

Indian Reorganization Era "The Indian New Deal"

1934



Reaction against General Allotment Act

- Passed in 1887
- AKA Dawes Act
- Provided for Individual Land Ownership
- Bypassed traditional tribal governance
 - Theodore Roosevelt said that the Dawes Act would serve as "a mighty pulverizing machine to break up the tribal mass."



Indian Citizenship

- Indian Citizenship Act of 1924.
- Designed to speed Indian assimilation into American Society.
- Said to be a reward for Indian participation in WWI.



President Calvin Coolidge with four Osage Indians after Coolidge signed the bill granting Indians full citizenship.



Charles Curtis



- Republican Senator from Kansas, 01- 13, 15 – '29
- Vice President, 1929-33 under Hoover
- Directly descended from White Plume, a Kaw chief, and Pawhuska, an Osage chief.

passed, most Indians already were citizens (as a result of the Dawes Act) and only 125,000 Indians, or about one-third of the total American Indian population at the time, were not.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Potawatomi Agency
Horton, Kansas
July 13, 1942

TO WHOM IT MAY CONCERN:

The information given below was obtained from the records of the Potawatomi Agency, Horton, Kansas, United States Indian Service, operated under the Department of the Interior.

By Act of Congress, approved June 2, 1924 (43 Stat., 253) citizenship was conferred upon all non-citizen Indians born within the territorial limits of the United States.

Name Clarice Williams

Date of birth [REDACTED]

Place of birth Kickapoo Reservation, Brown County, Kansas

Tribe Kickapoo - Osage

Degree of Indian Blood 4/4

Conway C. Lambert
Conway C. Lambert
Education Field Agent

Approved: *[Signature]*

Six Nations Iroquois Confederacy

The Grand Council of the Confederacy sent letters to the president and Congress of the United States respectfully declining United States citizenship, rejecting dual citizenship, and stating that the act was written and passed without their knowledge or consent.





2010 World Cup Lacrosse Championship

Passports refused, team stayed home ...



Revenge is sweet

In 2012, the U19 team traveled to Finland for the World Championship and came in third, beating England and the USA.



Indian Reorganization Era

- Meriam Report 1928
- Institute for Government Research (Brookings Institution)
- “The Problem of Indian Administration”
 - Called for more health and Education funding
 - Recommended an end to allotment
 - Encouraged tribal self-government



John Collier

- Former Executive Secretary for the American Indian Defense Association
- Appointed Commissioner of Indian Affairs by FDR in 1933



Collier

"The repair work authorized by Congress under the terms of the act " he said in his report as commissioner in 1934, "aims at both the economic and the spiritual rehabilitation of the Indian race."



Wheeler-Howard Act

- June 18, 1934
- AKA The Indian Reorganization Act



Wheeler-Howard



Hon. Burton K. Wheeler, Montana
Chairman, Senate Committee on
Indian Affairs



Hon. Edgar Howard, Nebraska
Chairman, House Committee
on Indian Affairs



Purposes of the Bill

- (1) To stop the alienation, through action by the Government or the Indian, of such lands belonging to ward Indians, as are needed for the present and future support of these Indians.
- (2) To provide for the acquisition, through purchase, of land for Indians, now landless, who are anxious and fitted to make a living on such land.
- (3) To stabilize the tribal government of Indian tribes by vesting such tribal organizations with real, though limited, authority, and by prescribing conditions which must be met by such tribal organizations.
- (4) To permit Indian tribes to equip themselves with the devices of modern business organization, through forming themselves into business corporations.
- (5) To establish a system of financial credit for Indians.
- (6) To supply Indians with means for collegiate and technical training in the best schools.
- (7) To open the way for qualified Indians to hold positions in the Federal Indian Service.



[Section 16]

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

“Vested Rights”

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers:.



- To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;
- to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe;
- and to negotiate with the Federal, State, and local Governments.



“Vested Rights” cont.

- Determine tribal membership;
- The right to tax;
- The right to exclude non-members from tribal territories;
- The right to regulate domestic relations;
- The right to regulate commerce and trade.



The Criminal System of Justice in Indian Country 179

TABLE 3. Criminal Jurisdiction and the Indian System of Justice

Location Where Crime Is Committed	Federal Jurisdiction	State Jurisdiction	Tribal Jurisdiction
I. In non-Indian Country			
A. Federal law involved	Yes	No	No
B. State law involved	No	Yes	No
C. Tribal law involved	No	No	Maybe
II. In Indian Country (where P.L. 280 or specific statute applies)			
	No	Yes	No
III. In Indian Country (no P.L. 280)			
A. Crimes by Indian v. Indian			
1. Major Crimes Act	Yes	No	No ^b
2. Other crimes	No	No	Yes
B. Crimes by Indian v. non-Indian			
1. Major Crimes Act	Yes	No	No ^b
2. General Crimes Act	Yes	No	Yes ^a
3. Assimilative Crimes Act	Yes	No	Yes
C. Crimes by non-Indian v. Indian			
1. General Crimes Act	Yes	No	No
2. Assimilative Crimes Act	Yes	No	No
D. Crimes by non-Indian v. non-Indian			
	No	Yes	No
E. Victimless and consensual crimes			
1. Crimes by Indians			
2. Crimes by non-Indians			
a. General Crimes Act	Yes	Yes ^a	No
b. Assimilative Crimes Act	Yes	Yes ^b	No

Tribal, Federal, and State Jurisdiction
Tribal Criminal Jurisdiction

General Scope of Criminal Jurisdiction in Indian Country*

		Type of Crime	
		"Major" Crime (as defined by Major All Other Crimes Crime Acts)	
Indian perpetrator, Indian victim	Federal (under Major Crimes Act) & Tribal jurisdiction	Tribal jurisdiction	
Indian perpetrator, Non-Indian victim	Federal (under Major Crimes Act) & Tribal jurisdiction	Federal (under General Crimes Act) & Tribal jurisdiction	
Non-Indian perpetrator, Indian victim	Federal (under General Crimes Act) jurisdiction	Federal (under General Crimes Act) jurisdiction	
Non-Indian perpetrator, Non-Indian victim	State jurisdiction	State jurisdiction	

* Please note that this general criminal jurisdiction chart does not apply to jurisdiction where Public Law 280, 18 U.S.C. 1162, or other relevant federal statutes, have conferred jurisdiction upon the state.



Criminal Jurisdiction over Non-Member Indians:
The Supreme Court ruled that tribal courts did not have criminal jurisdiction over non-member Indians. Duro v. Reina, 495 U.S. 676 (1990). Congress, however, overturned this decision and restored tribal court criminal jurisdiction over non-member Indians by adding the following language to the definition of "powers of self-government" in the Indian Civil Rights Act (25 U.S.C. § 1301) - "means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians" (Public Law 102-137).
September 30, 1991



Indian Reorganization Act (cont.)

- Individual tribes were given 2 years to accept or reject the Act
- 181 accepted, 77 rejected
 - Many of those rejecting felt that provisions for establishing tribal government was further intrusion of federal government into tribal affairs



Other Indian New Deals



Indian Arts and Crafts Board (1935)

Indian Civilian Conservation Corps

The Corps provided jobs to Native Americans in soil erosion control, forestation, range development, and other public works projects (building schools and hospitals) .

Educational Reform

Indian New Deal
During the "Indian New Deal" of Franklin D. Roosevelt's Administration, the Indian Office supported progressive education and experimented with bilingual education.

Little Man's family



by
J. B. Enochs
illustrated by
Gerald Naylor

BUREAU OF INDIAN AFFAIRS

Johnson-O' Malley Act

- Passed in 1934
- Secretary of Interior could contract with public schools to accept Indian children.
- Prior to the Act, 2/3 of all Indian children were educated via the Indian Bureau Boarding School system.



J-O' M

Remained a "payment in lieu of taxes" category of funding for the general support of Public Schools until the Impact Aid Acts (P.L. 81-874 AND P.L. 81-815) provided general support (1958).

J-O' M funds were then freed up for the support of programming for cultural needs.





IRA v. Non-IRA

- IRA
 - Tribe
 - Agency Superintendent – Bureau of Indian Affairs
 - BIA Area Office
 - Assistant Secretary for Indian Affairs
 - Secretary of the Interior
- Non-IRA
 - Tribe
 - Secretary of the Interior



subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Blackfeet Tribe.

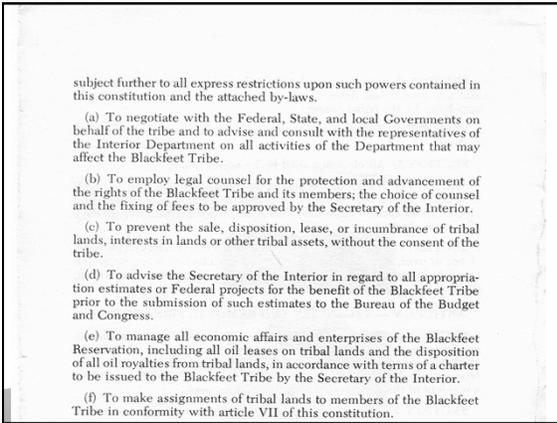
(b) To employ legal counsel for the protection and advancement of the rights of the Blackfeet Tribe and its members; the choice of counsel and the fixing of fees to be approved by the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or incumbrance of tribal lands, interests in lands or other tribal assets, without the consent of the tribe.

(d) To advise the Secretary of the Interior in regard to all appropriation estimates or Federal projects for the benefit of the Blackfeet Tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To manage all economic affairs and enterprises of the Blackfeet Reservation, including all oil leases on tribal lands and the disposition of all oil royalties from tribal lands, in accordance with terms of a charter to be issued to the Blackfeet Tribe by the Secretary of the Interior.

(f) To make assignments of tribal lands to members of the Blackfeet Tribe in conformity with article VII of this constitution.



Northern Cheyenne Constitution

- “(i) To exclude from the restricted lands of the Tongue River Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.”



state, federal and local governments on behalf of the Crow Tribe, and will, through tribal council resolutions and elected delegates and representatives, consult with and otherwise deal with representatives of the department of the government of the United States on all matters affecting the interests of the Crow Tribe.

6. The Crow Tribal Council, which encompasses the entire membership of the Crow Tribe, so far as the Crow people are concerned, shall be supreme in determining by a majority vote of those attending, any course of action taken which is designed to protect Crow tribal interests.

7. The American system of "majority rule" used in the Congress of the United States shall prevail in the decisions of the Crow Tribal Council in regularly called and duly assembled conventions, and its majority decisions shall be conclusive and binding over the losing minority.

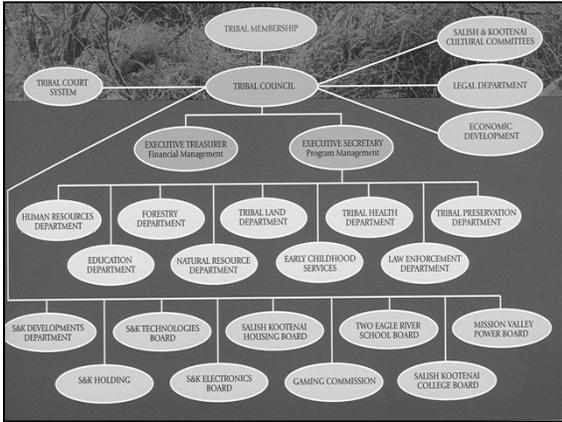
8. The Bureau of Indian Affairs, being a part of the United States Government, shall in no wise interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only, and not the government, and as such will make its decisions without Indian Bureau interference or advice, inasmuch as the Indian

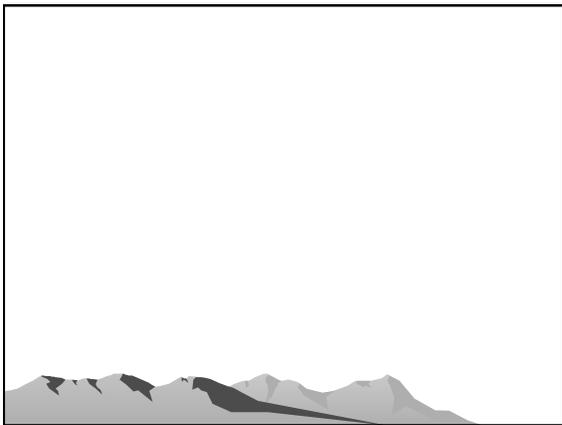
Former Crow Constitution

- "The Bureau of Indian Affairs, being a part of the United States Government, shall in no wise interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only and not the government, and as such will make its decisions without Indian Bureau interference or advice, inasmuch as the Indian Bureau, under the broad powers in Indian administration conferred upon the Congress and the Indian Department by both the Congress and the courts, can and does nullify Indian tribal council actions the country over when same takes issue with its own views.



TRIBAL GOVERNMENTS - MONTANA			
RESERVATION	TYPE OF GOVERNMENT	GOVERNING BODY	EXECUTIVE BRANCH
Blackfeet	IRA	9 member Tribal Business Council	Chair/Vice-chair (elected from within council)
Crow	Non-IRA	General Council (entire membership of tribe)	Chair/Vice-chair (plus Executive Committee)
Flathead	IRA (Confederated Salish & Kootenai Tribes)	10 member Tribal Council	Chair/Vice-chair (elected from within council)
Fort Belknap	IRA	12 member Community Council (6 Gros Ventres and 6 Assiniboines)	President/Vice-president (elected from within council)
Fort Peck	Non-IRA	Tribal Executive Board General Council	Chair/Vice-chair (elected at large)
Northern Cheyenne	IRA	Tribal Council (1 member per 200 tribal members)	President/Vice-president (elected at large)
Rocky Boy's	IRA	8 member Business Committee	Chair/Vice-chair (elected at large)
Little Shell Band of Chippewa	Non-recognized		





What does sovereignty mean in the 21st Century?

"Tribal sovereignty means just that; it's sovereign. You're a -- you've been given sovereignty, and you're viewed as a sovereign entity."
August 6, 2004.



Sovereignty

- Rights to structure its government as it desires;
- To conduct foreign relations and trade with other nations;
- To define its own membership;
- To make and enforce its own laws;
- And to regulate its resources and property.



Presidential Memorandum

- On Government-to-Government Relations
 - Ensure that rights of tribal governments are fully respected
 - Consult with tribes before taking actions that affect them.



Talking Points

- President Clinton signed the memorandum, in April of 1994, “to ensure that the rights of sovereign tribal governments are fully respected.”



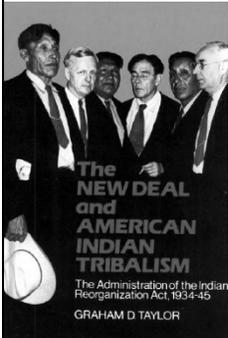
- The memo states that “[a]s executive departments and agencies undertake activities affecting Native American Tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty.”



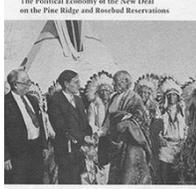
- This memorandum, among other things, directs federal departments and agencies to “consult” with tribal governments, to the greatest extent practicable and to the extent permitted by law, prior to taking acting that affect federally-recognized tribal government.



Resources



Organizing the Lakota
The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations
Thomas Biolsi



Organizing the Lakota
by Thomas Biolsi



RealAudio Interviews

“It Had a Lot of Advantages” Alfred DuBray Praises the Indian Reorganization Act

<http://historymatters.gmu.edu/d/33>

Developed by [American Social History Project/Center for Media & Learning](#), City University of
New York, and the [Center for History and New Media](#), George Mason University



Links to ...

- ["We Have Got a Good Friend in John Collier": A Taos Pueblo Tries to Sell the Indian New Deal](#)
- ["It Didn't Pan Out as We Thought It Was Going To" Amos Owen on the Indian Reorganization Act](#)
- ["It Set the Indian Aside as a Problem": A Sioux Attorney Criticizes the Indian Reorganization Act](#)