sup>

Scholarship on PL 280 has focused mainly on its most significant and scandalous aspect – that any state could extend civil and criminal jurisdiction over tribal lands within its boundaries *without* the consent of the tribes in question.<sup>53</sup> The law only required state approval: “the consent of the United States is hereby given to the people of any State to amend, where necessary their State constitution or existing statutes [...] to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act.”<sup>54</sup> The language of consent *does* then come through in the law, just not with respect to Native individuals or groups. This was also the most controversial aspect

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<sup>49</sup> Champagne and Goldberg, *Captured Justice*, p. 7.

<sup>50</sup> PL 280 (1953) in Prucha (ed.), *Documents of United States Indian Policy*, pp. 234–5.

<sup>51</sup> Philp, *Termination Revisited*, p. 151.

<sup>52</sup> For instance, Charles Kimbol and other Klamath tribal members spent years post-Termination navigating the court system before their treaty hunting and fishing rights were reaffirmed by the 9th US Circuit Court of Appeals: Kimbol, Interview (27 October 2015) and Ulrich, *American Indian Nations*, pp. 193–4.

<sup>53</sup> Champagne and Goldberg, *Captured Justice*, p. 11.

<sup>54</sup> PL 280 (1953) in Prucha (ed.) *Documents of United States Indian Policy*, pp. 234-5.

of it at the time; President Eisenhower, though complimentary about the rest of PL 280, was consequently reluctant to sign the law.<sup>55</sup> He advised Congress to amend the bill to require Native consent, but no change was made until the 1968 Indian Civil Rights Act.<sup>56</sup>

While HCR 108 thus encapsulated the ambiguous assimilationist rhetoric of Indian affairs, PL 280 gave the first concrete, legal evidence of what Termination policy would entail in practice, and to what lengths the federal government and BIA would go to achieve those aims. To what extent, then, were Congressional representatives and BIA officials transparent about these policies? Looking at tribal council minutes, it appears that the introduction of legislation by BIA officials to tribal councils did vary somewhat in focus. However, minimal guidance and information was given to any of the tribes, regardless of their place in federal Termination plans. The vague rhetoric of 'freedom' in withdrawal was maintained, but under new BIA Commissioner Glenn Emmons there was a shift in rhetoric toward presenting withdrawal as an eventual process. Discussions with tribal councils in this period consequently presented Termination as a far-off occurrence, despite official Congressional policy in HCR 108 putting the impetus on fast-paced withdrawal of trust status.

For instance, the Mississippi Band Choctaw and Navajo tribes were both categorised as more than ten years away from readiness for Termination, according to Zimmerman's list. There is little evidence in the available minutes of BIA employees discussing HCR 108 and PL 280 with members of either tribe in 1953. The matter may have been raised at the Mississippi Choctaw council regular meeting in October 1953, but the documents from this meeting are poor quality and practically unreadable.<sup>57</sup> At their July 1953 meeting however, the potential withdrawal programme was presented to the tribal council by BIA Muskogee

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<sup>55</sup> Fixico, *Termination and Relocation*, p. 111.

<sup>56</sup> The Act added a tribal consent clause to PL 280, see: Champagne and Goldberg, *Captured Justice*, p. 12.

<sup>57</sup> MBCTC (13 October 1953), *MCMAIT*, 1/1, Reel XI.

Area Office Tribal Relations Officer Marie Hayes. In speaking to the tribe, which was perceived as little assimilated with surrounding white society, Hayes described Termination as a gradual process: “Withdrawal doesn’t mean the Indian Service will be closed out immediately. So long as there is a service needed for needy people, it will be continued.”<sup>58</sup> Hayes’ presentation of the policy was likely influenced by an awareness of her audience – in addressing the Mississippi Choctaw she did not describe withdrawal as an urgent issue, implying that the BIA may never be shut down. Nor did she specify whether the “needy people” she was referring to would be provided services as tribes, or as individuals. Local BIA employees likely did not discuss specific Termination legislation in much detail with the tribe following the passage of HCR 108 and PL 280 because they did not see this as a timely concern.

The Navajo tribe, though equally considered unready for federal withdrawal according to Zimmerman, had already faced the prospect of partial Termination through the Fernandez amendment’s extension of state criminal jurisdiction. The BIA’s stance on Indian policy was presented to the tribal council in an October 1953 meeting, where a report by Robert Young, Assistant to the Gallup Area Director, was read out to the tribe. The report described a speech by Commissioner Emmons at the meeting of the Indian Council Fire Organization of Chicago, during a dinner where Sam Ahkeah was presented an award for Indian leadership.<sup>59</sup> According to the report, Emmons explicitly spoke of withdrawal in his speech, but did not mention HCR 108 or PL 280:

“The Commissioner stressed the fact that the abolition of the Indian Bureau was not his chief objective. In fact, he stated that each Indian tribe has to be considered individually, and one cannot develop blanket plans that will fit all groups equally well. [...] Some Tribes do not need Bureau help any more and

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<sup>58</sup> MBCTC (14 July 1953), *MCMAIT 1/I*, Reel XI.

<sup>59</sup> NTC (5-9 October 1953), *MCMAIT 1/I*, Reel VIII.

the Bureau can withdraw anytime without hurting them. However, many of the tribes, especially in the Southwest, will need the support, protection and aid of the Bureau for many years to come. The Bureau will not abandon tribes who still need help, and will withdraw only when the people involved are educated and able to compete on a par with other citizens.”<sup>60</sup>

Emmons’ speech focused on slow-paced withdrawal of the bureau and its programmes, resembling Hayes’ descriptions of the process to the Mississippi Choctaw. It must be noted that Emmons’ speech here only appears as paraphrased by Assistant Area Director Young, a long-term BIA employee. An exceptional individual, Young had studied the Navajo language for several years, working also as an interpreter, and was a trusted liaison between the tribal council and the BIA.<sup>61</sup> Young’s selection of these aspects of Emmons’ speech to communicate to the Navajo tribal council may of course reflect his own interpretation of federal legislation. Nevertheless, Emmons’ attempt to improve the public image of the BIA after the controversy surrounding Myer by opposing “wholesale” Termination is well-documented by historians.<sup>62</sup> As such, Emmons’ speech reflects the changing nature of Indian policy rhetoric under his commissionership, moving away from Myer’s push for fast-paced withdrawal, to speaking of Termination as a gradual process.<sup>63</sup>

HCR 108 and PL 280 were clearly not discussed in much detail with either of these Group III tribal councils. The minutes of the Five “Civilized” Tribes Inter-Tribal Council and the Klamath Tribal Council show that federal Termination legislation was discussed in greater detail in speaking to these groups, likely due to being considered mostly assimilated by federal employees. The Inter-Tribal Council continued to be kept well-informed on legislative developments, with a regular memo circulated to council members on legislation

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<sup>60</sup> Ibid.

<sup>61</sup> Peter Iverson, ‘Speaking Their Language: Robert W. Young and the Navajos’, in M. Connell Szasz (ed.), *Between Indian and White Worlds: The Cultural Broker* (Norman, 1994), p. 268.

<sup>62</sup> Fixico, *Termination and Relocation*, p. 158.

<sup>63</sup> Ibid., p. 108.

pertaining to Indian affairs discussed in Congress. In September 1953 this memo outlined PL 280, stating as its purpose: "To confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin with respect to offenses committed on Indian reservations within such States."<sup>64</sup>

Though it is significant that PL 280 was brought to the attention of council members, the law was not highlighted as particularly important, just appearing as part of a list of more minor or tribally specific legislation with no special mention. Equally, concerns raised by the law, like the lack of provisions for Native consent, were not mentioned in this memo whatsoever. It did, however, single out HCR 108 as noteworthy:

"With respect to H. Con. 108, you are advised that this resolution passed both houses and a report will be made by the Bureau of Indian Affairs to Congress by January 6, 1954. As you know, the provisions of this resolution are that certain tribes and individual members should be released from federal supervision."<sup>65</sup>

This reference to HCR 108 as a familiar resolution suggests that the Inter-Tribal Council was already well aware of the resolution. The memo, printed on the Muskogee Area Office Director's stationary, does not comment on whether the removal of federal supervision was good or bad, but keeps a neutral tone.

While it is not clear whether the document was written by the Area Director himself or one of his staff, it is addressed to specific groups: "Branch Chiefs and Field Personnel, Muskogee Area Office; Members of the Inter-Tribal Council of the Five Civilized Tribes; Members of the Executive Committee of the Cherokee Nation; Members of the Creek Tribal

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<sup>64</sup> FCTITC (4 September 1953), *MCMAIT*, 1/1, Reel XI.

<sup>65</sup> *Ibid.*



Council; Members of the General Council of the Seminole Tribe.”<sup>66</sup> Significantly, though the Mississippi Choctaw Tribal Council was administered by the same Area Office, they were not included in the list of bodies addressed. Thus, the BIA continued to keep the Five “Civilized” Tribes better informed on Indian policy than either the Mississippi Choctaw or the Navajo after HCR 108 was passed. While the Navajo Tribal Council had a tribal attorney to aid in communicating information to them, the Mississippi Choctaw were heavily dependent on the BIA for information, particularly in the 1950s. By 1964, the tribe had evidently joined the National Congress of American Indians (NCAI) and received communications from them, but in the early 1950s tribal council members appear to have had very few sources of information on national Indian policy apart from the BIA.<sup>67</sup>

Furthermore, Commissioner Emmons visited the Inter-Tribal council just over a month after HCR 108 was passed. In speaking to the Five Tribes, he continued to mould earlier Termination rhetoric, this time challenging the actual term ‘withdrawal’: “Incidentally, I don’t like the term ‘withdrawal’. As first Americans maybe the word adjustment or readjustment is better; the word withdrawal does not fully apply, because we are seeking the conclusion of a program not just ending it.”<sup>68</sup> Emmons suggestion of changing the word of ‘withdrawal’ altogether indicates an understanding that the expression could invoke connotations of abandonment. As a term, ‘adjustment’ implies a less radical change than ‘withdrawal’, giving the impression of slight alterations to improve a situation rather than the total overhaul that HCR 108 and PL 280 instigated. In addition, by emphasising that his aim was ‘concluding’ BIA services rather than ‘just ending’ them, the Commissioner indicated that trust status would not be withdrawn from unprepared tribes. Emmons’ language diverted attention from the complicated realities of Termination.

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<sup>66</sup> Ibid.

<sup>67</sup> The council resolved to pay the NCAI fees in 1964, see: MBCTC (23 January 1964), *MCMAIT* 2/1, Reel I.

<sup>68</sup> FCTITC (8 September 1953), *MCMAIT*, 1/1, Reel XI.

While Emmons glossed over the practical implications of Indian policy legislation, local BIA employees in Oklahoma were more upfront with the Inter-tribal Council about the implications of HCR 108. W.O. Roberts, Area Director of the Muskogee BIA Office, warned the council of the problems HCR 108 might cause:

“There are undoubtedly those who feel Indians should be released from Government supervision immediately. House Concurrent Resolution 108 directs the Secretary to conduct examinations in certain areas to accomplish the release of Indians from Federal supervision. [...] I would have no request to make of you in any such discussion other than to bear in mind the needs of those segments of our population which are in need. I think you [...] know the situations well enough to make a very good representation of the basic needs of those elements in each of the Five Tribes who for various reasons are not yet able to take their place fully in the society about them.”<sup>69</sup>

Roberts’ statement seems to diverge radically from the majority of BIA presentations of HCR 108. Rather than complying with the vague rhetoric of ‘freedom’ and ‘advancement’, the Area Director implied that the loss of supervision remained a significant risk for large portions of the Five Tribes. While Roberts’ reference to some being ‘not yet able’ to join surrounding societies indicates an acceptance of assimilation as a long-term goal, he nevertheless strongly warned Inter-Tribal Council representatives against the implications of HCR 108. This suggests that Roberts recognised council delegates were socio-economic “elites” of their tribes, better able to support themselves without federal services than the average Indian in Oklahoma.

Roberts may have influenced – or been influenced by – the ways in which tribal council members themselves understood and interpreted federal legislation, seeing as he did not

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<sup>69</sup> FCTITC (14 October 1953), *MCMAIT*, 1/1, Reel XI.

unquestioningly support Congressional action. Significantly, in March 1954 – a few months after making these statements – Roberts left his position as Muskogee Office Area Director. Even at his final Inter-Tribal Council meeting, Roberts continued to encourage representatives to be critical of fast-paced Termination: he called for “the responsible citizenship of the Five Tribes” to “unite in a very definite request for the continuance of restrictions and secure extension of restrictions” to maintain trust status over Five Tribes lands.<sup>70</sup> Roberts was soon replaced by Paul Fickinger, who supported Principal Chief Belvin’s plans to terminate the trust status of the Choctaw tribe, and spoke in favour of Native Americans taking “their place in the communities as a part of the total community just the same as anyone else does.”<sup>71</sup> It is unclear whether Roberts left the position of his own accord or was removed by the central BIA office; whatever the case, his successor was significantly less critical of federal Indian policy legislation.

Out of all the tribes here examined, only one was named in HCR 108 – the Klamath tribe of Oregon. The state of Oregon, where their reservation lands were situated, was also granted civil and criminal jurisdiction over the tribe under PL 280. Of the tribes here considered, the Klamath were by far the most affected by Termination legislation, which was regularly deliberated by the Klamath Executive Committee and General Council. The ways in which federal officials spoke of Termination legislation to the council must be assessed. The minutes of the tribal council show that the 1953 legislation was first brought up at a council meeting by a letter from the League of Nations Pan American Indians, a small pan-tribal activist group that had consistently advocated BIA reform since the 1940s and opposed Termination, rather than BIA employees.<sup>72</sup> The organisation wrote to the tribal council in August 1953 warning of the risks posed to Native property interests and

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<sup>70</sup> FCTITC (25 March 1954), *MCMAIT*, 1/I, Reel XI.

<sup>71</sup> See for instance: FCTITC (9 July 1958), *MCMAIT*, 2/I, Reel I and FCTITC (8 October 1958), *MCMAIT*, 2/I, Reel I.

<sup>72</sup> Steven Crum, ‘Almost Invisible: The Brotherhood of North American Indians (1911) and the League of North American Indians (1935)’, *Wicazo Sa Review* 21.1 (2006), pp. 51–2.

treaty rights by BIA 'bills and resolutions'.<sup>73</sup> It is telling that a Native activist organisation managed to reach the Klamath Executive Committee to discuss HCR 108 and PL 280 before local BIA Area Office staff did. Not only does this demonstrate how keenly some Indian organisations tracked policy developments in Congress, but it also points to inadequacies and inefficiencies in the BIA Portland Area Office activities.

Possibly as a result of this correspondence, the text of PL 280 and HCR 108 was included in the Executive Committee minutes in full, at the request of Boyd Jackson.<sup>74</sup> At least some Klamath tribal members were, as such, fully aware of, and had access to, information on Termination legislation, though this was not necessarily circulated widely by the Portland Area Office. Instead it was up to members of the tribe like Jackson to record this information. While the text of HCR 108 was inserted into the minutes of the meeting, it does not appear to have been discussed at length, and there is no evidence that the tribal council was briefed on the significance of the bill. Nor did inclusion in the Executive Committee record mean wider circulation among the tribal membership; importantly, it remains unclear how accessible the minutes of these less than ten member meetings were to other Klamath individuals.

The BIA, then, played little role in communicating HCR 108 and PL 280 to the tribe. Bureau employees did, nevertheless, discuss Termination with the council, but in raising federal policy issues, they focused their efforts specifically on the withdrawal of Klamath trust status. The BIA sent the Klamath tribe a draft version of a Termination act in September 1953, several months before the study of tribes ready for withdrawal mandated by HCR 108 was set to be completed.<sup>75</sup> The minutes mention that the tribe's Superintendent, E.J. Diehl, provided a "clarification" of the draft bill, but the Executive

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<sup>73</sup> Klamath Executive Committee (hereafter KEC) (26 August 1953), *MCMAIT*, 1/II, Reel XIX.

<sup>74</sup> *Ibid.*

<sup>75</sup> KEC (29-30 September 1953), *MCMAIT*, 1/II, Reel XIX.

Committee record does not include this. Whatever this 'clarification' may have entailed, it was only communicated to the Executive Committee, not the tribal council as a whole.

The draft bill was only discussed with the wider tribal membership a few months later, at a December 1953 General Council meeting. This meeting was attended by C.S. Cohn, BIA Area Counsel, who was present "to go over the Termination Bill, giving legal advice as may be of an interpretative nature of apparent intent."<sup>76</sup> Before even stating the intention of this visit, Superintendent Diehl highlighted that Cohn's time was limited, stating he was leaving on the "4:40 train". As this was not the first matter considered by the council that day, it is clear that the time provided for a BIA legal employee to answer tribal members' critical questions on their draft termination bill was severely inadequate. Furthermore, Cohn's discussion with the tribal members does not seem to be recorded in the council minutes, meaning members of the tribe not in attendance would not have been able to access that vital information.

The degree to which Termination legislation was presented to tribes thus varied greatly depending on the tribe's place in the withdrawal plan. The attention which federal officials gave to tribes and the nature in which Termination was presented also diverged. The Group III Mississippi Choctaw and Navajo tribes heard little mention of HCR 108 and PL 280 from federal employees, being instead told that the aim of transferring services away from the BIA was gradual and distant. The Five "Civilized" Tribes and Klamath on the other hand, gained far more information on Termination legislation. Yet though the Klamath were explicitly nominated for Termination by HCR 108, BIA employees did not thoroughly discuss the resolution with the tribe. Regardless, Commissioner Emmons failed to visit the tribe at this critical juncture, and BIA employees – including the superintendent – interacted primarily with the Executive Committee rather than the full General Council. HCR 108 and

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<sup>76</sup> KGC (17-18 and 21-22 December 1953), *MCMAIT*, 1/II, Reel XIX.

PL 280 were only brought to the attention of any branch of the tribal council at the request of tribal members, or third-party activist organisations, not by BIA employees. While Muskogee Area Office Director Roberts was more wary of Termination policy, even he did not specify exactly what problems it could cause for tribes, and was soon replaced by an official more amenable to Congressional aims in Indian policy. Despite some variation brought about by local BIA staff, little detailed guidance on the possible effects of Termination legislation was offered to tribal councils, meaning most tribal members did not get up-to-date, accurate information about the withdrawal process and the significance of HCR 108 and PL 280.

### **1.3. Tribal councils' responses to, and interpretations of, legislation, 1953-4**

Though containing the official guidelines for Termination policy, HCR 108 and PL 280 were unevenly presented to tribal councils, with some tribes being granted more information than others. The ways in which tribal councils interpreted Termination policy, as established in HCR 108 and PL 280, remains to be explored. As most tribes received little explanation of the implications of Indian policy changes from federal employees, the varying ways in which they may have interpreted Indian policy in the period must be investigated.

The Navajo, officially classed as 'predominantly Indian', did not explicitly discuss Termination policy on a regular basis. Examining the tribal council's minutes in the years following the passing of HCR 108 and PL 280 does nevertheless indicate that the council was clearly aware of withdrawal-related bills before they were presented to Congress. In the week before HCR 108 was passed, the tribal council passed a resolution with an overwhelming majority, asking the tribe's attorney to write to Congress in opposition of a

bill which would have allowed any American Indian declared 'competent' by the Interior Department to withdraw from their tribe.<sup>77</sup> Council member Sam Gorman spoke out against the competency bill: "[...] I believe that we are all agreed on the fact that this is inappropriate as far as the Navajo tribe is concerned. We have not got to the point *as yet* where we can consider ourselves competent for withdrawal or for any limitations lifted as far as the Navajo Tribe is concerned."<sup>78</sup>

Though Gorman opposed allowing individual Natives to withdraw from their tribe, his statement did not altogether object to the concept of trust status removal. Rather, he specifically argued the bill was inappropriate for the Navajo tribe *at the current time*. Inherent in this argument is the assumption that the tribe would be ready at an indefinite point in the future – thereby implying an acceptance of the belief that the Navajo were low on a scale of societal development, not yet “competent” to manage their own affairs. This statement must be considered within the context of Indian policy developments in July 1953, as Emmons had not yet widely visited tribes, nor had HCR 108 and PL 280 been passed. As such, at this point Termination could have posed a potential risk to the sovereignty of the Navajo tribe, particularly through the competency bill.

A sense of threat is clear in the resolution passed to oppose the bill, stating:

“[...] this Council respectfully request the Congress of the United States not to consider measures of this fundamental character affecting not only Tribal property rights but the lives of individual Tribal members, without adequate

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<sup>77</sup> 70 out of 74 tribal council members voted in support of the resolution, only one objected. It is unclear whether the remaining three abstained or were not present. NTC (20-31 July 1953), *MCMAIT*, 1/1, Reel VIII.

<sup>78</sup> *Ibid.* Emphasis added.

notice to those tribes which will be affected and opportunity to be heard in opposition to or in support of such measures [...].”<sup>79</sup>

The resolution was written in the style of a Congressional document by the tribe’s attorney, Norman Littell, and thus reflects his interpretation of the tribe’s opposition to the competency bill. Most significantly, it does not specifically object to withdrawal, just to the lack of notice and consent allowed to tribes, acknowledging both the effects on communally-held tribal property and “individual Tribal members”. In this respect, the resolution epitomises the sentiment expressed by Sam Gorman – not opposing assimilation per se, just the manner and timing of federal plans. Publicly appearing to support eventual federal withdrawal may have been a conscious political manoeuvre adopted by tribes like the Navajo. Presenting themselves as working toward the ultimate goal of assimilation could create opportunities for a tribe to benefit from government programmes aimed at preparing for federal withdrawal, which would support the economic and educational development of the tribe.<sup>80</sup>

Gorman thus turned the language of assimilation to the advantage of the Navajo, justifying the continuation of federal development programmes by claiming they would prepare tribal members for assimilation, building on an idea established by Chairman Ahkeah and Howard Gorman in challenging the Fernandez Amendment. This process resembles that identified by literary scholar Amelia Katanski as “learning to write ‘Indian’”, referring to Native boarding school students imbuing the English language with their own meanings, rather than simply absorbing it.<sup>81</sup> Navajo tribal council members similarly spoke in terms of the tribe not being “ready” for Termination due to a lack of preparation, thereby challenging policies that threatened their trust status and demonstrating their

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<sup>79</sup> Ibid.

<sup>80</sup> For details of socio-economic gains made by the tribe in the 1950s, see Iverson, *Diné*, pp. 180–226 and Needham, *Power Lines*, pp. 123–56.

<sup>81</sup> Katanski, *Learning to Write ‘Indian’*, p. 13.



agency in dealing with coercive BIA policy. They could, as such, be described as “speaking ‘Indian’”, or more specifically, “speaking ‘Navajo’” – turning the language of assimilation into a tool for improving the conditions of Navajo people without losing tribal status.

Other tribes employed comparable tactics, responding to the prospect of Termination with an apparent acceptance of some sort of assimilation. The Five “Civilized” Tribes Inter-Tribal Council displayed strikingly similar arguments against the whole-scale eradication, or even partial cutback, of services from their tribes. In October 1954, the Inter-Tribal Council approved a resolution explicitly responding to HCR 108.<sup>82</sup> In the resolution, HCR 108 was presented as a generalised liquidation policy, and was strictly objected to on the grounds that: “[...] trust and service responsibilities have their origins in treaty relations and should not be terminated or abrogated without concurrence by the affected Indians or Indian tribes and the States in which they reside [...]”<sup>83</sup>

The resolution concedes that “it is and should be the mutual concern of the State, the Indian people and the Federal trustee that there be more progressive development toward the goal of full cultural assimilation and integration of the Indians into the community life about them [...]”<sup>84</sup> The Inter-Tribal Council did not oppose assimilation outright, but rather asserted the right of tribes to veto any decisions made by the federal government, and presented a list of provisions to be fulfilled before the trust relationship could be severed. This included integrating Native children into public schools, improving Indian health, promoting relocation by choice, and providing welfare services “to contribute to the betterment of the social and economic conditions of Indian communities.”<sup>85</sup> The resolution was detailed, providing clear justifications for why the suggested provisions should be met before a tribe could be terminated.

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<sup>82</sup> FCTITC (13 October 1954), *MCMAIT*, 1/1, Reel XI.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

These Navajo and Five Tribes resolutions were of course written at different times and in response to different pieces of withdrawal legislation. The Inter-Tribal Council specifically addressed HCR 108 a year after it had been passed in Congress, while the Navajo resolution objected to a bill still pending, meaning their situation was more urgent. It is therefore unsurprising that the Inter-Tribal Council resolution was a far more detailed and explicit statement against federal legislation than that passed by the Navajo Tribal Council the previous year. Five Tribes representatives had considerable time to reflect on Termination legislation and write a detailed response. Yet both resolutions still essentially objected to Termination due to *timing*, stating that legislation was forcing withdrawal too quickly and without proper consultation with tribes. The Inter-Tribal Council resolution was far longer and more detailed, but written in the same legal style and format as the Navajo resolution. The sentiment is also the same – presenting assimilation as a goal for the future, but criticising specific legislation. Like the Navajo, the Inter-Tribal Council emphasised the responsibilities of the government to tribes by presenting this as the key to some form of assimilation in the future, displaying agency through negotiating alternate interpretations of assimilationist language, rather than opposing Termination altogether.

A critical difference is that while the Navajo resolution was written by the tribe's attorney, the Inter-Tribal Council document was signed off by its President, Cherokee tribal member and Oklahoma judge N.B. Johnson. Significantly, Johnson had been President of the NCAI from its founding in 1944 until 1953.<sup>86</sup> Johnson therefore had extensive experience in congressional lobbying; with well-educated representatives, the Inter-Tribal Council were not reliant on non-Native legal counsel to present their views directly to Congress. This difference in authorship partially explains why the Inter-Tribal Council resolution expressed a much stronger objection to Termination policy.

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<sup>86</sup> John Fahey, *Saving the Reservation: Joe Garry and the battle to be Indian* (Seattle, 2001), p. 41; Philp, *Termination Revisited*, p. 15.

It may however seem surprising that a former NCAI president so clearly displayed support for 'cultural assimilation' as the ultimate goal of Indian policy. This aspect of the resolution seems to justify later Red Power criticism of the NCAI as 'Uncle Tomahawks', too reliant on and uncritical of the government.<sup>87</sup> However, though signed by Johnson, the resolution was a product of amendments and suggestions made by a variety of council members. It thus reflects the wishes of a varied group of representatives, some of whom later supported Termination, like Choctaw Principal Chief Belvin. Moreover, though the resolution refers to 'cultural assimilation' as an eventual aim, this concept is not defined and the point-by-point recommendations for the improvement of Indian living standards do not refer to cultural programmes. With federal officials having so unequivocally praised the Inter-Tribal Council throughout the early 1950s, it is also likely that the Inter-Tribal Council did not want to impair this relationship: speaking of assimilation may have been a tactic to maintain the support of BIA officials and Congressional representatives.

Considering HCR 108 and PL 280 carried a serious threat of potentially fast Termination, cooperation with government officials certainly seemed beneficial to the Navajo Tribal Council and the Five Tribes Inter-Tribal Council. The Klamath tribe, on the other hand, could not speak of assimilation as a far-off goal, as the tribe was faced with plans for the withdrawal of their trust status swiftly after HCR 108 was passed. A question much debated among historians is whether the Klamath tribe consented to Termination. An oft-quoted 1956 Stanford University Research Institute questionnaire found that only 14 out of 100 Klamath respondents believed that Termination had been requested by the tribe.<sup>88</sup> Though this does not directly prove that the tribe opposed Termination, it indicates that tribal members did not see it as their choice. Scholarship furthermore concurs that the tribe was split into two factions: one opposing Termination, led by Boyd Jackson, and another

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<sup>87</sup> Smith and Warrior, *Like a Hurricane*, p. 121.

<sup>88</sup> Fixico, *Invasion of Indian Country*, p. 88; Ulrich, *American Indian Nations*, p. 52.

supporting it, led by Wade Crawford.<sup>89</sup> To-date, scholars have characterised this division in opinion as stemming from a differing degree of acculturation with surrounding Euro-American communities, with historian Heather Fryer describing Crawford as a “wealthy cattleman” who lived “completely in the mainstream”, and his supporters as mainly living off the reservation.<sup>90</sup>

However, scholarship on the Klamath has not looked in detail at the development of tribal responses to Termination, instead focusing on the process of Termination rather than reactions to, and interpretations of, it. A draft bill for the withdrawal of Klamath trust status was initially introduced by the BIA to the tribe’s Executive Committee in September 1953, indicating that council members played little concrete role in formulating the plan but were allowed some time to review it before it was passed by Congress and signed into law in August 1954.<sup>91</sup> Nevertheless, discussions conducted in General Council and Executive Committee meetings in 1953 and 1954 reveal that responses were not straightforwardly and consistently against Termination. Rather, tribal leaders attempted to negotiate alterations more suitable to the tribe in the Termination Act whilst not rejecting it outright. Anthropologist Patrick Haynal has tracked the confusing path of the draft bill among the tribal council, showing how in December 1953 the Executive Committee came up with an alternative “cooperative” plan to Termination, which would have established a tribal cooperative exempt from certain state taxes, allowing for the continuation of a tribal community despite the removal of federal trust status.<sup>92</sup> In January 1954 the General

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<sup>89</sup> Haynal, ‘Termination and Tribal Survival’, pp. 276–7.

<sup>90</sup> Heather Fryer, *Perimeters of Democracy: Inverse Utopias and the Wartime Social Landscape in the American West* (Lincoln, 2010), p. 139, 175.

<sup>91</sup> Haynal, ‘Termination and Tribal Survival’, p. 277.

<sup>92</sup> Haynal, ‘Termination and Tribal Survival’, p. 278; KEC (17-18 and 21-22 December 1953), *MCMAIT*, 1/II, Reel XIX.

Council rejected the cooperative plan, moving instead to accept the draft withdrawal bill sent by the BIA under the provision that the tribe could later make amendments to it.<sup>93</sup>

According to a later statement by Executive Committee members Boyd Jackson and Jesse Lee Kirk before Congress, the rejection of the cooperative plan was an attempt by Klamath tribal members to castoff Termination entirely.<sup>94</sup> Furthermore, Fixico has claimed that the acceptance of the BIA draft act resulted directly from blackmail by Senator Watkins, who allegedly threatened to deliberately withhold a \$2.6 million judgement awarded by the Claims Commission if Termination was not accepted.<sup>95</sup> It is difficult to assess the accuracy of these claims, seeing as the microfilm collection compiled from BIA records does not include the January 1954 council meetings. However, the tribal council's attempts to shape withdrawal to better suit the needs and wishes of their community is evident throughout – even if there was little consensus as to what those amendments should be. For instance, the notes of a January 1954 Special Session of the Executive Committee meeting held after the General Council had accepted the draft Termination act mention that “The question of the word ‘termination’ was discussed by the members, Thereupon [sic] the Committee agreed to delete the word termination from the Agenda, and insert in its stead the words ‘Enabling Legislation’.”<sup>96</sup> As these minutes are only a summary of the meeting rather than a full transcript, there is little explication of why the word “enabling” was favoured. Additionally, the text of a resolution to also change past references to Termination in Executive Committee meeting minutes to “enabling legislation” stated that “such term is a misnomer in effect of the real purpose of the bill under consideration [...]”<sup>97</sup>

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<sup>93</sup> Haynal, ‘Termination and Tribal Survival’, p. 278.

<sup>94</sup> Ibid.

<sup>95</sup> Fixico, *Invasion of Indian Country*, p. 85.

<sup>96</sup> KEC (26 January 1954), *MCMAIT 1/II*, Reel XIX.

<sup>97</sup> Ibid.

It is clear that the committee objected to the term 'Termination', instead preferring language which would emphasise the ability of the tribe as a community to take over the management of their own affairs, as the resolution stated, to enable "legislation for any program of management of the Tribes [sic] Affairs as the tribe may hereafter present with the tribes [sic] approval."<sup>98</sup> This statement, in its repeated references to the Klamath as *a tribe* indicates that Executive Committee members at this point in time favoured the continuation of a tribal collective, rather than liquidation of tribal assets between individual members. Furthermore, this attempt demonstrates the ability of Executive Committee members to exercise their agency in challenging the terminology of Termination, though they were ultimately unsuccessful in changing the wording of the Termination Act itself.

In the July General Council meeting of that year tribal members continued to question the Termination Act, requesting details of its impact on the taxation of tribal lands, as well as their hunting and fishing rights, from new superintendent, W.W. Palmer. These conversations constitute clear evidence that tribal members still valued both their guaranteed treaty rights and their Klamath identity. For instance, tribal member Lawrence Witt made a strong statement for retaining hunting rights: "[...] I would like to have [Klamath Vice President] Lang make that a definite resolution we can pass so it will be a matter of record so that any Indian arrested hunting would have the full support of the Klamath Indians. (applause)."<sup>99</sup> Though the tribe may have accepted the BIA's draft Termination bill, this did not necessarily mean that they wished for liquidation, or the loss of their status and identity as "Klamath Indians", as Witt put it. The support for Witt's statement in the General Council proves that members of the tribe still identified themselves as 'Klamath Indians' and saw their treaty-guaranteed hunting and fishing rights as crucial, despite their withdrawal process moving forward. Such assertions of support for

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<sup>98</sup> Ibid.

<sup>99</sup> KGC (29-30 July 1954), *MCMAIT 1/II*, Reel XIX.

Klamath rights indicate that Haynal's claim that tribal members were coerced into accepting PL 587 is correct, but also that tribal members were uncertain of the impact Termination would have on their lives.<sup>100</sup>

The Klamath Termination Act, PL 587, was passed in August 1954.<sup>101</sup> Unfortunately, like the January 1954 General Council meetings, the minutes of any council or committee meetings conducted from August to December 1954 are missing from the BIA's collection. If discussions in the January 1954 meeting contained evidence of Watkins' coercion, it would not be in the BIA's interest to retain copies of these minutes. Similarly, if August 1954 reactions to the passing of the Termination Act were emphatically negative, this would contradict the BIA's attempts to present the tribe as supporting Termination. The reason for these minutes not being included is impossible to determine, but though the disorganisation of the BIA is well-known, it seems rather conspicuous that minutes of meetings held at the most critical junctures are not available in the BIA's official collection.

Similarly, Mississippi Choctaw tribal council minutes from the early 1950s are fragmented and partial at best, as is demonstrated by the omission of the minutes for their 1952 meeting with Myer from the BIA collection. The minutes for only one meeting are available for the autumn of 1953, and even these are practically unreadable, meaning Mississippi Choctaw responses to the passing of HCR 108 and PL 280 are difficult to garner. Few meetings include full transcripts of discussions, instead consisting of summarised statements. Furthermore, while their identity remains unclear, it is apparent that the stenographer for these meetings was non-Choctaw, struggling to understand tribal members and displaying potential bias in the transcription of their meetings. For instance a February 1954 meeting transcript shows that while BIA officials' comments were summarised with detail and some direct quotes, the content of speeches by Choctaw tribal

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<sup>100</sup> Haynal, 'Termination and Tribal Survival', p. 279.

<sup>101</sup> *Ibid.*, p. 280.

members was included only as far as the ability and willingness of the stenographer allowed. The minutes state that tribal member Woodrow Billie, in response to pro-assimilation comments made by the local BIA Area Director, “made an impassioned defense of all Choctaw people seeming to plead for understanding of their situation.”<sup>102</sup> The content of Billie’s speech and exactly what he was objecting to is not indicated, but he was evidently unhappy and emotional in his statement.

Though we cannot get any direct evidence of responses to Termination in this period, the very nature of the Mississippi Choctaw minutes demonstrates that the tribe had virtually no control over their affairs in the early 1950s. As stenographers, likely hired by the BIA at this point, frequently left out comments made by tribal members, it is clear that Mississippi BIA Area Officials had little interest in Native opinions on Indian policy, both locally and nationally, at this point. The comments by tribal council members that are included show little mention or understanding of developments in Termination policy at that time – instead they focused on local matters perhaps more urgent for tribal members, which will be discussed in later chapters.

Councils had varied responses to and ways of dealing with Termination legislation, not representing just socio-economic “tribal elites”. In the BIA-organised and administered arena of tribal councils, little direct and vocal objection to Termination policy is evident in the months immediately following the passing of HCR 108 and PL 280. Yet a closer examination that takes into account not just the direct statements of members, but the issues they wished to discuss, reveals more subtle forms of resistance. Both the Navajo Council and Five Tribes Inter-tribal Council expressed agreement with the general goal of “assimilation”, but questioned the timing and procedures adopted by the federal government. The Klamath, faced with immediate and direct withdrawal, attempted to

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<sup>102</sup> MBCTC (17 February 1954), *MCMAIT 1/I*, Reel XI.



shape their Termination Act to include and acknowledge their concerns and needs. Though minutes are incomplete, particularly for the Klamath and Mississippi Choctaw, looking at what has been omitted can offer insight into, and evidence for, BIA negligence and even possible cases of the distortion of evidence and information. Comparing these four tribes, it is also significant that the minutes of the two tribal councils that repeatedly expressed support for “assimilation” have been well-maintained by the BIA. This has important implications for our understanding of how the BIA worked during the era of Termination, both on a local and national level.

## **Conclusions**

In examining the Indian affairs rhetoric in the build up to the legislative developments of 1953, it is obvious that BIA officials purposely presented policy in simplified, broad terms. As Fernandez’s, Myer’s and Emmons’ statements at the meetings of tribal councils show, federal withdrawal was continuously associated with ‘independence’ and ‘freedom’ for tribes throughout the early 1950s – implying they would be allowed to determine their own affairs. Without a clear sense of what the process of Termination would involve, it is no wonder that a policy promoted in such positive, yet vague terms seemed potentially attractive to tribal councils. The real implications of the loss of civil and criminal jurisdiction to states, and loss of Indian bureau services, were either not considered or purposely obscured by federal employees. While some Area Office staff evidently did attempt to warn tribal councils of problems federal withdrawal might cause, overt criticism could lead to dismissal or reassignment, as Muskogee Area Director Roberts’ case attests. Despite individual examples like this, BIA rhetoric was remarkably homogenous across the nation, particularly before legislation was passed in 1953.

Tribal councils, particularly the Mississippi Choctaw, were largely dependent on the will of their local BIA Area Office to keep them informed on Indian policy, seeing as they had few contacts outside the reservation in the early 1950s. Most strikingly, interactions between councils and the BIA in this period highlight the government's neglect of Klamath tribal members in preparing their Termination. BIA officials largely met with the ten-member Executive Committee and only offered limited consultation time to the tribe's General Council, despite the impending change in their federal status. These power dynamics played through in each of the tribal councils considered here, but were most pronounced and destructive in the Klamath case. Despite the rhetoric of 'independence' and 'freedom', tribal councils in this early period were offered little tangible control of, or input into, the direction federal Indian policy would take. The Klamath were encouraged to suggest amendments, but these had little impact on the Klamath Termination Act, as it was eventually passed.

Nevertheless, an examination of the responses of tribal council members to legislation shows that the ultimate goal of 'assimilation' was rarely openly challenged in this early period. Notably a few Navajo tribal council representatives even explicitly promoted this as an aim. They justified their objections to terminating the trust status of their tribe on the grounds that they were not yet sufficiently 'assimilated' and thus did not fulfil Termination criteria. In discussing Indian policy, tribal council representatives of a variety of tribes did not publicly object to the idea of assimilation and becoming 'full American citizens'. Chapters Four, Five and Six of this thesis will examine how these representatives interpreted and employed such concepts in order to gain a deeper understanding of why tentative approval was expressed. It is already evident, however, that Navajo, Five Tribes, Klamath and Mississippi Choctaw tribal members did not simply accept and absorb the rhetoric of Termination, but interpreted and employed it in various ways to support the interests of tribal members both as individuals and communities.

## Chapter Two: Press Presentations of Termination and Issues of Consent

Despite not thoroughly discussing legislation with tribal councils, in speeches during his commissionership Dillon Myer maintained that reservations would not be broken up or people relocated by force.<sup>1</sup> Senator Arthur Watkins similarly propagated the concept of Termination as voluntary in his writings and public speeches. In 1957 the journal *Annals of the American Academy of Political and Social Science*, an influential publication which politicians often contributed to, published an essay by Watkins, which included a section subtitled “Voluntary Indian Actions Toward Federal Decontrol”.<sup>2</sup> Watkins claimed various tribes, including the Confederated Tribe of the Colville (Washington) and the Peoria, Ottawa and Wyandotte Tribes (Oklahoma), had approached the government to instigate withdrawal. Furthermore, he quoted BIA Commissioner Glenn Emmons on “the value of voluntary Indian group action”: “A good program is one which results from the desires of and fits the needs of a particular group of Indians. In whole or in part the program should, if possible, be the work of the Indians themselves.”<sup>3</sup>

Watkins thus portrayed Termination as voluntary, and tribes as playing a significant role in designing their own programmes for the removal of trust status. As the previous chapter has shown, Termination was nevertheless carried out without the final consent of tribes like the Klamath, and their suggestions for amending draft acts were typically ignored. Furthermore, scholarship has shown that the tribes Watkins listed as “volunteering” for Termination were bitterly divided on the issue, or misled by local BIA employees regarding what it would entail.<sup>4</sup> The vague rhetoric of “freedom” and “consent” was employed by federal officials to mask the coercive elements of Termination. Several years after his

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<sup>1</sup> Philp, *Termination Revisited*, p. 91.

<sup>2</sup> Watkins, ‘Termination of Federal Supervision’, p. 54.

<sup>3</sup> *Ibid.*

<sup>4</sup> See for instance: Arnold, *Bartering with the Bones*, pp. xi–ii; Ulrich, *American Indian Nations*, p. 130.

resignation, Myer continued to propagate the belief that withdrawal was necessary, despite admitting that it was often carried out against the wishes of Native individuals and groups.<sup>5</sup> As such, though Termination was presented as providing “freedom”, in practice consent was not required for carrying out federal withdrawal.

In order to understand why Termination – despite its disastrous practical impact – was not officially repudiated until 1970, the extent to which the policy had public support and the ways in which Termination was discussed in the public domain must be examined. Was Native consent for withdrawal presented as a key aspect of the policy, and to what extent did the print media portray Termination as a voluntary process? This chapter will examine how withdrawal was presented in the press, focusing particularly on issues of consent, in order to examine the ways in which Termination was communicated to the public. For instance, the fact that PL 280 did *not* require Native consent for states to extend civil and criminal jurisdiction over reservation lands briefly became the subject of public controversy in 1953 and 1954, but failed to instigate rapid change in Indian policy. Termination continued to be covered in the press in the late 1950s and 1960s, but though problems with specific tribal cases were recognised, the core assumption that Native Americans should be assimilated into the mainstream was never seriously questioned throughout this period.

Before examining the development of Indian policy rhetoric in the Termination era, it is important to note the disjuncture between “objective truth” and what communication studies scholar Thomas Farrell terms “social knowledge”.<sup>6</sup> According to Farrell, “social knowledge” is information that is only dependent on its acceptance by a specific audience, regardless of external realities or “facts”.<sup>7</sup> In the case of press representations of

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<sup>5</sup> Myer, Interview (7 July 1970).

<sup>6</sup> Thomas Farrell, ‘Knowledge, Consensus, and Rhetorical Theory’, in J.L. Lucaites, C.M. Condit and S. Caudill (eds.), *Contemporary Rhetorical Theory - A Reader* (New York, 1999), p. 142.

<sup>7</sup> *Ibid.*, p. 143.

indigenous peoples, this “social knowledge” is formed by a base of assumptions that is – consciously or not – deemed by journalists to be accepted by the audience they write for. Native opinion, consultation and voices – which would demonstrate the real and tangible influence Indian policy had on Native peoples – are not required for such a base of “knowledge” to form. Farrell states that such knowledge does not only work for broad or vague beliefs, but can also include specific details.<sup>8</sup>

Considering the longevity of Myer’s conviction in the benefits of federal withdrawal, the persistent belief system on which this was based must be investigated. Indeed, Myer’s views were neither original nor uncommon in the United States – scholarship has shown that the belief that federal supervision was harmful and should be removed had been prevalent since the late 1880s.<sup>9</sup> Press writing in the years following the passing of the General Allotment Act in 1887 particularly espoused this ideology, as demonstrated by an untitled July 1892 *Times* editorial, which supported the idea that “equal citizenship” could only be achieved through political participation and ending trust status:

“The law distinctly provides that Indians who take their allotments in severalty shall become citizens, and there are also other ways in which citizenship may be acquired. The Sissetons have accepted this form of land holding, and so have tribes and individuals elsewhere. When, by conforming to State laws and to registration rules, the red men take their full share in elections, they will doubtless find some statesmen anxious to look after them and help them who have hitherto been but little concerned with poor Lo’s grievances. The day, in

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<sup>8</sup> Ibid., p. 146.

<sup>9</sup> See Hoxie’s evaluation of support for allotment policy in the 1880s: Fred Hoxie, *A Final Promise: the campaign to assimilate the Indians, 1880-1920* (Lincoln, 1984), pp. 2–7.

fact, when Lo will take his place on the floors of Congress, representing white men as well as red, may not be very far distant.”<sup>10</sup>

Though separated by over seventy years, Myer’s statement that “the time is past due when many Indians should be released from [...] Federal supervision” shares a certain ideological base with this editorial comment – both see assimilation into Euro-American societal structures as not only a possibility, but a necessity for Native Americans.<sup>11</sup> Furthermore, like Myer in his speeches to tribes in the 1950s, the 1892 editorial presented Natives as consenting to assimilation, claiming allotment was “accepted” by tribes and individuals. Consent as a concept, thus, played some role in assimilationist ideology, both in the allotment era and in Myer’s time. This chapter will demonstrate that the belief in assimilation as desirable was a type of hegemonic, “social knowledge” which informed all mainstream responses to Termination and restricted Native participation in public debate surrounding the policy.

## 2.1. Withdrawal in the press, 1947-1953

In order to discuss effectively the issue of consent to Termination, it is necessary to chart the development of press writing on Indian policy in the years preceding the passing of HCR 108 and PL 280. Examining late 1940s and early 1950s discussions of Indian affairs in broadsheets and news magazines demonstrates parallels between how Termination was presented to the public and to tribal councils in the years preceding HCR 108. Press conversations on Indian affairs in this period, like Congressional rhetoric, cultivated factually dubious imagery and language to publicly frame Native Americans as ‘dependent wards’, needing ‘liberation’. For instance in a March 1953 newswire report the *Washington*

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<sup>10</sup> Untitled editorial, *NYT* (31 July 1892), printed in: Hays (ed.), *Editorializing ‘The Indian Problem’*, p. 47.

<sup>11</sup> Myer, Interview (7 July 1970).

*Post* stated simply: “The House yesterday approved an investigation of the Bureau of Indian Affairs to find out when the Indians can be freed of all Federal controls and what functions of the bureau can be abolished or transferred.”<sup>12</sup>

This brief newswire report demonstrates the tendency of much of the news media – both in the mid-twentieth century and today – to rely on ‘authorities’ to communicate factually accurate information. ‘Authorities’, like the police, government officials or scholars, were almost exclusively Euro-American in the Termination period. Sociologist Teun A. van Dijk argues that white authorities are seen by both press staff and readers as “ethnically neutral” and, by extension, able to offer objective information on minority issues.<sup>13</sup> Though van Dijk focuses primarily on Western Europe, his argument resonates with press reporting on Indian affairs in the early 1950s. In this period, objectivity was the ultimate ideal of U.S. news reporting, with American journalists generally attempting to be neutral and unbiased, eliminating evidence of personal opinions.<sup>14</sup>

This idealisation of ‘objectivity’, in part, resulted in the prevalence of short newswire reports like the aforementioned *Post* piece. Newswires, sent straight from services like the Associated Press or United Press International, usually consisted of these brief one-paragraph reports. As the *Post* example illustrates, these rarely contextualised the information they provided, and often merely regurgitated statements from ‘authorities’. In this case, the *Post* uncritically printed the House voice on Indian affairs, advancing the ‘freedom’ rhetoric so typical during this period. The paragraph also mentions the abolition of ‘bureau functions’ – an additional detail on Indian policy that the BIA seldom communicated to tribes. This indicates that federal officials were more forthcoming with the general public on the nature of Indian policy than with tribal councils.

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<sup>12</sup> ‘Indian Affairs Enquiry Approved By House’, *Washington Post* (hereafter *WP*), 26 March 1953, p. 21.

<sup>13</sup> Teun van Dijk, *Racism and the press* (London, 1991), pp. 153–54.

<sup>14</sup> Schudson, *Discovering the News*, p. 157.

Newswire reports may have relied on officials' comments to maintain brevity, but even longer articles prioritised federal authority voices. For instance, a July 1947 *New York Times* article by reporter Bess Furman, titled 'Campaign Pushed to "Free" Indians', outlined the influence of the Zimmerman plan on Indian policy.<sup>15</sup> The article included long quotes from chairman of the Senate Public Lands Committee, Nebraska Senator Hugh Butler, who spoke of federal withdrawal in positive terms: "I am encouraged with the statement of William Zimmerman Jr. [...] that ten tribes are ready now to be released from Federal supervision."<sup>16</sup> None of the tribes listed by Zimmerman as immediately ready for withdrawal resided within Butler's home state, meaning the Senator had no direct regional motives in supporting their Termination. Butler's statement, as committee chairman, rather reflected the broader contemporary federal approach to Indian policy. By referring to being "encouraged" by the Zimmerman plan, Butler communicated an enthusiasm for withdrawal similar to that of Congressman Antonio Fernandez and Commissioner Myer. The rhetoric adopted by these figures implied an understanding of the problems of Native populations and presented changes to the federal trust relationship as being key to resolving those issues. Furthermore Butler and Fernandez shared a self-proclaimed authority on Indian affairs, despite their lack of experience in this area.

Moreover, the *Times* article reported exclusively on Butler's statements without contextualising his comments in outside information, trusting in his authority alone. This focus on Butler may reflect the specific position of Bess Furman at the *Times*; previously a member of Eleanor Roosevelt's press corps, she had been White House correspondent for the paper since 1943, meaning reporting on federal representatives was a core focus of her

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<sup>15</sup> Bess Furman, 'Campaign Pushed to "Free" Indians', *New York Times* (hereafter *NYT*), 22 July 1947, p. 46.

<sup>16</sup> *Ibid.*



job.<sup>17</sup> In both the headline and body of the text, the term ‘freedom’ was only included in inverted commas, creating the impression that the paper did not necessarily support Butler’s stance. However, an uncritical adoption of the values propagated by Butler can be found elsewhere. Furman noted that “Senator Hugh Butler [...] took charge today of a campaign to ‘free the Indians,’ acting for the ten tribes already officially pronounced ready to throw off wardship.”<sup>18</sup> In referring to a “campaign”, she indicates that the efforts to alter federal status were both advanced and organised in Congress. Notably, the article states simply that Butler is “acting for” tribes, without questioning his right to do so or any involvement these tribes may have had in the process. By using the active verb “to throw off” in describing the withdrawal process, the text even supports the illusion that the tribes put forward for Termination supported the policy. Furthermore, the article uncritically accepted the contested conception of the federal-tribal relationship as one of “wardship”.

Indeed, though there are significant similarities in how federal officials presented Indian affairs to tribes through tribal councils and to the public through the press, some critical differences in language and content can be found. As mentioned in the *Post* newswire above, more detail of the practical implications of changing federal Indian policy was communicated in the press than at tribal council meetings. While tribal council minutes show very little evidence of BIA officials discussing Zimmerman’s list, or the practical details of how a federal withdrawal policy would be carried out, the *Times* reported on both even before HCR 108 and PL 280 were passed. The ‘Campaign Pushed to “Free” Indians’ article contained detailed information of the three groups outlined by Zimmerman in his hearing with the Senate Public Lands committee, as well as the criteria used to categorise tribes.<sup>19</sup>

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<sup>17</sup> For information on Furman, see: Liz Watts, ‘Bess Furman, Nebraska’s Front Page Girl: Her Formative Years’, *Nebraska History* 74 (1993), pp. 63–1.

<sup>18</sup> Furman, ‘Campaign Pushed to “Free” Indians’, *NYT*, p. 46.

<sup>19</sup> *Ibid.*

A March 1950 article by Furman included a point-by-point plan for the withdrawal of trust status, more than three years before HCR 108 was passed.<sup>20</sup> The article quoted a 1948 “governmental commission”, listing the need for greater educational provisions to tribes, the “reduction of death and illness rates”, handover of services to state and local governments, the “transfer of tribal property to Indian-owned and controlled corporations”, and it explicitly stated as an aim the “full participation of Indian peoples in local and state civic life and ending of their tax-exempt status.”<sup>21</sup> The article was evidently referring to the Hoover Commission report on Indian affairs, published in 1949.<sup>22</sup> The Task Force appointed to compile the report included no Native representatives and evidently employed little Native consultation.<sup>23</sup> Furthermore, there is no evidence to show that BIA or other federal officials communicated with tribal councils about the report. Though press reporting contained the same vague references to ‘independence’ and ‘freedom’ that federal officials espoused at tribal council meetings, reporters additionally publicised a wealth of detail on what the new direction in Indian policy would entail.

The newspaper-reading public, as a result, was arguably kept better informed on developments in national Indian affairs than tribes were themselves. However, the position of this article in the *Times* must be noted. It was printed on page fifteen – not right at the beginning, but far from the end of the paper.<sup>24</sup> Though the article was relatively long, it was hidden in the middle of the page, indistinguishable amongst the many articles surrounding it. Furthermore, it was situated next to a mass of announcements detailing the engagements of various New York socialites. Though other, more politically-toned pieces also appeared on this page, it is clear that Furman’s article and the details on Indian policy

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<sup>20</sup> Bess Furman, ‘Deadlocks Beset Indian Freedom’, *NYT*, 6 March 1950, p. 15.

<sup>21</sup> *Ibid.*

<sup>22</sup> Wilkinson and Biggs, ‘The Evolution of Termination Policy’, p. 147.

<sup>23</sup> Valandra, *Not Without Our Consent*, p. 34.

<sup>24</sup> Furman, ‘Deadlocks Beset’, *NYT*, p. 15.

it offered were not seen as ground-breaking or of significant interest to the average reader, despite carrying important implications for Native peoples.

Measures like those cited in the 1950 *Times* article were catastrophic for terminated tribes. If the government was this transparent with the press on the tactics it intended to adopt with tribes, was there any public outcry over the policy? An examination of a wide range of newspaper reports on Indian affairs pre-1953 reveals that some objections to the policy did appear early on. These objections were driven almost exclusively by Euro-American Indian rights activists like former BIA Commissioner John Collier and Association on American Indian Affairs (AAIA) president, Oliver La Farge. Both Collier and La Farge had been at various points involved in the AAIA, an Indian rights advocacy group established – and largely run – by non-Indians since 1922.<sup>25</sup> Statements by both men appeared frequently in the press in the form of letters, comments, and interviews, with Collier having even been consulted as an expert on Indian affairs in the 1920s, before his commissionership.<sup>26</sup> Rather than criticising federal withdrawal plans, the mounting press campaign against federal policy by non-Native Indian rights activists centred almost exclusively on Commissioner Myer as the main problem in Indian affairs.<sup>27</sup>

Collier's protests against both the policy of relocating Natives to urban areas and problems with Pueblo legal contracts, as publicised by the *Times*, largely focused on Myer's background and employment history.<sup>28</sup> In a 1950 letter to the *Times* editor, Collier emphatically criticised Myer's appointment as Commissioner:

“The new Commissioner, the two Assistant Commissioners, and the new Chief Counsel, represent a taking-over of Indian Service by the ruling personnel of

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<sup>25</sup> Philp, *Termination Revisited*, pp. 12–3.

<sup>26</sup> Weston, *Native Americans in the News*, p. 147.

<sup>27</sup> Fixico, *Termination and Relocation*, pp. 74–5.

<sup>28</sup> John Collier, 'Policy of Relocation Opposed as Violation of Property Rights', *NYT*, 28 May 1950, p. 98; 'Indian Bureau Cites Law on Aid to Tribes', *NYT*, 3 March 1951, p. 15.

the late War Relocation Authority. That personnel made a deserved renown through ‘liquidating’ the War Relocation Authority at top speed. Will its orientation change? For it confronts a state of facts, law and principle generally different from that of the War Relocation Authority.”<sup>29</sup>

As a letter to the editor, this statement was distanced from the paper’s own stance and Collier was not presented as an authority, like government officials. Furthermore, letters to the editor were printed on page ninety-eight of the broadsheet – far from a prominent position.

A 1951 *Times* article also described Collier as criticising Myer for restricting “the right of the Pyramid Lake Paiute Indians in Nevada to employ legal counsel”. Collier was even quoted as stating that Myer’s failure to approve the tribal attorney’s contract would “seriously endanger the Indians’ capacity to defend themselves against predatory rights”.<sup>30</sup> Collier evidently viewed a tribe’s legal rights as conflicting with those of other Americans, though it is not clear exactly whose rights he saw as “predatory”. While Collier was granted the press space to criticise Myer’s attempts to control legal contracts, this was strictly counterbalanced by federal officials’ comments. Myer, in turn, refused to respond to Collier, with the *Times* commenting that “he was not going to be drawn into any public controversy with his predecessor. He said that the bureau supports Indian rights wherever they really were involved.”<sup>31</sup> In keeping with the guidelines of “balanced” reporting, however, the reporter took no stand as to whether Collier’s accusations were justified or not. Objections to Myer and withdrawal policy more generally did not come across strongly, but were depicted as just one side in a contested matter.

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<sup>29</sup> Collier, ‘Policy of Relocation Opposed’, *NYT*, p. 98.

<sup>30</sup> ‘Indian Bureau Cites Law’, *NYT*, p. 15.

<sup>31</sup> *Ibid.*

The *Christian Science Monitor* also published statements by both Collier and La Farge objecting to early 1950s federal Indian policy, but granted them more prominent space than the *Times*. For instance, a 1949 news report published on page twelve of the paper prominently featured protest to the Fernandez Amendment of the Navajo-Hopi Rehabilitation bill.<sup>32</sup> The report quoted a press release by the AAIA, explicitly stating that the Association opposed amendments made to the bill, but supported the appropriations therein guaranteed. No support for the Fernandez amendment was mentioned in the article; criticisms were allowed to stand for themselves. Yet the article did not openly side with opposition to the Fernandez Amendment, instead framing the Association's criticisms as claims: "One amendment would remove federal safeguards in transferring the Indians to state civil jurisdiction, *according to the association.*"<sup>33</sup> This phrasing called into question the reliability of the AAIA and undercut, somewhat, the strength of their objection. Furthermore, the short report made no mention of the debate surrounding the Amendment in the Navajo Tribal Council, as outlined in the previous chapter.

These early media criticisms of potential Termination policy were neither frequent nor strong, and were always presented by Euro-American activists and former officials, not Native Americans themselves. Further examination shows that these white activists and organisations rarely objected explicitly to federal withdrawal policy pre-1953, with potential support for assimilation appearing in their comments to the press. A 1950 report on an AAIA meeting even claimed the association supported potential withdrawal in the name of self-determination. Paraphrasing Felix Cohen, a non-Native Indian rights activist and lawyer, the article stated that "the Indian was still shackled by governmental controls, which have increased rather than diminished [...] Unless the Indians are granted self-determination and the authority to arrange their own affairs, he said, they will always

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<sup>32</sup> 'Veto of Navajo-Hopi Bill Urged by Indian Affairs Association', *Christian Science Monitor* (hereafter *CSM*), 12 October 1949, p. 12.

<sup>33</sup> *Ibid.* Emphasis added.

remain a costly public ward.”<sup>34</sup> Critical of government control, this statement could be interpreted as supporting the removal of trust status, particularly as Cohen described the Native population as ‘wards’, a term typically used as a justification for withdrawal policy.

However, historiography shows that Cohen – who had played a critical role in planning New Deal Indian policy programmes – was in fact an *opponent* of Termination, instead advocating increased tribal self-government without the removal of trust status.<sup>35</sup> The *Times* article’s only clear indication that Cohen did not share Terminationists’ understandings of Indian policy was in the mention that he saw Indians as becoming less, rather than more, equipped to handle their affairs over time: “He predicted that in twenty-five years the Indians would be even less able to compete in the white man’s world than their impoverished kinsmen today.”<sup>36</sup> This contrasted with plans outlined in Zimmerman’s list, which indicated that virtually all tribes would be ready for Termination within twenty-five years. Nevertheless, Cohen and the AAIA’s broad comments on the damage of paternalism are remarkably reminiscent of Terminationist rhetoric. Before the passing of HCR 108, then, calls for both the removal of trust status and increased tribal self-government could appear practically indistinguishable in the press.

Before any official legislation or congressional resolutions were formed, public discussions surrounding federal withdrawal were fairly optimistic. In 1950 and 1951, some press writing even compared developments in federal Indian policy to the Point Four programme. A Cold War effort to gain U.S. support and stifle the spread of communism abroad, the Point Four Program offered U.S. technical assistance and training to develop the economies of the world’s poorest nations.<sup>37</sup> The *Times* ran an article in March 1950 comparing the changes in Indian policy to this programme, stating: “The twelve-member

<sup>34</sup> ‘U.S. Indians Seen Going Downgrade’, *NYT*, 26 April 1950, p. 31. For more on Cohen, see Philp, *Termination Revisited*, pp. 3-4.

<sup>35</sup> Philp, *Termination Revisited*, p. 158.

<sup>36</sup> ‘U.S. Indians Seen Going Downgrade’, *NYT*, p. 31.

<sup>37</sup> Cobb, *Native Activism in Cold War America*, p. 8.

House subcommittee on Indian Affairs recently swung into a new phase of its technical assistance or Point Four approach to end wardship of the American Indian.”<sup>38</sup> The article went on to describe “wardship” as the main problem among the Native population, and included quotes of subcommittee members promising to drive legislation to end that status. By bringing in the parallel of the “Point Four approach” in the context of 1950s Cold War America, the quotes in this article implied that Native Americans, like poor nations overseas, were oppressed, ‘restricted’ by their ‘Indianness’ and consequently more susceptible to Communist influences. Moreover, the article demonstrated a belief in the liberating power of ‘equal’ and ‘shared’ citizenship, describing proposed legislation as “aimed to add to the independent status of the Indians” and “looking toward eventual removal of all restrictions on Indians and making them citizens in exactly the same sense that the rest of the people of this country are citizens.”<sup>39</sup>

A 1951 article in the *Monitor* equally presented Point Four as a possible solution to Native American problems. Rather than quoting federal representatives, the article highlighted the opinion of “Mrs. Henry Roe Cloud”, a boarding-school educated member of the “Ojibway” tribe and chairman of Indian Affairs for the General Federation of Women’s Clubs. Elizabeth Bender Roe Cloud was the wife of Indian Office employee Henry Roe Cloud – a notable member of the Society of American Indians, an early pan-tribal Native rights association (1911-1923) – and was herself an activist on Native issues throughout her life.<sup>40</sup> The article states that Roe Cloud “has presented a ‘Point Four’ program to hasten Indian assimilation into the main population stream.”<sup>41</sup> Though a Native voice was here offered, the emphasis was still on assimilation and thus appeared largely in line with Termination aims. Roe Cloud also called for “a training program for Indian leadership directed to the end

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<sup>38</sup> Bess Furman, ‘House Unit Seeks Indian Point Four’, *NYT*, 5 March 1950, p. 69.

<sup>39</sup> *Ibid.*

<sup>40</sup> ‘Clubwoman Spotlight: Elizabeth Bender Roe Cloud (1888-1965)’, *General Federation of Women’s Clubs*, <http://www.gfwc.org/gfwc/NewsBot.asp?MODE=VIEW&ID=56&SnID=2> (viewed: 21.10.2014).

<sup>41</sup> ‘Plan for Indian Assimilation Offered’, *CSM*, 17 May 1951, p. 11.

of self-support and self-government”; this indicates that rather than advocating the liquidation of reservation lands she may, in speaking of “assimilation” and “Point Four”, have been describing a programme for increased tribal decision-making and administrative control over their own programmes – like Felix Cohen in the 1950 *Times* article.

Roe Cloud also appeared to accept the assimilationist idea that Native Americans were on a lower plane of development, stating in the *Monitor*: “[...]those who speak English move faster along the pattern of our American civilization.”<sup>42</sup> However, the comment was followed by a description of the educational and professional achievements of her daughters, indicating that these were the qualities she most strongly associated with “American civilization”. According to her granddaughter, anthropologist Renya Ramirez, Roe Cloud opposed Termination throughout the 1950s, indicating that she supported neither the loss of legal status nor full cultural assimilation. Moreover, Roe Cloud was not the only politically active Native American to reference Point Four. Though the press seems to have largely ignored his efforts, NCAI leader D’Arcy McNickle advocated a Point Four programme for Indian reservations from 1951 onwards. As Daniel Cobb has shown, the use of this term inspired a generation of Native activists who campaigned for a American Indian Point Four programme throughout the late 1950s and early 1960s.<sup>43</sup>

These articles, particularly the *Times* report, demonstrate that the idea of Point Four was used by both federal officials and Native activists, even in this early Termination period. The concept of a Native Point Four programme not clearly explained in either article. It is therefore unclear just how similar these plans for Indian policy were to Point Four; using it as an umbrella term obscures possible critical differences concerning what sort of Indian policy was being advocated – those aimed at the removal of federal status or those intending to enhance tribal sovereignty and self-government. While Cobb’s argument

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<sup>42</sup> Ibid.

<sup>43</sup> Cobb, *Native Activism in Cold War America*, pp. 8–9.



that Native activists harnessed the discourse of the international Cold War context to further their cause is important and valid, the multiple ways in which 'Point Four' could be understood in the context of Indian affairs complicates this interpretation. At least in this early period, the concept of 'Point Four' was also used in *support of* Termination. This raises serious implications for how the NCAI and Native activist efforts later that decade may have been interpreted by mainstream readers.

Indeed, "self-determination" also carried multiple implications in this period – as Charles Wilkinson has highlighted, the term as it is understood today, though rooted in 1960s Office of Economic Opportunity (OEO) socio-economic reservation development programmes, only came into general use in the 1970s.<sup>44</sup> However, the references to "self-determination" and "self-government" made by figures like Cohen and Roe Cloud in the early 1950s demonstrate that this language was already in some use in the early 1950s. Indeed, Cohen, in his influential 1942 *Handbook of Federal Indian Law* located tribal sovereignty in the legal history of federal-Indian relations:

"Perhaps the most basic principle of all Indian law, supported by a host of decisions hereinafter analysed, is the principle that *those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished*. Each Indian tribe begins its relationship with the Federal Government as a sovereign power, recognized as such in treaty and legislation."<sup>45</sup>

This statement highlights the difference between how Native rights activists like Cohen and Roe Cloud and Senate Subcommittee on Indian Affairs members viewed "self-determination" and "independence". While both sides advocated eradicating BIA control

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<sup>44</sup> Wilkinson, *Blood Struggle*, p. 191.

<sup>45</sup> Quoted in *Ibid.*, p. 61. Emphasis in original.

over tribes' affairs, the former saw this as rooted in the rights of tribes as sovereign bodies, whereas Terminationists prioritised *individual* independence.

The concepts of tribal sovereignty and self-determination – the entitlement of tribes to govern themselves and administer their own affairs – are today commonly accepted in scholarship and among Native organisations as inherent rights of American Indian tribes. But the early 1950s press instead reflected and reproduced the hegemonic belief that federal trust status was “limiting” the ability of Natives to assimilate and join the mainstream. Though hints of divergent views appeared in the media, a short article or interview in a newspaper could not provide enough space to explicate the differences. In this sense the nature of news reporting – in relying on “authority” voices, encouraging brevity and attempting “objectivity” – obscured important nuances in interpretation. In this context, an end to trust status appeared consistently as an opportunity for Native American ‘liberation’.

## **2.2. Tribal withdrawals, HCR 108 and PL 280, 1953-1954**

In the late 1940s and early 1950s build-up to Termination legislation, federal officials evidently provided the press with significantly more explicit detail on Indian policy than was readily available to tribal councils. In the months *following* the passage of HCR 108 and PL 280, it is clear that Termination legislation was again discussed more openly in the press than with tribes. However, Indian affairs were not a point of significant public interest in this era – articles specifically on national Indian policy were few and far between. Furthermore, out of the two pieces of broad Termination legislation, PL 280 received significantly more coverage than HCR 108, despite the latter being the basic guideline for all Termination policy.

The lack of interest in U.S. Indian policy was epitomised by *TIME*'s complete oversight of Termination legislation; the magazine did not mention the concept of Termination – let alone HCR 108 and PL 280 – a single time in the 1950s. The only implicit reference to Termination in the first half of the decade appeared in a June 1954 article on recent activities of the President.<sup>46</sup> The article humorously noted that a group of Indians watched the President sign “a bill benefiting the Menominee Indians of Wisconsin”.<sup>47</sup> The bill in question must be the Menominee Termination Act, which was signed into law by Eisenhower in June 1954.<sup>48</sup> However, the article demonstrated no further interest in the content of the bill, instead making light of the situation: “[The President] turned to three Menominees witnessing the ceremony and asked if it wasn’t on June 17, 1876, that ‘you fellows beat General Custer.’ [...] The three Indians, nervously eyeing the President’s still-poised pen, hurriedly denied all connection with the measure.”<sup>49</sup>

The supposedly more serious and respectable *Times* also reported on the event. In an article on the President’s recent activities, Eisenhower was quoted as asking “What was the date in ’76 that you fellows licked Custer?”<sup>50</sup> While the *TIME* article described the Menominee representatives as “nervous”, little mention was made of the Native people present in the *Times* piece. Instead it stated that Senator Watkins corrected the President on the matter, informing him that the Menominee resided in Wisconsin. These articles not only failed to provide detail on the content of the bill, but referred to Menominee Termination only as a joke. For a humorous touch, the *TIME* article depicted the Menominees as desperate for the President to sign this act into law. In reality, the extent to which Menominee tribal members supported the bill is questionable, with evidence

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<sup>46</sup> ‘The Presidency: Work Unfinished’, *TIME*, 28 June 1954, [www.time.com/archive](http://www.time.com/archive) (viewed: 5.6.2013).

<sup>47</sup> Ibid.

<sup>48</sup> Fixico, *Termination and Relocation*, p. 114.

<sup>49</sup> ‘The Presidency’, *TIME*.

<sup>50</sup> ‘Random Notes from Washington: President Recalls Custer’s Stand’, *NYT*, 21 June 1954, p. 14.

suggesting Watkins blackmailed the tribe into its acceptance by threatening to withhold per capita payments.<sup>51</sup> *TIME*'s article thus failed to recognise the significance of the bill and radically simplified the contentious event. The *Times* article did little better, calling the Menominee Termination Act "a bill to give the Menominees control of their own assets in a few years".<sup>52</sup>

Both articles portrayed Indian affairs lightly, with the President generalising between distinct Native groups and ignorantly associating all Indians with the historical Western frontier. This in part reflects the condescending stance toward Eisenhower often adopted by the contemporary press, presenting him as lacking intelligent leadership qualities despite his military background.<sup>53</sup> Nevertheless, "Ike" enjoyed widespread popularity throughout the 1950s, meaning such quips played into his endearing everyman persona, associating Native affairs with stereotypes familiar to the public, like Custer's Last Stand. Using serious Native issues for humour, and favouring stereotyped imagery over reports on federal Indian policy, were both characteristics typical of *TIME* in the 1950s and throughout most of the 1960s. Though not a broadsheet, *TIME* was the most successful news magazine of the 1950s, with circulation numbers beating rival news magazines consistently every week.<sup>54</sup> Its influence as a medium for communicating news to a broad audience of the mainstream public should not be underestimated. That similar articles appeared in the *Times* furthermore undercuts the serious nature of other reports on Indian affairs that were concurrently published in the paper.

Not all press writing on Termination was this obtuse. Articles on Indian policy continued to be reproduced in the *Post*, *Monitor*, and the *Times* following the passage of legislation in

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<sup>51</sup> Peroff, *Menominee Drums*, p. 55; Ulrich, *American Indian Nations*, pp. 22–3.

<sup>52</sup> 'Random Notes from Washington', *NYT*, p. 14.

<sup>53</sup> For an assessment of Eisenhower's public image from the 1950s to the 1970s, see: Kenneth Morris and Barry Schwartz, 'Why They Liked Ike: Tradition, Crisis, and Heroic Leadership', *Sociological Quarterly* 34.1 (1993), pp. 133–51.

<sup>54</sup> Emery, Emery and Roberts, *The Press and America*, p. 381.

the mid-1950s. Surprisingly, HCR 108 was rarely mentioned, particularly in the months immediately after it was passed in August 1953. The first clear mention of HCR 108 in the *Times* came in January 1954, with an article titled 'Congress to get Ten Indian Bills', outlining the progress of ten tribally specific termination acts.<sup>55</sup> HCR 108 was called "the first sweeping action in Federal Indian administration in the last twenty years" – an uncommon overt mention.<sup>56</sup> The author maintained apparent neutrality by neither explicitly supporting nor rejecting the resolution.

However, a bias against trust status was apparent in the article's subheading: "Proposals by Administration Would End Federal Rule Over 66,000 Persons". In referring to the federal government 'ruling over' people, the subheading suggests that trust status was oppressive, not quite conforming to the neutrality of the article's main body. This disjuncture between the tone of the text and the subheading may indicate that the latter was selected by members of the editorial team rather than the author, meaning more nuanced information gathered by the reporter was not transferred into the headline and subtitles.<sup>57</sup> Furthermore, the author included extensive quotes in support of Termination from Commissioner Emmons, while Native reactions to the bill were largely reduced to one sentence: "Some tribes favour their legislation, some oppose bitterly, in some opinion is divided."<sup>58</sup> While a few tribal examples were cited, little to no explanation of why tribal members supported or opposed legislation was provided. For instance, the article simply stated that in Kansas "three or four tribes oppose legislation for fear of loss of land or loss of living standard by having to pay taxes", but did not elaborate on how the payment of

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<sup>55</sup> 'Congress to Get Ten Indian Bills', *NYT*, 31 January 1954, p. 34.

<sup>56</sup> *Ibid.*

<sup>57</sup> van Dijk, *Racism and the press*, p. 51.

<sup>58</sup> 'Congress to Get Ten Indian Bills', *NYT*, p. 34.

taxes could lead to either of those things, potentially allowing readers to dismiss such claims as unsubstantiated.<sup>59</sup>

Similarly, the *Post* only reported on HCR 108 several months after the resolution was passed. The closest actual mention of the bill was in a September 1954 letter to the editor by Oliver La Farge.<sup>60</sup> The *Post* therefore not only failed to cover HCR 108 in a timely manner, but it only appeared a year later because a Euro-American Indian rights activist wrote in. The letter, objecting to the withdrawal of the Paiute Indians' federal status, provided little explanation or contextualisation of HCR 108 or Termination in general. Instead, Termination of the Paiute was opposed purely on the grounds that HCR 108 had not listed the tribe as ready for withdrawal.<sup>61</sup> Indian rights activists like Oliver La Farge, though critical of Termination, rarely overtly opposed the resolution that consolidated it as official federal Indian policy. In fact, La Farge here even expressed explicit support for eventual assimilation and the Menominee Termination Act:

“We believe that this Nation’s duty is to advance all Indians to the point at which they will no longer need special rights, but can live on an equal basis with all other Americans without them. [...] Thus, in the last session of Congress, we did not oppose termination for such tribes as the Menominees, who seem to be ready for it, who consented to it, and had a large voice in saying how it should be done.”<sup>62</sup>

Indeed, across the four publications here discussed only one article was published between 1953 and 1954 that mentioned direct opposition to HCR 108. In May 1954 the *Times* printed an article – ‘Indian Trust Bill Put Under Attack’ – reporting on conversations

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<sup>59</sup> Ibid.

<sup>60</sup> Oliver La Farge, ‘Letters to the Editor: Help for the Paiute Indians’, *WP*, 19 September 1954, p. B4.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

conducted at the AAIA's annual meeting.<sup>63</sup> Like the aforementioned *Post* letter, this centred on La Farge's objections to Termination, describing his presidential speech as focusing on "the group's opposition to a bill now in Congressional committees that would terminate the trust status of eleven tribes in the country."<sup>64</sup> Yet whilst in his *Post* letter four months later La Farge objected to the Termination of the Paiutes due to their not having been listed in HCR 108, here he was presented as more directly opposed to the aims outlined in HCR 108. The article, after stating that the Trust bill was requested in HCR 108, quoted La Farge as challenging the need to follow Congressional resolutions: "We cannot accept the doctrine that the Executive Branch must unquestionably do whatever Congress asks for, no matter how patently wrong."<sup>65</sup>

Interestingly, although the article described La Farge as criticising the Executive Branch, including BIA Commissioner Emmons, for following the resolution's recommendations, he did not evidently call for a repudiation of HCR 108. Indeed, little explicit opposition to HCR 108 appeared in the press. This may in part be due to the nature of concurrent resolutions in general; as La Farge implied in the *Times* article, these are not legally binding. As Indian law scholars Charles Wilkinson and Eric Biggs note: "Legally, a concurrent resolution is a general policy statement only and does not have even that limited effect on any future Congress. Thus, technically HCR 108 had no further validity after the Eighty-Third Congress adjourned in early 1955."<sup>66</sup> HCR 108 was therefore not a particularly powerful document in itself. However, while La Farge may have been right in questioning the extent to which federal officials had to agree with HCR 108, the article went on to quote Emmons as claiming he was under a "direct mandate" by Congress to draw up Termination acts for eleven tribes. HCR 108 was thus clearly significant in outlining congressional policy and

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<sup>63</sup> 'Indian Trust Bill Put Under Attack', *NYT*, 6 May 1954, p. 35.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> Wilkinson and Biggs, 'The Evolution of Termination Policy', pp. 150–1.

demonstrating the extent to which Congress believed in assimilation as the goal of Indian policy.

So while the press may have overlooked HCR 108 because it was a resolution rather than an actual law, it is evident that the belief in assimilation was also hegemonic and thus unquestioned. Indeed, in the case of the article ‘Indian Trust Bill Put Under Attack’, La Farge appeared not wholly opposed to the ultimate goal of assimilation and, in fact, seems to have accepted the concept of tribes “progressing” toward “civilization”. The article paraphrased La Farge’s objection to this Termination bill, stating the eleven tribes selected for withdrawal “included both some of the most advanced as well as some of the most backward.”<sup>67</sup> Though La Farge was here also quoted calling bills “ill-conceived” regardless of whether a tribe was “ready” or not, he did not openly challenge the idea that a tribe’s level of “advancement” could be measured against mainstream society. Furthermore, the location of the article in the paper demonstrates that Indian affairs – despite serious accusations of neglect and impending damage to tribes – were not seen as a matter of major public interest by the *Times*. The single-column article was printed on page thirty-five of the paper, with only a fairly small font-sized headline. That the jocular accounts of Eisenhower and the Menominees were printed on page fourteen just two months later, demonstrates the lack of gravitas with which the concept of federal trust status withdrawal was treated in the press.

HCR 108 and specific tribal termination acts, then, were not a matter for serious press consideration in the early 1950s. PL 280, on the other hand, had far-reaching legal implications for all tribes and was also more widely reported on. In what ways was this law presented in the press? An examination of press reporting, particularly in 1953 and 1954, demonstrates that PL 280 was indeed brought out in news media far more often than other

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<sup>67</sup> ‘Indian Trust Bill Put Under Attack’, *NYT*, p. 35.



Termination legislation. In fact, non-Native Indian rights activists mounted a substantial campaign opposing the lack of Native consent required by the law, particularly in 1953-1954. Though *TIME* unsurprisingly failed to mention it, the *Times*, *Post*, and *Monitor* all printed multiple articles, letters and reports opposing the law, as early as August 1953. The campaign in the press was largely driven by letters and statements from Collier and La Farge, who both continued publicly to criticise aspects of Termination policy.<sup>68</sup> In a change from reporting on Indian affairs in general, it appears that the editorial teams of these newspapers got on board with opposing PL 280, with each paper running editorials opposing the lack of consent.<sup>69</sup>

Representative of this objection was an editorial comment published in the *Post* in November 1953, less than three months after the law was passed. The comment outlined Eisenhower's objections to the lack of consent in PL 280, stating: "We hope that the President will not let Congress forget this chore, for a reckless use of the power given the States could set back the progress of Indian policy by many decades."<sup>70</sup> However, the editorial objected expressly to the lack of consent, not the law in itself, claiming that PL 280 was originally only applicable to California, and trusting Commissioner Emmons' opinion that such measures were appropriate in that state: "Because of the conditions noted by Mr. Emmons, it is a progressive step there."<sup>71</sup> The idea of extending state civil and criminal jurisdiction over Native lands was thus evidently accepted by the *Post's* editor. This supported the editorial stance toward Indian policy already established in an August 1953 *Post* comment titled 'Whither the Indian?', published a couple of weeks before PL 280 was passed. The editor expressed support for Termination, objecting only to its fast-paced

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<sup>68</sup> See for instance: 'Rights Group Asks Veto of Indian Bill', *NYT*, 8 August 1953, p. 14; 'New Pleas Are Filed for Indian Bill Veto', *NYT*, 11 August 1953, p. 18; 'Reaction is Mixed on Indian Laws', *NYT*, 17 August 1953, p. 17; John Collier, 'Fairness to Indian Tribes', *WP*, 24 February 1954, p. 10.

<sup>69</sup> See for instance: 'In Fairness to the Indian', *NYT*, 12 August 1953, p. 30; Dorothy Pillsbury, 'Indians Protest Transfer of Control to States', *CSM*, 24 August 1953, p. 11; 'Flexible Indian Policy', *WP*, 2 November 1953, p. 8.

<sup>70</sup> 'Flexible Indian Policy', *WP*, p. 8.

<sup>71</sup> *Ibid.*

schedule: “We share the hope that the Indians will become increasingly self-reliant and thus outgrow the need for Government aid. But we do not think this can be accomplished in a year or even in four years.”<sup>72</sup>

The *Times* also strongly objected to the lack of consent in PL 280 in a 12 August 1953 editorial comment titled ‘In Fairness to the Indian’. Published immediately after PL 280 was passed, this comment went so far as to criticise the manner of its passage through Congress:

“The basic objection to the bill is that it would give a blanket authorization to all states irrespective of the wishes of the Indians. The key to the whole issue is Indian consent. The measure in its present form was whipped through Congress so rapidly that practically no one interested in Indian affairs – least of all the Indians themselves – knew what was happening until it had already happened.”<sup>73</sup>

Discussions in tribal council meetings indeed confirm that PL 280 was barely discussed before being passed. Yet whilst this article objected so strongly to PL 280 lacking Native consent, it did not place this within the wider context of Indian policy developments in 1953, making no mention of HCR 108 or the implications of the combined Congressional measures. The problems with Termination policy only came out to a limited extent in the editorial, though neither did it express clear support for even gradual assimilation.

Furthermore, the *Times* editorial only obliquely mentioned Native protest, simply stating: “There is every reason to believe that many Indian tribes would have protested the bill had they known about it.”<sup>74</sup> The only unambiguous mention of Native opposition to PL 280 in the paper during the 1950s appeared in a brief AP newswire report published on 9

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<sup>72</sup> ‘Whither the Indian?’, *WP*, 5 August 1953, p. 8.

<sup>73</sup> ‘In Fairness to the Indian’, *NYT*, p. 30.

<sup>74</sup> *Ibid.*

July 1954.<sup>75</sup> It is worth quoting the report in full, to demonstrate just how little information and context was provided:

“Legislation to permit the states to take civil and criminal jurisdiction over Indians was opposed today by the National Congress of American Indians, unless provision [sic] were made to require consent of the Indians to the change. A joint Senate-House Interior subcommittee was told that the bill would subject Indians to state jurisdiction even if they did not want it. They are now under Federal jurisdiction.”<sup>76</sup>

No explanation of the membership of the NCAI or its significance was provided, leaving it up to the reader to figure out whether the organisation was largely Native or non-Native. Furthermore, the article does not quote any NCAI members, even the organisation’s President, Joseph Garry (Coeur D’Alene). The report failed to include an active Native voice at all, even using the passive tense in stating that the subcommittee “was told” about problems. Native opposition was presented as an intangible entity, not granted the space to explain objections and viewpoints to *Times* readers.

Indeed, the only paper to bring out Native objections to PL 280 consistently was the *Christian Science Monitor*. The *Monitor* – a paper founded on the principle of serving all of “mankind” – indeed drew exceptional attention to Native opposition to the lack of consent.<sup>77</sup> For instance, the paper published a lengthy article titled ‘Indians Protest Transfer of Control to States’ on page eleven soon after PL 280’s passage.<sup>78</sup> Though not an editorial, this article made clear the problems of PL 280, providing extensive context and even details of exceptions to the law – notably that the Menominee in Wisconsin and the Red Lake

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<sup>75</sup> ‘Indians Fight State Rule Bill’, *NYT*, 9 July 1954, p. 14.

<sup>76</sup> *Ibid.*

<sup>77</sup> ‘About the *Christian Science Monitor*’, <http://www.csmonitor.com/About> (viewed: 22.4.2015).

<sup>78</sup> Pillsbury, ‘Indians Protest Transfer’, *CSM*, p. 11.

Reservation in Oregon had been omitted specifically due to tribal protest.<sup>79</sup> Yet whilst the headline prioritised Native opposition, the article itself extensively quoted attorney Felix Cohen, and described Native dissent only vaguely. It even ended with a line presenting La Farge and other non-Native rights activists as the mouthpiece for Indian country:

“It is the opinion here in the Indian country and voiced by such leaders as Oliver La Farge, president of the Association on American Indian Affairs of New York, and L.T. Konopak, president of the New Mexico Association on Indian Affairs, and many other interested persons that the bill should not have been passed at this time.”<sup>80</sup>

Despite the heavy detail on the issues of PL 280, the article explicitly prioritised non-Native “authority” voices over the opinions of the affected indigenous people themselves, just as press writing on potential withdrawal had earlier that decade.

The *Monitor* continued to publish detailed and prominent articles opposing PL 280 into the mid-1950s, including a November 1954 article on an emergency meeting of the AAIA, titled ‘American Indians Launch Plea for Right to Greater Self-Determination’.<sup>81</sup> Compared to reporting on similar events, for instance the aforementioned *Times* article ‘Indian Trust Bill Put Under Attack’, the *Monitor* allowed considerable space for the AAIA to voice opposition not just to PL 280, but to Indian policy in general. Printed on page eleven of the broadsheet with a prominent headline, the article not only included quotes from La Farge, but ran the statement of the AAIA board of directors in full. This included striking indictments of Termination, calling for the consent of tribes to any changes in the federal-trust relationship: “[...] consent [for withdrawal] should not be obtained by pressure amounting to duress, such as was used last year, in the cases of Menominee and Klamath

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<sup>79</sup> Ibid. The Chippewa Red Lake Reservation is actually in Minnesota. This is an error on *CSM*’s part.

<sup>80</sup> Ibid.

<sup>81</sup> ‘American Indians Launch Plea for Right to Greater Self-Determination’, *CSM*, 22 November 1954, p. 11.

[...].”<sup>82</sup> Comparing this article to AAIA quotes in other papers, it is clear that the *Monitor* was more willing to run direct criticisms of the government. Furthermore, the article’s author did not undercut the AAIA statement with any federal response, seemingly in line with its egalitarian ethos.

However, though the title actively mentioned American Indians as ‘launching’ a plea for self-determination, the article itself conspicuously lacks any Native input, only quoting the non-Native AAIA. This again leaves the reader with the false impression that the AAIA spoke for Native groups, reflecting the contemporary academic reliance on Euro-American anthropologists, like Edward Spicer, as cultural intermediaries to interpret and preserve Native lifestyles in scholarship.<sup>83</sup> Moreover, though calling Native consent “a necessary element in fair dealing”, the article did not reject the withdrawal of federal trust status outright or call for increased Native involvement in planning and implementing Indian policy. Despite the headline mentioning self-government, the article itself stated: “Termination, if it is justified at all, should be orderly, planned, after agreement with the Indians, with other federal agencies concerned, with the states and local governmental units, with churches and other organizations which will assume new responsibilities for Indians locally.”<sup>84</sup> While ‘agreement with the Indians’ was mentioned, tribal leaders were not included in the list of people the *Monitor* stated should be involved in planning Indian policy change.

Similarly, where the statement specifically rejected PL 280, it justified this on the lack of support at the state level: “The federal government should not withdraw until it has formal assurances of state and local acceptance of responsibility. Wholesale surrender of federal

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<sup>82</sup> Ibid.

<sup>83</sup> Dorothy Parker, ‘D’Arcy McNickle: Living a Broker’s Life’, in M. Connell Szasz (ed.), *Between Indian and White Worlds: The Cultural Broker* (Norman, 1994), p. 244.

<sup>84</sup> ‘American Indians Launch Plea, *CSM*, p. 11.

responsibility, as in Public Law 280, is unwise and unfair.”<sup>85</sup> This AAIA statement then inadvertently revealed the paternalist slant of the organisation – as did the *Monitor* itself in running Euro-American authority opinion rather than actual Native reactions and responses. As the articles so far mentioned demonstrate, this was a significant issue in press writing in general.

The PL 280 consent clause campaign in the press was therefore greatly limited. The law was largely discussed in a vacuum, rarely placed within the broader context of Termination policy. The campaign itself was a failure – PL 280 was only amended to include consent through the 1968 Indian Civil Rights Act.<sup>86</sup> Furthermore, these articles focused largely on the lack of Native consent required by PL 280, not the ideology that was the basis for the law. HCR 108 and its coexisting implications for tribal rights were never mentioned to contextualise the consent debate within a wider framework of Indian policy. No comment by Native Americans – whether speaking as pan-Indian activists or tribal representatives – was allowed to enter the media’s PL 280 debate. Despite objecting to the lack of consent, the 1950s press ironically failed to include Native voices in their own coverage, instead relying on the statements of Euro-American activists. The continued bias of press makers’ reporting on Termination is irrefutable.

### **2.3. Termination in the press, 1955-1970**

Despite the press campaign against the lack of consent required by PL 280, Termination legislation was neither repealed nor significantly altered in the mid-1950s. Nor did tribal withdrawal acts disappear after 1954; a final act was passed in 1962, setting 1966 as the

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<sup>85</sup> Ibid.

<sup>86</sup> Clarkin, *Federal Indian Policy*, pp. 265–6.

year for Nebraska Ponca Termination.<sup>87</sup> Other tribal Terminations, however, would have taken place were it not for the solid opposition of tribes and activist organisations: the Oklahoma Choctaw, for instance, came very close to having their federal trust status withdrawn in 1970.<sup>88</sup> Termination as a process thus continued well into the 1960s, but to what extent did the press cover matters of Indian policy after the end of the predominantly pro-Terminationist eighty-third Congress? In order to understand the extent to which Termination slowed, both the ways in which the policy was treated in the press and shifts in Indian policy rhetoric must be examined.

As aforementioned, the passing of tribal Termination acts was barely addressed in the press, and sometimes treated without requisite gravity, as in the *TIME* and *Times* coverage of the Menominee case. An examination of contemporary print media shows that different papers varied significantly in their coverage of specific Termination cases, with *TIME* only mentioning Termination twice in the 1960s: first in an October 1969 review of Vine Deloria Jr's *Custer Died for your Sins*, and again in a multi-page article on the occupation of Alcatraz in 1970.<sup>89</sup> Neither text offered much detail on Indian policy legislation, though the former described problems caused by Menominee Termination: "In the eight years since termination, many [tribal members] have become dead weights on the state's welfare programs. They have, in fact, cost Wisconsin nearly \$2 million."<sup>90</sup> Rather than bringing out the rich detail in Deloria's book on the devastating impact of Termination on the Menominee, the article only cited the strain on state finances.

In her study of twentieth century press representations of Native Americans, scholar and former journalist Mary Ann Weston claims that the local press in areas close to Native

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<sup>87</sup> Ulrich, *American Indian Nations*, p. 137.

<sup>88</sup> Valerie Lambert, 'Political Protest, Conflict and Tribal Nationalism: The Oklahoma Choctaws and the Termination Crisis of 1959-1970', *American Indian Quarterly* 31.2 (2007), p. 300.

<sup>89</sup> 'Books: Only When I Laugh', *TIME*, 10 October 1969, [www.time.com/archive](http://www.time.com/archive) (viewed: 21.6.2013); 'The Angry American Indian: Starting Down the Protest Trail', *TIME*, 9 February 1970, [www.time.com/archive](http://www.time.com/archive) (viewed: 24.6.2013).

<sup>90</sup> 'Books: Only When I Laugh', *TIME*.

reservations provided more frequent and better quality coverage of Termination, whilst the national press almost entirely ignored specific tribal cases.<sup>91</sup> *TIME*'s treatment of Termination in general seems to support this view, but an examination of the Boston-based *Christian Science Monitor* from the mid-1950s onwards contradicts Weston's argument. The *Monitor* reported extensively on developments in Klamath Termination legislation and its implementation, printing at least five prominently placed, detailed reports on issues arising from it.<sup>92</sup> This finding, along with Nicholas Peroff's assertion that the Wisconsin *Green Bay Press-Gazette* vocally supported Menominee Termination in the 1950s, complicates Weston's simplistic split between local and national press sympathies.<sup>93</sup>

Many *Monitor* articles on Klamath affairs were written by Malcolm Bauer, the paper's Oregon-based staff correspondent, reporting in 1957 and 1958 on plans for the sale of Klamath lands and timber to pay off members of the tribe electing to withdraw according to the provisions of the Klamath Termination Act. The focus in these articles was mainly economic; for instance, a 1957 piece, 'Sale of Klamath Land Held Oregon Disaster', focused on how much withdrawing members of the tribe might receive ("over \$50,000"), and warned that wholesale timber cutting might cause a drop in these sums.<sup>94</sup> The same concerns were reiterated by Bauer in a 30 April 1958 *Monitor* article titled 'Oregon Indians Await Action on Timberlands'.<sup>95</sup> Significantly, this long piece was printed on page five and spanned a significant portion of five columns, indicating that the *Monitor* editorial team considered the news important. The article covered the topic in detail, explaining the provisions set in the Termination Act for Klamaths to withdraw or remain with the tribe, as

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<sup>91</sup> Weston, *Native Americans in the News*, p. 121.

<sup>92</sup> Malcolm Bauer, 'Sale of Klamath Land Held Oregon Disaster', *CSM*, 5 December 1957, p. 12; Malcolm Bauer, 'Oregon Indians Await Action on Timberlands', *CSM*, 30 April 1958; Malcolm Bauer, 'Land Vote Relieves Oregon', *CSM*, 2 June 1958, p. 19; Malcolm Bauer, 'Indian Policy Tied to Klamath Pattern', *CSM*, 7 October 1958, p. 11; Kimmis Hendrick, 'Guidance Needed: Freedom "Strands" Oregon Indians', *CSM*, 10 October 1964, p. 3.

<sup>93</sup> Peroff, *Menominee Drums*, p. 7.

<sup>94</sup> Bauer, 'Sale of Klamath Land', *CSM*, p. 12.

<sup>95</sup> Bauer, 'Oregon Indians Await Action', *CSM*, p. 5.



well as the different options for paying off withdrawing members. The article clearly presented the inherent risk that timber prices would plummet, stating experts felt that “to dump the Klamath timber on the market before August 1960 would smash the Northwest timber market and reduce disastrously the financial return to the Indians.”<sup>96</sup> Relying solely on the voice of Euro-American ‘experts’, this article exemplified the continued reliance of the press on authority voices and demonstrates that the phenomenon certainly did not end in the 1950s.

Comparing this reporting to *New York Times* coverage of the case, it seems that the *Monitor* was indeed exceptional amongst national newspapers in its treatment of Klamath Termination. The *Times* ran an article on 29 April 1958 – one day before ‘Oregon Indians Await Action on Timberlands’ was published – but this was printed on page twenty-three and was half the length of its *Monitor* equivalent.<sup>97</sup> The *Times* offered scant detail on the economic implications of selling land and timber at competitive bids to private investors, only briefly mentioning at the end of the article that the amount withdrawing Klamath tribal members would gain depended on how the sale of land and timber was handled by the federal government: “should the Administration’s measure fail, the returns to the Indians would be between 40 and 83 per cent of the \$57,000.”<sup>98</sup> Bauer’s writing in the *Monitor*, then, was not only more prominently displayed, but included more detail on the economic limitations of the measure.

However, though the headlines of both articles mention the Klamath – either by referring to ‘Klamaths’ or ‘Oregon Indians’ – tribal members are absent throughout. The *Times* article only referred to the Klamath tribe as a whole, stating that seventy-seven per cent had “voted to leave their valuable reservation and take cash for a share of the tribal

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<sup>96</sup> Ibid.

<sup>97</sup> ‘Klamaths Voting for Sale of Land’, *NYT*, 29 April 1958, p. 23.

<sup>98</sup> Ibid.

assets”, whilst the *Monitor* barely mentioned tribal members. Neither included any Native comment, with the *Monitor* only citing Euro-American authorities, including a forester employed by the Klamath Management Specialists and the Chief of the United States Forest Service. Nor did the articles question the aims and intended outcomes of withdrawal – the focus of both papers was purely financial in this case.

Furthermore, both the *Monitor* and *Times* articles leave the reader with the impression that Termination was a deliberate choice made by Klamaths, not conveying that the bill had been drawn up by the BIA with most tribal council suggestions having been rejected. The press thus perpetuated the inaccurate belief that Termination was *voluntary*. Klamath withdrawal articles in both papers consistently mentioned tribal members voting on the issue, without detailing the problems with this procedure – thus obscuring the confused nature of the election. As Klamath tribal council minutes demonstrate, it is highly questionable whether most Klamaths understood the meaning of terminating federal trust status or that by voting to “withdraw” they would no longer be economically linked to what was left of the tribe. Omitting Native responses to, and experiences of, the withdrawal process, hence seriously distorted the representation of these events and made them appear innocuous. The national press at no point directly opposed Termination, and even in discussing problems focused purely on economic issues that could be inflicted on Indians and – more importantly – the state. In this respect, though both the *Monitor* and *Times* covered specific tribal terminations more frequently than *TIME* in the 1960s, the nature of this reporting did not differ significantly.

The omission of Native voices continued throughout the period. This led to gross oversimplifications of complex tribal contexts, and outright factual inaccuracies. Reporting on the Klamath situation largely ended after their Termination bill was enacted in 1961, but

both the *Times* and *Monitor* ran articles in 1964 reporting on its results.<sup>99</sup> The *Times* article, titled 'Oregon's Indians Exchange Roles', compared the Klamath to the still federally-recognised Warm Springs tribe.<sup>100</sup> The journalist here radically simplified the Klamath case, using the phrase "the mighty have fallen" to foreground the problems caused by Termination. Whilst the tone was perhaps overdramatised, the article did present tentative criticisms of the process to remove trust status. In describing poverty resulting from Termination, the article stated "there are advantages sometimes to the reservation system."<sup>101</sup> However, the author did not explain why the tribe had been terminated; there was no mention of HCR 108 or the Klamath Termination Act. Instead, the article maintained that Termination was unequivocally the tribe's choice, citing withdrawal payments as a motivating factor and stating that "the Klamaths came forward in a rush to declare for termination when the opportunity arrived."<sup>102</sup> No Native comment was included in the relatively brief article, which quickly moved on to discuss the financial situation of the Warm Springs tribe.

The *Monitor* in turn ran a fairly extensive article titled 'Guidance Needed: Freedom "Strands" Oregon Indians', written by Kimmis Hendrick, the head of the Western Bureau of the paper. This was printed on page three, two months after the above *Times* article, and detailed the problems caused by Termination for former tribal members. In contrast to the *Times* piece, this article attempted to contextualise Klamath problems, including several quotes from Klamath Executive Committee member Elnathan Davis. Hendrick clearly communicated Davis' opinion on Termination: "'We are worse off,' declares Elnathan Davis [...] 'We now pay taxes. And we don't get consulted on the management of our own

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<sup>99</sup> Hendrick, 'Guidance Needed', *CSM*, p. 3; Wallace Turner, 'Oregon's Indians Exchange Roles', *NYT*, 30 August 1964, p. 72.

<sup>100</sup> Turner, 'Oregon's Indians Exchange Roles', p. 72.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

property.”<sup>103</sup> The article furthermore placed Klamath withdrawal within the context of Indian policy legislation, specifically mentioning HCR 108 and the development of PL 587, the Klamath Termination Act.

Additionally, while the article focused on poverty and economic problems caused by Termination, the inclusion of Davis’ quotes brought in a limited awareness of the broader cultural and psychological issues inflicted. Davis describes feeling removed from his cultural traditions, stating that he could not “speak the languages” or “dance”, but hoped for the continued existence of Klamath identity:

“Mr. Davis wishes some means could be found to start another reservation. It would be established in perpetuity. Only those Indians who accepted this condition would be admitted. It would be fully committed to the ancient Indian ideal that the reason for living is not to make money but to work out the deeper purposes of life.”<sup>104</sup>

This is a considerably romanticised and static representation of Native beliefs and values. The implications of such portrayals of Native cultures will be discussed in Chapter Three, but it is critical at this point to note that this mention of cultural concerns and inclusion of a Native voice was exceptional for reporting on Indian affairs.

However, while the article presented Termination as a serious problem and even explained the legislation behind it, the underlying implication remained that the Klamath tribe had chosen this fate for themselves. In addition to Davis, Hendrick paraphrased a staff writer for the *Klamath Falls Herald and News*, the local paper of the Euro-American community surrounding the reservation, who seems to have believed that Termination was a choice: “Mrs. King agrees that she sees no profit in termination. The Klamath majority

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<sup>103</sup> Hendrick, ‘Guidance Needed’, *CSM*, p. 3.

<sup>104</sup> *Ibid.*

approved it, she believes, because it is Indian political philosophy to 'go with the winners' – and Klamath advocates of termination were financially successful people who were very persuasive."<sup>105</sup> Though Hendrick specified that this was only Mrs. King's belief, the article contained no sense of the staunch and yet futile opposition of Klamath tribal members to Termination that was expressed in tribal council meetings in the run up to 1961, as will be explored in Chapter Six.

Hendrick's later writing in the *Monitor*, moreover, indicates that he *himself* believed Termination was voluntary. For instance, his August 1968 front-page article mistakenly stated that the Menominee and Klamath tribes had asked for their Termination, and he conflated the two separate processes:

"Very soon after Congress adopted this policy, two major tribes asked to be terminated. These were the Menominees in Wisconsin and the Klamaths in Oregon. Their members voted to end their tribal status. They wanted – and got – their timber-rich lands to be sold and money divided among them equally."<sup>106</sup>

Both the above article and 'Freedom "Strands" Oregon Indians' were part of a series of reports on Indian affairs written by Hendrick. In 1964 he penned a ten-part series of articles, while in 1968 twelve appeared; clearly Hendrick was considered an expert on American Indians. Yet though his articles throughout the 1960s criticised Termination practices, he did not question the motives of congressional Termination advocates or the goal of eventual federal withdrawal.

In this respect Hendrick's writing reflected continuing trends in press reporting on Indian affairs. Though the detail and frequency of his reports on Native Americans was unique for

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<sup>105</sup> Ibid.

<sup>106</sup> Kimmis Hendrick, 'U.S. Indian life changes – slowly', *CSM*, 5 June 1968, p. 1.

a national broadsheet, his acceptance that the federal trust relationship would have to eventually be severed was consistent with national news reporting throughout the period, even into the late 1960s. This is demonstrated most obviously in two articles and an editorial published in the *Post* in April 1966, in response to the naming of Robert Bennett (Oneida) as BIA Commissioner.<sup>107</sup> The two articles almost exclusively contained Senate and Congressional criticisms of the BIA, including quotes explicitly blaming the Bureau for not following through with Termination: “In effect, the 16 Senators on the Committee called on the Bureau to admit its failure to upgrade the reservations and start working toward ‘termination’ – the end of Federal supervision.”<sup>108</sup> Not only did this demonstrate a continued belief in the need for Termination, this statement implied that the BIA had not yet begun removing federal trust status from tribes. No mention of the serious problems already inflicted on the multiple tribes that had been terminated by 1966 was made in any of this *Post* writing.

While these articles did make clear that the opinions they presented were those of federal officials – not the paper itself – they both displayed a strong bias for Euro-American authority voices. The quoted article, ‘Senators Tell Bureau to Untie the Indians’ did not once include BIA responses to Senate Interior Committee criticisms of Indian policy. The other article, ‘New Deal for Indians is Expected of Bennett’, did to some extent focus on Bennett’s nomination as Commissioner, pointing out that he was the “first Indian to head the Bureau since U.S. Grant’s Administration”.<sup>109</sup> However, this report quoted the criticisms of Senators like Frank Church (D-Idaho) and Clinton Anderson (D-New Mexico) at some length, while Bennett’s responses were allowed little space and were described in an unsatisfied tone: “Caught unprepared for the barrage of complaints that followed, Bennett

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<sup>107</sup> George Lardner, ‘New Deal for Indians is Expected of Bennett’, *WP*, 2 April 1966, p. F14; ‘Unsettled Indian Affairs’, *WP*, 4 April 1966, p. A16; George Lardner, ‘Senators Tell Bureau to Untie the Indians’, *WP*, 9 April 1966, p. A5.

<sup>108</sup> Lardner, ‘Senators Tell Bureau to Untie the Indians’, *WP*, p. A5.

<sup>109</sup> Lardner, ‘New Deal for Indians is Expected of Bennett’, *WP*, p. F14.

could offer only generalized replies and a promise to try to stamp out ‘the destructive effects of paternalism.’”<sup>110</sup>

Moreover, in an editorial comment that same month, the *Post* displayed a clear affiliation with the Senate’s faith in Termination. Titled ‘Unsettled Indian Affairs’, the editorial made no mention of continuing Termination legislation like PL 280 and tribal withdrawal acts: “Termination, a goal laid down by Congress, is a frightening word to the Indian. Yet eventually Federal wardship should cease and the reservations should become integrated into their respective states.”<sup>111</sup> Like Myer in his 1970 interview, the editorial showed no awareness of the reasons why Indians might be ‘frightened’ by Termination, and paternalistically asserted that withdrawal must take place despite Native wishes, ignoring the real harm already caused to so many tribes.<sup>112</sup>

A few years before the articles on Bennett’s nomination, the *Post* presented relatively different views of Termination. Reporting on a press conference held by Secretary of the Interior Stewart Udall, the *Post* described Termination as effectively over: “Udall abandoned the controversial Indian policies of the Eisenhower Administration that sought to terminate Federal responsibilities for Indians as rapidly as possible.”<sup>113</sup> Claiming Udall had “abandoned” these policies left readers with the impression that no more tribal terminations were going to take place; while few Termination Acts were *passed* during Udall’s time as Secretary of the Interior, this was nevertheless an inaccurate claim as many were *implemented* in this period.

A 1962 *Times* article, ‘Anti-Indian Bias is Laid to States’, similarly indicated that Termination was on the wane, but presented this in a slightly more accurate way. Referring

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<sup>110</sup> *Ibid.*

<sup>111</sup> ‘Unsettled Indian Affairs’, *WP*, p. A16.

<sup>112</sup> Myer, Interview (7 July 1970).

<sup>113</sup> Julius Duscha, ‘Udall Maps “New Trail” for U.S. Indians’, *WP*, 13 July 1961, p. A7.

to Senator Sam Ervin's (D-North Carolina) speech to the NCAI criticising PL 280, the article stated:

"The law was passed at a time when termination of Federal responsibility for Indian affairs was the expressed policy of Congress and the Eisenhower Administration. The present Administration does not favour termination unless individual tribes ask to be shifted to state jurisdiction and are found ready, educationally and otherwise, to fend for themselves."<sup>114</sup>

While a greater awareness of Indian policy legislation was shown in this *Times* article, it is questionable whether the Administration it wrote about really did not "favour Termination". While historians like George Pierre Castile and Thomas Clarkin have shown that Udall indeed advocated a change in Indian affairs, the *Post* and *Times* articles' assumptions that Termination was effectively over were simply inaccurate.<sup>115</sup> These press statements may then demonstrate a lack of general awareness of what Termination meant and the implications it bore for tribes, but what the policy involved at this point was well-established in federal circles. Though Udall focused on creating economic development programs to benefit tribes, these were to contribute to the eventual goal of the removal of federal trust status – and tribal termination bills continued to be passed and enacted while he was Secretary.<sup>116</sup> Termination remained the overarching, unquestioned aim of federal Indian policy.

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<sup>114</sup> Donald Janson, 'Anti-Indian Bias is Laid to States', *NYT*, 8 September 1962, p. 17.

<sup>115</sup> Castile, *To Show Heart*, p. 6; Clarkin, *Federal Indian Policy*, pp. 20–24; Cobb, *Native Activism in Cold War America*, pp. 42–4.

<sup>116</sup> Clarkin, *Federal Indian Policy*, p. 22.



## Conclusions

From 1947 to 1969, press writing never challenged the assumption that Native Americans needed greater ‘freedom’ from federal ties espoused by government officials. All protests and objections were instead aimed at specific aspects of federal withdrawal policy: the lack of a consent clause in PL 280; the figure of Myer; problems with tribal legal contracts. Furthermore, though the policy was criticised after tribal terminations had taken place, it was still characterised as voluntary, a choice made by tribes. A clear paradox thus remained inherent in press writing on Indian policy throughout the period – despite criticising the lack of consent in PL 280, Native people were allowed little space to comment on policy, even when it directly affected themselves.

Instead the press relied on white authority figures and non-Native activists to provide information on Indian affairs, distorting the real impact of Termination on Native individuals and groups. Newspapers typically only interviewed and quoted Native individuals who appeared to support assimilation and were educated in the Euro-American system, like Elizabeth Bender Roe Cloud. Even where *Monitor* reporter Hendrick quoted Klamath tribal member Elnathan Davis, non-Native ‘expert’ voices were also brought in to reiterate the idea that the tribe had made a bad decision, not the federal government. This demonstrates that federal rhetoric was effective in convincing the mainstream public that tribes had consented to Termination, though historical scholarship and tribal council minutes show that this was not the case.

The language of assimilation, speaking of ‘freedom’ and ‘independence’, evidently successfully appealed to the belief systems of mainstream press readers. The appeal of Termination rhetoric was dependent on, as Farrell would call it, accepted “social

knowledge”, based on the presumed shared values and interests of the mainstream.<sup>117</sup> That “social knowledge” was the belief that Native Americans were on a lower plane of development, and would need to be assimilated to gain the status of the mainstream population. Mark Cronlund Anderson and Carmen Robertson have demonstrated that the press in Canada perpetuated similar beliefs about First Nations throughout the twentieth century, reinforcing established attitudes toward the indigenous population.<sup>118</sup> In similar ways, national U.S. press writing continued to reinforce negative ideas about Native people as passive, silent and marginal. Though the press was provided with, and printed more detail on, the exact nature and methods of Termination than was brought to the attention of tribal councils, this was not appreciably contextualised in the print media by relating it to Native experiences. In this respect, despite including more accurate logistical particulars on Termination, press presentations were strictly limited in the information they provided, as they did not recognise the viewpoints of those most affected – American Indians themselves.

Myer’s 1970 quote that federal supervision was “holding back” Indians and needed to be eradicated even if it went against Native wishes, is indicative of the strength of the “social knowledge” surrounding Native Americans in the United States. While “freedom” and “consent” were consistently presented as key components of Termination policy, their role was largely symbolic – the lack of consent might cause public outcry, but at no point did it result in widespread opposition to the ultimate goal of assimilating the indigenous population. The press continued throughout the 1950s and 1960s to both sustain and reflect this hegemonic belief in assimilation, with all news written from within this context. Though the literary flourishes of turn-of-the-century newspaper editorials may have been abandoned in favour of “objective” reporting, the press still generally promoted the ideas

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<sup>117</sup> Farrell, ‘Knowledge, Consensus, and Rhetorical Theory’, p. 145.

<sup>118</sup> Anderson and Robertson, *Seeing Red*, p. 8.

presented in the *New York Times* in 1892: that the “red man” in “conforming to State laws” would be elevated to the status of mainstream Euro-Americans.<sup>119</sup> Taking into account the limited Native participation in public discussions of Indian policy, it is evident that this was to be achieved whether Natives wanted it or not.

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<sup>119</sup> Untitled editorial, *NYT* (31 July 1892), printed in Hays (ed.), *Editorializing the Indian Problem*, p. 47.

## Chapter Three: “Looking down on Indians” – the Persistence of Discrimination and Control

This chapter will explore how attitudes and understandings of Native American peoples and cultures developed throughout the Termination period and how these contributed to the formation of Indian policy. Termination historiography has entirely neglected the subject of cultural policy; while there is much scholarship on Indian arts, the majority of this focuses on 1920s and New Deal era trends, but such work usually ends with references to WWII-era funding cuts, providing little sense of what followed in the 1950s and 1960s.<sup>1</sup> Native cultures are not mentioned in either HCR 108 or PL 280; both focused solely on legal status and government supervision, rather than explicitly commenting on Indian lifestyles. That Termination legislation included no reference to Native cultures and lifestyles fostered the sense that there were no cultures to consider. While this lack of federal attention may reflect relative inactivity in Indian cultural programmes, the Indian Arts and Crafts Board was not shut down in the Termination period, remaining active to the present day.

Terminationists did, however, comment on Native cultures when publicly justifying the policy. In his 1957 essay Senator Watkins explicitly described how eradicating trust status would affect tribal cultures:

“Now, doing away with the restrictive federal supervision over Indians, as such, does *not* affect the retention of those cultural and racial qualities which people

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<sup>1</sup> See for instance: Jennifer McLerran, *A New Deal for Native Art: Indian arts and federal policy, 1933-1943* (Tucson, 2009); Susan Labryn Meyn, *More Than Curiosities: A Grassroots History of the Indian Arts and Crafts Board and its Precursors, 1920-1942* (Lanham, 2001).

of Indian descent would wish to retain; many of us are proud of our ancestral heritage, but that does not nor should it alter our status as American citizens.”<sup>2</sup>

On the surface, this statement seems to indicate that tribal members could continue to practice their cultures despite altered federal status, if they should so wish – becoming, perhaps, “Indian Americans” in the same sense that there were “Italian American” or “Polish American” groups. The implication stood that Native cultures could only be maintained as an “ancestral heritage” as long as they did not affect Indian status as “American citizens”, indicating that being “Indian” was a lesser, secondary concern.

Moreover, Watkins’ tactics in carrying out the Termination of a variety of tribes calls into question his claims to treat Natives as “American citizens”. Historiography has suggested that he employed coercive methods to force tribes to accept the removal of their trust status, for instance withholding per capita and Claims Commission payments from the Menominee and Klamath, and threatening to remove the federal recognition of the whole Uintah and Ouray reservation if mixed-blood members of the tribe were not withdrawn.<sup>3</sup> These tactics essentially amounted to blackmail and threats, rather than the freedom of choice and cultural retention Watkins applauded in his 1957 essay.

This incongruity between Watkins’ rhetoric and his approach in practice can in part be explained by examining what the Senator understood “culture” to be. In referring to “ancestral heritage”, he presents tribal cultures as unchanging remnants of a pre-colonial era with no legal impact, rather than the active and developing communities tribes

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<sup>2</sup> Watkins, ‘Termination of Federal Supervision’, p. 48.

<sup>3</sup> Fixico, *Invasion of Indian Country*, p. 85; Metcalf, *Termination’s Legacy*, p. 130; Peroff, *Menominee Drums*, p. 55.

continued to constitute in the mid-twentieth century. Framing Native identity in this way delegitimised cultural aspects that may have developed after European contact.

Terminationist understandings of Indian identities therefore differed greatly from what today is considered to constitute “cultural identity” or “ethnicity.” Jean and John Comaroff most aptly describe ethnicity as a “labile repertoire of signs by means of which relations are constructed and communicated”.<sup>4</sup> This definition allows for the change and negotiation of cultural identity as something created and constructed by its participants, while still moulded by particular historical circumstances. It must be acknowledged, nevertheless, that to Watkins and his compatriots, “ancestral heritage” was a static label that could be simply and objectively assigned.

Watkins, in referring to “cultural and racial qualities”, highlighted a question inherent in federal assimilationist efforts throughout the twentieth century: could Indians be “civilized”? The question of whether the Native population was capable of assimilating into American society was a hotly debated topic at the turn of the century. The 1887 General Allotment Act, which guaranteed U.S. citizenship to any Indians that accepted a 160 acre individual allotment, seemed to indicate that Congress viewed Natives as able to join the mainstream through a change of lifestyle toward individual land ownership.<sup>5</sup> However, the Burke Act, passed less than twenty years later, delayed the granting of citizenship until the twenty-five year trust period had passed, thus indicating that faith in assimilation had wavered.<sup>6</sup>

As this chapter will show, such tension persisted into the mid-twentieth century, as demonstrated by press representations of Native Americans in the Termination era. Two

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<sup>4</sup> Jean Comaroff and John Comaroff, *Ethnicity, Inc.* (Chicago, 2009), p. 38.

<sup>5</sup> Wilson, *The Earth Shall Weep*, p. 303.

<sup>6</sup> Hoxie, *A Final Promise*, p. 215.

conflicting – yet, at times, overlapping – beliefs were prevalent: 1) that Natives were inherently racially different and “inferior” and 2) that tribal societies were “primitive” or “immature”, on a lower stage of development toward “civilization”. Critically both conceived of “Indianness” as an obstacle to American citizenship, but a belief in racial difference implied that full assimilation was impossible. Furthermore, whether Indian “inferiority” was presented as a racial or cultural attribute, it formed an insidious, hegemonic belief in American society, influencing both Terminationists and their supporters – including many Native Americans. This chapter will demonstrate how these underlying attitudes were manifest both in the press and in federal-tribal interactions, as well as showing that tribal council members engaged with and harnessed assumptions of their own inferiority for their socio-political advantage.

### **3.1. Racism and Native humanity in the press**

Examining press representations of Native peoples between 1947 and 1970 demonstrates that negative stereotypes and outright racist depictions of indigenous peoples were prevalent throughout. This is particularly evident in the homogenous ways in which Native individuals were described in news stories. Print media representations of Native individuals both in the early years of Termination policy and after the shift away from “fast-paced” withdrawal consistently brought in references to Native physiological and temperamental differences to Euro-Americans. The physical appearance of Native individuals was consistently focused on, with *TIME* in particular drawing attention to skin

colour or facial characteristics, describing Native individuals and/or groups as “usually placid”, “hatchet-faced”, “dark-skinned, pock-marked” and having a “craggy profile”.<sup>7</sup>

Most typically, *TIME* applied such superfluous racialized descriptions to humorous or anecdotal stories, in some cases resulting in blatant racism and representations of Natives as ultimately ‘subhuman’. For instance, a November 1968 article on state elections displayed the distasteful humour of Senator Richard Greene, a Republican candidate for Washington State Lands Commissioner: “Then he issued his grand manifesto, including a plank on Indian fishing rights. Each fisherman’s limit is four Indians – ‘Any Indian under 5 ft. 1 in. must be thrown back.’”<sup>8</sup> The timing of this dehumanising joke in 1968 is particularly significant; it coincided with the continuing National Indian Youth Council fish-in campaign in Washington to support tribal treaty rights.<sup>9</sup> The Senator, thus, had evident political motivations in lampooning Indian fishing rights through this racist joke.

While there is a tendency to write off news magazines like *TIME* as sensationalist publications in comparison to broadsheet newspapers, the imagery of Natives as physically different was also present in the *New York Times*, *Christian Science Monitor* and *Washington Post* throughout the period, though perhaps less explicitly.<sup>10</sup> Regardless of their general stances on Termination, all three newspapers drew attention to the physical differences of Native individuals they wrote about, distancing these figures from the

<sup>7</sup> For these references, see: ‘Medicine: Upjohn’s Medicine Man’, *TIME*, 15 September 1958, [www.time.com/archive](http://www.time.com/archive) (viewed: 15 September 1958); ‘Indians: Uprising’, *TIME*, 14 December 1959, [www.time.com/archive](http://www.time.com/archive) (viewed: 13.6.2013); ‘Religion: The Lily of the Mohawks’, *TIME*, 27 January 1961, [www.time.com/archive](http://www.time.com/archive) (viewed: 14.6.2013); ‘Milestones’, *TIME*, 14 January 1967, [www.time.com/archive](http://www.time.com/archive) (viewed: 20.6.2013).

<sup>8</sup> ‘Nation: Laughing to the Polls’, *TIME*, 8 November 1968, [www.time.com/archive](http://www.time.com/archive) (viewed: 21.6.2013).

<sup>9</sup> For further information on the fish-in movement see: Bradley Shreve, “‘From Time Immemorial’: The Fish-In Movement and the Rise of Intertribal Activism”, *Pacific Historical Review* 78.3 (2009), pp. 403–34.

<sup>10</sup> For *NYT* examples, see: ‘Red Men Get Even Redder Peeking at Bathing Girls’, *NYT*, 12 October 1950, p. 36; Ronald Maiorana, ‘Indians Disputing State on Wampum’, *NYT*, 25 March 1967, p. 25; ‘Chief Big Tree, Posed for Indian Head Nickel’, *NYT*, 7 July 1967, p. 33.



presumed Euro-American reader. A front page December 1955 *Post* AP newswire article presented the remarkable event of two Klamath men rescuing thirty-three people from a flooded river.<sup>11</sup> While the article quoted a rescued Euro-American couple on their experience, the Klamath men were described as “two brawny Indian brothers”, only mentioning their names toward the end of the short piece and not including any comment from them. These Native men appear as silent, somewhat mysterious characters, consistently referred to as “Indians”, distancing them from the fellow Klamath Falls residents they had saved. Furthermore, it was printed on the front page of the *Post*, whereas Indian policy news was usually relegated to much later sections of the paper. This demonstrates that the editorial team expected readers to be more interested in one-off, attention-grabbing events involving Native people rather than discussions of long-standing issues.

Even the *Monitor*, the paper most consistently sympathetic to Native opposition to fast-paced Termination, prioritised Native physical difference in writing about Indian affairs. For instance, a September 1953 article eloquently expressed Standing Rock Sioux tribal members’ opposition to Termination legislation, but nevertheless described the Natives it quoted in heavily stereotyped ways: “David Blackhoop is a quiet man. He never raises his voice. In his immobile face is all the dignity of the Sioux chiefs who were his forebears.”<sup>12</sup> Mary Ann Weston claims that images of the “noble savage” had largely disappeared in favour of the “good” assimilated Indian by the 1950s, but this *Monitor* article contradicts such findings.<sup>13</sup> The paper did include descriptions of Native Americans interacting with mainstream society, but these were undercut by representations of “stoic” or “noble”

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<sup>11</sup> ‘2 Indians Save 33 in Daring Rescue’, *WP*, 27 December 1955, p. 1.

<sup>12</sup> Bicknell Eubanks, ‘Federal Policy Rouses Indians’, *CSM*, 25 September 1953, p. 13.

<sup>13</sup> Weston, *Native Americans in the News*, pp. 104–5.

Native individuals, strongly linked to a historic past through their physical features.<sup>14</sup> While David Blackhoop was presented as an adult, he was nevertheless depicted as “alien” in some respects, his “immobile face” devoid of emotions the Euro-American readers could relate to. In this sense, the article demonstrates a Cold War phenomenon identified by Philip Deloria, of a “doubled consciousness of middle-class white Americans”, balancing notions of racial difference and human sameness.<sup>15</sup>

The continued use of racially-loaded labels for indigenous individuals and groups moreover contributed to the representation of Native Americans as physiologically inferior, highlighting this unresolved tension in representations of indigenous peoples as both human, but still a distant “Other”. While BIA officials largely referred to tribal members as “Indians” or referred to their own tribes, questionable racial categorisations were deployed by the press. Today generally recognised as a racial slur, the term “redskin” or “red man” appeared with relative frequency in 1950s and 1960s press. While scholarship traces the term back to nineteenth century images of Native savagery and scalping, in the mid-twentieth century it was apparently not universally seen as a racist term.<sup>16</sup> The 1969 edition of the *American Heritage Dictionary of the English Language* described the term as “informal”. However, in 1961 *Webster’s English Dictionary* called it “offensive” indicating that some debate over the propriety of the word did exist.<sup>17</sup>

In the press the term was not usually used in an explicitly racist or derogatory manner, but rather as a label synonymous with the word “Indian”. *TIME*, in particular, often employed the term “red” to identify Native individuals or groups. Articles on historic

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<sup>14</sup> See also: Stafford Derby, ‘Indian Problem Tightens’, *CSM*, 12 April 1957, p. 15.

<sup>15</sup> Philip Deloria, *Playing Indian* (Chelsea, 1998), p. 150.

<sup>16</sup> *Ibid.*, p. 174.

<sup>17</sup> Robert Wachal, ‘Taboo or Not Taboo: That is the Question’, *American Speech* 77.2 (2002), pp. 199–201.

indigenous populations, in the context of archaeological findings or books and films about Indian wars, commonly referred to Native peoples as “primitive red men”.<sup>18</sup> However, references to Natives as “red” were not restricted to past contexts, but also appeared in descriptions of contemporary Native individuals and groups. For instance, a June 1960 article on theme parks referred to a prominent Cherokee businessman as “the ranking redskin in New York.”<sup>19</sup> Here, the choice of phrase appears stylistically motivated, consciously alliterating “ranking” and “redskin” – which also featured as the subheading for the section. Such verbal ploys serve to catch the attention of the reader, and in this case, to entertain.<sup>20</sup> The use of the phrase “redskin”, moreover, emphasised the sense of ‘exoticism’ surrounding the unusual figure of an indigenous businessman, racially distancing him from the reader. The emphasis on the Cherokee businessman’s race played on the prevalent stereotype that Natives were incompatible with the capitalist system and incapable of handling finances.<sup>21</sup> This article exemplified the style of *TIME*, aiming for a more casual, easy-to-read tone than the broadsheet newspapers of the period, which consequently communicated overt racial prejudice.

Racially insensitive labels appeared in broadsheet newspapers as well, though perhaps less frequently. The phrase “red man” was employed both by the *Times* and *Monitor*. The *Times* most strikingly included the term in the headline for a humorously-intended 1950 article on Mexican Seri Indians seeing women in bikinis, titled ‘Red Men Get Even Redder When Peeking at Bathing Girls.’<sup>22</sup> The term appeared over a decade later in the *Monitor*

<sup>18</sup> See for instance: ‘Science: Diggers’, *TIME*, 9 October 1950, [www.time.com/archive](http://www.time.com/archive) (viewed: 12.2.2013); ‘Books: Unadulterated Western’, *TIME*, 12 April 1963, [www.time.com/archive](http://www.time.com/archive) (viewed: 18.6.2013).

<sup>19</sup> ‘Spectacles: Bizneylcmd’, *TIME*, 20 June 1960, [www.time.com/archive](http://www.time.com/archive) (viewed: 14.6.2013).

<sup>20</sup> van Dijk, *Racism and the press*, p. 209.

<sup>21</sup> Alexandra Harmon, Colleen O’Neill and Paul C. Rosier, ‘Interwoven Economic Histories: American Indians in a Capitalist America’, *Journal of American History* 98.3 (2011), p. 701.

<sup>22</sup> ‘Red Men Get Even Redder’, *NYT*, p. 36.

article 'The Nonvanishing Redman'.<sup>23</sup> The article criticised the "pace" of federal Termination efforts, and strove to counteract the stereotype of the 'vanishing Indian' by quoting statistics of Native population growth. Nevertheless, the use of the term "redman" created a distancing effect, evoking nineteenth century language of the "noble savage". No Native voice was present in the short commentary, and the article ends with the wish that "the numbers of [Indians] regarded as wards of the government will decline instead of increase."<sup>24</sup> The tone of these articles differed, with the *Times* employing the term "red man" to create a fish-out-of-water image of Mexican Natives on an American beach, and the *Monitor* invoking the long-standing stereotype of the "vanishing Indian" to critique federal policy. Nevertheless, the term "red man" worked to dehumanise and delegitimise Native peoples in both cases, emphasising the racial and biological difference of the Indian "Other".

The phrase "red man" was, therefore, frequently employed in the broadsheet press, whereas "redskin" was largely restricted to *TIME*. Strikingly, the only time that the term "redskin" appeared in a headline of a broadsheet newspaper was in a late December 1969 essay in the *Times* Sunday magazine, entitled 'The War Between the Redskins and the Feds'.<sup>25</sup> The lengthy article was written by former NCAI chairman, legal scholar and activist Vine Deloria Jr., presenting a rare example of Native journalism and commentary in the mid-twentieth century. The several page essay strongly opposed Termination and specifically criticised Senator Watkins, stating that "The argument of 'freeing' the Indian was as phony as could be."<sup>26</sup> It included significant detail on the effects of Termination on tribes like the Menominee, Klamath, Alabama-Coushatta and Catawbas, as well as

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<sup>23</sup> 'The Nonvanishing Redman', *CSM*, 14 August 1961, p. 14.

<sup>24</sup> *Ibid.*

<sup>25</sup> Vine Deloria Jr., 'The War Between the Redskins and the Feds', *NYT*, 7 December 1969, p. SM47, SM82-8, SM92-8, SM102.

<sup>26</sup> *Ibid.*, p. SM98.

describing government discrimination against tribes in comparison to their Euro-American neighbours. Illustrative of Deloria's distinctive writing style, the essay sarcastically referred to Secretary of the Interior Hickel's statements that the federal government was "overprotective" of Native rights:

"With these remarks to his credit, it is a wonder that Hickel was the recipient of only sporadic boos and catcalls when he attempted to address the [NCAI] convention. No one even speculated on the possibility of a canine ancestor in Hickel's immediate family tree. 'Terminationist' is a much dirtier word in the Indian vocabulary."<sup>27</sup>

Considering the article presented such staunch opposition to Termination and highlighted Native political activism, it seems surprising that the essay title included the derogatory term "redskin". Within the context of Deloria's text, the title worked to subvert the stereotypical war-like Plains Indian image and to catch the attention of Euro-American readers, drawing their awareness to continuing political struggles. However, the word does not appear anywhere else in the essay, which refers to Natives strictly as "Indians" or by their tribal affiliations. It is thus possible that the headline may have been selected by *Times* editorial staff or another journalist, as is common practice in press offices.<sup>28</sup> Out of context, this reference to "redskins" in a paper largely aimed at a non-Native readership could in fact work to reinforce hegemonic, stereotyped understandings of American Indians, by framing the essay in a manner which set readers up to expect aggressive or even "savage" Native imagery, despite Deloria's ultimate aim.

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<sup>27</sup> Ibid., p. SM83.

<sup>28</sup> van Dijk, *Racism and the press*, p. 51.

Furthermore, the essay appeared in the Sunday magazine of the *Times*, alongside other commentary essays, lifestyle spreads and recipes – not so-called “hard news”. It was clearly positioned as a perspective piece, detailing the author’s background both as a scholar, “Standing Rock Sioux” tribal member and former director of the NCAI. In contrast, the references to “redskins”, “red men” and physiological descriptions of Native individuals as barely human, “stoic” figures were regularly included in event-oriented news pieces, presented as fact not opinion. This essay, therefore, was a departure from typical *Times* reporting, rather than indicating a significant shift in mainstream conceptions of Native peoples.

Deloria’s essay is nevertheless indicative of a late 1960s development in the U.S. press – the growing inclusion of Native voices. Native individuals were increasingly interviewed and presented in news pieces from the late 1950s onwards, something which rarely occurred in the years before Termination legislation was passed. Indeed, these voices were often included in opposition to federal policy, as in the January 1955 *Times* article ‘California Plan Disturbs Indians’.<sup>29</sup> The article was remarkably sympathetic to California Indian bands, including extensive quotes from tribal leaders, like Pit River tribal member and president of the California Indian Congress, Erin Forrest. Forrest was quoted at length challenging public representations of Natives on matters of Termination:

“‘We have been misrepresented from one extreme to another,’ Mr. Forrest said. [...] The fact is that some reservations want it and some don’t. Those who want termination have every right to want it. But many people have spoken who were not officially delegated by the reservations to speak for them.”<sup>30</sup>

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<sup>29</sup> Lawrence Davies, ‘California Plan Disturbs Indians’, *NYT*, 24 January 1955, p. 23.

<sup>30</sup> *Ibid.*

This article is exceptional in that it allowed Native voices to stand alone, not attempting supposed neutrality by balancing them with opposing federal views. It demonstrates that the press was capable of relatively fair representations of Native peoples where tribal individuals and groups were allowed to speak for themselves.<sup>31</sup>

Articles displaying Native individuals and voices continued to appear in the *Times* throughout the 1960s. The October 1968 *Times* article 'Cherokee Chief is Phillips Man of Action' even focused solely on the figure of Cherokee Principal Chief W.W. Keeler.<sup>32</sup> The article strongly contrasts to *TIME's* 1960 description of a Cherokee businessman as a "ranking redskin", presenting a respectful image of Keeler as both a successful CEO of Phillips Petroleum Company and dedicated Cherokee leader. Indeed, the quotes of Keeler included in the piece made clear his determination to maintain his Cherokee identity: "The Cherokee people can rise again to the level of their former literary and cultural excellence."<sup>33</sup> Keeler's quotes furthermore presented his Indian identity as a business advantage: "Many American business men overseas think they know all the answers even before they know what the problem is. I am an Indian, and I know the white man does not have all the answers and that some of the answers he think [sic] he knows are wrong."<sup>34</sup> Keeler's quotes thus showed that Native assimilation into the capitalist mainstream was possible, whilst still retaining pride in Indian identity.

Significantly, this article was published toward the end of the Termination period, seven months after President Johnson released his March 1968 Special Message to Congress on the Problems of the American Indian, which called for federal policy "with new emphasis on

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<sup>31</sup> See also: Homer Bigart, '2 Nebraska Indian Tribes Decry "Prejudice" and Bigotry of White Neighbors', *NYT*, 20 July 1970, p. 14; William Farrell, 'Indians on Reservations in State are at Odds on Goals', *NYT*, 5 October 1970, p. 45.

<sup>32</sup> William Smith, 'Cherokee Chief is Phillips Man of Action', *NYT*, 13 October 1968, p. F3.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

Indian self-help and with respect for Indian culture.”<sup>35</sup> While the message did not outright oppose Termination, it signified a shift in Indian affairs toward speaking of “self-determination” rather than Termination, largely as a result of campaigns by Native rights organisations like the NCAI. This representation of Keeler thus reflects the period in which it was published, showing that the changing political climate and increased Native voice in the press did have some effect on the representation of American Indians, challenging established stereotypes of Native cultures as incongruous with the capitalist economy.

However, the article not only praised Keeler’s business acumen, but drew attention to his appearance, noting his ability to physically blend in with the mainstream: “The Cherokee chief looks every bit the businessman in his gray suit. His straight black hair, hazel eyes and rough-hewn visage affirm his heritage to those who already know of it.”<sup>36</sup> Keeler here appears as not only socially, but physically assimilated – his “Indian heritage” was only visible to those already aware of it. The article, which included a large photograph of Keeler posing in his office, also foregrounded the idea that he appeared Euro-American by presenting his Native heritage as surprising; the first four paragraphs describe Keeler as a businessman and philanthropist, with only the fifth stating “He is an Indian himself.” Significantly, Keeler’s ability to physically pass as Euro-American was presented in a positive light, as evidence of his successful integration with the mainstream; only his own quotes brought out his Cherokee identity.

Moreover, while the article mentions that Keeler’s grandmother spoke Cherokee and mother spoke English, it does not specify that his parentage was in fact mixed – the

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<sup>35</sup> Clarkin, *Federal Indian Policy*, p. 260.

<sup>36</sup> Smith, ‘Cherokee Chief is Phillips Man of Action’, *NYT*, p. F3.



Oklahoma Historical Society claims that Keeler was only one-sixteenth Cherokee.<sup>37</sup> While Keeler certainly identified himself as an Indian, his heritage was in this context an advantage in terms of assimilation, allowing him to conceal his Native identity if necessary. The article, while not explicitly commenting on Keeler's biological make-up, hints at a continued, underlying form of racial discrimination in which Natives with some Euro-American heritage were – perhaps subconsciously – deemed most acceptable. Indeed, the *Times* presented Keeler as an exceptional individual, rather than a typical mid-twentieth century Native person; this article appeared in the “Personality” section of the newspaper, reserved for people of particular interest and achievement.

This fairly positive representation of Keeler was exceptional in presenting a Native person as playing an active role in the business world. Contemporary reporting on Indian labour instead presented Natives as only suitable to inhabit marginal roles in mainstream industry, as the 1969 *Times* article ‘Oklahoma Indians Try Electronics’ demonstrates. The short piece displays cautious optimism that electronics companies setting up supply lines in Oklahoma might aid in increasing Creek employment in the area: “The Indians, who are known for their manual dexterity, are expected to be well suited for the work, which will involve weaving cables for Western Electric and making printed wiring boards for General Electric.”<sup>38</sup> These potential Native employees are presented as biologically suited to manual labour, reflecting a long-standing Euro-American belief that Indians were capable only of menial work. Under early twentieth century assimilation-era programmes, Indian Service boarding schools sought to train Native Americans specifically for manual work.<sup>39</sup> Similarly, while Termination's sister policy of relocation was promoted in the 1950s as an opportunity

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<sup>37</sup> ‘Keeler, William Wayne (1908-1987)’,

<http://www.okhistory.org/publications/enc/entry.php?entry=KE002> (viewed: 2.9.2015)

<sup>38</sup> ‘Oklahoma Indians Try Electronics’, *NYT*, 9 March 1969, p. F18.

<sup>39</sup> Cahill, *Federal Fathers & Mothers*, p. 244.

for Natives to obtain employment and equal living standards to the Euro-American mainstream, in practice jobs secured were often physical, monotonous and temporary.<sup>40</sup> The article 'Oklahoma Indians Try Electronics' thus attests to this persistent belief in Native racial inferiority, presenting Indians as only able to inhabit marginal spaces within mainstream society.

Indeed, reporting in the *Times* throughout 1969 still contained underlying assumptions of Native racial difference to Euro-Americans, focusing on "dark" or "brown" skin, physical abilities or "violent" nature.<sup>41</sup> For instance, an article detailing the risk of drought at Pyramid Lake in Nevada described unemployed Paiute tribal member Warren Tobey as having a "leathery face, as dark and worn as his brown boots".<sup>42</sup> Though Tobey was quoted about the significance of the lake for both his tribe and other inhabitants of the state, this strongly racialized depiction distances him from *Times* readers. Tobey was furthermore interviewed in his "ancient station wagon, dispensing fishing permits and reminiscing", creating an image of him as incongruous with the modern world. Not only were the Pyramid Lake Paiute described as limited by their legal Indian status and life on the reservation in "tumbledown shacks", their desperation was implicitly linked to their inherent "Indianness" through such dehumanising descriptions.

That such strongly racialized depictions coexisted with articles containing Native perspectives demonstrates the limitations to late 1960s developments in press reporting on Indian affairs. Native issues and peoples continued to be marginalised by the twentieth

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<sup>40</sup> Fixico, *Termination and Relocation*, p. 149.

<sup>41</sup> See for instance: Enid Nemy, 'She Tours the U.S. To Beat the Drums about Red Power', *NYT*, 4 February 1969, p. 30; Homer Bigart, 'Hunger in America: Mexicans and Indians its Stoical Victims', *NYT*, 19 February 1969, p. 1; Steven Roberts, 'Blackfoot Preserves Tribal Lore in Pine', *NYT*, 24 April 1969, p. 38; Steven Roberts, 'Hope Has Little Meaning for Blackfoot Indians', *NYT*, 6 May 1969, p. 49; Homer Bigart, 'Choctaws Set Up Own Law in South', *NYT*, 3 July 1969, p. 16; Jack Goodman, 'The Changing World of the Navajo', *NYT*, 28 December 1969, p. XX1.

<sup>42</sup> Steven Roberts, 'Nevada Indians Fight for a Lake', *NYT*, 25 February 1969, p. 45.

century press, reflecting a persistent problem for minorities – that the mass media was strictly controlled by Euro-Americans for Euro-American audiences and interest groups. Though the 1970s saw modest increases in the employment of non-white press staff, even in 1995 95% of all newspaper journalists were white.<sup>43</sup> In the mid-twentieth century, then, racial minorities had little control over their press representations, even where they managed to gain media attention. While articles by activists like Vine Deloria Jr. did mark a change in bringing Native voices directly to mainstream readers, this occurred on too narrow a scale significantly to influence the broader, persistent – though perhaps increasingly concealed – racial discrimination of Natives in the press. Most crucially, this racial stereotyping of Native Americans in the Termination period existed in evident tension with the federal aim of making Native Americans “equal”, “full American citizens”.

### **3.2. Responses of tribal councils to racism**

As representations of Native Americans in the press throughout the 1950s and 1960s demonstrate, the Indian population was consistently presented as racially or culturally “Other”, and inferior in mainstream news. To what extent, then, did local BIA employees working with tribes in various locations across the United States subscribe to these views? Termination was grounded within the belief that indigenous people could be assimilated; in order to understand limitations to the local implementations of the policy, the attitudes of BIA Area Office staff, as well as the ways in which tribal councils reacted and responded to racial discrimination, must be evaluated.

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<sup>43</sup> Campbell, *Race, Myth and the News*, pp. 4–5.

Mississippi Choctaw tribal members particularly struggled with issues of acceptance within Euro-American society, caught between an assimilationist federal policy and the racial discrimination of the Jim Crow South.<sup>44</sup> In interacting with federal officials, Choctaw council representative Woodrow Billie made repeated requests for BIA staff and surrounding white communities to recognise tribal members as human.<sup>45</sup> In December 1952, after BIA officials' comments in the minutes of previous council meetings had been read out, Billie stated: "All our employees are white people, but they are always looking down on Choctaws and measuring the Choctaws. The White people need to be more educated – educated enough to know that the Choctaws are human. We need to be more free."<sup>46</sup> Unlike Termination rhetoric, which situated tribes as needing "freedom" from the "disabilities and limitations" of Indian status, Billie's statement was an indictment of BIA control over Mississippi Choctaw affairs. That same month Billie, as chair of the tribe's Natural Resources Committee, had seen the council's suggestions for the development of Choctaw timber rejected by BIA agents in favour of a programme drafted with no tribal input.<sup>47</sup> Not only did Billie claim that the Choctaws lacked a say in their own affairs, but that their treatment by BIA staff lacked recognition of even their most basic humanity. This evident lack of respect from local BIA officials, expressed just months before Termination legislation was passed, clearly contradicts federal claims that the final assimilation process would be quick, to be completed within a generation.

Indeed, the BIA held considerable control over the Mississippi Choctaw tribal council, as is reflected in the composition of the council's minutes and files. While the minutes retained by the BIA contain various reports on Choctaw issues by local area office

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<sup>44</sup> Osburn cites incidents of racial discrimination toward Choctaws particularly in Euro-American work places and public schools, see: Osburn, *Choctaw Resurgence*, p. 167, 180.

<sup>45</sup> See for instance: MBCTC (23 October 1951), *MCMAIT*, 1/I, Reel XI.

<sup>46</sup> MBCTC (23 December 1952), *MCMAIT*, 1/I, Reel XI.

<sup>47</sup> Osburn, *Choctaw Resurgence*, p. 140.

employees, and stenographers usually quoted the statements of federal officials in full, the voices of tribal members themselves were often downplayed in the 1950s. Billie's statement represents a rare instance of a direct quote of a tribal member; usually council representatives were paraphrased, or even merely noted to have spoken with no clear sense of what they were talking about. This was particularly an issue when tribal council members spoke in their own language, as without translators Euro-American stenographers could only state "Then he talked in Choctaw."<sup>48</sup> Speaking in Choctaw provided important opportunities for tribal members to speak to one another without being understood by BIA employees, allowing them to air grievances and discuss issues without federal input. Nevertheless, the very structure of these council minutes, in providing no indication of what such conversation entailed projects a strictly Euro-American viewpoint of Choctaws even within the context of their own tribal council.

Furthermore, reports written by BIA employees about Choctaw tribal members provide evidence supporting Billie's statement that Euro-American officials did not view them as entirely "human". In these reports, BIA staff often commented on the "competence" of tribal members in an attempt to determine how successfully policies could be implemented. This is exemplified by a report in November 1952, in which BIA Tribal Relations Officer Marie Hayes evaluated tribal members, stating they "appeared to be alert and interested in the educational program and their own economic improvement."<sup>49</sup> Again, Hayes gave only her own observations of tribal council representatives as evidence of their potential support for BIA policies. However, her description carried not just a sense of the American values she herself supported, but also a hint of underlying racial prejudice. The need to specifically state that tribal members "appeared to be alert" indicates that BIA

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<sup>48</sup> See for instance: MBCTC (10 October 1950), *MCMAIT*, 1/I, Reel XI.

<sup>49</sup> MBCTC (5-14 November 1952), *MCMAIT* 1/I, Reel XI. See also meeting from 5-9 February 1952, which will be discussed in Chapter Six.

employees did not always consider tribal members capable of understanding and focusing on matters concerning their own affairs.

The political climate in Mississippi in the mid-twentieth century evidently put the Choctaw inhabitants of that state in a precarious position. This was recognised by other tribes, particularly the Oklahoma Choctaw, who raised the issue of racial discrimination against their ancestral relatives in Mississippi during several Inter-Tribal Council meetings. At an early 1952 Inter-Tribal Council meeting BIA Area Director W.O. Roberts referred to the Mississippi Band Choctaws as “generally retarded” and that Mississippi staff would need “tolerance and respect for racial differences”, reflecting the perception that the Band were on a lower plane of societal development, as well as racially “Other”.<sup>50</sup> The minutes, though only paraphrased, indicate that Five Tribes members strongly objected to these categorisations, raising several questions “concerning adequacy of staff at Mississippi”. The minutes also mention that Cherokee representative “C.C. Victory emphasized point of Mr. Roberts of sending trained personnel to Mississippi and not to make ‘snap judgements’.”<sup>51</sup> While Victory’s full comments are not included, it appears he was concerned about Mississippi Choctaw tribal members being unfairly treated.

Three years later the Inter-Tribal Council passed a resolution to support the Mississippi Choctaw and encourage BIA staff to continue working for the improvement of their facilities and education.<sup>52</sup> It must be noted that the Mississippi Choctaw and Five Tribes were covered by the same Muskogee Area Office in eastern Oklahoma, meaning it was not in the best interest of the Inter-Tribal Council to publicly criticise its staff. Though the BIA was here commended, the brief discussion that followed indicates that there were some

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<sup>50</sup> FCTITC (9 January 1952), *MCMAIT 1/1*, Reel XI.

<sup>51</sup> *Ibid.*

<sup>52</sup> FCTITC (12 October 1955), *MCMAIT 1/1*, Reel XI.

problems with BIA employees. For instance, Choctaw representative Walter Veech stated that the former Area Director had “discouraged him very much” on the matter of the Inter-Tribal Council getting involved in aiding the Mississippi Choctaw.<sup>53</sup> While it is unclear why he had been discouraged, this provides an indication that working relations with local BIA staff were fraught.

In 1960 the issue was raised again when Oklahoma Choctaw representative Jack Davidson instigated a lengthy discussion of racial discrimination in Mississippi. In his speech, Davidson said he did not wish to criticise the Area Office in Muskogee, but rather highlight problems experienced by Indians interacting with mainstream communities in Mississippi. Citing a Choctaw Southern Baptist minister whose daughter was refused admission to a Philadelphia public school due to her race, Davidson stated:

“I am bringing the issue up as an American Indian and to say that the American Indians should rise up and fight. [...] It made my heart bleed... and tears came to my eyes... to think such things exist. We have great headsmen among our people, but we sit back. The papers don’t print those things for us to read [...].”<sup>54</sup>

Davidson evidently felt strongly about racial discrimination, calling for American Indian unity across state boundaries in dealing with such issues and decrying the lack of public awareness over the discrimination of Native peoples. While Davidson had a personal connection to the Mississippi Choctaw, stating his grandfather had been born in Mississippi – specifically in Philadelphia, near the Choctaw reservation – he presented this as an “American Indian” rather than a “Choctaw” issue.

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<sup>53</sup> Ibid.

<sup>54</sup> FCTITC (13 January 1960), *MCMAIT 2/I*, Reel I.

In response, Muskogee Area Director Paul Fickinger described the Mississippi situation as having been exaggerated, and claimed the BIA was working consistently to improve conditions. As a solution to problems, Fickinger suggested that Choctaws could leave Mississippi:

“So long as I am the Area Director here, and unless directed to the contrary by my superiors, I intend to follow our present program of assisting any of the members of the Choctaw Indians of Mississippi who wish to do so to locate in areas where economic opportunities are more adequate and the social climate more favorable.”<sup>55</sup>

Fickinger set ensuring equality and the elimination of racial discrimination as his goal, but did not see this as conflicting with the suggestion of moving Mississippi Choctaws off their tribal lands. In fact, his approach of encouraging Choctaw relocation rather than addressing problems in these areas was in itself a form of inadvertent discrimination against the rights of the Mississippi Choctaw to remain in the state, as guaranteed by Article Fourteen of the 1830 Treaty of Dancing Rabbit Creek.<sup>56</sup>

Fickinger’s stance thus reflected the general climate of Termination policy, which worked to eradicate, rather than affirm, treaty rights.

Furthermore, though Muskogee Area Office officials referred to the Mississippi Choctaw as far worse off than the Five Tribes, minutes show that BIA employees also referred to members of the Inter-Tribal Council in racially-loaded terms. On two separate occasions, Fickinger’s predecessor, Roberts, referred to Five Tribes members as “good stock”.<sup>57</sup> In both

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<sup>55</sup> Ibid.

<sup>56</sup> The Treaty established the Mississippi Band as a group separate from the Choctaw Nation, allowing tribal members to remain in Mississippi if they accepted individual land allotments, see: Osburn, *Choctaw Resurgence*, pp. 10–1.

<sup>57</sup> FCTITC (3 February 1950, 14 October 1953), *MCMAT 1/I*, Reel XI.



of these early 1950s meetings he used the phrase to describe Native Americans as equally capable as mainstream Americans: “Indians are good stock and are potentially capable of doing anything anyone else can.”<sup>58</sup> Roberts, an experienced BIA employee, had served as superintendent on various reservations since the early 1900s and adapted his approach through shifts in federal Indian policy from assimilation to New Deal programmes.<sup>59</sup> The above quote demonstrates that he viewed Natives in a generally positive light having worked with tribes for several decades. His choice of words is nevertheless significant; the commonly used phrase “good stock” originated as a reference to the hereditary quality of farm animals rather than human beings, reflecting a mid-twentieth century preoccupation with and belief in separate racial categories.

Taking into account Roberts’ previous statements about the Mississippi Choctaw’s “racial differences” and background as an assimilation-era superintendent, it seems likely that he subconsciously viewed the Native population as biologically *different*. As discussed in the previous chapter, Roberts was vocally critical of Termination policy in Inter-Tribal Council meetings; his racialized statements on Native peoples indicate that he nevertheless did not view them as fully equal to mainstream Americans. Furthermore, Roberts’ 1953 statement also implied that Native Americans were *not yet* commonly displaying their abilities, as he specifically stated they were “*potentially* capable of doing anything anyone else can” – a potential evidently not yet realised.

Klamath tribal members, like the Five Tribes, were considered more advanced and assimilated than most Native Americans, as evidenced by their specific inclusion in HCR 108 and the ‘predominantly acculturated’ category of Zimmerman’s list.<sup>60</sup> However, they

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<sup>58</sup> FCTITC (14 October 1953), *MCMAIT*, 1/1, Reel XI.

<sup>59</sup> Treglia, ‘The Consistency and Inconsistency of Cultural Oppression’, pp. 164–5.

<sup>60</sup> Philp, *Termination Revisited*, p. 75.

encountered some serious problems in the years leading up to the passing of PL 587, faced with BIA staff far less sympathetic than Roberts, and were allowed little real control over the Termination process. Minutes of several meetings from 1949 and 1950 show that tribal members struggled to work with their Superintendent, Raymond Bitney and his staff, appealing to the BIA to have him removed.<sup>61</sup> The problems included staff members' unwillingness to cooperate, but mainly involved disrespect and discrimination. Though racism was not an explicit complaint of the council, a resolution passed by the tribe in August 1949 stated Bitney's Chief Clerk, George Smith, had even come into violent conflict with tribal members: "He assumes a completely arrogant attitude and has thereby encountered several physical combats with the individual Indians."<sup>62</sup>

While relations with local BIA staff did evidently improve later in the 1950s as new employees were introduced, even those with more positive working relations with the Klamath tribe appear to have believed in an ultimate racial difference between Indians and Euro-Americans. For instance, in a June 1955 speech to the Klamath Executive Committee, Superintendent W.W. Palmer recognised that racial discrimination could be a problem once withdrawal was completed and tribal members lived amongst mainstream society:

"There will be some incidents of race discrimination, and some will feel they cannot meet the world with its new environment, because of race, reticence and general fear. No race has a prouder heritage or more reason to be self-confident. It is commonly said that self confidence in one's ability is at least half of the battle in life."<sup>63</sup>

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<sup>61</sup> KGC (11 August 1949, 17 November 1949, 8 and 12-13 December 1949, 6-7 July 1950), *MCMAIT 1/II*, Reel XVIII.

<sup>62</sup> KGC (11 August 1949), *MCMAIT 1/II*, Reel XVIII.

<sup>63</sup> KEC (16 June 1955), *MCMAIT 1/II*, Reel XX.

Local BIA officials were thus aware that racism would cause problems, but posited that these were superficial and could be overcome. Palmer's recommendation of how to deal with this was unrealistic, placing responsibility with individual tribal members to counteract difficulties, rather than presenting it as a wider issue for the community to address. Moreover, Palmer himself referred to Klamaths as part of a distinct "race" – rather than referring to their Klamath, Modoc and Yahooskin identities. Fickinger and Palmer, then, shared the view that "Indians" were a distinct racial group, though evidently believing they could participate in mainstream society as equals if they *chose* to do so.

Palmer's view, of course, demonstrates an improvement in relations between tribal members and BIA officials in the period; the Klamath tribe did not report brawls with BIA staff later in the 1950s. Similarly Mississippi Choctaw-BIA relations became less inflamed in the 1960s, with the tribal council gaining more control over the administration of their own affairs. A ten year gap appears in the BIA records, ending in 1954 and only picking up in 1964. Following this gap, the 1960s minutes are fuller, including lengthy examples of tribal representatives' speeches and resolutions drafted and voted on by the council, indicating that Native voices were no longer marginalised in these meetings. This change can largely be attributed to the efforts of Choctaw council members, Phillip Martin in particular. Drawing on 1960s War on Poverty programmes, Martin succeeded in starting a Choctaw Community Action Program in 1962, developing a fiscal system for the tribe and hiring financial support staff.<sup>64</sup>

The 1960s establishment of the Office of Economic Opportunity (OEO) and move of federal policy away from fast-paced Termination, though still aiming for eventual

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<sup>64</sup> White and White, 'Phillip Martin', in Edmunds (ed.), *New Warriors*, p. 198.

assimilation, was in this case put to good use by a tribe and resulted in greater tribal control over the decision-making and administration of their programmes. However, while OEO programs were helpful, this surge in Mississippi Choctaw Band socio-political activity should be attributed mainly to council members themselves, rather than federal efforts. That the Mississippi Choctaw tribal council managed successfully to navigate federal funding programs of the 1960s was largely the result of committed tribal members and thus does not necessarily mean that prejudice toward Native peoples had been eradicated. Discussions at a 1964 council meeting highlighted the need to continue interactions with local Euro-American communities through sports events, the annual Tribal Fair, and performances of a student singing group to “promote better understanding and appreciation”.<sup>65</sup> Though these efforts were noted as having already brought some success, the tribal council and local BIA area employees agreed that more work was needed in challenging local prejudice.

Regardless of how “ready” for Termination the BIA regarded a tribe, each dealt with discriminatory behaviour and the lack of institutional support for maintaining and revitalising their cultures and communities – at least until the 1960s shift of federal rhetoric toward economic development. Nevertheless, representatives of each of these tribal councils made statements promoting the value of their communities and traditions. However, little direct opposition to the categorisation of Native cultures as “inferior” appears in the available minutes of the four councils here considered, with some tribal members referring to their own communities as having “ancient traditions” or even as being in some way “primitive”. For instance, at a 1960 tribal council meeting Navajo representative Roger Davis commented on the tribe’s progress in relation to their Claims Commission case against the government: “[...] we, the Navajo people, the least educated

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<sup>65</sup> MBCTC (14 January 1964), *MCMAIT 2/1*, Reel I.

and almost primitive, who have gone extensively further than any other tribe in the United States. I think that the Navajo Tribe should be commended on the progress it has made.”<sup>66</sup>

Significantly, Davis referred to the tribe as “almost primitive”, and linked this to levels of education – rather than any cultural attributes of the tribe. In contrast the press often categorised Native inferiority as a racial or inherent cultural quality, rather than as a structural problem stemming from educational needs. Each of the councils considered here clearly presented pride in their tribal communities, whether demonstrated by explicit speeches in favour of maintaining their cultures, resolutions passed by the councils, or discussions of the effects of modernisation on traditional practices. Moreover, the continued use and prioritisation of tribal languages in meetings attests to tribal councils actively keeping their cultures alive: the Navajo Tribal Council employed both English-to-Navajo and Navajo-to-English interpreters throughout the period, and as the Mississippi Choctaw gained more autonomous control over their tribal council in the 1960s, interpreters were more frequently used, both allowing tribal members to better understand legislation and resolutions discussed, and encouraging them to communicate in their own languages and still be understood by Euro-American stenographers and BIA employees.<sup>67</sup>

The Klamath language also consistently appeared in the tribe’s General Council meetings, and as the final Termination date grew closer, Klamath cultural values and the rights of Klamath, Modoc and Yahooskin people to retain their distinct identities were

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<sup>66</sup> NTC (11-22 January 1960), *MCMAIT 2/I*, Reel III.

<sup>67</sup> See for instance: NTC (11-14 October 1949), *MCMAIT 1/I*, Reel V; NTC (14-17 April 1959), *MCMAIT 2/I*, Reel III; NTC (8-17 May 1963), *MCMAIT 2/I*, Reel IX; MBCTC (12 January 1965, 13-14 April 1965, 10-12 October 1967, 9 January 1968), *MCMAIT 2/I*, Reel I.

vocally defended.<sup>68</sup> This trend is exemplified by Executive Committee member Dibbon Cook's speech at an October 1955 council meeting, in which he spoke out against the factionalisation of the tribe between supporters and opponents of withdrawal: "Let us have a common objective, unite, preserve and maintain what we have left, fulfil our responsibilities and safeguard our priceless heritage, which is our only salvation, for ourselves and our people."<sup>69</sup> What exactly Cook saw as constituting Klamath "heritage" was not specified, but his stance in favour of ending intra-tribal conflict clearly supported maintaining the tribal community. This impression of Cook as valuing Klamath tribal identity is affirmed by his anti-Termination remarks later in the decade, including a November 1957 speech: "We are being forced out to sink or swim [...] for a paltry sum of Yankee dollars. [...] Some has [sic] said this is not termination, which is true, but rather liquidation, and to some extent extermination."<sup>70</sup> Cook, thus, evidently saw Termination as threatening to both "liquidate" the tribal land base and resources, and to "exterminate" Klamath identity.

Despite its nature as a consortium of five Oklahoma tribes, the Inter-Tribal Council also clearly supported the continued vitality of specific tribal cultures. At a March 1954 meeting the council adopted a new Constitution and Bylaws. The resolution accepting these recognised Native status as American, but blatantly contradicted total cultural assimilation:

"[...] in order to secure to ourselves and our descendants the rights and benefits to which we are entitled under the laws of the United States of America, and the State of Oklahoma; to enlighten the public toward a better understanding of the Indian race; to preserve Indian cultural values; [...] to secure and to preserve rights under Indian treaties with the United States; and

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<sup>68</sup> For mentions of Klamath language discussions, see: KGC (17 November 1949, 9 February 1950), *MCMAIT 1/II*, Reel XVIII and KGC (25 January 1958), *MCMAIT 2/II*, Reel X.

<sup>69</sup> KGC (20 October 1955), *MCMAIT 2/II*, Reel XX.

<sup>70</sup> KGC (16 November 1957), *MCMAIT 2/II*, Reel X.

otherwise to promote the common welfare of the American Indians – do establish this organization and adopt the following Constitution and Bylaws.”<sup>71</sup>

This statement highlights the dual aims of the Inter-Tribal council as protecting both the treaty rights and cultures of distinct tribes and of Natives as a broader interest group, here termed the “Indian race”. While the council presented Native Americans as a distinct race, it did not depict general interests as precluding the specific needs of different tribes involved in the Inter-Tribal Council. This positioning reflects the Inter-Tribal Council’s strong ties to the pan-tribal NCAI, as described in Chapter One. From its inception, the NCAI had expressed its mission as preserving Indian cultural values and upholding treaties.<sup>72</sup> Based on this 1954 resolution, the accepted council view aligned with the NCAI’s conception of the “Indian race”, in contrast to press depictions of “Indians” as a racially or culturally inferior homogenous group.

It is also significant that this statement did not refer to Native cultures as remnants of the past or “ancient” traditions, referring instead to “Indian cultural values” as part of the present. While the statement did not explicitly call tribes “modern” or reject the continued characterisation of Indians as “primitive”, it did mention the need for an improved public understanding of Indians. That this was released just over six months after the passing of HCR 108 and PL 280 indicates that the Inter-Tribal Council located Native cultures in the present, contradicting the federal rhetoric of assimilation as inevitable. Thus, while tribes dealt with problems of racial discrimination particularly during the early years of Termination, their responses demonstrate an adeptness at identifying, opposing and navigating these issues. Each tribe, regardless of BIA categorisations, vocally expressed the will to remain a community and maintain their cultures – not just as a past “heritage” as

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<sup>71</sup> FCTITC (25 March 1954), *MCMAIT 1/1*, Reel XI.

<sup>72</sup> Philp, *Termination Revisited*, p. 14.

presented by Watkins, but as a living and active part of their identity in the present and the future.

### 3.3. The infantilization of Native peoples

While it is clear that tribal council representatives challenged the discrimination of their communities, it is worth further examining the ways in which tribal cultures and peoples were presented as “inferior”. In addition to the press presenting tribes as racially different, Native Americans were also perceived as akin to “children” and Native cultures and lifestyles as “primitive”. Critically, unlike the more simplistic categorisation of American Indians as “racial others” discussed above, the infantilization of Native peoples and discussions of their cultures as “primitive” inherently rested on the belief that indigenous peoples could eventually become “civilized”. While this was a long-standing belief, with Congress financing education to meet this aim from 1819 onwards, in the Termination period it took on special significance as a justification for eradicating federal trust status.<sup>73</sup>

Reporting on a 1957 NCAI conference, *TIME* ran an article titled ‘Indians: Ruffled Feathers’, which exemplified the persistent belief that Native Americans were ‘primitive’ and ‘immature’.<sup>74</sup> The article relied on stereotypical “Indian” imagery in framing the reported meeting, which was attended by representatives from a variety of tribes and BIA Commissioner Emmons. The article’s author evidently supported Termination, describing the bureau as having “succeeded” in making three tribes “independent”. Emmons’ speech encouraging Natives to “pull themselves up by their own bootstraps” was also commended,

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<sup>73</sup> For discussions of the idea of ‘civilizing’ the Indian, see: Berkhofer, *White Man’s Indian*, pp. 145–50.

<sup>74</sup> ‘Indians: Ruffled Feathers’, *TIME*, 11 November 1957, [www.time.com/archive](http://www.time.com/archive) (viewed: 10.6.2013).



but the American Indian members of the NCAI were described as ungrateful: “[...] predictably, Emmons’ words of encouragement fell on ruffled feathers.”<sup>75</sup> The journalist here sided with Emmons, delegitimising Native concerns by associating them with generalised imagery of “Indianness”. Framing their dissatisfaction in this way depicted Native leaders and representatives as stubbornly hanging on to meaningless, generic symbols of their “primitive” cultures.

Furthermore, the article quoted an unnamed “top Indian Affairs Official” as comparing Native Americans to uncooperative teenagers: “The Indians are going to have to face the fact that they will soon be 21. We are doing our damndest to give them the best possible preparation. But a lot of them don’t want to face the fact, and they resent it.”<sup>76</sup> The article concluded on this point, creating the impression that *TIME* agreed Natives were somehow *themselves to blame* for their situation. The article provided no legal or historical context on federal trust status, stating simply that they were “held back by a desire to preserve their tribal identity and traditions”.<sup>77</sup> As this example demonstrates, public rhetoric in the Termination period presented Natives as wilfully occupying a “lesser” space of development, even if not always categorising them as biologically inferior.

Though ‘Indians: Ruffled Feathers’ included some comment from Native representatives at the conference, this was framed so as to justify accusations of Indian stubbornness. The only Native American named in the article was NCAI President Joseph Garry (Coeur d’Alene), who was quoted as disputing the belief that reservations were “prisons”:

“Snorted Coeur d’Alene Tribesman Joseph Garry, who is president of the National Congress of American Indians and a Democratic member of the Idaho

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<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

House of Representatives: 'As for the bureau giving us 'freedom,' we are free from all taxes, including tax from income on Indian land, and we are free to hunt and fish. What other freedoms could we have?'"<sup>78</sup>

While Garry's statement challenged Terminationist rhetoric, the reference to him as a "Tribesman" first and active political advocate second, delegitimised his views and associated him with a perceived "tribal" past, rather than contemporary American society. Seeing as the NCAI president was fully aware that Natives were by no means "free from all taxes", moreover raises the question of whether Garry's statement may have even been distorted by the *TIME* journalist. In any case, within the context of the article, Garry's statement was used to justify federal policies, presenting his words as evidence of Native "special" status and advantage over Euro-Americans. Indeed, in describing Native objections to Termination the article stated that "the reasons are as complex – and sometimes as absurd – as the Indians themselves", demonstrating a clear bias against Native perspectives.<sup>79</sup>

Stereotyped "Indian" imagery and the trope of Natives as "immature" persisted regardless of 1960s shifts in political climate. Despite Nixon promoting a platform of Native "self-determination" during the 1968 presidential election, his first Secretary of the Interior, Walter Hickel, publicly cultivated the rhetoric of "childhood" and dependency when speaking about Indian issues.<sup>80</sup> An August 1969 *Monitor* article entitled 'U.S. Indians see threat to land in Hickel remark', reported on developments in Nixon's selection of BIA Commissioner and demands from Native communities for an American Indian appointee:

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> For information on Nixon's presidential campaign in relation to Native Americans, see: Castile, *To Show Heart*, p. 73.

“American Indians are sending up smoke signals of distress because the Nixon administration has not yet appointed a commissioner of the Bureau of Indian Affairs. Now they are adding some extra puffs because Secretary of the Interior Walter J. Hickel has just said that Indians need to ‘cut the cord’. The context of Mr. Hickel’s remarks indicated that he meant Indians are too dependent on the reservation system.”<sup>81</sup>

Unlike *TIME*, this *Monitor* article was evidently critical of Hickel’s remarks, later calling them a “reversal” of developments in Indian policy since the Eisenhower administration. It nevertheless demonstrates the persistence of imagery that infantilized Native Americans in public discussion. It is of course significant that the *Monitor*’s usual Indian affairs expert Kimmis Hendrick, the author of this article, questioned Hickel’s statement. However, the support for the NCAI and other Native rights organisations presented here was undercut by the stereotypic reference to “smoke signals” in the opening line. Though NCAI president John Belindo was quoted extensively in the second half of the article, the homogenised image of “Indianness” in the opening paragraphs downplayed the serious nature of Native grievances. Hendrick, therefore, both criticised Hickel’s representation of Natives as being on a lower plane of development, and himself perpetuated imagery rooted in similar views. This apparent paradox in Hendrick’s writing attests to the hegemonic nature of the belief in Native “inferiority”, as it evidently influenced the way in which he wrote about Indians.

The belief in Native inferiority was hence pervasive in press depictions of Natives and discussions of Indian policy in the mid-twentieth century press. Looking at the local level, though overt racial discrimination may have been largely eradicated by the 1960s, paternalistic language permeated the interactions of federal officials and tribal councils

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<sup>81</sup> Kimmis Hendrick, ‘U.S. Indians see threat to land in Hickel remark’, *CSM*, 7 August 1969, p. 3.

throughout the period. After the removal of the extremely unpopular Klamath Superintendent Bitney in 1950, Erastus Diehl was appointed to the position. In his first meeting, he spoke at length of mutual support:

“There is nothing I would rather do than sit in with you on that when you want me, never when you don’t want me. I would like to help you all I can in your program, help you through these growing pains. That’s what we can rightly call it. Not only here but all over the Indian Service we are having growing pains.”<sup>82</sup>

In this speech Diehl presented himself as available for consultation at the tribe’s discretion, aiming accurately to represent their opinion. Indeed, Diehl was exceptionally well-liked by the tribal council; despite his removal shortly after the passing of PL 587 in 1954, tribal council members unsuccessfully requested his instatement as a Management Specialist for the tribe.<sup>83</sup> This cooperative relationship does not, however, diminish the problematic paternalistic implications of Diehl’s speech here. By speaking of “growing pains” Diehl invoked an image of tribal members as adolescents, still in the process of reaching full ‘maturity’. He therefore located Natives “all over the Indian Service” on a lower plane of development toward “civilization”, and characterised this as a painful struggle. In this sense, Diehl’s well-meaning statement revealed attitudes similar to those presented by *Monitor* journalist Hendrick.

Similarly, a decade later BIA Commissioner Emmons spoke of himself in paternal terms when addressing the Navajo Tribal Council, recalling nineteenth century rhetoric of BIA

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<sup>82</sup> KGC (19-20 October and 2 November 1950), *MCMAIT 1/II*, Reel XVIII.

<sup>83</sup> KGC (5 January 1955), *MCMAIT 1/II*, Reel XX.

staff as “federal fathers and mothers” exemplifying “civilized” life to tribal members.<sup>84</sup> After a long speech documenting developments in economic and educational programmes for the Navajo, Emmons stated: “I hope I haven’t bored you too much, but I am trying to speak as a father who has lots of love and affection for his family, and for his children, not as if I were someone who was an outsider, and we didn’t have mutual faith in each other.”<sup>85</sup>

Though Emmons’ simile constructs an image of intimacy and care, his adoption of a paternal role speaks volumes about the Commissioner’s perception of the tribe.

Furthermore, Emmons stated this at the end of a speech opposing potential per capita payments of Navajo claims winnings, telling the council they would later “hang their heads in shame” if they chose to distribute assets.<sup>86</sup> This strong language demonstrates Emmons’ tendency toward forceful guidance of the tribe, using scare tactics to influence the council’s decision-making. Nevertheless, Emmons undoubtedly had a close relationship with the Navajo; the tribe vocally supported the appointment of the Gallup-native as Commissioner.<sup>87</sup> However, like Diehl, Emmons held an inherently paternalistic stance, viewing Natives as unequal to mainstream Americans.

Moreover, Emmons preceded this statement with several references to Termination policy and the problems other tribes had experienced with withdrawal and managing their money. For instance, the Commissioner described the Menominee situation, claiming the former tribe was struggling because it had distributed tribal money on a per capita basis against BIA advice: “They were warned, ‘Don’t take that Money. Save that for a reserve, because someday you will need it.’ But, they didn’t listen. They went ahead and spent that

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<sup>84</sup> See Cahill’s discussion of intimate colonialism: Cahill, *Federal Fathers & Mothers*, pp. 6–7.

<sup>85</sup> NTC (16-19 August 1960), *MCMAIT 2/I*, Reel IV.

<sup>86</sup> *Ibid.*

<sup>87</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln, 1995), p. 1041.

money and if they had that money today, they could do so many useful things with it.”<sup>88</sup>

Emmons was here likely referring to the 1953 distribution of \$9.5 million dollars of Menominee Claims Commission winnings in per capita payments. If that is indeed the case, Emmons grossly misrepresented the situation – in reality, the Menominee tribe had set out the use of these funds in a reservation development programme, but were forced to swap to a per capita payment plan due to the government’s refusal to accept a proposal that did not include plans for the withdrawal of trust status.<sup>89</sup> Despite this element of paternalistic coercion in the Menominee case, Emmons here blamed the tribe for the problems it faced in Termination. This exhibits not only a distortion of facts in presenting withdrawal to the Navajo, but also a belief that Native Americans – even those tribes already put forward for Termination – were not capable of making their own decisions.

Indeed, the attitude demonstrated by national and local BIA officials during their interactions with tribal councils unequivocally illustrates the persistence of paternalist ideology throughout the Termination era. In addition to the problems of paternalism expressed in complaints by tribal council members about local BIA staff, as in the Klamath and Mississippi Choctaw cases, important decisions were consistently made for tribes with little regard for their consent. When the Klamath General Council suggested that former superintendent Diehl be named Management Specialist, Assistant BIA Commissioner Barton Greenwood told them in no uncertain terms that the tribe would have no final say over Termination-related issues: “As I said before, I am sure the Secretary wants instructions from you. However, [...] he could proceed even without your consent.”<sup>90</sup>

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<sup>88</sup> NTC (16-19 August 1960), *MCMAIT 2/I*, Reel IV.

<sup>89</sup> Ulrich, *American Indian Nations*, pp. 22–3.

<sup>90</sup> KEC (5 January 1955), *MCMAIT 1/II*, Reel XX.

Similarly, the US President retained and exercised the power to appoint the principal leaders of each of the Five “Civilized” Tribes until 1970.<sup>91</sup> In explaining the Termination programme to the Inter-Tribal Council in 1954, the Acting Area Director stated: “It is important to remember that consultation does not always mean consent; that it is impossible to get 100% consent to any move that is made.”<sup>92</sup> The Mississippi Choctaw were also consistently told that the government could force decisions through if the council did not make them efficiently, particularly with regard to lease agreements.<sup>93</sup> Though the specifics varied for each tribe, the BIA nevertheless retained paternalist control over tribal affairs throughout the period – regardless of whether a tribe was considered “predominantly acculturated” like the Klamath, or “predominantly Indian” like the Mississippi Choctaw.

BIA officials’ paternalist attitudes toward Native peoples and cultures, then, were manifested in the ways in which they interacted with tribes, even when specifically preparing them for Termination. Though the main focus of Indian policy shifted in the 1960s from immediate removal of trust status to the economic development of reservations, these attitudes were not eradicated. George Pierre Castile claims that Secretary of the Interior Stewart Udall genuinely opposed Termination, and that his proposed Omnibus Bill, if passed, would have ended the problematic paternalist “Indian trusteeship shackles”.<sup>94</sup> Others provide more critical views of Udall – as Daniel Cobb points out, Udall had already fully drafted the bill before any consultations with American Indians

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<sup>91</sup> Lambert, *Choctaw Nation*, p. 3; FCTITC (12 January 1956), *MCMAIT 1/I*, Reel XI.

<sup>92</sup> FCTITC (14 July 1954), *MCMAIT 1/I*, Reel XI.

<sup>93</sup> MBCTC (13 October 1953), *MCMAIT 1/I*, Reel XI.

<sup>94</sup> Castile, *To Show Heart*, p. 51.

were held.<sup>95</sup> His actions, then, in supposedly opposing paternalism, were just as controlling as those of the Termination advocates before him.

Udall's manner when speaking of Indians furthermore reveals that his views of Native cultures contained elements curiously similar to those posed by Watkins in 1957. In a July 1969 interview, just after the end of his tenure as Secretary, Udall spoke in apparent favour of cultural pluralism:

“You know, the thrust always had been well, give them a good education and get them into the mainstream, and assimilation was essentially the policy. I came to the conclusion that we had overlooked what the Indian, with his own history and his own culture, what he could add as an extra element, extra dimension to our society and that the Indianness of the Indian, his own history, his own background, that this was important, that if he wanted to continue to intermarry and to maintain his own communities, that he ought to have that option. [...] The Indian who wanted to cling to his values and his culture and his art, that we ought to be big enough as a country to allow this kind of diversity.”<sup>96</sup>

Though claimed to champion diversity, his phrasing indicates that he, like Watkins, viewed Native cultures as remnants of the past. It is significant that Udall here described maintaining Native identity as “cling[ing] to his values and his cultures”. Though Udall may not have intended this, his statement suggests a subconscious view of Indian inferiority – of

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<sup>95</sup> Cobb, *Native Activism in Cold War America*, p. 137.

<sup>96</sup> Stewart Udall, Interview (29 July 1969), [http://www.lbjlibrary.net/assets/documents/archives/oral\\_histories/udall/UDALL03.PDF](http://www.lbjlibrary.net/assets/documents/archives/oral_histories/udall/UDALL03.PDF) (viewed: 22.9.2014).



Native cultures not naturally coexisting with American society, but as traditions which stubborn individuals refused to relinquish.

Udall, moreover, stated the country was “big enough” to “allow” diversity – a sentiment outwardly positive, but containing the inherent assumption that cultural plurality was something permitted, and thus *controlled by* the United States. In this respect, though Udall undoubtedly spoke more positively of cultural diversity than Watkins, their views converged in both presenting Indian culture as permissible as long as there was space in American society. Udall evidently viewed indigenous people through a similar value framework as most non-Natives, whether supportive of or objecting to the rights of tribal communities and cultures. Despite thinking he was enhancing Native rights, the Secretary of the Interior saw himself as the expert, not needing to consult with tribes in forming his policies. In this respect, Udall followed Commissioner John Collier’s 1920s example of drafting legislation like the Indian Reorganization Act (1934) without Native cooperation.<sup>97</sup> Udall’s approach, as such, demonstrates the dangers of persistent subconscious prejudice toward Native Americans – the strength of popular belief that tribes were “less developed” obscured paternalist actions, as federal officials evidently thought they knew what was best and did not consistently consult with tribes on Indian policy matters.

The belief in Native inferiority was, then, in the mid-twentieth century evidently so deeply embedded within mainstream, hegemonic perceptions of society and “civilization” that even those non-Natives claiming to support indigenous rights and self-determination were – perhaps unwittingly – influenced by it. What remains to be investigated is what effect this imagery of “primitive” inferiority had on Native self-perception. With American Indians progressively moving to urban areas in the 1950s and 1960s as a result of

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<sup>97</sup> Prucha, *The Great Father*, p. 957.

relocation, travelling between reservation spaces and cities, tribal communities became increasingly aware of mainstream conceptions of “Indianness” in the media. Not to mention that these stereotypes and impressions had already abundantly influenced the BIA employees they worked with for decades. An increase in tribal council discussions surrounding Native media representation attests to this growing awareness. Donald Fixico argues that Euro-American understandings of “Indianness” heavily impacted upon not only the self-perception, but the mental health of Native peoples: “Indian people have been so saturated with negative stereotypes and savage imagery that they began to feel unworthy and insecure; they began to doubt themselves, their culture, and their identity.”<sup>98</sup>

All four of the tribal councils here examined, regardless of how “primitive” BIA employees saw them as, expressed an unequivocal awareness of and concern for their public image. All four tribal councils sent out press releases or letters to specific local and national newspapers concerning their affairs at some point in the period.<sup>99</sup> In a November 1960 Navajo Tribal Council meeting, Chairman Paul Jones spoke of his encounter with a journalist at a meeting of male Southwest history and culture enthusiasts, known as the Dons Club of Phoenix:

“Present in the audience was the newspaperman who recently wrote a series of completely distorted articles relative to the Navajos and our Reservation. I took the opportunity to tell my listeners that this writer has insulted our intelligence and it was my belief that the stories were a disgrace to the largest newspaper in the State. At this juncture the applause was very loud indeed,

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<sup>98</sup> Fixico, *Call for Change*, p. 61.

<sup>99</sup> See for instance: KEC (16 June 1955), *MCMAIT 1/II*, Reel XX; FCTITC (11 July 1956), *MCMAIT 1/I*, Reel XI; NTC (8-12 December 1958), *MCMAIT 2/I*, Reel XI; MBCTC (12 January 1965), *MCMAIT 2/I*, Reel I.

which proves to me that public opinion despite the many untruths printed about us, is firmly on our side.”<sup>100</sup>

Jones, who had moved back to the reservation in 1933 after attending college in New Jersey and serving in WWI, reacted strongly against press depictions of his tribe.<sup>101</sup> Though he did not elaborate on how the tribe and reservation had been represented, it appears that he was most offended by indications of Native inferiority. It would seem that Jones had not internalised a belief in the “primitive” nature of his tribe and was clearly concerned with the Navajo public image.

Similarly, in a 1961 Inter-Tribal Council meeting, BIA Area Director Fickinger read out a letter from Creek Principal Chief Turner Bear to *TIME*.<sup>102</sup> The letter objected specifically to a 1960 *TIME* article which described the supposed adoption of Eleanor Roosevelt through the “traditional caparisons of his tribe by Chief Wah-Nee-Ota of the Creeks”.<sup>103</sup> The brief reference to the event was framed in heavily stereotyped terms, claiming Roosevelt was adopted as an expression of gratitude for her help in repatriating a “sacred beaded thunderbird” from the Smithsonian Institution, stating that “on the day the thunderbird came back to its rightful owners, so did much rain, big thunder.”<sup>104</sup> Not only did the language of this article delegitimise twentieth century Native efforts to regain sacred items from museums and archives, the event appears to have had no actual connection to the Creek Tribe. As the Inter-Tribal minutes detail, Principal Chief Bear wrote to *TIME*:

“to set the record straight as to who is really the principal officer of the Creek Tribe and pointing out that this person is an imposter in assuming a title not

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<sup>100</sup> NTC (15-23 November 1960), *MCMAIT 2/I*, Reel IV.

<sup>101</sup> For more on Paul Jones’ background, see: Iverson, *Diné*, pp. 211–3.

<sup>102</sup> FCTITC (11 January 1961), *MCMAIT 2/I*, Reel I.

<sup>103</sup> ‘People’, *TIME*, 19 December 1960, [www.time.com/archive](http://www.time.com/archive) (viewed: 14.6.2013).

<sup>104</sup> *Ibid.*

his own. Mr. Bear further stressed the need for factual information concerning Indians of America... to create a better understanding and appreciation of the Indian people.”<sup>105</sup>

The article mentioned that the “ceremony” had taken place in Beverly Hills, California; indeed, according to a 1959 *LA Times* article, Wah-Nee-Ota was a musician and actor also known by the name of William McGuire.<sup>106</sup> Though it is unclear whether he was a Creek tribal member or not, Wah-Nee-Ota’s presentation of himself as a “Creek Chief” was part of an act rather than a recognised tribal position.

Evidently, tribal councils did keep track of how they were represented in the press, and made efforts to oppose imagery that they found offensive or unrepresentative. However, this does not mean that tribal council members were wholly immune to the influence of Euro-American perceptions of them. Looking specifically at the example of ‘childhood’ imagery, it is apparent that tribal representatives at varying points in time adopted similar language in speaking of themselves in council meetings. This language was adopted most clearly in discussions surrounding the Fernandez Amendment to the Navajo-Hopi rehabilitation bill in 1949. Speaking out against the extension of state criminal jurisdiction over the reservation, Vice-Chairman Zhealy Tso stated:

“We are just like a child, able to toddle around with stumbling before getting anywhere. [...] [B]efore we are able to stand on our feet, while still as children, not steady on our feet, many things are added to this bill that we feel we are unable to take for the good benefit of our Navajo people.”<sup>107</sup>

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<sup>105</sup> FCTITC (11 January 1961), *MCMAIT 2/I*, Reel I.

<sup>106</sup> ‘Mayor’s a Creek’, *Los Angeles Times*, 13 March 1959, <http://latimesblogs.latimes.com/thedailymirror/2009/03/matt-weinsto-10.html> (viewed: 4.9.2015).

<sup>107</sup> NTC (11-14 October 1949), *MCMAIT 1/I*, Reel V.

Tso spoke in terms similar to BIA officials, who so often evoked childhood imagery when addressing tribal councils. Taken out of context, this speech could even be interpreted as evidence that Tso himself believed in Native inferiority, as he spoke specifically of Navajo tribal inability to support themselves.

It must, however, be taken into account that Tso spoke at a tribal council meeting, to an audience of both Navajo tribal members, BIA employees and the tribal attorney, Norman Littell. Tso followed this childhood imagery with an expression of hope that the government would continue to “lead us with the tremendous help from this long-range program”, stating that “the Navajo is not yet ready” for the state control Fernandez was pushing them toward.<sup>108</sup> He also expressed the need to make Congress aware of this. Essentially, Tso played upon Euro-American rhetoric of Natives as children to gain federal support, as well as the support of his peers, displaying agency in his dealings with the BIA. Just as council member Sam Gorman spoke of the tribe as “not as yet” ready for withdrawal in 1953, Tso effectively harnessed the language of supporters of assimilation, embedding it with his own meaning, to secure the continuation of federal trusteeship and economic development programmes for the tribe.<sup>109</sup>

Drawing again on Katanski’s phrase of “writing ‘Indian’”, Tso could be described as “speaking ‘Navajo’”, turning the rhetoric of Native infantilization to the purpose of Navajo socio-economic support. Furthermore, Tso began his speech by expressing pride in Navajo resilience, demonstrating that he did not deem the tribe inherently inferior:

“The Navajo mind has been made out singly, for a definite purpose, and on that purpose the Navajo has strived to exist and has existed to the point where

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<sup>108</sup> Ibid.

<sup>109</sup> See Chapter One.

the Navajo is the biggest tribe of Indians in the United States. In following their own mind, the dictates of their thoughts, they have gotten to be a big tribe.”<sup>110</sup>

Tso’s use of language is, in some respect, unique; few other representatives of tribes so adeptly and successfully turned Euro-American stereotypes to their own advantage. The success of this opposition to the extension of state jurisdiction was aided by its timing and the official categorisation of the Navajo as ‘predominantly Indian’ in Zimmerman’s List. Moreover, Tso was evidently aware of just how serious a threat the Fernandez Amendment and attempts at Termination were.

However, Navajo tribal members also used childhood imagery in the 1960s, when the most immediate threat of Termination had passed. Rather than referring vaguely to a time when the tribe might be ‘ready’ for withdrawal, tribal members employed the image of childhood to object to BIA paternalism. Speaking of the Revolving Credit Program, which was meant to include provisions for training Navajos to take over the administration of tribal programs, longstanding council representative and former Vice-Chairman Howard Gorman expressed frustration: “When are the Navajos going to wear long pants and handle their own Revolving Credit Program? It looks as though we have been wearing knee pants long enough on this deal.”<sup>111</sup> In referring to “knee pants”, Gorman depicted the tribe as immature, symbolically reduced to wearing children’s clothing. Through this image, he opposed the inefficiency of BIA bureaucracy, not allowing the tribe control over their own affairs: “What I mean is: we have been appropriating money for Government personnel [...]. They are just taking our money, and they haven’t trained anybody to take their places.”<sup>112</sup>

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<sup>110</sup> NTC (11-14 October 1949), *MCMAIT 1/I*, Reel V.

<sup>111</sup> NTC (5-30 June 1961), *MCMAIT 2/I*, Reel VI.

<sup>112</sup> *Ibid.*

Klamath Ida Crawford, wife of pro-Termination advocate Wade Crawford, expressed similar sentiments in a June 1960 meeting, two years after voting to withdraw from the tribe. During discussions of the complicated Termination process and how withdrawing tribal members would get their share of assets, Crawford criticised the suggestion that government loans should be paid out to tribal members until sufficient cash could be procured – loans that would accrue interest.<sup>113</sup> Crawford highlighted inequality in this practice, stating:

“What method are they going to use so that we can get some interest on the money owing to the Klamath Indians. Why isn’t there some talk of interest? Why is it all loans, loans, loans? They are talking to you like you are children. [...] You pay taxes, you have all the responsibility – you are citizens, that’s what you are.”<sup>114</sup>

Like Gorman, Crawford used the image of Natives as children to highlight federal paternalism and criticise government action. However, while Gorman’s speech was aimed at furthering tribal control of reservation development programmes, Crawford presented paternalism as a problem resulting from Indian status, stating later that “Nobody else has to sell their timber on sustained yield – no one but the Klamath Indians.”<sup>115</sup>

In her speech, Crawford indeed emphasised Klamath sameness to the mainstream – referring to them as not just citizens, but as taxpayers. Moreover, though Crawford had been an enrolled tribal member, she was born and had lived off the reservation for significant periods.<sup>116</sup> It is thus unsurprising that she distanced herself from the tribe,

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<sup>113</sup> For an explanation of the practicalities of such loans, see: Fixico, *Invasion of Indian Country*, p. 95.

<sup>114</sup> KGC (9 June 1960), *MCMAIT 2/II*, Reel X.

<sup>115</sup> *Ibid.*

<sup>116</sup> ‘Obituary: Ida Miller Crawford’, *Herald & News*, 6 May 1975, [www.heraldandnews.com](http://www.heraldandnews.com) (viewed: 4.9.2015).

referring to Klamath tribal members as “you” rather than “we”. This differentiation underscores the impression that she bought into the belief that Indians or tribal communities were somehow inferior – or at least, treated unfairly. She maintained, however, that “equality” through assimilation was possible. The case of Ida Crawford, her husband, and supporters of Termination like them, perhaps provide evidence of the trend Fixico has identified, of Native peoples coming to believe their cultures and societies were unworthy. These attitudes had a grave effect on the self-perception of some Native people, leading to support for withdrawal and the downplaying, if not wholesale eradication, of tribal cultures. Not all tribal representatives, however, reacted in this way, with others navigating and manipulating language used *about them* to further the position of their communities *as tribes*. Nevertheless, despite changes in federal administration, the infantilizing language about Native peoples remained prevalent throughout the period, demonstrating its pervasive nature.

## Conclusions

The Euro-American view of Native Americans as inferior and racially ‘Other’ was neither created by Terminationists, nor eradicated by shifts in federal policy in the 1960s. Rather the 1950s and 1960s press representations of Native peoples demonstrate the endurance of this ideology. Attitudes originating in the colonial era continued to impact on the lived experiences of Native peoples, both in dealing with federal officials and the mainstream public. Though by the 1960s the most obvious racist language was largely eradicated and press and federal officials avoided blatant discriminatory treatment, the underlying attitudes toward Native peoples remained the same.



Communication and journalism scholar Christopher Campbell argues that journalists who consciously rejected racism nevertheless “advanced attitudes that fostered racial discrimination and prejudice”, and that this practice continues to the modern day.<sup>117</sup> Though Campbell’s work focuses primarily on representations of African Americans, his argument is equally valid concerning Native Americans. Explicitly racist comments were rare in the mid-twentieth century press, largely only appearing in the more sensationalist publications like *TIME*, yet Indians were consistently portrayed as not only physically different, but inferior. That the press propagated these attitudes had very tangible implications for the lived experience of Native peoples. Though the most overt racial discrimination had largely subsided by the late 1950s, BIA employees working with tribal councils displayed strong preconceptions of, and attitudes toward, Native peoples. Furthermore, the indigenous population lacked control over both their relations with the federal government and how they were represented to the mainstream public. The persistent proliferation of the belief that tribal communities were less “civilized” than American society served to justify the continued paternalism of the government, allowing Euro-American officials to believe they knew what was best, without Native consultation.

Termination rhetoric, in speaking of “freedom” and claiming that trust status restricted Indians, glossed over the ways in which discrimination and prejudice continued to limit Native autonomy. In reality continuing federal coercion and widespread discrimination – not “Indianness” – precluded Native equality with the non-Native mainstream. The talk of “freedom” did not result in greater opportunities for self-determination amongst tribes, as paternalism persisted both on a local and federal level. Native cultures and communities survived only due to the commitment and determination of tribal members to resist paternalism, and to turn the language of tribal ‘advancement’ to their own advantage in the

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<sup>117</sup> Campbell, *Race, Myth and the News*, p. 9.

economic development of their communities. As demonstrated in Chapter 2, 1960s OEO programmes and the efforts of Secretary of the Interior Udall, though indicating apparent change, were still aimed at the eventual termination of trust status. However, instead of preparing tribes for ultimate Termination, Mississippi Choctaw and Navajo tribal members succeeded in using funds from such programmes to strengthen and revitalise their communities, against the odds. While this achievement was considerable, tribal voices were continuously marginalised throughout the 1950s and 1960s press. Change in media representation required more militant attempts at attention by Native activists, as Red Power protests in the late 1960s and 1970s, like the Occupation of Alcatraz, came to show.<sup>118</sup>

Discrimination and paternalism, thus, continued to impact upon Native experiences throughout the Termination period, but often in hidden and covert ways. Termination rhetoric, furthermore, placed the onus on tribes to maintain their cultures, obscuring the impact that federal withdrawal had on these. The inherent, hegemonic belief in Native “inferiority” outlined in this chapter, and tribal councils’ varied methods of rejecting it, must be acknowledged as playing a part in the implementation of federal policy on a local level.

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<sup>118</sup> From 1969-1970 Native activists occupied Alcatraz Island to protest federal Indian policies, the loss of lands and problems with the BIA. See Smith and Warrior, *Like a Hurricane*, pp. 18-35.

## Chapter Four: Being “American” – Identification and Acceptance

As the previous three chapters have shown, Termination legislation was predicated on the belief that Native Americans had failed to “assume their full responsibilities as American citizens”, a view which ignored continuing institutional discrimination. This chapter will explore whether Natives conceived of themselves as ‘American’ and were accepted as such by the mainstream public, as well as examining differing understandings of what it meant to be ‘American’. Despite the enduring fascination with “Indianness”, historiography has conclusively demonstrated that white supporters of Termination commonly believed the lifestyles of the Native population – which were seen as homogenous – were similar to Soviet communism. Indeed, an anti-socialist trend of conflating “Red Indians” with “Red Communists” had gained ground in U.S. public debate since the late 1800s, fuelled by news of attempted communist revolutions in Europe.<sup>1</sup>

This view was propagated, for instance, by Republican Congressman E.Y. Berry, who had grown up in close proximity to reservations in South Dakota and saw himself as an expert on Indian affairs.<sup>2</sup> A critical characteristic of his beliefs was that the communitarian New Deal, under John Collier’s “socialistic” leadership, had led the Native population away from American citizenship, and toward Communism. He expressed these beliefs in a 1950s speech: “Talk about fighting Communism? No, they are bringing it right to America and Communizing the Indian just as thoroughly as if they were citizens of Russia.”<sup>3</sup> The elements that Berry saw as contributing to this “communization” were the support of communal land ownership and on-reservation education, as well as the legal recognition of tribal marriages and divorces according to the 1934 Indian Reorganization Act. In Berry’s

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<sup>1</sup> Rosier, “They Are Ancestral Homelands”, p. 1305.

<sup>2</sup> Steven Schulte, ‘Removing the Yoke of Government: E.Y. Berry and the Origins of Indian Termination Policy’, *South Dakota History* 14 (1984), p. 52.

<sup>3</sup> Quoted in Valandra, *Not Without Our Consent*, pp. 24–5.

view, Native traditions and land ownership not only diverged from “American” individualist values, but were central elements of citizenship in the Soviet Union.

This demonization of the New Deal as a “divergence” in the otherwise productive progression of Indian policy toward assimilation was widely accepted in Congressional circles following WWII.<sup>4</sup> The BIA, the administrative powers of which had been bolstered by Indian New Deal policies, was furthermore lambasted for maintaining a supposed ‘socialistic welfare system’ that contradicted the American values of ‘freedom’, ‘democracy’ and ‘individualism’.<sup>5</sup> Congressional Indian policy in the early Termination period, in focusing on criticisms of the New Deal, thus ignored both the critical provisions guaranteed by nineteenth century treaties and the 1924 Citizenship Act. New Deal criticisms allowed Terminationists like Berry and Watkins to draw attention away from the real legal status of Indians as citizens, by making it clear that Native populations could not be currently perceived as “American”.

For the purposes of this chapter, ‘Americanness’ will be considered as a matter of both nationality and identity. In this respect, the concept is related to – but not synonymous with – citizenship, which will be considered in more depth in the next chapter. A national identity is dependent on the cohesive self-perception of a country’s population and in this sense is essentially imagined, the product of a working hegemony.<sup>6</sup> Unlike an ideology, national identity is hegemonic in that it is commonly accepted without being explicitly defined or communicated – mainstream Americans *know* what it is to be American without having to explain it to one another or themselves. Such a phenomenon is most succinctly defined by Jean and John Comaroff: “Hegemony [...] exists in reciprocal interdependence with ideology: it is that part of a dominant worldview which has been naturalized and,

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<sup>4</sup> Philp, *Termination Revisited*, pp. 1–2.

<sup>5</sup> Cobb, *Native Activism in Cold War America*, p. 12.

<sup>6</sup> In the Canadian context, Anderson and Robertson term such a national identity ‘imagined Canadiana’, see: Anderson and Robertson, *Seeing Red*, p. 9.

having hidden itself in orthodoxy, no more appears as ideology at all.”<sup>7</sup> It is difficult to pin down the exact nature of ‘Americanness’, as it is not usually openly discussed and disputed, but rather generally accepted by the mainstream population encompassed within it.

As Merle Curti documented in his 1951 book, the idea of ‘Americanism’ grew from the seventeenth century onwards, becoming inextricably linked to individualism in the 1870s.<sup>8</sup> Curti also sees ‘American’ thought as reliant on European tradition, with U.S. intellectual development being influenced by, and responding to, those trends.<sup>9</sup> His book as such reproduced the Eurocentrism inherent in ‘Americanness’, not presenting Native peoples or other ethnic minorities as playing any active role in shaping the national identity. *The Growth of American Thought* particularly reflects the prevailing ideas about ‘Americanness’ at its time of publication – the early Cold War period. Scholarship has shown that at this time, the notion of ‘Americanness’ became largely defensive, defined in opposition to perceived values of communism.<sup>10</sup> At this point, the belief in ‘American exceptionalism’ – that the United States as a ‘protector of the free world’, standing apart due to its unique origins and geography – was particularly strong.<sup>11</sup> In contrast to Soviet totalitarian control, Americans came to hold a heightened belief in the U.S. as the ‘land of the free’, and the need to defend the ideal of democracy was broadcast in the press.<sup>12</sup> The core values of ‘Americanness’ at this point in time can thus be identified as ‘freedom’, ‘individualism’ and ‘democracy’.

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<sup>7</sup> Comaroff and Comaroff, *Of Revelation and Revolution*, p. 25.

<sup>8</sup> Merle Curti, *The Growth of American Thought* (New York, 1951), p. vii.

<sup>9</sup> *Ibid.*

<sup>10</sup> For instance, Cobb has shown how American Cold War ideologies influenced Indian policy by defining tribal lifeways as ‘communitistic’, in opposition to the dominant capitalist culture. See: Cobb, *Native Activism in Cold War America*, p. 13.

<sup>11</sup> David Weiss and Jason Edwards, ‘Introduction: American Exceptionalism’s Champions and Challengers’, in D. Weiss and J. Edwards (eds.), *The Rhetoric of American Exceptionalism: Critical Essays* (Jefferson, 2011), pp. 1–4.

<sup>12</sup> Curti, *Growth of American Thought*, p. 791.

Nevertheless, Philip Deloria has shown in his influential book, *Playing Indian*, that “Indianness” also played a critical role in defining American national identity, with the performance of perceived Native traits helping to distinguish Americans from Europeans since the Boston Tea Party in 1773.<sup>13</sup> Historian Robert Berkhofer has argued that the popularity of “Indians” has fluctuated throughout the nineteenth and twentieth centuries, but imagery surrounding them has never disappeared completely.<sup>14</sup> Indeed, while federal Indian policy rarely made front page news in the mid-twentieth century, Native imagery maintained a consistent position of public interest. Scholarship on Indian representations recognises a resurgence of Native imagery both in World War II reports on Indian courage and war-time accomplishments, and in the propagation of Native imagery in anti-war protest during the 1960s and 1970s countercultural movement.<sup>15</sup> While Indian policy may have resulted in a few front page stories in the *Christian Science Monitor*, as Chapter Two has shown, most of the national press marginalised topics pertaining to Native policy. Looking at the *New York Times* alone, in the year 1956 – when the Termination processes of the Klamath and Menominee were well underway – only five articles explicitly referring to Termination policy appeared, while at least nineteen were published on various aspects of Native art and artisanship alone.<sup>16</sup> How can this continued interest in the image of the Indian and of Native cultures be reconciled with coexisting federal aims of Termination?

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<sup>13</sup> Deloria, *Playing Indian*, p. 2.

<sup>14</sup> Berkhofer, *White Man's Indian*, p. xii.

<sup>15</sup> Deloria, *Playing Indian*, p. 129, 158.

<sup>16</sup> Articles on Termination: ‘Indian Consent’, *NYT*, 12 January 1956, p. 26; Lawrence Davies, ‘Indians Divided on Being ‘Freed’’, *NYT*, 8 April 1956, p. 48; ‘Quakers Propose Help for Indians’, *NYT*, 4 June 1956, p. 31; ‘G.O.P. Delays Sale of Indian Ground’, *NYT*, 19 September 1956, p. 39; Seth King, ‘Lo! The Rich Indian’, *NYT*, 2 December 1956, p. 55. Articles on Native arts: ‘Hopi Indian Opera Offered’, *NYT*, 30 January 1956, p. 23; ‘Easter in Arctic a Festive Affair’, *NYT*, 1 April 1956, p. 65; ‘Wooden Indians to Go on Block’, *NYT*, 7 April 1956, p. 21; ‘Gay Indians of Wood and Iron are Sold for Much Wampum at Auction Wigwam’, *NYT*, 12 April 1956, p. 33; Faith Corrigan, ‘Young Navajos Spurning Rugs as a Way of Life’, *NYT*, 11 May 1956, p. 42; ‘Culture’, *NYT*, 17 June 1956, p. 220; Tania Long, ‘The Eskimos Meet the Twentieth Century’, *NYT*, 17 June 1956, p. 203; ‘Indian, 17, is Niagara Queen’, *NYT*, 5 August 1956, p. 24; ‘About New York’, *NYT*, 13 August 1956, p. 41; ‘Portraits of 4 Indians’, *NYT*, 13 August 1956, p. 17; Pollyanna Hughes, ‘Indian Festival’, *NYT*, 17 August 1956, p. 112; ‘Excavators Seek Iroquois Secrets’, *NYT*, 19 August 1956, p. 41; Diana Rice, ‘News and Notes from the

This chapter will evaluate the extent to which these beliefs of Indians as not ‘American’ permeated mainstream public opinion and Native self-identification in the Termination era, and how they existed in tension with the late 1950s and 1960s fascination with “Indianness”. It will begin by examining the extent to which Native individuals saw themselves as ‘American’, demonstrating how they interpreted the supposedly ‘American’ values of ‘freedom’ and ‘individualism’. This chapter will then assess the extent to which the press presented the Native population as part of and contributing to mainstream society. Finally, the ways in which the majority public and representatives of tribal councils interpreted “Americanness” will be compared, to highlight the diversity in interpretation that vague Terminationist language sought to obscure. In order to understand mainstream and Native responses to Termination policy, the multiple ways in which ‘American’ identity could be perceived will be explored.

#### **4.1. “I am an American and I am proud of it”**

Historians Paul Rosier and Daniel Cobb have both conclusively demonstrated that Native activists in pan-tribal organisations actively engaged with the political discourse of the Cold War period to further their aims of tribal sovereignty and self-determination.<sup>17</sup> Less studied is the extent to which international political contexts had an impact on discussions of federal Indian policy within tribal councils. An awareness of Cold War tensions was certainly evident in the Five “Civilized” Tribes Inter-Tribal council meetings throughout the Termination period. Most typically, this was manifest in declarations of opposition to

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Field of Travel’, *NYT*, 19 August 1956, p. 117; ‘Indians on Way to Sweden’, *NYT*, 29 August 1956, p. 18; ‘Indian Featherwork Shown’, *NYT*, 17 September 1956, p. 20; ‘Six Young Pueblo Indians Hit Manhattan Trails’, *NYT*, 4 October 1956, p. 35; ‘Photo Exhibit of Navajos’, *NYT*, 4 November 1956, p. 134; ‘Indian Artifacts Traced 1,000 Years’, *NYT*, 23 December 1956, p. 12; Paul Bohannon, ‘On Native Grounds’, *NYT*, 23 December 1956, p. 118.

<sup>17</sup> Rosier, ‘Ancestral Homelands’, p. 1302; Cobb, *Native Activism in Cold War America*, p. 4.

communism and the prospect of Soviet involvement with Native peoples. For instance, in a March 1961 meeting Choctaw representative Jack Davidson unequivocally declared: “I am an American and I am proud of it and I don’t think American Indians need any communism... I’ll fight to the last drop of blood in my veins to protect the heritage which we have.”<sup>18</sup>

While it is unclear whether Jack Davidson himself was a war veteran, his reference to violent combat on behalf of his heritage reflects the strong military participation of Oklahoma Choctaw in twentieth century U.S. wars; though lesser known than their Navajo equivalents, Choctaws served in both world wars as code talkers and several were awarded medals for their achievements.<sup>19</sup> Scholarship on race relations in WWII has demonstrated that Natives participated in the war effort in substantial numbers across-the-board, and often with considerable patriotic enthusiasm, indicating a possible affinity of participating tribal members to a shared “American” identity.<sup>20</sup> The involvement of Natives in the war had a particularly strong effect on tribal leadership and tribal councils; by 1946 over a third of all councils included at least one war veteran as a representative.<sup>21</sup> Choctaw military service and Davidson’s statement alike reflect a willingness to defend American society – whatever that was understood to be – aggressively. As discussed in the previous chapter, Davidson also nevertheless spoke of himself as an Indian and expressed concern about Mississippi Choctaw welfare due to their shared history. Evidently Davidson identified *both* as an American and an Indian.

Davidson’s comment reflected a fear of communist influence over Indians similar to that expressed by Berry in his early 1950s speech. While Davidson did not accuse Natives

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<sup>18</sup> FCTITC (4 March 1961), *MCMAIT 2/I*, Reel I.

<sup>19</sup> Lambert, *Choctaw Nation*, p. 53.

<sup>20</sup> Over 50,000 Native men and women participated in the war effort, either in the military or wartime industries, see: Fixico, *Termination and Relocation*, pp. 3–20.

<sup>21</sup> Alison Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman, 1991), pp. 135–6.



Americans of already being “Russian citizens”, he did see the spread of communist influence among tribal populations as a potential threat. Speaking of a “friend” who had visited the Soviet Union, Davidson stated:

“... he met with men who were a channel of communism for the American Indian. [...] people who are desirous of help sometimes will seek any form of aid that is offered to them... I would rather see the American Indian work by the sweat of his brow and the muscles of his back before he would accept communistic thinking.”<sup>22</sup>

Davidson here expressed a typically mainstream American belief in the ability of all to succeed through individual effort – a rugged individualist mentality.<sup>23</sup> A critical difference between this statement and Berry’s is nevertheless evident. As a Choctaw tribal representative, Davidson recognised the struggles much of the Native population faced, which could lead them to ‘seek any form of aid’, even from enemies of the U.S. government, and indicates an awareness of the scandalous history of disastrous Native-foreign cooperation in the past. Davidson was likely referring to the 1939 attacks on the American Indian Federation, a pan-tribal organisation critical of New Deal policies with a heavy following in Oklahoma, which fell into disrepute due to allegations of cooperation with pro-Nazi groups like the German-American Bund and Silver Shirts.<sup>24</sup>

Davidson’s background as a representative of the Choctaw tribe in this era must also be taken into account. The Choctaw tribal leadership, under Principal Chief Harry Belvin, spearheaded the effort to terminate the trust status of the Oklahoma tribe beginning in 1959, two years before this meeting was held.<sup>25</sup> Indeed, Davidson’s statements in the Inter-

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<sup>22</sup> FCTITC (4 March 1961), *MCMAIT 2/1*, Reel I.

<sup>23</sup> Fixico describes this as the belief that “America is free to all willing to ‘pull themselves up by their bootstraps.’” See: Fixico, *Call for Change*, p. 62.

<sup>24</sup> Rosier, ‘Ancestral Homelands’, pp. 1306–7.

<sup>25</sup> Lambert, *Choctaw Nation*, p. 57.

Tribal council were backed by Belvin, who told the story of a young Indian man who tried to appeal to the Russian Consulate for financial assistance. Belvin, however, questioned the allegiance of Indians who were struggling:

“... we can complain to our hearts content against our Government, and some of its policies, but we must never forget, first, last and always, that we are Americans... I have said this many times and I will say that again, if I don't love my country, there are boats leaving every day for Russia and other parts of the world.”<sup>26</sup>

Belvin's adoption of Terminationist rhetoric and hyper-patriotic promotion of his “American” identity indicates that he and Davidson held different priorities. Belvin implied that being included in mainstream society was simply a matter of will and hard work, employing rhetoric similar to that propagated by, for instance, Muskogee Area Office employees in addressing problems of discrimination. In contrast, Native activist organisations like the NCAI and NIYC argued for further government development of reservations on the grounds that this would help curb any influence of Soviet communist propaganda.<sup>27</sup> Belvin's views instead reflect Terminationist ideas presented in HCR 108, that Natives – by choice – had not lived up to certain ‘responsibilities as American citizens’.

These Choctaw representatives of the Inter-Tribal Council seem to have been well aware of Cold War tensions and made significant efforts to dissociate themselves from any accusations of Soviet influence. An examination of Belvin's statements and their affinity to Terminationist ideology sheds some light on the possible reasons why he pushed for the withdrawal of his tribe's federal trust status. Belvin, born to a Euro-American mother and Choctaw/Cherokee attorney father, grew up on a 1,280-acre ranch, meaning he was

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<sup>26</sup> FCTITC (4 March 1961), *MCMAIT 2/1*, Reel I.

<sup>27</sup> Cobb, *Native Activism in Cold War America*, p. 77.

financially better off than most Five Tribes members.<sup>28</sup> In this respect, Belvin, as a mixed-race, economically self-sufficient man, reflected the relatively “elite” make-up of the Inter-Tribal Council. Fervent anti-communism may furthermore be explained by the Inter-Tribal Council’s close links to the NCAI; former president N.B. Johnson remained a Cherokee representative on the Council in this period.<sup>29</sup> As Rosier has effectively demonstrated, the NCAI worked hard to dissociate itself from international contacts which could be perceived as Communist, and cultivated links to hyper-patriotic groups.<sup>30</sup> Though Belvin’s statements were perhaps closer in sentiment to Berry’s than the NCAI stance, the awareness of Cold War issues apparent in the Inter-Tribal Council was likely fostered by these links to activist organisations.

Furthermore, the context in which these Choctaw representatives spoke of the threat of communism is significant – Davidson first brought up the subject after Earl Boyd Pierce (Cherokee) reported on an NCAI special advisory session on the upcoming American Indian Chicago Conference.<sup>31</sup> Cobb’s detailed analysis of the run up to the conference shows that Inter-Tribal Council members held deep-seated suspicions about the event, worrying it might result in the establishment of an organisation in conflict with the NCAI. Cobb describes oil baron and Cherokee Principal Chief Keeler as – having conducted a business trip to the Soviet Union – becoming suspicious that Chicago Conference organiser Sol Tax had communist contacts.<sup>32</sup> Ultimately, through participation in the Conference, Pierce managed to strong arm the inclusion of an “American Indian Pledge” as a preface to the Declaration of Indian Purpose there drafted, acting as an oath of Native loyalty to the

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<sup>28</sup> Lambert, *Choctaw Nation*, p. 73.

<sup>29</sup> FCTITC (4 May 1961), *MCMAIT 2/I*, Reel I.

<sup>30</sup> Rosier, ‘Ancestral Homelands’, p. 1318.

<sup>31</sup> The June 1961 Chicago Conference, held at the University of Chicago and organised by anthropologist Sol Tax and members of the NCAI, was an event aimed at creating a unified Native statement on Indian policy. The Declaration of Indian Purpose was drafted at the conference, though initial aims were toned down due to the demands of conservative committee members. See: Cobb, *Native Activism in Cold War America*, pp. 30–57.

<sup>32</sup> Davidson may also have been referring to Keeler in speaking of his ‘friend’ who had visited the Soviet Union, see Cobb’s description of Keeler’s trip: *Ibid.*, p. 38.

United States.<sup>33</sup> Through the course of the conference, Pierce had also cautioned against strong anti-Termination statements, indicating that he may have sympathised with Belvin's support of the policy, or at least did not want to contradict it publicly.

Cobb rightly identifies strong conservative elements running through the Inter-Tribal Council, particularly in the activities of representatives like Keeler and Pierce. During the March 1961 Five Tribes meeting in which Davidson and Belvin spoke, the council voted to commend both these Cherokee councilmen for their work, implying that such pro-American views had support.<sup>34</sup> The wording of these commendations, however, seems to contradict the notion that Five Tribes representatives saw themselves as primarily 'American'. Both resolutions focused on the Native population as separate, praising Keeler and Pierce for "effort in behalf of the Indian people" and "service rendered to the Indians of this country."<sup>35</sup> Indeed, Council proposals continued throughout the Termination period to refer to the Native population as "Indians" rather than "Americans".

The influence of tribal 'elites' that were sympathetic to some of the assimilationist aims of Termination is thus clear in these Inter-Tribal Council sessions, but not all representatives subscribed to such views. Those Natives that supported government Termination policy were evidently more likely to refer to Indians as 'American'. Comparing Belvin's statement to speeches of Klamath tribal members in favour of PL 587 supports this impression. For instance, speaking at a November 1957 meeting, a Mrs Shelp stated: "[...] I am also a Klamath Indian, but an American first – and it seems to me that now the world situation is changed a great deal and the sooner that us Klamaths take our place in society the better for us [...]."<sup>36</sup> Shelp's statement is remarkably similar to Belvin's; both prioritised their identity as 'American' over their tribal affiliations. This self-identification as "American"

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<sup>33</sup> Ibid., p. 51.

<sup>34</sup> FCTITC (4 March 1961), *MCMAIT 2/I*, Reel I.

<sup>35</sup> Ibid.

<sup>36</sup> KGC (16 November 1957), *MCMAIT 2/II*, Reel X.

may explain why these two individuals were inclined to support federal withdrawal, as both apparently saw themselves as part of the mainstream rather than a tribal community.

In Belvin's case, the ease of associating with mainstream society could be attributed to his 'mixed-blood' heritage, but there is no evidence of Mrs Shelp's background to draw any parallels here. Furthermore, attempting to interpret Native identity based on biological make-up substantiates a colonial legacy of Euro-Americans determining the "competence" of Native individuals based on 'blood quantum'.<sup>37</sup> Indeed, Maori anthropologist Linda Tuhiwai Smith has argued that blood quantum has been used as a method of asserting colonial power over indigenous peoples worldwide, allowing Native status to be defined from the outside.<sup>38</sup> It is more useful to consider a characteristic Shelp and Belvin clearly shared – socio-economic status. In justifying her stance, Shelp stated: "Let me say this, that in the state of California where I reside, I am the guardian of the persons and estates of my children for a great many years. A few weeks ago I handed over to my son \$10,000.00 which I had invested for him."<sup>39</sup> Shelp, living off-reservation, had evidently already integrated successfully into mainstream American society and achieved financial stability, like Belvin.

This likely influenced their perception of the policy of Termination, as Shelp particularly may have assumed that others, when forced by PL 587 to decide how to manage their own assets, would benefit economically. Both Shelp and Belvin serve as models of 'acculturated' Native individuals who identified themselves as 'American', just as Senator Watkins hoped. Unfortunately their shared assumption that the eradication of trust status would economically benefit Native Americans was unfounded; Termination led to further impoverishment in virtually all cases. Though members of the Klamath tribe who chose to

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<sup>37</sup> R. Warren Metcalf demonstrates how the use of blood quantum was politicised in the case of 'mixed-blood' Ute Termination. See: Metcalf, *Termination's Legacy*, p. 136.

<sup>38</sup> Smith, *Decolonizing Methodologies*, p. 22.

<sup>39</sup> KGC (16 November 1957), *MCMAIT 2/II*, Reel X.

withdraw their share of assets during their Termination process were awarded \$43,000 each, this did not offer lasting security: by 1965 nearly forty percent had already used up these funds, and in 1989 thirty percent of all Klamaths were still earning less than \$5,000 annually.<sup>40</sup> Furthermore, it is important to note that relative financial stability after Termination did not equate to losing Klamath identity. Though Charles Kimbol himself opted to withdraw from the tribe and used his \$43,000 to buy a family home, he nevertheless became an influential tribal leader in the late 1960s and led the legal battle for the restoration of Klamath trust status.<sup>41</sup> Kimbol did not view Termination as preventing tribal organisation, telling those who had opted to remain with the tribe that “it wasn’t meant for you not to organise and have a real council and stuff.”<sup>42</sup>

Nevertheless, Shelp, Davidson and Belvin were all ‘elite’ and at least ‘semi-acculturated’ members of their respective tribes. Furthermore, their tribes – the Klamath and the Oklahoma Choctaw – were perceived by government employees as relatively ‘assimilated’, as Termination proposals for both tribes were accepted. How, then, did members of ‘predominantly Indian’ tribes identify themselves? The extent to which, for instance, Navajo tribal members saw themselves as ‘American’ must be examined in order to assess whether identification with the mainstream was based on economic success or something else. The topic of ‘Americanness’ was discussed in Navajo Tribal Council meetings, usually when speaking of military involvement and the legacy of WWII, a matter of pride to the *Diné* both in the immediate post-war era and today.<sup>43</sup> Navajo council meeting minutes demonstrate that participation in the war effort raised expectations for further inclusion in American society among many Navajos, not just tribal elites. For instance, in a meeting discussing the

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<sup>40</sup> Ulrich, *American Indian Nations*, p. 64; Wilkinson, *Blood Struggle*, p. 84.

<sup>41</sup> Charles Kimbol, Interview (27 October 2015).

<sup>42</sup> *Ibid.*

<sup>43</sup> Tohe, *Code Talker Stories*, p. 10.

Fernandez Amendment in 1949, council representative Maxwell Yazzie referred to the war in supporting the extension of state jurisdiction over the reservation:

“The United States government has used us wards of the government as full-fledged citizens of the United States during the war. They have used our young men as soldiers and left some over in foreign countries. The Fernandez Amendment says we will exercise full citizenship in our states and in the United States.”<sup>44</sup>

Yazzie’s statement reflects Terminationist rhetoric to a fair extent, demonstrating that he did not see the Navajo population as enjoying “full-fledged citizenship” of the United States, presenting the Navajo as ‘wards’ that had only been ‘used as’ citizens in the war effort. On closer inspection, however, it appears that he believed that being a “U.S. citizen” and coming under state jurisdiction would better protect the tribe’s rights, particularly concerning education, as guaranteed by treaty: “It will answer a portion of the old Treaty with the United States Government with Navajo Indians on the education of the Navajos up to the standard of being capable citizens of the United States.”<sup>45</sup> This indicates that in his view, the treaty-guaranteed rights of tribal members as Navajos were not incongruous with their rights as American citizens. Furthermore, in true patriotic fashion, he supported further involvement of tribal members in American military efforts, stating the U.S. government could be “privileged and proud of using our young men whenever the time comes they will need to be used.”<sup>46</sup>

This dedication to U.S. military participation certainly contradicts Congressman Berry’s assumptions of Native Americans becoming “Russian citizens” as a result of the New Deal. Indeed, throughout the Termination era, the Navajo council strongly denied any

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<sup>44</sup> For further discussion on the Fernandez Amendment, see Chapter 1.1. NTC (11-14 October 1949), *MCMAIT 1/I*, Reel V.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

accusations of communist links, just like the supposedly more ‘acculturated’ Five Tribes. In a July 1950 meeting council representative Howard Gorman asked the tribe’s attorney Norman Littell to respond to radio and press accusations that he was a communist: “Several weeks ago we were surprised and amazed to hear that a certain man made some broadcasts and some charges against our attorney, Mr. Littell, in that he was affiliated with some Communist organizations”.<sup>47</sup> Gorman did not make clear who had made these accusations, rather raising the topic to make a strong statement of Navajo patriotic support against communism: “[...] during the war we took a very definitive stand against any form of subversive activity, un-American activity, and we have fought for the freedom that we have.”<sup>48</sup>

While Gorman did not explain how he defined “un-American activity”, it is obvious why tribal members would not have wanted to be associated with communism in the early 1950s: being accused of socialist affiliations during the height of McCarthyism would have done the tribe no favours.<sup>49</sup> Tribal members furthermore supported Berry’s condemnation of the New Deal, seeing as the Indian Reorganization Act and Collier’s policy of stock reduction were highly unpopular among the Navajo; most tribal council representatives at this point were from lower socio-economic levels of the community, and thus most heavily affected by stock reduction.<sup>50</sup>

The Navajo Tribal Council continued, however, to express its official stance of American patriotism even after the “Red Scare” had lost its most fervent momentum. In an August 1961 report to the council, Chairman Paul Jones commented vaguely on international affairs, asserting Navajo support for the U.S. on the world stage:

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<sup>47</sup> NTC (10-13 July 1950), *MCMAIT 1/I*, Reel V.

<sup>48</sup> *Ibid.* For information on Littell’s removal as Navajo attorney, see: Peter Iverson, *Diné*, p. 231.

<sup>49</sup> Fixico, *Termination and Relocation*, p. 77.

<sup>50</sup> Iverson, *Diné*, pp. 155–7; Niethammer, *I’ll Go and Do More*, p. 62.



“These are perilous times for the free world. [...] I am sure that this Council and Navajo people will join me in a pledge of patriotism to our President. If our nation should go on a complete war footing, it goes without saying that many of our Tribal plans will necessarily be changed or delayed.”<sup>51</sup>

In this critical statement, Jones made clear that in his view, the Navajo tribe was certainly a part of the ‘free world’ that the U.S. represented. Jones even provided some indication of his understanding of ‘patriotism’, which involved participating in any war effort and prioritising the needs of the United States over improvement programs for the tribe.

A willingness to sacrifice the needs of the tribe is clear, but to what extent did Jones’ belief reflect wider tribal opinion? His background certainly differed from that of most tribal members. As mentioned in Chapter Three, Jones spent an extended period of time off the reservation in his youth, attending school in New Jersey, serving in the military, and working for the National Tea Company, before returning to the reservation and working as Navajo Chairman from 1955 to 1963.<sup>52</sup> Similarly, Howard Gorman, a former tribal Chairman, was described by Peter Iverson as a member of the tribal council ‘Old Guard’ – referring to his involvement with the council since its inception by the BIA – and he evidently served as a representative for almost the entire Termination period, indicating some level of ‘elite’ status.<sup>53</sup>

In contrast, though little background information about Maxwell Yazzie could be found, his 1940 U.S. census records indicate that he had not been formally educated and was a farmer by occupation.<sup>54</sup> The tribal council records contain few comments by Yazzie, indicating he was not as heavily involved as Jones and Gorman were. Despite their

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<sup>51</sup> NTC (22 August – 1 September 1961), *MCMAIT 2/I*, Reel VI.

<sup>52</sup> Iverson, *Diné*, p. 211.

<sup>53</sup> *Ibid.*

<sup>54</sup> Census Records – Maxwell Yazzie (1940), [http://www.ancestry.com/1940-census/usa/Arizona/Maxwell-Yazzie\\_2t893w](http://www.ancestry.com/1940-census/usa/Arizona/Maxwell-Yazzie_2t893w) (viewed: 8 September 2014).

differences in background, all three evidently valued Navajo involvement in U.S. military efforts and saw the tribe as rightfully included in American society through this participation. Navajo tribal members apparently thus self-identified as American and valued their role in American civic life, having strongly campaigned to secure federal and state voting rights which New Mexico and Arizona had denied until 1948.<sup>55</sup> This identification of the Navajo as ‘American’ permeated not just the so-called ‘elite’, but less formally educated elements of communities across the reservation, despite the tribe supposedly being ‘predominantly Indian’.

Comparing the Navajo to another ‘predominantly Indian’ tribe, however, reveals that these ties to a perceived ‘American’ identity fostered by WWII participation were likely quite exceptional. The war effort had also affected the lives of members of the Mississippi Band Choctaw, with over one hundred men serving in the military and Choctaw women covering farm work on the home front.<sup>56</sup> In stark contrast to frequent mentions of patriotism and the war in the Navajo council, there is little record of the Mississippi Band Choctaw discussing war participation or mentioning ‘American’ allegiance in the minutes available in the Termination period. There is no evidence to support the notion that Choctaw tribal members expressed any affinity to ‘American’ identity, even in speaking to BIA or other government employees.

As the statement of Mississippi Choctaw representative Woodrow Billie quoted in the previous chapter indicates, in the early 1950s tribal members expressed frustration at racial discrimination by BIA officials, implying they failed to even see tribal members as “human”.<sup>57</sup> Billie’s statement was not apparently refuted in the council, with Chairman Joe Chitto only commenting that there was “a little ray of hope” in the upcoming change of

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<sup>55</sup> Philp, *Termination Revisited*, p. 52.

<sup>56</sup> Osburn, *Choctaw Resurgence*, p. 132.

<sup>57</sup> MBCTC (23 December 1952), *MCMAIT 1/I*, Reel XI.

administration the following year, meaning the Mississippi Band would gain a new superintendent, hopefully “from out of the State”.<sup>58</sup> These hopes were not contested, indicating that council representatives recognised that discrimination by BIA staff was a major problem. Representatives of the council, none of whom had in the early 1950s completed high school, had little contact with mainstream society.<sup>59</sup> In the context of Jim Crow Mississippi, faced with racial discrimination not only from surrounding Euro-American communities, but the very BIA employees meant to facilitate their services, tribal members were excluded from a wider national identity.<sup>60</sup> Dealing with racism, paternalism and poverty, there was indeed no reason for Mississippi Band tribal members to see themselves as ‘American’. Identification as ‘American’ hence varied both within and between tribal councils, but was not strictly tied to their supposed ‘acculturation’. Rather this was dependent on a wide range of circumstances, including the treatment of tribal members in their respective localities, the experience of individuals within mainstream society, and political motivations within the context of the early Cold War.

## 4.2. The Press: Indians as “Americans” and American “Indianness”

Many American Indians, then, publicly identified themselves as ‘American’, with the Mississippi Choctaw presenting an extreme exception. However, inclusion into the ‘American’ national body is not only a matter of self-identification, but also acceptance – as the Mississippi Choctaw case demonstrates. To what extent did the mainstream, Euro-American public view Natives as part of “American” society? As examined in Chapter Two, press reporting on Termination, whether supporting or opposing it, largely did not refute

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<sup>58</sup> Ibid.

<sup>59</sup> See footnote 18 in: Osburn, *Choctaw Resurgence*, p. 259.

<sup>60</sup> In 1951, a Cherokee finance specialist commented on Indian Service efforts for the Mississippi Choctaw, ‘There is obvious lack of planning, of cooperation, of effort, even of sympathy.’ See: Osburn, *Choctaw Resurgence*, p. 137.

the core assumption that assimilation of the indigenous population was the ultimate goal of Indian policy, but questions remained over whether the integration of Indians was possible. A broad consensus thus existed that Native people should become “American”, but the extent to which press writing presented them as able to become part of the nation must be established.

Looking at early 1950s press reports on the formation and passage of Termination legislation, it is clear that few references were made to Native peoples as ‘American’, rather just calling them ‘Indians’. For example, a March 1950 *New York Times* article, ‘Deadlocks Beset Indian Freedom’, made no reference to ‘Americans’, describing developments in Indian Affairs as aiming “to get the Indians out of wardship”.<sup>61</sup> This article is representative of a trend in 1950s official government rhetoric that emphasised the separation of Native populations from the mainstream by never referring to them as ‘Americans’ – even Watkins only presented Indians as becoming ‘American’ once tribes were terminated. Presenting indigenous people as marginal populations restricted specifically by their “Indianness” in this way justified Termination plans, as the removal of trust status was required for Native people to transform into ‘full Americans’. Interestingly, however, news articles like those mentioned in Chapter Two never described Termination as turning ‘Indians’ into ‘Americans’, speaking only more broadly of citizenship and never propagating Watkins’ claims. Though issues of citizenship will be discussed in more depth in the following chapter, it is important to note here that pro-Termination reporting did not describe Natives as ‘American’ either at present or at any definite point in the future.

Examining press representations of Native Americans more broadly shows that some press reporting nevertheless characterised “Americans” as people who were born, and – critically – whose ancestors originated from within, contemporary U.S. borders. This

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<sup>61</sup> Bess Furman, ‘Deadlocks Beset Indian Freedom’, *NYT*, 6 March 1950, p. 15.

definition was commonly employed by the 1950s and 1960s press – particularly the *Christian Science Monitor* – in writing critical of Termination legislation.<sup>62</sup> In 1955 the *Monitor* ran a commentary on government Indian policy entitled ‘Justice for America’s First Settlers’, describing a Blackfoot man as being “more American than most citizens. He was one of the nation’s first settlers, an American Indian of the Blackfeet Tribe of Montana.”<sup>63</sup> In this instance, a Native person was categorised as American purely due to geographic and historical factors, even stating he is “more American” than the mainstream population due to his indigeneity.

Despite considering Natives as inherently “American”, the commentary nevertheless concurrently presented the Blackfoot man as an exoticised “Other”, marginalising him as the previous chapter has shown was typical of the press. The unnamed man was described as wearing a “strange necklace of bears’ teeth”, speaking “in an unfamiliar tongue”, and communicating only through an interpreter.<sup>64</sup> Furthermore, whilst in the second paragraph he was explicitly referred to as “American”, throughout the rest of the commentary “American Indians” and “Americans” were referred to as separate categories. This undercut the initial proposition of Indian “Americanness”, leaving the reader with the impression that simple geography did not, after all, determine nationality. This again highlights the phenomenon Philip Deloria referred to as a “doubled consciousness”, as identified in the previous chapter.<sup>65</sup> The article’s author played with the notion of incorporating Indians into their conception of “Americanness”, but was unable entirely to accept it, instead implying that they were “different” but not “foreign”. These conflicting notions were not resolved, existing in evident tension with each other.

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<sup>62</sup> See: Josephine Ripley, ‘Justice For America’s First Settlers’, *CSM*, 8 July 1955, p. 20; Kimmis Hendrick, ‘A New Look at the First Americans’, *CSM*, 2 March 1956, p. 18; Kimmis Hendrick, ‘The American Indian: A Progress Report’, *CSM*, 11 April 1956, p. 9.

<sup>63</sup> Ripley, ‘Justice for America’s First Settlers’, *CSM*, p. 20.

<sup>64</sup> *Ibid.*

<sup>65</sup> Deloria, *Playing Indian*, p. 150.

This categorisation of the Indian as both ‘American’ and not was, of course, purposeful – the aim of the comment piece was to criticise contemporary Indian policy, presenting the indigenous population as downtrodden and destitute. The article pointed to “many” American Indians having an average income of “less than \$200 a year”, despite widespread prosperity reaching the rest of the country. Indian policy was portrayed as having failed the indigenous population; the writer accused the government of ignoring Natives in favour of aiding underdeveloped areas overseas – a clear jab at the Point Four programme. The article thus presented a contradictory image of “Americanness” for specific effect – the Indian was portrayed as having the right to the same standards of living as the mainstream population due to their historic primacy on the U.S. continent, but being impoverished by poor government policy. Here, the concept of being “American” was used as a justification for opposing Indian policy, by highlighting the inequality in living standards between the average Euro-American and American Indian. Significantly, though the article referred to NCAI opposition to Termination, the writer clearly stated: “Eventual termination of federal trusteeship is not opposed, but Indian leaders believe that the time has not yet come for that step.”<sup>66</sup>

The same trope of Indians as the “first Americans” appeared also in the *Times*, featuring prominently in 1960s editorial comments on Indian policy.<sup>67</sup> Just as with the *Monitor*, this writing opposed fast-paced Termination on the grounds of Indian primacy on the North American continent. As a July 1961 editorial proclaimed: “These are our neighbors. They were here before we were. They have rights that even the descendants of the Mayflower’s passenger list cannot contest.”<sup>68</sup> This reference to “rights” reflected a 1960s development

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<sup>66</sup> Ripley, ‘Justice for America’s First Settlers’, *CSM*, p. 20.

<sup>67</sup> ‘The Indian as Citizen’, *NYT*, 16 July 1961, p. E8; ‘Last Call for the Senecas’, *NYT*, 4 May 1964, p. 28; ‘Justice for the First Americans’, *NYT*, 15 July 1970, p. 38.

<sup>68</sup> ‘The Indian as Citizen’, *NYT*, p. E8. Similar references to “rights” come through in other 1960s articles on Indian affairs, see: ‘Senate Votes End of Race Barriers in 80% of Housing’, *NYT*, 9 March 1968, p. 1.

in public discourse that sociologist Michael Schudson characterises as the concept of a “rights-based citizenship”.<sup>69</sup> The influence of the developing rhetoric of the African American Civil Rights movement was here applied to Indian affairs, but was coupled with this notion of indigenous precedence. However, the Native population was still distanced from the mainstream population through the use of pronouns like “we” and “they” – implying that integration was incomplete.

Nine years later to the month, the *Times* published a commentary on Nixon’s Special Message on Indian Affairs, beginning with two paragraphs of a vague history of European settlement in the Americas: “When Europeans first arrived on this continent and spread into its interior, they found a people whose ancestors had come from Asia 25,000 years earlier [...]”.<sup>70</sup> The use of this imagery of Native Americans as an “ancient” people on the continent thus apparently endured throughout the 1950s and 1960s. However, unlike earlier *Monitor* applications of the concept, here Termination was seemingly rejected outright: “The policy adopted in 1953 of trying to ‘terminate’ the Indians was an error.”<sup>71</sup> Despite this apparent major difference, the commentary implies this was because “poverty-stricken and culturally disorganized” Indians were not yet ready for Termination, terming the policy “premature”. This indicates that though the paper took a stronger stance against Termination after Nixon’s Special Message was issued, underlying support for eventual assimilation still persisted.

As in *Monitor* writing, the blame was thus placed at the government’s door, terming federal Indian treatment as “neglect” and detailing financial responsibilities: “There should be no illusion, however, that the nation’s overdue debt to the First Americans can be discharged quickly or cheaply.”<sup>72</sup> This highlights a common characteristic of all references

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<sup>69</sup> Michael Schudson, *The Good Citizen: A History of American Civic Life* (New York, 1998), p. 255.

<sup>70</sup> ‘Justice for the First Americans’, *NYT*, p. 38.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

to 'First Americans' in the press – blaming the government for Indian poverty. These writings, though justifiably portraying the federal government as actively excluding the Native population from American society, work to marginalise Native peoples in a pervasive victim narrative. Native tribes and individuals were largely left out of the equation; though articles referred to the NCAI or included vague references to tribal leaders, Native perspectives were marginalised. One of the *Monitor* articles even ironically quoted a Native individual stating the Indian voice was “for the first time, really, [...] being listened to”, but failed to identify her as anything other than “a tribal council chairman, a woman”.<sup>73</sup> Omitting her name and tribal affiliation in this way denied her agency as both an individual and a representative of her tribe.

Though these articles promoted Indian “rights” and criticised government plans for the termination of tribes, they simultaneously side-lined Native viewpoints. Tribal members, as the quote of Maxwell Yazzie above shows, did not necessarily find identifying as “American” incongruous with upholding the legal value of treaty rights. The present-day acceptance of federal-tribal interactions as a government-to-government relationship is based on the treaties signed between the federal government and tribes until the 1871 Indian Appropriations Act was passed, demonstrating that the U.S. recognised tribes as sovereign governing bodies.<sup>74</sup> Supreme Court decisions in cases filed by Native activists in the late 1960s and early 1970s affirmed these treaty provisions, leading to the current hegemonic view of modern tribes as sovereign.<sup>75</sup> Legal scholar Charles Wilkinson has argued that this tribal sovereignty is not a modern construction, but deeply rooted in the colonial period and “long-dormant” in Indian affairs until the Termination period.<sup>76</sup>

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<sup>73</sup> Hendrick, 'The American Indian', *CSM*, p. 9.

<sup>74</sup> Wilkinson, *Blood Struggle*, p. 61.

<sup>75</sup> *Ibid.*, pp. 248-9.

<sup>76</sup> *Ibid.*, p. 241.



Indeed, discussions of Indian precedence, like Congressional rhetoric, lacked mention of the legal implications of treaties between individual tribes and the government. In framing the debate in terms of “who got here first”, this writing sidestepped complex legal debates over the validity of treaties in favour of drawing support for Indian rights in terms easier for the mainstream public to relate to – that of making everyone “equal” Americans. This trend in press writing thus promoted assimilation by arguing that Natives should be brought in line with ‘Americanness’ because of their geographical right to be in the country. Such references constructed an image of the Native population as playing a critical role in the American past, but excluded from its present. Particularly in late 1950s and 1960s writings, the press presented government policy as moving further away from Termination and closer toward this goal of “equality”; as one article put it: “Here is a positive, precious indication that the American ideal of all-inclusive human dignity is at last beginning to encompass the first Americans.”<sup>77</sup> The goal of assimilation into the “American” mainstream was thus supported, though Termination was seen as the wrong tool for the job.

Despite opposing Termination, articles speaking of Indian precedence thus actually *perpetuated* Terminationist understandings of Native legal status; being born within the boundaries of the U.S. meant Native individuals had the potential to become “American”, but only if they conformed to certain ambiguous standards. Moreover, writing on Native issues often displayed only a vague awareness of federal legislation. This was particularly evident in a 1957 *TIME* article detailing the efforts of African American reporter Carl Rowan to document life on reservations. The article drew rough parallels between Rowan’s own experience as a minority with the situation of Natives, who were described as “the other ‘American who is not quite an American’.”<sup>78</sup> This statement neatly epitomised the underlying tone of all press writing on the idea of Indians as “American” – that, like African

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<sup>77</sup> Hendrick, ‘The American Indian’, *CSM*, p. 9.

<sup>78</sup> ‘The Press: Broken Arrow’, *TIME*, 4 March 1957, [www.time.com/archive](http://www.time.com/archive) (viewed: 10.6.2013).

Americans, the indigenous population was to some degree both included and excluded; perhaps geographically American, but too racially and culturally different to be really accepted in the mainstream.

Interestingly, the article did in passing mention that the Native population legally had U.S. citizenship: “75,000 Indians (who got U.S. citizenship only 33 years ago)”.<sup>79</sup> Evidently the article’s author viewed citizenship as separate from being fully “American”, as they portrayed Natives as citizens, but “not quite American”. Like the articles emphasising Indian precedence, this one was also critical of government efforts, but did not mention Termination. Instead relocation was depicted as a failure, with the government presented as encouraging Natives to leave the reservations, only for them to be met with discrimination in urban communities: “In many areas Indians are denied admission to hospitals, refused police protection, turned down when they apply for social-welfare aid.”<sup>80</sup> Unlike the *Monitor* and *Times*, this *TIME* article presented not only the government, but also “local whites” as excluding Indians from mainstream society. The article touched on experiences similar to those of the Mississippi Choctaw, pointing out that regardless of theoretical categorisations of Natives as ‘American’ or not, in practice discrimination by the white population excluded them from mainstream society.

Weston has pointed out that though the press presents itself as a provider of objective facts, reporting on Native Americans has continued throughout the twentieth century to perpetuate “well-worn Indian imagery”.<sup>81</sup> Indeed, 1950s and 1960s press reports on Indian affairs persistently emphasised Native differences rather than their commonalities with the mainstream public. This distancing of Natives from American society is furthermore reflected in the persistent press preoccupation with “exotic” Indian cultures. This

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Weston, *Native Americans in the News*, p. 5, 103.

continuing fascination is exemplified by articles on Native ceremonies or powwows, which usually described Native dances as a historic performance, allowing audiences to view “exotic” or “primitive” displays. For instance, in 1957 the *Times* reported on Southwest Native dancers performing at a socialite ball, stating the visiting Indians were “trained in the ancient ritual of the dances of their tribes” and listed dances that would be included: “the dance of the warriors, a buffalo hunting dance and a healing ceremony”.<sup>82</sup> Though the article mentioned that the dancers were Hopi, Apache, Navajo and Taos Pueblo, its references to these dances were vague and employed stereotypical labels.

Characteristically, *TIME* employed even more crudely stereotyped imagery of “primitivism” in describing Native dancers. In 1965 the magazine printed an article on a Native performance at the White House arranged by President Johnson for the visit of President Maurice Yameogo of the Republic of Upper Volta (Burkina Faso): “There, decked out in everything from buffalo hides (with horns) to loincloths, were 35 Indians representing 14 American tribes, who whooped, chanted and clanged their way through five primitive dances [...]”.<sup>83</sup> While *TIME*’s reporting on this event was, perhaps, more colourful than the earlier *Times* report, both presented Native dancers as nameless “others”, with an air of “exoticism”. Both thus perpetuated the stereotype of Native Americans as “ancient primitives”, incongruous with modern society.

The widespread interest in Native performance demonstrated by the aforementioned articles stood in apparent contrast to the federal aims of Termination. Fascination with the perceived markers of “Indianness” appears to indicate public support for the continued existence of Native cultures and tribal identities. In the late 1950s and 1960s this interest expanded into a veritable boom in popularity of Native arts, dances and fashions. Philip

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<sup>82</sup> ‘Indian Dancers Here’, *NYT*, 20 November 1957, p. 23.

<sup>83</sup> ‘The Presidency: “Formidable! Formidable!”’, *TIME*, 9 April 1965, [www.time.com/archive](http://www.time.com/archive) (viewed: 19.6.2013).

Deloria has aptly documented the growth of hobbyism in the 1960s U.S., arguing that Euro-Americans that dressed up as Indians fetishized reservations, dismissing urban Indians as “inauthentic”.<sup>84</sup> The hobbyists, alongside the developing hippy and New Age movements, created an increased market for supposedly “authentic” Indian arts and crafts.<sup>85</sup>

The increasing press focus on Native commodities, particularly arts and crafts purchase guides for tourists visiting reservations, supports Deloria’s findings. For instance, an April 1963 *Times* article extensively quoted BIA Commissioner Philleo Nash on counterfeit Native jewellery and items.<sup>86</sup> Though attempting to address the issue of “imitations of Indian crafts [...] mass-produced by machinery” in a serious manner, the article was coupled with a heavily stereotyped title: ‘On the Warpath Against Bogus Indian Art’.<sup>87</sup> Despite the article itself describing the legal difficulties in eliminating counterfeit Native items from the market, the issues were framed within the usual language of perceived “Indianness”. Furthermore, little sense of the harm of this imitation market to Native communities and economies was given anywhere in the text. Though Nash briefly stated that counterfeit crafts denied Native artists “a much-needed source of income” and were a threat to “the standards of fine Indian craftsmanship and the very existence of true Indian handicrafts”, the main focus of the article was on harm to the consumer: “Moreover, the public is being cheated of dollars and cents and given a false idea of Indian arts and crafts.”<sup>88</sup> In order to aid buyers, the article included a five point guide on identifying “authentic” goods, including purchasing only from reputable buyers, asking for the name and tribe of the artist, checking certifications or labels of authenticity and finally, consulting the Indian Arts and Crafts Board.

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<sup>84</sup> Deloria, *Playing Indian*, p. 144.

<sup>85</sup> *Ibid.*, pp. 148-9.

<sup>86</sup> William Blair, ‘On the Warpath Against Bogus Indian Art’, *NYT*, 28 April 1963, p. SM1.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

At no point did the article include commentary from a Native artist or tribal member, or suggest speaking to such a person. Authenticity, then, despite supposedly being rooted in tribal production, was not determined or defined by Native Americans. Indeed, the Indian Arts and Crafts Board employed no Native consultants or board members until 1942, and has been criticised by scholars for heavy-handed paternalism.<sup>89</sup> The above article even claimed that some tribes cheated buyers: “Some Indians themselves are not above foisting-off inferior products on a public anxious for Indian souvenirs.”<sup>90</sup> Condemning Pueblo potters’ production of cheaper “low-grade” pottery “to meet a tourist demand for small curios”, this article did not present Native peoples as valid participants in a consumer economy. Buying guides like this homogenised Native arts and crafts, removing them from their indigenous cultural context and granting Euro-American elites control over their value.<sup>91</sup> While recognising and encouraging a consumer interest in “Indian” artefacts, the article simultaneously marginalised Native people in favour of mainstream American buyers.

Hence, this apparent interest in “Indian” products evidently did not extend to an interest in real Native experiences or histories. Starting in the late 1950s and continuing throughout the 1960s, the *Times* regularly and frequently printed articles commending mainstream Americans – particularly social elites – who integrated Native items into their homes and fashions.<sup>92</sup> For instance, a 1967 article entitled ‘New Yorkers Dine on Legacies of the Indian, From Aztec to Zuni’ featured a prominent photograph of Mrs. Dockstader, the wife of the director of the Museum of the American Indian, wearing a “modified Pueblo”

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<sup>89</sup> Meyn, *More Than Curiosities*, pp. 198–9.

<sup>90</sup> Blair, ‘On the Warpath’, *NYT*, p. SM1.

<sup>91</sup> See also: Thomas Lesure, ‘Hunting for Indian Bargains’, *NYT*, 21 December 1952, p. SM22; W. Thetford LeViness, ‘Arts-and-Crafts Season in New Mexico’, *NYT*, 4 August 1968, p. SM18.

<sup>92</sup> See for instance: ‘Tribes Influence Décor for Home’, *NYT*, 14 January 1959, p. 23; Myron Kandel, ‘Surprises are in Store at the Indian Handicrafts Center’, *NYT*, 20 February 1962, p. 60; Craig Claiborne, ‘New Yorkers Dine on Legacies of the Indian, From Aztec to Zuni’, *NYT*, 16 March 1967, p. 56; Nan Ickeringill, ‘We’re Stealing from the Indians Again’, *NYT*, 22 July 1968, p. 38; Bernadine Morris, ‘Sant’ Angelo’s Fashions a Tribute to the Indians’, *NYT*, 15 May 1970, p. 41; Joan Cook, ‘At 65, He Turns to Hippie Fashions’, *NYT*, 29 May 1970, p. 18.

dress and buttering “adobe bread” in a dining room decorated with Southwest Native textiles and a “Navajo wall hanging”.<sup>93</sup> Framed by the wording of the title and including four recipes from the 1965 cookbook *The Art of American Indian Cooking* by Jean Anderson and Yeffe Kimball, the article demonstrated to readers how they could – quite literally – consume “Indianness” to affirm their elite socio-economic status. The article described the dinner parties held by Mrs Dockstader, “a trim, comely blonde”, as “one of the most unusual ‘occasional’ tables in Manhattan.” This line, coupled with the photograph and recipes, gave the impression that Native cultures were appealing due to their ‘exoticism’. The article appeared in the ‘Real Estate’ section of the paper, with a heavy focus on the ways in which Dockstader communicated her social standing through her domesticity.

Dockstader was presented as an expert on Native cuisine, speaking of the typical diets of tribes across the continent: “There were the farming tribes such as those in New England, the Southwest and Southeast. [...] Where they lived, corn and corn products such as meal and hominy were widely used. [...] By contrast, the people who lived on the plains and plateaus were nomads.”<sup>94</sup> Notably, she did not mention contemporary Native cuisine – rather, her use of the past tense presented American Indian cooking as a relic of the past, not as an active part of living communities. The article therefore distanced Native culinary culture from the mainstream, presenting it as not only ‘exotic’, but exclusively historical. However, the article also pointed out ways in which Native ingredients and cooking styles had influenced mainstream American fare: “The contribution of the Indian to the diet of the world has been extraordinary. [...] the flavour of sage, which occurs so often in American stuffing for poultry, fish and meats, derives directly from early Indian cookery.”<sup>95</sup> By emphasising this point, the article identified links between what were perceived to be

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<sup>93</sup> Clairborne, ‘New Yorkers Dine on Legacies’, *NYT*, p. 56.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

traditionally American and Native cultures, presenting these elements not as 'exotic', but as useful, having enriched the national diet.

A dual tension can thus be identified in such articles, indicating that Native cultures were interesting due to their 'exotic' nature, but also presenting elements thereof as potentially contributing to an "American" national identity. This 1960s press phenomenon supports Jean and John Comaroff's criticism of George Pierre Castile: Castile claimed that the colonial trade in ethnic objects extracted Native elements and refashioned them for a European audience, consolidating boundaries between the 'savage' and the 'civilized'.<sup>96</sup> The Comaroffs, rather, argue that consumer interest in the ethnic qualities of 'Native' products works to break down such simplistic distinctions.<sup>97</sup> Indeed, though the 1960s interest in Native-inspired products grew from a fascination with 'exotic' or 'primitive' cultures, it was at its core integrationist, with consumers seeking ways in which to include "Indianness" into their mainstream lifestyles. Paradoxically, integrating aspects of Native culture into everyday American life would, however, transform them from 'exotic' to ordinary – a problem not recognised in press reporting on the matter.

A 1968 *Times* article, 'We're Stealing from the Indians, Again', reveals that the problematic nature of such adoption of "Indian" elements was, to an extent, addressed in the press. The title of the article is significant, referring humorously to the history of violent takeover of Native lands by the United States. The jocular tone persists in the text, describing stereotypically "Indian" summer fashions: "[...] fringed suede has invaded fashionable restaurants, and beach parties are awash with people whooping it up in beads, braids and buckskin."<sup>98</sup> It also included several large photographs of young Americans wearing feathers, headbands, fringed jackets, buckskin dresses and moccasins. While

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<sup>96</sup> Comaroff and Comaroff, *Ethnicity, Inc.*, p. 29.

<sup>97</sup> Ibid.

<sup>98</sup> Ickeringill, 'We're Stealing from the Indians', *NYT*, p. 38.

presenting this as a global fashion trend, the article nevertheless identified its popularity as rooted in an American search for authenticity: “[...] Hong Kong is beading like mad, French ready-to-wear is cranking out fringed buckskin, Rome couture is pushing the Pocahantas [sic] look and American designers are gleefully embroidering on ‘their own’ heritage.”<sup>99</sup> This article described a more widespread and popular movement than the elitist gatherings of Mrs Dockstader. Nevertheless, the non-Native trendsetters of both articles perceived Native cultures as both ‘exotic’ and strongly linked to what it was to be American.

Unlike the 1967 article, however, ‘We’re Stealing from the Indians, Again’ was relatively critical of the “Indian” trend, stating there was “no very obvious relationship between the authentic antique Indian clothes on display and the fringed miniskirts and vests on sale”.<sup>100</sup> The article even sought Native comment on the matter, quoting artist Tom Two Arrows (though consistently terming his tribal affiliation “Onodaga” rather than Onondaga). Two Arrows was described via a pun as “pleased – with reservations” about the “Indian” fashion trend:

“I don’t criticize because there are so many things to learn, but the average designer doesn’t know much about Indian heritage. [...] Designers stick a little fringing here and a little fringing there. If they had knowledge of where the fringe should be placed, the amount and the fact that length represents great prestige and dignity in the tribe, then they would be doing a good job.”<sup>101</sup>

Two Arrows evidently appreciated public interest in Native cultures, but wished non-Native designers were better informed. Indeed, this statement echoes, for instance, the Five Tribes Inter-Tribal Council’s calls for improving mainstream awareness of Native cultures.

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.



Unfortunately, this article did not prioritise Two Arrows' criticisms, including them only at the very end of the text. This reflects the overall press trend of marginalising Native voices, even in discussions of their own cultures. Furthermore, such an inclusion of Native commentary on fashion trends was considerably rare, and the efforts of tribal councils to maintain their languages and cultures were largely ignored by the press. While Philip Deloria has claimed that the 1960s hobbyist movement's search for authenticity in Native clothing and artefacts empowered real Indians to a limited degree, the creators of popular fashions and domestic commodities did not generally bother to consult the communities they emulated.<sup>102</sup> This problem is equally prevalent today, as is demonstrated by the February 2015 controversy over a London-based fashion house allegedly copying the community-specific designs of Crow/Northern Cheyenne designer Bethany Yellowtail.<sup>103</sup>

Deloria presents these mainstream adoptions of elements of "Indianness" as part of a pursuit of an American national identity, particularly at risk at times of uncertainty such as the Vietnam War, enduring Cold War, and Civil Rights struggles.<sup>104</sup> However, while these insecurities may have cultivated an increased interest in "Indianness", as the 1960s articles here examined show, the products marketed to the mainstream were those strictly seen as appropriate to an American lifestyle. Critically, as these items were being adopted by Americans into American homes, this trend *did not* contradict the continuing federal aim of Termination. Rather American youths and Mrs Dockstader alike, in adopting what they perceived as "Indian", did not oppose federal withdrawal – and likely were not even aware of it. In essence, the idea of the American "melting pot" and supposed acceptance of cultural pluralism, instead of indicating support for tribal cultural revitalisation, marked an

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<sup>102</sup> Deloria, *Playing Indian*, pp. 144–5.

<sup>103</sup> 'Bethany Yellowtail "Gutted" by Crow Design on Dress at New York Fashion Week', *Indian Country Today Media Network*, 20 February 2015, <http://indiancountrytodaymedianetwork.com/2015/02/20/bethany-yellowtail-gutted-crow-design-dress-new-york-fashion-week-159319> (viewed: 23.6.2015).

<sup>104</sup> Deloria, *Playing Indian*, pp. 156–7.

American willingness to subsume specific Native traditions into a broader mainstream lifestyle, reducing culture to “heritage”.

In this respect, the interest in Native commodities actually served Terminationist aims, both drawing attention to Native affairs and promoting a similar selective retention of elements of a “past heritage”. Considering these two trends together, that the Native population was considered outside of the general “American” mainstream, and that “Indian” products became popular among American consumers, reveals a concerning element of American perceptions of Native people – that some aspects of “Indian” cultures, when adopted by Euro-Americans, could be considered authentically American, but that living Native peoples themselves could play no part in shaping this national identity.

### **4.3. Differing Understandings of ‘Americanness’**

In both tribal councils and in the press, Indians were not uniformly and unquestioningly categorised as ‘American’. While members of some tribes vocally expressed patriotic and pro-American views in light of Cold War political tensions, others struggled to be recognised even as human by surrounding Euro-Americans. Press reporting that was critical of Termination also failed to accept Native individuals and groups as fully ‘American’ on their own terms, instead integrating cultural aspects of “Indianness” deemed appropriate to mainstream society while delegitimising Native participation in this process. In order to gain a better understanding of why some Natives strongly identified as ‘American’ while the mainstream largely could not accept them as such, it is necessary to explore understandings of ‘Americanness’ within these two spheres.

Scholarship on twentieth century Indian policy agrees that the Cold War produced a heightened awareness of what being ‘American’ meant to the mainstream public. In

opposition to perceived Soviet ‘communist’ living, ‘Americanness’ more than ever came to signify individualism.<sup>105</sup> This intensified focus on the individual, as Philip Deloria has identified, existed in tension with the pervasive national belief that the United States was the ‘land of the free’ – freedom was defined only in terms of individuals, not communities.<sup>106</sup> These tensions are evident in the manner in which government officials portrayed ‘Americanness’ to tribal councils in the Termination era. New Mexico District Judge Carl Hatch articulated this dual characteristic of ‘Americanness’ in a 1959 speech at the inauguration ceremony for new Navajo Tribal Council representatives:

“It is only in countries where the people are free, where they are independent, where they are a part of the government itself that they are citizens, and that is the reason I like to use the word ‘citizen’. For here in America where we are all Americans, we are also free, independent individuals, and as it is a government of the people, by the people and for the people we are a part of the Government itself.”<sup>107</sup>

Hatch’s definition of American nationality appeared to be remarkably inclusive, seemingly defined merely on the basis of residence in the country, yet he continuously emphasised the independence of individuals as an inherent aspect of this. Hatch furthermore praised the Navajo for emulating American democratic patterns in hosting their election for council officials, stating that the tribe was “acting in free elections as free, independent citizens of the United States of America.”<sup>108</sup>

According to Hatch, becoming ‘American’ was essentially a simple process involving the freedom to participate in civic affairs. He furthermore emphasised that the purpose of

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<sup>105</sup> Weston, *Native Americans in the News*, p. 99.

<sup>106</sup> Deloria particularly focuses on how this tension between social unity and individualism influenced perceptions of Native Americans, see Deloria, *Playing Indian*, p. 153.

<sup>107</sup> NTC (14-17 April 1959), *MCMAIT 2/I*, Reel III.

<sup>108</sup> *Ibid.*

democratic processes was to promote individual interests. Klamath General Council proceedings in the few years leading up to HCR 108 shows that these conceptions of 'Americanness' were embraced by certain factions within the tribe, causing tensions between those promoting 'individual freedom' and those working to maintain a tribal community. In 1950 Wade Crawford, the main Klamath proponent of Termination, objected to provisions in a draft tribal constitution for the Executive Committee to make emergency financial decisions without a meeting of the General Council. Crawford, drawing on the ideal of individual rights, claimed this move would lead to the loss of individual involvement in the government:

"Why does Mr. Jackson or anybody else want to set up an executive committee to work under that kind of a government, when you never had chance to vote for it? And they tell you you are entitled to a voice in your affairs when you are denied it. And then tell you they are an American and to treat your fellow men right."<sup>109</sup>

The implication of Crawford's statement is that the proposed Klamath Constitution was inherently 'un-American', limiting individual decision-making. In his view, compliance with American ideals and individual voting rights were paramount, and should be prioritised in tribal government dealings. Embedding his speech within a post-war context, Crawford then compared Klamath constitutional plans to contemporary dictatorships:

"It's a serious thing, I'll tell you, its [sic] something our boys fought and died for in a foreign country. I'm not going to laugh it off and sit down and let this country fight and die for our right to vote for that's exactly what Russia is doing and Germany is doing, and here we are practicing it on the reservation."<sup>110</sup>

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<sup>109</sup> KGC (19-20 October and 2 November 1950), *MCMAIT 1/II*, Reel XVIII.

<sup>110</sup> *Ibid.*

Crawford, like his fellow Klamath tribal member and Termination advocate Mrs Shelp, prioritised his identity as an 'American' over that as a Klamath Indian, criticising other Klamath leaders for supporting centralised forms of tribal government that he deemed incongruous with 'American' democracy. In this sense Crawford's statements echoed the mainstream views of 'Americanness' propagated by Judge Hatch, and contrasted to the calls for preserving Klamath identity council representative Dibbon Cook expressed later that decade, as outlined in the previous chapter.

Though Crawford drew on WWII imagery similar to that prevalent in Navajo Tribal Council discussions at the time, he employed these to challenge the legitimacy of the tribal government rather than just to express American patriotism. His statements, though reportedly met with applause, were criticised by the elected Council President Seldon Kirk, who noted that Crawford was himself on the Committee he so staunchly opposed. The council meeting furthermore appears to have been chaotic, with the stenographer noting that 'everyone was talking' and that Kirk had to 'rap [his gavel] for order'.<sup>111</sup> Clearly, Crawford's views were contentious, though Kirk swiftly moved to discuss other issues, rather than inviting responses to Crawford's claims.

Some Native individuals, particularly those who later supported Termination, therefore subscribed to the predominant government view of inclusion in 'American' nationality as primarily hinging on 'individual freedom'. Examining press presentations of Natives as 'American', however, reveals that according to public discussions on the topic, more than just the right to vote was required for acceptance into the mainstream. Even "hard news" stories in broadsheets like the *Post* and *Monitor* often exhibited a sense of being 'American' as requiring a certain standard of living and lifestyle, incongruous with supposedly 'squalid' reservation life. Particularly in the late 1950s and 1960s, reports on relocation experiences

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<sup>111</sup> Ibid.

and urban Indians presented Native Americans as capable of obtaining ‘modern lifestyles’. As a 1959 *Monitor* article by Indian affairs reporter Kimmis Hendrick detailed: “Of the 450,000 Indians on tribal rolls, about 250,000 have become involved in the mainstream of American life [...]. Some are pre-eminently successful in business or otherwise: characteristically all of them are modern Americans.”<sup>112</sup> The article stated clearly that all Indians were “voting citizens”, but then claimed that only some were “modern Americans”. This implied that citizenship may have secured civic rights like electoral eligibility, but did not necessarily involve the adoption of an “American” lifestyle and cultural signifiers.

The article nevertheless criticised Termination, stating Indians were “unprepared by education, experience, and aptitude to take on the responsibility” of their own administration.<sup>113</sup> Yet in presenting financial success and urban living as necessary for inclusion in the American mainstream, journalists like Hendrick revealed an affinity with underlying Terminationist attitudes of Native Americans as not “full citizens”. Despite mounting press criticisms of the pace of Termination, the idea of being “American” continued to be used in similar ways in the 1960s, equating only “American” lifestyles with modernity. As a 1968 *Post* article quoted from President Johnson’s Message on Indian Affairs: “Indians should take part in modern American life ‘with a full share’ of economic opportunity and social justice.”<sup>114</sup> Though this statement shows a development away from more simplistic Terminationist conceptions of severing trust status as the solution to all Native problems, it nevertheless shares in the belief that becoming a “modern American” should be the ultimate goal for all indigenous people and implied that this had not yet been achieved.

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<sup>112</sup> Kimmis Hendrick, ‘The Indian Problem: A Challenge’, *CSM*, 17 March 1959, p. 18.

<sup>113</sup> *Ibid.*

<sup>114</sup> Eric Wentworth, ‘President Asks Funds, Programs to Help Indians’, *WP*, 7 March 1968, p. A9.

The press generally presented conforming to specific lifestyles and patterns as requirements for participating in “American” society – legal citizenship alone was insufficient. If Native Americans managed to conform to certain critical material aspects, could they then be accepted as fully American? A *Monitor* report on a 1959 Southwest Indian Youth Council meeting seems initially to indicate that this was possible: “Crew cuts, flattops, pixie bobs, permanents. Business suits, slacks, and cotton dresses. This was a meeting of Americans; but they were 250 boys, girls, men, and women from 54 different tribes of American Indians.”<sup>115</sup> “Americanness” is thus here denoted by commodities and fashion trends, conforming to specific hairstyles or clothing. The article even contained two photographs of young Natives in Euro-American formal attire, including a headshot of the Southwest Indian Youth Council President Melvin Thom dressed in a suit and tie, smiling broadly.<sup>116</sup> Another image showed five young Native men and women laughing together, the accompanying caption describing them as “modern young Indians.”<sup>117</sup> These images together starkly contradict the prevalent stereotype of Natives as “stoic” and “emotionless”.<sup>118</sup>

However, the article also included images of young Natives dressed in tribal regalia and engaged in powwow dances. This presentation of a group of Native youth as both modern Americans and active members of their tribal communities was exceptional for press reporting in the Termination period. The balancing of the two within one article was achieved through extensively interviewing participants at the meeting, with journalist Betty Williams including long quotes of Native individuals, like Joe Louis Jimenez (Nambe Pueblo): “What is our culture? [...] I speak the language. I can dance from here to Doomsday and

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<sup>115</sup> Betty Williams, ‘Indian Youth Council Airs Challenge of Merging Two Divergent Cultures’, *CSM*, 2 June 1959, p. 3.

<sup>116</sup> The Southwest Regional Indian Youth Council was a precursor to the National Indian Youth Council, which Thom and his peers founded in 1961, see: Cobb, *Native Activism in Cold War America*, pp. 59–60.

<sup>117</sup> Williams, ‘Indian Youth Council’, p. 3.

<sup>118</sup> Weston, *Native Americans in the News*, p. 13.

they can't take that away from me!"<sup>119</sup> Yet despite bringing out the voices of capable, motivated young Native activists, it is significant that Williams only referred to them as "American" when describing their clothing, otherwise referring to them as "Indians" or as members of specific tribes. While supposedly "Indian" fashions could be adopted by mainstream Americans, a young Native man could only be considered "American" if he conformed to specific modes of dress.

Interestingly, there are significant parallels to be drawn between these conceptions of material 'Americanness' in the press and discussions of identity in some tribal council meetings. In May 1953, Navajo council representative Frank Bradley objected to criticisms of how council members dressed at meetings:

"The Navajo people have lived for years and years and under conditions which shows that we have not all gone American. We do not pretend to be Americans yet regarding the American way of living. The conditions that we are living under does [sic] not require that yet."<sup>120</sup>

Bradley then highlighted poor sanitation conditions, with children carrying water for miles, as an explanation for why Euro-American dress standards should not be applied to the Navajo: "We have water for sanitation, yes, but it does not exist on the Reservation yet. The majority of the Navajos do not shave to start with so why should we criticize one another on that point? It is not reasonable. I do not see it. *We have not gotten that far yet.*"<sup>121</sup>

At a superficial glance, Bradley's speech could be interpreted as support for assimilation, implying that the Navajo should aim to comply with conventions like shaving at a later date. However, Bradley made it unequivocally clear that he found appearances a trivial matter:

<sup>119</sup> Williams, 'Indian Youth Council', *CSM*, p. 3.

<sup>120</sup> NTC (11-21 May 1953), *MCMAIT 1/I*, Reel VIII.

<sup>121</sup> *Ibid.* Emphasis added.



“It is the knowledge that the person has up in his head that counts, so why say that we are going to change our people overnight and cause our people to dress like a white man or anything like that. It is the knowledge that these Navajos have that counts.”<sup>122</sup> In referring to the need to ‘go American’, Bradley was emphasising improving living standards in terms of water, sanitation and transport – not the “suits, slacks and cotton dresses” referred to in the 1959 *Monitor* article. While ‘Americanness’ in both cases was defined in terms of commodities, it is clear that Bradley’s interpretation of which material goods signified ‘Americanness’ was far more relevant to the concerns of the Navajo Tribal Council than mere matters of appearance.

This contrast demonstrates that mainstream conceptions of Native ‘Americanness’ and indigenous views of what it was to be ‘American’ could diverge in significant ways. Whether defined geographically, economically or culturally, Natives were not granted space to participate in shaping the idea of what it was to “be American”. Mid-twentieth century press writing showed little awareness of this irony of federal officials claiming to support ‘freedom’ while coercing legislation onto Native American communities. A 1952 *Times* article presented a rare exception, quoting attorney Felix Cohen’s statement that federal Indian policy and regulations under Commissioner Myer were “an unprecedented invasion of American principles.”<sup>123</sup>

Similarly, in a 1950 letter to the *Post*, John Collier claimed that some government officials believed Indians “must be forced into an ‘assimilation’ program to dissolve their tribes and tribal organizations, to forfeit their rights as Indians, and to conform [...] to the Congress’ preconceived notions of what kind of American citizens the Indians ought to

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<sup>122</sup> *Ibid.*

<sup>123</sup> The article did not explicitly taking a stand either for or against Cohen. However, the article allowed Myer considerable space in countering the attorney’s claims and ended in a quote from a Republican congressman calling Cohen ‘unfit to represent Indians’. ‘U.S. Laws on Indian Called Un-American’, *NYT*, 1 March 1952, p. 18.

be.”<sup>124</sup> Collier portrayed a willingness to accept and appreciate cultural pluralism within American society, along with the freedom of Native peoples to choose their own identity. However, only non-Native Indian rights activists like Collier and Cohen gained ground in the early 1950s press, both in opposing Termination and in challenging mainstream hegemonic conceptions of ‘Americanness’. Furthermore, it is important to note that Collier and his New Deal policies had been heavily criticised by some tribes for being paternalistic, for instance imposing much-hated livestock reduction on the Navajo despite widespread protest.<sup>125</sup> Collier’s history of coercive tactics indicates that non-Native individuals like him were inappropriate advocates for Native rights.<sup>126</sup>

Only in the wake of late 1960s and early 1970s Red Power activism did a Native challenge to mainstream conceptions of “Americanness” appear in the press. In a rare display of attention to Native affairs, *TIME* printed a several page spread on the Occupation of Alcatraz entitled ‘The Angry American Indian: Starting Down the Protest Trail’. The article concluded with a long quote by an unnamed “militant” Indian:

“You will forgive me if I tell you that my people were Americans for thousands of years before your people were. The question is not how you can Americanize us but how we can Americanize you. The first thing we want to teach you is that, in the American way of life, each man has respect for his brother’s vision. Because each of us respected his brother’s dream, we enjoyed freedom here while your people were busy killing and enslaving one another across the water.”<sup>127</sup>

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<sup>124</sup> John Collier, ‘Defective Indian Law’, *WP*, 13 August 1954, p. 18.

<sup>125</sup> Weisiger, ‘Gendered Injustice’, p. 441.

<sup>126</sup> Prucha, *The Great Father*, pp. 955–6.

<sup>127</sup> ‘The Angry American Indian: Starting Down the Protest Trail’, *TIME*, 9 February 1970, [www.time.com/archive](http://www.time.com/archive) (viewed: 24.6.2013).

Scholarship has demonstrated that attracting media attention was a significant aim for young Native occupiers of Alcatraz.<sup>128</sup> The above quote serves as evidence of the Red Power movement's success in achieving this aim, but their inability to fully control their media image. While it is possible that the unnamed speaker here chose to speak in terms fitting with the "noble savage" image, performing the "Indianness" expected by journalists in order to secure coverage of his statement, the strange speech patterns here could also be the result of liberties taken by the *TIME* editorial team. Regardless of whether the romanticised nature of this quote was a product of the speaker's performance or the journalists' editing, the article propagated an 'exoticised' Native figure, drawing subtly on prevailing 'noble savage' imagery.

As Smith and Warrior have shown, this increased attention to Native activism in the media had little lasting effect on old stereotypes, an argument supported by the imagery of this *TIME* article.<sup>129</sup> Nonetheless, it presented a strong challenge to mainstream control over the term 'American'. While this was linked to Native precedence on the land, unlike earlier articles speaking of 'First Americans', an Indian interpretation was here offered. As such, the indigenous population was presented as not merely qualifying for "Americanness", but *defining* it. In stating that Natives had been more "free" before colonial contact, this Native activist challenged the idea of "Americanness" as representing freedom and democracy.

## Conclusions

During the Termination era, press depictions of 'Americanness' largely centred on ideas of 'freedom' resembling official government rhetoric. Even reporting recognising Native

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<sup>128</sup> Castile, *To Show Heart*, pp. 114–5.

<sup>129</sup> Smith and Warrior, *Like a Hurricane*, p. 101.

American precedence on the continent ultimately saw this as only opening up the opportunity for indigenous individuals to enter into the mainstream through assimilation. The press also exhibited a public willingness to adopt select, often invented, “Indian” traditions into mainstream fashions, in an effort to create a more legitimate, “American” identity. While apparently inclusive, this practice of adapting “Indian” fashions and crafts items into homes, was totally controlled by Euro-American consumers and social elites. Mainstream “Americans” could integrate stereotypic aspects of “Indian” cultures into their own lives to affirm their identity as “American”, but Native individuals expressing their own tribal cultures were consistently presented as distinctly “Other”. However, many Natives saw themselves as ‘American’ regardless – whether supporting Termination or not. The press generally suppressed Native voices and understandings of ‘Americanness’ that challenged mainstream beliefs about the nation. Only in the late 1960s, particularly as a result of increased militant activism, did some Native voices break into news media, challenging both Termination policy and definitions of ‘Americanness’.

Native individuals and groups demonstrated a clear awareness of the importance of ‘Americanness’ throughout the Termination period, as the Cold War atmosphere and New Deal backlash limited tolerance for cultural pluralism particularly among Congressional circles. Self-identification as ‘American’, as well as what it meant to be an ‘American’, nevertheless varied. Mississippi Choctaw tribal members, for instance, faced with long-standing racism, had to fight for the recognition of their basic human rights of respect and fair treatment. This did not lend space for discussions over whether the tribal members should be considered ‘American’ or not. On the other hand, Navajo tribal members – though also largely living in subpar conditions – referred to their deep involvement in WWII to foreground their identification of ‘American’. For tribal members, identity was not simply tied to their legal citizenship status, nor their supposed levels of ‘acculturation’. Rather it would seem that BIA and mainstream interactions with tribes had a great effect on whether

Native communities and individuals felt included within society. The Navajo were clearly well-known as the largest tribe in the country, and gained further media attention in the late 1940s famines and blizzards. The Mississippi Choctaw, in contrast, were little known on a national scale.

Interactions with mainstream society also fuelled the self-identification of pro-Terminationist Native individuals, most of whom were financially successful and/or lived away from tribal lands. These individuals identified themselves as primarily American, and saw inclusion within mainstream society as the key to Native stability and development. This identification as 'American' certainly explains why individuals like Crawford and Belvin supported Termination, as they presented their Indian identity as secondary, resembling Senator Watkins' claims that pride in being Native could be retained at the level of an "ancestral heritage".<sup>130</sup> Native supporters of Termination may also have seen the policy as a method of consolidating their political standing or economic position. Belvin, for instance, may have supported federal withdrawal mainly to secure his good relations with the federal government, as he reversed his position in the early 1970s. In the aftermath of the Termination controversy, Belvin supported tribal revitalisation and was even popularly re-elected Choctaw Principal Chief in 1971.<sup>131</sup>

However, as Navajo Frank Bradley's comments show, becoming 'American' could also denote gaining higher standards of living, sanitation, education, and infrastructure. Native voices in the 1960s press furthermore challenged hegemonic views of 'Americanness', calling for the recognition of Native contributions to a national identity, whilst maintaining respect for the variety of their Indian traditions. The mainstream unfortunately failed to incorporate these meanings into the larger framework of what it was to be 'American'. Underlining difference whilst maintaining the importance of development toward

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<sup>130</sup> Watkins, 'Termination of Federal Supervision', p. 48.

<sup>131</sup> Lambert, *Choctaw Nation*, pp. 75–9.

conformity with wider society, there was no chance of genuine public acceptance of American Indians as truly 'American'.

## Chapter Five: Recognition of and Limitations to Native American Citizenship

Early 1950s debates surrounding Termination legislation focused largely on the trust status of Native tribes and the pace at which this should be withdrawn. Throughout these discussions, both before and after official legislation was passed in 1953, the aim of federal policy was clear: to make American Indians “full citizens”. This chapter will examine how discussions surrounding the concepts of Native “citizenship” and their legal status evolved throughout the Termination period. As already established, the federal rhetoric of Termination was vague, leaving space for multiple interpretations of ‘being American’. The first paragraph of HCR 108 speaks volumes of the Congressional interpretation of Native legal status in 1953, seeing as it aimed to “end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship.”<sup>1</sup> This implied that in the eyes of Congress, Native Americans were unequivocally still wards of the federal government, not on a footing of ‘equal’ citizenship with the rest of the country – and that this status was holding them back, precluding their “rights” as mainstream citizens.

HCR 108 made no mention of the fact that all Native Americans were already U.S. citizens according to the 1924 Citizenship Act. The Act, though granting all Indians born within the United States citizenship status, specifically stated that it did not infringe on the tribal rights of Native individuals and groups. Vine Deloria Jr. and Clifford Lytle have claimed that the act introduced a sort of dual citizenship, “which is not hindered in either respect: Indians are not to lose civil rights because of their status as members of a tribe, and members of a tribe are not to be denied their tribal rights because of their American

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<sup>1</sup> HCR 108 (1953), in Prucha (ed.), *Documents of United States Indian Policy*, p. 234.

citizenship.”<sup>2</sup> This reading of the Act allows for continued Indian identity alongside the acceptance of American citizenship – or even a dual citizenship of Native individuals, belonging both to the American nation and their sovereign tribal community.

However, though Deloria and Lytle claim it provided “full citizenship”, the 1924 Act neither contained this wording nor defined exactly what citizenship entailed. Instead the Act focused primarily on issues of voter registration and electoral requirements, and made no mention of wardship in any shape or form, meaning the federal government retained its position of responsibility toward tribes as guaranteed by nineteenth century treaties.<sup>3</sup> Furthermore, in practice the Act did not secure equality for American Indians, as Arizona and New Mexico continued to legally restrict indigenous voting until 1948.<sup>4</sup> Discriminatory laws also persisted throughout the first half of the twentieth century; for example, an 1802 law banning Indian alcohol use and state regulations against interracial marriages in Oregon were only lifted in the early 1950s.<sup>5</sup> While Deloria and Lytle’s assessment of the Citizenship Act holds in *theory*, in practice Native individuals were systematically denied some constitutional citizenship rights.

The Citizenship Act, as such, established a sort of “differentiated citizenship” – to use Will Kymlicka and Wayne Norman’s term – creating a space for American Indians that was different in nature to that enjoyed by the mainstream population.<sup>6</sup> Both the Act and HCR 108 remained ambiguous about what exactly “citizenship” meant. Citizenship is a much

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<sup>2</sup> Vine Deloria Jr. and Clifford Lytle, *The Nations Within: the past and future of American Indian sovereignty* (New York, 1984), pp. 3–4.

<sup>3</sup> Chauncey Shafter Goodrich, ‘The Legal Status of the California Indian, Part II’, *California Law Review* 14.3 (1926), p. 172.

<sup>4</sup> Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race, and Reform* (Ithaca, 2005), p. 170; Tohe, *Code Talker Stories*, p. 5.

<sup>5</sup> Beck, *Seeking Recognition*, p. 136; Bernstein, *American Indians & WWII*, pp. 136–7.

<sup>6</sup> Will Kymlicka and Wayne Norman, ‘Introduction - Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts’, in W. Kymlicka and W. Norman (eds.), *Citizenship in Diverse Societies* (Oxford, 2000), p. 31.



contested and debated concept in political philosophy, but equally a term largely taken for granted in public discourse.<sup>7</sup> Though the average person may have strong feelings about what citizenship means to them, it is not something often clearly defined in media commentary. Public policy expert William Galston claims that the core values of citizenship in liberal society include general, social, economic and political virtues, but he recognises that these depend on individual interpretation and the socio-cultural context of a community.<sup>8</sup> What “citizenship” grants and what is required of “citizens” can be defined in multiple ways, and – like perceptions of what it meant to be “American” – these ideas have evolved throughout the twentieth century United States.

The concept of specifically Native American citizenship is little discussed or understood in U.S. political discourse to this day, indicating that different types of citizenship are not generally conceived of or accepted as valid. For instance, while sociologist Michael Schudson’s *The Good Citizen: A History of American Civic Life* includes an extensive analysis of the implications of the Civil Rights movement on conceptions of American citizenship, it barely mentions Native Americans – let alone the Indian Citizenship Act.<sup>9</sup> As the Act has been largely forgotten or omitted from the historiography of American civic life, in what ways was Native citizenship conceptualised in the Termination period? This chapter will show that a general consensus existed both within tribal councils, federal circles and the mainstream public that Native Americans were not equal citizens, but interpretations of *why* “full citizenship” had not been conferred varied to a great extent.

HCR 108, in calling for Natives to have all the “rights” of American citizenship, did address real concerns about the social and legal position of the indigenous population,

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<sup>7</sup> Kymlicka and Norman outline the developments of political theories of citizenship in the twentieth century, particularly pertaining to minority rights, see: *Ibid.*, pp. 1-9.

<sup>8</sup> *Ibid.*, p. 11.

<sup>9</sup> Schudson, *Good Citizen*, pp. 254-73.

shared by members of Congress, tribes and the wider public. Indisputably, the living standards of the average Native community were far below those of most Euro-Americans.<sup>10</sup> But in what ways did the understandings of citizenship differ between these majority and minority groups? This chapter will focus on three key points of discussion in relation to the “full citizenship” Termination called for: “wardship” in the press; tribal conceptions of limitations to “citizenship”; and growing discussions of “dual citizenship”. By examining these areas separately, we can see how tribal and mainstream understandings of “citizenship” differed, how the justifications for Termination were constructed, and how these all developed throughout the 1950s and 1960s.

### 5.1. “Citizen-wards” in the press

Examining Termination era public discussions surrounding Indian affairs demonstrates that federal rhetoric of Indians as not “full citizens” was generally accepted. In part, this was due to a persistent belief that the Native population had never been granted legal citizenship, showing a lack of awareness of the 1924 Citizenship Act. It was not uncommon for reporters in the 1950s and 1960s to use the term “citizen” to differentiate mainstream Americans from “Indians”.<sup>11</sup> For instance, a 1961 *New York Times* editorial on the Twenty-Third Amendment’s extension of the right to vote in presidential elections to District of Columbia residents, grouped together “Indians on reservations” and “unnaturalised foreigners” as non-citizens who could not vote.<sup>12</sup> This implication was false, because the

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<sup>10</sup> Navajo living conditions were particularly poor, resulting in an infant mortality rate seven times the national average. See: Bernstein, *American Indians & WWII*, pp. 151-2.

<sup>11</sup> See, for instance: ‘Education: In Place of Neglect’, *TIME*, 1 May 1950, [www.time.com/archive](http://www.time.com/archive) (viewed: 18.5.2011); ‘Races: The Quality of Citizenship’, *TIME*, 27 June 1955, [www.time.com/archive](http://www.time.com/archive) (viewed: 5.6.2013); ‘The Twenty-third Amendment’, *NYT*, 24 March 1961, p. 30.

<sup>12</sup> ‘The Twenty-third Amendment’, *NYT* (1961), p. 30.

Citizenship Act had provided legal citizenship and all discriminatory state electoral laws against Natives had been eradicated by this point.<sup>13</sup> While in practice some barriers to Native voting remained, as will be discussed later in this chapter, the *Times* journalist's generalised comment reflected ignorance about Indian legal status.

In some cases even writing explicitly on Indian Affairs failed to portray accurately their legal position, as demonstrated by a January 1951 letter to the editor of the *Washington Post* by a member of the AAIA. The letter opposed Myer's proposition to require the Commissioner's approval for all tribal legal contracts, asserting that such measure would restrict the "constitutional rights" of American Indians. However, the piece showed no awareness of the 1924 Citizenship Act, instead stating that: "The association maintains, for example, that the obsolete 1872 law on which the Commissioner bases his authority does not apply to Indians who are citizens, as *virtually all* American Indians now are [...]."<sup>14</sup> Despite AAIA members being considered authorities on Indian affairs, little understanding of the real legal status of Native peoples was displayed here; all Native Americans were certainly legally citizens after 1924, not just "virtually all". It seems unlikely that the writer was aware of the Citizenship Act, calling into question his grasp of Indian affairs despite being the AAIA Secretary.

However, while such factually inaccurate depictions of Natives as non-citizens did appear in the press throughout the period, more commonly American Indians were presented as having a limited, lesser citizenship. For instance, in announcing the appointment of Emmons as BIA Commissioner in July 1953, *TIME* stated: "As commissioner, said Emmons, he will aim to 'liquidate the trusteeship of the Indians as quickly as possible',

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<sup>13</sup> Philp, *Termination Revisited*, p. 59.

<sup>14</sup> Alden Stevens, 'Letters to the Editor: Regulations on Indian Counsel', *WP*, 15 January 1951, p. 6. Emphasis added.

and make them self-supporting citizens.”<sup>15</sup> The implication is clear that trusteeship was incompatible with complete citizenship, making Indians dependents. Leaving no space for explanation as to how trusteeship would be liquidated, this comment moreover indicated that by cutting ties between the government and tribes and eliminating any special legal relationship between the two, Natives would somehow *just become* “free” and “independent”. The idea of citizenship’s transformative nature had already been established in the assimilation period particularly through the 1887 Dawes Act, which divided communally held tribal lands amongst individual families and conferred citizenship upon those who accepted their allotments.<sup>16</sup> This theory had however already been repudiated at length in the 1928 Meriam Report, stating for instance that “citizenship and continued guardianship are not incompatible”.<sup>17</sup> Emmons’ statements, as such, reveal a startling persistence of discredited assimilationist ideology.

Indeed, throughout the late 1940s and early 1950s, the press predominantly described Natives as ‘wards’ of the government, and trust status was presented as the main inhibitor of equal Native citizenship.<sup>18</sup> Throughout the four news outlets here examined, only two articles were printed between the years of 1947 and 1970 challenging the incompatibility of citizenship and trusteeship. In June 1951, the *Post* printed a letter to the editor by John Collier, responding to the paper’s claims that Sac and Fox athlete Jim Thorpe was a “ward” and not a U.S. citizen. Specifically mentioning the Citizenship Act, the letter stated:

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<sup>15</sup> ‘The Administration: Appointments’, *TIME*, 27 July 1953, [www.time.com/archive](http://www.time.com/archive) (viewed: 5.6.2013).

<sup>16</sup> Wilson, *The Earth Shall Weep*, p. 304.

<sup>17</sup> Lewis Meriam et al., *The Problem of Indian Administration* (Baltimore, 1928), p. 754.

<sup>18</sup> Bess Furman, ‘Campaign Pushed to “Free” Indians’, *NYT*, 22 July 1947, p. 46; Bess Furman, ‘Deadlocks Beset Indian Freedom’, *NYT*, 6 March 1950, p. 15; ‘Indian Progress’, *NYT*, 7 February 1952, p. 26.

“For, since 1924, all Indians born in the United States, who had not previously become naturalized by treaty or statute [...] were made full citizens by an Act of Congress. [...] Nor does wardship, as the reported statement of the Bureau of Indian Affairs implies, deprive Indians either of citizenship, or the rights incident thereto. Citizenship is a personal status whereas “wardship” (really a misnomer) refers to the fact that the United States has treaty obligations to render certain services to Indians with respect to the administration of Indians’ trust and restricted property. *Wardship, as many court decisions have held, is not incompatible with citizenship.*”<sup>19</sup>

This letter is significant in that it detailed the legal realities of Native status in the United States, objecting to the idea that the trust status – or “wardship” as it was more commonly referred to – precluded citizenship.

Oliver La Farge depicted Native legal status similarly in an April 1950 essay he penned for the Sunday Magazine edition of the *Times*. After describing the 1924 Citizenship Act, La Farge challenged popular perceptions that wardship meant total dependence on the federal government:

“This term [ward] as used in Indian law has a quite different meaning from its usual one. Indians have the vote, they are free to go and come, to buy and sell, and to engage in any enterprises they may choose – at least as far as their legal status is concerned. As wards, the property reserved to them by the United States in recognition of their status as aborigines is held in trust for them by the Federal Government and is exempt from taxation or alienation. [...]

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<sup>19</sup> John Collier, ‘Indians as American Citizens’, *WP*, 5 June 1951, p. 14. Emphasis added.

Wardship is thus more of an advantage than a handicap to the average Indian.”<sup>20</sup>

Both La Farge and Collier, therefore, presented Native legal status in nuanced and accurate ways, challenging federal rhetoric and press depictions of wardship as limiting. While both writers more-or-less accepted the use of the term “wardship” in this context, they recognised the importance of special Native status and did not see this as precluding citizenship, even presenting it in a positive light as beneficial to American Indians.

These two articles are virtually the only examples throughout the 1950s and 1960s press to present a legally accurate view of Native trust status and citizenship. La Farge and Collier’s reactions to general press writing highlights a prevalent belief among the mainstream public, and a central tenet of Terminationist thinking - that there was only one possible type of citizenship. Modern political theorists, like Jacob Levy, recognise that indigenous “differentiated citizenship” can cause members of mainstream society to view themselves as disadvantaged in comparison to the special rights allowed a Native population.<sup>21</sup> Terminationists like Emmons took this view to the extreme of casting Native special services as precluding U.S. citizenship.

Nevertheless, instead of explicitly arguing that special services for the Native population disadvantaged Euro-Americans, federal officials – particularly in the years leading up to the passing of Termination legislation – presented wardship as inherently negative and incompatible with citizenship. Such reporting on Indian citizenship was most common in the lead up to the passage of HCR 108 and PL 280. Notably, in April 1953, the *Times* ran a short United Press International newswire consisting almost entirely of quotes from

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<sup>20</sup> Oliver La Farge, ‘Not an Indian, But a White-Man Problem’, *NYT*, 30 April 1950, p. SM4.

<sup>21</sup> Jacob Levy, ‘Three Modes of Incorporating Indigenous Law’, in W. Kymlicka and W. Norman (eds.), *Citizenship in Diverse Societies* (Oxford, 2000), pp. 317–8.

Secretary of the Interior Douglas McKay. Titled ‘Indian Citizenship Urged’, the report described McKay’s speech on an NBC television program: “Douglas McKay, Secretary of the Interior, said today that he was ‘not in sympathy’ with present Federal policies on Indians’ affairs and called for full citizenship for all members of that race.”<sup>22</sup> This statement suggests that McKay did not view Natives as “full” citizens, an impression supported by the subtitle, ‘Secretary McKay Opposes Ward System of Government’. This title communicated the message that the trust status relationship between tribes and the federal government was inhibiting Native citizenship. Indeed, McKay was a staunch Terminationist; not only did he express the Interior Department’s support for HCR 108 before it was passed, but he actively advocated for the Termination of the Siletz and Grand Ronde tribes in Western Oregon, his home state.<sup>23</sup>

Interestingly, according to the UPI newswire, McKay referred to “present Federal policies”, but did not specify what those were. It is likely he was referring to the Indian New Deal, which was rarely referenced in the press, though staunchly criticised in Congressional circles. Indeed, a 1943 Senate Subcommittee on Indian Affairs report explicitly blamed the New Deal for creating tribal communes of ‘perpetual wardship’.<sup>24</sup> Though this report was completed ten years prior to McKay’s appointment as Secretary, the influence of such thinking on his perceptions of Indian affairs is undeniable. In the *Times* article McKay went on to clarify his views on wardship by stating: “Any time anybody lives as a ward of the Government, they are of no value.”<sup>25</sup> Unfortunately, despite this blatantly negative statement, the newswire did not specify *what* McKay saw as limiting about ‘wardship’ status in practice. Rather, McKay appeared to be opposed to trust status out of principle,

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<sup>22</sup> ‘Indian Citizenship Urged’, *NYT*, 6 April 1953, p. 24.

<sup>23</sup> Fixico, *Termination and Relocation*, pp. 97–98; Ulrich, *American Indian Nations*, p. 72.

<sup>24</sup> Philp, *Termination Revisited*, pp. 1–2.

<sup>25</sup> ‘Indian Citizenship Urged’, *NYT*, 6 April 1953, p. 24.

implying that Indians were of no “value” to American society due to the nature of the federal-tribal relationship. As previous chapters have demonstrated, in practice federal paternalism did indeed cause major practical issues for tribes, with reservation superintendents and other BIA staff controlling their affairs. However, this article did not discuss any of these issues, rather focusing on the special legal arrangement between tribes and the government as the problem, preventing “equal” citizenship.

Indeed, debates surrounding Indian “wardship” generally overlooked problems of paternalism. This is evident in a January 1947 article featured on the front page of the *Post*. Reporting on the Senate Civil Service Committee’s sessions on Indian Affairs, the article quoted committee chairman William Langer (R-North Dakota) at length: “As a start, Langer suggested wiping out the Office of Indian Affairs and treating its 236,000 Indian wards ‘like white people’.”<sup>26</sup> This statement was an obvious indictment of the separate status of Natives in relation to the federal government. Later in the article Acting BIA Commissioner William Zimmerman’s statement that Indians were “now citizens” was paraphrased, mentioning that their “long-standing treaties” were still valid. However, this was only included on page two of the *Post* and clearly presented as Zimmerman’s personal view rather than a generally accepted definition.<sup>27</sup> The article thus displayed a possible bias toward Lang by prioritising his statements and quoting him at length. Furthermore, Lang’s reasons for criticising wardship were brought to the fore, including his statement that the purpose of the hearings was “cutting down personnel [and] to recommend consolidation or even abolishment of departments if we feel it is necessary for efficiency and economy.”<sup>28</sup> This statement reveals a potential ulterior motive for Termination – cutting costs.

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<sup>26</sup> Marshall Andrews, ‘U.S. Agencies Face Drastic Economy Cuts’, *WP*, 23 January 1947, pp. 1-2.

<sup>27</sup> *Ibid.*, p. 2.

<sup>28</sup> *Ibid.*, p. 1.



Trusteeship was thus presented as unjustifiable, maintaining special treatment of Indian “wards”, but also fostering economic inefficiency and wasting federal funds.

As the growing literature of tribal Termination case studies has effectively demonstrated, 1950s and early 1960s removals of federal trust status not only impoverished tribes but failed to cut federal costs. For example, rather than reducing expenditure, the Interior Department and state of Wisconsin spent two million dollars per year in running Menominee County after Menominee Termination in 1961 – more than had been spent on the administration of the tribe under trust status.<sup>29</sup> It is unclear how widely these problems were known in federal circles in the years immediately following the first Terminations, but such issues did not evidently alter the public rhetoric and debates surrounding Native citizenship in the 1960s press – news writing continued to refer to Natives as “second-class citizens”, “wards” or needing “full citizenship”.<sup>30</sup> For instance, a December 1964 *Post* article titled ‘Indians May Get Push Toward Citizen Rank’ continued the trend of relying on federal authority figures for commentary on Indian affairs.<sup>31</sup> The report covered Senate Judiciary subcommittee hearings on criminal jurisdiction issues on reservations, but focused largely on describing the efforts of Senator Lee Metcalf (D-Montana) rather than the Native individuals who gave testimony: “Sen. Lee Metcalf [...] who has been sponsoring Indian legislation for more than a decade, is considering several bills aimed at continuing the slow process of assimilating Indians in the general population.”<sup>32</sup> As the headline mentioned Indians getting a “push toward citizen rank”, it

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<sup>29</sup> Peroff, *Menominee Drums*, p. 199.

<sup>30</sup> See for instance: David Halberstam, ‘U.S. is Cautioned on Indian Pacts’, *NYT*, 16 March 1961, p. 24; John Kamps, ‘Indians May Get Push Toward Citizen Rank’, *WP*, 22 December 1964, p. B10; ‘Senators Demand Aid for Indians’, *NYT*, 10 April 1966, p. 62; ‘Reform on the Reservation’, *NYT*, 24 April 1966, p. E10; ‘Colleges: Pride of the Reservation’, *TIME*, 11 April 1969, [www.time.com/archive](http://www.time.com/archive) (viewed: 21.6.2013).

<sup>31</sup> Kamps, ‘Indians May Get Push’, *WP*, p. B10.

<sup>32</sup> *Ibid.*

seems that the journalist here considered assimilation a requirement for achieving what he describes as “full citizenship”.

The language of this 1964 article, thus, did not substantially differ from 1950s rhetoric about Indian citizenship. Natives continued to be presented as ‘lesser’ citizens, even implying that this was due to their unwillingness to assimilate by describing them as “long suspicious of white men and changes”.<sup>33</sup> The only difference was in timing – while early 1950s articles referred to abolishing the trust relationship ‘as quickly as possible’, here a “gradual transfer of functions from the Federal Bureau of Indian Affairs [...] to other agencies” was advocated.<sup>34</sup> Rhetoric on Indian policy only largely diverged on issues of timing – not on the core idea of removing special services and trust status as the only method of ‘elevating’ Indians to ‘full citizenship’.

Significantly, while the press presented Senator Metcalf’s ideas in ways very similar to those of moderate Terminationists like Emmons, Metcalf in fact was an *opponent* of the fast-paced removal of tribal trust status. In the late 1950s, Metcalf campaigned against Termination in Senate, calling it an attempt to “dispose of the ‘Indian problem’ by sweeping it under the rug”.<sup>35</sup> Not only did this article fail to pay attention to the Native speakers at the meeting reported on, it eliminated nuances in political approaches by focusing on vague areas of assimilationist rhetoric. Metcalf’s comments on improved hospital services, housing and industrial training are mentioned later in the article, but the references to assimilation and “full citizenship” are prioritised, placed in the opening paragraph.

Similarly, even the few articles explicitly opposing Termination often referred to Natives as not “full citizens”. A 1961 *Times* article recounted criticisms for Termination expressed in

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Quoted in Clarkin, *Federal Indian Policy*, p. 11.

a report commissioned by the Fund for the Republic, titled *A Program for Indian Citizens*. Diverging somewhat from early 1950s writing on Indian policy, this piece focused largely on the figure of W.W. Keeler, the only Indian appointed to the commission that conducted the four year study. Just like the 1968 *Times* profile article on Keeler mentioned in Chapter Three, this piece portrayed Keeler as an exceptional Native individual rather than the norm; he was described as “vice president of the Phillips Petroleum Company and a principal chief of the Cherokee Indians” as well as “a special consultant to the Secretary of the Interior on reorganizing the Bureau of Indian Affairs”.<sup>36</sup> Notably, Keeler’s role as the oil company vice president was mentioned first, prioritised over his chairmanship of the Cherokee tribe – this implied some level of successful economic assimilation into the American mainstream. Nevertheless, Keeler was quoted as strongly opposing federal Termination policy, stating: “termination has been a retarding influence on the Indian people”.<sup>37</sup>

However, in defining Termination, the article stated it was “a policy designed to remove the Indians as wards of the Federal Government [...] instituted in 1953 by the Eisenhower Administration, which wanted to make Indians full citizens.”<sup>38</sup> The idea of Natives as ‘wards’, and thus not ‘full citizens’, was fully accepted here. Despite the strongly negative comments made about Termination policy, its central ideology was not questioned – rather, the problems with Termination were presented as practical ones: Termination had apparently been conducted in a “hasty manner” and caused the “abandonment by the Federal Government of educational, medical and road building and other services *without first establishing other sources of support for such services*.”<sup>39</sup> According to this article, the 1961 report did not actually object to the goals of Termination, just the methods employed

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<sup>36</sup> Halberstam, ‘U.S. is Cautioned on Indian Pacts’, *NYT*, p. 24.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.* Emphasis added.

by the government. The *Times* article was accurate in this respect – though *A Program for Indian Citizens* in its title referred to Indians as ‘citizens’, the report itself did not object to assimilation or call for an end to Termination, rather pushing for greater Indian participation in planning economic development in preparation for ending tribal trust status.<sup>40</sup> The report, thus, mirrored the criticisms of federal policy presented in the 1928 Meriam Report which, despite denying that “wardship” limited “citizenship”, upheld the federal goal of ultimate assimilation, declaring that “Eventually all Indians in the United States will be assimilated into our social, economic, and political life [...]”<sup>41</sup>

The lack of change in discussions of Native citizenship in the Termination period thus demonstrates the hegemony of the belief in assimilation, and unresolved tensions within Indian affairs. The same debates over Native citizenship and “wardship” that had been prominent at the turn-of-the-century resurfaced in the 1950s. This tenet of Terminationist ideology, that trust status was inherently a problem, did not require justification. The relationship between tribes and the federal government *was* undeniably problematic, but the fixation on “full citizenship” in public discussions obscured alternate solutions to paternalistic practices. Non-Native Indian rights activists like Collier and La Farge opposed the view that “wardship” was inherently damaging, but the idea of a “differentiated citizenship” did not catch on in public discussions over Indian affairs. Native Americans themselves, furthermore, were largely absent in these discussions, or appeared as a voiceless, “suspicious” mass, resistant to the inevitable, transformative force of assimilation into the American mainstream.

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<sup>40</sup> Clarkin, *Federal Indian Policy*, pp. 15–7.

<sup>41</sup> Meriam et al., *Problem of Indian Administration*, p. 775.

## 5.2. Discussions of American citizenship at tribal council meetings

As these press debates thus demonstrate, in mainstream public rhetoric the concept of Native citizenship was usually inextricable from discussions of “wardship”. But to what extent did those national Indian affairs debates reflect the concerns of Native individuals and groups? Interestingly, very little mention of “wards” or “wardship” was found in the minutes of the tribal councils here examined. The only clear discussion of such a relationship in the formative years of Termination policy occurred at a December 1949 Klamath Business Committee and Tribal Special Member Committee meeting with Acting BIA Commissioner William Zimmerman. This question was raised due to the unique problems tribal members were experiencing with their superintendent, Raymond Bitney, as discussed in Chapter Three. In this meeting, tribal members complained to Zimmerman that Bitney disrespected them. Klamath Joe Ball even claimed that Bitney had declared himself his “legal guardian”.<sup>42</sup>

Tribal members requested that Zimmerman comment on these accusations. In apparent contrast to Bitney, Zimmerman stated:

“I have often argued actually the relationship between the Indians and the government is that of a trustee rather than a guardian. Mr. Bitney has no responsibility of the persons of the individual Indians as a guardian would have if appointed in a state court. Neither Mr. Bitney nor I have any power to seize an individual Indian and hold him under restraint, as a guardian would have power to do.”<sup>43</sup>

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<sup>42</sup> Klamath Tribal Special Member Committee and Business Committee (8 and 12-13 December 1949), *MCMAIT 1/II*, Reel XVIII.

<sup>43</sup> *Ibid.*

Zimmerman did not refer to Indians as wards. However, seeing as a guardian is the legal counterpart to a ward, Zimmerman did contest the definition of the federal-Native relationship as wardship. Rather, in speaking to Klamath leaders, he specifically referred to this dynamic as a “trust” relationship.

However, Zimmerman did not present his own view as the unequivocal truth. Instead he stated that he had “often argued” for that interpretation, meaning he recognised that multiple understandings of Indian legal status coexisted. Despite the prevalence of the concept of “wardship” in discussions of Native citizenship in the press, that Zimmerman was questioned on this subject demonstrates that Klamath tribal council members did not necessarily see themselves as wards – or at least, did not view their reservation superintendent as their legal guardian.

Speeches at the same meeting reveal that though they may not have labelled themselves “wards”, Klamath tribal members did not see themselves as “full” or “equal” citizens either. For instance, before the above exchange between Ball and Zimmerman, President Seldon Kirk spoke about the problem of inequality: “Now we are citizens the white men make quite a joke of it – the black white man ready to take up responsibility. [...] When do we become citizens? When is that time coming? What else must we do?”<sup>44</sup> Kirk referred to Indians as both citizens and not. This indicates that while he probably recognised that Natives were legally citizens, they were not fully equal to the mainstream public. He expressed this by comparing the Native situation to discrimination against African Americans, indicating a frustration with discrimination and the lack of Klamath control over their own affairs. In this respect, Kirk’s views seem similar to those exhibited in the mainstream press, indicating that legal citizenship was insufficient in guaranteeing

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<sup>44</sup> Ibid.

Natives rights as citizens. However, Kirk's statement both used the language of "citizenship" as limited and challenged the federal view that assimilation was required, by speaking of Indians as able to handle their own affairs: "The Indian a long time ago had no education, knew nothing whatever of civilization, but he was taking care of himself, feeding himself. He was competent. [...] How long do we have to go, how long are we going to be under the protection of the United States government."<sup>45</sup> In this sense, Kirk turned the language of limited citizenship to his own devices, criticising federal paternalism but also prioritising Native ability.

Later at the same meeting, a draft bill which would have allowed individual members to withdraw from the tribe was discussed. These deliberations demonstrate that in the late 1940s there was evidently a strong push from some tribal members to be allowed to leave the tribe. However, an agreement was never reached over the exact nature of the bill and in September 1953 focus instead turned to the BIA's draft wholesale Termination Act.<sup>46</sup> Nevertheless, discussions over the possibility of individual withdrawal reveal some of the motivations tribal members had in supporting the erosion of trust status, and that the concept of "full citizenship" and differing interpretations of this played a key role. Klamath Executive Committee representative Dice Crane posed the question to the assembled members and tribal attorney: "All Indians are citizens of the United States, aren't they?"<sup>47</sup> This raised a lengthy discussion about whether tribal members could be considered citizens. Termination advocate Wade Crawford responded that Indians were only citizens in a "political", but not a "personal" right, indicating his wish that the bill refer to withdrawing

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<sup>45</sup> Ibid.

<sup>46</sup> Haynal, 'Termination and Tribal Survival', p. 277.

<sup>47</sup> Klamath Special Member Committee and Business Committee (8 and 12-13 December 1949), *MCMAIT 1/II*, Reel XVIII.

from the tribe as gaining “full citizenship”. The tribe’s attorney, Glenn Wilkinson, elaborated on Crawford’s point, though not entirely agreeing with him:

“In a political sense you are all United States citizens now, at least in a political sense. If you put in here a full United States citizen, or something like that, it might leave the status of those who remain on the reservation somewhat uncertain because of the implication that by granting full United States citizenship to those who go our Congress may mean redemption of some from what citizenship you now have.”<sup>48</sup>

It is obvious that neither these tribal members nor Wilkinson saw the Citizenship Act as guaranteeing “full” citizenship, as Deloria and Lytle have since argued.<sup>49</sup> Rather Wilkinson’s statement outlines the problem with the vague wording of both the draft individual withdrawal bill and the Citizenship Act – neither clearly defined ‘citizenship’. He also indicated that a risk remained as federal officials could interpret the level of Native citizenship according to their own will; if withdrawing members were referred to as “full citizens” in a Congressional bill, remaining members could by proxy be considered lesser citizens and, for example, their electoral rights might be restricted. 1949 discussions include terminology strikingly similar to what federal rhetoric came to revolve around throughout the 1950s: “full citizenship” of Natives. However, in contrast to federal rhetoric, Klamath tribal members here indicated that bureau inefficiencies and paternalism limited Native citizenship, rather than the Native population failing to live up to requirements.

Similarly, tribal council minutes reveal that reservation residents sometimes struggled to participate in elections, despite the 1924 Citizenship Act in theory guaranteeing voting

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<sup>48</sup> Ibid.

<sup>49</sup> Deloria Jr. and Lytle, *The Nations Within*, pp. 3–4.



rights. While the press often attributed these issues to “wardship” and Native legal status, tribal council minutes demonstrate that in practice this was due to discrimination and lack of support from outside institutions. A brief indication of such problems appeared in a February 1952 report by the BIA Tribal Relations Officer of the Mississippi Choctaw tribe, Marie Hayes. The report stated that seventy-four Mississippi Choctaws had “reenrolled to vote” and paid their poll tax.<sup>50</sup> Though this was mentioned in the report as a positive thing, it is clear that with only seventy-four people registered to vote out of a population of at least 1,600, Mississippi Choctaws did not have proportionate representation on a state or federal electoral level.<sup>51</sup> As poverty was the main problem facing tribal members in the early Termination period – and largely the reason the tribe was not put up for withdrawal – it is clear that the long-standing Mississippi poll tax restricted the ability of many tribal members to exercise their citizenship rights.<sup>52</sup>

Electoral limitations were not just a problem of the Jim Crow South, as minutes of other tribal councils also provide evidence of discrimination in practising civic duties. Despite 1948 action in New Mexico and Arizona to allow Natives to vote in state and federal elections, the issue of enfranchisement remained a priority for the Navajo Tribal Council in the early 1960s. Discussions at January 1960 and February 1961 meetings demonstrate that Navajo citizens still struggled to exercise their right to vote in state and national elections, and the tribal council worked with attorney Norman Littell to combat disenfranchisement.<sup>53</sup> In contrast to his early 1950s support for the Fernandez Amendment’s extension of state civil and criminal jurisdiction over tribal lands, in 1960 Littell strongly supported both the

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<sup>50</sup> MBCTC (5-9 February 1952), *MCMAIT 1/I*, Reel XI.

<sup>51</sup> Osburn states that the Mississippi Choctaw population reached a low in the early 1930s, only consisting of ‘roughly sixteen hundred’: Osburn, *Choctaw Resurgence*, p. 107.

<sup>52</sup> *Ibid.*, p. 85.

<sup>53</sup> NTC (11-22 January 1960), *MCMAIT 2/I*, Reel III; NTC (30 January – 16 February 1961), *MCMAIT 2/I*, Reel V.

Navajo right to vote as U.S. citizens, and their right to self-government. Backing a resolution he had written for the council to negotiate election rights with the state of Arizona, he stated:

“[...] everyone of you can vote as you damn well please. That’s the freedom of American citizenship. [...] [The resolution] is intended also [...] to forestall the state in extending civil and criminal jurisdiction under Public Law 280. It is being talked about over in Arizona because they could, under that law, by passing a law in the Legislature, extend civil and criminal cases and enforce their own election laws if they had civil and criminal jurisdiction. I would like to keep this under your control.”<sup>54</sup>

Littell’s change of heart with regard to state civil and criminal jurisdiction reflected a general change in attitude in the tribal council toward more open expressions of tribal sovereignty and Diné identity. Consolidated tribal powers did not, however, mark dissociation from U.S. citizenship. As these resolutions supporting tribal participation in state and federal elections demonstrate, Navajo tribal members were interested in exercising their civic duties, but were stymied by outside discrimination. In February 1961, while discussing a resolution commending steps taken by New Mexico to support Native voting rights, tribal council representative Jimmie King drew on his military history to emphasise his citizenship rights:

“I believe that one of our dearly loved American heritages is the right to vote. For anyone to disenfranchise me, I would feel that that individual must do

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<sup>54</sup> NTC (11-22 January 160), *MCMAIT 2/I*, Reel III.

away with the Unit Citation that was bestowed upon me. They would have to tear that off, along with the battle stars which were awarded me.”<sup>55</sup>

The inability to vote was undeniably an important issue for Navajos – as King’s statement here shows, tribal members understood the implications of disenfranchisement and how it restricted their U.S citizenship. These notes and discussions in Mississippi Choctaw and Navajo council minutes demonstrate that the civic abilities of tribal members living in different parts of the country were severely limited due to state-level discrimination – not the action of tribal members themselves, as federal rhetoric implied.

While electoral problems were real and significant for the Mississippi Choctaw and Navajo, these were not the only matters tribal members experienced as constraining their U.S. citizenship. The minutes of a 1952 Mississippi Choctaw tribal council meeting indicate that tribal members felt that surrounding Euro-American communities did not see Indians as “full citizens”. Though these minutes are abbreviated notes rather than a full transcript, it is evident that in discussing citizenship with BIA employees, like Tribal Relations Officer Hayes, tribal members expressed concern about citizenship: “Emmett York asked that Mrs. Hayes inform the Council as to what the outside contacts really expected of the Indians, and how they could aid in the speeding-up process of acceptance as full-fledged citizens in all communities.”<sup>56</sup> Just as with the 1949 concerns of Klamath tribal members, this statement shows that York did not see himself as a “full” citizen, but clearly wished to achieve that status. York was only paraphrased, so the minutes contain little indication of how he interpreted citizenship, but it is significant that he asked this question after Hayes had spoken of the role of the Bureau as “assisting the Indians to secure services not otherwise provided for them at the present time – thus, the reason for Indian Service

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<sup>55</sup> NTC (30 January - 16 February 1961), *MCMAIT 2/I*, Reel V.

<sup>56</sup> MBCTC (13 November 1952), *MCMAIT 1/I*, Reel XI.

schools, hospitals, welfare program, health program and the many other services rendered by the various branches.”<sup>57</sup> The context of the question thus indicates that York may have associated “full citizenship” with securing the same services other citizens received. Significantly, it was clear that he wished to be a citizen, but saw tribal members as restricted by the attitudes of “outside contacts”, lacking “acceptance” by others.

In contrast Hayes heavily indicated in the same meeting that the U.S. citizenship of Natives was restricted by their own reliance on the bureau, and that Indians should strive to integrate with local communities:

“The basic policy of the Indian Service Bureau was restated by Mrs. Hayes; as: Assist in enabling the Indian people to take their place in the respective communities, politically, socially and economically. [...] When the Indian peoples could take their place in the various communities on a par with other citizens, then there would be no longer a need for the Indian Service Bureau.”<sup>58</sup>

Later in the meeting, Hayes clarified that the shutdown of the Indian Bureau was what the “Withdrawal Program” aimed for, even specifically referring to this as “termination”. While Katherine Osburn has demonstrated that Hayes did not entirely discourage the practice of Mississippi Choctaw culture and language, this quote reveals that she did not see Natives as equal citizens, because they had not “taken their place” in local communities – in Hayes’ view some level of assimilation was required.<sup>59</sup>

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<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Evidence indicates that Hayes called the Mississippi Choctaw language “beautiful” and encouraged tribal members to use their “colorful Indian culture” to attract tourism. See: Osburn, *Choctaw Resurgence*, pp. 165–7.

This interpretation was generally representative of BIA employees' approach in the period. A Washington BIA official visiting the Five "Civilized" Tribes Inter-Tribal Council in 1958 similarly stated:

"Someday the Indian people will take their place in the communities as a part of the total community just the same as anyone else does. They cannot go on being 'indigent Indians' or a special class...[...] After all, the Indian is a citizen of both the State and the United States and he is a part of the community in which he lives."<sup>60</sup>

Indians were clearly addressed as citizens in this statement – not only federal citizens, but citizens of specific states also. However, assimilation was presented as a necessary feature of citizenship, with Native integration into local communities considered an inevitable development which would "someday" take place. The possibility of a different kind of citizenship was distinctly denied as resulting in a "special class".

In 1953, Commissioner Emmons himself gave a lengthy speech to the Navajo Tribal Council just three months after HCR 108 was passed, similarly disparaging Native "second-class citizenship" and stating:

"Like all other friends of the Indians, I was particularly pleased by the action taken by the Congress [...] in wiping off the books or modifying a series of laws which have been for many years a form of discrimination against the Indian people. This action is the best proof you could possibly have that the overwhelming majority of Americans everywhere want their fellow citizens of

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<sup>60</sup> FCTITC (8 October 1958), *MCMAIT 2/I*, Reel I.

Indian extraction to have the same rights and privileges which they themselves enjoy.”<sup>61</sup>

The discriminatory laws Emmons referred to were likely the ban on Indian alcohol purchase and use, as well as the laws restricting Native voting in Arizona and New Mexico, all of which had been repealed a few years before this meeting.<sup>62</sup> However, Emmons evidently did not view the alcohol ban repeal as a sufficient change. Significantly, he spoke directly of the need for Natives to not only achieve equality with Euro-Americans, but for them to have the *same* “rights and privileges”. The idea that Natives could be citizens with slightly different rights – including trust status and BIA services – but remain equally valuable members of society, was presented as untenable by officials like Emmons. This supports Levy’s claim that “differentiated citizenship” can cause disunity among the majority members of a society.

It is significant that the Commissioner did not refer to the Native population as “wards”, at least not during this address to the Navajo council, whereas press statements unquestioningly used the term. Emmons referred to tribal members only as “citizens” and “Indians”. Later in his speech, he even addressed the issue of maintaining Native cultures:

“What we are trying to achieve essentially, as I see it, is a condition of parity or equality for the Indian people as compared with the rest of the population.

This does not mean that we are expecting Indians to give up their own culture and be just like everyone else. But it does mean that we want to give the

Indians the same opportunities for advancement – the same freedom and

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<sup>61</sup> NTC (2-6 November 1953), *MCMAIT 1/I*, Reel VIII.

<sup>62</sup> Bernstein, *American Indians & WWII*, pp. 137–8.

responsibility in the management of their properties – as other American citizens.”<sup>63</sup>

The implication stood that Native Americans could continue to see themselves as “Indians”, as long as they conformed to Euro-American models of “freedom”, which inherently involved “the management of their properties”. In this respect Emmons held that Native cultures could only be maintained as a ‘heritage’, reflecting the prevailing view of culture shared also by Watkins and Udall, as demonstrated in Chapter Three.

In citing property management, Emmons highlighted an aspect of Termination that was barely publicly discussed: land ownership. The individual ownership of land has been a key characteristic of American identity and citizenship from the very founding of the United States. Only individual land owners had the right to vote in the colonies in which seminal U.S. leaders like George Washington and Thomas Jefferson grew up.<sup>64</sup> The freedom to own property has since become ideologically embedded in American citizenship, as shown by Merle Curti’s frequent references to debates surrounding land ownership in *The Growth of American Thought*.<sup>65</sup> Particularly in the post-WWII period, American conservative political ideology gained prominence, empowered by popular backlash to the supposedly “socialistic” institutions of the New Deal. In this atmosphere, liberal conceptions of democratic government became easily associated with Soviet communism.<sup>66</sup> The significance of land ownership will be discussed in more detail in the next chapter, but here it is important to note that federal discussions of Native citizenship in tribal councils

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<sup>63</sup> NTC (2-6 November 1953), *MCMAIT 1/1*, Reel VIII.

<sup>64</sup> Schudson, *Good Citizen*, pp. 4–5.

<sup>65</sup> For a discussion of twentieth century land ownership debates, see: Curti, *Growth of American Thought*, pp. 643, 733, 743.

<sup>66</sup> *Ibid.*, pp. 742-3, 792-3.

contained clear indications that property management and “full citizenship” were perceived as intertwined.

To understand the implications of Terminationist rhetoric, the extent to which tribal council representatives internalised the federal belief that trust status precluded “full citizenship” must be examined. Tribal council members also brought up issues of ownership at meetings, but with a different focus. For instance at a January 1964 Mississippi Choctaw Tribal Council meeting, Chairman Phillip Martin broached the subject of property ownership in a long speech on the development of Adult Education programmes:

“If employment is made available, many of us will have to learn about the use of money, unwise use of credit, and other things of misuse will hurt us. Many of our people have always had a landlord who controlled these things. Our people need to know much more about the privileges and responsibilities of citizenship.”<sup>67</sup>

In referring to the “privileges and responsibilities of citizenship”, Martin echoed federal Termination rhetoric and the sort of language BIA employees propagated in speaking to the tribe throughout the 1950s, recognising that tribal members had little experience of financial management. However, though his statement recalled HCR 108, the context demonstrates that his meaning diverged significantly from that of BIA officials like Emmons and local employees like Hayes. Martin did not dispute the U.S. citizenship of Natives, or necessarily imply that they were lesser citizens, just that they were not sufficiently aware of what citizenship entailed. Adult education, rather than assimilation into mainstream communities, is what Martin presented as key to realising change toward Mississippi Choctaw equal citizenship.

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<sup>67</sup> MBCTC (14 January 1964), *MCMAIT 2/I*, Reel I.



In fact, Martin continued his speech by emphasising the importance of developing the tribal community:

“We need improved facilities. We hope to purchase 80 acres of land near the Pearl River School and use part of it to develop a community center. [...] We want to see this developed so that we can invite our neighbors to come and participate with us. We know they will if we have adequate facilities.”<sup>68</sup>

Though, like Hayes, he spoke of communities, Martin emphasised the need to *interact with* rather than *assimilate into* local Euro-American communities. Far from giving up tribal holdings, the chairman spoke of increasing the communal land base for a community centre. In contrast to the Terminationist federal rhetoric, Martin did not see U.S. citizenship as precluding the continued existence and even revitalisation of the Mississippi Band of Choctaw Indians. Indeed, in 1964 the council established the Choctaw Community Action Program and worked on development opportunities provided under the Economic Opportunity Act.<sup>69</sup>

Significantly, Martin’s speech also indicated concern with the “facilities” available to tribal members, demonstrating an awareness of the disparity in living conditions between the Mississippi Choctaw and their “neighbors”. This highlights a major concern about living standards, which was shared by a variety of tribal councils throughout the 1950s and 1960s. For instance, in 1963 Creek Principal Chief W.E. McIntosh reported on the affairs of his tribe: “In fields of health, including sanitation, education, welfare and employment, industrial development, Creek Tribe through tribal officials and Council is doing everything

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<sup>68</sup> Ibid.

<sup>69</sup> Osburn, *Choctaw Resurgence*, pp. 178–9.

possible to hasten the day when the Creek Indians will be self-sustaining citizens.”<sup>70</sup>

McIntosh presented his tribe as citizens, but as unequal to the mainstream as his tribe was not yet “self-sustaining” – this is in keeping with the general trend of tribal members identifying themselves as strongly “American”, but not necessarily as equal citizens.

However, McIntosh went further to specify what he saw as limiting to Creek citizenship: education, sanitation, employment and so on. McIntosh thus employed citizenship rhetoric to highlight the substandard living conditions of Creek tribal members compared to the mainstream. Just as members of, for instance, the Navajo Tribal Council, related living standards to being “American”, the Creek and Mississippi Choctaw chairmen drew parallels between citizenship and the material conditions of tribal members. Council representatives, therefore, recognised a variety of factors as limiting “full” Native citizenship – but unlike federal officials and the press, they rarely presented Native inaction as one of them.

However, official federal rhetoric in the 1960s did not reflect Martin’s and McIntosh’s emphasis on Native citizenship being limited by substandard living conditions. Nor did communications from BIA employees to tribes seem to change in emphasis despite increasing 1960s provisions for OEO reservation development programmes. This is clear in Superintendent Glenn Landbloom’s 1962 report to the Navajo Tribal Council on Secretary of the Interior Udall’s three goals for Indian policy: “(1) maximum Indian self-sufficiency; (2) full participation of Indians in American life; and (3) equal citizenship privileges and responsibility for Indians.”<sup>71</sup>

Though Landbloom apparently had faith in Udall’s vision for Indian policy, stating that “considerable action has already resulted”, the language here exhibited did not significantly

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<sup>70</sup> FCTITC (9 October 1963), *MCMAIT 2/I*, Reel I.

<sup>71</sup> NTC (12-23 February 1962), *MCMAIT 2/I*, Reel VII.

diverge from the stated aims of Termination. HCR 108, too, referred to the “privileges and responsibilities” of citizenship and, like Udall, presented these as something Natives were lacking. Udall’s policy rhetoric was, of course, not as forceful as HCR 108 – the latter placed onus on Indians to “assume their full responsibilities”, whereas Udall emphasised “self-sufficiency” without implying that Native Americans had shirked their duties.

Udall’s aims, nevertheless, included “full participation of Indians in *American* life”, not mentioning tribal membership. In this sense, his views do not correlate with Mississippi Choctaw Chairman Martin’s ideas of Natives as U.S. citizens *and* developing tribal communities, though both refer to citizenship “privileges and responsibilities”. Instead Landbloom’s presentation of Udall’s policy carried assimilationist undertones, showing signs that Terminationist ideas of Natives as not yet “full” citizens persisted in discussions with tribal councils in the 1960s. Though tribal council members generally tended to present themselves as unequivocally *American*, there was not a similar insistence that Natives were “full” U.S. citizens. Rather, members of, for instance, the Klamath and Mississippi Choctaw tribes – at least publicly – employed the federal rhetoric of “lesser” citizenship, but imbedded these with their own interpretations and meanings.

### **5.3. “Ancient sovereignty”: the 1960s shift toward self-determination**

Both discussions in tribal councils *and* public debates in the press surrounding Native citizenship presented it as limited, but for varied reasons: the press usually spoke of “wardship” to describe Natives as wilfully dependent, while members of different tribal councils expressed frustration at substandard living conditions, BIA paternalism, and discrimination by mainstream communities. In some cases, as in Klamath discussions,

gaining “full citizenship” was even a motivation for individual members wanting to withdraw from their tribe, but the wholesale removal of federal trust status was not generally advocated. These discussions contradict Deloria and Lytle’s argument that the 1924 Citizenship Act ensured “full citizenship” for Natives, or even created a “dual” American and tribal citizenship.<sup>72</sup> However, focusing on discussions of the *U.S. citizenship* of Native Americans is insufficient. Daniel Cobb has shown that Native activists in the 1960s increasingly publicly communicated their identity as not just *American* citizens, but also as Indians.<sup>73</sup> Moreover, particularly later in the 1950s and throughout the 1960s, discussions of tribal members as *citizens of Native nations* increased in council meetings, demonstrating that many Indians did indeed see themselves as “dual citizens”. The contexts in which these claims of citizenship were made, as well as the ways in which the press depicted tribal governments, must be examined to understand the full impact of the rhetoric of citizenship on the development of Indian policy.

That the leaders of the Five “Civilized” Tribes valued both their American citizenship and tribal membership is evident in a 1955 bill passed by the Inter-Tribal Council “[t]o extend the period of restrictions on lands belonging to Indians of the Five Civilized Tribes in Oklahoma, and for other purposes.”<sup>74</sup> The bill was drafted in response to demands of the 1906 Five “Civilized” Tribes Act, which divided reservation lands into allotments amongst individual members, but decreed that the land parcels of Indians the BIA deemed “incompetent” would remain under trust status.<sup>75</sup> After various extensions, these restrictions were due to end in 1956. In order to maintain lands in Native ownership, the

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<sup>72</sup> Deloria Jr. and Lytle, *The Nations Within*, pp. 3–4.

<sup>73</sup> Cobb quotes NIYC members, who spoke of the need to protect their rights both as Indians and as American citizens. See: Cobb, *Native Activism in Cold War America*, p. 154, 161.

<sup>74</sup> FCTITC (19 February 1955), *MCMAIT 1/1*, Reel XI.

<sup>75</sup> Lambert, *Choctaw Nation*, pp. 50–1.

Council requested these protections be finally extended until the death of allottees, unless a “certificate of competency” was applied for.

While the Inter-Tribal Council’s 1955 bill made clear that any tribal member choosing to apply for a certificate of competency would “not be entitled to any of the services performed by the United States for Indians because of their status as Indians”, it did not present this as eradicating the tribal membership of such individuals: “Provided, that nothing in this Act shall affect that status of such persons as a citizen of the United States or the right, if any, of such person to share in the distribution of tribal assets or to participate in tribal affairs.”<sup>76</sup> This statement proves that whilst Five Tribes leaders accepted that some members wished to revoke trust status over their lands, allowing them to buy and sell their property and eradicate BIA control over their personal finances, this should not affect their tribal membership. While the allotment policy had been aimed at the full assimilation of Indians into mainstream American society and the 1906 Act had dismantled the existing tribal governments of the Five Tribes, fifty years later the Cherokee, Choctaw, Creek, Chickasaw and Seminole in Oklahoma maintained their will to survive as tribes.

1960s minutes of Inter-Tribal Council meetings support this impression that council members held a dual identity – and not just on an abstract level, but as a part of their legal status. Such a stance was indisputably expressed by a visitor to the Five Tribes, Allen Quetone (Kiowa), a long-standing BIA employee who described himself as active in tribal affairs.<sup>77</sup> Though the minutes mostly paraphrased Quetone, his attitude was clearly communicated:

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<sup>76</sup> FCTITC (19 February 1955), *MCMAIT 1/1*, Reel XI.

<sup>77</sup> In 1984, Quetone wrote that he had been a bureau employee for 23 years and had experienced “12 years as a participant of tribal life in local, state and national tribal affairs”, see: Allen Quetone, ‘Indian Self-Determination - the Human Factor’, *Public Administration Review* 44.6 (1984), pp. 533–8.

“Mr. Quetone states ‘he believes Indians should retain their lands, and what rights we have’; he states he feels he is a citizen.... ‘yet I am an Indian, entitled to certain things.’ He further stated ‘there is a question of whether the services we get as Indians are basically a gift from the Federal Government.’ He states his tribe won a claim on the basis of treaties.”<sup>78</sup>

Quetone here presented Natives as not only citizens, but as *Indians*. In doing so, he referred to trust status and services not as a ‘government dole’, but as the legal right of Natives, guaranteed by their treaties with the government.

Though Quetone was a visitor to the Inter-Tribal Council, his statement was not contested in the council meeting – at least not openly. While no one appears to have commented on Quetone’s speech, it was followed by discussion of the NCAI and upcoming American Indian Chicago Conference. These conversations exemplify the Inter-Tribal Council’s usual language in speaking of national Indian affairs, consistently calling themselves and other Natives “Indians”. Dennis Bushyhead, Cherokee representative to both the Inter-Tribal Council and the NCAI, read out and spoke in favour of resolutions from the latest NCAI meeting: “[...] actions, decisions, and policy declarations have been arrived at during the past decade without regard to the facts of Indian needs, conditions, and aspirations, thereby producing the unrealistic and destructive ‘termination policy’ [...]”<sup>79</sup> Bushyhead’s support for the NCAI was repeated by Quetone, indicating the men agreed on prioritising “Indian needs”.

Many Inter-Tribal Council members thus advocated the special rights of Indians as guaranteed by treaties, in accordance with the NCAI’s campaign for increasing tribal control

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<sup>78</sup> FCTITC (11 January 1961), *MCMAIT 2/1*, Reel I.

<sup>79</sup> *Ibid.*

over their own programme administration without severing trust status, demonstrated by their slogan “Self-Determination – Not Termination”.<sup>80</sup> As shown in Chapter Four, Five Tribes involvement in the June 1961 Chicago Conference was nevertheless highly controversial, and Cherokee chairman W.W. Keeler and representative Early Boyd Pierce pushed for the inclusion of an “American Indian Pledge” as a preface to the Declaration of Indian Purpose. In this January 1961 Inter-Tribal Council meeting, too, Keeler questioned the intentions of the Chicago Conference. The minutes describe Keeler as having “stated his reaction is he hates to see Indians taken in by Dr. Sol Tax; that the NCAI has been for the Indians... he said we have had a lot of speakers – Indian and non-Indian – but it was the Indians themselves who made up their minds.”<sup>81</sup> Though Keeler disagreed with Bushyhead and Quetone on the worth of the Chicago Conference, all three clearly identified Native people as “Indians” with a special status in the nation. While Keeler’s opposition to Sol Tax’s involvement may have been motivated by the anthropologist’s socialist links and German-Jewish background – characteristics Keeler saw as incongruous with American principles – his opposition to non-Native control over Indian rights activism indicates that he nevertheless valued “Indianness”.<sup>82</sup>

In the case of the Five Tribes, BIA employees did not strongly push fast-paced Termination and federal officials usually supported the Council’s decisions, with Oklahoma Congressman Tom Steed, for instance, successfully backing the extension of trust status over allotted lands in the 1950s.<sup>83</sup> Even Oklahoma Choctaw Termination attempts were largely led by Principal Chief Harry Belvin, rather than federal employees.<sup>84</sup> In this sense,

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<sup>80</sup> Cobb, *Native Activism in Cold War America*, p. 30.

<sup>81</sup> FCTITC (11 January 1961), *MCMAIT 2/I*, Reel I.

<sup>82</sup> Tax’s father identified as a socialist, and Tax himself was Jewish, see: Cobb, *Native Activism in Cold War America*, p. 24.

<sup>83</sup> FCTITC (19 February 1955), *MCMAIT 1/I*, Reel XI.

<sup>84</sup> Lambert, ‘Political Protest, Conflict and Tribal Nationalism’, pp. 284–5.

the “Indian” or specific tribal identities of these groups were not directly legally challenged in the period. In contrast, the Klamath were faced with the Termination of their legal status as members of a federally recognised tribe. As this realisation became clear to tribal members, council debates increasingly highlighted the significance of not only the membership but the *citizenship* of Klamaths to their tribe. For instance, in a June 1958 General Council meeting representative Elnathan Davis, vowed to ‘work for the repeal’ of the Klamath Termination Act:

“I have always been against P.L. 587 from its inception. [...]If Congress did that to some other nation, there would be a war – no other nation would stand for it. I feel this severing of our relationship – Congress, the United States would never do that, never pass a law that United States citizens choose to elect a law or denounce their citizenship. They would never do that, so why do it to us, the Klamath tribe, or any other tribe?”<sup>85</sup>

Davis explicitly opposed Termination here, and foregrounded not only Klamath identity, but their legal status. Comparing the tribe to a nation, he rejected federal interpretations of a uniform American citizenship, instead arguing that Klamath citizenship was equally legally valid. Davis’ stance in 1958 had strong support among the Klamath General Council, and the speakers after him referred to “the treaty of 1864” and “our sacred heritage” to emphasise the need to maintain the reservation in the future.<sup>86</sup> Significantly, this sort of language of tribal citizenship only appeared in Klamath General Council meetings late in the 1950s, in this case after the vote for withdrawing or remaining in the tribal cooperative had been held. At this meeting newly elected tribal council representatives, like Davis, were introduced and some conversation was evidently held “in the indian [sic] language”,

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<sup>85</sup> KGC (28 June 1958), *MCMAIT 2/II*, Reel X.

<sup>86</sup> *Ibid.*



indicating that the impending Termination date had led to a shift in the council's atmosphere.<sup>87</sup> As the deadline drew nearer for removing Klamath trust status, tribal members not only subverted key concepts of Termination rhetoric, like "citizenship", but used these to challenge federal Indian policy.

While these strong statements were clearly born out of Klamath resistance to Termination, tribes not immediately faced by the policy equally employed notions of tribal citizenship. In the late 1950s the Navajo Tribal Council, under the leadership of Chairman Paul Jones, moved toward consolidating the self-government of the tribe by expanding its judicial system and founding a tribal police force.<sup>88</sup> The wish of the tribal council to take over the administration of their own programmes *as a tribe* while eradicating BIA paternalism is clear throughout 1960s discussions. For instance, long-term councilwoman Annie Wauneka spoke out against BIA incompetence in a 1961 meeting:

"Why let the white men run over the Navajo and let them do as they please? That is my position. [...] I am not saying that we are asking for termination of trusteeship of the Government over the Navajos; all I am asking is that we get adequate personnel, qualified to do the job for the Navajo people."<sup>89</sup>

Wauneka criticised paternalism, but clearly distinguished this from advocating Termination. Though she did not use the terminology of "self-determination" like the NCAI, her speech shows support for similar principles, calling for restrictions to BIA control whilst opposing Termination of the Navajo tribe. The Navajo Tribal Council did not join the NCAI due to the high membership fees the tribe would have had to pay, but they evidently kept

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<sup>87</sup> Ibid.

<sup>88</sup> Iverson, *Diné*, p. 214.

<sup>89</sup> NTC (22 August – 1 September 1961), *MCMAIT 2/I*, Reel VI.

up-to-date with the organisation's actions.<sup>90</sup> The Council even included a full report of the 1961 Chicago Conference in the minutes of the meeting at which Wauneka spoke.<sup>91</sup>

Wauneka's speech indicates that council representatives sympathised with NCAI concerns, despite the tribe remaining non-members.

Regardless of frustration at federal paternalism, the tribal council expressed allegiance to both "the Navajo people" and the United States. The ceremonies inaugurating newly elected tribal officials in April 1963 featured both Navajo and American traditions, with the "Navajo Tribal Band" playing the (presumably U.S.) National Anthem, and Chee Anderson, "Master of Ceremonies-Interpreter" translating proceedings into Navajo. Indeed, in taking up the position of Chairman, Raymond Nakai's oath of office involved promising to uphold the Treaty of 1868 *and* the U.S. Constitution "in the manner which is in the best interest of my people."<sup>92</sup> Nakai's inaugural speech, moreover, exemplified a trend in Navajo discussions in the 1960s, emphasising tribal sovereignty and self-determination alongside American citizenship:

"The goal toward which I propose to lead the Navajo people is the goal of all true Americans [...]. *I shall never voluntarily surrender the ancient sovereignty of the Navajo people, (applause) or barter it away bit by bit, to private interests or other governments; but I will restrict the power of the Navajo government toward the Navajo people. (applause).*"<sup>93</sup>

Charles Wilkinson has claimed that the term "self-determination" only spread into general use in Indian affairs in the 1970s, but was used in Native circles already in the early

<sup>90</sup> NCAI fees are proportional to a tribe's population. For discussions of the Navajo council's reluctance to pay these, see: NTC (5-9 October 1953), *MCMAIT 1/1*, Reel VIII.

<sup>91</sup> For Navajo council representative Sam Billison's report on the Chicago Conference, see: NTC (22 August – 1 September 1961), Reel VI.

<sup>92</sup> NTC (13 April – 8 May 1963), *MCMAIT 2/1*, Reel IX.

<sup>93</sup> *Ibid.* Emphasis added.

1960s.<sup>94</sup> Nakai's reference to sovereignty is one of the only incidents of this term appearing in the 1950s and 1960s council minutes of any of the tribes here considered. This may, however, be due to the restrictions on the minutes available, including meetings only up to 1960 for the Klamath Tribal Council, and 1964 for the Navajo and the Inter-Tribal Councils. Nakai's inaugural speech nonetheless reflects a shift in the language of Indian affairs at a transitional period, when Termination Acts were still being passed, but the fast-pace of the policy was simultaneously criticised. In taking up his position as Chairman in 1963, Nakai did not shy away from speaking of the "Navajo government" and justifying its position based on the "ancient sovereignty" of the tribe, thus confirming that it was not just a collective of people, but had inherent rights of self-government. Compared to early 1950s tribal council members' statements that the tribe was "not yet ready" for Termination, Nakai's speech boldly communicated Navajo resistance and resilience in the face of paternalism, facilitated by the shift in federal Indian policy discussions.

However, Nakai also expressed his willingness to "restrict the power of the Navajo government", indicating that he did not view the council as an unproblematic representative organ of the Navajo people. Indeed, in his campaign for chairmanship, Nakai had pledged to introduce a Navajo constitution in accordance with the U.S. constitution, to limit the powers of the tribal government. Though the Nakai administration did draft a constitution that was accepted by the council in 1968, this was never sent for public ratification by the Navajo people.<sup>95</sup> Instead, a Navajo Bill of Rights was passed in 1967 protecting the rights of Navajo citizens to, for instance, due process; equal protection; freedom of religion, speech and press; and the right to trial by jury.<sup>96</sup> Nakai's speech in

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<sup>94</sup> Wilkinson, *Blood Struggle*, p. 191.

<sup>95</sup> Wilkins, *Navajo Political Experience*, p. 107.

<sup>96</sup> *Ibid.*, p. 108.

1963, thus, exhibited concern with the implications of unlimited powers of tribal governments over their members.

An examination of the press in the same period unequivocally demonstrates that newspapers shared this concern. In fact, a trend of presenting tribal governments as limiting the American citizenship of tribal members emerged in the 1960s, alongside the continuing rhetoric of “wardship”. For instance, *TIME* ran an article in 1965 addressing the issue of Native citizenship. Entitled ‘Civil Rights: The Constitution & Mrs. Colliflower’, the article described a legal case between Madeline Colliflower and the Blackfoot tribe.<sup>97</sup> Colliflower was sentenced by the tribal court without trial for refusing to move her cattle off land that had been leased to someone else. Her case is well-documented in secondary literature, with Deloria and Lytle arguing that it was critical in leading up to the passage of the 1968 Indian Civil Rights Act.<sup>98</sup> The *TIME* article certainly recognised the questions of constitutional rights raised by the Colliflower case, criticising the Fort Belknap tribal council for not arranging a trial.<sup>99</sup> Interestingly, the article referred to the Citizenship Act in justifying its criticisms of tribal courts, stating:

“Congress in 1924 capped the conquest of the American Indian by granting U.S. citizenship to all Indians born from that year on. Until then, tribal Indians had been considered ‘wards of the Government.’ But the gesture by no means fully extended the U.S. Constitution to about 70% of the country’s Indians – the 380,000 tribal members who now live on 399 reservations and enclaves maintained by the Federal Government.”<sup>100</sup>

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<sup>97</sup> ‘Civil Rights: The Constitution & Mrs. Colliflower’, *TIME*, 3 September 1965, [www.time.com/archive](http://www.time.com/archive) (viewed: 19.6.2013).

<sup>98</sup> Deloria Jr. and Lytle, *The Nations Within*, p. 209.

<sup>99</sup> ‘The Constitution & Mrs. Colliflower’, *TIME*.

<sup>100</sup> *Ibid.*

*TIME*, though bringing in the context of the Citizenship Act, did not portray Natives as having equal rights to mainstream citizens, highlighting concerns similar to those presented by Nakai at the Navajo Tribal Council. Furthermore, the article strongly criticised tribal courts, claiming that Indian judges had “little or no legal training” and that tribal members were “consistently denied writs of habeas corpus.”<sup>101</sup> While protection of tribal members from potentially corrupt or autocratic tribal leaders is an important concern still hotly debated in Native circles, the *TIME* article showed little awareness of the legal rights of tribal nations and their courts.<sup>102</sup> While the article did refer to the “Blackfoot nation”, its tone was critical of tribal sovereignty: “[...] the law still regards Indian tribes as quasi-sovereign nations”.<sup>103</sup> By including the word “still”, the writer implied that the sovereign status of tribes was not sustainable and would change. This impression was reinforced in the next paragraph, which stated that “fortunately, this situation is bound to improve” and hailed Colliflower’s case as certain to “sharply curb the power of tribal courts.”<sup>104</sup> These critiques were typical of the news magazine; three years later a follow-up article on the Colliflower case in heavily stereotyped terms criticised tribal courts for abiding by “Indian customs and traditions of justice, which include such warlockery as divination – by observed hand trembling – of witches and thieves.”<sup>105</sup>

The *Times* also reported on Colliflower in 1965, declaring in a headline that ‘Tribe Courts Lose Unchecked Power.’<sup>106</sup> Unlike the *TIME* piece, this article did not carry a caricatured image of ‘primitive’ tribal courts, instead recounting in detail the development of the case

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<sup>101</sup> *Ibid.*

<sup>102</sup> For instance, the Navajo Nation has dealt with several controversies surrounding allegedly corrupt leaders since the 1980s, see: Wilkins, *Navajo Political Experience*, pp. 90–5.

<sup>103</sup> ‘The Constitution & Mrs. Colliflower’, *TIME*.

<sup>104</sup> *Ibid.*

<sup>105</sup> ‘Civil Rights: Equality for the Red Man’, *TIME*, 19 April 1968, [www.time.com/archive](http://www.time.com/archive) (viewed: 21.6.2013).

<sup>106</sup> Wallace Turner, ‘Tribe Courts Lose Unchecked Power’, *NYT*, 28 March 1965, p. 72.

from the tribal court to the Circuit Court of Appeals. The *Times* described Colliflower's victory against the Blackfoot court as presenting "another milestone in Indian freedoms", and quoted Circuit Judge Ben Duniway at length, stating that the courts "were created by the Federal Executive and imposed upon the Indian community, and to this day the Federal Government still maintains a partial control over them."<sup>107</sup> The article thus shared *TIME*'s interpretation of the solution to the situation: both presented state or federal involvement as desirable and tribal court systems as inherently problematic and harmful, even questioning their legitimacy to represent tribes. In this respect, the general press stance as exhibited by *TIME* and the *Times* differed in approach to Nakai; though both recognised potential problems in the legal status of tribal governments, the press advocated federal and state court involvement or even wholesale shut down of tribal courts, while Nakai viewed tribal constitutions as a solution. Nakai thus preferred taking Euro-American models into account in establishing Navajo administrative systems, rather than giving up tribal controls in favour of state jurisdiction. Indeed, the Navajo Nation has focused much effort on developing its tribal court system since its establishment in 1958, with the 1991 Navajo Nation Code of Judicial Conduct successfully integrating traditional Diné legal values and the American Bar Association's Model Code of Judicial Conduct.<sup>108</sup>

These press articles presented Native Americans as 'second-class' citizens specifically due to tribal government frameworks, rather than 'wardship' or 'dependency' caused by trust status. In similar vein, the March 1969 *TIME* article 'Civil Rights: Revolt on the Reservation' criticised the Navajo tribe's right to exclude non-Navajo U.S. citizens from the

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<sup>107</sup> Ibid.

<sup>108</sup> Tom Tso, 'Moral principles, traditions, and fairness in the Navajo Nation Code of Judicial Conduct', *Judicature* 76.1 (1992), p. 15.

reservation.<sup>109</sup> Describing the now infamous case of Navajo tribal councilwoman Wauneka slapping the director of the OEO's Navajo legal branch, Ted Mitchell, the article stated:

“At a tribal advisory council meeting, 50-year-old Annie Wauneka, the council's first squaw, rose to ask if the 1968 Civil Rights Act forbade the tribe to banish unwanted whites from the reservation. [...] Then she smacked the Harvard Law School graduate several times across the face. The following day, two Navajo policemen, acting on council orders, packed Mitchell into his pickup truck and hustled him off the reservation.”<sup>110</sup>

Unfortunately the minutes for this meeting are not available in the BIA's Navajo Tribal Council records. Wauneka's biographer, Carolyn Niethammer, has shown that the incident was uncharacteristic for the usually diplomatic councilwoman: on other occasions Wauneka showed support for Euro-Americans working in tribal administration, for instance advocating a pay rise for the director of the Navajo Tribal Utility Authority.<sup>111</sup> The councilwoman was evidently adept at both working within a more direct Euro-American political framework and according to traditional Diné rules of courtesy, but these skills do not come across in the above description.<sup>112</sup> Not only was Wauneka incorrectly termed the first woman on the council, but the derogatory term “squaw” was used to pit her against the “Harvard Law School graduate”, with tribal police also presented as aggressive and forceful in “packing” the urbane Mitchell off.<sup>113</sup>

The article did highlight real issues regarding the legal implications for Native individuals existing as both tribal members and U.S. citizens: “Since 1924, when Congress decided that

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<sup>109</sup> ‘Civil Rights: Revolt on the Reservation’, *TIME*, 14 March 1969, [www.time.com/archive](http://www.time.com/archive) (viewed: 21.6.2013).

<sup>110</sup> *Ibid.*

<sup>111</sup> Niethammer, *I'll Go and Do More*, pp. 174–8.

<sup>112</sup> *Ibid.*, p. 245.

<sup>113</sup> Lily Neil was appointed to the council four years prior to Wauneka, see: *Ibid.*, p. 76.

American Indians are U.S. citizens, Navajos and other Indians have been both tribal citizens and Americans. Now their rights as members of each group had been thrust into conflict.”<sup>114</sup> As Nakai’s 1963 speech demonstrated, Navajo tribal members recognised these issues, and secondary literature shows that many in fact disagreed with Wauneka on Mitchell, supporting his work on Navajo legal programmes.<sup>115</sup> However, the article offered no indication of this nuanced Navajo response, instead framing its consideration of real legal conflicts by presenting the tribe in stereotyped terms of a ‘vanishing race’ through assimilation: “As the Navajos’ population expands, opportunities shrink. Young men go away. Elders lose esteem. Bypassed by white progress, the Navajos clutch the tatters of their treaty promises and watch the old ways die.”<sup>116</sup>

The change in focus of these 1960s articles – highlighting constitutional matters rather than issues of “wardship” – is nevertheless evident. This can largely be attributed to the growing public attention to the African American Civil Rights movement in the 1960s. As Schudson has demonstrated, the 1960s marked a shift in American conceptions of citizenship, with focus moving away from the civic responsibilities of citizens, to their federally guaranteed rights.<sup>117</sup> Schudson’s argument is supported by the changing rhetoric surrounding Native citizenship in the Termination era press. The focus on specifically constitutional rights not reaching Indians despite their U.S. citizenship only emerged as a major concern in press reporting from the mid-1960s onwards. The rhetoric of “wardship” and discussions of the problematic nature of trust status, nevertheless, did not die out. In fact, these debates surrounding Native citizenship shared the implication that the Indian population would have to assimilate in order to gain “full citizenship”, giving up the trust

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<sup>114</sup> ‘Revolt on the Reservation’, *TIME*.

<sup>115</sup> Iverson, *Diné*, p. 238.

<sup>116</sup> ‘Revolt on the Reservation’, *TIME*.

<sup>117</sup> Schudson, *Good Citizen*, pp. 255–60.



status, treaty rights and government structures that denoted their position as sovereign entities alongside states and the federal government. While members of tribal councils were similarly aware of problems caused by their different legal status to the mainstream, they nevertheless prioritised their identities as citizens of the United States and tribal nations equally, finding protections to their rights in enhancing and developing tribal governments, rather than shutting them down.

## Conclusions

Termination rhetoric, in speaking of the need for “full citizenship”, found resonance both in mainstream popular beliefs and the understandings of members of various tribal councils about Native legal status. While Native Americans living on reservations often associated themselves with American national identity and presented themselves as unequivocally American, few council members presented the Indian population as “equal” citizens to the mainstream. Little understanding of Native legal status was presented in the press, with articles rarely mentioning the 1924 Citizenship Act, and some calling indigenous peoples “wards” regardless of their legal status. Termination relied on the vague terms of “full” or “first-class” citizenship and HCR 108 did not explain exactly what these meant, meaning federal officials, BIA employees, members of the mainstream public, and – most importantly – members of federally recognised tribes were able to interpret the limits to Native citizenship as they saw best.

The varied cultural contexts of tribal members, federal officials and the general public complicated discussion surrounding concepts like “citizenship” in the Termination era. The disjuncture between interpretations of policy needs to be examined to grasp the impact of

divergent ‘mainstream’ and ‘minority’ cultures and worldviews. Jean and John Comaroff have described history as being constructed through “consensus and contest”, and noted that this struggle is rarely equal between all parties involved.<sup>118</sup> In the case of Termination, a general consensus existed between federal and mainstream public understandings – the 1924 Citizenship Act was largely forgotten or seen as negated by continued “wardship”, and Natives were understood as inhabiting a marginal role in U.S. society. Though the exact details of what was limiting Native citizenship varied in public debate in the press, a prevalent implication was that Indians were holding themselves back by remaining on reservations, and that the federal government, in maintaining a differentiated citizenship status, was denying “full” citizenship to the Native population.

Native interpretations, particularly when speaking to BIA officials, equally viewed tribal members as not on a par with mainstream citizens, but for very different reasons. Discrimination in local areas, state-level disenfranchisement, and lower living standards were all discussed as reasons Native Americans were not “full” citizens of the United States. However, these views rarely came into direct contest with public assumptions of Native legal status. Throughout the 1950s, discussions between tribal members and BIA employees were not transparent enough for differences in understandings of key Termination concepts to be explicitly debated. Furthermore, in cases where tribal members did recognise a divergence in interpretation, councils did not have the power to alter the course of federal Indian policy, meaning direct opposition may have been considered an ineffective way of dealing with the BIA. Instead, a close examination of how BIA employees and tribal members employed the same language reveals Native agency in embedding these concepts with meanings relevant to them. Supporting “full” citizenship, as such, could mean supporting development of Mississippi Choctaw community institutions and

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<sup>118</sup> Comaroff and Comaroff, *Of Revelation and Revolution*, pp. 17–8.

resources, the ability of Navajo individuals to vote in state elections whilst maintaining the tribe's civil and criminal jurisdiction, or improved living conditions for the Creek and other tribes in Oklahoma.

Only in the Klamath case did tribal and federal understandings come directly head-to-head, as the federal status of the tribe was removed. Elnathan Davis' statements in the years leading up to this action demonstrate the extent to which Native understandings of "citizenship" could diverge from mainstream conceptions. He presented tribal membership as citizenship in a *Native nation*, an identity which was also vocally expressed in the Navajo Tribal Council in the 1960s. These late 1950s and early 1960s statements marked a gradual shift in the language employed by tribal council members, leading toward the burgeoning discussions of sovereignty in the 1970s self-determination era. However, at this point such expressions remained contained within the walls of tribal council buildings.

The press, even in writings from Euro-American Indian rights activists like La Farge and Collier, could not in the Termination period conceive of tribal membership as a form of citizenship. Native voices, considered neither "reliable" nor "authoritative" by mainstream standards, were rarely allowed to enter the discussion of what "citizenship" was. Though the 1960s saw increasing attention drawn to the constitutional rights of Native Americans, "Indianness", communal land ownership, and continued federal trust status were still seen as preventing U.S. citizenship. This persistent belief and the static nature of mainstream conceptions of "citizenship" were the main reasons that Termination continued to be favoured by both politicians and the mainstream public, even into the 1960s.

## Chapter Six: The Rhetoric of Reservations

“So one of the biggest problems facing the Government is to assist the Indian in moving into the main stream [sic] of American life and breaking that pattern of isolation. Reservation life leads to a continuation of certain old ways of life and nowadays leads to a welfare type of state [...].”<sup>1</sup>

- Dillon Myer (1970)

Mainstream Euro-American debates surrounding the nature of citizenship did not, at any point in the Termination period, recognise tribal membership as a form of citizenship. The popularity of Termination was, as such, supported by the way in which federal withdrawal rhetoric delegitimised tribal governments as legal institutions. But did Terminationists consciously decide to employ rhetoric for this purpose, or was this language a sign of ingrained attitudes toward Native peoples and spaces, of which Termination was just the latest result? This chapter explores this question by examining the differing ways in which reservations and other tribal lands were perceived by both Euro-Americans and the indigenous inhabitants of these areas throughout the 1950s and 1960s, to demonstrate the ways in which discussions of land aided in drawing apparent support for the Termination of trust status.

Dillon Myer’s above statement, made seventeen years after his Commissionership, demonstrates his belief that reservations encourage dependence. This view was not exclusive to Myer, but rather reveals the persistence of turn-of-the-century conceptions of reservations as obstacles to assimilation. Even the 1928 Meriam Report, which criticised federal allotment policy for assuming that individual ownership “in itself” was a “civilizing factor”, maintained that Native lands should continue to be divided into individual parcels,

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<sup>1</sup> Myer, Interview (7 July 1970).

but with a renewed focus on education: “The primary duty is to educate the Indians in the use and management of their own property.”<sup>2</sup> Similarly in 1948, the Hoover Commission Task Force Report criticised allotment policy for concealing a takeover of land by non-Natives, but nevertheless declared that “assimilation must be the dominant goal of public policy.”<sup>3</sup> These criticisms indicate that in the mid-twentieth century allotment policy was recognised as harmful, yet public discussions of reservations maintained that they were inherently problematic. Myer’s statement is thus symptomatic of the persistent belief that the Native population should not live differently to other Americans.

Historian K. Tsianina Lomawaima has described late nineteenth century reformers’ faith in individual land ownership as a “‘magical’ process of transformation”, with Indian Office officials believing that it would eradicate Indian “laziness”, whilst in practice transferring “surplus” Native lands to white prospectors and cattle owners.<sup>4</sup> Secondary literature and tribal oral histories both show that Native Americans heavily resisted being forced onto individual allotments often too small to support families and of a poor quality.<sup>5</sup> The enduring negative reputation of allotment amongst Native communities clearly stemmed from these issues, but officials in the early twentieth century claimed resistance was rather due to “the strength of ancient Indian custom of communal ownership.”<sup>6</sup> The ways in which indigenous populations spoke about their lands during the Termination period therefore requires careful study to examine how they were viewed and the extent to which this differed from federal conceptions of reservations.

In recent years, indigenous studies scholarship has turned toward not just identifying the colonizing aspects of academic scholarship and knowledge, but developing new

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<sup>2</sup> Meriam et al., *Problem of Indian Administration*, p. 7, 462-9.

<sup>3</sup> Wilkinson, *Blood Struggle*, p. 64; Wilson, *The Earth Shall Weep*, p. 328.

<sup>4</sup> K. Tsianina Lomawaima, ‘Estelle Reel, Superintendent of Indian Schools, 1898-1910: Politics, Curriculum, and Land’, *Journal of American Indian Education* 35.3 (1996).

<sup>5</sup> For an examination of Native resistance to allotment, see: Wilson, *The Earth Shall Weep*, pp. 304–26.

<sup>6</sup> Meriam et al., *Problem of Indian Administration*, p. 460.

methods of research equipped to encompass aboriginal philosophies. For instance, legal scholar John Borrows (Anishinabe/Ojibway) argues that land is an inherent part of indigenous citizenship, not just due to the resources it offers, but to the way it connects people with their past, future and present. He terms Native perspectives on their cultures and relationships with their community a “landed citizenship”, to emphasise its connection with their tribal homelands.<sup>7</sup> Though Borrows writes within the Canadian context, his views reflect a wider movement across indigenous scholarship, calling for the recognition and use of indigenous conceptions and worldviews in not only self-government, but also in interactions with non-Native institutions.<sup>8</sup> This trend is most evident in Donald Fixico’s model of Native reality, the “Natural Democracy”, which he outlines in *Call for Change*.<sup>9</sup> Like Borrows, Fixico presents Native peoples as not simply *using* the land, but as interacting with and respecting the natural environment as *equal to themselves*.<sup>10</sup> Furthermore, he posits that academic research should not focus just on “Indian-White relations” or even “interacting Indian-White relations”, but rather on Native “physical and metaphysical reality.”<sup>11</sup>

Fixico’s critique of scholarship is particularly relevant in relation to Termination historiography; despite the policy’s focus on issues of land ownership, scholarship to date has not addressed the question of how Native perceptions of their lands may have influenced the development of Indian policy, an approach which may help explicate Natives’ varied understandings of and responses to federal trust withdrawal. It must be taken into account that tribal councils were products both of their specific cultural contexts *and* outside influences, not only through interactions with BIA officials but also through

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<sup>7</sup> John Borrows, “‘Landed’ Citizenship: Narratives of Aboriginal Political Participation”, in W. Kymlicka and W. Norman (eds.), *Citizenship in Diverse Societies* (Oxford, 2000), p. 326.

<sup>8</sup> *Ibid.*, p. 329.

<sup>9</sup> Fixico, *Call for Change*, p. 5.

<sup>10</sup> *Ibid.*, p. x, 23.

<sup>11</sup> *Ibid.*, pp. 4-5.

time spent at off-reservation boarding schools, in military service, or just interacting with surrounding Euro-American society. As such, while it is important to accept the spiritual significance lands held – and continue to hold – for indigenous peoples and the role this played in their perceptions of self and surroundings, this relationship must not be romanticised. To categorise Native relations with the land as exclusively spiritual is reductive, obscuring the ways in which Native Americans have engaged with the U.S. capitalist economy and adapted it to their own purposes.<sup>12</sup>

This chapter will begin with an examination of national press representations of reservations, to identify the mainstream beliefs about Indian lands and how these ideas developed throughout the mid-twentieth century. The pervasive imagery of reservations as ‘impoverished’, ‘diseased’ and ‘degraded’ fostered support for the termination of trust status, as these spaces were widely considered harmful. The chapter will then examine Navajo and Klamath discussions of their tribal lands in the Termination period, to demonstrate that Native peoples valued their lands for multifaceted reasons, including cultural and economic motivations. While BIA-produced council minutes do not straightforwardly present Native viewpoints, a close reading of the debates therein contained can aid in understanding how tribal members conceived of their lands in the Termination period. Finally, discussions surrounding individual land ownership will be examined. This concept was taken for granted by the Euro-American mainstream, adopted by some Native pro-Terminationists, and harnessed by tribal members aiming to revitalise the cultures, identities and economies of their communities. Examining the diverse discussions surrounding reservations and land ownership will challenge prevailing simplistic divisions between Euro-American and Native views, demonstrating how tribal members drew on discussions of their land to gain support for economic development programmes and to resist unwanted federal policy.

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<sup>12</sup> Harmon, O’Neill and Rosier, ‘Interwoven Economic Histories’, p. 711.

## 6.1. 'Barren reservations': press representations of Native lands, 1947-1970

Terminationists evidently viewed reservations as obstacles to Indian progress, or even as 'socialistic environments', equating communal land ownership with communism, like Congressman E.Y. Berry. An examination of 1950s and 1960s press representations of these reservation spaces will reveal how widespread these views were, helping to explain why Termination was accepted or opposed in public debate. It is also important to address how the structure of print news, presented as 'fact', aided in reproducing and maintaining negative conceptions of Native lands. As Mary Ann Weston points out, most national newspapers throughout the twentieth century were based far from reservations – and to a great extent still are today. According to Weston, journalists were usually unable to visit the reservations they reported on, and so the general public was dependent on writers with little to no contact with Native people for their information on Indian affairs.<sup>13</sup>

Looking at national press reporting immediately before and in the early years of the Termination period, it is clear that representations of reservations remained homogenous throughout, characterised almost exclusively as places of "squalor", "dirt" and "degradation", from which tribal members supposedly could not escape.<sup>14</sup> For instance, a 1951 *New York Times* article labelled reservations as "far-flung", with "appalling conditions".<sup>15</sup> The report described an American Museum of Natural History painting exhibition that was intended as a "documentary of the country's all-but-forgotten men,

<sup>13</sup> Weston, *Native Americans in the News*, pp. 9–10.

<sup>14</sup> See, for instance: Robert Brunn, "'Poor Indian' Has His Day', *CSM*, 10 March 1947, p. 11; 'Education: In Place of Neglect', *TIME*, 1 May 1950, [www.time.com/archive](http://www.time.com/archive) (viewed: 18.5.2011); 'Indians on the Move', *NYT*, 23 May 1953, p. 14; Josephine Ripley, 'Freedom with a Price: An Intimate Message from Washington', *CSM*, 4 March 1954, p. 20; Kimmis Hendrick, 'Navajos Slight Escape from Poverty', *CSM*, 23 November 1954, p. 6; 'Milestones', *TIME*, 14 November 1955, [www.time.com/archive](http://www.time.com/archive) (viewed: 5.6.2013); Kimmis Hendrick, 'A New Look at the First Americans', *CSM*, 2 March 1956, p. 18; Seth King, 'Lo! The Rich Indian', *NYT*, 2 December 1956, p. 55; 'The Press: Broken Arrow', *TIME*, 4 March 1957, [www.time.com/archive](http://www.time.com/archive) (viewed: 10.6.2013).

<sup>15</sup> 'The Indian in Pictures', *NYT*, 11 March 1951, p. 148.



women and children”, and stated that the problems of Indians were “rooted in disease-breeding living conditions, in poverty and in social discrimination.”<sup>16</sup>

This article’s focus on the “plight” of a marginalised population was rooted in the muckracking tradition of Danish immigrant Jacob Riis’s late 1800s reporting on “squalor” in New York City slums.<sup>17</sup> Riis’ 1890 book *How the Other Half Lives* presented exposés of “squalid” living conditions with the purpose of shocking readers into an awareness of the problems of poverty, and inspiring elite philanthropic involvement.<sup>18</sup> In a similar vein, this article worked as an advertisement for the painting exhibit, aiming to “prod the conscience of the cognizant few and prove a sad revelation to the many.”<sup>19</sup> Though the article did include some statistical information, mentioning that infant mortality rates were “four to seven times higher” amongst Indians than for the rest of the population, it contained no tribally-specific information whatsoever, instead presenting a generalised view of all reservations. The art exhibition included paintings of reservations by non-Native artists, ironically mirroring the relationship of press writing to tribal lands – presenting outside impressions, rather than accurate information.

The use of generalised statistics to characterise the whole Native population, as displayed in this article, was the norm in press writing on Indian affairs in the early 1950s. This reflects a general bias in press reporting toward ‘facts, quotes and numbers’, which sociologist Carolyn Martindale has noted was prevalent in 1970s news coverage of African American protests.<sup>20</sup> The focus on health information also reflects a general U.S. concern with health in the post-war period, with welfare rehabilitation programmes becoming a

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<sup>16</sup> Ibid.

<sup>17</sup> James Lane, ‘Jacob A. Riis and Scientific Philanthropy During the Progressive Era’, *Social Service Review* 47.1 (1973), p. 32.

<sup>18</sup> Ibid., p. 36.

<sup>19</sup> ‘The Indian in Pictures’, *NYT*, p. 148.

<sup>20</sup> Martindale cited in: van Dijk, *Racism and the press*, p. 13.

focus of domestic policy under the Eisenhower administration.<sup>21</sup> The above *Times* article gives little indication of the source of the statistical information, but the facts cited seem generally to be in line with the health conditions of tribes noted in secondary literature, for instance both the article and historian Alison Bernstein cite the Navajo infant mortality rate as seven times the national average.<sup>22</sup> While the statistical information conveyed in the press was thus certainly valid and concerning, the media preoccupation with these aspects framed reservation life as the *source* of such problems.

Furthermore, such “facts” were often intended for shock value and served to back up stereotyped, sensationalist imagery designed to attract attention and readers – a style which proved successful for the popular *TIME* magazine.<sup>23</sup> This trend is exemplified by the 1955 article ‘Medicine: Indian Health’. The article, littered with numbers and apparent facts, stated that “any Indian born on a reservation has a life expectancy of only 36 years against a neighboring white child’s 61” and that there were “56 scattered hospitals and 21 health centers”.<sup>24</sup> No clear source of this information was cited, but the precise numbers lent an appearance of authority. These statistics were brought in to support the move of the administration of Indian health services from the BIA to the Public Health Service that had been passed into law two years earlier in 1953. *TIME* evidently supported any move away from special Indian services, despite government research in reality finding little improvement in Indian health after the PHS transfer.<sup>25</sup>

The article went on to make crude, generalised statements on tribal lands:

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<sup>21</sup> For more on Eisenhower’s welfare reform, see: Edward Berkowitz and Kim McQuaid, ‘Welfare Reforms in the 1950s’, *Social Service Review* 54.1 (1980), pp. 45–9.

<sup>22</sup> Bernstein, *American Indians & WWII*, pp. 151–2; Philp cites similar statistics, see: Philp, *Termination Revisited*, pp. 52–3.

<sup>23</sup> Emery, Emery and Roberts, *The Press and America*, p. 381.

<sup>24</sup> ‘Medicine: Indian Health’, *TIME*, 11 July 1955, [www.time.com/archive](http://www.time.com/archive) (viewed: 5.6.2013).

<sup>25</sup> Fixico, *Termination and Relocation*, p. 92, 107.

“[...] some 350,000 of a total Indian population of 400,000, live on barren reservations in grinding poverty, existing from hand to mouth in crowded, filthy huts with animals and vermin. The scourges that the white man has been most successful in suppressing are especially deadly for the Indian, e.g. diphtheria, tuberculosis, dysentery.”<sup>26</sup>

While it is certainly true that Native health services required urgent improvement in the early 1950s, *TIME* propagated a caricature of the situation. Not only did this description depict reservations as ‘primitive’ hot-beds of disease, it implied that Native individuals were *biologically weak*. While this article may seem extreme, such ideas had widespread and vocal support in early twentieth century government records. The Meriam Report, for instance, indicated that health standards needed to be improved to protect surrounding *white communities*, as otherwise reservations would become “centers for the development and spread of infectious and contagious diseases.”<sup>27</sup> The dehumanising *TIME* article thus reflected the unresolved tension between the mainstream belief that physically inferior Native peoples should be isolated, and the fear that isolation fostered Indian dependency on federal services.

The articles cited thus far demonstrate that perceptions of reservations had not changed much since the late 1800s, with the influence of settler colonial ideologies still evident. This despite the fact that federal policy had undergone drastic changes from assimilation to New Deal reservation development before Termination legislation was passed. The extent to which the gradual change in federal policy from withdrawal “as soon as possible” – as advocated by Myer – to Udall’s slower-paced assimilation through reservation development affected the ways in which the press portrayed Native lands must be evaluated.

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<sup>26</sup> ‘Medicine: Indian Health’, *TIME*.

<sup>27</sup> Meriam et al., *Problem of Indian Administration*, p. 90.

Udall's policies attracted significant press attention and presented a new focus on reservation development programs and the Office of Economic Opportunity.<sup>28</sup> For instance, a 1966 *Monitor* article quoted Udall at length, urging states to aid in the administration of services for tribes, to promote "American Indian progress".<sup>29</sup> Like earlier 1950s articles, this one also utilised statistics to indicate what reservation life was like: "Reservation Indians have the highest unemployment rate, are the most impoverished minority, and have 'the least habitable' housing."<sup>30</sup> However, unlike in the above 1950s reporting, no sensationalist references to reservations as "destitute", "vermin-ridden" or "barren" were included. Instead, Udall presented the reservation situation not as the natural state of tribal lands, but as the result of poor management on a federal and state level. The author even highlighted problems with Termination, stating that it "has never been repealed" and had become "highly controversial".<sup>31</sup>

However, the article did not provide any Native perspective or context on Indian affairs, with Udall himself determining the best solution would be increased economic development through "partnership" with states. Despite the article opposing Termination, then, it showcased Udall's plans to transfer tribal administrative functions to the state – working in the same way as PL 280, a law aimed at preparing tribes for the removal of trust status. Though several tribes, like the Lakota, had resisted PL 280, Udall introduced similar measures.<sup>32</sup> Both historians and Indian leaders have castigated Udall for not sufficiently

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<sup>28</sup> See for instance: Mike Bern, 'Indian Envision New Role', *CSM*, 22 June 1961, p. 13; Donald Janson, 'U.S. Moves to Spur Tribal Economies', *NYT*, 5 September 1962, p. 61; Aubrey Graves, 'Indians Blame Allotment Act on their Economic Woes', *WP*, 14 March 1963, p. D21; "62 Law Sparks Sioux Advance", *WP*, 15 March 1963, p. A8; 'More Aid for Indians Voted by House Group', *WP*, 14 March 1964, p. A4; 'Help Your Indians, Udall Urges States', *CSM*, 30 April 1966, p. 3; Kimmis Hendrick, 'U.S. Indian Life Changes – slowly', *CSM*, 5 June 1968, p. 1.

<sup>29</sup> 'Help Your Indians', *CSM*, p. 3.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> Three separate Lakota reservations voted against PL 280 in a 1958 referendum, see: Valandra, *Not Without Our Consent*, pp. 197–230.

consulting Native groups in formulating his policies.<sup>33</sup> Press reporting on Udall thus reflected his underlying paternalist stance and vision of the future of Indian affairs, working toward eventual economic assimilation. Indeed, Robert Burnette, NCAI Executive Director 1960-1963, later heavily criticised Udall's economic development efforts as maintaining assimilation, stating that the OEO "diverted the attention of the Indian people from their sacred lands" as they "ran over each other to get jobs at \$2.50 an hour."<sup>34</sup>

It is important to acknowledge, nevertheless, that many tribes benefitted from OEO programmes, developing their economies and strengthening tribal administrative structures. The Navajo, for example, established their own Economic Opportunity Office.<sup>35</sup> However, reporting rarely presented these development programmes as consolidating tribal communities, but rather as facilitating the progression of tribes from 'primitivity' to 'civilization'. This sense of an inevitable pattern of human societal development was evident in a *Monitor* headline as late as 1968. Including a large map of contemporary federal Indian reservations across the United States, the short article was titled 'From Forest, to reservation, to...?'<sup>36</sup> This headline drew on stereotypical imagery of Natives as having lived in forests pre-European contact, in the wilderness without structured societies. Though the brief report was critical of Termination, stating that "some Indians wanted it; most Indians didn't", it nevertheless maintained that the federal trust relationship, including protections over Native lands, should be *gradually* given up: "Today the dominant tribal view is that the federal government should not relinquish its responsibility for Indians *until* it has certainly fulfilled its obligations to them to the letter."<sup>37</sup> The article thus presented Native Americans as complicit in the plans for ending trust status and eventual

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<sup>33</sup> For instance, Udall pledged Navajo support for the development of a factory outside the reservation without actually consulting the tribe, and from 1966 onwards he promoted his Indian Resources Development Act without Native support, see: Clarkin, *Federal Indian Policy*, p. 178, 187.

<sup>34</sup> Quoted in *Ibid.*, p. 131.

<sup>35</sup> For information on the Office of Navajo Economic Opportunity, see Iverson, *Diné*, pp. 236–69.

<sup>36</sup> Kimmis Hendrick, 'From forest, to reservation, to...?', *CSM*, 2 March 1968, p. 9.

<sup>37</sup> *Ibid.* Emphasis added.

assimilation, creating a sense that federal trust status was generally seen as undesirable and that reservation development was only acceptable as a step toward assimilation – a trend typical of press writing on Indian affairs in the 1960s.<sup>38</sup>

Despite the sceptical or outright negative representations of reservations in the press, national reporting did not evidently condone the removal of entire tribes from their lands unless this was justified as beneficial to the Native people in question. This is clearly demonstrated by the controversy over the construction of Kinzua Dam in Pennsylvania, a congressionally approved project to end repeated flooding in Warren County. Completed in 1965, the construction flooded nine thousand acres of the Seneca Allegany Reservation and displaced 130 families, despite the tribe's lawyers presenting alternate plans for construction elsewhere.<sup>39</sup> The controversy spanned the early 1960s and sparked prominent opposition in the national press, inspiring multiple pieces in the *Times* and *Post*.<sup>40</sup> For instance, a 1962 *Post* editorial declared that "it is open to serious question whether the only way in which the Corps of Engineers can achieve [the end of flooding] is by dishonoring a treaty with the Seneca Indians signed in 1794 by George Washington [...]." <sup>41</sup> Significantly, in this case Kinzua Dam was justified by Congress as necessary to protect surrounding Euro-American communities, making no attempt to claim it was beneficial to the Seneca. This is key to explaining the opposition of the press to the dam; while reservations were often presented as harmful to Native people, the national press did not accept the takeover of Native lands purely for mainstream gain.

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<sup>38</sup> For other examples see: 'On the Reservation', *WP*, 25 June 1961, p. E4; 'Domestic Peace Corps', *NYT*, 22 March 1963, p. 8; Marjorie Hunter, 'Home Corps Bill Given Congress', *NYT*, 12 April 1963, p. 13; Aubrey Graves, 'In Welter of Cities, The Red Man Withers', *WP*, 10 March 1963, p. E5; Dick Gilluly, 'War on Poverty Fixes on Indian', *CSM*, 8 June 1964, p. 17; 'Antipoverty war moves into Indian reservations', *CSM*, 14 March 1966, p. 11.

<sup>39</sup> Clarkin, *Federal Indian Policy*, p. 50.

<sup>40</sup> See for instance: 'Second Look at Kinzua', *WP*, 24 January 1960, p. E4; Brooks Atkinson, 'Kinzua Dam on Senecan Lands Break the Word of Washington and Jefferson', *NYT*, 27 February 1962, p. 30; Brooks Atkinson, 'The Government's Slow Procedures Add to Evicted Seneca's Burden', *NYT*, 12 November 1963, p. 38; 'Last Call for the Senecas', *NYT*, 4 May 1964, p. 28.

<sup>41</sup> 'Second Look at Kinzua', *WP*, p. E4.

In fact, as tribal and national Indian opposition to Termination mounted throughout the late 1950s and early 1960s, challenges to federal Indian land policy also surfaced through an increasing inclusion of Native voices in the press. Daniel Cobb has challenged the prevailing notion that the 1970s Red Power movement presented the first significant national Indian activist efforts. Instead Cobb traces the roots of pan-tribal protest to the early 1960s, asserting also that Native people have always been engaged in political activism.<sup>42</sup> The increased press attention to Native protest at tribal land loss supports Cobb's claims.<sup>43</sup> For instance, a 1966 *Post* article, 'Indians Hit Plan to End Reservations', outlined National Indian Youth Council opposition to a Senate report it claimed was encouraging a return to Termination.<sup>44</sup> The article described the NIYC as blaming the lack of improvement in Indian living standards on Termination, and presented Native students as performing more successfully in Indian schools, rather than state public-schools where "the dropout rate is notably higher".<sup>45</sup> While the reason for this better performance was not explained in this brief article, it quoted NIYC President Gerald Brown in stating that Indian affairs should be focused on "political, legal and economic security for our tribes, reservations and communities, without the constant threat of their destruction or extinguishment."<sup>46</sup> According to this view, the threat of Termination was causing stagnation, whereas Native communities and land bases were critical for Indian progress.

A 1963 *Post* article equally brought out the significance of land for Native political activists. The piece outlined NCAI executive director Burnette's contention that changes to inheritance regulations on individual allotments posed a threat to Native lands, allowing

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<sup>42</sup> Cobb, *Native Activism in Cold War America*, pp. 1–2.

<sup>43</sup> See for instance: 'Indian Case Lands in Congress', *WP*, 3 April 1962, p. A6; 'Indians Go on Warpath to Bar Big "Land Grab"', *WP*, 5 March 1963, p. A13; Phil Casey, 'Indians' Leader Calls Bill "Worth Landgrab"', *WP*, 13 October 1963, p. A35; George Lardner, 'Indians Hit Plan to End Reservations', *WP*, 13 April 1966, p. A4; Kimmis Hendrick, 'U.S. Indians ask voice in land-policy decisions', *CSM*, 25 April 1968; Marjorie Hunter, 'Taos Indians Are Seeking Land Taken in '06', *NYT*, 21 September 1968, p. 36; Kimmis Hendrick, 'U.S. Indians see threat to land in Hickel remark', *CSM*, 7 August 1969, p. 3.

<sup>44</sup> Lardner, 'Indians Hit Plan', *WP*, p. A4.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

their sale to both Natives and non-Natives.<sup>47</sup> Furthermore, the article, titled ‘Indians’ Leader Calls Bill “Worst Landgrab”’, quoted Burnette on the significance of tribal lands: “Their land is all the Indians have. [...] This bill is a big step toward taking it away from them.”<sup>48</sup> While, as demonstrated in Chapter Two, Native voices were usually marginalised in discussions of Indian policy, these few Native comments on land issues display the beginnings of a limited inclusion of indigenous voices in the press.

However, these calls of support for the retention of Native land bases coexisted with persistent heavily stereotyped views of reservations as “squalid” places or even “human zoos”.<sup>49</sup> For instance, in some articles economic development was justified based on caricatured images, as in the 1967 *Times* article ‘Industry and the Indian’. The article displayed imagery analogous to 1950s representations of reservations: “The average reservation Indian, particularly in the Southwest, lives in a mud adobe hut, if he is fortunate, or in a derelict automobile if he is not. If the prairie and hills fail to yield wild game, the Indian often goes hungry.”<sup>50</sup>

Similarly, a 1969 *TIME* article, ‘Indians: Squalor Amid Splendor’, depicted the Havasupai reservation in the Grand Canyon region in strongly stereotyped terms: “Against such natural splendor, the 370 members of the Havasupai tribe live, or exist, as one of the most impoverished groups in the U.S. The soaring cliffs of the canyon, once a shield against Apache warriors, have become walls of a prison.”<sup>51</sup> This article typified *TIME*’s sensationalist writing on Indian affairs throughout the Termination period, demonstrating that intensely negative portrayals persisted in the press despite federal officials speaking of

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<sup>47</sup> Casey, “Indians” Leader Calls Bill “Worst Landgrab”, *WP*, p. A35.

<sup>48</sup> *Ibid.*

<sup>49</sup> ‘Unsettled Indian Affairs’, *WP*, 4 April 1966, p. A16; ‘Alaska: The Tycoons of Tyonek’, *TIME*, 1 July 1966, [www.time.com/archive](http://www.time.com/archive) (viewed: 20.6.2013); Julius Duscha, ‘Chief of Indian Affairs Seeks Elimination of Paternalism’, *WP*, 13 July 1966, p. A2; David Dworsky, ‘Industry and the Indian’, *NYT*, 23 July 1967, p. 93; ‘Mortgage Aid Reaches Arizona Navaho Tribe’, *NYT*, 2 June 1968, p. F14.

<sup>50</sup> Dworsky, ‘Industry and the Indian’, *NYT*, p. 93.

<sup>51</sup> ‘Indians: Squalor Amid Splendor’, *TIME*, 11 July 1969, [www.time.com/archive](http://www.time.com/archive) (viewed: 21.6.2013).



slowing down the withdrawal process.<sup>52</sup> Though the article recognised that the Havasupai had lived there for “ten centuries”, this historical context was not brought in to demonstrate the right of those people to be there or the significance of the lands to the tribe, as was the case in press writing opposing the Kinzua Dam controversy. Rather the article focused entirely on the difficulty of transporting goods to the area, and how tribal members refused to adapt to modern housing, terming the Havasupai “canyon dwellers, accustomed to huts made of rock, sheet metal or scrap wood”.<sup>53</sup> This implication that the natural environment was not a suitable living place for humans further demonstrates the strength of social evolutionary thinking, suggesting that there was something ‘animalistic’ about the Havasupai tribe.

The imagery of poverty, unemployment and ill-health permeated press writing on reservations throughout the Termination era. Though 1960s reservation development programmes through the OEO did herald an increased discussion of economic development potential in these regions, these coexisted with continued portrayals of reservations as ‘degraded’ areas. Moreover, even reporting that supported reservation improvement was written exclusively through Euro-American value systems, judging the value of lands solely on economic terms, and usually overlooking the cultural and historic ties tribes retained with their communally-held lands. With reservation spaces so unequivocally presented as ‘primitive’ loci of ‘squalor’, it is unsurprising that cuts to federal spending on them went largely unopposed. Only in cases like the Kinzua Dam controversy did significant opposition to the federal removal of Native people from their reservation occur. As such, the persistence of these representations demonstrates a hegemonic view that Natives would be better off without reservations, helping to explain support for Termination.

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<sup>52</sup> See also: ‘National Service: Precept Corps’, *TIME*, 18 January 1963, [www.time.com/archive](http://www.time.com/archive) (viewed: 18.6.2013).

<sup>53</sup> ‘Squalor Amid Splendor’, *TIME*.

## 6.2. “A Place to Hang My Hat Up”: Navajo and Klamath tribal councils’ conceptions of reservation spaces

In the interview quoted at the beginning of this chapter, former Commissioner Myer referred to reservations as areas that had been “set aside” for Indian use, indicating that after the Indian Wars the U.S. government had allowed tribes spaces in which to live.<sup>54</sup> While it is true that reservation boundaries were set out in nineteenth century treaties, it would be unfair to classify them as simply government impositions. Many tribes were forcibly moved – like the Five “Civilized” Tribes in the 1830s – but some reservations were situated on ancestral homelands. The Klamath reservation was established on a greatly diminished section of their lands, with the Modoc and Yahooskin tribes moved on to it under the provisions of the Treaty of 1864.<sup>55</sup> Similarly, the Navajo reservation was established through their 1868 treaty, ending the tribe’s imprisonment at Bosque Redondo and allowing them to return to their traditional homelands.<sup>56</sup>

Though violence and coercion was thus inherent in the making of both the Klamath and Navajo reservations, the historic connection of these tribes to those lands extends far beyond the establishment of the United States. In fact, the oral histories of both tribes locate them within those spaces: Diné knowledge centres on the creation of the tribal nation between the four sacred mountains which today still bound the Navajo Nation to the North, South, East and West; and the Klamath creation story tells of the cultural hero *Gmok’am’c* creating the Klamath, Modoc and Yahooskin in the vicinity of Klamath and other surrounding lakes.<sup>57</sup> The influence of these specific histories and traditional beliefs on the

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<sup>54</sup> Myer, Interview (7 July 1970).

<sup>55</sup> Haynal, ‘Termination and Tribal Survival’, pp. 271–2.

<sup>56</sup> Wilkins, *Navajo Political Experience*, p. 75.

<sup>57</sup> Fixico, *Call for Change*, pp. 151–2; Haynal, ‘The Influence of Sacred Rock Cairns and Prayer Seats’, p. 173; Stern, *The Klamath Tribe*, p. 2.

ways in which Navajo and Klamath tribal members spoke about their lands in the BIA-monitored space of the tribal council must be assessed, in order to understand the local development of mid-twentieth century Indian policy.

The growing number of Navajo Nation scholars ground their research within a Diné worldview, which has been passed down to them through a continuous tradition of oral history, language and location within their tribal homelands.<sup>58</sup> Some characterise this new focus as a revitalisation of tribal identity; as Diné scholar Lloyd Lee has put it, “more than 400 years of American colonization” has had an undeniable impact on Diné lifestyles and thinking, calling for citizens of the Navajo Nation today to work toward regaining and “decolonizing” ancestral lifestyles and knowledge.<sup>59</sup> This work has led to an increasing scholarly focus on Diné philosophy and the foundational paradigm of *Sa’ah Naaghái Bik’eh Hózhóón* – meaning a person’s journey to health, happiness and prosperity.<sup>60</sup>

In the Termination period, the Navajo were to a great extent still restricted by BIA paternalism, whilst negotiating steps toward greater tribal control of their assets, as previous chapters have shown. The tribal council did not reflect traditional Navajo leadership structures, but rather was a federal imposition based on Euro-American political structures.<sup>61</sup> Nevertheless, many of the popularly elected delegates to the council represented the lower economic levels of the community, meaning council minutes encompass a diverse range of Navajo voices.<sup>62</sup> These varied influences and beliefs particularly manifested in discussions of land and its appropriate uses in the tribal council. For instance, an October 1951 meeting focused on remaining grazing regulations and the

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<sup>58</sup> For discussions of the role of oral history in Diné sovereignty, see: Jennifer Denetdale, ‘The Value of Oral History on the Path to Diné/Navajo Sovereignty’, in L.L. Lee (ed.), *Diné Perspectives - Revitalizing and Reclaiming Navajo Thought* (Tucson, 2014), pp. 68–82.

<sup>59</sup> Lloyd Lee, ‘Introduction’, in L.L. Lee (ed.), *Diné Perspectives - Revitalizing and Reclaiming Navajo Thought* (Tucson, 2014), pp. 4–8.

<sup>60</sup> Ibid.

<sup>61</sup> Iverson, *Diné*, p. 205, 211, 230.

<sup>62</sup> Niethammer, *I’ll Go and Do More*, p. 76.

effects of New Deal stock reduction on the tribe and its wellbeing. Representative Tacchini Nez spoke in favour of following traditional lifeways and of the significance of the four mountains:

“If the activities of the tribe were not interrupted seventeen years ago, they would be all right and I personally think the way my people think is that the eighteen land management districts set-up should be done away with and also the present existing grazing regulation and I think we should abide by our own laws, namely the four sacred mountains and we should live as we did centuries back and in that way, I think we could live peacefully...”<sup>63</sup>

Nez evidently objected to 1930s stock reduction, a disastrous policy which saw BIA employees forcibly decreasing Navajo herd sizes, even shooting thousands of goats and sheep.<sup>64</sup> Nez framed his criticisms within a specifically Navajo context, not only emphasising the significance of land for Navajo subsistence, but connecting the specific place of the reservation – between the four sacred mountains – to the governing structures of the tribe. Calling the four “sacred” mountains “laws” by which tribal members should abide thus shows that Nez indeed perceived being Navajo as a ‘landed citizenship’; tribal lands were not only significant as a home, but as informing the guidelines by which the Navajo should live in a political and social sense. Whether Nez was speaking literally or rhetorically, his speech presented a radical protest to BIA paternalism through a connection to Diné knowledge, according to which lessons from ancestors are considered important in dealing with the challenges of contemporary life.<sup>65</sup>

Nez’s speech may seem extreme, but is unsurprising considering many 1950s council representatives had been involved in resisting or attempting to negotiate stock reduction

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<sup>63</sup> NTC (8-12 October 1951), *MCMAIT 1/I*, Reel VI.

<sup>64</sup> Weisiger, ‘Gendered Injustice’, p. 446.

<sup>65</sup> Denetdale, ‘Value of Oral History’, p. 80.

with BIA staff. Discussions of land in less inflammatory contexts were indeed more measured. In an October 1958 council meeting, for instance, the possibility of erecting a police radio mast on Navajo Mountain, a place central to Diné ontology, was debated.<sup>66</sup> Representative Dick Beyale, described by another council member as someone who knew “the ways of our Navajo Tribal traditions”, was invited to comment on the matter:

“It is very true that we have this traditional Navajo Religion which we all respect, yes, we have these traditional stories and ancient history that we have about our air waves and other matters like that [...], and it is very evident today as they were in those ancient days. So I see nothing wrong with today’s communication and with whatever communication was used back in those ancient days. [...] It is merely another way of using what nature has provided. [...] It isn’t just for the people that are located in Navajo Mountain, but it is for the entire Navajo population.”<sup>67</sup>

This statement shows that there was some debate surrounding the issue of whether the radio mast would be harmful according to traditional conceptions of land. Beyale’s response, however, demonstrates that Navajo knowledge was not necessarily considered incongruous with economic and technological developments of the land. Instead, he presented the police radio repeater as widely beneficial, not tarnishing the continuing significance of Navajo Mountain.

At the same meeting, the tribal council passed a resolution commending Senator Clinton Anderson and Congressman Steward Udall “in appreciation of their outstanding service to the Navajo people in congress.”<sup>68</sup> The services highlighted included successful support of a law securing the McCracken Mesa area for the tribe, a development Chairman Paul Jones

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<sup>66</sup> Larry Emerson, ‘Diné Culture, Decolonization, and the Politics of Hózhó’, in L.L. Lee (ed.), *Diné Perspectives - Revitalizing and Reclaiming Navajo Thought* (Tucson, 2014), p. 61.

<sup>67</sup> NTC (13 October 1958), *MCMAIT 2/I*, Reel I.

<sup>68</sup> *Ibid.*

described as “a statesman like [sic] solution to a struggle over grazing rights between Navajo residents in San Juan County, Utah, and the powerful white ranchers seeking to exclude the Indians from their ancestral homes.”<sup>69</sup> Council representative Ned Hatathli further expanded on the dispute and its origins, stating that “Navajos had lived for centuries” in McCracken Mesa and that “the Navajo Tribe is interested in acquiring land and not selling or relinquishing for any purpose because our Reservation is overpopulated and we need every square inch of land we can get.”<sup>70</sup>

Both the historic ties of the Navajo to their land *and* its economic significance in improving living standards were evidently important for the tribe. Councilwoman Annie Wauneka supported the praise of Udall and Anderson, expressing this appreciation within the framework of “the traditional Navajo method”, requesting information on the officials’ backgrounds: “We Navajos have a way and have tradition as to how to recognize a friend and someone that we can support. That is done through what we know as the Clan System.”<sup>71</sup> This reference to traditional Diné identification through their clan system supports the sense that tribal representatives appreciated the regaining of land as an affirmation of their tribal identity and community.<sup>72</sup>

Interestingly, Senator Anderson, despite helping to guarantee this land for the tribe, was an avid Terminationist, even supporting a March 1961 report from the Comptroller General which recommended the termination of Indian tribes without their consent.<sup>73</sup> He made no clear reference at this meeting to his motivations in supporting the bill, but his later speech revealed he viewed the value of reservation lands as mainly resource-based. Telling the tribe to “never let go” of their oil reserves, he stated: “you are not only the largest but you

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> For information on the Navajo clan system, see: Charlotte Frisbie and David McAllester (eds.), *Navajo Blessingway Singer: The Autobiography of Frank Mitchell, 1881-1967* (Tucson, AZ, 1980), p. 17.

<sup>73</sup> Clarkin, *Federal Indian Policy*, pp. 36–7.

are going to be the richest tribe America has ever known.”<sup>74</sup> It is likely that Anderson viewed the Navajo as “predominantly Indian” and not yet ready for Termination, in accordance with Zimmerman’s list. Indeed, he had in a 1955 letter condemned attempts to remove tribal trust status without “a well thought out and planned program for the management of tribal assets following termination.”<sup>75</sup> Anderson’s emphasis on material wealth in speaking to the council indicates that he saw securing the area as a step toward Navajo integration into the American capitalist economy, by gaining economic resources that would allow tribal members to become self-sufficient and thus facilitate eventual Termination. While Anderson’s vision of the land as a resource may have contrasted to the Navajo descriptions of “ancestral homes”, in this case these interests of Anderson and the Navajo tribe converged.

The tribal council minutes thus contain underlying hints of Navajo knowledge, though the values detailed in present Diné scholarship are not explicitly mentioned. This may partially be down to translation work – as mentioned before, some of the discussions in meetings were held in Navajo, translated to Euro-American stenographers by tribal members. Due to these language barriers, some epistemological nuances may have gone unrecorded. These concepts have, however, been passed down through oral history, as demonstrated by the autobiography of Frank Mitchell, a traditional Navajo Singer who lived through most of the Termination period (1881-1967). In telling the story of his life, Mitchell included traditional Diné songs which spoke about *Sa’ah Naaghái Bik’eh Hózhóón* as “the main beam” of a “sacred house”.<sup>76</sup>

Probably the most significant explanation for why Diné knowledge and its relation to the land were not explicitly discussed in council meetings is the presence of non-Navajo officials

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<sup>74</sup> NTC (13 October 1958), *MCMAIT 2/I*, Reel I.

<sup>75</sup> Clarkin, *Federal Indian Policy*, p. 36.

<sup>76</sup> Frisbie and McAllester (eds.), *Navajo Blessingway Singer*, pp. 171–3.

at virtually every meeting. Organised by the BIA, council meetings may have been considered an inappropriate arena to discuss tribal knowledge in depth. Furthermore, while the council did gradually earn the respect of Navajo tribal members, they did not displace more traditional “medicine men”, local leaders known as *naataanii* and ceremonies like the Blessing Way and Protection Way.<sup>77</sup> Tribal members, therefore, had other outlets through which to express and practice their traditional beliefs, outside meetings at which federal officials were present, and only mentioned traditional beliefs at times where Navajo lands were explicitly threatened.

Indeed, many tribes – including the Navajo Nation – consider their traditional beliefs private – knowledge that is only to be shared with select community members. For instance, Mohegan anthropologist Gladys Tantaquideon described tribal elders as considering their traditional knowledge as “personal property”, to be disclosed only to appropriate individuals at puberty as a spiritual gift.<sup>78</sup> Furthermore, the private nature of Native belief systems may in part be due to the power structures inherent in American society, which delegitimised Native beliefs as “primitive”; Tantaquideon found that Euro-American scholars in the 1920s and 1930s ridiculed Natives as “superstitious”, and that tribal members often refused to disclose information about their beliefs to anthropologists, even sometimes giving fictional accounts.<sup>79</sup> Privacy is similarly an important aspect of the traditional belief systems of the present day Klamath Tribes. As noted by Patrick Haynal, personal spiritual matters, particularly pertaining to traditional sacred cultural places in the “Klamath/Modoc landscape”, are considered private matters and usually not publicly discussed by tribal members.<sup>80</sup> Nevertheless, today Klamath tribal members speak openly

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<sup>77</sup> Wilkins, *Navajo Political Experience*, pp. 68–79; Emerson, ‘Diné Culture, Decolonization, and the Politics of Hózhó’, p. 61.

<sup>78</sup> Melissa Jayne Fawcett, *Medicine Trail: The Life and Lessons of Gladys Tantaquideon* (Tucson, 2000), p. 84.

<sup>79</sup> *Ibid.*, pp. 69–71.

<sup>80</sup> Haynal, ‘Influence of Sacred Rock Cairns’, pp. 178–9.



about the socio-economic significance of their ancestral lands, and regaining those lost through Termination is today the Klamath Tribes' top priority.<sup>81</sup> In October 2015, tribal member Fernando Herrera described land as "everything" to the Klamath: "It was where our people lived all this time. This is our heritage, this is our roots, this is our livelihood. I mean this is where we hunted, we fished, everything was there. Our water. It comes from our land. It's our culture."<sup>82</sup>

This recent statement strongly contrasts with the views of federal officials like Orme Lewis, who in 1954 claimed the Klamath were assimilated and that there remained "little vestige of religious or their traditional Indian customs".<sup>83</sup> Examining discussions surrounding land can help assess these claims, taking into account the nature of the tribal council as established and monitored by the BIA. Early 1950s minutes demonstrate that the Klamath council was dissatisfied with BIA control over their lands. President Seldon Kirk repeatedly declared his frustration with trust status and federal paternalism throughout the early 1950s.<sup>84</sup> In a 1950 meeting, for instance, he spoke decrying the lack of tribal control over their lands and resources, criticising federal statements that Klamath timber would be cut on a sustained yield basis indefinitely:

"Does that mean that the United States government intends to hold the reservation the rest of our lives, generation to generation, so on and so forth? [...] They say the Indians don't know how to take care of themselves, - I don't see why they can't. [...] let's make some move through our delegates to initiate some legislation whereby the Indians will be recognized, will have some voice."<sup>85</sup>

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<sup>81</sup> Bettles, Interview (29 October 2015); Kimbol, Interview (27 October 2015).

<sup>82</sup> Herrera, Interview (26 October 2015).

<sup>83</sup> Quoted in Hood, 'Termination of the Klamath Indian Tribe', p. 381.

<sup>84</sup> See for instance: KGC (8 and 12-13 December 1949), *MCMAIT 1/II*, Reel XVIII.

<sup>85</sup> KGC (19-20 October and 2 November 1950), *MCMAIT 1/II*, Reel XVIII.

Significantly, while Kirk expressed the wish to eradicate federal control, he spoke of the Klamath tribe working *together* to control their resources, calling for the establishment of an executive committee to help decide on matters relating to the tribe. These concerns reflect Kirk's varied background and education; descended from a long line of tribal leaders since the Treaty of 1864, records show Kirk attended boarding schools in Carlisle and Phoenix, and worked in the Klamath Agency as a police officer in the 1910s, as well as being a small ranch holder and carpenter.<sup>86</sup> His belief in Klamath ability evidently stemmed from his own successes and experiences, but he maintained support for the tribe remaining a unified group.

However, this frustration with the federal government dictating how tribal lands and resources were to be used contributed to support for the individual withdrawal bill discussed in the previous chapter. Wade Crawford, for instance, advocated allowing individuals wishing to withdraw from the tribe to take their share of tribal assets in land, rather than cash, justifying this based on the economic benefits of land for stockholders, claiming this would "be a good thing for the tribe and for the individual."<sup>87</sup> Tribal representatives Boyd Jackson, Dice Crane and Hiram Robbins objected strongly to this suggestion. Jackson, in particular, presented a differing economic model for facilitating the withdrawal of individual Klamaths, stating the tribe should pay withdrawing members in cash and then allow them to lease lands surrounding their individual allotments to generate important income for remaining tribal members for years to come. Jackson thus foregrounded economic concerns, but focused on those of the Klamath community: "We would still have the land, - we don't have enough land to begin with. We want to realize all

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<sup>86</sup> Seldon Kirk Student File, Carlisle Indian School (1913), [http://carlisleindian.dickinson.edu/student\\_files/seldon-e-kirk-student-file](http://carlisleindian.dickinson.edu/student_files/seldon-e-kirk-student-file) (viewed: 25.9.2015); Stern, *The Klamath Tribe*, pp. 240-3.

<sup>87</sup> KGC (2-3 and 9 February 1950), *MCMAIT 1/II*, Reel XVIII.

we can from the land [...].”<sup>88</sup> At this point little dispute remained over whether individual members should be allowed to withdraw, but Crawford and Jackson already strongly disagreed on whether individual or communal interests should be prioritised in land use.

Significantly, conversation on the issue was then continued in Klamath as tribal executive member James Johnson “talked in Klamath for several minutes, receiving applause” and “Byram Lotches talked in Klamath for some time, receiving applause.” Due to the nature of council minutes being English-only, more nuanced explanations of the significance of the land that may have been stated in Klamath are not here recorded. These Klamath language discussions are evidence of the agency practiced by tribal members, in hosting discussions in their own language when choosing to exclude outsiders from the conversation. A vote followed these discussions, rejecting the idea of paying off withdrawing members with land by an overwhelming vote of sixty-four to four, demonstrating that support for retaining lands in tribal ownership was strong within the council.<sup>89</sup> Though the individual withdrawal bill was forgotten once Termination became official federal policy, these discussions are significant in determining the influence of issues of land and how it should be handled.<sup>90</sup>

However, after PL 587 was passed, discussions surrounding land shifted significantly, as Termination became an imminent prospect. While Klamaths had different plans for the tribe’s economic future – either through development on an individual or communal level – pre-1953, frustration with BIA control over lands and assets was shared. Significantly there was no clear threat to the Klamath land base at this point, though their reservation had been diminished by turn-of-the-century allotment. While the tribe was mentioned in HCR 108, the resolution made no reference to land. Federal plans for Klamath management

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<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Jackson and Crawford also debated whether a Chiloquin timber mill should be under tribal administration, see: KGC (28-29 June and 5-6 July 1951), *MCMAIT 1/II*, Reel XIX.

after Termination became clearer once PL 587 was passed, presenting a convoluted framework for tribal members to remain with a collective under an alternate trust system, or withdraw with a share of cash, to be procured by selling off land and assets. At this point, discussions shifted away from just economic concerns to speaking more broadly of the reservation as “home”, “heritage” and “inheritance”. As it became increasingly evident to Klamath tribal members that federal plans would end up not only removing trust status, but potentially lead to a substantial loss of land, discussions of the reservation as “home” formed the basis for resistance to Termination.

During a January 1955 General Council meeting, for instance, several members of the tribal Executive Committee expressed concern about losing the reservation through PL 587. At this early stage in the process, rather than opposing withdrawal outright, Jackson spoke out against hiring businessmen with potential vested interest in Klamath lands as Termination Management Specialists. He expressed a sense of powerlessness over the Termination process, stating: “We are up against a stone wall, so to speak, and this reservation represents our home, the last we have got, and we will hang on to it [...].”<sup>91</sup> The minutes state that as Jackson spoke, the council meeting became chaotic, to the point that “confusion through the room became so loud the President finally had to stop him.” However, Jackson refused to be silenced, again presenting his argument for protecting the reservation as the tribal home:

“The whole thing is nobody knows where to begin it, nobody knows, not even those who passed the law. It’s a new chapter in life, the handling of Indian life. [...] I would like to have a place where I can hang my hat up and nobody can

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<sup>91</sup> KGC (5 January 1955), *MCMAIT 1/II*, Reel XX.

throw it out, but if we don't watch our p's and q's we won't have. That's what I am afraid of."<sup>92</sup>

Jackson's stance was supported by fellow Klamath Executive Committee member Dorothy McAnulty. In a long speech opposing the wholesale withdrawal of tribal trust status, McAnulty stated: "[...] this as I understood it was our home permanently, paid for by the blood of our forefathers."<sup>93</sup> Both Jackson and McAnulty referred to the reservation as a home – McAnulty specifically used this term, and Jackson's evoked the same meaning in referring to "a place where I can hang my hat". Neither here referred to traditional Klamath or Modoc spiritual significance of the land, but they nevertheless prioritised the reservation's significance as their home, not just as a resource to be effectively managed. While neither explicitly commented on ancestral connections to the land, McAnulty's reference to "forefathers" hints at it. To this day, Klamath tribal members believe that their lands were provided for them by *Gmok'am'c*, who former Klamath culture and heritage director Gordon Bettles described as "the one that created the world as we know it" and "is said to have lived on the top of Mount Shasta", visible from the former reservation.<sup>94</sup> The sense of the cultural significance of the land is implicit in McAnulty's speech, as she presented tribal members as having a perpetual relationship with those lands, due to their ancestral links to the area and sacrifices of their "forefathers" in maintaining them.

Furthermore, both Jackson and McAnulty expressed pain in speaking of the loss of the reservation: Jackson stated he was "afraid" and McAnulty later in her speech argued that PL 587 was "definitely against our desires".<sup>95</sup> As the final Termination date drew nearer, both the sense of confusion over what it would involve and the emotional connection to the traditional tribal homelands became ever clearer. In various 1957 and 1958 meetings

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Bettles, Interview (29 October 2015).

<sup>95</sup> KGC (5 January 1955), *MCMAIT 1/II*, Reel XX.

Jackson and President Kirk continued to make statements speaking of their “home” and “heritage”.<sup>96</sup> The strongest indictment against Termination came, however, from an anonymous female member of the General Council. In an extended speech criticising the lack of information on withdrawal provided to tribal members, she stated:

“[...]I love this place, as who doesn’t love their home. It is sad – it hurts in [sic] deep within me to have to give up what has been ours for so long. [...] Free grazing, irrigation at the least that we, as Indians, had to pay. These were some of the things I know of – I know we enjoy, along with our hunting and other rights. So now we come to the place where we, the indian [sic] people, have to give up our home. [...] And I approve of what Mr. Kirk said, this public law is a means of robbing us of what we have left.”<sup>97</sup>

This tribal member associated the reservation with “home”, the subsistence it provided, *and* the treaty rights of the tribe.

President Kirk’s statement which this “unnamed lady” referred to, detailed the tribe’s historical links to the land. The meeting minutes state that “Mr. Kirk quoted an Indian legend with regard to the setting of the boundaries in the treaty of 1864”.<sup>98</sup> Unfortunately, this section of the speech was not included in full, with the stenographer noting that “noise in the hall [...] and Mr Kirk’s throat ailment” prevented transcription.<sup>99</sup> However, considering the rest of the speech was quoted at length and this section disregarded as just a “legend” indicates the stenographer may not have considered it necessary to attempt transcription. It is nevertheless evident that Kirk, and others, referenced Klamath oral

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<sup>96</sup> See, for instance, Kirk’s speeches in: KEC (21 December 1957), *MCMAIT 2/II*, Reel X; KGC (25 January 1958), *MCMAIT 2/II*, Reel X; and Jackson and NCAI president Joseph Garry’s speeches in: KGC (28 June 1958), *MCMAIT 2/II*, Reel X.

<sup>97</sup> KGC (16 November 1957), *MCMAIT 2/II*, Reel X.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

history at appropriate points in council discussions. Furthermore, the minutes contain Kirk's statement on the value of his identity and its connection to land:

"I am a Klamath Indian, part Modoc, and I claim that the Klamath and Modoc made an agreement with the United States to have the reservation here permanent – as long as the waters of the streams have flown, as long as the hills have stood, as long as the sun rises in the east. The United States robbed the Indian of the land [...]."<sup>100</sup>

Kirk clearly saw the 1864 Treaty as far more significant and valuable than Terminationist officials did. In addition, Kirk's statement presented the land – and by extension the Klamath and Modoc tribes' relationship with it – as eternal.

Though detailed descriptions of tribal legends and beliefs are not provided in the minutes of the Klamath General and Executive Council meetings of the 1950s, statements like these indicate that tribal members nevertheless deeply connected their tribal identity to the natural environment of southern Oregon, a relationship which is maintained among the Klamath Tribes today. In October 2015 Bettles described natural landmarks and oral history as documenting the boundaries of the Klamath homelands: "[...] the legends that are listed in these mountain tops, these peaks show the minimum boundary of where our cultural world existed".<sup>101</sup> Charles Kimbol, former tribal chairman, stated that same month that according to Klamath oral history, the reservation borders ran from "peak to peak", emphasising the natural markers that bound their lands.<sup>102</sup> Both Bettles and Kimbol's statements demonstrate that the oral history surrounding the treaty of 1864 that Kirk referred to in 1957 continues to be passed down among Klamath tribal members. This language of the reservation as part of the tribe's homelands formed a basis for resistance

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<sup>100</sup> Ibid.

<sup>101</sup> Bettles, Interview (29 October 2015); Kimbol, Interview (27 October 2015).

<sup>102</sup> Kimbol, Interview (27 October 2015).

to PL 587, highlighting the historic rights of the tribe to their land as well as its significance for Klamath culture and identity.

Both the Navajo and Klamath tribal councils, then, displayed strong support for retaining lands for their tribal communities, justifying this on economic, historic, and cultural grounds. That the spiritual significance of these lands was not usually publicly discussed in tribal council meetings does not mean that traditional beliefs were forgotten; rather it reflects the nature of Termination era tribal councils as mainly arenas in which to deal with administrative matters and to negotiate with the BIA, and indicates selective transcription by Euro-American stenographers. Even where the significance of lands and home were more clearly communicated, as in Klamath General Council meetings after the passing of PL 587, these tribal understandings of land and their relationship to it had little impact on federal policy. This attests to the continued strong paternalism in the federal-tribal relationship; despite Termination rhetoric speaking of “freedom” in land ownership, this did not stretch to the freedom to continue to own their lands communally.

### **6.3. Allotment legacies: individual vs. communal land ownership**

The mainstream public charged reservations with causing dependency and obstructing assimilation, while Klamath and Navajo tribal council members did not see reservations and industrial development as incongruous, viewing their lands as spiritually, historically *and* economically significant. It was thus generally accepted that reservations were problematic spaces, but the solutions offered diverged dramatically, even within tribal groups. These different visions of the future for tribes were largely based on what was perceived as the most appropriate form of land ownership – individual or communal.



Such debates were rooted in turn-of-the-century assimilation policies, based on the belief that individual land ownership signified the highest level of ‘civilization’. Assimilation-era policy rhetoric moreover explicitly focused on *efficient land use*, and the need for lands to be productively cultivated, based on the belief that Native Americans were idle. The main congressional proponent of assimilation policy, Senator Henry Dawes, explicitly articulated the belief that individual land ownership was necessary to secure productive Native land use in a 1902 report on the Cherokee tribe: “There is no selfishness, which is at the bottom of civilization. Till this people will consent to give up their lands, and divide them among their citizens so that each can own the land he cultivates, they will not make much more progress.”<sup>103</sup> Framing Native land use as inefficient also justified the transfer of reservation lands to Euro-American ownership: the 1887 Dawes Act opened up 20,000,000 acres of “surplus lands” for sale and allowed non-Native leases on allotted lands.<sup>104</sup> As a result, tribal land ownership patterns were severely complicated; by the mid-twentieth century the land bases of many tribes included both individual allotments – some of which remained under trust status – and communal lands.<sup>105</sup> Despite these serious complications caused by allotment, the belief in individual land ownership formed the basis for Terminationist criticisms of communal land holdings.<sup>106</sup>

The persistence of this ideology is neatly epitomised by the comments of Thomas Hatch, head of the BIA Department of Extension and Credit, in his first meeting with the Mississippi Choctaw council in January 1951. In discussing the future of the tribe’s land management, Hatch described the Oklahoma Choctaw, whose lands had been parcelled by allotment, as better off than their Mississippi compatriots, concluding with the statement:

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<sup>103</sup> Quoted in Debo, *And Still the Waters Run*, p. 22.

<sup>104</sup> Janet McDonnell, *The Dispossession of the American Indian, 1887-1934* (Bloomington, 1991), p. 8.

<sup>105</sup> Jaakko Puisto, “‘This is My Reservation; I Belong Here’: Salish and Kootenai Battle Termination with Self-Determination, 1953-1999’, *American Indian Culture and Research Journal* 28.2 (1994), p. 3.

<sup>106</sup> Much land moved to Euro-American ownership, as the government opened lands “surplus” to tribal requirements for sale to outsiders and removed restrictions on the sale of allotments held by Natives.

“The final answer [...] is that when you people in the end will own a piece of land and operate it, that’s when you forget you belong to a tribe and become a citizen and become happy and fix your house when you want it fixed and not wait until somebody else fixes it.”<sup>107</sup>

Hatch evidently believed in the transformative effect of land ownership, and its ability to make Indians *become* citizens. His speech implied that without individual ownership of lands, the Choctaws would remain ‘idle’ and ‘lazy’, not taking responsibility for their own lives. Lands held communally in trust by the government were, by proxy, presented as a major obstacle to ‘progress’.

Interestingly, Hatch’s speech presents a rare example of individual land ownership being explicitly discussed in conjuncture with mid-twentieth century Indian policy. The transformative effect of individual land ownership did not play a central role in Termination rhetoric; as mentioned in Chapter One, Commissioner Myer even declared to the Navajo council that it was not his intention to “liquidate” tribal lands.<sup>108</sup> Taking into account the fact that allotment was widely accepted as harmful by the mid-twentieth century, federal officials may have deliberately avoided speaking of the effects of trust status withdrawal on tribal lands. Indeed, in interacting with the press, federal officials made explicit statements distinguishing Termination from assimilation, both before and after tribal Termination Acts were first passed. In 1947, the *Monitor* released a report on Indian policy developments that described Congress as moving “carefully” to remove tribal trusteeship and stated that past mistakes would not be repeated. It also contained assurances from government officials that the “release of the lands would not result in the wholesale dispossession of Indians from their lands such as occurred in the decades from 1890 to 1920.”<sup>109</sup>

<sup>107</sup> MBCTC (9 January 1956), *MCMAIT 1/I*, Reel XI.

<sup>108</sup> NTC (11-15 September 1950), *MCMAIT 1/I*, Reel V.

<sup>109</sup> Harlan Trott, ‘U.S. Plan Moves to Aid Wards’, *CSM*, 3 December 1947, p. 13.

Similarly, in a December 1955 *Monitor* piece Secretary of the Interior Douglas McKay responded to criticisms that Termination policy was aimed at the “dispersal of Indian communities” by rejecting associations to past policy:

“Mr. McKay denied emphatically that the administration had any intention of letting Indian lands revert to white ownership. ‘Our principal point,’ he said, ‘is that the solution need not be sought and must not be sought, as it was in the past, by denying or frustrating the property rights of an Indian who has demonstrated his competence’ – including his right to sell his land.”<sup>110</sup>

McKay did not explicitly refer to the Dawes Act, but nevertheless evidently wanted to distance himself from the disastrous Native land loss that had resulted from allotment. Instead he prioritised individual rights of the Indians, implying that the problem with past policies was that they had maintained restrictions over land sales for a period of 25 years.<sup>111</sup> In this respect, it appears that McKay may have deemed the Dawes Act too limiting, while still acknowledging the serious Native land loss that had resulted from assimilationist policies.

Furthermore, despite claiming in 1955 that the policies he supported as Interior Secretary would not lead to a white land-grab, McKay had already backed the 1954 Klamath Termination Act which unambiguously provided for the sale of Klamath reservation lands to pay off members of the tribe who chose to withdraw.<sup>112</sup> His public statements, as such, did not match his policy-making in practice. In 1993 Bill Brainard, leader of the Terminated Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, epitomised the frustration of Oregon Natives with McKay’s Termination tactics, declaring: “I believe

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<sup>110</sup> Kimmis Hendrick, ‘U.S. Policy for Tribal Indians Defined’, *CSM*, 20 December 1955, p. 4.

<sup>111</sup> Wilson, *The Earth Shall Weep*, p. 304.

<sup>112</sup> Fixico, *Invasion of Indian Country*, p. 90.

Douglas McKay is one of the biggest damn liars out. And I think that they wanted the little bit of land that was left.”<sup>113</sup>

Despite federal officials’ public attempts to differentiate Termination efforts from past policies, tribal council representatives of various tribes did not hesitate to bring up historical precedents of land loss in contesting BIA land management, particularly later in the 1950s. This is evident in 1956 Inter-Tribal Council debates surrounding federal plans to sell land on behalf of the Five Tribes. Having survived forced removals in the 1830s, the Tribes re-established systems of self-government in present day Oklahoma on a communal land use basis, giving tribal members the right to occupy and cultivate lands, with title reverting back to the tribe when use ceased.<sup>114</sup> These self-governing structures were systematically dismantled through early twentieth century allotment, with only small town sites retained as tribal trust lands.<sup>115</sup> In 1956 Cherokee representative Hill Stansill referred to this fraught history in speaking against the sale of Five Tribes lands: “[...] where will they go – if you are going to do that – give them a place to go. [...] before you know it, we will have another Trail of Tears, because the Indians do not have a bit of land, and the Indians ought to have a voice in it.”<sup>116</sup> Moreover, the Inter-Tribal Council resolved to send tribal delegates to Washington to inquire about the issue, and to make sure that trust lands would not be transferred to state ownership or sold, even if profits were to be distributed among the Tribes, thus demonstrating that though most of the lands of the Five Tribes were already allotted, council members wished to retain the rest in communal holdings.

Similarly, Boyd Jackson brought up issues caused by allotment at a Klamath tribal council meeting in 1959, reading out a report expressing fears that lands would be lost through Termination: “That policy was the key to open the doors of the Klamath Reservation to the

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<sup>113</sup> Beck, *Seeking Recognition*, p. 156.

<sup>114</sup> Debo, *And Still the Waters Run*, pp. 5–13.

<sup>115</sup> Lambert, *Choctaw Nation*, p. 50.

<sup>116</sup> FCTITC Council (11 July 1956), *MCMAIT 2/I*, Reel XI.

public, who took over 100,000 acres of the best lands of the allottees. And here again [...] history repeats through the loss of lands by the Indians.”<sup>117</sup> This fear of land loss became a reality in 1969 when remaining tribal members voted to end the National Bank of Oregon’s trust over the tribe, in response to which the Bank sold off the remaining lands without warning and distributed the money amongst the remaining members.<sup>118</sup>

However, not all Klamaths viewed individual land ownership through allotment as destructive. Considering Wade Crawford came from a family of wealthy cattlemen who had presumably personally benefitted from the allotment system, it is unsurprising that he consistently spoke disparagingly of both the reservation and communal land ownership in general.<sup>119</sup> In a summer 1951 speech that spanned six uninterrupted pages of the tribal council minutes, Crawford derided federal control over tribal lands, objecting to the establishment of further tribal industries and lumber contracts. Crawford accused the BIA of trying to “hold down a race of people that is striving for individual enterprise and the right to call your home your own, and your hat your own.”<sup>120</sup>

Interestingly, while Crawford and Jackson strongly disagreed on Termination matters, both drew on the folksy American image of “one’s hat” as a marker of home to justify their stance; as demonstrated by Jackson’s 1955 speech quoted in the previous section. Crawford drew on this image to criticise communal ownership as causing federal dependency, stating further that tribes should “take their place with non-Indians”: “That’s the way this great country was built, private enterprise, initiative, ambition to look out for yourself. That’s the way it will be unless Russia moves into this country.”<sup>121</sup> Crawford evidently subscribed to the prominent mainstream view of reservations as harmful and causing dependency, exacerbated by Cold War tensions, exhibiting not only frustration with

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<sup>117</sup> KGC (11 June 1959), *MCMAIT 2/II*, Reel X.

<sup>118</sup> Ulrich, *American Indian Nations*, p. 70.

<sup>119</sup> Fryer, *Perimeters of Democracy*, p. 139.

<sup>120</sup> KGC (28-29 June and 5-6 July 1951), *MCMAIT 1/I*, Reel XIX.

<sup>121</sup> *Ibid.*

paternalism and the economic problems of the tribe, but viewing communal ownership as fundamentally incongruous with the American society he identified as a citizen of.

Crawford's outspoken nature and strong statements against federal paternalism were reportedly applauded by the Klamath audience, indicating he had some support among the Klamath General Council. Critically, these meetings in which he spoke about individual land ownership were held before the Klamath Termination Act was passed. After the Termination process had been set in motion, and more vocal expressions of the significance of the reservation were expressed in meetings, strong criticisms of Crawford also appeared. At a 1954 meeting, a report by Boyd Jackson and Jesse Kirk, elected Washington delegates of the tribe, was read out. It questioned Crawford's right to represent the tribe, and quoted him addressing the Indian Subcommittee of the House Committee on Interior and Insular Affairs: "I do believe our group, numbering some 300 members of the Reservation, who believe in our individual rights, and we want to live in Oregon under the laws of Oregon as citizens of Oregon and we do not want to be living under any other."<sup>122</sup> Crawford's statement was offered as evidence of his *not representing* Klamath opinion. Indeed, a resolution was passed at the same meeting denying tribal funds for travel to Washington from anyone who was not "an official delegate of the tribe". This was adopted with a small majority of forty-eight votes for to thirty-one votes against, indicating that some support for Crawford's views persisted at this early stage of withdrawal. The main issue thus dividing the irreconcilable Klamath factions was whether individual or communal land ownership would most benefit tribal members. Both sides considered the reservation economically significant, but differed over whether tribal members would be aided more by splitting up assets or maintaining communal ownership and tribal identity.

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<sup>122</sup> Crawford continued to travel to Washington throughout the 1950s to testify at Congressional hearings despite the tribal council removing his status as tribal delegate. KGC (29-30 July 1954), *MCMAIT 1/II*, Reel XIX.

Though Crawford characterised the BIA as paternalistic, many bureau officials shared his zeal for individual land ownership, as the above 1951 quote by Hatch demonstrates. Later that year Mississippi Choctaw tribal members were also told that individual land ownership was the only way they could come to make use of their lands, with a BIA employee stating: “If the tribe wants to use the land, it is up to you all to decide on individual holding of tribal lands.”<sup>123</sup> Even when not addressing tribal members, BIA staff focused on the tribe’s readiness for individual land ownership, as evidenced by a remark by Tribal Relations Officer Marie Hayes in a 1952 report that “[t]he Indians appear to be interested in individual enterprises and owning their own land and homes.”<sup>124</sup> Seeing as this report was only intended for BIA staff, and not tribal members, it demonstrates the aims and focus of officials in dealing with tribes in this period. The report also noted that Mississippi Choctaw children “sang well in English”, further indicating that assimilation into Euro-American society – both culturally and economically – was of considerable interest to regional BIA officials in the years preceding Termination.

However, in March 1952 BIA employees in Mississippi appear to have reversed their stance on land ownership. In a Special Session of the tribal council, Hatch explicitly promoted land ownership as a community, stating:

“You are to think at all times that this ‘land’ belongs to the Choctaw Indians. When you begin to see it that way, you will begin to things [sic] in connection with these regulations. In taking action as the Tribal Council, you are to prepare to respect all of the happenings to all people – you are to think in terms of the Tribe – not on an individual basis.”<sup>125</sup>

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<sup>123</sup> MBCTC (6 December 1951), *MCMAIT 1/I*, Reel XI.

<sup>124</sup> MBCTC (5-9 February 1952), *MCMAIT 1/I*, Reel XI.

<sup>125</sup> MBCTC (11 March 1952), *MCMAIT 1/I*, Reel XI.

While this statement seems completely contrary to his previous stance on land ownership, it must be taken into account that he spoke of tribal land holdings whilst introducing the BIA's newly proposed land management plan for the Mississippi Choctaw.<sup>126</sup> This plan reflects the position of the Choctaw in Congressional Termination plans, which projected them as by no means ready for withdrawal of trust status in the near future.<sup>127</sup> Indeed, tribal trust lands had only been reclassified as a reservation in 1944 to ease BIA administration of the tribe.<sup>128</sup> In this respect, the BIA may have seen maintaining a tribal land base as necessary for the economic and educational development of the tribe, a way in which to facilitate eventual assimilation into the mainstream. In this sense, Hatch's motivations were similar to Senator Anderson's later support for Navajo land acquisition – developing tribal lands was seen as a necessary stage in progressing toward “civilization”. Indeed, though the BIA plan retained Mississippi Choctaw land holdings communally, it provided the reservation superintendent with significant control in administering leases to tribal members and evicting them, if rents were not paid.<sup>129</sup>

This management plan aimed to simplify the complex state of affairs of Mississippi Choctaw property management. Many tribal members had held farms on loan systems from the government until these lands reverted to trust status in 1946 as a result of defaults on payments.<sup>130</sup> The BIA had then assumed total control of Choctaw lands, requiring the tribal council to charge members fees for the use of homesteads. Tribal members, in turn, were often unable or unwilling to pay these leases – largely due to provisions in their 1864 Treaty which promised that heads of families would be granted fee simple allotments of at least 640 acres.<sup>131</sup> This had been a compromise to allow tribal

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<sup>126</sup> For a detailed discussion of the development of this land management plan, see: Osburn, *Choctaw Resurgence*, pp. 143–51.

<sup>127</sup> Philp, *Termination Revisited*, p. 72.

<sup>128</sup> Osburn, *Choctaw Resurgence*, p. 125.

<sup>129</sup> *Ibid.*, p. 145.

<sup>130</sup> *Ibid.*, pp. 143-4.

<sup>131</sup> *Ibid.*, p. 11.



members to remain in Mississippi, as according to the treaty anyone not accepting an allotment would be faced with removal from the area, but by the mid-twentieth century these promises remained largely unmet. In this respect, a form of individual land ownership was a Mississippi Choctaw *treaty right*, one which had not been fulfilled by the 1950s, as Choctaws were obligated to pay leases for the use of lands that they perceived as already belonging to themselves. As Katherine Osburn has shown, the payment of leases for the use of reservation lands was a continuous point of conflict within the tribal council.<sup>132</sup>

These frustrations were exhibited in council meetings as calls for individual land ownership. For instance, at a January 1953 tribal council meeting, Chairman Joe Chitto responded to discussion on the problems caused by Mississippi Choctaw sharecropping and land assignments by stating: “(We) want individual land ownership anyway we can get it!”<sup>133</sup> Read out of context, this statement may appear to support federal efforts of Termination. However, Chitto spoke specifically of the need to avoid sharecropping – a system which kept many Choctaws living in severe poverty, with farming families only earning an average of 307 dollars per annum post-WWII.<sup>134</sup> Moreover, Chitto had been involved with the tribal council since its inception in the New Deal era, and had consistently resisted what he felt to be unnecessary federal involvement in tribal community matters.<sup>135</sup> His background thus indicates that he may not have interpreted individual land ownership as leading to assimilation, but rather viewed it as a method of eradicating BIA paternalist management of the tribe.

Discussions of individual land ownership were brought up again by Chitto and fellow Choctaw delegates on a visit with Area Director W.O. Roberts in the Muskogee Area Office in February 1954, a meeting held specifically to discuss the BIA management plan. In the

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<sup>132</sup> *Ibid.*, p. 146.

<sup>133</sup> MBCTC (30 January 1953), *MCMAIT 1/I*, Reel XI. Emphasis in original.

<sup>134</sup> Osburn, *Choctaw Resurgence*, p. 301.

<sup>135</sup> Osburn tracks Chitto’s opposition to federal paternalism from the New Deal to the early 1950s, see: *Ibid.*, p. 114, 136.

brief record retained of this meeting, Roberts promised to “explore means for making it possible to purchase land, if the full Council desired” at the delegates’ request, indicating that the council was indeed interested in land ownership.<sup>136</sup> However, the minutes also note that delegates felt “the government had made promises to the Indians in earlier days and that these promises had not been kept and that there should be some reexamination of these promises and some effort made to keep them.”<sup>137</sup> The brief report at no point quoted tribal representatives, but this reference demonstrates they were unhappy with BIA treatment and felt government “promises” had been broken. This is likely a reference to the unfulfilled land provisions of the 1864 treaty.

In referring to “individual land ownership” the Mississippi Choctaw Tribal Council was thus challenging BIA control over their administration, and advocating the fulfilment of their treaty agreement with the government. This vision of property management was considerably different to – for instance – BIA employee Tom Hatch’s views that individual land ownership would lead to “forgetting” one’s Indian identity. Indeed, it appears that the council saw individual ownership as a method for the tribe to *retain lands*. This is evident in council representative Baxter York’s statement at a December 1951 tribal council meeting, that he did not “object to individual holding of tribal lands”, as it would enable “the tribes [to] hold on to their land as long as possible.”<sup>138</sup> Tribal members, then, did not necessarily see individual land ownership and the persistence of the tribal community as mutually exclusive. The tribe continued to prioritise the significance of the Choctaw language to contest federal impositions over the tribe, as tribal member J.C. Allen’s 1953 complaint that the tribe’s Constitution and By-Laws were written in “white men’s words” attests, after

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<sup>136</sup> Summary of Conference Between a Delegation from the Mississippi Band and the Area Director (17 February 1954), *MCMAIT 1/I*, Reel XI.

<sup>137</sup> *Ibid.*

<sup>138</sup> MBCTC (6 December 1951), *MCMAIT 1/I*, Reel XI.

which discussions were conducted in Choctaw.<sup>139</sup> Furthermore, community clubs and Choctaw fairs were run throughout the period, showcasing how much they valued their identity as a tribe.<sup>140</sup>

In the mid-1960s, once land management plans had been settled between the council and the BIA, the Mississippi Choctaw minutes show that discussions shifted away from conversations of individual ownership toward assertions of the need to gain lands for *tribal ownership*. As mentioned in Chapter Four, in January 1965, the tribal council unanimously adopted a resolution to purchase “700 acres of land adjacent to Tribal lands in the Pearl River Community”.<sup>141</sup> The resolution stated unequivocally that “it is the desire of the Band to purchase additional land to be used for the benefit of the Band and its members.”<sup>142</sup> Moreover, the topic of purchasing additional lands specifically for the tribe as a whole came up frequently in council meetings in 1965 and 1966, supported by 1960s federal development programs.<sup>143</sup> This evident interest in land and the consistent appeals to purchase lands communally support Osburn’s contention that farm lands were critical to Choctaw identity, with 1960s tribal council efforts focused on regaining lands the Band had lost throughout its history with the United States.<sup>144</sup> Unlike Wade Crawford, these Mississippi Choctaw tribal members did not speak of individual land ownership to justify the liquidation of the tribe. Rather, their case complicates the predominant historical narrative that individual land ownership was synonymous with Termination and incongruous with retaining tribal communities, demonstrating how tribal members in fact attempted to gain property ownership to bolster their self-determination.

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<sup>139</sup> MBCTC (13 January 1953), *MCMAIT 1/I*, Reel XI.

<sup>140</sup> For more on community clubs and tribal fairs, see: Osburn, *Choctaw Resurgence*, pp. 154–7, 169–176.

<sup>141</sup> MBCTC (12 January 1965), *MCMAIT 2/I*, Reel I.

<sup>142</sup> *Ibid.*

<sup>143</sup> See: MBCTC Council (13-14 April 1965, 11 January 1966), *MCMAIT 2/I*, Reel I.

<sup>144</sup> Osburn, *Choctaw Resurgence*, p. 144.

Considering individual land ownership patterns and the retention of tribal identity as not inherently conflicting also offers a fresh perspective on the near-miss case of Oklahoma Choctaw Termination. Choctaw Principal Chief Harry Belvin explained his support for the tribe's Termination at a 1958 Inter-Tribal Council meeting, referring to the status of Choctaw lands as already consisting mainly of individual allotments, on which some federal restrictions operated. Belvin's intention, as the 1958 meeting shows, was to sell off remaining communally-held tribal lands and divide the proceeds amongst members on an individual basis.<sup>145</sup> As Oklahoma Choctaw ethnohistorian Valerie Lambert has demonstrated, Belvin saw the tribe as *already terminated* as a result of allotment policy and the disintegration of tribal governments as a result of the 1906 Five Tribes Act.<sup>146</sup> Indeed, Inter-Tribal Council meeting minutes record Belvin as stating that "actually the 1906 Act in effect has been a 'termination' program for the Five Civilized Tribes..." and state he was "of the opinion the Choctaws would not lose a thing [...] should H.R. 2722 be enacted."<sup>147</sup> This claim supports Lambert's argument, showing that Belvin viewed Termination as simply a natural extension of allotment era-processes. Indeed, there is little doubt that Belvin supported Choctaw assimilation into the mainstream; as Principal Chief he had since 1948, for example, encouraged tribal members to speak only English and to attend white schools.<sup>148</sup>

Oklahoma Choctaw Termination was little discussed at Inter-Tribal council meetings, with representatives of other tribes expressing concern that services might be lost, but determining ultimately that the Council was not to "inject itself into individual tribal affairs."<sup>149</sup> Discussions between Choctaw tribal members, moreover, were not recorded in the Inter-Tribal Council's minutes. However, Lambert has argued, that in communicating

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<sup>145</sup> FCTITC (8 July 1958), *MCMAIT 2/I*, Reel I.

<sup>146</sup> Lambert, *Choctaw Nation*, p. 66.

<sup>147</sup> FCTITC (8 July 1958), *MCMAIT 2/I*, Reel I.

<sup>148</sup> Lambert, 'Political Protest, Conflict and Tribal Nationalism', p. 287.

<sup>149</sup> FCTITC (8 July 1958), *MCMAIT 2/I*, Reel I.

with tribal members, Belvin concealed the nature of the act, emphasising the economic importance of per capita payments from land sales for combatting the problems of unemployment and poverty.<sup>150</sup> The Inter-Tribal Council minutes support this contention to an extent; though Belvin here spoke openly of Termination, he claimed the act would “not affect the services which the Bureau provides for needy groups, such as schools, hospitals, the welfare program, and the non-taxable status of individually owned Indian lands.”<sup>151</sup> It is unclear how accurate these claims would have been in practice; after news spread through Choctaw youth and urban activist movements in 1969 that the act would terminate the tribe’s trust status, a campaign against it was mounted, resulting in its repeal in August 1970.<sup>152</sup> This unsuccessful end to Oklahoma Choctaw Termination demonstrates that though tribal members evidently did not protest the sale of communal lands to be distributed per capita, the loss of trust status and federal recognition was not widely supported. As in the Mississippi Choctaw case, individual land ownership was not seen as incongruous with retaining tribal identity and status.

Furthermore, while Choctaw representatives appeared to support the sale of remaining tribal lands in Inter-Tribal council meetings, other Five Tribes leaders spoke in favour of retaining, and even regaining, lands for *tribal ownership*, despite not having formal reservations. For instance, discussions of Indian-owned lands having been erroneously put on state tax rolls came up consistently in meetings throughout the 1950s. In 1957 Area Director Paul Fickinger responded to what he called “rumours” that restrictions on Indian properties would be removed and tribal members be made to pay taxes on their lands, assuring all council representatives that county treasurers throughout the region had been informed this was “not true”.<sup>153</sup> Though the minutes do not contain the response of any

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<sup>150</sup> Lambert, *Choctaw Nation*, p. 67.

<sup>151</sup> FCTITC (8 July 1958), *MCMAIT 2/I*, Reel I.

<sup>152</sup> Lambert, *Choctaw Nation*, pp. 68–9.

<sup>153</sup> FCTITC (9 January 1957), *MCMAIT 1/I*, Reel XI.

council representatives to this, since discussions of losing restrictions came up frequently in tribal council meetings, it seems that this was a major concern among members of the Five Tribes.<sup>154</sup>

This impression is reinforced by the statement of Cherokee Principal Chief W.W. Keeler at a December 1955 meeting discussing Termination policy and the removal of restrictions on land. The minutes record Keeler as stating “the Cherokees do not wish to dispose of any tribal lands” and that “the lands should be transferred free of debt to the Tribe.”<sup>155</sup> Keeler’s paraphrased speech in the minutes also presented him as willing to negotiate taxation, if the state would then allow Cherokee tribal ownership of the lands in question, stating: “We should be willing to assume this obligation, if that is the only question involved in taking over these lands”. This proves that council representatives who, like Keeler, were known to support federal actions during the Termination period could nonetheless support communal land ownership – Keeler’s tentative acceptance of land tax did not preclude his wanting to retain lands for his tribe *as a community*. As Keeler put it, “these lands should be retained for the use and benefit of the needy Cherokee people.”<sup>156</sup> These discussions in the Inter-Tribal Council, along with statements in Klamath, Navajo and Mississippi Choctaw tribal councils in the Termination period detailed above, demonstrate the willingness of many tribes to retain communal land bases, not generally subscribing to the view of communal lands as harmful and encouraging dependency that was propagated by the press.

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<sup>154</sup> For more on retaining land, see: FCTITC (9 July 1952, 8 October 1952, 25 March 1954, 13 July 1954, 29 April 1955), *MCMAIT 1/I*, Reel XI.

<sup>155</sup> FCTITC (4 December 1955), *MCMAIT 1/I*, Reel XI.

<sup>156</sup> *Ibid.*

## Conclusions

Terminationists avoided discussions surrounding land, providing little indication in their speeches of the implications of trust status removal on Native land bases. Nevertheless, differing perceptions of land were central to the acceptance of, and opposition to, the policy. Although the press did not write about the transformative effects of individual land ownership in the Termination period, the strongly negative stereotyping of reservation lands in the news media reveals persistent underlying attitudes from previous centuries. As reservations continued to be depicted as “primitive” and “unmodern” in the 1960s, even alongside instances of Native voices calling for the retention of lands in Indian ownership, it is evident that such attitudes were not significantly altered in the Termination period. Rather the idea that communal land ownership encouraged dependency maintained a deep-rooted, hegemonic position in mainstream beliefs about Native peoples and lifestyles. Since the benefits of “modern” individual land ownership were subconsciously accepted by the public, Native proponents of alternate models of society were excluded from the discussion. The press thus both reflected and helped to maintain predominant views of reservations, which facilitated support for the ‘freedom’ that Termination claimed to offer.

Evidently, some members of federally recognised tribes also subscribed to these views of tribal lands, like Klamath Wade Crawford and Oklahoma Choctaw Harry Belvin. While the motivations of these two men slightly differed, with Crawford wanting to instigate wholesale assimilation while Belvin saw this as having largely already occurred, both shared a family history of economic success according to mainstream American ideals of individual enterprise. As a result, they viewed economic development as unfeasible – in Crawford’s case even morally questionable – whilst tribal lands were held communally. The Klamath tribe of course was eventually terminated to disastrous effect, while the Oklahoma Choctaw act was never put into practice – however, both faced strong resistance to their

actions from within the ranks of their own tribal membership, demonstrating that very few shared their belief in the need for full assimilation into the mainstream.

Furthermore, reading into the language used by tribal members within the historical and cultural context of each tribe reveals additional layers of interpretation, as the Mississippi Choctaw calls for “individual land ownership” show. While some tribal members spoke enthusiastically about individual land holdings, this was due to the specific historical context of their 1864 Treaty. Discussions of land in the often brief and abbreviated minutes furthermore indicate that tribal members supported individual ownership in order to maintain lands with the tribe, and particularly in the 1960s the retention and regaining of lands in *tribal ownership* gained prominence. This is an aspect federal supporters of Termination had overlooked, with BIA employees in Mississippi instead interpreting this as evidence of Choctaw support for assimilation. Similarly, before PL 587 was passed Klamath tribal members spoke about land in order to resist BIA paternalism – statements which out of context could be interpreted as support for the removal of trust status.

Native discussions of their lands in the Termination era, whether limited stretches of ancestral homelands or federally selected areas, thus complicate simplistic characterisations of tribal land ownership as inherently unorganised, ‘primitive’ spaces that are always communal. While representatives of tribes like the Klamath and Navajo supported retaining reservation lands in communal ownership due to spiritual and cultural connections to it, they did not view this system as restricting economic development programmes. The Navajo, indeed, successfully drew on 1960s federal economic funding to cultivate industrial development to further the self-determination of the tribe as a community. The 1960s move of federal policy rhetoric towards gradual assimilation over immediate withdrawal created an atmosphere in which the wish for communal land



ownership could be more freely discussed, meaning the determination to maintain tribal communities and lifestyles could be more vocally expressed.

Homogenous, simplistic narratives of reservations as ‘barren’, ‘deprived’ spaces in public discussions of Indian affairs thus obscured the real variety of land usage among Native individuals and groups, and differing solutions for resource development and ownership developed by tribes in accordance with their specific historic and cultural context. As these varied cases demonstrate, enthusiasm for economic expansion and improved living standards – even through the acceptance of some individual land ownership – did not preclude the wish to maintain a tribal community and identity, to which a land base in some form was necessary.

## Conclusion: The Significance of Language in American Indian Policy

“The goal toward which I propose to lead the Navajo people is the goal of all true Americans, is to a time when the free development of each individual is the condition for the free development of all men – a government which respects the equal dignity of every human being as a child of the same Heavenly Father, a government in which all citizens have the same rights before the law, but more than that, rights which the law cannot take away, and responsibilities, too, in proportion to their gifts and achievements. [...] *I shall never voluntarily surrender the ancient sovereignty of the Navajo people,* (applause) or barter it away bit by bit, to private interests or other governments; but I will restrict the power of the Navajo government toward the Navajo people. (applause)”<sup>1</sup>

- Raymond Nakai, Navajo Tribal Chairman,  
1963

The strength of Termination was in the vague and malleable language of “freedom”, “citizenship” and “responsibilities”, appealing both to the non-Native mainstream population and the members of American Indian tribes. Though tribal members, federal officials, journalists and the general public all used the same terms and similar language in speaking about American Indian policy, these key concepts were interpreted in vastly varying ways. As Navajo Tribal Chairman Raymond Nakai’s inaugural speech demonstrates, Native leaders could both aim for sovereignty and self-determination *and* use terms like “freedom” and “responsibilities” that were heavily employed by Terminationists like Myer

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<sup>1</sup> NTC (13 April – 8 May 1963), *MCMAIT 2/I*, Reel IX. Emphasis added.

and Watkins. Nakai embedded these terms with meanings significant to the Navajo, speaking of the freedom of tribal members to remain Navajo and his own responsibility to his tribal nation. This speech encapsulates the significance of language and interpretation in dealing with American Indian policy, a system which inherently involves cross-cultural communication and so easily lends itself to obscurities and misunderstanding.

To date, the significance of the language of Indian policy has been overlooked. Scholars have justifiably highlighted the global historical context in which Termination policy was adopted – it is clear in tribal council minutes that American Indian war veterans valued their military participation and felt connected to the nation-state as a result, identifying themselves and their tribes as “American”. Equally, that the Cold War context fostered federal endorsement of Termination is evident in press writing referring to the need for an “American Indian Point Four” programme. Furthermore, just as Daniel Cobb has found that pan-tribal Native activist organisations played on Cold War rhetoric to attract support, tribal council members on a local level also aggressively dissociated their tribes from Soviet influence and denounced communism.<sup>2</sup> WWII and the Cold War thus undoubtedly influenced the ways in which American Indian policy was discussed, both by Natives and non-Natives.

These contexts certainly enlighten our understanding of the reasons why Termination was adopted in the specific period of the early 1950s – but an undue focus on these has also obscured the historical understanding of how the policy developed from the post-war era until repudiated by Nixon in 1970. Termination was not accepted simply because of a fear of the spread of Communism or a public celebration of Native military effort, even though these may have influenced some discussions. In fact, the examination of the press presented in this thesis found little evidence of either factor being prominently discussed in

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<sup>2</sup> Cobb, *Native Activism in Cold War America*, p. 4.

relation to Native Americans or federal Indian policy in the 1950s or 1960s. Equally, the personal motivations of federal officials like Senator Watkins or Congressman Berry, as identified in tribal case studies by R. Warren Metcalf and Edward Charles Valandra, do not sufficiently explain why the general public accepted and even applauded the federal policy of Termination.<sup>3</sup>

Laurie Arnold has written frankly about the challenges she faced in writing the history of attempts to terminate her tribe, stating: “I did not conduct any oral histories for this research, because termination is relatively recent and still painful.”<sup>4</sup> That Arnold was not allowed access to the Colville tribal archive despite her enrolment further attests to the taboo nature of Termination history, and the trauma the policy caused for tribes that were faced with it. These strong reactions against discussing Termination are the result of too narrow a historiographical focus, with most scholarship almost exclusively documenting the legislative history of withdrawal and the problems it caused. Asking *why* Native individuals or groups may have supported Termination sets an accusatory framework, placing blame for the acceptance of withdrawal with tribal members. Instead focus needs to be turned to how the language of Termination was *interpreted*, both by Native peoples and non-Natives.

Examining Termination from this angle draws attention to federal officials who wilfully employed vague language in discussing Termination, whether to mislead tribal members or to conceal their own lack of knowledge on the subject. Support for the central concepts of Termination – “citizenship”, “freedom” and “equality” – did not mean that tribal members supported the withdrawal of their legal status and special services provided to them as a result of that status. Examining language also demonstrates the resonance of Terminationist rhetoric with the mainstream public, and their willingness to support assimilation. In studying the history of federal-Indian relations more attention must be paid

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<sup>3</sup> Metcalf, *Termination's Legacy*, pp. 13–6; Valandra, *Not Without Our Consent*, p. 17.

<sup>4</sup> Arnold, *Bartering with the Bones*, p. xvi.

to the role interpretation and response plays in federal American Indian policy, to highlight the discrepancies in Native experience and mainstream views.

It is clear from an examination of the 1950s and 1960s press that while Termination was perhaps not a popular topic in news reporting, the general public was made aware of the broad goals and aims of the policy, though not much attention was paid to legislative specifics and tribal Termination Acts. Comparing press discussions of Termination to federal officials' presentations of the policy to tribal councils, it is also clear that withdrawal was *more* openly discussed in the press than in tribal councils, as is evidenced by the 1953 *Washington Post* report on federal plans to eliminate BIA functions and services.<sup>5</sup> The press thus explicitly referred to the removal of federal trust status whereas discussions with tribes more commonly focused on vague notions of "freedom" for tribes through the adoption of new federal policy. In some cases federal officials even intentionally misled tribal councils about the implications of the policy, as in the case of Commissioner Myer telling the Navajo council that he did not wish to "liquidate Indian reservations", whilst also informing the Five "Civilized" Tribes Inter-Tribal Council that there would "be no Indian service one day".<sup>6</sup>

This discrepancy reflects the local variations in BIA interactions with tribes, showing that officials did view tribes differently, as the existence of Zimmerman's List indicate: the representatives of the Five Tribes most commonly addressed as equals, while the Mississippi Choctaw were consistently spoken to in a patronising or demeaning manner, despite both councils being administered by the same local BIA Area Office in Muskogee Oklahoma. Despite variable levels of respect in these interactions, however, the BIA usually offered Native tribal councils only vague indications of federal Indian policy and little detailed information on legislative changes. Specifics on Termination legislation was instead

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<sup>5</sup> 'Indian Affairs Enquiry Approved by House', *WP*, 26 March 1953, p. 21.

<sup>6</sup> NTC (11-15 September 1950), *MCMAIT 1/I*, Reel V; FCTITC (11 October 1950), *MCMAIT 1/I*, Reel XI.

usually gained through the initiative of tribal council members, contact with Native activist organisations, or through a tribal attorney – not federal sources.

As a result of the more open press discussions of Termination, opposition to it did appear in the print media, but – as shown in Chapter Two – this focused largely on specific details, like Myer’s Commissionship, the timing of specific tribal Termination Acts, and PL 280’s lack of a consent clause, rather than the policy of federal withdrawal as a whole. Even the writings and statements of prominent non-Native rights activists like La Farge and Collier did not publicly protest the ultimate goal of terminating trust status. This is largely because the press, though perhaps including some additional details of how the policy would work in practice, generally accepted or uncritically reported the statements of federal authorities, who claimed that Termination would lead to “full American citizenship” or greater “freedoms” for tribes. The language of Termination, in employing such unquestionably positive concepts, was difficult to oppose – critics of the policy could easily be labelled as “anti-American” or supporting continued “paternalism”.

However, Terminationist language being both vague and positive does not sufficiently explain why the policy continued into the 1960s. The claim that Termination effectively ended in the late 1950s presents the withdrawal of Northern Ponca federal status in 1966 and the near-miss situation of the Oklahoma Choctaw in 1970 as unfortunate aberrations rather than evidence of the continued federal effort to eradicate legal Indian status in the United States. As 1960s press representations of American Indian policy shows, fast-paced withdrawal was no longer widely publicly advocated, but the ultimate goal of assimilating the Native population into the American “melting pot” had not dissipated. As the *Post* wrote in a 1966 editorial, “Termination, a goal laid down by Congress, is a frightening word to the Indian. Yet eventually Federal wardship should cease and the reservations should

become integrated into their respective states.”<sup>7</sup> The language of Termination shifted toward emphasising “economic development” rather than “full citizenship” and “freedom”, but the end goal of eventually eradicating Native trust status remained, just at a slower pace.

The general public, then, was made aware of Termination and the hegemonic belief that assimilation was the solution to the “Indian problem” prevailed throughout the period. In contrast, tribes were generally dependent on their own efforts to keep themselves informed on policy developments, and to interpret legislation like HCR 108 and PL 280, as well as the general statements which federal officials made with regard to Termination. The process of linguistic subversion in the English language writings of early twentieth century boarding school students, termed “writing Indian” by Katanski, provides a useful model for considering discussions within tribal council meetings as a space both allowing intra-tribal discussion and mediated by the BIA.<sup>8</sup> This thesis has demonstrated that such subversion is not restricted to written expression. In mid-twentieth century tribal council meetings, members of various tribal councils, including the Navajo, Five Tribes and Mississippi Choctaw, were “*speaking Indian*”, verbally encoding the language of Termination with meanings relevant to their experience.

Reading tribal council minutes with an awareness of the cultural context of each tribe highlights the ability of council representatives to “speak Indian”, revealing nuanced layers of communication. While tribal members spoke to their councils and federal officials in the language of Termination, they did not necessarily advocate full cultural assimilation. This process of subverting concepts introduced by federal officials was particularly prominent in the early 1950s, in the years leading up to and immediately following the passing of Termination legislation, before the trust status of any tribes had been withdrawn. Though

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<sup>7</sup> ‘Unsettled Indian Affairs’, *WP*, 4 April 1966, p. A16.

<sup>8</sup> Katanski, *Learning to Write ‘Indian’*, pp. 217-8.

Mississippi Choctaw Chairman Joe Chitto in 1953 called for “individual land ownership anyway [sic] we can get it”, acknowledging his lifelong opposition of federal paternalism demonstrates that his conception of individual land ownership differed from the tribal dissolution envisaged by Terminationists like Watkins.<sup>9</sup> In the same year, Navajo representative Frank Bradley used the idea of Navajos as being “lesser Americans” to criticise poor living standards on the reservation.<sup>10</sup> Though the BIA considered both tribes “predominantly Indian” and poorly educated, the agency of tribal members is evident in these processes of negotiating meaning, harnessing federal terminology to advocate improved conditions and self-determination for their tribes.

Neither did the representatives of the Five Tribes espouse Terminationist language uncritically, but also integrated their own meanings into the language of HCR 108 – despite being presented as more ‘acculturated’ into mainstream America than the Mississippi Choctaw or Navajo tribes. Though working within a system modelled on non-indigenous, Euro-American parliamentary governments, including both communally-held and allotted lands, the representatives of the Inter-Tribal Council generally worked within the structures imposed on them to protect their Native cultures and identities. This is demonstrated by the Constitution and Bylaws accepted in March 1954, which included protection of “rights and benefits” under United States and Oklahoma law, but also emphasised educating the mainstream public to help “preserve Indian cultural values”.<sup>11</sup> Rather than explicitly opposing Termination in this early period, these tribes identified ways in which the policy could further economic development and thus work to their advantage in seeking greater tribal self-determination. While the Inter-Tribal Council was perhaps more skilled in navigating the BIA tribal government framework without non-Native legal assistance than the Mississippi Choctaw and Navajo were, the fact that each of these tribes actively

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<sup>9</sup> MBCTC (30 January 1953), *MCMAIT 1/I*, Reel XI.

<sup>10</sup> NTC (11-21 May 1953), *MCMAIT 1/I*, Reel VIII.

<sup>11</sup> FCTITC (25 March 1954), *MCMAIT 1/I*, Reel XI.



engaged with the language of Termination demonstrates the unsuitability of the BIA's classification of tribes in its withdrawal plan. This supports the contention that Zimmerman's List and BIA estimations of levels of "acculturation" were largely arbitrary.

The Klamath case, and the ways in which Termination was discussed within their tribal council meetings, further illustrates the malleability of the language of withdrawal in the early 1950s. As detailed in Chapter One, the BIA played little role in communicating with the tribe about HCR 108 and PL 280, and refused clear interpretations of the Klamath Termination Act even when directly requested by Klamath tribal members. The minutes of the Klamath General Council – until the removal of its status as a BIA recognised tribal government – reveal a persistent confusion among the tribe about what Termination would entail and how it would be carried out. These also show that once the ways in which the policy would be implemented in practice became clear, it was indeed vehemently opposed, as is evident from statements by Boyd Jackson, Dorothy McAnulty and unnamed tribal members in speaking of their reservation as "home".

Evidence from the Klamath Tribal Council minutes unequivocally shows that though a faction of the tribe did support relinquishing trust status, Termination was not voluntary – despite Myer's and Watkins' claims to the contrary. Federal officials consistently told tribal members that they did not ultimately have a say in how the policy would be carried out, though they were invited to comment on it. Holding no veto power, all tribal members could do was vocally oppose Termination or at least try to negotiate changes to the policy that would cause the least destruction to their community. That the Termination of Klamath trust status was eventually pushed back to 1961 – but not wholly repealed – indicates that Congress recognised that the process was problematic, but refused to abandon the policy outright, despite the repeated requests of the tribal council and their federally appointed Management Specialists. In practice, Klamath Termination was carried

out not due to a lack of opposition or understanding, but the unwillingness of Congress to back out of its set plan of assimilation. The Klamath case, therefore, supports Nicholas Peroff's claims that Congress was determined to see its "experiment" of Termination through.<sup>12</sup>

Cobb has effectively shown that pan-tribal Indian rights organisations like the NCAI systematically opposed Termination, resulting in action like the 1961 Chicago Conference and Declaration of Indian Purpose, and how these protest movements developed into more direct action like fish-ins later that decade.<sup>13</sup> However, this thesis has demonstrated that little overt opposition to Termination policy as a whole occurred amongst tribes who were not faced with withdrawal in the short-term. As the aforementioned inaugural speech by Nakai shows, tribal council leaders and elites continued to speak of their tribes as on a trajectory of "development". This rhetoric allowed tribes to benefit from government programmes aimed at preparing tribes for eventual assimilation, without endangering working relations with the bureau on which the legitimacy of these councils relied. Tribal leaders in the 1960s, like Nakai and Mississippi Choctaw chairman Phillip Martin, tended to continue to negotiate their powers within the frameworks set by federal policy. They could nevertheless more freely refer to the protection of tribal communities due to an increasing public awareness of destructive consequences of Termination for tribes like the Klamath. Indeed, in the 1960s both tribal and national Native activism began to vocally call for self-determination – and even sovereignty.

Representatives of tribes that were not faced with Termination in the short-term, thus, displayed remarkable agency and ability in adopting and harnessing the language of Termination to further their own goals and efforts, while the Klamath situation forced tribal members vociferously to oppose the policy. In contrast, interpretations of Terminationist

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<sup>12</sup> Peroff, *Menominee Drums*, pp. 80–1.

<sup>13</sup> Cobb, *Native Activism in Cold War America*, pp. 1–2, 13–29.

language within mainstream public discussions were far more singular, due to the hegemonic beliefs about Native Americans that the general public retained. To borrow Thomas Farrell's term, the non-Native mainstream public held a "social knowledge" about Natives: that they inhabited a supposedly "lower plane of development", resided on "oppressive" and "barren" reservations, and were destined to "progress" to the level of "civilized", capitalist mainstream America.<sup>14</sup> This formed a cultural understanding of the terms "freedom", "citizenship", and "land ownership" that was not a product of the mid-twentieth century, but a long-standing Euro-centric tradition with roots as far back as the colonial era.

These findings suggest a U.S. parallel to the continuing exclusion and marginalisation of First Nations in the Canadian press, as identified by historians Mark Anderson and Carmen Robertson.<sup>15</sup> Indeed, the U.S. national news media in the 1950s and 1960s, particularly when not writing explicitly about federal Indian policy, presented the Native population as destitute, "exotic" or even racially inferior "Others". Native voices were consistently marginalised in press writing about Indian affairs, with only the *Christian Science Monitor* demonstrating any significant attempt at inclusion. Furthermore, the limited incorporation of Native opinion did not eradicate the control over all press reporting on Native affairs exercised by non-Native writers, as demonstrated by the fact that a 1969 *New York Times* essay by NCAI president Vine Deloria Jr. was given the controversial headline of 'The War Between the Redskins and the Feds'.<sup>16</sup>

The belief in assimilation through the break-up of Native legal status and communal landholdings that had been popular during the turn of the century evidently still held strong. The Cold War and WWII, therefore, did not *create* the ideology of assimilation, but

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<sup>14</sup> Farrell, 'Knowledge, Consensus, and Rhetorical Theory', pp. 140–52.

<sup>15</sup> Anderson and Robertson, *Seeing Red*, pp. 265–75.

<sup>16</sup> Deloria Jr., 'The War Between the Redskins and the Feds', *NYT*, 7 December 1969, pp. SM47.

merely facilitated its re-emergence. Moreover, while Termination policy may have been presented more openly and with more detail to the general public than to tribal councils, little understanding of the actual legal status of Native Americans could be found in the national press. Support for Natives becoming “full American citizens” was predicated on the lack of public awareness and understanding of the 1924 Indian Citizenship Act and tribal treaty rights. Equally, little understanding of the realities of Native cultures and experiences was presented, amongst the portrayals of the indigenous population as a homogenous, ‘desolate’ mass.

The withdrawal of federal trust status, thus, continued to be an ultimate, eventual goal until explicitly repudiated by Nixon’s 1970 Special Message, which stated:

“[...] the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.”<sup>17</sup>

From the late 1940s until the release of Nixon’s Message, no public statements altogether opposing Termination appeared in the national press. Tribal council discussions had by this point, as Nakai’s speech attests, spoken of self-determination and sovereignty at least since the beginning of the decade. Unfortunately the *Major Council Meetings of American Indian Tribes* collection, gathered from BIA records, does not contain minutes of meetings throughout the entirety of the 1960s – ending for the Klamath in 1960, a year before their final Termination date – so it is difficult to draw a comparison of the development of language throughout this period. What is available for the Navajo and Mississippi Choctaw tribes, as well as the Inter-Tribal Council, indicate a more vocal discussion of tribal cultures and the effort to revitalise and enhance their communities as tribal nations.

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<sup>17</sup> Richard Nixon, ‘Special Message to the Congress on Indian Affairs’, 8 July 1970, <http://www.presidency.ucsb.edu/ws/?pid=2573> (viewed: 17.6.2015).

Nixon's Special Message, however, did not mark the death of assimilation, or have any long-lasting effect on mainstream non-Native views of American Indians. Despite the scholarly acceptance of Termination as a disaster, the policy has evaded public memory and is not widely acknowledged. Rather, statements made in the hearings of the House Subcommittee on Indian Affairs have recently cited the termination of federal trust status as a natural progression of Indian policy, implying that later developments toward self-determination legislation were aberrations in progress toward a congressional goal. On 22 May 2015, attorney Donald Mitchell gave lengthy testimony opposing the Interior Department's right to grant federal recognition to Native tribes, stating that:

"[...] in 1953 the 83<sup>rd</sup> Congress, without a single dissenting vote, passed House Concurrent Resolution No. 108 – the so-called 'termination resolution' [...]. The history of Congress's consistent Indian policy set out above is relevant to this Subcommittee's consideration of the tribal recognition issue in the present day because it is evidence that into the 1970s Congress had no interest in creating new 'federally recognised tribes' by enacting statutes that would confer that legal status on new groups composed of individuals of varying degrees of Native American descent who did not reside within the boundaries of an existing reservation."<sup>18</sup>

As Mitchell's testimony and the support his ideas received from committee chairman Don Young (R-Alaska) demonstrate, tribes' right to federal recognition continues to be contested in Congressional circles. Mitchell, who briefly outlined the history of U.S. Indian Affairs since Andrew Jackson's Indian Removals, painted a picture of consistent assimilation policy until the 1970s, claiming that an illegitimate shift of policy-making from Congress to

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<sup>18</sup> Donald Craig Mitchell, Testimony before the Subcommittee on Indian, Insular and Alaska Native Affairs, 22 April 2015, <http://naturalresources.house.gov/uploadedfiles/mitchelltestimony.pdf> (viewed: 22.6.2015).

the Interior Department was the reason for change toward self-determination. Similarly, the status of the indigenous populations in Scandinavia and Australia has come under question, marking what may be a global shift in indigenous affairs toward assimilation over state recognition.<sup>19</sup> While new Canadian Prime Minister Justin Trudeau has vowed to protect the rights of First Nations, it remains to be seen how his government intends to fulfil these promises, and whether other countries will follow suit.<sup>20</sup>

These developments prove that assimilationist policies remain insufficiently recognised and studied, considered as isolated cases – or natural progressions – in a long history of indigenous-European contact. Rather, scholarly attention needs to be drawn to continuities in Indian affairs, and recognition of the continually re-emerging push to alter and remove indigenous status. By re-examining the sources available and including Native voices in these histories, the extent of paternalism inherent in these policies, and the reasons for success in assimilation in the past can be more fully comprehended. Only by including Native peoples actively into public discussions of their own affairs, and ending their marginalisation in mainstream media, can the dangers of assimilation be fully eradicated.

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<sup>19</sup> See: 'Finland's Sámi request UN help in securing their rights', *Yle News*, 20 May 2015, [http://yle.fi/uutiset/finlands\\_sami\\_request\\_un\\_help\\_in\\_securing\\_their\\_rights/7961531](http://yle.fi/uutiset/finlands_sami_request_un_help_in_securing_their_rights/7961531) (viewed: 5 January 2016) and Michael Gordon, 'Tony Abbott scuttles Indigenous plan on constitutional recognition', *Sydney Morning Herald*, 3 August 2015, <http://www.smh.com.au/federal-politics/political-news/tony-abbott-scuttles-indigenous-plan-on-constitutional-recognition-20150803-giq6bs.html> (viewed: 5 January 2016).

<sup>20</sup> Gloria Galloway, 'Trudeau vows to develop plan to put Canada on path to "true reconciliation"', *Globe and Mail*, 15 December 2015, <http://www.theglobeandmail.com/news/national/truth-and-reconciliation-head-calls-for-action-as-final-report-released/article27762924/> (viewed: 5 January 2016).

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