

## THE NEW INDIAN POLITICS

*by Stephen Cornell*

On December 28, 1890, near the Badlands of South Dakota, a band of exhausted Sioux Indians, including perhaps 100 warriors and some 250 women and children, surrendered to the blue-clad troopers of the U.S. Seventh Cavalry and agreed to travel with them to the Indian agency at Pine Ridge. The joint party camped that night in freezing weather at Wounded Knee Creek, 20 miles from Pine Ridge. Surrounding the Indian tepees were nearly 500 soldiers and a battery of four Hotchkiss light artillery pieces.

The next morning, the Indian men were told to turn in their weapons. Few obeyed. The cavalymen began to search the tepees. When they turned up few additional guns, the troops began to search the warriors themselves. Reports of subsequent events vary, but tensions ran high.

A scuffle broke out between an Indian and some soldiers. In the struggle, the warrior, intentionally or not, fired his rifle. That did it. Instantly both Indians and soldiers began firing at each other. Within moments, the Army gunners were pouring explosive Hotchkiss shells into the Indian camp.

Most of the Sioux warriors died in the opening volleys. Others, along with a large number of women and children, were shot as they fled down adjacent ravines. By the time the firing ended, nearly 200 Indians—perhaps more, the estimates vary—had been killed.

The survivors of this slaughter were among the last Indians to come under the direct administrative control of the U.S. government. Confined to reservations, they joined 300,000 others, from coast to coast, in a state of despondent dependency, sunk in poverty, wards of a white man's government that they had learned not to trust.

Eighty-two years later, on the wintry night of February 27, 1973, a group of armed Oglala Sioux from South Dakota's Pine Ridge Reservation joined forces with activists from the American Indian Movement (AIM) and seized the reservation village of Wounded Knee, the site of the 1890 massacre. They did so to protest corruption in the tribal government at Pine Ridge as well as U.S. violations of the 1868 Fort Laramie Treaty (which recognized Sioux sovereignty over much of what is now the Dakotas, Montana, Wyoming, and Nebraska). "We want a true Indian na-

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tion," said Carter Camp, an AIM coordinator, "not one made up of Bureau of Indian Affairs puppets."

Within 24 hours, a force of 250 Federal Bureau of Investigation agents, U.S. Marshals, and Bureau of Indian Affairs (BIA) police had cordoned off the village. The much-publicized siege lasted 10 weeks, punctuated by exchanges of gunfire that left two Indians dead and several men wounded on each side. In May, after lengthy negotiations, the Indians surrendered to federal authorities. The second battle of Wounded Knee was over.

The 1890 massacre brought one era to a close. The Euro-American advance across the continent was now complete. As Black Hawk, war leader of the Sauk and Fox, had said of himself a half century earlier, "He is now a prisoner to the white men; they will do with him as they wish."

### 86 Million Acres

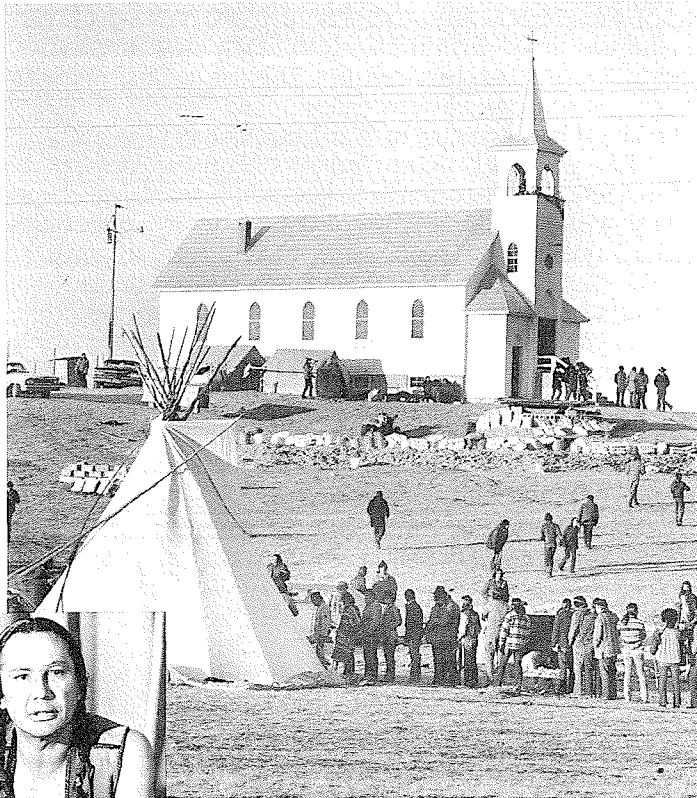
The 1973 occupation also represented the culmination of an era. America's roughly 790,000 Indians still lived, for the most part, in considerable misery, afflicted by poverty, alcoholism, high unemployment, and inadequate education. But the days of dull Indian acquiescence were long gone. Beginning in the 1940s, Indians had not only been demanding a voice in federal Indian policy; increasingly, they had appropriated such a voice for themselves, forcing the surrounding society to respond. "We talk, *you* listen" was the title of a 1970 book by Sioux author Vine Deloria, Jr. And as they demonstrated at Wounded Knee, Indians did more than talk.

All in all, the path from the Wounded Knee I to Wounded Knee II traced an Indian political resurgence of striking proportions. There had always been, of course, politics *about* Indians. For the most part it was non-Indian politics, carried on in Washington, among the governors of Western states and territories, and among missionaries, reformers, and bureaucrats. The situation today is dramatically different, marked by the emergence of a new and genuinely Indian politics.

In hindsight, the turning point appears to have been the Indian Reorganization Act (IRA) of 1934. Prior to its passage, two goals had guided federal Indian policy: the acquisition of Indian

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*Church of the Sacred Heart at Wounded Knee, South Dakota, during 1973 occupation by armed militants. Inset: Russell Means, leader of the takeover.*

lands and the cultural transformation of Indians into Euro-Americans—in a word, “assimilation.” Those goals were enshrined in the Dawes Act (1887), which heralded the age of “allotment.” Washington broke up much of the tribal land base, withdrawing some property from Indian ownership and distributing other, often marginal, lands to individual tribal members. “Surplus” lands, more often than not the richest, were then sold off to white settlers. Between 1887, when the Dawes Act was passed, and 1934, when allotment ceased, some 86 million acres—60 percent of the remaining Indian lands—passed into the possession of non-Indians.

Allotment, which reached a peak just before World War I, was not merely a means of appropriating Indian territory. It was

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part of a concerted effort to break up tribal nations, of which there were—and are—several hundred, each with a distinct history, most still with a distinct culture. This effort, like everything else on the reservations, was overseen by the Bureau of Indian Affairs, established by Secretary of War John Calhoun in 1824.

“The Indians,” wrote Indian Commissioner Thomas Morgan in 1889, “must conform to ‘the white man’s ways,’ peaceably if they will, forcibly if they must.” On the reservations, BIA officials put Indian children into English-language boarding schools, dispersed village settlements, moved tribal members off communal (and on to individual) tracts of land, and took control of economic resources. Indigenous religious ceremonies, such as the Sun Dance of the Plains tribes, were outlawed.

### Waiting for FDR

By the 1920s, white America’s appetite for Indian lands (the best of which had already been taken) had begun to diminish. A postwar slump in farm prices helped reduce demand. Combined with the staggering extent of poverty, disease, and other social ills now apparent on the Indian reservations, these circumstances created a climate for reform.

The reform movement can be traced in part to the ideals of Progressivism and to the growing academic interest in the notion of “cultural pluralism” as a plausible alternative to the assimilation of America’s ethnic groups. In 1922, when the Harding administration backed the Bursum Bill, which threatened the land and water rights of New Mexico’s Pueblo Indians, a number of liberal, non-Indian organizations—the General Federation of Women’s Clubs, for example—joined the Pueblos in opposing the legislation. The thriving community of artists, writers, and intellectuals around Santa Fe and Taos supported the protest. Writing in the *New York Times*, novelist D. H. Lawrence claimed that the bill played “the Wild West scalping trick a little too brazenly.” The Pueblo leaders themselves, acting in concert for the first time since the Pueblo Rebellion in 1680, declared that the bill “will rob us of everything we hold dear—our lands, our customs, our traditions.” After protracted debate, the Bursum Bill was defeated in Congress.

Such protests publicized the Indians’ situation. But it was not until Franklin Roosevelt’s election to the presidency, and his appointment of John Collier as Indian Commissioner in 1933, that a reform package won approval in Congress.

Collier, a former social worker and educator, and champion of the Pueblo cause during the 1920s, placed great faith in the

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power of "community." Native American communities, he was convinced, "must be given status, responsibility, and power." Backed by FDR, Collier led a drive to reorient U.S. Indian policy. The result, in 1934, was the Indian Reorganization Act.

Indian policy did an abrupt about-face. The IRA legislation not only put an official stop to allotment; it actually allocated modest funds for *expansion* of the Indian land base. It provided money (though never enough) for economic development on Indian reservations and subsidies for Indians to set up tribal business corporations. But most important, it allowed Indians into the decision-making process by making explicit the right of any Indian tribe "to organize for its common welfare" and to adopt a constitution and bylaws for that purpose. By 1936, more than two-thirds of the tribes had endorsed the IRA in special elections (although far fewer actually organized themselves under its provisions).

The mechanisms of the IRA—representative government, for example, and the business corporation—were alien to Indian tribes. Even so, during the next few years many groups took advantage of what has been called "the Indian New Deal." The majority of today's tribal councils are one result. For some groups, such as the Papago and Apache in the Southwest or the Sioux tribes on the northern Plains, these councils represented the first comprehensive political institutions in their history. But their powers were limited. As an Apache leader from Arizona's San Carlos Reservation put it, "[BIA] Superintendent [James B.] Kitch was still the boss." Nevertheless, Indian groups enjoyed greater control over their own affairs, including a power of veto over some federal actions. For the first time in half a century, numerous Native American groups could also have federally recognized political organizations that could represent the tribal interests in Washington, state capitals, and the courts.

### **World War II as Catalyst**

Another step followed. In 1944, representatives of 42 tribes founded the National Congress of American Indians (NCAI), the first major attempt to pull together Indian groups and governments in a single, supratribal organization. In the NCAI and the regional organizations that came afterwards, tribal leaders began talking to one another. The purpose of the congress, which is still active today: "to preserve Indian cultural values; to seek an equitable adjustment of tribal affairs; to secure and to preserve rights under Indian treaties with the United States; and otherwise to promote the common welfare of the American Indian." In 1948,

### THE PRICE OF ISOLATION

The poorest county in the United States, with an annual income per capita of \$2,841 (in 1982), is not in the Deep South, the Appalachians, or any of the other regions in the United States frequently associated with rural poverty. It is in South Dakota: Shannon County (pop. 11,800), site of the Pine Ridge Indian Reservation.

The poverty of Pine Ridge is shared by many Indians, especially those on the nation's 270 Indian reservations. Roughly 23 percent of all urban Indians and 33 percent of all rural Indians live below the official "poverty line"—compared with 14 percent for the entire U.S. population. In 1980, overall reservation unemployment stood at twice the national average; in some places, unemployment ranged near 80 percent.

Other statistics are even more sobering. In 1982, Indians ranked first in divorce and in deaths caused by suicide and alcohol consumption. Afflicted by poor health, family disarray, and low expectations, more than 40 percent of all Indian students entering high school drop out before graduation. No less important, note James Olson and Raymond Wilson in *Native Americans in the Twentieth Century* (1984), is the fear of many Indian parents that local public schools "alienate Native American children from tribal values." As a result, the percentage of Indians enrolled in schools is the lowest of any ethnic group in the United States.

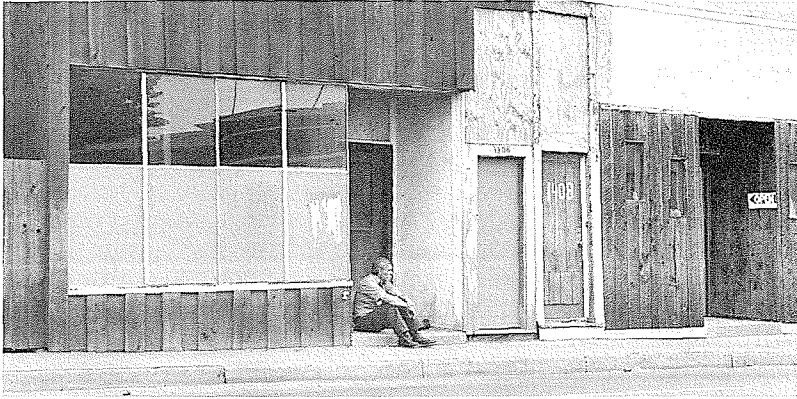
To counter these and other difficulties, Indians on and off the reservations received roughly \$2.6 billion in 1984 from federal agencies, notably the departments of Interior, Health and Human Services, Agriculture, and Education. A total that includes Social Security payments and food stamps, this amounts to \$1,900 per Indian. Yet in a 1983 report, the National Tribal Chairmen's Association claimed that 70 percent of the almost \$1 billion allotted to the Bureau of Indian Affairs (BIA) was spent supporting 15,000 BIA employees—or one employee for every 23 reservation Indians.

The Reagan administration has sought to reduce red tape and spur employment on Indian reservations by turning over federal programs to state, local, and tribal governments, and by encouraging private industry to invest

the NCAI and other groups began a campaign designed to secure Indian voting rights— withheld at the time in both New Mexico and Arizona.\*

If the IRA gave Indians the legal tools with which to organize, World War II gave many of them the motivation. In what the Interior Department described at the time as "the greatest exodus of Indians from reservations that has ever taken place," some 25,000 Indians joined the armed forces and saw action in Europe and the Pacific. Some 40,000 quit the economic desert of the

\*Both U.S. citizenship and the voting franchise came to Indians in stages. Some Indians acquired citizenship through allotment, some through military service or congressional dispensation. In 1924, the Indian Citizenship Act made citizens of all Indians born in the United States, a status that some Indians, then as now, protested as imposed against their will. Until the 1950s, some jurisdictions nevertheless denied Indians the right on the grounds that Indian lands were exempt from taxation.



in Indian communities. Between 1982 and 1984, Congress cut spending on Indians by 18 percent. But because almost 30 percent of all employed Indians work in public sector jobs, federal spending cuts tend to increase unemployment before they do anything else. As Peterson Zah, chairman of the Navaho, pointed out, "We don't have the people that Reagan is calling on—private sector development business people—to pick up the slack."

Those Indians who have prospered have done so primarily by leaving the reservation. Almost one-half of all Indians now reside in cities or towns, where a smaller percentage of Indians than of blacks or Hispanics live below the poverty line.

Yet few Indians adjust to urban life. Most return frequently to their reservations, where they often leave their children with relatives, and where they often choose to retire. Assimilation, the path to prosperity taken by generations of American immigrants, is an anathema to many Indians. "The pervasive fear of Indians," observes longtime Indian activist Vine Deloria, Jr., "is that they will . . . move from their plateau of small nationhood to the status of [just] another ethnic group in the American melting pot."

reservations for jobs in war industries. For many Indians, experiences in the factory or on the battlefield constituted their first real exposure to the larger American society.

The identities of Native Americans have long been rooted in tribes, bands, villages, and the like, not in one's presumed "Indianness." The reservation system helped to preserve such identities and inhibited the emergence of a more inclusive self-consciousness. As a result, Indians, unlike American blacks, have had difficulty forming a common front. World War II brought Indians from different tribes into contact with one another, and with other Americans who thought of them indiscriminately as "Indians," not as Navahos or Apaches or Sioux.

It also forcefully brought home to Indians their second-class

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status. One Lumbee veteran told anthropologist Karen Blu: "In 1945 or '46, I applied to UNC [University of North Carolina]. I had six battle stars. They said they didn't accept Indians from Robeson County." In the Southwest, not surprisingly, it was the Indian veterans who went to court to seek voting rights. Former G.I.'s were prominent in the NCAI. In 1952, the *New York Times* reported that "a new, veteran-led sense of political power is everywhere in Indian country."

Such analyses proved premature. There had always been strong opposition to the Indian Reorganization Act, from the political Right and from politicians of all colorations in the West, partly on the grounds that it perpetuated an undesirably distinct status for Native Americans.

After the fading of the New Deal, the status of Native Americans as wards of the federal government seemed to go against the American tradition of self-reliance. Sen. George Malone (R.-Nev.) complained that Indian reservations represented "natural socialist environments"—a charge echoed by Interior Secretary James Watt three decades later. Break up the tribal domains, so the argument ran, remove the protective arm of government, and cast the Indian into the melting pot and the marketplace. Everyone would benefit.

Such, in essence, was the conclusion of the so-called Hoover Commission on governmental organization, which in 1949 proposed "integration of the Indian into the rest of the population." It recommended that Indians leave the reservations and, implicitly, the tribal framework. Assimilation, the commission urged, should once again become "the dominant goal of public policy."

### **Ending Segregation**

By the mid-1950s it was. Under "termination," as this latest turn in Washington's policy came to be called, Congress set out to dismantle the reservation system, disband tribal nations, and distribute their assets among tribal members. What Sen. Arthur V. Watkins (R.-Utah), an architect of the new policy, called "the Indian freedom program" received both liberal and conservative support. Liberal opinion during the late 1940s and '50s tended to view the problems of Indians in terms derived from the black experience and the early days of the struggle to end racial exclusion. Reservations were seen as "rural ghettos"; termination would put an end to "segregation." As historian Clayton Koppes has noted, this view reflected the liberal emphasis on "freeing the individual from supposedly invidious group identity."

This was exactly what most Indians did not want, but Wash-



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ington was not in a listening mood. Commissioner of Indian Affairs Dillon S. Myer's orders to BIA employees were explicit. "I realize that it will not be possible always to obtain Indian cooperation," he wrote in 1952. Nonetheless, "we must proceed."

During the summer of 1953, under House Concurrent Resolution 108, Congress effectively repudiated the spirit of the Indian New Deal, stipulating that Indians were to be removed from federal supervision "at the earliest possible time," with or without Indian consent. Under Public Law 280, Congress transferred to California, Minnesota, Nebraska, Oregon, and Wisconsin all civil and criminal jurisdiction over Indian reservations—previously under federal and tribal jurisdiction. Some tribal lands were broken up and sold, while many functions once performed by Washington—such as running schools and housing programs—were usually turned over to the states or other agencies.

### **Picking Up the Pieces**

Meanwhile, to spur assimilation, Indians were urged to relocate to the cities. As Senator Watkins remarked: "The sooner we get the Indians into the cities, the sooner the government can get out of the Indian business." In 1940, fewer than 30,000 Indians were city residents; almost three-quarters of a million are today. But the government is not out of the Indian business.

That is because termination did not work. Take the case of the 3,000 Menominees in Wisconsin, one of the larger groups freed from the federal embrace. When Congress passed the Menominee Termination Act in 1954, the Menominee tribe was riding high. Poverty on the more than 200,000-acre reservation was widespread, but the tribe itself had large cash reserves and a thriving forest products industry that provided jobs and income.

With termination the Menominee reservation became a county. Tribal assets came under the control of a corporation in which individual Menominees held shares, while previously untaxed lands suddenly became subject to state and local taxes. The tribal hospital once financed by Washington was shut down, and some Menominees, faced with rising taxes and unemployment, had to sell their shares in the corporation. Before long, the corporation itself was leasing lands to non-Indians in an attempt to raise money. Soon it was selling the land in order to survive. By the mid-1960s the state and federal governments, forced to pick up the pieces, were spending more to support the Menominees than they had before termination. As more than one Menominee asked in frustration, "Why didn't they leave us alone?"

In 1969, faced with disaster, the Menominees began to fight

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back, organizing a major protest movement in favor of restoration of federal jurisdiction and services, preservation of the land base, and a return to tribal status. Congress acquiesced late in 1973. The Menominee Restoration Act reinstated federal services to the Menominees, and formally re-established them "as a federally recognized sovereign Indian tribe."

The assimilationist orientation of the termination policy, and Washington's complete indifference to the views of its target population, aroused Indians across the country. They saw in termination the greatest threat to *tribal* survival since the Indian wars of the 19th century.

Termination did not die officially until 1970, when President Richard Nixon repudiated it. As federal and state officials came to recognize that the policy was creating more problems than it solved, protests by Indian groups slowed. Nonetheless, some Indian groups had been irreparably harmed.

In retrospect, the chief accomplishment of termination ran directly counter to Congress's intention: It provided Indians of diverse backgrounds with a critical issue around which to mobilize. At the American Indian Chicago Conference in 1961, re-



*Navaho Marines, 1942. Some 3,600 Navabos served in the Pacific during World War II. Navaho radiomen foiled Japanese eavesdroppers by communicating in their native tongue.*

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called Flathead anthropologist D'Arcy McNickle, the 500 Indians from 90 tribes who gathered for the event "had in common a sense of being under attack." The termination crisis persuaded many Indians of the utility—indeed, the necessity—of united action. Strength would be found in numbers. The category "Indian," invented and named by Europeans, was rapidly becoming the basis of a new wave of minority group politics.

### Uncle Tomahawk

The tempest over termination coincided with a second development. Just as the late 1950s and early '60s were a time of change in the black movement for civil rights, they also saw the beginnings of change in American Indian leadership and its activity. In part, the change was one of tactics. There were glimmers of the future in actions by Wallace "Mad Bear" Anderson and other Iroquois in New York State: When the New York State Power Authority in 1958 sought to expropriate a large chunk of the Tuscarora Reservation for a new water reservoir, Anderson and 100 other Indians scuffled with state troopers and riot police, attempting to keep surveyors off the property. During that same year, several hundred armed and angry Lumbee Indians in Robeson County, North Carolina, reacted to Ku Klux Klan harassment by invading a Klan rally and driving the participants away with gunfire. The harassment stopped.

The new assertiveness reflected the emergence of a new generation of Indian leaders. During the 1950s the number of Indians enrolled in college in the United States substantially increased. According to the BIA, only 385 American Indians were attending postsecondary institutions in 1932; thanks in part to the post-World War II G.I. Bill, that number had swelled to 2,000 by 1957. On campuses, off the reservations, educated Indians from different tribes began to discover one another. That sense of discovery is apparent in Navaho activist Herbert Blatchford's description of the clubs that began to appear among Indian college students, particularly in the Southwest. "There was group thinking," he told writer Stan Steiner. "I think that surprised us the most. We had a group world view."

In 1954, Indian students began holding a series of youth conferences in the Southwest to discuss Indian issues. The largest such conference, in 1960, drew 350 Indians from 57 tribes. Some of the participants eventually turned up at the 1961 Chicago conference—and found themselves at odds with the older, more cautious tribal leaders. In *The New Indians* (1968), Steiner quotes Mel Thom, a young Paiute from Nevada who attended the

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conference: "We saw the 'Uncle Tomahawks' fumbling around, passing resolutions, and putting headdresses on people. But as for taking a strong stand they just weren't doing it."

Two months later, at a meeting in Gallup, New Mexico, 10 Indian activists—a Paiute, a Ponca, a Mohawk, two Navahos, a Ute, a Shoshone-Bannock, a Potawatomi, a Tuscarora, and a Crow—founded the National Indian Youth Council (NIYC). "We were concerned with direct action," recalled Thom. It was time for Indians "to raise some hell."

They began raising hell in the Pacific Northwest. The trouble started during the early 1960s, when the State of Washington arrested Indians fishing in off-reservation waters. Though in violation of state regulations, "the right of taking fish at accustomed places" had been guaranteed by the Treaty of Point No Point and other agreements made during the 19th century between various Northwestern tribes and the United States. In 1964, a new regional organization—Survival of American Indians—joined the NIYC in protests supporting Indian treaty rights. They held demonstrations at the state capital in Olympia and, more provocatively, sponsored a series of "fish-ins," deliberately setting out to fish waters forbidden to them by the state.

### Equal Rights

Growing numbers of Indian tribes became involved—the Muckleshoot, Makah, Nisqually, Puyallup, Yakima, and others—and began to assert their claims in defiance of court injunctions and state actions. The protests continued into the 1970s and became more violent. In August 1970, Puyallup Indians in a fishing camp on the Puyallup River exchanged gunfire with police who had surrounded them. No one was injured, but 64 Indians were carted off to jail. A year later Hank Adams, leader of Survival of American Indians, was shot by white vigilantes as he sat in his car on the banks of the Nisqually, near Tacoma.

Adams survived, and the struggle went on. Ultimately, in 1974, a federal district court ruled in the tribes' favor on the fishing rights issue, a decision upheld by the U.S. Supreme Court five years later. But the battle is not over. In November 1984, voters in Washington approved Initiative 456, designed to undermine the Treaty of Point No Point and other similar treaties.

Jack Metcalf, a Washington state senator and author of Initiative 456, says that "the basic point is not fish—it's equal rights." But, of course, the issue *is* fish and other treaty-protected Indian resources. From the Indian point of view, it is an issue long since resolved. In the treaties they signed during the 19th century, they

### THE WHITE MAN'S LAW

"You tell us of your claim to our land and that you have purchased it from your State," scolded Red Jacket, chief of the Seneca, in a speech delivered 160 years ago to white speculators near Lake Geneva, New York. "How has your State, which has never owned our land, sold it to you? Even the whites have a law. . ."

White law nowadays has become a key element in each tribe's survival strategy. More than 500 Indians today hold law degrees (versus fewer than a dozen 20 years ago), and virtually all of them grapple with issues of Indian jurisprudence. Those issues involve the nature of tribal government, protection of Indian lands, freedom of religion, hunting and fishing rights, rights to water from specified rivers and lakes, and other matters.

The tangled privileges and prohibitions that govern Indian life could discourage even Felix Frankfurter, who once described Indian law as "a vast hodgepodge of treaties, judicial and administrative rulings, and unrecorded practices." Because Indian law so often rests on treaties made by Indian nations with a foreign government—the United States of America—legal actions brought by Indians often end up before the U.S. Supreme Court.

In recent years, the drive by Indians to assert their rights has been led by the Native American Rights Fund (NARF), whose 11 lawyers work out of an old college fraternity house in Denver, Colorado. NARF was founded in 1970 with help from the Ford Foundation. Now headed by John Echohawk, a Pawnee, its annual budget is roughly \$3 million.

NARF has been involved in almost every significant court case concerning Indians during the past 15 years. The group's attorneys helped the Menominee of Wisconsin and the Siletz of Oregon regain their status as tribes; fought for Chippewa fishing rights in Michigan; and established a homeland for the Traditional Kickapoo in Texas. In 1983 alone NARF handled business on behalf of 75 tribes in 25 states.

Three years ago, NARF lost three important water rights cases (*Arizona v. California*, *Nevada v. United States*, and *Arizona v. San Carlos Apache Tribe*) before the U.S. Supreme Court. After many successes, the judicial reverses paralleled the rise of a political backlash sparked by groups such as the Interstate Congress for Equal Rights and Responsibilities. In some states, this movement has successfully contested the Indians' "special treatment" under the law. The Supreme Court of Washington, for example, has charged that the federal government, by treaty, "conferred upon tribal Indians and their descendants what amounts to titles of nobility."

Indians view their legal status not as something the white man gave them but as something the white man left them. That is why the Indian recourse to white justice will persist, seeking white support and reminding us that we are, besides much else, a nation governed by law.

—Richard J. Margolis

*Richard J. Margolis is currently at work on a book on Risking Old Age in America, has written widely on Indian affairs and has been an adviser to the Rosebud Sioux and Navaho tribes.*

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agreed to give to the United States most of what are now the states of Washington and Oregon as well as parts of Idaho and California. In return, the United States, among other things, recognized forever their right to fish in Northwestern waters.

Indian activism did not appear only in the countryside; it erupted in the cities as well. For many Indian migrants of the postwar period, the move from the reservation to Denver, Chicago, Seattle, and other cities merely replaced one form of poverty with another. Largely unskilled, lacking experience in the non-Indian world, victimized by discrimination in housing and jobs, Indian migrants swelled the ranks of the urban poor.

### **Landing on Alcatraz**

They also discovered that, unlike blacks or Hispanics, they had become "invisible." In the eyes of state and local officials, urban Indians, just like reservation Indians, were the sole responsibility of the BIA. The BIA, for its part, believed that its responsibility stopped at reservation's edge. In 1963, Indians in Oakland, San Francisco, and San Jose began protesting BIA relocation policies and the failure of the Bureau to deal with urban Indian problems. They took a cue from the tactics being employed by American blacks. Observed Vine Deloria, Jr.: "The basic fact of American political life—that without money or force there is no change—impressed itself upon Indians as they watched the civil-rights movement."

The two most militant Indian political organizations took root in the cities: the American Indian Movement, founded in 1968, and Indians of All Tribes, which materialized a year later.

AIM first made its mark in Minneapolis, organizing an Indian Patrol to combat alleged police brutality in Indian neighborhoods. It soon had chapters in cities throughout the Midwest. Indians of All Tribes was founded in San Francisco in response to a specific incident. On November 1, 1969, the San Francisco Indian Center, which served the large Bay Area population, burned to the ground. There was no ready replacement for the building or the services that it provided. On November 9, a group of Indians—perhaps a dozen—landed on Alcatraz Island in San Francisco Bay, site of an abandoned federal prison, and claimed it for a new Indian center. Authorities removed them the next day. The Indians returned on November 20, now 80 strong. By the end of the month several hundred were living on the island, calling themselves Indians of All Tribes. Wary of public reaction to the use of force, federal officials pursued negotiations for 19 months. Not until June 1971, when the number of Indians on the

## WE MADE AN AGREEMENT

*Rather than keeping agreements, some anti-Indian groups advocate breaking them. Organizations like the Wisconsin-based Equal Rights for Everyone favor abrogation of all Indian treaties.*

We kept our part.  
You keep yours.  
Preserve Indian  
fishing rights.



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island had dwindled and public interest had waned, did federal marshals and the Coast Guard retake "the Rock."

Alcatraz was a watershed. It drew massive publicity, providing many Indians with a dramatic symbol of self-assertion. Said occupation leader Richard Oakes, a Mohawk: "This is actually a move, not so much to liberate the island, but to liberate ourselves." During the next five years Indians occupied Mount Rushmore, Plymouth Rock, and more than 50 other sites around the country for varying lengths of time. The wave of takeovers culminated with the seizure of the BIA headquarters in Washington, D.C., in 1972, and the Wounded Knee occupation in 1973. AIM, led by Dennis Banks and Russell Means, was a major actor in both.\* All made for vivid television news stories.

\*Charges against AIM leaders Banks and Means were dropped on account of misconduct by government prosecutors. Banks was convicted in 1974 of charges stemming from a riot at a Custer, South Dakota, courthouse in 1973. He fled to California and was given sanctuary by Gov. Jerry Brown, who refused extradition. Republican George Deukmejian, elected governor in 1982, was less sympathetic. Banks surrendered to South Dakota officials in 1984 and served one year in prison. He now works as an alcohol-prevention counselor on the Pine Ridge Indian Reservation in Oglala, South Dakota. Means is currently associated with the International Indian Treaty Council, a lobbying group registered with the United Nations.

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The Indian activists, noted Yakima journalist Richard La Course, "blew the lid off the feeling of oppression in Indian country." They also provoked a concerted response from Washington. The FBI and the BIA began an effective infiltration campaign, directed in particular at the American Indian Movement. (AIM's chief of security, it would later be revealed, was an FBI informer.) More than 150 indictments came out of the Wounded Knee incident. Making headlines and the network evening news had its price. Conceded one AIM member in 1978, "We've been so busy in court fighting these indictments, we've had neither the time nor the money to do much of anything else."

### Going to the Courts

Radical Indian action has abated since the mid-1970s. But the new Indian politics has involved more than land seizures and demonstrations. Beginning in the late 1960s, the Great Society programs opened up new links between Indian leaders and the federal government. By 1970, more than 60 Community Action Agencies had been established on Indian reservations. Office of Economic Opportunity (OEO) funds were being used to promote economic development, establish legal services programs, and sustain tribal and other Indian organizations. Through agencies such as OEO and the Economic Development Administration, tribes were able for the first time to bypass systematically the BIA, pursuing their own political agendas in new ways.

Indian activists have also turned to the courts. The legal weapon is especially potent in the Indian situation because the relationship of Native Americans to the United States, unlike that of any other group in American life, is spelled out in a vast body of treaties, court actions, and legislation. In 1972, for example, basing their case on a law passed by Congress in 1790 governing land transactions made with Indian tribes, the Penobscot and Passamaquoddy tribes filed suit to force the federal government to protect their claims to more than half of the state of Maine. This action led eventually to the Maine Settlement Act of 1980, which deeded 300,000 acres of timberland to the two tribes.

Behind such actions lies an assortment of Indian legal organizations that sprang up during the 1970s, staffed by a growing cadre of Indian lawyers and supported by both federal and private funds (see box, page 125). Indeed, organizing activity of every stripe has marked the past two decades. By the late 1970s, there were more than 100 intertribal or supratribal Indian organizations, ranging from the National Indian Youth Council to the Association of American Indian Physicians to the Small Tribes of



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Western Washington, most with political agendas, many with lobbying offices in Washington.

Despite generally low Indian voter turnout, Indians have not ignored electoral politics. In 1964, two Navahos ran for seats in the New Mexico state Legislature and won, becoming the first Indian representatives in the state's history. Two years later, 15 Indians were elected to the legislatures of six Western states. In 1984, 35 Indians held seats in state legislatures.

Of course the leverage Indians can exercise at the polls is limited. In only five states (Alaska, Arizona, New Mexico, Oklahoma, and South Dakota) do Indians make up more than five percent of the population. At the local level, on the other hand, Indians are occasionally dominant. (Apache County, Arizona, for example, is nearly 75 percent Indian.) Indians also can make a difference in particular situations. In 1963, after the South Dakota legislature had decided that the state should have civil and criminal jurisdiction over Indian reservations, the Sioux initiated a "Vote No" referendum on the issue, hoping to overturn the legislation. They campaigned vigorously among whites and were able to turn out their own voters in record numbers. The referendum passed. A similar Indian grassroots effort and high voter turnout in 1978 led to the defeat of Rep. Jack Cunningham (R.-Wash.), sponsor of legislation in Congress to abrogate all treaties between Indian tribes and the federal government.

### **The Finest Lawyers**

If Indians lack more than limited political clout in elections, during the 1970s they found new opportunities in the economy. The 1973-74 energy crisis and rising oil prices sent the fortunes of some tribes through the roof. Suddenly, Indian lands long thought to be worthless were discovered to be laden with valuable natural resources: one-quarter or more of U.S. strippable coal, along with large amounts of uranium, oil, and gas. Exploration quickly turned up other minerals on Indian lands. For the first time since the drop in land prices during the 1920s, Indians had substantial amounts of something everybody else wanted. In an earlier time this realization would have occasioned wholesale expropriation. In the political atmosphere of the 1970s, and in the face of militant Indians, that was no longer possible. Now the tribes began demanding higher royalties for their resources and greater control over the development process. The result, for some, was a bonanza. During the 41 years between 1937 and 1978, Native Americans received \$720 million in royalties and other revenues from mineral leases; during the four years from

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1978 to 1982, they received \$532 million.

Most of this money went to only a few tribes, much of it to meet the needs of desperately poor populations. It also had a political payoff. Michael Rogers tells the story of an Alyeska Pipeline Company representative in Alaska, who during the mid-1970s lectured pipeline workers about the importance of maintaining good relations with local Indian and Eskimo communities. "You may wonder why they are so important," the representative told his hard-hats. "They are important because they are a people, because they were here before us, and because they have a rich heritage. They are also important because they belong to regional corporations that are able to afford the finest legal counsel in the country."

### **What Do Indians Want?**

This new Indian assertiveness, in its multiple manifestations, had a major impact on U.S. policy. In 1975, responding to "the strong expression" of Indians, Congress committed itself to a policy of "self-determination," to providing "maximum Indian participation in the government and education of the Indian people." From now on, the government was saying, it not only would attempt to listen to Indian views and honor Indian agendas but would grant to Indians a central role in the implementation of policy.

But self-determination raises an awkward, chronic question. What is it the Indians want?

According to Bill Pensoneau, former president of the National Indian Youth Council and now economic planner for the Ponca Tribe in Oklahoma, what the Indians want is "survival." In his view, it is not individual survival that is of primary concern. What is at stake is the survival of Indian *peoples*: the continued existence of distinct, independent, tribal communities.

Among other things, of course, that means jobs, health care, functioning economies, good schools, a federal government that keeps its promises. These have not been any easier to come by in recent years. Federal subsidies to Native Americans have been cut steadily under the Reagan administration, by about \$1 billion in 1981-83. Cancellation of the Comprehensive Employment and Training Act program cost the Poncas 200 jobs. The Intertribal Alcoholism Center in Montana lost half its counselors and most of its beds. The Navaho public housing program was shut down.

Aside from those with lucrative mineral rights, few tribes have been able to make up for such losses of federal subsidies. With no economic base to draw on, most have found themselves

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powerless in the face of rising unemployment, deteriorating health care, and a falling standard of living.

But the survival question cuts more deeply even than this and reveals substantial divisions among Native Americans themselves. There are those who believe that survival depends on how well Indians can exploit the opportunities offered by the larger (non-Indian) society. Others reject that society and its institutions; they seek to preserve or reconstruct their own culture.

There are many points of view in between. Ideological divisions mirror economic and social ones. In the ranks of any tribe these days one is likely to find blue-collar workers, service workers, professionals, and bureaucrats, along with those pursuing more traditional occupations and designs for living. Most tribes include both reservation and city populations, with contrasting modes of life. The resultant Indian agenda is consistent in its defense of Indian peoples but often contradictory in its conception of how best they can be sustained. This proliferation of Indian factions, many of them no longer tribally defined, has made Indian politics more difficult for even the most sympathetic outsiders to understand.

The Indian politics of the 1960s and '70s, both confrontational and conventional, was too fragmented, the actors were too dispersed, the goals too divergent to constitute a coherent, organized, political crusade. What it represented instead was the movement of a whole population—a huge collection of diverse, often isolated, but increasingly connected Indian communities—into more active political engagement with the larger society, seeking greater control over their lives and futures. To be sure, compared with other political and social events of the period, it was only a sideshow. It did not “solve” fundamental difficulties. But in the world of Indian affairs, it was a remarkable phenomenon, surpassing in scale and impact anything in Indian-white relations since the wars of the 19th century, which finally came to an end at Wounded Knee.

