



*Clearcuts can be designed to blend with other natural topographic features such as the rock slide at lower left, and other natural openings in the forest. Photo from Roaring River drainage, Mt. Hood National Forest.*

# THE REVOLT AGAINST CLEARCUTTING

Charles A.  
Connaughton

ONE STRONG CHARACTERISTIC of the current environmental crusade is a revolt against clearcutting in the forest. Some environmentalists relate clearcutting to devastation. Others simply feel that the practice has some rather ill-defined but environmental effects. Some critics are informed and have their own dominant reasons for opposing clearcutting. Others merely question the practice as a matter of general principle. Even within the forestry profession voices have been raised which question clearcutting. All in all, this accumulation of attention means there is need for immediate professional attention to this subject and real pressure for an effort to achieve some unity of thought and action on it.

In examining the subject as part of the environmental crusade, we can only touch generalities here. Such specifics as when, how, and where clearcutting can and should be applied must be left to on-the-ground or local determinations which recognize the climate, soil, vegetation, and topography which may be involved. For the purpose of this discussion, only broad implications of the controversy are pertinent.

### Clearcutting—A Tool

The aspect of dominant concern to foresters in the clearcutting controversy is that the practice is being publicly condemned. For one reason or another, strong-willed vocal people have decided that clearcutting is synonymous with devastation, that every clearcut area is badly treated, and that all clearcutting must stop.

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There are many shades of application in this broad approach to clearcutting, but they all point toward clearcutting as a malpractice. As a generality, nothing could be further from the facts and those who lean toward this feeling should get acquainted with the real and balanced picture.

Actually, any one who has reviewed the application of intensive forestry has seen situations and locations where clearcutting is sound, feasible management. To say otherwise is to ignore the basic ecology in many forest areas.

It is well established that in order to achieve sound objectives of management in many situations, clearcutting can and should be practiced. To remove this treatment from our silvicultural systems would be to eliminate a sound tool from the management kit. Undoubtedly, substitutes may be employed in some situations. If such substitution is possible there is no reason to avoid it, if the change produces a set of circumstances suitable to land managers and their objectives. Where substitution fails to achieve objectives, however, it is short-sighted folly to dismiss clearcutting.

In short, clearcutting as a tool is just as important to forestry as any other tool in use. As a profession, we must take steps to defend it strongly, intelligently, and aggressively.

### Why Is Clearcutting Bad?

If clearcutting is a suitable and desirable forestry tool, why does it have a bad name in some circles? Why is it being questioned, even by some foresters? The probable answer is that not all clearcutting is

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necessarily desirable, and that in almost any clearcutting, the impact on the environment is sudden and severe.

First, consider how clearcutting received a bad name as a practice. This is not difficult to understand, because some forest land has been harvested in the past using practices that the profession could not support, and the action has been justified by calling it silvicultural clearcutting. Where this was done there can be no excuses, and where no professional objection was raised we can expect now to be condemned because of the practice. This is to be regretted and involves a long story, but the fact that clearcutting is adversely tabbed because of past poor practice is no reason for the system to carry the curse of this experience.

As for the harsh impact of clearcutting on the environment, there is little that can be said in justification except that from a professional point of view, the "ends may justify the means." Where clearcutting is the most suitable practice, the way the job is done can be exceedingly important. There are methods of locating the cutover area on the landscape, cleanup after harvest, rate of regeneration, pattern of individual harvested areas, and other features which can be manipulated to do much toward reducing the impact of the practice, thereby achieving essential technical results, and at the same time minimizing adverse reactions of observers.

#### Landscaping With Clearcutting

Adapting the clearcutting practice to the landscape deserves a little more detail. Actually, it is well known that nature is characterized by variability rather than uniformity. Application of clearcutting should take this into full consideration. Man-made forest openings should be designed to conform to nature as closely as feasible. The openings should not be too large, the boundaries of the harvest areas should be irregular, the cutting area and topography should blend rather than conflict, roads and log landings in the cutover area should be minimized, and related values such as watershed and streams should be protected or enhanced by the harvest. Often, skill can be used in locating the clearcut areas in relation to natural openings, highways, or other features so that conflicts are minimized, not exaggerated.

Even with the best of effort, there is no escaping the fact that clearcutting on a given acre will be apparent and the treatment of the land may appear harsh to many. The forester's skill to a degree, therefore, will be determined by whether he holds this apparent harshness to an acceptable level.

#### The Public Revolt

Actually, the revolt against clearcutting is spotty over the nation. It has been discussed in legislative circles, and at least one state legislature has resolved against the practice. One Congressional committee has reacted strongly against it. National publicity has shown it as negative and adverse, particularly when logging practices were being condemned. In most situations, however, clearcutting has been debated with more heat than light.

As a result of spotty interest and action thus far, foresters in a number of localities are paying real attention to the negative public reaction. This is a proper course up to this point because foresters must be responsive to public opinion.

Moreover, foresters should often submit forestry practices to public judgment, and adjust techniques if the end result doesn't jeopardize sound land use. There's a difference, though, where pressure against the forester develops which may be emotionally generated with no silvicultural foundation, and may be contrary, in fact, to sound land management. In this case the forester must be aggressive in explaining the merits and demerits of the practice, including clearcutting, and vigorously resist a biased point of view.

#### The Forestry Job

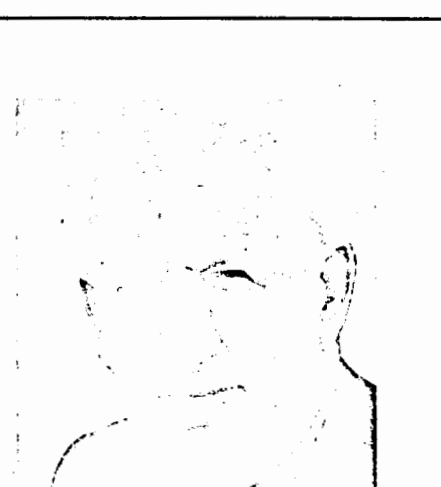
Currently, it appears that foresters have a job to do in relation to clearcutting and the environmental crusade. In general terms, we know that clearcutting is a sound forestry practice. Furthermore, we know that several sources are opposed to this practice. If we accept the trend of this revolt, we lose a sound practice. On the other hand, if we reject our critics completely, we know that we may be overwhelmed by public opinion, just as has occurred already in at least one state. What is the alternative?

It seems apparent that we have only one real course of action—to adopt practices so that clearcutting combines as well as possible the silvicultural requirements and public opinion. This will involve some compromises in the search for an acceptable meeting ground.

To make this meeting ground as sound and realistic as possible, the forestry profession has an obligation to acquaint the public with the effort being made to blend clearcutting with the landscape. The story needs to be told, with adequate on-the-ground demonstration, that a continuous effort is under way to show that this method of timber harvest can combine aesthetics and timber production in a reasonable manner.

The public needs to be reminded, also, that clearcutting is a sound ecological practice which should continue, and that foresters are interested in, and committed to, management of the forest from an appearance as well as a production point of view. □

The Author



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# AN ORAL HISTORY INTERVIEW

Official File Copy

Enclosures Files

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DEFENDANT'S EXHIBIT NO. A-166

Court of Claims

Docket No. \_\_\_\_\_



*M. J. Kinney*

J. P. KINNEY with ELWOOD R. MAUNDER  
and GEORGE T. MORGAN, JR.

MR. KINNEY was appointed head of the newly formed Forestry Branch of the Office of Indian Affairs in 1910. He has had a long and distinguished career in public forestry and is author of several books on forestry law and Indian land history. He was elected Fellow of the Forest History Society in 1959. At age ninety-six he is America's oldest practicing forester.

This interview was conducted in 1960 in St. Paul, Minnesota. Mr. Maunder is executive director of the Forest History Society. Mr. Morgan was research associate of the Society and is now an associate professor of history at the University of Houston.

# BEGINNING

## INDIAN LANDS

### FORESTRY<sup>2</sup>

der Do you recall if you were interested in the rise of forestry in this country during the years of this century?

y I was not very deeply interested. I had daughters; I was busy raising a family during those years. I was also busy in the U.S. Patent Office where I had no close connection with forestry. In fact, my connection was so general that I didn't know of the serious differences that had arisen between the Departments of the Interior and Agriculture. I was not really cognizant of what was going on in the row between Chief of U.S. Forest Service Gifford Pinchot and Secretary of the Interior Richard A. Ballinger after I joined the Indian Service.<sup>2</sup>

It began there on February 25, 1910, and the next day Pinchot was put on the stand before a joint congressional committee investigating the controversy. From that time on the storm broke and I was in the middle of it. I had many friends in the Forest Service and I guess I might as well say my sympathies were always with the Forest Service in that controversy, although I think Pinchot and some of his associates were extremely hostile toward Ballinger and the Interior Department. I had resigned from the Patent Office and there was nothing I could do but stay with Interior. See how it turned out. I took no prominent

<sup>2</sup>The Ballinger-Pinchot controversy resulted in President Taft firing Pinchot in 1910.

The Indian Service includes the workers who carry out the old duties for the Bureau of Indian Affairs. The name of the Office of Indian Affairs was changed to the Bureau of Indian Affairs by an Interior Department order on June 19, 1947.

part in it; I just went ahead organizing the new Division of Forestry in the Indian Service.

Maunder You were commissioned to launch a program of forestry on Indian lands, is that right?

Kinney Yes. We were setting up the new division for that purpose. From 1902 on, Pinchot had been anxious to take over the management of the Indian forests. Secretary of the Interior E.A. Hitchcock had asked the Bureau of Forestry<sup>2</sup> for advice. Pinchot and Theodore Roosevelt clearly influenced this move. The Forest Service made some reports on Indian forests and in 1908 engineered a cooperative agreement between the Departments of the Interior and Agriculture under which Agriculture Department foresters would take full charge of all forestry work on Indian reservations. They were to operate under appropriations made to the Interior Department, but the agreement gave the Forest Service almost complete control of the management of the reservation forests. There isn't any question that some people in the Indian Service resented this arrangement. In 1909 Assistant Secretary of the Interior Franklin Pierce abrogated the agreement on the grounds that the whole thing was illegal. Although the Forest Service always maintained that this was merely an excuse, I believe Pierce was on good legal ground. There was no authority for the Secretary of the Interior to pass over to the Secretary of Agriculture the control of the forests on Indian lands. Of course this was one of the things that led to the Pinchot-Ballinger controversy, because Pinchot was very incensed at the action that was taken by the Interior Department.

Maunder How did this controversy affect your efforts to establish the forestry branch of the Indian Service?

Kinney The effect was very bad. Most of the men are dead now so I may as well reveal the details. For years a position called "lumberman" in the Indian Service had been held by a man named Joseph R. Farr. He had no college education or training in forestry but he did understand lumber — a very capable man. However, Farr was a politician from Wisconsin, and when the Forest Service was doing work for the Indian Service, disagreements arose between Farr and the foresters.

Farr had no particular confidence in the young foresters, and they had none in him. Naturally,

<sup>2</sup>Became the U.S. Forest Service on July 1, 1905.



# IN SPITE OF THE FACT THAT THE YOUNG FELLOWS IN THE FOREST SERVICE WERE OVERLY IDEALISTIC, THEY WERE ON THE RIGHT ROAD.

he resented the young scrubs from Yale and Cornell telling him how things should be run in the Indian forests. The Commissioner of Indian Affairs at the time was Robert G. Valentine, from Boston, I believe. He was a very capable fellow but inexperienced. He had acted as private secretary for Commissioner Francis Leupp. Valentine had been convinced by certain members of the Forest Service that Farr was not to be trusted. I think Valentine was partly mistaken in that, but he believed Farr gave his attention to matters other than forestry on Indian lands.

With the Farr business on his hands, Valentine felt that he was on thin ice and for a time he withdrew whatever support he'd given me. That gave Farr a chance to organize the forestry branch but he didn't get anywhere, and he was fired for inefficiency. Farr preferred charges against Valentine before Congress, and the Graham Committee<sup>3</sup> of 1911 and '12 investigated. That was a Democratic committee which did anything it could to discredit the Republican administration and it criticized Valentine very sharply.

Valentine got into trouble and had to resign, and Frederick H. Abbott became Acting Commissioner of Indian Affairs. Abbott was a very close friend of Farr and there had been strong feelings between Abbott and Valentine. I had a hard row to hoe for a while. Abbott didn't have too much time for young sprouts, and I'm sure it would have been a source of great satisfaction to him if he could have found some way to get rid of Kinney. In fact, years later I heard that the man who had been in charge of mails and files said he didn't know how in the world Kinney managed to come to the office and smile, when his political life hung

by a thread from day to day. I didn't ever know when I was licked.

**Maunder** This swinging of the ax, first on one key man then on another in the organization, may have put the fear of God into nearly everybody in the Service.

**Kinney** Yes, if they had sense enough to have fear. Abbott did what he could to put the stick under me. He was a Nebraska politician, a college graduate, and was probably a nice fellow, but he didn't like me. He finally made arrangements to have Chief Forester Henry Graves of the Forest Service talk to me in order to have a basis for sliding me out. I had met Graves only once, at a forestry meeting, and probably had spoken more than ten words to him. He called me over to his office and we talked for fifteen minutes. Then he said, "Mr. Abbott has asked me to make recommendations for a man to take charge over there. Frankly, Mr. Kinney, I don't think you're qualified to take charge." I thought that was a rather hasty judgment for a man who had talked to me for such a short time, but there was nothing I could do. He recommended another man, Alfred K. Chittenden, to come and take over.

**Maunder** He was a Forest Service man?

**Kinney** Yes. He had been in the Forest Service for years. I never thought Graves had enough knowledge of me to form any judgment at all. I think he was mistaken, but he was probably honest. In order for Abbott to get rid of me, he thought it would be fine to have Graves' backing, although Abbott had been anti-Forest Service from the beginning of the Ballinger-Pinchot row. I don't know whether Graves knew that. At any rate, he was working with Abbott at that time. Chittenden came over, I think, with the idea that I didn't know the business. However, he only stayed about a year, then had enough of it and pulled out. He accomplished nothing in the meantime.

**Maunder** You indicated earlier, that when the controversy broke, you personally were inclined to be on Pinchot's side in the situation. Was this a result of being part of the fraternity of foresters?

**Kinney** No, I'm not a fraternity man of any kind. It was because I believed in forestry and I believed that, in spite of the fact that the young fellows in the Forest Service were overly idealistic, they were on the right road. Soon after I began with the Indian Service I learned that the things that had been done on the Indian lands were not wise. Therefore my sympathies were with the

<sup>3</sup>James M. Graham was chairman of a House Interior subcommittee that investigated expenditures by the Department of the Interior.

## ORGANIZING THE FORESTRY PROGRAM OF THE INDIAN SERVICE

Forest Service as far as forestry went. But I don't think Ballinger was crooked.

**Under** Getting back to Farr. Was the basis of the difficulty between Farr and these young foresters of the Forest Service merely one of age; didn't they also divided over ideas as to the proper practice of forestry?

**Kinney** Yes. Although Joe Farr did what he had to do to injure me before the Graham Committee, he always said that he had nothing against me. Joe knew much more about practical lumbering than most of the young foresters did. For instance, the foresters went to the Bad River and Lac du Flambeau reservations in northern Wisconsin and decided that under the contract for the cutting of timber there should be so much timber reserved. They went in to mark the trees to be reserved, but the Indians immediately began to complain because the timber was on individually owned allotments. The wind blew down many of the trees, fire got in, and the Indians thought they were losing their property. They were very antagonistic toward the Forest Service. Joe Farr, for good and sound business reasons, and also because of the ill-feeling that had developed, took the other side of the Indians. E.A. Braniff, who later became the manager of the Menominee mill, strongly recommended abandoning the Forest Service plan for reserving the pine trees.

Farr agreed with Braniff that the plan should be abandoned. Eventually the Forest Service followed his advice. My personal opinion is that it would have been better if they could have reserved the trees, even if some of them did blow down. But the Indians were strongly opposed to it. The timber was clear cut, with the result that there were no pine seed trees left on those two reservations.

**Under** What motivated the Indian in this matter? Was he sophisticated enough to understand anything at all about the problem, or was he just interested in getting his fair share of the land?

**Kinney** I've always said that the main fault of the Indians is that they're just a little more human than white folks. They didn't want their money invested in future forestry when they could get it to use now.

**Under** How did most of the Indians use their money when they got it?

**Kinney** Not very wisely — much like white lumberjacks in Wisconsin.

**Maunder** You began your work in the Indian Service to organize a program of forestry with what kind of a budget?

**Kinney** One hundred thousand dollars were appropriated in the act of 1909 for the fiscal year 1910, with the idea that the Forest Service would carry on the work. The Forest Service was undoubtedly very influential in getting that appropriation for the Indian Service. Before 1910 the only money that the Indian Service had for forestry work was a deduction of fifteen cents per thousand for scaling timber and the general contingent fund, as they called it. Farr's salary was paid out of the contingent fund which could be used for general purposes. The scalers and inspectors on the reservations were paid from the deductions on the sale of timber. (This is no longer true, except in Wisconsin and Minnesota.) The sale of timber was from allotments only; there was no authority to sell it from tribal lands. I helped draft legislation in 1910 under which we could sell timber from tribal lands as well as from allotments.

Before the Forest Service could get to use any of the appropriation of 1910, the Ballinger-Pinchot row had broken, and the Indian Service had started to set up its own organization. The appropriation for the fiscal year 1911 was distributed under my direction largely for fire control. In May 1910 I made out a list to hire local rangers — not foresters — and then I went West. I had never been in the western states and wanted to familiarize myself with their problems. I went in June 1910 and returned to the Washington office in September 1910 to find many of the things I had started to do had been undone. We drifted for a year or eighteen months after that.

**Maunder** How did support from Congress develop in succeeding years?

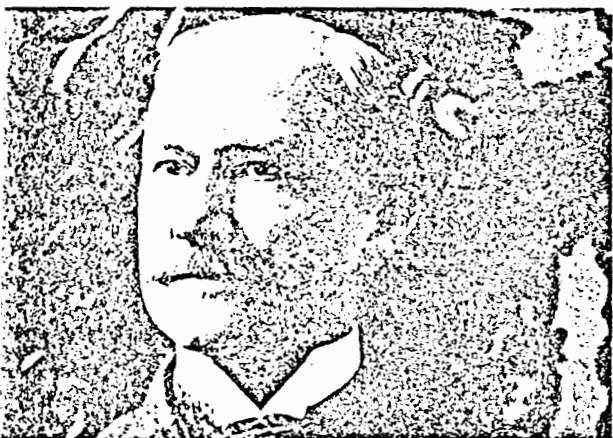
**Kinney** We received one hundred thousand dollars a year for ten or fifteen years and that's all we got.

**Maunder** In other words Congress got into the habit of accepting that figure and no other?

**Kinney** The Indian Service was under strong fire at that time, and I couldn't get the assistant commissioner in charge of legislation to ask for more. We had to get along by paying our scalers and inspectors from the deductions on timber sales. I drew up regulations in the fall of 1910 regarding

ted to be one of the most able men in the  
est Service, yet he said things that might have  
sed a fight if I'd been present.

think I ought to say right here, in connection  
h the controversies between Interior and Agri-  
ture, that perhaps the Forest Service thought  
associates and I were active in the controversy  
ween Secretary of the Interior Albert Fall and  
Forest Service during the early 1920s.<sup>5</sup> The  
t is, I wasn't at all sympathetic with Secretary  
l's plan to turn the Mescalero Reservation into  
ational park. I opposed it every way I could  
hout absolutely blocking the purposes of the  
artment.



ard A. Ballinger

under Did you ever have any champions in  
ngress who would stand up for your program  
committee?

ney I never got an opportunity. For many  
ars we had an assistant commissioner, an able  
low, who was very zealous for the Indians. He  
ndled the appropriations entirely himself. I did  
t have much contact with Congress because I  
ver thought he wanted me up there unless it  
is unavoidable.

under You weren't called in to testify?

ney Sometimes in controversies when they  
re criticizing the Indian Service, yes.

under But never in regard to getting  
ropriations?

ney No.

**Maunder** Did that continue right down to the  
very end?

**Kinney** Yes. After that commissioner left,  
another man took over as budgetary officer, and  
he also handled it himself. I had practically no  
contact with Congress. I'm glad to say that, with  
two or three exceptions, they never attacked me on  
the floor of Congress. Most of the Senators and  
Representatives mean well but just don't know the  
facts.

**Maunder** Even those who are especially as-  
signed to Indian affairs as a committee assignment?

**Kinney** Yes. Some of them know the problem,  
but many of them listen to complaining Indians  
and the short-haired women and long-haired men  
who tell them how the Indian is suffering. The  
Indian has suffered some wrongs but nothing com-  
parable to what the colored race has. The govern-  
ment's attitude toward the Indian has been pretty  
liberal and generous.

**Maunder** One of the important things you had  
to do, I suppose, in the beginning of your work  
with the Indian Service, was to cultivate the men  
who were administering these individual reserva-  
tions and get them interested in the program you  
hoped to implement on the reservation land. This  
must have involved a good deal of traveling around  
the country. How did you go about that job?

**Kinney** To be perfectly frank with you, I believe  
I failed there. I was too busy trying to get the  
forestry branch organized, timber cut, and the  
money taken care of to spend much time culti-  
vating anyone. I never could see the idea that  
if you're going to do something, you've got to  
appoint a committee and have two or three  
meetings. I'm too individualistic; I want to do my  
work; I want the other fellow to do his; and I  
don't want a committee between us regulating  
us.

**Maunder** But you had to have the cooperation  
of the men who were on the ground administering  
these lands, didn't you?

**Kinney** Yes, and it was sometimes very dif-  
ficult. As I told you, there were a number of  
superintendents who still regarded me as a  
Pinchot man and they were a little antagonistic  
toward the forestry idea.

**Maunder** Then what would you do, fall back

<sup>5</sup>There was an unsuccessful attempt in the early 1920s  
to transfer the Forest Service and the national forests  
to the Department of the Interior.



Menominee [Wisconsin] Indian river-driving crew.

upon the authority given you by your superiors?

**Kinney** No. About all I could do was report to Washington when I got mad enough. Many times I concealed my feelings and didn't report them but sometimes I got impatient and wrote reports that were too rough. In some cases, I think if I'd gone slower it would have gone better, and in some cases I'm ashamed that I didn't raise a row.

**Morgan** Did the supervisors feel that you were going to break up the Indian forest lands?

**Kinney** No. Their objection was that we were forestry theorists and were spending Indian money that the Indians were entitled to have. They just couldn't see far enough ahead to realize it would be better for the Indians to hold those lands as forest lands, rather than to have them cut.

We had difficulty on the Klamath and the Flathead reservations. We cut much more heavily than the Forest Service would have. For instance, the Forest Service began to reserve a third of the timber, but we never reserved that much because it was on allotments. After we'd cut it over and reserved ten or fifteen percent of the timber, the Indians would make a deal with a contractor to cut the rest, and there was nothing we could do. We could talk about it and fume a little bit, but that didn't help.

**Morgan** This allotment system was pretty much a thorn in your side then, as far as the practice of forestry was concerned?

**Kinney** Yes. In 1912 the Wilson administration came in and Cato Sells of Texas became Commissioner of Indian Affairs. I went out to the Quinault

Reservation that would have been a thousand acres and not fit for anything. I strongly believe that the allotment system should have been abandoned, not just for the land, not just for Tommy, but for the entire reservation. I don't think it was ever entitled to stand of itself. I never heard of it getting that allotment.

I don't think I always had the Department on the right side. I was earlier than that. The decision was the test. I think

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Morgan toward cooper pletely



vation and found a man there allotting timber would run anywhere from twelve to thirty and board feet to the acre; the land was fit for agriculture and never would be. I very strongly opposed that and asked Mr. Sells to stop allotment. The Indians brought suit that they should have allotments there. Although the allotment act contemplated agricultural or grazing land, not timberland at all, the court held that my Walker, the plaintiff in the suit, was entitled to his allotment which was in a very heavy growth of timber. The land was gravelly and would not be good for agriculture. Since I couldn't win that case appealed, the Indian Service resumed allotments.

I don't think the case was properly defended. Sells always believed that the land division and the Department of Justice should have brought us in on the matter. If that case had been referred to me earlier, I think we could have put up a showing that the land was not allotable under the act. The decision was against us, and since this was the best case, we had to resume the allotment. I think it was very disastrous.

Q. To what extent did this become a political football?

A. I don't think it was a political football in any way. The judge could not have been politically influenced because the Indians could not vote; they had no political influence.

Q. There is a great deal of misunderstanding on the Indian question. Recently I was in a store in Wick, and the storekeeper happened to tell me as "this old Indian employee." An Indian woman there started to rave because she didn't have the right to vote. "They have no more reason to vote as anyone else, or as you," he said. I didn't tell her that in 1887 the act was passed and everybody who got an allotment at that time had the right to vote. Congress changed the law later, in 1906, but in 1924 the Indian in the United States was given the right to vote and has had it ever since. She didn't know what she was talking about, but I was too busy part arguing with her. I've known many Indian graduates just as ignorant on the Indian question as she was. I don't know any other Indian in which there's as much misinformation.

Q. What was the attitude of the Indians toward the work of the forestry branch? Did they object to selective cutting or were they antagonistic?

Kinney Some of them were antagonistic, but not too many. We didn't have much difficulty, except in the early days in Wisconsin and Minnesota. Generally at Klamath, Colville, and other reservations we never had much difficulty with the Indians, until about 1930. Then a certain element at Klamath began to complain about the forestry administration. It was entirely selfish and unreasonable on their part. Indians generally are pretty reasonable people, except that, like returned soldiers, they look to the government to do more for them than ought to be done, more than they're entitled to.

Morgan Do you think that the Indian, individually, is incapable of managing his own affairs?

Kinney No. The Indian people are very intelligent people, but they haven't had the kind of training that leads them to have good property sense. The Indian is likely to spend what he gets too freely, and then think somebody took it away from him if he spent it unwisely himself.

Maunder Do you feel that World War I had any influence on the development or the retardation of your program?

Kinney It very seriously interfered with our protection of the forests; we couldn't get men to fight forest fires. We had a very disastrous fire on the Klamath during the war. Of course we sold some timber that would not have been sold otherwise, because it was needed for war purposes. On the Klamath particularly, cutting was speeded up because of the war. On the Quinault, great preparations were made in connection with the development of a spruce operation. They made plans to cut a lot of spruce on the reservation, but never got to it; it never really interfered with our program. On the whole, I don't think the war affected us much. It wasn't a serious matter, except in the area of protection.

Maunder We have a note here that says you held your position in the Indian Service for ten years without any salary recognition at all. Was this true of the entire Indian Service? In other words, the entire Indian Service was held on the same level for a ten-year period due to a policy of salary retrenchment after 1913? What broke the jam in 1920?

Kinney It was about 1924, wasn't it? An act was passed which raised everybody's salary. That's

the first time we really got any recognition with a salary increase. Of course, it raised salaries all through the government, but at least they did try to do something for the Indian Service, too.

**Maunder** Was this condition generally true throughout the civil service, in other branches of the government?

**Kinney** No. It wasn't true in the Forest Service and the Agriculture Department in general. Agriculture salaries were practically double ours, except in the lower grades. The Forest Service got the idea that a man had to have a degree in order to know anything about forestry; they were inclined to hold down the men who held ranger positions and so forth and to give the gravy to the graduate foresters. I have always believed that it was a lucky thing some fellows don't go to college, so there'd be somebody to hire the college graduates when they got out.

**Morgan** Working for ten years without any increase in salary certainly required a great deal of dedication on your part.

**Kinney** I admit during that time I was thinking of going into something else and had some correspondence about it, but I just lacked the nerve to cut loose. I'd hardly call that dedication.

**Maunder** How did this affect the situation with your employees in the department?

**Kinney** They were just as loyal as they could be.

**Maunder** They all stuck with you despite the fact that they got no increases in salary?

**Kinney** Most of them did. They were interested in their work. The thing that held them was that they were given a very high degree of personal responsibility. They could manage a thing their own way if they got results.

**Maunder** Did you recruit a good many men who were not graduate foresters, but who had working experience?

**Kinney** Every time I found a man who I thought had natural ability, I got him if I could, whether he'd ever seen the door of a forest school or not. College training isn't worth much if you don't have natural ability to back it up.

**Morgan** Were most of your employees of this type?

**Kinney** No. I got young graduate foresters when I could. Some of them were excellent, but others were not as good. We had some difficulty getting them because some of the forest schools advised their graduates not to go with the Indian Service. I think that was a result of the Ballinger-Pinchot row. They felt that the Forest Service was a far better place to work than the Indian Service. Maybe they were right.

**Maunder** You have said on other occasions that Carl A. Schenck had a very good opinion of your operation. Did you recruit any young foresters with Schenck's help, men that he had trained at Biltmore?

**Kinney** Not with his help. We had some Biltmore men, but not many. In fact, the Biltmore Forest School went out of business in 1914, I think, and their men all had places.

**Maunder** You are saying, I believe, that the forest schools and the men who manned the teaching posts in them were not exactly favorably inclined toward the Indian Service. Were they more oriented and sympathetic to the Forest Service?

**Kinney** Yes. It was no fault at all on their part; they simply thought that the Forest Service would have better opportunities. The salaries were higher generally than ours. I don't want to leave an impression that I don't have the highest respect for the Forest Service, for Pinchot and others.

#### ADMINISTRATIVE ORGANIZATION OF THE FORESTRY DIVISION

**Maunder** Could you give us a few details of your trials on the local and the administrative levels in establishing the forestry branch?

**Kinney** The Indian Service had been organized so that the administrative authority went from the commissioner directly to the superintendent of the reservation. That was the old setup; there was no one between them. Later they had inspectors in between. The forestry branch was set up under that theory, but I have to admit that I used to grasp a little administrative authority, too, as far as I could. The forestry man on the reservation was always under the superintendent.



# THE NEXT MORNING I PULLED OUT A RED NECKTIE AND WENT TO MEET HIM AND HAD NO TROUBLE.

I received criticism several times from the commissioner and the assistant commissioner because of complaints from some superintendents that I had written a letter directly to the forester and hadn't gone through them. Now that's true, but I never wrote a letter to a forester directing him to do anything. Foresters would write me about some problem they had; I would write that what I thought they would probably have to do was to take it up with the superintendent. Sometimes they did that and sometimes they didn't. They had no occasion to act directly on my instructions because I never gave them any.

I got many letters because a forester wanted some equipment bought. I would write back, "Take it up with the superintendent. I can't authorize you to do it." There was always a little clash; we couldn't avoid it. I don't believe that I ever wrote a letter to a forestry man taking away any of the prerogatives of the superintendent. But I did frequently write foresters on what I thought ought to be done. I thought it was helpful and I still think so.

**Mauder** Would the forestry man on the reservation come first of all to you with a request? Wouldn't he be more likely to go to the superintendent on the reservation? And if the superintendent replied "no," wouldn't the forester write you and say, "I need this item"? Wouldn't that be going over the head of his superior?

**Kinney** Men very seldom wrote me and said that they'd taken it up with the superintendent. They'd take it up with me directly.

**Mauder** First?

**Kinney** First. And I'd write back, "Take it up with the superintendent." I really think the superintendents were overly sensitive on the subject that some of their employees might take instructions from somebody else. Sometimes the forestry man, not realizing what he was doing, would write me a letter that he shouldn't have written. I don't know of any instance, however,

in which I didn't write back and say, "Now you're going the wrong way here. You take it up with the superintendent, I think you'll find him reasonable about it." I've said that even when he wasn't reasonable. For instance, one of our best foresters, Adolf Hauge, wanted a stove, and I wrote right back, "Take it up with the superintendent. I can't buy a stove for you."

Once, I remember, I was in the Colville country and came into Spokane, and they had a meeting of the Indian Service people. They said that the day before a certain superintendent, who was supersensitive, got up and gave me hell for writing his man. The next morning I pulled out a red necktie and went to meet him and had no trouble. He kept quiet that day. I don't blame the superintendents. If anybody tried to undermine them, they had the right to criticize, but they had no occasion, I think, for criticism of me.

**Mauder** Of course the people who were doing the forestry work on the reservation were people who had been recruited by you.

**Kinney** That's true, yes. Although they came from the civil service, of course.

**Mauder** But they realized that you were the man who had elected to employ them. Is that right?

**Kinney** That's right.

**Mauder** Then they would have felt a tie with you, would they not? There was a feeling of loyalty within the forestry employees which related to J.P. Kinney in Washington. Doesn't this system stand out as having some administrative flaw?

**Kinney** Yes. But, here's one reason for that tie you mentioned. I got out into the field more than most of the men handling any division in Washington. I went out and saw what the problem was. I went back and I saw that it was corrected. And that, of course, caused this tie. I think the system worked.

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DEFENDANT'S EXHIBIT NO. A-187

Court of Claims  
Docket

# The Indian and the Civilian Conservation Corps

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Purdue University.*

A RECENT STUDY OF the Negro in the Civilian Conservation Corps gives an appalling picture of racial prejudice and discrimination in a program which is usually considered as the most enlightened and progressive of the New Deal. The author shows that Negroes had suffered terribly from the depression before 1933 because of job displacement and lack of welfare facilities. Even after the advent of the New Deal, southern administrators refused to select a fair share of Negroes for the CCC, and the black enrollees, when admitted, faced constant hostility and segregation both within the organization and from whites near the camps. Robert Fechner, director of CCC, consistently accepted such conditions and refused to support Washington subordinates who sought to remove at least some of the discrimination against Negroes.<sup>1</sup> Did Indians in CCC, like the Negroes, demonstrate an acute need for the economic and rehabilitative benefits of CCC only to receive a token share in the program?

In terms of depression privations, the Indian's condition often paralleled or exceeded that of the Negro. Indians, with few exceptions, lived in chronic poverty even during the prosperous 1920s. The Meriam Commission reported in its voluminous independent study of 1928 that 46.8 percent of American Indians lived on a per capita income of \$100 to \$200 per year, while only 2.2 percent received incomes over \$500 per year.<sup>2</sup> The Indians' situation became worse when the depression

<sup>1</sup> John A. Salmond, "The Civilian Conservation Corps and the Negro," *Journal of American History*, LII (1965), 75-88.

<sup>2</sup> Lewis Meriam, et al., *The Problem of Indian Administration* (Baltimore, 1928), 417. The Meriam Commission consisted of ten experts in various fields that made an independent study of Indian affairs in 1926 and 1927. The Institute for Government Research conducted the study with a grant from the Rockefeller family. The members of the commission visited Indian reservations, schools, hospitals, and other facilities for seven months before writing a voluminous report covering such matters as health, economic conditions, education, and

curtailed or terminated their normal revenues from land leases, sales of oil and timber, wage work, and handicrafts. By late 1933, after the start of federal relief programs, Indians' per capita income stood at only \$81 per year.<sup>3</sup>

Treatment of the Indian in CCC, however, took a much different course than that accorded to the Negro. Even before Roosevelt appointed John Collier as Indian commissioner, leaders in the Office of Indian Affairs became excited over the possibility of Indians participating in the newly formed CCC. These officials recognized that reservations badly needed forestation improvements, soil erosion control, restoration of grazing lands, and other projects envisioned for CCC, as well as employment opportunities afforded by the new program.<sup>4</sup>

In addition to obtaining these benefits, bureau leaders, both before and after Collier assumed office, believed firmly that the Indians should have an organization separate from the regular CCC. J. P. Kinney, director of forestry in the Indian Bureau, attended the first meetings of the CCC advisory council and pleaded for the inclusion of Indians in CCC under the control of the bureau.<sup>5</sup> Later Harold L. Ickes, Secretary of the Interior, took up the battle for a separate Indian program. The doughty Ickes argued in a memo to Fechner that, although reservations needed conservation work, Indians would resent the presence of white enrollees and would wish to live with their families rather than in regular CCC camps.<sup>6</sup>

Near the end of April 1933, President Roosevelt approved a CCC program for Indians along the lines requested by Ickes. Three days later Fechner announced that 14,400 Indians would be employed and \$5,875,000 spent during the first enrollment period of six months.<sup>7</sup> From the first, several basic differences distinguished the Indian CCC from its parent organization. With rare exceptions, whites were not allowed to serve as enrollees. Both unmarried and married men of any

government policy. The report revealed extreme problems on most reservations and numerous shortcomings in the federal government's conduct of Indian affairs. The commission's findings and recommendations influenced reforms made by Commissioner Charles J. Rhoads and Assistant Commissioner J. Henry Scattergood during the Hoover administration.

<sup>3</sup> "The Social Security Act," *Indians at Work*, II (Aug. 1, 1935), 46.

<sup>4</sup> J. P. Kinney, *Indian Forest and Range: A History of the Administration of the Redman's Heritage* (Washington, 1930), 275.

<sup>5</sup> *Ibid.*, 275-276.

<sup>6</sup> "Final Report of E.C.W. and C.C.C. Indian Division," 16-17, Civilian Conservation Corps-Indian Division Papers, National Archives, Record Group 75 (cited hereafter as CCC-ID, NA, RG 75).

<sup>7</sup> *New York Times*, May 1, 1933.

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<sup>8</sup> "Final Report," 7, C

age over eighteen could serve, and the general requirement for camps of 200-225 men was ignored. Camps in the Indian CCC, in fact, took any size or form that the local reservation superintendents felt suited the conditions and needs of their area. Moreover, the Office of Indian Affairs assumed the responsibility for supervision of projects, medical examinations, discipline, and camp administration.<sup>8</sup> Despite the free rein given to the Indian Bureau, Fechner reserved the power to disapprove expenditures of over \$2,500, and to impose his own regulations if they conflicted with those of the bureau.

A more significant difference between the regular CCC and the Indian branch arose from the special role the conservation program played in achieving Collier's philosophy of handling Indian affairs. Collier's basic goals centered around Indian self-rule and called for the restoration of tribal government, a revitalization of native culture and religion, and improvement of 52,000,000 acres of Indian land so it would provide a better return. Collier's approach, especially self-rule and cultural integrity, was frequently condemned because it seemed to be at odds with the assimilation of Indians into general society. Actually, Collier hoped to revitalize and protect Indian culture for those who wished to remain on reservations, but, at the same time, he sought to equip properly those who chose to live outside.

CCC offered significant contributions to Indians regardless of which avenue they selected. For enrollees who left Indian society, work experience, new skills, and knowledge of a wage economy gained from CCC would substantially reduce the problems of adjusting to outside employment. The massive unemployment of the depression era, however, severely limited the possibility of off-reservation work, and Collier's main interest in CCC was to help the overwhelming majority of Indians who remained in their own culture. Hence, the focus of CCC in the early New Deal was to improve and conserve reservation land so more Indians would obtain at least a subsistence from farming and ranching. As a by-product of service in CCC, Collier hoped to educate Indians in improved agricultural methods and thereby increase their interest in farming and ranching. Thus, Indian CCC was tied directly to a philosophy for dealing with a minority group, while the parent organization theoretically sought only to improve the public domain without any particular reference to its present users.

While encountering delays in getting funds transferred to the Indian

<sup>8</sup> "Final Report," 7, CCC-ID, NA, RG 75.

Bureau, Collier created a new office in the Indian Bureau to administer the program. Jay B. Nash, a recreation expert at New York University and former associate of Collier in the American Indian Defense Association, became the initial director of the Indian CCC.<sup>9</sup> Both Nash and Collier sought to develop the first camps so that they mirrored local conditions and the Indians' tribal cultures. Nash spent most of the summer personally organizing camps among the Navajo and Pueblo. To handle project planning, Collier named J. P. Kinney as general production supervisor. As director of forestry in the bureau during the Hoover administration, Kinney had faced bitter criticisms from Collier and the new position was an obvious demotion. Nevertheless, Kinney remained with CCC until the program ended.

In addition to Nash's staff in Washington, Collier also established district offices to coordinate CCC projects on the reservations. These were originally located at Minneapolis, Minnesota; Muskogee, Oklahoma; Phoenix, Arizona; Spokane, Washington; Billings, Montana; and Albuquerque, New Mexico. Some of the district offices were shifted after 1933, but they still corresponded to the major geographic regions of Indian population. Each district office contained a production coordinator, foresters, engineers, camp supervisors, and draftsmen. With the exception of camp supervisors who checked on the enrollees' living conditions and off-duty activities, the district headquarters staff concerned themselves with planning and designing projects and advising field supervisors on technical problems.

Actual field work was delayed until mid-June 1933, and many reservations did not get their projects under way until July 1. By that time, fifty-six reservations had started work. The Indians' reaction to joining CCC in 1933 varied greatly from area to area. Traditional animosity for the army kept some Indians from enrolling because they understood the program would be under military control. Others refused to submit to medical examinations and vaccinations required of all new enrollees. Among the more prosperous tribes, especially the Klamaths, the Indians failed to join CCC because they retained a fairly high standard of living even in the midst of the depression. In all such cases, the bureau diverted funds to another reservation or brought in outside enrollees to work on projects. More typically, however, depression, drought, and grasshoppers broke down whatever hesitations Indians

<sup>9</sup> John Leiper Freeman, Jr., "The New Deal for the Indians: A Study in Bureau-Committee Relations in American Government" (Ph.D. dissertation, Princeton University, 1952), 175.

felt about CCC.<sup>10</sup> O headquarters to sign t reservation, the bureau which crews worked h was quite widespread Indians worked on CC was 13,000.<sup>11</sup>

Almost unbelievably Indian CCC during superintendents assured ordering supplies, and work. They frequently selected projects unwisely exhausted from local r more items arrived. In Minneapolis district, for agencies of the ar received no more pla who measured off a c "Well boys, there it is.

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<sup>10</sup> Interview with Ernest Hopi, and other agencies. O

<sup>11</sup> *Annual Report of the State*

<sup>12</sup> William Heritage Hoebel, CCC-ID, NA, RG 75.

<sup>13</sup> Sylvester Timber, "W" 1935), 13.

<sup>14</sup> Collier to Fechner, Aug

<sup>15</sup> Fechner to Collier, Aug



felt about CCC.<sup>10</sup> On some reservations they swarmed into agency headquarters to sign up. If enrollees could not be switched to another reservation, the bureau devised a system of "staggered employment" by which crews worked halftime and alternated with each other. This policy was quite widespread in 1933 as shown by a bureau estimate that 25,000 Indians worked on CCC, while the largest number hired at any one time was 13,000.<sup>11</sup>

Almost unbelievable confusion marked the field operations of the Indian CCC during the first work season. The already burdened superintendents assumed responsibility for recruiting, planning projects, ordering supplies, and a myriad of other tasks related to initiating field work. They frequently did not understand the purpose of CCC and selected projects unwisely. In some areas, supplies and tools were quickly exhausted from local merchants' stocks and work had to be delayed until more items arrived. Hasty planning also plagued the first year. In the Minneapolis district, for example, a forester planned all the projects for agencies of the area in less than one month.<sup>12</sup> Probably most jobs received no more planning than that given by an Oklahoma foreman who measured off a dam the first day and told his inexperienced crew: "Well boys, there it is."<sup>13</sup>

The biggest reason for the confusion in field work in 1933 was the delay that Collier encountered in getting funds released. Most reservations started projects around July 1 and the first enrollment period was scheduled to end on September 30. Continuation of the program beyond that date depended on Roosevelt's authorization of a second enrollment period, and this seemed doubtful to officials in the Indian Bureau. Hence, Collier had to rush into haphazard arrangements to utilize funds. Even so, field work did not reach full stride until early August. At that time Collier notified the main office of the CCC that he would have \$3,000,000 in unexpended funds, and he requested that the money be carried over for use in 1934.<sup>14</sup> Fechner relieved the problem later in August when he notified Collier that the president had authorized a second enrollment period.<sup>15</sup>

<sup>10</sup> Interview with Ernest V. Downing, former agency clerk and administrator at Jicarilla, Hopi, and other agencies, Oklahoma City, March 10, 1966.

<sup>11</sup> *Annual Report of the Secretary of the Interior, 1934* (Washington, 1934), 102-103.

<sup>12</sup> William Heritage to District #1 Personnel, Work Plan, April 1, 1937, to June 30, 1933, CCC-ID, NA, RG 75.

<sup>13</sup> Sylvester Tinker, "What IECW Means to the Osages," *Indians at Work*, III (Sept. 15, 1935), 18.

<sup>14</sup> Collier to Fechner, Aug. 17, 1933, Fechner File, CCC-ID, NA, RG 75.

<sup>15</sup> Fechner to Collier, Aug. 22, 1933, *ibid.*



Several important changes in the Indian CCC at the end of the first work season subsequently affected the nature of the program. Jay Nash stepped down as director and returned to New York University.<sup>16</sup> His replacement was Daniel Murphy, a career official in Indian Service whom Collier regarded as "one of the ablest among the old-line Bureau functionaries."<sup>17</sup> Collier's own role in the conservation program rapidly diminished after 1933 as he became more concerned with passing the Wheeler-Howard Act and implementing its provisions.<sup>18</sup> William Zimmerman, Jr., assistant commissioner, assumed more leadership as Collier became engaged elsewhere. Both Zimmerman and Murphy were careful and methodical officials who replaced the "brain trust" atmosphere of 1933 with a more deliberate administration.

A tremendous diversity characterized the project work carried out by Indian enrollees in both 1933 and later.<sup>19</sup> The "Final Report" of the program, in fact, lists 126 different types of projects which range from archaeological work in Arizona to the operation of a fish hatchery in Wisconsin. Nearly all production activities, however, centered around some phase of forestation, range development, or soil erosion control. Field supervisors tried to select projects on the basis of geographic conditions, the particular needs of a reservation, and the hope of providing Indians with a subsistence living. Thus the Indian CCC in the Great Lakes and Pacific Northwest regions concentrated heavily on forestation. Indian enrollees commonly built trails, cut forest lanes, and constructed lookout towers to protect the reservations' lumber resources from fires. Large tracts of timber were covered by crews who carried out projects to control blister rust disease and pine beetles. Equally beneficial were miles of telephone lines which the enrollees strung between lookouts and agency headquarters so fires could be detected and put out quickly.

<sup>16</sup> "Dr. Nash Completes His Task," *Indians at Work*, I (Sept. 15, 1933), 6.

<sup>17</sup> John Collier, *From Ivory Zenith* (Denver, 1963), 187.

<sup>18</sup> *U.S. Statutes at Large*, XLVII, Part I, 934-968. The Wheeler-Howard Act of 1934 was an attempt by Collier to reverse the Indian policy pursued since the Dawes Act of 1887. In the original bill, Collier sought to achieve two major ends: destruction of the allotment system, and restoration of the tribal councils as local governing units. Provisions related to dropping the allotment system and replacing it with tribal ownership of land were all defeated or weakened before the bill reached floor debate. Collier's ideas on restoring tribal government survived fairly intact. The Wheeler-Howard Act provided procedures by which tribes could establish councils. Once chartered and ratified in referendum elections, the councils served as local government units in conjunction with the Indian Service. The Wheeler-Howard Act also established revolving loan funds to finance business ventures and individuals' education.

<sup>19</sup> The same diversity was also true of the regular CCC, although it is popularly believed that the program dwelt on forestation and tended to ignore many other important activities, such as range restoration, soil erosion control, and park development.

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Despite the importa enrollees resulted from were developed in the particular reservation these, the boarding ca of the regular CCC. W Indian CCC officials l repair shops. The faci equipped. Some camp including a gymnasium typing, and woodwork recreation room for operated canteens wh

<sup>20</sup> E. R. Fryer to Collier, W Downing, March 10, 1936.

<sup>21</sup> A. C. Monahan, "Shelter 1938), 23.

In the northern Great Plains, the Great Basin, and the Southwest, the organization concentrated on improving the Indians' grazing lands. To accomplish this, Indian enrollees eradicated rodents, threw up thousands of earth and masonry dams, drilled wells, developed springs, and reseeded range lands. One of the most helpful improvements in the Southwest was the removal of worthless and degenerate wild mustangs from the Indians' grazing lands. This project provided additional browse for sheep, goats, and cattle, but it encountered stiff resistance from many Indians who felt that the possession of horses, no matter how poor their quality, conferred prestige on their owners. Some tribes permitted the removal of the mustangs early in the New Deal, while others, most notably the Navajo and Hopi, held on to their surplus animals until the late 1930s or early 1940s.<sup>20</sup>

Control of soil erosion was frequently done in conjunction with range improvements. The same dams that stored water for livestock also reduced gully erosion, and a reseeded range was better able to resist the ravages of wind and drought. Soil conservation for its own sake was perhaps most prominent in Oklahoma where Indians commonly operated small farms. Enrollees of that state built check dams and terraces to stem the loss of top soil from water runoff and set out some 200 miles of shelterbelts in western Oklahoma to prevent wind erosion.<sup>21</sup> The latter have now grown tall and lush and offer testimony against the mistaken idea that trees never thrive on the Great Plains.

Despite the importance of production projects, the major gains to the enrollees resulted from their life in camps. Three basic types of camps were developed in the Indian program and each reflected the needs of a particular reservation and the whims of its superintendent. The first of these, the boarding camp, came closest to resembling the installations of the regular CCC. Where work could be maintained for several years, Indian CCC officials built permanent quarters, mess halls, offices, and repair shops. The facilities at such camps were often surprisingly well equipped. Some camps possessed recreation and education buildings, including a gymnasium and rooms for classes in music, arithmetic, typing, and woodworking. Even less plush camps usually had a large recreation room for reading and indoor recreation. Several camps operated canteens where enrollees could buy candy, cigarettes, and

<sup>20</sup> E. R. Fryer to Collier, April 27, 1933, CCC-ID, NA, RG 75; interview with Ernest V. Downing, March 10, 1965.

<sup>21</sup> A. C. Monahan, "Shelterbelt Work in Kansas and Oklahoma," *Indians at Work*, V (May, 1938), 23.

sundries. Profits were used to purchase movie projectors and to rent weekly films. If work could be maintained for only a short time, boarding camps housed the enrollees in army tents with only the most rudimentary facilities. Such temporary installations were apt to be used for part of a work season and then moved to another location. The ultimate in mobility was the homemade trailer which several reservations used in making range improvements over large areas.<sup>22</sup>

On reservations which did not have enough unmarried enrollees, Indian CCC turned to the married camp. Such camps contained entire Indian families who lived in either tents or shacks near their work. Since the married enrollee was responsible for providing food and shelter for his entire family, he received a commutation allowance of twelve dollars per month in addition to his regular salary of thirty dollars. Such camps varied far more in quality than did the boarding installations. Some superintendents provided the Indian families with adequate housing and sanitation facilities. All too often observers reported that married camps were pestholes lacking the basic necessities for a decent life. One witness in 1936 noted that married camps in the northern Great Plains were littered with tin cans, paper, and garbage and that the Indians lacked sanitation facilities and a convenient supply of water.<sup>23</sup>

The third type of camp dispensed with providing housing and allowed the Indians to live at home. The enrollees met at predesignated points each morning and were picked up in CCC trucks and hauled to their projects. They received the same commutation allowance given to residents of a married camp. The arrangement had the advantage of avoiding the deplorable conditions of many boarding camps, and it allowed Indian enrollees to care for their farms on the weekends or while laid off by staggered employment. The system was most common in Oklahoma where Indians owned small farms and lived fairly close together.

Even more perplexing than poor camp conditions was the slowness of the Indian CCC to provide educational and rehabilitative activities for the enrollees. In part the delay may have reflected the reluctance of Fechner and the parent organization to support training programs.<sup>24</sup>

<sup>22</sup> "Indians in the News," *ibid.*, VI (Nov. 1933), 30; "CCC-ID on Wheels," *ibid.*, VI (Feb. 1939), 26; "Klamath CCC Workers Return to Nomadic Life," *ibid.*, VIII (Oct. 1940), 33.

<sup>23</sup> Lawrence E. Lindley, "Emergency and Relief Work," *Indian Truth*, XIII (Oct. 1936), 3.

<sup>24</sup> An excellent summary of the education program in the CCC before 1937 is contained in John A. Salmond, *The Civilian Conservation Corps, 1933-1942* (Durham, 1967), 47-54.

When Fechner appeared that he had required only instruction for the rest of the year, that participants in CCC were more than through formal education, expensive and impractical. Fechner's work program, and he gave a recommendation of ten hours.

In the case of the Indian CCC, the traditional activities. For some of the leaders of the program, the results were more than in rehabilitation. The emphasis on production stemmed from a desire for tangible results, such as projects, in reports and tables. A number of them claimed, like Fechner, that the program was justified by giving them work skills and recognition of their merits. Most of the Indian enrollees, and working regular hours, and acquiring basic skills. However, over the Indians' deplorable conditions raised doubts about their ability to learn. Eight percent of the enrollees were below fourth grade, and a fairly large number spoke English.<sup>25</sup> The vast majority of the older enrollees, and the additional barriers to education.

The first impetus to action came from Fechner's office issued a statement which required that all production supervisors be instructed in the use of Red Cross proficiency tests. The program evaded full compliance with the requirements when given at all, was a failure. Production supervisors, as

<sup>25</sup> House Committee on Labor and Unemployment, *Civilian Conservation Corps a Permanent Agency*, 77-78.

<sup>26</sup> *U.S. Statutes at Large*, I, Part 1, 100.

<sup>27</sup> "Final Report," 37, CCC-12.

<sup>28</sup> Robert M. Patterson, *CCC Records Center*, St. Louis, Mo.

When Fechner appeared before a House committee in 1937, he admitted that he had required only illiterates to attend education classes, and that instruction for the rest was on a voluntary basis. Fechner maintained that participants in CCC could best learn by on-the-job training rather than through formal education. The latter, he complained, was too expensive and impractical.<sup>25</sup> Hence, Fechner regarded CCC as primarily a work program, and he gave guarded support for education until Congress recommended ten hours of training per week in the CCC Act of 1937.<sup>26</sup>

In the case of the Indian CCC, stronger obstacles hampered educational activities. For some reason both local, district, and Washington leaders of the program showed greater interest in production achievements than in rehabilitation and training. Perhaps the leaders' emphasis on production stemmed from the normal bureaucratic desire to show tangible results, such as project achievements, which could be compiled in reports and tables. At any rate, most leaders of the Indian CCC claimed, like Fechner, that the program would best serve the enrollees by giving them work skills and experience. Such arguments had many merits. Most of the Indian enrollees had never held a steady job before, and working regular hours, learning how to earn and spend money, and acquiring basic skills were educational in the broadest sense. Moreover, the Indians' deplorable educational background could only have raised doubts about their ability to benefit from formal classes. Forty-eight percent of the enrollees had never attended school beyond the fourth grade, and a fairly sizeable portion were not fluent in written or spoken English.<sup>27</sup> The variation in types of camps, the presence of many older enrollees, and the scattered nature of project work served as additional barriers to educational activities.

The first impetus to an educational program occurred in 1934 when Fechner's office issued a set of safety regulations for all CCC units. These required that all production supervisors and operators of trucks and machinery be instructed in safety and first-aid by men who had passed Red Cross proficiency tests. For the next two years the Indian CCC evaded full compliance with the safety and first-aid program. Instruction, when given at all, was haphazardly provided by camp managers, production supervisors, and Indian Service physicians.<sup>28</sup>

<sup>25</sup> House Committee on Labor, "Hearings on H. R. 6180, To Make Civilian Conservation Corps a Permanent Agency," 75 Cong., 1 sess. (1937), 31.

<sup>26</sup> *U.S. Statutes at Large*, L, Part 1, 319-322.

<sup>27</sup> "Final Report," 37, CCC-ID, NA, RG 75.

<sup>28</sup> Robert M. Patterson file, Personnel Records of the Department of Interior, Federal Records Center, St. Louis, Mo.



Apparently upon pressure from Fechner's office, Daniel Murphy in late 1935 appointed Robert M. Patterson as educational director of the Indian CCC and ordered him to establish a training program for instructors of first-aid and safety.<sup>29</sup> Before the 1936 work season, Patterson set up district training centers to which reservation superintendents sent their most outstanding and promising enrollees. Red Cross representatives instructed the classes and tested the Indian youngsters at the completion of the course.<sup>30</sup> The procedure for selecting enrollees in 1936 was sound, for 194 out of 211 trainees received first-aid certificates and 133 out of the 194 additionally qualified as instructors.<sup>31</sup> The use of district training centers eventually became quite common and provided instructors in life saving, foremanship, fire fighting, and general safety. One unusual feature of this approach to education was that many of the enrollee instructors were required to teach in both English and their tribal tongues upon their return to home camps. Most of the instructors proved highly adept at lecturing in either of the languages.

Patterson made only minor advancements in education during the two years following the creation of the district training centers for safety and first-aid. In April 1936, Assistant Commissioner William Zimmerman instructed reservation superintendents to give education a regular place in their CCC budget. Even so, training activities were to absorb only some five percent of CCC funds.<sup>32</sup> Patterson also seems to have drawn up preliminary plans for general training, later called the Enrollee Program, before Congress recommended ten hours of instruction for CCC in 1937. Unfortunately, he never succeeded in getting the Enrollee Program accepted in the field.

His failure again related to the strong climate of opinion among Indian CCC field leaders that the program should stress production and on-the-job training and ignore everything else. Production officials at all levels seemed to feel that formal education was a waste of time and would interfere with project work. When asked to start classes, most field leaders rationalized that education would be an excellent thing for other reservations, but their own peculiar situation unfortunately excluded any possibility for initiating a training program.

Breaking down the apathy and hostility of field leaders required the intervention of Collier. Late in 1937 or early in 1938 while visiting the

Navajo reservation, Collier, supervisor of the Phoenix respected and progressive education, Cornwall told t hasn't done so well. In ma start, and I think one of t staff . . . haven't given it m that the Indian CCC had but it had failed miserably Undoubtedly spurred by t wall in charge of the Enro Phoenix office.<sup>34</sup>

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<sup>29</sup> Collier to all District Camp Supervisors, March 6, 1936, CCC-ID, NA, RG 75.

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

<sup>31</sup> A. E. DeMaray to Fechner, July 16, 1936, *ibid.*

<sup>32</sup> William Zimmerman, Jr., to Superintendents and other Employees, April 6, 1936, *ibid.*

<sup>33</sup> Claude C. Cornwall to CCC

<sup>34</sup> Claude C. Cornwall file, Records Center, St. Louis, Mo.

<sup>35</sup> D. E. Murphy to Superintendents

<sup>36</sup> D. E. Murphy to all Superintendents

Navajo reservation, Collier conferred with Claude C. Cornwall, camp supervisor of the Phoenix district office and one of the most highly respected and progressive leaders in the Indian CCC. In discussing education, Cornwall told the commissioner: "The enrollee program . . . hasn't done so well. In many places it hasn't even gotten off to a good start, and I think one of the difficulties is that some of the production staff . . . haven't given it much of a break." Cornwall went on to explain that the Indian CCC had made a commendable record in production, but it had failed miserably as an instrument of Indian rehabilitation.<sup>33</sup> Undoubtedly spurred by this information, Collier in late 1938 put Cornwall in charge of the Enrollee Program and transferred Patterson to the Phoenix office.<sup>34</sup>

After 1938, educational activities in the Indian CCC began to show surprising progress as field leaders learned that they must offer classes to the enrollees or face pressure from Washington. Cornwall's own approach to implementing the Enrollee Program followed exceedingly practical lines. He organized Enrollee Program committees on reservations and assigned them the task of planning and presenting classes to Indians in CCC. Various types of bureau employees served on the committees, including teachers, foresters, extension specialists, physicians, and CCC supervisors. Once formed, the committees selected the types of training most needed on their particular reservation, helped arrange meeting places, and frequently served as instructors. By mid-1939 Cornwall reported that fifty-nine agencies had formed Enrollee Program committees and provided an average of three hours of instruction per week for Indians on the CCC payroll.<sup>35</sup> Cornwall showed a year later that Indian enrollees had received nearly four hours of instruction per week during the previous twelve months.<sup>36</sup>

The types of subject matter provided under the Enrollee Program can only be outlined, but most of the classes were extremely practical and were closely related to project work. Thus, enrollees commonly learned the operation and maintenance of trucks and heavy machinery, methods of fighting forest fires, surveying land, various aspects of soil conservation, and improved farming and ranching techniques. Cornwall encouraged supervisors to take time off from work and provide instruction at the project sites. In building a masonry dam, for example, the foreman in

<sup>33</sup> Claude C. Cornwall to Collier, Feb. 8, 1938, *ibid.*

<sup>34</sup> Claude C. Cornwall file, Personnel Records of the Department of Interior, Federal Records Center, St. Louis, Mo.

<sup>35</sup> D. E. Murphy to Superintendents, Oct. 25, 1939, CCC-ID, NA, RG 75.

<sup>36</sup> D. E. Murphy to all Superintendents, Sept. 1, 1940, *ibid.*



charge was to explain why the project was needed, and how to mix mortar and use the tools properly. Cornwall even provided a four-step plan of instruction for on-the-job training which included telling enrollees what to do, demonstrating how to do it, letting the Indians do the work themselves, and criticizing their performance. When handled by an astute and willing foreman, on-the-job training provided definite benefits to the enrollees, even on the remote and isolated reservations of the Southwest and the Great Basin.

Undoubtedly the most ingenious feature of the Enrollee Program in the two regions was a mobile "classroom" which the Phoenix office set up in 1939. The classroom in reality was a panel truck equipped with a movie projector, films, portable generator, books, and audio-visual materials. A teacher in charge traveled from one CCC camp to another and taught classes on conservation.<sup>37</sup> At night he showed films to the enrollees and to curious interlopers who sometimes traveled for miles on foot, horseback, or in ancient jalopies to a free movie. The Navajo, in particular, seemed completely obsessed by the movies. Their interest in the films remained undampened even when shown long conservation movies depicting blowing sand and dust storms that all had experienced firsthand. In a similar vein, even though most of the audience knew only a smattering of English, the Navajo were completely fascinated by Hollywood productions with involved and complex plots. Of the numerous stories about the Navajos' reactions to movies, perhaps the most humorous concerned one group who emptied a hogan in record time when a projector suddenly flashed a closeup of a locomotive roaring under a full head of steam.<sup>38</sup>

Other districts developed their own approaches and methods in the Enrollee Program. The reservations in the Minneapolis district emphasized the three R's during the winter months so the enrollees could master enough subject matter to pass state tests certifying them as eighth-grade graduates. Such classes were taught by Works Progress Administration instructors. After failing miserably to interest enrollees in off-duty activities, Oklahoma finally stumbled onto a "voluntary overtime procedure" in creating an educational program. Under this plan the Indians worked one hour overtime Monday through Thursday and, in return, they received Friday afternoons off for classes on various subjects. The popularity and flexibility of the "voluntary overtime procedure" soon led to its adoption in many other regions where the enrollees lived at home or in married camps. In Washington and

<sup>37</sup> Claude C. Cornwall to Collier, May 18, 1939, *ibid.*

<sup>38</sup> "Indians in the News," *Indians at Work*, IX (Dec. 1941), 18.

Idaho the district departments of education courses which could enrollees showed cool enthusiasm waned, at Indian CCC shop

After an agonizing by 1940 gained a pr the Indian CCC b Once in operation, viding some classes v instruction which wa

While education of the Indian CCC War II approached. when President Ro coming year. The F salaried personnel ir gram.<sup>39</sup> A month la all units of CCC. T enrollee for each \$9; retroactive to the st passed.<sup>40</sup>

The new fiscal ru because the organiz employed more mac organization. It was enrollee wages, roon CCC funds. The re supervision, product other items. Projects and this often mean reservation, for exar drilling deep wells an imposed the \$930 li tribe's livestock indu nearly all the CCC : very little went to en especially the construc

<sup>39</sup> Conrad L. Wirth to B. J.

<sup>40</sup> D. E. Murphy to Super.

Idaho the district camp manager made arrangements with the state departments of education and WPA for enrollees to take correspondence courses which could be used for high school or college credit. The enrollees showed considerable initial interest in the courses, but after their enthusiasm waned, the camp manager organized classes in mechanics at Indian CCC shops.

After an agonizingly slow start, education in the Indian CCC had by 1940 gained a prominent place in the organization. No longer could the Indian CCC be characterized as strictly a production program. Once in operation, the Enrollee Program struck a compromise by providing some classes which were closely related to project work and other instruction which was aimed at rehabilitation.

While education was gaining more attention, production activities of the Indian CCC faced serious difficulties from fund cuts as World War II approached. An indication of retrenchment occurred in late 1937 when President Roosevelt and Fechner reviewed the budget for the coming year. The President asked that Fechner freeze the number of salaried personnel in CCC as a first step in a retrenchment of the program.<sup>39</sup> A month later, Fechner established a ratio policy on funds for all units of CCC. The order stated that supervisors must employ one enrollee for each \$930 received in CCC funds, and the ratio was made retroactive to the start of fiscal 1938 even though half the year had passed.<sup>40</sup>

The new fiscal ruling struck particularly hard at the Indian CCC because the organization had normally hired more supervisors and employed more machinery on projects than other units of the parent organization. It was quickly apparent that in the future the costs of enrollee wages, room, and board would absorb roughly 60 percent of CCC funds. The remaining 40 percent had to bear the expense of supervision, production materials, transportation, machinery, and all other items. Projects which used machinery clearly had to be cut back, and this often meant stopping the most essential work. The Navajo reservation, for example, was in the midst of an extensive program of drilling deep wells and erecting huge water storage tanks when Fechner imposed the \$930 limitation. Both wells and tanks were vital to the tribe's livestock industry, but they conflicted with the new ruling since nearly all the CCC money was spent on machinery and materials and very little went to enrollees. The same was true of many other projects, especially the construction of large dams for irrigation.

<sup>39</sup> Conrad L. Wirth to Burlew, Nov. 9, 1937, CCC-ID, NA, RG 75.

<sup>40</sup> D. E. Murphy to Superintendents and Field Men, Dec. 15, 1937, *ibid.*

The nature of project work changed considerably after Fechner ordered the \$930 limitation. Field supervisors designed more projects which used hand work and ignored those which demanded machinery. In other instances, the Indian CCC evaded the ratio ruling by entering into cooperative agreements with another relief agency or division of the Indian Bureau to complete projects jointly. It became commonplace on reservations for CCC to provide labor and supervision while another agency assumed the expense of machinery, materials, and gasoline. Badly affected by the ratio were agencies with wornout machinery, but even worse off were small reservations in the Southwest. The latter always faced a high overhead in supervisory and technical personnel and could not employ hand labor for their most productive work—digging wells, building dams, and bulldozing trails. Regardless of the field workers' hardships and complaints, the ratio system of allotting funds remained in force until the CCC went out of existence.

Coupled with Fechner's limitations on spending were serious reductions in funds for operating the Indian CCC during its last years. The first reduction came in fiscal 1939 when Fechner slashed the budget by slightly over \$1 million dollars. In fiscal 1940, the Indian CCC received about the same amount, but the next year suffered another \$1 million reduction.<sup>41</sup> The first cut seemingly did not harm the program except to pare away nonessential spending. The second reduction, however, was coupled with a new ratio limitation of \$830 and imposed genuine hardships on the Indian CCC. No doubt rising prices added to the problem. Some field leaders reported in 1941 and 1942 that they could not feed the enrollees properly with their current funds, while others complained that the \$930 limitation did not permit worthwhile projects to be undertaken. Moreover, the draft and activation of reserve officers removed several key supervisors and further endangered the program. At best, the Indian CCC struggled to survive during its last two years.

Fortunately, the opportunities for Indian enrollees brightened enormously while the conservation program encountered its most serious problems. The Enrollee Program received a significant boost from the National Defense Vocational Training Act when Indians were ruled eligible for its benefits early in 1941.<sup>42</sup> Collier immediately decided that CCC enrollees would receive most of the training under the new program. Thanks to the Enrollee Program, camp supervisors required little time to launch national defense classes in radio operation and

<sup>41</sup> "Civilian Conservation Corps Program of the United States Department of the Interior," Jan. 1944, *ibid.* (summary report).

<sup>42</sup> J. W. Studebaker to Executive Officers, Jan. 23, 1941, *ibid.*

repair, carpentry, and similar subjects. The CCC also offered in cooperation with other agencies and enrollees attended the classes. The classes lasted six to eight weeks and enrollees took proficiency tests before receiving employment in defense projects. In 1942, 932 enrollees completed the classes.

The national defense program provided hundreds of former CCC enrollees with employment in 1942. Incomplete data from the late 1930s indicate that the program was fairly common for enrollees and other relief agency workers, but few entered private industry in mid-1940. In 1942, some 2,000 enrollees returned to self-employment in Indian Service.<sup>44</sup>

The trend for enrollees to learn a trade rapidly during the 1930s is shown by the fact that Indians leaving the CCC earned ten dollars a month. Many enrollees commonly learned a trade in the CCC, such as machinists, or in self-employment.

The hiring of Navajo workmen by the Wingate, New Mexico, project, using their new employment, was a significant factor of whom were strong. "The project could handle construction projects," wrote a letter to the Navajo workmen learning a trade as skilled carpenters. "The project continued, 'is that the CCC has provided the opportunity for the past few years to learn those occupa-

<sup>43</sup> "Final Report," 35, *ibid.*

<sup>44</sup> D. E. Murphy to Collier, *ibid.*

<sup>45</sup> Gallup Independent, Jan. 23, 1941.

repair, carpentry, welding, sheet metal work, auto mechanics, and similar subjects. The classes were paid for by the national government and offered in cooperation with state departments of education. Indian enrollees attended the courses for three hours a day and most instruction lasted six to eight weeks. After completing the course, all participants took proficiency tests which, if passed, almost automatically guaranteed employment in defense work. The Indian CCC sponsored forty-three classes for 932 enrollees with national defense funds.<sup>43</sup>

The national defense classes and experience in the Indian CCC allowed hundreds of former enrollees to find off-reservation jobs during 1941 and 1942. Incomplete studies of job placement for enrollees during the late 1930s indicate that few were able to find private employment. It was fairly common for enrollees to advance to supervisory jobs in the CCC and other relief agencies or to permanent positions in the Indian Service, but few entered private employment. A systematic study of job placement in mid-1940 revealed the start of a new trend. The study showed that some 2,000 enrollees out of 7,300 had left the program during the previous year. Approximately 600 had found private jobs, 1,000 had returned to self-employment, and the remainder had entered the Indian Service.<sup>44</sup>

The trend for enrollees to enter private employment in 1940 grew rapidly during the next two years. Records of the period repeatedly show Indians leaving reservations and moving to urban centers where they earned ten dollars per day or higher in defense work. The former enrollees commonly served as welders, sheet metal workers, mechanics, machinists, or in semiskilled tasks such as truck driving. Most had learned their trade in the Indian CCC and other relief work.

The hiring of Navajos in 1941 to build a new ordnance depot at Fort Wingate, New Mexico, provides an interesting example of Indians using their new employment opportunities. The colorful Navajo, many of whom were strong "blanket" types, quickly demonstrated that they could handle construction work. "Army officers and contractors at the project," wrote a local reporter, "wondered where so many of the Navajo workmen learned to operate tractors, trucks, and perform so well as skilled carpenters and stone masons. The answer," the reporter continued, "is that the Civilian Conservation Corps program on the Reservation for the past eight years has enabled many Navajo so inclined to learn those occupations."<sup>45</sup> The Navajos' cultural trait of changing

<sup>43</sup> "Final Report," 35, *ibid.*

<sup>44</sup> D. E. Murphy to Collier, Aug. 13, 1940, *ibid.*

<sup>45</sup> *Gallup Independent*, June 18, 1941.



their names frequently threw the payroll at Fort Wingate into chaos. They also learned how to cope with abusive white bosses. Each foreman started with an equal-sized gang of Indians each morning, but the Navajo slipped quietly away from disliked bosses at every opportunity. At the end of the day, some gangs had doubled or tripled in size, while only a handful of Indians remained in others. Despite their quirks, the Navajo proved adaptive and willing workers.

The period between American entry into World War II and the termination of CCC brought a brief but drastic change in the nature of projects carried on by enrollees who remained in the Indian CCC. The enrollees sometimes helped in establishing military camps in early 1942, and all boarding installations planted victory gardens and participated in campaigns to buy war bonds and stamps. The stream of Indians leaving reservations to enter war industry was joined by hundreds of others who left for the armed services. An estimated 11,000 Indians were in the military by the end of 1942, and approximately 6,400 of these were former enrollees. Another 8,000 Indians were working in war industry at the same time.<sup>46</sup>

Even though the CCC offered new opportunities to Indians during its last two years, Congress abruptly terminated the entire program on July 2, 1942.<sup>47</sup> Precise details on the disbanding of the Indian CCC are lacking because the federal government transferred the Office of Indian Affairs to Chicago in the same period and few records were kept during the final months. On July 10, Daniel Murphy directed field supervisors to halt the project work so that CCC property could be transferred to other government agencies.

The Murphy order ended a program which deeply affected Indians for over nine years. More than 85,000 had served in the CCC and over seventy reservations had received \$72,000,000 in conservation funds. In terms of physical improvements, the program had produced sizeable results. To cite a few achievements, Indian forests had benefited from 9,739 miles of truck trails, 1,315,870 acres of pest control, and 91 lookout towers. Indian grazing and farm lands had also been aided by such projects as 263,129 acres of poisonous weed eradication, 12,230 miles of fencing, and 1,742 large dams and reservoirs.<sup>48</sup> Probably at no time before or since have Indian forests and lands been in better condition than in 1942.

<sup>46</sup> *New York Times*, Dec. 22, 1942; "Final Report," 25, CCC-ID, NA, RG 75.

<sup>47</sup> *U.S. Statutes at Large*, LVI, Part 1, 569.

<sup>48</sup> "Final Report," 71-74, CCC-ID, NA, RG 75.

The results of su uniform economic reservations with low land benefited most development, and re \$263,095 in 1933 to of the Collier admin the increase: acquis ranchers, introducti and organization of I

Increased revenue than those from rang of attention to forest were too remote to be improvements and p after the economy re In fiscal 1941 Indians figures were recorded

The Indian CCC h were suitable only for the Dawes Commissi (Dakota) in 1937 offer improvement on this the residents derived compared to 50 perc more striking was th Collier's goal of inter Relief work had attr from their land. Just together in the nine residents at Lower B shacks and tents used despite the terrible drawn from the Low could not really be ed was destroyed and ad

<sup>49</sup> "Hard Riding C... Business Pay," *Indian*...

<sup>50</sup> *Annual Report of the*...

<sup>51</sup> Allen G. Hargrett, "The Changing Indian..."

The results of such physical achievements, however, did not bring uniform economic improvements to all reservations. Undoubtedly, reservations with low population levels and large tracts of good grazing land benefited most of all. Fencing out white ranchers' strays, water development, and reseeded helped to raise sales of Indian cattle from \$263,095 in 1933 to \$3,126,326 by 1939.<sup>49</sup> Other policies and programs of the Collier administration unrelated to the CCC also contributed to the increase: acquisition of cattle, discouragement of leasing to white ranchers, introduction of registered bulls, loans for foundation stock, and organization of Indian cattlemen's associations.

Increased revenues from forests were slower and less easily achieved than those from range improvement projects. This was not due to a lack of attention to forestation, but because most Indian lumber resources were too remote to be cut profitably unless prices were high. The various improvements and protection from fire began to produce benefits only after the economy revived and wartime demands raised lumber prices. In fiscal 1941 Indians received \$1,835,000 from lumber sales and similar figures were recorded during war years.<sup>50</sup>

The Indian CCC had a limited economic impact on reservations which were suitable only for grazing and which had been unwisely allotted by the Dawes Commission. An intensive study of the Lower Brule (South Dakota) in 1937 offers a depressing example of the ineffectiveness of land improvement on this type of reservation. The study group found that the residents derived only 13 percent of their income from agriculture as compared to 50 percent from the CCC and other relief agencies. Even more striking was the fact that relief programs operated at odds with Collier's goal of interesting Indians in subsistence farming and ranching. Relief work had attracted fifty-five of ninety-six Indian families away from their land. Just as the distribution of rations had drawn Indians together in the nineteenth century, the offering of relief jobs caused residents at Lower Brule to cluster near the agency headquarters. The shacks and tents used for summer residence became permanent homes despite the terrible winters in the area.<sup>51</sup> The obvious conclusion to be drawn from the Lower Brule and similar reservations is that the CCC could not really be effective, except as a dole, until the allotment system was destroyed and adequate land resources were given to Indians.

<sup>49</sup> "Hard Riding Cowboys Combine Old Skills with Modern Methods to Make Cattle Business Pay," *Indians at Work*, VIII (Dec. 1919), 7-10.

<sup>50</sup> *Annual Report of the Secretary of the Interior, 1941* (Washington, 1941), 123.

<sup>51</sup> Allen G. Harper, "Salvaging the Wreckage of Indian Allotments," in Oliver LaFarge, ed., *The Changing Indian* (Norman, 1942), 89-95.



Even though the public has always accepted CCC publicity which stressed the program's wholesome effects on enrollees, we have no conclusive evidence that these assertions are true on a long-range basis. We badly need careful follow-up studies of former enrollees' careers before any accurate assessment can be made about the social effects of the CCC. Such studies might well reveal that the program had much less rehabilitative effect than is commonly believed. In the case of the Indian enrollees, the impact of the CCC is complicated by their minority status in American society. The obstacles faced by Indians made the benefits of the CCC—improved morale, better adjustment to changing conditions, and acquisition of work skills—much more important for Indians than for whites. Unfortunately, we do not have sufficient data on the subsequent careers of former Indian enrollees to be able to determine whether service in the CCC greatly benefited them.

Available evidence indicates that the Indian CCC had its greatest impact on younger and better-educated enrollees. White supervisors understandably gave such youngsters more attention, promoted them to higher jobs, and sent them to district instructor schools. Far more than older participants, the younger Indians were adaptable and willing to seize their opportunities and apply them to off-reservation employment. Moreover, most young Indian enrollees, even more than whites of the same age, were at a crossroads during the 1930s. Service in the CCC gave Indian youngsters a chance to find themselves, to mature, and to learn a trade rather than submit to apathy and despair.

It seems most doubtful that many young Indian enrollees stayed on the land as farmers and ranchers, as Collier had hoped, because many reservations, like the Lower Brule, simply did not have the resources to provide even a subsistence living. Moreover, such factors as lack of capital, the allotment system of land tenure, white prejudice, alcoholism, poor health, and other problems have plagued Indians since 1942 little less than in earlier periods. Like all people, Indians find the road to success hard to travel when no road exists. The absence of local opportunities prompted the exodus from the poorer reservations, and there is evidence that those who left have never returned unless forced by serious circumstances. Ironically, a conservation program designed to improve Indian land probably had its greatest impact in permitting former enrollees to take up careers in industrial centers.

## The Hind Anglo-An During W

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1914-1917 was emphasized in 1948, Giles T. Brown's important Indian revolution had failed, and its failure the short range perspective of an abortive political movement unearthed just at the time and this coincidence caused stirring events.

Certainly the long n American relations require in a spectacular trial in federal government in violation of the neutrality act as a base for Germany against British rule in apprehended and brought larger if many conspirators witnesses or informants for German citizens. They Francisco, the vice-consul officials. The remainder

<sup>1</sup> Giles T. Brown, "The Hind 1918, 29-310. See also Giles "United States" (M.A. thesis, University of California, Berkeley) for the traditional misnomer for the con

*Division of Forestry*  
*Geo. C. J. Official File Copy*

Enclosures Filed  
90-2-20  
DEFENDANT'S EXHIBIT NO. 1195  
Court of Claims  
Docket No.

A compilation of events which are worthy of note in the forest fire history of this State for the fire seasons of 1929 and 1930, reads much the same as that of other years. The same forces, which operate to and do cause great loss and which jeopardize the lives and property of the State's citizens every summer, were as active as in the past.

More fires occurred each year than the average for the past decade, and more ground was burned over; but the amount of loss is less. The total loss and damage from forest fires during the past twelve years is \$5,693,793.00. For the past six years of this period, it is \$1,240,965.00, an average annual loss of \$206,827.00, which is a decrease of \$535,310.00 below the average annual loss of the preceeding six year period.

From the standpoint of weather, both seasons were bad. Rainfall in 1929, over the western part of the State, was 20.03 inches as compared with a normal of 34.03, or 58.8 per cent under normal. In Eastern Washington, 7.53 inches of rain fell, as compared with a normal of 16.59 inches. It was the driest year in the history of the Weather Bureau.

This year, the departure from normal is equally well marked. The 1930 crop year was the driest of record, covering a fifty year period. Up to December 1, 19.93 inches of rain fell west of the Cascade Mountains, as compared with

a normal of 28.61 inches for the same period, while in Eastern Washington there was a rainfall of 10.69 inches as compared with a normal of 14.51 inches.

In 1929, July, August, and September were exceptionally dry. Two very bad periods of fire weather occurred, one in July, when the humidity dropped to 22 per cent, and again in August, when the low record of 14 per cent was made. The worst fires occurred in the latter part of August and early September. The dry weather continued throughout October, making it necessary to keep quite a number of wardens on duty the entire month to take care of the fire situation. Several bad fires occurred during the month.

This year--1930--the worst fire weather occurred in August and September. Fall weather was exceptionally good for burning slashings.

#### Cooperation

Cooperation was had with the Washington Forest Fire Association and other private, protective agencies; with the U. S. Forest Service; the U. S. Department of the Interior; the U. S. Weather Bureau; with Indian Agencies; Railroad Companies; Logging Operators, and with Chambers of Commerce.

Under mutual agreement and contract with the U. S. Forest Service and the Washington Forest Fire Association, an exchange of areas, adjoining the National Forests, was arranged. These were made to better facilitate the work of and lower the cost of protection on the lands affected.

OFFICE

DEPARTMENT OF AGRICULTURE

By.....

The U. S. Weather Bureau rendered the best of service. Their investigations of weather as it affects the fire hazard, coupled with forecasts of dangerous fire weather, has greatly assisted us in our work, and has been of special service to logging operators. Our thanks and appreciation are due the officials of this Bureau for the excellent work they are doing.

We lost a talented and conscientious meteorologist in the death of Mr. George W. Alexander, who has been attached to the Seattle office of the Weather Bureau as a specialist in fire weather studies and forecasting. He did much to organize this work along practical lines. As a man of fine character and exceptional ability in his calling, we regret, greatly, his untimely passing.

Owing to heavy expense of fighting fires in 1929, the Eastern Washington Timber Protective Association, operating in Pend Oreille County, felt obliged to discontinue further protection work. This year, we handled all of the work in that county.

Improvements

Ten new lookouts were established in the western part of the State. Some twenty-odd miles of telephone line was constructed. This work was done in cooperation with the Washington Forest Fire Association. The Long-Bell Lumber Company established a lookout on Abernathy Mountain in Cowlitz County. We cooperate in the operation of this

APPROVED FOR SIGNING  
DEPARTMENT OF AGRICULTURE  
By.....

lookout. In Eastern Washington, three new lookouts were put into operation; "Boyer Peak" in Pend Oreille County, "Stranger Mountain" in Stevens County, and "Sedge Ridge" in Yakima County.

Three new fire trucks, with a full complement of fire fighting tools, were added to our equipment.

Experiments in making fire trails with a caterpillar tractor and plow, were tried out during the latter part of the 1929 season. This method of making trails proved so much more effective over the laborious hand methods in vogue, that a tractor and plow was purchased by the Washington Forest Fire Association, and another such unit by this department. Sixty-nine miles of fire trail was made with the State plow this year. It is a decided advance over old methods.

#### Christmas Trees

A new industry has been developed in this State during the past few years. It is the cutting and marketing of young growth Douglas Fir as Christmas trees. 1,484,000 trees were cut and shipped out of the state in 1929. 353 carloads went by rail. Thousands were shipped by water, auto truck, and parcel post. Over 1,000 people were thus given employment, beginning about the 10th of November and continuing until about the middle of December. Trees were shipped to New York, Florida, California, and almost every other state, and to the Hawaiian and Philippine Islands. 4,000 trees make an average carload. The cost to cut, bundle,



By \_\_\_\_\_

haul, and load a car of trees averages \$300.00. Trees produced in the Puget Sound basin are preferred over trees grown in other states. The soil and climate of this region operate to produce the most perfect tree.

The mighty power of a Douglas Fir Forest to reproduce itself by natural means is well exemplified in the young growth timber on a tract of land in Mason County, from which Christmas trees are being cut and marketed this year.

Five carloads, or over 20,000 trees were taken off a section of land--640 acres--which was logged and the slashings disposed of by broadcast burning in 1914.

The land in question is Section 29, Township 21 North, Range 4 West. It is owned by the Weyerhaeuser Timber Company. The land was first examined in November, 1915, at which time no young growth had made its appearance. It was examined again by one of the company's foresters in 1926, and a careful check count by plots on each forty acre tract showed 1,100 young trees per acre. An examination by another forester this year, made in the same manner, shows 2,000 trees per acre, a gain of 900 trees per acre in four years, making a total of 1,280,000 on the section. 20,000 trees, or one in 64 were cut this season. Next year another cutting will be made.

In artificial reforestation, around 700 trees per acre are planted and are considered a good stand. With 2,000 trees per acre and only 32 trees taken for Christmas trees, it can readily be seen that a future crop of merchantable timber on that land is not being imperiled.

UNITED STATES GOVERNMENT  
DEPARTMENT OF AGRICULTURE  
BUREAU OF FORESTRY

A most interesting phase of Christmas tree cutting, which has developed, is that a tree may be cut and still another merchantable tree grown from the same stump, providing the first cutting is done properly. If all of the branches below where the tree is cut, are trimmed off, leaving one strong limb near the top of the stump, this will straighten up in from one to two years and will become as good a forest tree as any other.

The hundreds of thousands of acres of logged-off and burned-over forest lands in the eastern and western parts of this State, covered with just such young growth as herein described, is mute but visible, tangible evidence that the work of forest fire control has been 99 per cent effective.

Such results furnish incentive and cause for continued, greater effort in the future. The forest fire hazard is growing worse and the risk greater with a consequent, relative increase in the number of fires which must be controlled.

Forest Fires--1929

There were more fires this year than last, more than double the amount of acreage burned over, more timber killed; but the total loss from a dollar and cent standpoint is less. This is due to values represented in the timber and log loss.

There were 1,662 fires which burned over 387,254 acres of land. The following is a list of the causes of fires and the acreage burned over, from each cause:

Lightning	99	Fires	4,836	Acres
Railroads	146	"	7,712	"
Campers	139	"	34,944	"
Smokers	382	"	145,222	"
Brush Burning	187	"	25,864	"
Incendiary	154	"	51,634	"
Lumbering	150	"	57,385	"
Miscellaneous	405	"	59,657	"

Class "A" Fires	Under $\frac{1}{4}$ Acre	544
" "B" "	$\frac{1}{4}$ to 10 Acres	494
" "C" "	Over 10 Acres	624

Class of lands burned over:

Merchantable Timber	29,038	Acres
Young Growth	74,381	"
Cut-over	131,173	"
Old Burn	107,343	"
Other Lands	45,319	"

Timber Killed	139,248,000	board feet
Timber Destroyed	13,920,000	" "
Logs Destroyed	10,512,000	" "

Loss in Logging Equipment	\$169,797.00
Settlers and Others	72,563.00

The total loss and damage to all property  
is \$348,807.00

DEPT. OF AGRICULTURE  
FOREST SERVICE

The most notable fire of the season was one which occurred in the old Yacolt burn in Clark and Skamania Counties.

This started on August 4, (cause--smoker) and although a crew of 95 men were at work on the fire an hour after it started, they were unable to control it, owing to the burning area being covered with thousands of dead trees which had been killed in the destructive fire of 1902. This fire was brought under control; but on September 4, it broke out anew, and, fanned by a strong, dry, east wind, was carried over a large area of that burned in 1902. Not much green timber was affected, but the destruction to young growth was large, and the damage to settlers' improvements, etc. amounted to around \$15,000.00. Another bad fire occurred in Pend Oreille County in the district east of the Pend Oreille River. This fire, of unknown origin, started on August 19; burned over 25,000 acres, mostly covered with slash left from logging operations, and did \$25,000.00 damage to timber and logging equipment. Private interests and the U. S. Forest Service expended over \$80,000.00 in the control of this fire. Another bad fire in Lewis County, in September, burned over 7,000 acres of land, mostly young growth, and did \$15,000.00 damage to timber and other property.

APPROVED FOR THE BURNING PERMITS ISSUED, NUMBERED 22,506, COVERING 177,800 ACRES; 85,711 ACRES WERE SLASHINGS LEFT FROM LOGGING, AND 92,089 ACRES WERE ON LANDS USED FOR AGRICULTURE; 1,066 PERMITS WERE FOR CAMP FIRES.

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Disbursements for protection from the several funds were as follows: State Appropriation, \$75,104.72; Department of the Interior for Vacant Public Lands, \$8,025.00; Federal Cooperation under Clarke-McNary Act, \$83,024.15; Forest Assessment Funds, \$121,322.77; Voluntary expenditures through private protective organizations, \$194,480.36, making a total of \$481,957.00 expended for protection by State and private interests.

Privately owned forest lands assessed by the State total 3,937,399 acres. Total receipts,—collections, interest, recoveries, etc.—from this source, amount to \$112,302.49. The rate of assessment per acre was  $3\frac{1}{2}$  cents in Western Washington Counties, and from 2 to 3 cents in Eastern Washington.

Some 50 arrests and convictions were had for violation of the forest laws. Fines assessed amounted to \$961.55.



1930 Fires

The area burned over and loss sustained from forest fires is a great deal less than 1929, though the number of fires is greater, the total being 1,789, the largest number in our history, from the following causes:

Lightning	168
Railroads	75
Campers	150
Smokers	421
Berry Pickers	50
Brush Burning	249
Incendiary	231
Lumbering	62
Miscellaneous	383

This shows a considerable increase in the number of fires from lightning and of incendiary origin over previous years, but there is a notable decrease in lumbering and railroad fires. The total area burned over is 196,180 acres.

Timber Killed	42,187,000	board feet
Timber Destroyed	32,440,000	" "
Logs Destroyed	9,464,000	" "

Loss in Logging Equipment	\$53,075.00
Loss to Settlers and Others	50,194.00

The total loss and damage to all classes of property is \$272,586.00.

The expense incurred in fighting fire was exceptionally high, this being due to the large number of incendiary fires which were started in bad hazards, and to lightning fires which occurred in remote districts.

OREGON DEPARTMENT OF FORESTRY

DEPARTMENT OF FORESTRY

By.....  
Assistant Director

The notable fire of the season was one which occurred near North Bend in King County on January 23. This burned over 7,550 acres of cut-over land, mostly in young timber which was killed. It destroyed three residences, a cook house, and bunk house. A fire of such proportions in January was unheard of until this one. Its origin is unknown, but the cause of its spread was due to a very heavy, cold, dry, east wind. A very damaging fire of incendiary origin, starting August 1, in southern Stevens County, burned over 11,500 acres, and destroyed houses, barns and other improvements of settlers, amounting to over \$10,000.00. The expense for fire-fighting was \$4,856.00. On 4,500 acres of the area covered, the slash, left from logging, had not been disposed of.

Another fire of incendiary origin was started in State timber in Klickitat County on August 30. It covered some 3,600 acres--mostly merchantable timber--but was a ground fire. The amount of timber killed and destroyed, is estimated to be 4,500,000 board feet, most of which is owned by the State. It cannot be salvaged. We expended some \$4,500.00 in control of this fire.

There were a dozen or more large slashing fires during the season and, while these were hard to control and caused a lot of expense to protective agencies, logging operators, and others, the damage done was only nominal.

There were some benefits derived from these fires, in that a large amount of slashings left from logging were gotten rid of.

Freak fires, was one bad logging camp fire caused by a breaking strap on a spar tree, allowing the heavy block to crash down the cable, strewing fire into the dry debris at the landing, and making such a quick, hot fire that it could not be controlled.

Another bad fire occurring in Skamania County was caused by a dry stub falling against an electric power line. This fire covered some 2,000 acres of privately owned and National Forest Land, and cost all agencies over \$5,000.00 to control.

APPROXIMATELY Burning permits issued, totaled 23,105, covering 129,786 acres, of which 43,654 acres were for burning slashings created by logging, and 86,132 acres were for agricultural use; 1,418 of the permits were for camp fires.

Some 12,000,000 acres of forest land were given protection, of which the State owns 1,250,000 acres; vacant public lands 450,000 acres, with 10,300,000 acres privately owned.

DISBURSEMENTS  
DEPARTMENT OF THE INTERIOR  
By Disbursements made from the several funds for protection were as follows: State Appropriation, \$94,346.08; Department of the Interior for Vacant Public Lands, \$10,715.00; Federal Cooperation under Clarke-McNary Act, \$121,390.40; Forest Assessment funds, \$104,597.04; Voluntary contributions handled through private protective organizations, \$179,384.15, making a total of \$510,432.67.

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Total privately owned lands assessed for protection by this department amount to 3,922,064 acres. All receipts from this source amount to \$110,862.51. The rate of assessment per acre in Eastern Washington varies by counties, being 2 to 4 cents. In Western Washington, all lands were assessed at 5 cents.

There were 22 arrests and convictions for violation of the forest laws. Fines and costs amounted to \$470.10.



# The Indian Reorganization Act: The Dream and the Reality

Lawrence C. Kelly

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THE GENIUS OF JOHN COLLIER, commissioner of Indian Affairs from 1933 to 1945, was that he saw the bankruptcy of federal Indian policy more clearly than anyone else in his generation. With its emphasis upon the allotment or division of Indian reservations into individually owned parcels of land and the forcible assimilation of Indians into white society, that policy had brought widespread poverty and demoralization to the majority of Indians by 1922. In that year, Collier, much like David, challenged the Goliath of the federal government in a case involving the lands of the Pueblo Indians of New Mexico. His surprising victory in that encounter resulted in the birth of the modern Indian reform movement.<sup>1</sup>

From 1922 to 1933 Collier mounted a steadily increasing assault upon the twin evils of land allotment and assimilation and upon what he termed the "despotism" of the Bureau of Indian Affairs. At the heart of his reform campaign was the charge that federal policy had failed because it was based upon the false premise that

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<sup>1</sup> Kenneth R. Philp, "Albert B. Fall and the Protest from the Pueblos, 1921-23," *Arizona and the West*, XII (1970), 237-254.

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all Americans should conform to a single, uniform cultural standard. So persuasive was Collier in his defense of Indian rights that, when the old order crumbled in 1932, he was named commissioner of Indian Affairs and encouraged to right old wrongs.

Throughout his administration, the longest in the history of the office, Collier fought to realize a dream in which Indian tribal societies were rebuilt, Indian lands rehabilitated and enlarged, Indian governments reconstituted or created anew, and Indian culture not only preserved but actively promoted. In his annual reports and in the many publications that he authored after he left office, Collier succeeded in creating the impression that during the New Deal years his dream had been essentially realized. In his autobiography, published in 1963, he wrote: "Our policies had become firmly established statutorily, and rooted in more than 200 tribes. Our legislative program had been accomplished in all respects but one [the creation of an Indian Claims Commission], and had remained intact against all pressures from within and outside of Congress."<sup>2</sup>

In the relatively sparse literature on the Indian New Deal, Collier's assessment of his administration has prevailed. Most of those who have written about the era were his personal friends or associates. Many of them, like D'Arcy McNickle whose *Indians and Other Americans* is the best available account of the Collier years, were at one time or another employees of the Bureau of Indian Affairs. They have tended, naturally enough, to view events from Collier's perspective.<sup>3</sup>

As a result of Collier's influence, the historiography of the Indian New Deal has obscured the sometimes considerable gap between his administration's rhetoric and its actual achievements. Nowhere

<sup>2</sup> John Collier, *From Every Zenith: A Memoir* (Denver, 1963), 305. For Collier's other major writings, see *Indians of the Americas* (New York, 1917), subsequently abridged and issued in more than thirteen printings by Mentor Books; *On the Gleaning Way* (Denver, 1962); and *Patterns and Ceremonials of the Indians of the Southwest* (New York, 1919).

<sup>3</sup> For books which follow Collier's interpretation, see D'Arcy McNickle, *They Came Here First* (Philadelphia, 1919); D'Arcy McNickle and Harold E. Fey, *Indians and Other Americans* (New York, 1959); Theodore H. Haas, *Ten Years of Tribal Government under the Indian Reorganization Act* (Washington, D.C., 1917); Laura Thompson, *Personality and Government* (Mexico, D.F., 1951); Felix Cohen, *Handbook of Federal Indian Law* (Washington, D.C., 1915); William H. Kelly, ed., *Indian Affairs and the Indian Reorganization Act: The Twenty Year Record* (Tucson, 1954); and Kenneth Roy Philp, "John Collier and the American Indian, 1929-1915" (Ph.D. dissertation, Michigan State University, 1968).

is this more true than the Indian Reorganization Act, the most significant legislation of the New Deal, this act nevertheless a federal Indian policy of the Indian Reorganization Act, the subsequent failure of the act's limited benefits, this essay.

Designed as the pages of Indian law, the Indian Reorganization Act was a long. By describing government to secure detail, it sought not the past, but also to determine what Marshall had defined for the rest of cooperative basis.

The original of all Indians the government and ty, political responsibility achieved. . . ." I were to have all the right to elect their reservation to regulate the power to efficiency in office of

<sup>4</sup> The quotation is ed., 1961), 156. The found in *U.S. Statutes*.

<sup>5</sup> The Collier draft in the next six paragraphs. The credit loan provided during the Senate to Indians Living Local Self-Government (1934), 15.

is this more true than in the claims which have been advanced for the Indian Reorganization Act of 1934. Rightly regarded as the most significant legislative accomplishment of the Indian New Deal, this act nevertheless fell short of the revolutionary changes in federal Indian policy which are often attributed to it. The failure of the Indian Reorganization Act to attain Collier's basic goals and the subsequent failure of his administration to extend even the act's limited benefits to the majority of Indians are the subject of this essay.

Designed as the "successor to the greater part of several thousand pages of Indian law,"<sup>4</sup> the original draft of the Indian Reorganization Act was a lengthy document, forty-eight typewritten pages long. By describing Indian rights and the obligation of the government to secure and preserve those rights in the most minute detail, it sought not only to sweep away the repressive legislation of the past, but also to restore the powers of political and cultural self-determination which U.S. Supreme Court Chief Justice John Marshall had defined early in the nineteenth century. It also provided for the restoration of Indian economies on a communal and cooperative basis.

The original draft was divided into four parts.<sup>5</sup> Title I granted all Indians the "freedom to organize for purposes of local self-government and economic enterprise, to the end that civil liberty, political responsibility and economic independence shall be achieved. . . ." Indian governments created under this provision were to have all the powers common to municipal corporations: the right to elect officials of government, to adopt ordinances for their reservation, to create courts for the enforcement of ordinances, to regulate the use and distribution of property, to levy taxes, and the power to compel the transfer of federal employees for "inefficiency in office or other cause." The United States, for its part, was

<sup>4</sup> The quotation is from Collier, *Indians of the Americas* (New York, Mentor rev. ed., 1961), 156. The Indian Reorganization Act, passed on June 18, 1934, can be found in *U.S. Statutes at Large*, XLVIII, 984-986.

<sup>5</sup> The Collier draft of the Indian Reorganization Act, from which the quotations in the next six paragraphs are taken, is found in House Committee on Indian Affairs, *Hearings on Readjustment of Indian Affairs, H.R. 7992*, 73 Cong., 2 sess. (1934), 1-14. The credit loan program, which was not part of the original draft, was introduced during the Senate hearings. Senate Committee on Indian Affairs, *Hearings, To Grant to Indians Living under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise, S. 2755 and S. 3615*, 73 Cong., 2 sess. (1934), 15.

305. For Collier's (17), subsequently Books; *On the e Indians of the*

kle, *They Came cy, Indians and Tribal Govern- Laura Thomp- i, Handbook of Indian Affairs son, 1954); and '9-1945" (Ph.D.*

gradually to transfer to Indian governments all "those functions of government now exercised over Indian reservations by the Federal Government through the Department of the Interior," as well as all powers of control over Indian funds and assets vested by previous laws in federal officials.

In addition, Title I directed that all expenditures of the Interior Department in behalf of Indians, and all congressional appropriations from tribal funds on deposit in the federal treasury, be submitted to Indian tribal councils for approval before being forwarded to the Bureau of the Budget or the Congress. Congress was authorized to appropriate \$500,000 annually for the organization of Indian tribal governments, and it was empowered to create a \$5,000,000 credit loan fund to assist organized tribes in the pursuit of "community economic development." In an attempt to include in these benefits persons of Indian descent who were no longer members of a recognized tribe, Title I defined an eligible Indian as any person "of one-fourth Indian blood." To increase Indian participation in the Indian Bureau's decision-making processes, Title I also waived civil service requirements for employment, providing instead that Indians could be employed by the bureau under "separate" civil service regulations to be drafted by the Interior Department.

Title II dealt with Indian education. Its most important provision stated: "it is hereby declared to be the purpose and policy of Congress to promote the study of Indian civilization, including Indian arts, crafts, skills, and traditions." To secure the necessary educational benefits and skills which Indians would need to administer their own affairs with competence, an annual appropriation of \$15,000 for vocational and college scholarships was requested. An additional \$50,000, one-half of which was to be interest free, was to be appropriated for educational loans.

Title III was concerned with Indian lands. It abolished the land allotment provisions of the Dawes Severalty Act and provided for the return of previously allotted lands to tribal ownership. Surplus lands which had once been part of an Indian reservation, but which had never been patented to whites, were to be restored to tribal ownership. Allotments which the federal government still held in trust for their owners were to remain in that status indefinitely and the power of the Secretary of the Interior to force fee simple patents

upon "competent" Indian allotments and to bring to the reform program, the to compel their sale or the provisions of Title I forbidden. All trust allotment ownership were to revert to current owner.<sup>6</sup>

Title III further provided the United States to "improve land use and economic development basis of self-sufficiency." The federal government was to assist landless Indians and to create "able economic units." Title III authorized to appropriate \$2,000,000 the Secretary of the Interior regulations restricting the sale of lands and the quality of

Title IV proposed that the government would have original jurisdiction over organized formally under an organized tribe or by the courts. The rules governing these were to be consonant

<sup>6</sup> The Dawes Severalty Act and the sale of "surplus lands" to be held "in trust" by the federal government during the twenty-five-year trust period, managing his own affairs as fee simple, severed from federal control. The Burke Act (1906) provided for the expiration of the trust period and the majority of these Indians were forced to accept fee simple patents. The majority of these Indians were the majority of these Indians.

By consolidating the trust period into fee simple estate and to halt the federal government's power to force fee simple patents upon allotment holders, Indian land ownership were to be guaranteed but they would not be guaranteed.

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upon "competent" Indians was revoked. To consolidate the trust allotments and to bring them under tribal control, a major goal of the reform program, the Secretary of the Interior was empowered to compel their sale or transfer to tribal governments created under the provisions of Title I; their sale to other parties was expressly forbidden. All trust allotments not immediately restored to tribal ownership were to revert to tribal ownership upon the death of the current owner.<sup>6</sup>

Title III further provided that it was henceforth the policy of the United States to "undertake a constructive program of Indian land use and economic development, in order to establish a permanent basis of self-support for Indians living under Federal tutelage." The federal government was pledged to acquire lands for landless Indians and to consolidate "Indian landholdings into suitable economic units." To attain these goals, Congress was authorized to appropriate \$2,000,000 annually for land acquisition, and the Secretary of the Interior was "authorized and directed" to issue regulations restricting the number of livestock grazed on Indian lands and the quality of timber cut on Indian forest lands.

Title IV proposed the creation of a Court of Indian Affairs, which would have original jurisdiction in all cases involving Indian tribes organized formally under Title I, all cases involving a member of an organized tribe or band, heirship cases, and appeals from tribal courts. The rules governing evidence and procedure in this court were to be consonant with Indian traditions, "existing statutes

<sup>6</sup> The Dawes Severalty Act (1887) provided for the allotment of Indian reservations and the sale of "surplus lands" to whites. It also provided that Indian allotments were to be held "in trust" by the federal government for twenty-five years, during which period they were free from taxation and could not be sold. At the expiration of the twenty-five-year trust period, when the allottee would theoretically be capable of managing his own affairs without supervision, he was to be issued a patent in fee simple, severed from federal control, and permitted to dispose of his land as he saw fit. The Burke Act (1906) authorized the Secretary of the Interior to issue fee simple patents to Indians deemed "competent" to handle their own affairs, prior to the expiration of the trust period. Between 1919 and 1921 more than 20,000 Indians were forced to accept fee simple patents, often against their protestations of incompetence; the majority of these Indians subsequently lost their lands.

By consolidating the trust allotments in tribal ownership and extending the tax-free trust period indefinitely, Collier sought to commence the rebuilding of a tribal estate and to halt the fractionalizing of Indian lands upon the death of the original allotment holder. Indians whose allotments were transferred back to tribal ownership were to be guaranteed the right of occupancy and the use of their former lands, but they would not be permitted to sell them to non-Indians.

regulating procedure in U. S. courts notwithstanding." The purpose of Title IV, of course, was to remove Indians who complied with the Indian Reorganization Act from the jurisdiction of state courts and to provide them with a tribunal more closely attuned to Indian concepts of justice than those of English common law.

This original draft of the Indian Reorganization Act contained the details of Collier's dream. Had it been enacted, Indians who organized under its provisions would have gained administrative control over their own affairs and been freed from dependence upon the federal government, except in the single area of financial assistance. The Bureau of Indian Affairs, which Collier had persistently attacked throughout the 1920s as despotic and arrogant, would have been gradually phased out of existence, except for technical assistance programs and budget services which it might render to the self-governing tribes.

In theory, this draft accurately reflected Collier's vision for an ideal new policy. In fact, however, there were several thorny practical problems that Collier and his advisors had overlooked or ignored. One was the opposition of assimilated and semiassimilated Indians to the reimposition of tribal controls over their property and their lives. Because of his own deep knowledge and appreciation of the culture of the Navajo and Pueblo Indians, whose customs and systems of government remained essentially intact, Collier concluded that Indians everywhere would wish to return to tribal, communal life. Such was not the case. Furthermore, despite the emphasis in the act on Indian self-determination, few Indians were consulted while the bill was being drafted. As a result, many of them were suspicious of its intent and confused by its technicalities. The mandatory nature of the bill's provisions relating to the transfer of trust allotments to tribal control was to prove especially divisive in many Indian communities.

Within a few weeks after hearings began in January 1934, angry opposition to the communal land ownership provisions and the restoration of tribal controls over individuals were voiced by Indians in Oklahoma, the Dakotas, and New York, in particular. In these areas where individual land ownership was the rule, rather than the exception, and where tribal cohesion had been seriously weakened by years of assimilationist pressure, there were many Indians who opposed the Indian Reorganization Act as a back-to-

the-blanket experiment poured in from the Indians. It became increasingly clear that the Indians did not share Collier's vision of a new culture and civilization for the autonomous Indian communities.

Throughout the session, the bill was discussed, debated, and amended. For a while there was hope that it would pass out of the House. In 1935, however, an appeal by Collier to the President and President Franklin D. Roosevelt's strong support and intervention ended the controversy. Shortly thereafter, the statement of intent for the enhancement of Indian self-determination, which was eliminated from the original vision, was eliminated from the bill. The transfer of allotments to tribal control was made voluntary. At the same time, the bill's sponsor, the Interior Department, severely curtailed and limited the bill's scope. Indians were organized into bands or tribes, and the number of bands as were the 95,000 Indians.

In addition to the amendments to the draft, less serious objections to the bill. Furthermore, the bill's provisions were cut in several places. A clause which would have made all Indians blood eligible for the benefits of one-half Indian land ownership under the Indian Reorganization Act was amended at the request of the Indians. In 1936, the House sponsor, the House speaker, held, thereby giving

<sup>7</sup> See the Wheeler-Howard Bill, H. R. 75, National Archives, 75th Congress, 1st session, 1937. The bill was passed by the House in 1934, but was not enacted until the Indian Reorganization Act of 1934.

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the-blanket experiment. Questions about specific parts of the bill poured in from the Indian country. At the same time, it became increasingly clear that many members of the congressional committees did not share Collier's enthusiasm for the restoration of Indian culture and civilization. The wisdom of creating politically autonomous Indian communities was especially questioned.<sup>7</sup>

Throughout the spring of 1934, House and Senate committees discussed, debated, and amended the original draft of Collier's bill. For a while there was doubt that the measure could even be pried out of the House Indian Affairs Committee, but in April, following an appeal by Collier and Secretary of the Interior Harold Ickes to President Franklin D. Roosevelt, the bill was given the President's strong support and Ickes agreed to amendments which ended the controversy. Shortly thereafter the congressional committees deleted the statement in Title II promoting the preservation and enhancement of Indian culture; Title IV, the Indian court provision, was eliminated completely. The mandatory provisions for the transfer of allotted Indian lands to tribal ownership were made voluntary. At the insistence of Burton K. Wheeler, the Senate sponsor of the bill, the self-governing powers of Indian tribes were severely curtailed and made subject to approval by the Secretary of the Interior. Indians who were not members of an officially recognized band or tribe were excluded from most of the act's benefits, as were the 95,000 Indians of Oklahoma and those of Alaska.

In addition to these major modifications of Collier's original draft, less serious but important changes were made in other sections of the bill. Funds for assisting Indians to organize tribal governments were cut in half, from \$500,000 annually to \$250,000. The clause which would have made all persons of one-fourth Indian blood eligible for benefits was rewritten; eventually only persons of one-half Indian blood were entitled to benefits under the Indian Reorganization Act. The application of the act to all tribes was amended at the request of Congressman Edgar Howard of Nebraska, the House sponsor of the bill. Instead, a referendum was to be held, thereby giving individual tribes an opportunity to reject the

<sup>7</sup> See the Wheeler-Howard file, Indian Records Office, 1907-1939, Record Group 75, National Archives. This extensive file contains the minutes of various Indian congresses held in 1934 to explain the provisions of the Wheeler-Howard, or Indian Reorganization, Act.

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act. Despite these limitations, the House Indian Affairs Committee insisted upon doubling the credit loan fund to \$10,000,000 and increasing the educational appropriations from \$50,000 to \$250,000 annually. It was evident, however, that the committee approved these increases more as a means of integrating Indians into the white economic system than as a means of increasing their autonomy.<sup>8</sup>

The Indian Reorganization Act which emerged from Congress in June 1934 did not, therefore, correspond to the dream which Collier had originally envisioned. While the repeal of the land allotment provision of the Dawes Act was a major victory, representing as it did a clean break with the traditional idea that individual land ownership was an essential part of the assimilation process, the historic goal of Indian assimilation was not completely abandoned. By exempting the Indians of Oklahoma from the bill's most important provisions, by denying the right to organize and to receive credit to Indians who did not belong to a recognized tribe or band, by eliminating the provisions which called for the preservation of Indian culture and the creation of a Court of Indian Affairs, and by severely curtailing the political powers of the tribes and reducing the appropriations for tribal organization, Congress made clear that it had little desire to encourage a revival of Indian tribal identity. Those tribes which had somehow managed to retain their lands and their cultures intact would no longer be forced to accept the white man's ways. But those whose lands had become fragmented or lost and whose tribal ties had been weakened or dissolved were not to be encouraged to regroup. Far from a radical break with past policy, the Indian Reorganization Act sought not so much to reverse the nation's historic attitude toward the Indians as to freeze it where it was in 1934.

John Collier never accepted the limitations upon his dream which the Indian Reorganization Act imposed. Throughout his administration he acted as though the original draft of the act was the one which Congress had approved. To his credit, he achieved many of his goals by administrative action, but, as the termination policy of the 1950s clearly demonstrated, administrative reforms

<sup>8</sup> For the amendments to Collier's draft of the bill, not all of which are mentioned above, see "Readjustment of Indian Affairs," *H. Rept. 1894*, 73 Cong., 2 sess. (1934), and "Authorizing Indians to Form Business Councils, Corporations, and for Other Purposes," *S. Rept. 1080*, 73 Cong., 2 sess. (1934).

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<sup>9</sup> Collier, *From  
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unsupported by congressional legislation could easily be repealed or ignored by later administrations. Between 1933 and 1945 the excessively authoritarian powers of the Indian Bureau and its employees in the field were curbed substantially. Indians were vigorously recruited for Indian Bureau positions with the result that by 1945 Collier could proudly claim that sixty-five percent of the bureau's positions were held by Indians. Noxious "espionage laws" passed in the nineteenth century to limit Indian-white contacts on the reservation were repealed. Constitutional guarantees of religious freedom were extended to native religions, and the civil rights of Indians, frequently ignored in the past, were scrupulously protected. Through cooperation with a host of New Deal alphabet agencies, the Indian Bureau improved the economic conditions of thousands of Indians and launched an impressive program of soil and forest conservation on Indian lands.<sup>9</sup> These very real achievements should not, however, be permitted to conceal the fact that in its attempt to extend the political and economic benefits of the Indian Reorganization Act to a majority of Indians, the Collier administration fell considerably short of its goals.

As a result of Congressman Howard's amendment, the Indian Reorganization Act could not be automatically extended to all Indian tribes. Instead, each tribe or band was required to indicate its acceptance or rejection of the act in a specially called referendum. The tribes which voted to accept the act were then permitted, although not required, to draw up a constitution which would guarantee their powers of limited self-government, thereby freeing them from arbitrary intervention by the Department of the Interior in their internal affairs. If they adopted constitutions they also became eligible to incorporate for tribal business purposes and to qualify for loans from the credit loan fund. Those tribes which rejected the Indian Reorganization Act, and those which accepted it but subsequently failed to adopt constitutions, not only forfeited the opportunity to determine their own form of political organization, they also made themselves ineligible for the act's financial benefits.

<sup>9</sup> Collier, *From Every Zenith*, 169-209; McNickle and Fey, *Indians and Other Americans*, 116-121, 156-160; Philp, "John Collier and the American Indian," 130-142, 166-185; Donald L. Parman, "The Indian and the Civilian Conservation Corps," *Pacific Historical Review*, XL (1971), 59-56; Calvin W. Gower, "The CCC Indian Division: Aid for Depressed Americans, 1933-1942," *Minnesota History*, XLIII (1972), 3-15.

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Indian self-government and tribal economic development were the basic components of Collier's program to revitalize Indian societies. Only by demonstrating competence to handle their own affairs, he had argued repeatedly, could they hope to maintain their cultural identity and eventually assert complete independence from the meddling influences of the Department of the Interior. And yet, if a search is made of the literature on the Indian New Deal, it is difficult, if not impossible, to determine the number of Indians who took advantage of the political and economic opportunities which the Indian Reorganization Act made possible.<sup>10</sup>

Collier himself was particularly vague on this topic. Admitting that "a few tribes did vote against the acceptance of the Act," he nevertheless conveyed the impression in many publications that most Indians accepted the challenge of limited self-government and tribal economic enterprise. A typical example of the manner in which he did this is a chapter in his memoir devoted to an analysis of New Deal programs on three of the larger Indian reservations, the Shoshone-Arapaho in Wyoming, the Klamath in Oregon, and the Red Lake Chippewa in Minnesota. Not once in this chapter does Collier mention that both the Klamath and the Shoshone-Arapaho rejected the Indian Reorganization Act or that the Red Lake Chippewa, while accepting it, never adopted the constitution or the charter of business incorporation which were at the very heart of its benefits.<sup>11</sup> Collier's reluctance, perhaps even his lifelong inability to acknowledge defeat, is surely understandable. But the failure of subsequent studies to indicate the disparity between the number of Indians eligible for benefits under the Indian Reorganization Act and those who actually received those benefits is less forgivable.

<sup>10</sup> The Bureau of Indian Affairs published the official results of the Indian reception of the Indian Reorganization Act only in response to congressional demand. House Committee on Indian Affairs, *Hearings on the Wheeler-Howard Act, To Exempt Certain Indians, S. 2103*, 76 Cong., 3 sess. (1910), 390-395 (hereafter cited as *House Hearings on S. 2103*). In 1947 Theodore H. Haas published *Ten Years of Tribal Government under the Indian Reorganization Act*, which contained a list of tribes that had adopted constitutions and charters of incorporation. The *House Hearings on S. 2103* contained significant omissions in the population figures for a number of tribes, while Haas's study gave no indication of the number of Indians who failed to qualify for benefits under the Indian Reorganization Act.

<sup>11</sup> Collier, *From Every Zenith*, 188-192. In his *Indians of the Americas* (page 158), Collier wrote that "about three fourths of the Indians" accepted the Indian Reorganization Act.

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<sup>12</sup> Allan G. Bogue et Collier editorial in *From Every Zenith*, 176.

Any attempt to determine either the number of tribes that voted to accept the Indian Reorganization Act or the number of Indians who subsequently adopted constitutions or charters of business incorporation must recognize at the outset that there are variations in the figures cited in the standard published sources (see table).

TABLE I  
COMPARISON OF SOURCES ON INDIAN REORGANIZATION ACT REFERENDUM

	Tribes Voting	Tribes For	Tribes Against	Individuals Eligible for IRA Benefits	Individuals Denied IRA Benefits
Commissioner of Indian Affairs, <i>Annual Report, 1935</i> , 115-116.	263	172	73	132,426	63,467
<i>Indians at Work</i> , July 15, 1935, pp. 1-3	263	174	73	132,425	78,115
Commissioner of Indian Affairs, <i>Annual Report, 1910</i> , 361.	266	189	77	129,750	86,365
Theodore Haas, <i>Ten Years of Tribal Government under the Indian Reorganization Act</i> , 3.	258	181	77	129,750	86,365
William Kelly, ed., <i>Indian Affairs and the Indian Reorganization Act</i> , 10.	258	181	77	129,750	86,365
D'Arcy McNickle and Harold E. Fey, <i>Indians and Other Americans</i> , 111.	263	192	71		

For instance, D'Arcy McNickle and Harold Fey state that 192 tribes voted to accept the act and 71 to reject it. Theodore Haas and William Kelly record the vote as 181 in favor, 77 against. In the book by Allan G. Bogue *et al.*, the claim for "almost 200" tribes is advanced. John Collier himself came closest to being correct when he reported in 1935 that 174 tribes had voted for adoption, 73 against. Later, however, in his more widely read memoir, he changed the number of tribes which accepted the Indian Reorganization Act to 192.<sup>12</sup>

The only official figures ever published on the Indian Reorganization Act referendum appeared in a 1910 hearing conducted before the House Indian Affairs Committee. In that document it was revealed that 252 Indian tribes and bands had voted in the referendum: 174 in favor of the act, 78 against it. Thirteen bands listed

<sup>12</sup> Allan G. Bogue *et al.*, *The West of the American People* (Itasca, Ill., 1970), 553; Collier editorial in *Indians at Work*, July 15, 1935, pp. 1-3; Collier, *From Every Zenith*, 176.

on the bureau's rolls as eligible to vote in the referendum either refused to participate or were found to have no actual members. Included in the figure of 252 tribes and bands were 99 separate Indian bands in California alone whose total population in 1935 was only 23,800. Similar distortions in the bureau's list of "tribes" were evident in the voting from other states.<sup>13</sup> The variations between these official figures and those found in the sources cited in the table cannot all be resolved, but it is probable that the McNickle and Fey figures, as well as those contained in the Indian commissioner's annual report for 1940, include some Oklahoma tribes which were ineligible to participate in the Indian Reorganization Act referendum.<sup>14</sup> Haas's figures appear to be a synthesis of those found in the Indian commissioner's annual reports for 1936 and 1940, while Kelly's are evidently copied from Haas's.<sup>15</sup>

Although it is impossible to state exactly how many individual Indians came under the protective umbrella of the Indian Reorganization Act, the figures cited in the Indian commissioner's annual report for 1940 appear to be reasonably close to those contained in the referendum tally.<sup>16</sup> They demonstrate clearly that

<sup>13</sup> *House Hearings on S. 2103*, 390-395. The figure for the California Indians is taken from Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior, 1936* (Washington, D.C., 1937), 207.

Because so little attention has been paid to the tribes which voted against the Indian Reorganization Act, they are listed here: Navajo, Nez Percé, Coeur d'Alene, Montana Crow, Assiniboine and Sioux of Fort Peck, Jemez Pueblo, Turtle Mountain Chippewa, Devil's Lake Sioux, Klamath, Umatilla, Silets, Crow Creek, Sisseton Sioux, Spokane, Colville Yakima, Lummi, and Shoshone-Arapaho. The Puyallup tribe also voted against the act, but was subsequently admitted to its benefits because less than a majority of the tribe had participated in the election. In addition to these major tribes, forty-five bands of California Indians, six bands in Nevada, two in Washington, and all six tribes in New York voted against the act.

<sup>14</sup> Twenty-eight Indian bands and tribes in Oklahoma were excluded from the provisions of Indian Reorganization Act. They consisted of approximately 95,000 people, including 72,600 members of the Five Civilized Tribes. Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior, 1935* (Washington, D.C., 1936), 157-158. In 1936 all of them except the Osage were permitted to adopt constitutions and organize business councils under the Oklahoma Indian Welfare Act (*U.S. Statutes at Large*, XLIX, 1967). They were not permitted to consolidate their land into tribal ownership and their powers of self-government were minimal. By 1947 eighteen of these Indian groups, numbering 13,241 persons, had adopted constitutions. Thirteen, numbering only 5,741, also adopted charters of incorporation. See Haas, *Ten Years of Tribal Government under the Indian Reorganization Act*, 23.

<sup>15</sup> Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior, 1936* (Washington, D.C., 1937), 163; Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior, 1940* (Washington, D.C., 1941), 364.

<sup>16</sup> *House Hearings on S. 2103* does not record population figures for all tribes which voted in the Indian Reorganization Act referendum. For instance, no population

forty percent of the population at the very beginning of the century under constitutions formulated under the act. Because the act was a requisite to tribal business, it also denied access to tribal lands. As stated later, a considerable number of those who approved the Indian Reorganization Act failed to adopt constitutions and to receive funds. Moreover, when the act came eligible to adopt constitutions, 5,700 of these ever qualified. These figures reveal a significant discrepancy between the Indian Reorganization Act and those perceived by the public.

An even more revealing feature is the support for the Indian Reorganization Act in the referendum. Those who were declared eligible to vote in favor of the act. Those who did not vote were nearly equal in number.

figures are cited for half the population of the Indian tribes of New York. In the Indian Reorganization Act, the number of Indian tribes and bands not represented in the act is a number of contemporary Indian tribes. *House Hearings on S. 2103*, 390-395. The annual report for 1940 is cited.

<sup>17</sup> Failure to adopt the Indian Reorganization Act was organizing politically. It was a political rights; only tribes which adopted the Indian Reorganization Act documents could not be considered. Approximately 86,000 Indians themselves access to the act. They subsequently failed to adopt constitutions and educational funds was not provided. They then failed to write constitutions and to qualify.

<sup>18</sup> The figures in Haas's report show the following: 25,000 Indians voted against the act; 25,000 Indians voted in favor of the act. The analysis of the vote is given in the report.

forty percent of the potentially eligible Indians were excluded at the very beginning from the right to create tribal governments under constitutions free from restrictive Interior Department regulations. Because the adoption of a tribal constitution was a prerequisite to tribal business incorporation, these same Indians were also denied access to the credit loan program.<sup>17</sup> As will be demonstrated later, a considerable number of the almost 130,000 Indians who approved the Indian Reorganization Act subsequently failed to adopt constitutions and even more failed to qualify for the credit funds. Moreover, when the 95,000 Indians of Oklahoma at last became eligible to adopt constitutions, only 13,200 did so; and only 5,700 of these ever qualified for access to the credit fund. What these figures reveal is a considerable gap between the benefits of the Indian Reorganization Act as perceived by the administration and those perceived by the Indian community.

An even more revealing method of gauging the lack of Indian support for the Indian Reorganization Act is to examine the actual voting figures in the referendum. Of approximately 97,000 Indians who were declared eligible to vote, only 38,000 actually voted in favor of the act. Those who voted against it totaled almost 24,000, while those who did not vote at all, approximately 35,000, were nearly equal in number to those who voted in favor.<sup>18</sup> The signif-

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figures are cited for half the Indian bands in California and Nevada, nor for any of the Indian tribes of New York, Pennsylvania, or Michigan. According to this document, the number of Indians who became eligible for Indian Reorganization Act benefits was 122,203; those not eligible were 78,677. Population estimates for the tribes and bands not represented in *House Hearings on S. 2103* were available from a number of contemporary sources. When these estimates are added to those in *House Hearings on S. 2103*, a figure approximating that given in the commissioner's annual report for 1940 is obtained.

<sup>17</sup> Failure to adopt the Indian Reorganization Act did not prevent a tribe from organizing politically. It did, however, mean that the tribe had *no guarantee* of its political rights; only tribes which had constitutions drawn up under the provisions of the Indian Reorganization Act were assured that the powers specified in those documents could not be withdrawn or abridged by the Secretary of the Interior. The approximately 86,000 Indians who rejected the Indian Reorganization Act did deny themselves access to the credit loan fund, as did those who approved the act but subsequently failed to adopt constitutions. While access to the land purchase and educational funds was theoretically available to tribes which voted for the act but then failed to write constitutions or incorporate, in practice it proved impossible for them to qualify.

<sup>18</sup> The figures in *House Hearings on S. 2103* are not totaled there. My computations show the following: eligible to vote: 97,243; voting in favor of the act: 38,054; voting against the act: 23,894; not voting: 35,295. These figures are only minimally different from those reported by Collier in *Indians at Work*, July 15, 1935, pp. 1-3. Collier's analysis of the vote is, however, considerably more optimistic than mine.



icance of the large number of Indians who failed to participate in the referendum was to become evident only later when they were called upon to adopt constitutions and charters of incorporation.

In referenda held to adopt tribal constitutions between 1934 and 1945, some 92 of the 174 tribes which accepted the Indian Reorganization Act availed themselves of the opportunity; 72 did not. (As a result of the subsequent consolidation of small bands of Indians represented as separate tribes in the original referendum on the Indian Reorganization Act—primarily Papagos, Pimas, and Chipewewa—there were 10 less bands eligible to vote for constitutions than for the Indian Reorganization Act.) Thus, of the 252 tribes and bands which participated in the original referendum, 150 failed to adopt the constitutions which had been designed to make them independent from Interior Department interference. Some, like 17 Pueblos of New Mexico, refused constitutions because they believed the inflexibility of written documents would eventually weaken tribal cohesion and lead to factionalism. Others, like 32 bands of California Indians, simply found self-government anomalous in their partially assimilated status. Whatever the reasons, when the individual figures are totaled, what becomes evident is that approximately 103,000 Indians adopted constitutions under the Indian Reorganization Act, but an even greater number, approximately 113,000, did not. If the Indians of Oklahoma are included, the disparity between the number of Indians who adopted constitutions and those who did not becomes even greater: 116,000 under constitutions, 194,000 who were not.<sup>19</sup>

<sup>19</sup> The figures in this paragraph are derived primarily from a document prepared by the Bureau of Indian Affairs on October 16, 1939, which listed all Indian tribes "under constitutions and charters, as approved by the Secretary of the Interior," together with their populations. See file 80521, Records Concerning the Wheeler-Howard Act, 1933-1937, Records of the Indian Reorganization Division, Record Group 75, National Archives. Twelve tribes adopted constitutions after October 1939; for these I have used the population figures given in Haas, *Ten Years of Tribal Government under the Indian Reorganization Act*, 22-27. (Haas does not record population figures for three small bands, nor have I included them). According to this document, the total number of Indians under constitutions, exclusive of those in Oklahoma, was 93,246; by adding the 4,619 Indians whom Haas lists as adopting constitutions after October 1939, a total of 102,865 Indians under constitutions is obtained. Haas's total, based on 1917 census figures, is slightly larger than mine: 105,216. The figure of approximately 113,000 Indians who failed to adopt constitutions was determined as follows: 86,365 whose tribes rejected the Indian Reorganization Act, plus 26,885 whose tribes failed to adopt constitutions after approving the act (129,750 who approved the Indian Reorganization Act, minus 102,865 who adopted constitutions). In Oklahoma 13,241 Indians came under constitutions, but approximately 81,759 (95,000 Indians in Oklahoma, minus 13,241) did not.

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too has it tended to fix the blame for failure on a narrow-minded and penny-pinching Congress rather than on the Bureau of Indian Affairs and the Collier administration.<sup>21</sup> This argument—that Congress's failure to appropriate funds authorized by the Indian Reorganization Act crippled the administration's ability to extend self-government and economic aid—is basically sound, but even here there are important exceptions which should be recognized.

It is true that Congress never appropriated the full amounts authorized in the Indian Reorganization Act for the purchase of new lands, for the political organization of the tribes, or for the credit loan program. And it is true that this failure crippled the effectiveness of the Collier administration. But it is also true that the sums authorized in the act, with the exception of those for political organization which were cut in half, were based upon Collier's estimates of the needs of *all* Indians. As has been demonstrated, many Indians either refused to accept the act or subsequently failed to take the steps that were necessary to qualify for its benefits.

The failure to appropriate funds for land purchases was the most serious blow which the Indians and the administration suffered. Although \$2,000,000 annually was authorized for this purpose, Congress never appropriated more than \$5,075,000 before World War II brought a curtailment of all such expenditures.<sup>22</sup> The reasons for this are many and complex, but for the purposes of this discussion, it will be sufficient to mention only a few of the most important.

A basic problem was the fact that western congressmen, who had opposed the Indian Reorganization Act, dominated the appropriations subcommittee which reviewed the Interior Department budget. Most of them adamantly opposed the expenditure of federal funds which would enable Indians to buy the land of whites. Their opposition increased considerably when they learned the dimensions of the land purchase program, a topic which had not been discussed at any length during the hearings on the Indian

<sup>21</sup> Collier, *From Every Zenith*, 190-191; Collier, *Indians of the Americas*, 169; McNickle and Fey, *Indians and Other Americans*, 116-117, 146-147.

<sup>22</sup> The figure of \$5,075,000 for land purchases under the Indian Reorganization Act was obtained from the annual appropriations for this item in the Interior Department appropriation bills. See *U.S. Statutes at Large*, XLIX, 183, 1765; L, 573; LII, 300; LIII, 695; LIV, 415; LV, 313; LVI, 514.

Reorganization Act on the basis of information from the Bureau of Indian Affairs, announced "urgently needed" to enable the government to purchase land at a price tag was \$60,000,000 for the acquisition of another \$60,000,000, so that the living of rural whites.

Collier also had to contend with his success in attaining his goals and by his failure to carry out the Indian Reorganization Act. The total annual appropriations for the act were approximately \$20,000,000. It became known that five years after the act for land purchases but Congress balked at appropriating more than \$7,000,000 for the act, leaving only \$13,000,000 being utilized by Indians.

These were the same lands which had developed a result, most of the land was owned by whites, in order to carry out the final draft of the Indian Reorganization Act sever the Gordian knot of the act by authorizing their purchase of land by Indians who would be able to purchase land in the final draft; instead of the act being approved. To purchase

<sup>23</sup> U.S. National Commission on Indian Education, *Report to National Education Commission on Indian Education*, 1954, 10-11.

<sup>24</sup> For Collier's opposition to the act, see House Committee on Indian Affairs, *H.R. 7771*, 74th Congress, 1st Session, *Hearings*, 1915, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-118, 1-119, 1-120, 1-121, 1-122, 1-123, 1-124, 1-125, 1-126, 1-127, 1-128, 1-129, 1-130, 1-131, 1-132, 1-133, 1-134, 1-135, 1-136, 1-137, 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Reorganization Act. In 1934 the National Resources Board, acting on the basis of information supplied by the Bureau of Indian Affairs, announced that an estimated 9,700,000 acres were "urgently needed" to enable Indians to attain a basic subsistence level. The price tag was \$60,000,000. In addition, the board recommended the acquisition of another 15,900,000 acres, at an estimated cost of \$69,000,000, so that Indians could attain "the modest standard of living of rural white people."<sup>23</sup>

Collier also had to wrestle with difficult problems occasioned by his success in attracting funds from various New Deal agencies and by his failure to secure the passage of the original draft of the Indian Reorganization Act. During his first two years in office, when the total annual appropriations for the Indian Office were approximately \$20,000,000, he received almost \$45,500,000 in emergency appropriations from a number of New Deal agencies. When it became known that five million dollars of these funds were designated for land purchases by the Resettlement Administration alone, Congress balked at appropriating additional funds under the Indian Reorganization Act.<sup>24</sup> An even more difficult problem was created by some 7,000,000 acres of Indian-owned land which were not being utilized by Indians.

These were the so-called "heirship lands," lands whose original owners had died intestate. Over the years so many heirs to these lands had developed that no one could be said to control them. As a result, most of them were leased by the Indian Bureau, often to whites, in order to generate some income for the heirs. In his original draft of the Indian Reorganization Act, Collier proposed to sever the Gordian knot which bound these unproductive lands by authorizing their transfer to tribal ownership or reassignment to Indians who would use them. That provision was eliminated in the final draft; instead, only the voluntary transfer of these lands was approved. To purchase these lands with Indian Reorganization

<sup>23</sup> U.S. National Resources Board, *National Planning and Public Works in Relation to Natural Resources and Including Land Use and Water Resources, Part II: Report of the Land Planning Committee* (Washington, D.C., 1934), 232-233.

<sup>24</sup> For Collier's difficulties occasioned by the \$45,500,000 in emergency appropriations, see House Committee on Indian Affairs, *Hearings on Indian Conditions and Affairs, H.R. 7781, 74 Cong., 1 sess. (1935), 754-755*; and House Appropriations Committee, *Hearings on Interior Department Appropriation Bill, Fiscal 1936, 74 Cong., 1 sess. (1935), 712*.

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Act funds, Collier learned, would cost at least \$35,000,000 and would take every penny of the land purchase funds for the next seventeen and a half years. Rejecting this approach as too costly and too time consuming, Collier instead appealed to the heirs to surrender their claims and to deed the land to the tribe. "They must learn," he wrote, "that for the sake of their race and of their children they should voluntarily transfer the title of their individual holdings to the tribe or the tribal corporation." Unfortunately, he had little success in convincing the heirs, and as their unwillingness to cooperate became more embarrassingly visible, so too did the congressional opposition to the expenditure of taxpayer's dollars for this purpose.<sup>25</sup>

Lastly, it is simply not true that Collier's problems in obtaining funds authorized by the Indian Reorganization Act were attributable solely to the opposition of the legislative branch of government. Recognizing that it would take time to create the machinery necessary for consummating large-scale land purchases, Collier requested only \$1,000,000 for land purchases in each of his first two budgets. Both requests were approved. But when the land program was well underway in 1938, it was the Bureau of the Budget, not the Congress, which first applied the ax, reducing his request that year from \$2,000,000 to only \$500,000. It was also the Bureau of the Budget which finally cut off all funds for land acquisition in fiscal 1940, even prior to the outbreak of the war. Ironically, it was Congress which authorized the continuance of reduced funds through fiscal 1912, thereby enabling the Indian Bureau to complete transactions which it had previously initiated.<sup>26</sup>

Appropriation cuts for the political organization of Indian tribes, while substantial, were less serious than those for land purchases. Collier had lost the most important battle for tribal organization

<sup>25</sup> For the problem of the heirship lands, see Commissioner of Indian Affairs, *Annual Report to the Secretary of the Interior 1934* (Washington, D.C., 1935), 81; *Annual Report to the Secretary of the Interior, 1937* (Washington, D.C., 1938), 199; *Annual Report to the Secretary of the Interior, 1941* (Washington, D.C., 1942), 452.

<sup>26</sup> For Collier's difficulties with the Bureau of the Budget, see his testimony before the House Appropriations Committee, *Hearings on Interior Department Appropriation Bill, Fiscal 1936*, 74 Cong., 1 sess. (1935), 712; *Hearings on Interior Department Appropriation Bill, Fiscal 1939*, 75 Cong., 3 sess. (1938), part II, 33; *Hearings on Interior Department Appropriation Bill, Fiscal 1940*, 76 Cong., 1 sess. (1939), part II, 36; *Hearings on Interior Department Appropriation Bill, Fiscal 1911*, 76 Cong., 3 sess. (1910), part II, 1-4; *Hearings on Interior Department Appropriation Bill, Fiscal 1942*, 77 Cong., 1 sess. (1941), part II, 1-2.

when the amended request of \$500,000 in this area,<sup>27</sup> how of the Indians were their rejection of the remaining sixty p many were denied funds is not known bands of California. Furthermore, it is Cherokee of North Yankton Sioux, and with constitutional years; thus, funds

Nor was it just ization movement Division, nearly thoughts about the which had character Others registered San Francisco at Indian reform in complaint. The Mexico who had he stated, now fund. Because the government," Eliminated against. I amendment to the this disability.

Collier and applied to Elkus. P The bureau, Col amendment for

<sup>27</sup> Annual appropriations \$160,000 in fiscal appropriations ceased. Total \$789,510. U.S. Statutes 413: LV, 311; LVI, 5

<sup>28</sup> Haas, *Tea* 11, 32.

when the amended Indian Reorganization Act cut his annual request of \$500,000 in half. Despite further appropriation reductions in this area,<sup>27</sup> however, it must be kept in mind that forty percent of the Indians were never eligible for any of these funds because of their rejection of the Indian Reorganization Act. How many of the remaining sixty percent chose not to adopt constitutions or how many were denied the opportunity to do so because of a shortage of funds is not known, but the Pueblos of New Mexico and many bands of California Indians would surely belong to the first group. Furthermore, it is known that at least five of the larger tribes—the Cherokee of North Carolina, Menominee, Red Lake Chippewa, Yankton Sioux, and Standing Rock Sioux—preferred to continue with constitutions which they had adopted prior to the Collier years; thus, funds for their organization were not required.<sup>28</sup>

Nor was it just budget cuts which slowed down the tribal organization movement. Members of the bureau's Tribal Organization Division, nearly all of them Indians, had begun to have second thoughts about the necessity of written constitutions and the haste which had characterized the first three years of tribal organization. Others registered similar doubts. In 1937 Charles de Y. Elkus, a San Francisco attorney and one of Collier's oldest supporters in the Indian reform movement, wrote the commissioner to register a complaint. The Indians of California and the Pueblos of New Mexico who had "correctly" refused to adopt written constitutions, he stated, now found themselves cut off from the credit loan fund. Because they had not adopted "your particular brand of self-government," Elkus charged, they were being unfairly discriminated against. He insisted that the administration push for an amendment to the Indian Reorganization Act which would remove this disability.

Collier and Assistant Commissioner William Zimmerman replied to Elkus. Both were in essential agreement with his criticism. The bureau, Collier wrote, was presently considering just such an amendment for the Indians of the Great Plains. This amendment,

<sup>27</sup> Annual appropriations for Indian political organization ranged from a high of \$160,000 in fiscal year 1937 to a low of \$15,000 in fiscal year 1943 when the appropriations ceased. Total appropriations for this item during Collier's administration were \$769,540. *U.S. Statutes at Large*, XLIX, 162, 1763; L, 571; LII, 298; LIII, 693; LIV, 413; LV, 311; LVI, 513.

<sup>28</sup> Haas, *Ten Years of Tribal Government under the Indian Reorganization Act*, II, 32.

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somewhat along the lines of the Oklahoma Indian Welfare Act, would permit Indian cooperatives and individuals, not just tribes with constitutions, to qualify for loans. Such an arrangement, Collier believed, would be "more realistic than the Indian Reorganization Act," and he agreed that the Indians of California should be included in its provisions. This proposed modification, however, was never submitted to Congress. A month after Collier's favorable reply, Elkus learned from Zimmerman that because of growing congressional hostility to the Indian Reorganization Act, it was "undesirable to introduce basic amendments to the IRA" at this time. Zimmerman continued:

We are somewhat in the position of a sea captain who finds serious leaks in his ship when he is half way across the ocean, or, perhaps, not even half way across. He may complete the voyage with a defective ship, or he may turn around, put his boat in dry dock, only to be told that his craft is not seaworthy and will not be put back in condition. Please do not pursue this analogy too closely.<sup>29</sup>

Thus, for fear of endangering gains already made, the amendment was shelved. Nevertheless, Elkus's letter, together with other reports from field workers in the Tribal Organization Division, did lead to a decision in 1938, not wholly dictated by appropriation cuts, to curtail the tribal organization movement.

As reports about difficulties which Indians were experiencing in making their new governments work filtered into Washington, the leaders of the Tribal Organization Division urged Collier "very definitely" to shift the emphasis away from tribal organization in fiscal 1938 toward "a program of follow up on those tribes already organized." D'Arcy McNickle wrote Collier that a recent problem at the Fort Belknap reservation "brings into sharp focus the realization we all have had that the Reorganization program hits a period of lag just after the tribe completes organization." The problem was "urgent," he wrote, and "the farther away we get from the initial impulse which brought about tribal organization, the more

<sup>29</sup> Elkus to Collier, Nov. 3, 1937, and Collier to Elkus, Nov. 13, 1937, in Office File of John Collier, Elkus folder, 1931-1940, Records of the Office of the Commissioner of Indian Affairs, Record Group 75, National Archives; Elkus to Zimmerman, Dec. 3, 1937, and Zimmerman to Elkus, Dec. 21, 1937, in Zimmerman Correspondence, 1935-1948, E, Records of the Offices of the Chief Clerk and the Assistant Commissioner of Indian Affairs, Record Group 75, National Archives.

difficult it will be to reorganize the "incredibly hitherto conditions drafted for different such standardization of Indian self-government institutions are nothing

Heeding these criticisms As a result, the quality of the results were never as good as 1942, Archie Phinney, Tribal Organization Division, had seen were functions of tribal business succeeded in attaining the spirit." From his work in, and Minnesota, I had functioned as "instruments as representatives of the tribes" termed "a growing desire for participation in tribal

Similar observations of the tribal credit-union administration, it was authorized \$10,000,000. requested only \$5,000,000. money which Congress 76,200 Indians whose a figure far short of the finally hoped to organize, ly, and despite Collier themselves among the excessively high cost resulted in rising congressional appropriations for the

<sup>30</sup> For the shift in emphasis, see 1946, Indian Reorganization Act, especially the following: T. Westwood to Collier, 1946; Joe Jennings to Collier, 1946; 31 Phinney to D'Arcy

difficult it will be to rescue the program." Other reports complained of the "incredibly high degree of standardization" in the constitutions drafted for different groups of Indians and concluded that "such standardization cannot but discredit the whole policy of Indian self-government and lead to the conclusion that these constitutions are nothing more than new Indian Office regulations."<sup>30</sup>

Heeding these criticisms, Collier approved the shift in emphasis. As a result, the quality of self-government began to improve, but the results were never quite so favorable as Collier claimed. As late as 1942, Archie Phinney, a Nez Percé employed in the Tribal Organization Division, reported that while most tribal councils he had seen were functioning "wisely and efficiently" in the transaction of tribal business affairs, self-government had not yet succeeded in attaining that most important goal, "community or tribal spirit." From his work among the Chippewa in Michigan, Wisconsin, and Minnesota, Phinney concluded that most tribal councils functioned as "instrumentalities of the Indian Service," rather than as representatives of the Indian people, and he denounced what he termed "a growing democratic centralism which has kept community participation in tribal affairs at a minimum."<sup>31</sup>

Similar observations may be made about the bureau's handling of the tribal credit-loan program. While only \$5,245,000 of the authorized \$10,000,000 was actually appropriated during Collier's administration, it will be recalled that Collier himself had requested only \$5,000,000 in the original draft. Furthermore, the money which Congress appropriated was available only to the 76,200 Indians whose tribes had adopted charters of incorporation, a figure far short of the number of people whom Collier had originally hoped to organize into economically autonomous tribes. Lastly, and despite Collier's frequent boasts that Indians had proven themselves among the best credit risks in the country, there was the excessively high cost of administering the loan program which resulted in rising concern as years passed. By 1942, when further appropriations for the credit fund were curtailed because of the war,

<sup>30</sup> For the shift in emphasis after 1933, see Correspondence with Officials, 1934-1946, Indian Reorganization Division, Record Group 75, National Archives. See especially the following letters from which the quotations above were taken: Charlotte T. Westwood to Collier, Nov. 16, 1935; D'Arcy McNickle to Collier, June 30, 1937; and Joe Jennings to Commissioner of Indian Affairs, June 20, 1938.

<sup>31</sup> Phinney to D'Arcy McNickle, Aug. 26, 1942, *ibid.*

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administrative costs of the loan program were annually consuming more than twenty percent of the funds available for loans.<sup>32</sup>

The Indian New Deal marked a turning point in the nation's attitude toward the American Indian. It resulted in the toleration, if not the active encouragement, of Indian culture and civilization. It ushered in a more humane administration of federal policy than ever before in U.S. history, and it brought new hope to thousands of Indians, who, a generation later, began to realize the potential for Indian self-determination which it preserved. Most of the credit for this change in the national attitude is due to John Collier and his dream. Collier's dream did not, however, become reality, and the time has come for historians to recognize both the shortcomings of his administration, and the masterful, but often misleading, public relations campaign which he conducted in its behalf.

<sup>32</sup> A statistical summary of the credit loan program, from which the information in this paragraph is taken, is found in the annual report of the Secretary of the Interior to the Senate of the United States (typescript), Jan. 23, 1943, in Records of the Committee on Indian Affairs, 1923-1952, Record Group 46, National Archives. Some Indian cooperatives in Oklahoma and, after special legislation in 1943, a few individual Indians who were not members of organized tribes were permitted limited access to the credit-loan fund.

UNIVERSITY OF WASHINGTON

# Recons Frontier Struggle 1865-186

**T**HE CIVIL WAR suffered by blacks close, however, and settlers began to bal to be satisfied with waged a vigorous ca to vote and to educ neglected by histor significant, for it ce efforts at the state of it had important re ritories.<sup>2</sup>

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JOHN COLLIER AND THE CRUSADE TO PROTECT INDIAN  
 RELIGIOUS FREEDOM, 1920-1926

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by Kenneth Philp \*

During the early 1920's the American Indians faced the nadir of their history. Trachoma and tuberculosis ravaged the reservations, while the Indian Bureau continued to implement the Dawes Severalty Act of 1887, which allotted reservations in 160 acre, or smaller plots to individual Indians and opened surplus lands to white homesteading. Several reservations were wiped out, others reduced, and thousands of Indians sold or leased their real estate and became landless. Particularly threatening was Secretary of the Interior Albert B. Fall's sponsorship of the Bursum and Indian Omnibus bills. The former confirmed white encroachment on 60,000 acres of Pueblo Indian land in New Mexico, while the latter sought to individualize remaining tribal assets and pay each Indian in cash the appraised value of his property in order to end the government's trusteeship responsibility.<sup>1</sup>

An attack against Indian culture and religious beliefs paralleled these attempted land grabs. The Indian Bureau tried to Americanize Native American children by sending them to boarding schools where they were taught to despise their heritage. This led to inhuman conditions such as the chaining of students to their beds at the Rice Boarding School, on the San Carlos Apache Reservation in Arizona, in order to prevent them from running back to their parents.<sup>2</sup> More important, Commissioner of Indian Affairs Charles Burke accepted recommendations made by missionaries and the Indian Rights Association which resulted in attempts to curtail certain Indian dances and weaken tribal self-government. This effort to turn the Indian into a white man, however, was thwarted by John Collier, a militant reformer, who stressed the need to preserve native customs. He used the issue of Indian freedom to push for fundamental change in the government's policy toward the Red Man.

As early as 1920, Herbert Welsh, the president of the missionary-oriented Indian Rights Association located in Philadelphia, Pennsylvania, had complained to Commissioner Burke about the Hopi Snake Dance and situations "among other tribes of the Southwest which should be remedied." Welsh had become alarmed after reading a report made by Reverend E. M. Sweet, an inspector for the Interior Department. Using the testimony of whites and Protestant Indians, who had repudiated their own heritage, this report called attention to "certain evils attending the ceremonies incident to dancing festivities," especially sexual excesses among the Hopi Indians. According to Welsh, it revealed that students returning from government schools were forced in secret ceremonies before and after public dances to engage in activities that abandoned "moral and legal restraints imposed by marital obligations."<sup>3</sup>

Welsh and other officers of the Indian Rights Association had quickly accepted the findings of the Sweet Report because they believed that little economic

and social progress could be made. They hoped to assimilate the condition of human society by the spirit. Finding little beautiful in Indian civilization such as the Pueblos, were "a relic of the past."<sup>4</sup>

The Association used its journal Indian Bureau to discourage native dances. It pointed out that several Indian tribes engaged in the Koshare Dance at Santo Domingo. They urged the government to ban their faces and leave the village. "These dances would be too indecent to print," it stated. It also indicated that copies of the Sweet Report should be distributed to the tribes.

Sniffen and his colleagues had been active in opposing Indian dances. Hoping to discredit the Indian Bureau in New Mexico, they believed that since 1696, the Catholic priests had followed a policy of "suppression, evasion," and evasion" over the question of dancing. They wanted to weaken Pueblo tribal self-government and principals ran "a boss system" of progressive and educated Indians called "Indianism."<sup>6</sup>

The Board of Indian Commissioners was established in 1867 to oversee the administrative work of the Indian Bureau. After receiving reports from the field, they recommended "adequate supervision" and "adequate supervision" permitted to the end that order be maintained. Their recommendations were suitably limited, and the industrial revolution was adversely affected.<sup>7</sup>

Commissioner Burke sympathized with the missionaries because he assumed that the Red Man was a "primitive" and believed that the Federal Government should provide "weird and picturesque spectacles for the amusement of surfeited pleasure seekers. At some time when they will know the midst of a competitive and permissive environment, the missionary activity of various denominations of the Indian," Burke had issued recommendations to the government boarding schools to attend to the needs of the children. His superintendents to extend the program.

Because of his interest in American Indian affairs, he addressed Circular 1665, on April 1, 1905. Proclaiming that it was not the policy of the government to suppress ceremonial dances, it warned that dancing under such conditions, "might prove harmful. The

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and social progress could be made until the Indians disavowed their old customs. They hoped to assimilate the Indian, by lifting him "out of a stone-age condition of human society by the spiritual force of the Christian religion." Finding little beautiful in Indian civilization, they thought that native peoples, such as the Pueblos, were "a relic of the dark ages" and "little short of barbarians."<sup>4</sup>

The Association used its journal Indian Truth to put pressure on the Indian Bureau to discourage native dances. M. K. Sniffen, its editor, pointed out that several Indian tribes engaged in immoral activities, citing as an example the Koshare Dance at Santo Domingo Pueblo, where whites "had to hide their faces and leave the village." Claiming that a description of secret Pueblo dances would be too indecent to print or send through the mails, Sniffen indicated that copies of the Sweet Report could be read at his Philadelphia office.<sup>5</sup>

Sniffen and his colleagues had other motives in their crusade against Indian dances. Hoping to discredit the Roman Catholic missionary effort in New Mexico, they believed that since the Spanish reconquest of the Pueblos in 1696, the Catholic priests had followed a policy of "temporizing, compromising, and evasion" over the question of eliminating pagan customs. They also wanted to weaken Pueblo tribal self-government, believing that the governors and principals ran "a boss system" which menaced advancement, "holding the progressive and educated Indians chained to an old system worse than feudalism."<sup>6</sup>

The Board of Indian Commissioners, a non-partisan organization created in 1867 to oversee the administration of Indian affairs, also sent a protest to the Indian Bureau. After receiving complaints about the injurious effects of dancing among the Sioux, they passed a resolution on October 21, 1920, which recommended "adequate supervision of all such dances whenever they may be permitted to the end that order be maintained, that the time of dancing be suitably limited, and the industrial pursuits of the Indians be in no wise adversely affected."<sup>7</sup>

Commissioner Burke sympathized with these objections to Indian dances because he assumed that the Red Man must assimilate into white society. He believed that the Federal Government must do more than perpetuate them "as weird and picturesque spectacles for the study of artists or a relief to the ennui of surfeited pleasure seekers." He felt that the Indians "must inevitably come to a time when they will know how to support themselves and survive in the midst of a competitive and permanent environment."<sup>8</sup> Appreciating the missionary activity of various denominations who sought "the highest welfare of the Indian," Burke had issued regulations requiring Indian children at government boarding schools to attend Sunday school and church. He also told his superintendents to extend impartial privileges to all denominations.<sup>9</sup>

Because of his interest in Americanizing the Indian, the Commissioner addressed Circular 1665, on April 26, 1921, to all of his superintendents. Proclaiming that it was not the policy of the Indian Bureau to denounce all ceremonials, it warned that dancing under "the most primitive and pagan conditions," might prove harmful. This document listed as Indian offenses,

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punishable by fines or imprisonment, the Sun Dance and all other dances that involved the reckless giving away of property, prolonged periods of celebration or excessive performances that promoted idleness, superstitious cruelty, and dangers to health. Burke warned that punitive measures would ensue if the Indians did not stop these ceremonies.<sup>10</sup>

The Bureau was excessively concerned over the Sun Dance because this ceremony consisted of an attempt by the Plains Indians through self-torture to bring visions and well-being to the whole tribe. The procedure involved thrusting a sharpened stick through the skin, around which the Indian tied a cord. The end of the line was then connected to a post and the participant proceeded to keep jerking against the skin until a strip tore out. The Sun Dance also licensed some sexual promiscuity and the Bureau had outlawed this ceremony as early as 1910.

Other dances that upset the Bureau, although they did not injure one's health, included the Hopi Snake Dance and Zuni ceremonials. The Snake Dance, often performed before white tourists, consisted of a rite designed to induce supernatural powers to give the Indians rain and good crops. Hopi dancers each grasped rattlesnakes in their arms and one in their mouth, but they received no injury because the poison had been squeezed from the snake's fangs in secret before the dance. The snakes represented lightning and were eventually released to carry the prayers of the priest for rain and fertility up to heaven. The Zuni Indians also centered much of their activity around an elaborate series of rites to win divine blessings. Summer ceremonials concentrated on bringing rain and rich harvests, while winter rites focused on fertility, medicine, and war.<sup>12</sup>

The other Pueblos, under Spanish influence, had synthesized the Roman Catholic faith with their own religions. Due to the forbidding of their ceremonies by the Spanish, the Indians moved underground. Native religion permeated all aspects of Pueblo life, resulting in an endless pageant of ceremonials that continued throughout the year to keep crops growing.<sup>13</sup>

On February 14, 1923, Commissioner Burke strengthened Circular 1665 with a "Supplement" endorsing a series of recommendations made at a conference of missionaries during October, 1922, at Fort Pierre, South Dakota.<sup>14</sup> These recommendations suggested that Indian dances be limited to one mid-week-day each month at the center of each Indian district, except during the planting and harvesting months from March through August when the Bureau prohibited all dances. Another provision attempted to separate Indian children from their parents' cultural heritage by prohibiting anyone under fifty years of age from participating in these dances.<sup>15</sup>

Even though Burke took a firm stand against Indian ceremonials, he left the door open for some compromise. On February 24, 1923, he wrote a "Message To All Indians" warning that he could arbitrarily issue orders against "these useless and harmful performances," but instead suggested that the Indians give them up of their own free will. Burke then warned: if after one year no progress was being made, "some other course will have to be taken."<sup>16</sup>

Hubert Work, the Secretary of Interior, agreed with these restrictions of

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Indian dances for several reasons. First, persons interested in Indians, which had met in 1884 and spirit" of Circular 1665 and called for them to be they contravened "the laws of the land, but also proved receptive to restrictions because they should continue to direct its efforts "toward the mainstream of American life. He felt that the Indian Service consisted of encouraging responsibility. Consequently, he approved Indian religion "into harmony with the federalization has approved, from which our republic our government is founded." He indicated any more than the white man to "exaggerate" contribute to his spiritual and physical

This effort by the government to support the vision of John Collier, the executive secretary of the Indian Association. Collier's interest in tribal work with immigrants. Devoted to the life in an industrialized society, Collier was at the People's Institute, an organization that gave immigrants a sense of brotherhood and his social work negated by the American government. Collier moved to California in 1919 to undertake an educational program. One year later, under the tutelage of Justice agents during the Red Scare became a member of the movement of community and the Russian Revolution. Collier went to visit the wilderness of Mexico, where he was interrupted when Mabel Dodge Luhan, a friend, successfully persuaded him to join her in Mexico.<sup>19</sup>

Collier's fascination with Indian life in a Pueblo during 1920. There he discovered the holding secrets desperately needed by the primitive barbarians who required suppression, and the social structures. Collier believed that the communal and cooperative experience found in primary social groups. The rejection of materialism and individualism.<sup>20</sup> Collier perhaps tribal life in general, offered a new society because it concerned itself with the life. Instead, its goals were beauty and the union of man with God.<sup>21</sup> He felt that the excessive materialism and selfishness of the

Collier wanted to encourage a non-deterministic view which portrayed

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Indian dances for several reasons. First, his Committee of One Hundred persons interested in Indians, which had met in 1923, commended "the substance and spirit" of Circular 1665 and called for the discontinuance of dances when they contravened "the laws of the land, or the interests of morality."<sup>17</sup> Work also proved receptive to restrictions because he believed that the government should continue to direct its efforts "toward the absorption" of the Indian into the mainstream of American life. He felt that the fundamental problem for the Indian Service consisted of encouraging individual thrift, industry and responsibility. Consequently, he approved of the Bureau's effort to modify Indian religion "into harmony with the forms of Christian religion which civilization has approved, from which our rules of life are drafted and from which our government is founded." He indicated that the Red Man could not afford any more than the white man to "exaggerate the sex instinct" which might "contribute to his spiritual and physical downfall."<sup>18</sup>

This effort by the government to degrade Indian culture met the opposition of John Collier, the executive secretary of the American Indian Defense Association. Collier's interest in tribal institutions stemmed from his previous work with immigrants. Devoted to the task of creating a sense of community life in an industrialized society, Collier had become a social worker in 1907 at the People's Institute, an organization in New York City which attempted to give immigrants a sense of brotherhood in neighborhood communities. Seeing his social work negated by the Americanization drive of World War I, he moved to California in 1919 to undertake leadership of that state's adult educational program. One year later, under surveillance by Department of Justice agents during the Red Scare because of his lectures concerning the development of community and the Russian Revolution, he resigned his California position to visit the wilderness of Mexico. But his trip became permanently interrupted when Mabel Dodge Luhan, a former Greenwich Village acquaintance, successfully persuaded him to join her near the Indian pueblo at Taos, New Mexico.<sup>19</sup>

Collier's fascination with Indian culture started with his sojourn at Taos Pueblo during 1920. There he discovered what seemed to him a Red Atlantis holding secrets desperately needed by the white world. Rather than being barbarians who required suppression, the Pueblo Indians had created exemplary social structures. Collier believed they possessed the lost attribute of communal and cooperative experience and had the profound sense of living to be found in primary social groups. They had discovered a way to integrate communalism and individualism.<sup>20</sup> Collier thought that Pueblo culture, and perhaps tribal life in general, offered a model for the redemption of white society because it concerned itself very little with the material aspects of life. Instead, its goals were beauty, joy, adventure, comradeship, and the union of man with God.<sup>21</sup> He felt that the Pueblos offered an alternative to the excessive materialism and shallow individualism of American society.

Collier wanted to encourage tribal or communal life because he rejected the deterministic view which portrayed the human world as an aggregation of persons



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controlled by universal economic laws. Instead, he focused upon subjective and spiritual motivations in history. Accepting Lester Ward's notion that man through the psychic forces of mind and spirit could control the evolutionary process, Collier argued that man must mold society through deliberate innovation and individual creativity.<sup>22</sup>

Collier believed that community life offered a meaningful alternative to replace "the atomizing intellectual and moral aims" brought about by industrialism and urbanization such as hostility to human diversity, the isolation of individuals, and the supremacy of machine over man.<sup>23</sup> He realized that the *gesellschaft* mode of life where individuals lived isolated from each other, must be replaced by *gemeinschaft* relationships, where people in communal life were motivated by shared purposes. Collier thought that only organized groups of people joined together in tasks of cooperative self-expression could discover a new state of social consciousness to prevent the negative consequences of the Industrial Revolution.<sup>24</sup>

Because of his interest in restoring a sense of community to the modern world, Collier organized the American Indian Defense Association in 1923 and launched a crusade against the forces attempting to crush Indian culture. Under his leadership the Defense Association had a membership of 1700 persons and spent about \$22,000 a year for legal-aid services. Its program advocated an investigation of the Indian Bureau and an end to the land allotment system which had disseminated Indian land and encouraged the rapid assimilation of the Indian into white society. Instead, Collier's association called for the preservation of Indian civilization. It proposed that Indian education develop, rather than suppress, group loyalties and insisted that Indians have religious and social freedom in all matters not directly contrary to public morals. It recommended that Congress pass a statute insuring religious liberty for all Indians and advocated that the churches have the opportunity to convert, but not coerce, the Indians to Christianity.<sup>25</sup>

When Collier learned about the government's attempts to curtail Indian dances, he publicly defended the Pueblo Indians' ceremonials. He opposed the policy of Americanizing the Indian because it destroyed the tribal life which held secrets of communal life needed by the white world. He pointed out that the Indian's civilization concerned itself with the spiritual, while the white man's civilization valued power and the material. This difference made it crucial for Collier to preserve "these marvelous little nations with their self-government, their world-old democracy, their institutions for causing the human spirit to bloom with love and splendor."<sup>26</sup>

Instead of breaking down tribal relationships, Collier insisted that they be encouraged through a policy similar to the British colonial technique of indirect administration. He believed in a policy of cultural pluralism and wanted the Indians to live their own lives but still cooperate with the white man's world. He realized that the Red Man could not be "either saved or usefully assimilated by crushing his soul, stripping him of his parental and racial memories and forcing him to become a pre-mature social half-breed."<sup>27</sup>

At House hearings held during February 1923, Collier publicly explained

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his position concerning the suppression of Indian dances. Some of the Picuris Indians belonged to the tribe that practiced torture such as whipping its members who failed to attend Friday services. But he remained impressed by the "weird music."<sup>28</sup> Collier rejected the notion of secret ceremonies because they were wicked, that even though these Indians carried out ceremonies for increasing and fertility that had "an erotic significance." Indians considered these ceremonies decent and he had inquired at Taos about allowing the Indians to have adolescent initiation rights and found nothing to be brought up white boy." His sons were refused by the Indians feared their secrets might become known. He believed that the Pueblos were "sexually repressed" and had never known, Collier called for statutory Indian Commissioners who had a "ravenous" interest in Indian religious freedom.

The Bureau paid little attention to Collier's opinion against Indian dances. During December 1923, Miss Dabb of the YWCA Indian Department and a supporter of the Bureau wrote a letter to the *New York Times* in "support of his attempt to abolish" certain tribal dances. She suggested two ways of looking at the Indian problem: "to prepare the Indians 'artificially isolated' or prepare the white man to be 'primitive' that this type of beauty was frequently ugly. She also claimed, without specifying names, that those who were beginning to enjoy school and adolescent ceremonial dances which meant for them childhood." Finally, she criticized "giveaway dances" which were common among families and sometimes the loss of a member.<sup>31</sup>

Collier continued his fight against the suppression of Indian culture in a reply to Miss Dabb, entitled "The Indian Problem." He pointed out that almost all Indian dances were of a kind that our modern unsophisticated mind could not understand. That he knew four Americanized Pueblo Indians who had grown up but nevertheless doubted the wisdom of the policy of turning him into an Anglo-Saxon. He suggested that the government learn from the colonial experience which attempted to blot out Indian culture.<sup>32</sup>

The Indian Bureau continued its efforts to suppress Indian dances, distributed, in cooperation with the Indian Department, the Sweet Report. Consisting of the sworn testimony by missionaries, Christian

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his position concerning the suppression of Indian dances. He admitted that some of the Picuris Indians belonged to the Penetente Cult which applied self-torture such as whipping its members who carried huge crosses during Good Friday services. But he remained impressed with their "wonderful and weird music."<sup>28</sup> Collier rejected the notion that the Pueblo Indians held secret ceremonies because they were wicked and disgraceful. He suggested that even though these Indians carried out certain festivities dealing with mating and fertility that had "an erotic significance" offensive to some whites, the Indians considered these ceremonies decent and sacred. Collier pointed out that he had inquired at Taos about allowing his three sons to participate in adolescent initiation rights and found nothing "immoral or hurtful to a well brought up white boy." His sons were refused permission, however, because the Indians feared their secrets might become public information.<sup>29</sup> Because he believed that the Pueblos were "sexually the purist, sweetest people" he had ever known, Collier called for statutory protection to safeguard them from Indian Commissioners who had a "ravenous attitude" toward native culture.<sup>30</sup>

The Bureau paid little attention to Collier's plea for laws to protect Indian religious freedom. Instead, it started a campaign to educate public opinion against Indian dances. During December 1923, Miss Edith Dabb, head of the YWCA Indian Department and a supporter of the Coolidge administration, wrote a letter to the New York Times in "support of Commissioner Burke in his attempt to abolish" certain tribal dances. She pointed out that there were two ways of looking at the Indian problem: The government could keep the Indians "artificially isolated" or prepare them for citizenship and progress. Dabb warned all sentimentalists who dwelled on the "beauties of the quaint and primitive" that this type of beauty was frequently found in close company with ugliness. She also claimed, without specific evidence, that young Indian girls who were beginning to enjoy school and adolescence were "made to take part in ceremonial dances which meant for them child marriage and usually motherhood." Finally, she criticized "giveaway dances" which caused destitution among families and sometimes the loss of a daughter or wife to other tribal members.<sup>31</sup>

Collier continued his fight against the Bureau's policy of crushing Indian culture in a reply to Miss Dabb, entitled "Indian Religious Dances Defended." He pointed out that almost all Indian dances were religious in nature and "of a kind that our modern unsophisticated mind knows little about." He admitted that he knew four Americanized Pueblo Indians who had repudiated their heritage but nevertheless doubted the wisdom of stripping the Indian of his personality and turning him into an Anglo-Saxon. As an alternate to this discrediting policy, Collier suggested that the government study the French and British colonial experience which attempted to blend native culture with modern civilization.<sup>32</sup>

The Indian Bureau continued its effort to discredit native institutions when it distributed, in cooperation with the Indian Rights Association, copies of documents from the Sweet Report. Consisting of about one hundred affidavits and sworn testimony by missionaries, Christianized Indians and others, these

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documents dealt with the supposed immoral and revolting character of certain Indian dances.<sup>33</sup> According to Collier, one of these exhibits written by William E. "Pussyfoot" Johnson, a former Chief Officer of the Indian Service and Director of the World League of Alcoholism, was "a foot deep on the desk of Commissioner Burke's secretary."<sup>34</sup>

Supporting the Indian Bureau in its attempt to curtail dances, Johnson suggested that Pueblo secret dances were hideous, obscene and revolting. He indicated that the Pueblos participated in rites more degrading than the phallic worship of the ancient Greeks and Hindus.<sup>35</sup> Using the Sweet Report, Johnson quoted the testimony of Miss Mary E. Dissette, an Indian, who claimed that Zuni girls were "debauched in these dances under the guise of religious liberty." He also cited other unnamed witnesses who stated that at one sacred dance every female participant became pregnant. Johnson then criticized the frequent fiestas of the Southwest, claiming that they interfered with successful farming.<sup>36</sup>

Johnson's critical testimony reached its apex in his condemnation of the Pueblo Indians for attempting to withdraw their children from school in order to give them a two year course in sodomy under pagan instructors. Johnson concluded this statement with the names of the Indian Rights Association, the Bureau of Catholic Missions, and "every known Protestant missionary organization," as institutions giving active support for the movement to eliminate tribal dances.<sup>37</sup>

Frederick Webb Hodge, curator of the Museum of the American Indian, helped Collier discredit this type of testimony when he questioned the accuracy of such statements concerning the indecent and immoral nature of Pueblo dances. Hodge claimed that he had witnessed these ceremonials for thirty years and he claimed that "all such statements were based on the grossest misinformation." Hodge criticized the "reams of affidavits" supplied by the Bureau to substantiate its charges and asked how the government could have affidavits of "secret dances no white person has ever seen." He then indicated that even the Zuni Indians, who adhered most closely to their primitive customs, engaged in essentially religious ceremonies.<sup>38</sup>

The Indian Bureau responded to this hostility by making its first attempt to enforce Commissioner Burke's Circular 1665 (1921 and 1923). During April 1924, Burke came to Taos accompanied by Secretary Work and the Superintendent of the Northern Pueblos. There, at a formal meeting of the tribal council, Burke repeated verbally the previously written order. He told the Indians that they must return on the next Monday two boys temporarily withdrawn from the government school for religious training. This withdrawal took place once in a lifetime and lasted for about eighteen months. The Bureau also prohibited the withdrawal of Zuni children from school for four days during their sacred initiation rites.<sup>39</sup>

When the boys refused to attend school, Superintendent C. J. Crandall called on the officers of Taos Pueblo and repeated Burke's order. This led to open resistance on the part of the Indians at an All Pueblo Indian Council meeting held on May 5th at Santo Domingo. Seventy-four delegates from fifteen

pueblos attended this assembly where concerning religious liberty. Unanimously Burke's order forcing the two boys to religious persecution."<sup>40</sup> It was also decided formally state their position to the Inc

In a letter dated May 7, 1924, the Mayor and Council of Taos replied to Collier and have their boys take full advantage of any boys withdrawn temporarily from school. Nevertheless, they refuse to cause their religion "was more important than anything else in the world," and about our duty to God, to earth, to

This debate over the question of religious liberty shown at the All Pueblo Council, split the Pueblo Indians met at Santa Ana village to demand religious liberty" and to form a General Association of Pueblo Indians. Composed of Indians from all pueblos represent approximately 2,000 out of 3,000. M. K. Sniffen, secretary of the Indian Rights Association, Warren, a government inspector, then passed several resolutions. Criticizing the government who forced them to conform to old customs, he stated that economic and social

But the open defiance by Taos Pueblo in confrontation concerning the religious issue he stated that no definite action was taken at school term.<sup>43</sup> When he continued the Association criticized him for not supporting the caciques" who were persecuting the Indians. He replied on September 6th that "persecution of our natives will not have my approval; rather, I will do all."<sup>45</sup>

Rallying to the defense of the Indians, the officers of his Defense Association that the issue was the land issue. He pointed out that the official policy of the Indian Bureau, had been to suppress Indian religion would be a disaster to the group and as a culture. Collier urged that the Superintendent's policies before the upcoming Indian Bureau would compromise the Indians "laugh in spite of thunder."<sup>46</sup>

Thunder struck early--in June 1924. At the Women's Clubs biennial convention in Taos for Collier. The question of Indian

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pueblos attended this assembly where Collier helped them draw up a statement concerning religious liberty. Unanimously passed, this declaration called Burke's order forcing the two boys to attend school "an instrument of religious persecution."<sup>40</sup> It was also decided that the officials at Taos should formally state their position to the Indian Bureau.

In a letter dated May 7, 1924, which Collier helped compose, the Governor and Council of Taos replied to Commissioner Burke that they wished to have their boys take full advantage of the government school and had urged that any boys withdrawn temporarily from school for religious training make up the lost time. Nevertheless, they refused to obey the Commissioner's order because their religion "was more important to each of us than money, horses, land or anything else in the world." It taught them "about God and the earth, and about our duty to God, to earth, and to one another."<sup>41</sup>

This debate over the question of religious liberty, in spite of the unity shown at the All Pueblo Council, split the Pueblos. On May 2, 1924, thirty Pueblo Indians met at Santa Ana village to "assert their individual right to religious liberty" and to form a General Council of Progressive Christian Indians. Composed of Indians from eleven pueblos, this council claimed to represent approximately 2,000 out of 10,000 Indians. Under the leadership of M. K. Sniffen, secretary of the Indian Rights Association, and Mrs. Nina Otero Warren, a government inspector, this council sided with the Indian Bureau by passing several resolutions. Criticizing the domination of caciques and priests who forced them to conform to old customs, this council also indicated that the customs retarded economic and social progress.<sup>42</sup>

But the open defiance by Taos Pueblo caused Secretary Work to avoid a confrontation concerning the religious training of Indian boys. On June 2, 1924, he stated that no definite action was contemplated on that matter until the fall school term.<sup>43</sup> When he continued to vacillate in September, the Indian Rights Association criticized him for not suppressing "ignorant and reactionary caciques" who were persecuting the progressive Pueblo Indians.<sup>44</sup> Work replied on September 6th that "persecution by a Pueblo official of the Progressives will not have my approval; religious liberty and toleration is conceded to all."<sup>45</sup>

Rallying to the defense of the Pueblos, Collier told the Board of Directors of his Defense Association that the religious issue was more fundamental than the land issue. He pointed out that the destruction of tribal culture, the historical policy of the Indian Bureau, had reached fanatic proportions in recent years. Since Indian religion was central to tribal and personal life, Burke's orders suppressing Indian religion would simultaneously destroy the Indian as a social group and as a culture. Collier urged his colleagues to strike at the Commissioner's policies before the upcoming presidential election, warning that the Indian Bureau would compromise until the election and then after it would "laugh in spite of thunder."<sup>46</sup>

Thunder struck early--in June 1924 during the General Federation of Women's Clubs biennial convention held in Los Angeles--and it brought defeat for Collier. The question of Indian religious freedom became paramount at



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that convention when Miss Clara D. True, associate secretary for the Indian Rights Association, appeared with a delegation of seven progressive Pueblo Indians. Ironically enough, by using Collier's publicity tactics to win over the women, she successfully protested against Indian priests who supposedly persecuted Christian Indians.<sup>47</sup> She also successfully prevented the convention from supporting Charles Fletcher Lummis, an author and authority on Southwestern history, who pushed for a resolution condemning Commissioner Burke's policies.<sup>48</sup>

Lummis appeared at this convention at the request of Collier, who had often entered his home where "they were silent together."<sup>49</sup> Representing the Defense Association, Lummis told the women that the religious controversy was closely allied with the failure of "discredited Secretaries and politicians" who had attempted "to rob the Indians of their land." Lummis warned that having failed with the Bursum bill "a new and less obvious line of attack" was being adopted by the government. The assault on religious freedom at Taos and Zuni contained "the entering wedge of a campaign to destroy the whole Pueblo system and drag from under the feet of the Indians the last acre of their lands."<sup>50</sup>

The women at the Los Angeles convention responded to these contradictory pleas by not taking a stand on religious freedom. Instead, they passed a resolution calling on President Coolidge to immediately reorganize Indian affairs.<sup>51</sup> They also removed Stella Atwood, a close friend of Collier, from her chairmanship of the Indian Welfare Committee, evidently to avoid the continued controversy she brought the Federation. Atwood would continue her reform efforts as director of the American Indian Defense Association.<sup>52</sup>

This defeat did not deter Collier, who wrote a letter to Mrs. John D. Sherman, president of the Women's Federation. Upset with her failure to take decisive action on the issue of Indian dances, he suggested that the history of religious persecution held no more disgraceful episode than the Bureau's attempt to prevent Pueblo boys from entering the priesthood. Collier rejected as monstrous the charge by William "Pussyfoot" Johnson and others that Indian boys were given a two year course in sodomy. He indicated that Johnson's real motive did not concern religious but economic matters. Collier reminded Mrs. Sherman that Johnson had quoted people such as Miss Clara D. True, who was on record as a promoter of legislation cancelling Pueblo land titles.<sup>53</sup>

Collier's most devastating attack against the Indian Bureau came in a Defense Association pamphlet, entitled "The Indian and Religious Freedom." Tracing the history of the government's "inquisition," he questioned the use of the "thumb-screw" to make converts. Collier also cited the All Pueblo Progressive Council as an example of the property motive behind the attack on ceremonials at Taos and Zuni. Indicating that this Council was a puppet of the Bureau, Collier believed that it only represented fifty Indians out of a population of 10,000. He indicated that it had the assistance of Mr. Nina Otera Warren, a government inspector who had been appointed by the discredited Albert B. Fall, the former Secretary of the Interior, and A. B. Renehan, the attorney

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for the white settlers, who wanted to deprive the Pueblo Indians of their land.<sup>54</sup>

In this pamphlet Collier stressed the importance of religion to the continuance of the Indian as a social group. United in their religious life, the Indians could stand up together as men and cling to the remnants of their soil, and so resist the efforts to turn them into drifting social half-breeds. They could fight against becoming slaves of "the 6,000 Indian Bureau job holders who made their living by civilizing the Indian." Sensing the universal significance of Indian life, Collier wanted to preserve "their treasure of the soul which no man yet has known enough to be able to estimate."<sup>55</sup>

In a letter to the New York Times Collier continued his defense of the Pueblos by rejecting a statement made by Herbert Welsh, president of the Indian Rights Association, that their religions were immoral. He also criticized the notion that the non-Christian Indians had engaged in the persecution of Christian Indians. Collier indignantly pointed out that the government's campaign against the Indians, with the aid of missionary and certain Indian welfare agents, was "unprecedented in the long history of struggles for the emancipation of subject peoples and the establishment of liberties."<sup>56</sup> Countering Collier's attacks, the Indian Rights Association insisted that his group wanted to perpetuate an obsolete civilization under the plea of religious liberty.<sup>57</sup>

Collier also wrote a letter to Bishop Cantwell questioning Catholic support of the Indian Bureau's infringement upon Indian religious freedom. He criticized the activities of priests such as Father Fridolin Schuster, a Franciscan monk, who had campaigned against Indian dances. Collier then criticized Father Hughes, the director of the Bureau of Catholic Education, for circulating material syndicated through the Catholic press in defense of Commissioner Burke.<sup>58</sup> He admitted to the Bishop that he knew the Bureau held the missionaries under duress and obligations which limited their freedom of action such as the \$191,000 a year that Catholic schools were receiving out of tribal funds without the Indians' consent. He realized that land from the reservations was patented to the various mission groups without compensation to the Indians and knew that the activity of the missionaries could be arbitrarily terminated by the Bureau. Collier suggested that while it was not practical for the missionaries to initiate reforms in the Indian Service, "they at least might be silent and not appear as open and wholesale advocates of a state of affairs that was truly indefensible."<sup>59</sup>

After writing Bishop Cantwell, Collier brought the issue of Indian religious freedom before the Christian press. In the Christian Century, he warned that the country owed an old debt to the Indians, who were presently going through the agony of physical and spiritual slaughter. He suggested that the Christian churches were partly responsible for the preservation of precious Indian values such as the "beauties of art, secrets of moral education, profound values of comparative religion, and open secrets of the cooperative way of living." He then reminded his readers that the importance of institutions was not measured by the number of individuals living in them. He told the churchmen to look to the past and their own suffering as a minority. They ought to be sensitive and understand the issue of religious persecution.<sup>60</sup>

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These arguments may have influenced some Christians but they had little impact on the Indian Bureau. The conflict over religious freedom reached its zenith at Taos during the summer of 1925 when Pueblo officers disciplined two Indians, who were members of the peyote-using Native American Church, for invading traditional religious ceremonies dressed in non-ceremonial costumes. The imposters had been given the choice of paying a two dollar fine or receiving a single stroke with a piece of leather delivered on the back through a blanket and clothes. The two Indians chose to receive the stroke and one admitted publicly that he had made his choice in order to break up the government of the Pueblo.<sup>61</sup>

The Indian Bureau sided with the two Indians and against the officers of Taos. Having obtained authority from Commissioner Burke, C. J. Crandall, the Superintendent of the Northern Pueblos, caused the arrest of all but one member of the governing body at Taos just before the most sacred and mandatory of the year's religious ceremonies. Charged with assault and battery, these nine officials were taken under armed guard to Santa Fé and held under \$500 bail for each man, but Collier's Defense Association provided bail and lawyers. The next day the officers of Taos were released when Judge Colin Neblett of the New Mexico District Court ruled no jurisdiction. It was still the law of Congress that the Pueblos should govern their own internal affairs according to their ancient customs.<sup>62</sup>

The Pueblos responded to the Bureau's imprisonment of the Taos officials by calling a meeting of the All Pueblo Council at Santo Domingo on August 31, 1925. Under the influence of Collier the seventy-seven delegates from fifteen Pueblos issued an appeal to "The President of the United States, the Congress, and Our Friends the American People." They denounced the effort by the Bureau to destroy their self-government through the imprisonment of the Taos officials and thanked white friends for employing lawyers to defend them. The appeal then criticized the "reckless and hostile persons" who circulated the "shameful documents" collected by the Indian Bureau attacking native American religions. Stating that these documents were "false in every part, and slanderous and libelous," the Indians asked the American people whether they would tolerate their continued circulation in an effort to destroy what the Indians held sacred.<sup>63</sup>

Collier also convinced the Pueblos that they should send twelve delegates to visit California and Utah at the invitation of local chapters of the Defense Association. While on this trip they could explain their plight and raise money to hire lawyers to protect their rights. Social leaders in the Bay area and in Santa Barbara opened their homes to hear the Indians' appeal, while groups such as the Commonwealth Club, the Oakland Forum, and the Berkeley Playhouse provided receptive audiences.<sup>64</sup> When they gathered over thirteen thousand dollars in a few weeks, officials in the Indian Bureau became aroused. An article covering the front page of the Albuquerque State Tribune suggested that the turmoil among the Pueblos stemmed from outside influence financed by "money from Moscow."<sup>65</sup>

These activities, however, failed to stop the Indian Bureau from

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continuing to apply pressure to discourage Indian religious training. On March 1, 1926, Superintendent Crandall wrote the school principal at Taos instructing him to read a letter to the Pueblo officials. It stated that "in every case where a boy is taken out of school for any purpose and kept out... I shall hold the parents responsible and cause their arrest upon your recommendation." The government also threatened Jemez Pueblo, when S. A. Young, Superintendent of the Southern Pueblos, wrote a letter to the governor of Jemez. It indicated that Commissioner Burke was displeased with the continued withdrawal of thirty children from school for four days a year to engage in religious instruction.<sup>66</sup>

Collier responded to this renewed threat by writing letters to Scott Leavitt and John Harreld, chairmen of the House and Senate Indian Affairs Committee, respectively. He warned the two men that the issue before the American people and Congress consisted of whether or not the Indian Bureau should be "permitted to invade the last sanctuary of dignity and holiness in the life of the Indians... making it a crime to worship God."<sup>67</sup> Congressman Scott Leavitt of Montana rejected Collier's appeal by reporting out of the House Committee of Indian Affairs a bill which conferred on Indian superintendents the power to throw any reservation Indian into jail for six months without trial or review under regulations drawn up by the Interior Department. Drafted by the Indian Bureau which disliked the New Mexico decision affirming the Indians' right to self-government, this bill sought Congressional sanction for the previous practice at Taos of arresting and imprisoning Indians without legal process. It would have reversed a Congressional policy which permitted Indian tribes to govern their internal affairs in their own manner.<sup>68</sup>

Angry at the government's arrogant attitude, Collier ridiculed the Leavitt bill in Montana's Great Falls Tribune. He charged that Representative Leavitt, as chairman of the House Indian Affairs Committee, had acted as a tool of the Indian Bureau against the Indians. Calling Leavitt a "careless, ignorant, and obedient representative," Collier also accused him of maneuvering through committee a bill of "absolute ruthless, even fantastic, oppression and enslavement." Confessing that he wanted to see some other man made chairman, Collier asked for a person who would not be "a tool of the Indian Bureau... and of the predatory interests which that bureaucracy" served.<sup>69</sup>

Realizing the threat that the Leavitt bill posed to their right of self-government, eighteen pueblos sent delegates to an All Pueblo Council held at Santo Domingo on November 25, 1926. White friends of the Indians who attended included Defense Association attorneys and Collier.<sup>70</sup> Although officials of the Indian Bureau were notified of this meeting, they refused to attend because it challenged their newly formed U. S. Pueblo Indian Council. The Bureau's Council, established during November 1926 in Sante Fe, was led by Herbert Hagerman, Special Commissioner to the Navajos. Hagerman, who had successfully organized the Navajo Tribal Council, told the Indians that this new Council would offer them an official forum for their views, needs and grievances. He explained that they could have private meetings but they would have "no official recognition without government representation."<sup>71</sup>

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When Collier appeared before the assembled delegates at Santo Domingo, he advised them not to endorse the Leavitt bill. Collier warned that it would interfere with their self-government by providing that Indian marriages be made according to state law instead of tribal law. He then explained the Defense Association's alternative, a bill which proposed to "give a new Congressional confirmation of your right to live according to your tribal customs and govern yourselves in your own way."<sup>72</sup>

The most important question discussed was whether the Indians should continue to attend meetings of the government sponsored U. S. Pueblo Council. Collier suggested that the Indians refuse to meet with this body because it was an effort by the Bureau to undercut his influence through the All Pueblo Council, which had become a power center for reformers and a serious nuisance since the struggle in 1922 against the Bursum bill. He told the delegates that the Bureau could not be trusted because of its bad faith during the dance controversy.<sup>73</sup> As usual, the Council followed Collier's advice by passing a resolution opposing the Leavitt bill. The Indians were also practically unanimous in asserting their wish to retain their own Pueblo council, to control it themselves, and not to participate in the U. S. Pueblo Indian Council, called by Herbert Hagerman.<sup>74</sup>

This protest against the Leavitt bill led to its amendment in a series of prolonged hearings. The Indian Bureau modified its demand for the right to imprison Indians without trial or court review, but still insisted that its rules and regulations should govern the process of law. It also pressed for government control over the tribes' internal affairs.<sup>75</sup>

Collier criticized even this amended bill as the Bureau's intense wish to avert public indignation while maintaining the kind of situation that would be satisfactory to "pirates, exploiters of the Belgian Congo, or a legally empowered bureaucracy of hooded gentlemen."<sup>76</sup> Because of the opposition that he and his Defense Association had aroused, the Leavitt bill did not emerge from committee. This ended the last major threat to Indian religious freedom and self-government during the twenties. Collier and his associates had thwarted religious persecution, but they failed to secure the desired legislation to protect Indian religious freedom.

The defeat of the Leavitt bill and the Indian Bureau's policy of cultural annihilation helped awaken the country to the plight of the Indians. More important, it was part of a larger legislative struggle to protect Indian rights. Partially successful in his efforts to preserve Indian heritage, Collier and his American Indian Defense Association moved to expose and defeat legislation sponsored by the Department of Interior threatening Indian oil, water and mineral rights--making the 1920's a seedtime for reform in Indian affairs.

<sup>1</sup>See Kenneth Philp, 1921-1923, "Arizona and

<sup>2</sup>John Collier, "Sen 1929), 425-426.

<sup>3</sup>Indian Rights Asso

<sup>4</sup>Indian Rights Asso

<sup>5</sup>M. K. Sniffen, ed.

<sup>6</sup>Indian Rights Asso

<sup>7</sup>Board of Indian Co New York, October 20-21 Indian Affairs, Record Gr

<sup>8</sup>Charles Burke to S Collier Papers, Yale Univ

<sup>9</sup>Charles Burke, "In Way," School Life, IX (Ju

<sup>10</sup>John Collier, "Per

<sup>11</sup>Clark Wissler, Ind (1967), pp. 181-182.

<sup>12</sup>Robert Spencer an Harper and Row, 1965), p pp. 237-238.

<sup>13</sup>Consult Elsie Clew iversity of Chicago Press,

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<sup>15</sup>John Collier, "Per

<sup>16</sup>Ibid., 92.

<sup>17</sup>Indian Rights Asso

<sup>18</sup>Hubert Work, "Our (May 31, 1924), 92.

<sup>19</sup>Leon Blair, ed., Essays on Radicalism in Press, 1972), pp. 65-66.

<sup>20</sup>John Collier, "The Collier, "The Pueblos In

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NOTES

- <sup>1</sup>See Kenneth Philp, "Albert Fall and The Protest From the Pueblos, 1921-1923," Arizona and the West, XII (Autumn 1970), 237-254.
- <sup>2</sup>John Collier, "Senators and Indians," Survey Graphic, LXI (January 1, 1929), 425-426.
- <sup>3</sup>Indian Rights Association, Forty-First Annual Report, 1923, 20, 27.
- <sup>4</sup>Indian Rights Association, Thirty-Ninth Annual Report, 1921, 8-9.
- <sup>5</sup>M. K. Sniffen, ed., Indian Truth (April, 1924), 3-4.
- <sup>6</sup>Indian Rights Association, Thirty-Ninth Annual Report, 10-11.
- <sup>7</sup>Board of Indian Commissioners, Minutes of the Fall Meeting, Mohonk, New York, October 20-21, 1920, National Archives, Records of the Bureau of Indian Affairs, Record Group 75.
- <sup>8</sup>Charles Burke to Senator James Wadsworth, Jr., March 15, 1924, Collier Papers, Yale University Library.
- <sup>9</sup>Charles Burke, "Indians Making Progress Learning the White Man's Way," School Life, IX (June, 1924), 241-242.
- <sup>10</sup>John Collier, "Persecuting the Pueblos," Sunset, LIII (July, 1924), 50.
- <sup>11</sup>Clark Wissler, Indians of the United States (Garden City: Doubleday, 1967), pp. 181-182.
- <sup>12</sup>Robert Spencer and Jesse Jennings, The Native Americans (New York: Harper and Row, 1965), pp. 313-316, and Wissler, Indians of the United States, pp. 237-238.
- <sup>13</sup>Consult Elsie Clews Parsons, Pueblo Indian Religion, Vols. I, II (University of Chicago Press, 1939).
- <sup>14</sup>Indian Rights Association, Forty-First Annual Report, 1923, 26.
- <sup>15</sup>John Collier, "Persecuting the Pueblos," 50.
- <sup>16</sup>*Ibid.*, 92.
- <sup>17</sup>Indian Rights Association, Forty-First Annual Report, 1923, 42-43.
- <sup>18</sup>Hubert Work, "Our American Indians," Saturday Evening Post, CIVC (May 31, 1924), 92.
- <sup>19</sup>Leon Blair, ed., Kenneth Philp, "John Collier and the American Indian," Essays on Radicalism In Contemporary America (Austin: University of Texas Press, 1972), pp. 65-66.
- <sup>20</sup>John Collier, "The Red Atlantis," Survey, XLVIII (October 1, 1922), 16; Collier, "The Pueblos Last Stand," Sunset, L (February, 1923), 19; and



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- Collier, "Plundering the Pueblo Indians," Sunset, L (January, 1923), 21.
- <sup>21</sup> John Collier, "Our Indian Policy," Sunset, L (March, 1923), 13.
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FABLES OF IDENTITY:  
CHICANOS IN S

by

In 1935 John Steinbeck published a best seller. Reviewing the novel, the author wrote:

The extraordinary honesty with which Steinbeck presented the story of the Chicanos is a masterly touch. He does something nice for the Chicanos; and yet almost always with a disregard for scruple their story sometimes by

perhaps only to the Mexican American. He calls them "childlike natives" and "silly" and "strike a note of emphatic disapproval." The Chicanos, the Paisanos, have come to the United States (i. e. Paisanos) have never been regarded as gratuitous paternalism which only accentuates the racist character of American society. Chicanos are not Americans. And true enough, Steinbeck is considered as a stranger in his country. In the preface to Tortilla Flat that the author writes: "For a hundred or two years." Nevertheless, the great social and ethnic damage done by the Paisanos of Tortilla Flat and the falsity of that representation.

A rejoinder might be that what Steinbeck said in the mid-30's that was how things were in the 1930's, except of course that in the 1930's, one might argue for the value of work of literary art in which the author's attitude. That may well be, but the artistic integrity of the work as a whole is suspect, for in the representation of life by distorting what is

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*Herbert Hoover's New Era:  
for the American Indian, 1929-1932*

KENNETH PHILP  
University of Texas at Arlington

President Herbert Hoover has the misfortune of usually being remembered as a chief executive who failed to deal adequately with the problems raised by the Great Depression. Consequently, historians have often neglected the progress of his administration which paved the way for fundamental reforms during the New Deal.<sup>1</sup> One of Hoover's major accomplishments consisted of efforts to extend his New Era to the American Indian. He appointed new personnel who made enlightened educational and administrative changes, increased appropriations for the Indian Service, and approved bills that would eventually pass under the leadership of Franklin D. Roosevelt.

The inability, however, of the Hoover administration to push fundamental reform legislation through Congress created an atmosphere that stymied progress in Indian affairs. It brought an intensified attack upon the Indian Bureau from John Collier, the executive secretary of the American Indian Defense Association, and from the Senate Indian Investigating Committee. They attempted to show the limitations of Hoover's Indian reform by exposing the public record of Herbert Hagerman, who was Special Commissioner to the Navajos and who became involved in the Rattlesnake Dome oil controversy. Unfortunately, the emotions stirred up by this episode halted all efforts to reform the Indian affairs system until 1933.

The first official intimation of President Hoover's interest in the cause of the American Indian came with the nomination of Ray Lyman Wilbur, the president of Stanford University, as Secretary of the Interior. Wilbur for many years had supported the missionary-oriented Indian Rights Association, which centered in Philadelphia. He was also a member of the California branch of the more militant American Indian Defense Association.<sup>2</sup> Formed during 1923, it had defeated the Bursum bill sponsored by former Secretary of the Interior Albert Fall, which would have deprived the Pueblo Indians of at least 60,000 acres of disputed land.<sup>3</sup>

Hoover further demonstrated his interest in Indian reform by accepting the resignation of important Indian Bureau personnel connected with the previous administration. In their place he appointed Charles Rhoads as Indian Commissioner and J. Henry Scattergood as Assistant Commissioner. Rhoads, a wealthy Philadelphia banker, had served as President of the Indian Rights Association. Scattergood, a successful businessman, was also involved in the Association's philanthropic activities. Both men were Quakers and known for their humanitarianism concerning relief and reconstruction in France during and after World War I.<sup>4</sup>

Between March 1929 and February 1930 a honeymoon period existed between Department of Interior officials and Indian welfare groups. Daily contacts between Bureau officials and reformers resulted in many innovative ideas about

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how to assist the American Indian. The American Indian Defense Association, under the leadership of John Collier, previously a New York City social worker, proposed several legislative programs which received the endorsement of the Hoover Indian administration, including the Johnson-Swing bill, which called for transferring to the states some of the responsibility for the education, health, and general welfare of their Indians. Another Defense Association proposal outlined the need for an Indian Arts and Crafts bill, which would have opened markets for Indian crafts and used a government trademark to insure that the art object was produced by Indians, not white imitators. Indian Bureau officials also agreed to Collier's suggestion that legislation be passed to protect Indian civil liberties and to provide for the phasing out of boarding schools.<sup>5</sup>

In consultation with representatives of the Indian Rights Association, Collier continued to push for reform by helping Commissioner Rhoads draft four letters which were sent to Lynn Frazier, chairman of the Senate Indian Investigating Committee.<sup>6</sup> First Rhoads asked Congress to change "in its entirety" the 1887 Dawes Land allotment law that permitted the division of tribal lands and their sale to non-Indians. In its place, he suggested that Congress should allow the tribal incorporation of Indian estates, provide loans for Indian farmers, and give tribal councils power and responsibility for the operation of their property. Rhoads further asked for an end to the financing of public works from reservation income, the transfer of reservation irrigation projects to the General Reclamation Service, and the creation of a court of claims to reimburse Indian losses.<sup>7</sup>

A short time later, Secretary Wilbur, who had endorsed these letters, formulated specific administration programs for the consideration of Congress. In May 1930, he sent a proposal for an Indian court of claims to the chairman of the House Committee on the Judiciary. A bill emerged from committee but died on the floor due to opposition from the Department of Justice and the Bureau of the Budget for being in conflict with the President's economy program. Similarly, the Secretary's plan to transfer reservation irrigation to the General Reclamation Service died when the House Appropriations Committee, under the leadership of the economy-minded Republican Louis Cramton of Michigan, inserted a provision forbidding it in the Interior appropriation. Congress also refused Wilbur's request to cancel a great mass of reservation indebtedness for public works, but it did relieve the Gila Indians of a \$1.37 million debt incurred for irrigation work in Arizona.<sup>8</sup>

Although the depression and the stress on economy frustrated many reforms, the Hoover administration nearly doubled appropriations for the Indian Service from \$15 million in 1928 to \$28 million in 1931. Notable in that was an increase of \$1.5 million to immediately improve the diet and clothing of children in boarding schools. It raised the food allowance from 11 cents to 37.8 cents a day, while the clothing allowance jumped from \$22 to \$10 dollars.<sup>9</sup> Unfortunately, the Bureau spent most of this money to enlarge its employee force by nearly 300%. After hiring over 2,000 new people and increasing their salaries 25%, the Bureau had a supervisor for every 36 Indians. The money desperately needed for direct relief during the depression went instead into an often unresponsive bureaucracy.<sup>10</sup>

The Department of Interior took other steps besides legislative ones to humanize the Indian Service. In March 1931 Secretary Wilbur reorganized the Bureau into five divisions—health, education, agricultural extension, forestry, and irrigation—with a technical or professional director at the head of each to insure a more direct relation between the reservation superintendents and Washington.<sup>11</sup>

Quite naturally, Wilbur, as former president of Stanford University, made educational reform the essence of the New Era for the American Indian.<sup>12</sup> Re-

sponding to suggestions for Indian reform had for a program, Wilbur appointed Swarthmore College,

Ryan introduced a "Program of Study" with one student in Guidance and Placement to find jobs and to assist college education. Collier Ryan added a high school of Girl's Matron and "vocational work" as the s-

Though the Hoover administration, the unity of the Indian to disintegrate as a result of the failure of the Dawes Act needed to end the Department of the Interior's logical difference over men such as Wilbur.

Secretary Wilbur had failed in assimilating the Indian failed at farming after finding a place in proved difficult to im-

collapsed. Wilbur believed that increase their contact with the white world would break down the Indian culture absorbed into white civilization would cease to exist. "The Indian man," he wrote, and that holds aloof, while as units of a great nation.

In opposition, Collier wanted to turn the Indian into a culture to white civilization especially of the South to "the troubled, frustrated."

Collier wanted to do self-activity on the part of a "commune" or community society could evolve that would combine Indian and a society could escape the other parts of the modern techniques of America.<sup>13</sup>

Aware of this group that the Hoover administration the permanent Indian would consist of legislation the pro-



sponding to suggestions made by the Institute for Government Research that Indian reform had failed in the past because of the lack of a sound educational program, Wilbur appointed Dr. W. Carson Ryan, a professor of education at Swarthmore College, as Director of Indian Education.<sup>13</sup>

Ryan introduced progressive education, replacing the obsolete "Uniform Course of Study" with one stressing practical education and vocational work. He formed a Guidance and Placement Division to help promising young Indian students find jobs and to assist exceptionally intelligent Indian children in obtaining a college education. Converting many of the boarding schools into day schools, Ryan added a high school program to others. He also abolished the positions of Girl's Matron and Disciplinarian for boys and reduced such so-called "vocational work" as the scrubbing of school floors.<sup>14</sup>

Though the Hoover administration thus achieved many humanitarian improvements, the unity of the Defense Association and the Indian Bureau had started to disintegrate as early as February 1930. Part of the problem stemmed from the failure of the Department of Interior to actively support legislation needed to end the Dawes land allotment law. More fundamental was the ideological difference over the future of the American Indian between administration men such as Wilbur and critics like Collier.

Secretary Wilbur believed that all reform efforts ought to be directed toward assimilating the Indian into the mainstream of American life. Since they had failed at farming after the passage of the Dawes Severalty Act, their future lay in finding a place in the industrial life of the nation. This notion, of course, proved difficult to implement during the depression when business had almost collapsed.

Wilbur believed that those Indians who remained on the reservation should increase their contact with white neighbors. Continued allotment of Indian lands would break down the Indians' isolation and give them an opportunity to be absorbed into white civilization.<sup>15</sup> He hoped that in 25 years the Indian Bureau would cease to exist. "The redman's civilization must be replaced by the white man's," he wrote, and "the Indian must give up his role as a member of the race that holds aloof, while all other races enter into our melting pot and emerge as units of a great new purpose."<sup>16</sup>

In opposition, Collier favored a policy of cultural pluralism that would not turn the Indian into a white man but rather let him contribute elements of his culture to white civilization. He dreamed of preserving the institutional life especially of the Southwestern Indians because they provided a social alternative to "the troubled, frustrated but struggling Aryan individualized consciousness."<sup>17</sup>

Collier wanted to develop and conserve Indian life through government assisted self-activity on the part of the Indians. He believed that the Indian as a member of a "commune" or corporation would be satisfied and productive. A cooperative society could evolve that was neither acquisitive nor clearly communist, one that would combine individual initiative with an even distribution of wealth. Such a society could escape the doctrinal controversies and social upheavals that plagued other parts of the world. This island society, busy equipping itself with the modern technique of cooperative group action, could serve as a model to harried America.<sup>18</sup>

Aware of this ideological difference, Collier told a colleague of his reform group that the Hoover administration would have to take certain steps to avoid the permanent hostility of their Defense Association. The most significant step would consist of a swift movement toward promoting and incorporating into legislation the program that Commissioner Rhoads had laid before Congress in

1929 in the form of four letters. If quick action did not come from the Department of Interior, Collier warned that pressure would appear "through criticism in Congress and a steadily growing critical and muckraking publicity."<sup>20</sup> He admitted that the "effects of such a method would be incalculable, but no other method would remain possible unless there was voluntary action compelled by Secretary Wilbur or by President Hoover."<sup>20</sup>

By the spring of 1930 the American Indian Defense Association had given up hope of working constructively with the Hoover appointees in the Department of Interior. Collier cited the reasons for his Association's disenchantment in a lengthy letter sent to Secretary Wilbur. First of all, the Indian Bureau, by yielding to Representative Cramton's budget slashing, had abandoned much of the President's emergency request for food and clothing for Indian children. It had weakened its educational reform by restoring the authority to administer floggings to Indian children in a Bureau circular entitled, "Student Control." Collier then accused Rhoads and Scattergood of a persistent and cumulative effort to destroy the tribal organization of the Flathead Tribe by forcing the Indians there to submit to a superintendent who was acting in collusion with the Montana Power Company to develop the valuable Flathead power site on terms unfavorable to the Indians.<sup>21</sup>

Other problems not mentioned in this letter also caused Collier to become disillusioned and openly hostile to the Hoover administration. He criticized the Indian Bureau for abandoning its attempts to pass the Indian Arts and Crafts bill on account of opposition from the Director of the Budget and because of complaints from an influential group of artists who belonged to the Indian Art Fund, located at the Laboratory Museum in Santa Fe, New Mexico.<sup>22</sup> Led by Mary Austin, these artists opposed the Arts and Crafts bill for several reasons. They insisted that the Indians did not need an expanded market for their art. More important than establishing a wide market was developing a method of persuading the Indians to produce art. It would be folly to spend money compelling Indians to a quantity production on something they did not know how to make. The artists' position, contrary to Collier, who believed that the bill would promote efforts to develop the skills of Indian craftsmen, stressed that it proposed to meet a situation that did not exist.<sup>23</sup>

The failure of the Indian Bureau to obtain the enactment of the Johnson-Swing bill also upset Collier. Both the Defense Association and the Hoover administration had approved this bill, but like other reforms, it died in the House due to the opposition of Louis Cramton, who refused to cooperate with the leaders of his own party. Cramton rejected the notion that the states should become responsible for the health and education of thousands of scattered Indians beyond the reach of Federal agencies.<sup>24</sup> Warning that it would make "only very limited provision for their health and education," he predicted that if the federal government furnished the money to the states for aiding the Indians, the country would "speedily have a demoralized system with politics running riot, extravagance encouraged, and interests of the Indians suffering accordingly."<sup>25</sup>

The inability of the Hoover administration to push its program through Congress brought about an intensified attack not only from Collier, but also from the Senate Indian Investigating Committee, which had been created in 1927 to lay the foundation for a new Indian legislative program. This opposition took the form of exposing the public record of Herbert Hagerman, an appointee of the former Secretary of the Interior, Albert B. Fall, who was still employed by the Indian Bureau as Special Commissioner to the Navajos.

Herbert Hagerman was the son of a millionaire who had made his fortune

in land speculation through his father's influence in Russia. He was the territorial governor of the Republican Party. When he received the appointment, Hagerman was serving as president of the

The Senate Committee on Indian Affairs, headed by Frazier, a program to have Hagerman prepare documents on the nature of Hagerman's activities which he had written. Frazier, Burton, and other members of the Indian Affairs Commission in embarrassing Indian affairs. Hagerman opposed President Hoover's Indian reform and public relations program.

When Collier visited the Navajo reservation in February 1932, he found the Pueblo Lands Bill had been passed for land lost to the Navajos. The bill provided for land lost to the Navajos and compensation awarded to the Navajo. Hagerman was aware of the situation and was a supporter for failure to the Navajo. Hagerman was aware of the abuses at Navajo and their attendance.

The most important factor in the fight against Hagerman was the former Secretary of the Interior, the Teapot Dome scandal. Hagerman completely rid itself of the scandal around the Rat. Hagerman continued to allow the Navajo to remain in the Interior.<sup>26</sup> Hagerman's Indian Service reform efforts.

The Senate Committee on Indian Affairs in 1923 Hagerman pointed Special Commissioner to the Navajos. Hagerman was aware of the anticipated oil and railroad construction. Hagerman had no inducement to accept the position and president Hoover's development of the Navajo. Hagerman offered the Navajo the tax rolls of the

not come from the Department appear "through criticism making publicity."<sup>19</sup> He was inevitable, but no other action compelled by

The Association had given appointees in the Department's disenchantment all the Indian Bureau, by had abandoned much of for Indian children. It authority to administer titled, "Student Control," persistent and cumulative lead Tribe by forcing the acting in collusion with the Flathead power site on

caused Collier to become stration. He criticized the Indian Arts and Crafts the Budget and because of belonged to the Indian Art New Mexico.<sup>22</sup> Led by his bill for several reasons. ended market for their art. a developing a method of fully to spend money com- they did not know how he believed that the bill craftsmen, stressed that it

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its program through Con- n Collier, but also from been created in 1927 to a. This opposition took rman, an appointee of o was still employed by ajos. o had made his fortune

in land speculation, railroad development, and mining operations. Through his father's influence, Hagerman became second secretary at the United States Embassy in Russia. In early 1906 President Theodore Roosevelt had appointed him the territorial governor of New Mexico, but Hagerman's failure to unite the Republican Party caused the President to force his resignation in April 1907. When he received his appointment as Special Commissioner to the Navajos, Hagerman was supervising his Southwestern Land and Cattle Company and serving as president of the New Mexico Taxpayer's Association.<sup>26</sup>

The Senate Indian Investigating Committee, under the guidance of Lynn Frazier, a progressive Republican from North Dakota, inaugurated its campaign to have Hagerman removed from the government payroll by asking Collier to prepare documents and to present damaging evidence before the committee about the nature of Hagerman's record.<sup>27</sup> Collier hoped to expose the reactionary policies which he believed had long characterized the Indian Bureau, but Senators Frazier, Burton K. Wheeler, and Elmer Thomas were probably more interested in embarrassing the Hoover administration for political reasons than in reforming Indian affairs. These progressive Republican and Democratic Senators had opposed President Hoover on other issues, such as public power, farm policy, and public relief programs.<sup>28</sup>

When Collier appeared before the Senate Indian Investigating Committee in February 1932, he criticized Hagerman's poor performance as a member of the Pueblo Lands Board, which had been created in 1924 to compensate the Indians for land lost to white neighbors. Collier estimated that by disregarding the findings of the Land Board's own appraisers, Hagerman had slashed Indian compensation awards from 1.8 to .8 million dollars. He also blamed the Commissioner for failing to expedite land exchanges and consolidation advantageous to the Navajo Indians. Finally, Collier suggested that Hagerman had tolerated abuses at Navajo Boarding Schools, such as the kidnapping of children to force their attendance.<sup>29</sup>

The most interesting and politically explosive of the various charges brought against Hagerman consisted of the implication that he was associated with the former Secretary of Interior in an oil scandal that sounded more ominous than the Teapot Dome affair. Like its predecessor, the Hoover regime never completely rid itself of Albert Fall's oil-splattered heritage. This controversy revolved around the Rattlesnake Dome reserve near Shiprock on the northeastern corner of the Navajo reservation and raised the question of why President Hoover continued to allow Hagerman to hold important positions in the Department of Interior.<sup>30</sup> Hagerman became the symbol for all the evils that existed in the Indian Service during the previous decade and for the limitations of current reform efforts.

The Senate hearings on the Rattlesnake Dome oil affair revealed that in 1923 Hagerman had been brought out of retirement by Secretary Fall and appointed Special Commissioner to the Navajos for the purpose of negotiating leases to exploit their large oil properties. Fall had written Hagerman that he anticipated oil development of the Navajo reservation, with both pipeline and railroad construction to follow. He then suggested that the \$3,600 salary "was no inducement" for the position.<sup>31</sup> There is no evidence to suggest why Hagerman accepted this appointment, except that his primary interest as a large rancher and president of the New Mexico Taxpayer's Association concerned the economic development of the Southwest. Consequently, he accepted the position, which offered the chance to bring property such as oil, railroads, and pipelines onto the tax rolls of new Mexico.<sup>32</sup>



Coinciding with Hagerman's appointment, Secretary Fall had issued regulations abolishing the existing Navajo tribal organization, which consisted of five sub-agencies. Instead of separate tribal councils, the Navajos would in the future meet together in a new unified deliberative body. The regulations for this new council provided that in the event of the refusal of the Indians to abolish their old councils, the Secretary of Interior would appoint delegates to act for them. The regulations also directed that the new council should meet only upon the request of Commissioner Hagerman. These regulations probably stemmed from the reluctance of the San Juan Council to approve oil leases and from Fall's fear that Collier might take over control of the Navajo Tribal Council, as he had the All-Pueblo Council during the dispute over the Bursum bill in 1922.<sup>33</sup>

Early in 1923 Hagerman called the five Navajo superintendents to Albuquerque to discuss tribal matters. He advised them that the Department of Interior had decided that all Navajos had an interest in mineral and oil leasing. The commissioner then established an enlarged tribal council from each jurisdiction.<sup>34</sup> He met with this council on July 7, 1923, at Toadlena, New Mexico, and obtained unlimited authority to sign in its behalf all oil and mining leases. The Indians had no alternative but to agree, since new delegates could be appointed if they objected. They offered no resistance also because Hagerman promised them government assistance in securing additional land for their reservations.<sup>35</sup>

On October 15, 1923, under the supervision of Hagerman and Indian Commissioner Charles Burke, 22 Navajo oil tracts were auctioned for \$87,000 in bonuses to several private companies.<sup>36</sup> One of the structures called Rattlesnake Dome consisted of 4,080 acres and sold for a \$1,000 cash bonus to the Metropolitan Oil Company, represented by S. C. Muntz and Neil B. Field, both friends of Hagerman. In less than one year after the validation of this lease, the Continental Oil Company purchased a half interest in 200 acres of the structure for \$300,000. Within three years after the auction, Continental Oil bought a half interest in the entire Rattlesnake Dome for approximately \$3,600,000.<sup>37</sup>

Collier attacked Hagerman's oil leasing record at Rattlesnake Dome during his appearance before the Senate Indian Investigating Committee. He told the Senators that the low bidding on the structure stemmed not from geological uncertainties, as Hagerman claimed, but from the existing overproduction of oil which resulted in depressed prices. Collier pointed out that it was absurd to auction the Navajo structures at such a period. Further, he argued that the leases used excluded the independents, such as the Midwest Oil Company, and delivered the Rattlesnake Dome to the large companies or speculators acting in their behalf. This resulted in a phenomenal profit for the Continental Oil Company and neglect of Indian interests.<sup>38</sup> He also suggested that the Navajo "rubber stamp" council had been compelled to accept the unjust scheme because of the regulations drawn up by Albert Fall.<sup>39</sup>

Finally, Collier informed the senators that his charges against Hagerman did not prove premeditated corruption, but they did imply that the Hoover administration, by continuing Hagerman's employment, condoned "ruthlessness, maladministration, inconsistency, incompetency . . . and a betrayal of the guardianship system obligation."<sup>40</sup> The committee agreed with this indictment and submitted a report to the Senate recommending the abolition of Hagerman's office. Later the Senate removed Hagerman from the government payroll.<sup>41</sup>

As Collier had predicted earlier, this type of "critical and muckraking publicity" resulted in negative consequences. It destroyed all semblance of cooperation between the more militant Indian reformers and the Hoover administration. Events reached a climax on March 9, 1932, when Senator William King, a Demo-

crat from Utah, presented an important memorial by Collier, this petition to the Indian Service to remove Hagerman from the government payroll "as the Indian Bureau support during 1922 existing programs, but . . ."

The Department article inserted in the Secretary Wilbur's report justifying Hagerman in 1929 in the form of a plea for the ability of the Secretary had made no pledge rested in the hands of the representations made to Indian reformers in connection with tribal affairs and Indian grievances.<sup>42</sup>

This total breakdown of welfare made the humanitarian program of Congress. The result of 1933, the basic clause of the Indian and their . . .

The Hoover administration increased appropriations in the area of Indian education and the Bureau program of the New . . .

But the decisive American Indian program to deal with the Arts and Crafts bill Wilbur would all . . . Collier as Indian C . . .

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<sup>1</sup>This article is based on material sent to the author by the Rocky Mountain Society held on May 7-8, 1971 at the University, Fort Collins, Colorado.

<sup>2</sup>For an exception to this rule, see the report of Harris Gaylor, *Navajo and the Great Depression*, University Press, 1971.

<sup>3</sup>*Indian Truth*, (May 1922).

<sup>4</sup>Kenneth Phelps, *Navajo*, from the Pueblos, 1911.

<sup>5</sup>West, XII (Autumn 1922).

<sup>6</sup>*Indian Truth*, (May 1922).

<sup>7</sup>John Collier, *Indian Affairs*, American Indian Department, 1929.

<sup>8</sup>1929, John Collier Papers, Collection, Yale University.

Fall had issued regulations which consisted of five provisions which would in the future be regulations for this new Indian Service to abolish their agents to act for them. They met only upon the request probably stemmed from the Indian Council, as he had introduced a bill in 1922.<sup>33</sup>

Commissioners to Albuquerque, Department of Interior and oil leasing. The regulations from each jurisdiction: New Mexico, and oil and mining leases. The regulations could be appointed by Hagerman promised their reservations.<sup>35</sup>

Hagerman and Indian Commission for \$87,000 in bonuses called Rattlesnake Dome to the Metropolitan Field, both friends of this lease, the Congress of the structure for total Oil bought a half million dollars, \$3,600,000.<sup>37</sup>

Rattlesnake Dome during the Hoover administration. He told the committee that it did not come from geological overproduction of oil but that it was absurd that he argued that the best Oil Company, and speculators acting for the Continental Oil Company stated that the Navajo unjust scheme because

against Hagerman did not come from the Hoover administration "ruthlessness, maladministration of the guardian's indictment and subversion of Hagerman's office payroll."<sup>41</sup>

and muckraking publication of cooperation Hoover administration. William King, a Demo-

crat from Utah, presented a petition before the Senate signed by several Indians and important members of the American Indian Defense Association. Prepared by Collier, this petition criticized Secretary Wilbur for keeping Hagerman in the Indian Service in spite of the Senate's elimination of his salary from the government payroll "as an insult flaunted in the face of all Indians." It also accused the Indian Bureau of abandoning the legislative program it had pledged to support during 1929. Instead of enacting far-reaching reforms, it had forsaken existing programs, broken promises, and established new evils.<sup>42</sup>

The Department of Interior attempted to refute these charges in a lengthy article inserted in the *Congressional Record* of March 10, 1932. In this statement, Secretary Wilbur claimed that the Senate hearings had produced no evidence justifying Hagerman's removal. He pointed out that the legislation proposed in 1929 in the form of four letters sent to Senator Frazier was not the responsibility of the Secretary of Interior or the Commissioner of Indian Affairs. They had made no pledge to secure this legislation. Responsibility for Indian reform rested in the hands of Congress. Calling Collier's accusations "a series of misrepresentations almost approaching blackmail," Wilbur found the major obstacle to Indian reform not the inadequacies of the Indian Bureau, but "the interference with tribal affairs by self-appointed groups making a profession of exploiting Indian grievances."<sup>43</sup>

This total breakdown of communication between persons interested in Indian welfare made the Hoover administration an *ad-interim* regime committed to humanitarian programs, but not dynamic enough to push basic legislation through Congress. The result was a false dawn for the American Indian.<sup>44</sup> Yet, by March 1933, the basic changes needed in Indian policy had been formulated by the Indians and their friends.

The Hoover administration contributed greatly to this reform effort. It increased appropriations for the Indian Service and made substantial progress in the area of Indian education. Secretary Wilbur had also inaugurated a reorganization of the Bureau and endorsed bills which would later become the basic program of the New Deal.

But the decisive leadership between 1929 and 1932 had come from Collier's American Indian Defense Association. It had proposed a complete legislative program to deal with the Indian problem. The Johnson-Swing bill, the Indian Arts and Crafts bill, and the four letters composed by Collier and endorsed by Wilbur would all come to fruition with Franklin Roosevelt's appointment of Collier as Indian Commissioner.

#### NOTES

This article is adapted from a paper presented to the Thirteenth Annual Meeting of the Rocky Mountain Social Science Association, held on May 7-8, 1971, at Colorado State University, Fort Collins, Colorado.

<sup>1</sup>For an exception to this generalization, consult Harris Gaylord Warren, *Herbert Hoover and the Great Depression* (New York: Oxford University Press, 1959), pp. 63-71.

<sup>2</sup>*Indian Truth* (May 1929), pp. 1-3.

<sup>3</sup>Kenneth Philip, "Albert Fall and the Protest from the Pueblos, 1921-1923," *Arizona and the West*, XII (Autumn 1970), pp. 237-54.

<sup>4</sup>*Indian Truth*, (May 1929), pp. 1-3.

<sup>5</sup>John Collier, "The Immediate Tasks of the American Indian Defense Association," Dec. 10, 1929, John Collier Papers, Western Americana Collection, Yale University Library (hereafter

referred to as Collier Papers).

<sup>6</sup>John Collier, *American Indian Life* (July 1930), p. 7.

<sup>7</sup>U. S., *Congressional Record*, 71st Cong., 2nd Sess., Dec. 21, 1929, LXXII, Pt. 1, 1051-53. The Wheeler-Howard Act stemmed from these proposals.

<sup>8</sup>*Ibid.*, 72nd Cong., 1st Sess., Mar. 10, 1932, LXXV, Pt. 5, 5677-78.

<sup>9</sup>*Indian Truth* (Mar. 10, 1931), p. 1.

<sup>10</sup>B. T. Quinten, "Oklahoma Tribes, the Great Depression and the Indian Bureau," *Mid-America*, LXIX (Jan. 1967), pp. 29-43.

<sup>11</sup>*The New York Times*, Mar. 30, 1931, p. 3.

<sup>12</sup>The most extensive and perceptive analysis of the new spirit in Indian education is W. Carson Ryan and Rose Brant, "Indian Education Today," *Progressive Education Magazine*,



IX (Feb. 1932), pp. 82-152. Lewis Meriam, "Indian Education Moves Ahead," *Survey*, LXXVI (June 1, 1931), pp. 253-57, describes favorably the educational progress made during the Hoover administration. Other valuable accounts of Indian education can be located in the issues of *School and Society* from Jan. 19, 1929, to Dec. 17, 1932.

<sup>11</sup>Institute for Government Research, *The Problems of Indian Administration* (Baltimore: The Johns Hopkins Press, 1928), pp. 346-423.

<sup>12</sup>U. S., *Congressional Record*, 71st Cong., 3rd Sess., Mar. 2, 1931, LXXIV, Pt. 7, 6801-02, and *Indian Truth* (Mar. 10, 1931), pp. 2-3.

<sup>13</sup>Ray Lyman Wilbur, "Uncle Sam Has a New Indian Policy," *Saturday Evening Post*, CCXXII (Mar.-June, 1929), p. 5.

<sup>14</sup>Edgar Eugene Robinson and Paul Carroll Edwards (eds.), *The Memoirs of Ray Lyman Wilbur, 1877-1940* (Stanford, Calif.: Stanford University Press, 1960), pp. 479-80.

<sup>15</sup>John Collier to the Guggenheim Foundation, Dec. 1, 1932, Collier Papers.

<sup>16</sup>John Collier, "Mexico: A Challenge," *Progressive Education Magazine*, IX (Feb. 1932), pp. 93-98, and John Collier, *American Indian Life* (July 1931), pp. 32-34.

<sup>17</sup>John Collier to Haven Emerson, Feb. 4, 1930, Collier Papers.

<sup>18</sup>*Ibid.*

<sup>19</sup>John Collier to Secretary Wilbur, May 27, 1930, Collier Papers. For a portrayal of the above controversies, consult Ruby Black, "New Deal for the Red Man," *Nation*, CXXX (Apr. 2, 1930), pp. 383-99; John Collier, "Monopoly in Montana," *The New Freeman*, May 3, 1930, p. 1; and *The New York Times*, May 23, p. 16, and May 24, 1930, p. 19.

<sup>20</sup>Mary Austin to the editor of the *Saturday Review*, Aug. 15, 1931, Collier Papers.

<sup>21</sup>Mary Austin to John Collier, Apr. 27, 1930, Collier Papers.

<sup>22</sup>*The New York Times*, Dec. 15, 1929, p. 5.

<sup>23</sup>Newspaper clipping, *Washington Post*, Dec. 8, 1929, Collier Papers.

<sup>24</sup>Lawrence Kelly, *The Navajo Indian and Federal Indian Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), p. 62.

<sup>25</sup>John Collier to Charles Fahy, Feb. 6, 1931, Collier Papers.

<sup>26</sup>Warren, *Herbert Hoover and the Great Depression*, pp. 114-207.

<sup>27</sup>John Collier, Highlights of the Case for Removing Hagerman from the Government Pay-

roll, Feb. 29, 1932, Collier Papers.

<sup>28</sup>*Ibid.*

<sup>29</sup>Albert Fall to Governor Herbert Hagerman Jan. 2, 1923, Western Union Telegram, National Archives, Record Group 316, Private Papers of Herbert Hagerman, File on the correspondence with Albert Fall, 1923.

<sup>30</sup>Herbert Hagerman to the Gentlemen of the Indian Rights Association, Mar. 23, 1934, NA, RG 316, Hagerman Papers; File on the Wheeler-Howard bill, series 1, item 49.

<sup>31</sup>John Collier, Highlights of the Case for Removing Hagerman from the Government Payroll, Feb. 29, 1932, Collier Papers.

<sup>32</sup>F. S. Donnell to the editor of *Colliers*, Feb. 28, 1934, NA, RG 316, Hagerman Papers, File on the Wheeler-Howard bill, series 1, item 49.

<sup>33</sup>*Ibid.*, and Kelley, *The Navajo Indians and Federal Indian Policy*, p. 69.

<sup>34</sup>John Collier, "The Case Against Herbert Hagerman of the Indian Bureau as Established to Date, Feb. 5, 1931, Collier Papers, and newspaper clipping, *Albuquerque* (N.M.) *Herald*, Oct. 15, 1925, Collier Papers.

<sup>35</sup>John Collier, Highlights of the Case of Removing Hagerman from the Government Payroll, Feb. 29, 1932, Collier Papers, and U. S. *Congressional Record*, 72nd Cong., 1st Sess., Mar. 9, 1932, LXXV, Pt. 5, 5547-49.

<sup>36</sup>John Collier, Rebuttal Testimony on the Navajo Oil Leasing Record of Herbert Hagerman, Collier Papers.

<sup>37</sup>John Collier, manuscript on Herbert Hagerman, Collier Papers.

<sup>38</sup>John Collier, Rebuttal Testimony on the Navajo Oil Leasing Record of Herbert Hagerman, Collier Papers.

<sup>39</sup>Lynn Frazier, Elmer Thomas, Burton K. Wheeler, Report on the Charges of the Misconduct of Herbert Hagerman, Special Commissioner to Negotiate with the Indians and a Member of the Pueblo Lands Board, Feb. 16, 1932, Collier Papers.

<sup>40</sup>U. S., *Congressional Record*, 72nd Cong., 1st Sess., Mar. 9, 1932, LXXV, Pt. 5, 5547-49. For a detailed account of Collier's dissatisfaction with the Hoover administration, consult John Collier, "The Indian Bureau's Record," *Nation*, CXXXV, (Oct. 5, 1932), pp. 303-05.

<sup>41</sup>U. S., *Congressional Record*, *ibid.*, Mar. 10, 1932, 5677.

<sup>42</sup>John Collier, *From Every Zenith* (Denver: Sage Books, 1963), p. 143.

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THE TRIBAL ALTERNATIVE TO BUREAUCRACY:  
*The Indian's New Deal, 1933-1945*

By Graham D. Taylor

THE FRANKLIN D. ROOSEVELT ADMINISTRATION OF 1933 provided an opportunity for men like R. G. Tugwell, Arthur E. Morgan, M. L. Wilson and John Collier to experiment with new approaches to the federal bureaucracy. They expected the New Deal programs to accomplish more than simply to salvage American society from the wastes of the depression. These programs, they hoped, would help broaden the economic base of democracy and provide people with greater opportunities to make decisions which would affect their future.

The Indian tribes of the American West were a convenient "laboratory" for experimenting with planned political and economic development. The Indians offered unique opportunity to those who held that traditional communities could play a role in the planning and administration of complex economic programs without undergoing a painful cultural crisis in the process.<sup>1</sup>

Yet, little was known in government and even in academic circles about the actual structure of Indian political life, as it varied from one group to another. Even less was known of the impact which more than a generation of alien domination had made on traditional tribal political institutions.

IN NOVEMBER, 1933, John Collier, the newly installed Commissioner of Indian Affairs, circulated questionnaires among a number of leading anthropologists and other scholars who were presumed to have some knowledge about Indian social and political organizations. The circular included questions about the specific political systems of various tribes and observed changes in the structure of political leadership. The response was disappointing. As one anthropologist ruefully admitted, since "most anthropologists in this country have been comparatively uninterested so far in the practical problems of Indians . . . fewer satisfactory responses will follow the questionnaires than could be expected."<sup>2</sup> This general ignorance about Indian political systems was to have a marked effect on the execution of the New Deal reform program.

While information about changing political and social conditions was sparse, there was abundant evidence that the traditional policies of the Bureau of Indian Affairs had failed to achieve stated goals and had left Indians mired in poverty and despair. The Indian policies associated with the Dawes Act of 1887 and subsequent similar measures had unwittingly spawned in the Bureau a frightening example of an arrogant, corrupt, and undirected bureaucracy. These policies can be summarized by the terms of assimilation and allotment.

The basic premise underlying the assimilation policy was that Indians were at some lower stage in the evolutionary scale, and had to be forced to discard their barbaric customs and embrace those of the dominant white society. The Bureau sought, not entirely successfully, to eradicate traditional Indian religious and social customs and ceremonies.

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Indian children were taken off the reservations to boarding schools where they were given rudimentary training in industrial skills. Meanwhile, the Bureau assumed almost total control over Indian civil and economic life, displacing the traditional tribal leaders.<sup>3</sup>

Allotment policy was more complicated. In keeping with the premises of assimilation, the traditional Indian system of tribal ownership of lands and other resources was regarded by the framers of the Dawes Act as backward. Indians were to be introduced to the concepts of private ownership, and the American family farm. The initial Act of 1887 provided that the Bureau would hold tribal lands for a maximum of twenty-five years, and then distribute 160 acres to each family head. After allotment the remaining reservation land would be opened for public sale. The plan thus seemed to offer something for everyone, since during the trusteeship period the Bureau could lease Indian mineral, timber, and water resources to expectant Western entrepreneurs.<sup>4</sup>

These policies had a devastating effect on a people already badly demoralized by a century of exploitation and conquest. A study made by the Brookings Institution for the federal government in 1928 determined that Indian landholdings had diminished from 139,000,000 acres in 1880 to less than 48,000,000.<sup>5</sup> Since the Bureau had failed to provide its wards with training in farming, many Indians sold or leased their lands to neighboring white farmers. Even where lands were farmed, they were fragmented among numerous heirs on the death of the original allottee. A National Resources Committee study of Indian lands in the 1930s discovered that on some reservations in the Northern Plains states more than eighty percent of the Indians owned less than five acres of land.<sup>6</sup> During the 1920s the agricultural depression contributed to Indian poverty: in 1928, fifty-five percent of all Indians had a per-capita income of less than two hundred dollars per year, and only two percent earned more than five hundred dollars per year.<sup>7</sup>

The assimilation policy was equally disastrous, although more difficult to measure in its impact. Younger Indians raised in boarding schools returned to the reservations alienated from both white and Indian cultures. Poorly trained for industrial vocations, they were equally unprepared for farming.<sup>8</sup> Alcoholism and petty crime posed a constant problem for Bureau agents on the reservations. Among Indians of all ages diseases, such as tuberculosis and trachoma, persisted despite efforts in the 1920s to improve medical conditions. The frightening incidence of biological decline was an indicator of the cultural disintegration induced by these policies.<sup>9</sup>

The policies were bad enough; administration was often even worse. Most Indian agents and reservation superintendants were honest — instances of outright fraud had diminished by the 1890s — but the agents often treated their wards in an arbitrary and paternalistic manner. Moreover, the Bureau only occasionally attempted to act as protector of the Indians against the predatory schemes of Western business and pol-

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itical interests. Top positions in the Bureau were usually given to politicians with little interest or understanding of Indian problems.

The administrative system was top-heavy: agents on the reservations had to refer all but the most routine questions to Washington for decision. This lack of opportunity for responsibility plus low salaries prevented the Bureau from acquiring the best administrators. Indians, even those with education, were barred from taking high positions in the Bureau.<sup>10</sup>

Probably the most pervasive problem was the apparent capriciousness, the lack of continuity in administration. "There is no Indian tribe whose memory is not filled with the recollection of the constantly fluctuating policies of successive Commissioners and Secretaries of the Interior," John Collier pointed out to a Congressional committee in 1934, "and the situation is one under which Indians cannot be expected to work in earnest to build up a stable domestic government."<sup>11</sup>

The existing structure of policies and administration of Indian Affairs had clearly failed, and during the 1920s a movement for reform developed in the wake of a particularly blatant effort by Interior Secretary Albert B. Fall and others to deprive the Pueblo Indians of their traditional lands. The Herbert Hoover Administration brought a reform-minded leadership to the Bureau under Charles Rhoads at the same time that the Brookings Institution released its important critique of the existing system.<sup>12</sup>

Under Rhoads the Bureau abandoned the boarding school system and medical facilities were improved. Stimulated by proposals in the Brookings report, Rhoads in 1929 drew up a program for the complete overhaul of the Indian Bureau. The most significant elements in the proposed program were: (1) the gradual diminution of the allotment process and encouragement of tribal consolidation of landholdings; (2) the establishment of tribal councils on reservations with the authority to tax lands leased to white farmers; (3) the establishment of tribal corporations to manage tribal resources, drawing on the tribal funds held in trust by Congress, and upon a government loan program.<sup>13</sup>

These proposals, made by Herbert Hoover's Commissioner of Indian Affairs were to constitute the basis for the Indian Reorganization Act of 1934; but they were never formally proposed in a bill to Congress. Indeed, there was no follow-up at all. By 1932 the Bureau had reversed its position on administrative reform and opposed a bill for the incorporation of the Klamath tribe in Oregon on the ground that the Indians lacked the competence to manage their own resources.<sup>14</sup> This curious change of mind has never been explained. Rhoads was temperamentally a moderate and his reforms were intended to be gradual. Even the initial steps taken by the Rhoads administration to assist the Indians were soon engulfed by general economic conditions.

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new Indian program left the field open for bolder experimenters, such as John Collier, spokesman for the militant American Indian Defense Association. In 1933, President Franklin D. Roosevelt, on the recommendation of Secretary of the Interior Harold Ickes, appointed Collier as Commissioner of Indian Affairs.

Collier brought to the Bureau a background not only in Indian reform, but also experience in the urban community center movement in New York in the era of mayors Gaynor and Mitchel.<sup>15</sup> From this experience he had acquired a strong belief in the potentiality of the local community to play an active role in making important decisions affecting national as well as local social and economic arrangements. He clearly saw in the designing of a new Indian program an opportunity to apply directly on a large scale the concepts developed by community organizers in the period of the First World War.<sup>16</sup>

The Indian program was not the only New Deal program in which emphasis was placed on community participation. In the Department of Agriculture, M. L. Wilson, Howard Tolley and others were developing ideas about the integration of local-rural communities into the federal agricultural policy process. Similar approaches were advanced by leaders in the Soil Conservation Service and the Tennessee Valley Authority. But these ideas were most fully developed and applied by the Indian Service during the 1930s.<sup>17</sup>

The Indian Reorganization Act was, of course, not Collier's brain-child. The basic elements of the program had been outlined by Rhoads in 1929, and were developed further by a conference of groups interested in Indian reform held early in 1934, chaired by Lewis Meriam who had directed the 1928 Brookings study.<sup>18</sup> The initial bill was drafted by Collier with his assistant commissioner, William Zimmerman and two lawyers in the Interior Department with a special interest in Indian affairs, Felix Cohen and Nathan Margold. Throughout the drafting and legislative process, however, Collier remained a central figure, overseeing the preparation of the bill, lobbying for it before Congress and assemblies of Indians across the country, infusing the program with his particular convictions and interpretations.<sup>19</sup>

The bill was introduced in Congress by Senator Burton K. Wheeler of Montana and Congressman Edgar Howard of Oklahoma, chairmen, respectively, of the Senate and House Committees on Indian Affairs. It was an omnibus bill with provisions for the termination of allotment and restrictions on further sales of Indian lands. It established a revolving credit fund of \$10,000,000 for tribes to use in the purchase of new lands. Other sections provided Indians the right to take positions in the Bureau, and authorized the Interior Department to purchase lands for landless Indians: measures which had already been put into effect by Collier and Ickes.

The heart of the new Indian program was the part of the bill dealing with tribal self-government. On reservations where more than forty



percent of the land had not been alienated a referendum would be called to determine whether the tribe — or tribes — desired to come under the Act. If they chose to do so they would be entitled to draw upon the revolving credit fund and could prepare a tribal constitution. The constitution also had to be approved in referendum by a majority of the authorized tribal members. Under the approved constitution officers of the tribal council would be elected and the elected government could establish business corporations to manage resources such as timber, minerals and tribal lands.<sup>20</sup>

Several changes had been made in the original bill by its congressional sponsors and these changes were to have important effects in limiting the pace and extent of Indian self-government. In the original Bureau draft all Indian tribes would have had immediate access to the credit fund and the only required referendum would have been on a constitution. Congressman Howard felt that this procedure implied that the new program was mandatory for Indians and he added the provision for an initial referendum.<sup>21</sup> This provision gave opponents of the new program, including white land-owners and their Indian political allies, an opportunity to carry the fight against the legislation to the tribes even after Congress had enacted the bill. During the next ten years seventy-seven of the 250 tribes which held referenda on the program rejected it and remained politically under the control of Bureau administrators.<sup>22</sup>

During the debates on the bill Senator Wheeler encountered opposition from Western politicians, such as Senator Pat McCarran of Nevada, who maintained that the Bureau could easily manipulate Indian voting through organized minorities.<sup>23</sup> To counter this objection Wheeler added a provision requiring approval in referenda by a majority of all potential voters rather than simply of those who came to the polls. This requirement, more stringent than those for most state and national political elections, was the source of endless disputes and delays since many Indians who had left their reservations and even those removed from tribal life for more than a generation could demand inclusion in the voting.<sup>24</sup>

Wheeler also made two other changes in the bill which had an impact on the economic program. In the original bill provision had been made for the incorporation of Indian groups smaller than the tribe. Wheeler removed the coöperatives and gave to the tribal council exclusive power in the area of economic organization.<sup>25</sup>

The most controversial element in the Bureau proposal empowered the tribal governments to force reservation landowners, white and Indian, to sell their lands to the tribe (or exchange the land for shares in the tribal corporation) for the purpose of consolidation. Most of the reservation lands were in the Great Plains states and were more suitable for large scale farming or grazing than small individual family farming. Collier likened the proposal to the Taylor Grazing Act which provided for consolidation of range lands under the administration of groups of

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range users. "The Taylor bill is . . . occasioned by the breaking up of the public domain through homesteading so that erosion is washing it away," he said. "We have an analogous condition of the Indian reservations."<sup>26</sup> Nevertheless, pressure from Western landowners and from Indians who had leased productive mineral resources on their allotments persuaded Wheeler to remove the provision from the bill. Collier later mourned the loss of this measure as "a major disaster to the Indians, the Indian Service and the program."<sup>27</sup>

The Wheeler-Howard bill which was signed into law as the Indian Reorganization Act on June 28, 1934, thus constituted a compromise between the views of reformers in the Bureau of Indian Affairs and the Western interests represented in Congress. In the political sphere the final bill encouraged far more activity among Indians than its original designers may have intended. The requirement of two referenda and absolute majorities in each election set the stage for major struggles in tribes such as the Navajo and Blackfeet where control over important land and mineral resources were at stake. In the economic sphere the range of authority available to tribal governments had been limited, and a flexible approach to Indian economic organization had been eliminated. But most of the elements of the original concept remained, reflecting the influence of both the Indian reform movement of the 1920s and the earlier movement for urban community organization and participation.

From 1933 to 1945 the Bureau of Indian Affairs under Collier compiled an impressive record of administration under the Indian Reorganization Act. During these years more than one hundred tribes acquired some measure of self-government, the first most had experienced since the end of the Indian wars in the nineteenth century. Indian landholdings were increased by 7,400,000 acres, and more than \$12,000,000 was drawn from the revolving fund to help finance tribal enterprises in livestock, lumbering, land and water reclamation, and encouragement of the tourist trade; of these loans less than two and one-half percent was in default in 1945, and most loans had been repaid in full.<sup>28</sup>

Yet, measured against this record of success in improving the material condition of Indians was the fact that an indigenous sense of participation in, and support for the reforms had not taken place. Some of the major tribes actively resisted the introduction of the Reorganization program: the Five Civilized Tribes of Oklahoma lobbied successfully for their exclusion from the Wheeler-Howard bill in 1934, as did the Iroquois in New York State. The Navajos of Arizona and New Mexico, the largest single tribal group in the United States, rejected the program by a close vote in referendum in 1935.<sup>29</sup>

Even among the tribes who embraced reorganization the ideas of tribal interest and Indian cultural self-consciousness were slow to take root. During the decade that followed Collier's departure from the Bureau, Western Congressmen devised a new policy called "termination"

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under which the federal role in the management of Indian lands and properties would be rapidly eliminated, reservation lands not tribally owned would be made available to private buyers, and Indians would vote on whether or not to retain the tribal governments and corporations. This plan, which revived in a new form many of the problems of the allotment policy, encountered less than whole-hearted resistance from the Indians. While most official tribal spokesmen opposed termination, many Indians were indifferent and some supported the proposal.<sup>30</sup>

One of the basic aims of the Indian's New Deal had been the regeneration of a strong tribal identity to resist the encroachments of neighboring communities and capricious shifts in government policy toward Indians. The failure of tribal leaders to mobilize opposition to termination indicated the limits of the reorganization program in developing a strong tradition of Indian self-determination.

There were several factors which critically affected the development of the Indian Reorganization program but were beyond the control of the Bureau officials responsible for its administration. First, there was the growth of Congressional opposition to Indian reform and its effect on budgetary appropriations for the reorganization programs.

During the first three years of the program appropriations for the Bureau rose by \$14,000,000. By 1938, however, charges of mismanagement of the Indian programs and a deficit-conscious Congress blocked further increases. Appropriations declined precipitously in 1941 and the next two years by more than \$5,000,000.<sup>31</sup>

These shifts could be explained in part by the broader political and economic situation, particularly the 1938 recession and the advent of American entry into World War II in 1941. During the same time, however, Congressional criticism of the reorganization program was increasingly vocal. Senator Wheeler, who had never wholeheartedly endorsed the plan, became disenchanted with the Bureau in general and Collier in particular. In 1937 Wheeler introduced a bill for the repeal of the entire program. Although Collier successfully lobbied against this and three similar bills during the next six years, his critics in Congress were persistent and their frequent investigations provided a forum for white and Indian opponents of reorganization to expound on the inefficiencies and socialistic tendencies of the program.<sup>32</sup>

A second factor was the impact of World War II on the development of tribal self-government. We have already noted the drastic reduction in appropriations. The approach of war also led to cutbacks in Bureau personnel and a consequent loss of momentum in the reorganization effort as some of the more energetic field representatives left the Bureau. Most important, mobilization stripped the tribal councils of their most talented and vigorous leaders who left for the armed forces or joined the tide of rural people to the new wartime industrial centers.<sup>33</sup>

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external circumstances than from ambiguous and even mistaken assumptions about the structure of Indian communities and the development of spontaneous and effective self-government among the Indians. This problem related to the definition of the tribe, the essential unit of government under the Act.

The Wheeler-Howard Act defined a "tribe" as "any Indian tribe, organized band, pueblo, or the Indians residing on one reservation."<sup>34</sup> While flexible, this definition was not very helpful to administrators, given the fact that neither the new Bureau leadership nor most anthropologists could provide adequate information about existing political institutions among the Indians. In practice, therefore, the reservation became the focus for organization, except among Indians whose settlements were scattered rather than concentrated near agencies, as was the case in California and Alaska.<sup>35</sup>

This approach created much confusion and unanticipated problems. Many of the reservations in the Great Plains and Southwestern states were populated by a congeries of unrelated Indian groups who often did not speak the same language and shared nothing except mutual antipathy toward some other group of Indians in the past. This was the case at Fort Berthold Reservation in North Dakota where Mandans, Arikaras and Gros Ventres resided together simply because they had banded for mutual defense against the Dakota Sioux a century before.<sup>36</sup> Another example from the Southwest was found on the Mescalero Apache Reservation in Arizona where two traditionally hostile elements of the same band had been forced by the Bureau to live in uneasy coexistence.<sup>37</sup>

Situations of this sort impeded the progress of reorganization, particularly after a tribal council had been organized as factions tended to divide along traditional lines. One of the first "tribes" to establish a council was at Flathead Reservation in Montana, composed of members of the Salish and Kootenai groups along with remnants of other bands, none of whom shared any common language or tradition other than hostility toward the Blackfeet. Eight years after the chartering of the Flathead council in 1935, J. H. Holst, a field observer from Washington, found that adequate representation of the two major tribal groups on the council never had been satisfactorily resolved; consequently, plans for the development of the more than adequate resources of the reservation had not been made by the council.<sup>38</sup>

Even on reservations inhabited by a people sharing linguistic and cultural ties, similar problems emerged. Years of powerlessness had eroded the sense of responsibility and interest in civic affairs of the traditional leaders, and the advent of reorganization brought to light the deep fissures that had developed in Indian societies. Factionalism was widespread: Indians divided on the issue of reorganization along a variety of lines, ranging from political and religious affiliations to personal and family vendettas.<sup>39</sup> In many ways, of course, Indians differed little in their political behavior from their white neighbors who also

brought their religious and social prejudices to the political polls. The problem for the Indians, however, was that their political performance directly affected the rate at which they acquired control over their own resources.

The misapplication of the tribal concept by Bureau administrators related to a deeper problem. The whole program was based on the revival of traditional tribal institutions with leaders who could gradually be integrated into organizations for the management of Indian resources. Yet in practice the institutions established under the Reorganization Act were built along Anglo-American lines, with electoral districts, voting by secret ballot, tribal presidents, vice-presidents and committees — the paraphernalia of American political tradition transferred to a people whose experience with those institutions was remote or non-existent.

The result in many cases was that older full-blood Indians and their leaders were further demoralized while younger men, often of mixed-blood background rose in the new councils. J. H. Holst, commenting on the program on the Sac and Fox Reservation in Iowa, dealt succinctly with this problem:

For a long time the old system of local government under headmen has been breaking down. Most of the old men have held tenaciously to the traditional system while the young, trained in school and in closer contact with the whites, have gradually adopted the new ways. Re-organization has tended to emphasize this cleavage and set up irreconcilable groups. This is not a new thing or one peculiar to this reservation. It is . . . a difficult problem among all real Indian groups.<sup>40</sup>

At best this situation generated much rivalry among Indians on the council over inconsequential matters. At worst it could corrode any existing tribal self-consciousness and lead to bitter struggles for power, particularly where tribal resources promised potential wealth.

The Blackfeet in Montana provide a striking example. Oil was discovered on the reservation shortly before the new program was introduced and a faction of younger men of mixed blood moved rapidly to secure control over the tribal council which had responsibility for the mineral lands. They invested the revenues from mineral leases in tribal enterprises whose share-holders were for the most part mixed-blood. The full-blood faction protested to the Bureau that there was clear discrimination in establishing voting districts for the council. Although the Bureau kept out of the dispute a report made in 1945 concluded that "the Indian Reorganization Act has placed a legal tool in the hands of the ruling clique . . . that more or less formalizes the struggle for control on a plane that makes full-blood resistance almost an act of treason."<sup>41</sup>

In fairness to the Bureau we must add that Collier attempted to bring the knowledge of anthropologists into the reorganization process despite the disappointing results of his initial survey. In 1935 the Education Division was established under Williard W. Beatty to provide incoming Bureau personnel with a background in the various types of

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Indian cultures and to stress that administrators should adapt the program to these situations. A more ambitious effort was the applied anthropology staff which provided special assistance in tribal organization. Budget cuts after 1938, however, according to Collier, forced the Bureau to curtail this project.<sup>42</sup>

Ultimately the reorganization effort failed to achieve its goal of reviving cultural and communal unity. This failure was not simply the result of administrative mistakes bred by ignorance and haste. The designers of the program chose to focus their activities on the tribe, a once potent but now relatively declining and hence artificial institution in Indian life, rather than seeking to identify and work directly with existing Indian communities.

This crucial point was made by an Indian in 1942. Archie Phinney, a Nez P rce who brought to the Bureau a background in anthropology with Franz Boas, discussed the general implications of reorganization in the course of a report on Chippewa tribal organization. After noting that, as was the case for many other Indians in the Great Plains states, "tribal" unity had no relationship with the actual situation, Phinney went on to point out that the sponsors of the program had failed to recognize or exploit the potential for spontaneous and enduring participation at the community level:

A study of the relations between the elected representatives and their constituents will show a growing democratic centralism which kind of detachment can never lend itself to the creating of wide community participation in tribal affairs. . . . The efforts of the Indian Organization staff in the past years have been directed mainly toward the strengthening of tribal council government. . . . But this achievement is empty of the result most needed — the reinforcement of community life. . . . The basic problem is how to stimulate the development of initiative and responsibility on the community level, within local groups, for only on this level, below the council, can there be any real Indian participation, and any real exercise of whatever new powers the Indian Bureau may want to transfer to the Indians.<sup>43</sup>

It is true that to some extent the Bureau was limited by the structure of the Wheeler-Howard Act to working with tribal organizations. The Act limited corporate business organizations to the tribal level for management of Indian resources, and revenues were handled through tribal rather than local or community agents. At the same time, however, we must note that the Bureau worked almost exclusively with these tribal organizations no matter how weak or divided they were, even when it became evident that satisfactory alternatives existed.

There were experiments with the community alternative. They were scattered and never part of a systematic program but they received a good deal of complimentary attention in the Bureau's house organ, *Indians At Work*.

One of the most successful cases of effective tribal organization in the Southwest, for example, emphasized a local community approach.

The Pueblo Indians had a tribal council but most of the routine decisions were made at the village level by elected community bodies. When Pueblo lands were found to be subject to excessive grazing the Bureau sent representatives to each of the villages and worked out equitable procedures for herd reduction and land improvement, which was accomplished on a gradual basis between 1935 and 1940.<sup>44</sup> This situation contrasted sharply with the experience of the neighboring Navajo tribe in the same period where stock control policies encountered vehement resistance and culminated in the complete disillusionment of the Indians with the reorganization program.<sup>45</sup>

An equally striking example of community development under the sponsorship of local Bureau officials took place in the Great Plains region, on the Sioux Reservation at Pine Ridge, South Dakota. When the initial plans for consolidation and recovery of tribal lands for grazing encountered the usual obstacles, and a vocal full-blood minority emerged to contest the authority of the tribal council, the local Bureau agent decided in 1938 to establish a model community at Red Shirt Table. Community meetings were held, a local committee composed of mixed-bloods and full-bloods was formed, and advisers were brought from the Extension Service, the Soil Conservation Service and other federal agencies to help design a land-use plan. To prevent friction among the Indians, community projects were divided: full-bloods established a livestock coöperative while the mixed-bloods designed and developed an irrigated gardening project and a housing construction enterprise. By 1943 the Red Shirt Table Development Association had established enough community cohesion to demand special representation on the Pine Ridge tribal council.<sup>46</sup>

These examples were isolated and may have succeeded as the result of exceptional conditions, but other evidence suggests a widespread potential for real community organization among the Indians. On the other Sioux reservations in the Dakotas community coöperatives had been encouraged during the 1920s, largely owing to the missionary work of George Pugh, a mixed-blood Indian.<sup>47</sup> Among the Blackfeet in Montana community "chapters," sponsoring livestock coöperatives, demonstration farms and adult education centers had flourished in the face of indifference and resistance from Bureau officials.<sup>48</sup> Even among the ill-fated Navajo an elaborate system of community councils, created at Bureau behest in the 1920s, underwent an ironic renaissance when it became the center for Indian organization to oppose herd reduction during the Collier era.<sup>49</sup>

Bureau records also indicate that there was a belated recognition of the need for more community emphasis in tribal organization as the initial efforts failed to produce much improvement in economic conditions and aroused opposition among Indians who felt left out of the new program. As noted earlier the Red Shirt Table experiment grew out of the frustrations of the first years of Indian Reorganization at Pine

Ridge. Similarly, the Pueblos probably had a similar situation of the program. A retrospective of several years of the stock control program had been done.

There were, however, some approaches that could be taken. Kinship lands and active areas of the communities could be often their only tribal level hindrance. They could get credit only through the tribal councils. They should actively consider the mobilization of their manpower in making the program work.

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recognition of reservation as the economic condition of the new reservation grew out of reservation at Pine

Ridge. Similarly the Bureau approach to stock control among the Pueblos probably benefited from the Navajo experience where coordination of the program was carried on largely with the tribal council. In retrospect several of the Bureau officials responsible for execution of the stock control program among the Navajos admitted that insufficient work had been done at the local community level.<sup>50</sup>

There were, however, limits on the extent to which the community approach could be applied. The legacy of the allotment period — scattered kinship lands and huge tracts of alienated lands in the most productive areas of the reservations — left a situation in which few communities could be expected to effectively plan the use of their major, often their only resource. The legal restriction of incorporation to the tribal level hindered the development of new enterprises since Indians could get credit only from the federal government, and then only through the tribal councils. By the time that Bureau leaders had begun to actively consider the community alternative the exigencies of wartime mobilization had significantly reduced their share in the federal budget, their manpower in the field, and even the local leaders who might have made the program work.

This analysis may seem unrelievedly negative. It is not meant to be. Collier's administration did more to improve the physical and psychological conditions of Indian life than any administration before or since. Even to militant Indian spokesmen of the present, like Vine Deloria, Jr., the Collier period marked the one instance in the grim history of relations between the Indian and the white governments where a genuine and farsighted effort was made to bridge a cultural chasm and allow the Indians to build a new society on the foundations of traditional institutions.<sup>51</sup>

At the same time, we must recognize the weaknesses of the reorganization program as it affected Indian communities, for this subject is relevant not only to the subsequent history of the Indians, but also to some broader conclusions about the dynamics of community organization under government sponsorship.

Observers of the Indian Reorganization effort and other New Deal experiments with community organization concluded that communication between Washington policy-makers and their field agents often broke down. In 1950 Clyde Kluckhohn and Robert Hackenberg wrote that the designers of the Indian Reorganization Act "paid . . . insufficient attention . . . to the habitual ways of thinking and reacting of the group out in the field." These critics maintained that Bureau officials on the reservations continued to regard Indians as incompetent wards of the state. Despite their willingness to initiate reorganization, reservation agents misinterpreted the local situation and therefore "screened the instructions they got from Washington."<sup>52</sup>

Bureau records for this period do indicate these problems existed. Washington observers found local officials narrowly defining the rights

and authority of tribal councils, frequently vetoing tribal legislation, and seeking to retain supervision over tribal resources.

The records, however, do not reveal a systematic attempt by local officials to undermine reorganization goals. Some agents maintained a paternalistic attitude while others worked actively to promote Indian participation. There are no clear-cut patterns in this area, and even where agents opposed reorganization goals, the tribal councils vocally asserted their rights, particularly on such issues as the licensing of traders and leasing of mineral resources.<sup>53</sup>

Moreover, the Indian position was consistently defended and promoted by the Washington Bureau, which frequently acted as an appellate court in these disputes. Bureau leaders, such as Willard Beatty, William Zimmerman, William Brophy and Kenneth Meicklejohn, shared Collier's view that tribes be given free rein consistent with existing economic limitations. After Collier's retirement Brophy and Zimmerman continued his policies in the face of growing Congressional criticism.<sup>54</sup> To augment their position *vis-a-vis* the local agents, Washington leaders maintained a number of traveling field observers, many of them Indians with backgrounds in anthropology, such as Archie Phinney and D'Arcy McNickle. These field observers provided an often critical, but necessary and influential view of developments in the reorganization program.

The program's major problem was not the administration but the underlying idea, the focus of the effort. For some Indians the tribal connection still had some importance despite almost a century of systematic uprooting; for many it did not. On the other hand, Indians still lived in small, relatively isolated communities and demonstrated a willingness to work together when provided the opportunity. These were not traditional communities nor had they existed long enough with a self-consciousness of shared needs to be considered a "natural community" by the standards of contemporary social theory. The potential, however, existed.

Designers of Indian Reorganization only gradually realized that these communities could determine the future of American Indians. As a result the reforms disintegrated, allowing a revival of bureaucratic control and Congressional exploitation. The assertion of Indian self-determination is left to a new generation of Indians.

#### ANNOTATIONS

1. John Collier, "The Indian Administration As a Laboratory in Ethnic Affairs." *Serial Research* XII (1945), pp. 265-303.
2. George Herzog to John Collier, February 27, 1934. U. S. National Archives, Records of the Bureau of Indian Affairs (Record Group 75). In fairness we must add that there were very informative responses from such scholars as Ralph Linton, Robert Lowie and A. L. Kroeber.
3. The Indian reform program of the 1880s is discussed fully, and sympathetically, in Loring B. Priest, *UNCLE SAM'S STEPCHILDREN: The Reformation of United States Indian Policy* (New Brunswick: Rutgers University Press, 1942). Also see R. W. Mardock, *THE REFORMERS AND THE AMERICAN INDIAN* (Columbia: University of Missouri Press, 1971).

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4. Harold G. ... Harper and associates.
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7. Meriam, pp. 4.
8. *Ibid.*, pp. 11-12.
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12. Randolph C. ... *Historical Review*.
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14. Freeman, pp. 1.
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20. U. S. Congress, Government Printing Office.
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22. The figures on THE INDIAN ... pp. 11-31.
23. See in particular June 12, 1934.
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28. Fey and McNickle.
29. The Oklahoma ... 1935. See Fey discussed in the *Aldine Publishing Co. ERAL INDIAN ...*
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3. U. S. National Resources Board, Land Planning Committee, "Indian Land Tenure, Economic Status and Population Trends," *Report on Land Planning, Part 10* (Washington: Government Printing Office, 1935), pp. 28-32.
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7. Oliver LaFarge, *AS LONG AS THE GRASS SHALL GROW* (New York: Longmans Green, 1910), pp. 61-62.
8. U. S. Congress, House Committee on Indian Affairs, Hearings on H. R. 7902, 73rd Congress, 2nd Session (Washington: Government Printing Office, 1934), p. 36.
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16. John Collier, "The Genesis and Philosophy of the Indian Reorganization Act," p. 6.
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24. Collier, "The Indian Administration as a Laboratory in Ethnic Affairs," p. 265.
25. Fey and McNickle, *Indians and Other Americans*, pp. 116-117.
26. The Oklahoma tribes were brought under the new program by special legislation in 1935. See Freeman, p. 280. The causes of the Navaho rejection of Reorganization are discussed in detail in David Aberle, *THE PEYOTE RELIGION AMONG THE NAVAHO* (Chicago: Aldine Publishing Co., 1966); and Lawrence C. Kelly, *THE NAVAHO INDIANS AND FEDERAL INDIAN POLICY, 1900-1945* (Tucson: University of Arizona Press, 1968).
27. Fey and McNickle, pp. 155-165, contains a detailed account of the struggle over termination in the 1950s. That Indian opinion toward termination was divided can be shown by noting that in the tribes affected by the policy almost seventy percent voted for per capita distribution of tribal resources.
28. The appropriations figures are summarized in Freeman, pp. 436-438.
29. For the Wheeler bill see *Congressional Record*, 75th Congress, 1st Session, p. 1665. For reports on subsequent bills see U. S. Congress, Senate Report No. 1046, 76th Congress, 1st Session (Washington: Government Printing Office, 1939); and U. S. Congress, Senate Report No. 1031, 78th Congress, 2nd Session (Washington: Government Printing Office, 1944).
30. M. L. Burns, U. S. Bureau of Indian Affairs, Chicago, Ill., to Joe Jennings, Fort Totten, Montana, October 2, 1942. U. S. National Archives, Record Group 75.



34. U. S. Congress, LAWS RELATING TO INDIAN AFFAIRS, 73rd Congress, 2nd Session, Chapter 576, p. 383 (Washington: Government Printing Office, 1935).
35. In 1936 a special Act was passed by Congress bringing the Alaskan Indians into the Reorganization program and authorizing their organization into village units.
36. J. H. Holst, "Memorandum on Organization at Fort Berthold," November 16, 1935. U. S. National Archives, Record Group 75.
37. J. C. Cavill, "Report on Mescalero Reservation," May 7, 1935. U. S. National Archives, Record Group 75.
38. J. H. Holst, "Some Observations on the Former Flathead Reservation," April 3, 1933. U. S. National Archives, Record Group 75.
39. Ivan Drift, Pine Ridge, South Dakota, to John Collier, December 29, 1933. U. S. National Archives, Record Group 75.
40. J. H. Holst to John Collier, June 4, 1938. U. S. National Archives, Record Group 75.
41. Charles Heacock, "Report on Proposed Amendment for Representation on the Blackfeet Tribal Council," December 19, 1945. U. S. National Archives, Record Group 75.
42. H. S. Mekeel, "An Appraisal of the Indian Reorganization Act," *American Anthropologist*, Vol. XLVI (1944), pp. 209-218. John Collier, "Collier Replies to Mekeel," *American Anthropologist*, Vol. XLVI (1944), pp. 422-426.
43. Archie Phinney, "Memorandum on Plan of Reorganization of the Bureau of Indian Affairs," June 17, 1942. U. S. National Archives, Record Group 75.
44. Ruth M. Underhill, "The Native Culture System of the Pueblo Through Which the Present Indian Administration Operates," *Indians At Work*, April, 1940, pp. 22-25.
45. See Aberle, *The Peyote Religion Among the Navaho*.
46. The Red Shirt Table Community Association is discussed at length in Laura Thompson, *PERSONALITY AND GOVERNMENT: Findings and Recommendations of the Indian Administration Research* (Mexico City: Ediciones del Instituto Indigenista Interamericana, 1951), pp. 87-90.
47. Ivan Drift to John Collier, December 29, 1933. U. S. National Archives, Record Group 75.
48. F. R. Stone, "Comment on Blackfeet Reservation Chapter Organizations," April 7, 1934. U. S. National Archives, Record Group 75.
49. Clyde Kluckhohn and Dorothea Leighton, *THE NAVAHO* (Cambridge: Harvard University Press, 1946), pp. 100-102.
50. Collier himself admitted as much in his *Indians of the Americas* (New York: Norton and Company, 1947), p. 279. Also see Aberle, pp. 62-67.
51. Vine V. Deloria, Jr., *CUSTER DIED FOR YOUR SINS* (New York: McMillan Co., 1969), p. 61. Amidst a highly critical review of the activities of the Bureau of Indian Affairs, Deloria acknowledged the genuinely reformist motivation of the Collier administration.
52. Clyde Kluckhohn and Robert Hackenberg, "Social Science Principles and the Indian Reorganization Act," in Kelly, *Indian Affairs and the Indian Reorganization Act*, pp. 30-31.
53. These conclusions are based on intensive examination of the National Archives records on the Indian Reorganization program in the Dakotas, Montana, New Mexico and Arizona.
54. The circumstances surrounding Collier's resignation in 1945 are discussed in "Collier and Brophy," *The New Republic*, March 5, 1945, p. 319. Subsequent developments in the Bureau are reviewed in Fey and McNickle, *Indians and Other Americans*, pp. 160-163.

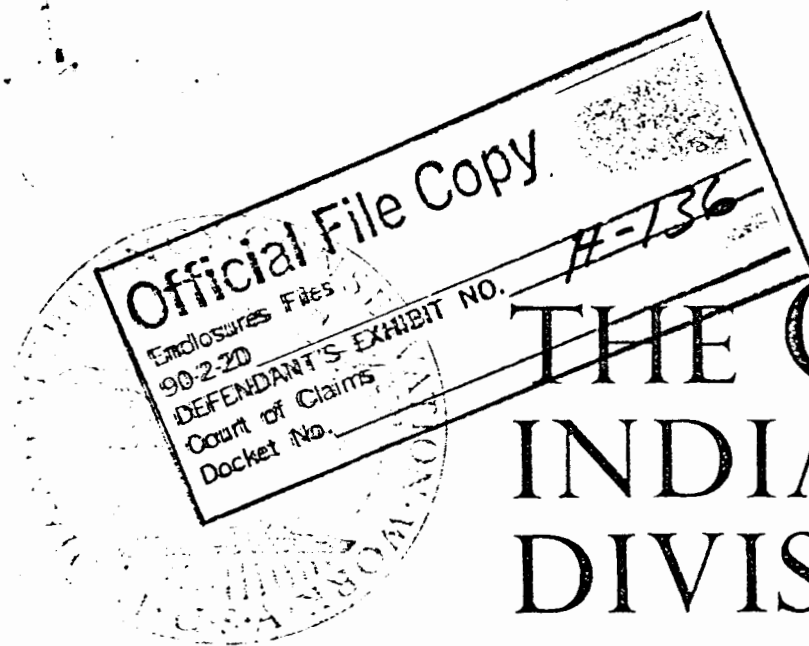
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NATIVE AMERICAN TRIBES  
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Indicative of the mood of transition of an earlier work (1962) inclusion of "renewal" in the original study he only referred American Indians up to the 19 Collier became Commissioner. Affairs had moved steadily to fractionation and land deterioration indeed had been against the ward expansion and inept government. Out of the 1930s tribal autonomy meant something and Indians renewed faith in the administrative affairs. Just before McNickle was readied for publication of a shift in policy known as the author calls it a "return to could hardly be adequately assessed he has had the perspective of ing which the ordeal of the Menominee has been examining the reversal of the promises developed before World War II.

The end of federal trusteeship lands as fact or as threat, triggered pan-Indian agitation renewed tribalism across this country. This is reflected in the newer revisions of this edition. And events at Wounded Knee re only in the Preface, the renewal ing on, for termination has only issue voiced by the tribes.

While his chapters are quite McNickle does explore matters of development of reservation lands example, a compliment to the Atomic Opportunity for its mediated achievements in community programs. It is a sad comment in comparative terms, the OEO on its effective dealing with determination in the past half



# THE CCC INDIAN DIVISION

## *Aid for depressed Americans, 1933-1942*

Calvin W. Gower

THE WINTER of 1932-33 was a season of terrible despair in the United States. Unemployment, striking first and hardest at those on the bottom of the economic scale, reached an all-time record of more than fifteen million. Perhaps a half-million young men between the ages of eighteen and twenty-five were jobless. In addition, things were wrong with the land. It yielded hesitantly after generations of wanton waste and ill-usage. Water washed three billion tons of the best soil away from fields and pastures a year, and wind accounted for a like amount, as dust re-

<sup>1</sup>William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, 52 (New York, 1963); Samuel F. Harby, *A Study of Education in the Civilian Conservation Corps Camps of the Second Corps Area*, 13 (Ann Arbor, 1938); John A. Salmond, *The Civilian Conservation Corps, 1933-1942: A New Deal Case Study*, 4 (Durham, 1967).

<sup>2</sup>Kenneth Holland and Frank E. Hill, *Youth in the CCC*, 9 (Washington, D.C., 1942); Leuchtenburg, *Roosevelt*, 41-62.

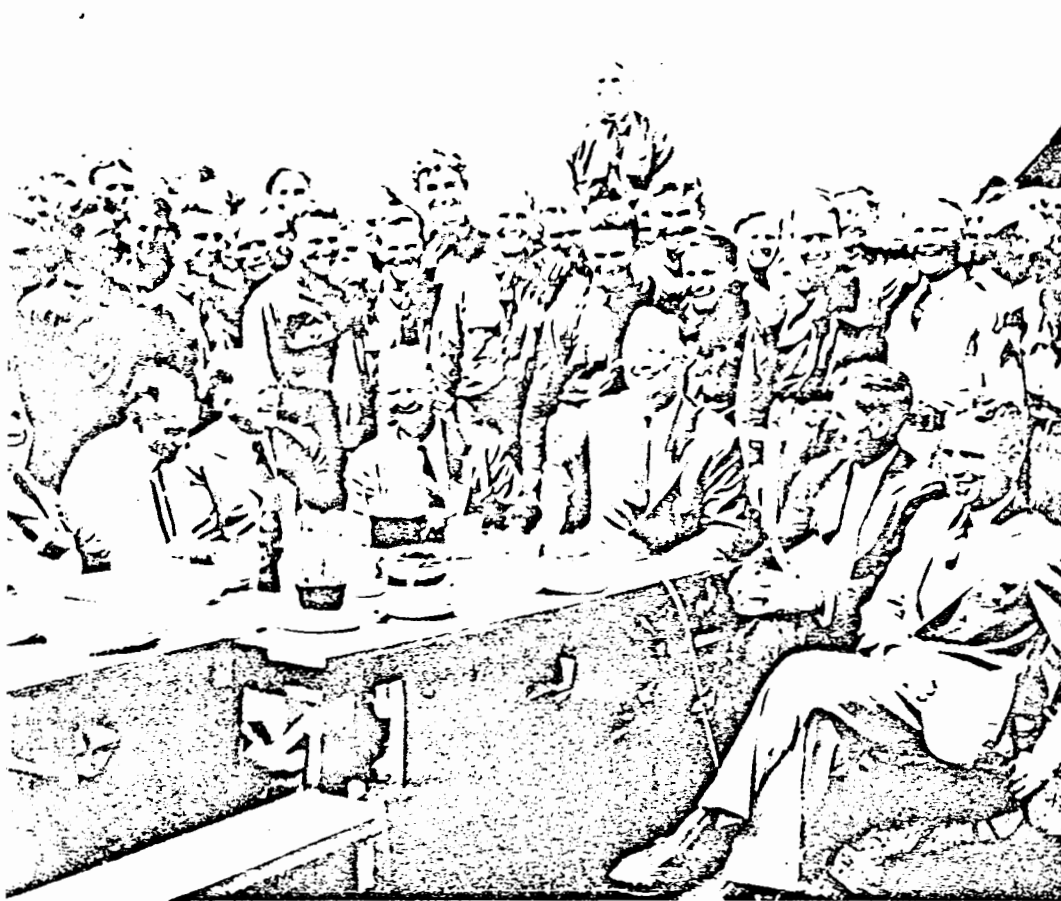
<sup>3</sup>James J. McEntee, *Now They Are Men: The Story of the CCC*, 9-10 (Washington, D.C., 1940).

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placed grass on the plains. Moreover, of the original 800,000,000 forested acres of the continental United States, a mere 100,000,000 remained.<sup>1</sup>

When Franklin Delano Roosevelt became president in March, 1933, he judged the temper of the people and proclaimed, "This nation asks for action and action now. Our primary task is to put people to work." Within a remarkable "Hundred Days," several major new recovery schemes were ready to be implemented: the Agricultural Adjustment Act (AAA) to aid farmers, the National Recovery Administration (NRA) to assist industry, the Tennessee Valley Authority (TVA) to rescue a depressed section of the nation, and the Civilian Conservation Corps (CCC). (The formal title of the CCC, Emergency Conservation Work, never caught the public's fancy, and in 1937 the popular name, Civilian Conservation Corps, or CCC, became official.)<sup>2</sup>

As first proposed to Congress by Roosevelt, the conservation corps was to be "used in simple work . . . confining itself to forestry, the prevention of soil erosion, flood control and similar projects." It would, Roosevelt continued, "take a vast army of these unemployed out into healthful surroundings . . . [and] eliminate to some extent at least the threat that enforced idleness brings to spiritual and moral stability."<sup>3</sup>



THE CCC began operation on a note of enthusiasm which characterized its career. At Big Meadows, Skyland Drive, Virginia, New Deal officials gathered on August 12, 1933, to view one of the new camps. Seated at the table (from left): Paul B. Malone, Louis M. Howe, Harold L. Ickes, Robert Fechner, Franklin D. Roosevelt, Henry A. Wallace, and Rexford G. Tugwell.

For Indian Americans, according to Commissioner of Indian Affairs John Collier, emergency conservation work presented "the greatest opportunity and the greatest challenge confronting the Indian Service and the Indian tribes." Seven weeks after funds were made available to the Indian Division of the CCC, that branch was employing nearly 15,000 Indians and as a relief measure benefiting no fewer than 100,000 Indians. "No previous undertaking in Indian Service," Collier concluded, "has so largely been the Indians' own undertaking." Conceived to fit into the broad Indian reform movement which gained momentum in the 1920s and reached a climax with the Wheeler-Howard (Indian Reorganization) Act of June, 1934, the CCC-Indian Division was perhaps the first measure to bring material aid to reservations, to encourage self-administration by Indians, and to conserve and even add to the Indians' considerable land resources. Although the program's financial help in its nine years of existence was actually rather meager, that aid nevertheless kept many people going through a particularly desperate time.<sup>4</sup>

THE CONSERVATION work corps idea itself was scarcely a new one. Decades earlier, Harvard philoso-

pher William James had advocated the conscription of youth to form a great army "enlisted against nature." This force, he felt, would have countless benefits both for youth and the land. By 1932, the governments of Bulgaria, the Netherlands, the Scandinavian countries, Austria, and, especially, Germany had established conservation camps for the unemployed. In both California and Washington, too, the Forest Service had run subsistence camps for the jobless prior to Franklin D. Roosevelt's election. But the CCC, as it emerged on a national basis, clearly bore the stamp of the New Deal administration.<sup>5</sup>

Urged on by Roosevelt and his advisers — over opposition such as that raised by Secretary of Agriculture Arthur M. Hyde, who thought the idea of conservation camps to be of an "utterly visionary and chimerical character," or that of American Federation of Labor President William Green, who saw camps as a step towards "regimentation of labor" under military control — Congress rushed through a bill in March, 1933. Roosevelt signed it on March 31 and then issued an

<sup>4</sup> John Collier, "To the Indians and the Indian Service," in *Indians at Work*, [August 15, 1933], p. 1.

<sup>5</sup> Salmond, *The CCC*, 4-5.

executive order on April 5 that put the plan into action. He named Robert Fechner, a leader of the International Association of Machinists and of the American Federation of Labor, as director of the CCC. A capable administrator to whom belongs much credit for the corps' success, Fechner co-ordinated the efforts of the four executive departments involved, breathed life into the corps, and kept it remarkably free from bureaucratic stagnation. (The Department of Labor selected the enrollees; the Department of War at first just conditioned the men but soon took over the job of running the new CCC camps; the Departments of the Interior and Agriculture planned and supervised the conservation work performed by the enrollees.)<sup>6</sup>

The act that authorized the CCC was brief and did not spell out the details of the operation. Roosevelt and some of his advisers decided early in April, 1933, that the corps would provide employment primarily for single men (often termed "boys") aged eighteen to twenty-five whose families were on relief (although this was not an absolute requirement) and who would agree to allot \$22.00 to \$25.00 of their monthly check of \$30.00 to their families.<sup>7</sup> In this manner young men would be taken from the ranks of the unemployed and put to work in healthful outdoor surroundings performing worthwhile conservation tasks. In addition, they would provide some income to their families back home.

Reservation Indians, already living in "healthful outdoor surroundings," were not included in the preliminary plans, however, and Charles J. Rhoads, the departing commissioner of Indian affairs who had served under President Herbert C. Hoover, was concerned that their plight would go ignored. He wrote

<sup>6</sup>Herman J. Muller, "The Civilian Conservation Corps, 1933-1942," in *Historical Bulletin*, 28:56 (March, 1950) (first quote); Salmond, *The CCC*, 14 (second quote), 28; Holland and Hill, *Youth*, 7, 27-28; James J. McEntee, "Final Report of the Director of the Civilian Conservation Corps, April, 1933, through June 30, 1942," 5-9, in the records of the Civilian Conservation Corps, Record Group 35 in the National Archives, Washington, D.C., hereafter cited as: NARC 35.

<sup>7</sup>Salmond, *The CCC*, 30. The age limit was lowered to 17 later in the 1930s.

<sup>8</sup>Charles J. Rhoads to Robert Fechner (approved by Secretary of the Interior Harold Ickes), April 11, 1933, CCC Correspondence, 500 Series, Houst.-Indian, NARC 75; M. L. Burns, "Report on Proposed Work Camps on Reservations of Consolidated Chippewa Indian Agency, May 25, 1933," 1, in the records of the Indian Affairs Bureau, Minneapolis Area Field Office, Record Group 75, in the Federal Records Center, Kansas City, Missouri, hereafter cited as: RG 75; William T. Hagan, *American Indians*, 153-154 (Chicago, 1961); *Indians at Work*, [August 15, 1933], p. 2; Salmond, *The CCC*, 33.

to CCC Director Fechner on April 11, 1933, stating that the depression had been very severe for the Indians, with "hundreds and even thousands in destitute circumstances." From Cass Lake, Minnesota, the superintendent of the Consolidated Chippewa Indian Agency echoed Rhoads' words: "Many of the Indians under this Agency are in desperate circumstances." Reservation Indians, like many Americans, had lived on slim if not inadequate incomes in the 1920s (and before), and in the 1930s found themselves in even worse economic straits. As the general unemployment problem was forcing many jobless urban Indians back to the reservations, grasshoppers and drought were repeatedly destroying the crops on which the already hard-pressed reservations were dependent. With little hesitation, therefore, the CCC leaders agreed to establish CCC activities for about 14,400 Indians.<sup>8</sup>

From the earliest days of the planning of the CCC-Indian Division, it was believed that CCC regulations should be adapted to the Indian situation. Retiring Commissioner Rhoads, a Quaker philanthropist who had been president of the Indian Rights Association at the time he was appointed by Hoover, wrote in April to CCC Director Fechner that he believed the corps would greatly aid the Indians. In line with previous reform efforts, however, he suggested certain modifications in any CCC program for them. Regular CCC enrollees left their homes, sometimes even their home areas, to live and work in camps in national parks or

*DISTRIBUTION of CCC work among the Indians by states in September, 1933*

State	Number of Agencies	Manpower Quota
Arizona	10	5,500
California	3	350
Colorado	1	100
Idaho	1	200
Iowa	1	20
Minnesota	2	400
Montana	6	1,000
Nevada	3	80
New Mexico	7	2,500
North Carolina	1	100
North Dakota	3	200
Oklahoma	13	440
Oregon	1	600
South Dakota	6	860
Utah	2	200
Washington	4	1,500
Wisconsin	2	300
Wyoming	1	400

forests. Rhoads recommended that the Indians be allowed to work on their own reservations and in activities somewhat different from those of the regular enrollees. He mentioned specifically "water development" and "erosion control." Housing the Indians in special camps would probably not be desirable, either, he believed, because they would prefer to live with their families.<sup>9</sup>

CCC officials agreed in general with Rhoads' suggestions, but they did insist that in some instances efficiency demanded the construction of Indian CCC camps. They quickly proceeded to mark out seven supervisory districts and to place a CCC work supervisor in charge of each. The superintendent of each reservation and a local forestry or irrigation representative were to choose projects for the reservation, and, in a move to encourage tribal autonomy, the tribal council was to take part in the administration of the activity. Roosevelt approved an amount of \$5,575,200 for the Indian CCC work program. It included construction of forest roads, trails, and paths, fire protection measures, erosion control, and water development. By May, 1933, *Happy Days*, the national newspaper published for CCC workers, was able to project that "seventy-two forest work camps will be set up on Indian reservations located in fifteen western and southwestern states."<sup>10</sup>

Jay B. Nash, head of the department of physical education at New York University, was appointed director of the CCC Indian program in May, 1933, but served in this capacity only until the following September 15. After a short delay, Daniel E. Murphy succeeded Nash and continued in the position until the early 1940s. Murphy, a twenty-year employee of the Indian Bureau, had been the superintendent of the Osage Agency in Oklahoma. Jay P. Kinney was put in charge of the production program, Ernest R. Burton directed employment in the Indian Service, and Mary-Carter Roberts edited the periodical, *Indians at Work*. All were under the jurisdiction of John Collier, the new commissioner of Indian affairs. As former executive secretary of the American Indian Defense Association, Collier was a very suitable successor to the reform-minded Rhoads.<sup>11</sup>

An exceptional feature of the CCC Indian program was *Indians at Work*. The title page of the first issue of the magazine (probably published on August 15, 1933) carried the subtitle, "An Emergency Conservation News Sheet for Ourselves." In the second issue, however, the editor explained that the magazine would cover not just CCC-Indian Division news but general Indian affairs items as well. Nevertheless, the publication always gave considerable attention to conservation activity (such as pine blister rust control),

and the editor remained directly associated with the Indian Division. Also, as Collier pointed out in a letter to Fechner in September, 1933, the CCC financed the publication of the magazine.<sup>12</sup>

*Indians at Work* was launched in August, 1933, and, by continuing through May-June, 1945, outlived the CCC itself. At first it was mimeographed, but soon it settled permanently in the multilith process, although one issue (June, 1939) was printed. It appeared semi-monthly until January, 1938, when it became a monthly. *Indians at Work* contained interesting articles, but probably its most notable features were the photographs and drawings of Indians, reservation life, and western scenes. The attractive publication was definitely one of the most informative and appealing of those associated with the CCC.

With a periodical already to its credit, the CCC-Indian Division was well under way by the end of the summer of 1933. As the program developed, the differences between it and the regular CCC activity became even more marked. Indian enrollees did not have to be between the ages of eighteen and twenty-five, but they had to be physically fit regardless of their age. Usually they had to agree to allot a "substantial part" of their wages to dependent relatives or allow it to be retained by the Indian agency with the provision that it would go to dependents in installments during winter months. These enrollees usually worked on their own reservations, were not required to sign up for a fixed period (as regular enrollees were), and were "free to return to their homes any time that care of crops or other home duties" necessi-

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<sup>9</sup> Randolph C. Downes, "A Crusade for Indian Reform, 1922-1934," in *Mississippi Valley Historical Review*, 32:345 (December, 1945); Rhoads to Fechner, April 11, 1933, CCC Correspondence, NARG 35; Hagan, *American Indians*, 124, 153-155.

<sup>10</sup> *Indians at Work*, [August 15, 1933], p. 3-4; John Collier circular letter to superintendents, May 9, 1933, Fechner to Ickes, May 15, 1933, CCC Regulations, 900 Series, Indian-Press, NARG 35; Salmund, *The CCC*, 33; *Happy Days*, May 20, 1933, p. 7.

<sup>11</sup> Collier circular letter to superintendents, May 23, 1933, CCC Regulations, NARG 35; *Indians at Work*, September 15, 1933, p. 6; Collier report to Fechner, December 4, 1933, CCC Public Relations, General File, Ill.-Isle, NARG 35; Hagan, *American Indians*, 155; Downes, in *Mississippi Valley Historical Review*, 32:334.

<sup>12</sup> *Indians at Work*, [September 1, 1933], p. 32; Collier to William Heritage, October 5, 1933, Heritage to Collier, October 28, 1933, RG 75; Collier to Robert Fechner, September 28, 1933, Correspondence with Robert Fechner, 1933-37, in the records of the CCC-Indian Division, Bureau of Indian Affairs, Record Group 75, in the National Archives, hereafter cited as: Correspondence-Fechner, 1933-37, NARG 75.



tated it. If they chose to live in a camp, they received \$30.00 a month, plus food and lodging. If they lived at home, their pay was \$2.10 per day for not more than twenty days in any one month, a possible total of \$42.00 per month. Local Indian agencies selected the enrollees and rotated the men in CCC jobs if the quota for the reservation was smaller than the number who wanted employment. This procedure was geared to give some relief to as many people as possible.<sup>13</sup> Thus, a considerably more flexible CCC program evolved for the Indians, because their circumstances were different from those of the regular enrollees.

INITIALLY, in Minnesota, only the Consolidated Chippewa Indian Agency and the Red Lake Indian Agency (also Chippewa) participated in the CCC program. (The Consolidated Chippewa included six reservations: Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, Nett Lake-Vermilion Lake, and White Earth.) However, in October, 1933, James W. Balmer, the superintendent at Pipestone Indian School, wrote Collier asking him to admit Minnesota Sioux Indians to the program. Collier quickly agreed, and Sioux at Pipestone, Prairie Island (Red Wing), Upper Sioux (Granite Falls), Lower Sioux (Morton), and Prior Lake (Shakopee) became part of the CCC. Within less than a year after the establishment of the CCC-Indian Division, then, a majority of nonurban Minnesota Indians, Chippewa and Sioux, were receiving some aid from the program.<sup>14</sup>

Minneapolis was the headquarters for the Lake States region of the CCC-Indian Division which included Minnesota, Wisconsin, and North Dakota. The region's two principal officials were J. H. Mitchell, camp supervisor for the program, and William Heritage, production co-ordinating officer. Because much of the Indian Division work in the region was on forested

reservations, Heritage, a forester, played an especially important role in the operation. Previously a logging engineer for the Office of Indian Affairs at Lac du Flambeau, Wisconsin, he remained with the Indian CCC operation throughout its nine years of existence. Associated with Heritage was Norman W. Scherer, who was appointed assistant forester at Consolidated Chippewa Agency in November, 1934, and transferred to the regional office in Minneapolis in August, 1935. These men worked closely with the individual superintendents at the Indian agencies to develop and operate worthwhile work projects for Indian enrollees in the Minneapolis district.<sup>15</sup>

One particularly successful project was conducted at Rice Lake on White Earth Reservation. A crew of thirty-five men constructed ricing camps there to aid the 1,500 or so Indians who gathered in the fall to harvest wild rice, their main source of income. The men cleared five campsites of approximately ten acres each and furnished them with sanitary facilities, constructed corduroy docks from 500 feet to 1,600 feet long across the swamp which surrounded the lake, and dredged six-foot canals to enable the harvesters to paddle their laden canoes as far inland as possible before transferring the rice to sacks. The total cost for materials and supplies for this project of significant benefit to the Indians amounted to only \$21.95. The workers lived at home, walked to one site, and frequently used their own tools.<sup>16</sup>

At Nett Lake, on the other hand, a camp was constructed the first summer to house the CCC-Indian Division workers. It was situated on a knoll in the tamarack swamp surrounding the lake. First army tents and then fourteen pine buildings (made from lumber manufactured at the Red Lake Indian sawmill) formed a town for more than 200 workers. Only one-fourteenth of the men were from Nett Lake; others traveled some 300 miles over existing roads from Grand Portage to the east, 130 miles from Fond du Lac to the southeast, 200 miles from Mille Lacs to the south, and 250 miles from White Earth to the west. Transporting the men between their homes and the camp one to four times a month took considerable time and planning. Like all CCC crews, the men worked roughly a five-day, forty-hour week.<sup>17</sup>

At first the Nett Lake crew concentrated on building the camp itself, including a hospital and a large recreation building, before winter set in. Soon, however, the workers moved on to projects like construction of truck trails on the reservation. Such trails were very important to reservation inhabitants who could travel as far in one hour on a trail as they could in one week without one. In addition, roads helped extend government services such as education and health care to

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<sup>13</sup> Collier to George Weidenfeld, Chief Statistician of the CCC, September 8, 1933, Correspondence-Fechner, 1933-37, NARG 75.

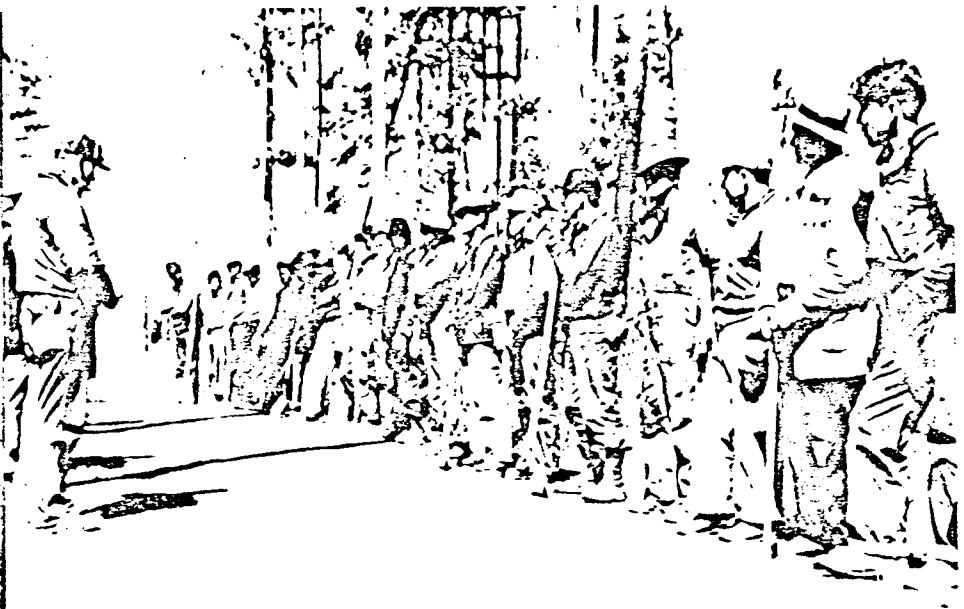
<sup>14</sup> Heritage to "Superintendents in District #1 where CCC camps are located," June 27, 1933, Collier to J. W. Balmer, October 25, 1933, Balmer to Collier, March 26, 1940, RG 75.

<sup>15</sup> J. H. Mitchell to Heritage, June 5, 1933, Collier to Heritage, June 5, 1933, J. P. Kinney to W. B. Fry, June 12, 1933, Heritage to Roland Hill, November 21, 1936, Heritage to American Red Cross, June 17, 1942, RG 75.

<sup>16</sup> E. J. Carlson, "Indian Rice Camps White Earth Reservation," in *Indians at Work*, November 15, 1934, p. 16-17, 20.

<sup>17</sup> Charles H. Racey, "A Winter Camp—IECW," in *Indians at Work*, February 15, 1934, p. 19; Carlson, in *Indians at Work*, November 15, 1934, p. 14; E. J. Carlson, "An IECW Camp in a Tamarack Swamp," in *Indians at Work*, April 1, 1935, p. 37-38.

**INDIAN ENROLLEES** were grouped into work crews such as this one photographed at Nett Lake in 1941 (top). Working with limited equipment they cleared forests and constructed roads including one at Leech Lake Reservation (center). On White Earth Reservation, workers laid a pole walk (bottom) that saved rickers a six-mile trek through the encircling marsh to Rice Lake.



the Indians, brought them into closer contact with the white economy, and assisted in the location and suppression of forest fires that constantly menaced their valuable timber holdings.<sup>18</sup>

Operating problems of the Indian projects of the CCC in Minnesota and elsewhere proved to be complicated. Construction of six miles of telephone lines on Nett Lake Reservation, for instance, necessitated one sitting with the city council and conferences with

two county boards, the state highway department, and six individual landowners. Because so much land on the reservation was allotted and easements had to be obtained before work could be done, Nett Lake officials had corresponded with allottees and heirs in twenty-eight states and three countries (in addition to driving one automobile into the ground) by the end of the CCC's first two years. Inasmuch as the United States government held considerable allotments in trust at Nett Lake, there were fewer problems in the construction of roads and clearing of fire lanes than on other reservations. Practically none of the land was tribally owned, however, so forest culture work was restricted.<sup>19</sup>

In contrast, forest culture work was a major program at Red Lake Reservation where land had never been allotted and thus remained as a tribal holding. Indian Division groups there took over a small tree-nursery project and by 1940 produced four million trees. Nearly two million had been set out at Red Lake, and several hundred thousand others were sent to Con-

<sup>18</sup> Carlson, in *Indians at Work*, April 1, 1935, p. 36, 39, 42.

<sup>19</sup> Carlson, in *Indians at Work*, April 1, 1935, p. 38-9. The General Allotment Act, or Dawes Act, of 1887 authorized the allotment of plots of tribal lands to individual Indians and families. "Surplus" tribal lands were to be sold to provide for Indian "civilization." Before the allotment policy was abandoned in the 1930s, two-thirds of the Indian-owned land in the United States had passed to white ownership. Fee-patented and government-owned land comprises 95 per cent of Leech Lake Reservation, 92 per cent of White Earth, and 59 per cent of Nett Lake. League of Women Voters of Minnesota, *Indians in Minnesota*, 6, 14 (St. Paul, 1971).

solidated Chippewa Agency. Red Lake corps workers also manned a forestry and engineering project that included the mapping of 80,000 acres for use in determining future logging activities, road construction, drainage, fire protection, and areas in need of reforestation. Other projects common to all the reservations included bridges, fire lookout towers, firebreaks, and blister rust control.<sup>20</sup>

Two of the most important programs of the CCC-Indian Division in Minnesota were the white pine blister rust control project in the Red Lake area and the development of "forest fire training schools" at Consolidated Chippewa, Red Lake, and Pipestone. Two writers who discussed the blister rust control endeavor declared in 1941: "Cooperation of the Office of Indian Affairs at the Red Lake Indian Agency has been excellent." Efforts had been made to protect 12,311 acres of native white pine and 187 acres of planted white pine. The forest fire training schools became part of the "defense effort" in 1942, but fire fighting had always been a major element in the CCC-Indian Division operations in Minnesota.<sup>21</sup>

CCC PLANS and projects were always limited in range. Like many New Deal programs, the corps was conceived as an "emergency" measure to provide employment, and the Indian Division's future was often uncertain. In August, 1933, Indian Affairs Commissioner Collier asked CCC Director Fechner whether the Indian Division would continue operations through the winter months of 1933-34. Fechner answered in the affirmative, and Collier then reported that his bureau would require an additional \$4,000,000 for a second six months of conservation work. A substantial portion of this allotment was for wages and subsistence: \$2,721,000 for the 14,400 Indian enrollees, \$318,000 for supervisory personnel, and \$340,000 for salaried personnel such as cooks, mechanics, and telephone linemen. To Collier's relief the request was approved. He was notified in October that the administration had authorized the \$4,000,000 asked.<sup>22</sup>

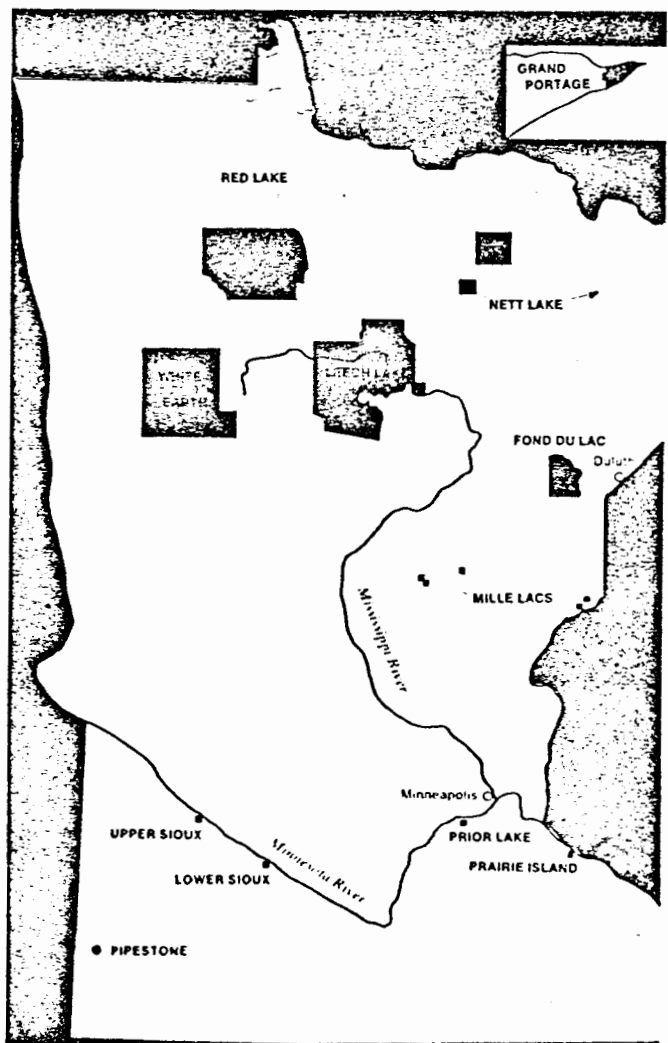
<sup>20</sup>"Red Lake Indians in Semi-Technical Positions—IECW," in *Indians at Work*, October 15, 1934, p. 21; "Red Lake Gift Nursery Produces Millions of Trees," in *Indians at Work*, May, 1940, p. 34; "The Indian Emergency Conservation Work Program in Figures," in *Indians at Work*, September 1, 1933, p. 10-11, 13.

<sup>21</sup>J. N. Licks and L. B. Ritter, "White Pine Blister Rust Control, Red Lake Indian Reservation, 1941," a dittoed brochure in RG 75; Heritage to Collier, May 8, 1942, RG 75.

<sup>22</sup>Collier to Fechner, August 17, 21, 28, September 6, 1933, Fechner to Collier, August 22, 30, October 13, 1933, Correspondence-Fechner, 1933-37, NARC 75.

The move to carry the program into the winter months of the first year had its complications. Without adequate heavy clothing Collier's men would be unable to work outside in the colder weather, so he was forced to request Fechner's approval in October to purchase "warm clothing, such as woolen underwear, wool socks, shoes, overshoes where necessary, windbreak coats, mittens, woolen shirts and the like." Under the original plan of April, 1933, the Indians received no clothes from the CCC—presumably it was assumed that many of them would work only sporadically—and Fechner, disturbed by the cost of Collier's proposal (\$200,000 to \$250,000), replied that the "the Indians were compensated in other ways in lieu of the clothing allowance that was made to our regular enrolled men." Collier retorted that the Indians were *not* receiving any extra compensation other than an allowance for food and lodging if they lived at home rather than in camps. Further, since many of them were working regularly for the corps, they deserved

INDIAN RESERVATIONS and communities



the same treatment as the white enrollees who obtained clothing from the government. Fechner finally accepted this argument and approved the funding request after Collier had secured prior approval from Secretary of the Interior Harold L. Ickes.<sup>23</sup>

Another complication that developed in the CCC-Indian Division's first year concerned illegal liquor traffic. (Sale of liquor to underage enrollees, of course, created difficulties for the administrators of regular CCC camps as well.) An act of July, 1892 (amended in 1935), forbade the introduction of intoxicants into Indian country and the sale of intoxicants to any Indian who had an allotment, title to which was restricted or held in trust by the federal government, or to any Indian who was a ward or under guardianship of the United States. These liquor laws still applied to Indians even after they became citizens. (It was not until 1953 that these laws were admitted to be discriminatory, and Indian liquor laws prohibiting liquor transactions were made applicable only where prohibited by state law, tribal ordinance, or both.)

With concern, then, Collier informed Fechner: "The establishment of Emergency Conservation projects has greatly increased the problem of suppressing the liquor traffic among Indians." A number of illegal dealers were operating in Arizona and New Mexico, and also in Minnesota, Wisconsin, and other states. Causes of this development, Collier asserted, were the concentration of the Indians in camps, the opening up of roads within the reservations, and the CCC cash wages paid to formerly unemployed Indians. To combat the illegal operators, the Indian Service requested permission for the "employment of possemen and the purchase of liquor to be used as evidence." Collier asked Fechner's consent to use corps funds to pay for the special expenses incurred in this effort to curb this traffic. Fechner balked at such expenditures, apparently thinking that using CCC money to buy liquor and paying Indians to purchase it — all in order to prevent Indians from buying liquor with CCC funds — was somewhat bizarre. Nevertheless, in February, 1934, he approved this extraordinary request from the Indian Service.<sup>24</sup>

Minor problems notwithstanding, Fechner notified Collier in March, 1934, that the CCC and the Indian Division would be continued for a second year. In his report on the corps' first-year activities, Fechner noted briefly that between sixty-seven and seventy-five Indian camps had been in operation in the 1933-34 period. Although about 14,800 were eligible for the corps, the largest average monthly number of Indians actually enrolled had been only 11,567 — during October, 1933. Nonetheless, after a trip through the West and Northwest in the summer of 1934, Fechner exuber-



INDIAN DIVISION crews constructing a truck trail at at Upper Sioux Community near Granite Falls

antly reported to Collier: "I saw some wonderful water conservation work done by them [the Indians], soil erosion, cultural work in the forests, building of fire trails, etc., and their camps compare favorably in every way with those of the white boys." Collier returned the compliment, declaring: "The cooperation and help which we have had from you has been one of the most encouraging and energy-releasing experiences of the past year and a half."<sup>25</sup>

By the end of the corps' first two years, between 26,000 and 27,000 Indians had been employed in the CCC. Although in November, 1933, Indians held less than half of the 964 salaried and managerial positions — 404 as against 560 filled by whites — within a year they held 752 of 1,268 such jobs, considerably more than half. In addition, the education program in the camps had made some headway, although the Indian Division leaders for a time had stressed recreation rather than education in the "off-hours." In April, 1935, for example, Collier sent out a circular letter, previously approved by Fechner, stating: "Night classes should be held wherever possible. . . . Courses in

<sup>23</sup> Collier to Fechner, October 4, 17, November 23, 1933, Fechner to Collier, October 11, 21, 1933, William Zimmerman, Jr., to Harold Ickes, November 8, 1933, Correspondence-Fechner, 1933-37, NARG 75.

<sup>24</sup> U.S. Solicitor for the Department of the Interior, *Federal Indian Law*, 386, 387, 382 (Washington, D.C., 1958); Collier to Fechner, December 4, 1933, Charles H. Taylor, Assistant Director, CCC to Collier, February 12, 1934, Correspondence-Fechner, 1933-37, NARG 75; Zimmerman to Fechner, September 12, 1933, Fechner to Zimmerman, September 20, 1933, Collier to Fechner, September 27, 1933, CCC Correspondence, NARG 35.

<sup>25</sup> *Second Report of the Director of Emergency Conservation Work*, April 5, 1933-March 31, 1934, p. 2, 5, 26 (Washington, D.C., 1934); Fechner to Collier, March 1, September 8, 1934, Collier to Fechner, September 18, 1934, Correspondence-Fechner, 1933-37, NARG 75.

conservation are most appropriate." Apparently, then, the Indians' education program varied somewhat from that of the regular enrollees which emphasized academic courses as well as vocational classes, but reports from the field demonstrated that on some reservations the education programs included more academic subjects. For instance, among the twelve subjects offered in July, 1935, at Consolidated Chippewa Agency were history, English, commercial art, bookkeeping, and forestry, while at Red Lake subjects included current events, public speaking, forestry, and first aid. At the Nett Lake camp, eight public schoolteachers were secured to teach general science, mechanics, choral singing, commercial art, beginning English, dramatics, shorthand, and tap dancing (the latter, according to one report, was particularly popular).<sup>26</sup>

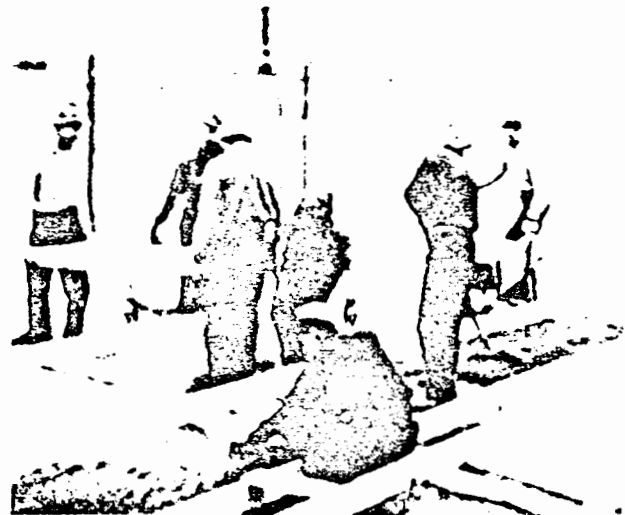
In addition to educational opportunities, Minnesota Indians received a financial boost from the CCC operation in its first two years. By March 31, 1935, CCC expenditures at Consolidated Chippewa Agency were \$329,654; at Red Lake Agency, \$327,708; and at Pipestone School and associated communities, \$14,531. With these allocations of funds the Indians had constructed 65.6 miles of truck trails at Consolidated Chippewa and 51.75 miles at Red Lake. At Consolidated Chippewa they had completed forest stand improvement work on 659 acres; at Red Lake Agency, the same type of labor on 4,258 acres.<sup>27</sup>

Although Indian Division projects were well-executed and relations between the Indian Service and the CCC leaders usually were cordial, occasionally Fechner considered Indian Division project requests too far astray from basic CCC purposes and vetoed recommendations from Collier, his assistant, William Zimmerman, Jr., or Daniel Murphy, the director of the CCC Indian program. In September, 1935, for example, Collier wrote Fechner and outlined a plan jointly conceived by the superintendent of Consoli-

dated Chippewa Agency and the Minnesota Historical Society to restore the stockade that once had stood at Grand Portage fur post at the northeastern tip of Minnesota. Grand Portage, in the late 1700s and very early 1800s, was the great inland depot of the vast North West Fur Company empire. The restoration, wrote Collier, would cost about \$6,200 and would consist of enclosing approximately one acre of land with a log wall 8 feet high and constructing a log structure, 16 feet by 20 feet, within the enclosure. Collier asked for, and received, Fechner's approval to use CCC funds for the project.<sup>28</sup>

Less than six months later Zimmerman of the Indian Division wrote Fechner: "We are now informed that plans . . . contemplate the total expenditure of \$30,700 on the stockade and other historical restoration at Grand Portage." Zimmerman then requested Fechner's approval of this estimated expenditure which was much higher than the first figure. This time the CCC director balked and asked that the project be canceled. In July, 1936, however, Fechner visited Grand Portage, and the Indian Affairs leaders got the impression that he might be willing, after seeing the site, to spend some additional funds to complete construction of the stockade. Therefore, Zimmerman tried again in October, asking Fechner to agree to the expenditure of \$10,000 to finish the stockade. Fechner, however, quickly dashed the hopes of the supporters of the project by refusing to approve this additional amount, although he later approved a smaller allocation for the work.<sup>29</sup> Indian Service leaders supported the project because it would employ Indians and also improve the area by construction on an important historic site; Fechner most likely vetoed it because

*SCATTERING and covering pine seed at the Red Lake tree nursery in 1939*



\* Fechner to Ickes, May 8, 1935, Correspondence-Fechner, 1933-37, NARG 75; *Indians at Work*, June 15, 1935, p. 17-19, [August 15, 1933], p. 9-10, November 1, 1934, p. 15; Collier circular letter to superintendents, April 15, 1935, CCC Correspondence, NARG 35; Mitchell to Collier, July 12, 1935, Records Concerning Enrollee Program, Minneapolis District No. 1, NARG 75.

<sup>26</sup> Reports in general correspondence and miscellaneous, 1936, 1937, RG 75.

<sup>27</sup> Collier to Fechner, September 30, 1935, Correspondence-Fechner, 1933-37, NARG 75.

<sup>28</sup> Zimmerman to Fechner, October 2, 1936, Fechner to Collier, October 3, 1936, Correspondence-Fechner, 1933-37, NARG 75; Zimmerman to Fechner, March 11, 1936, Fechner to Collier, March 24, 1936, Correspondence-Fechner, 1936-41, NARG 75; Daniel E. Murphy to F. J. Scott, May 9, 1940, RG 75.



he found it unjustified to spend from \$16,000 to \$30,000 for a project originally estimated at \$6,200, especially when it was not primarily a conservation task.

While Collier and Zimmerman were exchanging letters with Fechner about Grand Portage, Indian Division head Murphy also made a proposal that Fechner declined to support. Murphy requested the purchase of material with which to fence in grazing areas on North Dakota's Fort Totten Indian Agency (in the Minneapolis district). The CCC director opposed this proposal too, because it was "hard to reconcile with the primary purpose of the Act of March 21, 1933, namely, the relief of unemployment." Fechner continued, "I have been impressed before with this seeming conflict in viewpoint . . . as to where the line should be drawn . . . with respect to projects which are mainly for the benefit of the Indians and not for the major purpose of relieving unemployment." On other occasions requests for funds to restore Indian burial grounds at Star Island and Grand Marais were turned down.<sup>30</sup> Understandably, then, Fechner was more concerned with the employment and conservation goals of the CCC program as a whole, while Indian Service leaders, more immediately sensitive to the plight of the Indians, sought a wider range of direct benefits from the activities of the corps.

Despite policy differences, the CCC-Indian Division flourished throughout the late 1930s and early 1940s. In 1936, Collier could report that the CCC had been active on seventy-eight reservations in twenty-three states. CCC work, he continued, had improved the health and morale of the Indians, as well as increased the value of their land. When Fechner made an unsuccessful attempt the following year to secure passage of a bill making the CCC a permanent fixture of the American scene, he included provisions for Indians. And on the fourth anniversary of the CCC, Collier sent Fechner a letter thanking him for "the sympathetic consideration and wholehearted cooperation given by you in connection with ECW [Emergency Conservation Work] on Indian reservations."<sup>31</sup>

Funding for the CCC continued substantially undiminished in the late 1930s and early 1940s. The organization had gained favor early with the American people and without question was one of the most popular New Deal measures. Total payments by the CCC-Indian Division for the fiscal year ending June, 1938, amounted to \$7,747,320 and for the fiscal year ending June, 1940, totaled \$6,990,208. During its first six years, around 77,000 Indians had obtained work in the Indian Division. Accomplishments included developing 6,200 springs or small reservoirs, digging 1,350 wells, constructing 1,064 impounding dams and large reservoirs, and building 896 vehicle bridges, 51 stock

bridges, 7,000 miles of truck trails, 2,500 miles of fire-breaks, and 6,300 miles of telephone lines.<sup>32</sup>

IN 1939 COLLIER assessed the contribution of the CCC-Indian Division to Indian life in the United States: "Indian CCC . . . is bone of the bone and flesh of the flesh of the Indians' new achievement. There is no part of Indian country, there are few functions of Indian life, where it has not made an indispensable contribution. Truly, Indian CCC has been a creative force." In Minnesota, total Indian Division expenditures from 1933 to June 30, 1942, were an estimated \$1,694,355 at Consolidated Chippewa, \$1,158,133 at Red Lake, and \$164,488 at Pipestone (out of a nine-year statewide CCC expenditure total of \$84,901,852). Although the Indian Division total seems small for such a long period, the funds did provide a modicum of sorely needed assistance to the families of 2,536 Minnesota Indians. In acknowledgment of that fact, the superintendent at Pipestone wrote in January, 1943: "In the rehabilitation of our Indian people, C.C.C. played a major part."<sup>33</sup>

However worthy, the CCC did not survive long after the United States entered World War II. Even before the Japanese attack on Pearl Harbor late in 1941, CCC operations were handicapped by policies of the Supply Priorities and Allocation Board which prohibited the use of steel, aluminum, and other metals for nondefense purposes, and thus repair parts for cars, trucks, and heavy equipment—much less new vehicles—became impossible to secure. Although agency superintendents submitted requests in the spring of 1942 for the coming fiscal year, the organization was being liquidated by July. With its demands for young men in the armed forces, in defense factories, and on farms, the war dealt the deathblow to the CCC. At any rate, the agency probably would not have been

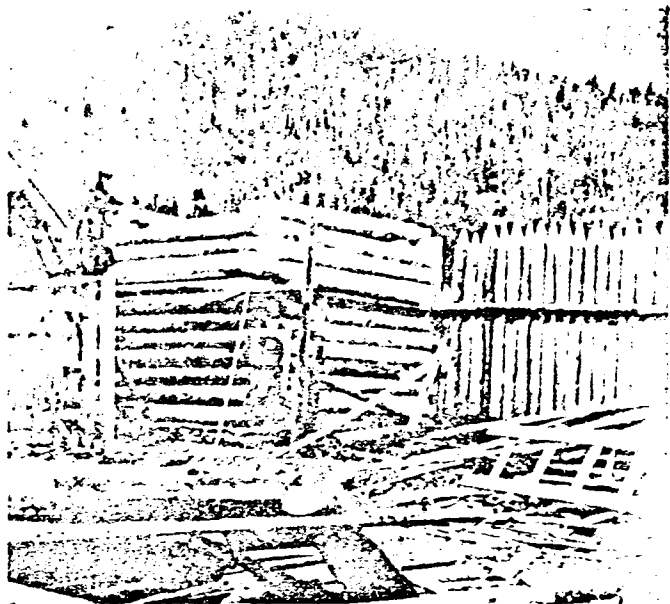
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<sup>30</sup> Fechner to Murphy, March 3, 1936, Correspondence-Fechner, 1936-41, NARG 75 (quote); *Minnesota Chippewa Bulletin*, July 24, 1941, p. 3.

<sup>31</sup> Collier to Fechner, March 4, 1936, March 20, 1937, Fechner to Collier, March 22, 1937, Correspondence-Fechner, 1936-41, NARG 75.

<sup>32</sup> "Poor Young Men," in *Time*, February 6, 1939, p. 10-11; *Newsweek*, December 30, 1940, p. 31; *Annual Report of the Director of the Civilian Conservation Corps*, 1938, p. 95, 1940, p. 86 (Washington, D.C.); "C.C.C. Activities for Indians," in *Monthly Labor Review*, 49:94-95 (July, 1939).

<sup>33</sup> *Indians at Work*, April, 1939, p. 2; McEntee, "Final Report," 108, NARG 35; Heritage to Collier, May 5, 20, June 1, 1942, CCC-Indian Division Work Programs for 1942-43, Consolidated Chippewa Agency, April 18, 1942, Red Lake Agency, May 16, 1942, Pipestone School and Agency, May 15, 1942, J. W. Balmer to Colonel M. V. Patton, January 19, 1943, RG 75.



GRAND PORTAGE stockade excavation in 1936 (above) and reconstruction in 1940 (left)

funded any more even if war had not come, because some congressmen had insisted throughout the life of the corps that it was only an emergency organization established to combat the effects of the depression and should in no way be considered permanent.<sup>34</sup>

Regardless, the demise of the CCC was a severe setback to the American Indian. In June, 1942, Collier declared: "The ending of CCC . . . is a heavy, heavy blow to Indian Service, to the Indians, and to social policy in the United States. It is just that: a heavy and undeserved blow." Accordingly, a few months later morale in the Indian Service was reported lowered, in part because of the ending of the Indian CCC.<sup>35</sup>

Why the demoralization? CCC payments, although small, did give poverty-stricken Indian employees and their families a financial boost when they probably needed it most. In addition, the CCC-Indian Division was strongly supported by the Indian Service, for the

<sup>34</sup> *Minnesota Chippewa Bulletin*, November 24, 1941, p. 9.

<sup>35</sup> John Collier, "The Spirit of CCC Will Last Forever," in *Indians at Work*, May-June, 1942, p. 35, July-September, 1942, p. 1.

reason that the CCC did not force the Indians to adjust to the white man's way of living but instead — following the recommendations of Indian Service leaders — deliberately altered the organization, administration, and program to harmonize with the ways of reservation life. This approach co-ordinated with the "New Deal" for the Indians established in the Wheeler-Howard (Indian Reorganization) Act of 1934 which emphasized the importance of tribal associations and encouraged self-government. By providing financial assistance to working Indians to improve their most tangible asset — their land — the CCC had been a valuable program for American Indians.

THE EMBLEM on page 3, suggested as an insignia for the IECW, appeared on the cover of *Indians at Work*, September 15, 1933. The photographs on page 8 (middle, bottom) are also from *Indians at Work*, November 15, 1934, p. 45 and 18. The chart on page 5 is from John Collier to George Weidenfeld, September 9, 1933, Correspondence-Fechner, 1933-37, NARG 75. The group picture on page 4 is courtesy of the National Archives, and the photographs on page 8 (top), 10, and 11 are from the Federal Records Center, Kansas City. The photographs on page 13 are from the society's collection.



Official File Copy

DIRECT OF TIMBER SELLING REGULATIONS

U. S. INDIAN SERVICE

Enclosures  
90-2-20  
DEFENDANT'S EXHIBIT NO. H-106  
Court of Claims  
Docket No.

**ADVERTISING:**

Sales to INDIANS; Advertising unnecessary under \$5,000. value.  
Sales to OTHERS; " " " \$100. value.  
\$100. to \$1,000. use posters and circulars.  
Over \$1,000. advertise in newspaper designated by the  
Washington Office  
15 days to \$10,000; 30 days to \$100,000; 60 days if  
over \$100,000. valuation.

**DEPOSIT WITH BID;** (if over \$3000. deposit it must be a certified  
check on solvent National Bank)

20% of valuation under \$1,000. 10% of valuation up to \$10,000.  
5% of value \$10,000. to \$100,000. 3% of greater valuations.

**PAYMENTS FOR TIMBER MUST ALWAYS BE IN ADVANCE OF CUTTING, NOTWITH-  
STANDING THERE IS A GOOD PUT UP OR CASH BOND IN LIEU OF BOND.**

20% of valuations under \$1,000. 10% of valuation up to \$10,000,  
3% each where the valuation in sale exceeds \$10,000. to \$100,000.

**BONDS**

THE CASH RECEIPT with bill serves as cash bond in sales up to  
\$5,000. in value. Same is applicable to payment on the last  
of timber cut under contract if the contract is in good standing.  
20% is face of bond required between \$5,000. and \$10,000. values.  
10% " " " " \$10,000. " \$100,000. "  
Rate fixed by Secretary for higher valuations in contracts.

**APPROVAL AUTHORITY**

SUPERINTENDANT must approve up to \$500. valuation in contracts.  
REGIONAL FORESTER must CONCUR in approval \$500. to \$10,000.  
COMMISSIONER must approve \$10,000. to \$100,000.  
SECRETARY OF INTERIOR must approve if over \$100,000.

**ADVANCE PAYMENTS ON ALLOTMENT contracts included in big sales.**

10% within 30 days; 15% within 3 years; 20% more within 3 years.

**TIMS LIMITS** ordinarily provided for logging are:-

- 1 year for \$1,000. or lesser values;
- 3 years " \$10,000. or over \$1,000.
- 8 years " valuations up to \$100,000.

**SELECTIVE LOGGING** is now required under new contracts and

ONLY DEAD and DOWN and OVERMATURE LIVE timber and NOT RELOADING  
SIXTY PERCENT of total stand is the restriction put on logging  
in some recent contracts authorized by the Washington Office.

ALONG THE ~~(C) (P) (H) (A) (Y)~~ the regulations RESERVE a strip 500 feet  
on ~~(C) (P) (H) (A) (Y)~~ highway in which only dead and down timber

Seattle Federal Archives and Records  
Center, GSA  
625... 11th Way, NE  
Record Group No. 75  
Additional Information: Bozarth Jr.  
Forest Supervisor.

# Isaac I. Stevens and Federal Military Power in Washington Territory

BY KENT RICHARDS

Official File Copy  
Enclosures Files  
99-2-20  
DEPENDANT'S EXHIBIT NO. 7-5  
REPENDANT'S CLAIMS  
COURT NO. 801  
DOCKET NO.

VIRTUALLY all accounts of Isaac I. Stevens, the first territorial governor of Washington Territory, are lauded or condemned his role in the formulation of Indian policy, his declaration of martial law, and his relationship with the military. Stevens' actions in each of these areas are interrelated, but this paper will focus primarily upon the relationship between Stevens and the several federal military officers in the Pacific Northwest.<sup>1</sup>

To understand Isaac I. Stevens' position during the Indian wars of the 1850s, it is necessary to be aware of his earlier career, a topic for which, unfortunately, Hazard Stevens' eulogistic biography of paterfamilias has been accepted as almost the sole source. This is not the place to consider Isaac Stevens' life prior to 1833, but certain trends and personality traits should be noted. His most obvious trait was a need to prove himself mentally, physically, and morally superior to associates or adversaries in any given situation, and he constantly drove himself to accomplish these ends.

Stevens' physique partially explains his personality. A large head and short stubby legs indicate that he probably suffered from a congenital gland malfunction. His parents doubted that he would live through infancy, and his early years were a struggle for survival. An uneasy relationship with his father provided a second, and not unusual, influence. Isaac resented his father, a stern New England taskmaster, who pushed his son to the limits of his physical and intellectual ability. The death of Isaac's mother in a carriage accident, for which her husband was responsible, and Isaac's dislike of his stepmother added to a difficult situation. Isaac later complained that he nearly had a

mental breakdown as a young man, and there is no doubt that he suffered physically from the hard farm life, for he almost died from sunstroke and sustained a hernia which troubled him throughout his life.<sup>2</sup>

A descendant of New England Puritans who provided more than their share of clergy, prosperous businessmen, and soldiers, Isaac determined not to succumb to his adversities, but to surmount them and prove himself to his father and to the world. He chose a military career because it fitted his desire for an active life and allowed him to escape the farm. The United States Military Academy with its emphasis upon engineering provided a natural outlet for his outstanding mathematical ability. Stevens entered West Point in 1835, earned a creditable scholastic record, and graduated in 1839. For the next fourteen years, he served in the Army Corps of Engineers, constructing coastal forts, fighting during the Mexican War, and working on the Coast Survey. In 1853 he resigned from the army to accept appointment as the first governor of the newly established Washington Territory.

While he was in the army, Stevens became accustomed to holding positions of command, to giving orders, and to expecting obedience from the men under him. He demonstrated great energy combined with a frantic drive for personal achievement and recognition. When working on eastern coastal forts, he insisted that the addition of new duties would not require his release from prior commitments. For example, during one brief period, he no doubt set a record of sorts by simultaneously supervising construction or repair of fortifications at eight different sites from Savan-

KENT RICHARDS is associate professor of history at Central Washington State College. He is a student of political development on the American frontier and is currently completing a biography of Isaac I. Stevens. The present paper was read at the 24th Annual Pacific Northwest History Conference held in Seattle, April 1-3, 1971.

<sup>1</sup> Pro-Stevens accounts include: W. D. Lyman, *History of Walla Walla County* (n.p., 1901), 72-82; William F. Prosser, *History of the Puget Sound Country* (New York, 1903), I, 205; Hazard Stevens, *Life of Isaac Ingalls Stevens* (Boston, 1900), II, Chaps. XXXIV-XLI. Anti-Stevens accounts include: John Beeson, *Plea for the Indians* (New York, 1858), 27-30; William Compton Brown, *The Indian Side of the Story* (Spokane, 1961), 62-63.

<sup>2</sup> Stevens, *Life of Isaac I. Stevens*, I, 13, 17-18.

nah, Georgia, to Bucksport, Maine. Stevens demanded complete loyalty from his men and in return was generally fair and impartial. It is significant that, with the exception of his year in Mexico, and often even then, he was in an independent command with his superior officers absent at a distance.

Successful in his quest for the governorship of Washington Territory and the leadership of the northern railway survey, Stevens realized that he was leaving military life, but he continued to operate in a fashion which assumed the form of a military command. He asked, for example, that Captain George B. McClellan be appointed as his assistant in charge of the western portion of the survey. General Joseph G. Totten at first refused, pointing out the difficulties that might arise when a military officer received orders from a civilian. Totten admonished Stevens, "with your zeal for command, which is laudable and natural, you should understand how McClellan would feel." Totten eventually acquiesced, but his prediction was prophetic, for by the end of the year, Stevens experienced troubled relationships with McClellan, as well as with other members of the expedition.<sup>3</sup>

As Governor Stevens began the treaty making which preceded the Indian outbreak of 1855, he left behind a career which had accustomed him to command and to prompt, unquestioning response from his staff. A man who reacted with physical vigor—as long as his health sustained him—to any problem or obstacle, he thrived on responsibility and disliked delegating authority in matters he deemed important. In addition, he bristled at personal slights, real or imagined, and he construed differences of opinion on policy as attacks upon his character.

The Indian wars in the Pacific Northwest during the 1850s, like all Indian troubles in the Far West, resulted from long-standing differences between dissimilar cultures. The fact of white settlement perhaps sufficiently explains the outbreaks in 1855. The treaty-making process carried on by Stevens was not his decision, for President Franklin Pierce and Secretary of State William L. Marcy ordered the Washington tribes brought under treaties. However, it must also be recognized that Governor Stevens assumed as his major responsibility the building of an empire of white citizens on the western coast, that he did not carry on treaty negotiations with much tact or diplomacy, that he was unaware of or chose to ignore certain facets of the Indian character and

culture, and that he seemed oblivious to the signs of possible hostilities in the months prior to the war.<sup>4</sup>

Margaret Stevens perhaps accurately reflected her husband's opinion of the Indians when she observed in a letter to her mother that "the Indians . . . think so much of the whites that a child can govern them." She believed, as did the governor, that "Mr. Stevens has them right under his thumb—they are afraid as death of him and do just as he tells them."<sup>5</sup>

It is not surprising, then, that Stevens felt safe when he ventured east in the summer of 1855 to conduct the prestigious negotiations with the Blackfoot Indians and their neighbors. He was convinced that he was the only white man who knew how to handle these tribes. George Gibbs, who was with the railroad survey, claimed that the governor was "crazy about this Blackfoot treaty," and he warned that Stevens "ought not desert the immediate interests of his own territory for the mere glorification of making a big talk and swell with the Missouri Indians."<sup>6</sup>

Stevens was near Fort Benton when he learned of the death of Indian Agent Andrew J. Bolon and the general outbreak of hostilities. He immediately decided to brave possible deep snows and hostile tribes to return to Puget Sound by the most direct route. The decision provided grounds for the first disagreement between Stevens and the army, when the governor contended that the military refused to send troops to his rescue and abandoned him to his fate in Indian country.

Stevens made this accusation in February 1856, after General John E. Wool had rejected his

<sup>3</sup> Gen. Joseph G. Totten to Isaac I. Stevens, March 29, 1853, Record Group 77, War Department, Engineer Department, Official Letters of Col. Joseph G. Totten, Chief Engineer, 1839-53, National Archives; Stevens to George B. McClellan, Sept. 27, 1854, George B. McClellan Papers, Library of Congress.

<sup>4</sup> Most citizens in the Northwest were aware of the possibility of an Indian outbreak. For example, on Aug. 24, 1855, the *Puget Sound Courier* (Steilacoom) warned that there was much unrest due to the treaties. The *Courier* claimed that Stevens arbitrarily raised some of the lowest order of tribesmen to chiefs without the consent of the tribes. Three months later, Nov. 23, 1855, the newspaper charged that Stevens wished to be known in the East as the man who bought the most Indian land for the lowest price. See also *Washington Pioneer* (later *Pioneer and Democrat*) (Olympia), Dec. 3, 1853.

<sup>5</sup> Margaret Stevens to her mother, Feb. 18, 1855, and to her sister, Nancy, Feb. 17, 1855, Box 8, Isaac I. Stevens Papers, Manuscripts Division, University of Washington Libraries.

<sup>6</sup> George Gibbs to McClellan, May 1, 1854, McClellan Papers.

<sup>7</sup> Stevens to Secretary of War Jefferson Davis, Feb. 17, 1856, Isaac I. Stevens Letters (microfilm), University of



council. The governor began to build a case against the general, whom he indicted for "utter and signal incapacity" and whose removal from command Stevens demanded. But earlier, when Stevens was at the Coeur d'Alene mission in November, he had written to the commander at The Dalles to advise him of his plans. At that time Stevens did not seem concerned for his safety, and he did not suggest that he would return through Yakima country. He obviously believed that he and the friendly Nez Perce could cope with any eventuality.<sup>7</sup>

Beneath this first open conflict between the army and Stevens lurked more significant issues than even the safety of the governor—questions of war strategy and an overall policy toward the Indians. Immediately upon hearing of hostilities, Stevens urged vigorous action even though he admitted that, from the vantage point of the Bitterroot Mountains, "it is difficult to get information." This lack of evidence dissuaded him not at all from "earnestly recommending" a winter campaign by the army to break the will of the hostiles and to destroy their provisions and livestock.<sup>8</sup>

Some writers have contended that Stevens' active policy was a consequence of his desire to promote the interests of his constituents, the white settlers. Stevens certainly agreed that the settler had a right to the land. He indicated this in his proclamation issued immediately after the Walla Walla Council which opened eastern Washington to settlement and again in a letter to President Pierce in which he stated that the conflict was simply a question of "whether the In-

dian or the whites shall occupy the country."<sup>9</sup>

But even if the interests of the settlers had not dictated a vigorous policy, it is doubtful that Governor Stevens would have altered his. He was a man who followed his own instincts, his own sense of right, wrong, and justice. Despite his title, the governor was never a politician at heart. He did not stop to sniff the political wind before making decisions; he was a military man, making military decisions.

More important to Stevens than the desires of the settlers was his conviction that the Indians had betrayed him. He viewed the Indians as children whom he would protect if obedient and to whom he would mete out punishment when they were naughty. In the governor's narrow view of the treaties signed during 1854-55, the Indians' signatures upon a legal document bound them to its conditions, and the war resulted when certain chiefs treacherously broke this covenant and tribes refused to follow their designated leaders. Convinced that he was morally and legally right and believing that the broken treaties reflected badly upon his negotiations, the governor set out to punish the wayward children.<sup>10</sup>

IN CONTRAST, General Wool's initial reaction was to proceed slowly until he was aware of the extent of hostilities and until the necessary reinforcements could be moved to the Columbia District. Reports from officers in the field, particularly that of Major E. D. Townsend, supported Wool's policy. After examining the troops at Vancouver and The Dalles, Major Townsend reported that the condition of men, horses, and equipment would not allow a winter march. But, Townsend noted, even if the troops could go, he would recommend against the campaign as the well-mounted Yakimas would drive their cattle and extra horses into the mountains and then keep out of reach. Further, Townsend added, a campaign would only disperse the hostiles and perhaps drive them into the vicinity of friendly tribes who then might be corrupted. And finally, the major observed, there were neither settlers nor property in eastern Washington for the troops to remove or save.<sup>11</sup>

With this report in hand, Wool replied to the governor's enthusiastic prompting with the icy comment that the campaign proposed was an extensive one, and, he reminded Stevens, "you should have recollected that I have neither the resources of a territory nor the treasury of the United States at my command." But, he assured the governor, the army would pursue the war

Washington Libraries (originals in Winlock Miller Collection, Yale University Library); Stevens to Commander of Troops in the Field or at The Dalles, Nov. 26, 1855, Record Group 393, U.S. Army Continental Commands, 1821-1920, Department of the Pacific, Letters Received, National Archives (hereafter cited Dept. of the Pacific, Letters Received). On previous occasions, Stevens did not hesitate to ask for troops if he thought it desirable or necessary. He asked for a force for the Blackfoot Council and another to patrol the Oregon emigrant trail. The army was prepared to send troops to Stevens, but Wool was advised in late November that it was highly unlikely that the governor would return through Indian country. Stevens to Gen. John E. Wool, Jan. 19, 1855, and Major E. D. Townsend to Wool, Nov. 28, 1855, Record Group 393, Dept. of the Pacific, Letters Received.

<sup>7</sup> Stevens to Commander of Troops in the Field or at The Dalles, Nov. 26, 1855, Record Group 393, Dept. of the Pacific, Letters Received.

<sup>8</sup> Stevens to President Franklin Pierce, May 23, 1856, Stevens Letters; Alvin M. Josephy, Jr., *Nez Perce Indians and the Opening of the Northwest* (New Haven, 1965), 311; *Pioneer and Democrat*, April 21, June 29, 1855.

<sup>9</sup> Stevens to Col. Silas Casey, Feb. 2, 1856, Stevens Letters.

<sup>11</sup> Townsend to Wool, Nov. 28, 1855, Record Group 393, Dept. of the Pacific, Letters Received.

with promptness and vigor "without *wasting unnecessarily the means and resources at my disposal by untimely and unproductive expeditions.*" The war would end in a few months, Wool insisted, if the settlers and volunteers refrained from a policy of Indian extermination and if the volunteers withdrew from the field.<sup>12</sup>

General Wool sent troops to Puget Sound and directed Colonel George Wright to prepare for a swing through Yakima country in the spring. But Wool insisted throughout the winter that future hostilities would be more the fault of the whites than of the Indians. There is a certain irony that, from the beginning of the war, the army represented the voice of compromise and moderation, while the governor, as the leader of the white settlers, took the position that "*the war shall be prosecuted until the last hostile Indian is exterminated.*"<sup>13</sup>

Faced with Wool's resistance, which Stevens considered stubborn and obdurate, the governor called out volunteer forces. He told the general, "I am . . . too old a soldier . . . to do otherwise than to press forward with all my energies. . . ." Reliance upon volunteers or militia was a long-standing tradition on the frontier, and Acting Governor Charles Mason had called out two companies while Stevens was still in Blackfoot country.<sup>14</sup>

Suspicion and distrust between regulars and militia was also a long-standing tradition. Lieutenant George Crook expressed the regulars' contempt for militia when he derisively described the mounting of a company of Oregon volunteers. According to Crook, when the volunteers' captain bawled "attentshun the company," his command answered with "go to Hell" and similar epithets. Only after the captain attempted to mount and accidentally hit his chin on the saddle horn, did the company finally move forward. It is unlikely that Crook endeared himself to those within earshot when he remarked that he did not care to ride in the rear of the column, for, in the event of an Indian attack, he would probably be trampled to death. Acting Governor Mason attempted to lessen this mutual suspicion by naming Major Gabriel J. Rains of the army as brigadier general commanding the volunteer companies.<sup>15</sup>

WHEN Governor Stevens began raising his volunteers, he spoke of a spirit of cooperation with the regulars, but he also made it clear that he would be issuing the orders and formulating campaign policy. Ignoring Wool, the governor began

urging his policies on the commanders of the regular army in the Northwest, particularly on Colonel Silas Casey, commanding at Fort Steilacoom. Blocked in his desire for a winter campaign east of the Cascades, the governor determined early in 1856 to seal off the various mountain passes, isolating the Puget Sound Indians during the winter, and then, as soon as the snows melted, to proceed across the mountains into Yakima country and the Walla Walla Valley.

But the volunteers could not guard the multitude of possible mountain routes, and Stevens attempted to secure the use of Casey's command to supplement the militia. Colonel Casey, however, requested that the governor raise two companies of volunteers and turn them over to the army. Then, Casey claimed, the army could protect the "frontier without the aid of those now in the service of the territory."<sup>16</sup>

Stevens must have recognized the merit in Casey's proposal, for he was plagued with problems within the volunteer organization. Despite his own herculean efforts, the volunteers could not efficiently carry out his ambitious plans. But he rejected Casey's request, predicting a disaster if he called in the volunteers just when they were poised, or so the governor claimed, to strike a decisive blow. More to the point, Stevens declared that, if he did raise additional volunteers, he would certainly not give up control of these units to the regular army. The governor, Stevens insisted, became the final authority in an emergency.<sup>17</sup>

Stevens' argument touched the crux of the dispute. Who was the ultimate authority in the territories in a military situation? The organic act for the territory did not define the limits of authority for either governor or commanding general. It seems obvious, however, that if an emergency existed, as Stevens insisted, cooperation between civilian and military was essential, and both the governor and the military were at fault for assuming that either could or should operate without the other.

<sup>12</sup> Wool to Stevens, Feb. 12, 1856, Stevens Letters (italics Wool's).

<sup>13</sup> Stevens' speech at Olympia, Jan. 19, 1856, reported in *Pioneer and Democrat*, Jan. 25, 1856.

<sup>14</sup> Stevens to Wool, March 20, 1856, Stevens Letters.

<sup>15</sup> Martin F. Schmitt, ed., *General George Crook: His Autobiography* (Norman, 1966), 26-27; Granville O. Haller, *Dismissal of Major Granville O. Haller . . . also a Brief Memoir of His Military Service* (Paterson, N.J., 1863), 41.

<sup>16</sup> Casey to Stevens, March 15, 1856, Stevens Letters.

<sup>17</sup> Stevens to Casey, two letters of March 16, 1856, Stevens Letters.

<sup>18</sup> *Ibid.*

<sup>19</sup> Casey to Stevens, July 21, 1856, Stevens Letters.

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Colonel Casey, however, was on strong ground in assuming that volunteers would act under regular army officers. This transfer of authority was traditional, and when Charles Mason raised the first volunteer companies, he agreed that Major Rains would exercise command. Stevens ignored tradition, and no doubt further alienated Casey, when he made their differences a personal matter. The governor complained that he journeyed twice at great inconvenience to Fort Steilacoom on visits to Casey, whom he styled his inferior, and he claimed that he had waived personal etiquette in his desire to cooperate.<sup>18</sup>

From this point, the two men moved on to a second general area of dispute: policy toward the friendly Indians. Casey assumed that the army would deal with the hostiles, but he readily conceded that Stevens, as superintendent of Indian Affairs, was responsible for the friendlies. Relative to the former group, Casey informed the governor in July 1856 that he was sending a command under Captain Erasmus Keyes to check on tribes at the Black River, and he added:

Permit me to remark that I would consider it extremely inexpedient and entirely unnecessary for you to order volunteers to take their [Indian] lives, or to commit any violence on them. . . .<sup>19</sup>

The governor heatedly reminded Casey that, as superintendent, he had ordered all Indians out of the area between the east shore of Puget Sound and the Cascades and that any Indians who remained would be subject to punishment. Casey ended this exchange by noting that he would be pleased if Stevens would exercise his responsibility as superintendent and assume control over one hundred Indians whom he was feeding at Fort Steilacoom with army rations.<sup>20</sup>

THE relationship between the governor and Colonel George Wright followed a similar pattern. Stevens knew Wright and Casey from the Mexican War, and when Wright arrived on the Columbia in January 1856, Stevens exclaimed, "Allow me as an old companion in arms

to welcome you to the Territory of Washington." The governor spoke of the "propriety of strong understanding between the regulars and the volunteers" in a united and energetic action.<sup>21</sup>

But Colonel Wright immediately dissuaded Stevens of any notion that he would follow the governor's commands. He took issue with Stevens' argument that the Indians interpreted delay as weakness, and he subsequently denied volunteer commander Benjamin F. Shaw's request for arms and ammunition. He informed Stevens that the regulars would conduct all summer operations, but added, condescendingly, that the volunteers would do good service if it ever became necessary to call for them.<sup>22</sup>

As Wright attempted to arrange a truce with the Yakimas during the summer of 1856, he found the governor's activities increasingly vexatious. The colonel complained that Indian Agent Michael Simmons attempted to wreck the negotiations by telling the Yakimas that the army would hang any Indian who came into camp. A short time later Wright angrily protested that the governor's negotiations seriously embarrassed the army, confused the Indians, and tended to prolong hostilities.<sup>23</sup>

When the fighting slowed in the fall of 1856, the animosity between the governor and the army did not end. The prime bone of contention involved Indian leaders who had been captured or who had surrendered. Stevens had insisted from the beginning that the instigators of the war would suffer, an assumption based on the governor's premise that a few bad Indians were responsible for the outbreak.

As early as June 1856, Stevens had assumed that he and Colonel Wright were agreed that they would accept only unconditional surrender and would bring murderers to trial. Wright did not commit himself, but after forging a truce, the colonel suggested it would be unwise, if they wished for peace, to punish any Indians. The governor maintained that criminals deserved justice and if the situation were so unsettled that "trials will lead to war, then the sooner the better." Casey entered the debate and supported Wright's position, meeting Stevens' order to turn certain Indians over to him with the suggestion that "the better way would be to consider that we have been at war with the Indians, and, now, we are at peace."<sup>24</sup>

THE third army officer in the Northwest with whom Stevens quarreled was Colonel Edward Steptoe. The governor began courting Steptoe's

<sup>18</sup> Casey to Stevens, Oct. 20, 1856, Stevens Letters.

<sup>19</sup> Stevens to Col. George Wright, Jan. 30, April 2, 1856, Stevens Letters.

<sup>20</sup> Wright to Stevens, April 10, 1856, and Wright to Benjamin F. Shaw, Feb. 21, May 27, 1856, Stevens Letters.

<sup>21</sup> Wright to Capt. David R. Jones, asst. adjutant general, July 1, 1856, and Wright to Major W. W. Mackall, asst. adjutant general, Oct. 31, 1856, Record Group 393, Dept. of the Pacific, Letters Received.

<sup>22</sup> Stevens to Wright, June 18, Oct. 4, 1856, Wright to Stevens, Oct. 4, 1856, and Casey to Stevens, Oct. 21, 1856, Stevens Letters.

favor in the late summer of 1856, when Stevens decided to hold a second council in the Walla Walla country. He first urged Steptoe to furnish troops at the council to replace volunteers whose enlistments were expiring. Steptoe, then on his way to establish a post in the valley, agreed to accommodate the governor, although he noted that orders prohibited extending aid or encouragement to the volunteers' military operations.

When Steptoe arrived in the vicinity of the council, he resisted the governor's efforts to induce him to enter the volunteer camp, explaining that he needed to prepare winter quarters, and he advised Stevens that, as the Indians seemed unwilling to talk, it would be appropriate to adjourn the council to a more favorable time. But the governor, although admitting the hostility of most of the tribes, insisted that the council would continue, "whatever be the consequences as regards my own personal safety. Such I regard to be my duty to the public, to the Indians, and to my own character."<sup>25</sup>

Soon the Indians attacked the governor and his men. Stevens and the volunteers made their way to Steptoe's camp, joined forces with the army, and together drove off the hostiles. As the combined parties returned to The Dalles, each in bad humor, Steptoe dashed off a hasty note to headquarters, pleading that he had tried to stay out of the trouble between the Indians and Stevens and that he

only took part in it when it was evident that the latter must be destroyed unless rescued. . . . The truth is there would have been no further disturbance whatever in my opinion but for the council; it was premature and inopportune.<sup>26</sup>

Once back in Olympia, Stevens burst out in full fury against the whole military establishment. He complained that it was working against ratification of his treaties, that prohibition of settlement east of the mountains was illegal, and that Wright had perpetrated a surrender to Indian demands

unprecedented in history, and most discreditable to our government . . . a usurpation of my duties, for which he will be held to account. . . . The sole object of the army had been

to destroy [my] influence among the Indians and establish the prestige of the army regardless of propriety and honor.<sup>27</sup>

By the end of 1856, Governor Stevens had suffered through a frustrating twelve months, and perhaps the most disconcerting aspect was his association with the United States Army. It seemed to thwart him at every turn, and his relationship with each of the commanders eventually deteriorated into mutual distrust and suspicion. The army and the governor held different basic assumptions about the causes of the war and the correct policy to pursue. Each held a different philosophy of the proper relationship between civilian and military authorities. In this difficult situation, Stevens' attitudes did not improve relationships or help to solve problems. He insisted upon his course of action, refused to compromise with the army, and thus complicated Indian-white relations. In part, at least, Stevens' position during 1855-57 was responsible for the uneasy truce that led to renewed hostilities in 1858.

Although General Wool matched Stevens in his concern for the perquisites of office, Casey, Wright, and Steptoe were reasonable men and inclined to meet the governor halfway in conducting the war, an inclination Stevens did not match. The governor's use of large numbers of volunteers led to huge expenses, and these troops did not prove particularly effective in conducting military operations or negotiations.

Isaac I. Stevens possessed great abilities and many talents, but as governor and superintendent of Indian Affairs during the years 1855-57, he was the wrong man, in the wrong place, at the wrong time. In his relationships with the military, Stevens proved that he did not possess the capacity for cooperation, moderation, and compromise necessary in those trying times.

<sup>25</sup> Stevens to Col. Edward J. Steptoe, Aug. 25, Sept. 13, 1856, and Steptoe to Stevens, Sept. 1, 1856, Stevens Letters.

<sup>26</sup> Steptoe to Mackall, [September 1856?], Record Group 393, Dept. of the Pacific, Letters Received. Wright echoed Steptoe's sentiments about the council. Wright to Mackall, Oct. 30, 1856, *ibid.*

<sup>27</sup> Stevens to Steptoe, Nov. 22, 1856, Stevens Letters.

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# The Public Life of Eugene Semple

Promoter and Politician  
of the Pacific Northwest

Alan Hynding

## Official File Copy

Enclosures Files

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DEFENDANT'S EXHIBIT NO. H-162

Court of Claims

Docket No. \_\_\_\_\_

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condoned the expenditures for simple humanitarian reasons. "The territory," he told the legislators, "should always deal liberally with the unfortunate."<sup>19</sup>

The enactments of the 1887-88 legislative session provided solutions to only a few of the problems confronting the territory. Other dilemmas remained for time or the federal government to resolve. One was the continuing scarcity of surveyed public land, which disturbed local authorities and prospective settlers alike. Although more than twelve million acres were available, exclusive of Indian allotments, no federal surveys had been made since 1885.<sup>20</sup> The need for surveys was acute, and Semple, in his annual report to the Secretary of the Interior, pleaded the case of the settler:

The need of surveys in various portions of the territory is now so great that almost any one who wanders to the limits of the older settlements will be immediately struck by it. . . . Many refrain from selecting homes on the unsurveyed lands. . . . Others have taken their chances. . . . have gone on the unsurveyed land, have made bold enough to add this improvement, then that improvement, in the hope of a speedy survey, until to-day these have enough at stake to be ill at ease.<sup>21</sup>

The main cause of complaint about unsurveyed lands was the remarkable growth in the population of the territory. During the eighties the number of inhabitants increased from scarcely 75,000 to nearly 360,000—a population more than four times as large as that of the *state* of Nevada.<sup>22</sup> And only half of this increase had occurred when Semple came into office. The land problem was also related to the quandary over federal Indian policy. Shortly before Semple became governor, Congress had passed the Indian Allotment Act of 1887, the Dawes Severalty Act. The new law authorized the division of certain reservation lands into individual holdings which the Indians could sell.<sup>23</sup> Under the severalty act and by various other means, two million acres of Indian lands in Stevens County in eastern Washington passed into the hands of white speculators and settlers. Still residents hungered

19. *Messages of the Governors*, p. 268.

20. *Report of the Surveyor General of Washington Territory to the Legislative Assembly, 1887*, passim.

21. *Report of the Governor, 1887*, p. 9.

22. U.S. Bureau of the Census, *Tenth Census, 1880*, 1:75-83, 116. *Eleventh Census (1890)*, Pt. 1, p. 45.

23. Paul Wallace Gates, "The Homestead Act in an Incongruous Land System," *American Historical Review*, 41 (1936): 652-81.

for more, eyeing especially some 800,000 acres of choice reservation land in the Yakima Valley. Semple tried to justify this land hunger to Secretary of the Interior Lamar. Most settlers, he asserted, did not object to Indians retaining large amounts of land, "but all condemn a policy that gives this idle people immense tracts of the finest soil that they may let it grow up in weeds." But the governor had not run out of hope for the Indians. Unlike the Chinese, they might be assimilated. As he explained to Lamar, "They are not a dull or an unreasonably obstinate race, and recognizing the march of events, they perceive that the choice for them is to adapt themselves to the ways of the white man or fade from the face of the earth."<sup>24</sup>

Accordingly, Semple urged the government to "encourage the abandonment of the tribal relation, and to turn the ambition of the individual Indian from feats of arms and daring to the attainment of distinction in the walks of civilized life." The resultant benefits, he maintained, would be two-fold: a transfer to the public domain of surplus reservation land, and an end to hostilities between whites and Indians.<sup>25</sup> The provisions of the Dawes Act reflected the same view.

The settlers' clamor for real estate abated when railroad land sales increased after the completion of the Northern Pacific's line up the Yakima Valley and across the Cascades into Tacoma and Puget Sound in 1887. During the year ending in June 1888 the railroad sold nearly 270,000 acres of its domain to more than sixteen hundred purchasers.<sup>26</sup> For a time, the Northern Pacific was doing more land business in the territory than the General Land Office.<sup>27</sup>

Having suffered at the hands of outfits like the Oregon Railway and Navigation Company (a Northern Pacific subsidiary) as a Vancouver lumberman, Semple, as governor, at last was in a position to influence their regulation and taxation in order to alleviate some of the inequities of commerce and transportation in the territory. In his annual report to the secretary of the interior he urged the federal government to expedite the forfeiture of railroad land grants along uncompleted routes.<sup>28</sup> He also sought new taxes on land held outright by the railroads. In his message to the legislature in October 1887 he

24. *Report of the Governor, 1887*, pp. 34, 34.

25. *Ibid.*, pp. 37-38.

26. *Ibid.*, p. 13.

27. Roy M. Robbins, "The Federal Land System in an Embryo State," *Pacific Historical Review*, 4 (1935): 368.

28. *Report of the Governor, 1887*, p. 37.

Indian Water Rights Rediscovered:  
The Winters Doctrine and Pyramid Lake

In January, 1970, the Senate-House Joint Committee on Economy in Government published a collection of papers under the broad title, Toward Economic Development for Native American Communities. One of the authors, William H. Veeder, contributed a piece entitled "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development" that attracted a wide audience.<sup>1</sup> Veeder had impressive credentials. After law school and graduate work in political science, he went to work for Colorado's Department of Agriculture and prepared a comprehensive summary of the water laws of the nation's seventeen arid states. In 1944 he went off to Washington, taking a job with the Department of Justice. As Special Assistant to the Attorney General, he represented the United States in a variety of important water cases. However, twenty years later, in 1965, the Bureau of Indian Affairs persuaded him to transfer to that agency where he devoted himself to the protection of American Indian water rights.<sup>2</sup>

Officials in the Bureau of Indian Affairs recognized that no one in Washington knew more about Indian water rights, or cared more about the plight of Indians on Western reservations, than William Veeder. In 1965 he had won attention, if not applause, from other lawyers and engineers in the Interior Department when he published an important article on Indian water rights in the Montana Law Review.<sup>3</sup> But not until 1970, with Indian militance at flood tide and a deepening public sympathy for the wretched living conditions on many reservations, did Veeder's ideas win support in Congress. "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development" argued that conflicts of interest in the Interior and Justice Departments prevented Indian water rights and claims to other resources from

receiving a fair hearing from federal officials. The United States government had failed in its role of trustee for Indian rights. The Bureau of Reclamation, supported by "satellite agencies" including Fish and Wildlife, Recreation, National Parks and the Bureau of Land Management, wielded great political power in Washington and throughout the West. Unfortunately, the Bureau of Indian Affairs, also in the Department of Interior, had much less influence over the Department's water policies. Veeder also pointed out that frequently one group of Justice Department lawyers would work on suits supporting Indian Indian water claims at the same time another group--in the same division--worked on suits defending established water users against Indian claims. As Veeder put it:

When Indian rights to the use of water are being adjudicated on streams upon which the Bureau of Reclamation likewise is asserting claims, the Justice Department attorneys are confronted with perplexing, if not impossible circumstances, in representing the Indians and at the same moment representing the chief opponents of those Indian claims. Loss to the Indians, either actually through the form of the decree or subsequently [through] the interpretation of it, starkly outlines the impossible situation in which the American Indians seek to have their rights preserved.<sup>4</sup>

The conflict could be seen just as clearly in the Justice Department's treatment of other Indian claims. For example, the Department's Lands Division represented the U.S. government against the Indians before the Indian Claims Commission and before the Court of Claims or in U.S. District Courts. Veeder argued that the Indians needed an independent agency, with a separate staff of engineers and lawyers versed in Indian rights, to protect their interests.<sup>5</sup>

Veeder cited the Winters Doctrine as evidence of how effectively Indian water rights had been ignored and suppressed. The Fort Belknap Reservation in Montana had been created in 1855 by treaty between the United States and the Blackfeet, but in 1874 and 1888 the federal government sharply reduced the original reservations boundaries and sold the "confiscated" land to white

settlers. In 1889, the Indians began to divert water from the Milk River, which served as the reservation's northern boundary, to irrigate a barren plot of land. However, soon the influx of white settlers upstream sharply cut into the Indian water supply. The Indians filed suit against the new settlers, who were led by a farmer named Winters, and their case got all the way to the Supreme Court. The Court had two questions to consider. First, did the Blackfeet have a right to use the water even though the 1855 treaty creating the reservation said nothing about water rights? And, second, assuming that the Indians did have a right to use the water, did they lose that right when Montana was admitted to the Union in 1889 and adopted its own water laws?

Obviously, the Supreme Court might have ruled in two different ways. Since the 1855 treaty did not mention water rights, the Indian claim might have been disallowed. Instead, the Court ruled in favor of the Indians. Traditionally, Westerners considered Indian reservations a grant from the federal government. But the Court turned the tables in ruling that the Blackfeet had given the government all the land outside their reservation--the reservation itself did not exist by government grant. In short, the Indians had lost only what they had specifically deeded away. Aside from giving up their land outside the reservation, the Indians retained all their original property and rights. The Justices noted that in the arid West land without water had little value, so the Indians would not have knowingly accepted a treaty that gave up their water. And since the reservation existed to insure their livelihood, the 1855 treaty actually strengthened Blackfeet rights by giving them the sanction of federal law.

The Winters case, and subsequent court decisions that built on that ruling, set Indian water rights apart from the water rights of non-Indians established under state water laws. The Winters Doctrine challenged many of



the assumptions upon which Western water laws rested. State water laws specified that those who did not use their rights lost them, but this condition did not apply to Indian rights. Most states also linked the grant of water to some particular use to prevent speculation in or monopolization of water, but Indian rights existed independent of the way the water was used. Moreover, while non-Indian water rights were expressed as a certain quantity of water with a certain chronological priority, Indian rights could not be expressed in acre feet. Indians could use water for purposes not traditionally recognized as a "beneficial use" under state laws--for example the maintenance of fisheries in reservation streams and lakes--and they could claim water for future uses as well as existing needs. Finally, Indian water rights were superior to those of non-Indians.<sup>6</sup>

The Pyramid Lake water controversy provides a fascinating example of the Winters Doctrine's far-reaching effects. On September 25, 1903, Reno's Daily Nevada State Journal published an article entitled "Pyramid Lake is Doomed Now." A year earlier Congress had passed the Newlands Reclamation Act and because Nevada's Congressman had done so much to push the legislation through the House, Nevada would soon claim the nation's first federal irrigation project. Government engineers decided to reclaim several hundred thousand acres of parched desert land about 60 miles east of Reno in the Carson Sink, at the end of the Carson River. But to supplement the flow from that stream they built a 31 mile canal to divert water from the Truckee River--another stream that originated in the Eastern Sierra--south into the Sink. Work began late in 1903 and the canal formally opened in 1905. Since the Truckee had emptied into Pyramid Lake, the government engineering project spelled the lake's doom. As the Journal put it in 1903: "Twenty years at the most will suffice to kill all the trout and other fish that are now so plentiful in

the lake. Thus the time is not far distant when the effects of the withdrawal of the water will be plainly evidenced." In a century the Journal predicted the lake would be little more than a plain of glistening alkali.

Pyramid Lake, the second largest desert lake in North America, is located 30 miles northeast of Reno. Nestled between the Lake Range and Virginia Mountains, the fan-shaped 30 mile long 11 mile wide lake presents a stark picture. Stark because of the lack of vegetation and imposing, barren mountains that loom some 4,000 feet above the lake's surface. Stark also because of the overpowering sense of timelessness suggested by the austere desert setting. By one of nature's strangest marriages, the Truckee River begins in the rich alpine setting of Lake Tahoe--the "jewel of the Sierra" as Mark Twain once called it--then travels almost 100 miles through thick forests and sagebrush before it finishes its journey at Pyramid Lake.<sup>7</sup>

In 1859 the General Land Office designated Pyramid Lake--the second largest desert lake in North America--as a Paiute reservation. Thereafter, the small band of Indians received little help from the federal government. From 1910 to 1970 the lake's level dropped over 80 feet and this spelled disaster for a reservation economy heavily dependent on fishing. Gradually the large cut-throat trout native to Pyramid Lake died off and the government made no effort to compensate the tribe for its loss. Usually, the Truckee-Carson, or Newlands, Project used about half the Truckee's flow permitting the remainder to drain into the lake. But the reduced flow allowed sand bars to form at the mouth of the lake and in dry years diversions left so little water in the river bed that the cut-throat could not travel upstream to their spawning grounds. By the late 1930s the trout had died off and as the lake's volume shrank, increasing salinity threatened to destroy all remaining marine

life further reducing the tribe's meager income.

Throughout the 20th century, Pyramid Lake Indians suffered desperate poverty; their annual per capita income averaged only \$600 to \$700 in the late 1950s and over two-thirds of the men could not find work. But unlike many other tribes, the Paiutes had a potentially valuable resource. In 1969, the Bureau of Outdoor Recreation estimated that "properly developed" Pyramid Lake could attract 2,375,000 visitors annually by the year 2000:

If Pyramid Lake's recreation resources are properly developed, significant tangible and intangible benefits will accrue to the U.S., Nevada, Washoe County, the Reno-Sparks complex, local interests and the Pyramid Lake Indian tribe. The direct tangible economic benefits from recreation at Pyramid Lake could total \$1,425,000 in general admission fees, \$15,482,625 in visitor expenditures at the lake and over one-half million dollars in jobs annually by the year 2000. In the 32 year interim between today and the turn of the century, a total gross income from the admission fees and visitor expenditures generated by a developed Pyramid Lake would accumulate to an impressive \$202,380,000. A developed Pyramid Lake will also generate additional annual expenditures in the millions of dollars by visitors outside of the recreation area for sporting equipment, car services, food, lodging, and gaming, etc.<sup>8</sup>

In short, development at the lake would benefit non-Indians as well as Indians. The Bureau of Outdoor Recreation failed to consider the potential impact of tourism on the lake's environment--whether the Indians could do a better job of protecting their lake from exploitation than the whites had done at nearby Lake Tahoe. But the Bureau's report left little doubt that the potential value of Pyramid Lake to Nevada's economy would exceed the value of the desert crops irrigated with Truckee water. Unfortunately, if the lake's level continued to decline as rapidly as it had in the 20th century, little could be done to promote a tourist economy.

The Paiute water claim was the oldest on the Truckee River, dating from the establishment of the reservation in 1859. However, the courts paid no attention to the Winters Doctrine. In 1944, after years of litigation,

the U.S. District Court for Nevada issued a decree ranking all claims of Nevada water users to the river. That decree granted the reservation 30,000 acre feet of water annually to serve 5,900 acres of land. This was a good deal less than the 240,000 acre feet diverted from the river by the government. Even so, the decree specified that this water be used only for agriculture or domestic purposes; the court did not acknowledge the importance of fishing to the reservation economy. In fact, since the reservation only contained about 2,000 acres of good farm land, the Indians could never use more than a small fraction of their decreed right. Only in the driest years, for example the early '30s, did less than 30,000 a.f. reach the lake. But the average inflow was still 135,000 a.f. short of the additional volume needed each year to stabilize the lake.<sup>9</sup>

In May, 1955, the Bureau of Indian Affairs asked the Interior Department's Associate Solicitor for Indian Affairs whether that part of the Paiute's 30,000 acre foot allocation not used for irrigation might be permitted to flow into the lake to improve fishing. The Solicitor said no, arguing that water decreed for irrigation could only be used for that purpose:

It is fundamental in irrigation law that there can be no ownership of...water flowing in a stream prior to its being diverted from the stream into canals, ditches, or reservoirs....It is also a familiar rule that water adjudicated for irrigation purposes if not utilized for that purpose must be allowed to flow downstream for the benefit of other water users with later rights in the stream.

That the Indians were as far downstream as nature allowed did not enter the decision. The Solicitor applied principles of traditional Western water law and acknowledged no special Indian rights.<sup>10</sup>

The Solicitor's decision came at a critical time. In 1955 California and Nevada began negotiations to divide up the surplus water in Lake Tahoe and the Truckee, Carson and Walker rivers and in the same year Congress held

hearings into the Bureau of Reclamation's proposed Washoe Project. The Washoe Project consisted of new reservoirs on the Truckee and Carson rivers to remedy agricultural water shortages in Western Nevada, serve the expanding need for municipal and industrial water in the Reno area and also provide new hydroelectric power and flood control. Since the Interior Department had, in effect, ruled that the Paiutes owned no special water rights other than those listed in the 1944 Truckee River Decree, the states as well as the federal government discounted the Indians in planning for future water use in Eastern California and Western Nevada.

Ten years passed and the Reclamation Bureau completed its two Truckee River reservoirs. Consequently, early in 1964 Secretary of the Interior Stewart Udall formed a task force to consider existing and future demands on the Truckee and Carson rivers. The group included the Assistant Commissioner for the Bureau of Indian Affairs and the Indians voiced their objections to the Washoe Project at public hearings held in Reno in September. The Bureau of Reclamation had predicted that once completed the Washoe Project would reduce the average annual flow into Pyramid Lake by 21%. But the task force pacified the Paiutes with a series of formal recommendations to the Secretary of the Interior designed to get more water into the lake. It suggested that the Interior Department should work to get the 1944 Truckee River Decree amended so that all of the 30,000 acre feet promised the Indians for agriculture could flow into the lake. In addition, it urged Udall to do more to improve fishing conditions in Nevada, set a limit on the amount of water that could be used on the Truckee-Carson irrigation project and study new ways to reduce water waste throughout the two river basins.<sup>11</sup>

The 1964 task force made no specific promises to the Indians and its recommendations went unheeded in Washington. But five years later the Paiutes



got a chance to renew their protest. After 13 years of negotiations, the California-Nevada Interstate Compact Commission finished its work in 1968. The commission had paid little attention to Indian rights except to acknowledge the allotment promised by the Truckee River Decree. Consequently, the Indians--who had lost much of their patience since 1964--saw the interstate compact as a death warrant for Pyramid Lake. So did William Veeder who commented: "...I assure you that if that compact is adopted it will in itself destroy Pyramid Lake."<sup>12</sup> Veeder's arguments persuaded both Secretary Udall and his successor, Walter Hickel, to go on record against the compact undermining its chances to win Congressional approval. Hickel argued: "Most seriously affected would be the Winters' Doctrine rights of the Pyramid Lake Indians. Because of these rights we believe the United States should not consent to the draft compact as it stands, but should use the opportunity to renegotiate the compact so as to place the Indians in the best position to succeed in the proposed Winters' Doctrine litigation."<sup>13</sup>

In the hope some compromise could be found, the governors of California and Nevada formed a new Pyramid Lake Task Force in 1969. The group originally included a member of the Paiute Tribal Council, but after the first few meetings he resigned and the Paiutes refused to participate further. The Task Force essentially represented established water user groups in California and Nevada, none of which acknowledged any Indian water rights beyond the Truckee River Decree. However, the Task Force's job was not to pass legal judgments but to find ways of getting more water into Pyramid Lake. It found that all but about 30% of the water needed to stabilize the lake could be provided through conservation measures. For example, the court agent responsible for parcelling out water under the Truckee River Decree often interpreted decreed rights as a lower, rather than upper, limit. Hence the Task Force

expected that much water could be saved through stricter enforcement of decreed rights. Even more water could be saved by modernizing water distribution on the Truckee-Carson Project. The cost of automating water distribution, lining canals and abandoning inefficient reservoirs would have run about \$1,500,000, a fraction of the Washoe Project's total cost.<sup>14</sup>

Oddly enough, the Interior Department never proposed this compromise to the Indians, nor did it consider an alternative suggested by the Indians themselves--buying out farmers on the Truckee-Carson Project so that virtually the full flow of the Truckee could empty into Pyramid Lake. Instead, the Task Force came under heavy fire from Washington and the Paiutes took their case to court. In September, 1972, the U.S. Justice Department filed suit before the Supreme Court to determine the Paiute rights and on November 8, 1972, the U.S. District Court for the District of Columbia issued a temporary ruling upholding the Indians' demand for enough water to stabilize the lake. However, a counter-suit by the Truckee-Carson Project blocked this decision and a final settlement awaits the Supreme Court's ruling.

Ironically, in the short run litigation may work against the Indian interests. After four years, prospects are slim that the Supreme Court will hear the Paiute's case soon and meanwhile dry years like 1976 will take a heavy toll on Pyramid Lake. Since the Pyramid Lake Task Force represented established water users, its estimate of the amount of water that could be saved through conservation was low. A consultant firm hired by the Bureau of Reclamation in 1971 suggested many additional ways to save water. These suggestions, along with the Task Force's, could salvage more than enough water to stabilize the lake and still provide Nevada's farms, factories and towns with enough water.<sup>15</sup> But conservation costs money and the Interior Department has not proposed any comprehensive plan to reduce water waste in Nevada.

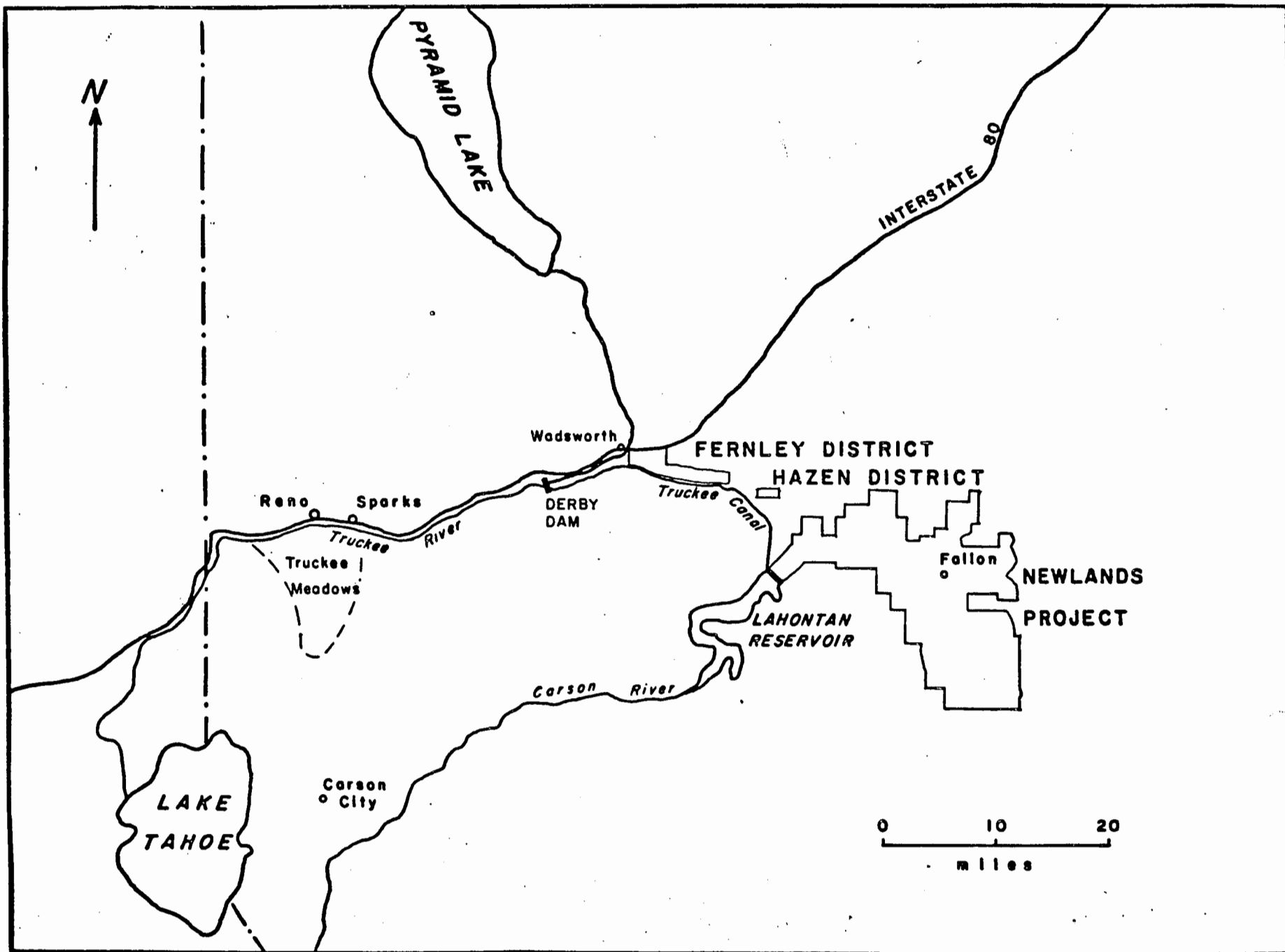
Of course, the Interior Department has an ulterior motive in favoring litigation over a negotiated settlement. It needs a definition of Winters Doctrine rights even more than the Paiutes. For the Winters doctrine poses vexing problems for all Western water users. Is any court decree safe if Indian rights cannot be measured on the same scale as non-Indian rights? Do established water users near Indian reservations have any legal protection at all? Is there any way to reconcile Indian and non-Indian rights without extensive and expensive litigation? The Paiute suit will test the strength of the Winters Doctrine and the Supreme Court's decision may strongly influence future water use throughout the American West.

Notes

- 1) For example, many large Eastern dailies summarized Veeder's article including the Washington Post, January 18, 1970; Washington Star, January 18, 1970 and New York Times, January 18, 1970.
- 2) The background sketch is from W.H. Veeder's testimony at the hearings of the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee held on January 3, 1972. See the transcript of the hearing (Washington, 1972), pp. 938-39.
- 3) William H. Veeder, "Winters Doctrine Rights--Keystone of National Progress for Western Land and Water Conservation and Utilization," Montana Law Review, 31 (Spring, 1965), pp. 149-172. Since 1965 Veeder has published many important articles on Indian water rights including "Indian Prior and Paramount Rights to the Use of Water," Rocky Mountain Mineral Law Institute, Proceedings of the Sixteenth Annual Institute (New York, 1971), pp. 631-668; "Water Rights: Life or Death for the American Indian," Indian Historian, 5 (Summer, 1972), pp. 4-21; "Indian Water Rights in the Upper Missouri Basin," North Dakota Law Review (Summer, 1972), pp. 143-164 and "Indian Prior and Paramount Rights Versus State Rights," North Dakota Law Review (Fall, 1974), pp. 165-195.
- 4) William H. Veeder, "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development," in Toward Economic Development for Native American Communities (Washington, 1969), Vol. II, p. 493.
- 5) Late in 1971, Secretary of the Interior Rogers C.B. Morton created a separate office of Indian Rights under the Commissioner of Indian Affairs. Morton instructed the Commissioner to report directly to him in all matters pertaining to Indian water rights.
- 6) Veeder's articles, cited above, provide the best discussion of court cases supporting the Winters Doctrine. But for a briefer discussion see "Plaintiff's Memorandum of Points and Authorities in Opposition to Motions to Dismiss, Pyramid Lake Paiute Tribe v. Hickel, U.S. Dist. Ct., D.C., January 2, 1971," reprinted as an appendix to the hearings of the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee held on January 5, 1972. See the transcript of the hearing (Washington, 1972), pp. 1297-1304.
- 7) There is no scholarly or reliable history of the Paiutes. For a geological history of Pyramid Lake see Sessions S. Wheeler, The Desert Lake: The Story of Nevada's Pyramid Lake (Caldwell, Idaho, 1968).
- 8) U.S. Department of the Interior, Report of the Bureau of Outdoor Recreation, 1969 (Washington, 1970), pp. 15-16.
- 9) All statistics are from the unpublished "Pyramid Lake Task Force, Final Report" dated December, 1971, in the files of the California-Nevada Interstate Compact Commission, California State Archives, Sacramento.

- 10) See memorandum from the Associate Solicitor for Indian Affairs to the Commissioner of Indian Affairs dated May 5, 1955, reprinted as an appendix to the hearings of the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee held on June 5, 1972 (Washington, 1972), p. 1297.
- 11) See the unpublished "Action Program for Resource Development Truckee and Carson River Basins, California-Nevada" dated October, 1964. A copy of this report is contained in the current files of the California Compact Commission, Department of Water Resources, Sacramento, California.
- 12) Testimony of William Veeder before the Subcommittee on Administrative Practice and Procedure, October 19 and 20, 1971, (Washington, 1971), Part I, p. 151. Veeder filed a full report on the California-Nevada Interstate Compact with the Secretary of the Interior on January 3, 1972 which also included comments on the recommendations of the Pyramid Lake Task Force. His report, which he entitled "Congressional Approval of the California-Nevada Interstate Compact Will Destroy Pyramid Lake," is reprinted as an appendix to the hearings of the Senate Subcommittee on Administrative Practice and Procedure for January 5, 1972 (Washington, 1972), pp. 1335-1343.
- 13) Walter Hickel to Robert P. Mayo, Director of the Bureau of the Budget, dated March 18, 1969, in the current files of the California Compact Commission, Department of Water Resources, Sacramento, California.
- 14) See the unpublished "Pyramid Lake Task Force, Final Report" dated December, 1971, in the current files of the California Compact Commission.
- 15) The report prepared by Clyde-Criddle-Woodward, Inc. dated September 30, 1971, was entitled "Final Report on Water-Use Improvement Study of the Truckee-Carson River Basin." A copy of the report is in the California Compact Commission's current files.





## Official File Copy

Enclosures Files

90-2-20

DEFENDANT'S EXHIBIT NO. H-163

Court of Claims

Docket No.

### *A Time of Disintegration: The Coeur d'Alene and the Dawes Act*

ROSS R. COTRONEO AND JACK DOZIER

In the history of Indian-government relations one of the most important pieces of legislation enacted was the General Allotment Act, or Dawes Severalty Act of 1887.<sup>1</sup> Operating on the tenet that the tribe had to be destroyed as a political, social, and cultural entity before the Indian could be assimilated, the act provided for the dissolution of tribal boundaries by giving the land to the Indians in severalty. Each tribesman was to be provided a 40 to 160 acre tract of land, and the title to it was to be held in trust by the government for a period of twenty-five years. The trust clause was included as a safeguard to prevent the Indians from disposing of the land before they could be educated as to its value and taught to earn a living from it. The full rights of citizenship were also to be conferred upon the Indians at the expiration of the trust period.

Under another provision of the act, those lands remaining after distribution of allotments to the Indians were to be sold to white settlers. This had a two-fold purpose; first, additional lands were opened to settlement; and second, it was hoped that the resultant close intermingling of the two cultures would result in the Indians' more rapid acceptance of the white man's ways. The money received from the sale of these lands was to be expended by the secretary of the interior for the education and advancement of the Indians.

Applied first in Oklahoma in 1890, and then in other areas, the act became a partial answer to the problems caused by the disappearance of cheap frontier land. Rather than a method for assimilating the Indians, the law came to be used primarily as an instrument for the aggrandizement of their territorial holdings. Regardless of its original intent, once the act

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<sup>1</sup> U. S., *Statutes at Large*, 24 Stat. 388.

was applied to the Coeur d'Alene Indians in northern Idaho<sup>2</sup> its results were disruptively profound, causing the irrevocable loss of approximately 84 percent of the tribal holdings, a total economic and political destruction of the tribal entity, and an almost complete loss of individual initiative.<sup>3</sup>

One of the most confusing aspects of federal Indian policy after the enactment of the Dawes legislation was that the government continued to enter into agreements with various tribes whereby supposedly permanent reservations were established for the Indians. It was thus with the Coeur d'Alene Treaty of 1889. In that agreement, a United States Senate containing virtually the same membership responsible for the enactment of the Dawes Act promised the Coeur d'Alene that, while reducing the size of their holdings, ". . . no part of [their] reservation shall ever be sold, occupied, open to white settlement or otherwise disposed of without the consent of the Indians residing on said reservation."<sup>4</sup> While one cannot help but question the honesty and intelligence of such a vacillating program, it cannot be denied that the refusal of Congress to apply the Dawes concepts to the Coeur d'Alene at the time of the treaty gave the Idaho tribesmen time to achieve a certain amount of economic solidification before the introduction of the disruptive effects of the act.

Believing themselves safe from further incursion, the Coeur d'Alene began to lay the foundation for their future on the smaller reservation. They broke the soil for the first time, purchased breeding animals to improve their stock, and constructed comfortable homes. Almost all who came into contact with them at this time were impressed with the alacrity displayed by the tribesmen in bettering their conditions. With the acceptance of the treaty by Congress in 1891, and the subsequent receipt of the money for the territory ceded to the United States, they became even more

<sup>2</sup> At the time of the white man's arrival in northern Idaho there were three major subdivisions of the tribe. Each of these subdivisions, or bands, lived in a clearly defined area of the tribal expanse. One group lived along the Spokane River and Coeur d'Alene Lake, with the present site of the city of Coeur d'Alene as the center of activity. Another lived along the Coeur d'Alene River, with headquarters near the present site of Cataldo. The third group frequented the banks of the Saint Joe River and had their central meeting place near the mouth of that stream. See Jack Dozier, "History of the Coeur d'Alene Indians to 1900" (unpublished master's thesis, University of Idaho, Moscow, 1961).

<sup>3</sup> Felix S. Cohen, *Federal Indian Law*, Department of the Interior (Washington, 1953), 129.

<sup>4</sup> U.S. Congress, Senate, *Message of the President of the United States Transmitting a Letter of the Secretary of the Interior Relating to the Purchase of a Part of the Coeur d'Alene Reservation* (51 Cong., 1 sess., 1890, Senate Exec. Doc. No. 14), 63.

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active in their drive for the development of their property. A sawmill and gristmill were erected, more and better roads were constructed, land was drained, fields were cleared, and the education system was improved. The merchants of the neighboring towns of Farmington, Tekoa, and Coeur d'Alene were impressed with the enterprise of the tribe; not only was Indian patronage of their business establishments welcomed, but also it was avidly solicited because of the prompt manner in which obligations were met.

Even though the Coeur d'Alene were not overly rich in cash resources at the turn of the twentieth century, the wherewithal of becoming a wealthy tribe was at their immediate disposal. Owning property in excess of 400,000 acres, the future held no fear in economic matters for the inhabitants of the reservation. Each tribesman, while not possessing title to his land, did hold and work a specific tract looked upon as his own. The choice of property was free of restriction as long as one did not attempt to encroach upon his brothers' holdings. In the event two or more Indians laid claim to the same area, the dispute was adjudicated by the tribal leaders and the Jesuit priests. Some of the personal holdings ran as high as 2,000 acres.<sup>5</sup>

Since the reservation embraced some of the most productive soil in northern Idaho, outstanding yields of wheat, oats, and hay were harvested annually. The region was made even more attractive by the presence of adequate transportation facilities, being served by the Chicago, Milwaukee, St. Paul, and Pacific Railway Company, by the Oregon Railroad and Navigation Company, and by lake steamer from the town of Coeur d'Alene. These companies not only provided transportation for the crops and livestock but also were able and willing to carry the abundant stands of timber within the reservation boundaries, if and when it was opened to harvest. Considering the potential wealth to be derived from the area, it is not surprising that the reservation was eventually thrown open to settlement under the provisions of the Dawes Act.

In reality, no immediate effort was made to enforce the terms of the Dawes Act on the Coeur d'Alene. The government was quite circumspect in abiding by the articles of the Treaty of 1889 in the years closely following its approval. The \$500,000 for the ceded area was given to the tribe and was distributed on a share-and-share-alike basis among the tribal members. The \$150,000 promised them in the Treaty of 1887, and then

<sup>5</sup> Harold D. Stevens, "An Analysis of Coeur d'Alene Indian-White Interrelations" (unpublished master's thesis, University of Idaho, Moscow, 1955), 78.

included in the final agreement, was expended as planned. The government also provided \$30,000 for the construction of schools and mills, and the remaining \$120,000 was made available for the use of the Coeur d'Alene over the next fifteen years at the rate of \$8,000 per annum. Between \$3,000 and \$3,500 in additional funds were appropriated each year by Congress to provide them with medicine, a doctor, a blacksmith, and a carpenter.<sup>6</sup>

It was not long after this that it became necessary for the government to secure some of the land held by the Coeur d'Alene. Happily, the property was not taken without the consent of the Indians, nor without adequate compensation for its loss. The citizens of Harrison, Idaho, had become dissatisfied with the fact that their town and a few surrounding farms were located within the confines of the reservation. Making no attempt to usurp the land, the people petitioned the government to purchase the area from the Indians. John Lane, Special United States agent, was sent to answer their appeal in 1894. In return for \$15,000, he secured the land, satisfying both parties.<sup>7</sup>

During the first decade of the twentieth century, the Coeur d'Alene received several requests to sell additional lands. In March of 1908, Congress passed a bill enabling the Woodlawn Cemetery Association of St. Maries to purchase 40 acres of land on the reservation.<sup>8</sup> The same year, two additional purchases of Indian land were made. The Milwaukee railroad was deeded a 3,000 by 200 foot tract of land near Plummer, Idaho, as a site for a junction and depot.<sup>9</sup> At the same time, the Secretary of the Interior was ordered to purchase some 8,000 acres contiguous to Chatcolet and Benewah lakes, which were given to the state of Idaho for use as a park.<sup>10</sup> The area was later developed into Heyden State Park. The Secretary of the Interior received congressional approval in 1909 to sell 640 acres of reservation lands to the Board of Regents of the University of Idaho on such terms as he could acquire from the Indians.<sup>11</sup> But this was the last occasion in which the tribe would have a voice in the disposi-

<sup>6</sup> Charles J. Kappler, *Indian Affairs: Laws and Treaties* (Washington, 1904), IV, 41.

<sup>7</sup> Kappler, *Indian Affairs*, II, 531.

<sup>8</sup> U. S., *Statutes at Large*, 35 Stat. 50.

<sup>9</sup> U. S., *Statutes at Large*, 35 Stat. 78.

<sup>10</sup> U. S., *Statutes at Large*, 35 Stat. 78.

<sup>11</sup> U. S., *Statutes at Large*, 35 Stat. 626.

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tion of its lands. After this date the lands were taken under the provisions of the Dawes Act.

During the same time these purchases were being transacted, in fact, the government was taking steps preparatory to opening the reservation to white settlement. The process began in 1905 when Congress appropriated \$2,500 for the survey of the reservation and the subdivision of individual tracts of land to be allotted to the members of the tribe.<sup>12</sup> Soon thereafter federal engineers descended upon the reservation, completing the survey in the summer of 1906. When news of the pending opening of the reservation reached the city of Coeur d'Alene, it was greeted by an outburst of enthusiasm. One local newspaper declared that "The opening of these lands means a great rush to the area." The paper reflected excitement for the day when Coeur d'Alene Lake, completely freed from tribal ownership, would become the resort area of the inland empire.<sup>13</sup>

The next step in the procedure of opening the reservation came in the Appropriation Act of June 21, 1906.<sup>14</sup> The section of this bill appropriating the last of the fifteen annual payments of \$8,000 promised to the Coeur d'Alene in the Treaty of 1889 also ordered the secretary of the interior to begin awarding severalty allotments to the residents of the reservation. By the terms of the act, the secretary was to grant each man, woman, and child 160 acres of land, after which the remaining lands were to be appraised and classified as to their nature — agricultural, grazing, timber, or mineral. Once the appraisal was completed, the land not allotted or reserved for an Indian school, agency, or other purpose was to be opened to entry and settlement. The secretary was further directed to purchase sections sixteen and thirty-six of each township for the government at a price of \$1.25 per acre. These sections were to be given to the state of Idaho for the support of schools. The money arising from all sales was to be deposited with the treasury and expended under the direction of the Secretary of the Interior for the advancement and education of the tribe. In addition to the sale price, a homesteading fee was to be paid to the government when the settler took up his land. Any of the lands not settled within five years were to be sold to the highest bidder at not less than one dollar per acre; if unclaimed after ten years, these lands were to be sold to the highest bidder regardless of the amount of the bid. Be-

<sup>12</sup> U. S., *Statutes at Large*, 33 Stat. 211.

<sup>13</sup> *Coeur d'Alene Evening Press*, November 17, 1906, 1.

<sup>14</sup> U. S., *Statutes at Large*, 34 Stat. 335.

cause of the comparative cheapness of the appraised value of the land — an average of less than two dollars an acre — virtually all the land was taken at the time of opening, thereby removing any difficulty on the part of the government in ridding itself of worthless holdings.

Once the Coeur d'Alene learned of the plan to open their reservation, they reacted immediately. Many of the Indians looked upon this new move by the government as nothing short of open thievery.<sup>15</sup> Feeling that this was an unwarranted intrusion on their rights, they realized the necessity of organizing a program to stave off the seizure of their property, but were nonetheless unable to arrive at any concrete decision as to what plan of action would be best. After several months of deliberation, they decided to send a delegation to Washington, D.C., to plead their case. Chief Peter Moctelme headed the group that journeyed to the Capitol in the early part of 1908 to lay their problem before the commissioner of Indian affairs. Their hopes were in vain. To Chief Moctelme's complaint that the Coeur d'Alene had been promised their lands in perpetuity only nineteen years earlier, the commissioner informed the delegation that since Congress had originally awarded them their lands by passing a law, it could also take the land from them simply by enacting another law. Furthermore, the commissioner informed them, the Coeur d'Alene had no reason for complaint as they were each receiving 160 acres of land while many other tribes were only receiving 40 to 80 acres per member.<sup>16</sup> Still dissatisfied, Moctelme next visited Senator William Heyburn of Idaho, whom the chief considered to be a good friend of the Coeur d'Alene. Upon being advised by the senator that it was useless to fight and that the Coeur d'Alene were indeed fortunate to receive 160 acres per person, Chief Moctelme's objections seem to have disappeared.<sup>17</sup> He returned home to advise his people to prepare for the opening of the reservation. But his advice was unnecessary, for upon his return he found that the allotment process had already begun under the leadership of William B. Sams,

<sup>15</sup> Information received in a personal interview with Ignace Garry, member of the Coeur d'Alene tribe, Plummer, Idaho, September 14, 1961. Hereafter cited as Ignace Garry interview.

<sup>16</sup> Information received in a personal interview with Stanislaus Aripa, member of the Coeur d'Alene tribe, Plummer, Idaho, September 30, 1961. Hereafter cited as Stanislaus Aripa interview. Aripa was the official interpreter for the delegation visiting Washington, D.C., in 1908.

<sup>17</sup> Stanislaus Aripa interview.

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special land agent appointed by the president to oversee the breaking up of the reservation.

Whenever possible, the Coeur d'Alene were given the same lands on which they had been living, but because of the necessity of maintaining the 160-acre size, a few were forced to move to new locations. For some rather clouded reason, the subdivision of the Indian lands caused an internal problem on the reservation. In keeping with the Treaty of 1889, approximately one hundred Spokane Indians had been settled on the Coeur d'Alene reservation prior to the turn of the century. As an inducement to secure the Spokanes' removal from their ancestral grounds, the government had constructed crude homes and plowed ten acres of ground for each of them on the Coeur d'Alene reservation. This proved to be a mistake, for although welcomed by the Coeur d'Alene and eventually adopted as blood members of the tribe, the Spokane received strong opposition when they attempted to claim any of the Coeur d'Alene communal holdings above the ten-acre amount. This caused several small incidents between the two groups, and over the course of a few years a rather strong animosity had developed. Now, when the government land agents began to treat the Spokane as equals with the Coeur d'Alene in the awarding of allotments, the Coeur d'Alene rebelled by demanding that the Spokane be given only the ten acres comprising their original holdings. It is not known whether this was done by the Coeur d'Alene out of spite or in the hope that their holdings would be increased in proportion to the reduction of the Spokane allotments, but the difficulty was finally resolved when Agent Sams convinced the Coeur d'Alene they would suffer no loss by allowing the Spokane a full share of land. Understanding at last that the land must either be claimed by the Spokane or left for the whites, the Coeur d'Alene capitulated in favor of their red cousins.<sup>18</sup>

The allotment process continued through 1908 and the early part of 1909 with a minimum of difficulty. The heads of families not only had to choose their own allotment, but in many instances had to select lands for their wives and children as well. This caused a small amount of confusion due to the fact that one who had decided upon a specific piece of ground would find it already spoken for when he attempted to secure it for a member of his family. In such cases, the family heads would then look over other allotments preparatory to making another choice. On July 13, 1909, the allotments were completed, with 638 Indians — 541 Coeur

<sup>18</sup> Ignace Garry interview.

d'Alene and 97 Spokane — each receiving a quarter section of land, totaling 104,076.53 acres, an area approximately one-fourth the size of the reservation prior to the application of severalty.<sup>19</sup>

Events now moved rapidly. On May 22, 1909, even before all the Coeur d'Alene had been allotted, President William H. Taft ordered that all the nonmineral and unreserved lands lying within the Coeur d'Alene reservation be open to settlement and entry under the homestead laws of the United States.<sup>20</sup> Roughly 6,000 acres of the Spokane reservation in Washington and 450,000 acres of the Flathead reservation in Montana were ordered opened at the same time. The proclamation also established the rules and procedures by which the opening would be governed. First, all persons eligible to make a homestead entry were to register between the dates of July 15 and August 5, 1909, at the land office to be opened in Coeur d'Alene, Idaho. Then, on August 9, four days after the close of registration, the names of those to receive land were to be selected by lottery from the total number registered until all available lands were exhausted. The names of those people whose registration forms were selected were to be recorded in numerical order so that each individual could select his homestead in the order in which his name was drawn. Names above the amount of land actually available were to be drawn in the event that those with higher numbers did not file on the land. The next step in the procedure, to begin on April 1, 1910, called for those who were eligible for land to submit their applications to enter to the federal land agent at Coeur d'Alene. At that time, the homesteader would be expected to select the plot of ground he desired. On September 1, 1910, the lands could be entered.

The rules and regulations now established, the government began to advertise the opening of the reservation lands for settlement. Public interest, earlier confined to the residents of the immediate area, now began to spread and grow throughout the Pacific Northwest. Hearing of the opportunity, many heretofore landless people began to hope that good luck would smile on them in the coming drawing.

James B. Witten, an honest and capable official who normally served as the head of the legal department of the General Land Office, was personally selected by the president to serve as the superintendent of the

<sup>19</sup> United States Department of the Interior, *Reports of the Department of Interior for the Fiscal Year Ending June 30, 1913: Indian Affairs and Territories* (Washington, 1914), 101. Hereafter cited as *Interior Department Report, 1913*.

<sup>20</sup> U. S., *Statutes at Large*, 36 Stat. 2494.

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opening of the reservation. The choice proved to be a good one, as discovered by the citizens of Coeur d'Alene shortly after his arrival to assume duties. A land office was staffed and equipped, the area's citizens were advised of the problems soon to confront them when the expected large influx of homeseekers arrived, and approximate figures were released on the amount of land to be made available for settlement. Superintendent Witten issued a warning of his opposition to those registering for strictly speculative purposes and a somber note of caution to those who came for nothing other than to challenge "lady luck." The little city was soon filled with newcomers of every description.<sup>21</sup>

Registration closed at midnight, August 4, 1909, with a total of 104,416 people having registered. At 10 o'clock on August 9, the second stage began with the public drawing of registration slips. The drawing continued until August 12, when a total of 2,500 names had been selected, completing that part of the procedure. The lottery now over, all the land-seekers returned home to await the following April when the first 1,350 of the 2,500 whose names had been drawn would be allowed to file on the land. The 1,150 extra names had been picked in the event that some of the land went unclaimed by those with prior choice. Coeur d'Alene meanwhile set about to repair the damage wrought upon the city during the course of the past two months.

On the morning of May 2, 1910, after a month's delay, the doors of the land office were opened to admit those who would file on the first day. Each person chose his land in the order in which his name had been drawn. The filing was closed on May 17, with the prescribed 1,350 plots of land totaling 219,767 acres being awarded.<sup>22</sup>

The actual settlement of the homesteads was accomplished with minimal difficulty. There were the usual mistakes made in locating boundary markers, and although there were some arguments, they were not accompanied by violence. Rather than fight the inevitable, the Coeur d'Alene took no measures to prevent the entrance of the whites and some even assisted the homesteaders in locating their boundaries. In one or two instances, when the settlers began to clear Indian land in the mistaken belief that it was theirs, the Coeur d'Alene to whom the land belonged

<sup>21</sup> *Coeur d'Alene Evening Press*, June 27, 1909, 2. For a more detailed discussion of the problems suffered by the citizens of Coeur d'Alene during this period, see Jack Dozier, "The Coeur d'Alene Land Rush, 1909-10," *Pacific Northwest Quarterly*, LIII, 1962, 145-50.

<sup>22</sup> *Interior Department Report*, 1913, 101.



allowed them to continue for several days before telling them of their error.<sup>23</sup> It was indeed an easy method of getting their lands cleared and also provided a good laugh at the white man's expense. In this peaceful manner the invasion of the Coeur d'Alene reservation was accomplished; and although the reservation boundaries remained the same, the tribesmen suffered the irrevocable loss of slightly more than one-half of the lands promised them in perpetuity some nineteen years earlier. The early predictions of the economic benefits to be derived from the opening of the reservation were amply borne out in the succeeding years. The new farms did add materially to the wheat production of northern Idaho, and Lake Coeur d'Alene did indeed become the resort area of the inland empire.

As for the Coeur d'Alene, the loss of the land was not without its compensation. Although it does not begin to approach the value of the land in today's market, the Indians received a total of \$428,732.79 from the sale of the land, an average of slightly less than two dollars per acre.<sup>24</sup> In keeping with the articles of the Dawes Act, the sale receipts were deposited with the treasury and expended under the direction of the Secretary of the Interior for such things as the purchase of farm implements and the construction of roads and bridges. Because of the decline of central authority among the tribe after the whites entered the reservation, and for what now seem obvious reasons, no exact accounting was ever given the Coeur d'Alene as to the manner in which the money was spent, but it is strongly suspected that much of the money was used in governmental administration of the tribe's affairs, which the government was supposed to pay for.<sup>25</sup>

Still, had the Coeur d'Alene now been left alone to pursue the course outlined in the Dawes Act, things might not have proceeded in such a sad manner, for as surely as the nineteenth century had been the era of great progress for the Coeur d'Alene, the first half of the twentieth century was to become a period of profound regression. As previously noted, while the Dawes Act had as its ultimate goal the integration of white and Indian societies, it nevertheless recognized the danger of awarding the Indians their lands in severalty without also protecting them against the alienation

<sup>23</sup> Stanislaus Aripa interview.

<sup>24</sup> *Interior Department Report, 1913*, 101.

<sup>25</sup> Information received in a personal interview with Joseph R. Garry, president of the Coeur d'Alene tribal council, Plummer, Idaho, August 28, 1961. Hereafter cited as Joseph Garry interview.

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of their lands. The clause containing the twenty-five-year trust period was thought to contain the needed safeguards, and had it continued in effect, 1934 would have been the earliest date by which any Coeur d'Alene could have disposed of his holdings. Unfortunately, this was not to be.

In 1906 Congress removed the trust restriction on Indian lands to the extent that the Secretary of the Interior could confer title to the land if, in his opinion, the Indian owner was adjudged to be competent.<sup>26</sup> Yet, no attempt was made to define just what constituted competency. It could mean that the Indian was a Christian, that he could write his name, that he wore white man's clothing, that he wore his hair short, and so forth. Each individual Indian agent apparently had his own peculiar method of determining competency, and since the Secretary of the Interior rarely disregarded such recommendations, many fee patents were issued to tribesmen who were totally unprepared to assume the responsibility of land-ownership. By enacting this piece of legislation, Congress apparently did not intend to adopt a policy of favoring the removal of trust restrictions, evidenced by the fact that in the same year another law was passed giving the president power to extend the trust period beyond the original twenty-five years if, in his opinion, the Indians involved were not ready to accept private ownership of their lands.<sup>27</sup>

But all too many of the Indian agents refused to accept the trust clause as a vital necessity to the protection of Indian rights. Laboring under the misguided belief that they were assisting the Indians in acquiring equality with the whites, the agents made every effort to get them to take advantage of the new act. During the first three years in which the Secretary of the Interior was allowed to award fee patents to "competent" Indians, 60 percent of those receiving fee patents sold them almost immediately, thereby becoming landless people incapable of earning an adequate livelihood.<sup>28</sup>

The further alienation of Indian lands was assured in 1910 when Congress passed another act giving the Secretary of the Interior the additional authority, under certain conditions, to dispose of trust land upon the death of an Indian allottee. Should an Indian holding a trust patent die intestate, the act empowered the secretary to ascertain the legal heir and to present him with a fee patent or, if the heir was adjudged in-

<sup>26</sup> U. S., *Statutes at Large*, 34 Stat. 182.

<sup>27</sup> U. S., *Statutes at Large*, 34 Stat. 326.

<sup>28</sup> Cohen, *Federal Indian Law*, 253.

competent, to sell the land to the highest bidder and give the money to the heir.<sup>29</sup> Needless to say, many thousands of additional acres of Indian lands were alienated through this process.

The first Coeur d'Alene fee patents were applied for in 1913.<sup>30</sup> The Jesuit priests and some of the more aware tribesmen attempted to prevent this but were apparently unable to compete with the arguments expounded by those in favor of concluding trust control. Various reasons were used to convince the Coeur d'Alene to accept patents. As the Indians of the United States did not receive rights of citizenship until 1924,<sup>31</sup> the most telling argument appears to have been one of advising the Coeur d'Alene that they would be able to enjoy all rights and privileges of citizenship promised them by the Dawes Act once they gained title to their land. Another convincing argument was to tell the Coeur d'Alene they would be free of federal control and restriction upon accepting a fee patent.<sup>32</sup>

The approaches were effective. During the first year of application, 1913, thirty-one fee patents totaling 5,021.49 acres were issued to the inhabitants of the Coeur d'Alene reservation,<sup>33</sup> and without exception all of this land was sold from Indian ownership in a relatively short period of time.

By 1920 some 197 patents totaling 31,080.97 acres had been issued,<sup>34</sup> with the majority of Indians continuing to lose their land upon receipt of title. Many of them openly sold the land, while others lost their holdings through a more insidious process — the mortgage. Banks, merchants, and private individuals freely loaned money and extended credit to the Coeur d'Alene providing that their farms were fee patented. Then when they could not repay, the lands were seized to satisfy the debt.<sup>35</sup> It is little wonder that the Coeur d'Alene leaders of today look upon the allotment system as a federal scheme to liquidate tribal holdings.

The widespread problem caused by the alienation of tribal lands reached such proportions that the Bureau of Indian Affairs was forced to

<sup>29</sup> U. S., *Statutes at Large*, 36 Stat. 855.

<sup>30</sup> *Interior Department Report, 1913*, 212.

<sup>31</sup> U. S., *Statutes at Large*, 43 Stat. 253.

<sup>32</sup> Joseph Garry interview.

<sup>33</sup> *Interior Department Report, 1913*, 212.

<sup>34</sup> United States Department of the Interior, *Reports of the Department of Interior for the Fiscal Year Ending June 30, 1919, Indian Affairs and Territories* (Washington, 1920), 171. Hereafter cited as *Interior Department Report, 1919*.

<sup>35</sup> Joseph Garry interview.

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take steps to prevent further loss by the Indians. An honest attempt was made to establish a concrete method of determining an Indian's competency, and agents were advised to take all necessary steps possible to prevent the tribesmen from alienating their holdings. But as long as he could legally do so, the Indian continued to sell his land. Between the years of 1928 and 1933, fifty-three additional allotments were sold by the Coeur d'Alene at an average price of thirty-five dollars an acre.<sup>36</sup> By the latter year, the total holdings of the Coeur d'Alene Indians amounted to 62,400.64 acres, approximately 60 percent of the land awarded them in severalty some twenty-four years earlier.<sup>37</sup> Today the Coeur d'Alene can be heard to somewhat ruefully maintain that "The only competent Indian was the one who refused to accept a fee patent."<sup>38</sup>

The loss of land was not the only problem faced by the Coeur d'Alene as a result of the Dawes Act. Once the whites invaded the reservation, almost every semblance of tribal organization disappeared. The earlier position of the tribal chieftain had been that of a moral and spiritual leader who, with the advice and consent of an informal tribal council, also served as the guiding influence in economic and political affairs. But now, following the example of their white neighbors, the Coeur d'Alene soon came to look upon this control as unwarranted. The authority of the Catholic Church also came to be questioned, with many of the Indians withdrawing their allegiance at a time when its moral influence was probably most needed. Faced with heretofore unknown rebellion, it was not long before the tribal chieftainship became little more than an honorary title. The council, subjected to constant bickering, lost its importance and later ceased to exist.<sup>39</sup>

With the loss of tribal solidarity came the loss of pride in the tribal entity and establishments. No longer did censure by the group act as a constraint on individual conduct. Many refused to honor their debts, while others took to excessive drinking and gambling. The local police force and courts, administered by the government and staffed by tribal members operating from the sub-agency at Plummer, Idaho, worked overtime in enforcing laws and dispensing justice. Ignace Garry, an early chief of In-

<sup>36</sup> "Annual Report to the Commissioner of Indian Affairs," June 1933, North Idaho Indian Agency, Lapwai, Idaho. Hereafter cited as "Annual Report to the Commissioner of Indian Affairs."

<sup>37</sup> "Annual Report to the Commissioner of Indian Affairs."

<sup>38</sup> Joseph Garry interview.

<sup>39</sup> Joseph Garry interview.

dian police, vividly recalls the fights, "moonshining," and thievery that were prevalent on the reservation.<sup>40</sup> Trouble also developed when some of the more unscrupulous whites committed unlawful acts, knowing the Indians would be blamed.

Another problem that eventually caused an undesirable effect upon the Coeur d'Alene was the leasing of their lands to the area's white residents. The central and most important concept of the Dawes legislation had been to establish a program whereby the Indians of the United States would become industrious, independent farmers and ranchers. The Indians, however, had no sooner received their allotments when they were subjected to a barrage of offers to lease their lands. The Coeur d'Alene received the same propositions and in far too many instances accepted the offers. Opinion is divided as to why they were so willing to lease their lands. Some contend that the local Indian agents encouraged the tribesmen to lease their lands, while others candidly admit that it was easier to lease the soil than work it themselves.<sup>41</sup>

Regardless of the reason, the leasing of reservation lands had a strong adverse effect. Added to those who had sold their holdings, there was now another unemployed group — the absentee landlord who leased his land to the whites. By 1919 some 230 allotments totaling 33,240 acres were under lease, for which the Coeur d'Alene received \$309,297 annually — an average of slightly more than \$9.50 per acre.<sup>42</sup> The carefree life of those who leased their lands had great appeal to a majority of the tribe, for by the arrival of 1933 the Coeur d'Alene were leasing 45,120 of the 62,400 acres still owned by tribal members.<sup>43</sup>

If through no other method, the disastrous effects of the Dawes Act upon the Coeur d'Alene can be seen in land figures. Prior to its application, the tribe owned in excess of 400,000 acres. When the act passed out of existence, the Coeur d'Alene held 62,400 acres, of which only 17,280 acres were being directly worked by the tribe's members.

While the value of the Dawes Act was questioned in its earliest days, the opposition did not really begin to solidify until the 1920s. By that time many were beginning to strongly question the sagacity of the program. Consequently, a government task force under the leadership of Lewis

<sup>40</sup> Ignace Garry interview.

<sup>41</sup> Stanislaus Aripa interview; Ignace Garry interview.

<sup>42</sup> *Interior Department Report, 1919*, 119.

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Meriam was organized in 1926 to undertake a comprehensive examination of Indian conditions in the United States. Completed in 1928, the Meriam report revealed some startling facts concerning the plight of the Indian and made some concrete recommendations concerning such things as law enforcement, education, and health and welfare. But of even more importance, the report questioned the wisdom of the Dawes Act.<sup>44</sup>

Additional studies were undertaken in the years following the release of the Meriam report. All local Indian agents were ordered to conduct surveys and report their findings to Washington. From all parts of the nation came negative reports on the effectiveness of the Dawes Act. The superintendent of the North Idaho Indian Agency at Lapwai explained that in his view the act had changed the productive, enterprising Coeur d'Alene Indians into an idle, nonproductive people.<sup>45</sup>

With the profusion of such comments streaming into the Bureau of Indian Affairs, Commissioner John Collier went before the members of the House and Senate committees on Indian affairs in February 1934 with the warning that two-thirds of the American Indians were on the verge of impoverishment.<sup>46</sup> To combat this, he asked that a program be undertaken to correct the situation. After much deliberation, the result was the passage of the Indian Reorganization Act, more commonly known as the Wheeler-Howard Act.<sup>47</sup>

This new legislation, designed to reestablish tribal governments, create tribal business corporations, and maintain the Indians' disappearing culture, appeared to be the panacea for the settlement of the then current Indian problems. The act also stated that the legislation would not be applied to any reservation wherein a majority of the tribe voted against its application. On November 17, 1934, the Coeur d'Alene went to the polls and by a slim margin rejected the Wheeler-Howard Act. In refusing the only comprehensive Indian legislation undertaken in the period between 1887 and 1934, the Coeur d'Alene committed a most costly error in the history of their relationship with the government. It was an error that would be very difficult to overcome in the years ahead.

<sup>44</sup> Lewis Meriam et al., *The Problem of Indian Administration* (Baltimore, 1928).

<sup>45</sup> "Annual Report to the Commissioner of Indian Affairs."

<sup>46</sup> John Collier, *The Purpose and Operation of the Wheeler-Howard Indian Rights Bill, A Memorandum of Explanation Respectfully Submitted to the Members of the Senate and House Committee on Indian Affairs* (Washington, 1934), 4.

<sup>47</sup> U. S., *Statutes at Large*, 48 Stat. 988.

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DEFENDANT'S EXHIBIT NO. H-199

Court of Claims

Docket No. \_\_\_\_\_

TERMINATION AND ASSIMILATION: FEDERAL  
INDIAN POLICY, 1943 TO 1961

By

LARRY J. HASSE

A thesis submitted in partial fulfillment of the  
requirements for the degree of

DOCTOR OF PHILOSOPHY

WASHINGTON STATE UNIVERSITY  
Department of History

1974

Secretary Krug defended the bureau's budget proposals by asserting that if the House cuts remained in effect, education would have to be denied to as many as 24,000 Indians and private hospital contracts cancelled. A 60-bed hospital would be closed, 10 field nurses discharged, and 23 day schools closed in Alaska.<sup>1</sup> And Commissioner Brophy sadly declared in his last annual report: "We get ahead no faster if we reduce our present effort. A hungry and sick Indian is not brought nearer to the day when he may have food and good health if we allow his meager resources to be further diminished or wasted."<sup>2</sup> As usual, the Senate committee restored about half of the appropriations while recommending that the bureau and the department provide much more complete budgeting information in the future.<sup>3</sup> But the die had been cast in Congress to mold a new policy, and it had become apparent by 1947. Felix S. Cohen advised the commissioner that the House appropriations report was hard evidence that Congress would never accept the bureau's attempt to arrive at a long-range withdrawal program through the Indian Reorganization Act.<sup>4</sup>

After 1947, the Truman administration had little choice but to shift rapidly toward a withdrawal policy. The President seemed to accept the termination goal, at least in general terms,

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<sup>1</sup>U.S. Congress, Senate, Interior Department Appropriation Bill for 1948, pt. 1, Hearings on H.R. 3123, Subcommittee of the Committee on Appropriations, 80th Cong., 1st Sess., 1947, p. 8.

<sup>2</sup>Commissioner's Annual Report (1947), p. 349.

<sup>3</sup>S. Report No. 278, pp. 2, 3.

<sup>4</sup>Felix S. Cohen to William A. Brophy, April 28, 1947, "5-11 Office of Indian Affairs--Admin.--Leg.," Leg., 1937-1953, Office of Sec., Dept. of Int., RG 48, NA.

when he wrote Commissioner Brophy: "We need to make much further progress in our efforts to bring all the Indians to full participation in our national life."<sup>1</sup> Department and bureau personnel had awakened to the inevitability of termination, although they still attempted to maintain the old goals in juxtaposition with termination plans. Assistant Secretary of the Interior William B. Warne admitted that the ultimate goal of the bureau, to work itself out of a job, would be speeded up considerably because of the drastic reduction in funds at all levels of the department and bureau.<sup>2</sup>

Reorganization of the bureau's administrative structure in order to shift power from the central office to local offices had been a goal of the bureau since 1946. Congress had sought, since the late 1930's, to force the bureau to increase local administrative control, and in 1945, the House Appropriations Committee had demanded that reorganization of the bureau precede renewed funding.<sup>3</sup> Brophy had initiated plans, drawn up by his staff, for a sweeping reorganization in 1946, after enabling legislation was enacted to give the secretary and the commissioner power to delegate authority to new division heads.<sup>4</sup> This would

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<sup>1</sup> Harry S. Truman to William A. Brophy, June 3, 1948, "Office of Indian Affairs (1948-49)," Official File 6-C, Harry S. Truman Papers, Truman Library (hereafter cited as OF 6-C, Truman Papers).

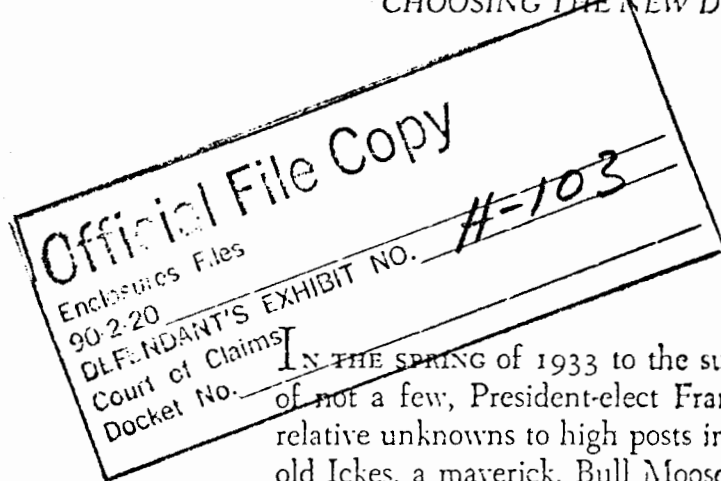
<sup>2</sup> William B. Warne, statement before the Annual Meeting of the Home Missions Council of North America, Inc., Buckhill Falls, Pa., January 6, 1948, "Indians: 1948-49," 192-354, Horan Papers, WSU.

<sup>3</sup> U.S. Congress, Senate, Interior Department Appropriation Bill for 1946, Hearings on H.R. 5024, Subcommittee of the Committee on Appropriations, 79th Cong., 1st Sess., pp. 124, 125.

<sup>4</sup> Harold L. Ickes to Henry M. Jackson, October 24, 1945, "5-11 (pt. 1) Office of Indian Affairs--Adm.--Leg.," Leg., 1937-

CHOOSING THE NEW DEAL INDIAN COMMISSIONER:  
ICKES VS. COLLIER

LAWRENCE C. KELLY\*



IN THE SPRING of 1933 to the surprise of many and the dismay of not a few, President-elect Franklin D. Roosevelt named two relative unknowns to high posts in the Interior Department. Harold Ickes, a maverick, Bull Moose Republican, became Secretary of the Interior. John Collier, a vociferous but apolitical critic of Federal Indian policy, was appointed Commissioner of Indian Affairs.

Both Ickes and Collier have recorded their recollections of the events which led to their appointments, and Ickes' version of his appointment has been reprinted in a number of standard histories of the New Deal. In his memoir, published after Ickes' death, Collier claimed considerable credit for Ickes' selection as Secretary of the Interior, implying that it was largely as a result of his influence that Ickes "who had been an able and vigorous champion of the Indian cause" but "who was not nationally prominent" was ultimately chosen for the Cabinet post. Collier also maintained that after Roosevelt's election he personally had intended to go to Mexico to write a book on "the Indians of this hemisphere," but that he reluctantly abandoned this plan in order to become Indian

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Commissioner after being persuaded that if he did not, Edgar B. Meritt, a former Assistant Commissioner, whom he regarded as symbolic of all that was evil in Federal Indian policy, would be appointed.<sup>1</sup>

The real story is considerably more complex than either Ickes or Collier revealed. It is probable that it was even more complex than either man knew at the time. Ickes' claim to a Federal appointment, as he has recorded, stemmed from his efforts during the 1932 presidential campaign to rally old Bull Moose Republicans to Roosevelt's banner. First, he agreed to serve on the national committee of the National Progressive League which Senator George Norris formed in the late summer of 1932. Comprised of such distinguished Progressives as Felix Frankfurter, Frederick C. Howe, Ray Stannard Baker, Bainbridge Colby, Amos Pinchot, Donald Richberg, Henry Wallace, and Senators Hiram Johnson, Burton K. Wheeler, Edward Costigan, and Bronson Cutting, all of whom declared for Roosevelt, the League formed in Roosevelt's words, "an honor roll from old wars."<sup>2</sup> Later, at the request of Arthur Mullen, a member of the Democratic National Committee, Ickes agreed to head the Western Independent Republican Committee for Roosevelt. His wife, who was running for a third term in the Illinois legislature as a regular Republican, opposed this decision because Ickes was also heading her campaign. To pacify her, Ickes promised that if Roosevelt were elected he would try to get himself appointed Commissioner of Indian Affairs, since "both of us had long been interested in Indians."<sup>3</sup>

Immediately following the election Ickes was visited by an old friend, Charles de Y. Elkus, a San Francisco attorney who was also president of the northern branch of the American Indian Defense Association of which John Collier was national executive secretary. Ickes broached the subject of the Indian Commissioner-ship to Elkus who enthusiastically encouraged him and promised to take up the matter with Ickes' mentor, Senator Hiram Johnson, on his return home. According to Ickes, Johnson was sympathetic but said he would make no recommendations to Roosevelt unless requested to do so. Ickes' own probe in Washington revealed "no

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spot soft and yielding to the touch," until Collier wired him to come immediately to Washington. There he was advised by Collier and two associates, Lewis Meriam and Nathan Margold, to seek the more important position of first assistant Secretary. Greatly interested in this new possibility, Ickes consulted with Senators Bronson Cutting, Gerald Nye, Robert LaFollette, Jr., and Edward T. Costigan, all of whom not only endorsed his candidacy, but also apparently encouraged him to think in terms of the Secretary's job itself. At the same time, like Hiram Johnson, they refused to volunteer recommendations to Roosevelt.<sup>4</sup> After weeks of fruitless waiting, during which Roosevelt failed to seek advice from the Progressive camp, Ickes became discouraged and returned to Chicago where he wrote to Senator Johnson:

It was, of course, too much for me to hope that there was any chance of me realizing my ambition to be Secretary of the Interior. . . . Luck has never broken my way in political matters, but on the whole I have been content to labor in the ranks and do what I could for the common good. Fortunately, I am too much of a realist to have allowed my hopes to run away with me. I never expected anything of this sort to come my way but I thought it worth a trial anyhow.<sup>5</sup>

While Ickes was licking his wounds, the series of events which were to result in his appointment as Secretary of the Interior was approaching its climax. Although Ickes was aware that his friend John Collier was instrumental in his appointment as Secretary, he was never to know that Collier was strongly motivated by his opposition to Ickes as Indian Commissioner.

Collier and Ickes, both proud, defensive, and strong-willed men, were not, prior to 1933, such close friends as the preceding paragraphs might imply. As a matter of fact, after becoming one of the first directors of Collier's American Indian Defense Association in 1923, Ickes angrily resigned six months later when Collier fired the AIDA attorney, Francis C. Wilson of Santa Fe, in a controversy which split the fledgling organization in two and weakened its effectiveness for several years. Later Ickes unofficially returned to the AIDA fold, only to fall out with Collier again in

1931 in a similar conflict, this time over Collier's attack on another prominent resident of Santa Fe, Herbert C. Hagerman. This second estrangement, although less destructive than the first, particularly rankled Collier because he believed that it cost him the support of Hiram Johnson and other Senate Progressives at a crucial time in his battle with the Hoover administration.<sup>6</sup>

Contrary to the assertions in his memoir that Ickes headed his own list of candidates for the Indian Commissionership and that he was "dismayed" at being offered the job himself, John Collier set out to capture control of Roosevelt's Indian policy as early as August 1932. He put in motion a plan whereby he might become Indian Commissioner shortly after the election was over.

While recuperating from a serious automobile accident at Taos in the late summer of 1932, Collier conceived a plan to pressure Roosevelt into taking a stand for Indian policy reform. According to this scheme, Collier would write directly to Roosevelt, urging him to publicly endorse a declaration of policy which Collier had drafted. "Certain members of Congress and others [would then] forcibly call his attention" to Collier's letter and the declaration. If Roosevelt could be persuaded to endorse this policy statement, Collier argued, he would then be bound, if he won the election, to seek out the advice of "competent and disinterested men" before any appointments were made. The "competent and disinterested men" whom Collier had in mind were Lewis Meriam, the Brookings Institution economist who in 1928 had edited the influential and critical study of the Indian Service entitled *The Problem of Indian Administration*, and Nathan Margold, a protégé of Felix Frankfurter who served as legal counsel on minority groups to the American Civil Liberties Union. Not only would such a plan "go far to insure our program if he wins," Collier wrote, but it would also cause Roosevelt to "at least hesitate before committing himself to a political appointment like [Democratic ex-Commissioner] Cato Sells or Meritt."<sup>7</sup>

In early September Collier submitted this scheme to four leading supporters of the American Indian Defense Association: Dr. Haven Emerson, a Columbia University surgeon who served

as national president of the American Indian Defense Association, New York attorney Charles E. Smith, and Collier's secret financial advisor, Elmer Elkus, both on the grounds that it was "a matter of life and death." But Collier's health diminished steadily and he was several times expected to die, but he did not quit. In late October, after the election, if Roosevelt tried to swing the election, Collier would be about appointment of money, was un- Collier was notified of anatomy and a leaving to the org-

On November 1932, Collier went to Los Angeles with the Indian Defense movement: Dr. Haven Emerson and actively corresponding with Dr. Woehlke, a public health officer in Los Angeles monthly, *Sun* and *Los Angeles Times*. Collier and Haven Emerson must be contacted and interviewed as an intimate friend with respect to this subject." Collier's secretary, George Foster Peck, who once been treasurer of the American Indian Defense Association who presently serves as the director of the Springs Health Foundation, suggested that he should contact Collier mentioned as Indian Commissioner: Mr. Cato Sells or Meritt. Bureau's chief editor, denying that any of them, or someone else

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as national president of the AIDA; Howard Gans, a prominent New York attorney; Dr. John Randolph Haynes of Los Angeles, Collier's secret financial "angel;" and Charles de Y. Elkus. Gans and Elkus, both Republicans, immediately vetoed the plan on the grounds that it was "partisan political activity and likely to backfire."<sup>8</sup> But Collier, who had seen the financial support of AIDA diminish steadily in the wake of the Great Depression and had several times expressed misgivings about its ability to survive, did not quit. In late October he confided to a friend that "right after the election, if Roosevelt be elected, I must somehow get East to try to swing the appointment, or at least influence the policy about appointments."<sup>9</sup> The chief difficulty in getting East, a lack of money, was unexpectedly solved in early November when Collier was notified that Ernst Huber, a Johns Hopkins professor of anatomy and a director of the AIDA, had committed suicide, leaving to the organization a \$4,000 insurance policy.<sup>10</sup>

On November 4, four days before the election, Collier met in Los Angeles with three of his oldest friends in the Indian reform movement: Dr. Haynes, Stella Atwood "who has long known and actively corresponded with Mrs. Roosevelt," and Walter Woehlke, a publicist and the former editor of the popular California monthly, *Sunset Magazine*. Convinced that Roosevelt would win, Collier and his southern California advisors agreed that he must be contacted immediately after the election "through some intimate friend whom he would expect to be concerned with the subject." Collier suggested to Lewis Meriam that he approach George Foster Peabody, a nonagenarian Georgia banker who had once been treasurer of the Democratic National Committee and who presently served with Roosevelt as a trustee of the Warm Springs Health Foundation. In a similar letter to Margold, Collier suggested that he approach Felix Frankfurter. In both letters Collier mentioned potentially desirable candidates for the post of Commissioner: Meriam, Margold, W. Carson Ryan, the Indian Bureau's chief educational officer, and himself, at the same time denying that any of them really wanted the job. Until one of them, or someone else more attractive "politically" should emerge,

however, he suggested that they work together to influence Roosevelt in an advisory capacity, rather than permitting their supporters to press their individual candidacies. "If one of those named were to be a prospective candidate" at this time, he warned, the effort "might not succeed and then our effort would have been expended—our bullet would have been shot."<sup>11</sup>

It was shortly after this plan was launched that Collier learned from Elkus of Harold Ickes' interest in the Indian Commissioner-ship. Collier's response, unknown to both Elkus and Ickes, was decidedly hostile. In a letter to Mrs. Atwood, written shortly after the election, he advised her that Ickes was a potential candidate, and added, "his personal idiosyncracies unfit him for the task which requires considerateness of co-workers, subordinates, cooperation with Congress and subordination of egoism." On November 16 he also informed Meriam, saying he was unimpressed by Ickes' candidacy: "He is personally impracticable, while as for his record in Indian matters, he has none."<sup>12</sup>

While Collier was seeking ways to get his proposal before Roosevelt, at the same time cutting off Ickes, Dr. Haynes launched his own campaign in support of Collier's candidacy. On November 16, Haynes wired Judson King, the executive secretary of the Popular Government League in Washington and one of the nation's most outspoken advocates of public power development (Haynes was also the chief financial angel of the League which he and George Norris had created in 1913), asking him to sound out Norris and other "key men" about the possibility of Collier's appointment. King, who had just returned from a "personal and confidential interview" with Roosevelt on the topic of public power, was ecstatic: "there is no man on earth I would prefer to see in the office of Indian Commissioner so much as our friend, John Collier." Norris and other Senators were not in Washington, King advised, but he would contact them as soon as they returned. Meanwhile, he added, at his next conference "in the not distant future, . . . I shall certainly talk with Roosevelt about John and the Indian work."<sup>13</sup>

The next step was by Collier himself. Collier, Coleridge, New Mexico learned, was "possible" to go to Roosevelt to he raised the possibility of Margold, or myself significantly hand-gestured to Cutting; Cutting replied without professing. After receiving the Washington.

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The next step toward securing the Commissionership was taken by Collier himself who met with Senator Bronson Cutting in Albuquerque, New Mexico, in late November 1932. Cutting, Collier learned, was "powerfully interested" in the Indian post and "will go to Roosevelt to insure that no hurried action is taken." When he raised the possibility of securing the appointment of "Meriam, Margold, or myself," Cutting assured him that "none of us are significantly handicapped." It was at this time that Collier suggested to Cutting the possibility of Ickes for first assistant Secretary. Cutting replied that he knew Ickes and "thinks well of him without professing to know about his personal practicability."<sup>14</sup> After receiving this encouragement, Collier left immediately for Washington.

When Charles Elkus learned of Collier's conversation with Cutting, he immediately informed Ickes that Collier had suggested him for the more prestigious post, but at the same time he asked Collier to add Ickes to the triumvirate which he was pressing on Cutting for the Indian Commissionership. Collier's reply was negative. Meriam, he informed Elkus, was "checking on Ickes' record and standing in Chicago," because Judson King, who had known Ickes since 1914, had expressed opposition on the ground of "his impracticability in human relations. Until I find out more I don't believe that we ought to include him among the recommended people. . . . Furthermore, I do not feel complete certainty that Ickes would not through Hiram Johnson cut across our operations in a premature way." Margold, Meriam, and Collier had decided in any event "to hold off from any initiative whatever," until "after I see Senator Cutting on his arrival from Warm Springs which will be Sunday [December 4] or Monday [December 5]. There are reasons for thinking that Cutting will largely control the appointment if he wants to."<sup>15</sup>

In mid-December, Collier's move for the Commissionership began to accelerate. Despite continued misgivings on the part of Charles Elkus who advised Collier against appearing to seek the position ("Your candidacy presents some difficult problems. If



it is at all aggressive and you fail, the Association will necessarily suffer and so the Indians. . . . I have regretted that we did not have a chance to discuss this matter fully before you left.”),<sup>16</sup> Collier received encouraging news from Bronson Cutting upon his return from Warm Springs. “The President-elect” had thus far given “little thought to the matter” of Indian affairs and thus there was no need to fear a sudden political appointment. Cutting, however, had “given a good deal of thought to the matter of a new Indian Commissioner,” as he told Charles Fahy, an AIDA attorney in Santa Fe, “and I quite agree with you that Collier would be the best man for the place.” He suggested that Collier’s supporters begin to round up endorsements for his appointment.<sup>17</sup>

While he would continue to speak of Margold, Meriam, and himself as equally acceptable candidates, Collier decided shortly after Christmas to press his own candidacy. Meriam, as he had known since August when the plan was first discussed, did not want the position, doubted his ability to handle the job, and had reluctantly gone along with the plan only out of a strong sense of duty: “I couldn’t decline if that’s what I were asked to do but I’d rather not wish on the Indians another experiment.” Margold’s chances dimmed when Frankfurter informed him in late November that since he was not “intimate” with Roosevelt, he could not, therefore, recommend anyone unless requested to do so. Roger Baldwin, the executive secretary of the ACLU, also expressed reservations about Margold, suggesting instead, as indeed it was to happen, that Margold would be better suited to the office of Solicitor in the Department of the Interior. Collier’s reply to Baldwin on December 4 signaled the beginning of his campaign. Margold, he confessed, was handicapped “by youth, coming from New York, maybe because a Jew,” while Meriam, he had decided, was not “dynamic enough.”<sup>18</sup>

On December 27, following a conference with Cutting and Judson King at which it was decided that Collier stood as good a chance as anyone presently available, Collier notified Dr. Haynes that the time had come for him to speak to William G. McAdoo, the Democratic Senator-elect from California, and to write Hiram

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Johnson and Roosevelt in his behalf. Meriam and Margold were likewise instructed to "turn [their] friends loose" but, Collier warned, there was to be no "public promotion" of any of the candidates since he still hoped, through Cutting, to have them called in as advisors to Roosevelt. Towards this end he had prepared "a powerful memorandum" outlining the needed policy changes and denouncing candidates considered harmful.<sup>18</sup>

Even before notifying Haynes, Collier, as he had done so often throughout the 1920's, arranged for a demonstration of Indian support from the Pueblos of New Mexico. The All Pueblo Council should be called into session, he advised the AIDA attorneys in Santa Fe, to register its choice for the new commissioner and to elect delegates who would come East to confer with Roosevelt. Confidentially, Collier later informed Haynes, "I anticipate that the Council will put me forward as its choice, although I have not made this suggestion in any way." Thinking he had arranged with Haynes and the Indians to get the campaign rolling, Collier then circularized all his AIDA supporters, advising them that because there was "imminent danger" that the commissionship might go to "one of the unnumbered patronage seekers," he, along with Meriam and Margold, had reluctantly consented to enter the race.<sup>20</sup>

The next few weeks might have proved disastrous to Collier's chances but fortune smiled on his ambition. Dr. Haynes and others bombarded McAdoo's Los Angeles office with letters and telegrams but, they learned much later, the Senator was in Washington and the endorsements had not been forwarded. The Pueblo Council failed to meet in time for the scheduled conference with Roosevelt but the impetuous Mabel Dodge Luhan saved the day when she put her husband, Tony Luhan, and another Taos Indian, Antonio Mirabal, on an eastbound train. On January 11 this "Pueblo delegation" met with the Roosevelts and endorsed Collier as planned. Through Cutting's assistance, Collier, Meriam, Margold, and Haven Emerson met with Raymond Moley the evening before the Indian reception and placed in his hands the memorandum which Collier had earlier prepared. Although he

could make no prediction at this time, Collier was optimistic. Following these meetings he wired Harold Ickes to come to Washington "promptly;" there was a chance that he might be made first assistant Secretary.<sup>21</sup>

Following the meeting with Moley, Collier's campaign began to bog down and he found himself on the periphery of events for the next two weeks. Although he succeeded in convincing Ickes to withdraw from the Commissioner's race, he learned on January 20 that the Senate Progressives had decided as a group to take no initiative in appointment matters. Since Roosevelt continued to refrain from soliciting their advice, Collier informed Dr. Haynes, "a stalemate" had resulted. Collier did learn that Cutting had conferred with Roosevelt on January 19 and again on January 20 "about Indian matters," and that he had suggested to the President-elect at these meetings that he confer with Felix Frankfurter about the Indian appointment. Collier immediately wrote Frankfurter, enclosing a condensed version of the memorandum which he had submitted earlier to Moley and requesting an opportunity to talk with him soon.<sup>22</sup>

On February 5 in Boston, Collier, Meriam, and Margold met with Frankfurter but, in Collier's words, the meeting, while "very interesting" was "inconclusive." While he thought Frankfurter would "throw his influence . . . probably, in the first instance, behind myself," he was not certain of this and besides, days passed and Roosevelt did not get in touch with Frankfurter.<sup>23</sup>

During this period of "stalemate," Collier had received several disturbing reports that boded ill for his candidacy. Senator McAdoo, whom he had hoped would send in an endorsement, proved elusive. When Dr. Haynes finally managed to speak with him on February 2, McAdoo promised merely to initiate inquiry into Collier's record and to "do his best," telling Haynes that he had promised Roosevelt not to make any recommendations. When Haynes suggested that he contact Moley and Frankfurter, McAdoo replied that "he did not know Moley and he did not want to know Frankfurter."<sup>24</sup> At this same time Collier learned that Senators Burton K. Wheeler of Montana and Sam G. Bratton of New Mex-

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campaign began to plan a series of events for the following year. Convinced Ickes to resign on January 20, Collier urged the group to take no action. Ickes continued to urge Dr. Haynes, but Cutting had convinced him on January 20 to resign to the President. Frankfurter about Ickes wrote Frankfurter, Ickes from which he had the opportunity to talk

and Margold met Ickes, while "very disappointed" Ickes thought Frankfurter was the first instance, besides, days passed without further action.<sup>23</sup>

Ickes had received several offers of candidacy. Senator Johnson in an endorsement, Ickes managed to speak with Johnson to initiate inquiry into Ickes. Ickes told Haynes that he had no recommendations. When Frankfurter, McAdoo and Ickes did not want to know Ickes, Ickes learned that Senators Johnson and Bratton of New Mex-

ico had teamed up to support one Harry Mitchell of Montana. To make matters worse, he learned in late January that Charles Elkus and other influential Californians had declined to give him an unqualified endorsement, believing, as they had stated before, that he should stay out of politics and continue his work as executive secretary of the AIDA. Though he did not despair, there was a rising note of anxiety in his correspondence as the month of January came to an end.<sup>25</sup>

On January 30 Collier notified several of his closest friends that "it is a highly confidential fact that Cutting has been offered the Secretaryship of the Interior and is being hard pressed by Roosevelt to take the job." Although he foresaw correctly that Cutting would not accept the position, Collier interpreted Roosevelt's desire to name a Progressive to the post as providing "an excellent chance, in any event, to land Ickes in the Assistant Secretaryship." Accordingly, he notified Ickes (who by now had returned home), of this premonition, although he was not permitted "to give him some of the details, which I have from Cutting under the seal of confidence."<sup>26</sup> Ickes, whom Johnson may have alerted to the possibility of becoming Secretary should Cutting decline, wrote immediately to Johnson: "I may say to you that while I would love to be made Secretary of the Interior, I would be willing, as I see it now, to serve as First Assistant."<sup>27</sup>

From January 30 to February 14 both Collier and Ickes fretted at Cutting's indecision. A new candidate for the Indian Commissioner, "young Oscar Chapman," Senator Costigan's campaign manager, was introduced. Finally, the day after the "inconclusive" meeting with Frankfurter on February 5, Collier and Haven Emerson met in New York and decided to precipitate his candidacy by requesting the various regional boards of the AIDA to endorse Collier publicly and to "use their influence individually or collectively" in his behalf. Anticipating the opposition of the northern California branch, Collier argued that there was a "real possibility" that his appointment could be made and that the New York branch had already agreed to take action. If the others were ever "going to do anything, they should do it now."<sup>28</sup>

Sometime between February 14 and February 20, Bronson Cutting formally declined Roosevelt's offer. For Harold Ickes, even though the meaning of Cutting's decision proved confusing for several days, the news was potentially good. For John Collier, who had anticipated the decision from the start, Cutting's refusal coupled with his inability to persuade Roosevelt to consult Frankfurter, had created "a real danger that the entire Indian business will be relegated to the political field."<sup>29</sup>

On February 14, Raymond Moley, after consulting with Hiram Johnson, Cutting, and LaFollette, called Ickes in Chicago and requested that he come to New York as a "representative of that group [the Progressives] to sit in consultation on the general economic situation and of another on the international debt situation." Moley also impressed upon him "the absolute necessity of keeping the whole matter strictly confidential."<sup>30</sup> Ickes, sensing that something important was underway, but uncertain as to its meaning, wrote Johnson:

Now, what I would like to have you tell me is what it is all about. As you know, and as I was careful to explain to Professor Moley, I am not an economist. He said he wasn't either and that it was not the purpose to have an economist. . . .

I am interested to know also what, if any, bearing this new development may have on my very real hope that I may be able to connect in some definite way with the Department of the Interior. From present indications a Cesarean operation will have to be performed to prevent that particular ambition from being stillborn. Am I gracefully but elegantly being offered a personal tour down a road that leads away from Washington and not to Washington?<sup>31</sup>

Ickes' confusion was not alleviated by letters he received from Collier and Johnson the following day. In reply to Johnson's query if he had heard from Cutting, Ickes wrote: "I have not heard from Cutting. This is the fact. I still don't know what it is all about." Collier, who wrote to say that he had talked to Cutting about Ickes' chances for either the Secretary's job or the first Assistant's position, told Ickes cryptically that "his attitude remains unchanged." All of this, Ickes told Johnson, is "as clear to me as mud."<sup>32</sup>

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Instead of proceeding directly to New York for his scheduled meeting on February 21, Ickes went first to Washington to talk with Johnson, Collier, Arthur Mullen, and others before going to Hyde Park. Exactly what he learned there will not be known until the Ickes' papers are explored. But he did learn from Collier that Jim Farley had prepared a list of candidates for the Indian Commissioner's position which included Collier, the Montanan Harry Mitchell, and Oscar Chapman, and that Senate Majority leader Joe Robinson of Arkansas was marshaling new strength for Meritt's candidacy, which Collier had earlier thought was dead. He also learned that Cutting had definitely refused the Secretary's position and that he had subsequently "taken the position that having turned down the post, he should not be active in subordinate assignments." Collier, he learned, was almost frantic over Cutting's decision to "remain quiescent." Their only hope, Collier believed, was to find a way to "get the matter securely into Dr. Frankfurter's hands."<sup>33</sup>

Ickes, true to his promise to Moley to keep silent about the nature of his journey, found himself agreeing to go to New York with Collier to meet with Meriam. Collier's strategy was to arrange an interview with Moley, the purpose of which would be twofold: to persuade Moley to "actively seek the advice of the Senate Progressive group" with regard to all Interior appointments and "to get Moley to take the initiative in bringing Frankfurter into the picture as an advisor." On the trip to New York, Ickes also found himself agreeing to accept the Commissionership "if that became necessary."<sup>34</sup>

As Ickes and others have recorded, Roosevelt offered him the Secretary's job upon his arrival at Hyde Park on Tuesday, February 21, 1933. Moley, who apparently knew nothing in advance of Roosevelt's intention, has called it "one of the most casual appointments to a Cabinet position in American history," but both Moley and Arthur Mullen have written that Ickes was the choice of Bronson Cutting as well as of Hiram Johnson, who had previously declined the position. Indeed, on the morning of Roosevelt's meeting with Ickes, Roosevelt received a call from Mullen saying he



had checked again with Johnson and Cutting who assured him that Ickes was the choice of the Progressive bloc and Roosevelt subsequently called Johnson who declined to accept the position himself but warmly recommended Ickes.<sup>35</sup>

The appointment of Ickes enhanced but did not ensure Collier's appointment. Margold's candidacy was eliminated when Ickes, in consultation with Felix Frankfurter, Louis Brandeis, and Roosevelt, decided to make him Solicitor in the Interior Department. Lewis Meriam, after support for his candidacy began to swell from rival Indian defense groups opposed to Collier, declined the honor in a letter to Ickes in which he stated that the "drive for my appointment as Indian Commissioner" was being carried out without "my consent or approval," and stated his desire to do nothing which would "lessen the chances of the appointment of John Collier as Commissioner." After their withdrawals, Ickes persuaded Senator Wheeler to drop his backing for Harry Mitchell and on March 23 resolved to meet the candidacy of Edgar Meritt, whose support had grown significantly, head on. On Saturday,

April 1, Ickes went to Roosevelt and informed him that despite opposition to Collier from old-line Indian defense groups and despite Senator Robinson's desire to see Arkansas' favorite son, Edgar Meritt, appointed, he intended to recommend Collier on Monday. Roosevelt approved, and the final battle commenced.<sup>36</sup>

On Monday, April 3, Collier learned from Cutting that Hiram Johnson had overheard a conversation between McAdoo and Joe Robinson on the Senate floor, in which McAdoo had promised that he "would go right down the line with Robinson in behalf of E. B. Meritt." Immediately Collier contacted McAdoo's secretary

who confirmed that despite his earlier promises to Dr. Haynes to support Collier, McAdoo had indeed given his endorsement to "someone else." From Walter Woehlke, Collier learned that in mid-February McAdoo had secretly promised Oscar Howard, "one of his most profitable clients," that he would back Howard's brother, Everette B. Howard, an oil and gas producer and ex-Congressman from Oklahoma who was even more "unsavory" than Meritt. McAdoo's strategy, Collier deduced, was to promote a dead-

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lock between himself and Meritt so that Howard could be nominated. A few days later, Cutting learned directly from McAdoo that he would definitely not support Collier's nomination. His investigation of Collier, McAdoo said, had disclosed that Collier was unknown in California, had never registered to vote, had never taken part in Democratic politics, and was in McAdoo's words, "an emigrant and carpetbagger."<sup>37</sup>

The effect of the Robinson-McAdoo opposition brought out all the fighting instincts in Harold Ickes, and it also aroused Senator Wheeler whose support of Collier had heretofore been lukewarm. On Tuesday, April 4, Collier worked through the night and into the next day preparing a dossier on Meritt's incompetence. Nathan Margold then "worked it over" and gave it to Ickes who met with Robinson and the President at the White House on Tuesday, April 11.<sup>38</sup> In a dramatic confrontation, Ickes produced the "documentary proof" against Meritt after which Roosevelt turned to Robinson with the comment: "Well, Joe, you know what I am up against. Every high brow organization in the country is opposed to Meritt, and Secretary Ickes, under whom he would have to work, doesn't want him."<sup>39</sup> The following day Ickes transmitted his official recommendation of Collier to Roosevelt who decided to "hold it back for a few days while Senator Robinson cools off." Ickes too thought it wise to make one last attempt to woo McAdoo's support, but when, on April 14, McAdoo still refused to accede gracefully to the appointment, Senator Wheeler, angered at McAdoo's stubbornness, which he told Collier was "simply a hold-up for patronage," called the White House and "gave this statement to President Roosevelt with vigor." Later that same afternoon the nomination was forwarded to the Senate. After an Easter recess, Collier was confirmed and sworn in on April 20.<sup>40</sup>

Would Harold Ickes have opposed Collier's quest for the Indian Commissionership had he known of Collier's opposition to his own candidacy earlier in the year? Probably not. On the same day that Ickes confronted Senator Robinson at the White House, he received a letter from an old friend. Francis C. Wilson, the Santa Fe attorney who had precipitated the split between Ickes and Collier

in 1923. Wilson wrote to denounce Collier's appointment on the ground that "He is by nature a promoter and a propagandist and not an executive or administrator. He is consistently unable to hold even-balanced views on any subject. He must be an extremist or nothing."<sup>41</sup> In his reply Ickes dictated what has to be one of the most penetrating and fair-minded analyses of Collier ever made:

I think you know that I have had serious differences of opinion with John Collier, the principal one of which in the old days revolved about yourself. I do believe, however, that no one exceeds him in knowledge of Indian matters or his sympathy with the point of view of the Indians themselves. I want some one in that office who is the advocate of the Indians. The whites can take care of themselves, but the Indians need some one to protect them from exploitation. I want a man who will respect their customs and have a sympathetic point of view with reference to their culture. I want the Indians to be helped to help themselves. John Collier, with whatever faults of temperament he may have, has to a higher degree than any one available for that office, the point of view towards the Indians that I want in a Commissioner of Indian Affairs.

While conceding that there may be faults of temperament in Collier, I am persuaded that these have been over-emphasized. He has been an advocate. He has had to fight hard to convince people that the Indians are entitled to consideration. You know as well as I that many a hard-hitting lawyer, when he goes on the bench as judge, looks at things from an entirely different point of view. I believe John Collier will do the same thing. At any rate I think the experiment is worth trying.<sup>42</sup>

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## NOTES

1. Harold Ickes, *The Secret Diary of Harold Ickes*, vol. 1, *The First Thousand Days, 1933-1936* (New York, 1953), pp. viii, 1-10; Harold Ickes, *The Autobiography of a Curmudgeon* (New York, 1943), pp. 261-69; Harold Ickes, "My Twelve Years with F.D.R.," *Saturday Evening Post*, June 12, 1948, pp. 35, 107-08; John Collier, *From Every Zenith* (Denver, 1963), pp. 169-72. The major secondary works on the Collier-Ickes appointments are the following: Arthur M. Schlesinger, Jr., *The Crisis of the Old Order* (Boston, 1957), pp. 417-22, 469-72; Raymond Moley, *After Seven Years* (New York, 1939), pp. 125-27; Raymond Moley, *The First New Deal* (New York, 1966), pp. 92-95; Rexford Tugwell, *The Brains Trust* (New York, 1968), pp. 489-90; Arthur F. Mullen, *Western Democrat* (New York, 1940), pp. 284-303; J. F. Carter, *The New Dealers* (New York, 1934), pp. 184-86.

2. Tugwell, pp. 489-90.

3. Ickes, *Autobiography*, p. 263; Mullen, p. 295.

4. Ickes, *Autobiography*, pp. 266-67.

5. Ickes to Hiram Johnson, Jan. 30, 1933, in Hiram Johnson Papers, Bancroft Library, University of California, Berkeley (hereafter cited as HJP). This quotation and others that follow quoted by permission of the Director, The Bancroft Library.

6. This abbreviated account of the difficulties between Collier and Ickes is based on a mass of documents, the most pertinent of which are: Collier to Members of the Executive Committee of the American Indian Defense Association, May 21, 1923, in John Collier Papers, box 7, Yale University Library (hereafter JCP); Collier to Cash Asher, April 9, 1924, in Papers of the California League of American Indians, carton 2, Bancroft Library, University of California, Berkeley (hereafter CLAI); and Collier to John Randolph Haynes, April 1, 1932, in John Randolph Haynes Papers, American Indian Defense Association folder, Library of the University of California at Los Angeles (hereafter JRII).

7. Lewis Meriam to Collier, Aug. 5, 1932, in JCP, box 3; Collier to Emerson, Gans, Elkus, and Haynes, Sept. 4, 1932, and Collier to Gans, Sept. 13, 1932, both in JRH, Indian Affairs (2).
8. Gans to Collier, Sept. 8, 1932, and Elkus to Collier, Sept. 9, 1932, both in JCP, box 3.
9. Collier to James Young, Oct. 20, 1932, JCP, box 17.
10. Collier, *From Every Zenith*, pp. 165-66.
11. Collier to Lewis Meriam, Nov. 4, 1932, and Collier to Nathan Margold, Nov. 4, 1932, both in CLAI, carton 5.
12. Collier to Mrs. Atwood, Nov. 10, 1932, and Collier to Lewis Meriam, Nov. 16, 1932, both in CLAI, carton 4.
13. Judson King to Haynes, Nov. 16, 1932, in JRH, Indian Affairs (3).
14. Collier to Meriam, Young, Margold, Haynes, Pearl Chase, Elkus, Gans, Emerson, and Judson King, Nov. 22, 1932, in JRH, Indian Affairs (4).
15. Elkus to Collier, Nov. 28, 1932, and Collier to Dear Charlie [Elkus], Dec. 1, 1932, both in JCP, box 17.
16. Elkus to Collier, Dec. 8, 1932, *ibid.*
17. Bronson Cutting to Charles Fahy, Dec. 10, 1932, *ibid.*
18. Meriam to Collier, Aug. 5, 1932, *ibid.*, box 3; Felix Frankfurter to Nathan Margold, Nov. 29, 1932, Roger Baldwin to Collier, Dec. 3, 1932, and Collier to Baldwin, Dec. 4, 1932, all in papers of the American Civil Liberties Union, vol. 615, Princeton University Library (hereafter ACLU).
19. Collier to Haynes, Dec. 27, 1932, in JRH, Indians (John Collier). Although the memorandum to which Collier refers has not survived, it probably formed the basis for the bill to reform the Indian Service which he introduced into Congress in 1934. See U. S. Congress, House of Representatives, Committee on Indian Affairs, *Readjustment of Indian Affairs, Hearings on H.R. 7922, 73d. Cong., 2d. sess., 1934, 1-14*, and U. S. *Statutes at Large*, 48, Part 1, pp. 984-86.
20. Collier to Richard Hanna and Charles Fahy, Dec. 26, 1932, JCP, box 3; Collier to Haynes, Dec. 30, 1932, JRH, Indians (John Collier); Collier to the Governor of the Pueblo of Santo Domingo, Dec. 31, 1932; Collier to Dear \_\_\_\_\_, Jan. 1, 1933, both in JCP, box 3.
21. See correspondence in William G. McAdoo Papers, General Correspondence, Jan.-Feb. 1933, Library of Congress (hereafter WGMC); Collier bulletin to Executive Committee of the American Indian Defense Association, Jan. 13, 1933, in JRH, Indian Affairs (3); and Collier to Chairman, The All Pueblo Council, Jan. 11, 1933, courtesy of Judge Charles Fahy. See also Collier's letter to Haynes, Jan. 20, 1933, in JRH, American Indian Defense Association, in which he noted that both Cutting

- and Hiram Ickes would instead be a considerable candidate. I mentioned abilities in Indian Affairs.
22. Collier to Nathan Margold, Nov. 4, 1932, in CLAI, carton 5.
23. Collier to Mrs. Atwood, Nov. 10, 1932, and Collier to Lewis Meriam, Nov. 16, 1932, both in CLAI, carton 4.
24. Judson King to Haynes, Nov. 16, 1932, in JRH, Indian Affairs (3).
25. Collier to Meriam, Young, Margold, Haynes, Pearl Chase, Elkus, Gans, Emerson, and Judson King, Nov. 22, 1932, in JRH, Indian Affairs (4).
26. Elkus to Collier, Nov. 28, 1932, and Collier to Dear Charlie [Elkus], Dec. 1, 1932, both in JCP, box 17.
27. Elkus to Collier, Dec. 8, 1932, *ibid.*
28. Bronson Cutting to Charles Fahy, Dec. 10, 1932, *ibid.*
29. Meriam to Collier, Aug. 5, 1932, *ibid.*, box 3; Felix Frankfurter to Nathan Margold, Nov. 29, 1932, Roger Baldwin to Collier, Dec. 3, 1932, and Collier to Baldwin, Dec. 4, 1932, all in papers of the American Civil Liberties Union, vol. 615, Princeton University Library (hereafter ACLU).
30. Collier to Haynes, Dec. 27, 1932, in JRH, Indians (John Collier). Although the memorandum to which Collier refers has not survived, it probably formed the basis for the bill to reform the Indian Service which he introduced into Congress in 1934. See U. S. Congress, House of Representatives, Committee on Indian Affairs, *Readjustment of Indian Affairs, Hearings on H.R. 7922, 73d. Cong., 2d. sess., 1934, 1-14*, and U. S. *Statutes at Large*, 48, Part 1, pp. 984-86.
31. Collier to Richard Hanna and Charles Fahy, Dec. 26, 1932, JCP, box 3; Collier to Haynes, Dec. 30, 1932, JRH, Indians (John Collier); Collier to the Governor of the Pueblo of Santo Domingo, Dec. 31, 1932; Collier to Dear \_\_\_\_\_, Jan. 1, 1933, both in JCP, box 3.
32. See correspondence in William G. McAdoo Papers, General Correspondence, Jan.-Feb. 1933, Library of Congress (hereafter WGMC); Collier bulletin to Executive Committee of the American Indian Defense Association, Jan. 13, 1933, in JRH, Indian Affairs (3); and Collier to Chairman, The All Pueblo Council, Jan. 11, 1933, courtesy of Judge Charles Fahy. See also Collier's letter to Haynes, Jan. 20, 1933, in JRH, American Indian Defense Association, in which he noted that both Cutting

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 Frankfurter, Dec. 20, 1933, in JRH,  
 Indian Affairs, and that both Cutting

and Hiram Johnson had now endorsed Ickes. Once it became apparent that Ickes would not be a candidate for the Indian Commissionership, but might instead become Secretary of the Interior, Collier's opinion of Ickes changed considerably. In this letter to Haynes he reported that Ickes is "likewise our candidate. He is a radical and systematic Progressive, a man of unquestioned ability and integrity. He will not take the post of Commissioner of Indian Affairs."

22. Collier to Haynes, Jan. 17 and Jan. 20, 1933, in JRH, American Indian Defense Association; Collier to Frankfurter, Jan. 21 and Jan. 28, 1933, Haven Emerson to Frankfurter, Feb. 4, 1933, and Frankfurter to Emerson, Feb. 6, 1933, all in Felix Frankfurter Papers, box 147, Library of Congress (hereafter FFP).

23. Collier to Haynes, Feb. 9, 1933, JRH, Indian Affairs (1).

24. Haynes to Collier, Feb. 3, 1933, *ibid.*, Indian Affairs (3).

25. Collier to Haynes, Jan. 17, 1933, *ibid.*, American Indian Defense Association; Elkus to Collier, Jan. 23, 1933, and Collier to Elkus, Jan. 24, 1933, both in CLAI, carton 5.

26. Collier to Haynes, Jan. 30, 1933, and Collier to Dear Charlie [Elkus], Jan. 31, 1933, both in JCP, box 17.

27. Ickes to Johnson, Feb. 3, 1933, in HJP.

28. Ickes to Johnson, Feb. 10, 1933, *ibid.*; Collier to Haynes, Feb. 9, 1933, in JRH, Indian Affairs (1).

29. Collier, "Confidential Bulletin," Feb. 20, 1933, JCP, box 4.

30. Ickes to Johnson, Feb. 14, 1933, in HJP.

31. *Ibid.*

32. Ickes to Johnson, Feb. 15, 1933, *ibid.*

33. Collier, "Confidential Bulletin," Feb. 20, 1933, JCP, box 4; Collier to Roger Baldwin, Feb. 15, 1933, ACLU, vol. 615; Collier to Elkus, Feb. 15, 1933, in CLAI, carton 5; Lewis Meriam to Frankfurter, Feb. 18, 1933, in FFP, box 147.

34. Collier, "Very Confidential Bulletin," Feb. 22, 1933, in JCP, box 4.

35. Moley, *The First New Deal*, p. 95; Mullen, pp. 302-03.

36. Ickes to Frankfurter, March 14, 1933, in FFP, box 149; Meriam to Ickes, March 1, 1933, in JRH, Indian Affairs (3); Collier to Haynes, March 12, 1933, in *ibid.*, Indians (John Collier); Collier to Haynes, March 23, 1933, in *ibid.*, Indian Affairs (1); Collier to Haynes, April 3, 1933, in JCP, box 17.

37. Collier to Haynes, April 3, 1933 (second letter of same date) in JCP, box 17; Woehlke to Collier, Feb. 16, 1933, Collier to Margold, April 3, 1933, and Collier to Haynes, April 11, 1933, all in JRH, Indian Affairs (1); correspondence in WGMC, General Correspondence, March 22-April 17, 1933.



38. Collier to Gans, April 6, 1933, in CLAI, carton 5.
39. Ickes, *The First Thousand Days*, p. 19.
40. Collier bulletin, April 13, 1933, in JCP, box 4; Collier to Haynes, April 14, 1933, in JCP, box 4; Collier to Haynes (John Collier); Collier to Haynes, April 15, 1933, in JCP, box 18.
41. Wilson to Ickes, April 11, 1933, National Archives, Record Group 48, 5-1, Pueblo, Pueblo Lands Board, part 4.
42. Ickes to Wilson, April 18, 1933, *ibid.*

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# Anthropologists, Reformers, and the Indian New Deal

GRAHAM D. TAYLOR

For a generation of social scientists interested in the application of research findings to policy, Franklin Roosevelt's New Deal offered novel opportunities. A number of programs initiated by the federal government not only drew upon recent social and economic research but also brought into the government economists, sociologists, anthropologists, and psychologists. Earlier social scientists had contributed information and expert support for reform efforts, primarily at the local level. But "the New Deal made a permanent place for social scientists in government . . . as policy advisors and political appointees, roles traditionally assigned to lawyers and businessmen."<sup>1</sup>

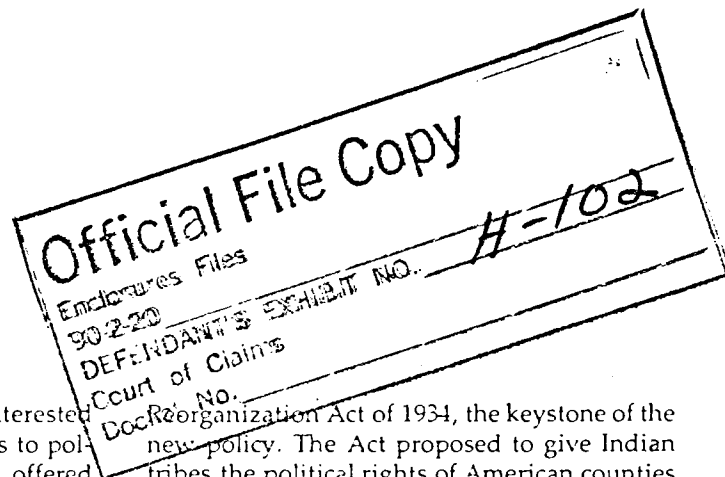
This trend was particularly marked in the Bureau of Indian Affairs under Commissioner John Collier. Leader of an Indian reform movement in the decade before the New Deal, Collier brought to the Indian service a commitment to reverse the policies of the preceding fifty years, which had been shaped to assimilate Indians into white society. Collier proposed to revive traditional tribal institutions as part of his plan for social and economic development for Indians. This aim was central to the Indian

<sup>1</sup>Gene M. Lyons, *The Uneasy Partnership: Social Science and the Federal Government in the Twentieth Century* (New York, 1969), p. 52. See also Richard S. Kirkendall, "Franklin D. Roosevelt and the Service Intellectual," *Mississippi Valley Historical Review* 49 (1962): 459-463.

Reorganization Act of 1934, the keystone of the new policy. The Act proposed to give Indian tribes the political rights of American counties and municipalities and the power to form corporations for communal enterprises.<sup>2</sup>

Reviewing the course of Indian affairs under Collier, anthropologists Clyde Kluckhohn and Robert Hackenberg asserted that the Indian Reorganization Act was "a landmark not only for the American Indians but for social scientists in the United States because it brought to Indian affairs and to the United States government for the first time an explicit use of social science principles. . . . The Indian Reorganization Act was a deliberate attempt to induce certain kinds of changes in Indian society and to

<sup>2</sup>Collier's concept of Indian policy and the role of anthropologists was succinctly outlined in John Collier's, "The Indian Administration as a Laboratory in Ethnic Affairs," *Social Research* 12 (1945): 265-303. Important new work on the Indian New Deal has emerged in the last four years. Kenneth Philp and Lawrence C. Kelly are completing biographical studies of Collier; they presented papers on the Indian Reorganization Act at the 1973 convention of the Organization of American Historians in Chicago. See Kenneth Philp, "The American Indian New Deal, 1933-1945: An American Indian Renaissance"; and Lawrence C. Kelly, "The American Indian New Deal: Dream and Reality." See also Michael T. Smith, "The Wheeler-Howard Act of 1934: The Indian New Deal," *Journal of the West* 10 (1971): 521-534; Donald L. Parman, "The Indian and the Civilian Conservation Corps," *Pacific Historical Review* 40 (1971): 39-56; Peter M. Wright, "John Collier and the Oklahoma Indian Welfare



control other changes. In its inception the authors made conscious use of the knowledge of culture change then possessed by the social sciences."<sup>3</sup>

Anthropologists were brought into the bureau to assist in planning and executing the reorganization program. From 1935 to 1938 an applied anthropology staff worked with legal and economic advisers of the bureau, identifying tribal groups and helping to prepare tribal constitutions and charters. Subsequently, anthropologists were included in social surveys carried out by the Indian service and the Soil



John Collier, once a staunch critic of the Indian Bureau, presided over its affairs during the controversial New Deal era.

Conservation Service to develop long-range land use projects on various reservations. The

Act of 1936." *Chronicles of Oklahoma* 50 (1972) 347-371; and G. D. Taylor, "The Tribal Alternative to Bureaucracy: The Indian's New Deal, 1933-1945," *Journal of the West* 13 (1974) 128-142. Several of Philip's recent articles on the Indian reform movement, 1922-1932, are cited below.

<sup>3</sup> Clyde Kluckhohn and Robert Hackenberg, "Social Science Principles and the Indian Reorganization Act," in W. H. Kelley, ed., *Indian Affairs and the Indian Reorganization Act* (Tucson, 1954), p. 29.

educational unit of the bureau under Willard Beatty relied on anthropologists to prepare training programs to acquaint field agents with the variety and significance of Indian cultural groups.<sup>4</sup> In 1941 Collier arranged with the University of Chicago for joint financing of a major research project under Laura Thompson to determine the impact of his policies on various tribes. This project resulted in a series of monographs on cultural crisis and change among the Indians.<sup>5</sup>

Despite the intensive use of social science theory in the development of Collier's policies between 1933 and 1945, the anthropologists who participated were not entirely satisfied with the results. The reorientation of Indian policy away from an assimilationist stance to one respecting cultural differences was not completely successful; nor did the reforms in administration initiated in the New Deal period prove durable. By the early 1950s the Indian Bureau seemed to be sinking back into its former state of torpor. In Congress demands were growing for termination of federal responsibility for Indians, with the clear implication that Indians must accept the white man's way.

Kluckhohn and Hackenberg concluded that the limitations of Collier's policies could be attributed to lack of understanding of the intent of the reorganization program by the local field representatives of the bureau, reservation superintendents, and their agents. The reformers and anthropologists allied with Collier had paid "insufficient attention . . . to the habitual ways of thinking and reacting of the group out in the field. It was not that the Indian Service field representatives were irresponsible or insincere or unintelligent, by and large. It was

<sup>4</sup> See Edward A. Kennard and Gerdon MacGregor, "Applied Anthropology in Government: United States," in A. L. Kroeber, ed., *Anthropology Today* (Chicago, 1953), pp. 832-835, for a summary of the tasks assigned to anthropologists during Collier's administration. For a more critical overview, see David L. Marden, "Anthropologists and Federal Indian Policy Prior to 1940," *Indian Historian* 5 (1972):19-26.

<sup>5</sup> A summary of the research with recommendations for changes in bureau administration is included in Laura Thompson, *Personality and Government: Findings and Recommendations of the Indian Administration Research* (Mexico, 1951). Among the important monographs completed during the project were: Laura Thompson and Alice Joseph, *The Hopi Way* (Chicago, 1944); Gordon MacGregor, *Warners Without Weapons* (Chicago, 1946); Clyde Kluckhohn and Dorothea Leighton, *The Navaho* (Chicago, 1946); and Alice B. Joseph, Joseph B. Spicer, and Jane Chesky, *The Desert People* (Chicago, 1949).

simply that their own subculture screened both the instructions they got from Washington, and distorted their appraisal of the local situation."<sup>6</sup>

This hypothesis had been proposed earlier by H. Scudder Mekeel, director of the bureau's applied anthropology staff between 1935 and 1937. In an article published in 1944, Mekeel noted that many bureau field employees appointed before 1933 had been trained to carry out a program of forced, rapid assimilation, and even where they did not resist the new policies there had been a lag due to the difficulty of adjusting their views. Furthermore, few of them had any real knowledge of the Indian groups they dealt with, and their ignorance had been reinforced by the bureau practice of frequently rotating agents to different reservations. As field administrators, they were naturally resentful of outside advisers who, in effect, implied that they did not know their jobs. Consequently, there was continuous friction between the anthropologists and the local bureau people.<sup>7</sup>

Mekeel also implied that Collier had sacrificed the anthropologists to the demands of the old guard within the bureau by abolishing the applied anthropology staff in 1938. Collier denied this charge and many others that Mekeel made against his administration. He maintained that the decision to eliminate the staff of anthropologists was the result of heavy cuts in the bureau's budget after 1937, thus transferring responsibility for the cut to conservative congressmen hostile to Indian reform. Collier also came to the defense of his field agents, lauding their commitment to improving the health and social conditions of Indians. But he did not deny that there was serious friction between the anthropologists and other employees of the Indian service.<sup>8</sup>

This picture of conflict within the bureau between the old-line bureaucracy bound to the tradition of assimilation and the new reform leadership committed to cultural pluralism, allied with anthropologists who provided expert advice, appears satisfactory and logical. Certainly, the change in policy orientation was

complete enough that some degree of resistance or misunderstanding was to be expected.

The picture of internal cleavage resulting in frustration of reform is not complete, however, for it assumes a convergence of orientation and goals between anthropologists and reformers that was not the case. Moreover, it gives an inaccurate view of the general pattern of relationships between the bureau leadership under Collier and those working the field. As the dispute between Mekeel and Collier indicates, the reformers' ideas were not necessarily the same as those of their anthropologist ad-



Walter Woehlke, whom Collier brought with him to the bureau from the American Indian Defense Association, was the first coordinator of TC-PIA, the agency's planning group.

visers, and on many points the reform leaders and the bureau's old guard shared the goal of improving Indian life, even though they differed over the best means. Some of the bureau's anthropologists came to share the views of the administrators. Finally, the frustration of Indian reform did relate to internal problems of the bureau under Collier, but not in the way suggested by Kluckhohn, Hackenberg, and Mekeel.

<sup>6</sup> Kluckhohn and Hackenberg, "Social Science Principles," p. 31.

<sup>7</sup> H. S. Mekeel, "An Appraisal of the Indian Reorganization Act," *American Anthropologist* 46 (1944) 211-212.

<sup>8</sup> Collier, "Collier Replies to Mekeel," *American Anthropologist* 46 (1944) 422-426.

... essay will re-examine the relationships among the Collier reform leadership, the anthropologists involved in the bureau program, and the bureau field agents who applied the Indian Reorganization Act.

During the 1920s John Collier as head of the American Indian Defense Association emerged as the most militant advocate for reform of Indian policy. Beginning with a defense of the land claims of the Pueblo Indians in 1923, Collier and the A.I.D.A. relentlessly attacked the corruption, mismanagement, and dictatorial tendencies of the Indian service. Collier was especially critical of those who proposed more moderate or gradual reforms than his own, in particular the venerable Indian Rights Association, the traditional white spokesman for Indians. Even Charles Rhoads, who as head of the Indian Service from 1929 to 1932 tried to remove agents responsible for corruption and tyranny on the reservations and to improve health and educational standards of Indians, was criticized by Collier for failing to undertake the major changes required for lasting reform.<sup>9</sup>

Collier argued against the existing policy of assimilation because it was based on an ethnocentric concept of cultural evolution in which white society was viewed as constituting a superior form toward which the Indians should be guided. This rationale justified the extermination of traditional Indian customs and ceremonies; breaking up Indian families and the depletion of the Indians' land base, which had diminished from 139 million acres in 1887 to less than 48 million acres by 1931. Indians were ill-equipped to function in the emerging industrial society. Bereft of their traditional cultural institutions and values, they were poor, demoralized, and chronically susceptible to alcoholism and disease. Since the well-being of the individual Indian related directly to his cultural adjustment, any lasting change in Indian conditions required that the Indian cultural heritage must be revitalized, which meant allowing

<sup>9</sup>Randolph C. Downs, "A Crusade for Indian Reform, 1922-1931," *Mississippi Valley Historical Review* 32 (1945): 331-354. See also recent articles by Philp on the reform movement "Albert B. Fall and the Protest from the Pueblos," *Arizona and the West* 12 (1970) 237-254, "Herbert Hoover's New Era: A False Dawn for the American Indian, 1929-1932," *Rocky Mountain Social Science Journal* 9 (1972) 53-60, and "John Collier and the Crusade to Protect Indian Religious Freedom," *Journal of Ethnic Studies* 1 (1973) 22-38. Lawrence C. Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935* (Tucson, 1968), also has valuable information on the reform movement and Indian policy in the 1920s.

Indians more autonomy and reducing the paternalistic role of the bureau.<sup>10</sup>

Although Collier was familiar with, and presumably relied upon the research of contemporary anthropologists, particularly the students of Franz Boas, his own ideas about the sources of Indian problems and their solution derived from his background and education as a social worker in New York City and from his initial experiences with certain Indian tribes.

Before World War I Collier had been active in community organization among immigrant groups in New York where he came to share the ideas of community pluralism developed by Mary Follett and E. C. Lindeman, among others. These thinkers advocated the organization of society into community groups representing different ethnic and regional cultural elements as an alternative to the emerging system of public policy made by economic interest groups representing large bureaucracies. In the context of these ideas, Indian tribes could indeed prove to be a "laboratory in ethnic affairs" whose experiments could be drawn upon for the elaboration of a program for renovating American society as a whole.<sup>11</sup>

Collier's notions about the cultural cohesion of Indian societies were shaped by his first encounters with the Pueblos in the early 1920s. These Indians had been relatively undisturbed by the policy of assimilation and the division of tribal lands into individual parcels, and they retained much of their economic and social cohesion. Furthermore, over ninety-five percent were fullbloods who had had little contact with white society. Although threatened and exploited by their white neighbors, these Indians retained a strong sense of cultural identity and social structure. Their situation, moreover, provided an instructive contrast with the tribes of the northern Great Plains who had been subjected to the full force of assimilation and allotment and who were totally demoralized. If the Indians of the southwestern United States could draw strength from their tribal traditions to resist white encroachments, presumably a reversal of bureau policies and a return to tribalism could stem the decline of their northern brothers.

<sup>10</sup>Collier, "The Indian Administration," pp. 267-270.

<sup>11</sup>Collier discussed the intellectual roots of his reform proposals and his ideas on social organization in *From Every Zenith: A Memoir* (Denver, 1963), pp. 93-100, 230-234, 308-309.

In summary, Collier's analysis of Indian cultural groups could be characterized as prescriptive rather than descriptive, instrumental in the reconstruction not only of Indian societies but in the reform of American society. This is not to say that Collier's interest in Indian cultures was not genuine; in a sense he had found his life's work when he witnessed Pueblo ceremonies on a journey to New Mexico in 1920.<sup>12</sup> But he perceived them in the context of his broader reform experiences and convictions. Furthermore, his observation of the living Indian cultures of the Southwest shaped his belief that the process of white acculturation not only should but could be reversed, and that the revival of traditional Indian cultural institutions was possible even among the disorganized Plains tribes. In these two aspects Collier's ideas on the subject differed from those of some of the leading scholars of North American Indian ethnography.

When he was appointed commissioner in 1933, Collier brought with him colleagues from the Indian Defense Association whom he installed in key positions in the bureau. Among these were Walter V. Woehlke, who headed the cooperative program for land use planning between the bureau and the Soil Conservation Service in 1937-1938; Allan G. Harper, who succeeded Woehlke in this position and was one of Collier's closest aides; F. H. Daiker, who headed the Tribal Organization Section; and Ward Shepard, a forestry specialist who held a number of positions in the commissioner's office between 1933 and 1945. In addition, Collier found sympathizers in other agencies of the Interior Department, notably the legal division under Felix Cohen, Nathan Margold, and Kenneth Meicklejohn, all of whom contributed to preparing and administering the Indian Reorganization Act.<sup>13</sup> Few of these men had any background in anthropology, and it is difficult to determine the extent to which they shared Collier's personal views on Indians. But they all believed strongly in the need to improve the material conditions of Indian life and to reverse the paternalistic policies of the Bureau.

<sup>12</sup> *Ibid.*, pp. 125-127.

<sup>13</sup> Collier also benefited from support by prominent New Deal figures who had been involved in the Indian reform movement in the 1920s, most notably Harold Ickes and Adolph A. Berle, who were on the board of directors of the American Indian Defense Association. See Collier, *From Every Zenith*, pp. 132-133.

Another factor that influenced Collier and his advisers was the sense of the impermanence of their tenure and the need to effect changes rapidly to lessen the chance of their being dismantled by future commissioners. That dilemma was sympathetically described by Oliver LaFarge:

It takes a good Commissioner of Indian Affairs about two years to learn his job. A good man . . . needs four years to get his program launched. Uncertainty of appointment clouds that first term, creating a sense of haste. The virtual certainty that eight years will be the limit is not as bad as the fear that the next Commissioner will belong to an administration with a totally different theory of government and will proceed to undo all that has been built up.<sup>14</sup>

The reformers certainly had no idea that they would be in control of Indian policy for more than ten years and could justifiably feel in the early years that a more gradual, systematically developed reform effort might well be stymied before reaching even initial goals.

These were the attitudes the reformers brought to the bureau and which figured prominently in the preparation of the Indian Reorganization bill in 1933. In November of that year, Collier sent out questionnaires to a number of anthropologists in the United States, requesting advice and information relating to formal patterns of tribal or community government, traditions of land and property rights, and similar information on various Indian groups with which they had contact.

Significantly, Collier chose not to rely exclusively on the aid of the Bureau of American Ethnology, a branch of the Smithsonian Institution that had been functioning since 1879. During the decade and a half before 1933, anthropologists had debated the use of culture as a unifying concept in their discipline and the validity of cultural pluralism as opposed to unilineal evolutionary schemes. The centers for support of cultural pluralism were in the universities, particularly in departments staffed by students of Franz Boas.<sup>15</sup> In drawing on this larger group of academics for advice, Collier could anticipate a sympathetic cross-section of responses to the reorganization program as a whole and perhaps some valuable information

<sup>14</sup> Oliver LaFarge, *As Long As the Grass Shall Grow* (New York, 1940), p. 58.

<sup>15</sup> On divisions of opinion among anthropologists in the 1920s, I have relied on G. W. Stocking, Jr., *Race, Culture, and Evolution* (New York, 1968), especially pp. 273-307.



on the political situations among various Indian groups.

Collier's confidence was not entirely misplaced. Although one respondent asserted that "most anthropologists in this country have been comparatively uninterested so far in the practical problems of Indians,"<sup>16</sup> there were others who were highly favorable to the bill and who provided the specific details requested. Robert Lowie, for example, felt that the Crow Indians of Montana were well prepared to take over self-governing institutions and pointed to the fact that both the older full-bloods and younger boarding-school-educated Indians exhibited an interest in local politics and a willingness to cooperate that was unusual among Plains tribes.<sup>17</sup> A. L. Kroeber reinforced Collier's own impressions of the Pueblo villages, asserting that they "furnish perhaps the strongest case for collective administration, since these groups have succeeded to a large extent in maintaining their collective rights and therewith a tribal attitude."<sup>18</sup> H. Scudder Mekeel, a student of Clark Wissler, was particularly enthusiastic about the program and discussed at length the problems and potential for tribal organization of the Oglala Sioux at the Pine Ridge and Rosebud reservations in South Dakota. He noted especially the role that anthropologists could play in implementing new programs, ensuring that the organization of political and business groups such as cattle associations and agricultural cooperatives conformed to traditional cultural divisions among the Indians.<sup>19</sup>

<sup>16</sup> George Herzog to Collier, Feb. 27, 1934. Records relating to the Wheeler-Howard Bill. Records of the Bureau of Indian Affairs, Record Group 75, National Archives. Records relating to the Wheeler-Howard Bill, which became the Indian Reorganization Act of 1934, and the records relating to tribal organization are from the files of the Bureau of Indian Affairs (cited hereafter as Wheeler-Howard files or Tribal Organization files, RG 75, NA.)

<sup>17</sup> Robert Lowie to Collier, Mar. 5, 1934, Wheeler-Howard files, RG 75, NA. The Crow Indians in 1934 became the first tribe to elect their own superintendent, choosing Robert Yellowtail, a tribal leader with political connections to Sen. Burton K. Wheeler of Montana, cosponsor of the Indian reorganization bill.

<sup>18</sup> A. L. Kroeber to Collier, Jan. 15, 1934, Wheeler-Howard files, RG 75, NA. Kroeber was an anthropologist who had been actively involved in the reform movement before 1933. See Marden, "Anthropologists and Federal Indian Policy," p. 25.

<sup>19</sup> H. S. Mekeel to Collier, Apr. 7, 1934, Wheeler-Howard files, RG 75, NA.

Inevitably, the questionnaires also brought out differences of opinion among anthropologists on how to organize different tribes. Fred Eggan of the University of Chicago advocated a flexible approach that would provide for a substantial degree of federal tutelage for badly disorganized groups such as the Choctaws of Mississippi, but would allow greater autonomy and tribal self-government to other groups, for example, the Navaho and Hopi, who had preserved more of their tribal unity and traditions. Harold Colton of the Northern Arizona Museum, however, felt that "it will be a long time before members of these tribes [Navaho and Hopi] will be well enough trained to handle financial matters. . . . Complete home rule is something that can take place only in the dim future."<sup>20</sup>

There were some respondents who indicated that while the idea of Indian self-determination and an end to assimilation policies were laudable aims, they would not be particularly helpful to some Indian groups. Obviously Colton felt this to be the case for the Navaho and the Hopi. Ralph Linton, who had studied the Comanche, concluded that "they have no governing body and their whole pattern of life is such that I believe any attempt to establish one would be foredoomed to failure."<sup>21</sup> Linton also pointed to the preference on the part of the older Indians for the continuation of allotment. John Harrington of the Smithsonian Institution expanded Linton's pessimistic view to virtually all the Indian groups in the Southwest: "Outside the Pueblo areas, native government has all been battered down," and the activities of Catholic and Moravian missionaries had further divided and factionalized the tribal remnants.<sup>22</sup>

Of particular significance was the view of Franz Boas, who was not only the leading exponent of cultural anthropology in the United States and the mentor of the current generation of anthropologists but also an experienced ethnographer of North American Indian tribes. Boas's response may have been shaped in part by his opinion of Collier. Earlier he had written to Interior Secretary Harold Ickes opposing

<sup>20</sup> Fred Eggan to Collier, Jan. 11, 1934, Harold Colton to Collier, Apr. 17, 1934, Wheeler-Howard files, RG 75, NA.

<sup>21</sup> Ralph Linton to Collier, Feb. 15, 1934, Wheeler-Howard files, RG 75, NA.

<sup>22</sup> John Harrington, Smithsonian Institution, Wash., D. C., to Collier, Mar. 23, 1934, Wheeler-Howard files, RG 75, NA.

Collier's appointment on the grounds that he was unnecessarily opinionated and emotional about Indian reform.<sup>23</sup> In his comments on Collier's questionnaire, Boas echoed Linton's point that among Indians who were settled on allotments there was great reluctance "to merge it into the larger community," and that the allotment system had contributed largely to the breakdown of cultural ties among tribes of the northwestern coast and Plains regions with whom he was most familiar.<sup>24</sup> This response was carefully phrased to avoid making a direct judgment on the goals of Indian reorganization.

In summary, the initial responses of anthropologists to the proposals of the reformers revealed a variety of attitudes ranging from enthusiastic support to open skepticism; none were hostile but there was an undercurrent of doubt in many comments. Boas's opinion of Collier was not necessarily shared by his colleagues: Robert Zingg of the University of Chicago spoke of the high esteem that anthropologists held for both Ickes and Collier, particularly in comparison with their predecessors.<sup>25</sup> An appreciation of the good intentions of the reformers, however, did not imply uncritical acceptance of the reform proposals for all Indians.

Divisions of opinion also extended to the more practical question of the usefulness of anthropologists in implementing the reorganization program. Some of the younger anthropologists like Mekeel and Oliver LaFarge, who was then head of the National Association on Indian Affairs, believed that they could play a direct role in guiding the tribal organization process and helping it to conform to traditional Indian institutions. Boas, on the other hand, asserted "it is very difficult at the present time to find anyone who is well prepared for dealing with the practical problems of Indian life for the reason that no position of this kind was ever open to anyone who had studied anthropology." He recommended the use of anthro-

<sup>23</sup> Franz Boas to Harold Ickes, secretary of the interior, Dec. 1, 1932. Boas Papers, American Philosophical Society, Philadelphia, Pa. Marden, "Anthropologists and Federal Indian Policy," pp. 25-26, suggests that Boas's attitude toward Collier reflected his determination to remain aloof from contemporary issues and that this tendency was reinforced by his interest in primitive aspects of Indian life rather than in the problems of acculturation.

<sup>24</sup> Boas to Collier, May 9, 1934, Wheeler-Howard files, RG 75, NA.

<sup>25</sup> Robert Zingg to Collier, Apr. 16, 1934, Wheeler-Howard files, RG 75, NA.

pologists in training schools for incoming bureau employees, a suggestion developed by Willard Beatty in the bureau's education division. More ambitiously, he urged the incorporation of anthropology into educational programs for Indian leaders and teachers that would focus on developing an understanding of Collier's social and economic programs.<sup>26</sup>

Other anthropologists favorable to Collier's proposals, like Kroeber and Lowie, submitted informative statements on tribal political situations in the obvious expectation that they would be useful in the reorganization program, but they had no suggestions for the systematic use of anthropologists in administration. Presumably there were many anthropologists who shared the view of Melville Herskovits, later vice-president of the American Association for the Advancement of Science, that social scientists involved in administrative tasks on behalf of the government ran the risk of becoming proponents of policies designed to serve political rather than genuinely scientific goals.<sup>27</sup>

The Indian Reorganization Act that emerged from Congress in June 1934 had been altered in significant ways from the bill originally drawn up by Collier and his fellow reformers in the bureau. A provision authorizing the new tribal organizations to consolidate individual allotments into tribal properties had been modified. Also, each tribe or reservation could decide by referendum whether or not it chose to come under the Act and undertake the creation of tribal governments and corporations. Those groups that rejected the Act would remain under the direct supervision of the bureau. Nevertheless, much of the basic structure of the Collier proposals remained. After deciding to come under the Act the Indian tribe or group could then draw up a constitution, which was subject to a referendum. Under a constitution, a tribal council or similar form of government could be established, and the tribe could incorporate itself for the purpose of setting up enterprises such as lumber mills, livestock associations, or farm cooperatives.<sup>28</sup>

<sup>26</sup> Boas to Collier, Dec. 7, 1933, Wheeler-Howard files, RG 75, NA.

<sup>27</sup> Melville Herskovits, "Applied Anthropology and the American Anthropologists," *Science* 83 (Mar. 6, 1936) 215-222. The address on which this article is based was delivered a year earlier, before the Indian reorganization program was fully in operation.

<sup>28</sup> The final bill is printed in C. J. Kappler, ed., *Indian INDIAN NEW DEAL*. 157

The most critical phase in the process involved preparing tribal constitutions, inasmuch as questions relating to representation of different groups and factions were raised. In a number of cases, Indian groups who had voted to come under the Act never got beyond this point because of irreconcilable differences among those who spoke different languages or between traditional religious and political factions and between older fullblood Indians and younger mixed-blood Indians. On these matters the assistance of anthropologists with specialized knowledge on tribal divisions was valuable.

Where possible, anthropologists were included on teams of lawyers sent to the reservations to advise and assist Indians in preparing constitutions and charters. Anthropologists were generally assigned to travel with a team covering an entire region rather than working intensively with a single tribe. This method was partly dictated by the scarcity of trained anthropologists willing and able to work full-time for the bureau. Collier arranged for the use of part-time consultants, where possible, drawing on graduate students who were doing field work and who were readily available. This rather unstructured organization was designated the Applied Anthropology Staff and was initially under the direction of W. Duncan Strong, himself a consultant anthropologist.<sup>29</sup>

As might be expected, most of the full-time anthropologists on the staff were young. Some presumably took positions with the government because of the Depression and the lack of jobs but others left academic positions to perform tasks to which they felt strongly committed. Among the best, and best-known of the anthropologists were Oliver LaFarge, the Indian reform lobbyist who worked primarily with the Hopi in the Southwest; Morris E. Opler who worked with the Apache, Kiowa, and Comanche; H.S. Mekeel who worked with the Dakota Sioux; Gordon MacGregor who worked among other Plains tribes; Oscar Lewis, John Harrington, and Ruth Underhill

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*Affairs: Laws and Treaties* (Washington, D. C., 1941) 5:380-387. On the congressional contest over the Wheeler-Howard bill, see Michael T. Smith, "The Wheeler-Howard Act of 1934: The Indian New Deal," *Journal of the West* 10 (1971):521-534; and John L. Freeman, Jr., "The New Deal for the Indians: A Study of Bureau-Committee Relations in American Government" (unpublished Ph.D. diss., Princeton Univ., 1952).

<sup>29</sup> Collier to Ickes, June 1, 1934. Collier Papers, Yale Univ., New Haven.

who worked with the Navaho, Papago, and Pima in New Mexico and Arizona.

In 1936 when Mekeel succeeded Strong as chief, the work of the applied anthropology staff became more varied. Organizational work on tribal constitutions continued for several more years. New issues and problems arose among tribes already under constitutions when dissident groups sought to revise representational arrangements or when disputes occurred over the precedence of custom over legal procedures.

In January 1936, a new planning group was set up to coordinate the work of the bureau with the Soil Conservation Service on the reservations, called the Technical Cooperation-Bureau of Indian Affairs (TC-BIA). The objective of TC-BIA, according to Walter Woehlke, Collier's choice as the project coordinator, was "to outline the best possible use of the reservation's resources, a use which will bring the human carrying capacity on the reservation to its maximum, with complete conservation of the reservation's soil resources and with maintenance of an adequate standard of living."<sup>30</sup> Initial planning was carried out on an experimental basis on the Papago, Pima, and Hualapai reservations in New Mexico.

Mekeel, as head of applied anthropology activities, was placed in charge of the Socio-Economic Division of TC-BIA, which was to work in conjunction with agricultural economists, geologists, and other technical specialists from SCS carrying out intensive surveys of selected reservations. Mekeel described the function of his division: "to determine . . . the potentialities and limitations of the Indian population on each reservation in terms of its own economic system, its own standard of living as well as its economic drives"; and to ensure that resource use plans would strengthen traditional social and economic institutions and "foster the life-values of the people."<sup>31</sup> Elaborate procedures for the work were developed, including house-to-house surveys, a technique refined and extended by the Department of Agriculture for more wide-ranging rural economic projects. The survey also used conventional statistical studies of population,

<sup>30</sup> Walter V. Woehlke, "SCS Project for Technical Assistance to the Office of Indian Affairs," Jan. 7, 1936. Records of Technical Assistance-Bureau of Indian Affairs project, Records of the Soil Conservation Service, Record Group 114, National Archives (cited hereafter as RG 114, NA).

<sup>31</sup> H. S. Mekeel, memo, Jan. 1936, RG 114, NA.

income, and other social characteristics.<sup>32</sup> Among the social scientists participating were Willard W. Hill, Frederica de Laguna, and Ruth Underhill, all of whom had done ethnographic studies of Indians.

The TC-BIA project marked a high point in the use of anthropologists by Collier. A year after the project was initiated, the applied anthropology staff was disbanded. Although the first TC-BIA surveys were completed and others initiated on thirty-five reservations in the Southwest and Plains regions, few of the planning proposals originated by the Socio-Economic Division went any further, and the work of TC-BIA as a whole was interrupted by the onset of World War II. Even before the war, serious difficulties had emerged in applying the planning group's recommendations. The underlying concept had been to develop economic projects on the reservations which would encourage Indians to participate because they would fit into the normal framework of tribal activities rather than being simply the imposition of an alien society. In practice, however, neither the bureau nor SCS were prepared to give priority to these proposals over more ambitious plans drawn up by the technical staffs.<sup>33</sup>

This situation fits the conventional view of relations within the bureau as portrayed by Mekeel, Kluckhohn, and Hackenberg. Proposals by the reformers for tailoring new programs to traditional Indian practices, based on research performed by social scientists, were rejected or ignored by technical staff and field administrators who preferred to rely on more orthodox plans initiated and dominated by whites, while excluding Indians from any participation except as laborers. But differences in views and practices between the reformers and the anthropologists, differences that had been gradually crystallizing during the work on Indian reorganization, also emerged in the development of the TC-BIA.

<sup>32</sup> See Rensis Likert, "Democracy in Agriculture - Why and How," *Farmers in a Changing World, Yearbook of Agriculture* (Washington, 1940), pp. 994-1002, on the development of survey research in the federal government. The surveys predated Likert's Division of Program Surveys in the Department of Agriculture by two years.

<sup>33</sup> Alan G. Harper, coordinator, TC-BIA, to Woehlke, Apr. 25, 1938, Collier Papers; Harper, "Planning for the Economic Independence of Indians," paper delivered at the National Conference on Social Work, Buffalo, N.Y., June 22, 1939, Collier Papers.

Three months after the initial surveys began, Collier's office received complaints from field agencies about the anthropologists, and he asked Woehlke to investigate.<sup>34</sup> Woehlke's response was a bitter attack on the social scientists involved in the survey, whose work, he asserted, was based "on a pseudo-technique through which immunity or superiority is maintained at the expense of reality." The anthropologists were not making a systematic effort to gather information and as a group they appeared hostile both to Indians and to local bureau employees. Somewhat inconsistently he singled out Ruth Underhill for having "developed a proprietary interest in the Papagos and Pimas," presumably at the cost of objectivity.<sup>35</sup>

This incident indicates the low opinion of the social scientists held by Woehlke, one of the men closest to Collier in the Indian Service, a veteran of the reform movement with a definite interest in the success of the project and by no means an old guard administrator with an ax to grind. To some extent this unhappy encounter could be attributed to inexperience on the part of the anthropologists in this type of policy-directed research and with the methods of anthropologists. The rift created by the TC-BIA between reformers and anthropologists, however, was never completely healed. In a confidential letter written to Gordon MacGregor after the termination of the applied anthropology staff, Allan G. Harper, Woehlke's successor at TC-BIA, intimated that Mekeel and his colleagues "through the inept handling of a rare opportunity" had "discredited anthropology in the Indian Service."<sup>36</sup>

Collier's opinion was important in this critical area because his reformer aides reflected his own view of the role of social scientists in the reorganization program. Collier has sometimes been mistakenly identified as an anthropologist. He was not, but he did have a background in sociology, had taught applied social science at San Francisco State Teachers College in the 1920s and became a professor of sociology after retiring from the Indian service in 1945.<sup>37</sup>

<sup>34</sup> Collier to Woehlke, Apr. 18, 1936, Collier Papers.

<sup>35</sup> Woehlke to Collier, Apr. 22, 1936, Collier Papers.

<sup>36</sup> Harper to Gordon MacGregor, Apr. 19, 1938, RG 114, NA.

<sup>37</sup> Collier discussed his intellectual background in *From Every Zenith*, pp. 68-76. He is incorrectly described as an anthropologist in Robert Burnette and John Koster, *The Road to Wounded Knee* (New York, 1974), p. 115.

In the course of the tribal organization effort, Collier sought to clarify his own conception of the role of anthropologists, analyzing incoming reports on the basis of their methods and usefulness, and circulating his comments. The report of one hapless consultant anthropologist on the Blackfeet was used as an example of a poor methodology producing useless results: In general the investigator seems to have considered that all facts which came to his attention were equally subject to being passed on by himself out of some kind of inner equipment, knowledge or wisdom. Factors economic, biological, cultural, governmental, moral—they are all on the same plane. The result is a general essay on the Blackfeet and their situation which is focused on nothing in particular.<sup>38</sup>

He went on to express doubts whether "even a mature and thoroughly equipped anthropologist . . . could produce what we need, working alone. There is needed a focus of varied techniques upon specific problems within limited areas."<sup>39</sup>

Despite this pessimism, Collier reacted favorably to a report by Morris Opler on the San Carlos Apache: "Opler proceeds from a discussion of surviving culture patterns to a discussion of [tribal] organization and economic planning." The discussion of culture patterns is given clinical application to a specific case in which the emphasis by bureau officials on cattle breeding to the detriment of traditional small-scale communal farming was eradicating remaining tribal institutions among these Indians. The report was enhanced by the fact that "all of [its] factual statements are so definite that they can be corroborated or found faulty, and the report . . . requires administrative action if the facts and interpretations be found valid."<sup>40</sup>

There were several common threads running through the critical remarks on the work of anthropologists in the Indian program. First was the orientation toward problems and problem-solving as the determinant of research. Collier and his advisers were not interested in descriptive studies, even those with important implications for theoretical issues, unless they were addressed to immediate problems on which action could be taken. This

<sup>38</sup> Collier, "Comment on Blackfeet Report by Mr. [David] Rodnick," Oct. 6, 1936, Tribal Organization files, RG 75, NA.

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

<sup>40</sup> Collier, "Comment on Report by M. D. Opler on Indian Organization and Related Problems at San Carlos," Oct. 7, 1936, San Carlos file, Tribal Organization files, RG 75, NA.

is a rather commonplace observation about the differences between pure and applied science and deserves further investigation.

The dominant approach to research in cultural anthropology in this era was that of Franz Boas who shunned generalization and emphasized a descriptive, eclectic study of cultural groups. Reacting against a generation of amateurish theorizing in anthropology, Boas trained his students in the inductive approach and never attempted to synthesize his own research results. Furthermore, insofar as there was a Boas theory it stressed the unity of culture and the dangers involved in extracting elements from this unified whole for the purpose of analysis leading to generalization.<sup>41</sup>

The impact of this approach on anthropological research techniques has been vividly described:

Boas' emphasis on systematic fieldwork led to the collection of whatever data became available. . . . This exhaustive collection which seems at the time to have little or no connection with any specific problem is peculiarly a feature of the natural history approach . . . . There is a fascination in following the details of a subject just for its intrinsic interest. . . . Masses of data may therefore be worked over with no clear knowledge of what is to be gained at the end.<sup>42</sup>

This description resembles closely the kind of research Collier criticized as being "focused on nothing in particular."

The point is important because Indian militants of the present, such as Vine DeLoria, Jr., echo the criticisms of the reformers of the Collier era that much of the work of anthropologists among Indians has been of little direct benefit to Indian policy and represents a waste of time and funds that would be better spent on the economic rehabilitation of Indians.<sup>43</sup> This charge, regardless of its accuracy, reveals the continuing gap between the social scientist and the policy-oriented reformer.

A second point of difference between anthropologists and reformers related to the goals of the Indian reorganization program. The Indian New Deal was erected on the premise

<sup>41</sup> Marvin Harris, *The Rise of Anthropological Theory* (New York, 1968), pp. 277-289.

<sup>42</sup> M. G. Smith, "Boas' 'Natural History' Approach to Field Method," in W. Goldschmidt, ed., *The Anthropology of Franz Boas* (Washington, 1959), p. 54.

<sup>43</sup> Vine V. DeLoria, Jr., *Custer Died for Your Sins* (New York, 1968), pp. 91-98. DeLoria included in his charge the works on MacGregor, Thompson, et al., that Collier had sponsored in 1941-45 to generate direct policy proposals from anthropological research.

that traditional Indian tribal groups were strong enough so that with encouragement from the Indian service they could take over the tasks of administration and economic organization. The mission of the anthropologist was to identify these traditional groups and to ensure that the bureau did not inadvertently undermine them as it undertook to improve the economic status of the Indian. But the premise that tribes did exist and could be revitalized went unquestioned. The anthropologist in the field who found that the particular situation did not fit the premise faced a dilemma since this task in the administrative system was defined by an assumption contrary to fact.

The clearest example of this dilemma involved Louis Balsam and the Minnesota Chippewa. Balsam was an anthropologist from Clark University in Massachusetts who had studied the Navaho in the Southwest. After working with the applied anthropology staff on tribal organization in several regions, Balsam was sent to Minnesota to investigate the problems encountered by the bureau in organizing the scattered Chippewa settlements. Balsam's conclusions were that the Chippewa in no way constituted a tribe, that most of the Indians were completely assimilated into neighboring white communities and that "many mixed bloods are Indians for revenue solely," that is, in order to qualify for tribal annuities and allotments. He recommended that the bureau undertake to help Indians needing jobs to relocate to Minneapolis-St. Paul and other urban centers and that the management of Indian Affairs for those who remained be transferred to the state government.<sup>44</sup>

Balsam's proposals were not accepted by Collier and he was transferred to the Colville reservation in Oregon where he subsequently performed well as agency superintendent. The problem of organizing the Minnesota Chippewa was not resolved and three years later Archie Phinney, an Indian who had studied with Franz Boas before entering the bureau,

<sup>44</sup>Louis Balsam to Collier, Feb. 11, 1939, Collier Papers. These proposals resemble the national program designed for Indians after 1952, which was applied most thoroughly to the Klamath Indians of Washington state and the Menominee Indians of Wisconsin, with devastating results for those better-organized tribes. Balsam's recommendations were not the best solution to the problem, but represented an effort to deal with a situation in which the underlying assumptions of the Indian reorganization program apparently did not apply.

reiterated Balsam's comments on the absence of tribal cohesion among the Chippewa, and further argued that the imposition of a basically artificial tribal government had done little to improve the condition of most of the Indians.<sup>45</sup>

H. S. Mekeel faced a similar problem with the Dakota Sioux. Initially he was enthusiastic about the development of tribal organizations based on traditional local kinship groups called "tiospaye." Mekeel reluctantly concluded, however, after several months of investigation in 1935, that on the Pine Ridge reservation, inhabited by descendants of Red Cloud's followers, any effort to establish tribal council electoral districts on the basis of the tiospaye would create too much friction among already divided Indians. There the process of land allotment had wrecked traditional tribal institutions to the extent that any effort to revitalize them would create as many problems as it solved.<sup>46</sup> The Sioux reservations were the scene of recurrent, virtually insoluble difficulties relating to tribal organization throughout the Collier era.

At the same time, in areas where Indian cultural groups remained strong, anthropologists were able to work effectively with other bureau officials and to contribute their knowledge directly to the development of reorganization policy. Among Indian groups in the Southwest such as the Papago, Hopi, Pueblo, and Navaho, effective cooperation between reformers and social scientists was particularly marked. The work of Oliver LaFarge on tribal organization with the Hopi in Arizona was one of the best examples of this kind of cooperation.

LaFarge was well known as a novelist and Indian reformer; in 1930 he won the Pulitzer Prize for *Laughing Boy*, a novel about Indians. He was elected president of the National Association on Indian Affairs, which in 1937 merged with Collier's Indian Defense Association to form the Association on American Indian Affairs. LaFarge was also a trained ethnologist who had studied Indian tribes of the American Southwest as well as the ancient Meso-Ameri-

<sup>45</sup> Archie Phinney to Collier, Aug. 30, 1942, Tribal Organization records, RG 75, NA. Phinney did not repeat Balsam's recommendations, but urged that greater attention be expended on local community organizations rather than on tribal councils.

<sup>46</sup> Mekeel to Collier, Oct. 31, 1935, Pine Ridge file, Tribal Organization files, RG 75, NA.



can cultures. In 1936 he accepted Collier's offer to come work with the bureau to establish a tribal constitution and council for the Hopi.<sup>47</sup>

As early as 1934, he had written to Collier concerning the special problems of organizing the Hopi under a tribal constitution: the tradition of independence, if not hostility, among Hopi villages, and the influence of religious ceremonies that limited the political power of leaders.<sup>48</sup> In preparing a tribal constitution LaFarge concentrated on the villages and had lengthy discussions with the Indians. The document that emerged in October 1936 emphasized the autonomy of local villages and the primacy of customary law administered by village councils in most tribal affairs. In the course of his work, LaFarge also prepared a descriptive guide to Hopi institutions and leaders to help bureau administrators in their work.<sup>49</sup>

LaFarge was not the only anthropologist who adapted well to administrative tasks. Others whose work among the southwestern tribes was regarded highly in the bureau were Morris Opler, Oscar Lewis, and Clyde Kluckhohn. After the applied anthropology staff was disbanded, individual anthropologists were integrated into the regular Indian service organization. Several were appointed reservation superintendents where their specialized knowledge and approach could be effectively employed. Among those who served in this capacity were Sophie Aberle, superintendent for the United Pueblos; Louis Balsam who as noted earlier went to Colville reservation after finishing his work with the Chippewa; Gordon MacGregor who worked with TC-BIA, then was superintendent at the Blackfeet reservation and also participated in the Chicago project, writing a monograph on the Pine Ridge Sioux. Still others, including John Harrington, Julian H. Steward, and Archie Phinney worked directly out of the commissioner's office, coordinating reorganization programs at the regional level and working on special projects,

<sup>47</sup> D'Arcy McNickle, *Indian Man: A Life of Oliver LaFarge* (Bloomington, Ind., 1971), pp. 89-93, 107.

<sup>48</sup> LaFarge to Collier, Sept. 21, 1934, Collier Papers.

<sup>49</sup> McNickle, *Indian Man*, pp. 107-115, describes in detail LaFarge's activities in Hopi organization, based on LaFarge's papers and records of the Bureau of Indian Affairs. McNickle, an important figure in the tribal organization unit during this period, is favorable to LaFarge. Collier, in *From Every Zenith*, pp. 218-219, was more skeptical of lasting benefit from LaFarge's Hopi constitution and the work of anthropologists on the Indian reorganization program.

such as the development of a written Navaho language.<sup>50</sup>

These were, however, individual cases of successful adaptation. They did not constitute a systematic use of social scientists in applying programs based wholly or primarily on theories of culture change developed by anthropologists. The notion of reviving Indian self-determination by building up tribal organizations was appealing to Collier with his experience in community work, because the Indian tribes appeared to be the natural communities in which Indians lived. As we have noted, tribal institutions had disappeared beyond retrieval in many instances and where traditional Indian groups still existed, such as among the Pueblo, Papago, and Hopi in the Southwest, the village was the center of Indian life. This was also true in Alaska, which received special legislative consideration for this reason.<sup>51</sup> Anthropologists were brought in to provide expert knowledge within the framework of this tribal concept, not to question the basic policy or to speculate on alternate ways of helping the Indians.

The reform administrators were also committed to rapid and radical improvement in the physical and economic conditions of Indian life, and to ending white domination in Indian civil and personal affairs. It was important to them that these changes should not unnecessarily damage traditional Indian cultures, but more important that something be done, some practical measures be taken to help Indians. Anthropologists such as LaFarge and MacGregor who shared this commitment and sense of urgency worked easily and effectively with the bureau both as anthropologists and administrators. Others whose commitments to professional and academic standards and to current social science methodology impinged on their work as applied anthropologists encountered hostility not only from local old guard bureau employees but also from the reformers. □

<sup>50</sup> *Ibid.*, pp. 106-107.

<sup>51</sup> A. L. Kroeber, "The Nature of the Land-Holding Group," *Ethnohistory* 2 (1955):303-314, argued that the concept of "tribe" did not reflect the reality of most North American Indians. The tribe was primarily a structure created by whites to identify Indian groups and leaders so that their social systems would be comprehensible to the European mind. In practice, Kroeber maintained, most Indians functioned within smaller groups, such as villages and bands or as extended family organizations. This argument may be overstated but it has support from data on relatively acculturated Indian groups in the twentieth century.

1976



# The U.S. Forest Service

A HISTORY

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## CHAPTER VII

### *Fire and Taxes: A Cooperative Solution*

"IT WAS A GREAT THRILL to be in at the kill—even if the victory was bloodless."<sup>1</sup> William Greeley was remembering his feeling on that June day in 1924 when Congress approved the Clarke-McNary Act. Greeley ranks second only to Pinchot in stamping his personal philosophy on American forestry, and the law was his great personal victory after four years of effort.

The Clarke-McNary Act, in sum, substantially expanded Weeks Law programs and added others. Cooperation and incentives—and, significantly, not force—would be used to improve conditions on private forest land. Fire and taxes, believed the two worst deterrents to good forestry, would be faced together by the federal, state, and private sectors. It was hoped that reducing risks would prompt landowners to adopt less destructive cutting practices, because then they could better afford to hold timber for future use.

The essence of the Clarke-McNary Act—cooperation to inspire voluntary action—has been the essence of the Forest Service. The timber management and protection policy of the National Forest Administration, the thrust of State and Private Forestry, and the orientation of Research have reflected this cooperative philosophy. To be sure, at times some would run out of patience with cooperation and advocate controls. Overall, however, cooperation dominates the relationship between public and private forestry.

#### **FIRE**

From land clearing, from railroad engines and red-hot brake shoes, from logging machinery or lightning—natural and man-caused fire

1. William B. Greeley, *Forests and Men* (Garden City, N.Y.: Doubleday, 1951), p. 110.

had burned vast areas of American forests by the turn of the twentieth century. While causes of fire were omnipresent, means of combatting it were few. Lumbermen, believing that fires were inevitable, thought that logging rapidly and wastefully and then abandoning the cutover land was justified. Only the foolhardy would husband timber for some future need, because in all likelihood fire would destroy whatever they had saved.

Then the lumbermen's westward migration ended. The blue-Pacific Ocean, not another ridge of green forests, now met their gaze. Thoughts shifted toward permanence. Enormous supplies of West Coast timber were acquired, enough to feed sawmills for decades, perhaps generations. But supplies failed to free the lumbermen from the future. Indeed, because of these supplies, the future with its potential threats at times seemed ominous.

For example, in 1902 the Yacolt Burn in southwestern Washington offered tragic proof that major capital investments in timber could be wiped out in a flash. Over 400,000 acres containing an estimated 5 million dollars' worth of timber were burned. A shaken industry, realizing that individual companies were extremely vulnerable to fire, banded together and lobbied at the state capitol in Olympia, rushing through legislation which created the office of state fire warden. When appropriations for this new agency proved niggardly the lumbermen assessed themselves to raise necessary funds. The timber industry's support for the state fire warden at first exceeded public appropriations, a sure indication that forest landowners now believed in the value of fire protection.

Threat of fire remained grave in the Pacific Northwest, in a substantial degree because of expanding logging activities, and in 1909 the lumber industry formed the Western Forestry and Conservation Association. Headed by E. T. Allen, who had been Pinchot's district forester in the Northwest, the industrial group coordinated fire protection on private land to supplement growing state efforts. As an added measure, the industry sponsored successful legislation requiring all forest landowners in Washington to participate in fire protection, thus relieving a progressive few from bearing the burden for all.<sup>2</sup>

2. For a fuller view see George T. Morgan, Jr., "The Fight against Fire: Development of Cooperative Forestry in the Pacific Northwest, 1900-1950," Ph.D. diss., University of Oregon, 1964; and Harold K. Steen, "Forestry in Washington to 1925," Ph.D. diss., University of Washington, 1969. Stewart Holbrook, *Burning an Empire: The Story of American Forest Fires* (New York: Macmillan, 1952), provides a useful view of the nation's most important forest fires.

During the first two decades of the twentieth century, the Forest Service supported state and private protection programs. Forestry agencies, at all levels of government, joined with industrial protective associations and individual companies in an effort to reduce fire loss to acceptable levels. Since all of society benefited from forests, everyone must help with the problem.

The Weeks Act yielded a partial solution. Federal matching funds up to ten thousand dollars per year to state fire protection agencies provided an incentive for local programs, even if limited to patrolling watersheds of navigable streams. But more was needed. Increasing property values enlarged the risk of retaining standing timber, and the need for larger efforts grew evident.

Public timber, of course, was just as combustible as private. On its own lands, the Forest Service suffered disastrous fire seasons, the most spectacular being the Idaho and Montana infernos during the summer of 1910. Extensive forests in either state or federal ownership received primarily custodial or maintenance management against the day that this timber would be needed to replenish dwindling private supplies. Until then, fire protection ranked as the dominant activity on national forests. Forest Service permittees—grazing, timber, or power—were obligated to fight fire without compensation whenever their permit area was threatened. In fact, officials often listed fire protection as a major justification for issuing permits.

One could learn from fires. Graves thought that the 1910 season taught the need for more trails, telephones, and patrols. He cited Supervisor Elers Koch of the Bitterroot National Forest in Montana as an outstanding example of an administrator who had been able to hold fire loss to an acceptable level by having constructed a large number of trails.<sup>3</sup>

Forest Supervisor Burt Kirkland of the Snoqualmie National Forest in Washington doubted that the cost of protecting much national forest land could be justified on the basis of current values. The enormous private timber inventory, he claimed, had eliminated the market, and thus the value, for the federal timber, except as watershed protection. Future values were obviously substantial, but Kirkland recommended caution in assigning unrealistically high figures. He advocated a "scientific basis" for allocating fire protection funds.<sup>4</sup>

3. Minutes of the Service Committee, Sept. 2, 1908, Sept. 14, 1910, RG 95-4, RFS.

4. Burt Kirkland, "The Place of Fire Protection in Forest Management," March 1, 1911, copy in drawer 451, Research Compilation File, 1897-1935, Record Group 95 (hereafter cited as RG 95-115), RFS.



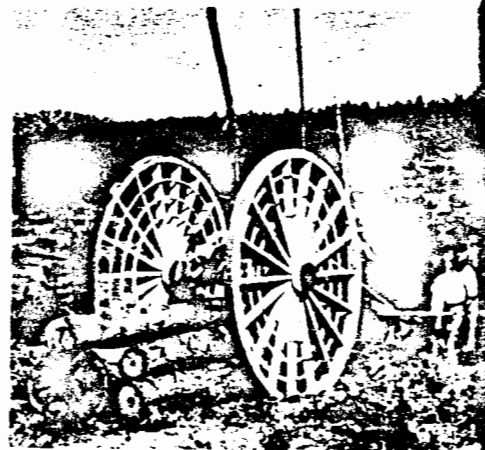
Cable yarding system powered by a steam donkey engine, Snoqualmie National Forest, Washington, 1943. Courtesy of the U.S. Forest Service



Yarding logs with tractor, Willamette National Forest, Oregon, 1957. Courtesy of the U.S. Forest Service



Yarding logs by helicopter, California. Courtesy of the U.S. Forest Service



Yarding logs with horse-drawn bigwheel, Deschutes National Forest, Oregon, 1928. Courtesy of the U.S. Forest Service



Kirkland's proposal was too sophisticated for the time; it would be many years before the Forest Service could justify more than a theoretical concern about too much emphasis on fire suppression. Instead, the problem was too little recognition of the awesome responsibilities, and the agency struggled with inadequate appropriations, small staff, and vast areas needing protection. It inaugurated education campaigns with fire prevention slogans displayed in strategic sites. As aircraft became capable of operating over forested areas, the Forest Service began to augment lookouts and ground patrols with aerial surveys.<sup>5</sup> Other technological advances, such as the Osborne firefinder, portable pumps, and then radio, combined with increased public awareness and cooperation to improve prevention and suppression. To foresters, however, and especially to the Forest Service, the major fire problem lay with protecting private timber supplies.

*Cooperation or Regulation.* Fernow's research program during the 1890s had been popular with the wood industry. Pinchot's cooperative management efforts during the first decade of the twentieth century, with his staff writing management plans for millions of acres of private land, met with broad support from forest landowners. Pinchot next had testified in favor of lumber tariffs, because he believed that a profit-making company would be more likely to adopt less wasteful logging methods. Henry Graves continued his predecessors' positive approach. During his administration the Forest Service sponsored studies to show that the Bureau of Corporations' *Report on the Lumber Industry* had treated lumbermen unfairly. In the latter part of the Graves administration, however, the chief forester decided that some degree of public regulation of private cutting practices was necessary to safeguard future timber supplies.

In 1919 Graves explained his proposal to Royal S. Kellogg, formerly with the Forest Service but now an industrial spokesman. Inclusion of private timberlands in any comprehensive forestry plan was essential to Graves. He added that the Forest Service had tried for twenty years to get effective industrial participation in cooperative programs; but although cooperation produced much industrial praise, Graves thought that it had showed too few tangible results. He now proposed federal legislation to allow fuller Forest Service cooperation with state agencies for fire protection. Included in this protective

5. Minutes of the Service Committee, Oct. 1, 1913, Apr. 21, 1916, March 27, Apr. 3, Nov. 13, 1919, RG 95-8, RFS.



Hauling logs by rail, Georgia, 1903. Courtesy of the U.S. Forest Service



Hauling logs by truck, Gifford Pinchot National Forest, Washington, 1951. Courtesy of the U.S. Forest Service

Loading logs with steam power, Snoqualmie National Forest, Washington, 1911. Courtesy of the U.S. Forest Service



legislation would be regulation of logging by states, also necessary to reduce waste and to encourage reforestation. All commercial timber and logged off land would be subject to the act.<sup>6</sup>

Kellogg discounted most of Graves's plan, stating that "if forestry is a business proposition, it must pay dividends under business conditions." Kellogg thought that professional foresters should acknowledge what practical men had long maintained; long-term forestry programs were too hazardous and offered too low a rate of return to attract private capital. Federal or state legislation designed to force private investment in unprofitable ventures was doomed to fail. What was really needed, Kellogg insisted, was public purchase of cutover land and more federal funds for fire protection.<sup>7</sup>

Graves rejected Kellogg's arguments. He had talked to many lumbermen, and they accepted the idea of controls, provided they received fire protection in return. Agreeing with Kellogg that forestry must pay, Graves proposed a new accounting system whereby savings were considered payment. Kellogg complained that he had been misinterpreted. The main problem resulted from exaggerating the importance of timberland to the nation and using this alleged importance to justify public intervention. After all, wood was no more important than wheat, and no one was advocating "mandatory" wheat growing.<sup>8</sup>

The Society of American Foresters entered the fray. Playing its first major role in national affairs, the SAF established the Committee for the Application of Forestry. Gifford Pinchot was chairman, presiding over a distinguished group of professional foresters. The committee studied American forest conditions and submitted its report for publication in the *Journal of Forestry*, official organ of the Society of American Foresters.

The report summarized the forest situation. Forests were essential to public well-being, and the "beginning of timber shortage" had arrived. The shortage would soon be acute, predicted the committee. They estimated that supplies of mature timber could be exhausted by the 1970s and expected that second-growth volumes would be too small to meet the demand, particularly since export trade seemed certain to increase. Skyrocketing lumber prices would herald the impending timber famine.

6. Graves to R. S. Kellogg, May 29, 1919, box 143, SAF Records, FHS, Santa Cruz, Calif.

7. Kellogg to Graves, June 21, 1914, *ibid.*

8. Graves memo [July 5, 1919], box 143, SAF Records; Kellogg to J. Girvin Peters, July 8, 1919, *ibid.*

Arguing that "ownership of forest land carries with it a special obligation not to injure the public," the committee proposed federal legislation to regulate logging on private land. Regulation would reduce waste, promote reforestation, increase fire protection, and maintain production in line with economic cycles. Fire insurance and special borrowing privileges to provide capital were included in the SAF proposal. One committee member, J. W. Toumey, disagreed with other members and insisted upon issuing a minority report. Toumey's report objected to direct federal regulation, preferring instead federal standards for state legislation. Graves, not a member of the committee, also proposed a stronger state role, his only fundamental difference with Pinchot.<sup>9</sup>

The SAF executive committee met and approved publication of both reports. When Pinchot agreed to pay with personal funds the cost of reprinting fifteen thousand copies of both the minority and majority reports, the way was clear for publication.<sup>10</sup> Raphael Zon, editor of the *Journal*, predicted that "the feathers will begin to fly" when the December 1919 issue carried the report of Pinchot's committee. Graves meanwhile agonized to his diary that instead of helping the Forest Service advance its program, Pinchot had "undertaken a scheme of his own" and would try to push Graves out of the limelight and "become the hero in saving the forests of the country." Graves suspected that Zon had worked with Pinchot in drafting the committee report that contained "many socialistic features."<sup>11</sup>

"The continued misuse of forest lands privately owned has now brought about a critical situation in America." So began Pinchot's frontal assault on the lumber industry in the short essay with which he introduced the committee report to the readers of the *Journal of Forestry*. After an unduly long wait for voluntary compliance, now, in his words, "The lines are drawn." The title telegraphed its contents: "Forest Devastation: A National Danger and a Plan to Meet It." Acknowledging his differences with Graves, Pinchot in an open letter of transmittal to SAF President Frederick E. Olmsted maintained that their "purposes were the same."<sup>12</sup>

9. "Forest Devastation: A National Danger and a Plan To Meet It," 3 pts., *Journal of Forestry* 17 (Dec. 1919): 911-45; Henry Graves, "A Policy of Forestry for the Nation," *ibid.*, pp. 901-10.

10. Zon to Fernow, Nov. 28, 1919, box 143, SAF Records; Fernow to Zon, n.d., *ibid.*; Zon to Fernow, Dec. 3, 1919, *ibid.*

11. Zon to Earle Clapp, Nov. 4, 1919, Raphael Zon Papers, Minnesota Historical Society, Saint Paul; Graves, Diary, Nov. 25, 1919, Henry S. Graves Papers, Yale University.

12. Gifford Pinchot, "The Lines Are Drawn," *Journal of Forestry* 17 (Dec. 1919): 899-900; Pinchot to Olmsted, Nov. 1, 1919, printed *ibid.*, pp. 911-12.

The regulation issue was debated in the pages of the *Journal of Forestry* during the following year. A referendum seemed in order, and the returned ballots showed that the forestry profession supported public regulation of logging by a three to two margin. It was a substantial, if not overwhelming, endorsement of the committee recommendation. The committee that tabulated and analyzed the ballots noted in their report: "This is the first time the Society of American Foresters has, as a body, expressed itself in favor of legislation for the perpetuation of forests."<sup>13</sup>

*Industrial Efforts.* The lumber industry was unsettled by the trend of events. One lumberman raged that the Society of American Foresters should be "annihilated," then more calmly demanded that the SAF at least impose adequate censorship on its journal. Cooler heads prevailed, however, and the industry countered by forming the National Forestry Program Committee. This new group consisted of representatives from the American Forestry Association, American Newspaper Publishers Association, American Paper and Pulp Association, Association of Wood-Using Industries, National Lumber Manufacturers Association, National Wholesale Lumber Dealers Association, Newsprint Service Bureau, Society for the Protection of New Hampshire Forests, and the Western Forestry and Conservation Association. Royal Kellogg of the Newsprint Service Bureau served as chairman during the eight-year life of the committee.<sup>14</sup>

The committee was Greeley's idea. He proposed to Kellogg that several industrial associations form a united front if they wanted to achieve legislative success. He recommended that Kellogg get in touch with E. T. Allen, whom he considered a "master strategist." As a newly appointed member of the National Lumber Manufacturers Association committee on forestry, Allen would be valuable in preparing an industrial position. For his part, Greeley promised to cooperate in any way he could and enclosed a draft of a bill to deal with forestry problems. Kellogg reacted favorably and agreed with Greeley that forest fire protection was the most important facet of the program. The industry would help in Congress to get increased Forest Service appropriations for fire.<sup>15</sup>

13. "Report of the Committee on the Results of the Referendum Ballot on the Society's Plan for a National Forest Policy," *ibid.* 18 (Oct. 1920): 581-89.

14. Zon to Clapp, Nov. 4, 1919, Zon Papers; Samuel T. Dana, *Forest and Range Policy* (New York: McGraw-Hill, 1956), pp. 214-15; "Conference of Allied Organizations upon the Question of a National Forest Policy" [Oct. 12, 1920], NFPC Records, Cornell University.

15. Greeley to Kellogg, June 5, 1920, NFPC Records; Greeley, *Forests and Men*, p. 103; Kellogg to Greeley, June 23, 1920, NFPC Records.

Following Greeley's advice, Kellogg contacted Allen, who voiced reservations about the protection appropriation. There were regulatory strings attached, and Allen wanted to "convert the Forest Service to a quite new attitude" before he could approve. He wanted to work through Greeley as much as possible but to avoid publicity in order not to jeopardize the chief's integrity. He planned to see Greeley soon and would try to negotiate a Forest Service policy more favorable to the industry. Greeley had assured Allen that Forest Service policy would emphasize cooperation and "encouragement of local initiative," not direct federal control.<sup>16</sup>

J. W. Toumey thought of the Society of American Foresters' program as radical, that of the industry as reactionary, and that of the Forest Service as intermediate—perhaps as good a description as any.<sup>17</sup> Greeley labored to bring the extremes closer to a consensus, but he had to deal with strong personalities.

In September 1920 the Forest Service asked all state foresters to support its legislative proposal, which focused on protection. Pinchot, now state commissioner of forestry for Pennsylvania, bluntly rejected the overture. In his typical fashion, he said that the program was "fundamentally wrong in principle, can never be put through Congress, and if it could would be unworkable." He would not support legislation that depended upon state action for implementation; it was "a question of National control or no control at all." Pinchot saw the emphasis on fire protection "almost to the exclusion of forest devastation" as playing into industrial hands. To him, lumbermen had been hiding their unacceptable practices behind the specter of fire too long.<sup>18</sup>

Greeley stood firm. He reasoned that although federal regulation would indeed be more effective than state control, Congress would not accept federal intervention. Always the pragmatist, Greeley believed it was better to go with what would work, rather than lose everything by insisting upon an ideal but unworkable solution. He also disputed Pinchot's contention that the fire problem was overrated. In fact, according to Forest Service data, logging devastation was "insignificant" compared to destruction by fire. The chief forester

16. Allen to Kellogg, Sept. 15, 1920, NFPC Records; Greeley to WFCA, Nov. 20, 1920, drawer 380, RG 95-115, RFS.

17. Minutes of the Service Committee, Aug. 27, 1920, box 112, RG 95-8, RFS.

18. Pinchot to J. Girvin Peters, Sept. 21, 1920, NFPC Records. Much of this correspondence can also be found in the E. T. Allen Papers, Oregon Historical Society, Portland.



reiterated that his main concern was with the "most direct route to results." He chastised the ex-chief for opposing the Forest Service program; even with their differences of opinion, more was to be gained by state regulation than lost. Greeley asked Pinchot to consider whether blocking each other's efforts would benefit American society.<sup>19</sup>

Pinchot concurred on the need to avoid controversy but characteristically agreed only to "concede anything that is not vital." Fire was indeed the number one problem, but treatment of devastation could not be deferred until fires were no longer a major concern. The matter of judgment was all-important; each had failed to convince the other of the merits of his argument. Pinchot was willing to let Congress decide, but he would not withdraw his objections to Greeley's program.<sup>20</sup>

The two soon debated again, this time in public. The audience was the National Association of State Foresters at its annual meeting in November 1920. Greeley told the assemblage that he thought federal control of logging would be impracticable. He favored letting the states do as much as they could, with the federal government supplementing their activities where necessary. He assured them that the Forest Service would approach the lumbermen in the "spirit of assistance rather than of regulation."

• With his flair for the dramatic, Pinchot then asked those state foresters who felt free of political control to raise their hands. He counted only twelve. Pinchot then described Greeley as "vigorous and energetic," but he reserved the right to comment whenever the Forest Service was wrong. It was wrong now. Who, Pinchot wanted to know, was opposed to the Interstate Commerce Commission? He compared regulation by the ICC to his proposal for the Forest Service. He argued that although fire and taxes were state questions, forest devastation was of national importance. Federal regulation was necessary.<sup>21</sup>

In line with the debate between Pinchot and Greeley, the Senate in February 1920 had asked the secretary of agriculture for a report on the timber situation. As frequently happens, the Senate did not provide funds for the project, so the Forest Service had to pull together

19. Greeley to Pinchot, Oct. 6, 1920, NFPC Records.

20. Pinchot to Greeley, Oct. 22, 1920, *ibid.*

21. NASF, "Minutes," 1920, pp. 7-14, 18, 26-29, NASF Records, National Conservation Library, Denver.

existing information by using staff committed to other tasks. Known as the Capper Report after Arthur Capper of Kansas, the Senate sponsor of the original request, the study showed that there had been serious timber depletion, causing record high prices. With the Capper Report calling for increased cooperation in fire protection, Greeley hoped for one million dollars to begin the new program.<sup>22</sup>

The industry was satisfied. George S. Long of the Weyerhaeuser Timber Company thought it "gave the lumber industry all the fairness it was entitled to." E. T. Allen judged it to be "moderate, constructive, and workable," believing the report showed Greeley to be firmly in favor of cooperative forestry and opposed to "compulsive" forestry. The report was "notably fearless," and Allen thought that most partisans would be disappointed. Judging the report's effectiveness, a disappointed Allen revealed his own partisanship by claiming that Senator Capper himself had then "virtually repudiated" the moderate, accurate findings of the report bearing his name by introducing the "Pinchot measure."<sup>23</sup>

The "Pinchot measure" was a bill introduced by Senator Capper on May 20, 1920, to regulate timber cutting on private forest lands. Regulation would be by a federal forest commission, as advocated by the Pinchot-chaired SAF committee. Although the Capper bill stood on weak constitutional ground, following a Supreme Court decision concerning interstate commerce, it posed a serious threat to the lumber industry and galvanized action. At Greeley's suggestion and encouragement, the industry had formed the coalition named the National Forestry Program Committee. The committee now worked to prepare a bill favorable to their interests, so that it could be introduced before December 1.<sup>24</sup>

Greeley and Kellogg thought that the bill should be given wide publicity. A committee news release on November 15 announced that "for the first time in history a united campaign will be behind a national forest policy. . . ." The American Forestry Association made the preliminary statement, having offered its publicity department as the best means to place the program before the public. AFA

22. U.S. Congress, Senate, Resolution no. 311. "Directing the secretary of agriculture to furnish information in regard to the alleged depletion of the forest resources of the United States," 66 Cong. 2, Feb. 21, 1920; Minutes of the Service Committee, Feb. 26, June 10, 1920, RG 95-8. RFS.

23. George S. Long, "State Lands and Purchase of Land," speech to WFCA, Dec. 1920, copy in Allen Papers; E. T. Allen, "The Capper Report," June 12, 1920, copy *ibid*.

24. Allen to George S. Long, Oct. 29, 1920, NFPC Records.

action gave the measure the semblance of support of conservationists, and Greeley also expressed his approval. The release explained that the new bill would use cooperation between public and private forestry groups as prime means to protect the forests of America.<sup>25</sup>

Members of the National Forestry Program Committee found it necessary to set up divisions to deal with conservation affairs. When the U.S. Chamber of Commerce, as a member of the NFPC, moved to establish a natural resources department, Committee Secretary Kellogg congratulated the chamber for taking the significant step and expressed interest in who would be named head of the new department. Two months later Greeley was asked to leave the Forest Service and take over the chamber's natural resources department, at a salary of twelve thousand dollars per year. Greeley, chief only since April 16, 1920, and earning five thousand per year, declined. He wanted more time to work on Forest Service programs or "I would join you without any hesitation."<sup>26</sup> How different the course of history might have been had Greeley been swayed by the lucrative offer, we cannot know. But at the very least, the incident substantiates Graves's deep concern for the inequitable rewards of public service.

Representative Bertrand Snell of New York introduced the industrially supported measure in the House on December 22, 1920, in keeping with Kellogg's schedule of the previous June. Attempts to have Wisconsin's I. L. Lenroot introduce a companion bill in the Senate failed, as he was opposed to the total of appropriations involved. Federal funding to support state regulatory legislation was the essence of the Snell bill, a condition Graves and Toumey had advocated earlier. Snell received full backing from the National Forestry Program Committee, which sent promotional mail to a lengthy list of men affiliated with the forest industries. This list included ex-newspaper publisher and President-elect Warren G. Harding, who had been worried about supplies of newsprint. Pinchot, too, tried for presidential support, but for the alternative Capper bill. E. T. Allen gleefully reported that Harding viewed Pinchot's overtures as "pestering him with crank theories." Harding would take his "dope" from

25. Greeley to Kellogg, Nov. 10, 1920, *ibid.*; Kellogg to Greeley, Nov. 15, 1920, *ibid.*; news release, Nov. 15, 1920, *ibid.*; "Organization of the National Forestry Program Committee," n.d., *ibid.*

26. Kellogg to E. W. McCullough, Nov. 24, 1920, *ibid.*; Elliot Goodwin to Greeley, Jan. 20, 1921, William B. Greeley Papers, University of Oregon; Greeley to Goodwin, Jan. 29, 1921, Greeley Papers.

people who really dealt with forests. Allen was sure that Pinchot had little influence with Harding.<sup>27</sup>

Twenty state foresters, eighteen state forestry associations, and twenty-three industrial organizations endorsed the Snell bill. Pinchot maintained his opposition, asserting that regulation by state agencies would be inadequate and that direct federal regulation was crucial. Although Greeley fully supported the Snell bill, Secretary of Agriculture Wallace seemed to be wavering. Kellogg was dispatched to measure the strength of Harding's support, because the new president could obviously help with the secretary.<sup>28</sup>

More concerned about winning congressional acceptance of principles included in the Snell bill than securing appropriations to implement it, Kellogg kept up the pressure. His main job was to coordinate efforts by the National Forestry Program Committee members and to obtain support from as many other organizations as possible. Using the slogan "continuous forest production," he guided the efforts along "constructive" lines, that is, "no attacks on nor mention of antagonistic views."<sup>29</sup>

Greeley, still having problems with Secretary Wallace on the matter, asked Kellogg to call fewer men than planned to testify for their chosen bill. Perhaps Wallace's attitude explains why Greeley began to change his public posture on regulation and cooperation. Caught "totally unprepared" by Greeley's apparent shift, Allen wrote him privately asking whether his viewpoint had changed. Unless Greeley said otherwise, Allen would assume that the Forest Service still supported the principle of cooperation and was not beginning to view the forests as public utilities. On a carbon copy of an official letter to the chief forester written the same day, Allen scribbled to Kellogg, "You better find out what Bill is up to." Kellogg tried to reassure Allen about Greeley's loyalty to the Snell bill: "I think the real trouble if any lies with the present Secretary of Agriculture, who is anxious to do noth-

27. Greeley and Kellogg first hoped that Guy C. Hardy would introduce the House bill, but Snell did instead. Lenroot to Hugh P. Baker, Dec. 14, 1920, NFPC Records; Kellogg to C. A. Babcock, Jan. 8, 1921, *ibid.*; Kellogg to Warren G. Harding, Jan. 10, 1921, *ibid.*; Allen to Kellogg, Jan. 1, 1921, *ibid.*; Snell to Kellogg, May 4, 1921, *ibid.* For a counterview of Pinchot's influence on Harding, see Burl Noggle, *Teapot Dome: Oil and Politics in the 1920s* (New York: W. W. Norton, 1965), pp. 7-8.

28. "Endorsements of the Snell Forestry Bill to March 10, 1921," n.d., copy in NFPC Records (the list cites the AFA as an industrial organization); Dana, *Forest and Range Policy*, pp. 215-16; E. A. Sherman to Kellogg, Apr. 29, 1921, NFPC Records.

29. Kellogg to D. C. Everest, Apr. 19, 1921, NFPC Records; NFPC memo, n.d., *ibid.*

ing to displease G.P."<sup>30</sup> Obviously the ex-chief was still a potent conservation voice.

The legislative program seemed to falter, and industrial support began to dwindle. Kellogg believed that Pinchot's endorsement of the Capper bill and federal regulation was not impressing congressmen at hearings, describing his testimony as "pretty well punctured." When Greeley testified in favor of the Snell measure, some members of the House Committee on Agriculture claimed the bill was an invasion of states' rights. Pinchot heard similar protests when he testified to the same committee. Lumbermen were strongly divided on the matter of public regulation, although the National Lumber Manufacturers Association officially supported Snell. A committee minority report from the U.S. Chamber of Commerce branded the whole idea as "one of the most dangerous tendencies in American government at this time," arguing that federal aid led inevitably to subordination. With Pinchot making little headway for federal regulation and the state regulation aspects of Snell's proposal losing support, Greeley proposed a compromise: drop regulation and emphasize cooperative fire control. He reported back to his staff that Pinchot agreed. Secretary Wallace tipped off the president about the shifting strategy, pointing out that neither the Capper nor Snell bill was likely to pass and fire control, after all, was the number one concern.<sup>31</sup>

*The Clarke-McNary Act.* On January 3, 1923, the Senate adopted a resolution calling for a committee "to investigate problems relating to reforestation, with a view to establishing a comprehensive national policy." Senator Charles L. McNary of Oregon was named chairman of the Select Committee on Reforestation. He scheduled twenty-four hearings in sixteen states plus one in Washington, D.C. Dean Franklin Moon of the New York State forestry school wired Greeley

30. Greeley to Kellogg, June 1, 1921, *ibid.*; Allen to J. C. McLaughlin, Feb. 21, 1922, *ibid.*; Allen to Greeley, Nov. 14, 1921, *ibid.*; Allen to Greeley, Nov. 14, 1921, *ibid.*; Kellogg to Allen, Nov. 21, 1921, *ibid.* The Wallace and Pinchot friendship is well described in Donald L. Winters, *Henry Cantwell Wallace as Secretary of Agriculture, 1921-1924* (Urbana: University of Illinois Press, 1970), chap. 8.

31. Kellogg to A. L. Osborne, Jan. 16, 1922, box 59, NFPA (formerly NLMA) Records, FHS; Kellogg to Snell, July 6, 1921, *ibid.*; U.S. Chamber of Commerce, "On the Report of the Committee on National Forestry Policy," Referendum no. 42, Oct. 3, 1923, *ibid.*; Minutes of the Service Committee, Jan. 19, 1922, RG 95-8, RFS; Wallace to Harding, June 8, 1922, drawer 192, Records of the Office of the Chief, 1908-47, Record Group 95 (hereafter cited as RG 95-4), RFS. Earle Clapp's suggestion that minimum silvicultural requirements and protection should be included in the pending legislation bothered the industry. Samuel T. Dana suggested keeping the plans confidential. Minutes of the Service Committee, May 20, 1921, RG 95-8, RFS; Dana to P. T. Coolidge, July 7, 1921, Samuel T. Dana Papers, FHS.

asking if he supported the resolution or thought it "loaded with dynamite." Suggesting that the Senate action was not coordinated with others, Associate Chief Sherman answered for his chief that the resolution seemed to have been introduced in good faith and would provide important information.<sup>32</sup>

McNary's committee would soon demand a cogent statement of Forest Service policy. On the day following the Senate resolution, Greeley and his staff discussed the lumber industry at length. Greeley led off by questioning their traditional perspective of forestry. They had always agreed that "the growing of timber is an economic process [following] the law of supply and demand." The Forest Service had never expected a property owner to do things not in his best interest. Now Greeley saw criticisms "creeping in" to Forest Service statements about landowners seeking a profit. He insisted that Forest Service policy be consistent and support the economic basis of forestry. Greeley chided his men for being no more altruistic than the lumbermen when it concerned their own pocketbook. Why expect others to be more generous? Greeley suggested that the Forest Service had "called wolf" too often and he was opposed to "preaching disaster."

Raphael Zon challenged his chief, agreeing that the Forest Service should not view with alarm "situations that were not alarming," but warning that "we should not view with pride when there was nothing in particular to be proud of." Tactfully, Zon suggested that Greeley's position might be "misunderstood." To Zon, de-emphasizing bad practices and stressing the good was not acceptable. Austin Cary, who had been working with a missionary's zeal to spread industrial forestry in the South, agreed with Zon that it would be dangerous to exaggerate industrial progress. Herbert Smith also supported Zon. Smith asked Greeley why, if there had been so much progress, the chief was pressing for more legislation. Leon Kneipp then observed that forestry had begun as an emotional movement, but now it was economic and warranted full disclosure of all the facts.

Greeley, taken aback by solid staff opposition, feared that indeed he had been misunderstood. He responded that he did favor vigorous pursuit and exposure of unacceptable practices but then added somewhat lamely that pointing out good examples of reforestation would influence other landowners into trying it for themselves.<sup>33</sup> The

32. Senate Resolution no. 398, 67 Cong. 4; Moon to Greeley, Jan. 31, 1923, drawer 182, RG 95-4, RFS; Sherman to Moon, Jan. 31, 1923, *ibid.*

33. Minutes of the Service Committee, Jan. 4, 1923, RG 95-8, RFS.



matter of Forest Service posture on the lumber industry was not resolved, but Greeley clearly understood that he would have to be moderate in his praise of industrial progress.

At the McNary committee hearings in New Orleans, the National Lumber Manufacturers Association proposed that reforestation was a public concern, as too little was known about actual reforestation methods to expect the private sector to absorb the risk. J. E. Rhodes of the Southern Pine Association, speaking in behalf of the NLMA, demanded minimal federal regulation or requirements. McNary countered that it would amount not to "Government leadership" but to "State dictatorship." The senator saw no difference between federal road standards and the accompanying federal funds which states gladly accepted, and maintaining federal fire standards with federal funds. He rejected the notion that states could logically accept federal money without federal rules. Greeley attempted to rescue the lumberman by assuring him that the program would not be forced upon the states; voluntary acceptance of funds would mean voluntary acceptance of rules.<sup>34</sup>

Greeley, in *Forests and Men*, remembered "packing" the reforestation hearings with witnesses who testified that fire was the number one problem facing forest landowners. Nearly fifteen hundred pages of printed testimony show Greeley's effectiveness. The Select Committee on Reforestation heard witness after witness explain how risk from fire made long-term forest management impractical. Greeley deservedly was pleased.<sup>35</sup>

After completing its hearings, the committee reported back to the Senate. Following its regional summaries of forest conditions, the committee described the national situation. The more than 800 million acres of forests originally standing in the United States had been reduced by land clearing, fire, and logging to less than 140 million acres of virgin timber, plus 81 million acres of barren logged-off land that merited reforestation. The report predicted that the present rates of consumption and replacement assured future shortages.<sup>36</sup>

Pointing out that the 81 million acres of logged-off land was a

34. Minutes of the Service Committee, March 29, 1923, *ibid.*; U.S. Senate Select Committee on Reforestation, *Hearings*, 67 Cong. 4, March 26, 1923, pp. 236-37; Greeley to Wilson Compton, March 28, 1923, WFA Records, Oregon Historical Society, Portland.

35. Greeley, *Forests and Men*, p. 107; U.S. Senate, Select Committee on Reforestation, 1923, *passim*; Greeley to Allen, Apr. 7, 1924, WFA Records.

36. U.S. Congress, Senate, *Reforestation*, Senate Report no. 28, 68 Cong. 1, Jan. 10, 1924, p. 13-14.

substantial tax burden for local governments, the report claimed that fire "more than any other cause" had prevented reforestation. Not only did fires destroy, but the risk of fire prevented landowners from investing in reforestation. Adequate protection would create "a tremendous impetus" for increased timber production. The committee proposed two solutions: to place under public ownership especially hazardous areas or areas of special value to the public, such as watersheds of navigable streams; and to remove the risks that were deterring reforestation.<sup>37</sup>

In the meantime, congressional maneuvers set the stage for the final act. Congressman John D. Clarke of New York introduced in February 1923 a version of the Snell bill from which he had removed items referring to regulation. This deletion made Clarke's bill basically one dealing only with cooperative fire control. Meanwhile, Capper had reintroduced a revised bill that would levy a federal excise tax of five cents per thousand board feet of timber logged "properly" and five dollars per thousand for logging in disregard of federal guidelines. A Supreme Court decision in 1922, however, had ruled out the use of federal taxes for regulating industry. The proregulation forces then tried another version of the bill, which levied an excise tax of \$5.00 per thousand on all logging but offered a payment of \$4.95 per thousand for logging conducted by federal standards. But regulation was unacceptable to Congress; cooperation was the watchword.<sup>38</sup>

Greeley credits McNary's parliamentary finesse and Clarke's support for the ease with which the bill moved through Congress and received presidential approval. On the day of the vote in the House, Greeley had waited in the cloak room where he could hear the question raised in debate, passing in penciled replies to Clarke and other supporters. In the Senate, McNary had felt that Snell asked for too much and had gone to Greeley to find out what could be eliminated from the bill. Everything but fire, the senator was told, and he drafted it accordingly. With amazing ease, the bill cleared each hurdle. After introducing the bill in January 1924, McNary wired Allen in Portland on June 6, "SENATE JUST PASSED MY REFORESTATION BILL." President Coolidge signed it into law on the following day. Pinchot's preoccupation with his successful race for the Pennsylvania governorship had eliminated effective opposition. The only important item deleted from

37. *Ibid.*, pp. 15, 23-24.

38. Dana, *Forest and Range Policy*, pp. 216-17; Minutes of the Service Committee, Nov. 30, 1923, RG 95-8, RFS; Warren G. Harding to Clarke, Jan. 24, 1923, copy in FHS clipping file.

the final version of McNary's bill was the restoration of presidential authority to create national forests from public lands.<sup>39</sup>

A triumvirate of cooperative forestry now existed—federal, state, and private. Expanding the 1911 Weeks Law, Clarke-McNary authorized federal participation in programs without being restricted to navigable streams. Section 2, perhaps the most important, made federal matching funds available to qualified state protection agencies, including private efforts as part of the state share. Federal contributions in any year could not exceed the amount provided by state and private. Although Congress authorized the secretary of agriculture to spend up to \$2.5 million to achieve the cooperative goals, actual appropriations have traditionally been substantially below that amount. The Forest Service openly expressed its disappointment over reduced appropriations, charging that the Bureau of the Budget was responsible for the pared-down budget requests sent to Congress.<sup>40</sup>

The act authorized up to one hundred thousand dollars per year to be used cooperatively with states to establish nurseries. Nursery stock could be used for shelterbelts and reforesting farmland. To implement the reforestation, Congress earmarked another one hundred thousand dollars per year for providing technical advice and services to farm woodlot owners. This program, too, was to be handled on a fifty-fifty cooperative basis with the states.

The Clarke-McNary Act also dealt with land acquisitions for national forest purposes. The Weeks Law had limited purchase to headwaters of navigable streams. Now the National Forest Reservation Commission could recommend the purchase of land for timber production as well as protection of stream flow. Additionally, Clarke-McNary provided for accepting gifts of land and exchanges with other federal agencies.

## TAXES

Another section of the Clarke-McNary Act dealt specifically with a serious obstacle to good forestry practices, second only to fire. Section

39. Greeley, *Forests and Men*, pp. 106-10; McNary to Allen, June 6, 1924, WFCR Records. The Clarke-McNary Act authorized presidential creation of national forests from federal reservations that were mutually acceptable to the secretary of agriculture and the secretary of the administrating department.

40. 43 Stat. 653-55; E. A. Sherman to Kellogg, Sept. 24, 1924, box 2 *pas. im.*, WFCR Records; Forest Service, *Annual Report* (1928), pp. 4-5. Verne L. Harper, retired deputy chief for

3 authorized expenditure of a portion of the 2.5 million dollars of fire control funds to study tax laws and their effects on forest land management. Risk from fire was easy to explain, easy to understand. Risk from taxes was much more subtle, if only of slightly less concern for forest landowners. Although the taxes in question were not levied by the federal government, the Forest Service assumed a responsibility in the matter as part of its program to assure future supplies of wood.

The tax situation was, and still is, exceedingly complex. Forestry is a long-term venture. Forest landowners are particularly vulnerable to substantial tax increases during the course of an operation that may span generations. Owners of logged-off land faced uncertainty—the greatest of all threats to capital investment—because the local governments might raise taxes after reforestation. Taxation at a level acceptable at the time seeds are sown or seedlings planted might be increased after the owner committed himself to another rotation. Many lumbermen felt that it was more prudent to dispose of logged-off land and to purchase standing timber than to risk future tax levies, and of course fire, on their forest plantations.

Foresters generally accepted lumbermen's claims that uncertainty over future taxes deterred reforestation and other long-term investments in forest land, while current taxes provided an incentive to speed up logging rates. If timber was taxed at its market value, and bare land usually was assessed at low rates, then owners of timberland could reduce their tax burden by logging. To tax the same tree every year, year after year, at its current market value even though it could only be sold once—at the time of logging—was a concept unacceptable to lumbermen and foresters alike.

Professor Fred R. Fairchild of Yale University, noted authority on forest land taxation, began a decade-long study to provide the necessary information. Earlier studies by Fairchild for the 1909 National Conservation Commission brought into question the assumption that many lumbermen had actually adjusted logging schedules because of taxes, but many had agreed that it could happen. In reality, however, forest land taxes were extremely low, and not infrequently large tracts of timber were not taxed at all because of inadequate administrative

Research, strongly suspects that the blame for reduced Clarke-McNary appropriations must be shared by the Division of State and Private Forestry for not selling its cooperative program. He also feels that the industry and state foresters failed to work vigorously for congressional support. Personal communication, June 2, 1975.

machinery to deal with areas remote from the assessor's headquarters. Even though property taxes increased, the increase was often moderate compared to increases in stumpage, lumber prices, and the economy in general. But in the minds of the decision-makers, the forest landowners and their forestry advisers, they were vulnerable to taxes, and as a matter of principle they needed protection before making long-term investments. Taxes were both financial and psychological burdens.<sup>41</sup>

Witnesses had testified to McNary's committee that taxation was a major deterrent to forest land management. Even though Greeley carefully selected witnesses to hold up fire as the number one problem, testimony frequently focused on taxes instead. Emphasis on taxation was particularly intense in the Pacific Northwest, perhaps reflecting the large holdings found in that region. At one point in the hearings, the senators considered the advisability of withholding cooperative fire protection funds from states following undesirable taxing practices.<sup>42</sup>

Even if there was a consensus on the solution to the tax problem—probably some sort of yield tax rather than ad valorem—state constitutions generally prevented preferential treatment for any one class of land. Constitutional amendments, then, would have to be part of the tax-reform program. During the 1920s, many states did amend their constitutions to allow deferred tax payment for forest landowners. Taxes became due at the time of logging when the owner realized income from his property.<sup>43</sup>

McNary's committee report to the Senate called attention to the tax problem, and Section 3 of the Clarke-McNary Act authorized a study. The study was needed, stated the Forest Service officially, because "heavy taxes have forced the owner of old-growth timber to cut his timber as rapidly as possible. . . . This vicious race between forest destruction and mounting taxes has raised a fear that managed forests may be subjected to confiscatory taxation."<sup>44</sup>

41. Fred R. Fairchild, "Taxation of Timberlands," in *Report of the National Conservation Commission*, vol. 2, Sen. Doc. 6-6, 60 Cong. 2, 1909; "Forest Taxation Instructions to Special Investigators," Apr. 1, 1910; Fairchild to D. Blakely Hoar, March 19, 1910, RG 95-115, RFS; *Oregon Forester* 1 (March 1903): 1-7; Forest Service, *Annual Report* (1924), p. 2.

42. U.S. Congress, Senate, Select Committee on Reforestation, *Hearings*, 67 Cong. 4, pp. 803-83 *passim*; Minutes of the Service Committee, Apr. 6, 1923, RG 95-8, RFS.

43. Senate, *Reforestation*, pp. 17-18, 26-27.

44. Forest Service, *Annual Report* (1925), p. 9.

Fairchild formally brought together his staff at Yale in April 1926. Seventeen technical personnel, mainly foresters and economists, began to investigate state and local forest land taxing processes. After eight years of studying all aspects of forest taxation, including comparisons with European methods, Fairchild concluded the project. The resulting 681-page report, published in 1935, represents the single most valuable forest tax study to date.<sup>45</sup>

Fairchild found that taxes contributed only slightly to the rate of logging, refuting for the second time the idea that lumbermen were forced to liquidate their holdings by excessive tax burdens. Reforestation, however, seemed to be substantially deferred by taxes. Fairchild believed that because many landowners had no interest in reforestation anyway, regardless of taxes or any other factor, taxes were probably an even more significant deterrent than the data showed. Some lumbermen believed that forestry was unprofitable with or without taxes. Others believed that taxes were important but only a part of the larger problem of risk, which included fire.<sup>46</sup>

Years later Fairchild's chief assistant recalled that they had found little evidence that taxes caused destructive lumbering and had accused the industry of exaggeration. R. Clifford Hall believed that overcapitalization in land and mills, not taxes, was the major cause of liquidation. In proportion to the total cost of doing business, taxes had not been a significant factor but provided a most convenient whipping boy.<sup>47</sup>

Fairchild's recommendation for equitable forest land taxation was not particularly innovative—a yield tax on the standing timber with the land itself taxed conventionally as bare land. This combination of taxes would protect local tax bases and treat timber as a crop rather than as property. The owner would pay taxes on his timber only at time of logging, therefore having no incentive to reduce taxes by logging and having cash in hand to meet the assessor's bill. Fairchild also recommended improving tax assessment and collection procedures to assure equitability. He was opposed to esoteric tax methods that would be vulnerable to passage of time. All in all, it was a straightforward report.<sup>48</sup>

45. Fred R. Fairchild, *Forest Taxation in the United States*, USDA Misc. Pub. no. 219, Oct. 1935.

46. *Ibid.*, p. 267.

47. R. Clifford Hall, *Forest Taxation Study, 1926-35*, Oral History Interview by Fern Ingersoll, 1967, Regional Oral History Office, Bancroft Library, pp. 19-20 and *passim*.

48. Fairchild, *Forest Taxation*, pp. 635-40.



Perhaps because Fairchild did not find property taxes to be the overwhelming villain as portrayed in forestry literature, his study quickly dropped into obscurity. Rarely cited in subsequent tax literature, except as a curiosity, this monumental investigation yielded few tangible results, thus negating the effectiveness of Section 3, Clarke-McNary. In any regard, the Forest Service made a major effort to deal cooperatively with property taxes, an issue of prime concern to forest land managers.

The Clarke-McNary Act is undoubtedly one of the most important pieces of forestry legislation in American history. It assured that the cooperative relationships with nonfederal forestry programs formalized by the Weeks Law would be retained. In 1955, three decades after enactment, the chief of the Forest Service would report nearly 39 million acres protected by 9 million dollars of federal money and 30 million dollars from state, county, and private sources. Fifty million tree seedlings were shipped in 1955 to reforest cutover acres; nonfederal funds were tenfold larger than the Forest Service contribution.<sup>49</sup> Greeley died that same year; the Clarke-McNary Act was certainly the capstone to his Forest Service career.

Greeley resigned from the Forest Service on April 30, 1928, to become executive secretary of the Seattle-based West Coast Lumbermen's Association. To those who knew Greeley intimately, the change must not have come as a surprise, for he had always intended to leave the Forest Service at the right time. As noted, shortly after he became chief forester in 1920, the U.S. Chamber of Commerce had offered Greeley nearly three times his government salary to work for them. He declined, but four years later he was apparently tempted by a Michigan firm. The company president wrote Greeley that they could wait a year for him to decide, then they would have to hire someone else. Greeley declined with regrets as he was "not yet able to determine when I ought to leave the Forest Service." It would be "some time" before he was satisfied with his accomplishments, and then he wanted to work for a private company that was engaged in "continuous timber production." The University of Michigan offered Greeley the deanship of its forestry school. First he declined by saying he wanted to stay with the Forest Service longer, then he admitted

49. Forest Service, *Annual Report* (1955), pp. 24-25.

that it was doubtful he would ever get into education, because industry held the greatest attraction.<sup>50</sup>

After eight years as chief and twenty-four years with the agency, the time to leave was at hand. The General Exchange Act of 1922, providing for more logical ownership patterns, the cooperative Clarke-McNary Act of 1924, having forestry research formalized and strengthened by the McSweeney-McNary Act of 1928, battling Albert Fall to a standstill on transferral of the Forest Service, productive examination of range and recreation policy—these achievements satisfied Greeley and he yielded to the lure of private industry.

Greeley credited George S. Long of the Weyerhaeuser Timber Company for being the one who had convinced him. Long's foresight and optimism about the potential of industrial forestry caught Greeley's fancy. He wanted to help as best he could. In an official statement, Greeley acknowledged that he would have a lot to learn. Forestry was "inseparable from the stability and sound functioning of timber-using industries." The public and private sectors had a mutual interest in forestry. He claimed to feel "somewhat like a minister who steps down out of his pulpit and tries to practice what he has preached." The West Coast Lumbermen's Association gathered praises for Greeley from high officials to smooth the transition from public service to private enterprise in the public mind. The American Forestry Association passed a resolution regretting Greeley's resignation as an "irreparable loss." Referring to the "unreasonable heavy personal sacrifices" he had made in order to be chief, the resolution supported Greeley's decision to resign "at the height of his powers."<sup>51</sup>

Some, like Fred Morrell, district forester in Missoula, supported Greeley's decision with regrets at losing him as chief. To others, it was proof that Greeley had been more sympathetic to the needs of industry than the welfare of the Forest Service could justify. The Clarke-McNary Act, Greeley's major achievement, obviously was a disappointment to those who favored strict federal regulation. Their bitterness in defeat was evident. Pinchot would rate Greeley's per-

50. James W. Blodgett to Greeley, June 4, 1924, Greeley Papers; Greeley to Blodgett, June 6, 1924, *ibid.*; Blodgett to Greeley, June 13, 1924, *ibid.*; Greeley to Marion L. Burton, Jan. 28, 1925, *ibid.*

51. Greeley to Reginald H. Parsons, March 4, 1953, Greeley Papers; statement dated Feb. 25, 1928, *ibid.*; J. D. Tennant to Herbert Hoover, Feb. 20, 1928, Commerce Papers, Hoover Presidential Library, West Branch, Iowa; Resolution in Minutes, Board of Directors, March 21, 1928, AFA Records.

formance as "pitiful." Judson King implied that Greeley's new position was a payoff for services rendered while chief.<sup>52</sup>

After leaving the Forest Service, Greeley frequently served as negotiator between public and private foresters. His contributions to American forestry by no means ended in 1928. Until his death in 1955, Greeley was an important spokesman on forestry issues of national interest.

52. Fred Morrell to Greeley, Feb. 28, 1928, RG 95-4, RFS; Pinchot to H. H. Chapman, July 12, 1934, SAF Records; Judson King in National Popular Government League Bulletin no. 155, June 21, 1932, copy in SAF Records.

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# NARROW ESCAPE FROM DROWNING

## F. R. Archer Saves Life of Charles Bates Near Tahola

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F. R. Archer, government allotting agent; Charles Bates, special representative of the Indian department of Washington, D. C., Solomon Metcalf, chief engineer and two Indians had a narrow escape from drowning last Wednesday, when their canoe was capsized in the Quinault river.

The men had made a trip to Lake Quinault overland, where Bates made an investigation for the purpose of getting data for the location of a fish hatchery. Two Indians met them with a canoe to bring them down the river, but the heavy rains had swollen the river to its banks.

No mishaps occurred during the trip until the canoe was within eight miles of the reservation, when portage was made around a jam of logs and drift. The men were congratulating themselves on their good luck and in starting out again, the canoe struck a sunken log and capsized. Archer assisted Bates, who could not swim, to a place on the canoe and told him to hang on. Metcalf caught a snag in the river, while Archer and one Indian reach the closest bank and the other Indian the other shore. Archer saw in the distance another jam and knew unless some one rescued Bates, he would be drowned, as the swift water would carry him under the logs. He called to the Indian on the opposite bank to save Bates, and the native quickly started down the bank and by a stroke of luck caught the canoe in the bend of the river, as it swung towards shore, and hauled to Bates ashore. He also held the canoe and later Metcalf was rescued from his perilous position by Archer, by means of a long alder pole.

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Court of Claims

cket No.

UNITED STATES INDIAN POLICY:  
FORTY YEARS OF EXPERIENCE WITH THE DAWES AND WHEELER-HOWARD ACTS

Paper ~~to be~~ presented at the 1976 meeting, Pacific Coast Branch,  
American Historical Association, San Diego, California,  
August 19, 1976

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On January 2, 1975, Congress approved Public Law 93-580, creating the American Indian Policy Review Commission which it charged with carrying out a study of federal Indian policy and administration. The Commission had six members appointed from the House and Senate and five American Indian members appointed by the Congressional members. The staff of the Commission and the "task forces," charged with investigating specific topics, are, by design, almost entirely made up of Indians. The law mentioned the earlier Meriam Report (1928), which it described as the only comprehensive evaluation of Indian Affairs; it charged the new Commission with producing another such review. The final report of the Commission, "a comprehensive investigation and study of Indian affairs," is to be submitted to the House and Senate in 1977.<sup>1</sup>

The law establishing the Commission was explicit in its use of the Meriam Report as a model. Other parallels between the Meriam investigation and the current one are suggestive for our understanding of twentieth-century Indian policy. Each investigation came about forty years after the passage of a major Congressional act which would guide federal Indian policy for decades: the Dawes Act of 1887 and the Wheeler-Howard Act of 1934. Each investigation was preceded by a shorter period of intense public debate regarding Indian policy. Finally, each investigation focussed on the prevailing policy at a time when it was falling into disrepute.

\* If the period between 1887 and 1928 is denoted the allotment period in Indian policy and the period since 1934 the corporate development period, the



two eras which dominated Indian-white relations in the twentieth century show some similarities. While the two acts which initiated the eras differed in basic philosophy and in the outcome envisioned for the Indians, each attempted a solution to a white-defined "Indian problem." The Dawes Act created a system of individual land-holding for the Indians. The Wheeler-Howard Act established corporate tribal governments. In both cases, the acts were expected to make continued government services unnecessary, as a result of individual Indian entrepreneurship or as a result of corporate tribal development. In both cases, Congress soon modified the policy established by the Act, as a period of intense public interest in Indian affairs was followed by a period of relative neglect. Forty years' experience with each of the acts led to the conclusion that the policy advocated by each was faulty. In retrospect, neither policy had a fair trial, but given such a trial perhaps neither would have succeeded on its own terms.

#### I.

The General Allotment Act, known as the Dawes Act, provided for the division of reservation lands, at the discretion of the President, into allotments, which became the property of individual Indians. Upon allotment, the Indian became a citizen. The title to the allotment was held in trust by the United States for twenty-five years. At the end of this period, the allottee received a fee simple patent to his allotment. Henceforth, he would enjoy full control of his land, which became subject to property taxes. "Surplus" lands, those remaining after all Indians on a reservation had received their allotments, were sold by the United States in units not to

exceed 160 acres. The objective of the Act was the integration of the Indians into American society as independent farmers. Not coincidentally, through the provision for surplus land sales and through an 1891 amendment permitting the leasing of allotments by non-Indians, allotment permitted the penetration of the remaining Indian lands by white ranchers and farmers.<sup>2</sup> In general the Act reflected a land ideology which favored small landholdings and opposed in principle the ownership of units of land too large to be worked by an individual entrepreneur.<sup>3</sup>

If the Dawes Act was "a typically nineteenth-century individualistic reform," the Wheeler-Howard Act was "a typically twentieth-century collectivistic reform."<sup>4</sup> Known as the Indian Reorganization Act, it stopped further allotments of tribal land and enabled tribes to organize themselves as governments and as corporations for purposes of economic development. The original version of the Act was drafted in the Department of the Interior by John Collier, Franklin D. Roosevelt's Commissioner of Indian Affairs, and his associates. Collier wanted to restore and preserve Indian communal life and Indian culture while improving the economic status of the Indians. He saw the Act as a means of doing so. Corporate development would provide an economic basis for Indian life, while tribal governments would provide the basis for a separate political order. As tribal governments and corporations became viable, the Indian Office's role would become consultative and advisory.<sup>5</sup> Other provisions of the Act enabled the Secretary of the Interior to restore unsold surplus lands to the tribes, extended the trust period on allotments indefinitely, and provided for the purchase of lands to be added to the reservations. A credit fund enabled the tribes to get capital to finance

economic development projects.<sup>6</sup>

The Allotment and Reorganization Acts were milestones in Indian Policy. The Daves Act culminated a twenty-year agitation for reform, while the Wheeler-Howard Act was a significant break with past policy. Each continued to guide policy for decades after enactment. Forty years of experience with each of the Acts, however, led to the recognition that they had failed to deal adequately with the "Indian problem." By the late 1920s, American Indians had not taken their place alongside white American farmers as independent entrepreneurs. Rather, the allotment policy led to a diminution in the Indian land base even more drastic than envisioned by the framers of the allotment policy. Unable to secure credit and inexperienced in farming, holding allotments in many cases too small to be economically viable, allottees sold or leased their holdings or lost their lands due to non-payment of state and local taxes. Allotments which remained in trust status became fractionated as the original allottees died and interest in allotments was divided among an increasing number of heirs. By the early 1970s, the tribes organized under the Reorganization Act were not viable without federal support, nor were they particularly effective. Corporate development failed, in most cases, to provide economic self-sufficiency for Indian groups. On many reservations, a rising Indian nationalism resulted in a political crisis. The occupation by Indian militants of Wounded Knee village, on the Pine Ridge Reservation in South Dakota, led to the humiliation of the Oglala Sioux Tribal government, as federal officials assumed responsibility for maintaining public order.

## II.

Congress modified the spirit of the General Allotment Act early, by the amendments of 1891 authorizing the leasing of allotments. The Burke Act of 1906

shortened the trust period for allottees found by the Secretary of the Interior to be "competent" to manage their own affairs. For those not judged to be competent, the trust period could be lengthened beyond the twenty-five year period, allowing the perpetuation of the Indian Office as a service and protective agency. Citizenship for allotted Indians was delayed until the issuance of a fee simple patent.<sup>7</sup>

The 1920s have been described as a "muckraking stage" in Indian affairs and as a "seedtime of Indian reform."<sup>8</sup> Popular interest in the American Indian was great. In part, this was because of the failure of the allotment policy to create independent agricultural entrepreneurs, and because the problem of the "landless Indian" excited popular sympathy. The discovery of oil and other minerals on reservations in the southwest led to attempts to permit the exploitation of these resources on terms favorable to the oil companies and the states.<sup>9</sup> Surveys of the health and educational status of the Indians revealed a position well behind that of other groups in the relatively prosperous twenties. In addition, some were advocating the preservation of Indian culture. John Collier, a former social worker and adult educator, visited the Taos Pueblo in 1920. Alienated from urban industrial society, he found at Taos the functioning communal society which he had hoped to create among immigrants on New York's lower East side. For the next twenty-five years, Collier devoted himself to Indian affairs. He organized the National Indian Defense Association to oppose the government's plans for exploitation of the oil resources of the reservations. Opposed to the policy of individual assimilation, he advocated maintaining the integrity of the tribes as a means of preserving Indian culture. Collier and his associates defended Indian interests as they saw them by writing articles for such magazines as Sunset and The Survey.

and through an extensive and effective lobbying campaign.<sup>10</sup>

In 1926, President Coolidge's Secretary of the Interior, Hubert Work, asked the Institute for Government Research, soon to become the Brookings Institution, to conduct a survey of Indian affairs with recommendations for administrative action. The report of the Institute, known as the "Meriam Report," after the technical director of the survey, Lewis Meriam, was published in 1928.<sup>11</sup> [Together with Laurence F. Schmeckebier's The Office of Indian Affairs, published in 1927 as No. 48 of the Institute's Service Monographs of the United States Government,<sup>12</sup>] the Meriam report was the most comprehensive survey of Indian programs of the federal government. The report blamed the unanticipated consequences of the allotment policy on the government's insistence on allotting tribes which were unprepared for the individual ownership of land. It recommended that the wishes of the Indians involved be taken into account prior to allotment. The goal of work with the Indians should be integration into white society if they desired it. Otherwise, the goal should be to enable the Indians "to live in the present of [the prevailing] civilization at least in accordance with a minimum standard of health and decency."<sup>13</sup>

The authors of the Meriam Report recommended experimentation with corporate forms of organization for economic development. To raise Indian health and educational standards, they advocated increasing the number and qualifications of Indian Service health and education staff to a standard prevailing in "progressive" white communities. Meriam and his associates found the statistical information gathered by the Indian Office to be inadequate. Administration was overly centralized and rigid. The survey staff recommended that a Division of Planning and Development be created within the Indian Office. Further, a

decentralization of authority within the organization would enable local officials to make more of the decisions.<sup>14</sup> The role of the Indian Service should be educational in the broadest sense. This required competent and imaginative staff at the reservation level, with freedom to act. Other recommendations included an emphasis on day schools rather than boarding schools, increased federal-state cooperation in providing health and educational services for Indians, and a substantial increase in the budget of the Indian Office.<sup>15</sup>

Herbert Hoover appointed Charles J. Rhoads, a Philadelphia Quaker and Indian reformer, Commissioner of Indian Affairs in 1929. Rhoads took the Meriam Report as the guide for his administration, particularly the sections on health and education. W. Carson Ryan, Jr., the Meriam Survey's expert on education, became Director of Education in the Indian Service. Ryan produced a new curriculum for the Indian schools, which emphasized vocational education, and built day schools on the reservations. Improvements in medical services resulted in a decline in the Indian death rate, for the first time in twenty years.<sup>16</sup> During the Hoover administration, the Indian Office authorized no further allotments. However, the commitment to assimilation remained strong, particularly on the part of the top leadership of the Indian Office and of Ray Lyman Wilbur, Hoover's Secretary of the Interior. Collier, among others, called for increased relief assistance for the Indians and for a more fundamental reform of the Indian Service.

### III.

Franklin D. Roosevelt's victory in the Presidential election of 1932 encouraged those who desired a change in Indian policy. Meeting after the



election, John Collier, Lewis Meriam, and Nathan Margold, counsel for Collier's Indian Defense Association, agreed that should one of them be considered for Commissioner of Indian Affairs, the others would close ranks behind him. Roosevelt selected Harold Ickes, a member of the Indian Defense Association and an admirer of Collier, to be his Secretary of the Interior. Ickes recommended Collier for the Commissioner's job. When Collier was appointed, Ickes remarked that he was the best-prepared Commissioner of Indian Affairs in the history of the office.<sup>17</sup>

Collier, a former publicist and lobbyist, had an uncertain relationship with the Congress. Collier and his associates wrote the original Indian Reorganization Act without consulting members of the House and Senate Committees on Indian Affairs. The committees removed a provision for an Indian court system, limited the application of the Act to tribes voting in favor of it, protected allotments already made, and provided for the issuance of a patent in fee simple to an allottee requesting it and found to be competent. Even with these changes, President Roosevelt had to intervene twice with statements in support of the bill to secure congressional approval.<sup>18</sup> Almost seventy per cent of the tribes in the United States voted to accept the act.<sup>19</sup>

Conservative whites and assimilated Indians, who saw the tribal incorporation provisions as an attempt to "Sovietize" the tribes, attacked the Indian New Deal. In addition, Collier's advocacy of Indian culture gained him the enmity of missionaries and others who feared a "back to the blanket" movement. Criticism of Collier within the Indian Service led Ickes in 1934 to threaten to dismiss "disloyal" employees who opposed Department policy.<sup>20</sup>

In 1937, Collier supported Roosevelt in the court-packing fight with an

editorial in Indians at Work, a government periodical. Burton Wheeler, Chairman of the Senate Committee on Indian Affairs, broke with Roosevelt over the court issue. He criticized Collier for using a government publication for political purposes. A sponsor of the Indian Reorganization Act, Wheeler declared that he had never understood the Act and called for its repeal. From 1937 on, Collier experienced increasing difficulty in his relations with Congress.<sup>21</sup>

In 1941, {the expansion of defense agencies resulted in the removal of the Indian Office headquarters to Chicago.} Collier, experiencing increasing difficulty in his relations with Congress, offered his resignation, which President Roosevelt refused. Isolated from Congress, Collier was increasingly ineffective in his efforts to secure funding for his economic development and land-purchase programs. Congress cut appropriations for these items during the war, while increasing funding for health and education programs.<sup>22</sup> In 1945, Roosevelt accepted Collier's resignation, after the House Appropriations Subcommittee on Interior hinted it would be severe with appropriations for the next fiscal year unless Collier left.<sup>23</sup>

The year 1944 saw the founding of the National Congress of American Indians, the "United Nations of the tribes." The NCAI, composed of representatives from the tribal governments organized under the Indian Reorganization act, represented the interests of the Indians who had come to power as a result of the restructuring of tribal society in the 1930s.<sup>24</sup> The Council of All the New Mexico Pueblos and the Navajo Tribal Council, both organized in the twenties, served as models for the tribal governments organized by the Indian New Deal.<sup>25</sup> They were parliamentary democracies composed of representatives from local villages. The tribal governments seem to have attracted progressive Indians

who saw self-government as a means to promote modernization and economic progress. More traditional Indian leaders, whose positions rested on ascribed status, resisted participation. In part, this was due to an unwillingness to risk their positions in electoral politics. In part, it was due to their opposition to the "white" forms of the new tribal governments.<sup>26</sup>

#### IV.

After the war, Congress pressed for the termination of federal responsibility for the Indians and for the assumption by the states of the health, education, welfare, and law enforcement functions of the Bureau of Indian Affairs. This was based on a rejection of the Collier position of separate development of the tribes. Indians were to be assimilated into American society. In 1949, the Hoover Commission called for the integration of the Indians into American life, transfer of the Bureau to the proposed successor to the Federal Security Agency, and the transfer, as rapidly as possible, of federal services to state auspices.<sup>27</sup>

During the Eisenhower administration, a number of Congressional actions furthered the program of federal disengagement and Indian integration. The most important of these was House Concurrent Resolution No. 108, adopted in 1953.<sup>28</sup> The "Termination Resolution" stated that it was the policy of the Congress to terminate federal responsibility for American Indians as quickly as possible. Congress terminated federal responsibility for a number of tribes during the fifties, notably the Klamaths of Oregon, the Paiutes of Utah, and the Menominees of Wisconsin. Other acts provided for the removal of restrictions on the sale of alcoholic beverages to Indians, the transfer of responsibility

for Indian health from the Bureau of Indian Affairs to the U. S. Public Health Service, and the relocation program to encourage Indian migration to urban areas. Public Law 280, passed in 1953, enabled the states to extend law enforcement jurisdiction to Indian reservations without consulting the tribe involved.<sup>29</sup> All of these measures attempted to solve the Indian problem by promoting the integration of the Indian into American society. Integration required the removal of special services and special protections for the Indians. The National Congress of American Indians and some white-led reform groups opposed the termination movement of the fifties.

In 1957, the Fund for the Republic established the Commission on the Rights, Liberties, and Responsibilities of the American Indian, to examine the status of the American Indians in light of the termination policy. The Commission published a preliminary report in 1961 and a final report, entitled The Indian: America's Unfinished Business, in 1966. The title suggests the Commission's major conclusion. While accepting the general goal of ultimate assimilation of the Indians, the Commission concluded that the termination movement was premature. A long section of the final report was devoted to an examination of the effects of termination on the Klamaths, Menominees, and Paiutes. In all three cases, and by implication in others, termination left the Indians worse off than they had been under federal protection. Further, the terminated Indians were a financial burden to state governments.<sup>30</sup> The best way to accomplish integration and assimilation was to promote Indian self-government, which would permit Indians to gain experience in planning and in business methods. Essentially, the report called for a return to the policies of the Indian New Deal, defending these as those best-suited to promote

assimilation.

V.

Although the government moved away from the principles of the Indian New Deal in 1945-1960, the basic legislation was not repealed, and the tribal governments continued to function. The new Democratic administration of 1961 brought an end to the termination movement. Stewart Udall, Secretary of the Interior under Presidents Kennedy and Johnson, disavowed the policy in 1961. Both Presidents Johnson and Nixon explicitly rejected termination in Indian messages to Congress in 1968 and 1970.<sup>31</sup> Ultimately, federal responsibility for the American Indians would be reduced through the economic development of the tribes.

The Economic Opportunity Act of 1964 strengthened the tribal organizations established under the Indian Reorganization Act, as tribal governments designated themselves Community Action Agency Boards.<sup>32</sup> Consequently, the War on Poverty did not establish a new constituency on the reservations. It increased the power of the tribal governments, which began to administer a wide variety of welfare and economic development programs. During the late sixties, a number of "Great Society" programs established "Indian desks." Tribal governments became increasingly sophisticated in shopping for federal agencies willing to finance pet projects. The Catalog of Federal Domestic Assistance Programs, similar in size and format to the catalogs of the large mail-order houses, was a fixture in every tribal office library.

¶ Still, the federal programs of the 1960s failed to improve the relative position of the American Indians. The Indians, by the end of the decade, were

still the nation's most deprived minority group, whether the measure was nutritional level, educational accomplishment, median income, or morbidity and mortality rates.<sup>33</sup> In part, the effects of the Economic Opportunity Act on the tribes were deceptive. The Act provided the illusion of local control, while the effect of federal guidelines was to create a tribal bureaucracy controlled in large part by the "memorandum writers" who occupied the Indian desks of the federal granting agencies. Guidelines also resulted in a uniformity of programs across the many supposedly locally controlled CAAs.

The Black civil rights movement of the early sixties had little effect on Indian people; the nationalist movements of the latter part of the decade, however, evoked a stronger response. This was particularly true among the relocated Indians of the cities, who were increasingly critical of the goal of assimilation, whether by means of termination or of tribal economic development. They were also critical of the tribal governments, which they viewed as corrupt political machines. By the early 1970s, the urban militants had allied with conservative older Indians who had opposed the Indian Reorganization Act in the middle thirties. They called for a return to the situation prevailing before the passage of the Dawes Act. Then, they said, the government dealt with Indian tribes as units without attempting to influence their internal affairs. Political power within the tribes would be based on ascriptive status: family ties, age and wisdom, demonstrated leadership.

Two studies published in 1971 called for increased federal expenditures for Indian programs. Alan Sorkin's American Indians and Federal Aid, a Brookings Institution study, proposed increasing expenditures by 102%, over a 1969 total of 306.8 million dollars. Sorkin's estimates were based on the



estimated costs of improvements in health and educational services required to bring them up to an acceptable standard and on cost-benefit estimates for manpower and other economic development programs. A second study, by Sar Levitan and Barbara Hetrick, assumed the need for increased federal expenditures without making detailed estimates of the required increases. The study recommended strengthening Indian communities through a program of tribal review of government programs and federal guarantees for the special status of Indian tribes. Both Levitan and Sorkin were economists. Both of their studies emphasized the interaction of economic status with health and educational status. Economic development of the reservations was the key to improving the living conditions of the American Indians. Both studies recommended strengthening tribal governments and providing inducements for corporations to locate plants on the reservations.<sup>34</sup>

## VI.

The allotment and New Deal policies failed in part because of inadequate federal support for their implementation. In the first decades of the twentieth century, the government allotted reservations whose residents were not prepared for the individual ownership of land. Minimal efforts to instruct the Indians in the techniques of farming were ineffective.<sup>35</sup> After 1937, the Congress failed to appropriate sufficient funds to carry out the plans of the Indian New Dealers. While the Indian Reorganization Act was not repealed, Congress and the Truman and Eisenhower administrations moved away from the spirit of the Collier program after World War II. By the late twenties and late sixties, the outcomes envisioned by the architects of the policies seemed anachronistic.

Even at the time they were designed, the policies reflected a strange blend of idealism and practicality. In the late nineteenth century, Indians held land which whites wanted, but the assimilation movement was also strong. In the twentieth century, Indian policy provided a means for working out the concerns of whites who were disillusioned with their own society. The resulting policies for Indians seem in retrospect to have been anachronistic even at the time of their design. The West perhaps never was the fee simple paradise of nineteenth-century liberal ideology. In the 1890s, the rising business corporation, not the independent farmer, dominated the economic scene. Similarly, small communal corporations with limited access to capital were hardly viable in the 1930s.

The record of the past ninety years suggests that, whatever the new departure in Indian policy turns out to be, the question of maintaining a commitment to the new policy over the long run will be crucial. The allotment policy failed in part because of modifications resulting from white attempts to control Indian resources, land and minerals. The Reorganization Act failed in part because of a lingering commitment to assimilation, which implied investment in services for individual, rather than corporate, development and action to turn tribal or federal programs over to state jurisdiction.

The times now seem ripe for a new departure in United States Indian Policy. The most encouraging aspect of the current policy review is the provision for Indian representation on the Commission and the Commission's largely Indian staff. The primary requirement for maintaining legislative and administrative commitment to a new policy may be the continuing interest and involvement of an informed constituency, which must be largely Indian. Such involvement

can insure against the modification of the new policy by administrative action or legislative amendment. Indian control of the administration of the new policy may be the key to its success. Certainly the way in which the government modified the allotment and corporate development policies through administrative and legislative actions contributed to the failure of good intentions in the first three quarters of the twentieth century.

## Notes

1. 88 Stat., 1910-1914.
2. General Allotment Act, 24 Stat., 388-391; Act of February 28, 1891, 26 Stat., 794-796.
3. See Mary E. Young, "Congress Looks West: Liberal Ideology and Public Land Policy in the Nineteenth Century," in The Frontier in American Development: Essays in Honor of Paul Wallace Gates, ed. David M. Ellis (Ithaca, New York, 1969), 74-112.
4. Randolph C. Downes, "A Crusade for Indian Reform, 1922-1934," Mississippi Valley Historical Review, XXXII (December, 1945), 74-112.
5. Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality," Pacific Historical Review, XLIV (August, 1975), 291-312.
6. Indian Reorganization Act, 48 Stat., 984. The best account of the legislative history of the Act is in John Leiper Freeman, Jr., "The New Deal for the Indians: A Study in Bureau-Committee Relations in American Government," Ph.D. Dissertation, Princeton University, 1952, 144-256.
7. 34 Stat., 182.
8. Downes, "A Crusade for Indian Reform"; Kenneth Roy Philp, "John Collier and the American Indian, 1920-1945," Ph.D. Dissertation, Michigan State University, 1968, 1-2.

9. Lawrence C. Kelly, The Navajo Indians and Federal Indian Policy, 1900-1935 (Tucson, Arizona, 1968), 37-47.
10. Philp, "John Collier and the American Indian," 10-11, 60-61.
11. Institute for Government Research, The Problem of Indian Administration (Baltimore, 1928).
12. Laurence F. Schmeckebier, The Office of Indian Affairs: Its History, Activities, and Organization (Baltimore, 1927).
13. The Problem of Indian Administration, 86.
14. Ibid., 113.
15. The recommendations are summarized in Ibid., 21-51.
16. William T. Hagan, American Indians (Chicago, 1961), 152-154.
17. Philp, "John Collier and the American Indian," 123-128. Ickes had been considered for the Commissioner position, but had been opposed by Collier. See Lawrence C. Kelly, "Choosing the New Deal Indian Commissioner: Ickes vs. Collier," New Mexico Historical Review, XLIX (October, 1974), 269-288.
18. Philp, "John Collier and the American Indian," 162.
19. Kelly, "The Indian Reorganization Act."
20. Freeman, "The New Deal for the Indians," 205.
21. Ibid., 420-421; Philp, "John Collier and the American Indian," 186.

22. Freeman, "The New Deal for the Indians," 442.
23. Ibid., 461-462.
24. Hazel W. Hertzberg, The Search for an American Indian Identity: Modern Pan-Indian Movements (Syracuse, 1971), 289-291.
25. Kelly, The Navajo Indians and Federal Indian Policy, 59, 167.
26. The development of tribal governments on several South Dakota reservations may be followed in the oral history interviews collected in To Be an Indian: An Oral History, ed. Joseph H. Cash and Herbert T. Hoover (New York, 1971), 111-175. See also Ira H. Grinnell, The Tribal Government of the Oglala Sioux of Pine Ridge, South Dakota (Vermillion, S. D., 1967).
27. Commission on Organization of the Executive Branch of the Government, Indian Affairs: A Report to the Congress (Washington, 1949), 59-76.
28. August 1, 1953.
29. Act of August 15, 1953, 67 Stat., 588.
30. Commission on the Rights, Liberties, and Responsibilities of the American Indian, The Indian: America's Unfinished Business (Norman, Oklahoma, 1966), 184-187.
31. Sar A. Levitan and Barbara Hetrick, Big Brother's Indian Program-- With Reservations (New York, 1971), 53, 212-213.
32. Ibid., 90.



33. Alan L. Sorkin, American Indians and Federal Aid (Washington, 1971),  
1-20.

34. Levitan and Hetrick, Big Brother's Indian Program; Sorkin, American  
Indians and Federal Aid.

35. The Problem of Indian Administration, 134-135.



# American Indian Forests

by Milton H. and Jean Mater

**T**O THE THOUSANDS of Indians who live on the approximately 13 million acres of Indian forest lands in the United States, the forests represent more than just trees. The American Indian forests are their source of life, their hunting grounds, a source of their income, and—above all—their home and land.

Most of the existing American Indian Reservations were created in the 19th Century by a series of federal treaties with individual tribes which ceded their rights to hunt, fish and roam over broad areas of the United States in exchange for specified payments and benefits.

In the era when most Indian reservations were defined, the land was lush with timber and the reservation forests were viewed not as precious resources, but rather as hindrances which must be cleared to make way for agricultural development. During that period the United States government operated on the then-prevailing theory that it best

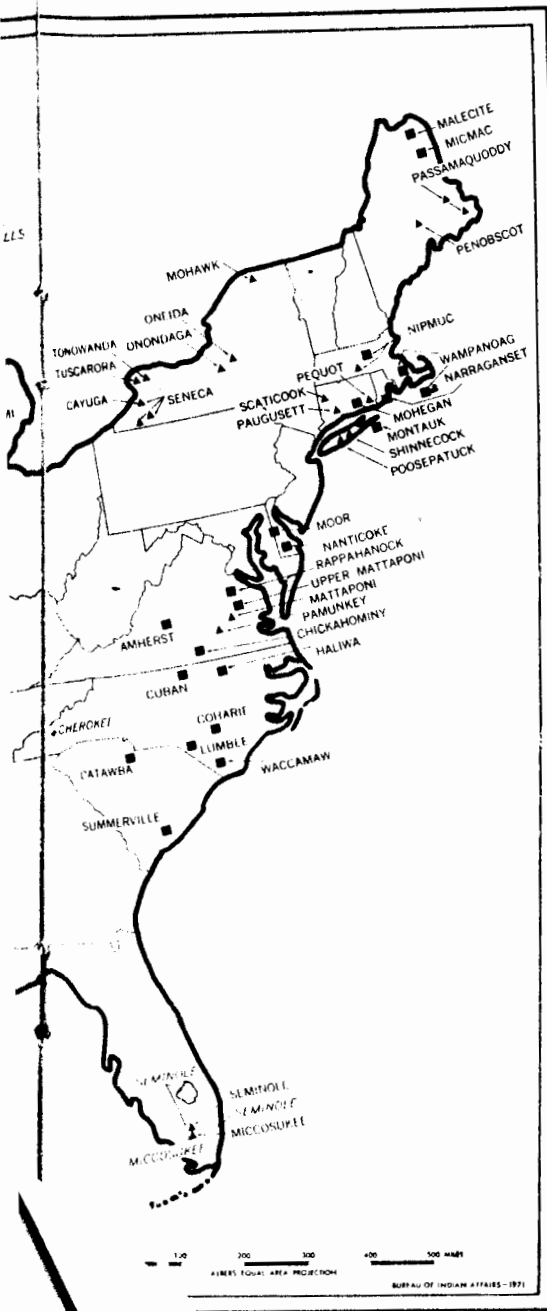
discharged its trust responsibility to its Indian wards by converting them to farmers. That many reservations were on land not suitable for agricultural pursuits was a problem with which the Government had to deal at a later date. The future value of the forests was not foreseen during the creation of the Indian reservations.

In the treaty of October 14, 1864 with the Klamath and Modoc tribes and Yahooskin band of Snake Indians, for instance, the United States agreed to pay the Klamaths \$115,000 and "to erect one sawmill, one flouring mill, suitable buildings for the blacksmith, carpenter, and wagon and ploughmaker, buildings for one manual-labor school and hospitals," and to set aside land as a reservation in exchange for the cession of large areas of hereditary hunting and roaming lands and other considerations.

The Menominees' original territory was what is now a large part of Wisconsin; they ceded most of their lands to the United States and by 1854 they occupied a relatively small reservation near Green Bay, Wisconsin. Their treaty provided that they were to own the land "as Indian lands are held."

As a consequence of similar treaties approximately 150 Indian reservations were established.

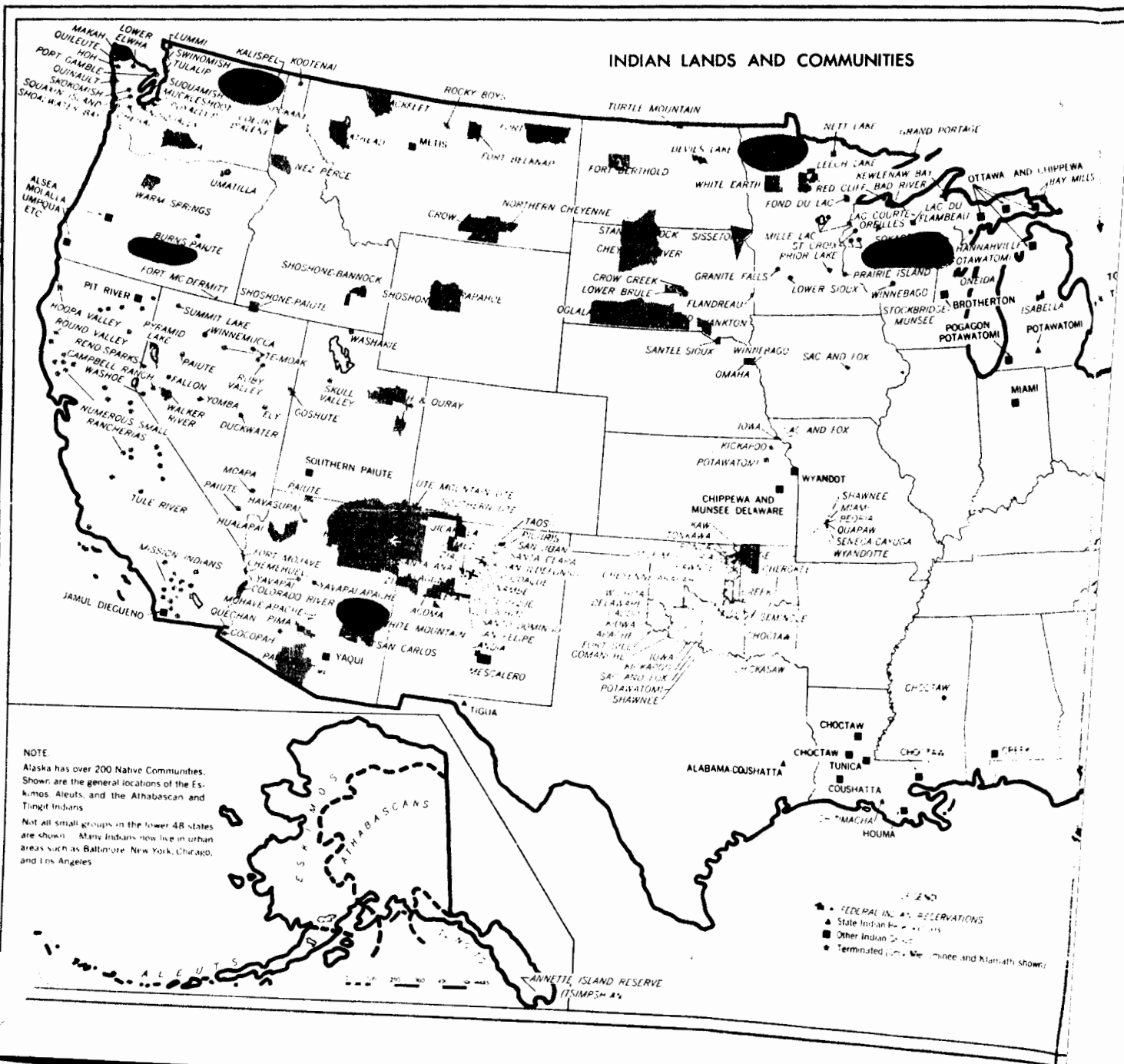
Many of these reservations now possess rich stands of timber, to the envy of their non-Indian neighbors. This is a consequence of changing times and the practice of forest conservation on the reservations. The Indians have been called our "first ecologists" and the condition of their forest bears witness to the basic rev-





Ponderosa pine forest on the Fort Apache Reservation provides timber for the Fort Apache Sawmill

Map below shows major Indian lands in U.S. today. Groups managing sizable timber stands are indicated in red



erence they have for their tall leafy neighbors which share their reservations.

Almost 40 percent of Indian reservations now have sufficient timber to constitute a major source of income of the tribal economy. Today some of the finest stands of ponderosa pine, Douglas-fir, cedar, and valuable mixed hardwoods in the United States are located on Indian reservations.

The Indians have a traditional empathy with their forests. Their historic concern for the preservation of their forests made them the original conservationists. This concern has been shared by the United States government in its trusteeship of the forested Indian reservations. The fear of radical depletion of the forests by allowing indiscriminate cutting led to many of the Indian forest regulations from the days of the early treaties.

The Indians have an important social and economic stake in the forest and their interest in its welfare is intense. The Red Lake Indians, for instance, are fearful that their reservation forests will be depleted or replaced with low value "weed trees" such as aspen. When the Klamath Indians saw the bark beetle infestation in the 20s and 30s kill thousands of their ponderosa pine trees, they expressed their personal concern to the government in letters and tribal resolutions.

The concern of the United States government for conservation of the Indian forest has given rise to sustained yield forest management plans for the Indian reservation forests put together by trained professional foresters and implemented under the supervision of the Bureau of Indian Affairs.

Some of the reservations have impressive commercial timber stands. In Eastern Arizona, the Fort Apache Reservation has over 700,000 commercial acres of forest lands; in the State of Washington the Colville Reservation measures over 800,000 commercial acres, and the Yakima reservation has more than 400,000 acres of commercial forest land.

The Warm Springs Reservation timber resource in Oregon exceeds 250,000 acres, and the Red Lake Reservation in Minnesota derives considerable income from over 300,000 acres of commercial forest land.

All told, some 50 Indian reservations possess over five million acres



Aerial view of the Fort Apache Sawmill shows a modern, efficient sawmill operating on the Reservation

of commercial forest lands, with almost 40 billion board feet of standing timber.

When the United States Indian agents and Indian chiefs came together to work out the terms of the Indian treaties, they arrived at agreements in general language which may have been understood by the signatories but which have since been the subject of continually changing legal and social interpretations. What does the treaty with the Menominees mean when it prescribes that the Menominees should own the land "as Indian lands are held"? How should the trust responsibility of the United States toward the Indian tribes be exercised in the Administration of the Indian Forests?

Changes in sociological concepts over the years affected the legal decisions on administration of the forests. Early legal decisions maintained that the United States, not the Indians who lived on the reserva-

tion, owned the proceeds from timber cut from Indian lands. No timber could be cut on these reservations without authorization from Congress. The first Congressional permission given to the Indians on their own reservations was for the cutting of only "dead and down" timber. In 1910 Congress authorized the sale of mature timber from allotted Indian lands and from tribal lands of any reservation. In the same Act, Congress provided that the proceeds derived from the sales of timber from private lands should be used for the benefit of the Indians of the reservation from which the timber was sold. The 1910 Act also led to the creation of the Forestry Branch of the United States Indian Service which, under one name or another, has since administered Indian forests.

Though concepts of industry and government responsibilities changed over the years, the Government's trust responsibility for the

Indian forests seems to have been clearly defined. As early as 1910, the Annual Report of the Commissioner of Indian Affairs stated that "the timber holdings of the Indians are of great value. . . the Service means to protect and develop these holdings . . . and at the same time . . . instruct the Indians in the practical use of their timbered lands that they may receive from them the greatest benefit possible."

The 1936 General Forest Regulation states the government's modern goal in management of Indian forests in these words: "The development of Indian forests by the Indian people for the purpose of promoting self-sustaining Indian communities, to the end that the Indians may receive from their own property not only stumpage, but also whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform." This modern objective represents a considerable change in the interpretation of the government's social responsibility in less than 100 years.

The forests have earned millions of dollars over the years for Indian reservations. From 1913, the year their timber was first sold to loggers,

to 1954, the year they were terminated as a reservation, the Klamath Indians earned almost \$33 million from these sales. The forests of the Red Lake Reservation in Minnesota yield the Red Lake Indians a tribal income of about \$300,000 a year. The Makah Indians in Washington add about \$200,000 a year to their treasury from their timber and the Yakima tribe in Washington has an annual income of \$4 to \$5 million, mostly derived from its timber sales.

The considerable variation in income from the forests of one tribe to another can be attributed to many factors in addition to the value of the species and the commercial forest acreage owned on each reservation. Many reservations derive their income from the forest just because it's there and growing. Under the supervision of the Bureau of Indian Affairs, the tribes enter into contracts with loggers for the cutting of tracts of reservation timber. The loggers make "stumpage" payments to the tribe for the trees "on the stump", i.e., standing timber. Other than possible employment of individuals by the Bureau or the logging contractors the tribe does not participate in contract logging.

Some reservations engage directly in the business of contract logging and sell their log production to sawmills, pulp and paper mills and other wood processing plants. These reservations earn not only "stumpage income", but the income and the wages of the logging operation. Still other reservations log their own timber for their own sawmill and other forest processing plants. The Indians on these reservations earn "stumpage income", plus the income from logging, and the income and wages of the sawmill or other processing plant.

On the timbered reservations, for the tribes which process their own forest resources, the sawmill or other processing plant becomes the economic hub and is frequently the largest employer on the reservation. There is a noticeable difference in social cohesiveness on the reservations which process their own timber and those who sell it for others to process. The reservations which process their timber have a focal point of mutual interest in the ownership of a visible, operating forest product processing plant, which is of economic benefit to all.

The Red Lake Indian Mills in Minnesota which produce about five million board feet annually, the Fort Apache Timber Company in Arizona which has a total production of about 73 million board feet annually, and the Menominee Enterprises Sawmill, whose 20 million board foot annual production makes it one of the largest mills in Wisconsin, are outstanding efforts in Indian forest utilization of their major resource.

To the Indian on the reservation the success of the lumbering enterprise is very close to his pocketbook. Stumpage payments received by the tribe are translated into "per capita" payments of actual dollars received by each Indian member. Whether there is a tribal sawmill or other forest processing plant, the success of the sawmill is translated into wages and jobs and distributed fits of the sawmill.

The Fort Apache Indian Reservation is an example of development of forest resources for the benefit of the Indians. The successful Apache forest utilization began large scale logging and mill operations in 1963 and a \$6 million lumber operation with three sawmills, planing

*(Turn to page 5*

New sawmill built by Red Lake Band of Chippewa Indians





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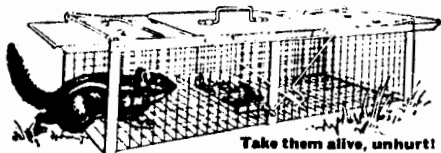
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**Indian Forests**

(From page 39)

plant, and cut stock plant employ 286 mill workers, all but 17 are Apache Indians.

Though many "white eyes" gaze covetously at the Indian Forests, the probability is that in the future these forests will be more intensively utilized by the Indians for the benefit of the Indians. Increasingly, Indian tribes are recognizing that their forests provide them with a unique natural resource-based economic unit. The more completely they utilize their forest resource the more viable their economy, the greater their employment opportunities on the reservation, and the more extensive their business opportunities on the reservations. Income to the tribe from timber sales can be expanded by additional tribal logging and sawmill profits.

Federal, state, and regional governmental agencies are underwriting the Indian thrust toward economic self-sufficiency and have made available funds for tribal development. Most of the reservations qualify for loans or grants from the Economic Development Administration of the Department of Commerce. Millions of dollars have been made available to Indian tribes to develop their forest industries in order to increase tribal income and employment. Many of these loans and grants are made jointly by the EDA, a regional commission—such as the Upper Great Lakes Regional Commission—and the state in which the reservation is located. These grants fund the in-depth studies to determine the technical and economic feasibility of developing Indian forest industries. Further grants or loans are made to build the facilities or plants for the most promising developments.

A success story of the utilization of federal funding by Indian tribes to develop their forest industries is the Red Lake Band of Chippewa Indians in Minnesota. The first Red Lake Sawmill was built in 1925. A new sawmill was constructed in 1961; when this burned in 1965 it was quickly rebuilt. To replenish its badly stretched capital reserves, the Red Lake Indian Mills was awarded a loan by the Economic Develop-

ment Administration. The \$200,000 loan was set up for repayment in 15 years. Instead, the tribal council made the final payment with interest in five years—ten years ahead of schedule—a record few non-Indian companies at any location can equal.

Today, many Indian reservations aggressively pursue the management of their tribal forests. Some employ their own independent professional foresters and even those who use Bureau of Indian Affairs foresters are exercising increasing control of the management of their own forests. Their business committees or Tribal Councils make independent business judgments on the utilization of their forests, negotiate loans and contracts, and enter into sophisticated management decisions comparable to the managers of any forestry enterprise.

Reservations and tribes which operate their own forest processing plants have especially enjoyed opportunities to develop these managerial skills. Observing these opportunities, reservations which have heretofore been content to merely receive stumpage payments are studying the feasibility of establishing sawmills and other forest processing facilities. Reservations such as the Hoopa in California, the Coeur D'Alene in Idaho, the Colville in Washington, the White Earth in Minnesota—to name but a few—are considering the establishment of these plants to obtain maximum value from their timber.

And so the modern American Indian forest is rapidly achieving a new status: it is not only home, the source of life, and a rich heritage. It is the road to economic and social self-sufficiency for the Indian people. ■

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# FOCUS on the ISSUES

Dennis C. Le Master

## Prudent Operator Rule

Section 20 of the marked-up version of S.3091, the "Humphrey bill," amends sec. 4 of the 1964 National Forests Roads and Trails Systems Act (P.L. 88-657) by striking out the proviso contained in the latter section. The wording of the proviso is:

Provided, That where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of national forest timber and other products shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate.

Various spokesmen for segments of the wood products industries have strongly objected to this amendment for reasons which are not immediately obvious to many and which can only be evaluated properly after a minimum of background information.

The main reason why the Senate Committees on Agriculture and Forestry and Interior and Insular Affairs considered national forest road standards and financing was that extensive financing of roads through timber sale contracts has affected the 25 percent funds paid to states and counties in lieu of taxes. The Acts of May 23, 1908, and March 11, 1911, require that 25 percent of all moneys received from each national forest be paid, at the end of each fiscal year, to the state in which the national forest is located. These funds must be expended as the state legislature prescribes for the benefit of public schools and public roads of the counties in which the national forest is located. These funds are currently calculated on the basis of the actual purchase price for the timber sold.

National forest roads are financed either from direct appropriations by Congress or by timber purchaser credits. In the second method, the timber contract obliges the successful bidder

to build the specified roads to a standard needed by a "prudent operator" to harvest and remove the timber for a particular sale. The estimated construction costs for such roads are credited to the purchase price of the timber in the sale. This method of road financing reduces the amount of 25 percent funds to states and counties by 25 percent of the road costs financed by this method. The Committee Report on S.3091 estimates that in 1976 states and counties will receive \$52.5 million less than they would if national forest roads were financed through direct appropriations.

The Committee Report also notes that the proportion of roads constructed by timber purchaser credits has grown sharply since 1964, the year the National Forests Roads and Trails Systems Act was passed. In 1964, there was approximately a 50-50 balance between the use of direct appropriations and timber purchaser credits. By 1976, this ratio was 5-95, timber purchaser credits becoming the primary method for road financing.

To assist the states and counties adversely affected by this situation, the Committees on Agriculture and Forestry and Interior and Insular Affairs included in the marked-up S.3091 a sec. 16. This section expands the base from which the 25 percent funds are calculated by including as moneys received:

(1) Deposits collected under the Knutson-Vandenberg Act (which are used for reforestation and timber stand improvement within the national forest timber harvest areas); and

(2) Timber purchase credits for road construction.

The inclusions "correct an inequity to the states and counties that has developed during recent years as the Forest Service has increasingly relied on the timber purchaser road credit mechanism for road construction within the National Forests."

In addition, as set forth at the outset, sec. 20 of the marked-up S.3091 strikes out the proviso in the 1964 Act. According to their Report, the Committees took this action because, with the change in calculating the 25-percent funds, there was no need for the proviso. In other words, they were of the opinion that the purpose of the proviso was to prevent the cost of national forest roads to standards above those necessary for the harvesting and removal of timber from reducing the 25 percent funds to states and counties.

Industry spokesmen object to the view of the two Senate Committees as to the purpose of the proviso, saying it is too narrow. They argue that the purpose of the proviso was also to protect national forest timber purchasers from the costs associated with having to build roads to higher standards than needed for timber harvest. Reading of the respective Committee Reports for the 1964 Act seems to support the industry spokesmen. For example, the House Committee Report speaks of the proviso as protecting "the interests of both the counties and of timber purchasers."

Timber purchasers are protected by the prudent operator rule because it lessens the financial burden which the purchaser must carry between the beginning of road construction and the commencement of timber harvesting. The prudent operator rule also reduces the capital requirements upon timber purchasers for bidding on national forest timber where road construction is necessary.

These same industry spokesmen object to sec. 16 of marked-up S.3091 because expansion of the base for the 25 percent funds virtually eliminates any concern the counties may have about the standards and financing of national forest roads. As one industry analysis puts it: state and county "pressure on the Forest Service to keep road standards reasonable because of the impacts on county receipts is thus removed."

Industry spokesmen also object to the removal of the prudent operator rule because of the effect it could have on regional and local timber supplies. Removal of the prudent operator rule would likely enlarge the area of the National Forest System which is commercially inoperable for timber production because timber values are insufficient to offset the costs of access and harvesting. Furthermore, if the construction of multi-purpose roads is funded from timber sales, the number of deficit timber sales could increase. Deficit sales are those in which the cost of access and harvesting is greater than the value of timber in the sale, and as a result, there is no positive value from

(Continued on page 558)

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**CURRENT LITERATURE**

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**FOCUS ON THE ISSUES**

(from page 500)

which road construction costs can be subtracted.

Unfortunately, while concerns about national forest road standards and financing are being articulated, little is being heard about the connection between roads and forest land management. Sound forest land management requires a permanent road system in which roads are systematically designed to standards appropriate for their intended use. Such a system is advantageous environmentally. It has fewer adverse environmental impacts, especially with respect to water quality, than a road network built by fits and starts—where discontinuities cause some roads to be over-designed and others under-designed, and where roads are poorly maintained and then re-built. A well designed permanent road system allows access for a multiplicity of forest uses and management objectives. It permits the distribution

**Forest Land Use**

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**Forest Policy**

*The Need for a National System of Transportation and Utility Corridors.* 52 p. Maps. Bur. of Land Management, Dept. Interior, Wash., D.C. 20240. 1975.

of the allowable timber harvest over a broader land area.

A well designed permanent road system affords the forest better protection from fire, insects, and disease. Concomitantly, it allows the salvaging of timber which is dead, dying, or diseased from the aforementioned agents as well as others, including old age itself.

The Committee Report of marked-up S.3691 states: "An adequate transportation system is a basic requirement for effective multiple-use management and protection of renewable resources." This same recognition must be made at the time of congressional appropriations for national forest roads.

In fact, of the many objections that have been heard with respect to standards and financing of national forest roads, those relating to financing by direct appropriations have been remarkably few. Perhaps financing of all permanent roads by direct appropriations is an alternative worthy of Congressional consideration. ■

## Should Small Woodlots be Managed for Sustained Annual Yield?

H. H. Chapman

Professor emeritus, Yale School of Forestry, New Haven, Connecticut.

A WIDELY ADVOCATED theory in public relations is that the way to get the owner of a small tract of woodlands interested in forestry is to show him how he can obtain an annual return from his timber instead of cutting it all at one time and then having no income for a long future period. This economic goal once set, the whole pattern of silviculture and management is then more or less violently bent and twisted into a shape that may have no sound relation to the ecology of the species dealt with nor to the actual economic needs and desires of the owner who is to be educated and benefited.

If this is the wrong approach, it is a serious matter for forestry. As is well known, over 4 million owners hold forests averaging but 62 acres per unit and it is this area, comprising 76 percent of all private forest lands, on which most of the destructive brand of cutting is still being practiced. With the federal government, through the Forest Service, the Soil Conservation Service, the Extension Service, and in other ways, giving more and more attention to sound silvicultural and economic practices on the small holdings of these same 4 million owners, the possibility that these federal services and some state foresters may be off on the wrong foot is a cause for uneasiness.

Since the advocacy of annual or very frequent "sustained yield" cutting on these small areas originated from and is based purely on the economic theory that the owner prefers or is even dependent on annual income from timber and cannot afford to practice sound forestry if he has to wait long periods for his results, this assumption constitutes the foundation for the whole superstructure both economic and silvicultural. If defective the building may fall.

Is this postulate sound? Except for an annual drain for home firewood, and posts for fence repairs, the custom is practically universal among this class of owners to cut

all the merchantable timber present in one operation, repeating the process if and when the stands recover and again produce a volume sufficient to attract a buyer. Since these owners, in common with all other operators before the advent of good forestry practice, paid little attention, for the most part, to immature trees and none to reproduction, their woodlands suffered the same degree of devastation or deterioration that occurred on the larger areas, except for better fire protection and the ability of hardwoods to sprout, and the seeding up of old fields to pine.

The efforts to correct these abuses and start the owner on the right track naturally followed the line of preserving young immature trees in stands of mixed and all-aged character. Marking to improve the stand by removal of overmature and defective trees found its logical place. Repeated cuts at 20- to 30-year intervals were then possible for types and species like the tolerant northern hardwoods, beech, birch, and maple. In fact, some of the better informed owners in northern New England had been practicing such forestry in this type for generations. But when and if this periodic cutting practice is shifted to an annual basis, and is advocated indiscriminately for practically all types and regions, there is danger that that process will violate both the silvicultural requirements of the type itself, on the one hand, and the economic needs of the owner on the other, and thus fall between two stools.

Let us deal first with the economic motive for advocating annual income from the woodlot. The fallacy, if there be one, for requiring annual returns consists in confusing the position of the owner of such a small tract with that of the company or agency which possesses an area large enough to constitute a business of its own—in which case sustained annual income must perforce be the goal of manage-

ment. Small owners on the other hand fall into two general classes, farmers and all others. The farmer already has and is operating a going concern, the farm, and except for the aforementioned source of fuel and minor products is not dependent on annual net revenue from his woodlands for his livelihood. Other classes of owners of small woodland areas are either residential and supported by other business activities, or speculative. In either case, they may not want to be bothered with constant annual frittering with a few logs or cords of pulpwood. The real economic attitude of each of these classes of owners is practically identical. What is it?

It is what it has always been. Operations in a small woodland for the logging of merchantable products should be concentrated at one time, with the removal of practically all the mature timber in a single sale or logging job. The only difference between past and continuing present practice for these owners, and sound forestry management, consists in the substitution of good silviculture for ruthless exploitation. Neither good silviculture nor sound economics indicate the abandonment of heavy periodic cuts and the adoption of annual whittling out of a few logs or cords.

From the economic standpoint there are two principal sets of reasons for favoring heavy cutting of small tracts, at widely separated periods, as against too frequent, or annual, cutting. These are:

1. The margin for stumpage values in sales of timber increases *per unit* of volume sold, directly as the total volume and average stand per acre increases, for the reason that costs of operation are thereby reduced. Unless logging is done by the owner as a measure for employing labor in slack seasons, this factor is of determining importance provided he obtains fair value in the sale.

2. The owner regards his woodlot in the nature of a reserve or in-

vestment rather than a drawing account. In nearly every instance, sales, whether made under forestry practices or not, serve the purpose of securing funds to meet emergencies. These are:

- a. For construction or replacement of farm buildings.
- b. For putting children through college.
- c. For sickness.
- d. In case of settling estates.
- e. As the basis of bank loans to be liquidated by sale if necessary.

When all is said and done, economic factors determine what any class of private or of public owners can and will do with their forest lands. The well meaning efforts so widely and extensively put forth by public agencies to induce owners to abandon heavy and long periodic cutting in favor of "annual revenue from the woodlands," sometimes emphasized by demonstration forties on which only an amount equal to the annual growth is cut each year, are all to the good when justified by sound economics, but not when the practice runs counter to the best interests of the owner, which I am convinced is usually the case for the reasons cited.

If waiting for returns is as serious an obstacle as it is held to be to justify "annual" cutting practice, there would be practically no planting of conifers by small owners. Yet it is often easier to persuade these owners to plant trees than to manage existing woodlands on sound silvicultural principles. The rapidly expanding demand for nursery stock is an indication of this fact.

Actually, in regions of rapid growth, and an active competition for pulpwood, creosoted posts, and other small products, the period of waiting for returns from reproduced or planted stands is not a

serious factor. Thinnings for pulpwood can start in as early as 10 years in slash pine and 18 to 20 years for other southern pines grown in even-aged fully stocked stands. By dividing a woodlot into even as little as two age classes, each large enough to permit of an economical final cut of sawlogs and intermediate thinnings, the waiting periods are cut in half.

If basic economics indicate a preference for intermittent rather than annual yields from small tracts, the attempt to distort fundamental silvicultural requirements of given species to fit the pattern of annual whittling is nothing short of suicide when such practices run counter to the demands of the forest type and silvicultural systems that are indispensable if reproduction and perpetuation of the desired species is to be secured.

Such is the case with practically all the southern pines, and to a considerable extent in other regions and forest types. Standard practice as defined and accepted by the U. S. Forest Service for longleaf pine and as advocated for loblolly pine (*Report of Chief of the Forest Service 1919*, Page 5, 4th paragraph) requires the use of prescribed fire or the scarification of the soil and the removal of competing hardwood growth by these means, as the method for securing adequate reproduction of pine instead of inferior hardwoods. But this means the advocacy of even-aged stands, or groups, growing in full light. By contrast, the advocates of annual cutting place emphasis on the removal of individual trees and the practice of the "selection" system of silviculture, the net result of which is the taking over of the woodlot by comparatively worthless and undesired hardwood sprout growth, the pre-

vention of the use of prescribed fire as a silvicultural tool, and the ultimate ruin of the tract as far as profit is concerned.

Sound economics and sound silviculture, at least for southern pines, are in harmonious agreement. Both point to the necessity for the growing of even-aged stands, in areas and volumes large enough to form the basis of profitable logging operations, while affording the maximum possibility of full stocking of pine instead of less desirable hardwoods on natural pine soils.

In conclusion, the writer has noted that European authorities recognize the fact that sustained annual yield is not and cannot be the goal for owners of small woodland areas. Sir William Schlich in his fifth edition of the famous *Manual of Forestry*, 1925 states: "Distinction must be made between (1) The intermittent working, if successive final returns are separated by a varying number of intermediate years; (2) The annual working, if final cuttings occur each year. The regulation of the yield of forests worked intermittently is very simple. It is only necessary to ascertain the most suitable rotation, taking into consideration the objects of management, and to make the intermediate cuttings whenever they are necessary. *The matter becomes more difficult when an equal annual yield is expected* (italics supplied). The method of annual working is not an absolute necessity. Each of the two methods of working possesses peculiar advantages, and the choice depends on local conditions."

American forestry practice as applied to the 4 million small owners may still have something to learn even from "old Bill Schlich!"



facts is obvious, but reliance on education as now conceived is not very promising.

Holding back the cutting of growing stock to safeguard future productivity means, it is true, a higher average transportation cost for the immediate present as a larger percentage of lumber comes from the West. The loss in competitive position of lumber products that might arise from this cause should be resisted by the development of improved and economical timber products such as mill-fabricated items, plywood for sheathing, concrete forms, siding, and the like.

From the single standpoint of minimum transportation costs it is obvious that the North Atlantic States, the Lake and Central States, and the South, by their greater accessibility to the chief centers of use, warrant first attention in intensified forest management.

#### SELECTIVE LOGGING AND SUSTAINED YIELD

Markets are being supplied with lumber from private holdings at higher production cost and of lower average grade than would be the case if selective logging were generally practiced. It has been convincingly established in every producing region that the smaller timber is handled at a loss in most lumber operations. In southern pine, for example, the small trees are often cut at a loss of approximately \$10 per thousand board feet, which adds to the price at which the larger timber must be sold to yield a profit.

Three important steps toward lowered costs become possible as the principle of selective logging and sustained yield is put into effect: (1) Elimination of material that fails to pay its way; (2) saving the investment in plant, mill town, and forest land that in the case of migratory operation must be charged off in the price of the products at a rate as high as \$2.50 per M for typical southern mills; (3) realization of lower raw-material costs by making possible the stable operation of integrated secondary industries. The last point is considered in more detail under the next heading.

From an economic point of view, timber owners can now hardly afford to neglect the practice of selective logging wherever the character of the timber permits. But often important obstacles to its practice on privately owned lands remain to be overcome. Further discussion of measures that are required to realize the benefits of selective logging and sustained yield occurs elsewhere in this report. The fact that needs to be borne in mind at this point is that substantial reductions in current production costs are made possible by selective logging.

#### INTEGRATION OF INDUSTRIES

Integration of the sawmill with pulping plants, veneer and dimension mills, and the like, is a major requirement for lowered costs. For the most part, forest industries have been specialized, and each has made its independent draft on the raw material supply. The resulting wastes are proverbial. However, enough has been accomplished thus far by industrial integration to point out possibilities of improvement. Within recent years the pulp industry on the West coast has come to operate to a large extent on the waste from logging and sawmilling operations, with the result that pulp mills 2,000 miles from Chicago can compete with those 200 miles away. In the Lake States,

in a few instances, the full run of the forest is sorted under an integrated scheme of operation according to its suitability for the sawmill, dimension plant, veneer mill, and distillation plant; or, in other forest areas, for the pulp mill, sawmill, box factory, and specialty plants.

In certain operations in the southern pine region, integration of sawmills, pulp mills, and veneer and plywood plants has been accomplished. Large holdings that are being developed primarily for pulpwood contain saw timber or medium-sized trees that will grow to saw timber size before the stands are cut for pulping. The plans call for getting the high-quality logs into timber products to defray a large part of the cost of stumpage, instead of pulping all material indiscriminately. In Sweden the close integration of lumber and pulp industries results in close and flexible utilization in accord with market conditions, a diversification of product, and maximum value from the raw material. Basically such developments are sound and, other things being equal, are the way to minimum costs.

Integration is not necessarily confined to large plants and heavy capital investments. Partial integration already exists in the small-scale operations of sawmill, turning plant, and novelty factory in New England and of tie mill, flooring plant, and spoke and handle factory in the Middle West. For the most satisfactory functioning, however, they must look to adequately financed and fairly large units.

It has been through integration of sawmill and pulpmill operation that the greatest advances have been made thus far. It is between these units that great progress in the immediate future may be looked for in the virgin forests of the West and in the second-growth forests of the South, although there are limits as to the part that the pulp mill can play. There are good grounds for anticipating also a much wider integration, on a smaller investment basis, between plywood manufacture and lumber production in regions where virgin timber is still readily available and between pulpwood, naval stores, and timber products in the Southeast.

It is not to be assumed, of course, that all production from the forest will be on an integrated, diversified basis. Lumbering on a small scale lends itself to individual effort, particularly in regions where the timber supply is scattered, and account must be taken of the fact that small independent operations will always play a part in the utilization of the marketing situation. Integration in this country has not progressed to the point where it is more than an indication of the part that it must play if large-scale markets for forest products are to be maintained. The way to the realization of its benefits must be kept open through continuing research and organizing and management effort.

#### PRODUCTION FROM SMALL TIMBER HOLDINGS

Portable sawmills share responsibility to a greater degree than the ones for putting out substandard products which undermine confidence in lumber. By stressing cheapness, small mills have been pushed strongly into the hands of those elements in the building trade that have engaged in speculative building and shoddy construction. Unskillfully has the product been marketed that it has constantly disturbed the equilibrium of the entire price structure. A large proportion of the remaining saw timber, particularly in the eastern part of the country, is in farm woodlands for much of which the small



Fortunately, there is now a strong trend toward improved quality from the small mills, so far as accuracy of manufacture is concerned. It is becoming recognized that small mills properly designed and operated and cutting good timber can produce good lumber. In a growing number of instances capable business men directly or indirectly are managing the operation of groups of small mills. But it is the existence of large numbers of both good mills and poor mills that brings up for serious consideration the small mill as a factor in future marketing developments.

Small mills have always shown a marked sensitiveness to business conditions. Their credit is generally limited, and, while they increase rapidly and their added production tends to hold down prices on the ascending side of the business cycle, on the descending side they reach their credit limit quickly and drop out. On the assumption that flexibility of quantity and stability of price are desirable, limited credit may here seem to be beneficial. On the other hand, in strengthening the competitive drive in the lumber market, limited credit appears as a detriment by forcing a glut of products on the market. Measures for strengthening the credit of small sawmills have been discussed by the industry. It is important to realize, however, that measures that do not also work to the benefit of the owner of the standing timber will merely foster the increase in output of the least efficient mills.

The key position in adjusting small-mill production to requirements of orderly manufacture and marketing is held by concentration plants buying rough lumber from these local units. In the case of softwoods, practically all the lumber produced by portable mills is finally seasoned, surfaced, graded, and put on the general market by concentration plants. In hardwoods, which are commonly sold rough, the output is but infrequently graded or marketed through comparable central units. The nucleus around which improvements can be put into effect are thus present in the one case but lacking in the other. The small-dimension-stock plant appears as the most logical unit to take the place among portable hardwood mills that the concentration plant now holds with softwoods. Fundamentally, control must be hinged upon demonstrating to the concentration units the advantages to them of improved operating practices.

A measure of the effectiveness of counsel, demonstration, and education will be available from what the Southern Pine Association is now attempting among small-mill operations in its territory. The program of this organization is more systematic and extensive than any other thus far undertaken. The aim is to aid the small mills in their weakest spots with higher standards of manufacture, seasoning, grading, and, particularly, marketing. Success in this industrial program will indicate that similar measures can be depended on for small mills in other producing regions; failure would suggest that control must be worked out by more drastic measures.

If the small mill continues to hold its present position, the best markets for lumber cannot be protected in the future unless marked improvements are put into effect.

#### IMPROVEMENT OF PRODUCTION

Much dissatisfaction with lumber is due to shortcomings that are under the control of the manufacturer and that technical research

has shown how to correct. There are three lines of improvement beyond the experimental stage that are clearly capable of production on a sounder basis: (1) Moisture content control after seasoning; (2) improved selection and grading; (3) decay-resistant lumber generally available.

Shrinkage of lumber after being built into a finished product is one of the most prolific sources of dissatisfaction with the value of wood. In one part of the country the point has been reached where a group of building and loan associations refuse to finance homes constructed of a species that is customarily shipped in undersize into that region. The remedy—to use only the best wood—is clear but too frequently ignored by producers who, and the other groups involved, have a controlling hand in the

moisture content at which lumber for different building purposes is stabilized with reference to shrinkage is known. Commercial shipments of building lumber as a rule deviate widely from the requirements. Practical methods to measure the moisture content and drying equipment to produce uniform seasoning are available on the market. The necessary improvements need to be put into effect. For its own protection, the lumber industry should see to it that seasoned lumber is made more practical to use and that the use of unseasoned lumber is limited to places where subsequent seasoning and shrinkage will not be harmful.

Present principles of grading, so far as the bulk of the lumber is concerned, are essentially those of years ago, when comparison between building materials was less keen than at present. The degree of progress registered in the adoption of American Lumber Standards, the prospective buyer of lumber is now faced with a bewildering array of species, specifications, and conflicting claims. Moreover, the lumber grades bearing the same name in different sections often differ widely in quality. Confused and skeptical, the buyer often turns to other materials easier to specify and offering more satisfactory guarantees of quality. Architects, with whom the choice has a large degree, strongly criticized the present lumber grading system. While the lumber industry recognizes this dangerous situation and is taking steps to remedy it, market requirements call for prompter

The Timber Conservation Board has recommended some changes of the nature of a "pure food law" for lumber that would require shipments of lumber and timber in interstate commerce to be inspected and indentified in accordance with publicly recognized standards of grading and inspection. The desirability of careful selection of species and grades for the more exacting uses can hardly be overemphasized.

Resistance to decay and insects is a property in great demand for lumber that must be used in damp places, in contact with the ground, where ever moisture tends to accumulate in the wood. While resistance can be provided to some extent from the heartwood of naturally durable species, it must frequently be provided artificially by impregnation with suitable preservatives. Properly preserved timber, with its natural durability, is not easily obtained by the rank and file of lumber

Attempts are being made in several parts of the country to make suitably treated timber available through retail lumber yards.

In 1927, the Secretary of the Interior recorded (8, p. 12) a still further back swing of the pendulum:

\* \* \* The act of February 26, 1927, which authorized the cancelation of patents in fee issued without application for or consent of the patentee in cases where the land has been neither encumbered nor sold. Pursuant to this legislation and to decisions of the Federal court, a number of patents heretofore issued were canceled.

It is interesting to note that the acreage of Indian allotments fee-patented in those years for which data are available varied from over 1,400,000 acres in 1920 to about 30,000 in 1931.

Meriam and associates stated in 1928 (9, p. 40) that:

All land which has been or will be allotted to individual Indians must become inherited land in a relatively short space of time, and will pass from Indian ownership, as millions of acres have already done.

The problem of inherited land should be given thorough detailed study \* \* \*. It is doubtful if the serious nature of this problem was appreciated at the time the allotment acts were passed. Because of this feature of the allotment system the land of the Indians is rapidly passing into the hands of the whites, and a generation of landless, almost penniless, unadjusted Indians is coming on. What happens is this: The Indian to whom the land was allotted dies leaving several heirs. Actual division of the land among them is impracticable. The estate is either leased or sold to whites and the proceeds are divided among the heirs and are used for living expenses. So long as one member of the family of heirs has land the family is not landless or homeless, but as time goes on the last of the original allottees will die and the public will have the landless, unadjusted Indians on its hands.

This condition is already well advanced in some instances, such as the Chehalis, Nisqually, and Skokomish Indians of Washington.

Meriam and associates also state (9, p. 41) that:

The policy of individual allotment has largely failed in the accomplishment of what was expected of it. It has resulted in much loss of land and an enormous increase in the details of administration without a compensating advance in the economic ability of the Indian.

As to what has happened to allotments which have been fee-patented, the annual report of the Commissioner of Indian Affairs for the fiscal year 1921 (16, p. 25) contains this very interesting statement:

As is well known, the law provides for issuing to the Indian a trust patent upon the land allotted to him, which exempts it from taxation and restricts him from its sale or encumbrance until he is declared competent to manage his business affairs, when he may, upon application, receive a patent in fee and be free to handle or dispose of his land the same as any white citizen.

It is doubtful if a satisfactory method has been found for determining the competency upon which to base a termination of the trust title. Applications for patents in fee have too often been adroitly supported by influences which sought to hasten the taxable status of the property or to accomplish a purchase at much less than its fair value, or from some other motive foreign to the Indian's ability to protect his property rights.

Notwithstanding the sincere efforts of officials and competency commissions to reach a safe conclusion as to the ability of an Indian to manage prudently his business and landed interests, experience shows that more than two thirds of the Indians who have received patents in fee have been unable or unwilling to cope with the business acumen coupled with the selfishness and greed of the more competent whites, and in many instances have lost every acre they had.

Thus the net result of continued allotting of land to individual Indians will result in continued loss of land to the Indians with no real compensating economic gain, and "the public will have the landless unadjusted Indians on its hands." This applies particularly to forest and range land.

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Many Americans entertain the very erroneous view that the individuals in every tribe or band of Indians, to whom allotments have been made, have received all that they need to enable them to achieve economic independence. This view is based upon egregious misunderstanding of the facts. There are hundreds, possibly thousands, of instances (greatly increased since this article was written) in which Indians have been given allotments of 80 or 160 acres upon which it is utterly impossible for an Indian, or a white man, to make a livelihood. Such individuals must on many reservations rely upon the privilege of grazing stock on tribal land to obtain a living (12, p. 619).

On many reservations relatively large areas of forest and range lands remain which if retained in tribal ownership and conservatively managed will not only be a source of uninterrupted revenue to the Indians but will continue to play an important and essential part in the economic life of the Indians by their use of tribal grazing, hunting, and fishing resources. On many reservations Indians have already lost their allotments, have not been assimilated, and are dependent on tribal lands of their own tribe or that of other tribes for a place to live.

The breakdown of unified ownership of tribal lands has not only been accomplished through the making of allotments but has been furthered by the throwing open to homestead entry by whites of hundreds of thousands of acres of so-called "agricultural land" not infrequently covered with timber, on which the white settlers have been unable to make a living and which they have abandoned. To the substantiation of this fact hundreds of abandoned shacks and fairly well constructed houses now scattered over the Flathead (Montana) and Colville (Washington) Reservations give mute but impressive testimony.

The checkerboard ownership of forest lands on Indian reservations which has resulted from the above and the knowledge that this condition is apt to become worse in the future are responsible for what is perhaps the most difficult problem of forest and range administration on Indian lands. Indeed the damage done must not only be corrected insofar as is practicable, but if the proper management of Indian forest and range lands, both from the standpoint of the Indian owners and the general public, is to be made possible, prompt action must be taken to prevent like occurrences on reservations where large areas of forest land remain in tribal ownership.

The time when the American Indians as a race will have acquired a sufficient amount of general economic background, knowledge, and ability to enable them to live successfully in a white man's world without governmental aid has certainly not arrived yet. When it will arrive is a matter of opinion and will depend in a large measure upon how thoroughly and promptly the United States discharges its all-too-evident duty to these people. Meriam and associates, after a thorough investigation of the Indian problem (9, p. 746), ventured this statement:

The survey staff found no evidence that warrants a conclusion that the Government of the United States can at any time in the near future relinquish its guardianship over the property of restricted Indians secured to the Indians by Government action. Although the staff believes in the transfer of the activities relating to the promotion of health, education, and social and economic advancement of the Indians to the several States as rapidly as the States are ready effectively to perform these tasks, it is of the opinion that the guardianship of property should be the last duty thus transferred if it is transferred at all.

## PECULIAR ASPECTS OF INDIAN PROBLEM

In considering the management of Indian forest lands, allowance must be made for certain aspects which are peculiar to the Indian problem.

Indian lands "are private property, held in sacred trust by the United States for the benefit of the Indians" (5, p. 841). The United States Indian Service was designated by the Congress more than 100 years ago as the Government bureau responsible for the custody and administration of Indian property, and this property has been and is now handled by the Indian Service in accordance with provisions of laws enacted by the Congress and interpreted by the courts. Under these laws and interpretations the Indians are entitled to enjoy the full benefit to be derived from forests and other natural resources on their lands. Indian forests are owned by Indians and managed primarily for the best benefit of their Indian owners, and Indian forest policies and Indian forestry activities cannot be determined and carried on solely from the standpoint of technically correct forest working or management plans, nor with the forest needs of the entire body politic primarily in view.

Furthermore, forestry on Indian lands is inevitably tied up with the general Indian problem, a complex puzzle not yet solved and necessitating the consideration of many questions connected with the educational, social, and industrial welfare of this race. The administration of Indian forest-property interests is inseparably intertwined with other phases of Indian administration (5, p. 842), and it has sometimes been necessary to adopt Indian forest policies widely divergent from theoretically correct forest-management policies because of the needs of the Indian owners. Indian forest policies must be varied and modified to fit social and economic conditions on the several reservations and even on different parts of the same reservation.

On some reservations the merchantable stand of timber on tribal lands constitutes practically the only source of revenue from which the cost of social and industrial betterments for the tribe can be met by the Indian Service. Hundreds, nay, even thousands, of destitute Indians have been allotted tracts of heavily timbered land. The only means the Indian Service has had through which to keep these unfortunate people from starvation is to sell their timber and derive therefrom as large a revenue as possible. Other recipients of heavily timbered allotments have needed money for educational purposes, for the building of houses, or for the purchase of farming equipment (6, p. 473). Under such circumstances, insistence upon the practice of a highly intensive forest policy cannot be justified. Such conditions demand flexibility not only in formulating general policies but in carrying them out.

Under the peculiar conditions which surround and govern the administration of Indian affairs, the permanency of Indian forest policies can be no greater than the permanency of general Indian Service policies which are based on legislation enacted by the Congress, interpreted by the courts, and carried out under regulations promulgated or approved by the Secretary of the Interior. Under decisions of the Supreme Court of the United States the status of Indian lands may be modified at any time by an act of Congress. Furthermore, there

have been court decision considers primarily value be selected by individuals become subject to private purpose of the Interior production (or protection).

The science of forestry, forestry dealing with timber is unavoidably a long-time the stability of land ownership evolved forest-management of some revenue from and the expenditure of station, afforestation, and

These facts have long management of the forest the foreground of any plan.

A further consideration appraisal of the Indian problem whole, and the Forestry and underfinanced since of Indian Affairs for 1922.

The Indian Service has no educational, industrial, and for the fiscal year 1923 were have been increased by about activities. But the cumulative demanded even larger appropriation to the American Indian Service has continued so long.

In considering what has Indian lands in the last the Indian Service has no equipment, fire prevention, and all other kind. Although a complete report proceeds derived from the accurate statistics of the Indian Service and of the generally speaking, not authorized personnel can compile data of this character.

Finally, the public attention erred to have had a very close. With but few exceptions has kept pace with the. To quote (7, p. 431):

Just as land-hungry advance national forests (mainly between borders of Indian reservations) of misinformation with respect up—within the illogical and

It is a sad commentary that a large amount of the big majority of public opinion



have been court decisions holding that lands which the Indian Service considers primarily valuable for the production of timber crops may be selected by individual Indians for allotment purposes and thus become subject to private ownership irrespective of any policy or purpose of the Interior Department to hold such lands for timber production (or protection) purposes (7, p. 430).

The science of forestry, or at least that most fundamental phase of forestry dealing with the production and management of forest crops, is unavoidably a long-time proposition. Reasonable assurance as to the stability of land ownership of areas to be put under a scientifically evolved forest-management plan must be given before the postponement of some revenue from timber capital (under selective logging) and the expenditure of money for permanent improvements, reforestation, afforestation, and in some cases fire protection, can be justified.

These facts have long been recognized by those responsible for the management of the forest properties of the Indians, and must occupy the foreground of any picture of Indian forest policy or practice.

A further consideration that must be taken into account in any appraisal of the Indian forest problem is that the Indian Service as a whole, and the Forestry Branch in particular, has been undermanned and underfinanced since inception. The annual report of the Bureau of Indian Affairs for 1927 (8, p. 1) reads:

The Indian Service has not kept pace with the progress elsewhere along health, educational, industrial, and social lines. The appropriations for general purposes for the fiscal year 1923 were \$10,316,221.30, and in the 5 fiscal years since they have been increased by about \$2,338,463.70, principally for medical and health activities. But the cumulative effect of many years of financial neglect has demanded even larger appropriations, if the Government may perform its full duty to the American Indian. Underrating the requirements of the Indian Service has continued so long that it has become a habit difficult to correct.

In considering what has been accomplished in forestry activities on Indian lands in the last 22 years, the fact that the Forestry Branch of the Indian Service has never had sufficient funds for needed personnel, equipment, fire prevention and suppression, timber sale administration, and all other kinds of forestry work, must be fully recognized. Although a complete record of the quantity of timber involved and proceeds derived from timber sales from Indian lands has been kept, accurate statistics of other activities of the Forestry Branch of the Indian Service and of the forest properties under its supervision are, generally speaking, not available, solely because, with the limited authorized personnel and funds available, it has not been possible to compile data of this character.

Finally, the public attitude toward Indian lands must be considered to have had a very considerable influence on management policies. With but few exceptions, interest of the general public in the Indians has kept pace with the appreciation in value of Indian property. To quote (7, p. 431):

Just as land-hungry adventurers sought homestead and mining claims within national forests (mainly between 1905 and 1918), so did they surge about the borders of Indian reservations whetting their land appetites on various morsels of misinformation with respect to the fortunes lying dormant—yea, indeed locked up—within the illogical and arbitrary boundaries of Indian reservations.

It is a sad commentary on human nature, but a fact nevertheless, that a large amount of the interest of the public in general and the big majority of public organizations and individuals in Indian affairs

and property has been caused by cupidity. The result of the application of intense local and national political pressure has created serious questions in the actual management of Indian forest property.

#### GENERAL FOREST POLICY

The general policy of the Forestry Branch of the Indian Service may be quoted as follows (7, p. 434):

A. To administer all allotted timber lands so as to insure the highest present economic return consistent with a reasonable consideration of the future use to which the land will probably be devoted.

B. To administer all tribal lands that are primarily adapted to the production of timber, or the protection of slopes, in such manner as to secure the highest present economic return for the tribe that is consistent with theoretically correct forestry principles and to preserve these lands so that whether they remain permanently as communal lands of a tribe, are acquired by the Federal or State Government, or are sold in large areas to private interests, they shall remain productive and capable of doing their part toward insuring the future welfare of the citizens of the United States of which the Indians themselves are a part.

All sales of Indian timber made under authority of the act of Congress of June 25, 1910, have clearly contemplated the cutting of the timber in such manner as to insure the maintenance of the forest cover on all lands primarily adapted to the production of timber crops.

In evolving and carrying out timber-sale plans the following points, given in order of importance, have been considered:

A. The financial need of the Indians, individually and collectively.

B. The potential and actual resources of the Indians and the extent to which it is necessary for them to liquidate their timber capital to provide funds for social, educational, industrial, and general economic betterments.

C. The demand for Indian stumpage.

D. The extent to which scientific forestry can be practiced in view of the above.

Timber-sale plans, in addition to the above, must be and have been varied to fit different silvicultural conditions obtaining on the several reservations and even on different parts of the same reservation. In fact, when other considerations (particularly economic) remain constant, timber-sale plans are almost entirely dependent upon what is desirable and feasible from a silvicultural standpoint.

J. P. Kinney states the situation (7, p. 433) in general terms thus:

On many reservations a large part of the standing merchantable timber was mature or over-mature and the removal of all mature timber would leave little reproduction or advance growth. On areas of this character it has been the policy to leave a part of the mature timber for seed trees. Where there is a mixed stand of mature and immature trees of yellow pine, or mixed types, in the yellow-pine region, a true selective cutting has been made. In the Douglas fir, cedar, spruce, and hemlock type of western Washington we have generally followed the policy of cutting all mature trees and, as all who are familiar with these coast types know, very few trees of any species remain uninjured when the logging is completed.

\* \* \* The conditions are quite variable on reservations both in the Northwest and the Southwest. On the Colville in Washington fairly satisfactory reproduction conditions exist which are coupled with most extreme fire danger; on the adjoining Spokane fully as good reproduction factors are found with materially lower fire risk and with a much larger percentage of the timber land included within allotments; on a large part of the Klamath there is little reproduction or advance growth associated with over-mature stands, and on the Flathead the saw timber has been reserved for the tribe on tens of thousands of acres for which individual Indians have been given trust patents. \* \* \* (On

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The forestry branch has been for some years, by and large, summarized as calling for resources consistent with cultural practice followed to fit local forest conditions. The probability of accomplishing this is most uncertain in the case of land tenure Indian Service. The development of silvicultural practices on now forested as well as on returns to the Indian Service involved, the development of silviculture has kept pace with the development of public land management on the vast majority of Indian reservations where the average reservation, in the Klamath in Oregon, is national and international.

In view of legislative action the allotting of much land for sustained yield cannot be maintained on Indian reservations until the policy by the courts have been established and put into effect. The areas in their present condition Indians must, in all equity, have their personal property ownership cannot, in justice, be liquidated without acknowledgment of individual Indians' established rights of ownership in the rights of trees."

#### GRAZING RESERVATIONS

The scope of country included in Indian reservations is very wide and range conditions. Of the Indian reservations in the region of the Dakotas, the Intermountain region, and 23 million acres in Arizona, and New Mexico, characteristics to the

\* Material presented under this title is from "An Economic Survey of the Indian Reservations."



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the Mescalero and Fort Apache Reservations in the Southwest, where excellent conditions for western yellow pine reproduction and quite generally fair advance growth on tribal lands are found, the reserving of a fair stand of vigorous young or middle aged trees is justified; but on the Jicarilla where practically all timber land is allotted and the beneficial interest of the tribe in the timber will expire in 1932, the removal of the greater part of the mature timber is clearly indicated.

#### SILVICULTURAL PRACTICE

The forestry branch of the Indian Service is now guided, and has been for some years, by broad conservative forest policies which may be summarized as calling for the maximum returns from Indian forest resources consistent with sound silviculture. Although the silvicultural practice followed on the various reservations has been made to fit local forest conditions wherever possible, the utter impossibility of accomplishing very much silviculturally as long as land tenure is most uncertain is obvious. In spite of this obstacle of uncertain land tenure Indian Service foresters have been guided in the development of silvicultural practice by the probable future use of lands now forested as well as by the necessity of realizing the maximum returns to the Indians. Notwithstanding the peculiar difficulties involved, the development of silvicultural practice on Indian reservations has kept pace with the general development of this science on publicly managed lands and is far in advance of that obtaining on the vast majority of private lands. The results obtained on two reservations where the land tenure is less uncertain than on the average reservation, namely the Menominee in Wisconsin and the Klamath in Oregon, have been highly commended by foresters of national and international reputation.

In view of legislation and court decisions which have resulted in the allotting of much valuable timberlands to individual Indians, sustained yield cannot be successfully practiced on some Indian reservations until the property rights of individual Indians established by the courts have been taken care of. If tribal forests are to be established and put on a sustained yield basis, or if Indian forest areas in their present ownership are to be put on that basis, individual Indians must, in all equity, be compensated for the loss of income from their personal property. Any plan of sustained yield and unified ownership cannot, in justice to the Indian, be promulgated and legislated without acknowledging and fully satisfying the property rights of individual Indians. "Forester should not sacrifice the well-established rights of men on the altar of speculative theory as to the rights of trees."

#### GRAZING RESOURCES AND ADMINISTRATION\*

The scope of country embracing the important livestock-producing Indian reservations is very large and includes many variations in range conditions. Of the 40 millions of acres of grazing land in Indian reservations about 13 million acres is in the Great Plains region of the Dakotas, Montana, and Wyoming; 4 million acres in the Intermountain region of Idaho and eastern Washington and Oregon; and 23 million acres in the Southwestern States of Utah, Colorado, Arizona, and New Mexico. These large areas, conforming in general characteristics to those of the semiarid regions in which they are

\* Material presented under this heading has been taken, in part, from a report by Lee Muck, entitled "An Economic Survey of the Range Resources and Grazing Activities on Indian Reservations."

situated, are suited to the large-scale production of range livestock. The natural features of some reservations limit their economic possibilities to the development of this industry, and the crop of native forage is the most valuable product of a large area of Indian lands. In 1929, 1,396,776 head of stock owned by individual Indians, 51,411 head of tribally owned stock, and 946,069 head of permitted stock owned by whites obtain pasturage on Indian reservations and brought in a cash income of about \$700,000.

Immediately after the organization of a forestry unit in the Indian Service in 1910, attention was given to grazing conditions on reservations in the Southwest, and for 6 or 8 years supervision of grazing activities was maintained on several reservations. As efficient forest organizations were developed on timbered reservations in the Northwest, range control has been assumed on the Flathead, Colville, and Yakima Reservations (some 15 years ago), and more recently on the Klamath, Spokane, and Tongue River Reservations. With these exceptions, grazing matters on Indian lands have not been an activity of the Forestry Branch, but have been handled by the superintendents of the several reservations. On April 15, 1930, the Secretary of the Interior placed the supervision of all range activities on Indian lands in the forestry branch.

In the administration of Indian grazing resources, it has been the policy of the Indian Service, in accordance with existing regulations, which provide for season of use, number and class of stock, etc., to give preference to Indians owning herds. Excess grazing land not needed by Indians is then blocked out into units and adequately advertised, sealed bids are required, and the units are leased to the highest bidders. This policy brings to the Indian owners the greatest financial return from use by whites of their grazing resources.

The objectives of management and grazing policy have been summarized by Muck in the report already cited as follows:

A. The preservation of land, water, forest, and forage in a safe and entire state; the utilization of these resources for the purpose to which they were dedicated by nature; and the full enjoyment thereof, today, without destroying the promise of continued enjoyment tomorrow.

B. The permanent welfare of the livestock industry, generally, and the Indian livestock industry in particular, through proper care and improvement of grazing lands, under principles conforming to the requirements of practical operations.

C. The protection of the interests of the whole Indian people against unfair competition, the inequable utilization or distribution of forage values and the exploitation of communal and individual assets of the open range by the more aggressive individuals.

D. The conservative utilization of all forage resources, primarily through the development of the livestock industry among the Indians and secondarily, through the regulated sale of grazing privileges to the end that economic waste will be largely, if not wholly, eliminated and a balanced net income realized for the permanent benefit of the majority of the Indians.

The management policy contemplates the systematic regulation of Indian grazing resources by -

- (a) Increase in the number of stock on undergrazed lands.
- (b) Readjustment of existing ranges by carrying out carefully evolved and scientific grazing management plans to obtain the maximum amount of revenue consistent with sound practice.
- (c) The reduction of the number of stock on the overgrazed reservations of the Southwest.

Existing regulations specify that where sufficient tribal lands are available, an Indian family may be permitted to graze not to exceed

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50 horses, 100 cattle, or 500 sheep or a combined equivalent thereof in the several classes enumerated. This regulation has been sustained by Federal court opinion and has been rigidly enforced in both the northern Great Plains region and the Intermountain region. However, it has been violated and more or less consistently ignored in the Southwest region (10, p. 12, 300) where for decades these Indians have secured their main living from sheep and goats. The rehabilitation and revegetation of these overgrazed lands, without arousing the animosity and the violent opposition of those who obtain their precarious living from these ranges, is regarded as "a problem to tax the ingenuity and skill of any forester" (2, p. 1052).

Accurate data concerning the potential revenue which can be realized from Indian grazing lands are not available. It is probable, however, that, under scientific management, receipts in the future from grazing permits will not be less than the amount received in 1931. On the contrary with the return of normal economic conditions, the systematic use of available resources, and the discontinuance of certain unwise practices, such as the use of valuable range lands by large numbers of worthless Indian ponies, a substantial increase in revenue may be made.

Immediately after the supervision of range activities was given to the Forestry Branch an economic survey of the range resources and grazing activities on Indian reservations was undertaken. Shortly after the completion of this survey corrective measures were initiated and considerable progress has been made in systematizing and improving the management of this important Indian resource, although the usual handicaps of insufficient funds and personnel exist.

WATERSHED PROTECTION AND WATER CONSERVATION

It is not possible to give accurate statistical data concerning the importance of Indian forest lands for the protection of watersheds and for water-conservation purposes. Forests on many thousands of acres of Indian land may, however, properly be classified as protection forests, for very frequently the headwaters of streams of immense importance in irrigation projects are located within Indian reservations.

The policy of the Indian Service both with regard to forest and range lands is to administer these lands with their protective importance clearly in mind and to insure the maintenance of an adequate ground and tree cover. If, however, these lands are to receive the protection which their importance warrants, the uncertain tenure of ownership must be removed and the Indian Service given an increased personnel and more funds for protection purposes.

WILD LIFE

The majority of Indian reservations in the Western States are situated in the more inaccessible regions, and as a result of this remoteness and because on practically all reservations where Indians have been accustomed for generations to rely on game and fish for food, the right to hunt and fish regardless of season has been reserved for them in treaties.

Indian reservations as a rule are better stocked with wild life and fish than are adjacent lands. Also, the Indian, generally speaking, does not hunt or fish for sport but for food, and will not take more than is needed for that purpose.

Indians do not take kindly to the abrogation of hunting and fishing practices which are as old as the race itself. However, as they adapt themselves to the white man's methods of living their reliance on wild life for food supplies diminishes.

Whereas, not so many years ago, the Indian tribes were accustomed to hunt and fish on large areas of land; in recent years, due to the restriction and development of adjacent land, they have been confined to their reservations. Because of the restriction of hunting and fishing by Indians to their reservations, the supplies of game and fish have been reduced in recent years. While some streams have been stocked with fish, there is urgent need for the restriction of hunting and fishing out of season, and it will be necessary, if Indian streams and forests are to produce fish and game to potential capacity, to do a considerable amount of restocking streams with fish and woods with game.

The importance of the wild-life resources of Indian lands to the Indians varies with the degree that Indian tribes have departed from ancient modes of living and methods of obtaining food supplies, and they should be managed accordingly.

The policy of the Indian Service in this matter may be stated as follows:

1. Conservation of these resources by education and encouragement of the Indians in wise use.
2. Cooperation with State and Federal authorities and conformity with State and Federal laws and regulations whenever such conformity is possible under existing Indian treaties and would not deprive the Indians of an important source of food supply.

#### RECREATIONAL POSSIBILITIES

Development of the recreational possibilities of Indian reservations must always give primary consideration to the Indians. These possibilities are many, for Indian reservations include a great variety of lands not only of scenic and inspirational value on which all forms of outdoor sport and recreation may be enjoyed, but have an unusual attraction for many thousand vacationists annually because of the Indian himself and the history of his race.

The development of the recreational possibilities of Indian reservations for the benefit of whites cannot properly be undertaken by the Indian Service through the use of Indian tribal moneys. Specific gratuity appropriations would be needed for this work. The problem of management has been summed up by Kinney (11) thus:

The full realization of these possibilities may be achieved only through sincere and effective cooperation between the Indian Service, the Indians themselves, and those representatives of the general citizenry of the Nation who are able and willing to ascertain the true facts and ready to lend their support to all efforts toward a solution of the intricate problem of properly integrating the Indian lands and the Indian character with the national resources, physical, mental, and moral.

#### OTHER USES OF INDIAN FORESTS BY INDIANS

Indian forests have played and should continue to play an important part in the economic life of their owners by the use of Indian owned and operated sawmills of two general classes:

- (a) Small mills operated mainly to produce lumber and other building materials for Indian buildings, and

(b) Mills desirous of sale in commerce.

As Indian lands (because small in acreage) can be operated by Indian mills in small quantities. They are in various stages of industrial training. Their housing conditions are not justified on a large scale. Accurate yearly reports are not made. The number in the Indian Service is small. Besides paying for their services, they have exerted no influence on some reservation.

There are at present no Indian timber mills under the supervision of the Indian Service and Menominee.

The Red Lake reservation has approximately 5 million acres. The Indians own the land on credit of over \$100,000. After the passage of the act, they earned (up to \$100,000) (stumpage and wages to Indian Administration) Indian Administration said (p. 516) could be used.

At the Menominee reservation in the mill. One of the main reasons for the work and prosperity of the reservation is the situation the police have apparently largely neglected. The reservation brought increased the cost of the operations made up almost entirely of the cost of the operations applied for work because the welfare of the balance sheet. Positions requiring special training could have held the reservation in direct competition with the available state.

The survey station at Menominee operated what they might call a school of the training and a commercial enterprise. The survey visit was made.

The number of Indian-owned mills at Red Lake on various occasions, how many enterprises such as sawmills should be operated.

In addition to the Indian timber industry.



(b) Mills designed to manufacture lumber and other products for sale in commercial markets, as well as for Indian use.

As Indian labor is usually less efficient than white labor, and because small mills (with a daily output of 2,000 to 20,000 board feet) can be operated for only short periods, the commercial operation of Indian mills is difficult and has not been attempted in most instances. They are operated mainly to afford the Indians a means of industrial training and to act as an incentive in the improvement of housing conditions on the reservations, and their maintenance must be justified on educational and social grounds rather than economic. Accurate yearly statistics concerning these mills are not available. The number in operation has varied from 30 in 1911 to 25 in 1931. Besides paying the Indians a substantial amount of wages, these mills have exerted no little influence in industrial and social betterments on some reservations.

There are at present two sawmills (and logging operations) in Indian timber which are operated commercially by Indians under the supervision of the Forestry Branch, namely, on the Red Lake (Minn.) and Menominee (Wis.) Indian Reservations.

The Red Lake operation dates from 1925, has an output of approximately 5 million board feet per year, and (up to Apr. 1, 1930) paid the Indians over \$300,000 in wages and accumulated a stumpage credit of over \$250,000. The Menominee operation, started soon after the passage of the act of March 28, 1908 (35 Stat. L., 51), has earned (up to December 1930) a net income of over \$3,700,000 (stumpage and net operating profit) besides paying millions of dollars in wages to Indians. Meriam and associates in "The Problem of Indian Administration," Institute for Government Research, 1928, said (p. 516) concerning the Menominee operation:

At the Menominee Reservation Indians are employed both in the camps and in the mill. One got the impression that the Indians there were doing more work and prospering more than was the case on other reservations, and for this situation the policy of employing Indians in the timber and mill operation was apparently largely responsible. Interviews with the white officers on this reservation brought out the opinion that the policy of employing Indians increased the cost of production, that if a private commercial company had charge of the operations they could reduce labor costs by employing a smaller force made up almost entirely of white men. The tendency is to give the Indian who applies for work a job, whether he is actually needed at the moment or not, because the welfare of the Indians is placed ahead of the immediate interests of the balance sheet. At times Indians have occupied some of the more responsible positions requiring skill and experience, although it may be doubted whether they could have held these positions in a commercial mill where they would have been in direct competition with the whites. Despite this policy of preferring Indians, the available statistics indicate that the operations are carried on at a profit.

The survey staff has not made a detailed examination of the accounts of the Menominee operations, but it is of the opinion that even if the profits are not what they might be with a white staff, the undertaking is well worth while because of the training and economic opportunities it affords the Indians. It is not only a commercial enterprise, it is also educational. The superintendent at the time of the survey visit showed a keen appreciation of the social side of his task.

The number of Indians engaged in work with timber other than at Red Lake and Menominee is small. It has been stated on numerous occasions, however, that the advisability of initiating other tribal enterprises such as are now being carried on at Red Lake and Menominee should be carefully considered.

In addition to the above many thousands of Indians are dependent upon Indian timber for their fuel supply.

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## FOREST-FIRE PREVENTION AND SUPPRESSION

One of the most important duties of the Forestry Branch of the Indian Service is the protection of at least 9 millions of acres of Indian forest lands from fire. Many Indian reservations contain large areas of timberlands which are relatively inaccessible and undeveloped, making fire suppression exceedingly difficult and expensive. Although appropriations for this purpose have been somewhat increased in recent years, sufficient funds for equipment, improvements, and personnel to protect Indian forest land from fire adequately have not, generally speaking, been available. The Indian Service has, however, made considerable progress in this work. Since 1910, 43 lookout stations have been built, and over 4,500 miles of road, over 900 miles of trail, and about 2,500 miles of telephone line have been constructed which are principally of value for fire protection and suppression purposes (table 4).

Accurate statistics as to the causes and extent of forest fires, the resultant damage, and the costs of suppression of such fires on Indian reservations are not available over a long period of time. Table 5 presents the best record obtainable, based on reports submitted by superintendents and forest officers. It is probably somewhat in error, especially in the early years, in that some grass and open fires may have been included.

TABLE 4.—Roads, trails, telephone lines, and lookouts on reservations of major importance from a forestry standpoint

Reservation	Gross area	Lookouts	Roads	Trails	Telephone lines
	Acres	Number	Miles	Miles	Miles
Arizona:					
Fort Apache.....	1,664,872	5	445	.....	320
Northern Navajo.....	3,084,200	.....	117	.....	21
San Carlos.....	1,610,240	1	25	.....	46
Southern Navajo.....	3,775,765	1	450	.....	191
Western Navajo.....	3,500,000	.....	556	.....	109
California: Hoopa Valley.....	116,064	.....	11	20	26
Idaho:					
Coeur d'Alene.....	63,881	.....	.....	.....	2 1/2
Fort Hall.....	402,564	.....	30	.....	.....
Minnesota:					
Consolidated Chippewa.....	59,270	3	32	.....	20
Red Lake.....	543,628	4	50	.....	57
Montana:					
Blackfeet.....	1,492,042	1	8	.....	42
Flathead.....	1,240,000	1	200	.....	183
Rocky Boy.....	85,040	.....	22	.....	15
Tongue River.....	442,960	2	31	.....	66
New Mexico:					
Jicarilla.....	743,220	2	300	.....	104
Mescalero.....	474,240	1	.....	300	114
Santa Clara.....	30,360	1	5	.....	3
North Carolina: Cherokee.....	63,820	1	.....	.....	8
Oregon:					
Klamath.....	1,107,336	3	1,040	.....	366
Warm Springs.....	463,669	1	287	.....	135
Washington:					
Colville.....	1,385,086	6	409	488	305
Neah Bay.....	26,952	.....	.....	.....	.....
Quinalt.....	189,621	2	12	.....	29
Spokane.....	148,635	1	128	11	73
Tulalip.....	22,500	.....	6	.....	7
Yakima.....	1,182,030	4	237	6	174
Wisconsin:					
Lac du Flambeau.....	52,491	.....	90	.....	8
Menominee.....	230,400	3	90	.....	69
Wyoming: Shoshone.....	800,000	.....	35	80	.....
Total.....	25,060,786	43	4,616	905	2,533

<sup>1</sup> Roads and trails.

TABLE 5.—Areas

Year	Area	Stations
	Acres	
1910.....	634,101	.....
1911.....	20,841	.....
1912.....	12,504	.....
1913.....	144,536	.....
1914.....	117,173	.....
1915.....	40,354	.....
1916.....	54,492	.....
1917.....	121,791	.....
1918.....	71,968	.....
1919.....	87,201	.....
1920.....	227,869	.....
1921.....	140,231	.....

It is impossible to find the probable cost of adequate fire protection. The average area burned annually from 1910 to 1931, inclusive, has been about 40,000 acres, and the average appropriation of about \$45 per acre. The amount of this annual appropriation for such improvements such as fire lookouts, fire lines, and fire towers is a reasonable protection which are producing income for the owners as well as affording them a livelihood.

CONTI

Infestations of insects which kill standing timber are a serious problem in such plagues are usually caused by insects that they occur simultaneously in national parks, Indian reservations, and other domains.

The most serious outbreak of the white pine blister beetle in the western United States is very little western white pine bark beetle has serious damage in Oregon since the outbreak. Control of this pest will require cooperation of Agriculture and the Indian Service.

In this work the Government has been operating, since timber has been protected. There has been expenditure of about \$118,000 on insect control which has been spent by the Indian Service, and the Department of Agriculture. Recommendations of expenditure of thousands of dollars for insect control have been appropriated for the



TABLE 5.—Areas and total cost of forest fires on Indian Reservations

Year	Suppression cost		Damage	Year	Suppression cost		Damage
	Area	Dollars			Area	Dollars	
1910	634,101	31,249	897,687	1922	42,043	47,289	27,937
1911	20,841	3,060	16,989	1923	47,394	60,539	25,307
1912	12,504	4,319	11,581	1924	31,101	22,489	69,388
1913	144,536	11,171	36,634	1925	53,946	50,910	67,337
1914	117,173	14,543	76,983	1926	64,553	51,749	34,521
1915	40,354	5,803	62,637	1927	133,287	92,328	126,532
1916	54,492	10,175	55,448	1928	23,333	52,308	28,739
1917	121,791	30,036	62,887	1929	46,249	47,336	78,002
1918	71,968	11,871	37,139	1930	57,100	61,683	120,388
1919	87,201	32,649	292,135	1931	124,324	136,363	227,664
1920	227,869	27,168	384,739				
1921	140,231	38,808	205,878	Total	2,206,451	824,076	2,952,962

It is impossible to furnish at this time, detailed estimates as to the probable cost of adequately protecting Indian forest lands from fire. The average area burned over annually during the fiscal years 1927 to 1931, inclusive, has been about 75,000 acres. In the judgment of Indian Service foresters this average acreage could be reduced at least to 40,000 acres, and to accomplish this objective an annual appropriation of about \$450,000 is needed for the next 10 years. A large amount of this annual appropriation would be expended for permanent improvements such as roads, trails, and lookout towers, and in addition reasonable protection would be given to valuable timber resources which are producing many millions of dollars in revenue to the Indian owners as well as affording thousands of workers an opportunity to earn a livelihood.

CONTROL OF INSECTS AND DISEASE

Infestations of insects and epidemics of disease which damage and kill standing timber are not peculiar to Indian reservations. In fact such plagues are usually, if not always, of such scope and magnitude that they occur simultaneously and in common on national forests, national parks, Indian reservations, private lands and the public domain.

The most serious outbreaks now being combated are probably the white pine blister rust, and the ponderosa pine bark beetle. There is very little western white pine on most Indian reservations, but the bark beetle has seriously threatened timber on the Klamath Reservation in Oregon since about 1920. In 1922 funds for suppression and control of this pest were requested jointly by the Departments of Agriculture and the Interior.

In this work the Government departments were joined by private operators, since timber on lands owned by all three was infected. There has been expended on the Klamath Reservation since 1922 about \$118,000 on insect-control work, of which about \$75,000 has been spent by the Indian Service, about \$40,000 by the United States Forest Service, and \$3,500 by the Bureau of Entomology of the Department of Agriculture. The control work has followed recommendations of experts of the Bureau of Entomology. Twenty thousand dollars for insect control work on the Klamath Reservation was appropriated for the fiscal year 1933.

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Roads	Trails	Tele- phone lines
Miles	Miles	Miles
415		320
117		21
25		46
450		191
556		109
11	20	26
30		2 1/2
32		20
50		57
8		42
200		188
22		15
31		66
300		104
	300	114
5		3
		8
1,040		366
287		135
409	488	305
12		29
128	11	73
6		7
237	8	174
90		8
90		60
35	80	
4,616	905	2,558

In 1912 approximately \$5,000 was spent on insect control work on the Tongue River Reservation in Montana, but funds were not available for this purpose in subsequent years until 1931 when about \$1,300 was expended.

Plagues of insect infestations and disease epidemics affecting standing timber are usually wide-spread and constitute a national menace. Funds for control work should be obtained and expended in suppression activities in such a way as will insure a high degree of correlated action between Federal, State, and private interests whose timber holdings are threatened.

#### DEVELOPMENT OF PERSONNEL

When the forestry branch of the Indian Service was organized in 1910, a personnel program was contemplated (6, p. 475) providing for the employment of a forester, assistant forester, and superintendent of logging, whose duties were to be those of general inspection and supervision; 3 men to have similar duties within 3 assigned portions of the United States which were described as comprising the Southwestern, the Northwestern, and the Central States; about 12 or 15 forest assistants and lumbermen in charge of the forestry work on the more important timbered reservations under the jurisdiction of the superintendents of the reservations, and a force of about 112 forest guards and rangers under the jurisdiction of the superintendents on about 40 reservations having large forest interests.

In carrying out this program, which has been modified to some extent as circumstances demanded, considerable difficulty has been encountered in retaining the services of competent men because of inadequate salaries (minimized somewhat since the reclassification) and living conditions and the somewhat unusual working conditions. A forester in the Indian Bureau, to render efficient and satisfactory service must not only have technically trained and fully alert mental equipment, but must be able to recognize fully the peculiar problems confronting the Indian Service with respect to the Indian wards of the Government; must win the confidence and respect of these people; and be guided to a very large extent in his work by a consideration of the best interests of the Indians. Although the turnover in the total number of forestry employees has been relatively large, the generally satisfactory progress which has been made in forestry work on Indian reservations has been due in some measure at least to the fact that the turnover in employees in supervisory forestry work has not been as large as in the more subordinate positions. The Director of Forestry has been able to build up a force of technically trained men who have acquired an intimate knowledge of Indian affairs and who understand the importance of Indian forest property in a general program which has as its objectives the social, industrial, and economic improvement of the Indian race.

If forestry practice on Indian reservations is to be improved one of the outstanding needs for all forest activities is an increased personnel, particularly for forest-fire prevention and suppression, general timber sale administration, grazing administration, and forest improvement work.

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TABLE 6.—Expenditures

Year	Expenditures
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1925	.....
1926	.....
1927	.....
1928	.....
1929	.....
1930	.....
1931	.....
Total	.....

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 3 All grazing activities tak  
 4 Includes \$50,000 for eme  
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The approximate to the combined a New York), which in trust for him b importance in the stock industries. forest and range n administration of ful consideration.

Viewed not only but in terms of a

COST OF FORESTRY WORK

Table 6 gives the best available data of expenditures for forestry work on Indian reservations by major funds and years since 1910. Forestry is but one phase of a complex Indian problem and, as has been stated above, is inextricably intertwined with other Indian Service activities. Because of these things, foresters in the Indian Service are called upon to perform many nonforest duties which, in some instances, require an appreciably large amount of their time. While some funds from tribal moneys (mainly the appropriation "Indian Moneys, Proceeds of Labor") have been used for forestry work and are not included in table 6, this amount is equalled if not exceeded by the moneys spent (in wages and other items) on nonforest activities from the forestry funds given in the table.

TABLE 6.—Expenditures for all forestry purposes under annual appropriation

Year	Industrial work and care of timber, forestry	Expense account, timber <sup>1</sup>	Total	Regularly employed foresters <sup>2</sup>
	Dollars	Dollars	Dollars	Number
1910.....	77,741.16	7,080.82	84,821.98	.....
1911.....	90,000.00	11,572.90	101,572.90	.....
1912.....	99,132.15	10,150.24	109,282.39	.....
1913.....	104,675.76	15,297.91	119,973.67	.....
1914.....	91,966.47	16,252.17	108,218.64	.....
1915.....	112,819.26	13,236.68	126,055.94	.....
1916.....	105,221.95	21,967.10	127,189.05	.....
1917.....	104,834.74	32,746.79	137,581.53	.....
1918.....	98,824.82	37,472.84	136,297.66	.....
1919.....	100,025.95	46,109.42	146,135.37	.....
1920.....	102,901.43	88,478.59	191,379.92	.....
1921.....	109,077.94	60,623.00	169,701.03	180
1922.....	80,889.59	50,873.02	140,762.61	175
1923.....	99,455.42	100,190.99	199,646.41	192
1924.....	95,212.25	153,568.33	248,780.58	190
1925.....	115,625.60	122,442.15	238,067.75	178
1926.....	106,577.23	167,840.15	274,417.38	176
1927.....	139,939.66	162,407.26	302,346.92	167
1928.....	97,295.39	196,818.55	294,113.94	125
1929.....	129,353.69	217,701.90	347,055.59	126
1930.....	166,197.26	240,707.43	406,904.69	135
1931.....	324,427.00	247,769.87	572,196.87	116
Total.....	2,567,693.62	2,021,308.20	4,589,001.82	.....

<sup>1</sup> Authorized deductions from timber-sale receipts.  
<sup>2</sup> In addition to which there are or have been approximately 10 "at large" employees and 3 or 4 in the Washington Office.  
<sup>3</sup> All grazing activities taken over by forestry employees.  
<sup>4</sup> Includes \$50,000 for emergency employment on construction work (relief legislation) and an additional amount of about \$50,000 of deficiency appropriation for forest-fire suppression.

CONCLUSION

The approximately 71 million acres of land (being very nearly equal to the combined area of all the New England States and the State of New York), which are the property of the American Indian and held in trust for him by the United States Government, are of very great importance in the Western States and regions in the timber and livestock industries. In formulating a national program of wise use of forest and range resources, this large area of Indian land, under the administration of one branch of the Government, is entitled to careful consideration.

Viewed not only from the standpoint of the Indians themselves but in terms of a national-forest and range-land policy, the crux of

on insect control work on but funds were not available until 1931 when about

ease epidemics affecting and constitute a national e obtained and expended ill insure a high degree of and private interests whose

CONNEL

Service was organized in ed (6, p. 475) providing it forester, and superin- hose of general inspection duties within 3 assigned described as comprising he Central States; about in charge of the forestry rvations under the juris- rvations, and a force of r the jurisdiction of the ring large forest interests. s been modified to some rable difficulty has been mpetent men because of ince the reclassification) usual working conditions. efficient and satisfactory ed and fully alert mental lly the peculiar problems to the Indian wards of e and respect of these t in his work by a con-

Although the turnover as been relatively large, s been made in forestry n some measure at least in supervisory forestry e subordinate positions. ould up a force of tech- intimate knowledge of ortance of Indian forest its objectives the social, Indian race. is to be improved one of s an increased personnel, pression, general timber and forest improvement

the present unsatisfactory situation on Indian lands in the face of which sound management plans can hardly be evolved and carried out is the instability of land ownership.

The discontinuance of the practice of allotting forest and range land should immediately be accomplished by means of legislation prohibiting further allotments of land of this character.

Repeated efforts have been made since 1910 to obtain legislation necessary to insure the stability of ownership of large areas of Indian forest land of such character that it should unquestionably be permanently maintained in consolidated ownership for forest production and water-conservation purposes. The act of May 18, 1916 (39 Stat. 137), creating the Red Lake Indian Forest of approximately 110,000 acres has been the only legislation so far obtained, although similar bills pertaining to the Colville, Klamath, Warm Springs, and Yakima Reservations were introduced in the second session of the Seventy-first Congress. Legislation of like character is needed for the Flathead, Fort Belknap, and Tongue River Reservations in Montana; the Neah Bay and Spokane in Washington; the Fort Hall in Idaho; the Hoopa Valley in California; the Shoshone in Wyoming; the Mescalero in New Mexico; the Navajo, Fort Apache, San Carlos, and Truxton Canyon in Arizona; and possibly for several smaller areas.

Bills covering these reservations should be introduced in the next session of the Congress. With the realization that the establishment of a permanent status for Indian forest lands is essential to their highest economic use for the Indians themselves, and is also the most desirable policy for the Nation at large, these bills should be actively supported by all who believe that the present forest situation in the United States calls for the adoption and carrying out of a conservative national policy.

The United States Government should restore, insofar as is practicable, the former unified tribal status of Indian forest and range lands, and should maintain in a tribal status these restored lands as well as the present area of tribal forest and range lands, should adequately protect them from fire, and fully preserve their protective character and improve their productive value.

Just as the act of February 26, 1927, authorizing the cancellation of fee patents on Indian allotments, was intended to correct insofar as possible a mistaken land policy, legislation to restore to Indian tribal ownership those parts of possible working units of forest land which have been alienated and are now in varied ownership which precludes their proper protection and economic use should be enacted.

This act should provide for the establishment of tribal forests in units of sufficient size to be managed economically and for the buying back and inclusion in such tribal forest land that was originally Indian tribal land but which is now owned by individual Indians or by whites. The price per acre should not be in excess of the going price of nonagricultural cut-over timberland in the immediate neighborhood and should be limited in the enabling act. Where possible tribal funds derived from the sale of timber should be used for this purpose, and where these funds are not sufficient gratuity appropriations should be made available.

That the regulations and policies of the forestry branch of the Indian Service, originally approved in 1911, were basically sound

and conservative have been modified, be extended and appropriations are needed, an increased percentage of investment preparing this report.

The efficient fund aided when funds compilation of resources and administrative data. The lack of has constantly had and this situation

The public has acquisition of land and protection of these lands into national forests.

enlargement of the interested in and adequate supply of watersheds (the protection of mill power projects) a tion of destructive the maintenance inspirational value

Into this nation with such perfect able. Many Indian which are not so the standpoint of large working units tively (9).

It is self-evident conserve and use jurisdiction. The the prompt correction administration of up of the unified which have made of these lands; an of acres of forest ship to private ownership productive, unproductive Unless remedial a deplorable from the will constantly be will damage measures proper management decades at least,



Indian lands in the face of which they should be evolved and carried

lotting forest and range land by means of legislation projects of this character.

In 1910 to obtain legislation for the acquisition of large areas of Indian land could unquestionably be secured by the ownership for forest production by the act of May 18, 1916 (39 Stat. 1033) in Forest of approximately 100,000 acres so far obtained, although at Lamath, Warm Springs, and at the second session of the same year the like character is needed for the River Reservations in Washington; the Fort Hall Reservation in Idaho; the Shoshone in Wyoming; the Fort Apache, San Carlos, and Gila Reservations, possibly for several smaller

be introduced in the next session that the establishment of national forests on these lands is essential to their preservation, and is also the most effective means for the present forest situation in the country and the crying out of a conservative

to restore, insofar as is practicable, the status of Indian forest and range lands. These restored lands and range lands, should be so managed as to preserve their protective value.

authorizing the cancellation of patents intended to correct insofar as possible to restore to Indian working units of forest land a varied ownership which would be enacted. The management of tribal forests in the public domain and for the buying of land that was originally owned by individual Indians or by the Government should be in excess of the going rate in the immediate neighborhood. Where possible the Government should be used for this efficient gratuity appropriation.

forestry branch of the Department of the Interior, were basically sound

and conservative is generally recognized. These policies which have been modified and improved by subsequent regulations, should be extended and intensively carried out. To this end larger appropriations are needed for additional improvements and equipment and an increased personnel, the details of which would require a larger amount of investigation and analysis than has been possible in preparing this report.

The efficient functioning of the forestry branch will be materially aided when funds and personnel are available for the collection and compilation of reliable and complete statistical data on all forest resources and all details of costs and administration. In fact, administrative officers cannot exercise proper control without such data. The lack of sufficient funds and personnel for this purpose has constantly handicapped the forestry branch of the Indian Service and this situation should be immediately remedied.

The public has, through the Congress, given its approval to the acquisition of large areas of mismanaged private forest production and protection lands by the Government; for the incorporation of these lands into new national forests; and for the extension of existing national forests. The public good clearly justifies this program of enlargement of the national forests. The general public is clearly interested in and must be responsible for the maintenance of an adequate supply of timber in the United States; for the protection of watersheds (the source of its water for domestic use and the protection of millions of dollars of invested capital in irrigation and power projects) and for the regulation of streamflow; for the prevention of destructive erosion of range and agricultural land; and for the maintenance of forested areas of inestimable recreational and inspirational value to the entire body politic.

Into this national picture the 71 million acres of Indian land fit with such perfect clearness that the public responsibility is inescapable. Many Indian tribes are possessed of great natural resources which are not susceptible of individual allotment and which from the standpoint of sound national economy should be preserved in large working units so that they may be conserved and used effectively (9).

It is self-evident that the National Government should properly conserve and use those areas of forest and range land now under its jurisdiction. The welfare of the Indians and the public good demand the prompt correction of easily discernible errors of legislation and administration of Indian lands which have resulted in the breaking up of the unified ownership of large areas of forest and range lands; which have made impossible the proper protection and economic use of these lands; and which have forced or will force many thousands of acres of forest and range land through the gamut of Indian ownership to private ownership and finally to swell the total of non-productive, unprotected, tax delinquent, and tax foreclosed land. Unless remedial action is promptly taken, these conditions, which are deplorable from the national standpoint of conservation and wise use, will constantly become aggravated and more extensive. Not only will damage measured in dollars by millions have been done, but the proper management of these lands will be postponed for several decades at least, if it is ever possible.

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Consequently about one third are usually disti beauty. This i which have gene parks. With fe sufficiently mag country. With some particular primitive growth accessible only methods.

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