Fractionated heirship: A Blackfeet case study

Justin B. Lee
The University of Montana
Permission is granted by the author to reproduce this material in its entirety, provided that this material is used for scholarly purposes and is properly cited in published works and reports.

**Please check "Yes" or "No" and provide signature**

Yes, I grant permission  

No, I do not grant permission  

Author's Signature:  
Date: 09/04/02

Any copying for commercial purposes or financial gain may be undertaken only with the author's explicit consent.
FRACTIONATED HEIRSHIP:
A BLACKFEET CASE STUDY

By:

Justin B. Lee

BA, University of Montana - Western, Dillon, Montana, 1995

JD, Gonzaga University, Spokane, Washington, 2001

presented in fulfillment of the requirements

for the degree of

Masters or Arts

The University of Montana

August 16, 2002

Approved by:

[Signature]

Dr. Gregory R. Campbell - Chairman

[Signature]

Dean of Graduate School

9-4-02

Date
Fractionated Heirship: A Blackfeet Case Study

Professor: Dr. Gregory R. Campbell

Fractionated heirship is the phenomena on Native American reservations, where land is passed to all legal heirs, intestate. The result, several generations after the land was originally allotted, is that many people own undivided interests in small pieces of land. This, in effect, renders the land unproductive to any of the owners. On the Blackfeet Reservation, a large percent of the land is in fractionated status and land fractionation is considered a pervasive obstacle to economic development. This thesis studies the cultural and political elements under which this problem was created and is maintained on the Blackfeet Reservation.
# TABLE OF CONTENTS

## CHAPTER 1 - INTRODUCTION
- Introduction ............................................................... 1
- Allotment ............................................................... 2
- Fractioned Heirship ................................................. 4
- Cultural Differences .................................................. 7
- The Role of the Federal Government Through the Policies of the BIA .................................................. 8
- The Politics of Blame .................................................. 10

## CHAPTER 2 - A BRIEF HISTORY OF THE BLACKFEET PEOPLE - PEDESTRIAN PERIOD, HORSE CULTURE, AND EUROPEAN CONTACT TO 1850
- Introduction ............................................................... 15
- Pedestrian Culture ..................................................... 15
- Horse Culture ............................................................ 17
- European Contact ..................................................... 17
- Trading ................................................................. 18
- Cultural Change and Material Expansion .................. 20

## CHAPTER 3 - THE POLITICS, POLICIES, AND PRACTICES WHICH LED TO LOSS OF BLACKFEET LAND AND CULTURAL DEVASTATION BETWEEN 1855 AND 1907
- Introduction ............................................................... 22
- Introduction to the Lame Bull Treaty ......................... 23
- The Fort Laramie Treaty of 1851 ................................ 25
- The Lame Bull Treaty of 1855 .................................... 25
- The Treaty of 1865 .................................................... 29
- Treaty of 1868 .......................................................... 34
- Agreements and Executive Orders .............................. 38
- Summary ............................................................... 41

## CHAPTER 4 - CULTURAL ATTRITION - 1860 TO 1905
- Introduction ............................................................... 42
- Capitalism, Tribalism, and the Politics of Integration - Theoretical Perspectives .................................. 42
- Elements Which Led to the Demise of the Blackfeet - Trail of the Last Buffalo ................................. 44
- Starvation and Poverty ............................................... 46
- Loss of Blackfeet Traditional Behaviors, Language, and Identity ....................................................... 47
- Loss of Leadership ..................................................... 51
- Mixed Blood and Mixed Orientation .......................... 55
- Summary ............................................................... 59

## CHAPTER 5 - ALLOTMENT
- Introduction ............................................................... 60
CHAPTER 1
INTRODUCTION

One hundred and fifty years ago, Mountain Chief was a powerful, wealthy, and respected leader among the Blackfeet people. He was famous in both Indian and non-Indian circles for being a superior warrior and leader. During that time period, the number of horses one owned was a determinate of wealth. At one time, Mountain Chief commanded a horse herd estimated to have numbered in the hundreds and ranged them freely on millions of acres which he and his people controlled. Therefore, by almost any standard, Mountain Chief was a wealthy and prosperous Blackfeet man.

Today Ms. Lone Tree1 is the great, great-niece of Mountain Chief. Unlike Mountain Chief, however, she is not a wealthy woman. Now Ms. Lone Tree lives in a society which uses land ownership as one of the primary factors determining wealth. Where her great, great-uncle and his people controlled millions of acres, Ms. Lone Tree owns exactly ten square feet of land located on the Blackfeet Reservation in northern Montana. Ms. Lone Tree earns $.61 per year on that interest in land. The economic transition between Mountain Chief and Ms. Lone Tree, in terms of control of land resources, has occurred through a process termed as fractionated heirship.

***

1. Throughout the course of this research I have elected to not use the real names of people with whom I have spoken. I have tried to not use names at all, however, in the cases where they are necessary, I have invented names.
Introduction

This thesis investigates the causes and effects of the problem of fractionated heirship. In focusing on fractionated heirship, this thesis focuses on the first prong of a two-prong process in the effort to correct this problem. This first step is to delineate the cultural, political, and economic factors which allowed fractionated heirship to occur and which maintained it through history. The second prong, which is not the focus of this thesis, is to use this research to suggest methods by which these trends can be reversed.

This thesis defines fractionated heirship as the phenomenon where land originally allotted to one person has been passed down through the generations to all his/her decedents. The result of this today is instead of one person or even a nuclear family owning the original allotment, the allotment is owned equally by every member of the extended family. One of the most dramatic examples of this is an actual case on the Blackfeet Reservation where a person only owns an equivalent of ten square feet of an allotment and earns $0.61 per year on that interest in land. This land is in a small, 180 acre tract of land which is owned equally by more than a hundred people.

The results of fractionated heirship are obvious. A large resource base (the land) which Blackfeet could be using has been rendered ineffective as a source of income and economic prosperity for the reservation. Therefore, large blocks of Indian land do not contribute to the economic health of the tribe as a whole. In fact, at least 30 percent of the land owned by Blackfeet on the reservation is currently in fractionated status.

Over the years, Indian economic developers and government entities have not been able to produce an adequate remedy to this problem. In perfect strides with history, the
Federal Government has attempted "band-aid" or "quick-fix" solutions to the problem which will be discussed in greater detail as this thesis progresses. Of course, these attempts have merely added chapters to an already extensive volume depicting the Government's legacy of failure in regard to Indian policy.

Since the establishment of the Blackfeet reservation (1888) in northern Montana, the economic situation for the Native Americans living there can, at best, be characterized as poor. At worst, the situation for these people is desperate. As few as one hundred years ago, Blackfeet people were starving to death in great numbers on the Reservation. Today, unemployment ranges from 40 to 70 percent, median incomes are well below the already low national poverty line, alcoholism and suicide are rampant problems, and fewer than 50 percent of Blackfeet high school students graduate from high school. In reaction to these problems, and many others, several individual Indians have joined a multibillion dollar, class action, lawsuit against the Federal Government. This lawsuit alleges years of negligence in regard to the management of the Indian trust accounts known as the Individual Indian Money Accounts (IIM accounts) under its control. The potential of additional assets coming from this litigation along with continuing poor economic times on the reservation has created increased enthusiasm on the Blackfeet reservation in regard to building new economic development programs.

Because of the involvement of a few key Blackfeet individuals, the Blackfeet reservation is becoming the focal point and test case for the introduction of new economic development models, which are being currently funded by major foundations in the United States. Such activities to date include the creation of the Blackfeet Development Fund, a
non-profit organization focused on development issues; creation of a trust department in
the Blackfeet National Bank; and educational activities focusing on educating individual
Blackfeet land owners on economic development issues.

The individuals in charge of these operations have articulated the belief that the
largest obstacles in the way of furthering economic development are the problems
associated with land use, ownership, and management on the Blackfeet reservation. More
specifically these problems have to do primarily with individual allotment lands which are
currently administrated by the Bureau of Indian Affairs (BIA).

Allotment

These problems associated with land use and management (the largest of which is
fractionated heirship) began as a result of the allotment policies of the late nineteenth
century. The Allotment Act of 1887 converted what was formerly tribal or reservation
land into individually owned tracts. Furthermore, it encouraged Indians to continue the
process of becoming farmers or cattlemen. The policy makers at the time reasoned
publically that the Euro-American, capitalistic, land-based, economic systems and values
would thereby filter their way into the reservations, improving what was (in 1887) grim
economic conditions.

Although these were the public objectives of the proponents of allotment, there are
more cynical perspectives on why allotment came about. Namely that privatization of the
land made it easier, legally, for Whites to take more Indian land. Additionally, an

2

"Tribally owned" refers to the fact that this land was owned collectively by all the Blackfeet in
correlation with their traditional ways of treating land resources.
agricultural economy on the reservations forced the Indians to become more dependent on the Government and furthered the Government’s policy of minimizing traditional life ways, practices, and values.

Whether or not the idea of allotment was born out of genuine concern for the condition of the Indians or out of a grand conspiracy to take more of their land, the principle of allotment was, by 1887, a firm part of American economic policy. This thesis contends that the history of allotment on Indian lands began, not in 1887 with the Dawes Act, but actually thirty-seven years earlier, in 1850, with the Homestead Act.

The purpose of the Homestead Act of 1850 was to transfer 1,442,200,320 acres of land from federal ownership to private ownership thereby populating the west (Foss 1960: 11). This law was founded in old Jeffersonian domestic and economic ideology which held that private land ownership was a key feature of an economically stable nation. Between 1862 and 1900, some 1.5 million Americans obtained about 200,000,000 acres of land making the Homestead Act one of the “most significant land policy measures enacted in the United States” (Foss 1960: 22). In both intent and purpose, the Homestead Act had the appearance of being successful and, therefore, became a model for public land distribution and private land ownership as a critical component of American economic ideology.

In the context of the Homestead Act then, it is not surprising that in 1887 and again in 1905 and 1910, that the government attempted to apply this same type of policy to the economic problems associated with Indian reservations. Clearly, to the policy
makers of the time, there was no reason that the principle of private land ownership could not have a positive impact in Indian country.

While it is clear that allotment policies grew out of the homesteading ideology, allotment was different from homesteading in at least one critical way. Allotment was not an idea which was either understood or desired by the Blackfeet community. Whereas western oriented peoples saw individual land ownership as a great economic opportunity, it is quite possible that the Blackfeet had the exact opposite view.

Although, during the two centuries leading up to the Allotment Act, the Blackfeet had developed an economic system in which individual wealth had a high degree of cultural importance, they were still tribally oriented. This meant that even though individual importance was placed on the procurement of material wealth, the most important catalyst for obtaining that wealth was found in their tribal or communal ways of life.

This was especially true for the Blackfeet in times of economic hardship. In such times the Blackfeet intensified communal life. The good of the people as a whole took precedence over individual goals. Therefore, to have the exact opposite type of lifestyle forced on them, during a season of probably the worst deprivation that the Blackfeet had ever endured, was as foreign a concept as they could have encountered.

Fractioned Heirship

It is clear that the allotment polices of the late 1800's were an attempt to reinvent the Blackfeet economic systems in order to make them more parallel with standard Euro-American economic paradigms. However, as John Bodley (1988: 03) writes:
... when integration [assimilation] is pursued without a clear understanding of the original features of the indigenous community that contributed to its well-being, serious harm can easily be done. A major problem with development policies promoting integration is that their aim is usually to benefit individuals, often at the expense of the community. When development undermines a community's ability to defend and manage its own resources, or when it is imposed by outsiders, genuine benefits can hardly be expected.

Therefore, no matter how airtight the principle of allotment appeared to be for Euro-Americans, allotment was generally a dismal failure on Indian reservations. The effects of this failure can be clearly witnessed on the Blackfeet reservation in north-central Montana. One of the major results of allotment is the issue of fractionated heirship.

One cannot point to a single event which created the fractionation of Blackfeet lands. Rather a series of events added slowly to the overall complexity of this problem. Generally, this thesis proposes two main areas which are causal to the problem. They are the historic disregard with which the United States Government has treated clear cultural differences between the Blackfeet and Euro-American economic ideologies. Secondly, poor management and blatant abuse of the Blackfeet resources on the part of the Government has substantially added to the problem of fractionated heirship.

Cultural Differences

There are critical cultural differences between the Blackfeet and Euro-Americans. These differences can be clearly seen in historical documentation of traditional Blackfeet
culture. Furthermore, many central tenets of the traditional Blackfeet cultural are still present today and have been adapted to work in present situations.

Primarily these value differences relate to property ownership and the absents of land ownership values in the traditional Blackfeet community. Additionally, the historic and present day importance of tribalism or communalism, to the Blackfeet, represent further difference between Blackfeet economic value structures and those of Euro-Americans.

The concept of land ownership was historically, and to some extent, is currently viewed differently between the Blackfeet and Euro-Americans. The Blackfeet did not have the same cultural mechanisms which were conducive to land ownership in the context of European landownership systems. This thesis will make the argument that prior to contact, the Blackfeet Indians did not have individual land ownership as a component of their economic system. All the ethnographic material on the Blackfeet, combined with the oral testament of many present day Blackfeet, seems to indicate that individual land ownership was not a part of precontact or even historic Blackfeet culture (Ewers 1958, Forbes 1936, Wilmoth 1987, Arnold 1971, McFee 1972, Hyde 1933). In fact, the Blackfeet believed that it was impossible for individual humans to own land.

This is not to say that the Blackfeet did not own material property. The difference, however, between individual ownership of land and individual ownership of potentially more elastic materials (such as horses, equipment, etc.) is qualitatively divergent.

---

3 At least these values where historically different from western, capitalistic, land-based, economic systems.
Therefore, the cultural values already embedded in Blackfeet society, which supported individual ownership of some types of material property, was not compatible with Euro-American landownership values. Furthermore, this thesis will argue that the economic changes which began as a result of forced private land ownership had deleterious effects on important elements of Blackfeet life.

Additionally, the Blackfeet had traditional ways of handling economic crises which, at the time of allotment, had not ceased to be a part of their cultural landscape. Because the BIA failed to provide the services and supplies necessary for the Blackfeet to survive in the White man's world, they were forced into utilizing old ways of survival. These old methods used communalism and the sharing of all resources in common. In the minds of the Blackfeet, the land, which had been allotted, could not be separated from this communal sharing. This added substantiality to the problem of fractionated heirship and will be dealt with in much greater detail as this thesis progresses.

The Role of the Federal Government Through the Policies of the BIA

Although the Bureau of Indian Affairs was supposedly created to help the Indians adapt to Euro-American life ways, this thesis argues that in fact the BIA has become a major road block to the economic, social, and political survival of all Native Americans, including the Blackfeet. This thesis points toward four areas where BIA administration has been damaging to Blackfeet life.

First, past and present economic deprivation, as a result of poor BIA management of the Blackfeet trust assets, both serve to create and maintain the fractionated heirship issue. Secondly, under the farce of the trust relationship, the BIA has fortified itself and
totally alienated individual land owners from decision making processes in regard to their lands and assets. This has made it almost impossible for individuals to learn how to become effective land owners under the current economic system. Thirdly, the policies of the BIA have always discouraged those activities and behaviors which are considered "Indian." In doing so, the BIA has effectively suppressed important cultural mechanisms which might have assisted the Blackfeet in a smoother transition to life in America. Finally, general political, economic, and social disenfranchisement, as a result of complete and total BIA control over every area of Blackfeet life, promotes an atmosphere of helplessness which exacerbates the problem of fractionated heirship and the many problems with which it is associated.

It is the contention of this thesis that all attempts on the part of the Federal Government to mitigate this problem have been largely unsuccessful for two distinct reasons. First, the government's administration of Indian affairs, at the least, has never been adequate. The Government has never expended the necessary amount of time and resources on the problems which exist today, despite the fact that the Government, itself, largely created the problems. Secondly, the Government has traditionally ignored and continues to neglect cultural elements critical to this problem. Therefore, this research contends that the only way to approach this problem is with a clear cultural perspective. Any program of reform must have as its basic foundation a sensitivity to the cultural context of the Blackfeet reservation and people. Within that context, this research intends to glean critical cultural information and thereby suggest important cultural perspectives which will aid any proposed solution to the problem.
The Politics of Blame

The mainstream, Euro-American, dialogue concerning the Blackfeet seems to assign blame to the Blackfeet for their impoverished state of affairs. One has only to read the editorials and Letters to the Editor in the local newspapers or listen to the rhetoric of Conrad Burns (the State’s conservative Senator) to hear blame for the "Blackfeet problem" being placed squarely on the Blackfeet themselves. Most of these people assume that the Blackfeet receive monetary assistance from the Federal Government and that they are all land rich. Therefore, they assume that any economic problems which the Blackfeet might be experiencing are not only their own fault but also are a result of who they are as a people. More specifically, many White people believe that Indians are collectively "lazy by nature."

The appearance of these racist attitudes today is tangentially related to the old American concept of the Melting Pot. Generally, the ideology here is that all people living in the United States are given clear access to the "American Dream" and therefore should melt into a homogenous group of people who are all "American." Donham (1994: 202) refers to this line of thinking as the "ideology of the public sphere." He (1994: 202) defines it further as:

... each person is 'free'; he or she had the same chance. Difference in wealth, then, can result only from natural differences among persons. This common sense of the public realm takes on peculiar power when it is combined with private notions that collapse... social inheritance with biological heredity.
Therefore, because most White people believe that they have access to the “American Dream,” they assume minorities do as well. When minorities do not demonstrate the same levels of success (especially in the case of the Blackfeet who most Whites assume have great material advantages), Whites form racist stereotypes about them such as this statement which can be commonly heard by Whites living with or around Indians; “Indians are born lazy.”

This research will prove not only that this statement is untrue, it will show that, in fact, the Blackfeet have and are making attempts to pull themselves out of this impoverished state. Yet, the Government, either intentionally or through poor policy, has continually thwarted these attempts.

Additionally, as distasteful as it might be to admit, social scientists including anthropologists have added to the problem of “Indian blame.” These ideas are formed, academically, by social scientists who erroneously view cultural systems as stagnate and inflexible. In these cases the Indians are blamed, yet again, for their problems because of their inability to adapt, culturally, to new systems and life-ways. According to Talbot (1981: 4):

Native Americans are said to have a ‘cultural’ or ‘value conflict,’ a cultural crisis,’ because they ‘live between two worlds.’ Anthropological analysis implies that the cultural factor is responsible for Indian poverty.

Following this line of reasoning, one can say that poverty, racial discrimination, inadequate education, reservation underdevelopment, etc., are caused by the oppressed rather then the oppressor.
This research will take the stand that Blackfeet culture cannot be blamed for the problems associated with fractionated heirship or economic depression on the reservation. Overwhelmingly, the evidence indicates that, in fact, the Blackfeet were successful in radical cultural changes historically. Additionally, the Blackfeet, generally, have attempted, over the years since the beginning of the reservation days, to adapt to new cultural realities. However, the United States Government, who was charged with assistance in this regard, retarded these cultural changes through negligence, neglect, and abuse. This will be treated in greater detail as this work progresses.

There is a difference, however, between blaming the traditional cultures of Indians for their problems, and recognizing that cultural differences were a factor. This distinction, and the theory behind this research, allows for the fact that the cultural makeups of the Blackfeet and Euro-Americans were substantially divergent. One cannot make the claim that this fact did not initially impact the adaption of the Blackfeet to Euro-American ways of life. There is little doubt that it did.

Nevertheless, this acknowledgment in no way blames the Blackfeet for their problems today. Rather, what constitutes “Indian blame” is the idea that the Blackfeet were given all the opportunities and because of cultural ineptitude and/or an innate inability to change, they did not capitalize on these opportunities. This research will prove that the exact opposite is actually the case. Whenever the Blackfeet were actually allowed a fair opportunity, they were very resourceful in absorbing its full value. However, the instances when this occurred are extremely rare. This research will show
that the Blackfeet were rarely ever given a full opportunity at anything and the blame for this occurrence must fall, both historically and presently, on the administration of the BIA.
CHAPTER 2
A BRIEF HISTORY OF THE BLACKFEET PEOPLE - PEDESTRIAN PERIOD, HORSE CULTURE, AND EUROPEAN CONTACT TO 1850

Introduction

The history of the Blackfeet Indians and their relations with Euro-Americans over the past 300 years tells a compelling story that the student of this culture and the problem of fractionated heirship would be remiss to not understand. In fact, the issue of fractionated heirship cannot be understood absent this historical view.

This chapter seeks to give a brief introduction to the early Blackfeet. It will briefly describe their culture, subsistence behavior, geographical setting, and major events which affected them. As mentioned before, this is a brief introduction. It is not necessary, in the context of this research, to elaborate on every detail of Blackfeet life during this time period. Rather, importance will be placed on political and cultural factors and occurrences which have a bearing on present day situations.

Pedestrian Culture

According to Blackfeet mythology, they were created by Na’pi (Old Man), and he gave them their original territory. Although, the origin myth does not specify exactly where this territory lies, the work of many authors set out the precontact range of the Blackfeet as centered around the Saskatchewan Plains; around the area of the Eagle Hills in present day Canada (McFee 1972; Forbes 1936; Lewis 1942; Ewers 1955). The Blackfeet are thought, by some scholars (Ewers 1958), to have been the first pioneers on the western plains. These scholars maintain that the Blackfeet migrated, before any other group, from the northeastern woodlands. No substantial evidence disputes this claim.
For centuries prior to 1700's, the Blackfeet were a small group of people made up of three tribes; the Piegan, North Blackfeet, and the Blood. Although the Blackfeet likely raised small crops of tobacco, this was the extent of their agricultural activities (Ewers 1951: 300). What plant food the Blackfeet ate, they gathered from wild sources. Mainly, however, they lived off of small game and bison.

Socially, the Blackfeet were an egalitarian group with few status levels. The clearly defined classes which appeared in the historic period were not present during this time. Due to the constraints of foot travel, wealth accumulation was not as important. One gained status during this time through acts of bravery, wisdom, and/or generosity. All activities were centered on the maintenance of the groups, and less effort was placed into individual goals (Ewers 1951: 314).

This thesis will not spend a great deal of time elaborating on the context of Blackfeet culture during this period. Nevertheless, it is important to note the place of bison in Blackfeet life. The Blackfeet relationship with bison plays an important role in understanding cultural development which took place in the eighteenth and nineteenth centuries.

The Blackfeet used bison as their main food source and attributed great cultural significance to the buffalo. Bison have been characterized as the Blackfeet "staff of life" (Garlock 1939: 3). In fact, the origin mythology of the Blackfeet has the people and the bison being created together indicating the level of this importance. Because of the abundance of bison on the plains, Blackfeet enjoyed a relatively prosperous and highly independent lifestyle.
**Horse Culture**

Long before the Blackfeet made contact with Europeans, they were utilizing horses. The Blackfeet spent the first quarter of the eighteenth century acquiring and learning to use horses. By the mid-eighteenth century, they were enmeshed in what Ewers (1951) terms the “Horse Culture.”

Use of the horse revolutionized the Blackfeet way of life and culture. No innovation prior to the horse had such an effect on Blackfeet culture. There was no aspect of Blackfeet life which was not influenced by this new technology. The most dramatic elements of this change can be seen in the Blackfeet social structure and how they measured individual wealth. As the horse began to be used, wealth, defined by the quantity of possessions one owned, became more important than “a man’s physical or mental qualities” in gaining status (Ewers 1951: 314). Now, because of the horse, a person could carry much more property from camp to camp. Additionally, hunting became much easier and more consistent. Because of these factors, a class system, which was based primarily on the number of horses one possessed, quickly developed in Blackfeet society.

**European Contact**

Between 1754 and 1787, the first Anglo contacts were beginning to be made with the Blackfeet. Most of these accounts place the Blackfeet on the plains of western Saskatchewan where they followed the seasonal migrations of the bison. Even though the Blackfeet had little contact with Europeans until around 1787, the effects of mercantilism on the Blackfeet were evident at last by 1754. Through trading networks, the Blackfeet
had acquired horses, guns, metal, and unfortunately smallpox at least fifty years before Thompson arrived in 1787 (McFee 1972: 35).

The Blackfeet were first contacted by a man named Anthony Henry in 1754. Henry found the Blackfeet on the plains of western Saskatchewan near present day Medicine Hat. In 1772, Matthew Cocking made contact with the Blackfeet in the same area. In 1787, a trader for the Hudson Bay Company named David Thompson spent and winter with the Blackfeet along the Bow River in southwestern Alberta (McFee 1972: 34).

The purpose of these contacts was an attempt to involve the Blackfeet in the fur trade for companies like Hudson Bay and the American Fur Company. However, even though the Blackfeet initially responded in a friendly manner toward the European traders, in 1787, they were hesitant to be seduced into the trading business. The likely reason for this was, unlike other Indian tribes who had become middlemen in the trading process, the Blackfeet did not yet depend heavily on the material items acquired in trade (blankets, ironware, etc.). As mentioned before, they were independent and living quite well. However, as time went by, the advantages of trade goods became too great to ignore, and the Blackfeet became active traders.

Trading

The effects of trading on the Blackfeet people cannot be overstated. The activity of trading bison robes and beaver pelts (along with other less significant pelts) rapidly made the Blackfeet rich and powerful. In a few years, the Blackfeet at least doubled their territory. Acquisition of new territory in order to facilitate the trade became an important
strategy for the Blackfeet. Now that they had horses and could travel quickly and efficiently, they marched down out of Canada and quickly took possession of a very large area.

It was not out of strict necessity that the Blackfeet began to acquire trade goods from Europeans (Lewis 1942: 34). Rather, these items where first considered luxuries. Luxuries, however, turned into necessities. These necessities came mainly in the form of time-saving technology. Items such as metal tools and cookware improved the efficiency of the families. These simple efficiencies had the effect of creating more time, time which could then be expended in the pursuit of personal wealth. Rudolph Kurz, an employee at Fort Union in the 1830's wrote:

Now that he is acquainted with articles made of steel, such as knives, axes, rifles, etc., with tiner boxes, blankets, all sorts of materials for clothing and ornamentation, and with the taste of coffee, sugar, etc., he regards these things as indispensable to his needs; he is no longer content with his former implements, but regards ours as incomparably more profitable to him (Klein 1993: 143).

By the late part of the eighteenth century and the early part of the nineteenth century, the Blackfeet were heavily involved in trading. The relationship between material wealth and trading can be viewed as a mutually beneficial continuum. In order to increase the quality of life, the Blackfeet had to increase their material wealth. In order to increase material wealth, they had to trade. Yet, in order to continue trading and expand trading,
they needed the aid of technology which could only be gained through trading. Thereby, the activity of trading feeds on and promotes itself.

**Cultural Change and Material Expansion**

It is ironic, in a historical context, that the influence of Euro-Americans on the Blackfeet did not produce negative cultural effects on the people initially. It did, however, produce great cultural change. In fact with the aid of trade goods, the Blackfeet accelerated their culture for the next 100 years after contact and became the most powerful and feared people on the plains (McFee 1997: 35). According to Oscar Lewis, "If we were to characterize in a word the effects of the fur trade on Blackfeet culture that word would be expansion" (Lewis 1942: 34).

By the late 1700's the rough boundaries of the Blackfeet territory extended from the Saskatchewan River in Canada, south to the Missouri River in Montana, and from the Rocky Mountains in the west to approximately the present day Montana/North Dakota borders, plus. By the 1850's, that territory had expanded as far south as the Yellowstone river in Southern Montana. By the 1850's, however, this expansion was at its peak and beginning to decline.

As mentioned before, the short-term effects of trading had profound positive effects on Blackfeet culture in terms of expanding wealth and territory. However, the long-term effects were not as pleasant. The Blackfeet took advantage of trade goods to carry out their expansion in the century between 1750 and 1850. However, the positive effects of this materialistic change had one major drawback. It made relationships with
and dependence upon Whites necessary. In the long run, this dependence on Euro-
Americans would prove to be a factor in the decline of the Blackfeet rule on the plains.
CHAPTER 3
THE POLITICS, POLICIES, AND PRACTICES WHICH LED TO LOSS OF BLACKFEET LAND AND CULTURAL DEVASTATION BETWEEN 1855 AND 1907.

Introduction

When one reviews the history of Blackfeet/White relationships and the dramatic loss of Blackfeet land between 1855 and 1907 the Blackfeet origin myth becomes an interesting and tragically prophetic story. With the insights of history, we can now look at the Blackfeet origin myth and witness that it, very insightfully, predicated what would happen if the Blackfeet allowed others into their territory. Below is a part of that origin myth.

In later times once, Na’pi [the Blackfeet creator] said, “Here, I will mark you off a piece of ground,” and he did so. Then he said: “There is your land and it is full of all kinds of animals, and many things grow in this land. Let no people come into it. This is for you five tribes (Blackfeet, Bloods, Piegans, Gros Ventres, Sarcees). When people come to cross the line, take your bows and arrows, your lances and your battle axes, and give them battle and keep them out. If they gain a footing, trouble will come to you (Blackfeet origin myth) (McLaughlin 1970: 252).

By 1850, the Blackfeet were quickly losing their prowess as champions of the northwestern plains. Population decreases due to warfare and disease, diminishing numbers of bison, and expanding Euro-American immigration to the region were all contributing factors in this decline.
Between the years of 1855 and 1907, the Blackfeet lost most of Montana and were reduced to only a small fragment in the State’s north central region. The history of this loss of land is a complicated tale of treaties, agreements, and executive orders which time and time again were violated, not by the Blackfeet but by the Americans who desired to arrange these agreements in the first place. This Chapter deals with this history.

**Introduction to the Lame Bull Treaty**

Between the years of first contact and the mid-nineteenth century, the Blackfeet and the Europeans had a peculiar relationship. The Blackfeet were interested in the traders only as a vehicle to obtain trade goods. Otherwise, it was well known that the Blackfeet did not care for Europeans in their territory. The Blackfeet were known to aggressively defend their hunting grounds and territory. This defense extended to White trappers who continually attempted to trespass. Therefore, up until the mid-nineteenth century, few whites even thought about settling anywhere near the Blackfeet. As put by Ewers (1958: 205), “Certainly no white man would have considered settling in or near the country of the warlike Blackfeet so long as there was plenty of land available elsewhere.”

However, on the Oregon Trail the situation was different. The Lakota Sioux, through who’s land the trail ran, were beginning to feel the pressure of immigrants heading for Oregon. The Indian nations which used the hunting ground around the Oregon trail began to shift northward. The Blackfeet in turn felt this pressure. The Sioux, Arapahos, and the Crow all made a northward move. This move impacted the Blackfeet hunting territory and increased conflicts between all the plains groups. Because of the conflicts that were arising there, the Government, under the advice of the Commissioner of Indian
Affairs, David D. Mitchell, began to seek treaties with all the Plains Indians (Ewers 1952: 206).

Up until this time, the American Government had made no attempt to treat with the Blackfeet. The few agreements which had been made to this point were made by traders from both the Canadian and American sides of the border. The US Government had not made an attempt to treat probably for two reasons. The first was that the Blackfeet were known to be warlike and every attempt was made to stay out of their way (Ewers 1958: 205). Secondly, up until this point, the Blackfeet were in the far north and well out of the way of American activities, thus providing no real reason to treat with them (Ewers 1959: 205).

However, the late 1840's began to see changes in the interest the US Government found in the Blackfeet territory. As such, it was necessary to begin a formal relationship with the Blackfeet. This relationship was necessary for three reasons. First, the conflicts which arose between both Indians and Whites in regard to the Oregon trail were beginning to seriously impact travel on this trail (Ewers 1958: 206). It was thought that definite boundaries where the key to mitigating this problem. In 1849 Mitchell wrote:

> The boundaries dividing the different tribes have never been settled or defined; this is the fruitful sources of many of their bloody strifes; and can only be removed by mutual concessions, sanctioned by the Government of the United States” (Ewers 1958: 206).

The Blackfeet, because they were a northwestern tribe, where viewed as a necessary part of this process.
The second reason for a treaty has to do with the development of railroad transportation to the west coast. Congress, in 1853, had devoted $150,000 to an expedition purpose of which was to determine whether or not a railroad could be built in the northern part of the territory which would connect the east and west coasts (Ewers 1958: 208-09). This northern route cut though the heart of Blackfeet county. It was necessary, therefore, to provide for the safe passage of these explorers and, of course, to have a relationship established in the event that a northwest railroad passage was, in fact, discovered.

Finally, in order to provide safety for the greater numbers of White settlers in the northwestern region, distinctive boundaries separating what was and was not Indian territory was necessary. As it turns out, the only groups who respected these boundaries were the native peoples.

The Fort Laramie Treaty of 1851

The Government’s attempt to start the treaty process was the beginning of what would become a long and sorrowful legacy of land lost for the Blackfeet. From 1851, through the remainder of the nineteenth century, and to the present day, the Blackfeet have experienced consistent diminishment of their lands.

The first boundaries were set for the Blackfeet, without their consent or participation, by the Fort Laramie Treaty in 1851. This agreement took place between the Assiniboine, Hidatsas, Mandans, Arikaras and the US Government.
The Lame Bull Treaty of 1855

The Fort Laramie Treaty, although it did set boundaries, did not solve the problems associated with the Blackfeet. Therefore, in 1853, Isaac I. Stevens, who was the Governor of the Washington Territory and leader of the northwestern railroad expedition, began the process of establishing a treaty relationship with the Blackfeet.

It took Stevens two years of gift-giving and promise-making to lure the Blackfeet to a counsel. However, in 1855, at the mouth of the Judith River, they met and worked out what became the Lame Bull Treaty of 1855.

The Lame Bull Treaty of 1855 had basically five components. First, the treaty established peace between the Whites and Blackfeet and between the Blackfeet and their Indian neighbors. Secondly, the treaty took the southernmost portion of the Blackfeet territory (established by the 1851 treaty) and called it “common hunting ground” for the use of all the tribes in the area. This provision effectively reduced the Blackfeet territory by at least a quarter. Thirdly, the treaty defined the boundaries the Blackfeet’s exclusive territory. The fourth element of the treaty was providing for the safe settlement of Whites both outside and inside Blackfeet territory. This provision was complemented by a government promise to protect the Blackfeet from any wrong doing on the part of Whites. Finally, the treaty provided for safe passage and construction of telegraph lines, railroads, military installations, buildings and houses for agencies, missions, schools, farms, shops, mills, etc, by the United States in Blackfeet territory. (Ewers 1958: 217-19)

In return for these concessions, the Treaty required the US Government to provide $20,000 per year, for a period of fifteen years, in “goods and provisions” (Ewers 1958: 26)
Additionally, the Government was to expend $15,000 a year, for fifteen years, on establishing Indian farming in order to promote "their civilization and Christianization" (Ewers 1958: 219).

With the advantage of history we might ask why the Blackfeet accepted the Lame Bull Treaty of 1855. It definitely was not needed by the Blackfeet. At this particular time in history, the Blackfeet were not lacking in food, territory, or power. They were not overrun by emigrants, and there were no major throughways in their territory. Therefore, it is questionable why the Blackfeet entered into this treaty with the US Government.

However, this research proposes two major factors which could lend an explanation to these questions. The first has to do with the disappearance of the bison. By the 1850's, some of the Blackfeet leaders were realizing that the buffalo resources were diminishing (Ewers 1958: 277). Therefore, these Blackfeet leaders, at the time of the Lame Bull Treaty of 1855, might have realized that the traditional Blackfeet way of life was disappearing, and that alternative methods of subsistence needed to be investigated. In his opening comments at the Lame Bull Treaty, Governor Stevens stated (Ewers 1958: 216):

We want to establish you in your country on farms. We want you to have cattle and raise crops . . . This country is your home. It will remain your home . . . we hope through the long winter, bye and bye, the Blackfeet would not be obligated to live on poor Buffalo Meat but would have domestic Cattle for food . . . You know the Buffalo will not continue forever.
It seems as though the Blackfeet realized the importance of Stevens’ statement and were willing to take his advice.

However, the second possible reason the Blackfeet were willing to accept the treaty has to do with both a misunderstanding of its ramifications and differing cultural value systems associated with ownership of land. First, the Blackfeet had no cultural concept for land ownership. It is true that territories were claimed and protected by all Indian groups, however, the Blackfeet did not believe land could be owned by individuals. If land could not be owned by humans, then it had no monetary value. Suddenly, however, White people were showing up and offering to buy something from the Blackfeet which was considered valueless. The Blackfeet, for centuries, had been involved in trading and were quite skilled at making deals. To be offered items of value in exchange for something which had no value was a “good deal” for the Blackfeet. In this manner, the Blackfeet perceived that they were conducting a shrewd business transaction and gaining an upper hand in the trade (which was also an important cultural part of the Blackfeet trading relations).

It is important to stress this point here because these differences in land ownership values between the Whites and the Blackfeet will play a critical role in the loss of millions of acres of land which will be treated in greater depth as this research progresses. In fact, the lack of an individual landownership value is present in Blackfeet culture well into the mid-twentieth century and in some respects is extant today.

The third factor leading to the Blackfeet’s acceptance of the Lame Bull Treaty has to do with their inability to fathom the number of white people who would eventually
populate the west and the impact that they would have on the Blackfeet resources and territory. As discussed before, up until the 1850's, the Blackfeet were not bothered, to a large extent, by emigrants. According to Ewers (1958: 233):

... Vaughan [one of the first agents assigned to the Blackfeet in 1858] found it difficult to impress upon his children [the Blackfeet] the power and the character of the white man's civilization. It was not surprising that the Blackfeet regarded themselves as numerous and strong and the whites as few and feeble.

The Blackfeet had no way of knowing that the policy of the US Government was to populate the west with white people and that mechanisms both structurally (the railroad) and politically (the Homestead Act of 1850) were being put in place to achieve this goal. It is academic, yet interesting, to speculate how the Blackfeet would have responded if they were given all the information on the impact of their decision to sign the Lame Bull Treaty.

**The Treaty of 1865**

The five years following the Lame Bull Treaty went smoothly in comparison to what was to come. Although they were not farming, the Blackfeet had plenty of buffalo and were not hungry. The agents of this time period provided the Blackfeet’s annual annuities with some consistency. No wide spread White migration had taken place on Blackfeet land and peace was maintained between the Blackfeet and other Indian groups of the region. However, the 1860's would see reversals of all these trends.
Several factors can be sighted for the unrest associated with the Anglos and the Blackfeet in the 1860's. The first has to do with the quality of the people who were appointed to run Indian affairs in those foundational years. The eruption of the Civil War has been blamed for disturbing the peace and assimilation process of Indians as the country placed all its resources, including human resources, into winning this conflict (Ewers 1958: 236). However, it can also be argued that the end of the civil war saw no real improvement in the quality of people assigned to work with the Indians. To this day, the Indians have been plagued by poor BIA officials. It has been said sarcastically that if you make a serious blunder in the United States military you find yourself working on the North Pole. If you make bad errors anywhere else in government, you are assigned to the Bureau of Indian Affairs. Later in this work the relationship between the BIA and the Blackfeet will be discussed in great detail. For our purposes at this point, it is enough to say that the early agents were detrimental to the positive progress of Blackfeet/White relations.

The second factor which led to strife in the 1860's was the expanding number of Whites in the west and the inevitable conflicts which arose as a result of this demographic shift. In 1862, gold was discovered in Bannock, Montana, and thus a flood of miners poured into the country (Ewers 1958: 236). Furthermore, these miners were not the best examples of what Americans had to offer as quality citizens (Ewers 1958: 236).

Although the gold rush of 1862, and those to follow, had a definite impact on population growth in the west and specifically in Blackfeet territory, it would not be the major event which brought white people to the west -- homesteading was. In time, the
gold and silver resources would be extracted, yet the homesteaders came to stay. Although many failed, those who did not presented an unremovable force of people.

One cannot fully understand the dynamics of land relations in the 1860's and beyond, between the Whites and the Blackfeet without a complete understanding of the homesteading ideology and policies. Thomas Jefferson wrote, “Whenever there are in any country uncultivated lands and unemployed poor, is it clear that the laws of property have been so far extended as to violate natural rights” (Foss 1960: 19). It was under this type of philosophy that the United States Government began to introduce policy in the 1850's which gave its citizens land owned by the federal government.

The excitement that this unprecedented opportunity created both in the United States and throughout the world cannot be understated. Never before had a western nation given this type of opportunity to common citizens. With its promise of free land, the Homestead Act of 1850, sent millions of settlers out into the western plains to become farmers. Under the Homestead Act of 1862 alone, 1.5 million settlers acquired 200,000,000 acres of land in the west (Foss 1960: 22).

Unlike the Blackfeet, who had no cultural concept of individual land ownership, these white homesteaders were so driven by the opportunity to own 160 acres of marginal farm land, that they would come thousands of miles and brave grave difficulties for the chance of owning their own property. This fact alone provides ample testament to the importance western people placed on individual land ownership and the importance of the homesteading policy.
There is some debate over whether or not the Homestead concept was an effective American policy from the viewpoint of Anglo-Americans (Schwartz 1997). However, it is clear that the "land craze" of this time period was highly effective in causing millions of eastern Americans, as well as people from all over the world, to seek homes in the west. As populating the west was one of the central goals of the policy, in this respect, the policy was highly successful.

However, for the Blackfeet people, the homestead policy created profoundly negative effects on their way of life. The negative results of homesteading were both short and long term and were evident almost immediately in the 1860's and are still existent today. There are two main reasons for this negative effect.

First and most obvious, the expanding populations created by the Homestead Act in 1850 began to create an ever demanding impact on the resources of the area. In turn, the Anglo-American quest for and the Blackfeet attempt to protect these resources began to create conflict at a larger scale that had ever existed before.

Secondly, and probably most importantly, the federal paradigm of using individual land ownership as an economic development tool for the nation was later to be applied to federal Indian policy and specifically the Blackfeet. Regardless of whether or not homesteading ideology was effective for Anglo-Americans, there is little doubt that its derivative, allotment, was a dismal failure for the Blackfeet. This second impact will be discussed in much more detail later in this work.

Fear that the expanding number of white people in the region were there to take all the land in conjunction with complaints that the Government had not been consistent in its
payments to the Blackfeet, as per the Lame Bull Treaty, was leading to unrest. The practice of horse stealing (a very important cultural activity of the Blackfeet) was creating complaints from the Whites. Competition for resources caused the Blackfeet to go back to war with their old aboriginal enemies, and the Blackfeet agent panicked and brought in the first army troops to Fort Benton (Ewers 1958: 236-38).

It is difficult to say who committed the first offenses on whom. Clearly the Blackfeet were readily stealing horses as the Whites were rapidly consuming land. However, at some critical point these hostilities accelerated. Young warriors, who the older and wiser chiefs could not control, began to kill settlers in addition to taking their horses. Innocent Blackfeet were being murdered on the streets of Fort Benton in retaliation for these killings (Ewers 1958: 238).

Whites in the area began to push members of the government in the east to force the Blackfeet boundaries farther north. Agent Upson was given instructions to offer the Blackfeet $50,000 per year for twenty years in return for ceding a larger portion of their southern range. The Blackfeet signed this treaty, but it was never ratified by Congress. Instead, the Blackfeet received no money, and the Whites pushed further and further into Blackfeet territory.

Meanwhile, hostilities broke out into all-out war. On April 27, 1865, the priests, who inhabited missions in Blackfeet territory, were forced to abandon them and flee to safety across the mountains to Father De Smet's mission among the Flathead. Father De Smet wrote, "A fresh and furious war has broken out between the whites and the
Blackfeet, in which again the whites have given the first provocation . . .” (Ewers 1958: 242).

Most of the fighting being done by the Blackfeet was being done by the young warriors. These young Blackfeet were ambitious, head strong, and disillusioned with the leadership of their elders. Up until this point, much cultural importance was placed on one’s ability to conduct warfare. This cultural characteristic had proven useful to the Blackfeet for centuries. With it they had basically conquered the northwestern plains in the previous century.

However, many of the Blackfeet leaders at this time were not stupid nor were they bound blindly by their old cultural ideals. They could see that war with the Whites was a futile exercise which would eventually lead to the complete annihilation of their people. They did not want war. However, youth and inexperience are dangerous combinations, and the young men could not be controlled in the face of events which seemed to be so clearly wrong.

**Treaty of 1868**

Between 1865 and 1868, the Blackfeet were considered to be at war with Whites, although this war was not a cooperative effort among the Blackfeet but rather consisted of young men using guerilla tactics (Ewers 1958: 243-44). Despite the fact that the army had moved in a garrison of solders and established Fort Shaw on the Sun River, white people were still being killed. In 1867, John Bozeman and several white people were killed.
Because they had not received their provisions as per the Lame Bull Treaty, the Blackfeet felt that the Whites had simply lied to them. In order to correct this impression, William Cullen was commissioned to treaty again with the Blackfeet. In 1868, he signed a treaty with them which was almost exactly the same as the Treaty of 1865. Once again, however, the treaty was never ratified by Congress.

The Treaty of 1868 did nothing to retard the violence in the area. Shortly after the treaty was signed, two Blackfeet men (one the brother of the powerful leader of all the Piegans - Mountain Chief) were killed in cold blood on the streets of Fort Benton in revenge for the killing of two white cowboys. The two Indian men, who were working for Albert Colberson at the time, were not responsible for the deaths of these cowboys. The newly appointed Superintendent of Indian Affairs in Fort Benton, Alfred Sully wrote, “I think I can arrest the murderers [the white men who killed the Blackfeet] but I doubt very much if I can convict them in any court” (Ewers 1958 246).

Very quickly, relatives of the murdered Blackfeet avenged these deaths (which culturally was their right) by killing Malcolm Clark in the Prickly Pear Canyon near Wolf Creek, Montana. Alexander Culbertson, who had been partners with Clark, visited the Blackfeet and found that the Chiefs had not ordered the death of Clark. Rather, the young warriors, who the chiefs could not control, had carried out the killing.

In response to the Clark murder, William Wheeler, a United States Marshal, received a grand jury indictment for five Piegan warriors. Wheeler offered as evidence to the grand jury 56 white murders and the theft of more than one thousand horses (in these days horse theft was a capital offense - one could be as quickly hung for the theft of a
horse as the murder of a man). Warrants for the arrest of these men were given to General Sully.

Sully met with four peaceful chiefs of the Piegan; Heavy Runner, Little Wolf, Big Lake, and Grey Eyes (Blood Chief). He demanded that these men turn over the wanted Blackfeet and return all the stolen horses. Surprisingly they agreed to kill the accused warriors and turn over the horses (Ewers 1958: 249). That they made this promise is surprising in two ways.

First, it is unlikely that they could have caught these men. They were living near the Canadian line where they could cross over if the troops came. It seems unlikely that these chiefs would have traveled all that way in order to get to these men. Additionally, these men were reported to be members of Mountain Chief’s band, and as he was the most powerful chief of the Piegans at the time, it is unlikely they would have insulted him in this way.

The second and more important point is that it would have been unprecedented that a decision would be made to kill and turn over members of one’s own people. Through historical records and oral histories, this research has concluded that the Blackfeet had no capital punishment system for its members. A man was fully able to avenge the wrongful death of a relative by killing the murderer or a member of his family, but the chiefs never called for the execution of one of their own people. Therefore, it can be speculated that this decision by the Piegan Chiefs was another bountiful example of how the Blackfeet were becoming divided against themselves.
As it turns out, these men were never killed by their own people. However, General Sheridan, who was in charge of the army in the area, was determined to see that justice be done. He ordered a man named Colonel Baker to attack the camp of Mountain Chief in reprisal for the deaths of Clark and other whites. On January 19, 1870, Baker moved out in the bitter cold of one of Montana’s worst winters, under the direction of Joe Kipp, a white trader and scout, to attack Mountain Chief.

Maybe they were cold and tired of traveling or perhaps they were blood-thirsty and did not care, however, it is clear that they knew the first camp to which they came was not that of Mountain Chief. Rather, it was the camp of the friendly Piegan Chief, Heavy Runner. It might have been easy for an inexperienced army man to not be able to distinguish between the camps of different bands of Piegans. However, Joe Kipp would have known the difference.

Heavy Runner, being aware of the presence of the army, and because he was a friendly Blackfeet man, went out into the cold armed only with a piece of paper which identified him as a friend of the US Government. He was killed on the spot along with 173 of his fellow, smallpox plagued, tribesmen, the majority of whom were women and children (Only 15 warriors were killed) (Ewers 1958: 234).

This Baker Massacre, as it was quickly coined by both western and eastern Whites, was the first and only confrontation between the Blackfeet and the US army. However, it did end forever the violence of Blackfeet against white people. From that point on the only violence committed was by Whites against the Blackfeet. In many respects it continues today.
Agreements and Executive Orders

In 1871, Congress passed a law which forever stopped the activity of treating with Indians. Therefore, from 1871 on, the Blackfeet made no treaties with the US government. Rather any legal relationship and maneuvering was conducted through processes of agreements and executive orders.

Legally, both agreements and executive orders have lower legal status as do treaties. This is important in terms of the Blackfeet/US Government relationship because it reduced the stature or importance of the obligation between the Government and the Blackfeet. This is not to say that the Federal Government took its treaty relationship with the Blackfeet very seriously. Rather, the shift from treaty to agreement relationships made noncompliance legally easier.

Presidential Executive Orders where even lower on the legal food chain than agreements. Executive orders were simply decrees, made by the President of the United States. In the case of the Blackfeet, these executive orders were given simply for the purpose of taking more and more land away from the Blackfeet. Unlike treaties or agreements, executive orders did not require consultation of the Indians.

There were four such executive orders given in 1870's, all of which, with the exception of one in 1875, took land from the Blackfeet (Cohen 1950: 39-41). They were the Executive Orders of 1873, 1874, 1875, and 1880.

Following the Executive orders of the 1870's and early 1880's there were two agreements which were struck in 1888 and 1896.
The Agreement of 1888 ceded the hundreds of thousands of acres of the Blackfeet territory which extended to the North Dakota border.

In payment for these lands, the United States Government gave the Blackfeet:

... one hundred and fifty thousand dollars, in the purchase of cows, bulls, and other stock, goods, clothing, subsistence, agricultural and mechanical implements, in providing employees, in the education of Indian children, procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans of said Indians, in erection of such new agency and school buildings, mills, and blacksmith, carpenter, and wagon shops as may be necessary, in assisting the Indians, build houses and inclose their farms, and in any other respect to promote their civilization, comfort and improvement: (25 Stat. 113, 114) (Cohen 1950: 14).

Although this extensive list of promises appears to be quite appealing and obviously was to the Blackfeet at the time they signed the agreement, history tells a much different story about the Government's intention of fulfilling its promises. The sad reality is that, as happened so often with the relationship between the Blackfeet and the Government, paper and words became the slippery slope off of which the Blackfeet plummeted into the abyss of the Government control and bureaucracy.

The second agreement in 1896 ceded what is now Glacier Park (Refer to "Map 9" attached hereto). The payment for this piece of land was a ten-year extension of the payments on the Agreement of 1888 (29 Stat. 321, 253 - 354) (Cohen 1950: 25).
The interest in the Glacier Park area came as gold was thought to be discovered there and powerful men (the Hill brothers) sought to make a profit on the rush. The Great Falls Tribune (January 18, 1898) makes reference to this gold discovery:

Considerable preparation is being made in anticipation of the expected rush when the ceded strip is thrown open. Our merchants are stocking up their stores with an endless variety of goods, and hotel keepers have trebled their sleeping rooms, so as to accommodate as many of the weary as possible. From present indications there will be a saloon for every mineral location, and some to spare. There will undoubtedly be a large hotel erected at St. Mary’s and a steam launch put on that beautiful sheet of water, with many other attractions, to tempt the sportsman, anglers and tourist . . . It is to be hoped that the mineral deposits may prove valuable, for anything that may be of benefit to this section will add to the wealth and prosperity of the state at large as well . . .

The Blackfeet ceded this land for very little money and they knew at the time they were being cheated. However, they were getting used to the way Anglos worked. They knew that if they did not get a little for this area, they would end up getting nothing. In fact, the miners were already building towns and mining before a deal was struck with the Blackfeet. Some of the evidence for this lies under the present-day, man made, lake Sherburne. The town of Alton, a mining town is now inundated by the lake. However, the town was built before any agreement was made with the Blackfeet to allow mining.
One Blackfoot man made this statement about the town of Alton, "It was like this: take a dime now or get nothing later."

**Summary**

As this chapter has shown, between the years of 1855 and 1886 the Blackfeet lost millions of acres of land which was promised them through the legal avenues of the United States. This loss of land reduced the boundaries of the Blackfeet from encompassing most of Montana to the present Blackfeet Reservation boundaries of today. However, as this research will show, this would not be the end of White land taking. In fact, land is being taken from the Blackfeet today.

The taking of land and many other factors have contributed greatly to the demoralization of the Blackfeet people. This demoralization lead to serious atrophy and disintegration of the Blackfeet culture and left them a people with little hope for the future. The breakdown of Blackfeet social structures between 1855 and 1905 is the topic of the following chapter.
CHAPTER 4
CULTURAL ATTRITION - 1860 TO 1905

Introduction

In addition to a staggering loss of land between 1850 and 1905, the Blackfeet suffered many other hardships which led to the further demise of their traditional cultural structures. The intent of this Chapter is to outline some of the key factors in this decline. This information is important to the substance of this research because it lends a deeper understanding of the events which are causal to and associated with fractionated heirship. Furthermore, one cannot begin to look for solutions to problems on the reservation today without understanding their genesis.

Between 1850 and 1905, many separate events occurred in Blackfeet country which had a negative effect on the people. This Chapter will outline these events as separate entities in order to completely understand their effect upon the Blackfeet. However, the presentation of this history in this fashion is somewhat misleading. These events did not occur in isolation. Rather, they occurred in concert with each other, amplifying their devastating effects.

Capitalism, Tribalism, and the Politics of Integration - Theoretical Perspectives

In the introduction to this thesis, we briefly discussed the effects that forced integration can have on people. The philosophy of colonialism, in general, was that if the total annihilation of indigenous people could not be achieved, the next best thing was to integrate them into society at large. In the case of the Blackfeet, as with most native groups in America, this meant that they must forsake their traditional tribal ways of life.
and focus on individualistic and capitalistic forms of living. Traditionally, this approach has had a devastating effect on many of these groups. In fact, through these processes hundreds of tribal nations in the United States alone have been completely destroyed.

The concept of integration is flawed in many ways. First, integration means giving up political and economic autonomy. Because groups rarely give autonomy up freely, it must be forcibly taken from them. Along with this force comes the condition of hopelessness and disenfranchisement which stems from an inability to control one’s own situation (Bodley 1988: 03).

Secondly, those who push integration make a set of critical assumptions which do not hold true. These are articulated by Bodley (1988: 03):

1. The way of life of indigenous peoples is materially inadequate.
2. Integration will improve their quality of life.
3. Interest in new technology on the part of the indigenous peoples reflects a desire for integration.
4. Progress is inevitable.

In reference to the first assumption, Bodley (1988: 03) makes the assertion that as long as people are in control of their own resources they “do not find their way of life materially inadequate.” This is true even in times of scarcity. Poverty is not necessarily a function of the absence of resources. It is better defined by an inability to access or control resources which do exist. Poverty is an ugly side-effect of capitalism and its corresponding class systems which make, not the resources themselves, but access to the resources difficult (Bodley 1988: 03-04).
Secondly, Bodley (1988: 04) points out that successful integration assumes that being placed in any social class in a state or capitalistic system is better than maintaining a traditional life. However, because integrated peoples often become the lowest rung of the lowest class, they are politically and materialistically far worse off than they were in their traditional models.

Thirdly, integration assumes that because indigenous people enjoy the use of technology offered by the state, they wish to become integrated. This idea is logically bankrupt. Certainly technology might make desired improvements in traditional ways of life, but no group would knowingly trade technology for political autonomy and economic independence.

Finally, the idea that tribal groups must integrate eventually makes the erroneous and highly ethnocentric assumption that the only systems which can survive in today’s world are those which use capitalistic economic systems. Furthermore, these communal or tribal ideologies are deliberately undermined by capitalistic systems which find tribalism threatening to the power interests of the state and the upper class who derive the lions share of the benefits from the system.

**Elements Which Led to the Demise of the Blackfeet - Trail of the Last Buffalo**

Within the context of these theoretical paradigms then, we can investigate some of the critical events which took place in the Blackfeet community in the late part of the nineteenth century and the early part of the twentieth century. As mentioned before, as early as 1850, older Blackfeet were noticing a decline in the number of bison on their
hunting ground. Yet the Southern Piegan continued to hunt and live primarily on buffalo despite the agent's attempt to make them farmers.

What the Blackfeet did not know was that their territory, by the mid to late 1870's, was the only area in the country where the buffalo was not yet extinct. This observation gave the Blackfeet hunters a misleading impression on the bounty of this resource. While a Piegan hunter might have been able to look out in his hunting ground and see plenty of bison, he might not have realized that during the late 1870's it was a rather feeble resource. This fact is evidenced by the great decrease in the bison robe trade during this time. In 1876, the trading post in Fort Benton shipped some 75,000 bison robes, many of which were traded to them by the Blackfeet (Ewers 1950: 278). The following year around 30,000 robes were traded. This seems, however, to be the last year of bison robe trading.

From 1876 on, the number of bison sharply decreased. By 1778, all the bison had vanished from the Canadian plains causing the North Piegan and the Bloods to join their South Piegan neighbors in the Montana hunts, further straining the bison resources. By 1883, it was all over; the bison were gone.

This event thrust the Blackfeet into an era of poverty which they had perhaps never experienced. Surely not in anyone's memory had the Blackfeet suffered such a depressed state of affairs. The disappearance of the bison meant complete Blackfeet dependence on the United States Government for the agency rations. It would also mean seasons of great hunger and starvation. And it would turn this, once proud and
independent people, into complete wards of the Government, reducing them to beggars at the agency doors.

The loss of the bison also created a great spiritual void for the Blackfeet. As referenced earlier, the Blackfeet considered the bison a gift from their creator. The bison and the Blackfeet were created together and the bison had been given to the Blackfeet for their food. For perhaps thousands of years, the Blackfeet had lived on bison and had built an economic and religious system around this subsistence base. Losing the bison was, more literally than Westerners can know, like losing a member of a family or an appendage from one's body. Additionally, if the Blackfeet creator had given them the bison then he also, at least, had not hampered their disappearance. Therefore, not only did the Blackfeet lose a brother, they also felt abandoned by their god. For a deeply spiritual people, nothing could have been more profoundly demoralizing.

**Starvation and Poverty**

For most of the 1880's, the Blackfeet were starving on the reservation. In the winter of 1883-84, 555 or one-quarter of the Blackfeet population died of starvation (Ewers 1958: 294)(McFee 1971: 48). In the winter of 1886-87, it has been reported to me that 50 percent of the Blackfeet population starved to death.

There are many factors which lead to this epidemic of starvation. Of course, the major cause was the loss of the bison. However, there are other critical factors. One element is the trouble the Blackfeet had in getting their farming and gardening operations started. It seems that when the BIA did provide the necessary equipment to engage in these activities, drought ravished the Blackfeet crops and gardens.
However, to a large extent, the problem with farming was due to negligence on the part of the BIA to supply tools, equipment, and supplies (items promised the Blackfeet in several agreements and treaties). This lack of compliance with the treaty agreements was partially due to poor administration and planning, in conjunction with unpredictable methods of shipment and travel. However, there is also evidence of gross fraud among the BIA administration. White farmers were being sold the equipment slated for the Blackfeet Reservation at lower costs and the BIA officials were pocketing the profits. These occurrences were exacerbated by the extremely difficult and long winters of the 1880's.

Secondly, there was inconsistency with the arrival of Government food rations, which were intended to supplement the Blackfeet farming activity. Sometimes they would come and often they would not. Often when the rations did come, there would not be a sufficient quantity or the rations would be spoiled and of no use.

While one can rationalize the natural disasters which led to starvation among the Blackfeet during these horrible years, one cannot look so easily past other, more troubling factors. These are the allegations of fraud by the Blackfeet agents and the total willingness of the local White people to look away.

Loss of Blackfeet Traditional Behaviors, Language, and Identity

Loss of the bison and the corresponding seasons of starvation, depressed state of affairs, growing dependency on the federal government, and greater control by the federal government, all led to more critical problems for the Blackfeet, some of which are still evidenced today. These problems have specifically to do with loss of traditional behaviors
One Blackfoot man’s grandmother (who was trained at the BIA Indian school) would tell him every morning before he went to school, “Now be good and don’t act like an Indian.” He, of course, grew up with the feeling that being “Indian” was wrong and that he should strive for becoming something other than an Indian.

By the 1880's, most of the icons upon which the Blackfeet depended on for clear cultural reference points were disappearing. Most of the cultural items which the Blackfeet used to clearly define themselves where either disappearing or of little use.

McFee (1972: 45) sets out individual prestige as a central goal or theme of Blackfeet life. Individual prestige, for at least men, was gained through four different avenues; bravery, generosity, wisdom, and skill (McFee 1972: 45). Men gained individual prestige though demonstrating a high level of efficiency in one or all of the following arenas; war, horse raiding, hunting, or religious practices (McFee 1972: 47).

However, by the 1880's, one’s access to these activities was severely diminished. The United State Army prevented the Blackfeet from going to war either with the Government or other Indian groups. Blackfeet men were being hung for horse theft. There was nothing left to hunt. Traditional religious activity were strictly discouraged if not prohibited by the reservation agents. No one could be generous because they were all poor. Bravery could not be demonstrated in the absence of warfare. Traditional wisdom was being replaced at the hands of the Indian agents. And there was little left on which one could demonstrate skills of any kind. All the mechanisms used to gain cultural goals
were obsolete, thus leaving them a people with no identity or ability to create an identity. This had a devastating effect on the Blackfeet.

Additionally, the BIA focused its campaign to dissolve the Blackfeet traditional culture on the Blackfeet children. Most of the children from the late 1800's on into the 1930's were forced to attend either BIA or Catholic boarding schools. The boarding schools were extremely difficult. Strict discipline was used to force the children to give up old ways of behavior. The schools had an intense program of discouraging the native Blackfeet language. Students were beaten and starved as punishment for speaking the native language. Additionally, these children were not allowed to associate with their parents. Older Blackfeet people have told me that their parents would hide in the bushes by the school and the children would sneak out to see them.

The effect of the boarding schools was devastating for the Blackfeet and their traditional ways. At least two generations of people were subjected to this forced assimilation process and its effect is obvious today. It seems to me that there are few issues on the Blackfeet reservation which stir more emotions as these injustices against children and their parents. The Blackfeet people are extremely family oriented. Parents love and dote on their children. Raising children is a family activity which is entered into by all members of the family, even the extended family. Today, forty years after the

---

4 The parents of the children who were sent to BIA or Catholic schools were forced to pay for this education. These Blackfeet families were very poor to begin with, therefore, there were cases where the BIA took land away from them as payment for this forced schooling. This added to the loss of land during and after the allotment period which will be discussed in a chapter to follow.
closure of the last BIA school, one can still feel the pain associated with forced BIA education.

One of the longest lasting legacies of the BIA schools is the loss of the Blackfeet native language. Very few Blackfeet people know how to speak the language today, and up until a few years ago, it was in serious danger of being lost forever. I am not a linguist nor I do claim to completely understand the effect of the loss of a native language to a people, however, the people who are taking the lead in restoring the language in the Blackfeet reservation have told me that the language is a critical component of restoring a sense of identity and pride among the people. This restoration goes beyond simply knowing a language. Rather, it is a primary component in redeveloping critical cultural and economic processes on the Reservation.

In order to observe the effects of learning the native language, I spent some time at the Piegan Institute which is a full emersion Blackfeet language school currently operating on the Blackfeet reservation. This school has only been in operation for five years, and, therefore, it is impossible to evaluate its long-term effect. However, I found the attitudes of the children very interesting.

One little girl (around ten years old) asked me if I knew how to speak Blackfeet. I told her I did not. She asked if I wanted to learn. I told her that I would like that very much. She asked me if I was Blackfeet, and I told her I was not. She then wanted to know what I was. For a lack of anything else to say I told her that I was White. She laughed and said something in Blackfeet to her friends which they all found very funny.
I was reminded of the Blackfoot man whose grandmother admonished him “not act like an Indian.” The little girl with whom I spoke was not only never to “not act like an Indian” but rather was told to be a proud Blackfeet girl. I cannot help but think that this development can be nothing but positive to the future generations of Blackfeet people.

Loss of Leadership

One of the most critical parts of the loss of identity and traditional life-ways within the Blackfeet community was the loss of leadership within the Blackfeet community itself. Through the 1700’s and first half of the 1800’s, as the Blackfeet became more and more powerful and as individual Blackfeet collected more and more personal wealth, leadership structures changed in some forms but remained the same in others. Throughout the centuries, becoming a Blackfeet chief depended on one’s ability in three general areas; one’s demonstrated ability and wisdom, one’s ability to hunt, one’s ability to make war or demonstrate bravery, etc. However, as the Blackfeet became more wealthy, wealth in conjunction with generosity became more and more important.

At least by the 1800’s, any male in Blackfeet society had the ability to become a chief. One had only to acquire a certain amount of wealth to be considered a chief. A chief was a person whose opinion was heard during a counsel meeting. Therefore, there were many chiefs among the Blackfeet. However, having wealth did not mean that the Chief had influence. Influence was obtained through acts of generosity. For a chief who wished to build or retain his influence, generosity was as important as wealth. There were always distinguished men who were more respected by all the groups and whose opinion were more likely to influence the collective decisions making process. These men were
usually one of the more wealthy and generous men. Usually there was one of these men per band and one overall chief who was recognized as the leader only when all the bands were together.

The importance of generosity cannot be overstated. In fact, as a value, generosity was more important than wealth. Men who had assets but were considered stingy could not influence the people and, therefore, while their opinions would be heard in the counsel, they would never be considered a leader. However, generosity was impossible without wealth. If one wanted to retain his influence he had to be generous. To be generous, he had to be wealthy. Therefore, much effort was absorbed in the acquisition of wealth.

Along with the bison, their land, religion, and life ways, the Blackfeet also experienced severe loss of leadership and confidence in leadership in the years between 1855 and 1905. There are many reasons for why this occurred.

The first has to do with a seemingly high mortality rate among the Blackfeet leaders. Many of the great Blackfeet leaders died immaturely in the decades of the 1850's, 1860's, and 1870's. Lame Bull died in a hunting accident (1857); Big Snake was killed in a battle with the Cree (1858); Little Dog was killed by his own people (1866); Middle Sitter was killed by the Gros Ventres (1866); Mountain Chief was accidentally shot and killed by another Blackfeet man (1858); Seen From Afar died of smallpox (1869); Calf Shirt was killed by whiskey traders (date unknown for sure) (Ewers 1958: 223-24). All these men signed the Lamb Bull Treaty and were very respected leaders. Their loss had to have had some effect on the caliber and quality of leadership among the Blackfeet.
The increased poverty and the corresponding lack of generosity also had a negative effect on the creation of leaders. If a wealthy leader died, it became less and less likely that one of equal economic prowess would follow him. This fact had to bring about delusion among the people who depended on these men's generosity in times of scarcity.

Additionally, deep rifts were beginning to appear between chiefs who thought it best to take up the Anglo ways of life and those who wished to retain the traditional ways. Animosity was created between these two groups and turned the Blackfeet into a people divided against themselves.

One of the first recorded examples of this rift among the Blackfeet was the killing of Little Dog in 1865. Little Dog was a Piegan Chief who felt it was wise to take up the white man's way of life. Therefore, he started to farm near the present day town of Vaughn. Little Dog purchased twelve horses from another Blackfeet man who had stolen the horses from Whites. When he discovered that he had bought stolen horses, he returned the horses to Fort Benton. On the way back to his farm, he was overtaken by a group of young warriors who killed him and mutilated his body, thus disallowing him an afterlife (one of the highest insults one can commit against another person.) (Ewers 1958: 242)

Nothing is written specifically on the impact of this event on the Blackfeet. However, it is not difficult to formulate a theory on its effect. In all the research this thesis has collected on the Blackfeet, no event parallel to this one has been discovered. It was not unlikely or even uncommon for a Blackfeet man to kill another. This included the occasional killing of a chief. As mentioned in the previous chapter, if this occurred, the
family of the slain man had a right to take the life of the killer. However, the Blackfeet had no cultural ideal for capital punishment unless a decision was made to kill someone who was not Blackfeet. For a group of young men to purposely conspire and murder an older man, especially one who was recognized as a chief, is absolutely unprecedented either in written or spoken memory.

The ideological division between the pro-white and pro-blackfeet groups is best exemplified by the conflicts between Chiefs White Calf and Three Suns in the late 1870's. Three Suns was a conservative Piegan chief who believed that the only way for the Blackfeet to live was like they always had. He would not farm, give up hunting, or change religions. White Calf, on the other hand, was willing to attempt the acculturation process ascribed to the Blackfeet by the Indian agents. He drew much criticism from Three Suns for being a lapdog for the BIA. (Ewers 1958: 285-86)

The disagreements between White Calf and Three Suns divided the Blackfeet Nation and to some extent created what can be seen now in current unrest.5 According to Ewers (1955: 286), "The rivalry between these two leaders survived their deaths in the form of jealousy and a certain amount of ill feelings . . . " Some of the Blackfeet who participated in this research reported that the cause of this generosity, then and now, was and is the result of what the conservative Blackfeet saw as BIA favoritism toward their "pro-white" brethren. Eventually, these cooperative Blackfeet were granted greater assistance from the Agency, given a greater role in the decision making process on the

5

Ewers' elderly Blackfeet informants reported that Three Suns had more followers and was considered by the majority of Blackfeet to be the true leader.
reservation, were allowed to make personal property decisions, and were given leadership roles by the BIA, etc.

**Mixed Blood and Mixed Orientation**

The Blackfeet who were less resistant to the white man’s ways were also more likely to allow white men to marry into their families, creating a diminishment of the blood quantum.\(^6\) According to some Blackfeet interviewed for this research (many of whom were themselves mixed bloods), Blackfeet of mixed ancestry (because they were partially white) were given greater precedent by the BIA than full bloods.\(^7\) This generation of mixed-bloods experienced a different situation than the full-bloods both in the way that they viewed the world and the way that the BIA viewed them. In 1906-07, Congress sent an investigator to evaluate the progress on the Blackfeet reservation. He reported that:

\[
\text{. . . the mixed bloods -- about three-eighths of the tribe -- were able}
\]

\[
\text{generally to take care of themselves, but the full bloods as a rule had little}
\]

\[
\text{knowledge of ranch or farm work, were unwilling to stay a reasonable}
\]

\[
\text{length of time in one place or to work where they could not be in parties,}
\]

\[
\text{were very apt to quit with little or no provocation and regardless of the}
\]

---

\(^6\) This research uses the term “blood quantum” very carefully and tentatively. The idea that there is a blood quantum is a western idea and is rooted in racist ideas about the quality of blood. In traditional Blackfeet culture, blood quantum was not an issue. You were considered Blackfeet if you acted like a Blackfeet and if you were allowed to go through rituals which determined your legitimacy as a Blackfeet person.

\(^7\) To this day the issue of blood quantum is a source of fierce debate and hard feelings on the Blackfeet reservation. A Blackfeet man told me that the full bloods want to undermine the legitimacy of the partial bloods and that when the subject is broached, often an almost violent conflict will ensue.
interests of the employer, . . . (U.S. Comm. Ind. Affairs 1907: 13-14)
(McFee 1972: 52).


It is my thesis that the present Blackfeet tribe represents a bicultural and bisocietal community. Albert Buffalo Heart [an Indian oriented informant] and Henry Rogers [a white oriented informant] represent life styles too divergent to be fitted into one social network, or even into one cultural tradition. Two societies and two cultures remain, localized on the reservation, all embedded in the wider state and national milieu.

Although McFee found that if someone is the descendant of a white man, he or she is more likely to be white-oriented. Blood quantum is not necessarily the defining factor of orientation. McFee (1970) cites many examples of full-bloods who are white-orientated. It is easy to understand why a Blackfeet person of mixed ancestry is more likely to be white-orientated. They had parents, grandparents, or spouses who modeled this behavior for them and socialized them in this manner. It is less clear, either in McFee’s research or my own, why a full-blood would switch orientation. Nevertheless, many have. One can speculate that they (the full-bloods) saw that a white-oriented paradigm for living would be more fruitful than the traditional ways, and accordingly they changed their behavior.
Additionally, it should be pointed out that the relationship between ancestry and orientation is not definite. I have found examples where mixed-blood Blackfeet are very Indian oriented. In fact, most mixed-blood people which I spoke to think of themselves as Blackfeet not White and are in fact offended by McFee’s assertions of the relationship between orientation and ancestry. However, my empirical observations lead me to conclude that McFee is basically correct. It appears to me that mixed-bloods tend to be more inclined to white-orientation than full-bloods. Even though a mixed-blood might call him/herself a Blackfeet, if their economic and cultural activities lean toward a white-orientation, then they fit under McFee’s category of white orientation.

However, this research has found that the distinction between Indian-orientation and white-orientation is less clear today than what McFee found thirty years ago. This is possibly due to two factors. First, the ever-present acculturation process has molded more Indian-oriented Blackfeet after white-orientation. More and more, greater numbers of Blackfeet are assuming White values. Secondly, however, there seems to be a resurgence of Blackfeet pride on the reservation. This is observable, not necessarily in the participation in public, traditional Blackfeet ceremonies, but more clearly in the ideological frameworks of individuals. White-oriented people seem to individually be taking a greater role in rediscovering their heritage. In fact, some Blackfeet claim that the mixed-bloods are taking the lead in this regard. This, therefore, blurs the lines between white-oriented and Indian-oriented people. The Indian-oriented people are moving closer to white behavior while maintaining a degree of traditional Blackfeet orientation. Meanwhile,
white-oriented people are beginning to see the importance of their Indian heritage. McFee (1970: 66) referred, briefly to this as the “third generation phenomena.”

This behavior is demonstrated by an older Blackfeet man with whom I spoke. This man is mixed-blood. He is married to a full-blood woman and is a successful cattle rancher. By McFee’s description, this man should fit into the white oriented category. He told me that when he was younger he did not care about his Indian blood. In fact it was a source of embarrassment to him. Therefore, he established himself as a rancher, modeled after his white father and other white ranchers.

However, as he grew older he became interested in the old Blackfeet ways. Today he is still a rancher participating in a capitalistic economic system, but he sees himself as Blackfeet, not white. Additionally, he is proud of his Blackfeet traditions and beliefs.

Regardless of this seemingly positive turn of events, however, there still remains a serious conflict between full-bloods and mixed-bloods. This is both an issue of actual blood quantum and orientation. Hard feelings are obviously present on the Blackfeet reservation over these issues. The full-bloods think that they are more Blackfeet and the others sold out to the Whites. Full-bloods are still culturally insulted by some behaviors of the mixed-bloods. For example, traditionally the Blackfeet practiced strict incest taboos. One could not marry someone who was even very distantly related, and they kept detailed genealogical records (mostly by memory) to be sure incest could never occur. Today many mixed-bloods and/or white-oriented Blackfeet are breaking these rules. This leads
to bitterness and embarrassment on the part of the Indian-oriented people, most of whom are full-bloods.

The mixed-bloods and/or white oriented Blackfeet think that the full-bloods are not progressive enough and are lazy. It is common to hear these people refer to the full-bloods as “Indians” in a negative and pejorative way. For example the statement, “Don’t act like an Indian.” Additionally, the mixed-blood peoples feel threatened by the notion of many full-bloods that they are not as entitled to the reservation resources because they sold out to the Whites and are no longer Blackfeet.

Summary

Loss of land, loss of leadership, loss of the ability to economically sustain themselves and the corresponding dependence which it created, in conjunction with a severe loss of identity and religious life, were all factors which contributed to poor economic and cultural conditions for the Blackfeet through the remaining part of the nineteenth century and continuing today. All of these elements contributed to the problems associated with land ownership and use which will be discussed in the following chapters.

In the early 1900's, the federal government would begin to institute the new policy of allotment on the Blackfeet reservation. The ideological bankruptcy of this policy in conjunction with poor administration would lead directly to the problems experienced by present day Blackfeet.
CHAPTER 5
ALLOTMENT

Introduction

The General Allotment Act of 1887 took reservation land, which was owned collectively by all the Blackfeet people, and partitioned up the land, giving each individual Blackfeet person a portion of land. The excess land left over from the allotment was to be given away to homesteaders. Although the Blackfeet Reservation ended up with no twentieth century homesteaders, between the years of 1850 to the present day, thousands of acres of Blackfeet land was sold or flatly stolen by white people. This lead to the present day perception, by many Blackfeet people, that regardless of the stated intention of the allotment policy, it was really about finding another way to steal land.

Philanthropy or Greed?

Senator Dawes (the author of the Dawes Act or Allotment Act of 1887) wrote of the policy in 1899:

It was plain that if he were left alone he must of necessity become a tramp and beggar with all the evil passions of a savage, a homeless and lawless poacher upon civilization, and a terror to the peaceful citizen. It was this condition which forced on the nation its present Indian policy. It was born of sheer necessity, Inasmuch as the Indian refused to fade out, but multiplied under the sheltering care of reservation life, and the reservation itself was slipping away from him, there was but one alternative: either he must be endured as a lawless savage, a constant menace to civilized life, or
he must be fitted to become a part of that life and be absorbed into it. To be permeated to be a roving savage was unendurable, and therefore the task of fitting him for civilized life was undertaken (Dawes 1899: 282).

By the third quarter of the nineteenth century it was becoming clear that the reservation system, formerly thought to be the great cure to "Indian problems," was turning out to be unacceptable to both the Euro-Americans and the Indians. For the Indians, this discontent mainly had to do with the poor economic situation reservation life had created. Blackfeet culture was based on subsisting off resources which demanded very large land areas to maintain. Even though the reservation was quite large (some 1.5 million acres), it was not large enough to sustain a traditional subsistence way of life. Furthermore, attempts by the Blackfeet to take up farming or ranching had not seen great success. Additionally, support from the Government in the way of food and supplies was plagued by the fraudulent behavior of the agents in whose hands these operations had been left. All of these issues added up to hard times on the reservation.

The White discontentment, in regard to the reservation system was two fold. First, there was a group of policy makers (backed up by a segments of the eastern population) who felt that the Indians were indeed being mistreated by the Government. These people, out of a sense of humanity and philanthropy, sought to alleviate the hardship of "these noble savages" by turning toward what were current economic strategies for development. Specifically, individual land ownership.

There was, however, a large and powerful contingency of both western and eastern Whites who saw the reservation as being two large for a relatively small group of
Indians. These people thought that this land was being wasted and they coveted it for their own use. These people were in favor of and, in fact, pushed the Dawes Act of 1887. In addition to allotting the land to Indians, theoretically the Dawes Act also opened the land for homesteading. Therefore, the Dawes Act (by design, some Blackfeet would argue) made the reservation lands vulnerable to white land speculators and area cattlemen.8 They, therefore, were very much in favor of the legislation and probably helped write it. They surely helped the eastern philanthropists politically to develop the allotment policy.

Many people believe that allotment was a misguided but an honest attempt by white policy makers to perform economic development of Indian reservations. To some extent, this is true. There were policy makers in Washington who, out of a sense of goodwill and humanity toward Indians, believed that allotting reservation lands would eventually help the Indians. However, the main reasons they believed this was because of white, western propaganda.

The basic philanthropic idea was that if Indians were given individual ownership, this would further the practice of farming and integrate them quickly into mainstream society. However, the fact that was ignored, over the objection of some people at the

8 In the early part of the twentieth century, a group of land-seeking white people camped on the southeastern bank of the Two Medicine River, about fifty miles east of the Glacier Park and on the eastern edge of the Blackfeet Indian reservation. They were waiting for the General Allotment Act of 1887 to take effect. When it did, they intended to rush over to the reservation and stake homesteading claims on what used to be tribal land. Because the Act was slower to take effect than they anticipated, their elongated stay at this camp turned it into the present day town of Cut Bank, Montana.
time, was that prior to the Allotment Act, at least the Blackfeet were having some success as farmers and ranchers. It is true that the Blackfeet collective farming and ranching efforts were continually plagued by drought and lack of grass due to the illegal grazing of non-Indian cows. However, both these activities were gaining a foothold as an economic activity. Yet, allotment upset the progress by turning these activities into individual efforts not traditional communal enterprises.

**Allotment on the Blackfeet Reservation**

In 1887, the Allotment Act began. However, it was initially introduced for testing on reservations other than the Blackfeet. Therefore, between the years of 1887 and 1905 no land was allotted on the Blackfeet reservation.

Basically the Allotment Act mandated that the reservation land, formerly owned corporately by all the members of the tribe, be divided up and given to individual Indians. However, not all reservation land was to be divided up and split equally with all individuals. Rather, individuals were to be given parcels of 320 grazing acres in one block or 280 acres in one block and 50 farming acres in another. The remainder of the land stayed under the ownership of the Blackfeet Tribe, or as on other reservations, was thrown open to homesteaders.

Between the years of approximately 1860 to 1905, the Blackfeet were still living communally, in band-like communities which were scattered about the reservation. According to many Blackfeet, these groups were primarily living on the western part of the reservation and along the major river drainages.
In 1905, the superintendent of the Blackfeet agency began the allotment process. As stated in the law, the commissioner was to inform the potential allottees that there was land to be allotted. He was to assist in this process and the Indians were to pick where they wanted to live (Dawes Act 1887). However, according to the knowledge of older Blackfeet people, the commissioner did little to inform the Indians as to what allotment was or that it was taking place. Further, some Blackfeet were not given a choice of where to live. Instead the commissioner assigned them allotments. He did this with names off of the ration rolls. Documentation from the BIA on the original allotments is hard to find. However, local remembrances dictate that the way land was allotted made very little sense as a system to benefit the Indians. Rather, it made much more sense as a schism which made it impossible for Indians to be successful on the land and easier for whites to gain additional Indian land.

For example, according to some Blackfeet people, their ancestors were given their major allotment of acres on the western side of the reservation because this is where people preferred to live. However, they were also allotted a 40-acre piece of land on the eastern side of the reservation for the purpose of farming. It is about 40 miles from the west side to the east side of the Blackfeet reservation. They had no reason or way to

---

9 Federal law mandated that the announcements that allotments were being given was to be posted in a federal building which people has access to. According to many Blackfeet, the superintendent picked the post office in a little town called Sunburst to place these announcements. Sunburst is at least 100 miles from where most or all of the Indians were living. It is on the extreme north east corner of the reservation. The commissioner could not have found a more out-of-the-way place to make these public announcements.
travel to the east side of the reservation. Therefore, they promptly forgot about these lands.10

Further, one would think that if the Superintendent had a large quality of land to allot, and there was no way (under the law) to allot all the land on the reservation to Indians, he would at least give the best pieces of land to the Indians. However, according to many Blackfeet, much of the original lands allotted were of the poorest quality on the reservation. Thus, leaving all the good land to white land speculators.

According to the Dawes Act of 1887 (United States Statutes al Large 24:388-91):

Provide however, that all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the purpose of securing homes to actual and bona fide settlers [white people] only tracts not exceeding on a hundred and sixty acres to any one person . . .

Basically what this meant was that any land within the boundaries of the Blackfeet reservation, established by the 1855 Fort Laramie Treaty, was now open to white homesteaders. However, for some reason, this land was never opened to homesteading as it was on other reservations. Seeing that there exists no records stating why this did not occur, it leaves the issue up to speculation. Some Blackfeet believe that the

---

10 The result of this was that individual allottees in this area lost much of this land without their knowledge through the process of forced fee patents. This area of the reservation contains the most productive soil as well as the most profitable minerals (oil). At some point, the superintendent opened a large strip of this rich land, on the eastern border of the reservation, to forced fee patents. White people from Cut Bank quickly picked up the land. It is difficult to prove that the superintendent colluded with the white people to do this. However, on the other hand, it seems unlikely that he didn't. Today, much of the best land in this area is not owned by individual Indians or the Blackfeet tribe.
Superintendent was personally better served by forcing patents on Indian people and receiving corresponding kickbacks from the white people who picked up the land through the “taxes for deed” process. It is impossible to prove this, yet giving the history of fraud on the part of the BIA, this does not seem farfetched.

Although homesteading did not occur, the Blackfeet lost huge amounts of land through other mechanisms. There were other means for whites to get land. One is through the formerly discussed probate process of forced fee patents. According to the Dawes Act, the Superintendent could take a person’s land out of trust status. In trust, a person is exempt from paying state taxes. However, if taken out of trust, then the land became “fee land” or land to which automatic property taxes where assigned. If these taxes are not paid for a period of five years, the land can be sold by the county for the amount of taxes owed. Again, notices of this were placed in places off the reservations like Cut Bank or Sunburst. However, even if the Blackfeet person whose land was being subjected to taxes did receive notice, most could not afford the taxes. Therefore, Whites picked up thousands of acres of land through this process.

In many cases the Blackfeet land owners did not even know they owned the land. Most of the 40 acre farming parcels formerly discussed were unknown to the Blackfeet owners. Even if the BIA had posted notices on the nose of every one of these owners, few could read, and even if they could, they would not have been able to understand exactly what the probate process meant. Personally, I have a bachelors degree, almost a masters, and have been accepted to law school, yet I have a hard time understanding the probate laws. At the turn of the century, who in the Blackfeet community would have?
The Blackfeet, who again did not fully understand the white man's land system, were also tricked and coerced out of land. For example, individual Blackfeet people told me that it was common for Indians to trade land for food. At this time the Federal Government was responsible for giving the Blackfeet rations as per the Treaty of 1855 and the Agreements. Yet the local BIA administration was so corrupt that there was always a serious lack of food on the reservation. Local white land owners and merchants took advantage of this situation. According to several Blackfeet individuals, if a man requested some food from a local store owner, the merchant would, of course, demand money. If the Indian had no money, the merchant would demand that the customer sign over a lean on his allotment. If the bill went unpaid then the store owner would bring the note to the Superintendent who had the authority to sign the property over to the white store owner. Local people related an example where 250 acres was signed over for $30 worth of groceries. It is easy to marvel at this apparently foolish exchange on the part of a Blackfeet landowner. However, it is important to remember while we ponder this poor trade, our judgment is not even slightly impaired by hunger. Go without food for just 24 hours and then gauge your own judgment. Owning land is good, staying alive is better.

Finally, institutional racism plays a role in the loss of Blackfeet land. Many white people have asked me why the Blackfeet did not become successful farmers and ranchers on the land that was allotted to them by the Federal Government. First of all, a few did. However, most did not. I often address this question with a few questions of my own. I ask, "Is land all you need to become a farmer?" The answer of course is, "No." You must, at the very least, have equipment and seed to get a start. If you have no money,
then where do you get these things? Most people quickly tell me that you run to the bank and secure an operating loan. For most white farmers this is true. However, even today, very few banks are willing to loan Indians money. Even the Federal Government, through the Federal Home Administration (FHA), would not make loans to Indians. However, in example after example on the Blackfeet reservation the FHA is more than willing to loan a white man money to buy the exact same property and use the land as collateral — the same collateral the Indian would have used.

A Blackfoot man told me that when he was a boy, his whole extended family (17 members) lived on 80 acres. They tried to raise sheep with little success because the BIA would not allow them to graze the sheep on those 80 acres as it was a part on an irrigation district and the only activity which could be done on an irrigation district was farming. However, his grandfather could not get a loan in order to start farming. So for a while they just lived there, surviving on what they could gather and BIA rations.

His grandfather wanted to work the land, but he had no means. The only thing he could do was burn the weeds, which he did religiously. It was not that these people were lazy and did not want to work. Governmental racism and preferences for Whites made farming his own land impossible. This is in spite of the BIA claim that its main function was to integrate the Blackfeet into mainstream White society by making them farmers and ranchers. This 80 acre allotment was worthless because it could not be used. His grandfather sold the whole thing, including house and barn, to a white man for $6,500.

\[1\] In fact, Ewers (1951) describes a situation in the early 1900's were Blackfeet men were attempting to pull plows by hand in order to cultivate land for farming and gardens.
They all moved to town. At least in town they did not have to walk or hitchhike for miles to get the BIA rations.

**General Outcomes of Allotment**

There are at least four general outcomes of allotment which are important to point out at this juncture.

1. The allotment process reduced Indian ownership of their own reservation lands by at least 33 percent through the activities of force fee pattern sales and the practice of trading land for food.

2. Few, but some of the original Blackfeet allottees became successful land owners who owned their land independent of the government and who passed it down to their children.

3. Because they were unable to procure operating loans and had no alternative sources of income, many Blackfeet people were forced to sell their lands to white people who could get loans.

4. The remaining original allotments remained in trust status and were managed by the BIA. It is these lands which we will focus on in the chapters to come because these are the lands which became fractionated.
CHAPTER 6
FRACTIONATED HEIRSHIP

Introduction

In 1905, allotment began and with it two distinct but related problems for the Blackfeet. One was the loss of yet more land though forced fee patents and the trading of land for food. The other was the beginning of fractionated heirship.

When land on the Blackfeet reservation becomes fractionated, it becomes economically ineffective. The BIA manages it with relatively little input from the land owners, and although the individuals owning the land are paid dividends from the activities of leasing, these checks are usually so small that they hardly make a difference. In reality, fractionation is not unlike losing the land altogether. The only people who profit from this phenomena are the BIA agents who are hired to administrate the problem (and who are responsible for its creation), white cattlemen who pasture their cows on Indian trust land, and other white people who lease or use the Blackfeet resources. A few Blackfeet do use the trust lands to run their own cattle, but by far, these people are a minority.

Land Fractionation

In either 1907 or 1915, a Blackfeet man, woman, or child would have been allotted land on the Reservation by the Superintendent of the BIA at the local office. Generally this land would have been allotted in either 320 acre blocks per person or 280 acre blocks with a separate 40 acres of farming land in a different location.

It is difficult to ascertain the average family size for the Blackfeet at the turn of the century. We will use an average of five children for this example, however, many
Blackfeet indicate that this is a very conservative number. Assuming that none of the original allotment was sold or lost to either forced fee patten activities, mortgages for food, or mortgages for other reasons, by the time of death, an allotee would hand down all this land to five heirs. Below is a chart which indicates what happened, theoretically, to the land over the next five generations.

**LAND FRACTIONATION EXAMPLE CHART**

<table>
<thead>
<tr>
<th>Year</th>
<th>Generation</th>
<th>Owners</th>
<th>Individual's % of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1905 to 1925</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>1</td>
<td>100%</td>
</tr>
<tr>
<td>1925 to 1945</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>5</td>
<td>20%</td>
</tr>
<tr>
<td>1945 to 1965</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>25</td>
<td>5%</td>
</tr>
<tr>
<td>1965 to 1985</td>
<td>4&lt;sup&gt;th&lt;/sup&gt;</td>
<td>100</td>
<td>1%</td>
</tr>
<tr>
<td>1985 to 2005</td>
<td>5&lt;sup&gt;th&lt;/sup&gt;</td>
<td>500</td>
<td>.02%</td>
</tr>
</tbody>
</table>

Of course this example does not account for death loss among the Blackfeet and this is a substantial factor. The death loss among children for most of the first half of the twentieth century was very high. However, it must be remembered that our assumption of average family size is very low. Therefore, there is a close match between this model example demonstrating land fractionation and the actual numbers in regard to fractionation today.

It must also be mentioned that this example is very simplistic. In fact, there are no examples on the reservation which are this simple. All the Blackfeet, including women and children, were originally allotted land. Therefore, a man (who owned land) would marry a woman who also owned land. Upon their deaths the children, who themselves
owned land, would inherit both the mother’s and the father’s lands, thus starting the process of fractionation on both tracts. Therefore, with the death of the older generation of original allottees, fractionation would have begun on several different tracts.

**Basic Statistical Information on Land Fractionation On the Blackfeet Reservation**

The only true numbers we have in regard to the fractioned status of land on the Blackfeet reservation was collected thirteen years ago by the Congressional Joint Committee on Indian land fractionation. Although these numbers are old, they provide a picture of the problem. It is almost impossible to get up-to-date data from the BIA. One would think that the BIA would have this information on file and would prepare periodic reports on the status of fractioned lands. However, this does not occur. Additionally, the BIA has adopted a policy which disallows anyone from studying the records.

Below is a series of eight tables expressing the extent of land fractionation on the Blackfeet reservation.

**TABLE 1 - TRIBAL MEMBERSHIP**

<table>
<thead>
<tr>
<th>Residing on the Reservation</th>
<th>Residing off the Reservation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,217</td>
<td>6,623</td>
<td>13,840</td>
</tr>
</tbody>
</table>

It is important to point out that 48 percent of the Blackfeet nation live off the Reservation. However, many or most of these people still own land on the Reservation which the BIA manages for them.

**TABLE 2 - TRACTS AND ACRES MANAGED BY THE BIA**

<table>
<thead>
<tr>
<th>No. of acres</th>
<th>No. of tracts</th>
<th>Less than 40 Acres</th>
<th>40-159 acres</th>
<th>160 acres or more</th>
</tr>
</thead>
</table>

72
A tract of land is a management unit which is all or a portion of the original allotments. They vary in size and ownership, however, there are very few tracts which are larger than the original allotments (320 acres).

### Table 3 - BIA Managed Tracts for Surface and Subsurface Use

<table>
<thead>
<tr>
<th>Tracts</th>
<th>Surface only</th>
<th>Subsurface only</th>
<th>Both surface and subsurface</th>
<th>Total Tracts Managed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,204</td>
<td>1,417</td>
<td>2,412</td>
<td>7,033</td>
</tr>
</tbody>
</table>

It is important to remember that on the Blackfeet reservation, as anywhere in the United States, there are both surface and subsurface tracts and ownership. On the Blackfeet reservation, owning the surface property does not necessarily mean ownership of the subsurface resources.

There were three different allotments on the Blackfeet reservation - 1905, 1915, and 1920. In the first allotment (1905), the person given the land was also given the minerals. However, in the allotments to follow, only the surface was given to individuals. In most cases the minerals were retained by the tribal government.

### Table 4 - Tracts with Fractionated Ownership, by Number of Indians per Tract

<table>
<thead>
<tr>
<th>Number of Tracts with</th>
<th>Two owners</th>
<th>3-10 owners</th>
<th>11-25 owners</th>
<th>26-50 owners</th>
<th>51-100 owners</th>
<th>101-300 owners</th>
<th>Over 300 owners</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>381</td>
<td>1,141</td>
<td>960</td>
<td>667</td>
<td>351</td>
<td>71</td>
<td>0</td>
<td>3,571</td>
</tr>
</tbody>
</table>

This table begins to show some of the interesting facts about fractionated heirship. Thirty-two percent of the tracts are owned by three to 10 owners and 27 percent of the...
tracts are owned by 11 to 25 owners. This means that half of the total amount of tracts are owned by three to 25 owners. For example, if the tract in question was 320 acres (the size of the original allotment) and it was owned by 15 people, then they would all own an undivided share of some 21 acres. This is not enough land on which to make a living and this is not a worst case scenario.

TABLE 5 - TRACTS WITH FRACTIONATED OWNERSHIP OF 2 PERCENT OR LESS PER TRACT

<table>
<thead>
<tr>
<th>Number of tracts with Indian interests of 2 percent or less</th>
<th>None</th>
<th>One 2-10</th>
<th>11-25</th>
<th>26-50</th>
<th>51-100</th>
<th>101-300</th>
<th>Over 300</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,722</td>
<td>42</td>
<td>602</td>
<td>468</td>
<td>453</td>
<td>247</td>
<td>37</td>
<td>0</td>
<td>3,571</td>
</tr>
</tbody>
</table>

This table shows that 48 percent of the tracts do not have owners with a two percent or less interest. However, the other important fact here is that the rest of the tracts or, 52 percent, have at least one owner who own two percent or less interest in the land. Sixteen percent of the tracts have two to 10 owners with a two percent interest or less; 13 percent of the tracts have 11 to 25 owners with a two percent interest or less; 12 percent of the tracts have 26 to 50 owners with a two percent interest of less; and seven percent of the tracts have 51 to 100 owners with a two percent interest or less.

TABLE 6 - INDIVIDUAL INDIAN OWNERS IN MULTIPLE TRACTS

<table>
<thead>
<tr>
<th>Number of Indians with ownership in</th>
<th>1 tracts</th>
<th>2 tracts</th>
<th>3-5 tracts</th>
<th>6-10 tracts</th>
<th>11-25 tracts</th>
<th>26-50 tracts</th>
<th>51-100 tracts</th>
<th>Over 300 tracts</th>
<th>Total Indian tracts owners</th>
</tr>
</thead>
<tbody>
<tr>
<td>794</td>
<td>464</td>
<td>730</td>
<td>939</td>
<td>1,260</td>
<td>787</td>
<td>217</td>
<td></td>
<td>30</td>
<td>5,221</td>
</tr>
</tbody>
</table>
One of the issues that makes fractionated heirship so complex is that, because individuals have the opportunity to inherent from a wide spectrum of family members, many people own an interest in several tracts. In this table it shows that 32 percent of the Blackfeet own at least two different tracts and nine percent have an interest in between 11 and 25 tracts.

**TABLE 7 - INDIVIDUAL INDIAN INTERESTS, BY SIZE OF INTERESTS**

<table>
<thead>
<tr>
<th>Number of ownership interests totaling</th>
<th>100%</th>
<th>51-99%</th>
<th>26-50%</th>
<th>11-25%</th>
<th>3-10%</th>
<th>2% or less</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,709</td>
<td>416</td>
<td>1,935</td>
<td>6,306</td>
<td>20,983</td>
<td>48,899</td>
<td>80,248</td>
</tr>
</tbody>
</table>

This table shows the total number in interests which are managed by the BIA and the present of ownership of those interests. We see here that 61 percent of the total interests managed have a two percent or less ownership interest.

**TABLE 8 - SMALLEST INDIAN INDIVIDUAL OWNERSHIP INTEREST**

<table>
<thead>
<tr>
<th>Tract acreage</th>
<th>% of ownership</th>
<th>Land equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>80</td>
<td>0.0002900</td>
<td>10.11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>38.1 x 38.1</td>
</tr>
</tbody>
</table>

This is an actual example of the worst case scenario on the Blackfeet reservation. Here the owners own what amounts to ten square feet of land.
CHAPTER 7
THE BUREAU OF INDIAN AFFAIRS

Introduction

The fact that this research does not blame the Blackfeet themselves for the problems associated with fractionated heirship does not imply that no blame should be assigned for these problems. This research places sole responsibility for poor economic conditions on the Blackfeet Reservation directly on the management and philosophy of the United States Government and its agency, the BIA.

There are two distinct problems with the BIA. The first has to do with its philosophy. The second has to do with its policy. These two flaws leave one with precious little good to say about the BIA. It is an organization which is now, and has always been, critically flawed as an organization theoretically intended to help the Indians.

Beside the fact that the BIA has always been a paternal organization which views Indians as incapable of handling their own affairs, the BIA has a more foundational problem. Specifically, the BIA was created with the thought that either American Indians would all die out or they would fully assimilate and disappear as a separate people. In either case, the BIA was not supposed to be a permanent entity. In 1949, James Canan, began a twenty-five year career with the BIA from which he retired as Area Director at the Billings office. He is quoted as saying:

Everyone thought, when I came to the Bureau twenty-five years ago, that the tribal governments would die out. Yes, we had to work with them, but they were transitional. America was supposed to be a melting pot. The
Indians, like everyone else, were supposed to melt. They were dying out (Steiner 1976: 159).

When one considers this omission by Canan and looks at the history of the BIA, things begin to make sense. The BIA is an agency which has always been plagued with poor planning, and this fact alone seems consistent with the idea that the BIA was an organization which did not see itself as permanent, and, therefore, did not find it necessary to build longevity into its policy toward Indians.

This way of thinking has produced an institutional philosophy and management style which can be best characterized as short-term, crisis management. The effects of this are evident in everything that the BIA does. The two most obvious areas which represent these failures are the gross mismanagement of the Individual Indian Money accounts (IIM) which handle Indian trust cash and the mismanagement of Indian trust resources themselves. The latter contains the problems of fractionated heirship.

**The BIA Philosophy**

The Employees Mission Statement of the Bureau of Indian Affairs reads:

The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunities, and the carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. We will accomplish this through the delivery of quality services, maintaining government-to-government relationships within the spirit of Indian self-determination . . . The Bureau of Indian Affairs is a challenging and dynamic place to work. We provide high quality services

77
in a timely professional manner. We have the organizational flexibility to meet the changing needs of our customers. Our policies are clear, consistent, and supported throughout the organization. We manage for excellence, fostering cooperation and coordination in consulting the Indian tribes while supporting self-determination and tribal sovereignty . . . The Bureau of Indian Affairs takes pride in our ability to successfully manage a complex, multi-faceted organization. Integrity, accountability and excellence are never compromised. We treat everyone with respect, trust and dignity. We set priorities and execute plans consistent with our strategic objectives. Employees are our most important asset.

As mission statements go, this one sounds as good as any other. However, this research has found no area in which the BIA has been successful in any of the points of this mission statement. It is understood that mission statements typically represent what an organization wants to be, not what it is currently. A mission statement represents institutional goals toward which an organization strives. Therefore, few organizations which live up to their goals 100 percent of the time.

However, the BIA misses its own mark by such a long way that this mission statement is laughable in every area. Perhaps the most obvious disparity between what the BIA says and what it does is represented in the areas of economic development and trust management.

The real philosophy of the BIA is to maintain the status quo. This is especially obvious in the area of fractioned heirship. Fractionated heirship is considered by almost
everyone, including members of the BIA, to be the most pervasive economic problem on the Blackfeet reservation. Yet when I asked what the BIA is doing in terms of long and short-range planning toward easing this problem, I found that nothing was being done. The BIA has no plans in regard to fractionated heirship. Furthermore, it does not even plan to correct simple policy issues which obviously work to exacerbate the problem. Apparently, the philosophy here is to maintain the status quo and hope for a miracle.

From the very beginning, the BIA has been a highly paternal organization which practiced an *in loco parentis* or father/child relationship with the Indians. In fact the early BIA superintendents demanded that they be called “The White Father” by their Indian subordinates. The feeling was that the Indians, like children, did not possess the intellectual ability to manage their own lives. Furthermore, it was felt that if Indians were allowed to control their own lives, then they would continue or backslide into traditional ways of living which were seen as anti-productive, anti-American, and ultimately threatening to the larger society.

Although, today no one is required to call the Superintendent “Father,” the BIA still maintains the same attitude in its dealing with the Blackfeet. The list of examples goes on and on in this regard. One of the best examples was related to me by a man who, by Euro-American standards, would be considered a highly successful person. This man, upon graduation from Harvard University with a masters degree, moved back to the reservation and wished to purchase a house with money in his IIM account. He was forced to go up to the “office” and request these funds. When he did, he was made to complete a competency test to ensure that he was qualified to use his own money.
These types of pejorative and highly insulting policies are ever present in the BIA office. When people attempt to become involved in the management of their own resources, they are clearly given the message that this is an unwanted intrusion and that they are less than qualified to take part in these activities.

Because the people are politically and economically powerless to force their wishes on the BIA, they are forced to allow this treatment to continue. In this manner, obvious problems are never addressed and thereby become worse. This is what has occurred with fractionated heirship.

The Effects of Absentee Land Ownership

One of the other major factors which lead to land fractionation in addition to the absence of wills is the issue of absentee land ownership. Because the land has been held in trust by the federal government, the BIA manages every detail of that land. Individuals are given basically no choice in the administration of management of their own land. Additionally, Blackfeet are given the impression that they are not smart enough to be involved in the management of their own land. Therefore, the people have become alienated from the land.

This occurrence is antithetical to the BIA's own mission regarding Indian land. That mission is to make productive American citizens out of them. Exactly the opposite occurred. Because they are not allowed to be involved in the management of their lands, the Blackfeet have become absentee owners. They are forced to leave the decision making up to the “Office,” and all they know is that they sometimes receive a check for money they made on their land (mainly through leases). Rather than working to assist the
Blackfeet in becoming effective landowners, the BIA increases Indian dependence on the government. Additionally, the lack of owner scrutiny of the BIA policies and practices has led to gross mismanagement and, in some cases, fraud. I have listened to many horror stories of missing money and missing land.

Today, a surprising number of Blackfeet people who own land and who receive annual money from that land have no idea even were that land is located. Furthermore, according to these people, the BIA is not forthcoming with this information. Usually, stonewalling is the practice of the BIA. One Blackfoot woman told me that her mother inquired for years as to the location of an oil well which she owned. For years, the BIA stonewalled her, and she died never having this information. Her daughter (who has a Ph.D. and is a very intelligent woman) still cannot get this information.

Political, Economic, and Cultural Disenfranchisement

In a conversation with a prominent Blackfeet politician, I asked why the Blackfeet people were not more active in community improvement, economic development, and long-range strategic planning. His answer was profound: “When you are worrying about your next meal or if your power is going to be turned off, you don’t have the luxury of long-range planning.” If one is totally consumed with survival in the present, then one has little time to speculate about the future. In other words, as long as Blackfeet resources are controlled by the BIA and the people are thereby forced to live day by day, they have neither the opportunity nor the power to effect any type of planning.

Demographic analysis of the Blackfeet reservation through the use of the 1990 Federal Census reveals some very frightening trends. In 1989, 1,612 males and 728...
females did not work, making the overall unemployment rate a staggering 31.1 percent. Thirty-one percent of the population was on public assistance. Of the people who did work, they earned $14,779 per household, $15,371 per family, and $10,357 per individual. Per capita income was $4,718. Fifty-one percent of the work force was below the nationally accepted poverty line.

When analyzing this type of information on the Blackfeet Reservation, one must also take into account the type of work the people are doing and how much wealth that work brings into the community. For example, only four percent of the population is self-employed. Fifty-six percent of the population work for the Federal, State, County, or Tribal governments. Another interesting fact is that the good paying jobs, such as those in education or healthcare, are mostly filled with non-Indians who are transitory and live and shop off the reservation. Additionally, many of the major businesses on the reservation are not Indian owned. Therefore, the major, non-land, wealth creating resources on the reservation, produce little wealth for individual Blackfeet.

The census information for the Blackfeet reservation mirrors what I have empirically witnessed. In short, the reservation is suffering an economic depression. However, what makes this depression different from depressions witnessed in Euro-American communities is that this one has lasted for over a century. In fact, the Blackfeet have never known anything other than what they are experiencing now. Additionally, in terms of history, the economic environment today is better than it has been. These types of institutional, epidemic, and elongated trends of poverty must have a cultural effect on the people.
The most ironic part of this analysis is the fact that in terms of resources, the Blackfeet reservation is quite wealthy. The Reservation has huge oil deposits in its eastern half, and with new technology which allows oil rigs to drill deeper, vast oil reserves are also being discovered on the western portion of the reservation. The eastern half of the reservation has extremely rich and productive farming soil. The western part of the reservation has some of the best ranching and grazing land in the State of Montana. Additionally, the western part of the reservation has timber resources. The Blackfeet reservation borders Glacier National Park, one of the most visited parks in the Nation. Highway 89 (the only eastern access road to the Park runs directly through the Reservation and is the main street of Browning (the largest town on the Blackfeet reservation.) With the abundance of all these resources, one might assume that the Blackfeet would be prospering. Of course this is not the case.

The economic makeup of the Blackfeet reservation mimics those of third world countries. Mainly this comes about as large amounts of raw materials (oil, gas, grass, gravel, timber, etc.) are removed from the reservation and possessed other places. The Blackfeet only receive the initial fees for this unprocessed raw material and thereby only gain a small fraction of its complete value. Additionally, much of the labor force used to extract these resources are brought in by the companies, creating false gains in the area of employment.

Theoretically, these types of occurrences have been termed “neocolonialism” or “metropolis-satellite economics” (Robbins 1971: 10-11). The metropolis-satellite concept proposes that resources flow from the satellite or peripheral areas to the metropolis.
Robins (1971: 10), uses New York City as an example for the United States. Resources are extracted from other areas in the United States, and the wealth is accumulated in New York City. In this way, underdeveloped regions experience increased underdevelopment, and areas which need less development experience more.

Of course, the Indian reservations in the United States are areas which are "super-exploited" (Robins 1971: 11). This amounts to a continuation of colonial or neo-colonial economics where outside interests exploit areas by extracting resources and leave very little for economic development of the community itself. Neocolonialism, in addition to being destructive economically, has a plethora of other effects. According to Jorgensen (1971):

Neo-colonialism is not characterized simply by simple forms of political domination, although political subjugation within the metropolis-satellite economy is the critical part of the definition. Political economic subjugation of reservation Indians has had the following consequences as capitalistic democracy has developed in the Untied States: (a) the rapid development of the metropolis and urban areas from the mid-nineteenth century brought Indian social ruin as measured in status and self esteem; (b) poverty as measured in access to strategic resources, the distribution of surpluses from one's own region, employment, housing, health, and general welfare; and (c) political oppression as measured by depletion of Indian populations through warfare, the dissolution of aboriginal politics, the loss of self-direction, the lack of access to the locus of political power, the
general denial of U.S. citizenship until 1924 (with a few exceptions), and the roles of the BIA, the secretary of the Interior, and the House Committee on Interior and Indian Affairs in approving the conduct of Indian affairs (Robins 1971: 12).

The above description of the effect of neocolonialism on American Indian reservations is exactly what has occurred on the Blackfeet reservation. Because so much of the land is fractionated and removed from Indian control, it is open for exploitation from outside interests. The BIA facilitates this by enforcing policy which keeps individual and tribal owners from exercising direct control over their own property.

**Summary**

Observation of the workings of the BIA has led this research toward three conclusions which are consistent with the problem of fractionated heirship. First, the BIA’s paternalistic philosophy discourages individual Indian involvement in the management of their own resources. This philosophy creates estranged or absentee land ownership. Absentee land ownership fosters the inability of individual Indians to work on fixing their own problems. Furthermore, absentee land ownership furthers a lack of competency. Many Blackfeet do not know how to manage their own resources not because they are not smart enough but because they have never been allowed to learn.

Secondly, the complete absence of owner involvement allows the BIA to be an organization which is not accountable for its management of Indian resources. This has led to a situation where the BIA is not involved in correcting or planning to correct obvious problems no matter how simple the policy adjustment might be.
Finally, power interests both on and off the reservation are benefitted by the lack of management on the part of the BIA. Therefore, these interests encourage the BIA deficiencies. These power interests exploit Blackfeet resources and allow the BIA to claim that through this exploitation it is living up to its responsibilities to make the Indian trust resources productive.
CHAPTER 8
EURO-AMERICAN AND BLACKFEET CULTURE CLASHES, IN REGARD TO LANDOWNERSHIP, WHICH CONTRIBUTED TO THE PROBLEM OF FRACTIONATED HEIRSHIP

Introduction

As discussed in the introduction to this thesis, this research offers two general areas which led to the occurrence of fractionated heirship on the Blackfeet reservation. The first has to do with the culture of the people and their values concerning land ownership, communal or tribal lifestyles, and how property was dispersed after death. The second is related to policies of the United States government toward the Blackfeet and specifically political, economic, and cultural disenfranchisement and oppression of the Blackfeet people for a period of at least 120 years.

In the introduction to this thesis, we introduced the concept of “Indian blame” which we defined as the tendency to find Indians themselves at fault for the inability of their cultures to adapt to the American life-ways which were forced upon them. Indian blame is a semi-racist notion which concludes that people are aimlessly bound by their cultures and cannot change despite the extent of any deleterious effect it might have on them.

This thesis argues exactly the opposite. In fact, the culture of the Blackfeet people cannot be blamed for the economic problems that the reservation faces today and specifically the problem of fractionated heirship. The primary forces causal to these problems are policies of the United States government which made it very difficult, perhaps impossible, for the Blackfeet to ever become successful capitalists.
When we conclude that the problem of fractionated heirship was partially a product of the clash of cultural differences between Euro-Americans and the Blackfeet, we are not blaming the Blackfeet for these problems, nor are we making the statement that the Blackfeet were not advanced enough to adapt.

The Blackfeet people were forced to deal with the great cultural and economic depressions brought on by the policies of the BIA. In the absence of anything else to do, these people used what they could to survive on the reservation. In doing so, they employed many of their own, age old and time-tested techniques for survival. In this respect then, understanding the cultural reactions to situations which were forced on them is critical to completely understanding the problem of fractionated heirship.

**Individual Land Ownership**

In order to completely understand the problem of fractionated heirship on the reservation today, one must have a clear idea of the Blackfeet cultural values concerning land ownership. From the perspectives of Western society, it is hard to grasp the traditional Blackfeet attitude toward land ownership. Almost nothing exists in western culture which cannot be bought and individually owned. Not only can westerners own land but they can also own the sky and everything that exists on the ground or in the air. Because land ownership is a critical element of Western economic systems, owning property can be characterized as a cultural value in Western systems.

However, the Blackfeet attitude toward land ownership could not be more different. The Blackfeet economic system placed less than no value on individual land ownership. This does not mean that the Blackfeet simply had a lesser value on land ownership.
ownership than other property. This means that land had no individual ownership value. The land was part of the Blackfeet universe which could not be owned. Land could be used and regions were claimed by the Blackfeet as part of their tribal territory. However, there is a great difference between believing that the land was given to them by their creator to use and believing that the tribe owned it like they owned other material property.

The absence of individual land ownership is a common theme among tribal groups. Few, if any, true tribal groups have individual land ownership values. The closest tribal groups come to individual ownership is the practice of usufruct in some horticultural groups. Usufruct is a Roman civil law term which means, “The right of enjoying all the advantages derivable from the use of something that belongs to another, as far as is compatible with the substance of the thing not being destroyed or injured (Random House Unabridged Dictionary).”

The concept of usufruct has been used to describe the practice of many horticultural groups who individually use land for agricultural or hunting activities, and who have a right to exclusively use that land as long as it is not abandoned. However, this is not the same as ownership. This is the right of use not the right of ownership. In most of these groups, if the person using the land abandons it, others may claim its use for themselves.

This thesis contends that the difference between how Blackfeet and Euro-Americans viewed land ownership is exemplified by the great land trades that went on between the Blackfeet and the United States Government in the mid- to late nineteenth
century. The Government was offering the Blackfeet items of worth for land which they thought could not be owned by anyone. To them this was a good deal. I find it hard to believe that either side understood each other's intentions in these trades. The Blackfeet thought they were trading to allow the Euro-Americans rights of passage and even access to a portion of the Blackfeet resources. The Euro-Americans thought they were trading for ownership.

Therefore, allotment, from the beginning was a concept which the Blackfeet did not fully understand. Allotment is the quintessential example of the difference between Euro-American and Blackfeet economic systems. The early American philosophy of individual land ownership as a strategy for an economically stable nation, was, by the time of allotment, a firm part of the American way of life.

Thomas Jefferson wrote, "Whenever there are in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural rights (Foss 1960: 19)." Under this Jeffersonian philosophy, the United States embarked, in the 1850's with the Homestead Act, on a massive policy of dispersing federal land to its citizens.

Although, the actual success of the Homestead policy is arguable in light of the fact that only about 40 percent of the original homesteaders became successful land owners, homesteading and its philosophy was still viewed as a highly successful policy (Shwartz 1997: 03). Therefore, when Eastern philanthropists became concerned over reservation poverty, allotment seemed to be the answer to these problems.
However, the Blackfeet, who had no traditional land ownership values, were not successful as farmers because of the lack of resources which should have been provided to them by the BIA. Therefore, the valueless nature of land which was still present in Blackfeet culture at the time of allotment is still present today to some extent. Allotment did not change these cultural tendencies.

Therefore, from the very beginning of individual Blackfeet land ownership, fundamental philosophical differences existed between the new Blackfeet land owners and the administrators of the reservations. These differences were the beginning of the problem of fractionated heirship and represent the foundation for the problems which we see today.

**Communalism**

Allotment went a step beyond simply making land a resource which could be owned. Allotment dictated that land should be owned individually. In the context of the economic hardships of reservation life at the time of allotment, individual ownership of land made even less cultural sense to the Blackfeet.

Clearly, by both the accounts of early ethnographers and present-day, elderly, Blackfeet, the Blackfeet addressed economic hardships experienced by the entire tribe through intensifying communal sharing and cooperative activities. In times of scarcity, much of what was personal property became communal. In Blackfeet culture, for example, food resources were always shared up until the point that they were gathered by an individual or family. At the point that the food was gathered, the man or woman who gathered it became its owner. He or she did have certain obligations in the dispersal of
this food, however, there was no question that the food belonged to him or her. In times of scarcity, however, these rules changed. All resources gathered by anyone were for the use of the tribe as a whole.

In 1885, when the bison went extinct, the Blackfeet plummeted into a time of depression the extent of which they perhaps had not experienced for perhaps hundreds of years. This triggered the activity of resource sharing at heightened levels. The BIA, for its part, viewed this communal behavior as antithetical to "civilized behavior" and thus sought at every juncture to thwart this activity. An elderly Blackfeet man related to me stories told to him by his mother about how the BIA would search the reservation for places where small groups of Blackfeet were living communally. When they were found, the BIA would run them off and burn down the structures in which they were living. This occurred even in the winter. However, this man's mother told him the people would regroup and start living elsewhere.

Another example of this type of communal activities was related to me by a young Blackfeet woman who heard the stories from her grandfather. Her grandfather was allotted land in the area of what is now called Star School. It was a good place to live because of the shelter and fire wood provided by the trees which ran along the river. Many people came there to live on his land and they formed a type of community which partially exists today. This Blackfeet woman related to me that her grandmother would work all summer collecting and storing food in addition to saving the food they were receiving in BIA rations for the winter. She was intent on doing this not only to feed her
family but also to be able to share with the rest of the community through the hard winter months.

In 1970, Lynn Robbins concluded three years of field work with the Blackfeet. She studied Blackfeet family and kinship structure. Her research confirms the presence of communal economic strategies still (at least in 1970) in place on the Blackfeet reservation. According to Robbins (1970: 15):

I showed that families with low and unstable incomes that were not [emphasis hers] clustered with others under a single roof were likely to reside on land owned by an elder kinsmen, and were likely to engage in intense economic cooperation with some other household or households .

In all, 36 (49 per cent) of the total sample of 73 households were involved in mutual economic assistance. Furthermore, 59 per cent [emphasis hers] of all 88 families in a sample taken in 1966 were involved in economic assistance networks.

Robbins' work, along with that of my own, makes it clear to me that through most of the twentieth century and today, the Blackfeet were and are using communalism, at least at the extended family level, to survive on the reservation. From a materialistic point of view, this activity makes a great deal of sense. It is much easier to survive as a group than as an individual. The group's productive forces far outstripped what one could produce on his own. In addition the groups also provided important social features one did not have access to living alone.
The culture tendency of the Blackfeet to be communally oriented is an important concept to grasp in terms of the problem of fractioned heirship. In some respects, one can view fractioned heirship as turning individually owned land into communally owned land. Fractioned heirship, at least within extended families, is a representation of old communal values. Within an extended family each member owns the land equally. Communalism, therefore, goes a long way toward explaining why fractionated heirship occurred and is still occurring.

**Traditional Inheritance**

At its core, fractionated heirship is a problem which is associated with inheritance. Land becomes fractionated as the result of Blackfeet people dying without leaving their land to specific heirs. Rather they die without a will, and all their land escheats to all their legal heirs. Many people blame the absence of wills as a cause of fractionated heirship, and these people maintain that the use of wills will eventually fix the problem. These people assume that when a Blackfeet person dies willess, that they are not willing their property. What these people fail to consider is that, in fact, the Blackfeet people are actively willing their property. They are willing it to all their heirs.

One of the frequent questions asked me by non-Indians, in reference to the fractionated heirship problem, is, “Why didn’t the original allottees will their lands to fewer of their decedents instead of creating no wills and allowing all the land to be passed down equally to all the heirs?”

First, it must be understood that traditional American inheritance systems work differently than those of the Blackfeet and seeing that land ownership is an important part
of the American economic system, they are tailored to land ownership. First of all, in the highly paternal farming and ranching systems of America, daughters of a landowner generally do not expect to be willed any land upon the death of their father. They expect to marry a man who either owns land himself or has other means to provide for her. In theoretical terms then, this effectively reduces by 50 percent the potential heir pool.

After the daughters are eliminated, the “first son” rule generally takes effect. The first son rule is a product of old English common law and is patterned off the heirship of royalty. One can trace this legal precedent back even further, in fact thousands of years, to the Old Testament. The Old Testament principle was called “the first birth right.” Under this principle the first son had exclusive rights to whatever portion of the inheritance that he wanted for himself.

The traditional Blackfeet system of inheritance, however, differs in almost every aspect from the American system. To begin with, the Blackfeet did not know about written wills, and I have found no indication that the BIA ever instituted any type of program aimed at teaching the Blackfeet about American legal issues concerning the probate process. In the absence of a written will, the land automatically gets probated to all the legal heirs of a property owner upon death. This is a mandate of American probate

12 These are conclusions drawn from my experiences growing up in a small farming and ranching community. I, however, do think that these trends, especially the paternalistic patterns of older days, are changing. For me this is evidenced, in part, by an increasing amount of land disputes between siblings. Ironically, fractionated heirship is beginning to become a problem in many of these Euro-American, farming and ranching communities.

13 This is exemplified in the biblical story of Jacob and Esau. They were twin bothers but because Esau was born before Jacob, he had the first birth right.
law and is especially followed in the case of trust land. In the larger American system, the heirs might take each other to court in an attempt to get more of the estate. Legally, this can also occur in the case of Blackfeet heirs. However, few people have the resources to bring legal action against their siblings. Therefore, the probate property usually is divided equally among all the heirs.

Traditionally, however, the Blackfeet did have inheritance rules which varied upon whether the individual’s death was expected or unexpected that they were about to die they would create a verbal will. According to Ewers (1958: 287), “If the head of a Blackfeet family knew he was about to die, he called his relatives together and told them how he wished his horses and other property divided among them, designating which items were to be received by each relative.” In discussions with Blackfeet people today, they have indicated that they do not believe any particular preference was shown to gender in this verbal will. Surely the males did not receive a preference before the females. In fact, according to all the Blackfeet interviewed no this subject, it would have been more likely for either a male or female to give more to unmarried daughters than to sons. They rationalize this by stating that additional wealth made a woman more marriageable. By virtue of the activities of hunting, warfare, and horse raiding, men had a greater change to accumulate their own wealth.

In the event of an unexpected death of a willless individual, two interesting inheritance activities were likely to take place. First, the norm was that a respected member of the family would be given or take the authority to distribute the dead man or woman’s wealth. Because wealth in Blackfeet society was primarily determined by the
number of horses one owned, horses were the main property to be handed down. In a specific example cited by Ewers (1958: 287), the inheritance pattern of a rich Blackfeet man, who was murdered by the Gros Ventres was: 1) ten best horses were killed in order for the dead man to take with him in the after life; 2) most of the rest of the horses were then divided between the man's wives and his children; 3) finally every member of the man's band received a horse and even a few outside the band were given a horse. Ewers (1958: 288) feels that, "This orderly distribution of horses following a death intestate was possibly only in cases where the deceased was a man of prominence who had been well-liked and highly respected by his people during his life."

Ewers goes on to describe another distribution activity which took place among the Blackfeet which he calls "a run for horses" (1998: 288). Many times when a person would die and the family was actively engaged in the mourning process, other people from the band would raid his possessions, taking for themselves what they wanted. By custom, the relatives of the dead person would not stop this raiding. In this manner, the death of a man served as a redistribution of wealth mechanism for the entire group.

Neither Ewers nor any other Blackfeet ethnographer, including present day Blackfeet interviewed for this research, indicate if these inheritance traditions differed in times of scarcity. However, it is likely that if wealth was being redistributed to all members of the band in times of wealth, then in times of scarcity, this activity would also occur, if not intensify.

In this context then, even if the BIA had taught the Blackfeet about wills, it seems unlikely that they would have used them. It is very difficult to imagine a Blackfeet person,
who views communal living and resource sharing as a key survival method, and who views his/her contribution to this community a critical role of his/her membership in it, would make a decision to give all his land to one or a few of his heirs. Rather, he would die, willess, and all his legal heirs would take ownership of his property.

I am commonly asked the question by non-Indians, "Why didn't the Blackfeet simply apply their heirship rules surrounding horse ownership directly to land.” My first response is that they did. Usually, horses and other resources where usually distributed to many or all of the owner’s heirs. Rarely would one person inherit all of a benefactor’s possessions. Secondly, however, many present-day Blackfeet are quick to point out that one cannot draw a direct parallel between ownership of horses and ownership of land. The two are quite different both in their physical natures and the values associated with them.

Physically, there are three attributes of horse property which differ from land property. First, a horse is mobile. Horses can be moved from place to place. As a commodity then, they are much more fluid than land. Secondly, a horse can be a reproductive unit. Through the process of horse breeding one can reproduce more horses. Finally, a horse can die and thus become non-property. These three characteristics demonstrate the difference between land and horses and, therefore, there is probably no firm correlation between the values of land ownership and horse ownership.

Summary

In this chapter, we have delineated at least three important cultural elements which correspond to the problem of fractionated heirship. Once again, it is not the purpose of
this work to use these cultural tenets as Euro-American excuses for what happened to Blackfeet land or to blame the Blackfeet themselves for the problem of fractionated heirship. Nevertheless, in order to understand what happened, it is important to bring these cultural elements forward.

We have shown that at the onset of allotment, the Blackfeet people had no cultural value for individual land ownership. Therefore, having allotment pushed on them was an event which was doomed to experience some element of failure from the very beginning.

Secondly, allotment demanded that the Blackfeet abandon their communal or tribal values and begin immediately to think like European, proprietorial, land-based capitalists. By itself, would have been a difficult process for the Blackfeet. However, when you add in the context of great economic depression at the time and the corresponding tendency to intensify communal activity, the odds of the Blackfeet not successfully making this step become much greater.

Finally, in the absence of any real change in the economics of the reservation, it is not hard to see why these heirship tendencies have not substantially changed in the almost one hundred years since the beginning of allotment. Unless there are dramatic socioeconomic changes in the future, there is little reason to suspect that the land ownership situation on the Blackfeet reservation will correct itself.
BIBLIOGRAPHY

Barnard, Alan; Good, Anthony

Blackfeet Tribal Document

Bodley, John H.

Calf Robe, Ben

Dawes, H. L.
1899: Have We Failed with the Indians? Atlantic Monthly, New York, Vol. 84

Ewers, John C.
1955: The Horse in Blackfeet Indian Culture. Smithsonian Institution Press, Washington, D.C.

Ewers, John C.

Ewers, John C.
Undated: The Story of the Blackfeet. Indian Life and Customs Pamphlet - 6, Education Division, United States Indian Service

Forbes, Charles Gerald

Garlock, Lawrence Elwood

Government Document
1929: *Survey of Conditions of the Indians in the United States: Blackfeet Reservation*. United States Senate, Subcommittee of the Committee on Indian Affairs, Browning, Montana

Government Document
1887: *The Dawes Act or General Allotment Act of 1887*. United States Statutes at Large 24:338-91

Government Document
1990: Census report.

Harrod, Howard L.

Hyde, George E.
1933: *The Early Blackfeet and Their Neighbors*. John VanMaile, Denver, Colorado

Landcaster, Richard

Lewis, Oscar
1942: *The Effect of White Contact Upon Blackfoot Culture, With Special Reference to the Role of the Fur Trade*. J.J. Augustin, New York

McFee, Malcolm

McLaughlin, R.
1969: *Ethnology of the Blackfeet*. Browning High School, Browning, Montana

Montana Department of Commerce

Moore, John H.

Robbins, Lynn Arnold
1971: *Blackfeet Families and Households*. University Microfilms, Ann Arbor, Michigan

Samek, Hana
1987: *The Blackfoot Confederacy*. University of New Mexico Press, Albuquerque, New Mexico

Schaeffer, Claude E.
1958: *The Story of the Blackfoot Indians*. Great Northern Railway Company, Saint Paul, Minnesota

Schultz, James Willard
1962: *Blackfeet and Buffalo*. University of Oklahoma Press, Norman, Oklahoma

Schwartz, E.A.
1997: *What Were the Results of Allotment*. Native American Documents Project Allotment Data

Schwartz, E.A.
1997: *Comparing Allotment and Homesteading, 1900-1915*. Native American Documents Project Allotment Data

Schwartz, E.A.
1997: *A Brief Explanation of Homesteading*. Native American Documents Project Allotment Data

Steiner, Stan

Talbot, Steve

Wilmoth, Stanley Clay
1987: *The Development of Blackfeet Politics and Multiethnic Categories*. University Microfilms, Ann Arbor, Michigan