Senator Burton K. Wheeler and the 1934 Indian Reorganization Act

Sarah B. Pfouts

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SENATOR BURTON K. WHEELER
AND THE 1934 INDIAN REORGANIZATION ACT

By
Sarah B. Pfouts
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Senator Burton K. Wheeler and the 1934 Indian Reorganization Act (123 pp.)

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This study examines Montana Senator Burton K. Wheeler's involvement in the 1934 Indian Reorganization Act, also known as the Wheeler-Howard Act. Wheeler was a principle sponsor of the Act and, three years later, its firm opponent. As part of the investigation into Wheeler's role, a description of the basic legislative history of the Act as it passed through Congress is necessary. Pertinent to the study is the position of Indian Commissioner John Collier, who created the Act, and the relationship between Wheeler and Collier.

This study begins with Wheeler's initial sponsorship of the Act in 1934 and its passage that year, and concludes with Wheeler's attempt to repeal the Act in 1937. The Epilogue briefly reviews the years from 1937 to the mid-1950s, during which time both Wheeler and Collier left Washington and the direction of Indian affairs changed. Certain government documents, primarily the 1934 Senate Hearings on the Wheeler-Howard bill, supplied basic sources of information. The Wheeler Papers and Collier's editorials were crucial. In addition, other magazine and newspaper editorials, the Indian Bureau newspaper, Indians at Work, and the Senate Survey of Indian Conditions in the United States were studied. By tracing the legislative history of the Act and Wheeler's reaction to it through these sources, and by complementing this research with secondary sources, a clearer understanding of the subject was gained.

The research prompts certain conclusions. Wheeler was basically an assimilationist in his attitude toward the American Indian. Collier, though attempting to conjole all factions to promote his reorganization plan, was basically an ethnic pluralist who wanted the Indian to be a distinct and uplifting part of a varied American society. These two views met and clashed as a result of the Indian Reorganization Act. Each man saw his own goals for the Indian in the Act's provisions. In 1934 Wheeler was an active supporter of the final Indian Reorganization Act. By 1937 he felt that the Act was not promoting his goal of fairly immediate Indian assimilation, and he made an attempt to repeal it. Though his and several similar repeal efforts failed, Wheeler continued to separate himself from the Act in later years. The Indian Reorganization Act legitimately can be viewed as a symbol of the past and present controversies over what direction the American Indian should take: that of assimilation or separatism.
For my mother, Margery H. Brown

With Special Thanks to
Dr. Duane Hampton, Dr. Bill Evans and Dr. James Lopach
PREFACE

The 1934 Indian Reorganization Act, equally well-known as the Wheeler-Howard Act, dramatically changed the direction of federal Indian policy in the United States. The Act's title connects this pivotal Indian legislation with its two sponsors, Senator Burton K. Wheeler of Montana and Representative Edgar Howard of Nebraska. Though this nominal association exists, there has been little investigation into the parts played by these two legislators in the creation of the Act. It is unwise to assume that simply because these men sponsored the original bill, they gave it consistent support.

Senator Wheeler was intensely involved in the creation of the Wheeler-Howard Act. He was far more active in influencing the scope and the specifics of the plan in its final form than was Representative Howard. For this reason, and because Wheeler served a state in which the Act produced immediate results,¹ I will concentrate on the Senator's involvement. Howard's reactions will be considered in briefer references to the developments that took place in the House Committee on Indian Affairs.

Wheeler's involvement in the Reorganization Act is interesting for an additional reason. Despite his sponsorship of and support for the final Wheeler-Howard bill in

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1934, Wheeler attempted to repeal the Act in 1937. A developing dissatisfaction with the Indian Bureau influenced Wheeler's conversion, but there are other possible reasons for his disenchantment which are both specific and general. A discussion of Wheeler's involvement in the Reorganization Act, therefore, includes several issues, and it is apparent that neither Wheeler nor the Act operated in a vacuum.

Wheeler's fluctuating reactions to the reorganization scheme reflect the broader and continuing controversy which has always colored the Reorganization Act. Varying attitudes toward the Act stem from fundamental ideas about the meaning of Indian autonomy in twentieth century America. The Act's basic purpose was to "conserve and develop Indian land and resources," to "establish a credit system for Indians," to "provide for higher education for Indians," to "extend toward Indians the right to form business and other organizations." Drawing from this, some pundits interested in Indian affairs interpret the Act as symbolizing a radical break with an older governmental Indian policy which was often paternalistic and damaging to tribal solidarity. According to this view, Indians utilizing the Wheeler-Howard Act's provisions enlarged their land holdings, created self-governing com-
munities, and bettered their economic condition. Conversely, there are analysts who detect in the Act's purpose a simple continuation of a lengthy attempt to assimilate the Indian into the dominant culture. The Reorganization Act represents, in this view, the political counterpart to the earlier economic attempt to make each Indian a land holder, and hence a member of the "American system," as embodied in the Dawes Allotment Act of 1887.

Further controversy exists concerning the implementation and utilization of the Reorganization Act. Many historians now think that the plan was put into action too hastily. Actual Indian acceptance of the Act also remains questionable since during most of the referendum elections, not voting on the plan meant full acceptance of the Act's provisions. Others interested in the Act treat its provisions more intricately and have detailed what they see as its specific weaknesses and strengths. Thus, the broader argument over the direction of the Reorganization Act--be it eventual Indian autonomy or Indian assimilation, a unique nation-within-a-nation relationship or continued governmental paternalism--contains these more specific issues.

The basic dispute concerning white goals for Indians, which the Wheeler-Howard Act brought to the surface in
1934, was as intense then as it is now. The advantage of "historical hindsight" enables critics in the present to determine more clearly actual effects of the Act. In 1934 no such perspective was possible. Legislators and others, whose attitudes had been dominated since 1887, if not before, by the idea of eventual Indian assimilation, did not immediately adjust to the reorganization plan put forth by the new Indian Bureau administration. The transformation of the Wheeler-Howard bill as it passed through its legislative stages represents the contributions of many people as they dealt with the ideas embodied in the original plan. The final version of the Reorganization Act was quite different from the original proposal. Congressmen, white interest groups, Indians, and Indian Bureau personnel were responsible for determining the Act's content.

Wheeler, working from his position as Chairman of the Senate Committee on Indian Affairs, was a distinctively active participant in this creative process. Wheeler's relationship with the new Indian Commissioner, John Collier, affected the outcome and acceptance of the plan. The original reorganization scheme was mainly Collier's invention. To a great degree the conflicting attitudes held by the Senator and the Commissioner concerning the
future of American Indians influenced the differences between the original reorganization proposal and the final bill. These basic attitudes also stimulated Wheeler's later attack on the Act. Wheeler and Collier's relationship—complementary at the beginning but by 1937 fairly hostile—also reflects the broader controversy over basic aims in Indian policy.

It is hoped that in the process of investigating Wheeler's part in the creation, passage, and acceptance of the Indian Reorganization Act, one will recognize the broader conflict generated by the plan. The recurring argument over the Indian tribe's place and function within the American structure surfaced in 1934 and the resulting Indian Reorganization Act became part of future controversies. This controversy involves the basic kind of existence that an Indian tribe can achieve in America. The varying opinions which white officials have held concerning that existence have largely determined the course of Indian affairs. In 1934 the attitudes of government officials were singularly influential in determining the changes that could be made in Indian policy. Their attitudes became part of the recurring debate. Wheeler's own changing position regarding the Indian Reorganization Act
was—and is—eloquently representative of the continuing controversy over the status of the American Indian.
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Burton Wheeler established a firm reputation as an independent, politically clever individual during his lengthy career. A wariness toward absolute power, wherever it resided, was one of his dominant characteristics. Various descriptions of Wheeler constantly recognize the man's tendency to doubt any idea or individual that he had not first investigated to his own satisfaction. A 1937 *New York Times* editor concluded, "This Montanan reaches his own conclusions about things, measures, and men coming before him . . . his eye is questioning."\(^1\) Another description similarly portrayed Wheeler as a "fiery orator and an expert campaigner . . . politically and personally independent . . . [who] strongly feared governmental paternalism and executive power."\(^2\) In a summary of Wheeler's Senate career Joseph Kinsey Howard concluded that, "Wheeler was a critic, an inspired prosecutor, effective only in aggression . . . not noticeably studious,"\(^3\) but when it came to "business" Wheeler was extremely efficient.

By 1934 Wheeler's capacity for political investigation and attack was already quite apparent. His experience prior to the beginning of his lengthy Senate career in 1922 influenced his politics and strengthened his independent character. Wheeler was born in Hudson,
Massachusetts in 1882 and worked for a short time in an optical factory before entering Michigan Law School in 1902. After completing the course of study there, he traveled west and arrived in Butte in 1905. Quite rapidly he established a good reputation as a lawyer, and in 1911 he campaigned successfully for the state legislature.

It was during his term in the legislature, from 1911–1913, that Wheeler first openly attacked an entity which wielded great political and economic power. When he ran for the legislature he received aid from what was then the major conservative money interest in Butte, the Anaconda Copper Company. Later, Wheeler claimed that he thought he was part of a reform ticket, and only realized after he gained the seat that the Company forces involved would try to dictate his legislative actions. In retaliation, Wheeler voted for a strongly anti-Company candidate, Thomas Walsh, for the United States Senate. Walsh was defeated, as was Wheeler soon after, but Wheeler's experience influenced him against "company" forces for the rest of his career.

In 1913 the legislature successfully elected Walsh to the United States Senate, and soon afterward he appointed Wheeler District Attorney for Montana. Wheeler served until 1918. His term was marked by a defense of labor interests and a continual refusal to call anyone seditious
during the wartime hysteria that stimulated widespread suspicions in Montana. Because of his positions, Wheeler became a target for charges of "seditious practices," but the charges were successfully repudiated. In 1920 Wheeler entered the governor's race against Joseph Dixon. Company forces grudgingly chose Dixon only because he seemed less radical than Wheeler. Wheeler's growing alignment with the Non-Partisan League put him distinctly at odds with conservative interests, and damaged his chances with most moderate Montanans. Wheeler's defeat seemed fortunate to him in retrospect, because economic problems immediately followed Dixon's victory. In 1922 Wheeler ran successfully for the United State Senate.  

Just two years after he arrived in the Senate, Wheeler entered the national presidential election as LaFollette's running mate on the Independent Progressive ticket. True to Wheeler's firm opposition to any consolidated power, the LaFollette-Wheeler platform supported public ownership of railroads and utilities, and a constitutional amendment that would reduce the power of the Supreme Court. In that same year, 1924, Wheeler launched an investigation of President Coolidge's Attorney General, Harry M. Daugherty, on charges of corruption. The investigation eventually led to Daugherty's resignation and established Wheeler at the national level as a strongly independent and aggressive politician.  

A 1937 editorial
described this earlier victory: "[Wheeler] went practically unnoticed in the Senate until one bright morning he let it be known that he had been following his suspecting nose and that it led to the Department of Justice."^8

During his years as a United States Senator, from 1922-1946, Wheeler addressed several causes in his efforts at legislation. He was especially effective in acquiring aid for agrarian and labor interests. He pushed successfully for legislation reducing farm debt, granting drought relief, cutting telephone rates, and backing public ownership of utilities. He won the chairmanship of the Interstate Commerce Committee, a position from which he launched a series of investigations into possible schemes for railroad financing.^9 Wheeler was the first senator to openly support Franklin Roosevelt in 1932 and traveled extensively throughout the West campaigning for Roosevelt before the Chicago presidential convention that year.^10

Wheeler was distinctively a western progressive and yet his brand of progressivism lost many adherents during his years in Congress. Western progressives found themselves increasingly isolated as a group in Congress during the 1920s as eastern politicians and middle class businessmen deserted the ranks and southern elements leaned toward conservatism. It has been asserted that the greatest degree of rebellion during the 1920s came from the West,
where a "fierce individualism" lingered. Basically agrarian in their focus, western progressive senators such as Wheeler and Lynn Frazier "preserved a spark of reform during [this] uncongenial age."¹¹ This reforming spirit centered around a hostility to any centralized power, and especially, by 1930, to executive power. During the 1930s many "older" progressives found themselves falling behind in favor of a newer kind of reforming spirit. Their more traditional brand of progressivism was increasingly incompatible with the progressivism of the New Deal, which welcomed a strong executive and was not overly anti-monopolistic. During the 1930s these two types of progressive reform efforts frequently clashed.

In this atmosphere, Wheeler put his political skill to frequent use. Wheeler appeared an ardent reformer, whether or not his efforts were always successful. A 1944 Collier's editorial described the Senator as . . . "no philosopher. Subtlety is alien to him. His reactions are powerful, but simple and direct . . . he regards the world . . . as being populated by two classes--honest men and scoundrels."¹² An earlier description of Wheeler's senatorial activities noted that:

In his operations in the Senate he has all the attributes of the prosecutor . . . kindly and informal in manner, urbane in appearance, and reliable in his own promises, he can in one of
his battles, use the cutting phrase with telling effort . . . . Personally, he is an easy man to approach and to deal with. He has a gentility amounting at times almost to softness . . . . One may hear him sling out a biting remark to a colleague in debate and see him laughing and talking to the same person a few moments later.¹³

Distinctively a westerner, "with his perpetual cigar, shambling gait, rumpled suit, and battered stetson,"¹⁴ Wheeler was a senator who held firmly to a position in any debate in which he was involved.

Wheeler depended on a mixed constituency during his long career. Labor, farming, and ranching interests came to command his consistent support. A 1934 campaign brochure listed Wheeler as first for miners, farmers, veterans, recovery, silver, Roosevelt, and the Fort Peck Dam.¹⁵ It was difficult to predict consistently Wheeler's electorate, however, since his independent and personalized political maneuvers attracted new constituents and alienated others. In a state where personalities historically have seemed to overweigh partisan alignments, Wheeler's individualist approach influenced his political base.

The political base constantly grew in size through four elections in which Wheeler kept his Senate seat. Wheeler's first senatorial race, in 1922, resulted in a narrow victory, with Wheeler winning in thirty-one counties and his opponent taking twenty-three. The 1928 race
against Dixon for a second term was also close—Wheeler took thirty-five counties and Dixon twenty-one. In 1934, however, Wheeler was at the peak of his career, and, in an historic election against George M. Bourquin, he won every county. In 1940 Wheeler won by the same landslide. It was a shock when he lost to a relative newcomer, Leif Erickson, in the primary election in 1946.16

In addition to recognizing support from labor, farming, ranching, and mining interests in his victories, Wheeler pointed to Montana Indians as dependable constituents. In his campaign materials he was consistently described as a friend of the Indian and "first for Indians," particularly after 1934. A 1940 Wheeler-for-President circular claimed that the Senator "protects Western Indians . . . . Modern schools, improved farms, better living conditions . . . wherever reservations are located are a testimonial to his sincere interest in the problems of the Indians."17 Other political analysts have agreed that Indians backed Wheeler solidly.

The degree of Indian support for Wheeler is particularly difficult to assess, however, and Wheeler's claim to that support is questionable. Since most Indians could not vote until after 1924, substantial election returns from this particular group seem doubtful. Wheeler's geographical areas of support were scattered until his all-encompassing victories in 1934 and 1940, and he took
counties in which Indian population was significant and in which it was not. Wheeler always won in Glacier, Flathead, Sanders, Pondera, and Hill counties where Indian population was somewhat significant, though it was large only in Glacier county. In 1928 Wheeler gained support in Blaine, Big Horn, Roosevelt, and Rosebud counties, all of which had noticeable Indian populations. These victories do not automatically mean that Indian support for Wheeler existed in these areas, however, since Wheeler's victory could have been achieved through purely white support within these counties. Only Glacier county had truly substantial numbers of Indians among its population and even here Wheeler's supporters could have all been white. It cannot be assumed, furthermore, that all Indians of voting age in these counties participated in each election. In addition to a likely lack of interest, sometimes half of those Indians of voting age in these areas were illiterate.

Wheeler definitely recognized Indian support, however, and it is possible that when Indians in counties such as Glacier, Flathead, Missoula, Big Horn, Roosevelt, and Blaine voted, they supported Wheeler. This would have been particularly likely in 1934 and 1940, when Wheeler utilized his involvement in the Indian Reorganization Act as an attraction for Indian votes, and when he won so overwhelmingly. Even this connection can be
called into question, however, since Indians who dis-
liked the Reorganization Act may have voted against
Wheeler—if they voted at all—in these years.

Wheeler was involved in Indian matters before 1934,
and during his term of office he dealt with several
issues concerning Montana Indians. Before 1934, during
his years as a district attorney, he dealt particularly
with the problem of liquor on Indian reservations. After
entering the Senate he continued to meet with tribal
delegates in Washington and in Montana. These delegates
made requests for congressional action, questioned the
ramifications of various Indian-related legislation, and
registered complaints against the Indian Bureau in
Washington and local Indian agents.  

One particular fight Wheeler was personally involved
in early in his senatorial career concerned ownership of
the principal hydroelectric power site on the Flathead
Reservation. In 1927 Senators Wheeler, Lynn Frazier,
and Robert LaFollette agreed with John Collier that a pro-
posed bill to deny the Indians ownership of the site was
unjust and they helped to block the passage of the bill in
March of 1927. In February of 1928 Indian ownership of
all rental fees from the Flathead Power project was con-
firmed, but Congress left the Federal Power Commission free
to lease the Flathead site. The Montana Power Company
acquired the lease. Though this angered Collier, who was
aiming toward full public ownership for the Indians, Wheeler was always proud of the royalties he secured for the Flatheads.\textsuperscript{22}

In addition to introducing several bills supporting hospitals on reservations, Indian liquor laws, and public education for Indians, Wheeler also served as a member of the Senate Indian Affairs Subcommittee, which conducted investigations into Indian conditions from 1928-1944. When Wheeler assumed the chairmanship of the larger Senate Indian Affairs Committee in 1934, he also became chairman of this subcommittee. The subcommittee held hearings in Washington and in the field during its lengthy survey. The attitudes that Wheeler held toward Indians and attitudes that he gradually developed were influenced by this experience.

Certain generalities can be made about Wheeler's approach toward Indian affairs. This approach was fairly traditional. Wheeler believed in a nineteenth-century individualism to which he added a progressive's distrust of collective, consolidated power. As part of this philosophy, he felt that the individual assimilation of each Indian into the dominant culture was desirable, and should take place as soon as it was effectively possible. Several times during the hearings conducted by the Senate Subcommittee Survey of Indian Conditions, Wheeler enunciated his position. At a hearing held in Arizona in 1931,
Wheeler explained his approach: "What I want to see done is this: I want to see you give these boys [Indians] an education so that we can actually fit them for work. We are not going on forever to have this Indian problem on our hands and have them constantly coming to the Congress of the United States and saying, 'Well, the Government owes me a living and we expect you to feed us and we expect you to take care of us in this generation and the next generations.'"\(^{23}\) At the White Earth Indian Reservation in Minnesota in 1933, Wheeler was more explicit in his feelings, asserting that:

> I do not think able-bodied Indians ought to expect the Government to give them food and clothes for nothing. If you men are able to work you ought to work for it just the same as anybody else. You are mighty lucky to have a Government that is willing to give some work so that you can eat . . . .\(^{24}\)

Often Wheeler's tone toward Indians during these hearings was paternalistic. This was especially true when the issue concerned alcohol on Indian reservations. Wheeler pointed to his experiences as a district attorney in his conclusion that liquor could ultimately destroy any chances the Indian had to compete successfully with the rest of the population. Wheeler lectured Peter Sitting, a White Earth Reservation Indian who admitted that he frequently imbibed: "Well, you better cut it out . . . . If you expect to get any money from the Government or to get any help you better stop your drinking and you stop chasing
around with other people's wives, too. Remember that. I am talking to you now." Wheeler gradually came to include a speech in the proceedings at each hearing location in which he denounced alcohol use by Indians.

The aim of eventual Indian assimilation did not mean that Wheeler was ignorant of the need for Indians to be self-sufficient. He recognized and was angered by the loss of Indian lands, the seemingly fruitless results of Indian educational training, and the negligence in accounting for Indian funds. He feared that these problems hindered the Indian's rise to true self-sufficiency. Wheeler warned that:

It is going to be only a matter of a few years until the Government of the United States is going to release all of its guardianship over the Indian. The Indians have to know . . . that they will have to depend upon their own resources in the very near future . . . . We want . . . these Indians to become self-supporting.

Indian self-sufficiency, however, meant to Wheeler an Indian ability to compete with the white man within the dominant system, not outside of it. The ultimate goal of an Indian's self-sufficiency was his assimilation. Wheeler's views were representative of the outlook that had dominated United States Indian policy at least since the 1887 Dawes Allotment Act. The 1887 law attempted to encourage Indian self-sufficiency and assimilation by making the Indian a landholder. By 1930 it was apparent that the Dawes Allotment Act had accomplished more harm than
good, but the basic goal of eventual Indian assimilation remained the pervasive attitude.

The Senator's attitude toward Indian legislation was also conditioned by influences independent of his own beliefs. As part of the legislative sphere of the federal government, Wheeler had to consider the desires of his constituency. Indian Bureau personnel, as part of the executive or administrative realm, could act more independently in considering new legislation. Presidential pressure was also a necessary consideration in any legislative action, especially to a man strongly committed to Franklin D. Roosevelt, as Wheeler was during Roosevelt's first term. Congressional and Bureau relations were another influencing factor. In the 1920s relations between the Congress and the Indian Bureau were antagonistic, but this atmosphere was offset by surprisingly good relations from 1933-1937. This change in atmosphere also influenced Wheeler's attitude and the general course of events. Even Roosevelt's attempt to change the makeup of the Supreme Court and the United States' entry into World War II--issues seemingly far-removed from Indian affairs--played a part in Wheeler's changing reactions to Indian legislation and particularly to the Reorganization Act. All of these elements helped to shape Wheeler's movement from support to open rejection of the Act. Believing that he, as a Montanan, had ample knowledge of
Indian affairs, Wheeler took an active part in the creation and subsequent fate of the Reorganization Act.
CHAPTER II
JOHN COLLIER: BACKGROUND

John Collier's knowledge of Indian affairs developed out of experiences quite different from Wheeler's. The two men's attitudes were distinct because their practical knowledge of Indian matters differed, and there were few points of similarity between them. Collier's early education and career nurtured attitudes that later led him to view Indian life in a special way. Like Wheeler, Collier's opinions about Indian policy stemmed both from broader philosophical beliefs about the character of man and from more specific judgments about Indians.

Collier was born in Atlanta, Georgia, in 1884. While Wheeler's direction was westward after his childhood, Collier moved north and east. He attended Columbia University and spent some time at the College de France in Paris. In 1902, while at Columbia, he met Lucy Crozier, a New York free-lance teacher, who influenced his early attempts to formulate a kind of social philosophy. Crozier exposed Collier to a neo-romantic intellectualism that concentrated on irrational motivation in human activity. Collier found this approach attractive, and retained for his own use a philosophy of human nature that focused on the subjective and spiritual elements in human affairs. This approach rejected the determinism of principles such
as Social Darwinism, the free market, and laissez faire. Crozier's influence was thus substantial in Collier's early creation of a guide to human nature.¹

Collier became a social worker in New York City in 1907, after graduating from Columbia. He worked as a civic secretary for the People's Institute, an organization that attempted to give new immigrants a sense of community in local areas. As part of this effort, Collier edited the Institute's newspaper, established a training school for community workers, and persuaded the New York City Board of Education to keep schools open after hours in ethnic neighborhoods for use as community centers.² His experiences as a member of the Institute encouraged Collier to formulate further ideas about the directions in which society should move. His sole biographer has explained that "Collier thought . . . only organized groups of people, joined in tasks of cooperative self-expression and social service, could discover a new state of social consciousness and thus save men from the negative consequences of the industrial age."³ Such an attempt at cooperation by the People's Institute was encouraging to Collier, who hoped for a social structure that would enrich the existence of major ethnic, social groups in America.

The Institute's efforts toward such an ethnic pluralism seemed damaged to Collier by the Americanization drive
during World War I and, somewhat discouraged, he moved to California in 1919. For a year he directed the state's adult education program. He was forced to resign after the Department of Justice criticized his lectures on the Russian Revolution in which he stressed that event's impact on the development of community spirit. In reaction, Collier decided to move his family to Mexico and disassociate himself from a situation he found increasingly restrictive.  

On his way to Mexico, however, Collier stopped in Taos, New Mexico, near a Pueblo Indian village. A Bohemian friend from earlier days, Mabel Dodge, was living near the village and invited Collier to stay. Collier stayed for two years, from 1920-1922. He found a place to live in the art colony at Taos, which was two miles from the Indian Pueblo. It was here that Collier's earlier experiences were integrated and synthesized into a plan of action. Among the Pueblo, Collier found a purpose for his philosophies and an object for his beliefs. He discovered a heritage with which he immediately sympathized.  

Collier later described this pivotal experience:

[It was] an experience that reached from the deep soul of Indian life into all of my feeling and thinking mind . . . . I felt my own life had been changed by this earliest Indian experience and I felt a deep gratitude, but also a deep sadness. I felt that there was no hope for these dauntless people; that the gigantic past that lived in them must soon become an eternal silence, and the truly
cosmic emotion that flooded their ritual expression must soon become an ebb-tide returning never.\textsuperscript{6}

The realization of the imminent danger to the Pueblo's heritage galvanized Collier into making a decision. He quickly became a zealous advocate for the cause of the Indian. He realized that the Pueblo world--and the Indian world in general--was not only precious to the Indians involved but to the larger white society. Collier studied with interest the Pueblo's unified community structure, believing that it could be an example to a divided America. He felt that "these Indians had discovered a way to be communalists and individualists at the same time."\textsuperscript{7} The Taos experience literally changed Collier's life.

In 1922 Collier began to serve professionally in the area of Indian affairs. He became a research agent for the General Federation of Women's Club's Indian Welfare Committee and, in this position, came to be a critic of the Indian Bureau. In 1923 Collier was involved directly in a defense of Pueblo lands and religion. A bill introduced that year in Congress proposed transferring the Pueblo's title to their land to white squatters. In addition, the internal affairs of the Pueblo government were to be brought under the jurisdiction of the United States District Court. Collier felt both ideas were direct attacks on Pueblo rights and that the latter proposal would
destroy the Pueblo's religious freedom since their governmental affairs were directed by their religious authorities. Collier was in Taos at the time of the "Bursum Bill's" introduction and, once aware of its existence, he led the investigation and protests made by the Indians in reaction to the plan. The ultimately successful fight against the Bursum Bill led to the formation of the American Indian Defense Association, in which Collier served as Executive Secretary for the next ten years. He soon acquired additional duties as the editor of the American Indian Life, to which he contributed for seven years.

Indian affairs in the 1920s were an increasingly volatile area of concern and a reformer could effectively crusade for change. The long-held hope for Indian assimilation, represented by the provisions of the Dawes Land Allotment Act of 1887, was becoming controversial. It was clear to many individuals sympathetic to the Indian cause by the mid-1920s that other means of aiding the Indian were necessary. Legislation during the 1920s aimed both at further assimilation and better protection of the Indian. Indians acquired citizenship in 1924. In 1926 the Public Health Service extended its aid to Indians, and reservations created by executive order acquired the same status as treaty reservations, protecting them from white encroachment. Beyond this kind of legislation during the
decade, the general aim of assimilating the Indian into the dominant culture by making him a landholder began to conflict openly with the Indians' immediate health and educational needs. The argument between continuing the Dawes policy of assimilation through allotting parcels of land to individual Indians for their subsistence and recognizing the need for a different approach toward the Indians' continuing problems strained relations between Congress and the Indian Bureau. A myriad of views existed, since each concerned official held his own ideas about which direction Indian affairs ought to take and the means of accomplishing reform.

Progressive congressmen such as Wheeler, Lynn Frazier of North Dakota, and Elmer Thomas of Oklahoma joined Collier in his attacks on the Indian Bureau during the 1920s. Indian Commissioner Charles Burke and his Assistant Commissioner Edgar Meritt, holding office during the decade, were not advocates of a continuation of the Dawes Act's methods. Burke and Meritt offered recommendations that anticipated the Indian New Deal plan that was to come, but there was little chance for successful change when relations between Congress and the Bureau were so difficult. In 1929 the Senate Subcommittee on Indian Affairs conducted a hearing to investigate the "Meritt Recommendations," and the proceedings were overshadowed by new reports of the poor living conditions on most Indian
reservations. Meritt complained of rumors that the sub-committee and Congress were out to "get" Indian Bureau personnel. Wheeler reassured him, saying, "So far as I am concerned, I do not care about any statements that propagandists make, and I am not interested in any propagandist. What I am interested in is doing something for the benefit of the Indians." Indeed, Wheeler stressed that Congress and the Budget Bureau were often more to blame than the Indian Bureau when it came to acquiring the needed funds to aid Indians. During other hearings conducted by this subcommittee, Wheeler stressed this same idea. In a Washington hearing in 1930 Wheeler asserted, "Frankly, I think that in many things the Indian Bureau has been blamed for, Congress has been equally at fault."

Wheeler joined Collier and other reformers, however, in their subsequent attacks on the next Commissioner, Charles Rhoads, and his assistant Henry Scattergood, who were appointed in 1929. There were significant indications that the Rhoads-Scattergood commission was in agreement with Collier concerning the need for a change of direction in Indian policy. Rhoads made attempts at reform in bills such as the Johnson-Swing Bill, which extended to Indians local education and health aid, and the Indian Arts and Crafts Bill. In addition, four letters that Collier composed outlining necessary reforms achieved the endorsement
of Secretary of Interior Ray Wilbur. Congress defeated Rhoads' two bills, however, and the Rhoads-Scattergood commission came under attack during further Senate subcommittee hearings. By 1933, nevertheless, some victories were gained, including an increase in appropriations for the Indian Service, improvements in Indian education, and a start toward a reorganization of the Indian Bureau.  

Wheeler's position of attack was not as consistently aggressive as Collier's during these years. The Senator's wish for some kind of objectivity was apparent in subcommittee investigation hearings. In 1930 Collier and Wheeler engaged in a heated argument during a hearing in Washington, at which Collier presented a lengthy report attacking Interior Department practices in Indian affairs. Wheeler summed up the report, asserting:

Of course there is nobody but Collier in that. As I said [before], the Committee is perfectly able to judge for themselves . . . without the dramatization of it by yourself. It seems to me that you now have lessened the effectiveness of your own statement . . . what the committee wants is facts . . . leave out your side comments.  

Despite this difference in the degree of zealousness, Collier depended on Wheeler and other western progressives for support in his attacks on the Indian Bureau during the 1920s and early 1930s.

A primary stimulus behind the attacks on the Burke-
Merritt administration and the attempts at reform made by Rhoads and Scattergood came from the results of the 1928 Meriam Report. The Report, a product of a nine-member, privately funded investigation of Indian conditions across the United States, showed that Indian reform was essential. It ultimately helped to end the squabbles of the 1920s by pressing for definitive action. Especially important was the Report's assessment of the Allotment policy. Attempting mainly to present the situation as it existed, without making value judgments, the members nevertheless concluded that the allotment policy "has largely failed in the accomplishment of what was expected of it." To support their conclusion, the team emphasized the poor medical, educational, and economic conditions on reservations. In addition, they felt that the effect of the past thirty years "has been rather toward weakening the Indian family life and community activities than toward strengthening them." A primary recommendation of the Report was the "strengthening of Indian communal life" and "Indian use of Indian lands." The creation, in 1928, of the Senate Subcommittee investigation into Indian conditions was a result of the
findings of the Meriam Report. The Report's impact broadened within time to reach the houses of Congress. In 1932 Senator William H. King delivered a decisive speech in the Senate on the urgency of the situation. His tone was imperative: "The Indian Bureau should be shaken from top to bottom . . . [there has been] the discouraging, indeed, the systematic repression and destruction, of tribal organization and tribal ambition . . . a sense of hopelessness has been created by the spectacle of the steady melting away of all [the Indians'] material wealth . . . ." In his long address, King called for the immediate reorganization of the Indian Bureau and its policies and the recognition by Congress of the imperative need for a change of direction.

The decisive change of direction came with Collier's appointment as Commissioner of Indian Affairs in 1934. Several congressmen who wanted other people for the position questioned Collier's appointment. Wheeler was not totally supportive of Collier's appointment because he favored Harry Mitchell from Montana. Harold Ickes, as the new Secretary of Interior, successfully supported Collier's appointment, however, when President Roosevelt asked for his opinion. Nathan Margold became Solicitor with Charles Fahy and Felix Cohen appointed as his assistants. These three men would be the major drafters of Collier's initial plan for reorganization.
There was also some consideration given to the possibility of an Indian as commissioner. At one point, Roosevelt asked Wheeler for his opinion on this idea. Wheeler said later that he was against this idea because "so many of them had been debauched by the oil interests and the lumber interests and land people and cattle people and everything else."  

The reforming atmosphere in Indian affairs that had developed by 1934 and the general surge of activity that characterized the first days of Roosevelt's New Deal administration enabled the new Indian Commissioner to accomplish several immediate changes. Earlier, in January of 1933, Collier urged the new Roosevelt administration to end land allotment, to begin collective and corporate use of Indian property, to provide Indians with financial credit, to employ more Indians in the civil service, and to repeal several archaic espionage laws that damaged Indian civil liberties.  

In January of 1934 Collier accomplished the latter by giving Wheeler a draft of a bill to introduce that repealed twelve sections of the U.S. Code. The bill passed Congress in May of 1934. Two earlier acts in April strengthened state health and education assistance to Indians and ended the Indian loss of heirship land that resulted when an Indian defaulted in a repayment of a loan.  

Such corrective measures were quickly achieved and, encouraged by the willingness for
change, Collier soon began to embark on his broader aim for an intensive reorganization of Indian affairs.

The inspiration for that aim had been both immediate and gradual in the making. Collier's early New York experiences made him more susceptible to the kind of communal life he quickly accepted and enjoyed during his stay among the Pueblo in New Mexico. From both experiences he constructed a belief in a secular democracy in which an Indian administration could be a "laboratory of ethnic relations" free from domineering Christian methods of reform. "A prophetic thinker, Collier envisioned an Indian renascence that would bring about a new consciousness wherein individuals would find meaning as members of a specific group." A cultural pluralist, Collier hoped to create a system in which each group contributed uniquely to a varied whole.

A particular influence on Collier in his plans for Indian affairs in the United States was the achievements of a Spanish priest in Mexico, Bartolomé de Las Casas. During the 1500s Las Casas was active in attacking Spanish colonialism in the New World. Las Casas, who had undergone a conversion similar to Collier's Taos experience, came to see the Indians in the New World as part of a golden age, superior to others in their religious, social and economic orders. Las Casas persuaded Charles V to create the new Laws of the Indies in 1542, which temporarily
diminished the Spanish conquistador tradition that characterized Spain's dealings with the Indians. In 1550 Las Casas was successful in achieving more permanent regulations that weakened the encomienda system of land use and labor in Mexico. Collier greatly admired Las Casas, claiming that "he, for all time, is the master voice, the fountainhead of the American Indian cause. More than any other interpreter, through the present, he understood the Indian within a frame of reference valid for the whole Race of Man." 

Another Mexican whom Collier admired was President Lazaro Cárdenas, a kind of "Mexican Roosevelt," who, from 1934-1940, attempted to give greater financial aid to Mexican Indians. Cárdenas supported the creation of ejidal credit societies through which Indians acquired loans and other financial help. Cárdenas was also responsible for resuming land distribution to the Pueblo. Though Cárdenas' attempts made little lasting effect on reducing Indian financial problems, Collier was particularly attracted by the ejidal or communal system of land-holding encouraged by the Mexican president. Both of these Mexican influences helped Collier to shape his broader ideas about cultural freedom and the benefits of communal systems.

The cause of Indian reform offered to Collier an arena in which to test and realize his convictions. As
much as he understood the necessity of acquiring aid for the Indian from white officials, Collier also believed that white America could benefit from the preservation of an Indian tribal heritage. A cultural pluralism which meant protecting and respecting Indian culture also meant to Collier a rejuvenation of the white race. Indeed, Collier felt that the Indian might save the white man from the destructive impact of the industrial age. This desire for an American system which was characterized by a great "pageant of peoples" with the Indian as a definite uplifting contributor, was Collier's major aim behind his plans for Indian reorganization. The desire would carry him through the opposition he would encounter as he pushed for a drastic revamping of Indian administration. 27
CHAPTER III

LEGISLATIVE PROGRESS OF IRA: THE INITIAL STAGES

During the initial weeks of Franklin Roosevelt's New Deal administration, Wheeler assumed both the Chairmanship of the Senate Indian Affairs Committee and Subcommittee and Collier accepted the role of Commissioner of Indian Affairs. Both men held firm individual opinions about the existence and direction of distinct social groups. Wheeler's background had steered him toward a basically nineteenth century individualism, softened by a dislike of power-hungry authority. Wheeler's progressivism was the progressivism of pre-World War I in many ways. Aimed at breaking down centralized power and reasserting individual initiative, this older ideology met another kind of progressivism in the 1930s. Collier represented this newer, New Deal progressivism. While the New Dealers still aimed at reform, many made use of centralized power to accomplish that reform. Collier's concern with the preservation and protection of Indian heritage, added to his cherished plans for the future direction of the Indian, made this New Deal progressivism more acceptable to him. Indeed, one can legitimately trace a breakdown in progressive ranks as each group defined their own type of progressivism during the 1930s. In the realm of Indian affairs this breakdown was especially evident.
Proceeding from these basic positions, it became natural for Wheeler and Collier to take the distinctive attitudes they did toward Indian affairs. Wheeler was an assimilationist in his approach toward the Indian. This does not indicate, however, that he felt the Dawes Act policies should have been continued. Wheeler was an active supporter of the cause for Indian reform. What he wanted to achieve through any reform, however, was the eventual and complete assimilation of the Indian into white society. Collier's aims were more obscure.

In order to decrease opposition to his reorganization plan, Collier stressed that the help given Indians through the plan would eventually enable them to become a functioning part of the dominant society. He claimed that both tribal groups and individual Indians would be made more able to compete successfully in the larger world. At the same time, Collier attempted to protect and to preserve each distinct tribal heritage as a separate part in his "pageant of peoples." In the final analysis, Collier's views were far-removed from those supporting any kind of Indian assimilation. His high regard for Indian life and custom and his deep desire to strengthen both, through aid aimed at tribal activities, indicate that Collier wanted the Indian to remain a distinct, though contributing part of a socially pluralistic America.

The reorganization scheme offered an arena in which
these two kinds of assimilation could be recognized and debated. Influenced by their distinctive aims for the Indian, Wheeler and Collier differed on the length of additional time that was necessary for the Indian's financial support. Since Wheeler hoped for eventual absorption of the Indian into white society, he wanted further government help to be short in duration and assimilation fairly immediate. Collier, wishing to preserve as well as to advance Indian activities, felt that any end to government assistance was in the distant future. These differing estimates of the duration of government aid influenced discussions of policy schemes both in 1934 and years later.

Collier's first report as Commissioner, presented at the end of the 1933 fiscal year, introduced his initial plans. At the beginning of the report he called for consolidating Indian lands, extending to Indians financial credit, transferring Indian students from boarding schools to day schools, and giving Indians employment in the Indian Service. In summation, he stressed the need for a complete reorganization of the Indian Service which he felt entailed a drastic decentralization of the Indian administration. In August of 1933 Collier, backed by Ickes, successfully terminated any further sale of trust or restricted Indian lands, virtually ending one of the most harmful side effects of the Dawes Act. To add
strength to the August order Collier also successfully halted the issuing of any further certificates of competency, patents in fee, and the removal of restrictions on Indian lands. Collier concluded his report by outlining two major jobs that had to be accomplished. First was the task of lifting the Indian out of his "material and spiritual dependence and hopelessness." Second, the Indian Service had to base this rejuvenation around land. Subsistence farming and animal husbandry were the areas in which the Indian could labor successfully, without being destroyed by white industrialization or commercialized agriculture. Collier felt that the Dawes Act had led to a loss of this essential resource. Collier expressed his hope that, through this kind of work and life, the Indian could progress "normally within his own natural environment."

Collier quickly began to put his goals into writing in early 1934. Under his orders, Solicitor Margold and his assistants Fahy and Cohen concentrated their efforts on creating an administration bill which would incorporate this new direction in Indian affairs. Contributing views came from a January conference of Indian welfare groups held in Washington and from Indians themselves, to whom Collier had sent a circular dated January 20, in which he explained the thrust of his program. Essential elements of his plan included the same points he had outlined in
his 1933 report. Collier wanted policy makers to concentrate on local Indian conditions in each community. He received decidedly mixed reactions to his ambitious plan. Many tribes were concerned about the possibility of losing additional lands under the plan and several wanted more time to fully study the proposal. Collier felt, however, that the Indians were "unacquainted with its most essential provisions [and he hoped] that a single legislative measure would have a massive and dramatic nature, commanding the imagination of Indians and Congressmen alike." The resulting fifty-two page bill did indeed have a "massive and dramatic nature." Termed an omnibus bill, the original draft contained four major provisions or titles: I) The encouragement of complete self-government by Indian tribes, i.e., virtual Indian autonomy; II) The creation of an educational system which would aid tribes in becoming more independent politically and which would reinforce Indian traditions; III) The instituting of land reform, i.e., returning any surplus lands to the tribes; IV) The establishment of a Federal Court of Indian Affairs with Indians sitting as judges. In sum, Collier wished to reassert tribal authority and motivation through his reorganization scheme. He felt, quite correctly, that tribal strength had disintegrated under the land allotment system and he wished to restore that strength by returning
political, economic, and educational power to the tribes. The reorganization bill encompassed these aims that had been long in developing. On February 12 Collier gave the bill to Wheeler to introduce in the Senate and to Representative Edgar Howard of Nebraska to introduce in the House. Wheeler later admitted that he did not read the bill before introducing it, and when the first Senate Committee hearing was held on February 27, Wheeler was absent. This first Senate Committee hearing accomplished little since Senator Henry F. Ashurst filled the time questioning Title III's applicability to the Arizona Papago Reservation that contained several mining sites. Collier made a few strong statements defending his plan. In these opening remarks Collier differentiated between methods of assimilation by inquiring, "How otherwise can the Indian gain the experience in self-support and in business and civic affairs which is the indispensible condition to any real assimilation as distinguished from the spurious assimilation implied in the mere haphazard scattering of pauperized and underprivileged Indians among the white population?"

The House Indian Affairs Committee met four times in February to discuss the original bill, now being called both the "Collier bill" and, more frequently, the "Wheeler-Howard bill." These initial hearings were conducted to peruse generally all of the provisions in the bill. Both
House and Senate Committee members were delaying any serious discussion until Collier made his intended tour of Indian reservations, where he would present the bill and gather Indian reactions. The tour was scheduled to take place in March and April. In a February 23 House Committee meeting, Chairman Howard urged any member who wished to do so to travel with Collier to these meetings.

It was during this hearing that an interesting dialogue took place concerning Collier's possible reaction to Indian opposition. When Representative Will Rogers of Oklahoma asked what would happen should Indians oppose the bill, Collier replied, "If we should get strong enough opposition then it is up to us to wait until we can persuade the Indian." Rogers asserted, "You would have to amend the measure." Collier: "Or waive it until they could be brought around or until they could produce something better." Collier also claimed at this time that he had Roosevelt's endorsement of the bill "in my pocket."

During these February House Committee hearings, Howard often advised members to mark carefully their copies at questionable points because, he said, "this is quite a lengthy bill . . . and it will probably keep our noses to the grindstone for quite awhile, when we get into it."

At the last February meeting of the House Committee, Collier received a hint of the kind of situation he would encounter in his March and April meetings in "the field."
Robert Yellowtail, a Crow Indian, gave his opinion about possible Crow reaction to the reorganization bill. "This whole new scheme is predicated upon the thought that the Indians will probably be more or less unanimous in their efforts to put this over, but they will not, because they are divided into groups that will not agree." Yellowtail stressed that the divisiveness of the Crow discouraged factions from coming together in any community effort. Indians who were Catholics, Baptists, Four Square Gospelists, members of the Native American Church, Republicans, Democrats, and supporters or attackers of various superintendents were all part of the Crow tribe and could not be expected to agree on a single plan.

Through March and April, Collier took the Wheeler-Howard bill directly to the Indians. Indian congresses, consisting of single tribes and groups of tribes, were held in Rapid City, South Dakota (March 2-5), Chemawa, Oregon (March 8-9), Fort Defiance, Arizona (March 12-13), Santo Domingo, New Mexico (March 15), Phoenix, Arizona (March 16), Riverside, California (March 17-18), Anadarko, Oklahoma (March 20), Muskogee, Oklahoma (March 22-23), Miami, Oklahoma (March 24), and Hayward, Wisconsin (April 23-24). In his editorials in the Bureau newspaper, Indians at Work, Collier described the results of these conferences. At the first congress in Rapid City, the Indians--Plains tribes, primarily Sioux and Blackfeet--arrived with "wild rumors"
in their minds concerning the bill. There was apparent at this conference and at several others the consistent fear that the bill would actually take land away from allotted Indians to be divided up among landless Indians. There was also the belief that the plan was segregationist in nature. Collier felt that he and his assistants successfully repudiated these fears. He was impressed with the ability of the Indians to discuss the plan competently, writing that "these Indians had brought to the [Rapid City] meeting a repressed but intense intellectual life. Now, before our eyes, hour by hour, that dynamic quality and those old, long thoughts were emerging into liberty, into practical application and into a resumed adventure." Indian misgivings about the bill were not as quickly and easily dispelled as Collier claimed here, but the first conferences were decidedly helpful in gradually converting many tribes to the new scheme through several days of questions and answers at each location.

Collier was increasingly optimistic about the ultimate success of the bill as the congresses proceeded. That optimism may have been both overdone and premature, since, despite lengthy sessions with tribes, there still existed definite Indian opposition to a plan many considered communistic. Collier also had not begun to encounter weighty congressional reaction when the last congress met at Hayward, Wisconsin, on April 23 and 24.
Yet, judging from the cooperative atmosphere that gradually arose at the conferences, Collier believed that the "overwhelming majority" of Indians were for the bill and that "enlightened, disinterested opinion . . . supports the bill." Depending on the support he legitimately considered his, Collier claimed, "The issue will be soon to come. With the President, the Secretary, the Indian Bureau, the majority of the Indians, and the liberal press behind the . . . bill, we can only wait for the event."16

The congresses did influence the content of the bill in a few important ways. Suggestions made by tribes, individual Indians, and white Indian welfare associations were compiled and translated into thirty amendments to the original Wheeler-Howard bill, helping also to ease initial Indian opposition. One major change made the consolidation of Indian heirship land voluntary. It had been compulsory in the original draft and, in addition, the Secretary of Interior had been given the power to transfer to Indian communities any title to lands of living allottees without their consent. A second major change abolished a provision that had ended outright the continued partitioning of heirship lands. A new section continued the system of partitioning heirship land as long as possible. At the end of the Indian congresses the fewest number of changes had been made in Title IV, which
established a court of Indian affairs at the federal level. By early April one other important change had been made in the bill. The "Howard Amendment," introduced by Representative Howard from his position in the House Committee, made all the remaining provisions of Collier's bill voluntary. Each tribe could choose whether or not they wished to utilize the provisions in the plan instead of simply having the plan apply to them without any decision on their part. Howard's amendment stated that any Indian tribe voting against the Act would not have its provisions applied to them.

The Wheeler-Howard bill was thus changed in significant ways as a result of the field conferences. Collier candidly summed up the results of the field conferences when he claimed that, "the Wheeler-Howard bill goes back to Washington a better bill . . . . The task of explaining the bill has not been easy. Confusion reigned, still reigns in the minds of many . . . ." Collier felt that general Indian support was behind the bill, however, and when members of the Senate Indian Affairs Committee commenced their study of the revised plan in late April, Collier was confident that some form of his reorganization doctrine would be successfully produced.
CHAPTER IV

LEGISLATIVE PROGRESS OF IRA:
SENATE COMMITTEE AND HOUSE COMMITTEE DEVELOPMENTS

When the members of the Senate Indian Affairs Com-
mittee began their hearings on the Wheeler-Howard bill on
April 26, 1934, they had before them a revised plan. As
noted, the bill had been amended in significant ways. Two
major changes were the move from compulsory to voluntary
land consolidation and the Howard amendment, which made
all of the bill's provisions voluntary. Senate Committee
members often misunderstood these developments, however,
and assumed they were studying Collier's initial and much
more authoritarian plan.

Wheeler was immediately involved in discussions of
the bill. He directed the conversations and usually deter-
mined which witnesses were heard. Feeling that he pos-
sessed a firmer knowledge of Indian affairs than most of
the government officials that come before the Committee,
and regarding many of Collier's assistants (and often
Collier himself) as "students" in Indian matters, Wheeler
used his chairmanship to regulate the topics of discussion.
One analyst has described the Senator's control over the
bill's hearings, claiming that Wheeler "could favor whom he
pleased and neglect whom he pleased. His discretion as
to the relative importance of witnesses was supreme . . . ."¹

During the April meetings Wheeler voiced strong dis-
approval of many features of Collier's plan. He was upset by the extent of powers delegated to the proposed Indian governments, which he feared might lead to conflicts between Indians and whites in the Northwest, i.e., Montana. He also felt that Indian laws might conflict with federal and state laws. To Collier's proposal that the government buy land to add to reservations, Wheeler responded, "It really is not suitable, and there is not much good to go out there and buy these Indians some more grazing land. They will just lease it out to white cattle-men and sheepmen." Instead, Wheeler felt, the landless Indian should be given "subsistence," or a plot of land, and taught to "raise crops and become self-supporting in that way." Wheeler hoped that through this process the Indian would be made a better citizen and "he would work into the life of the Nation."² Wheeler did, however, become increasingly supportive of some type of reform to stop further loss of Indian land.

Wheeler was optimistic about Indian conditions in Montana. When comparing his viewpoint to Collier's more pessimistic attitude, he simply said, "Maybe we have smarter Indians in Montana."³ Both Wheeler and Senate Committee member Elmer Thomas held this kind of view regarding the future of Indians in Montana and Oklahoma and thus were skeptical about applying the bill to the Indians of their respective states. Wheeler was also con-
cerned about Indians with very little Indian blood continuing to benefit from government aid. Wheeler believed that many Indians of one-eighth or less blood were "just as much white men as any man sitting here, and most of them are just as capable of handling their own transactions as anybody else."  

Collier found himself in a delicate position during the April 28 meeting, when Senator Thomas presented a statement that Collier had read at an Indian conference in Oklahoma during March. In the statement Collier asserted:

You know at the present time that President Roosevelt controls both Houses of Congress. When the President wants a piece of legislation, he gets it from Congress. The bill we are going to discuss . . . is an administration measure. It is a President Roosevelt measure. The majority of Congress do not pretend to understand the Indian question in detail at all . . . .

This obviously angered Committee members, but Collier was able to defuse the situation by claiming that he had been merely stressing Indian participation in the bill's creation.

Wheeler took the opportunity of Felix Cohen's presence at this second April meeting to protest against the lengthy and intricate verbiage in the four-title, fifty-two page bill. Drawing from his legalistic, practical background, Wheeler asserted that Indian votes on the bill would be uneducated due to its complexity:
I have read the bill and I will swear that it is impossible for me to understand some of the provisions of the bill, so as to give an intelligent answer to an Indian who writes me and tell him just exactly what you are seeking to do. If members of the committee who are lawyers, after reading the bill, cannot themselves tell exactly what you are going to do, how do you expect these uneducated Indians, many of them long-haired Indians, to be able to pass intelligently upon the provisions of the bill?6

Urging that the bill be studied section by section, Wheeler admitted that it "is a jungle to me."7

Two major provisions that caused Wheeler great concern were the alteration of the laws of inheritance and the establishment of a Federal Court of Indian Affairs. Collier wished to put an end to the complex system of land inheritance on reservations which, through the years, had led to increasingly smaller units held by increasingly larger numbers of individuals. It has already been noted that Indians often reacted negatively to Collier's proposal during the field conferences, and that, by late April, the provision in the bill which ended the heirship system had been abolished. Wheeler probably misunderstood this development, but he would have agreed with it. He felt that Collier's proposed alteration would interfere with the legal vested rights of heirs and ignore due process. The establishment of a Federal Indian Court also worried Wheeler, just as encouraging separate Indian governments did. As far as Wheeler was concerned, "it was out." He
thought it would result in supplanting the Indian juris-
diction of the United States district courts in which he
felt that Montana Indians, at any rate, had always received
a "square deal." Furthermore, a new federal court would
be expensive and would confuse things.8

In sum, Wheeler's main points of difference with the
bill were his opposition to Indian self-government which
would segregate the Indian legally and politically from the
rest of the United States, the consolidating of heirship
lands without Indian consent or legal precedent, and the
establishing of a separate court for Indian affairs. Chang-
ing his position from the initial, April 26, hearing,
Wheeler became supportive of the bill's aim to regain
surplus lands in order to secure a larger land base for
the Indian. He also supported the provision creating a
revolving loan fund to assist Indians in agricultural and
business ventures. Wheeler thus remained firm in his basic
assimilationist philosophy through the hearings. The idea
of a separate Indian government and court was threatening
to this attitude, but Wheeler could more willingly accept
the land and financial provisions. Still, the bill was far
too radical and, in Wheeler's mind, demanded extensive study
section by section. He felt, however, that they could
"work out something, particularly on the land features of
it . . . ."9

By the April 30 hearing Wheeler's attitude was less
antagonistic. A key to this change was a letter from Roosevelt to Wheeler, dated April 28, which was strongly supportive of Collier's measure. Roosevelt wrote, "We can and should, without further delay, extend to the Indian the fundamental rights of political liberty and local self-government and the opportunities of education and economic assistance that they require . . . Indians throughout the country have been stirred to a new hope . . . ." Roosevelt felt that the "active cooperation of the Indians themselves" was necessary for a successful extension of the "fundamental rights" described, and he claimed that the "Wheeler-Howard bill offers the basis for such cooperation."\(^\text{10}\) The letter had an obvious impact on the Committee, especially on Wheeler. He later described the situation: "Roosevelt had just come into office and was brand new and I didn't complete [sic] want to fall out with him right off . . . and I thought it might work out . . . ."\(^\text{11}\) Earlier, before the Senate Committee had met at all, Wheeler must have received a more personal note from the President, which he referred to in a reply dated March 15:

I was deeply affected to receive your kind and gracious little letter commending me for my bill [S. 2755]. When I know that a multitude of duties are pressing in upon you . . . and yet you can find time to send such a courteous and friendly little note, I can only say that [mentioning] all your superb qualities would be an under-estimate.\(^\text{12}\)
The reference to "my bill" is interesting considering its administrative origin and so is the tone of the letter considering later developments.

Roosevelt's April 28 letter, an identical copy of which was sent to Howard, was widely publicized and helped to broaden the attention given the reorganization plan by the press. Montana papers often connected Wheeler and Roosevelt while quoting from the President's letter. A Harlem News headline stated, "President Endorses Bill Sponsored by Senator Wheeler" and added, a "victory for Senator B. K. Wheeler was recorded in Washington this week."13 The Billings Gazette gave extensive coverage to Roosevelt's endorsement. Its April 29 front-page story stressed Roosevelt's claim that the bill "provides a measure of justice that is long overdue the [Indian] race," but it also described Wheeler's opposition to the plan's complexity. The story explained that Wheeler "questions whether the vote of approval of the Indian tribal bill by the Indian should carry weight" since the Senator's own trouble in understanding the bill led him to doubt Indian understanding of it. Wheeler was quoted as saying, "In my opinion the vote carries little weight."14 Still, the President's endorsement was strongly influential in pacifying Wheeler's resistance. At the same time, Roosevelt also readily conceded that Wheeler would be directly involved in constructing the final draft of the bill. At
A May 2 press conference Roosevelt responded to a question concerning his April letter, "... my letter distinctly said that I was primarily interested in the principles of the bill. When you come to the details, that is different. I think that Senator Wheeler has quite a number of amendments, which he proposed himself to the bill as originally introduced." 15

Through the hearings in April and early May, witnesses favoring and opposing the bill appeared before the Senate Committee. Many Indian welfare groups and individual Indians came before the Committee to register their opinions. Bureau officials were present to aid in clarifying the content of the bill. Collier made a special point of presenting Indian witnesses from Wheeler's home state to assuage his opponent. Earl Woolridge, Superintendent of the Rocky Boy Reservation, and Joseph W. Brown, Chairman of the Blackfeet tribal council, appeared on behalf of the bill. Oliver LaFarge, then President of the National Association on Indian Affairs, supported the bill as a temporary, transitional measure that would aid Indians educationally and economically. Wheeler agreed that such aid was needed, but was uncertain that such wide-sweeping legislative change was necessary. Wheeler was also able to interrogate Charles Fahy on the legality of transforming the heirship lands into communal land without considering due process and the rights of individual heirs.
The majority of witnesses was fairly supportive of the bill and opposition usually involved technicalities.

During the months since the creation of the original Wheeler-Howard bill, however, Wheeler had received many letters from Montana Indians in which they conveyed their opposition to the bill. He also listened to Indian witnesses at Committee hearings speak about the need for Indians to gain a place within the existing society as individuals and as a people. These comments were fresh in Wheeler's mind during April and early May.

Many letters arrived during March of 1934, the principal time that Collier spent traveling to reservations to explain the Wheeler-Howard bill. A letter from the American Indian Association emphasized the group's anger against "the huge propaganda which the Commissioner is spreading broadcast in support of his bill . . . . Indian community life . . . will soon develop into a zoological curiosity . . . as a separated species of humanity."16

A Crow woman voiced the fears of other Indians in her May 1 letter to Wheeler in which she stated:

I have inherited the 'white man's way' to such an extent that somehow I have no desire to share my land with others. [She felt that her generation was] more interested in this good old modern time of ours, we enjoy good books, magazines, music, contract bridge, our homes, and the congenial association of both the Indian and white races too much for the Collier's chartered community plan to appeal to us. Most of us have never even had a blanket to which we yearn to return.17
Wheeler also received correspondence from white interests that were anti-reorganization for very different reasons. Missionaries were especially vehement in their opposition, seeing Indian religion as paganistic and government support of such traditions unconstitutional. Several whites wrote Wheeler to describe Indian opposition, as they saw it. Such examples should be carefully analyzed, however, since a position as a superintendent or a missionary might have influenced an interpretation. Nevertheless, W. A. Petzoldt wrote to Wheeler on April 30 from the Crow Indian Baptist Mission offering his impressions of Indian reactions and included this alleged statement of a Blackfoot woman: "Do you want us to secede from the U.S.? That's what caused the Civil War. Why belong to a separate little community when we already are a part of the biggest and best nation on earth?" Petzoldt maintained that a Crow man had pleaded, "Don't cram this bill down our throats... we will fight it to the last ditch." E. A. Towner, a Portland, Oregon, attorney, wrote to Wheeler stressing that the Indians he talked with felt that the plan was too communistic. "They feel that the plan is a noble experiment and they do not want to be experimented upon like the proverbial guinea pig. They feel that the whites should be fed this plan first and, if it kills the whites, then the Indians are at least safe for a time." Indeed, the majority of correspondence that Wheeler received was either
completely antagonistic to the plan or, if supportive, contained requests for detailed changes before enactment. When Wheeler confronted Collier, he kept such views in mind.

Opposition to reorganization was also vocalized at a more public level. Attacks on Collier and the plan were often quite vehement and came most frequently from missionaries and Indian officials whose positions seemed threatened by the bill. Collier's consistent opponent was Flora Seymour, a woman who took an active interest in Indian matters and corresponded with the Commissioner, and who felt that the reorganization bill was totally communistic. In a New Outlook article, "Trying it on the Indians," Seymour stressed that Indian opponents of the bill also saw its communistic elements. They were "calling a spade a spade and a Democrat a Communist." Seymour recognized an important paradox inherent in the plan, and this point has merit. She speculated that:

The expectation is that the return to communal ownership will cause all the Indians to embark at once upon subsistence farming. At the same time they will be trained in the professions, while reverting to their ancient arts and crafts . . . . To combine Blackstone and the polishing of arrowheads, surgery and weaving, business, engineering and the sun dance, seems an arduous undertaking.20

Seymour thus eloquently described the basic dual directions inherent in Collier's plan. Seymour also doubted that a simple return of land to Indians and the existence of a
loan fund would make Indians into productive farmers. Collier spent a great deal of time refuting Seymour's and other's arguments in statements issued from the Bureau and in various newspaper and magazine columns.

After discussing the bill in three April meetings and a fourth meeting on May 3, Wheeler adjourned the Senate Indian Affairs Committee, ordering that a subcommittee meet to study the bill more carefully. Meanwhile, on May 1, the House Committee resumed its hearings. In general, the House Committee was much more favorable to the bill through its nine hearings. Members often reminded each other that it was not certain what the final form of the bill might be and they hoped that each witness understood this. There was a substantial amount of confusion over which version of the bill was being discussed. There were references in early May to the original bill and to the amended bill, completed by the end of April, and often Congressmen and witnesses did not know which version was legitimate.

During the House Committee hearings, Howard was relatively silent, compared to Wheeler's vocal participation in the Senate Committee. His comments were primarily technical in nature, having to do with the correct process for hearing witnesses and for considering the bill. Except for his amendment, Howard seemed favorable towards the bill. There also was less friction and opposition in general in the House Committee than in the Senate Com-
mittee. Members simply exhibited an interest in the bill and frequently referred to the fact that it would be changed substantially in an executive session. During the questioning, individuals frequently diverted from the specific subject, and Collier used the friendlier atmosphere to present several lengthy documents detailing the background of and the reasons for the reorganization bill.²³

There was mention of Wheeler in the May 1 hearing when Representative Frank H. Lee of Missouri asked Superintendent Earl Woolridge, who had also testified before the Senate Committee, if Wheeler wasn't "very much in favor of this bill." Collier replied, "Senator Wheeler is in favor of many parts of the bill." Representative Theo B. Werner of South Dakota disagreed, "Mr. Chairman, I would like to have the record state that Senator Wheeler is best able to speak for himself. I think if he spoke for himself he would say that he is opposed to the major portions of this bill." Collier retorted that Wheeler had spoken "for himself yesterday" (April 30), and referred the members to the Senate record. Representative Lee announced his respect for Wheeler and asserted, "I do not mind following him."²⁴

It was during the May 2 House hearing that Collier stressed that the Court feature, Title IV, of the bill did not have to be included in a final version. He explained:
We have no feeling that that is an emergency, of importance comparable to the land situation or to the credit .... It could be done in a separate bill. It depends on whether or not the committee is prepared to give enough time now to work out a satisfactory court section. If not, we are perfectly willing to have them postpone that. 25

Negative comments made during the House hearings and letters opposing the bill that were sent to Committee members were similar to, if less heated than, those that the Senate Committee entertained. The two basic objections were that the bill was too complex and thus too difficult for anyone, especially Indians, to understand, and that the bill treated the Indian as an "experiment" in a "laboratory of childish sociologists." 26 Essentially, however, the bill passed more quickly and easily through the House Committee hearings and members delayed discussion of substantial changes until the Committee's executive session. On May 8, the last day the House Committee met before adjournment for the session, Collier acknowledged this procedure. He asserted:

I believe a formula could be worked out to meet some of the more pressing problems we have, and leave others for future consideration . . . . I strongly believe when the Committee does go into session it will be found that there will be a precipitance of agreement on certain things and it will be possible then to agree to waive certain other questions for the future, but we can get at certain things now. 27

Between May 9 and May 17, when the Senate Committee reconvened, Assistant Commissioner William Zimmerman,
Wheeler, and Howard reconstructed the Wheeler-Howard bill, with some contributions from other Congressmen. The redraft represented a section by section compromise, and it was mainly the work of Wheeler and Zimmerman. Wheeler met with Zimmerman instead of Collier because the Commissioner and the Senator had become increasingly antagonistic toward each other. Zimmerman later described the compromise. "Wheeler and I went over the original bill paragraph by paragraph, he pointing out which sections were not acceptable to him, and which might be retained . . . ; the resulting draft was the result of almost word for word dictation by Senator Wheeler."^28

The two men drastically reduced the bill in length. They excluded the concept of a federal Indian court and they left the consolidation of heirship lands up to individual discretion (as suggested in the earlier April amendments). They severely curtailed the self-governing powers granted to Indian tribes. Tribal governments were to work more within the legal system of the United States than outside of it. Thus, Titles I and IV of Collier's plan were virtually eliminated. There were also numerous, more detailed changes. ^29

Without waiting for a meeting of the Subcommittee, consisting of Thomas, Frederick Steiwar, and himself, to study the bill intensively, Wheeler called the general Committee together on May 17. Fully in command, he
presented the new bill, with a new number, S. 3645. This time he was the bill's main supporter and, desiring to "get the bill out" to the Senate floor, he quickly decided each point of argument, usually in his own favor. There were still a few minor points which Wheeler wanted clarified. He felt that the Secretary of Interior should retain more discretion in granting fee patents than the bill granted him. Therefore, he discarded the provision that revoked the Secretary's power to remove restrictions on Indian land holdings. The Secretary also retained the right to approve selection of attorneys by tribes, another wish of Wheeler's. Wheeler was also concerned over another legal question—that of granting Indian governments the power to tax their communities. Collier submitted a statement supporting the legality of this power and Wheeler acquiesced in this detail.

Particular disagreement arose over the Howard amendment, which had remained intact during Senate Committee hearings. Wheeler and other Committee members wanted any Indian vote on the Wheeler-Howard measure to represent a majority of all registered voters; i.e., an absolute majority rather than the amendment's proposed "majority of adult Indians." Actually, Wheeler felt that the Howard amendment was not even necessary. He felt that all tribes should come under the Act and then be allowed to accept or reject the Act's optional features of tribal self-
government, incorporation, land acquisition, and consolidation of lands. This way the tribes could still utilize the Act's other features. Though Collier agreed, both men conceded to Howard and the amendment became part of the final Act.  

Finally, Wheeler determined the definition of an Indian. Instead of the previously established degree of blood at one-fourth, Wheeler asserted that an Indian had to have at least one-half Indian blood to qualify as such under the Act. This reflects Wheeler's continued protest against government aid to Indians of little actual Indian blood.

After working through these problems, the Committee passed the bill on to the Senate floor. The House Committee then made final changes in its new copy, making it fairly similar to the Senate draft. The House Committee kept its bill's original number, H.R. 7902, added paragraphs to certain sections, and included two of its own sections. One section outlined a definition of the Secretary's power over Indian mineral rights and another threatened dismissal and possible prosecution if any official interfered with the powers conferred on Indians in the bill. There were several more detailed differences, and once on the floor of Congress the two versions would have to be sent to a conference committee for further consideration.
Wheeler introduced S. 3645 in the Senate on May 18 and, as a new bill, it again went to committee. On May 22 Wheeler presented Senate Report 1080 in which he outlined the purposes of the bill. Those purposes reflect the major sections of the 1934 Act. Halting the alienation of Indian lands headed the list. Vesting each tribal government with "real, though limited, authority," encouraging the tribes to "equip themselves with devices of modern business organization," and establishing a financial credit system were other provisions. It is noteworthy that Wheeler included Roosevelt's letter of April 28 in the report. Wheeler also gave a personal statement:

The Committee has given prolonged study to the subject matter of this bill. Its contents generally are in accord with the findings and recommendations made by the Indian investigation subcommittee of this committee across recent years. It is believed that Indian welfare will be genuinely served and Indian administration improved by the enactment of the bill.

On May 28 the House Committee submitted a similar report for H.R. 7902 and also included Roosevelt's letter.

The Wheeler-Howard bill had thus come through its committee stage and, greatly transformed from the original plan which Collier's associates had created in February, it now awaited action on the floor of Congress. This third and final stage of the legislative process would be the swiftest and smoothest. After surviving the intense scrutiny of committee members--especially Wheeler's--the
reorganization bill now faced an easier forum.
CHAPTER V

LEGISLATIVE PROGRESS OF IRA:
CONGRESSIONAL DEBATE AND ACCEPTANCE OF THE BILL

The legislative process which the Wheeler-Howard bill underwent following its final introduction in Congress was short and swift, compared to the preceding lengthy period of debate. When the Senate debated the bill on June 12 the discussion was fairly short and technical. Senator Ashurst's concern over white mining claims within the Papago Reservation surfaced again and Wheeler had to agree to the insertion of a lengthy section protecting those claims. Wheeler also agreed that lands under reclamation and development would not come under Section 3, which provided for the return of surplus lands to tribes. After other short debates over more technical details, the bill passed the Senate.¹

Wheeler received editorial praise for his handling of the bill on the Senate floor. The Catholic World reported that:

Displaying intimate acquaintance with the law and the facts touching the nation's wards, shining in brilliant debate based on superior knowledge of Indian conditions in other senators' states and closing with a short but eloquent plea for this justice long due the red man, Senator Wheeler of Montana carried the revised bill to successful passage by the Senate.²

On June 15 and 16 the House debated the bill and members of this chamber acknowledged Wheeler's and Howard's involvement. Howard maintained that "the original bill
would not recognize this as its own child." Representative Roy Ayers of Montana explained that in the original bill everything was mandatory: "Instead of being a self-government bill it was the most autocratic, dictatorial program ever heard of." He worried over the possibility that the Indians would think the present Wheeler-Howard bill was the original plan, "when as a matter of fact all we have of it is the title and number. I am confident this was never Wheeler's or Howard's baby—it was laid on their doorstep, and they have cast it off and brought forth legitimate offspring."³

It has been illustrated that by the time the Wheeler-Howard bill returned to Congress, it was indeed quite different from Collier's original scheme. The changes made reflected the particularly active involvement on the part of Congressional committeemen, as well as contributions from Indians, Indian welfare groups, and other administration officials. The construction of the final version of the bill had definitely been a matter of bargaining and compromise. Collier had "his hat in his hand" when he came to Congress, but he also had the "weapons of groups, administrative, and especially Presidential support." Congress, because of these weapons, wrote a compromise bill "in which it made genuine innovations and exercised an extensive, incisive choice among the ideas which Collier had presented."⁴ Some analysts have felt that Collier
later made more of his role in the final creation of the Act than was actually the case. It should be understood that Collier was the originator of the general reorganization scheme and its protector as it made its way through the committee stage. For this effort, and for Collier's leadership in dramatically changing the direction of Indian affairs, one must fully acknowledge him. It is also clear, however, that the Congressional Committees on Indian Affairs were the decisive arenas of action. In particular, Wheeler and a few other western Senate Committee members played vital roles in determining the scope and content of the final bill.

A conference committee, of which Wheeler and Howard were members, settled conflicting details between the two bills the Senate and House passed. In the resulting law as enacted, the first eight sections corresponded to identical provisions in the bills that both the House and Senate Committees had considered and reported. The remaining sections represented various compromises which were made between differences in the bills passed by the two houses. The final Act reflected most consistently the House version of the Wheeler-Howard bill, with its additional references to mining claims, Indian employment, and officials respecting Indian rights. On June 18 Roosevelt signed the bill into law, subsequent to the adjournment of the Seventy-third Congress. Many observers agreed that
"few pieces of legislation . . . had such thorough dis-
cussion and consideration, to which Indians, department
officials, welfare and missionary associations, members
of Congress, scientists, attorneys, and many others con-
tributed . . . ."⁶

The enactment of the reorganization bill drew imme-
diate praise from Collier. In a July 1 editorial in
Indians at Work, Collier proclaimed June 18 the "Inde-
pendence Day of Indian history" provided that Indians
made good use of the Act. He continued:

It is in their power to make of the new Act a
foundation stone and an open door to a great
future. One becomes a little breathless when
one realizes that the Allotment Law—the agony
and ruin of the Indians—has been repealed . . .
and that the statutory denial of tribal exis-
tence has been repealed and that the denial to
Indians of the right to organization, and to
use that modern tool of power, the corporation,
has been repealed.⁷

Collier's additional praise of the bill's passage
stressed the importance of the moment and the dramatic
nature of the new legislation. "Perhaps no legislation
in our history has been exposed more completely in the
'goldfish bowl,'" Collier claimed, and added that "some may
suffer mental growing pains in making the adjustment to
the new conception of Indian administration."⁸ Though
appropriations under the new Act would be postponed until
1935 and thus the constructive work of reorganization would
be delayed somewhat, Collier rejoiced over the change in
atmosphere which, on June 18, 1934, was finally reflected in legislation:

The first draught of clean fresh air, the assurance given by Congress and the President that hereafter the natural rights of man, even of red men, would be respected, has caused the coals of racial pride to glow and give out the warmth of friendly understanding, of cooperation instead of submission. . . . 9

Collier had recognized Wheeler's and Howard's sponsorship of the bill in an April editorial. In the July 15 issue of Indians at Work he concentrated on the help that Indian Service field personnel had given his plan. Collier felt that credit was due these individuals who made discussion of the bill by Indians themselves possible. Later, in a September issue, Collier mentioned Howard's "historic speech" during the June 15 House debate in which Howard urged passage of the bill. Collier described the speech as "one of the most detailed and most eloquent discussions available of the problems which the Wheeler-Howard Act aims to solve." 10 It is notable that Collier did not mention Wheeler in any of his editorials during the initial months following the passage of the Act. This exclusion stemmed from the increasing degree of conflict between the two men. Collier and Wheeler had clashed in Senate committee hearings over several issues in the bill, particularly those of land consolidation and tribal self-government. Collier deeply disliked the abolishing of the provision that would have consolidated heirship lands, a change he felt later
considerably weakened the impact of the Reorganization Act. Wheeler reacted strongly against Collier's aim of tribal autonomy and made sure his own wishes prevailed.

Despite their disagreements, Wheeler had praise for the Commissioner's efforts and for the result of those efforts during the summer of 1934. During the ongoing Senate subcommittee investigation hearings that summer, Wheeler referred to the new Act several times. After June 18 Wheeler responded to several Indian complaints voiced during these hearings by referring to the Wheeler-Howard Act as a solution to problems. On July 22 Wheeler defended the Act when Mission Indians in California complained that it would "set them back 100 years." Wheeler claimed, "The bill, as a matter of fact, is for the benefit of the Indians; it gave to the Indians more power in the management of their affairs than they have ever had in the history of this country, and far more than a great many white people wanted them to have." Then Wheeler launched into a surprisingly admiring description of Collier's achievement:

Commissioner Collier, in my judgment, has been working for the Indians more than almost any man in the United States, and has done a great deal of benefit for the Indians of the U.S. No question about it . . . the opposition against [Collier], to a large extent, has been that he is trying to do too much for them and wants to give them too much.12

Wheeler stressed he did not always agree with Collier and
that, in the original bill, Collier had wanted "to give the Indians everything." Wheeler explained, "in my judgment, he went too far, because I don't believe the Indian has been educated up to that point where they can have everything turned over to them." Nevertheless, Wheeler felt that Collier was a "devoted friend of the Indians and is trying to do more for the Indians than any other Commissioner that I have ever known for many years." 13

Wheeler's praise for Collier is surprising in light of their disagreements during committee hearings and in light of future developments. In the initial months following the passage of the Reorganization Act, however, such optimism and good will were natural. More importantly, Wheeler and Collier viewed the new legislation in their own ways and each saw promise for the future direction of the Indian race. The problem was that each saw a different promise inherent in the Act. Wheeler saw in the Act a vehicle for swifter assimilation of the Indian into white society--assimilation which would be more well-rounded and thus more secure than the earlier attempt made purely through land ownership. Wheeler's hopes were seemingly supported by Collier at several times because Collier openly described the plan as both a tool for successfully guiding the Indian into a place within the dominant system and for preserving and strengthening Indian "grouphood." 15 In reality, when he began to put the Act
into action, Collier concentrated more of his efforts on sustaining the unique Indian heritage which he admired, and less on moving Indians as individuals into the mainstream. A gradual recognition of their differing aims widened the gulf between Collier and Wheeler after the first hopeful months in 1934. This growing disaffection, the signs of which were already apparent in the committee meetings on the original bill, intensified on Wheeler's part because of several other developments. These additional influences were seemingly far-removed from the realm of Indian affairs and yet, put together, they played a part in Wheeler's eventual rejection of the Act in which he had been so personally involved.
A prevailing optimism characterized the first years following the enactment of the reorganization plan. Fairly peaceful relations existed between the Bureau of Indian Affairs and Congress, and, in such an atmosphere, Collier was able to move forward in putting the new Act into effect. Since actual appropriation of funds was not forthcoming until May of 1935, any truly constructive work was delayed until then. In the meantime, however, Collier prepared Indians to begin the task of establishing self-governing units and business enterprises. When funds finally were available, they were substantially less than those initially promised. Nevertheless, Collier remained optimistic about the future direction of Indian affairs now that reorganization was underway. In 1935 Congress extended the provisions of the Reorganization Act to Oklahoma tribes and Alaskan Indians. These measures, in addition to the Supplementary Act of 1935 which pertained to voting procedures, rounded out the main Act.

In his 1935 and 1936 annual reports Collier proudly presented the achievements already made. Though regretting a continued lack of adequate funds, the Commissioner was pleased by the heavy turnout of voters wherever elections were held to determine acceptance or rejection of the
Act, noting that sixty-two percent of all adult Indians participated. A total of 263 elections had been held by the end of June, 1935, and Collier claimed that, out of this number, rejection of the Act by seventy-three tribes had to do with "campaigns of misrepresentation." He felt that cattle and lumber interests, missionaries, merchants, and politicians spread myths about communistic practices and a loss of lands because of the Act and that this explained any Indian vote rejecting the plan.² It is possible that those who were afraid of the loss of Indian lands that traditionally had been leased, or the loss of jobs or Indian business may have spoken against the Act. It is debatable, however, if these groups influenced tribes who opposed the plan. By June, 1936, Collier was able to claim additional successes in the establishment of Indian councils, constitutions, and other Indian-directed forums. He reported that, by this date, forty-five tribes had created and accepted constitutions and bylaws. He proclaimed that:

The renascent Indian spirit has shown two great evidences. One of these is the universal, eager response of Indians to the opportunity to work, and their faithfulness and technical capacity when employed. The other is the adoption by more than 180 tribes of the IRA, and their self-control and enterprise in organizing their common life under the authorities of the act.³

It is noteworthy that Wheeler was no longer Chairman of the Senate Committee on Indian Affairs after 1934, and,
though still a member, he devoted less time to the Indian Bureau. Senator Thomas, though antagonistic toward Collier during hearings on the Wheeler-Howard bill, proved to be a cooperative chairman from 1935-1937. 4

There were increasing signs of resumed conflict elsewhere during these years, however, and by 1937 the Reorganization Act would be the object of intense attacks, including efforts at repeal. Wheeler would be at the front of several such efforts. Though the Reorganization Act was never actually repealed, the attacks on it finally led to another drastic change of atmosphere in Indian affairs and to a breakdown in understanding between Collier and Wheeler.

During 1936 the Senate subcommittee which had been conducting a continuing investigation into conditions on various Indian reservations since 1928 became an arena for opposition to the Reorganization Act. The most vocal opponents worked through an organization known as the American Indian Federation. The Federation had originally been created specifically as a vehicle to oppose reorganization. The president of the Federation was Joseph Bruner, a full-blooded Creek Indian from Oklahoma, who strongly believed in Indian assimilation and acculturation into white society. Through 1936 and 1937 Bruner and others, in particular a Federation member named Alice Jemison, made their views known to the Senate subcommittee.
They felt that the Reorganization Act was communistic, atheistic and unAmerican. Jemison described the effects of what she viewed as the Act's attempt to segregate the Indian: "It has been the policy of John Collier, since he became Commissioner, to train the Indians to be only Indians and to try to locate them in national parks under Government control, where they will be forced to live in that way.\(^5\)

The Federation was not the only source of opposition to the new Act. Several individual Indians came before the subcommittee complaining about confusion over funds and troubles in creating government structures. A Cherokee complained that the organization taking place under the Act turned class against class and promoted communistic styles of education and government. Many Indians voiced the conviction that the Secretary of Interior dominated tribal councils and dictated constitutions. In addition, problems between full-blood and mixed-blood Indians allegedly arose when tribes selected leaders and council members. Many full-bloods felt that reorganization led to a usurpation of power by younger, mixed-blood members of a tribe.\(^6\)

Wheeler listened carefully to all of these complaints and often agreed. In response to Jemison's complaints concerning the segregationist tendencies of the Reorganization Act, Wheeler added his own resentments.
He felt increasingly that the present Indian administration did not understand the Indian situation:

One of the troubles is that they have a lot of people who do not know anything about Indians and never even saw an Indian reservation until they went to work for the Indian Bureau. They think of Indians as they see them in the motion picture shows, or down on the East Side in New York, or in Chicago... they do not, from a practical standpoint, have any understanding of the problems of the Indians.  

Wheeler and Jemison agreed that the Indian could not subsist solely on an arts and crafts industry. Wheeler stressed the necessity of teaching Indians to be farmers and mechanics, and regretted that this did not seem to be in process under the present administration.

Wheeler was not as interested in Jemison's and Bruner's claims that Collier and the Act were communistic as he was in other, more specific complaints made about the actual effectiveness of the Act. These latter concerns came from both the Federation and from individual Indians and tribes. The complaints of no free elections, Bureau selection of tribal council members, lack of encouragement of true Indian self-sufficiency, and general backward-looking Indian policy instead of a progressive one increasingly worried Wheeler. The developing tension stimulated arguments between Collier and Wheeler, and the two clashed several times during subcommittee hearings. During a June 19, 1937, hearing, Wheeler made his concerns known to Collier, stressing in particular the extent of
Bureau authority over tribal councils:

I simply say that that [the situation of council members becoming government employees] was the same old scheme that was worked under Fall [Interior Secretary during the 1920s]. It is the same old scheme that is worked by every superintendent of every agency in the U.S., for the purpose of controlling the council. Then you go out and say that the Indians elect them. The Indians have about as much to say about electing these fellows as a chicken with its head off . . . . Don't come in telling me how you have democracy there, when you go out and manipulate them. 8

The amount of money and time already spent on the reorganization effort also discouraged Wheeler. "I myself could take any one of the Indians and in a few hours teach them how to do a lot of this work," he felt. 9 Wheeler, thus, was quickly back in the position of blaming the Indian Office for wasting funds, dictating Indian government through paid council members, and general bad management. This time the commissioner was Collier, with whom Wheeler and other western senators had once joined to attack former Indian administrations.

When Wheeler actually moved to repeal the Reorganization Act in February of 1937, his attempt was unsuccessful. Senate Bill 1736, introduced on February 24, was one of a number of bills that unsuccessfully aimed at repeal. Wheeler's initial effort, in which Senator Frazier participated, would have repealed the entire Act everywhere and was probably considered too broad by the Senate Indian Affairs Committee because it was replaced by a more
limited bill. S. 2103 was reported out instead, calling for extensive exemptions of certain Indians from the Act. Senate Bill 2103 pulled together more specific repeal efforts aimed at certain tribes. Though S. 2103 passed the Senate on February 19, 1940, it was killed in the House Committee on Indian Affairs. The same fate met another strong repeal effort reported out of the Senate Committee by Senator Harlan Bushfield of South Dakota in 1944. This bill, S. 1218, called again for a total repeal of the Reorganization Act with assurances to repay existing government loans. Collier again depended on the House Indian Affairs Committee to kill the bill. Such efforts forced Collier to greater efforts at defending the Act both before the House Committee and in reports and editorials.

On March 15, 1937, Collier attacked Wheeler's and Frazier's initial attempt to repeal the Act in Indians at Work. He identified two distinct groups from which he felt opposition to the Act stemmed: white property owners and those who had fought for Indian rights but disliked the particular reorganization scheme. Collier asserted that these latter dissenters "think they find in [the Act] a romantic, even an alien element . . .; those parts of the Act which establish or reinforce Indian self-determination . . . profoundly offend members of this group." Collier specifically mentioned S. 1736 in his counter-
attack. Wheeler and Frazier had given a statement to the Associated Press on March 3 explaining the reasoning behind their broad repeal effort. Wheeler had complained that features stricken from the original bill were still being put into effect by the Secretary of Interior through tribal constitutions which he felt were dictated by the Bureau. Collier replied to this in his editorial, stressing that any added tribal power was legal since certain rights were already vested in the tribes before the Reorganization Act. The Act simply identified specific powers of self-government. While Wheeler's major objection was the development of too great a degree of Indian autonomy, Frazier's objection, in Collier's view, was the exact opposite. Frazier felt that the majority of Indians had complained about not getting enough independence. Frazier also felt that Indians who had not voted for the Act were discriminated against by their removal from relief rolls.

Collier asserted that there would be "no chance" that any repeal bill would pass the Congress or, if passed, would be signed by the President. Any repeal effort would have to first make its way through the Congressional Indian Affairs Committees and in these hearings it would meet heavy opposition. Collier was certain that "in the present case, the Executive branch of government stands on the side of the Indians--as, in the event of a vote, Congress also
should prove to stand." One could not be assured, however, of immediate agreement between the executive and congressional branches during 1937. The growing disaffection centered around an issue far-removed from Indian affairs, but it affected that area because both Wheeler and Collier were involved in the central issue of disagreement.

In 1937 Roosevelt tried to push through Congress his famous Supreme Court plan. Wheeler was the key figure in congressional opposition to that plan. The Court plan was first proposed on February 5, 1937, and shortly thereafter Wheeler assumed leadership of the coalition opposing the plan. This opposition to Roosevelt was noteworthy, since Wheeler had been a firm Roosevelt supporter in the 1934 election. During the years between 1934 and 1937 Wheeler had fallen further away from his initial support for the President. He had resented Roosevelt's appointment of Homer Cummings as Attorney General when the would-be appointee, Thomas Walsh of Montana, died shortly after Roosevelt took office. Cummings was a close friend of Bruce Kremer from Montana, a man close to the Anaconda interests whom Wheeler disliked. Wheeler was also a firm isolationist in reaction to Roosevelt's foreign policies, which were becoming increasingly interventionist. In addition, Wheeler's brand of progressivism became increasingly unpopular during the years of the New Deal. The indi-
vidualist, anti-monopolistic position often seemed to be giving way to one which appeared economically collectivist and politically in favor of a strong executive. By 1937 Wheeler increasingly found himself in the position of opposing the administration's direction in general.\textsuperscript{16}

This opposition became apparent during the Supreme Court fight. The initial stages of this conflict took place at the same time Wheeler was attempting to achieve repeal of the Reorganization Act. Collier was the first to involve the realm of Indian Affairs in the Supreme Court matter. In a March 1 \textit{Indians at Work} he referred to the Indian New Deal legislation in championing Roosevelt's Court plan. Collier regretted that the most important features of the Indian reorganization scheme had been considerably weakened because "the fear-nerve had been struck . . . and reason and fact were of little avail . . . ." He hoped that the same would not happen to the Supreme Court plan.\textsuperscript{17}

On June 28, during a discussion in the Senate concerning Indian appropriations, Senator Bennett Clark of Missouri and Wheeler angrily denounced Collier's editorial. Wheeler admitted supporting the Indian Reorganization Act in 1934 because he wanted Indians to "get a new deal . . . ." Then, he explained, he had become disillusioned with the plan when Collier sent to reservations as aids in the execution of the Act, a "lot of uplifters from New
York City and Chicago and from other places who would not know an Indian if they met him on the street . . . ."
Wheeler was also discouraged about the amount of money going into the Indian Reorganization program with little apparent effect. All of these complaints were similar to the ones Wheeler had voiced during Senate subcommittee hearings. To Wheeler, Collier represented the epitome of propaganda politics. He announced:

I must say that the present Commissioner of Indian Affairs is probably the best propaganda agent in the United States . . . . As an executive of the Bureau of Indian Affairs, in my judgment, he has been a complete failure . . . . The whole Indian administration is in the most chaotic condition it has ever been.

Wheeler also connected Collier's support of Roosevelt's Supreme Court plan with his earlier idea of a separate Court of Indian Affairs, which Wheeler had seen as dangerous and of doubtful legality. 18

The conflict between the two men over Indian reorganization was openly discussed during March of 1937 in the New York Times. In a March 14 article entitled "Indians' 'New Deal' Brings on a Clash," Wheeler defended his effort to repeal the Act he had earlier sponsored. The Times described the fundamental issue of conflict between the Commissioner and the Senator. It rested on the question of "whether Indians should be helped by the government to live in their own way on lands held in government trust, or whether they should be encouraged to enter the general
white population and to live as individual family groups, in the manner of ordinary American citizens." Wheeler was quoted as insisting that many Indians resented:

... being herded like cattle onto the reservation where [they were treated like] some special kind of creature ... Since we passed [the Act] we have seen that it did not do what it was intended to do, and, more than that, the Indians don't want it. They tell me that they want to be prepared and permitted to take their place in the world and make their way like any other American citizen. They want to go to the same schools and colleges, and meet life like any other American, instead of being herded off apart from everyone else.19

On March 28 the Times was even clearer in delineating the "two camps" which were forming in connection with the Reorganization Act. The paper described Wheeler's belief that he had been misled as to the Act's real purposes in 1934 and, therefore, desired its repeal now. The story continued, "In the current battle in Congress over the act both sides agree that the Indian should be developed as an American citizen, but the methods to achieve this end are sharply at variance." Collier's position of gradual progress towards self-government and economic self-sufficiency on the part of the Indian was placed in contrast to Wheeler's desire to hasten "Indian individualism" and Indian freedom from reservation life. Wheeler was quoted as claiming that the Act "has not worked out the way it was intended."20

Several times during his attacks Wheeler mentioned
Indian complaints that were made to him concerning the Reorganization Act, particularly by the Blackfeet and Flathead tribes. Wheeler asserted that five hundred Flatheads had sent a petition to him registering their wishes for repeal. Collier claimed that this was false—the Flatheads had petitioned Wheeler for per capita payments to alleviate poverty—not for repeal of the Reorganization Act. In fact, Collier identified the Flatheads as especially supportive of the Act from its beginning, being among the first tribes to organize and charter a corporation under its provisions. Blackfeet opposition came primarily from full-bloods and, though Collier claimed that this opposition was in the minority, this problem was more significant and complex than first understood. On many reservations the Reorganization Act had the effect of separating mixed-bloods and full-bloods and young and old. On some reservations mixed-bloods feared a return to the domination of tribal affairs by full-blood, older Indians. On others, such as the Blackfeet Reservation, full-bloods feared and experienced a dramatic loss of power and money when mixed-bloods acquired positions on the tribal council. Not only were full-blood Blackfeet under-represented on their tribal council after reorganization, they also were discriminated against financially when revenues from leasing lands began to come in after 1940. Wheeler later reflected on this compli-
cated issue of full-blood versus mixed-blood acceptance of and utilization of the Reorganization Act: "The old full-blooded Indians used to come over to see me and tell me how these mixed-blood Indians would get control, because they were in a majority, and the old full-blooded Indians couldn't have any say in anything . . .; they still complain." 23

As the attempts at repeal continued after 1937, Collier found it necessary to present his case in Congressional committees in order to refute the attacks on the Reorganization Act. He continually relied on the House Committee on Indian Affairs for a sympathetic forum, and, especially in 1940, he used this arena to defend the Act. When House Committee members conducted hearings on S. 2103, the repeal effort that passed the Senate in 1940, Collier was present with a prepared counter-attack. Collier maintained that the "propaganda" of individuals in opposition to the Act, particularly of Alice Jemison, Joseph Bruner, and others in the American Indian Federation, had literally bewitched certain senators. Sounding remarkably like other alarmists of a decade later and employing the language of his opponents, Collier went on to assert that a "fifth column" composed of Communists, Nazis, and Fascists had overcome the Senate Indian Affairs Committee and the entire United States Senate. "The inattentive Committee of Indian Affairs of the Senate had been uncon-
sciously encircled . . . . It [Report 1047 on S. 2103] is a reversal of the Senate Committee's consecutive record across ten years, and it is the idea and the words that the fifth column has been pounding in for five years." S. 2103 was a "fifth-column" bill. Collier stressed that he was not blaming individual senators; the bill had been passed and signed unwittingly. To the query of whether Collier meant that the Senate Committee members had simply been "asleep at their post" when the bill went through, Collier replied in the affirmative.²⁴

Wheeler also used Congressional forums to voice his opposition to the Act and, especially, to detach himself from it. In 1944 the House appointed a Select Committee to investigate the changed conditions of Indian affairs under reorganization and to determine whether or not any further revisions were necessary in current laws and regulations because of the Act. Wheeler was present at the committee's subsequent field hearings in Montana. In Browning, on August 5, 1944, Wheeler described his involvement in the Act to an audience of Blackfeet Indians:

I want to say to you Indians that while the law bears my name it was an administrative bill. When the administration first came in Mr. Collier came and asked me to introduce this bill. I introduced it. We modified it very much in the committees, both in the House and in the Senate, but I am frank to say it has not worked out as a lot of us hoped it would work out.²⁵

Committee Chairman James F. O'Connor of Montana stressed
that Wheeler was "just as much in favor of repealing the Wheeler-Howard Act" as those present. "He does not think it has been working to the advantage of the Indians . . . . The Senator is with you the same as the rest of us."\(^{26}\)

Wheeler continued to disassociate himself from the Act bearing his name in other ways. In a 1944 letter to Joseph Kinsey Howard, in which Wheeler explained his reactionary position to the continuation of the Indian Arts and Crafts Board and his support of eliminating further government aid to Indians, he discussed the Wheeler-Howard Act:

Let me give you a correct picture on the initiation of the Wheeler-Howard Act. That was an act I introduced at the request of Mr. Collier, who gave me the rush-act one day and stated they had already given out a lot of publicity on it, and he wanted me to introduce it . . . . When I had a chance to look it over and it came before the committee, it was so ridiculous in some of its proposals that we had to change it a great deal . . . . There are some good provisions in the Wheeler-Howard Act. There are some very bad ones and it has worked out, in many instances, very bad, [sic] in that there has been graft, corruption, and crookedness.\(^{27}\)

In his memoirs, Wheeler also emphasized that he was not proud of being part of the Indian Reorganization Act. He felt that the tribal officers elected under the Act often abused the use of funds and their own power and often ignored full-bloods. Wheeler explained, "We modified the bill considerably . . . ; even so I was not very proud of it . . . . That's the only bill that I ever pushed through that I didn't feel enthusiastic about."\(^{28}\)
In a 1946 repeal hearing before the Senate Indian Affairs Committee, Wheeler voiced his opposition to further government aid that the Act extended to Indians: "In the case of the white man or anybody else, if you make him dependent upon somebody else, he will never in the world seem to get to the point where he can become self-reliant but always depends on somebody else, and I wonder if it would not have been better for the Indian to have been put on his own responsibility." Wheeler suggested that tribal members should be able to vote to abolish the Indian Reorganization Act's application to their tribe if they changed their outlook on it, something he had mentioned during the 1944 House field hearings. "Those who want to get out should have an opportunity to get out," he felt. 29

Incidents both separate from and particular to Indian concerns contributed to the hostility between Collier and Wheeler. In addition to the Supreme Court fight in 1937, the two clashed over a more specifically Indian issue that year: the re-leasing of the Flathead Reservation power site, where a dam was in the process of construction. In 1927 Wheeler, Lynn Frazier and Robert LaFollette had agreed with Collier that a proposed bill to deny Indian ownership of the Flathead power site was wrong, and they joined together to block the bill's passage that year. In 1928 Indian ownership of all rentals from the power project
was confirmed, but Congress allowed the Federal Power Commission to conduct negotiations for the lease of the site. The Montana Power Company obtained the lease and then subleased the site to the Rocky Mountain Company. Because of financial problems due to the depression, construction of the dam was halted in August of 1934, and the Montana Power Company proposed to pay the Flatheads a minimal rental fee to keep the site under its control. Feeling, correctly, that this situation left the Indians without a completed dam in the time promised (by May of 1934) and without the royalties due them upon completion, Wheeler and Collier called for some resolution to the situation in 1936. When the Justice Department failed to resolve the matter, Collier met with Attorney General Homer Cummings. Cummings subsequently cancelled the Montana Power Company lease, and this encouraged Collier to push for full public ownership of the site, a goal he had hoped for in 1928 but had recognized then as impossible. The Federal Power Commission would not agree to the idea in 1936. Collier then put the Reorganization Act to use. Because the Flatheads had become incorporated in April of 1936, they now were able to bring a seven million dollar lawsuit against the Montana Power Company for failing to fulfill its previous obligations: mainly, construction of a dam on the site in the agreed period of time and payment of subsequent royalties to the
tribe. Facing this threat, the Company agreed to resume its work on the dam, pay the Flatheads specified royalties, and give preference to the Indians in employment. 30

Wheeler, who always claimed a special victory in acquiring the initial royalties for the Flatheads, was angered by Collier's dealings with Cummings in 1936. Cummings, as already mentioned, was a particular enemy of Wheeler's, and Collier's meeting with the Attorney General made Wheeler suspicious of Collier's intentions. Wheeler might have felt that Collier could have pushed harder for full public ownership of the site in 1936. He also may have simply felt that Collier did not sufficiently protect those royalties that Wheeler and others had gained for the Flatheads in 1928. At any rate, Wheeler criticized the outcome of the lease situation, which had resulted in the Montana Power Company releasing the site to another private sub-lessee. One onlooker felt that Wheeler's reaction to this problem stimulated his attacks on the Indian Reorganization Act. The "Washington Notes" column in the April 17, 1937, New Republic analyzed the connection.

After the re-leaseing of the Flathead site, Wheeler:

... took occasion to make a long, excessively vague attack on the Indian Bureau and the New Deal law under which it operates, a law which Mr. Wheeler himself helped to draft. A possible explanation of the about-face on Mr. Wheeler's part is that he still feels that Mr. Collier, at a critical juncture, deserted to the enemy. 31
The "enemy" would have been Cummings and the "critical juncture" the point at which the Flathead Power site was leased again.

Broader considerations in Collier's and Wheeler's feud have more to do with the shifts in the Roosevelt administration and in the general New Deal atmosphere. Wheeler was part of a Democratic-conservative coalition that came together in Congress during the New Deal years, stimulated both by the Court plan and foreign policy shifts in the late 1930s. The coalition became increasingly opposed to further government spending, and it included several non-interventionists. These shifts added to Wheeler's overall rejection of Roosevelt's New Deal administration. Ironically, in Collier's case, Roosevelt's foreign policy made it increasingly difficult for the Commissioner to initiate further reform because the attention of other Congressional members turned away from domestic affairs and toward the increasingly volatile international scene.32

One further consideration, already briefly mentioned, was the fate of progressivism itself during the 1930s. If the Wheeler-Howard Act is seen as part of the progressive tradition of reform, thus substantiating the view that progressivism did not die in the 1920s and early 1930s but continued on, particularly in the viewpoints of western Congressmen, then a split in the remaining
progressive forces occurred over the Indian New Deal after 1934. This split reflects the differing types of progressivism that developed during the years of the New Deal and that came to be a source of conflict. Wheeler and Frazier in particular had joined Collier in his attacks on the Indian bureaucracy and big business designs on Indian oil and water power sites in the 1920s. These men had been progressives together in those earlier years. Yet Wheeler, in particular, began to oppose Collier's "romanticism and brand of progressivism which tried to organize the Indians on a collective basis." This split among the progressive forces led to arguments over the direction of Indian reform, and finally to that reform's end. The breakdown in the reforming spirit and the increasing wish--especially in Congress--to halt further government aid of any kind to Indian tribes foreshadowed the termination policies of the 1950s. "Termination" would mean the attempt to discontinue any further government support--primarily financial--of Indian tribes, leaving the Indian to find his own way in the dominant society.
EPILOGUE AND CONCLUSION

The attack against the Indian Reorganization Act which proved to be most successful was a financial one. Cuts in appropriations after 1942 because of World War II endangered funding for continued reorganization work on reservations. Defense needs in a time of war and demands of white constituents in the face of a lingering depression competed with Indian Bureau requests for additional appropriations. Collier might have been able to persevere in spite of these factors had it not been for the antagonistic feeling toward the Indian Bureau that developed in the House Appropriations Subcommittee. This Committee possessed the effective weapon in the attack on the Indian New Deal. Representative Jed Johnson, a Democrat from Oklahoma, was chairman of the subcommittee, and he and Collier entertained a strong dislike for one another. Johnson was largely responsible for the drastic decrease in appropriations given the Indian Bureau after 1940. Again, a relationship between two individuals dictated, to a significant extent, the direction of Indian affairs.¹

The House Appropriations Subcommittee to a degree achieved the kind of changes the Senate Indian Affairs Committee had desired in its earlier attempts to repeal the Reorganization Act. The Appropriations Subcommittee could ultimately exert greater pressure "because it controlled the purse strings."² Increasing problems in
obtaining necessary funds and, by now, nearly hostile Bureau-Committee relations finally led Collier to admit defeat; he resigned in 1945. Attempts to unseat the Commissioner had been made earlier, even in 1937, and Wheeler had then been actively involved in the effort. The *New York Times* described the attempt on August 8 of that year. Senators Dennis Chavez of New Mexico and Wheeler were identified as the two western legislators who asked the Indian Affairs Committee to "expedite an investigation of the Indian Service 'with a view to taking action to remove Indian Commissioner John Collier' . . . ." The story quoted Wheeler who said he intended to "call the committee's attention to the mass of complaints against the Commissioner that have come from tribes in all parts of the country."³ It was not until the Appropriations Committee entered the fight, however, that Collier was finally forced to resign his position. On March 5, 1945, a *New Republic* editorial ushered out Collier and welcomed in the new appointee, William A. Brophy, from New Mexico. The short article contained a colorful description of Collier:

The peculiarities of a little man named John Collier have often been the subject of conversation in Washington. He was credited with being a dreamer, a thing which always arouses the suspicions of Congress; he smoked a corncob pipe, worked in an old green sweater, wore his hair long and unbrushed, and, according to the gossips, sometimes carried a pet frog in his pocket. The most peculiar thing about John
Collier, however, was that he had a deep and abiding interest in the welfare of the Indians of this country, and the intelligence and courage to fight in their behalf . . . . He leaves behind . . . a consistent record of progress . . . in spite of frequent opposition from Congress . . . . As a result of his efforts, the condition of the Indian is better today than ever before under our government, and his future is brighter.  

Another significant goal of Collier's became a reality in 1946, though he was out of office by the time of its enactment. Attempts to establish an Indian Claims Commission to hear Indian claims against the government of the United States had been made several times prior to the successful effort in 1946. The idea was considered as early as 1935. Wheeler and others had introduced and seen passed several individual bills conferring jurisdiction on the established United States Court of Claims to hear and adjudicate claims that particular tribes held against the United States. It was felt, however, that a more uniform system for processing Indian claims was needed. In 1937 an Indian Claims Commission bill passed the Senate twice but was defeated that year in the House. By 1946 the Senate and the House had passed bills in different sessions establishing forms of a commission. In July of 1946 a compromise bill made its way through Congress. The final claims commission bill originated in the House and received firm support in the Senate.  

It seems probable that Wheeler would have agreed with the
idea of a Claims Commission since he had backed several bills aimed at a similar type of service performed earlier by the general Court of Claims.

Wheeler left Washington shortly after Collier's departure. In 1946 Wheeler lost the primary election to a Montana attorney, Leif Erikson. The loss was unexpected but several factors brought about Wheeler's defeat. His breaking away from Roosevelt through the years and his developing isolationism especially alienated Wheeler's earlier supporters. Through his long career Wheeler had always remained independent of mind and direction, and this stance sometimes led him into positions at odds with his own party. To many Montanans in 1946, especially to younger people, Wheeler seemed remote since by then he was making progressively fewer trips home. The major loss of labor support in 1946 was a key factor in Wheeler's defeat. In addition, a long term in office that may have led to an insensitivity toward constituents, a consistent individualism with an almost total disregard for party loyalty, and an increasing remoteness from Montana finally brought about the end of Wheeler's political career.6

The decade which followed Collier's and Wheeler's terms of office was a damaging one for Indian affairs. From 1945 to 1955 the government increasingly turned toward "termination" policies in dealing with Indian prob-
lems. Seen as part of the broader Eisenhower campaign pledge to diminish the power of the federal government, the termination policies fit into the more general direction in which the country was heading during those years. Funds for Indian health, education, government, and business functions were drastically cut—or "terminated." The central aim of the period was to separate the federal government from Indian affairs--to terminate further government involvement. It was felt that the time had come to set the Indian free from further assistance and allow him to make his own way within the American system. The effects of this sudden shift in policy were often tragic. Many tribes became destitute and some feared a destruction of their existence as a group.  

The termination policies, seen in the light of the debates over the Reorganization Act, do not seem as drastic a change in direction as some may assume. By looking at Collier's and Wheeler's disagreements over Indian assimilation versus Indian autonomy and over the time needed for preparing the Indian to be a functioning part of the dominant society, one recognizes the likelihood that termination would become the next phase in the history of Indian-white relations. Wheeler saw in the Reorganization Act a way to guide the Indian into the mainstream of American life within a fairly short period of time. By creating business units, gleaning a subsis-
tence from a protected area of land, and establishing the tools for self-government, Wheeler hoped that Indians would gradually assimilate themselves into the dominant society--individually and self-sufficiently. Collier, though definitely assuring Wheeler and others that the Reorganization Act would aid the Indian in becoming a contributing citizen in America, actually felt that Indian life needed to be preserved and protected. He also felt that a much longer period of time was necessary for Indians to become self-sufficient, i.e., free of government assistance. When the period of reorganization seemed to continue too long, Wheeler--an assimilationist from the beginning--became impatient and resentful toward the Commissioner and began to feel that the Reorganization Act had been a mistake. Others shared Wheeler's views. When Collier resigned, many Congressmen saw a total withdrawal from Indian affairs as the next step, since the reorganization plan was believed to have done its work and Indians appeared ready for full assimilation.8

The aims of Collier's reorganization plan added to the confusion and the hostilities over the Act. The Act contained paradoxical theories and its provisions pointed the Indian in separate directions. Collier's biographer has described the Act and the man clearly:

[The Act] contained contradictory trends of thought. It demonstrated that he [Collier] looked to the future by insisting that the Indians adopt sophisticated technological skills in order to survive in the 20th century; yet, at the same time, it revealed that Collier was essentially retrogressive in his attempts to resurrect a utopian Red Atlantis which, if it ever existed, could never be revived. Collier faced two directions at once by asking the Indians to accept the requirements of a complicated industrial order while concurrently asking them to restore their tribal heritage.9

Indians today are still attempting to achieve these two goals. The conflict between Wheeler and Collier and the paradox inherent in the Reorganization Act symbolize the continued dual positions of Indian life. In 1980 similar debates still occur over which direction Indian affairs will finally take. Wheeler's involvement in the Indian Reorganization Act, which will always be connected with him because of its title, symbolizes one side of the debate over the direction of Indian affairs, past and present. In his continued hope for Indian self-sufficiency gained from Indian assimilation into the dominant "American way," Wheeler lends support to the contemporary argument that the Reorganization Act simply provided another stepping stone to that eventual assimilation. When Collier's initial provisions, such as the Court of Indian Affairs and complete Indian autonomy, seemed to endanger Indian involvement in white society, Wheeler successfully eliminated them. Wheeler wanted to reform
Indian affairs but with the hope of accomplishing the same goal that the Dawes Act of 1887 had steered toward but had failed to achieve. Collier, proposing a radically new and all-inclusive scheme, came face to face with a practical, legalistically-oriented politician whose reasons for accepting or rejecting Collier's ideas were complex and often personal. The transformation of the Wheeler-Howard Act, and Wheeler's involvement in that process, offer a vivid example of a utopian design compromised by political reality.
FOOTNOTES

Preface:

1. The Flathead Indians of Montana were among the first tribes to formulate a constitution and incorporate under the Indian Reorganization Act.

2. 48 Stat., 984; 25 U.S.C.

Chapter I:


4. Wheeler, upon his arrival in Butte in October of 1905, became involved in a poker game and was swindled. He always referred to this event as the fateful occurrence that caused him to remain in Butte since he was out of money after the game. See Burton K. Wheeler, with Paul F. Healy, Yankee from the West, (Garden City: Doubleday and Company, Inc., 1962), Chapter Three.


6. Wheeler, Yankee from the West, passim.


17. "Wheeler for President," 1940 circular, Wheeler Papers, Box 8, Folder 56.

18. See Appendix One.

19. See Appendix Two.

20. The primary election in Montana took place on July 17, 1934, just a month after the passage of the Indian Reorganization Act.


24. Ibid., Part 30, 73rd Cong., p. 16283.

25. Ibid., p. 16380.

Chapter II:


2. Ibid., p. 65.

3. Ibid., p. 66.

4. Ibid., p. 67.


10. John Collier, "Introduction," in Oliver LaFarge (ed.), The Changing Indian (Norman: University of Oklahoma Press, 1942), pp. 5-6. After 1871 reservations were created by executive, or Presidential order, and not by treaties made between an Indian tribe and Congressional liaisons. The 1926 legislation made executive reservations more firmly established in a way, since they were now as protected as those reservations established by treaty and negotiation.


13. Ibid., Part 6, 71st Cong., 2nd Sess., p. 2741.


17. See Appendix Three.


23. Charles Gibson, Spain in America (New York: Harper Colophon Books, 1966), pp. 40-42. The encomienda system involved the acquiring of land through conquest by Spanish Conquistadors and the natives subsequently becoming laborers for them. It was basically a system of forced labor.


25. Ejidal land was land held in common. The ejido could use its lands through collective enterprise or grant the use of it to another party. The use of the land could be transferred to an individual but not the land's title. See Gibson, Spain in America, passim.


27. Philp, John Collier's Crusade, passim.

Chapter III:

2. The Dawes Allotment Act awarded the Indian title to his land, granting with it the right to sell the property if he wished, after a period of restriction or trust—usually twenty-five years—had passed. Many Indians gained title more quickly and disposed of their land, leaving themselves homeless and with no continued means of support.

3. Annual Report, 1933, p. 100. A certificate of competency given to an Indian by the federal government enabled him to do what he wished with his land (i.e., it gave him the power to sell).


5. Philp, John Collier's Crusade, pp. 135-140.


7. To Grant to Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise, Hearings before the Senate Committee on Indian Affairs on S. 2755, 73rd Cong., 2nd Sess. (1934), p. 73.


9. Wheeler said of his introduction of the bill, "When I introduced it I hadn't read it at all." See Wheeler Papers, Box 29, Folder 20, p. 9.


11. Ibid., p. 21.

12. Readjustment of Indian Affairs, Hearings before the House Committee on Indian Affairs on H.R. 7902, 73rd Cong., 2nd Sess. (1934), Part 2, p. 56.

13. Ibid., Part 4, p. 117.


15. John Collier, editorial, Indians at Work, March 15, 1934, V. 1, no. 15, p. 3.

16. Ibid., April 1, 1934, V. 1, no. 16, p. 4.
Chapter IV:


2. To Grant to Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise, Hearings before the Senate Committee on Indian Affairs on S. 2755 and S. 3645, 73rd Cong., 2nd Sess. (1934), p. 73.

3. Ibid., p. 76.

4. Ibid., p. 150.

5. Ibid., quoted on p. 85.

6. Ibid., p. 100.

7. Ibid., p. 119.

8. Wheeler voiced these kinds of arguments throughout the hearings, especially on April 28 and May 3.


12. Letter, Burton K. Wheeler to President Roosevelt,


17. Ibid., pp. 366-367.

18. Ibid., p. 371.

19. Ibid., p. 414.


22. Readjustment of Indian Affairs, House Hearings on H.R. 7902, Part 6, pp. 245-250.

23. Ibid., passim.


25. Ibid., Part 7, p. 309.

26. Ibid., p. 294.

27. Ibid., Part 9, p. 493.


29. Senate Report no. 1080, passim.

30. Subsequent problems over "simple majority" and "absolute majority" resulted in the Supplementary Act of June 18, 1935. This Act amended the Wheeler-Howard Act to demand that a majority of those actually voting would determine the outcome of any vote to reject the IRA, adopt a constitution, or ratify a charter. A vote on such ques-


33. Ibid., p. 3.

Chapter V:


3. Congressional Record, 73rd Cong., 2nd Sess., June 15 and 16, 1934, 78, Part 11, pp. 12164-12165. Again, the House retained its original number, H.R. 7902, for the bill through the legislative process.


5. Other conferees were Representatives Knute Hill of Washington, Roy Ayers of Montana, Fred Gilchrist of Iowa, and Samuel Collins of California, and Senators Elmer Thomas of Oklahoma and Lynn Frazier of North Dakota.


8. Ibid., July 15, 1934, V. 1, no. 23, p. 2.

9. Ibid., p. 5.

10. Ibid., September 15, 1934, V. 2, no. 3, p. 17.

11. Senate Survey of Indian Conditions, Part 33, 73rd Cong., p. 17266.
Chapter VI:

1. The funds authorized for:

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Indian Organization</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>Purchase of Land</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Industrial Credit Fund</td>
<td>80,000,000</td>
</tr>
<tr>
<td>Educational Loans</td>
<td>250,000</td>
</tr>
</tbody>
</table>

were substantially decreased, making the actual 1935 appropriations:

<p>| |</p>
<table>
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<th></th>
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<tbody>
<tr>
<td>$ 150,000</td>
</tr>
<tr>
<td>1,000,000</td>
</tr>
<tr>
<td>2,500,000</td>
</tr>
<tr>
<td>175,000</td>
</tr>
</tbody>
</table>


2. Again, until June 18, 1935, a "non-vote" counted as a vote for the Act.


5. Senate Survey of Indian Conditions, Part 37, 76th Cong., p. 20700.

6. Ibid., passim.

7. Ibid., p. 20701.

8. Ibid., p. 21002.

9. Ibid., p. 20981.

10. S. 2103 listed the following tribes as exempt from
IRA: (These tribes, for the most part, had already been addressed in earlier, individual repeal efforts. S. 2103 simply included tribes mentioned in earlier repeal attempts and tribes who had either made complaints about IRA or particular tribes that certain senators wanted exempted from the Act.)

--any tribe on the Standing Rock Reservation, North and South Dakota.
--Pine Ridge Sioux, South Dakota.
--Cheyenne River Sioux, South Dakota.
--Yankton Sioux, South Dakota.
--any tribe in Nevada.
--Eastern Band of Cherokee, North Carolina.
--any tribe in California.
--Colorado River Indian Reservation tribes, Arizona.
--Navajo, New Mexico.


Other repeal efforts included:

 Senator James Murray's bill to repeal the IRA in Montana, January 14, 1937.
 Senator Dennis Chavez's bill to exclude the Navajo from the IRA, January 18, 1937.
 Representative John McGroarty's bill to repeal the IRA in California, January 22, 1937.
 Representative Thomas O'Malley's bill to repeal a section of the IRA giving Indians preference in Indian Service employment, February 11, 1937.

See Tyler, Indian Affairs, A Study of the Changes, p. 86.


Senate Report No. 1047, passim.


22. Taylor, American Indian Tribalism, pp. 56-57, 60. In 1937 Blackfeet "full-bloods of voting age constituted forty-five percent of the Blackfeet tribe, but held only two of thirteen positions on the tribal council." Taylor, p. 56.

23. Wheeler Papers, Box 29, Folder 20, p. 9.

25. An Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian, Hearings before the Subcommittee of the House Committee on Indian Affairs, 78th Cong., 2nd Sess. (1944), Part 3, pp. 596-597.

26. Ibid., p. 444.


33. Philp, John Collier's Crusade, p. 212.

Epilogue and Conclusion


2. Ibid., p. 461.


8. I would hesitate to conclude that Wheeler would have been for full termination of government aid to Indians, but his position can be seen as leading to the more extreme position.

APPENDIX ONE

Indian Population by Selected Counties

1920, 1930, 1940

for Montana

<table>
<thead>
<tr>
<th>County</th>
<th>Indian Population</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1920</td>
<td>1930</td>
</tr>
<tr>
<td>Flathead</td>
<td>377</td>
<td>57</td>
</tr>
<tr>
<td>Glacier</td>
<td>1,877</td>
<td>2,773</td>
</tr>
<tr>
<td>Hill</td>
<td>401</td>
<td>578</td>
</tr>
<tr>
<td>Blaine</td>
<td>1,102</td>
<td>1,325</td>
</tr>
<tr>
<td>Phillips</td>
<td>340</td>
<td>430</td>
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<tr>
<td>Valley</td>
<td>288</td>
<td>384</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>1,516</td>
<td>1,938</td>
</tr>
<tr>
<td>Dawson</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Garfield</td>
<td>--</td>
<td>5</td>
</tr>
<tr>
<td>Chouteau</td>
<td>1</td>
<td>92</td>
</tr>
<tr>
<td>Judith Basin</td>
<td>--</td>
<td>9</td>
</tr>
<tr>
<td>Cascade</td>
<td>85</td>
<td>190</td>
</tr>
<tr>
<td>Teton</td>
<td>58</td>
<td>84</td>
</tr>
<tr>
<td>Lewis &amp; Clark</td>
<td>49</td>
<td>249</td>
</tr>
<tr>
<td>Musselshell</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Yellowstone</td>
<td>51</td>
<td>34</td>
</tr>
<tr>
<td>Stillwater</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Sweetgrass</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Big Horn</td>
<td>2,090</td>
<td>2,249</td>
</tr>
<tr>
<td>Powder River</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Custer</td>
<td>--</td>
<td>8</td>
</tr>
<tr>
<td>Rosebud</td>
<td>769</td>
<td>900</td>
</tr>
<tr>
<td>Treasure</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Beaverhead</td>
<td>--</td>
<td>2</td>
</tr>
<tr>
<td>Silver Bow</td>
<td>4</td>
<td>19</td>
</tr>
<tr>
<td>Deer Lodge</td>
<td>1</td>
<td>24</td>
</tr>
<tr>
<td>Missoula</td>
<td>1,136</td>
<td>204</td>
</tr>
<tr>
<td>Ravalli</td>
<td>--</td>
<td>40</td>
</tr>
<tr>
<td>County</td>
<td>Indian Population</td>
<td>Total Population</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td>1920</td>
<td>1930</td>
</tr>
<tr>
<td>Lake</td>
<td>1,781</td>
<td>1,740</td>
</tr>
<tr>
<td>Pondera</td>
<td>320</td>
<td>459</td>
</tr>
<tr>
<td>Sanders</td>
<td>164</td>
<td>438</td>
</tr>
<tr>
<td>Sheridan</td>
<td>194</td>
<td>269</td>
</tr>
</tbody>
</table>

* These counties were part of a general "all other counties" in the 1940 census. These "other counties" were to have had, in all, approximately 33 Indians.

<table>
<thead>
<tr>
<th>Total Indian Population in Montana</th>
<th>Total Population in Montana</th>
</tr>
</thead>
<tbody>
<tr>
<td>1920 10,956 (2.0% of)</td>
<td>548,889</td>
</tr>
<tr>
<td>1930 14,798 (2.8% of)</td>
<td>537,606</td>
</tr>
<tr>
<td>1940 16,841 (3.1% of)</td>
<td>559,456</td>
</tr>
</tbody>
</table>
APPENDIX TWO

Indians Twenty-one Years and Over and Illiteracy Rates, 1920

"Other Races" Twenty-one Years and Over, 1930

(I have only given figures for the five counties with highest Indian population. In 1930, adult Indians were counted as part of a larger ethnic group: "other races.")

<table>
<thead>
<tr>
<th>County</th>
<th>Population 1920</th>
<th>Indians 21 and over</th>
<th>Illiterate 21 and over</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Males</td>
<td>Females</td>
</tr>
<tr>
<td>Big Horn</td>
<td>2,090</td>
<td>598</td>
<td>573</td>
</tr>
<tr>
<td>Blaine</td>
<td>1,102</td>
<td>311</td>
<td>266</td>
</tr>
<tr>
<td>Glacier</td>
<td>1,877</td>
<td>466</td>
<td>425</td>
</tr>
<tr>
<td>Missoula</td>
<td>1,136</td>
<td>320</td>
<td>290</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>1,516</td>
<td>370</td>
<td>337</td>
</tr>
</tbody>
</table>

"Other Races": 21 and over 1930*

<table>
<thead>
<tr>
<th>County</th>
<th>&quot;Other Races&quot; Population 1930</th>
<th>21 and over**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Males</td>
</tr>
<tr>
<td>Big Horn</td>
<td>2,418</td>
<td>647</td>
</tr>
<tr>
<td>Blaine</td>
<td>1,370</td>
<td>381</td>
</tr>
<tr>
<td>Glacier</td>
<td>2,830</td>
<td>718</td>
</tr>
<tr>
<td>Missoula</td>
<td>296</td>
<td>106</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>2,025</td>
<td>526</td>
</tr>
</tbody>
</table>

* "Other Races" excluded native whites, foreign born whites, and Negroes.

** No illiteracy rates were given in the 1930 state census that corresponded to the rates given for 1920.
Selected Material From the 1928 Meriam Report

Indian Service statistics showing, for certain years, the estimated Indian population and the number of Indian births reported, together with birth rates derived therefrom. For comparison are included birth rates reported by the United States Census Bureau for the general population in the birth registration area of the United States: 1915 to 1920, inclusive, and 1925

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated Indian population</th>
<th>Indian births reported</th>
<th>Births per 1000 population in U. S. birth registration area: U. S. Census</th>
</tr>
</thead>
<tbody>
<tr>
<td>1925</td>
<td>180,881</td>
<td>5,699</td>
<td>31.5 21.4</td>
</tr>
<tr>
<td>1920</td>
<td>206,868</td>
<td>6,510</td>
<td>31.5 23.7</td>
</tr>
<tr>
<td>1919</td>
<td>205,408</td>
<td>6,314</td>
<td>30.9 22.3</td>
</tr>
<tr>
<td>1918</td>
<td>205,240</td>
<td>5,571</td>
<td>29.3 24.6</td>
</tr>
<tr>
<td>1917</td>
<td>207,993</td>
<td>5,310</td>
<td>29.0 24.7</td>
</tr>
<tr>
<td>1916</td>
<td>206,224</td>
<td>6,062</td>
<td>29.1 25.0</td>
</tr>
<tr>
<td>1915</td>
<td>205,450</td>
<td>6,542</td>
<td>31.8 25.1</td>
</tr>
</tbody>
</table>

*The 1925 estimate does not include all Indians under the supervision of the Indian Service in 1925, and the difference between the 1920 and 1925 figures does not represent a decline in population. It is due to the fact that some jurisdictions which furnished vital statistics in 1920 did not furnish similar figures for 1925. The apparent decrease in population in 1925 is thus due to the smaller reporting area.*
Table 4

Indian Service statistics showing, by states, the estimated Indian population and the total deaths, the deaths from tuberculosis, and the deaths of children under 3 years of age reported for jurisdictions reporting vital statistics, together with the general death rate and the tuberculosis death rate derived therefrom, and also the per cent that Indian deaths under 3 years of age constitute of all Indian deaths. For comparison are included the general and the tuberculosis death rates and figures showing what per cent deaths under 3 years of age constitute all deaths reported by the U.S. Census Bureau in the death registration area of the United States: 1923.

<table>
<thead>
<tr>
<th>State</th>
<th>Estimated Indian population</th>
<th>Total deaths</th>
<th>Deaths from tuberculosis</th>
<th>Deaths under 3 years of age</th>
<th>Per cent of all Indian deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indian Number reported</td>
<td>Per 1000 estimated Indian population</td>
<td>Indian Number reported</td>
<td>Per 1000 estimated Indian population</td>
<td>Indian Number reported</td>
</tr>
<tr>
<td>Totals ....</td>
<td>180,834</td>
<td>4,629</td>
<td>25.6</td>
<td>11.8</td>
<td>1,132</td>
</tr>
<tr>
<td>Arizona .....</td>
<td>35,797</td>
<td>1,367</td>
<td>38.4</td>
<td>*</td>
<td>431</td>
</tr>
<tr>
<td>California .....</td>
<td>15,212</td>
<td>454</td>
<td>24.1</td>
<td>13.6</td>
<td>51</td>
</tr>
<tr>
<td>Colorado .....</td>
<td>9,744</td>
<td>20</td>
<td>22.8</td>
<td>12.1</td>
<td>10</td>
</tr>
<tr>
<td>Idaho .....</td>
<td>3,663</td>
<td>142</td>
<td>33.3</td>
<td>6.7</td>
<td>98</td>
</tr>
<tr>
<td>Kansas .....</td>
<td>1,322</td>
<td>22</td>
<td>14.5</td>
<td>10.2</td>
<td>4</td>
</tr>
<tr>
<td>Minnesota .....</td>
<td>13,910</td>
<td>255</td>
<td>18.3</td>
<td>9.7</td>
<td>60</td>
</tr>
<tr>
<td>Montana .....</td>
<td>7,974</td>
<td>222</td>
<td>20.4</td>
<td>7.7</td>
<td>67</td>
</tr>
<tr>
<td>Nebraska .....</td>
<td>3,560</td>
<td>85</td>
<td>23.4</td>
<td>9.1</td>
<td>13</td>
</tr>
<tr>
<td>Nevada .....</td>
<td>4,057</td>
<td>100</td>
<td>27.2</td>
<td>*</td>
<td>9</td>
</tr>
<tr>
<td>New Mexico .....</td>
<td>12,178</td>
<td>348</td>
<td>27.9</td>
<td>*</td>
<td>33</td>
</tr>
<tr>
<td>North Dakota .....</td>
<td>9,014</td>
<td>277</td>
<td>22.0</td>
<td>7.9</td>
<td>39</td>
</tr>
<tr>
<td>Oklahoma .....</td>
<td>16,261</td>
<td>213</td>
<td>12.3</td>
<td>*</td>
<td>38</td>
</tr>
<tr>
<td>Oregon .....</td>
<td>23,341</td>
<td>100</td>
<td>20.4</td>
<td>7.7</td>
<td>16</td>
</tr>
<tr>
<td>South Dakota .....</td>
<td>24,288</td>
<td>570</td>
<td>23.5</td>
<td>*</td>
<td>157</td>
</tr>
<tr>
<td>Utah .....</td>
<td>1,122</td>
<td>42</td>
<td>35.8</td>
<td>8.6</td>
<td>4</td>
</tr>
<tr>
<td>Washington .....</td>
<td>10,230</td>
<td>222</td>
<td>21.7</td>
<td>10.1</td>
<td>53</td>
</tr>
<tr>
<td>Wisconsin .....</td>
<td>8,741</td>
<td>160</td>
<td>20.0</td>
<td>10.1</td>
<td>80</td>
</tr>
<tr>
<td>Wyoming .....</td>
<td>1,568</td>
<td>47</td>
<td>21.3</td>
<td>8.5</td>
<td>4</td>
</tr>
</tbody>
</table>

* Figures are not available for the general population because this state is not in the death registration area of the United States.

* Figures are included for the Five Civilized Tribes.
ECONOMIC CONDITIONS

Annual per capita Indian income, both tribal and individual, by jurisdictions

<table>
<thead>
<tr>
<th>Jurisdictions studied by survey staff arranged in ascending order according to per capita income, tribal and individual</th>
<th>Number of Indians reported</th>
<th>Annual income, tribal and individual</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Amount</td>
</tr>
<tr>
<td><strong>Less than $100</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carson</td>
<td>3,355</td>
<td>$48,866</td>
</tr>
<tr>
<td>Havasupai</td>
<td>1,112</td>
<td>30,106</td>
</tr>
<tr>
<td>Siletz</td>
<td>1,412</td>
<td>46,728</td>
</tr>
<tr>
<td>Bishop</td>
<td>1,884</td>
<td>187,598</td>
</tr>
<tr>
<td>Northern Pueblos</td>
<td>3,335</td>
<td>102,430</td>
</tr>
<tr>
<td>Leupp (Navajo)</td>
<td>1,183</td>
<td>40,606</td>
</tr>
<tr>
<td>Western Navajo</td>
<td>6,090</td>
<td>260,878</td>
</tr>
<tr>
<td>Warm Springs</td>
<td>988</td>
<td>40,145</td>
</tr>
<tr>
<td>Walker River</td>
<td>1,365</td>
<td>66,342</td>
</tr>
<tr>
<td>Zuni</td>
<td>1,196</td>
<td>137,528</td>
</tr>
<tr>
<td>Tulalip</td>
<td>1,262</td>
<td>211,699</td>
</tr>
<tr>
<td>Pine Ridge</td>
<td>7,820</td>
<td>677,084</td>
</tr>
<tr>
<td>Fort Belknap</td>
<td>1,239</td>
<td>111,556</td>
</tr>
<tr>
<td>Sacramento</td>
<td>11,326</td>
<td>1,078,138</td>
</tr>
<tr>
<td>Neha Bay</td>
<td>666</td>
<td>101,236</td>
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<tr>
<td>Fort Yuma</td>
<td>859</td>
<td>83,311</td>
</tr>
<tr>
<td><strong>$100 but less than $200</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mission</td>
<td>2,232</td>
<td>202,094</td>
</tr>
<tr>
<td>Taholah</td>
<td>2,624</td>
<td>202,281</td>
</tr>
<tr>
<td>Southern Pueblos</td>
<td>6,012</td>
<td>607,639</td>
</tr>
<tr>
<td>Tongue River</td>
<td>1,449</td>
<td>172,885</td>
</tr>
<tr>
<td>Cheyenne River</td>
<td>3,026</td>
<td>327,898</td>
</tr>
<tr>
<td>San Juan (Navajo)</td>
<td>7,680</td>
<td>891,545</td>
</tr>
<tr>
<td>Hoope Valley</td>
<td>1,016</td>
<td>254,389</td>
</tr>
<tr>
<td>Navajo</td>
<td>12,360</td>
<td>1,071,021</td>
</tr>
<tr>
<td>Sells</td>
<td>4,042</td>
<td>793,090</td>
</tr>
<tr>
<td>Pueblo Bonito (Navajo)</td>
<td>3,000</td>
<td>435,718</td>
</tr>
<tr>
<td>Blackfeet</td>
<td>3,278</td>
<td>490,884</td>
</tr>
<tr>
<td>Yankton</td>
<td>3,636</td>
<td>58,850</td>
</tr>
<tr>
<td>Shawnee</td>
<td>3,771</td>
<td>573,900</td>
</tr>
<tr>
<td>Shoshone</td>
<td>1,809</td>
<td>260,173</td>
</tr>
<tr>
<td>Uintah and Ouray</td>
<td>1,178</td>
<td>112,480</td>
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<td>Umatilla</td>
<td>1,113</td>
<td>183,080</td>
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<td>Fort Bidwell</td>
<td>597</td>
<td>98,762</td>
</tr>
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<td>Fort Berthold</td>
<td>1,334</td>
<td>220,174</td>
</tr>
<tr>
<td>Fort Totten</td>
<td>657</td>
<td>158,177</td>
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<tr>
<td>Pima</td>
<td>5,567</td>
<td>925,384</td>
</tr>
<tr>
<td>Fort Apache</td>
<td>2,628</td>
<td>435,256</td>
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<tr>
<td>Hopi</td>
<td>5,074</td>
<td>880,725</td>
</tr>
<tr>
<td>Standing Rock</td>
<td>3,626</td>
<td>689,758</td>
</tr>
<tr>
<td>Consolidated Ute</td>
<td>790</td>
<td>153,055</td>
</tr>
<tr>
<td>Winnemucca</td>
<td>1,066</td>
<td>212,437</td>
</tr>
</tbody>
</table>
**Annual per capita Indian income, both tribal and individual, by jurisdictions—Continued**

<table>
<thead>
<tr>
<th>Jurisdictions studied by survey staff arranged in ascending order according to per capita income, tribal and individual</th>
<th>Number of Indians reported</th>
<th>Annual income, tribal and individual</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Amount</td>
</tr>
<tr>
<td>Cantonment</td>
<td>724</td>
<td>$142,876</td>
</tr>
<tr>
<td>Rosebud</td>
<td>5,800</td>
<td>1,157,794</td>
</tr>
<tr>
<td>$200 but less than $300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Lake</td>
<td>1,721</td>
<td>$350,285</td>
</tr>
<tr>
<td>Cheyenne and Arapaho</td>
<td>1,181</td>
<td>259,388</td>
</tr>
<tr>
<td>Consolidated Chippewas</td>
<td>12,586</td>
<td>2,939,443</td>
</tr>
<tr>
<td>Jicarilla</td>
<td>635</td>
<td>149,643</td>
</tr>
<tr>
<td>Pawnee</td>
<td>1,266</td>
<td>303,601</td>
</tr>
<tr>
<td>Sisseton</td>
<td>2,477</td>
<td>611,233</td>
</tr>
<tr>
<td>San Carlos</td>
<td>2,511</td>
<td>619,103</td>
</tr>
<tr>
<td>Fort Lapwai</td>
<td>1,303</td>
<td>355,062</td>
</tr>
<tr>
<td>Flathead</td>
<td>2,726</td>
<td>697,805</td>
</tr>
<tr>
<td>Ponca</td>
<td>1,431</td>
<td>391,812</td>
</tr>
<tr>
<td>Cœur d'Alene</td>
<td>799</td>
<td>220,001</td>
</tr>
<tr>
<td>Yakima</td>
<td>3,042</td>
<td>857,071</td>
</tr>
<tr>
<td>Fort Hall</td>
<td>1,707</td>
<td>500,778</td>
</tr>
<tr>
<td>$300 but less than $500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seger</td>
<td>761</td>
<td>241,983</td>
</tr>
<tr>
<td>Keshena</td>
<td>1,011</td>
<td>648,380</td>
</tr>
<tr>
<td>Crow</td>
<td>1,803</td>
<td>635,573</td>
</tr>
<tr>
<td>Omaha</td>
<td>1,543</td>
<td>548,833</td>
</tr>
<tr>
<td>Potawatomi</td>
<td>1,527</td>
<td>547,346</td>
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<tr>
<td>Kiowa</td>
<td>5,135</td>
<td>2,067,366</td>
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<tr>
<td>Colville</td>
<td>3,529</td>
<td>1,476,302</td>
</tr>
<tr>
<td>$500 and over</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Klamath</td>
<td>1,230</td>
<td>1,902,084</td>
</tr>
<tr>
<td>Osage</td>
<td>2,826</td>
<td>54,031,621</td>
</tr>
</tbody>
</table>

---

**Indians classified by annual per capita Indian income, tribal and individual**

**Annual per capita income, tribal and individual**

| | Number of Indians accredited to jurisdictions reporting per capita incomes of amounts specified |
|---|---|---|
| | Total | Per cent distribution | Cumulative percentage |
| All classes | 1,384,683 | 100.0 | ..... |
| Less than $100 | 40,343 | 2.4 | 2.4 |
| $100 but less than $200 | 88,201 | 6.4 | 7.4 |
| $200 but less than $300 | 33,535 | 2.4 | 8.8 |
| $300 but less than $500 | 16,200 | 1.2 | 10.0 |
| $500 and over | 4,075 | 0.3 | 10.3 |
### Annual per capita individual Indian income, by jurisdictions

<table>
<thead>
<tr>
<th>Jurisdictions studied by survey staff arranged in descending order according to per capita individual income</th>
<th>Number of Indians reported</th>
<th>Annual individual income</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Per capita income of less than $100</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carson</td>
<td>3,355</td>
<td>$13,804</td>
</tr>
<tr>
<td>Leupp (Navajo)</td>
<td>1,183</td>
<td>20,000</td>
</tr>
<tr>
<td>Havasupai</td>
<td>381</td>
<td>3,840</td>
</tr>
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<tr>
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<td><strong>$100 but less than $200</strong></td>
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<tr>
<td>Mission</td>
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<td>Southern Pueblos</td>
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<td>607,000</td>
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<td>142,538</td>
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<tr>
<td>Pueblo Bonito (Navajo)</td>
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<tr>
<td>Sells</td>
<td>4,012</td>
<td>703,090</td>
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<td>3,278</td>
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<td>Yankton</td>
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<td>543,333</td>
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<tr>
<td>Shawnee</td>
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<tr>
<td>Consolidated Chippewas</td>
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<td>Red Lake</td>
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<td>Umatilla</td>
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<td>Rosebud</td>
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<td>Fort Berthold</td>
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<td>Fort Bidwell</td>
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<td>98,762</td>
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<td>Fort Totten</td>
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<td>158,177</td>
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<tr>
<td>Pima</td>
<td>5,567</td>
<td>924,326</td>
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### Annual per capita individual Indian income, by jurisdictions—Continued

<table>
<thead>
<tr>
<th>Jurisdictions studied by survey staff arranged in ascending order according to per capita individual income</th>
<th>Number of Indians reported</th>
<th>Annual individual income</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Amount</td>
</tr>
<tr>
<td>Standing Rock</td>
<td>3,626</td>
<td>$603,708</td>
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<tr>
<td>Hopi</td>
<td>5,074</td>
<td>879,525</td>
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<td>Fort Lapwai</td>
<td>1,303</td>
<td>247,408</td>
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<tr>
<td>Flathead</td>
<td>2,726</td>
<td>480,765</td>
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<tr>
<td>Jicarilla</td>
<td>635</td>
<td>120,740</td>
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<tr>
<td>Winnebago</td>
<td>1,666</td>
<td>211,118</td>
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<tr>
<td>San Carlos</td>
<td>2,511</td>
<td>480,425</td>
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<td>Cantonment</td>
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<td>142,876</td>
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<tr>
<td>Cheyenne and Arapaho</td>
<td>1,181</td>
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<td>Pawnee</td>
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<td>Sisseton</td>
<td>2,477</td>
<td>611,026</td>
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<td>Fort Hall</td>
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<td>456,889</td>
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<tr>
<td>Yakima</td>
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<td>804,666</td>
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<tr>
<td>Ponca</td>
<td>1,431</td>
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<tr>
<td>Cœur d'Alene</td>
<td>799</td>
<td>216,120</td>
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<td>$300 but less than $500</td>
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<tr>
<td>Seger</td>
<td>761</td>
<td>243,983</td>
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<td>Crow</td>
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<td>Omaha</td>
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<td>542,807</td>
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<td>Potawatomi</td>
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<td>Colville</td>
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<td>1,410,462</td>
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<tr>
<td>$500 and over</td>
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<tr>
<td>Klamath</td>
<td>1,449</td>
<td>777,610</td>
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<tr>
<td>Osage</td>
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<td>31,835,641</td>
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### Indians classified by annual per capita individual Indian income

<table>
<thead>
<tr>
<th>Annual per capita individual income</th>
<th>Number of Indians accredited to jurisdictions reporting per capita individual incomes of amounts specified</th>
<th>Total</th>
<th>Per cent distribution</th>
<th>Cumulative percentage</th>
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<tr>
<td></td>
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<tr>
<td>All classes</td>
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<tr>
<td>Less than $100</td>
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<td>28.8</td>
<td>28.8</td>
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<tr>
<td>$100 but less than $200</td>
<td>103,866</td>
<td>55.1</td>
<td>83.9</td>
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<tr>
<td>$200 but less than $300</td>
<td>11,693</td>
<td>6.3</td>
<td>90.2</td>
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<tr>
<td>$300 but less than $500</td>
<td>11,298</td>
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<td>97.8</td>
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<tr>
<td>$500 and over</td>
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<td>2.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation of fathers</td>
<td>Number</td>
<td>Percentage distribution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------</td>
<td>-------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All occupations</td>
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<tr>
<td>Farmer</td>
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<tr>
<td>Rancher</td>
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<tr>
<td>Laborer</td>
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<tr>
<td>Carpenter</td>
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<tr>
<td>Railroad employee</td>
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<td>1.1</td>
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<tr>
<td>Lumberman</td>
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<tr>
<td>Policeman</td>
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<td>0.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miner</td>
<td>85</td>
<td>0.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerk</td>
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<tr>
<td>Mechanic</td>
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<tr>
<td>Minister or missionary</td>
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<tr>
<td>Merchant or trader</td>
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<td>0.4</td>
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<td>Engineer</td>
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<td>Blacksmith</td>
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<td>Oil Worker</td>
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<tr>
<td>All others</td>
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<td>2.6</td>
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Final House and Senate Committee Drafts of the Wheeler-Howard Bill and the Final Act

May 28, 1934.—Committed to the Committee of the Whole-House on the state of the Union and ordered to be printed

Mr. Howard, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H.R. 7902]

The Committee on Indian Affairs, to whom was referred the bill (H.R. 7902) to grant to Indians living under Federal tutelage the freedom to organize for purposes of local self-government and economic enterprise; to provide for the necessary training of Indians in administrative and economic affairs; to conserve and develop Indian lands; and to promote the more effective administration of justice in matters affecting Indian tribes and communities by establishing a Federal Court of Indian Affairs, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

Sec. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress. The authority of the Secretary of the Interior to issue patents in fee or certificates of competency, or otherwise to remove the restrictions on lands allotted to individual Indians under any law or treaty, is hereby revoked: Provided, That the provisions of this Act shall not apply to prevent the removal of restrictions on lands of members of the Five Civilized Tribes, or operate to change the present law and procedure relating to the guardianship of minor and incompetent members of the Six Civilized Tribes, but in all other respects shall apply to such Indians.

Sec. 3. The Secretary of the Interior is hereby authorized and directed to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That the order of the Department of the Interior signed, dated, and approved by the Honorable Ray Lyman Wilbur, as
Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public-land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided further, That subject to rules and regulations of the Secretary of the Interior, the sources of domestic and stock water shall be protected and damages shall be paid to the Papago Tribe for any permanent injury to the surface or improvements therein incident to mining operations, and a yearly rental equal to the customary (or prevailing) rental charged for the class of land in question shall be paid to the Papago Tribe for any land withdrawn from grazing by the requirement of mining operations, any payments derived from damages or rentals to be deposited in the Treasury of the United States to the credit of the Papago Tribe: Provided further, That the yearly rental for grazing land shall not exceed $1 per acre, to compensate the surface users for any grazing values: And provided further, That such patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe, as heretofore provided, damages for the loss of improvements or water development in such sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; such payment or payments to be refunded to the patentee in the event patent is not acquired.

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

Sec. 4. Except as herein provided, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: Provided, however, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests may descend or be devised, in accordance with the then existing laws of the State in which said lands are located or in which the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: Provided further, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for cooperative purposes therein contained: Provided further, That nothing herein shall apply to any Indian lands held in fee by any Indian; And provided further, That any competent Indian owning restricted Indian allotted lands shall have the right to dispose of the same in accordance with existing law unless such Indian shall have waived that right by a written instrument duly signed and acknowledged by him. The Secretary of the Interior shall have power to determine whether any such Indian is competent within the meaning of this paragraph.

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

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated in any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: Provided, That no part of such funds shall be used to acquire additional land for Indians in Arizona or for Navajo Indians in New Mexico.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.
Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

Sec. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

The Secretary of the Interior, with the consent of the tribe, is hereby authorized to prescribe rules and regulations under this section to reduce the contract price for Indian stumpage on contracts for the purchase of said stumpage by a maximum of 10 per centum, provided the purchaser employs a minimum of 25 per centum Indian labor; the Secretary may reduce such contract price by 20 per centum if said contractor employs a minimum of 50 per centum Indian labor; and such stumpage price may be reduced 30 per centum whenever said contractors shall employ 75 per centum or more Indian labor in the operation of logging, manufacturing, or selling such timber.

Sec. 7. The Secretary of the Interior is hereby authorized to add lands acquired pursuant to any authority conferred by this Act to existing reservations. The jurisdiction of the Federal Government shall extend to Indians under guardianship who become resident on such lands: Provided, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence on such reservations.

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

Sec. 9. Any number of members of any recognized Indian tribe, but not less than ten, shall have the right to form Indian chartered corporations to promote their individual and collective economic welfare and the economic welfare of the tribe. Persons wishing to form an Indian chartered corporation shall sign and acknowledge written articles of association, specifying: (a) the name of the corporation, its purposes, and the general nature of its business and the principal place of transacting the same; (b) the period of its duration, which shall not exceed thirty years unless renewed by the vote of a majority of its members and the order of the Secretary of the Interior; (c) the amount of its capital stock, if any, the number of shares into which it shall be divided and in what manner it shall be paid: Provided, That such chartered Indian corporations may be formed without capital stock, and such nonstock corporations shall have the same powers and authority as though organized with capital stock; (d) the highest amount of indebtedness to which the corporation shall at any time be subject; (e) in what governing board its management shall be vested, the date of the annual meeting at which such governing board shall be erected and the manner of its election, and the names and places of residence of those composing such governing board until the first annual meeting of the members of the corporation.

Persons who desire to organize an Indian chartered corporation under the provisions of this section shall submit to the Secretary of the Interior their proposed articles of association for examination and approval. If, after such examination, the Secretary of the Interior approves such articles, and of the organization of such corporation, and the powers and purposes thereof, he shall endorse such approval upon said articles of association and cause the said articles to be filed in his office, and thereupon such association shall be and become an Indian chartered corporation. Such articles of association may be amended and bylaws adopted under such rules as the Secretary of the Interior may from time to time establish and promulgate.

Such corporation may be organized for the purpose of conducting, and when organized may conduct, any agricultural, mechanical, manufacturing, mining, reforestation, lumbering, fishing, or other lawful business, and shall have power, with the written consent of the Secretary of the Interior, to acquire by lease or purchase such real estate, buildings, equipment, and other personal property as may be required or useful for the conduct of its business; to erect buildings or other structures or facilities upon its own lands or leased grounds; to issue bonds or other evidences of indebtedness and to borrow money to finance its business or to make advances to its members or patrons upon goods and products delivered by such members or patrons to the corporation; to employ legal counsel, and to do
and perform every act and thing necessary or proper to the conduct of its business or the accomplishment of the purposes set forth in this section: Provided, however, That none of such powers shall be exercised without the written approval of the Secretary of the Interior.

Sec. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations created under this Act.

Sec. 11. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

Sec. 12. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: Provided, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

Sec. 13. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

Sec. 14. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, and 12 shall apply to the Territory of Alaska.

Sec. 15. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat. L. 891), or their commuted value under the act of June 10, 1896 (29 Stat. L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 28, 1908 (35 Stat. L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims theretofore to be paid as formerly from the permanent appropriation made by said section 17 and earned on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the applicant or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

Sec. 16. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

Sec. 17. Any Indian tribe residing on a reservation on which at least 10 percent of the original land is still restricted or in tribal status, shall have the right to organize for its common welfare and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe, and to elect a tribal business committee under rules and regulations prescribed by the Secretary of the Interior: Provided, That such organization may be dissolved in the same manner as formed, or by an Act of Congress, and in no other manner.
A duly elected tribal business committee shall, in addition to all powers vested in an Indian tribe or tribal council by existing law, have the right to employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior, and the right to represent the tribe in negotiations with the Federal, State, and local authorities.

No sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets shall be made without the consent of the tribe. The Secretary of the Interior shall advise such tribe or its business committee of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

Sec. 18. Upon any Indian reservation of which at least 30 percent of the original land or the subsurface mineral rights thereon is still in restricted or tribal status, the Secretary of the Interior may issue a charter of incorporation to the tribe: Provided, That such charter shall not become operative until ratified at a special election by three-fourths of the adult Indians living on the reservation. The articles of incorporation issued to such tribes shall be issued and filed in the manner prescribed by section 9 of this Act and shall contain the powers therein set forth. All laws and treaties applicable to a tribe and its members shall continue to apply to any such tribe incorporated under this Act and nothing in this Act shall be construed to deprive any tribe, incorporated as herein prescribed, of any right, interest, claim, or title of any nature now vested in such tribe.

Sec. 19. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within six months after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

Sec. 20. Any official or employee of the United States who shall in any manner, either directly or indirectly, interfere with any tribe or any of its members in the free exercise of the powers conferred by this Act, or in relation to any decision or action of said Indian in respect to the exercise of the right of franchise, whether in relation to the provisions of this Act or otherwise, shall be guilty of a misdemeanor, and shall, on conviction thereof, be removed from office and be punished by a fine of not more than $500 or by imprisonment for not more than six months, or both.

Sec. 21. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe, and all persons who are descendants of such members who were at the time of the approval of this Act actually residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-fourth or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of the Territory of Alaska shall be considered Indian. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, band, nation, or pueblo, or the Indians residing on one reservation.

Amend the title to read: To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.
AUTHORIZING INDIANS TO FORM BUSINESS COUNCILS, CORPORATIONS, AND FOR OTHER PURPOSES

MAY 10 (calendar day, MAY 22), 1931.—Ordered to be printed

Mr. Wheeler, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 3615]

The Committee on Indian Affairs, to whom was referred the bill (S. 3615) to conserve and develop Indian lands and resources, to establish a credit system for Indians, to provide for higher education for Indians, to extend toward Indians the right to form business and other organizations, and for other purposes, having considered the same, report thereon with recommendation that the bill do pass.

The purposes of the bill, briefly stated, are as follows:

1. To stop the alienation, through action by the Government or the Indian, of such lands, belonging to ward Indians, as are needed for the present and future support of these Indians.

2. To provide for the acquisition, through purchase, of land for Indians, now landless, who are anxious and fitted to make a living on such land.

3. To stabilize the tribal organization of Indian tribes by vesting such tribal organizations with real, though limited, authority, and by prescribing conditions which must be met by such tribal organizations.

4. To permit Indian tribes to equip themselves with the devices of modern business organization, through forming themselves into business corporations.

5. To establish a system of financial credit for Indians.

6. To supply Indians with means for collegiate and technical training in the best schools.

7. To open the way for qualified Indians to hold positions in the Federal Indian Service.

Under the operations of allotment, the land holdings of the Indians have steadily dwindled and a considerable number of Indians have become entirely landless. By section 1 of the bill, future allotment
in severity to Indians is prohibited and under section 2 the existing periods of trust on Indian lands are extended until otherwise directed by Congress.

When allotment was carried out on various reservations, tracts of surplus or ceded land remained unallotted and were placed with the Land Office of the Department of the Interior for sale, the proceeds to be paid to the Indians. Some of these tracts remain unsold and by section 3 of the bill they are restored to tribal use.

The existing allotted lands, as a result of the multiplication of heirs of deceased allottees, frequently become so largely subdivided that their use by the Indians for their rental to whites is rendered impossible. Hence, in past years these lands have been sold to the highest bidder, practically always to whites. Section 4 of the act provides that the allotted lands of deceased allottees may be bequeathed only to the Indian tribe or corporation or to the individual Indian heirs, and that the allotted lands belonging to living and deceased allottees may be purchased by or for the Indian tribe. Likewise, section 4 authorizes exchanges of land where necessary for the proper consolidation of the Indian holdings.

To meet the needs of landless Indians and of Indian individuals and tribes whose land holdings are insufficient for self-support, section 5 of the bill authorizes the purchase of lands by the Secretary of the Interior, title to be vested in the United States in trust for the Indian tribe for which the land is acquired. There is authorized to be appropriated not to exceed $2,000,000 in any one fiscal year for such purchase of land.

The Secretary of the Interior is directed by section 6 of the bill to make rules and regulations for the management of Indian forestry units in accordance with the principle of sustained-yield management, and for the prevention of soil erosion through overgrazing, and for like purposes of conservation.

The Secretary of the Interior is authorized by section 7 of the bill to proclaim new Indian reservations on the lands acquired, pursuant to section 5 of the bill.

By section 8 of the bill, Indian allotments for homesteads on the public domain are withheld from the various provisions of the bill.

By section 9 of the bill, any Indian tribe or tribes, residing on the same reservation, are given the right to organize for the common welfare. When a tribe shall have organized, in accordance with the procedures set down in section 9, the Secretary of the Interior may not abolish the organization without the consent of the Indians, but the Indians may abolish it with the consent of the Secretary. Section 9 gives to such organized tribes various limited powers, all of which are at present enjoyed by some of the tribes under existing tribal organization.

Section 10 of the bill provides that on petition of at least one fourth of the adult Indians, the Secretary of the Interior may issue a charter of business incorporation to the tribe represented by the petitioners, subject to ratification by the tribe. The tribe so incorporated may be given power to own and manage property, including the power to buy the restricted allotted lands of its members and to issue to them, in exchange, interests in the corporate property. Such tribal corporation may have confirmed to it by the Secretary of the Interior the right, interest, or title in property held by the United States in trust,
and it may have confirmed to it any liens held by the United States against members of the tribe, any claims of the tribe, and all liabilities of the tribe. The corporate charter may not be revoked or surrendered except by act of Congress.

Section 11 authorizes the appropriation of not to exceed $250,000 in any fiscal year, to be used in defraying the expenses of tribal organizations created under the bill.

The inability, in the past, of Indians to make effective use of their land and their natural resources has been due in no small measure to the fact that access to financial credit has been denied them. Section 12 of the bill authorizes to be appropriated $10,000,000, which shall be established as a revolving fund from which the Secretary of the Interior, under rules and regulations, may make loans to Indian tribes or chartered Indian corporations for the promotion of the economic development of such tribes or their members.

Under section 13 there is authorized to be appropriated not to exceed $250,000 annually for the payment of tuition and other expenses of Indians in recognized institutions of learning of high school and collegiate rank.

In section 14, the Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions in the Federal Indian Service.

Section 15 of the act makes the provisions dealing with Indian corporations and Indian education applicable to Alaska and makes sections 2, 4, 7, 9, and 10 of the bill inapplicable to various tribes, named in the bill, resident in the State of Oklahoma.

Section 16 of the bill protects the Sioux benefits which, by existing law, are made contingent upon the receipt of land allotments by the Sioux.

Section 17 declares that nothing in the bill shall be construed to impair or prejudice any claim or suit by any Indian tribe against the United States and that no expenditures for the benefit of Indians made out of appropriations authorized by the bill shall be considered as offsets in any suit brought by Indians against the United States.

Section 18 of the bill defines the term "Indian" and other terms for purposes of the act.
[CHAPTER 576.]

AN ACT

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

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

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

Sec. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act; Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation; Provided further, That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws of the United States, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided further, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements; Provided further, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: Provided further, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: Provided further,
That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

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

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

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

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: Provided, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of the Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2199 and H.R. 8767) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2341 and H.R. 8832) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

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

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

Sec. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

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

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

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

Sec. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

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

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

Sec. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: Provided, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of
such Indian tribes, together with members of other tribes affiliated
with such named tribes located in the State of Oklahoma, as follows:
Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware,
Wichita, Osage, Kaw. Otoe, Tonkawa, Pawnee, Ponca, Shawnee,
Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo,
Pottawatomie, Cherokee, Chickasaw, Choctaw, Creek, and Seminole.
Section 4 of this Act shall not apply to the Indians of the Klamath
Reservation in Oregon.

Sec. 14. The Secretary of the Interior is hereby directed to continue
the allowance of the articles enumerated in section 17 of the Act
of March 2, 1889 (25 Stat.L. 891), or their commuted cash value
under the Act of June 10, 1896 (29 Stat.L. 331), to all Sioux
Indians who would be eligible, but for the provisions of this Act,
to receive allotments of lands in severalty under section 19 of the
Act of May 29, 1908 (25 Stat.L. 451), or under any prior Act,
and who have the prescribed status of the head of a family or
single person over the age of eighteen years, and his approval shall
be final and conclusive, claims therefor to be paid as formerly from
the permanent appropriation made by said section 17 and carried
on the books of the Treasury for this purpose. No person shall
receive in his own right more than one allowance of the benefits,
and application must be made and approved during the lifetime
of the allottee or the right shall lapse. Such benefits shall continue
to be paid upon such reservation until such time as the lands
available therein for allotment at the time of the passage of this
Act would have been exhausted by the award to each person
receiving such benefits of an allotment of eighty acres of such
land.

Sec. 15. Nothing in this Act shall be construed to impair or
prejudice any claim or suit of any Indian tribe against the United
States. It is hereby declared to be the intent of Congress that no
expenditures for the benefit of Indians made out of appropriations
authorized by this Act shall be considered as offsets in any suit
brought to recover upon any claim of such Indians against the
United States.

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

In addition to all powers vested in any Indian tribe or tribal
council by existing law, the constitution adopted by said tribe shall
also vest in such tribe or its tribal council the following rights and
powers: To employ legal counsel, the choice of counsel and fixing
of fees to be subject to the approval of the Secretary of the Interior;
to prevent the sale, disposition, lease, or encumbrance of tribal lands,
interests in lands, or other tribal assets without the consent of the
tribe; and to negotiate with the Federal, State, and local Govern-
ments. The Secretary of the Interior shall advise such tribe or its
tribal council of all appropriation estimates or Federal projects for
the benefit of the tribe prior to the submission of such estimates to the
Bureau of the Budget and the Congress.
Sec. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: Provided, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

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

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

Approved, June 18, 1934.
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