

# CHAPTER TEN

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## INDIAN RIGHTS

*I have never forgotten that I am an Indian. We settled this country long before the white people ever came to these shores. But Red Men are wards of the government. The Indian should be permitted to shed his inferiority complex and live like a normal American citizen.*  
– Jim Thorpe

## AMERICAN INDIANS AT START OF THE TWENTIETH CENTURY

At the start of the twentieth century American Indian people were in a bad way. Most of their land had been taken. Many tribes had been forced to leave their original homelands and resettle on distant reservations where the soil was poor. Virtually every *treaty* signed by the United States with the more than 300 American Indian nations had been violated by state governments or the federal government.

Indians were also the most impoverished minority group in the United States. They had few opportunities for employment on their isolated reservations, and they did not control the income from oil, gas, and coal leases on their land. Tribal funds were held in trust by the United States and could not be disbursed to Indians without the agreement of white Indian agents, federal appointees placed in charge of each reservation.

American Indians as a whole had not been granted citizenship, and the majority of American Indians did not have the right to vote. They did not even enjoy freedom of religion – unless the religion they chose to practice was Christianity. Traditional religious practices were generally banned. American Indian children were being educated in schools in which their entire education was designed to assimilate them into white culture, and they were forbidden to speak their own languages.

The total population of Native Americans in the United States had shrunk so drastically that their numbers, perhaps as low as 250,000, were a small fraction of the pre-Columbian total. The Indian was viewed by many as the “Vanishing American,” and it was often predicted that American Indians’ distinctive cultures would cease to be within a few generations.

## TWENTIETH-CENTURY REBIRTH

However, the twentieth century witnessed a virtual rebirth of the American Indian. With the help of many non-Native supporters, American Indians successfully won not only civil rights, but also at least partial redress for what twentieth-century courts ruled was the illegal taking of Indian land. A new generation of modern American Indian warriors, men and women who more often than not fought their battles in lecture halls and courts, made substantive gains.

By the end of the twentieth century all American Indians were American citizens with full voting rights and religious freedom guaranteed by new legislation.

Millions of acres of land had been returned to numerous tribes. Rather than disappearing, many tribal communities had grown stronger and increased in number, taken responsibility for the education of their own children, provided employment for their people, and cultivated new sources of revenue. American Indian population figures at the end of the century stood at over 2.5 million and continue to increase.

There still were significant problems, especially in terms of limited employment and economic opportunities on many reservations, as well as ongoing struggles for the redress of past wrongs and the return of native lands. However, the American Indian most emphatically did not vanish.

## THE INDIAN RIGHTS MOVEMENT

One major reason for the survival and success of American Indians in the twentieth century was the Indian Rights Movement, which may be viewed in four distinct phases.

### ASSIMILATION

The first efforts for Indian rights were dominated by white Christian reformers whose roots were in the anti-slavery and temperance movements. Shocked by the unfair treatment of Indians (even those who had adopted white ways and Christianity) by a corrupt and paternalistic government, these reformers began to protest treaty violations.

One of the first of these groups was *the Women's National Indian Association*, founded in 1879. In 1882 the *Indian Rights Association* (IRA) came into being and became the most important of the early rights organizations. It advocated education, legal protection for Indians, and the division of their lands into individual ownership. Then, in 1883, the *Lake Mohonk Conference of the Friends of the Indian* was convened by Albert K. Smiley, a Quaker and a member of the federal Board of Indian Commissioners. Its yearly conferences provided a forum and focus for those involved in the Indian rights movement.

The symbolic case that was most focused upon by all these groups was that of the *Poncas*. A peaceful nation friendly to Christianity, the Poncas had been

forced into Oklahoma from the small reservation in Nebraska given to them by treaty in 1858, with tragic results. Their eloquent chief, *Standing Bear*, begged to be allowed to return to their homeland to bury the remains of his son, who had died as a result of removal. Standing Bear and *Susette LaFlesche*, an educated Omaha woman, traveled around the country in the 1880s lecturing about the plight of the Poncas to large audiences. Their lectures were an important factor in raising public awareness. The various Indian rights groups created an extensive reform literature and campaigned in the secular and religious press around the case of the Poncas, drawing attention to the overall failures of the government's Indian policy.

The conclusion of these early friends of the Indian was that assimilation was the only way for Indians to survive. Assimilation meant that Indians needed to become Christian, acquire private property, give up their old outdated ways and enter American society as individuals. The Christian reform groups nearly all wholeheartedly supported the *Dawes Act of 1887*, which promised the fair allotment of tribal lands and eventual citizenship for all Indians. Allotment meant that tribal lands formerly held in common would be divided among individuals, each of whom would receive up to 160 acres, own the land, and have to pay taxes on it. However, after the land was portioned out to Indians, the majority of the land that was "left over" was given to white settlers.

Allotment proved disastrous not only for the tribes but for most Indians. As a result, American Indians lost millions of acres, and native people became more impoverished. The promise of citizenship for Indians was neglected. Nevertheless, for the next few decades, the failed policy of assimilation remained the central tenet of most Indian rights advocates.

Although its overall aim was the dissolution of all tribal entities, the Indian Rights Association frequently fought to uphold the legal rights of tribes and successfully opposed further removals of several tribes. It advocated local day schools for Indian children rather than distant boarding schools. It also attempted, with limited success, to end government contracting with religious bodies for the education of Indian children.

## PAN-INDIANISM AND SELF-GOVERNANCE

The second phase of the Indian rights movement began with the emergence in the early 1900s of a number of “progressive,” Western-educated, and extremely eloquent American Indians. All of these native men and women had spent their childhoods in their tribes and then developed, often through boarding school educations, extensive contacts with the white world and with Indians of other tribes. Most had become Catholics or Protestants. Dr. **Carlos Montezuma**. (Yavapai), Dr. **Charles Alexander Eastman** (Dakota), **Arthur C. Parker** (Seneca), **Gertrude Bonnin** (Lakota), and **Charles Carter** (Chickasaw) were among the better-known members of this group.

The general aim of the Indian progressives was the creation of a secular pan-Indian movement that would work for the welfare of the Indian race and humanity in general. They believed that Indian unity, self-help, initiative, and education were essential to progress. Among the influential white men who supported them in their goals was none other than Richard Henry Pratt, the founder of the Indian Industrial School at Carlisle.

In 1911 the **Society of American Indians** (SAI) was founded. Eastman, Laura Cornelius (Oneida), Thomas L. Sloan (Omaha), Montezuma, Carter, and several other prominent Indian progressives were its leaders. The SAI held conferences, published a periodical edited by Parker, and set up a legal division. Carter, who went on to serve in the U.S. House of Representatives for 20 years, worked for legal reform to codify Indian law. After World War I the idea of self-determination for the various tribes became one of SAI’s major themes. However, the organization struggled with factionalism. Its membership dwindled, and it declined into obscurity after 1923.

The 1920s saw the rise of a new group of white reformers led by **John Collier**. They were inspired by that early generation of Indian reformers, but their goals were somewhat different. These new reformers felt that the Dawes Act had been corrupt and destructive. Their aim was to protect American Indian land and move away from assimilation. They sought to preserve

traditional tribal customs, which put them at odds with many of the educated Indian progressives, who felt that traditional customs would hold back Indian progress. In 1923 Collier became the head of the newly formed **American Indian Defense Association (AIDA)**. This soon became the most influential organization dealing with American Indian issues and gained the support of many tribal communities. A year later, with the support of both the new reformers and the older progressives, the Snyder Act, popularly known as the **Indian Citizens Act of 1924**, was passed. It declared that all American Indians were citizens, without affecting any rights to tribal or other property.

The most important accomplishment of this period of Indian rights was the Indian New Deal. After the election of President Franklin Roosevelt, John Collier was appointed in 1933 as the new Commissioner of Indian Affairs. After meeting with the various Indian rights organizations, Collier and his staff helped create the **Indian Reorganization Act**, which became law in 1934. The act secured certain rights for American Indians and Alaskan natives. It reversed the Dawes Act, ending allotment. Over the next twenty years more than 2 million acres was returned to various tribes. It was also meant to restore to Indians the management of their assets, while providing provisions meant to create a sound economic foundation for those living on reservations.

Another advocacy group that was to be of considerable importance to American Indians was also founded in late 1942 with Collier’s encouragement. **D’Arcy McNickle** (Salish-Kootenai), an anthropologist and extremely talented author who worked for Collier’s Bureau of Indian Affairs, was one of the leaders of this organization, which became known in 1942 as the **National Congress of American Indians** (NCAI). The NCAI, which is still a major voice for American Indians, resembled the old Society of American Indians, but was more tribally oriented. Its membership was restricted to persons “of Indian ancestry,” and any Indian tribe, band, or community could become a member organization. Its aims included preserving Indian cultural values, enlightening the public toward a better understanding of the Indian race, and preserving Indian rights.

However, in the 1940s, the Indian rights movement had lost momentum. Many of the more than 44,000 American Indians enlisted in the armed forces during World War II were native leaders whose energy could no longer be directed toward tribal affairs. John Collier was called “un-American” for his continued insistence that Indians deserved “special treatment,” and he resigned under pressure as Indian Commissioner in 1945. By the end of World War II American Indians and their rights were generally forgotten by the public, and the attitude of the federal government toward Indians was changing. In 1954, under the Eisenhower Administration, the U.S. Department of the Interior began to put a new policy into effect — the termination of federal control over Indian lands.

### ACTIVISM AND SELF-DETERMINATION

The policy of **Indian Termination** was developed by Dillon Myer, who became Commissioner of the Bureau of Indian Affairs in 1950. His aim was to end the relationship between the United States government and the tribes long established by treaties and legislation. “Withdrawal programming,” Myers said, would save the U.S. government money. All previous programs in which government funds went to Indians would be ended. So, too, would the relationship of trust between the government and the terminated tribes, from whom all aspects of tribal sovereignty would be taken. Once again, Indians would be forced for their own good to assimilate and become more “civilized.”

Larger and better-organized tribes, such as the Navajos, managed to protect their people from the worst effects of the policy. However, between 1953 and 1956, the federal government removed all federal services and protections from sixty-one American Indian tribes, bands, and communities. Once again, hundreds of thousands of acres of Indian land were lost to Native people. Once-thriving tribal nations such as the Menominee of Wisconsin became impoverished. Ironically, termination actually ended up costing the United States more. The resulting welfare and unemployment payments were much greater than the expense of the tribal subsidies that had been discontinued.

The NCAI was a major voice against termination. At its 1948 convention it had strongly opposed the

idea of terminating reservations and relocating Indians in the cities. At its 1953 convention its members expressed the idea that tribes were “nations within a nation” and that their status was thus different from all other minorities’.

The threat of termination united the various tribal nations of the United States as never before. Indians began to vote in even greater numbers in local and state elections. Congressmen and senators from states with large American Indian populations took note and began to pay closer attention to Indian concerns. In 1964, as a result of the efforts of Indian tribes and their advocates, including elected officials, the misguided policy of terminating tribes was stopped, although the legislation for termination was not actually repealed until 1988.

American Indians were also affected by the changes in the country brought by the election of John Kennedy and the decade of the 60s. Many younger Indians felt their elders were too conservative and not representative of Indian opinion. In 1961, the **National Indian Youth Council** (NIYC) was formed in Gallup, New Mexico, and a new era of increased militancy, much like that in the African-American civil rights movement, began. Instead of “sit-ins,” the NIYC staged “fish-ins” in states where Indian tribes were being denied fishing rights that they claimed were theirs by treaty. In 1964 **Vine Deloria Jr.** became the executive director of the NCAI and began to advocate taking more forceful stand on behalf of native rights. Deloria, the author of *Custer Died for Your Sins* and numerous other books on Indian history, culture and law, also drew attention to the need for legal services staffed by fellow Indians.

The BIA relocation programs had produced substantial communities of American Indians from various tribes in a number of large urban centers. An increasing number of American Indians were now in college. It was from those urban and campus populations of Indians that the most militant organizations sprang. In 1968 the **American Indian Movement** (AIM) was formed in Minneapolis. In that same year the United Native Americans, Inc. was formed in San Francisco. Both groups espoused Red Power and “self-determination.”

In 1969 a group of Indians, many of them students, took over the then-deserted former federal prison on *Alcatraz Island*. Calling themselves the “Indians of All Tribes,” they claimed Alcatraz as Indian land, citing the statute that abandoned federal land should revert to its previous owners (the Indians). Their nineteen-month takeover was largely symbolic. However, the publicity it received was immense. It inspired many American Indian people all over the country and drew public attention to the federal abrogation of treaties and the desperate living conditions on most reservations, where the first Americans were the most impoverished Americans in the country. Among those prominent in the takeover of Alcatraz was a determined native woman with a famous name – Grace Thorpe, one of Jim’s daughters, accompanied by her daughter Dagmar Thorpe.

The events of the 1960s and ’70s ushered in a new relationships between American Indians and the federal government. In 1969 President Richard Nixon appointed *Louis Bruce* (Dakota Sioux/Mohawk) to head the Bureau of Indian Affairs (BIA), the first Indian to be Commissioner of Indian Affairs since Ely Parker in 1869. Bruce immediately gave 14 of the 20 top positions to Indians. Bruce then announced that the BIA’s new role would not be to manage Indians but to serve them.

Numerous other student protests, takeovers, and fish-ins took place over the next few years, led by the NIYC, AIM, and other militant Native groups. One of the most prominent was the “*Trail of Broken Treaties*,” a caravan of Indians that traveled cross-country to Washington, D.C., in 1972 and ended with a six-day takeover of the BIA building. Ironically, it also led to the firing by President Nixon of Louis Bruce as Indian Commissioner.

The culmination of the “protest period” of American Indian rights came in February of 1973, when 200 armed members of AIM and local Lakotas opposed to the tribal chairmanship of Richard Wilson seized the small hamlet of *Wounded Knee* on the Pine Ridge Reservation in South Dakota. Soon the protesters were surrounded by a large, heavily armed federal force, and thousands of rounds were fired by both sides. The armed standoff lasted for 70 days before a pact was

signed between the AIM leaders and the government negotiators. Amazingly, only two people were killed, both members of AIM. Indian rights groups and tribal communities were divided about the event, some supporting AIM and some condemning the organization for its violent tactics.

In 1975, the *Indian Self-Determination and Education Assistance Act* became law. It renounced the policy of termination, empowered tribes to administer federally funded programs on their reservations, authorized funding for legal assistance to tribes prosecuting complaints against the federal government, and provided greater support for economic development and health programs. Self-determination for American Indian tribes had become not just a goal but accepted policy.

By the final decades of the twentieth century, the survival of American Indians that had been the goal of all the various advocates for Indian rights was no longer in question. Although many problems faced by American Indians would persist, there would no longer be any danger that they would lose their reservation lands or their status as tribal nations.

## JIM THORPE AND INDIAN RIGHTS

The most obvious relationship between Jim Thorpe and the struggle for Indian survival in the twentieth century is Jim’s role as a model of Indian success in the white world. He was to Indians what Joe Louis was to the African-American community. When Joe Louis defeated Max Schmeling, a German boxer who had been held up by Adolf Hitler as a symbol of the superiority of the Aryan race, Louis became beloved by the entire nation, but even more by blacks. Jim Thorpe’s success in the Olympics two decades before had a similar meaning for American Indians. Jim had, as his father, Hiram, had urged, “showed the world what an Indian can do.” Virtually every American Indian knew who Jim Thorpe was and found inspiration in his athletic accomplishments and his determination to succeed.

Even the loss of his Olympic medals endeared Jim Thorpe to Indians and made him a symbolic figure. Like other Indians, men and women who had lost their land or suffered removal, something had been taken

from Jim that seemed rightly his. The drive to restore his Olympic records to the books and his medals to his family brought American Indians together all over the nation. When those medals were finally restored, Native Americans felt it was their victory as well.

As *Grace Thorpe, Jim's daughter*, put it, "Dad was always fighting for Indian rights." Unfortunately, not much attention has been paid to this aspect of Thorpe's life. An exception is an interview conducted in 1937 by Earl Eby of the Philadelphia Evening Bulletin, about Thorpe's efforts to secure remuneration for his Sac and Fox tribe for their original land holdings. Eby wrote:

Jim Thorpe, the fabulous Carlisle Indian, is in town, and his mind is not on athletics. "I've never mentioned this to any other reporter," Jim said, "because most of them have always been interested in my athletic career. This claim, however, has been on my mind for years. Here's the story: in 1814 the government purchased 70,000 acres from my tribe, which was part of the land used in the famous Land Rush. That money was deposited in a St. Louis bank for the Indians. The compound interest on that land now amounts to \$456,760,000." Thorpe reached into his pocket and pulled out a sheaf of papers with figures on them to prove his point. He also showed letters from influential men in Washington, who are working with him. "The land that was purchased from us has since yielded millions and millions of dollars in oil. Too bad we didn't hold onto it."

In an interview we conducted with Jack Thorpe, one of Jim's sons, Jack spoke of his father's vocal opposition to certain aspects of the Indian Reorganization Act. In particular, Jim Thorpe was against the replacement of traditional consensus government with a written constitution based on the United States model and a system of electing tribal officials by majority vote.

"Dad was an advocate," Jack said, "of keeping it traditional, not adopting the white man's way of having that type of government, Dad argued on that when he came back to Oklahoma. I've read some of the articles in the paper that the Bureau of Indian Affairs had written (about him). They said, 'Don't pay attention

to this man. He's a radical. He doesn't know what he's talking about. He's going to get you Indians in trouble. You need to have this constitution.'

"If Dad hadn't been the person he was and the stature he had, you know, the recognition he had, he could probably have ended up having a hole put in him. It still takes place today. If you start getting too radical, you disappear or you end up being in prison."

Jim Thorpe's action was not limited to Indian affairs. In his later years he championed youth fitness and the creation of a *national youth Olympic program*.

During the latter part of his life, Jim often traveled the nation on the *lecture circuit*. His schedule was so busy that he was often on the road for weeks at a time, giving as many as three lectures a day. His audiences were most often students and service clubs, and his words were heard by tens of thousands of eager listeners.

The topics of four talks that he offered were his own life story, his view of the present sports season, the importance of sports in modern life, and "The American Indian Today." Imagine yourself as a young person in 1941, hearing these words spoken by Jim Thorpe, the world's greatest athlete:

"Indians, you know, are misnamed. We aren't Indians. We are Red Men, and we settled this country long before the white people ever came to these shores. Why then should we be deprived of citizenship until we can qualify through a written examination? None of you here is a government ward. You are citizens because that heritage has been passed on to you. But Red Men are wards of the government. ...

"Years ago, the Indians were made wards of the government. Yet their reservation lands are taken away from them if the government wants the land.

"I have four sons who want to be loyal American citizens. So that's what I'm working for, that and better athletic training for all American youth. I would like to ask every one of you here to work for the improvement of Indian conditions. They can be bettered with your help. Perhaps some day another Abraham Lincoln will come along to free the Red Men of this country."



# INDIAN RIGHTS

## Concepts and Discussion

### LEARNING OBJECTIVES

Students learn about the struggle for American Indian rights in the United States in the twentieth century and how the life of Jim Thorpe relates to it.

### TEACHER'S QUICK REFERENCE

#### *American Indians at the start of the twentieth century*

- Most impoverished minority group
- Most did not have civil rights or citizenship
- Lacked freedom to practice traditional religions
- Their numbers had shrunk to about 250,000

#### *Twentieth Century Rebirth*

- Gained civil rights
- Gained full citizenship and religious freedom
- Population had increased to 2.5 million

#### *The Indian Rights Movement*

- First dominated by white Christian reformers
  - Women's National Indian Association in 1879
  - Indian Rights Association in 1882
  - Lake Mohonk Conferences begin in 1883
  - Christianity and assimilation seen as the solution
  - Standing Bear a symbolic focus
  - Support for Dawes Act of 1887.
- Pan-Indianism phase led by progressive, educated Indians
  - Society of American Indians in 1911
  - Secular pan-Indian movement
  - Self-help, initiative, and education emphasized.
- The New Reformers, led by John Collier
  - American Indian Defense Council in 1923
  - Indian New Deal in 1932
  - Collier appointed Indian Commissioner
  - Indian Reorganization Act in 1934
  - National Congress of American Indians in 1944.
- World War II
  - 44,000 Indians, many tribal leaders enlist in armed forces
  - Reform loses momentum
  - Collier accused of being "anti-American," resigns in 1945.

- Phase of activism and self-determination
  - Termination policies between 1953 and 1956
  - NCAI and tribes unite against termination
  - Vine Deloria heads NCAI, supports Indian legal services
  - National Indian Youth Council in 1961
  - Protest period, Red Power, fish-ins, Alcatraz, Wounded Knee
  - Louis Bruce appointed head of BIA in 1969
  - Indian Self-Determination and Education Act in 1975.
- Jim Thorpe's relationship to Indian rights
- His life and career symbolic of Indian achievement
  - As advocate and lecturer.

### KEY CONTENT

- Condition of American Indians at the start of the twentieth century
- Stages of Indian rights movement between 1879 and 1975
- Key figures and organizations in Indian rights
- Key legislation from Dawes Act to Indian Self-Determination Act
- Jim Thorpe's life in relation to the Indian rights movement.

### CONTENT REVIEW

- What was the condition of American Indians at the start of the twentieth century?
- What groups and attitude characterized the first phase of the movement for Indian rights?
- What did the first American Indian progressives who were involved in Indian rights have in common, and what were their goals?
- What is Pan-Indianism, and what are its roots?
- What ideas did the new reformers of the 1920 have, and how were they different from the previous advocates for the American Indian?
- What was the National Congress of American Indians?
- Why did Indian rights become less of a national issue in the 1940s?
- What was Indian termination, how was it justified, and what results did it have?
- What were the causes of the more radical activism of the 1960s and '70s?
- What changes took place in federal Indian policy in the 1970s?
- How was Jim Thorpe's life similar to that of the American Indians who became prominent in Indian rights?
- In what ways can Jim Thorpe be linked to the movement for Indian rights?



## DISCUSSION QUESTIONS

- Consider the differing goals of such groups as the Indian Rights Association, the Society of American Indians, and the National Congress of American Indians. Choose one of those groups and defend it in a debate with someone playing the role of a supporter of one of the other organizations.
- Compare the policies of Allotment and Termination. How are they similar or different in their stated goals, and how did they affect American Indians? Consider why the creators of those policies might have thought they would benefit Indians.

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*Federal Indian Policy*, by Lawrence C. Kelly, Chelsea House Publishers, 1990. A basic and informative survey of United States Indian policy, from the first days of the country to the final decade of the twentieth century.

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