

A True American Citizen:
The Intellectual History of U.S. Indigenous Policy From 1890-1968

By
Ariel Norris

A Thesis
Submitted to the Department of History
Liberty University
In Partial Fulfilment of the Requirements
For the Degree of Master of Arts
April 2022

Supervised by Dr. David Snead

Dedication:

This thesis is dedicated to my parents, who have supported, molded, and guided me, to my fiancé, who encourages, inspires, and centers me, and to the many professors, colleges, and friends who have challenged, advised, and aided me along my journey.

Table of Contents

Introduction.....	1
Chapter One – The Myth of the Vanishing Indian and the Era of Assimilation.....	17
Chapter Two – American Individualism and the Reorganization of Native America.....	42
Chapter Three – “Maintaining Its Integrity:” Racial Integrity and the Native American Civil Rights Movement.....	70
Conclusion.....	101
Bibliography.....	111

Introduction

“A TRUE American citizen – entitled to boast that honor – must be an American citizen not alone by accident of birth or privilege of naturalization...

He must be an American Citizen at heart, proud of his heritage of liberty and opportunity – willing to accept the duty of citizenship to protect American ideals.

You are a TRUE American citizen only when you live as one. Loyal to tried and true American principles... Informing yourself on public issues... Voting and acting according to your convictions... Being constantly on your guard that your own actions may square with what is best in American life... Obeying the laws yourself and supporting law enforcement at all times.”

– “Are You an American Citizen?” *The Waterbury Democrat*, November 8, 1938.

On July 20, 1818, William McIntosh was granted 11,560 acres of land by officers of the United States under the patent of the state of Illinois and the Piankeshaw Indians.¹ However, part of the land granted to McIntosh was claimed to have been previously “granted and conveyed to Louis Viviat and others, by the deed of October 18th, 1775.”² This case ultimately worked through the judicial system to the Supreme Court. Though both parties claimed to have legal ownership of the land, the United States had purchased the “same lands of the same Indians,” therefore, Chief Justice John Marshall determined that it would be “unnecessary, and merely speculative, to discuss the question respecting the sort of title or ownership.”³ Though the State of Illinois purchased the land from its legally recognized owner, the Piankeshaw Indians, at the time of the decision, Native Americans fell under the *right of soil* clause wherein tribes that originally inhabited the land were given the right of occupancy but no legal authority to sell the territory.⁴

In the 1823 U.S. Supreme Court decision, *Johnson v. McIntosh*, one of the facts of the case was listed as following,

3d. That at the time of granting these letters patent, and of the discovery of the continent of North America by the Europeans... the whole of the territory, in the letters patent described... was held, occupied, and possessed, in full sovereignty, by various independent tribes or nations of Indians, who were the sovereigns of their respective portions of the territory, and the absolute owners and proprietors of the soil; and who neither acknowledged nor owed any allegiance or obedience to any European sovereign or state whatever: and that in making settlements within this territory, and in all the other parts of North America, where settlements were made, under the authority of the English government, or by its subjects, the right of soil was previously obtained by

¹ Native Voices, “1823: Supreme Court Rules American Indians Do Not Own Land,” National Library of Medicine, <https://www.nlm.nih.gov/nativevoices/timeline/271.html>.

²“Johnson and Graham’s Lessee v. William McIntosh” U.S. Supreme Court, 21 U.S. 543, 5 L.Ed. 681, 8 Wheat. 543, <https://tile.loc.gov/storage-services/service/l1/usrep/usrep021/usrep021543/usrep021543.pdf>, 560.

³ *Ibid.*, 563.

⁴ *Ibid.*

purchase or conquest, from the particular Indian tribe or nation by which the soil was claimed and held; or the consent of such tribe or nation was secured.⁵

In this fact of the case, Marshall stated that at the time of European settlement, Native Americans were the “absolute owners and proprietors” of their land. However, they were not British citizens; therefore, they were not bound to recognize the sovereignty of colonial powers.⁶ Moreover, though they had the right to inhabit the land, only the “discovering nation” could settle the land rights dispute.⁷ To Marshall, this fact, among others, led him to conclude that “the only question in this case must be, whether it be competent to *individuals* to make such [land] purchases, or whether that be the exclusive prerogative of the government.”⁸

One of the considerations Marshall named in the case was the fact that Native Americans were not British subjects, and, therefore, could not be “devested of their rights of property, or any of its incidents, by a mere act of the executive government, such as [the] proclamation [of 1763].” However, under the Doctrine of Discovery, the right to inhabit was not equivalent to a title of ownership.⁹ Though originally, the colonies were a “new conquest, and a military possession” in which the crown could employ “legislative powers,” now that a permanent system of law had been established, legislation by proclamation was no longer applicable.¹⁰ Furthermore, though the colonies treated Native Americans as an “inferior race of people, without the privileges of citizens,” Marshall declared Native Americans to be “perpetual inhabitants with diminutive rights... under the perpetual protection and pupilage of the government.”¹¹ Therefore, the court sided with McIntosh, decided that Indians could not sell land

⁵ Ibid., 544-5.

⁶ Ibid.

⁷ “Marshall Trilogy,” Federal Indian Law for Alaska Tribes, https://www.uaf.edu/tribal/112/unit_1/marshalltrilogy.php.

⁸ “Johnson and Graham’s Lessee v. William McIntosh,” U.S. Supreme Court, 563.

⁹ “Marshall Trilogy,” Federal Indian Law for Alaska Tribes.

¹⁰ “Johnson and Graham’s Lessee v. William McIntosh,” U.S. Supreme Court,” 564.

¹¹ Ibid., 569.

to individuals, and determined that states did not have legal grounding to settle Indigenous land disputes.¹² Though this case marked one of the turning points in Native American sovereignty, in order to truly understand the monumental weight of this court case, one must first contextualize its historical circumstance and understand the underlying influences that inspired the final decision.

The trial of *Johnson v. McIntosh* was but one of three Native American court cases heard by the Supreme Court in the 1800s. These cases ultimately decided the trajectory of U.S. Indigenous policy from the 19th century to modern eras. *Johnson v. McIntosh*, which was tried in 1823, disputed the legality of a tribal land grant made to individuals, but determined that the federal government alone had the legal right to negotiate for tribal land. This decision “produced a legal theory and a jurisprudential bases for all [the cases that] followed.”¹³ The second case, *Cherokee Nation v. Georgia*, tried in 1831, was enacted by the Cherokee Nation and sought to override the state’s jurisdiction over their tribal territory. With this trial, the court decided that Indian nations were “domestic dependent nations” and described the relationship between the federal government and tribal nations to resemble “that of a ward to his guardian.”¹⁴ The final case, *Worcester v. Georgia*, tried in 1831, again questioned the role of Georgia’s state laws within the Cherokee Nation. However, the court maintained that “only Congress has overriding power over Indian affairs and that state laws do not apply in Indian Country.”¹⁵ Though these cases inspired the belief that Chief Justice Marshall was an advocate for Indians, his motives had

¹² “Marshall Trilogy,” Federal Indian Law for Alaska Tribes.

¹³ “An Issue of Sovereignty,” NCSL, (January 2013), <https://www.ncsl.org/legislators-staff/legislators/quad-caucus/an-issue-of-sovereignty.aspx>.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

less to do with securing sovereign rights for Native Americans, and more to do with solidifying federal power over the states.¹⁶

Marshall's three Indian cases, also referred to as the "Indian Trilogy," are credited as "establish[ing] legal 'protection' for American Indians,"¹⁷ namely, Aboriginal land claims, tribal sovereignty, and federal trust responsibility.¹⁸ However, in the age of western expansion and Jacksonian policy, Marshall's motives were primarily focused on establishing national cohesion among the growing territories and not on securing the rights of Native Americans.¹⁹

Additionally, Marshall was also concerned with centralizing the "power of monarchy" within the federal government.²⁰ Furthermore, Eric Kades argues that *Johnson v. McIntosh* "ensured that Europeans would not transfer wealth to the tribes in the process of competing against each other to buy land,"²¹ and allowed states independent rights over tribal territories to undermine the rule of the national legislature.²² The Supreme Court's decisions in the Indian Trilogy cases are vital to the narrative of Indigenous sovereignty in the United States. However, they are depicted here in order to demonstrate the complexity of legislative decisions and the importance of contextualizing policies within their era. Though the Indian trilogy cases laid the foundation for tribal sovereignty, the ideological influences behind Marshall's decisions were not altruistic, but pragmatic.²³

¹⁶ Peter d'Errico, "John Marshall: Indian Lover?" University of Massachusetts, originally published in *Journal of the West* 39, no. 3 (Summer 2000), https://www.umass.edu/legal/derrico/marshall_jow.html.

¹⁷ d'Errico, "John Marshall."

¹⁸ "Marshall Trilogy," Federal Indian Law for Alaska Tribes.

¹⁹ d'Errico, "John Marshall."

²⁰ Ibid.

²¹ Eric Kades, "History and Interpretation of the Great Case of Johnson v. M'Intosh" *William & Mary Law School Scholarship Repository* (2001), 69.

²² d'Errico, "John Marshall."

²³ Ibid.

Throughout the nineteenth and twentieth centuries, Indigenous Americans witnessed a significant national change in both their political and social status. Despite the persisting belief that Native Americans belonged to a “race destined to fade into the inevitability of progress” and the ongoing categorization of Indigenous individuals as wards of the federal government, by the end of the 1900s, tribes across the nation were deemed to be sovereign entities and were allowed to determine the paths of their own people.²⁴ This autonomy did not happen overnight, but instead was a direct result of pivotal legislative decisions; struggles such as the assimilation of Native Americans into western society, the consolidation of Indigenous peoples to reservations, the reorganization of tribal political structures, and the segregation of the American Aboriginal race. Though the process of Indigenous self-determination is complex and multi-faceted, its evolution can be contextualized by examining key legislative decisions and identifying the ideological movements that influenced political development. However, before the parameters and focus of the study can be explained, its place in the evolving narrative must first be established.

Five key historical eras categorize U.S. Indigenous policy: the eras of *separation*, *assimilation*, *reorganization*, *termination*, and *self-determination*. The era of separation began with the settlement of the New World and persisted until the late 1800s. This era witnessed the early development of U.S. and Native American relations, including policies such as the 1783 Proclamation of the Continental Congress, which limited white settler encroachment on Indian lands; the Ordinance for the Regulation of Indian Affairs, which allowed for the regulation of trade with Native Americans; and the Civilization Fund Act, a policy dedicated to providing

²⁴ “An Issue of Sovereignty,” NCSL.

education to Indian tribes in contact with white settlements.²⁵ In 1789, the First Congress established the War Department, an institution designed to administer the newly formed nation's military forces. However, the first Congress placed Indian affairs under the jurisdiction of the War Department, a move that exemplifies popular sentiments towards Native inhabitants in this era.²⁶ Second, the era of assimilation – which began with the passing of the Dawes or General Allotment Act of 1887, a policy that divided Indian reservations among individual Native peoples – was primarily concerned with preserving the “vanishing Indian” by assimilating Indigenous peoples into wider society through boarding schools, land ownership and agricultural development, national patriotism, and public education.²⁷ This era initiated pivotal decisions such as the integration of Native soldiers into the U.S. military during World War I, and gave citizenship to Indigenous peoples in the United States, through the Indian Citizenship Act of 1924. The era of reorganization – exemplified by the Indian Reorganization Act of 1934, a policy that initially reversed the allotment procedure and encouraged tribal participation – was gradually overturned by the era of termination, which combined federal efforts to reorganize tribes with the growing ideal of American unity that called for a singular, western (white) nation. This period, characterized by the House Concurrent Resolution 108, which pushed to deemphasize tribal sovereignty in order to assimilate individual Indians, both perpetuated the detrimental effects of assimilation and exacerbated the genocidal reality of creating a “unified

²⁵ “Proclamation of the Continental Congress (September 22, 1783),” found in Francis Paul Prucha, ed., *Documents of United States Indian Policy*, (Lincoln: University of Nebraska Press, 2000), 2; “Ordinance for the Regulation of Indian Affairs (August 7, 1786),” found in Prucha, *Documents of United States Indian Policy*, 8; and “Civilization Fund Act (March 11, 1824),” found in Prucha, *Documents of United States Indian Policy*, 33.

²⁶ “Establishment of the War Department (August 7, 1789),” found in Prucha, *Documents of United States Indian Policy*, 13-14.

²⁷ “General Allotment Act (February 8, 1887),” found in Prucha, *Documents of United States Indian Policy*, 170.

nation.”²⁸ However, by the mid-1960s, the Indian civil rights movement, which was solidified by the Civil Rights Act of 1968 and court cases such as *Loving v. Virginia*, ushered in the downfall of segregation laws and allowed both African Americans and Native Americans to become equal citizens in the United States and marry freely.²⁹ Finally, the era of self-determination, initiated by the retraction of state miscegenation and national segregation laws and legalized through the Indian Civil Rights Act of 1968, kick-started the way that reservations and tribal nations are structured regarding sovereignty, society, political power, jurisdiction, and individual rights within the United States.³⁰

Though it is difficult to understand any of these eras disconnected from the others, since each played a vital part in the evolution of U.S. Indigenous policy, when attempting to comprehend the pivotal moments in U.S. Indigenous legislation and political ideology, there are three eras that encompass the most drastic change in Native American rights and privileges – the eras of assimilation, reorganization, and termination. For this reason, this research will primarily centralize on the years between 1890 and 1968. However, the study will also briefly highlight items of contextual relevance in both the era of separation and self-determination, in order to situate the argument within the larger narrative.

Assimilation is understood as the intentional process of replacing Indigenous cultures, beliefs, and traditions with those of the colonizer; therefore, the *Assimilation Era* describes a period of fervent assimilation efforts which increased in the late nineteenth century and persisted

²⁸ “Wheeler-Howard Act (June 18, 1934),” found in Prucha, *Documents of United States Indian Policy*, 223; and Daniel M. Cobb and Loretta Fowler, eds. *Beyond Red Power* (Santa Fe: School for Advanced Research Press, 2007), xv.

²⁹ “Civil Rights Act of 1968 (April 11, 1968),” found in Prucha, *Documents of United States Indian Policy*, 250.

³⁰ “President Nixon, Special Message on Indian Affairs (July 8, 1970),” found in Prucha, *Documents of United States Indian Policy*, 256; and Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Middletown: Wesleyan University Press, 1982), xii.

until the mid-twentieth century's era of termination. This era witnessed the placement of Indigenous children in boarding or mission schools, the consolidation of Native American communities to reservations, and the replacement of traditional cultures with western traditions. The Assimilation Era refers to the physical, political, and social manifestations of assimilationist ideologies that enacted observable change in the lives of Indigenous peoples, as well as when assimilation consists of a period wherein assimilationist ideologies and mentalities were popular in political thought. Certain terms are critical to understanding these eras. *Self-determination* is a process wherein members of a country, nation, or group, gain the right to govern their own lives and affairs and *miscegenation* refers to the cohabitation or intermarriage between racial groups. Finally, though "Native American" is the label deemed most appropriate for First Nations Peoples in modern America, throughout this project, the terms *Native*, *Indian*, *Native American*, *American Aboriginal*, *First Nations Peoples*, and *Indigenous American* are used within the appropriate context, to refer to the traditional inhabitants of the United States.

In the same manner that popular mentalities towards Native Americans have shifted and evolved throughout the years, so too has the secondary literature on Indigenous policy, culture, and participation in the wider nation. The secondary sources are classified by content into categories reflecting the five main eras of Native American history and national ideological frameworks: the eras of separation (c. 1607-1889), assimilation (c. 1890-1933), reorganization (c. 1934-1952), termination (c. 1952-1968), and self-determination (c. 1969-present). Though the thesis will primarily focus on three of the five eras of political thought – assimilation, reorganization, and termination – all five warrant discussion in the historiography of U.S. Indigenous policy and ideology.

Though the American colonies marked a pivotal time in global history, the ideas of conquest and colonialism were not established during the discovery of the new world. Rather, in *An Indigenous People's History of the United States*, Roxanne Dunbar-Ortiz writes that “the institutions of colonialism and methods for relocation, deportation, and expropriation of land had already been practiced, if not perfected, by the end of the fifteenth century.”³¹ Furthermore, Ortiz argues that the idea of white supremacy can be traced to the Christian Crusades and to the colonization of Ireland.³² Though the ideas and practices of conquest, colonialism, and racial superiority did not emerge in the seventeenth century, they do mark a foundational ideology that characterizes the era of separation. In early U.S. history, there is a distinct separation between the “civilized” colonists and the “savage” natives. Dunbar-Ortiz poses that one of the founding myths of the United States is the belief that colonists attained a “vast expanse of land from a scattering of benighted peoples who were hardly using it – an unforgivable offense to the Puritan work ethic.”³³ This, along with countless other factors, influenced early colonists’ drive to utilize “unused” native lands, which gradually displaced countless tribes and influenced the view of the white colonial as the “hero” of the American narrative in early histories and accounts.³⁴

Early history books on the colonization of the U.S. are filled with the tumultuous relationships between settlers and natives, cowboys and Indians. Reflecting this, in his 1974 work, *Indians and Bureaucrats: Administering the Reservation Policy During the Civil War*, Edmund Jefferson Danziger Jr. points out that “Most Indian books which crowd library shelves across the nation deal with bizarre travel practices, archaeological finds, and frontier skirmishes

³¹ Roxanne Dunbar-Ortiz, *An Indigenous People's History of the United States* (Boston: Beacon Press, 2014), 32-3.

³² *Ibid.*, 36.

³³ *Ibid.*, 46.

³⁴ *Ibid.*

between blue-coated cavalymen and painted warriors.”³⁵ Danziger’s work, being the first monograph on the administration of federal Indian policy, presents a broad analysis of the Indian Office field officials, with an emphasis on the problems they faced in administering the federal government’s reservation policies during the Civil War.³⁶ However, his work also illustrates the emergence of a new field combining historical documentation and scientific interpretation, which essentially solidified Native American’s status as the “other” in the American Narrative.

Building from Danziger’s claim that previous works on Native Americans deal with “bizarre practices,”³⁷ John Monaghan and Peter Just’s *Social & Cultural Anthropology: A Very Short Introduction*, argues that the field of anthropology grew out of the era of European discovery and colonialism, wherein early anthropologists were determined to investigate the origins and stages of social and cultural revolutions.³⁸ By the beginning of the twentieth century, anthropologists were primarily concerned with recording ways of life for smaller “technologically simple societies” due to the change colonialism was enacting on “elementary forms of human institutions.”³⁹ This new field of study cast Native Americans into a foreign and primitive light, and fed into the idea that these “uncivilized” cultures were no match for the power of progress. Therefore, their antiquated ways would surely die out and be replaced with traditions of the modern era.

Overcome by the idea that Native Americans were “vanishing into history,” the era of assimilation began near the turn of the century and was rooted in the goal of saving the man and killing the Indian. Though cultural genocide began decades prior, in the 1890s, the U.S.

³⁵ Edmund Jefferson Danziger Jr., *Indians and Bureaucrats: Administering the Reservation Policy During the Civil War* (Urbana: University of Illinois Press, 1974), ix.

³⁶ *Ibid.*, ix-x.

³⁷ *Ibid.*, ix.

³⁸ John Monaghan and Peter Just, *Social & Cultural Anthropology: A Very Short Introduction* (Oxford University Press, 2000), ix.

³⁹ *Ibid.*, 2.

government established boarding schools wherein Indigenous children were re-educated to behave, think, and appear in a manner acceptable to white society. This was done in an effort to save moldable Indigenous children from their “inevitable” doom. Thomas A. Britten argues that in World War I, the United States built upon this idea by seizing the opportunity to integrate Indigenous soldiers into the U.S. army to teach men national pride and patriotism; a lesson deemed as the final stage of assimilation.⁴⁰ However, this decision had the unintended side effect of encouraging Native American citizenship and equality, and changing U.S. perspectives towards its First Nations Peoples.⁴¹ Further reiterating this argument, Thomas Grillo traces the manifestations of Indigenous patriotism and the ways in which it both reassured and unnerved non-Indians. Grillo illustrates that in the wake of Native American participation in the war, questions such as: “Should Natives’ compliance during the war speed up their political integration into the U.S. body politic?” and “Would their patriotism allow them to claim emancipation from the omnipresent control of the Bureau of Indian Affairs?”⁴² surfaced in U.S. society and legislation.

Ultimately, World War I had the effect of humanizing individual Native American citizens, which reinvigorated U.S. efforts to “civilize” and, therefore, save Indigenous Americans.⁴³ Though the Assimilation Era and the harmful procedures associated with it, such as attempting to extinguish Native traditions by placing Indigenous youth in boarding schools and consolidating tribes to reservations, endured well into the era of reorganization, by the 1930s, the U.S. government was beginning to realize the merit of Indigenous citizens holding partial

⁴⁰ Thomas A. Britten, *American Indians in World War I* (Albuquerque: University of New Mexico Press, 1999), 4.

⁴¹ *Ibid.*

⁴² Thomas Grillo, *First Americans: U.S. Patriotism in Indian Country After World War I* (New Haven: Yale University Press, 2018), 7.

⁴³ *Ibid.*

autonomy over their own lives and affairs. By the middle of the twentieth century, ideas of Native self-determination and sovereignty were gaining in popularity. However, throughout the era of termination, racial prejudices still prevented Indigenous citizens from being treated as equals within white society. Arica L. Coleman traces Black-Indian relations throughout the state's history, but primarily focuses on Virginia's effort to maintain racial purity. Though Coleman argues that the subject of Black-Indian relations in Virginia has long been considered "taboo" by many academic and tribal communities, her work furthers previous arguments that challenge the ways in which African and Native Americans interacted in this era, in order to deconstruct the misleading singular White-Indian relational narrative.⁴⁴

As previously discussed, anthropological study was born in the transitional time between the era of separation and the era of assimilation. However, the science itself, especially in relation to Indigenous studies, significantly evolved throughout the twentieth century and continued into the era of self-determination. In 1968, Peter Farb argued,

North America is the place in the world most nearly ideal to observe the evolution of human societies and customs, institutions and beliefs, for these are revealed there with all the clarity of a scientific experiment. The story of the Indians in North America provides modern man with a living test tube, in which the major ingredients that went into the experiment, the intermediate reactions that took place, and the final results are largely known.⁴⁵

Though this language poses certain infractions to contemporary cultural sensitivities, the passage demonstrates the persisting view of Native Americans as (forgive the comparison) the ultimate lab rat. Despite this harmful scientific view, in 1970, Vine Deloria, Jr. published *Custer Died for Your Sins: An Indian Manifesto*, in which he argues that despite the fact that everyone is

⁴⁴ Arica L. Coleman, *That the Blood Stay Pure: African Americans, Native Americans, and the Predicament of Race and Identity in Virginia* (Bloomington: Indiana University Press, 2013), 7-9.

⁴⁵ Peter Farb, *Man's Rise to Civilization: As Shown by the Indians of North America from Primeval Times to the Coming of the Industrial State* (New York: E. P. Dutton & Co., 1968), 7.

interested in the “plight” of the Indians, “Experts paint [Indians] as they would like [them] to be.”⁴⁶ In order to combat this, Deloria addressed misleading stereotypes and pervading societal myths surrounding Native Americans. Furthering this cause, near the end of the twentieth century, books such as: Fergus M. Bordewich’s *Killing the White Man’s Indian: Reinventing Native Americans at the End of the Twentieth Century*,⁴⁷ a work that deconstructs popular Native American stereotypes; Alisa Hicklin Fryar and Tyler Johnson’s “Information Verses Ideology: Shaping Attitudes Towards Native Policy,”⁴⁸ an article that demonstrates the role that perception plays in shaping individual attitudes towards Indigenous policy; Dee Brown’s *Bury My Heart at Wounded Knee: An Indian History of the American West*,⁴⁹ a book that discusses the Indigenous perspective of U.S. western expansionism; and Paula Gunn Allen’s *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*,⁵⁰ a narrative that attempts to reclaim Native culture and personal autonomy and shed realistic light on the lives of Native Americans; attempted to regain Indigenous agency in determining narratives and national interpretations of traditional cultures. These books, along with countless others, emerged from the era of self-determination and highlighted themes such as reclaiming personal and cultural power, deconstructing Indigenous stereotypes, healing historical trauma, and addressing misconceptions.

Though the path to Indigenous self-determination in the United States is fraught with injustice, misinterpretation, misrepresentation, and appropriation, the works that emerged in the era of self-determination, combined with the lessons gleaned from the decades prior, ultimately

⁴⁶ Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (New York: Avon Books, 1973).

⁴⁷ Fergus M. Bordewich, *Killing the White Man’s Indian: Reinventing Native Americans at the End of the Twentieth Century* (New York: Anchor Books, 1996).

⁴⁸ Thaddieus Conner, et al., “Information Versus Ideology: Shaping Attitudes Towards Native American Policy,” *The Social Science Journal* 54, no. 1 (2017), 56-66.

⁴⁹ Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Henry Holt and Company, Inc., 1970).

⁵⁰ Paula Gunn Allen, *The Sacred Hoop: Recovering the Feminine in American Indian Traditions* (Boston: Beacon Press, 1986).

solidified tribal autonomy in the United States. The works discussed represent key parts of the overarching narrative. However, they encompass but a fraction of the literary base on Native American history, political development, and national cultural participation. Furthermore, as revealed through these publications, the path to Native American social, cultural, and political equality is a rather fluid and evolving process. However, by studying the development and ideological influences behind U.S. Indigenous policy in the era of assimilation and the era of reorganization, this research propels the existing arguments into a new scope of historical understanding.

Scholars of Indigenous history have composed numerous works on the practices and outcomes of assimilation, the path to Native self-determination, the history of Native Americans broadly, and the overarching narrative of Native American political development in the United States. This information provides a firm foundation and contextual understanding to this endeavor. However, minimal studies have been conducted that both contextualize pivotal legislation in U.S. Indigenous policy and depict the developing ideologies and historical trends that influenced those decisions. For this reason, this thesis synthesizes the existing works that cover diverse sections of Indigenous policy and provides a comprehensive progression of the developing societal understandings and beliefs which observably influenced pivotal legislative decisions.

Inspired by works such as *Beyond Red Power: American Indian Politics and Activism since 1900*,⁵¹ which discusses the Indigenous perspective of Native American political activism, and *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand*,⁵² a

⁵¹ Cobb and Fowler, *Beyond Red Power*.

⁵² Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand* (Vancouver: UCB Press, 1995).

study that contrasts the practices of assimilation within each context in order to identify the global trends, this research features three distinct themes, *assimilation*, *individualism*, and *racial purity*; ideals that were popular on a national level within the eras of assimilation, reorganization, and termination. Chapter one highlights the significance of *the myth of the vanishing Indian* and demonstrates its persisting influence over federal decisions such as the consolidation of tribes to reservations, placing Indigenous youth in boarding schools, allowing Native Americans to enlist in the U.S. Army, and granting citizenship to all Native peoples through the Indian Citizenship Act of 1924. Chapter two discusses the idea of *individualism* in relation to the era of reorganization and legislative decisions such as the Indian Reorganization act of 1934, which decreased federal control over Indian affairs. Chapter three examines the idea of *racial purity* and its direct influence on cases such as *Loving v. Virginia*, whose outcome ended miscegenation laws across the nation and allowed members of all races to freely marry. Additionally, this chapter highlights the tumultuous shift between the eras of termination and self-determination by featuring the civil rights movement, which abolished segregation laws for both African and Native Americans. Finally, the conclusion reiterates the relevance of each topic, highlights the role they play within the grand narrative of U.S. Indigenous policy, and discusses the ways in which these ideologies either died out after their era or continued to influence legislative decisions into the twenty-first century.

Chapter One

The Myth of the Vanishing Indian and the Era of Assimilation

A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres, in a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man...¹

These words, spoken by Richard H. Pratt, the founder and superintendent of the Carlisle Indian Industrial School, embody the primary objective of U.S. Indigenous policy in the early twentieth century. In 1886, Theodore Roosevelt, the “great general” Pratt referred to, claimed that “I don’t go so far as to think that the only good Indians are the dead Indians, but I believe nine out of every 10 are, and I shouldn’t like to inquire too closely into the case of the tenth.”² Building off Roosevelt’s legacy, Pratt’s words, though harsh, reflected a popular belief that characterized the era of assimilation. Because many believed that the Indian race was doomed to extinction the federal government decided to integrate Native Americans into wider society through individual land allotments, boarding schools, and military participation.

Today, both the methods and ideals of assimilation are understood to be genocidal in nature and detrimental in practice. However, in their era, the federal government believed that their decisions regarding Indigenous peoples were enacted in their best interest. Regardless of this fact, during the era of assimilation, the myth of the vanishing Indian, the ideology of assimilation, and the debate over Indigenous participation in the U.S. military influenced National Indigenous policy and encouraged legislative decisions such as the offering of citizenship to Native veterans in 1919 and the Indian Citizenship Act of 1924. Though

¹ Richard H. Pratt, found in Addison Kliever, et al., ““Kill the Indian, save the man”: Remembering the Stories of Indian Boarding Schools,” Gaylord News, <https://www.ou.edu/gaylord/exiled-to-indian-country/content/remembering-the-stories-of-indian-boarding-schools>.

² Theodore Roosevelt, January 1886, found in Alysa Landry, “Theodore Roosevelt: ‘The Only Good Indians are the Dead Indians,’” *Indian Country Today*, <https://indiancountrytoday.com/archive/theodore-roosevelt-the-only-good-indians-are-the-dead-indians>.

assimilation began in the late 1800s, the ideas that inspired the practice date back to the colonization of the Americas by Europeans.

The earliest European settlers viewed Indians as the “other.”³ Though countless settlers deeply distrusted and even hated Native peoples, others, such as Christopher Columbus, viewed these “savages” as “very intelligent... a loving people, without covetousness, and fit for anything... They love their neighbors as themselves and their speech is the sweetest and gentlest in the world.”⁴ This sentiment, what Brewton Berry refers to as the “Cult of the Noble Red Man,”⁵ was widespread among explorers and adventurers who simultaneously loved Indigenous societies and cultures but were resolved in the “fact” that their antiquated race and customs would soon succumb to the modern world. This period, known as the era of separation, began with the settlement of the New World and persisted until the late 1800s. This era witnessed the early development of U.S. and Native American relations and the eventual establishment of policies such as: the 1783 Proclamation of the Continental Congress, which limited white settler encroachment on Indian lands; the Ordinance for the Regulation of Indian Affairs, which allowed for the regulation of trade with Native Americans; and the Civilization Fund Act, a policy dedicated to providing education to Indian tribes in contact with white settlements.⁶

During this era, popular sentiments between settlers and Natives viewed the “other” as distinct and separate. Additionally, interactions between Indians and settlers were highly regulated by colonial governments in an effort to avoid brutal conflicts. However, throughout the

³ “European Americans and Native Americans View Each Other, 1700-1775,” National Humanities Center, <http://nationalhumanitiescenter.org/pds/becomingamer/peoples/text3/indianscolonists.pdf>.

⁴ Christopher Columbus, in Brewton Berry, “The Myth of the Vanishing Indian,” *Phylon* (1960-) 21, no. 1 (1960): 52.

⁵ Ibid.

⁶ “Proclamation of the Continental Congress (September 22, 1783),” found in Prucha, *Documents of United States Indian Policy*, 2; “Ordinance for the Regulation of Indian Affairs (August 7, 1786),” found in Prucha, *Documents of United States Indian Policy*, 8; and “Civilization Fund Act (March 11, 1824),” found in Prucha, *Documents of United States Indian Policy*, 33.

19th century, the American ideal of “manifest destiny,” combined with Charles Darwin’s newly popularized theory that “Wherever the European has trod, death seems to pursue the aboriginal... The varieties of man seem to act on each other in the same way as different species of animals – the stronger always extirpating the weaker,”⁷ solidified the belief in the inevitability of Aboriginal demise; a sentiment otherwise known as the myth of the vanishing Indian. Further proving this, when the Indian Removal Act of 1830 was signed, marking the “first legal justification for the removal and isolation of American Indians,”⁸ Native Americans east of the Mississippi river were either relocated or consolidated to limited land parcels. Gradually, those who remained were displaced due to increasing populations and public pressure to cede their land.⁹ Eventually, the practice of consolidating tribes to reserves of land, or more commonly referred to as reservations, was initiated by the Indian Appropriations Act of 1851, which originated from the belief that each tribe was an independent, sovereign nation, but shifted into a form of federal wardship.¹⁰

The myth of the vanishing Indian embodies the widespread belief that the Indian race was doomed to disappear due to the inevitable encroachment of civilization and progress.¹¹ After the arrival of European colonizers, millions of Native Americans perished from conflicts, massacres, disease, and displacement. This rapid decline in population fed into the popular notion that Indian “savagery” was dying out and would soon be replaced with a civilized – white – nation. Exemplifying this belief, in 1870, *The Bossier Banner* claimed that “If the Indians have become civilized let them adopt civil customs and unite themselves with the general body politic.”¹² Paul

⁷ Charles Darwin, found in Berry, “The Myth of the Vanishing Indian.” 53.

⁸ “Federal Acts & Assimilation Policies,” The US Dakota War of 1862, <https://www.usdakotawar.org/history/newcomers-us-government-and-military/acts-policy>.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Berry, “The Myth of the Vanishing Indian,” 51.

¹² “The Cherokees,” *The Bossier Banner*, December 3, 1870.

Jentz argues that white Americans viewed Indigenous peoples as members of a race that was “doomed to extinction” and notes that in this era, Americans mourned the “vanishing” race but believed that “Indians must die away into the ‘untrodden West’ as white civilization took its racially superior place on the continent.”¹³ However, as Indians became further engrained within the romanticized version of the American wilderness, U.S. mindsets towards Indigenous peoples began to shift towards a more idealized and stereotypical view of Native America as the last remaining essence of the untamed “savage” American narrative.

Early efforts to civilize Indians and postpone their extinction were made by missionaries, who tried to subdue “heathen” traditions and beliefs by converting Indigenous peoples to Christianity.¹⁴ Rebecca Anne Goetz argues that “The English, with their comparatively pale skin and even whiter souls, would be judged not merely by the importation of new commodities and generation of fantastic profits but also by the number of heathen people they would save – or white wash.”¹⁵ However, the overwhelming majority of the population came to believe that the Indian race was incapable of being Christianized and were, therefore, doomed to gradually decay until there were none left.¹⁶ Further exemplifying this, in 1828, the U.S. House of Representatives claimed that Native Americans were resigned to “utter extinction” because they were part of “an inferior race of men... neither qualified to rise higher in the scale of being, nor to enjoy the benefits and blessings of the civilized and Christian state.”¹⁷ Though some mourned

¹³ Paul Jentz, *Seven Myths of Native American History* (Indianapolis: Hackett Publishing Co., 2018), 86, found in Sarah Fling “The Myth of the Vanishing Indian: Art in the White House Collection,” The White House Historical Association, <https://www.whitehousehistory.org/the-myth-of-the-vanishing-indian>.

¹⁴ Rebecca Anne Goetz, *The Baptism of Early Virginia* (Baltimore: Johns Hopkins University Press, 2012), 13.

¹⁵ Ibid.

¹⁶ *The Removal of the Indians. An Article from the American Monthly Magazine; An Examination of an Article in the North American Review; and an Exhibition of the Southern Tribes, in Civilization and Christianity*, (Boston, 1830), 58, 72, found in Dippie, *The Vanishing American*, 11.

¹⁷ “Indians Removing Westward,” (Jan. 7, 1828), *House Rep.* No. 56, 20th Cong., 1st sess., p.2, found in Dippie, *The Vanishing America*, 11.

the extinction of the American Indian and others celebrated their demise, during the era of separation, few believed that Native Americans were capable of being civilized.¹⁸ However, as the 20th century approached, bringing with it a new age of innovation and industrial development, humanitarian efforts to “civilize” and “save” the “dying savages” reinvigorated and reimagined the U.S.’ approach to its Indigenous policy.

Native American populations were being decimated due to various factors throughout both the era of separation and assimilation. However, their demise was not an inevitable outcome of their racial and cultural inferiority, but the product of conflict and displacement. In 1789, the First Congress established the War Department; an institution designed to administer the newly formed nation’s military forces. However, the first Congress placed Indian affairs under the jurisdiction of the War Department, a move that was highly contested in its era and exemplified popular sentiments and social struggles between the U.S. government and Indigenous peoples.¹⁹ By 1867, the Joint Special Committee of Congress, otherwise known as the Doolittle Committee, issued a report stating that Native Americans across the country were “rapidly decreasing in numbers from various causes,”²⁰ particularly savage frontier wars enacted by “lawless white men” and the loss of Indian hunting grounds and game, caused by Western encroachment.²¹ The committee noted that despite the federal government’s attempt to retain peace in frontier regions, “...the population is so sparse and the administration of the civil law so feeble that the people are practically without any law but their own will. In their eager search for gold or fertile tracts of land, the boundaries of Indian reservations are wholly disregarded; conflicts ensue;

¹⁸ Berry, “The Myth of the Vanishing Indian,” 52.

¹⁹ “Establishment of the War Department (August 7, 1789),” found in Prucha, *Documents of United States Indian Policy*, 13-14.

²⁰ “Report of the Doolittle Committee (January 26, 1867),” found in Prucha, *Documents of United States Indian Policy*, 102.

²¹ *Ibid.*

extermination wars follow, in which the Indian is, of course, at the last, overwhelmed if not destroyed.”²²

Though the relationship between the U.S. government and Indian tribes continued to be fraught with bloodshed, Ulysses S. Grant’s peace policy in the 1870s enacted a new era of negotiations between cultures, one that was determined to preserve Native peoples. Additionally, by the 1880s, reports shedding light on the impoverishing conditions on reservations forced the government to reexamine their separationist policies. For this reason, in 1887, Congress passed the Allotment Act, more commonly known as the Dawes Act, which granted land to individual Indians instead of entire tribes.²³ This decision ushered in the end of the era of separation and initiated a new age of U.S. Indigenous policy, known as the era of assimilation.

As the 1900s gradually approached, and the era of “manifest destiny” and U.S. expansionism was replaced by the era of industrialization, U.S. ideologies towards Indigenous peoples became increasingly hopeful for their racial preservation, despite the persisting belief that they would inevitably fade into the background of the “American wilderness.”²⁴

Demonstrating this, in 1888 *The Progress* published a letter to the House Secretary of the Interior, which argued that

But as long as the Indian and his destiny are surrounded and hampered as they have been in the past and are to-day, by the wishy-washy-nancy-pringle hobbies of theoretical sentimentalists... let it not be wondered at if we tell you that under such a regimen, the Indian problem in twenty years hence, will be no nearer a permanent solution than it is to-day.²⁵

²² Ibid.

²³ “Federal Acts & Assimilation Policies,” Minnesota Historical Society, <https://www.usdakotawar.org/history/newcomers-us-government-and-military/acts-policy>.

²⁴ “America’s Manifest Destiny,” Smithsonian American Art Museum, <https://americanexperience.si.edu/historical-eras/expansion/pair-westward-apotheosis/>.

²⁵ “A Howl from Sodom!” *The Progress*, January 14, 1888.

Though the “Indian problem” persisted, in 1893, Frederick Jackson Turner presented his “frontier thesis,” claiming that the western frontier ended in 1890, and that the American continent was no longer inhabited by European settlers, but Americans.²⁶ Turner also argued that by conquering the “meeting point between savagery and civilization”²⁷ the frontier experience helped Americans to establish a sense of unified national identity, embodied through values such as individualism and faith in democracy.²⁸ However, throughout his argument, Turner dismissed Native Americans as essentially parts of the “wilderness;” parts that eventually were conquered by white settlers.²⁹ Though Turner’s thesis is one of the most famous interpretations of U.S. history, his popular argument posed a serious dilemma regarding the survival of Native American cultures into modern eras, and encapsulates one of the key features in the era of assimilation. If Indigenous peoples were no more than part of the natural environment, then the end of the frontier signified the final and imminent end of antiquated and “uncivilized” Indigenous ways. From this ideology, the myth of the vanishing Indian was once again brought to the forefront of political conversations.³⁰

Exemplifying the ideologies embodied within Turner’s thesis, in 1900 *The Indianapolis Journal* published “The Last of the Miamis,” which referred to Native Americans as a “vanishing race” and stated that “... the Indian is utterly unqualified to take care of himself in the midst of our civilization, with its unscrupulous measuring of wits... there is very little mercy for

²⁶ Steven Crum, “Making Indians Disappear: A Native American Historian’s Views Regarding the Treatment of Indians in American History,” Tribal College, *Journal of American Indian Higher Education* 4, (Winter 1993).

²⁷ Ibid; and Frederick Jackson Turner, “The Significance of the Frontier In American History (1893)” Wisconsin Historical Society, <http://nationalhumanitiescenter.org/pds/gilded/empire/text1/turner.pdf>.

²⁸ Crum, “Making Indians Disappear.”

²⁹ Donald L., Parman and Catherine Price, “A ‘Work in Progress’: The Emergence of Indian History as a Professional Field,” *The Western Historical Quarterly* 20, no. 2 (1989): 185–96.

³⁰ Britten, *American Indians in World War I*, 30.

the unsophisticated...”³¹ Building off these beliefs, in an effort to save young generations of Indigenous youth from “utter eradication,” boarding schools such as the Carlisle Indian Industrial School attempted to assimilate Indian children into both wider society and white society, as a way of “saving them from the inevitability of their circumstances.”³²

The practice of placing Indian youth in boarding schools began in 1860 when the Bureau of Indian Affairs created a school on the Yakima Indian Reservation in Washington. By the 1880s, over 6,200 Native students were spread among 60 reservation day and boarding schools.³³ These schools provided the foundational knowledge needed for a “civilized society.”³⁴ Though boarding schools that were “vast in scope, military in organization, fervent in zeal, and violent in method...”³⁵ were intended to save Native Americans from extinction, the practices of “killing the Indian” and “saving the man” constituted a form of cultural genocide and scarred younger generations, who mourned the loss of their culture and identity.

Joe Wheeler and his sister Ethil were educated in Riverside Indian School, the oldest federally operated boarding school in the nation. Years after their time there, the two shared their stories with their grandson Galindo, who recalls his grandfather telling him “First they cut my hair, then they made me eat soap and then they beat me for speaking my language.”³⁶ Though Wheeler was pulled from the school when his father heard of this brutality, he never forgave or forgot the abuses he endured.³⁷ Though hindsight reveals these boarding schools to be rooted in

³¹ “The Last of the Miamis,” *The Indianapolis Journal*, January 7, 1900.

³² “Past,” Carlisle Indian School Project, <https://carlisleindianschoolproject.com/past/>.

³³ “History and Culture: Boarding Schools,” American Indian Relief Council, http://www.nativepartnership.org/site/PageServer?pagename=airc_hist_boardingschools#:~:text=The%20reformers%20assumed%20that%20it,able%20to%20assimilate%20Indian%20youth.

³⁴ *Ibid.*

³⁵ Britten, *American Indians in World War I*, 14.

³⁶ Joe Wheeler found in Kliewer, ““Kill the Indian, save the man.””

³⁷ *Ibid.*

ideologies that are deeply flawed, in their era, many scholars and federal legislatures viewed boarding schools as not only a necessity, but a blessing to the “vanishing” race.³⁸

Reservation day schools were preferred by many Indigenous parents due to their affordability and proximity to home. However, many viewed boarding schools that were removed from reservations as an opportunity to escape an impoverishing life of federal wardship and secure a better future.³⁹ In 1912, Carlos Montezuma, an Apache, presented his life story to members of the Society of American Indians at Ohio State University. As a child, Montezuma was taken during a raid, and sold for \$30 to Carlos Gentile, who adopted Montezuma as his own son and brought him to Chicago, where he entered public school. At this point, Montezuma was not yet well versed in English, but quickly adapted and took on English habits. Eventually he chose to further his education at Chicago Medicinal College, where he earned his license to practice medicine. Throughout his career, Montezuma worked at several Indian schools and reservations including Fort Stevenson Indian School in North Dakota; the Western Shoshone Agency in Nevada, a place where he witnessed “what deterioration reservation is for the Indians;”⁴⁰ the Colville agency in Washington; and the Carlisle Indian Industrial School in Pennsylvania. In his speech, he argues that

Colonization, segregation, and reservation are the most damnable creations of men. They are the home, the very hot house of personal slavery – and our new place for the free and the “home of the brave.”

I do not desire to criticize the individuals composing the guiding power of the Indian Bureau of our government, but I am unalterably opposed to the system itself.

³⁸ Ibid; and “History and Culture,” American Indian Relief Council.

³⁹ Britten, *American Indians in World War I*, 14.

⁴⁰ Ibid.

I firmly believe that the only true solution of the so-called Indian problem is the entire wiping out of the reservation system; of the absolute free association of the Indian race with the paleface...

The Indian Bureau system is wrong... It is not human and therefore cannot be just. If the good government as our guardian has failed to place us where we rightfully belong in the world, remember that the fault lies there and not with the Indian.”⁴¹

Though Montezuma experienced first-hand the deterioration and impoverishment caused by reservation life, he notes that the Carlisle Indian School “had at heart the real uplift of my people,” and states that working with General Pratt, a “God-fearing man” was an inspiration.⁴² Additionally, he claimed that the school was a “stepping stone to all its students helping them to go out into every avenue of civilized American life.”⁴³

As Montezuma’s speech reveals, the boarding schools’ main objective of individualizing students and giving them the ability to read, write, and speak in English, was reflective of the belief that the “self-directing power of thought” would allow Indigenous youth to successfully separate themselves from the “impoverishing life” offered on reservations, and integrate into wider society. To accomplish this, half of the day in boarding schools was spent lecturing students on English and academic subjects including arithmetic, science, history, Christian religion, the arts, and the “principles of a democratic society,” whereas the other half of the day was spent providing students with “industrial training,” in order to instill youth with the skills necessary to become “economically self-sufficient” members of the nation.⁴⁴

Despite U.S. attempts to quell the decimation of the Indian population and integrate Native Americans within society, the myth of the vanishing Indian continued to embed itself

⁴¹ Carlos Montezuma, Wassaja (Apache), “Light on the Indian Situation,” (October 5, 1912), found in Bob Blaisdell, ed., *Great Speeches by Native Americans* (Mineola: Dover Publications, 2000), 196.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

within national mentalities towards Native peoples, and therefore, influenced national Indigenous policies into the twentieth century. In 1899, *The Ely Miner* reported that “The government ethnological bureau has gone to extraordinary pains to preserve a complete record of the vanishing Indian races”⁴⁵ by collecting photographic and vitascope records of Apache war dances. Additionally, in 1906 the *Los Angeles Herald* announced that on October 18, 1906, Edward L. Curtis, someone who had “studied the Indians for years and has lived among them for months at a time studying their habits and actions,” would be sharing a lecture on the “vanishing race” and pictures that “show the household work and all the interesting points which are fast vanishing as the Indian race loses its power and individuality.”⁴⁶ Though national ideas of the American Indian resigned tribes to complete eradication, in the 1890s the federal government found yet another avenue to integrate Indigenous Americans into the nation’s overarching structure.

Spurred by the massacre at Wounded Knee and the federal belief in the “civilizing effects of military service,”⁴⁷ U.S. officials such as General John M. Scofield, Secretary of War Redfield Proctor, and Commissioner of Indian Affairs Thomas Jefferson Morgan, spearheaded attempts to enlist Native Americans in the U.S. Armed Forces.⁴⁸ During the 1890s some opposed these efforts, fearing that participation in the military would exacerbate the Native American “warrior tendency,” while others believed that enlisting Native Americans in the U.S. military would both “expedite assimilation and serve the interests of the army.”⁴⁹ Additionally, assimilationists argued that military service would weaken tribal ties, provide work for reservation Indians,

⁴⁵ “Rare Indian Souvenirs,” *The Ely Miner*, October 20, 1899.

⁴⁶ “Ebell Club,” *Los Angeles Herald*, October 18, 1906.

⁴⁷ Carlos Montezuma “Light on the Indian Situation,” found in Blaisdell, *Great Speeches by Native Americans*, 196.

⁴⁸ Britten, *American Indians in World War I*, 14.

⁴⁹ *Ibid.*

supplement government-issued food with rations and pay, develop individualism, give the War Department greater control over Indian affairs, and improve Anglo-Indian relations.⁵⁰

Despite conflicting opinions, by the 1880s assimilationist believed that the combined efforts to allot land to individual Natives, educate Indigenous youth, and enlist Native Americans in military service, would be sufficient to civilize and integrate Indigenous peoples within U.S. society.⁵¹ The military initiative was eventually enacted in the spring of 1890, when Schofield established two trial Indian companies of one hundred men each.⁵² Though the effort initially met with success, the army's upper officials still held significant reservations regarding the enlistment of Indian troops. Additionally, the project gradually began to experience internal setbacks that would eventually decide the fate of the initiative. To begin, recruitment efforts experienced mixed results; the most successful recruiters being men who had background knowledge about the history and culture of the tribes being recruited.⁵³ Recruitment incentives varied from the promise of "thirteen dollars a month for the first year of military service, a clothing allowance, comfortable quarters, three meals a day, medical care, and permission to recreate at the post canteen," to taking the place of incarceration in a prison.⁵⁴

Though economic hardships encouraged Native Americans to enlist, after the first year, significant issues began to emerge that threatened to end the initiative. In addition to recruitment setbacks, Indigenous units experienced "cultural dissimilarities, racism, and bureaucratic indifference."⁵⁵ One key administrative problem was the distribution of alcohol to Indigenous soldiers. Some Native Americans took offense to the fact that Indian soldiers were allotted

⁵⁰ Ibid.

⁵¹ Ibid., 14.

⁵² Ibid., 17.

⁵³ Ibid., 19.

⁵⁴ Ibid.

⁵⁵ Ibid., 22.

canteen privileges, whereas reservations remained dry.⁵⁶ Furthermore, Indigenous soldiers were hesitant to adopt certain military practices such as hairstyles, frame dwellings, physical examinations, vaccinations, frequent bathing, uniforms, and being stationed away from their reservations.⁵⁷ By the third year, the federal government deemed the project a complete failure and by the fifth year the idea was discarded altogether.⁵⁸ However, though the military initiative of the early 1890s proved unsuccessful, the federal government continued to implement assimilationist policies in order to solve the “Indian problem.”

In 1895, *The Cecil Whig* reported that from the founding of the United States in 1789, the “gigantic sum of one billion one hundred and five million off dollars (1,106,219,372) was spent by the government up to the year 1899, either upon the Indians directly, or indirectly because of Indians.”⁵⁹ This article continued that starting in 1829, the federal government refunded the states and territories for any money they paid out to “[suppress] Indian hostilities” and that “Their liability is based on the fact that the federal government has treated the Indians either as nations or as wards of the nation, thus keeping them from control by the states.”⁶⁰ These numbers demonstrate the financial stake the federal government had in quelling the resistance of tribes.

From the start of the twentieth century, solutions to “the Indian problem” were well underway. Though the new century held reinvigorated hope for the survival of Native Americans, the myth of the vanishing Indian continued to influence U.S. policies regarding Indigenous peoples. This belief so permeated society, that in 1911, renowned poet Ella Higginson published “The Vanishing Race,” a work lamenting that Native Americans were

⁵⁶ Ibid., 23.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ “Uncle Sam’s Wards,” *The Cecil Whig*, July 27, 1895

⁶⁰ Ibid.

fading “into the shadow,” and posed to readers “How shall it be with us when they are gone/
When they are but a mem’ry and a name?/... When, wronged and lonely, they have drifted on/
Into the voiceless shadow whence they came?”⁶¹ Reflecting this belief, in the early 20th century,
two possible paths emerged regarding the future of U.S. Indigenous policy and presented a
conundrum for legislators and officials. The question to be determined was that of preservation
or assimilation. Preservationists believed that the best way to secure the survival of Native
Americans, would be to consolidate all tribes to reservations and limit their access to the general
public. On the other hand, assimilationists continued to push for the integration of Indigenous
peoples into the wider nation by means of land ownership, education, language, culture, and
tradition. Though the debate between preservationists and assimilationists continued to rage in
both academic and political spheres, by 1917, a new threat to national security and wellbeing
changed the debate on Native American integration.⁶²

When war was declared in 1914, in Europe, the United States experienced a reinvigorated
debate on whether to enlist Native Americans in the US military as segregated units or integrate
them into the general ranks.⁶³ Preservationists such as Commissioner of Indian Affairs, Francis
Ellington Leupp, hoped that the establishment of segregated units would help aid the retention of
“pure” Indian races.⁶⁴ Alternatively, assimilationists, such as the Indian Office, pushed for the
integration of units, as a way of “individualizing” and “uplifting” Indians – a goal they deemed

⁶¹ Ella Higginson, “The Vanishing Race,” The Ella Higginson Blog.
<https://ellahigginson.blogspot.com/p/the-vanishing-race.html>.

⁶² Matthias Voight, “Indigenous Experiences of War (USA),” International Encyclopedia of the First World War, https://encyclopedia.1914-1918-online.net/article/indigenous_experiences_of_war_usa; and Thomas A. Britten, “American Indians in World War I: Military Service as Catalyst for Reform,” PhD diss. Texas Tech University (1994), 4.

⁶³ Britten, *American Indians in World War I*, 28.

⁶⁴ Thomas A. Britten, “American Indians in World War I: Military Service as Catalyst for Reform,” PhD. diss, Texas Tech University, 1994, 51.

as the final stage of Native Americans' assimilation into society.⁶⁵ Reflecting on the failed attempts to segregate units in the 1890s, after 1897, the federal government treated Indigenous soldiers as individuals rather than classifying them by racial or tribal groups.⁶⁶ Though the Bureau of Indian Affairs, alongside Indian reform groups, continued to push for integrated units, the most credited advocate for the initiative, was Dr. Joseph Kossuth Dixon, a former Baptist minister. Though Dixon fully believed in the vanishing Indian myth, he argued that there was no better way to preserve the race of the American Indians than to highlight the most "prominent and glorified" aspects of Indian culture, such as their "warrior tendencies" and "noble spirit," which played on the long-established romanticization of the virtues and honor attributed to soldiers, knights, and fighters, an ideal known as the "cult of the warrior"⁶⁷

In the past, the federal government tried to subdue and eradicate the "warrior tendencies" of Native Americans by consolidating tribes to reservations and stripping them of any weapons. Tom Holm argues that colonial powers often organized minority ethnic groups as a way of "divert[ing] their attention away from fighting against subordination."⁶⁸ However, Erik M. Zissu argues that in World War I, the U.S. government promoted and "fostered the image of Indian patriotism" as a way of proving the benefits of assimilation.⁶⁹ Furthering this point, Cynthia Enloe poses that historically, colonial powers not only militarize groups, but judged the group by their "supposed military proclivities and by whether or not the group is politically reliable."⁷⁰

⁶⁵ Ibid., 28, 35; and Erik M. Zissu, "Conscription, Sovereignty, and Land: American Indian Resistance during World War I." *Pacific Historical Review* 64, no. 4 (1995): 537–66.

⁶⁶ Britten, *American Indians in World War I*, 25.

⁶⁷ The cult of the warrior is a term that has embodied the allure of warriorship and knighthood since the Middle Ages. However, the term in relation to Native American warriorhood was popularized in Thomas A. Britten's *American Indians in World War I*; and James B. MacGregor, "Negotiating Knightly Piety: The Cult of the Warrior-Saints in the West, ca. 1070-ca. 1200," *Church History* 73, no. 2 (2004): 317–45.

⁶⁸ Tom Holm, "The Militarization of Native America: Historical Process and Cultural Perception," *The Social Science Journal*, 34, no. 4 (1997), 463.

⁶⁹ Zissu, "Conscription, Sovereignty, and Land," 538.

⁷⁰ Cynthia Enloe, in Holm, "The Militarization of Native America," 463.

Enloe continues, claiming that groups deemed highly reliable are often conscripted for military service within the larger nation, whereas those deemed uncertain are categorized as too great of a risk.⁷¹ This theory presents a particularly compelling interpretation of the motives driving the debate on Native American militaristic participation in the United States.

When America entered World War I in 1917, the argument that plagued the federal government was not a question of *if* Natives should be included, but whether to enlist them in segregated or integrated units.⁷² This reflected the widely held ideal of Native Americans as wards of the federal government and not equals within the nation. Eventually, assimilationists won the debate and Indians were integrated into American units. The myth of the vanishing Indian, combined with demands for assimilation and the racialized ideology that Indians belonged to a “martial race” particularly suited for militaristic achievements, encouraged the federal government to utilize Native’s “natural abilities.”⁷³ Exemplifying this belief, in 1906, *The Indian Advocate* argued that “The Indian is a natural warrior, a natural logician, a natural artist. Let us not make the mistake, in the process of absorbing them, of washing out of them whatever is distinctly Indian. Our aboriginal brother brings... a great deal which needs only to be developed along the right line. Our proper work is his improvement, not transformation.”⁷⁴

Though exact numbers were not recorded, during World War I, an estimated 12,000 Native Americans served in the U.S. military, with countless more serving the war cause on the home front.⁷⁵ The U.S. Department of Veteran Affairs credits that 600 Oklahoma Choctaw and

⁷¹ Ibid.

⁷² Al Carroll, *Medicine Bags and Dog Tags: American Indian Veterans from Colonial Times to the Second Iraq War*, (Lincoln: University of Nebraska Press, 2008), 87.

⁷³ Ibid.; and Grillot, *First Americans*, 5.

⁷⁴ *The Indian Advocate*, February 1, 1906, 52.

⁷⁵ “Featured Document Display: Honoring Native American Soldier’ World War I Service,” National Archives Museum, (Nov 3, 2020), <https://museum.archives.gov/featured-document-display-honoring-native-american-soldiers-world-war-i-service>.

Cherokee men served in the Texas 124th Infantry, fourteen American Indian women served in the Army Nurse Corps, messengers used the Choctaw language to send encoded messages that were incapable of being deciphered by German cryptanalysts, and four Native Americans were awarded the *Croix de Guerre*, France's highest military honor.⁷⁶ One newspaper reported in 1918 that the Kaiser "comment[ed] on the signal intrepidity, soldierly efficiency and dead-shot quality of these noble scions of American royalty," and said "Dunner und blitzen, how it vas bossible dot Ungel Sam can keep downduch fellers like dot: they get up so quick und schlock 'em on the koopf chunt like hornets und dun they vas gone."⁷⁷

During this era, around 40 percent of Indigenous Americans were not citizens, and, therefore, were not eligible for conscription.⁷⁸ Despite this fact, of the almost 12,000 that served, around 5,000 voluntarily enlisted and 6,500 were drafted – approximately 25 percent of the total population of Native men.⁷⁹ Indian Bureau Field Clerk E. R. Snead reported that "While the calling together of these young men presented the graver side of a serious situation, it is a source of pride to note the manner in which these Indian men and boys conducted themselves, and the spirit of loyalty which pervaded."⁸⁰ Despite the "source of pride" noted in Snead's report, many Native Americans entered the fight due to their desire to keep and revive traditional ways while

⁷⁶ Lindsay F. Holiday, et al., "American Indian and Alaska Native Veterans: Lasting Contributions," U.S. Department of Veteran Affairs, (Sep 2006), 3, <https://www.va.gov/vetdata/docs/specialreports/aianpaper9-12-06final.pdf>.

⁷⁷ The author has chosen to retain original source spelling; "There's A Difference," *The Tomahawk*, August 29, 1918.

⁷⁸ "List of Indians in the World War," IU Museum of Archaeology and Anthropology Digital Exhibits, <https://dlib.indiana.edu/omeka/mathers/exhibits/show/in-their-own-words--native-ame/--list-of-indians-in-the-worl>.

⁷⁹ "American Indians' Service in World War I," The Gilder Lehrman Institute of American History, https://www.gilderlehrman.org/history-resources/spotlight-primary-source/american-indians-service-world-war-i-1920#_ftn1.

⁸⁰ E. P. Snead to G. Parker, Sept. 28, 1917, found in Zissu, "Conscription, Sovereignty, and Land," 538.

accepting the call for assimilation. Additionally, Native volunteering was primarily by people that had gone through government boarding schools.⁸¹

Though many Indian veterans were heralded as heroes when they returned to their reservations after the war, some tribes adamantly opposed the war and refused to participate, while still others refused to comply with the draft in the first place.⁸² The majority of the Goshute people joined in a tribal-wide protest that ended in the National Guard being summoned to forcibly register men for service.⁸³ Though some tribes opposed the war itself, most protested the injustice of not being granted citizenship or voting rights but being called to fight for “their country.” Furthermore, from the social perspective, Al Carroll argues that one must first understand the nuance behind Natives’ views of patriotism, before truly being able to comprehend their participation (or lack thereof) in the U.S. military. Carroll poses that “Most Natives attach fundamentally different meanings to words and phrases such as *patriotism*, *our land*, *fighting for my country*, and *the flag* or *our flag*.”⁸⁴ However, Carroll also argues that many Indigenous peoples who eagerly took part in the war were the ones most visibly assimilated.⁸⁵ One Indian soldier named Apress, refused to carry a weapon and instead acted as a drummer. He pondered, “I could not think why I should risk life and limb in fighting for the white man whom had cheated my forefathers out of their land and become as bad as them.”⁸⁶ Though Apress became increasingly cynical and hostile towards American society, his memoirs reflect language

⁸¹ Carroll, *Medicine Bags and Dog Tags*, 101.

⁸² *Ibid.*, 87; and Susan Applegate Krouse, *North American Indians in the Great War* (Lincoln: University of Nebraska Press, 2007), 120.

⁸³ Krouse, *North American Indians in the Great War*, 103.

⁸⁴ *Ibid.*, 3.

⁸⁵ Carroll, *Medicine Bags and Dog Tags*, 87.

⁸⁶ *Ibid.*, 91.

that reveals the subtle Americanization he endured, such as referring to “our country” and viewing citizenship as “a right desperately needed.”⁸⁷

Though extremely limited, early anthropological and historical studies on Native Americans in World War I concluded that the war had a “positive effect” on Indian assimilation.⁸⁸ Relatively soon after the war, three projects attempted to document Native participation in the U.S. military; one by Rodman Wanamaker, one by the Office of Indian Affairs and the U.S. Army’s Historical Section, and another by Joseph K. Dixon, one of the most vocal advocates for the “vanishing race.”⁸⁹ Though better known for his 1913 book *The Vanishing Race*, which documented the lives and cultures of Native Americans across the United States, after World War I ended, Dixon devoted his time to promoting the cause of Native American citizenship. Dixon’s methods included an effort to capture Indigenous participation in the conflict, by collecting photographs, questionnaires, and written testimonies relating to Native Americans’ military participation. Though this collection was never published due to the granting of citizenship to Indian veterans in 1919, and the Indian Citizenship Act of 1924, his records documented the service of more than 2,800 Indigenous soldiers.

In addition to collecting testimonies from Native veterans, Dixon also reached out to military leaders for any sentiments or items of note relating to Native Americans in combat. From this endeavor, in 1920 Dixon received a letter from General John J. Pershing who wrote that,

... The presence of the American Indian as a soldier of our army, fighting on foreign fields for liberty and justice, presented a unique example of the development of the American Democracy.

⁸⁷ Ibid.

⁸⁸ Krouse, *North American Indians in the Great War*, 5.

⁸⁹ Ibid.

My early service involved campaigns against the Indians on the western plains, where we came to respect them as a foe and to appreciate the tragedy of their early experience with our growing nation... But it was in the World War that the North American Indian Took his place beside every other American in offering his life in the great cause, where as a splendid soldier, he fought with the courage and valor of his ancestors.⁹⁰

As revealed from Pershing's sentiments, in the eyes of both U.S. military and the general public, Native Americans fought nobly in the Great War and deserved their place as citizens of the nation. However, though military participation was intended to act as the final push towards assimilation, it effectively revived and solidified traditions such as the idea of the Native warrior which became widespread across the United States and Canada by World War II and played a key role in the reclamation of Indigenous sovereignty.⁹¹

Before World War I, some Native Americans acquired citizenship by marrying white men, receiving allotments, or through special treaties and statues.⁹² However, most of the men who fought in the war, were not in fact citizens themselves, an outrage many Americans deemed as irreprehensible. In 1919, *The Bemidji Daily Pioneer* published that the "accepted view" towards Indian citizenship is becoming one holding that "the time has come when the Indians are to be regarded as citizens, or as potential citizens, to be given full standing as soon as possible..."⁹³ Furthermore, in 1919, *The Tomahawk* argued "... the Indian race was forced into the hands of the military department and political parties, as prisoners of war and later to be used

⁹⁰ John J. Pershing, "Appreciation of the American Indian in the World War (September 18, 1920)," found in "American Indians' Service in World War I," The Gilder Lehrman Institute of American History.

⁹¹ Carroll, *Medicine Bags and Dog Tags*, 89.

⁹² "Citizenship for Native Veterans," Nebraska Studies.org, <http://www.nebraskastudies.org/en/1900-1924/native-american-citizenship/citizenship-for-native-veterans/>; and "Status of Indians Under US Federal Law," IU Museum of Archaeology and Anthropology Digital Exhibits, <https://dlib.indiana.edu/omeka/mathers/exhibits/show/in-their-own-words--native-ame/questionnaire-anatomy/questionnaire>.

⁹³ "What We Should Do With the Indian," *The Bemidji Daily Pioneer*, June 5, 1919.

as stool pigeons in the hands of politics.”⁹⁴ Reacting to these sentiments, on November 6, 1919, Congress passed a legislative decision that stated,

“BE IT ENACTED . . . that every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individuals or tribal, of any such Indian or his interest in tribal or other Indian property.”⁹⁵

Though this decision is credited as giving citizenship to all Native American veterans who fought in World War I, in reality, the act gave veterans who were honorably discharged the *option* of becoming citizens of the United States.⁹⁶ Despite the fact that few Indians took advantage of this legislation, by 1924, Congress took the “final step” of granting citizenship and voting rights to Native inhabitants and passed a law allowing all Native Americans born in the United States to become citizens of the nation.⁹⁷ However, this law was subject to state jurisdiction, meaning, that in some states, Native Americans would have to wait until as late as 1957 to be allowed the right to vote.

Henry Mitchell, a resident of Maine, one of the last states to comply with the citizenship act, recalls that “One of the Indians went over to Old Town once to see some official in the city hall about voting. I don’t know just what position that official had over there, but he said to the Indian, ‘We don’t want you people over here. You have your own elections over on the island,

⁹⁴ “Autocracy,” *The Tomahawk*, March 27, 1919.

⁹⁵ “H.R. 5007, An Act Granting Citizenship to Certain Indians, September 27, 1919” U.S. Capitol Visitor Center, <https://www.visitthecapitol.gov/exhibitions/artifact/hr-5007-act-granting-citizenship-certain-indians-september-27-1919>.

⁹⁶ “Citizenship for Native Veterans,” Nebraska Studies.org.

⁹⁷ *Ibid.*

and if you want to vote, go over there.’’⁹⁸ Though Native Americans were not granted full citizenship rights by individual states until the mid-twentieth century, this act marked a pivotal time in the era of assimilation and kick-started the nation’s transition into reorganizing federal power over Indigenous populations.

Many who pushed for the assimilation of the “vanishing race” celebrated the Indian Citizenship Act of 1924. However, others vocalized their issues with this monumental decision. In 1924, the Board of Indian Commissioners wrote that this decision granted “approximately 125,000 men, women, and children, most of whom were of half or full Indian blood, and all of whom were wards of the Government” American citizenship. However, the board argued that this decision did not actually change their situation until Congress authorized several acts that would give them “unrestricted possession of the lands, funds, and other property which are now held in trust for them by the Federal Government.” The board continued that,

... there seems to be a somewhat widely spread impression that when President Coolidge signed the Indian citizenship act he, then and there, with a sweep of his pen, ended the Indian problem and laid it away in the archives of history; that there now is no further need of Federal guardianship and trusteeship and, consequently, no further excuse for the continuance of the Bureau of Indian Affairs.

This board holds views exactly to the contrary. We are of the opinion that the formal merging of the Indian people into the citizenry of the country is a distinct challenge to the Government to intensify its Indian Service activities in order to hasten the day when all supervised Indians may safely pass from under supervision by becoming the unrestricted owners of their property and the equals, in all respects, of all other American citizens.⁹⁹

Though Indian voices in the matter were not often recorded, today, Indigenous scholars argue that the very act of granting citizenship to Indigenous people, whether or not it was requested,

⁹⁸ “The Life of Henry Mitchell.” Robert Grady, interviewer; Old Town, Maine, ca. 1938-1939. American Life Histories: Manuscripts from the Federal Writers’ Project, 1936 to 1940. Manuscript Division, found in “Indian Citizenship Act,” Library of Congress, <https://www.loc.gov/item/today-in-history/june-02/>.

⁹⁹ Department of the Interior, *Fifty-Fifth Annual Report of the Board of Indian Commissioners to the Secretary of the Interior for the Fiscal Year Ended June 30, 1924* (Washington: Government Printing Office, 1924), 2.

constituted a further violation of tribal sovereignty.¹⁰⁰ The Indian Citizenship Act made Native Americans equal in political status. However, in reality, the reservation and assimilation system would continue to hinder the collective development of Indigenous communities, well into the era of Native political and social reorganization.

In 1917, philosopher John Dewey argued that nationality is an ambiguous term that holds two simultaneous meanings, the first being a commitment to the national state and the other a connection to consciousness, or, the imagined community.¹⁰¹ Though the Indian Citizenship Act of 1924 gave Native Americans connection to national society, Native Americans would still be forced to choose whether to embrace either their Native-ness, American-ness, or a hybrid identity between the two.¹⁰² In 1925, *The Tomahawk* reported that

All the Indian Wants is proper delivery of, and protection of his promised property; and then TO BE LET ALONE – TO BE FREE TO LEAD HIS OWN LIFE without the constant surveillance, the enforced supervision of (1) an antiquated Bureaucracy; (2) of religious zealots, who force upon him their varying conceptions of God; and (3) of “fashionable Benevolents whose conception of the Indian is that of a gaudy curiosity, and whose interest in him is only an excuse for ostentatious charity.”¹⁰³

During the era of assimilation, the widespread belief in the myth of the vanishing Indian caused terrific harm to Indigenous peoples and culture through its influence on the nation’s leaders and legislation. These actions may not have been consciously malicious, but the fact remains that they were decided on behalf of Indigenous people and reflected misguided ideologies that viewed Native Americans as wards of the government and not autonomous citizens. The *idea* of assimilation was intended to preserve Indigenous peoples. However, the *practice* of assimilation

¹⁰⁰ “Citizenship for Native Veterans,” Nebraska Studies.org; and Alexandra Witkin, “To Silence a Drum: The Imposition of United States Citizenship on Native Peoples,” *Historical Reflections / Réflexions Historiques* 21, no. 2 (1995): 354.

¹⁰¹ John Dewey, “The Principles of Nationality,” 1917, found in Frederick E. Hoxie, *Indians in American History* (Arlington Heights: Harlan Davidson, Inc., 1988), xiii.

¹⁰² Grillot, *First Americans*, 161.

¹⁰³ Joseph W. Latimer, “The Dawn of a New Day for the Indian,” *The Tomahawk*, August 6, 1925.

shattered tribal ties, uprooted communities, subdued traditional beliefs and customs, and stripped Native Americans of their unique identity. Though movements such as the Indian Citizenship Act of 1924 seem relatively small in the grand scheme of the U.S. Indigenous political narrative, the decisions represent decades of societal struggle, and cultural upheaval. By understanding the myth of the vanishing Indian, the ideology and history of assimilation, and the tumultuous process accompanying Indigenous participation in World War I, scholars may better understand the true impact that laws such as the Indian Citizenship Act of 1924 had on Native American sovereignty in the twentieth century.

Chapter Two

American Individualism and the Reorganization of Native America

How would you like to have somebody eat for you in order to get fat? How would you like to have your money spent and you get infinitesimal benefit from it? How would you like to have your money kept for you, and you are not informed as to the amount of your credit? How would you like to have your pasture, timber and mineral lands leased, sold or what not without your consent or knowledge? How would you like to be kept as a child from your birth until you died?

How would you like to be kept in fear all your life? How would you like to exist in a free country and be kept in bondage? How would you like to live where right and wrong are adjusted by laws, and you are deprived of the same privileges?...

This is the actual position of the Indian race before the American public...

“How Would You Like It?” - *The Tomahawk*, February 10, 1921¹

¹ “How Would You Like It?” *The Tomahawk*, February 10, 1921, vol. XVIII, no. 42.

On October 1, 1913, the annual convention of the Society of American Indians debated the adoption of six demands that, if approved, would be submitted to Congress. The demands included:

1. An exact definition of the legal status of the Indian.
2. The opening of the United States Court of Claims to the Indian.
3. Reorganization of the school system.
4. Division of the funds held by the government among various tribes of Indians.
5. Provision for the ownership of Indians of their lands in fee simple.
6. Full citizenship and right of suffrage for Indians.²

Though it would take years, and, in some cases, decades, for some of these demands to be fully realized by the American government, the list represents the political challenges facing Native Americans in the first half of the twentieth century. In the late nineteenth to early twentieth century, the federal government's primary goal was the "salvation" of the "vanishing race" through assimilation. However, as the progressive nature of the twentieth century solidified itself in American industrial, political, and social spheres, both the American government and public began to question the merits of integrating individual Indians within western society and preserving the culture and traditions of Native American tribes as key parts of the nation's identity. Inspired by national beliefs such as the idea of American individualism, the integration of Indigenous cultures into collective national identity, and the effort to preserve traditional cultures, during the era of reorganization, the federal government attempted to restructure tribal nations, reservations, and the Bureau of Indian Affairs, in order to help Indians escape the impoverishing and harsh reality of reservation life and continue to integrate Indian individuals within the wider nation.

From the founding of the country, Native Americans have acted as a counterpart to white European society. Indians represented the wild untamed aspect of the American nation and

² "Indians Formulate Demands to be Offered to Congress," *The Oglala Light*, October 1, 1913.

reminded twentieth century western Americans of the ways they conquered the “untamed” frontier of the new world.³ In the National Museum of Natural History’s project “Images of Native Americans in Popular Culture: 19th to 21st Century,” Victoria X. Danner and Dr. JoAllyn Archambault argue that throughout American history, images of the Native American either reflected romanticized ideals of oneness with nature, nostalgia for the “good old days” of the Old West, and “innocent and virtuous” pagans who were eager to assimilate into the modern new world, or, on the other hand, ignoble savages that were “violent, drunk, lazy, and stupid.”⁴ This study found that the Native American became a sort of “ethnic blank slate upon which colonialists imposed their own perceptions, values and ideals...”⁵

Throughout the early twentieth century, stereotypes of Native Americans as both the noble savage and the ignoble pagan were popularized in literature, film, and marketing schemes.⁶ Exemplifying this, in 1920, the *Arizona Republican* reported that “As [the Indian] talks to me I can almost see the mystic scenes of the hunting grounds, the bloody battle, the weird war dances, story telling groups and smoking of the pipe of peace and happiness around the glowing light of the camp fire, the cool refreshing moon watching over a quiet village dimly lighted...”⁷ Further adding to the growing cult of the noble red man, Martin Berny argues that during the early twentieth century, pop culture played a key role in solidifying the othering of Native Americans from western society by emphasizing racial stereotypes and portraying Indians as both a “savage” people European Americans tamed and a noble race whose “antiquated ways” were

³ Turner, “The Significance of the Frontier in American History.”

⁴ Victoria X. Danner and Dr. JoAllyn Archambault, “Images of Native Americans in Popular Culture 19th to 21st Century,” National Museum of Natural History, <https://naturalhistory.si.edu/sites/default/files/media/file/2011-danner-poster.pdf>.

⁵ Ibid.

⁶ Ibid.

⁷ Catherine Picone, “The Young Writers Club of Arizona: The American Indian,” *The Arizona Republican*, April 18, 1920.

remnants of a simpler time.⁸ Though these sentiments perpetuated harmful stereotypes, they also served to solidify the role of Native Americans within the fabric of the nation.

By the 1920s, the pop culture Indian became “a necessary ideological tool supporting the All American Hero...”⁹ However, real Indians were widely ignored by the American public and were frequently mistreated by federal legislatures. In 1926, *The Bismarck Tribune* noted that “while no one will deplore the tremendous progress made by the White races on the American continents” people do “regret” that the “aborigines whom we call Indians, are rapidly disappearing from the vast areas which once were theirs.”¹⁰ This report continued that “as a nation we seem to be too busy with our own affairs to give much attention to the remnants of a former numerically strong people.”¹¹ Though the myth of the vanishing Indian continued to impact this era of national thought, in the early 1900s, the plight of the “vanishing race” garnered sympathy among the American public, causing national assimilational opinions towards Indigenous peoples to be replaced with the idea of preserving native heritage as a vital part of the American spirit. Reflecting this, in 1924, the *Seward Daily Gateway* reported that

No longer is it the universal sentiment of the white man that “the only good Indian is a dead Indian.” From one of extermination the Indian policy of the white man’s government and the white man himself has changed to one of friendly aid. Instead of warfare there is education, for destruction has been substituted protection... It is the will of the general public that the Indian be left to his pottery, basket-weaving and snake dance for the sake of his own racial salvation, the preservation of his art and culture and of one of the most interesting heritages of the American people.¹²

⁸ Martin Berny, “The Hollywood Indian Stereotype: The Cinematic Othering and Assimilation of Native Americans at the Turn of the 20th Century,” *Société des Anglicistes de l’Enseignement Supérieur*, <https://doi.org/10.4000/angles.331>.

⁹ Ibid.

¹⁰ P. A. Kinsley, “‘The Vanishing Race’ Gives Story of the Tragic Fate of the Indian,” *The Bismarck Tribune*, March 24, 1926.

¹¹ Ibid.

¹² “The Modern Indian,” *Seward Daily Gateway*, December 4, 1924.

In addition to the idea that both the Native American race and their culture should be preserved, throughout this time, pieces such as *The New York Herald's* "Is the Indian Misrepresented in Literature?" and the *Grand Forks Herald's* "Reviving Indian Arts" challenged the American public to reimagine the roles of Indigenous American cultures within the nation.¹³ However, as the elevated status of Native culture took root within popular sentiments, another key element of U.S. identity began to enter into national conversations.

Though early definitions of "American individualism" differ depending on the context, the concept of individualism emerged as a product of the eighteenth century's Enlightenment movement and was solidified within the burgeoning American identity through documents such as the Declaration of Independence, which heavily emphasized *individual* inalienable rights.¹⁴ The term "individualism" itself appeared in American debates around the 1830s, kick-started by publications such as Alexis de Tocqueville's 1835 work, *Democracy in America*, wherein he argued that "The American, taking part in all that is happening in this country, believes it is in his interest to defend all that you criticize there; for is not only his country that you then attack, it is himself. Consequently, you see his national pride resort to all the artifices and to send to all the puerilities of individual vanity." In this passage, Tocqueville iterates the growing sense of pride Americans held towards the nation's unique identity despite the country's nascent formation, but continues that "So America is a country of liberty, where, to hurt no one, the foreigner must not speak freely about individuals, nor the state, nor the governed, nor those who govern... about

¹³ Joseph Gould, "Is the Indian Misrepresented in Literature?" *The New York Herald*, June 25, 1922; Frederic J. Haskin, "Reviving Indian Arts," *Grand Forks Herald*, August 12, 1922.

¹⁴ Eric Daniels, "A Brief History of Individualism in American Thought," in *For the Greater Good of All*, eds. Donelson R. Forsyth and Crystal L. Hoyt (New York: Palgrave Macmillan, 2011), 71.

nothing in fact that you find there, except perhaps for climate and soil; even then you find some Americans ready to defend the one and the other as if they had taken part in their formation.”¹⁵

Though American identity became increasingly solidified throughout the 19th century, the idea of a uniquely “American” ideal of individualism was popularized in 1893, when Frederick Jackson Turner published his frontier thesis, an interpretation of history which argued that the American frontier experience separated the United States from Europe and carried with it “individualism, democracy, and nationalism, and powerfully affected the East and the Old World.”¹⁶ Turner continued this theory by stating that

The result is that to the frontier the American intellect owes its striking characteristics. That coarseness and strength combined with acuteness and inquisitiveness; that practical, inventive turn of mind, quick to find expedients; that masterful grasp of material things, lacking in the artistic but powerful to effect great ends; that restless, nervous energy; that dominant individualism, working for good and for evil, and withal that buoyancy and exuberance which comes with freedom—these are traits of the frontier, or traits called out elsewhere because of the existence of the frontier.¹⁷

To Turner, this “dominant individualism” signaled opportunity. However, when mixed with Tocqueville’s influential argument that, despite the threats to society individualism may cause, “Americans of all ages, all conditions, all minds constantly unite,”¹⁸ by the turn of the century, Turner’s individualism was adopted as a crucial pillar of American society and identity.¹⁹

Displaying this, in 1922 *The Barre Daily Times* reported that,

This continual rebirth and fluidity of American history [on the frontier], offering new opportunities, enforced equality, the simplicity of primitive society, furnishes the most distinctive force dominating American character. Each state, in turn, has been built by men with the spirit of adventure, hardihood, sturdy independence,

¹⁵ Alexis de Tocqueville, *Democracy in America*, Vol 1, (Indianapolis: Liberty Fund, Inc., 2012), Eduardo Nolla, ed., 388.

¹⁶ Turner, “The Significance of the Frontier in American History.”

¹⁷ Ibid.

¹⁸ “An Excerpt from *Democracy in America*,” University of Chicago, <https://press.uchicago.edu/Misc/Chicago/805328.html>.

¹⁹ Daniels, “A Brief History of Individualism in American Thought,” in *For the Greater Good of All*, Forsyth and Hoyt, 74.

fortitude and courage of the frontiersman. This is our one common foundation from which to build up a national character.²⁰

In addition to perpetuating the idea of the American individual, Turner also suggested the crucial role that Native Americans played within the frontier epic. This theory virtually grounded U.S. identity within the framework of the wild west and solidified the role of the Indian as the counterpart to western society. Though Turner popularized the concept of “rugged individualism,” in the following century, leading national figures such as Theodore Roosevelt and Herbert Hoover, combined with contrasting ideologies like socialism, reinvigorated the thesis and solidified its place in evolving American identity.²¹

By the early 1900s, the idea of individualism was firmly cemented in the American nation and began to seep into both federal and societal thought towards Indigenous peoples. Recognizing individualism’s role in U.S. society, when Theodore Roosevelt was elected president in 1901, his primary goal was to secure American nationalism and presidential power, and follow progressive practices by deemphasizing the individual and promoting an American “melting pot,”²² internal reforms, and foreign intervention.²³ In 1899, Roosevelt argued that “We cannot sit huddled within our own borders and avow ourselves merely an assemblage of well-to-do hucksters who care nothing for what happens beyond.”²⁴ However, these decisions were undermined by the violence that emerged from both the Spanish and Philippine-American Wars, and subsequent internal opposition to U.S. interventionism by both influential members of the

²⁰ “Books Powerful Factors: In Transmitting American Tradition to New Generations,” *The Barre Daily Times*, July 1, 1922.

²¹ Mody C. Boatright, “The Myth of Frontier Individualism,” *The Southwestern Social Science Quarterly* 22, no. 1 (1941): 14–5.

²² Gary Gerstle, “Theodore Roosevelt and the Divided Character of American Nationalism,” *The Journal of American History* 86, no. 3 (1999): 1280–1307.

²³ “The Progressive Movement and U.S. Foreign Policy, 1890-1920s,” U.S. Department of State, <https://2001-2009.state.gov/r/pa/ho/time/ip/108646.htm>.

²⁴ Theodore Roosevelt, “The Strenuous Life,” April 10, 1899, Voices of Democracy, <https://voicesofdemocracy.umd.edu/roosevelt-strenuous-life-1899-speech-text/>.

progressive party and other key national figures such as Mark Twain.²⁵ For this reason, the spirit of American individualism continued to persist, especially in light of new ideologies such as socialism, that threatened to undermine capitalist societies and western democracy.

In 1906, William Jennings Bryan, American politician and leading spokesman for the Democrat Party, published an article in *The Commoner*, titled “Mr. Bryan on Individualism Verses Socialism.” In this piece, Bryan argued that both individualism and socialism “define tendencies rather than concrete systems.”²⁶ However, whereas “The individualist believes that competition is not only a helpful but a necessary force in society, to be guarded and protected; the socialist regards competition as a hurtful force, to be entirely exterminated.”²⁷ Though, in his comparison, Bryan believed that it was only fair to contrast the two systems at their idealized best, he questioned whether socialism would protect a nation from its leaders’ own limitations and personal shortcomings.²⁸ Additionally, Bryan posed that “After the government has secured to the individual, through competition, a reward proportionate to his effort, religion admonishes him of his stewardship and of his obligation to use his greater strength, his larger ability, and his richer reward in the spirit of brotherhood.”²⁹ Bryan’s words present a fascinating illustration of twentieth century American society. However, when comparing his ideals to those relating to Native Americans’ roles in the nation, a notable parallel emerges.

Just a decade later, in 1916, then Commissioner of Indian Affairs Cato Sells noted that, “The Indian has demonstrated his humanity and his capacity for intellectual and moral progress

²⁵ Ibid.; and “The Progressives,” Constitutional Rights Foundation, <https://www.crf-usa.org/election-central/the-progressives.html>; “The Philippine-American War,” Bill of Rights Institute, <https://billofrightsinstitute.org/essays/the-philippine-american-war>.

²⁶ W. J. Bryan “Mr. Bryan on Individualism Versus Socialism,” *The Commoner*, April 27, 1906; and “William Jennings Bryan,” Nebraska Public Media, <https://www.nebraskastudies.org/en/1875-1899/roots-of-progressivism/william-jennings-bryan/>.

²⁷ Bryan “Mr. Bryan on Individualism Versus Socialism.”

²⁸ Ibid.

²⁹ Ibid.

amid conditions not always propitious, and I am eager to participate with all the favoring forces that contribute to his racial triumph, believing, as I do that when he comes to himself as a factor in the modern world his achievements will enrich and brighten the civilization of his native land.”³⁰ In this passage, Sells clearly identifies the correlation of individual achievement to intrinsic value. This unspoken but understood link pushed American policy to adopt a new form of Native administration in an effort to make tribes “productive” members of the nation. Also in 1916, *The Oglala Light* reported that in South Dakota, there was a “general feeling” that both Indians and citizens alike would be better off if the country moved “as rapidly as possible to entire abolition of the ward system for the Indians.”³¹ The article argued that “So long as the Indians expect Uncle Sam to look after them they will make slow progress in doing for themselves.”³² With this mindset, Congress entered a new era of Indian policy; one dedicated to making “the Indian” an equal member of economic society.

In the wake of World War I, then Secretary of Commerce Herbert Hoover wrote an exploration of American society, titled *American Individualism*, wherein he detailed the factors that separated the United States from European nations, namely, the country’s nature of individualism. In this work, Hoover argued that though individualism can become corrupted by tyranny, injustice, and the lack of “tempering principles,”³³ in America, the idea was defined by the “injection of a definite principle;” being the belief in the equality of opportunity.³⁴ To prove this claim, Hoover listed four key ideals that distinguished American individualism from those of another country. Those factors being;

³⁰ “Today’s Indian Problem,” *The Oglala Light*, February 1, 1916.

³¹ “Commission Visits Yankton Indians to Decide Competency,” *The Oglala Light*, February 1, 1916.

³² *Ibid.*

³³ Herbert Hoover and George H. Nash, *American Individualism* (Hoover Institution Press, 2016), 7.

³⁴ *Ibid.*

That while we build our society upon the attainment of the individual, we shall safeguard to every individual an equality of opportunity to take that position in the community to which his intelligence, character, ability, and ambition entitle him; that we keep the social solution free from frozen strata of classes; that we shall stimulate effort of each individual to achievement; that through an enlarging sense of responsibility and understanding we shall assist him to this attainment; while he in turn must stand up to the emery wheel of competition.³⁵

Though Hoover's claims paint a rather exceptional image of early twentieth century American society, in practice, these ideals more closely reflected the nation's *goal* if not the all-encompassing reality.

Whereas Native American political culture places the community over the individual, in early twentieth century U.S. politics and society, the idea of the individual takes precedent.³⁶ Eric Daniels defines individualism as regarding "... each individual as a moral, political, and economic primary, meaning that each person in a civil society is by right an independent and sovereign being and that he or she should be free to choose his or her associations voluntarily and not have obligations or duties imposed by society without consent."³⁷ Though this idea in and of itself is neither positive nor negative, throughout the twentieth century, national leaders such as Herbert Hoover romanticized both the concept and its "pure and uncorrupted" embodiment in U.S. society, which posed a cruel hypocrisy for both Indigenous Americans and western Americans alike. In the midst of the Great Depression, some in American society clung to the idea of equality and the belief that average citizens could "pull themselves up by their bootstraps."³⁸ However, the practice of American individualism took a back seat to the necessity for collective planning, social actions, and solutions to the ongoing global crisis.³⁹ In 1931,

³⁵ Ibid., 7-8.

³⁶ Sarita Chourey "What We Can Learn From Native American Politics," Furman University, November 23, 2021, <https://news.furman.edu/2021/11/23/what-we-can-learn-from-native-american-politics/>.

³⁷ Daniels, "A Brief History of Individualism in American Thought," 70.

³⁸ Ibid.

³⁹ Ibid., 79.

Charles Beard argued that “Great things have been done in its [individualism’s] name, no doubt, and it will always have its place in any reasoned scheme of thinking. Individual initiative and energy are absolutely indispensable to the successful conduct of any enterprise, and there is ample ground for fearing the tyranny and ineptitude of Governments.”⁴⁰ Though Beard’s argument against individualism proved enticing for a weary nation, in reality, the ideal was too deeply rooted within the American psyche to be displaced for long.

In “Individualism in American Thought,” Eric Daniels argues that by the 1930s, the nation clung to “old ideas that no longer described their experience.”⁴¹ From this movement, John Dewey, one of America’s leading Pragmatic Progressives in the early twentieth century, posed that individualism was more of an “adaptable set of ideals” rather than an “eternal truth.”⁴² With this disillusionment growing in American minds, in 1932, *The Independent* published “Good Bye Individualism,” which argued that “We are slowly but surely drifting toward some form of socialism or dictatorship” brought on by the need for the stabilization of wages and prices.⁴³ However, the nation’s persistent hold on an individualistic identity resonated deeply in 1930, when the nation rejected involvement in the League of Nations. In 1930, *The Carbon County News* argued that “The grotesquely false doctrine that America for rich out of the war has been preached, our duty to cancel all European obligations has been proclaimed, and ill will has followed our failure to do so... and it is now claimed that America should bear on her back all the financial burdens growing out of the World War... and supplant American individualism with European socialism.”⁴⁴ Regardless of the evolving limitations, definitions, and implications

⁴⁰ Charles Beard, *The Myth of Rugged American Individualism* (New York: The Stratford Press, Inc., 1932), 25.

⁴¹ Daniels, “Individualism in American Thought,” 79.

⁴² *Ibid.*

⁴³ “Good Bye Individualism,” *The Independent*, October 21, 1932.

⁴⁴ “Shall America be Denationalized,” *The Carbon County News*, December 25, 1930.

individualism had on the American nation, in this era, the ideal continued to emerge in popular debates and consistently influenced U.S. identity. Additionally, the persisting hold of ideologies such as the myth of the vanishing Indian, added further grounds to the growing push for individual Indian citizens to economically participate in the wider nation. Despite this, throughout the early twentieth century, the ideal of governmental paternalism towards tribal communities was gradually overcome with a movement to reorganize tribes and propel them towards semi-autonomy and self-sufficiency.

As illustrated in chapter one, throughout the era of Native American assimilation, the widespread belief that Indians were members of a dying race perpetuated beliefs such as the myth of the vanishing Indian and encouraged federal efforts to integrate Indigenous peoples into U.S. society. Building off the legacy of the Dawes or General Allotment Act of 1887, the federal government continued to redistribute tribal land throughout the early 1900s to individual Indians as a way of promoting assimilation into the wider nation.⁴⁵ James P. Lynch argues that this era saw two “streams” of policy: the first being an “emphasis of federal Indian policy upon the assimilation of the Indian into the American societal and economic mainstream along with the commensurate abolishment of tribal and band government,” and the second being the placement of assimilated Indians under the jurisdiction of the states.⁴⁶

Though the Allotment period was intended to solve the “Indian problem” by promoting assimilation, by the late 1920s, Congress deemed the policy to be a complete failure and gradually replaced it with initiatives meant to elevate Native Americans within the country.⁴⁷

⁴⁵ James P. Lynch, *Children of “Red Atlantis:” The Development of Federal Indian Policy, 1735 Through the Indian Reorganization Act* (Westminster: Heritage Books, 2011), 166.

⁴⁶ *Ibid.*, 166.

⁴⁷ William C. Canby Jr., *American Indian Law In a Nutshell* (St. Paul: West Academic Publishing, 2020), 26.

This shift was heavily influenced by the growing national adoption of Indian culture as part of the unique American experience.⁴⁸ During the era of reorganization, the federal government, encouraged by leading ideals such as “American individualism” and “national unity,” sought to solve the “Indian problem” by returning partial autonomy to tribal communities and promoting education and general welfare among reservations.⁴⁹ Though the primary push to treat Native Americans as individuals within the United States occurred in the 1930s, in order to understand the significance of this decision, one must first look at one of the court cases that inspired the need to reorganize federal-Indian relations.

The case of Chief Standing Bear is exemplary of the U.S. government providing increased rights and autonomy to individual Indians, while those left on reservations retained their status as wards of the government. In his memoir *Buckskin and Blanket Days: Memoirs of a Friend of the Indians*, Thomas Henry Tibbles, a self-acclaimed Indian friend and reporter for the *Omaha World-Herald*, recorded his experience reporting the Poncas’ removal from the Nebraska-South Dakota boundary to the nascent Oklahoma Indian Territory in 1877. This “gentle” tribe of around 710 people – half of whom were women and children – farmed the land on their reservation, a plot they “owned outright through title and fee simple.”⁵⁰ However, they were forcibly removed despite “protests of experienced officials and Western legislatures.”⁵¹

Tibbles writes that no provisions had been made for the tribes on their relocation tract. Additionally, the “water proved actively poisonous” which caused malaria to rage among the Poncas, who were reduced to 430 people by 1878.⁵² In 1879, a band of thirty Poncas, including

⁴⁸ Ibid.

⁴⁹ “The Termination Era (1953-1968),” Howard University Law Library, <https://library.law.howard.edu/civilrightshistory/indigenous/termination>.

⁵⁰ Thomas Henry Tibbles, *Buckskin and Blanket Days: Memoirs of a Friend of the Indians* (Chicago: R. R. Donnelley & Sons Company, 1985), 242.

⁵¹ Ibid.

⁵² Ibid., 243.

Chief Standing Bear, who's last son had died from illness, left their reservation, without permission, to return to Nebraska and bury their dead. However, under direct orders from Secretary of the Interior, General George Crook arrested the group and held them at Fort Omaha to await a hearing. General Crook, distraught over the ordeal, asked Tibbles to cover the story stating, "You have a great daily newspaper here which you can use. You're perfectly acquainted with all the crimes of the Indian Ring in Washington. I ask you to go into this fight against those who are robbing these helpless people... The American people, if they knew half the truth, would send every member of the Indian Ring to prison."⁵³

On the morning of the hearing, Chief Standing Bear, dressed in his full chief's regalia, told the crowd, through an interpreter, his side of the case...

I had found the white way was a good way. I had often wished I could tell the Great Father how grateful I was to him for showing me and my people this new way. I always obeyed every order he ever sent me. I never committed a crime in my life. Yet here we are – prisoners. At last I had only one son left... When he was dying he asked me to promise him one thing... He begged me to take him, when he was dead, back to our old burying ground by the Swift Running Water, the Niobrara... if we must be sent back, first let me go and bury my boy. Let me keep my promise to him... I thought God intended us to live, but I was mistaken. God intends to give the country to the white people, and we are to die. It may be well; it may be well. I do not protest. But let our bones be mingled together in the earth where our forefathers lie, and on which we lived so many years and were happy.⁵⁴

After submitting this report to the *Herald*, Tibbles wrote that newspapers everywhere were pro-Indian in their stance.⁵⁵ However, the Secretary of the Interior did not respond to the appeal.

Desperate to keep the Poncas from being sent back to Indian Territory, Tibbles brought the case to Omaha lawyer, John L. Webster, and asked him to defend the tribe on the basis of the

⁵³ The Indian Ring refers to a group of U.S. officials that were accused of skimming from funds intended for Native Americans during the 1860s and 1870s; and *Ibid.*, 244.

⁵⁴ *Ibid.*, 247.

⁵⁵ *Ibid.*

Fourteenth Amendment to the Constitution; that “any *person* in the United States had a right to life, liberty, and property unless these were removed by due process of law.”⁵⁶ Chief Standing Bear, begged Tibbles to ask his friend, Judge Elmer Dundy, who was trying the case, to let the chief speak on his own behalf.⁵⁷ When the case was tried on April 30, 1879, lawyers on both sides fervently argued their cause. After the case was adjourned, Standing Bear was given a chance to address the court room – whose audience listened intently to every word.

Standing Bear rose, extended his hand before him, and stood silently for an “unnerving” amount of time. Finally, he looked at the judge and said,

That hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be as the same color as yours. I am a man. The same God made us both. I seem to stand on the bank of a river. My wife and little girl beside me. In front the river is wide and impossible, and behind are perpendicular cliffs. No member of my race ever stood there before. There is no tradition to guide me.⁵⁸

Standing Bear continued his speech to describe that as he stood on the bank, a flood began to rise, threatening his family, and the only way out was a “steep, stony way leading upward.”⁵⁹

Though he shouted to his family that they’re saved, “... a man bars the passage. He is a thousand times more powerful than I.” Standing Bear shared that, “Behind him I see soldiers as numerous as the leaves of the trees. They will all obey that man’s orders. I, too, must obey his orders. If he says that I cannot pass, I cannot. The long struggle will have been in vain... We are weak and faint and sick. I cannot fight.” Then, looking at the judge, he finished, “You are that man.”⁶⁰

⁵⁶ Ibid., 48-9.

⁵⁷ Ibid.; and “The Decision,” Nebraska Studies, <https://nebraskastudies.org/en/1875-1899/the-trial-of-standing-bear/the-decision/>.

⁵⁸ Tibbles, *Buckskin and Blanket Days*, 253

⁵⁹ Ibid.

⁶⁰ Ibid., 254-5.

Standing Bear's speech brought tears to Judge Dundy's eyes and silenced the court room "except for a few women's sobs."⁶¹

A week later, Judge Dundy made several key decisions that influenced Native American policy for years to come. Dundy decided that: "an Indian is a *person* within the laws of the United States," and subsequently had the right to sue in a federal court; Indians "had the right to appeal to the court for relief;" the Poncas were being illegally held by General Crook; Indians have the right of 'life liberty and the pursuit of happiness;' and finally, that the Poncas could not be forcefully deported to Indian Territory.⁶² Dundy rationalized this decision by stating that "in leaving the tribal territory land they had renounced their allegiance to the tribe, they now had acquired the same legal rights as any foreigner who might come here, and therefore in the same way, they could ask the courts to protect them."⁶³ Though Standing Bear won this case, his lawyers warned him that if he ever returned to the reservation, he could be arrested for intruding. Despite this warning, he returned to his people's traditional homeland at Niobrara City and provided for his band by "chopping wood for townfolk."⁶⁴

The story of Standing Bear's triumph represents a notable win in the journey for Native American autonomy. Though Judge Dundy's decision did not apply to all Native Americans, the case established a key precedent that would have long-term legislative repercussions. After the trial, Standing Bear, encouraged by Tibbles, embarked on an Indian civil rights advocacy tour to the east, where the Chief shared his story to thousands and encouraged former slavery abolitionists to turn their attention to the nation's "Indian problem."⁶⁵ Furthermore, this trial

⁶¹ Ibid., 254.

⁶² Ibid.; and "The Decision," Nebraska Studies.

⁶³ Tibbles, *Buckskin and Blanket Days*, 255.

⁶⁴ Ibid.

⁶⁵ "Chief Standing Bear's Legacy, Civil Rights Leader of His Time – Part 3," Native Hope, <https://blog.nativehope.org/chief-standing-bears-legacy-civil-rights-leader-of-his-time-part3>.

embodies the distinct fracture between public opinion towards Native Americans and the U.S. Government's struggle to retain control over the tribes. After the *Standing Bear v Crook* trial, newspapers across the nation published mixed feelings regarding Judge Dundy's decision.⁶⁶ On May 15, 1879, the *Omaha Herald* wrote that

The decision of Judge Dundy at Omaha in the Standing Bear *habeas corpus* case in which he virtually declares Indian citizens with the right to go where they please, regardless of treaty stipulations is regarded by the government as a heavy blow to the present Indian system, that if sustained will prove extremely dangerous alike to whites and Indians... The district attorney at Omaha has been instructed to take the necessary steps to carry the question to higher courts.⁶⁷

Despite the fact that a significant amount of American citizens empathized with Standing Bear's circumstance and supported the ruling, Judge Dundy's decision alarmed the Bureau of Indian Affairs and produced the unintended side effect of giving the federal government grounds to arrest Native Americans who ventured onto reservations that were not their own.⁶⁸ Though the federal government appealed this decision, the Supreme Court refused to hear the case, allowing the reclassification to stand.⁶⁹

Standing Bear's story poses a perfect example of the growing effect of American individualism on Native affairs. Inspired by Standing Bear's civil rights tour, Clinton B. Fisk, president of the Board of Indian Commissioners, argued that "Every man is born into the world with the right to his own life, to personal liberty, and to inherit, earn, own, and hold property. These rights are given to him by the great God: not because he is a white man, a red man, or a

⁶⁶ Tibbles, *Buckskin and Blanket Days*, 255; and "Chief Standing Bear: A Person Under the Law," U.S. Courts Library 8th Circuit, <http://www.lb8.uscourts.gov/pubsandservices/histsociety/neb-chiefstandingbear-booklet.pdf>, 7.

⁶⁷ "Standing Bear," *Omaha Herald*, May 15, 1879, in "Reactions to the Verdict in the Standing Bear Trial: Stories in the Omaha Herald, May 1879," Nebraska Studies.org, http://d1vmz9r13e2j4x.cloudfront.net/nebstudies/0601_1004reactions.pdf, 2.

⁶⁸ *Ibid.*, 2.

⁶⁹ "Chief Standing Bear," Missouri National Park Service, <https://www.nps.gov/mnrr/learn/historyculture/standingbear.htm>.

black man, but because he is a MAN.”⁷⁰ Even as late as 1920, *The Richmond Palladium and Sun-Telegram* printed that “Of all the Indian chiefs whose careers brought honor to their people, probably none achieved so much as that of Standing Bear, a Ponca chief.”⁷¹ Despite the landmark decision made in Standing Bear’s trial, and the civil rights discussions it inspired, it would take another half a century before Native American tribes regained partial autonomy over their affairs. In this case, the American public empathized with the Poncas. However, the U.S. government feared the political and social ramifications this verdict could bring.⁷²

Throughout the era of reorganization, conditions on reservations were just as impoverished as they were for the Ponca tribe half a century earlier. Due to policies such as the Dawes Act, tribal land holdings had been reduced from 138 million acres in 1887 to 48 million by 1934.⁷³ Though this land-grab proved financially crucial to the American government, Wilcomb E. Washburn argues that the blow of allotment was “less economic than psychological and even spiritual.”⁷⁴ Furthermore, the control it provided over tribes allowed the nation to assimilate Natives into general American society, which Alan Trachtenberg describes as an “...anodyne affirmation of market capitalism and nationalism, converting Indians into model Americans while refuting the proposed alternatives to private property and market capitalism.”⁷⁵

In 1928, the Institute for Government Research published a seven-month study of over seventy-five locations, called *The Problem of Indian Administration*, also known as the *Meriam Report*, led by Lewis Meriam and a team of experts in “health, education, economics,

⁷⁰ Clinton B. Fisk, found in “Chief Standing Bear’s Legacy,” Native Hope; and “Clinton Bowen Fisk (1828-1890),” Dickinson College Archives & Special Collections, <https://archives.dickinson.edu/people/clinton-bowen-fisk-1828-1890>.

⁷¹ Shea Hogue, “Standing Bear,” *The Richmond Palladium and Sun-Telegram*, August 28, 1920.

⁷² “Chief Standing Bear’s Legacy,” Native Hope.

⁷³ Wilcomb E. Washburn, *Red Man’s Land – White Man’s Law: A Study of the Past and Present Status of the American Indian* (New York: Charles Scribner’s Sons, 1971), 75.

⁷⁴ *Ibid.*, 75.

⁷⁵ Alan Trachtenberg, *Shades of Hiawatha* (New York: Hill and Wang, 2004), 39.

agriculture, and ‘family life.’”⁷⁶ Among other things, this publication detailed the economic and social conditions for Indians on Reservations and emphasized “a broad education of the individual Indian as the primary goal of the Indian service.”⁷⁷ The report found that “An overwhelming majority of the Indians are poor, even extremely poor, and they are not adjusted to the economic and social system of the dominant white civilization.”⁷⁸ Additionally, the report discovered that Native populations had poor general health and living conditions, “extremely high” mortality rates, rampant tuberculosis and trachoma, a scarcity of staple dietary elements including: milk, fruits, and green vegetables, overcrowding, a lacking education and sanitary facilities, low incomes, lands “from which a trained and experienced white man could scarcely wrest a reasonable living,”⁷⁹ and overall “suffering and discontent.”⁸⁰ The report also stated that, past policies enacted by the federal government would have been enough to “pauperize any race.”⁸¹

After detailing the full extent of the issues plaguing Native communities, the *Meriam Report* recommended that the government provide general education for both “economic production” and “living standards necessary for the maintenance of health and decency”⁸² to both children and adults alike, in addition to funds to develop general health clinics and schools. The survey noted that “the number of public health clinics in the Indian Service is small”⁸³ and the “provisions for the care of the Indian children in boarding schools are grossly inadequate.”⁸⁴

⁷⁶ “Meriam Report,” found in Prucha, *Documents of United States Indian Policy*, 219; and David Truer, *The Heartbeat of Wounded Knee* (New York: Riverhead Books, 2019), 201.

⁷⁷ Lynch, *Children of “Red Atlantis,”* 167.

⁷⁸ *The Problem of Indian Administration*, Native American Rights Fund
https://narf.org/nill/documents/merriam/d_merriam_chapter1_summary_of_findings.pdf, 2.

⁷⁹ *Ibid.*, 5.

⁸⁰ *Ibid.*, 3-6.

⁸¹ *Ibid.*, 7.

⁸² *Ibid.*, 9.

⁸³ *Ibid.*, 10.

⁸⁴ *Ibid.*, 11.

Furthermore, the report stated that the Indian Service has “not appreciated the fundamental importance of family life and community activities in the social and economic development of a people.”⁸⁵ Therefore, the board advocated for more local public service workers that “study, understand, and take a sympathetic attitude toward Indian ways, Indian ethics, and Indian religion.”⁸⁶ Though the items listed are but a fraction of the findings reported by the Institute for Government Research, they provide a striking image of the conditions impoverishing Indian communities.

In the early 1900s, Gertrude Simmons Bonnin (or Zitkala-Ša), Indian rights activist and president of the National Council of American Indians, was a vocal advocate for both boarding school and reservation Indians who were “physically, mentally, and morally starved.”⁸⁷ Reacting to the *Meriam Report*, in 1928, Bonnin delivered an address to the Indian Rights Association where she argued that “As an Indian, speaking earnestly for the very life of my race, I must say that this report by the Institute for Government Research, *The Problem of Indian Administration*, is all too true, although I do not always concur in their conclusions, which tend to minimize the responsibility of the Bureau.”⁸⁸ To illustrate her claim, Bonnin told the assembly of one of her experiences visiting “a proud Indian chief who was sick.”⁸⁹ Before she arrived at his hut, she was met with men and women who were “crying aloud” due to the chief’s passing. Upon entering, she saw a corpse that was “only skin and bones.”⁹⁰ Bonnin shared that “These grief-stricken Indians, with tears streaming down their faces, came to shake hands with me. Hopeless, they cried as only heartbroken humans cry, until I, too, wept with them. The government doctor

⁸⁵ Ibid., 15.

⁸⁶ Ibid., 16.

⁸⁷ Gertrude Simmons Bonnin, *Help Indians Help Themselves* (Lubbock: Texas Tech University Press, 2020), xvii, 163.

⁸⁸ Ibid., 157.

⁸⁹ Ibid., 161.

⁹⁰ Ibid.

arrived. I asked him what disease caused the death of the old Indian. He replied that he had no disease, but simply starved to death.”⁹¹ Additionally, in 1929, Bonnin shared an address at the Lake Mohonk Conference of Friends of the Indian, in which she argued that “The Government functions through laws. Who makes the laws? Men make these laws. Citizens of America make these laws, and the laws are the system through which we carry out the ideas of this government to the people. So I want to suggest here that we become interested in the laws that affect the Indian people.”⁹²

The findings of the *Meriam Report* shocked both the government and the American people, who were outraged at the Indian Bureau’s utter disregard of the Indians under their care.⁹³ In 1929, *The Wolf Point Herald* cited “The Problem of Indian Administration,” and argued that “Even a casual acquaintance with some of the old indigent Indians gives any one who has even a modicum of Christian compassion grounds for insistent protest.”⁹⁴ Some legislators accepted the fact that “the Indian problem” would not be solved by “the easy grant of American citizenship and personal freedom.”⁹⁵ Senator Burton K. Wheeler, for whom the later reorganization act is named, was one of the politicians most vocal about the need for Indigenous political reform.⁹⁶ Papers like Washington D.C.’s *The Sunday Star* reported that “Reduced to the simplest terms, it is [Senator Wheeler’s] conviction that the Indians have been seriously wronged and that Congress should take steps to right those wrongs without Machiavellian hesitation to

⁹¹ *Ibid.*, 157.

⁹² *Ibid.*, 169.

⁹³ Washburn, *Red Man’s Land – White Man’s Law*, 77.

⁹⁴ “Work of the Presbyterian Indian Mission, Wolf Point,” *The Wolf Point Herald*, June 28, 1929.

⁹⁵ Angie Debo, *And Still the Waters Run* (New Jersey: Princeton University Press, 1940), 351.

⁹⁶ “Collection 2411 – Burton K. Wheeler Papers, 1924-1947,” Montana State University, <https://www.lib.montana.edu/archives/finding-aids/2411.html>.

spare the feelings of the Indian Bureau or of Congress itself.”⁹⁷ Further exemplifying this, in 1929, *The Bismarck Tribune* reported that,

The clean-up in the Indian bureau apparently is going to be thorough... The inspectors and special representatives now being weeded out are the gents who have in the past investigated all complaints by Indians and their friends. It is charged that they have nearly always returned whitewash reports, with a single exception among them. Serious complaints have been made against many superintendents, agents, and minor employees on the reservations, involving graft, cruelty or neglect, but their cases will be attended to gradually as the new regime gets itself organized.⁹⁸

Though the *Meriam Report* sent a shockwave through the nation, the appalling state of Indian affairs propelled leaders at the highest ranks of the government, such as “business-minded Republican administrations of Harding and Hoover”⁹⁹ to take action by reforming native policy through funding increases for education and civil services in order to solve the “Indian Problem.”¹⁰⁰

In 1933, President Franklin D. Roosevelt appointed John Collier as the Commissioner of the Bureau of Indian Affairs – a commissioner that held the promise of a new era for Indian legislation. Diego Abeita, the “secretary of the Pueblo of Isleta and spokesman for the All-Pueblo council” stated that “We want a new deal. We feel we are entitled to it. Our hope for that new deal is John Collier” and that “...no white man has greater influence on the attitude of Indians toward governmental policy than Collier.”¹⁰¹ During his time as head of the Bureau, Collier initiated a new era of Native American political development, referred to as the “Indian

⁹⁷ “Indians’ Bad Condition Stirs Senators to Act,” *Evening Star*, May 11, 1930.

⁹⁸ “Washington Letter,” *The Bismarck Tribune*, June 29, 1929.

⁹⁹ Donald T. Critchlow, “Lewis Meriam, Expertise, and Indian Reform,” *The Historian* 43, no. 3 (1981): 325–44.

¹⁰⁰ *Ibid.*; and Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA* (Lincoln: University of Nebraska Press, 2002), 65.

¹⁰¹ Scripps-Howard Newspaper Alliance, “Commissioner Choice Praised by Indians,” *The Indianapolis Times*, April 20, 1933.

New Deal.”¹⁰² Collier’s main goal was to preserve the remaining Native American culture by contracting anthropologists to document traditional cultures and languages, which were later incorporated into bilingual syllabi at the newly-founded tribal day schools.¹⁰³ Additionally, Collier was a proponent in establishing the Indian Arts and Crafts Board, which was dedicated to preserving Indigenous material culture.¹⁰⁴

Though the initiatives born from the *Meriam Report* showed initial promise, the crisis of the Great Depression caused living conditions and employment opportunities across the nation to crash, which hindered progress on reservations. Despite the impact of the Great Depression, President Franklin D. Roosevelt passed the Indian Reorganization Act (IRA) of 1934, which promoted the “exercise of self-governing powers.”¹⁰⁵ Though the act represented a tremendous step in reimagining Native citizens’ roles in the nation, Roosevelt still did not see them as equal, as he explained that the legislation set a “new standard of dealing between the Federal Government and its *Indian wards*.”¹⁰⁶ Native Americans were legally “people” under the Constitution, and citizens of the United States, yet in the eyes of the federal government, Indigenous tribes were considered wards of the nation.

Regardless of this status, Roosevelt argued that “We can and should, without further delay, extend to the Indian the fundamental rights of political liberty and local self-government and the opportunities of education and economic assistance that they require in order to attain a wholesome American life.”¹⁰⁷ Furthermore, he claimed that “Certainly the continuance of

¹⁰² “Indian New Deal,” National Archives, <https://prologue.blogs.archives.gov/2015/11/30/indian-new-deal/>.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Emphasis added by author. Franklin D. Roosevelt, “Statement on the Wheeler-Howard Bill,” April 28, 1934, UC Santa Barbara, <https://www.presidency.ucsb.edu/documents/statement-the-wheeler-howard-bill>.

¹⁰⁷ Ibid.

autocratic rule, by a Federal Department, over the lives of more than two hundred thousand citizens of this Nation is incompatible with American ideals of liberty. It also is destructive of the character and self-respect of a great race.”¹⁰⁸ Though some tribal communities rejected the act for fear of a communal tribal control over individual lands and the tribal community blocking Indians from “leasing their allotment to white men,”¹⁰⁹ others celebrated the financial provisions it allotted to Native communities.¹¹⁰

Originally, Collier advocated for a draft of the IRA that would allow Native Americans to be fully detached from the federal government.¹¹¹ However, this mock-up of the legislation would have forced individual native landowners to return their property to the collective tribe and would slowly dismantle the Bureau of Indian Affairs (BIA).¹¹² For both of these reasons, tribes widely opposed this version of the act due to the fact that they did not have ample time to study the document and for fear of losing the only organization that gave tribal communities a foothold within the federal government.¹¹³ After a few modifications, including shifting land transfers from a mandatory stipulation to a voluntary one, the act was unanimously passed by Congress on June 16, 1934, and it subsequently abolished the allotment program created by the Dawes Act, provided the funds necessary for tribes to repurchase tribal lands, allowed tribes the “right to organize for its common welfare... and adopt an appropriate constitution and

¹⁰⁸ Ibid.

¹⁰⁹ “Sam Hill Explains Features of Indian Reorganization Act,” *The Nespelem Tribune*, March 27, 1935.

¹¹⁰ “Alaska Indians are Benefitted by New Provisions,” *The Nome Daily Nugget*, January 5, 1935; and “News of Our Neighbors,” *The Prentwood Herald*, December 27, 1934.

¹¹¹ Lawrence C. Kelly, “The Indian Reorganization Act: The Dream and the Reality,” *Pacific Historical Review* 44, no. 3 (1975): 291-312.

¹¹² “Indian Reorganization Act (Indian New Deal),” Colorado Encyclopedia, <https://coloradoencyclopedia.org/article/indian-reorganization-act-indian-new-deal>.

¹¹³ Paul C. Rosier, “‘The Old System is No Success:’ The Blackfeet Nation’s Decision to Adopt the Indian Reorganization Act of 1934,” *American Indian Culture & Research Journal* 23, no. 1 (1999): 1; and Edgar S. Cahn, ed., *Our Brother’s Keeper: The Indian in White America* (Washington D.C.: New Community Press, Inc., 1970), 6.

bylaws...,”¹¹⁴ and, most importantly, retained power over tribal governments within Federal jurisdiction.¹¹⁵

Whereas in the previous century, federal policy was directed towards westernizing Indigenous peoples, the IRA was made in the spirit of retaining traditional cultures and social structures and in the legacy of movements such as American individualism and the integration of Indigenous citizens within general society. Fergus M. Bordewich argues that the policy “committed the assimilationist’s error in reverse” and that Collier “saw the act, characteristically, both in metaphysical terms, as a means of “awakening the racial spirit,” and as a practical tool to enable Indians to learn how to manage their own affairs for the first time since the Indian wars.”¹¹⁶ Collier tried to create a world that he *thought* Native Americans desired, but in reality, the political structure created through the IRA consolidated tribal power within an elected council instead of diversifying it among separate branches of government. Demonstrating this, tribes such as the Indians of the Fort Peck reservation rejected the IRA because they did not care for “... the idea of a government controlled program of land acquisition for community or tribal use.”¹¹⁷ Bordewich chalks up to Collier’s decision to his “sentimental view of Indians and their supposedly spiritualized sense of common interest” instead of their “political reality” and claims that it “continues to haunt tribes today.”¹¹⁸ This “sentimental view” can be clearly seen through Collier’s works such as *On the Gleaming Way*, a book wherein he posed that both the past and present, as well as a “microcosm of our whole human world in crisis”¹¹⁹ can be seen in the

¹¹⁴ “Indian New Deal,” National Archives; and “ACT OF JUNE 18, 1934 - (Indian Reorganization Act),” Govinfo.gov, <https://www.govinfo.gov/content/pkg/COMPS-5299/pdf/COMPS-5299.pdf>.

¹¹⁵ “Indian Reorganization Act,” Colorado Encyclopedia; and Rosier, ““The Old System is No Success.””

¹¹⁶ Bordewich, *Killing the White Man’s Indian*, 72.

¹¹⁷ “Indians Reject Reorganization Act,” *Plentywood Herald*, December 27, 1934.

¹¹⁸ Bordewich, *Killing the White Man’s Indian*, 72.

¹¹⁹ John Collier, *On the Gleaming Way* (Denver: Sage Books, 1962), 27.

Southwest Indian tribes.¹²⁰ Additionally, he argued that “... we modern Occidentals cannot, from within our own flow of civilization, by any stretch of our imagination, fully conceive of the dramatic situation within these ancient-present Indian tribes.”¹²¹

Though the IRA gave Indian communities semi-autonomy over their own affairs, the act pushed tribal governments to be modeled after the United States’ legislative structure.¹²² Still, the act was meaningless among nations unless it was adopted by a unanimous vote.¹²³ Paul C. Rosier argues that “Recent historiography generally does not regard the IRA as a success, or else it focuses on Native communities that rejected it. But it is important to remember the excitement the IRA engineered among tribes that adopted it...”¹²⁴ Though the Indian Reorganization Act held the promise of significant reforms, in reality, the “material benefits” were poorly distributed among tribes.¹²⁵ Despite this, the IRA marked but one of the numerous reconstructive policies, collectively labeled the “Indian New Deal,” which occurred throughout the 1930s, and included movements such as the Pueblo Relief Act (1933), the Indian Arts and Crafts Act (1933), the Johnson O’Malley Act (1934), the Indian Arts and Crafts Act (1935), and the Alaska Reorganization Act (1934).¹²⁶ Throughout these reforms, public opinion towards the Indian Bureau became increasingly negative and disillusioned. In 1937, *The Wrangell Sentinel* reported that “For long years the Indian Department has been as a barnacle on the bottom of the Indian ship of life, having the care and custody and education of these people... Incompetent agents had control over lands and resources of Indians who were competent as has been demonstrated time

¹²⁰ Ibid., 28.

¹²¹ Ibid., 35.

¹²² “Indian Reorganization Act,” Colorado Encyclopedia.

¹²³ Rosier, “The Old System is No Success.”

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Jon S. Blackman, *Oklahoma’s New Deal* (Norman: University of Oklahoma Press, 2013), 5.

and time again, to administer their own affairs.”¹²⁷ Despite the pivotal moment the act represented in the grand scheme of Native autonomy, in its era, the policy was a “blanket solution” to a much larger problem.¹²⁸

Though the IRA was a flawed and limited policy, the legislative decision marked a distinct shift from political decisions enacted in the era of assimilation – just decades prior. In the same year that the Indian Reorganization Act was passed, *The Evening Star* wrote that “Hitherto the ideal seems to have been that eventually the Indian would become a good Anglo-Saxon with a brown skin – that he could be absorbed gradually into a “superior” culture. He was to be thrown into a great American melting pot with the English, the Irish, the Germans, the Greeks, the Jews, the Italians, and all the rest... The present object is, at all costs, to keep him an Indian.”¹²⁹ This sentiment directly contrasts ideologies present at the beginning of the century that proposed “killing the Indian and saving the man.”¹³⁰ Explaining this shift, Fergus M. Bordewich argues that “like no other inhabitants of the United States, Indians have for centuries nourished our imagination, weaving in us a complex kind of guilt, envy, and contempt; yet, imagining that we see “the Indian,” we often see little more than the distorted reflection of our own fears, fantasies, and wistful longings.”¹³¹

Though today, American Indians are deeply embedded within the narrative of U.S. history, in the past, national sentiment towards the “red man” reflected an attitude of distaste, distrust, and a hope to be rid of the “Indian problem” once and for all. In the early twentieth

¹²⁷ “L. F. Paul Discusses Importance of Wheeler-Howard Act to Indians,” *The Wrangell Sentinel*, December 24, 1937.

¹²⁸ “Indian Reorganization Act,” Colorado Encyclopedia.

¹²⁹ “New Theory Aims at Keeping the Red Man a Racial Unity,” *Evening Star*, August 2, 1934.

¹³⁰ “‘Kill the Indian in Him, and Save the Man:’ R.H. Pratt on the Education of Native Americans,” Carlisle Indian School Digital Resource Center, <https://carlisleindian.dickinson.edu/teach/kill-indian-him-and-save-man-r-h-pratt-education-native-americans>.

¹³¹ Bordewich, *Killing the White Man’s Indian*, 17.

century, this sentiment was gradually replaced with a relatively new phenomenon – the idea of the “Indian savage” as a key part of unique American identity and another member of the American narrative. This shift from assimilating Indigenous people, to preserving and reorganizing existing tribal and cultural structures, led to a new era of Indigenous political thought, the era of reorganization. Because of popular theories such as the Turner Thesis and the romanticization of national ideals such as the superiority of individualism, Americans adopted the “antiquated” but “pure-hearted” Indian as a remnant of the wild American frontier and sought to preserve traditional cultures in an effort to preserve the American spirit.¹³² This sentiment inspired a distinct change in U.S. Indigenous policy and propelled the nation into a new era of thought towards Indigenous peoples, which manifested itself through key legislative decisions such as the Meriam Report of 1928 and the Indian Reorganization Act of 1934.

¹³² Danner and Archambault, “Images of Native Americans in Popular Culture 19th to 21st Century.”

Chapter Three

“Maintaining Its Integrity:” Racial Integrity and the Native American Civil Rights Movement

²³Before this way of trusting came, we were rounded up and held firmly under the guidance of our tribal law until the time came when the way of trusting would be made clear. ²⁴Our tribal law was like an elder who watched over the children and told them how to do every little thing, but only until the coming of the Chosen One, who would give us good standing by the way of trusting. ²⁵But now that the way of trusting has come, we are no longer children needing someone to watch over us and tell us what to do. ²⁶For we are all sons and daughters of the Great Spirit through our trust in Creator Sets Free (Jesus) the Chosen One. ²⁷All of you who participated in the purification ceremony of the Chosen One have put on the regalia of the Chosen One himself. ²⁸It no longer matters whether you are Tribal Members or Wisdom Seekers (Greeks), slaves or free, male or female. For in Creator Sets Free (Jesus) the Chosen One you are all one people. ²⁹And since you belong to the Chosen One, you are a descendant of Father of Many Nations (Abraham) and the ones who share in the blessings of the promise Creator made to him.

- Galatians 3: 23-29, First Nations Version¹

¹ *First Nations Version: An Indigenous Translation of the New Testament* (Downers Grove: InterVarsity Press, 2021), 344-5.

In the history of Native America, no single topic has been more transformative to the lives of Indigenous people than U.S. federal policy. From gaining benefits of citizenship to being granted equal rights under the U.S. Constitution, certain legislative decisions mark a turning point for tribes regarding their national social, political, and economic status. These policies were the products of countless ideological and contextual influences that were both a reflection of and a reaction to national ideas. Legislative decisions such as the 1887 Dawes Act, the 1924 Indian Citizenship Act, and the 1934 Indian Reorganization Act have shaped, influenced, and determined the lives of Indigenous Americans since the 1880s. Though the eras previously discussed encompass numerous pivotal changes to the federal status of Indigenous peoples in America, the era of termination marks the starkest change in the lives of U.S. minorities due to the numerous civil rights movements inspired that challenged national discriminatory laws. From the 1940s to the 1960s both Native American and African American communities endured systematic discrimination and were directly impacted by pivotal federal legislation and court decisions. The experiences of both communities encompass vital parts of the American Civil Rights movements in the 1960s. However, this chapter primarily examines the experiences of Indigenous Americans in the Civil Rights era, with an emphasis on national beliefs like the idea of racial integrity and key political decisions including Virginia's 1924 Racial Integrity Act and the Supreme Court case *Loving v. Virginia*.

In the years following the Indian Reorganization Act, Commissioner John Collier made it his goal to recruit Indians for positions within the BIA. In 1945, over sixty-five percent of the bureau's roles were filled by Native Americans.² However, in the post-Collier administration, federal Indian policy reached a new height of harmful legislation – disguised in the promise of

² Kelly, "The Indian Reorganization Act," 292.

increased autonomy. By the 1940s, yet another report, the Senate's 1943 *Survey of Conditions of the Indians of the United States*, found that conditions on reservations were just as impoverished as previous decades, due to the "extreme mismanagement" of the Bureau of Indian Affairs."³ Additionally, as World War II occupied the minds of most U.S. national leaders, opponents of Indian self-determination seized their opportunity to reverse the progress enacted by Collier's regime.⁴

Because of World War II, federal funding for reservations was reduced, causing living conditions and educational opportunities for Indigenous communities to deteriorate.⁵ This period after the war, known as the era of termination, was kick-started by the passing of the Termination Act in 1946, which attempted to eliminate reservations, repeal "harmful laws," absorb Indians into mainstream society, disband the bureau of Indian affairs, and place tribes under state jurisdiction.⁶ Building off this federal support reduction, President Harry Truman's administration became a vocal advocate for the termination of tribal nations, to "release" Indians from federal control. This inspired the passage of the 1953 House Concurrent Resolution 108, an act that sought to abolish federal supervision over the tribes "as rapidly as possible."⁷ While granting Indians greater autonomy, the termination policies also served to relieve the federal government from its treaty obligations.⁸ Donald L. Fixico argues that "The government hoped

³ Charles F. Wilkinson and Eric R. Biggs, "The Evolution of the Termination Policy," 5 *Am. Indian L. Rev.* 139 (1977): 144-5; and "Termination Policy 1953-1968," Native Partnership, http://www.nativepartnership.org/site/PageServer?pagename=PWNA_Native_History_terminationpolicyNP.

⁴ "Termination Era," Citizen Potawatomi Nation Cultural Heritage Center, <https://www.potawatomiheritage.com/encyclopedia/termination-era/>.

⁵ "The 1940-1950s: A Return to Assimilation and Away from Cross Cultural Training," Native Partnership, http://www.nativepartnership.org/site/PageServer?pagename=PWNA_native_history_1940.

⁶ Wilkinson and Biggs, "The Evolution of the Termination Policy," 140; and "Working Effectively with American Indian Populations: A Brief Overview of Federal Indian Policy," University of Nevada, Reno, <https://extension.unr.edu/publication.aspx?PubID=2207>.

⁷ "House Concurrent Resolution 108 (August 1, 1953)," found in Prucha, *Documents of United States Indian Policy*, 234; and "Termination Era," Citizen Potawatomi Nation Cultural Heritage Center.

⁸ *Ibid.*

that if Indians left tribal communities and moved to big cities, they would lose their culture and their attachment to the land.”⁹ These events, combined with Acting Commissioner William Zimmerman’s testimony against the BIA, compelled the federal government to terminate their “protection” over Indigenous peoples and push them to assimilate into society once and for all.¹⁰

Though the era of termination promised to solve the Indian problem through national integration, in reality, this period primarily promoted the cessation of federal support, which meant that tribal lands could be fully taxed, were no longer held in a trust, and that any “federal health, education, and general assistance programs would end.”¹¹ Additionally, this era witnessed the culmination of systemic racism and the establishment of laws such as the 1956 Relocation Act, which attempted to assimilate tribes by encouraging people on reservations to relocate to urban areas, and the Voluntary Relocation Program, which aided the relocation of over 31,000 Native Americans by 1960 – around 30% of the nation’s Indigenous population.¹² Though these policies removed Indigenous peoples from the poverty on reservations, they also promoted both the assimilation of individual Indians and the degradation of tribal authority. Charles F. Wilkinson and Eric R. Briggs argue that the period of termination was not a product of new ideas or groundbreaking theories, but rather, was the culmination of 150 years of national Indian policies, misleading ideologies, and flawed federal-Indian relations.¹³ Reflecting this, throughout the era of termination, popular theories such as the idea of racial integrity threatened to undermine the status of Native populations for decades to come and relegate Indigenous peoples to second-class citizenship.

⁹ Donald L. Fixico, “Witness to Change,” in *Beyond Red Power*, eds. Cobb and Fowler, 3.

¹⁰ Before this era, tribes were terminated on an individual basis - Wilkinson and Biggs, “The Evolution of the Termination Policy,” 144,146; and “Termination Era,” Citizen Potawatomi Nation Cultural Heritage Center

¹¹ Wilkinson and Biggs, “The Evolution of the Termination Policy,” 140.

¹² “Working Effectively with American Indian Populations,” University of Nevada, Reno.

¹³ Wilkinson and Biggs, “The Evolution of the Termination Policy,” 140.

The concept of “race” as it is known today – the division of people into groups based on physical characteristics – emerged during the founding of the Virginia colony in the 17th century.¹⁴ When English colonizers landed in Virginia, their identity was not linked to whiteness, rather, they saw themselves as Christians first and Englishmen second.¹⁵ It was not until the latter half of the 1600s, that visual identifiers became linked with one’s identity. This trend was a direct result from the practice of separating “Christians,” later generalized to white people, from “Heathens,” a category that came to encompass all non-white people.¹⁶ Before this era, groups were distinguished by their common ancestry or religion rather than by the color of their skin.¹⁷ In *The Baptism of Early Virginia*, Rebecca Anne Goetz argues that in the 1600s, colonial Virginians linked established methods of distinguishing groups of people, such as religious affiliations, with tangible differential features, such as skin tone and culture, as a way of separating classes within the new world.¹⁸ Goetz continues that “Around this deceptively simple word hovered a whole host of competing ideas about differences among humans. Those differences could be physical, rooted in the body; cultural; religious; or combination of all three. Underlying the term was an implied sense of heredity and lineage, and a sense of the innateness of certain qualities.”¹⁹

Early colonists were not prejudiced against people due to their race but were instead fixated on class differences. Audrey Smedley argues that in the 17th century, masters were often

¹⁴ Ibid.

¹⁵ John Ericson, “The Origins of Race: A Brief History,” St. Luke’s Historic Church & Museum, https://stlukemuseum.org/edu-blog/the-origins-of-race-a-brief-history/?gclid=CjwKCAiAg6yRBhBNEiwAeVyL0BpcI2i3Udg45_VGbguh-QvJ18T5uMBng6EFCHV2wLHEhhfKEUwayxoCUFsQAvD_BwE.

¹⁶ Rebecca Anne Goetz, *The Baptism of Early Virginia* (Baltimore: Johns Hopkins University Press, 2012), 3; and Lewis Hanke, *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (Bloomington: Indiana University Press, 1975), ix.

¹⁷ Ericson, “The Origins of Race.”

¹⁸ Goetz, *The Baptism of Early Virginia*, 3.

¹⁹ Ibid.

brutal to anyone under their care, and, subsequently, the differentiation between being a servant and slave was a very blurred line.²⁰ Despite this class conflict, early colonials considered their settlements to be free, and even black property owners were “contemptuous of government, arrogant and insulting toward those considered their social inferiors.”²¹ As the colony progressed, the ranking of society shifted to be not only focused on one’s agency and property, but on whether or not you were a Christian. When the first Africans arrived in Virginia in 1619, settlers believed that everyone could and should be Christianized.²² However, colonists were wary of the new converts and became increasingly suspicious of both Indians and Africans, due to their resistance to Christian conversion efforts.²³ Additionally, events such as Bacon’s Rebellion, a conflict wherein thousands of impoverished workers, led by Nathaniel Bacon, rose up to protest the economic conditions in the Virginian colony, unnerved land holding settlers, who became fearful that rebellions would undermine their society’s stability.²⁴ This growing unrest made leaders of the colony push for an overhaul of its social order by passing a series of laws that began the establishment of race-based slavery. These legislative decisions “separate[ed] out Africans and their descendants, restrict[ed] their rights to mobility, and impos[ed] a condition of permanent slavery on them.”²⁵ Furthermore, these laws, combined with the growing idea of hereditary religion (and hereditary heathenism), fed into the notion of societal ranking and intrinsic value determined on the basis of race.²⁶

²⁰ Ibid.

²¹ Audrey Smedley, “The History of the Idea of Race... And Why It Matters,” American Anthropological Association, (2007), <https://understandingrace.org/resources/pdf/disease/smedley.pdf>, 1.

²² Goetz, *The Baptism of Early Virginia*, 3; and Smedley, “The History of the Idea of Race,” 2.

²³ Smedley, “The History of the Idea of Race,” 4-5.

²⁴ “Bacon’s Rebellion,” Historic Jamestowne, <https://www.nps.gov/jame/learn/historyculture/bacons-rebellion.htm>.

²⁵ Smedley, “The History of the Idea of Race,” 4.

²⁶ Goetz, *The Baptism of Early Virginia*, 5.

This brief summary of the origins of racial theory highlights the constructed and evolving nature behind the classification, and later the separation, of people based on their physical characteristics. The American colonies originally considered themselves Christian first and European second. However, by the 1700s, the idea of race was used to separate Irish, African, and Indian people from other settlers.²⁷ Whereas in the early 17th century, Native Americans were “savage” because of the manner in which they resisted settler encroachment onto their territory and “hindered national progress,” by the early 18th century, the establishment of race-based perpetual slavery caused Africans to take the place of “savages” – elevating Native Americans to a slightly higher social ranking.²⁸ Additionally, in the 1780s, men such as Thomas Jefferson devoted significant time in proving that the Indian was equal to people of European descent, while the black race was “inherently inferior.”²⁹

Despite his prejudice against the black race, as the 19th century approached, Thomas Jefferson, along with other Revolutionaries such as Patrick Henry, began to question the morality of the American slave-system because of its link to the “slavery” of British rule, its religious implications, and its proof of “colonial iniquity.”³⁰ Though racial ranking would take two more centuries to be abolished within the United States, in the early 1800s, the trans-Atlantic slave trade was banned due to economic factors and the inhumane conditions experienced during the crossing.³¹

²⁷ Smedley, “The History of the Idea of Race,” 6.

²⁸ Ibid.; “Native Americans: Race in the United States, 1880-1940,” Bowling Green State University, <https://digitalgallery.bgsu.edu/student/exhibits/show/race-in-us/native-americans>; and “The ‘Indian Problem,’” National Museum of the American Indian, https://www.si.edu/object/indian-problem%3Ayt_if-BOZgWZPE.

²⁹ Coleman, *That the Blood Stay Pure*, 43; and “Query XI” and “Query XIV,” in Thomas Jefferson, *Notes on the State of Virginia*, American Studies at the University of Virginia, <https://xroads.virginia.edu/~Hyper/JEFFERSON/ch11.html>.

³⁰ Michael O. Emerson and Christian Smith, *Divided by Faith: Evangelical Religion and the Problem of Race in America* (Oxford: Oxford University Press, 2000), 28.

³¹ “Abolition of the Transatlantic Slave Trade,” National Museums Liverpool, <https://www.liverpoolmuseums.org.uk/history-of-slavery/abolition>.

Though abolitionist debates, driven by an “evangelical fervor for a Christian America,” raged throughout the early 1800s, Michael O. Emerson and Christian Smith argue that “Slavery was viewed by many as a separate issue from the larger race question.”³² Even when the practice of slavery itself was abolished in 1865, the United States retained the existing social structure established in previous centuries and left African Americans, who were stereotyped as “lacking in intelligence, lazy, overly-sexed, loud, irrational, musical, emotional, and superstitious” at the bottom of the social strata.³³ Because of this deeply-rooted racial hostility, many people viewed the mixing of the races as both a hinderance to society and a mortal sin. One article illustrating this was published in 1864 by Boston newspaper *The Liberator*. It argues that “having succeeded... in emancipating the blacks...” abolitionists were now bound to accomplish their “contemporaneous work of amalgamation.”³⁴ Furthermore, the article warned that “We have among us the high priests in this tabernacle of degradation and vice, the pillars of this vile temple of modern pollution, and every day or two society’s sense of decency is shocked by some broad averment of the wisdom of miscegenation.”³⁵ Though African Americans bore the brunt of racial hostilities in this era, other groups, such as Native Americans, were not immune to racialized ideologies and legislation.

In 1879, Lieutenant General Nelson A. Miles, a U.S. army officer who had “led successful campaigns against Native American tribes”³⁶ in the 1870s and 1880s, published an article in *The North American Review*, titled “The Indian Problem,” and argued that

If we dismiss from our minds the prejudice we have against the Indian, we shall be enabled to more clearly understand the impulses that govern both races...

³² Emerson and Smith, *Divided by Faith*, 31, 33.

³³ Smedley, “The History of the Idea of Race,” 6.

³⁴ “The Beastly Doctrine of Miscegenation and its High Priests,” *The Liberator*, April 8, 1864.

³⁵ *Ibid.*

³⁶ “Lieutenant General Nelson Appleton Miles,” Library of Congress, <https://loc.gov/rr/hispanic/1898/miles.html>.

Could we but perceive the true character of the Indians, and learn their dispositions, not covered by the cloak of necessity, policy, and interest, we should find that they regard us as a body of false and cruel invaders of their country, while we are too apt to consider them as a treacherous and bloodthirsty race, that should be destroyed by any and all means, yet, if we consider the cause of this feeling, we might more readily understand the result.³⁷

Miles continued by stating that if people studied Indians more closely, they would find a “marked distinction between the civilized being and the real savage.”³⁸ Though Native Americans were perceived as more “noble” and “civilized” than African Americans in this time, they were still an integral part of the “wild frontier” of American culture, and, as such, would never be fully rid of the “savagery” attached to their identity.³⁹

As national mentalities became increasingly negative and hostile towards African Americans, the myth of the vanishing Indian held Indigenous peoples captive and resigned them to exist only as remnants of America’s past. For approximately twelve years after the Civil War, African Americans in the south experienced limited protection from community brutality due to federal laws and the presence of federal troops.⁴⁰ However, by the end of the 1870s, southern Democrats gained control over the region’s legislatures.⁴¹ This shift in legislative power inspired the implementation of terror tactics to dissuade opposing voters, meaning, the black population.⁴² From the 1870s to the 1900s, a series of laws collectively referred to as “Jim Crow” were passed by southern state legislatures that systematically discriminated against African Americans.⁴³ In

³⁷ Nelson A. Miles, “The Indian Problem,” *The North American Review*, 268, no. 128 (March 1879): 304, <https://www.jstor.org/stable/pdf/25100734.pdf>.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ “Jim Crow Museum Timeline, Part 4 (1877-1964),” Ferris State University, <https://www.ferris.edu/HTMLS/news/jimcrow/timeline/jimcrow.htm>; and “Jim Crow Era,” Howard University Law Library, <https://library.law.howard.edu/civilrightshistory/blackrights/jimcrow>.

⁴¹ “Jim Crow Era,” Howard University Law Library.

⁴² *Ibid.*

⁴³ *Ibid.*; and Eric Foner, *America’s Unfinished Revolution, 1863-1877* (New York: Harper Perennial, 2014), 346.

this racial climate where people were listed as either black or white, Native Americans in the southern states “fought tenaciously against being racially classified with African Americans because they desired to maintain a separate racial identity and they did not want to be subjected to Jim Crow laws.”⁴⁴ In 1906, *The Indian Advocate* argued that “... the common mistake of white men dealing with Indians is that they proceed upon the idea that the red man is merely a white man with a dusky skin. Another mistake is to class the Indian with the colored man.”⁴⁵

Further exacerbating this discriminatory environment, in the early 1900s, a new “scientific” movement called “eugenics,” began to increase in popularity, and effectively set the stage for minority populations to face additional political and social discrimination. The term “eugenic science” was first coined in the late 1800s by Francis Galton and was designed to explain how “various traits – emotional, physical, intellectual – were inherited, so that such information could be applied in order to advance the human race and preserve imagined racial superiority.”⁴⁶ Originally, Galton argued that selective breeding would achieve a “highly-gifted race of men by judicious marriages during several consecutive generations.”⁴⁷ Scientists used census statistics, genealogies, physical characteristics and assumed capabilities, intelligence tests, among other methods, to eliminate what they viewed to be the hindrances to mankind’s development, such as mental illnesses, diseases, and “subpar” physical traits.⁴⁸ Charles Davenport and Harry Laughlin were the first to promote the science in early-twentieth-century-

⁴⁴ Coleman, *That the Blood Stay Pure*, xvii.

⁴⁵ *The Indian Advocate*, February 1, 1906, 52.

⁴⁶ The term “eugenics” is derived from the Greek root of “good” and “origin” or “good birth.” P. Preston Reynolds, “UVA and the History of Race: Eugenics, the Racial Integrity Act, Health Disparities,” UVA Today, <https://news.virginia.edu/content/uva-and-history-race-eugenics-racial-integrity-act-health-disparities>; and Teryn Bouche and Laura Rivard, “America’s Hidden History: The Eugenics Movement,” Scitable, <https://www.nature.com/scitable/forums/genetics-generation/america-s-hidden-history-the-eugenics-movement-123919444/>.

⁴⁷ Francis Galton, *Hereditary Genius* (1869), in Bouche and Rivard, “America’s Hidden History.”

⁴⁸ Reynolds, “UVA and the History of Race.”

America, as a way “to improve the natural physical, mental, and temperamental qualities of the human family.”⁴⁹ This field instituted what is today known as scientific racism and argued that due to “high morbidity and mortality rates,” African Americans were a “public health threat to whites,” were a “markedly criminal race” and were resigned to a “life of barbarism and death.”⁵⁰

In Native American communities, Arica L. Coleman argues that tribes, inspired by racial purists, adopted the “one drop” rule regarding blood quantum qualifications for tribal membership.⁵¹ If any “black blood” was present within an individual’s ancestry, this person was deemed to be a “contamination risk” to the race and was banned from membership.⁵²

Demonstrating this, in 1916 *The Celina Democrat* published that “The racial purity of the people enumerated as Indians is of pertinent interest in the determination of the ultimate fate of the race as an un-mixed stock.”⁵³ This report continued that one survey, conducted with almost 250 thousand Indians, listed 150 thousand as “full bloods,” 93 thousand as “mixed bloods,” and 3.5 thousand as “not reported.”⁵⁴ The article stated that “... the full bloods still constitute the majority, but, as later will appear, the degree of fecundity is less in the full bloods and greater in mixed marriages.”⁵⁵ This segregation mindset created significant hostilities between members of different races and especially amongst those who shared partial belonging to multiple races.⁵⁶ As late as 1931, *The Northwest Enterprise* published that “When you attend a meeting of the so-called colored people” you can often “find it breaking up in an uproar” because of the race-based

⁴⁹ K. Norrgard, “Human Testing, the Eugenics Movement, and IRBs” *Nature Education* 1:170, in Bouche and Rivard, “America’s Hidden History.”

⁵⁰ Reynolds, “UVA and the History of Race;” and “Virginia’s Racial Integrity Act is Passed,” AAREG, <https://aaregistry.org/story/virginias-racial-integrity-act-passed/>.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ “Old Tribes About Gone,” *The Celina Democrat*, March 24, 1916.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ “Colored People are Everybody’s People,” *The Northwest Enterprise*, November 12, 1931.

disagreements.⁵⁷ The article writes that “... some one who is more white than black sees the thing altogether from the Caucasian point of view; another who is more Indian than African can not appreciate the thought of the others; and still another with a Chinese strain answers the call of the blood and shows himself to the contrary notwithstanding.”⁵⁸

As the influence of eugenic science spread, scientists, academics, and legislatures began to question if it was their moral duty to preserve the individual races and avoid genetic degradation. In 1915, Professor Scott Nearing of the University of Pennsylvania, argued that “Since the species of plants and animals with which man has experimented have been improved by selective breeding, there seems to be no good reason why the human race should not be susceptible of similar improvement.”⁵⁹ Reflecting these growing mentalities, in a 1918 article in the *Journal of Negro History*, Carter G. Woodson, a historian known as the “father of black history,”⁶⁰ argues that miscegenation laws were intended to lower the status of African Americans and writes that

Among the English the situation was decidedly different. There was not so much need for the use of Negro women by Englishmen in the New World, but there was the same tendency to cohabit with them. In the end, however, the English, unlike the Latins, disowned their offspring by slave women, leaving these children to follow the condition of their mother. There was, therefore, not so much less miscegenation among the English but there remained the natural tendency so to denounce these unions as eventually to restrict the custom, as it is today, to the weaker types of both races, the offspring of whom in the case of slave mothers became a commodity in the commercial world. There was extensive miscegenation in the English colonies, however, *before the race as a majority could realize the apparent need for maintaining its integrity.*⁶¹

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ “America is Soon to Produce Superman, Says Prof. Nearing,” *The Journal and Tribune*, August 15, 1915.

⁶⁰ “The Beginnings of the Miscegenation of the Whites and Blacks (October 1918),” Encyclopedia Virginia, <https://encyclopediavirginia.org/entries/the-beginnings-of-the-miscegenation-of-the-whites-and-blacks-october-1918/>.

⁶¹ Emphasis added by author. Ibid.

As Woodson's essay illustrates, in the 1910s the United States was growing increasingly conscious of the mixing of races occurring within the United States. With this concern in mind, the state of Virginia passed two laws that formally outlawed the intermarriage of whites with non-whites.⁶²

In 1924, Virginia, under the influence of the Bureau of Vital Statistics and the direction of Dr. Walter Plecker, passed a law referred to as the Racial Integrity Act (originally titled "To preserve the integrity of the white race"), which categorized citizens as either "white" or "colored," and prohibited members of differing races to marry one another.⁶³ This act, which claimed to "[correct] a condition which only the more thoughtful people of Virginia know the existence of,"⁶⁴ stated that each person must be registered "in so far as ascertainable" according to their "racial composition," be they "Caucasian, negro, Mongolian, American Indian, Asiatic Indian, Malay, or any mixture thereof, or any other non-Caucasic strains."⁶⁵ This was the first law in the United States to legally manipulate the lives of people in order to "preserve their genetic integrity."⁶⁶ In the same year the bill was passed, the Virginia Health Bulletin published a statement which estimated that in Virginia alone, 10,000-20,000 "near white people" possessed an "intermixture of colored blood,"⁶⁷ which, even to a "slight extent," would prevent them from being classified as white.⁶⁸ The article continued that

Unless radical measures are used to prevent it, Virginia and other parts of the nation was surely in time go the way of all other countries in which people of two

⁶² "Virginia's Racial Integrity Act is Passed," AAREG.

⁶³ "1924 Racial Integrity Act," Library of Virginia, https://lva.omeka.net/exhibits/show/law_and_justice/right_to_marry/racial_integrity_act.

⁶⁴ Coleman, *That the Blood Stay Pure*, 91; and "The New Virginia Law to Preserve Racial Integrity," *Virginia Health Bulletin*, vol. XVI, March 1924.

⁶⁵ "An Act to Preserve Racial Integrity," Virginia Center for Digital History, http://www2.vcdh.virginia.edu/lewisandclark/students/projects/monacans/Contemporary_Monacans/racial.html.

⁶⁶ "Virginia's Racial Integrity Act is Passed," AAREG.

⁶⁷ Emphasis added by author. "The New Virginia Law to Preserve Racial Integrity," *Virginia Health Bulletin*.

⁶⁸ *Ibid.*

or more races have lived in close contact. With the exception of the Hebrew race, complete intermixture or amalgamation has been the inevitable result. To succeed, the intermarriage of the white race with mixed stock must be made impossible. But that is not sufficient, public sentiment must be so aroused that intermixture out of wedlock will cease. *The public must be led to look with shock and contempt upon the man who will degrade himself and do harm to society by such abhorrent deeds.*⁶⁹

With this goal in mind, the law stated that “No marriage license shall be granted until the clerk or deputy clerk has reasonable assurance that the statements as to the color of both man and woman are correct.”⁷⁰ Additionally, the Racial Integrity Act stipulated that,

It shall hereafter be unlawful for any white person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian. For the purpose of this act, the term "white person" shall apply only to the person who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons.⁷¹

The Virginia Health Bulletin defined people mixed with “black races” but “predominantly white” as “Mixed” or “Issues,” and determined this class to be the most imminent threat to racial purity.⁷² Additionally, the report reserved the title of “Indian” only for those of pure blood, or “...those mixed with white. If there is a mixture of negro they must not be classed as Indians but as ‘Negro’ or ‘Mixed Indian.’” This law served to streamline the state’s ethnic composition as either black or white as opposed to the previous six categories.⁷³ Furthermore, the law had a “Pocahontas Clause,” which exempted people with less than 1/16th Native American blood from being classified as non-white.⁷⁴ Reflecting this, whereas in 1930, the US Census Bureau recorded a total of 779 Indians in Virginia, by 1940, this number was reduced to a mere 198.⁷⁵

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ “Virginia’s Racial Integrity Act is Passed,” AAREG.

⁷² “The New Virginia Law to Preserve Racial Integrity,” Virginia Health Bulletin.

⁷³ “Virginia’s Racial Integrity Act is Passed,” AAREG.

⁷⁴ Ibid.

⁷⁵ Ibid.

Though the Racial Integrity Act primarily applied to marriage limitations, state leaders used this law to pressure schools in Virginia to ban mixed-race children, “Mulattos,” from their institutions.⁷⁶ In this era, Walter Plecker, a “white-American physician, public health advocate, and racial separatist,”⁷⁷ vocally advocated against inter-racial marriage and was one of the key proponents of Virginia’s racial integrity laws.⁷⁸ Plecker, inspired by a wave of paranoia that “negroid Indians” would take advantage of the Pocahontas Exception, waged a “war on Indians” and attempted to “define Virginia Indians out of existence.”⁷⁹ In 1943, almost twenty years after the law was passed, Plecker wrote in a letter to “Local Registrars” that

According to Mendel’s law of heredity, one out of four of a family of mixed breeds... is now so near white in appearance as to lead him to proclaim himself as such and to demand admission into white schools... As a climax of their ambition, colored people of this type are applying for licenses to marry whites, or for white licenses when intermarrying amongst themselves. This they frequently secure with ease when they apply in a county or city not the home of the woman and are met by a clerk or deputy who justifies himself in accepting a casual affidavit as the truth... This loose practice (to state it mildly) of a few clerks is the greatest obstacle in the way of proper registration by race...⁸⁰

In addition to Plecker’s concern that county clerks were allowing non-whites to marry whites, Plecker also noted that some mixed-race peoples were making “arrogant demands” to be classified as white “or at least for recognition as Indians.”⁸¹ This note demonstrates the elevated status those perceived to be Native American had over those classified as simply non-white.

Additionally, this reflected the history of “racial bribes” Native Americans experienced due to

⁷⁶ “Virginia’s Racial Integrity Act is Passed,” AAREG.

⁷⁷ “Walter Plecker, Public Health Segregationist Born,” AAREG, <https://aaregistry.org/story/segregationist-walter-plecker-born/>.

⁷⁸ Ibid.

⁷⁹ Coleman, *That the Blood Stay Pure*, 91.

⁸⁰ “Letter From Walter Plecker (January 1943),” Virginia Indian Archive, <https://www.virginiaindianarchive.org/items/show/197>.

⁸¹ Ibid.

national assimilation efforts.⁸² Simply explained, “racial bribes” refers to “a strategy that invited specific racial or ethnic groups to advance within the existing black-white racial hierarchy by becoming ‘white.’”⁸³

In addition to banning mixed-race marriages, Plecker believed that even in death, people should be segregated by the color of their skin. To achieve this, he ordered that bodies with questionable ethnicity be removed from white cemeteries and relocated to more “suitable” locations.⁸⁴ He also insisted that almost all Indians in Virginia be classified as colored, due to the “fact” that they must have African heritage somewhere in their ancestry.⁸⁵ Furthermore, not only did the state’s government limit the marriages that could occur, the same year that the Racial Integrity Law was passed, Virginia enacted the Eugenical Sterilization Act of 1924, which allowed the state to forcibly sterilize anyone who, if allowed to procreate, could threaten the welfare of society.⁸⁶ This policy targeted those deemed insane, or “unfit” to pass on their genes to future generations.⁸⁷ While in practice (1924-1979), this law allowed between 7,325 and 8,200 people to be forcibly sterilized – including “mongrels,” “worthless whites,” African Americans, and Native Americans, 63% of whom were women.⁸⁸

While Virginia’s racial laws and similar laws in other states remained active until the 1960s, across the nation, Americans continuously pushed back against misleading racial stereotypes. Reacting to a post from the *Seward Gateway*, which claimed that “It is natural for a white man to try to progress; it is not so with the average native,” in 1931, *The Alaska Fisherman*

⁸² “*Loving in Indian Territory*” in Kevin Noble Maillard and Rose Cuison Villazor, eds., *Loving v. Virginia in a Post-racial World: Rethinking Race, Sex, Marriage* (Cambridge: Cambridge University Press, 2012), 48.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ “The New Virginia Law to Preserve Racial Integrity,” Virginia Health Bulletin.

⁸⁶ “A Shameful History: Eugenics in Virginia,” ACLU Virginia, <https://acluva.org/en/news/shameful-history-eugenics-virginia>.

⁸⁷ “Virginia,” University of Vermont, <https://www.uvm.edu/~lkaelber/eugenics/VA/VA.html>.

⁸⁸ *Ibid.*

argued that if the editor of *The Seward Gateway* believes the above passage to be true, he “does not know or understand the first thing about the human race.”⁸⁹ Furthermore, the article claimed that “A simple glance into the history of the Caucasian race” proves that “the good Lord has [not] endowed any single race of people with an intelligence, character and physical make-up, different from other races except for color.”⁹⁰ To prove this, the *Fisherman* stated that “It has taken the white race thousands of years to reach the stage of civilization where it now stands.”⁹¹ Furthermore, the article stated that the federal government had “purposely retarded” the process of assimilation in order to “feed a big political machine which has been a millstone about the neck of the Indian race retarding his every progress.”⁹² Despite this attempt to address misguided beliefs, racialized ideologies continued to both hinder and type-cast Indigenous peoples in the mid-twentieth century.

The era of the Great Depression and the Indian New Deal “benefitted Indian people, not because of their unique plight, but because they were at last a part of the national plight.”⁹³ In this period, Indigenous cultures received a reprieve from federal cultural eradication practices, and instead, experienced an increased national interest in Indian histories, arts, and traditions.⁹⁴ The Indian Arts and Crafts board was established in 1935, the first bilingual pamphlets were published between 1940 and 1945, and militaristic procedures in boarding schools were replaced with more culturally sensitive methods.⁹⁵ World War II also affected Native Americans. Indigenous exploits in the war served to emphasize and reinvigorate existing racial stereotypes

⁸⁹ “What Rot!” *The Alaska Fisherman*, March 15, 1931.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ “The 1930s: Indian Education Values Native Culture,” Native Partnership, http://www.nativepartnership.org/site/PageServer?pagename=PWNA_native_history_1930&printer_friendly=1.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

such as the “cult of the warrior” and the “Indian brave.”⁹⁶ Despite then commissioner John Collier and tribal council head J.C. Morgan’s attempts to create all-Indian units, almost 25,000 Native Americans served in the U.S. armed forces in integrated units, while another approximately 50,000 served in other domestic industries.⁹⁷ The most famous Indigenous peoples who served in this conflict were the Navajo Code Talkers, who used tribal languages to send encrypted messages.⁹⁸ Indigenous people enlisted for a number of reasons, including patriotism, the hope to protect their tribal communities, a simple desire to win the war, and a chance to escape poverty.⁹⁹ One survey, conducted in 1942, revealed that 40 percent more Native Americans volunteered for service rather than being drafted.¹⁰⁰ However, in this era, white leaders viewed Native participation without hesitation as a promising step towards national assimilation.¹⁰¹ Furthering this argument, Thomas D. Morgan points out that “American Indians overcame past disappointment, resentment, and suspicion to respond to their nation’s need in World War II. It was a grand show of loyalty on the part of Native Americans and many Indian recruits were affectionately called ‘chiefs.’”¹⁰² Additionally, Morgan argues that this conflict signaled a chance for Indians to detach themselves from the past and rise within the “white man’s world.”¹⁰³

⁹⁶ Thomas D. Morgan, “Native Americans in World War II” *Army History*, no. 35 (1995): 23; and “New Federal Policy Aims to Restore Indian Tribal Customs, Speaker Says,” *The Bluffton News*, February 5, 1942.

⁹⁷ Donald L. Burnett Jr. “An Historical Analysis of the 1968 Indian Civil Rights Act,” *University of Idaho College of Law*, 1971.

⁹⁸ “American Indian Code Talkers,” The National WWII Museum, <https://www.nationalww2museum.org/war/articles/american-indian-code-talkers>.

⁹⁹ “Native Women and World War II,” National Museum of the American Indian, <https://americanindian.si.edu/static/why-we-serve/topics/native-women-and-world-war-2/>.

¹⁰⁰ Morgan, “Native Americans in World War II,” 26.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

During the war, the integration of Natives promoted the subtle assimilation of individual Indigenous peoples in addition to propelling Native communities' calls to receive equal rights within the United States.¹⁰⁴ While most white people had few objections about Native Americans' ability to aid the war effort, the War Department continuously refused to allow black people to join general units.¹⁰⁵ However, in the south, where segregation practices that excluded classifications other than black or white were most rampant, Indians met significant frustration when they attempted to enlist.

In 1942, three members of the Rappahannock tribe attempted to enlist in Richmond, Virginia, but were told to report to a black draft board located in Ft. Meade, Maryland. After refusing to do so – claiming that they enlisted as Indians and wanted to be treated as Indians – the men's argument was rejected by the military, due to a 1934 report that stated that “there is not a native-born Virginian claiming to be an Indian who is not mixed with Negro blood and who is not classed as Negro under the laws of the state.”¹⁰⁶ Although the three Indians contested the decision, in the end, they were found guilty of violating the state's Selective Service Act and sentenced to six months in jail.¹⁰⁷ Alison R. Bernstein argues that “These incidents revealed more about the pervasiveness of discrimination against blacks in the South than they did about the treatment of Indians in the military.”¹⁰⁸ Despite being forced to fit into either “black” or “white” boxes in certain regions of the U.S., World War II solidified the status of Native Americans as members of the nation. However, by the mid-twentieth century, the idea of

¹⁰⁴ “Native Women and World War II,” National Museum of the American Indian.

¹⁰⁵ Alison R. Bernstein, *American Indians and World War II: Toward a New Era on Indian Affairs* (Norman: University of Oklahoma Press, 1991), 41.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*, 42.

maintaining racial purity threatened to segregate the races for decades to come – subsequently undermining the country’s unity.

When the war ended in 1945, over 65,000 Indians who had left their reservations, were uncertain of their role in the nation’s future.¹⁰⁹ Though significant numbers of Native Americans stayed in larger cities, many returned to their reservations after their service.¹¹⁰ Bernstein argues that because of the expanded sphere of influence Indians experienced during the war, upon returning home, Native veterans expected the same amount of rights and privileges as the rest of the nation.¹¹¹ However, the country’s racial climate would not be able to uphold those expectations, as Native Americans, along with African Americans, Hispanics, and Asian Americans, faced continuous state-discrimination, meant to deter minorities from voting.¹¹² In 1948, the *Jackson Advocate* reported that for Arizona, Supreme Court Justice Levi S. Udall decided that “Indians were not wards of the government in the strict meaning of the word” and that “if they are eligible for military service and have enjoyed other privileges, they have every right to vote.”¹¹³ However, this was but one success in a racialized nation. Directly preceding the article, the *Advocate* reported that “The Ku Klux Klan set fire to a cabin near Dixie camp... because Negro carpenters had been used in its construction.”¹¹⁴ At the site of the burned cabin, a paper was discovered stating: “Final warning: No Negro does any building this side of the creek,” signed, “KKK.”¹¹⁵ Furthermore, in 1949, *The Ohio Daily-Express*, published an interview with “Iron Eyes” Cody, “Hollywood’s No. 1 movie Indian,” who was half Cherokee

¹⁰⁹ Ibid., 131.

¹¹⁰ Ibid., 132.

¹¹¹ Ibid.

¹¹² National Historic Landmarks Program, *Civil Rights in America: Racial Voting Rights* (Washington D.C.: National Park Service, 2009), 1.

¹¹³ “Arizona Indians Get Right to Vote,” *Jackson Advocate*, July 24, 1948.

¹¹⁴ “Ala.KKK Burns Cabin Built by Negro Carpenter,” *Jackson Advocate*, July 24, 1948.

¹¹⁵ Ibid.

and Seneca.¹¹⁶ Cody shared that he recently bought a home in a restricted neighborhood in San Fernanda Valley – a place unavailable to any of his Indian friends. Cody stated that “My uncle, the curator at the Southwest Museum, warned me my neighbors will make life unpleasant. He was surprised I was able to buy the land. My deed says ‘restricted to Caucasians only.’ I guess the real estate agent was looking the other way.”¹¹⁷

Though World War II pushed the United States towards ethnic unity, deeply-rooted beliefs of racial integrity held the nation in a firm grip, and thwarted attempts to expand equality for all citizens. In 1945, Congress found itself torn over whether they should permanently establish the Fair Employment Practices Committee – a program originally created in 1941 by President Franklin D. Roosevelt to help prevent discrimination against African Americans in government positions and defense jobs.¹¹⁸ In response to these debates, *The Gazette and Daily* reported that South Carolina Representative Butler B. Hare believed that “When Southerners discriminate against Negroes they’re not guilty of racial prejudice or bigotry. Perish the thought... All they are doing is protecting their racial ‘integrity.’”¹¹⁹ Hare compared this to the disagreements amongst different denominations in Christianity. He argued that “They do not refer to that as religious prejudice.”¹²⁰ For this reason, Hare believed that national criticisms against southern segregation practices were unjustified.¹²¹

Backing this mentality, in 1957 the *Daily World* in Opelousas, Louisiana published that,

Living within a bi-racial society for generations has whetted the urge for race preservation in the South to a degree incomprehensible to citizens, say in North Dakota, Kansas, Oregon or Wisconsin... **The real “inside” story of Southern resistance to racial integration is not based upon race hatred or prejudice.**

¹¹⁶ “American Finds Trouble Living in Native Country,” *The Ohio Daily Express*, June 14, 1949.

¹¹⁷ Ibid.

¹¹⁸ “Overexcitement About Racial Prejudice,” *Southern Watchman*, June 9, 1945.

¹¹⁹ “Declares South Has No Bigotry,” *The Gazette and Daily*, June 2, 1945.

¹²⁰ Ibid.

¹²¹ Ibid.

Experience has taught the South that races simply get along better with limited social concourse and that segregation is the only barrier to ultimate racial amalgamation.¹²²

Even as late as 1960, South Carolina's *The Columbia Record* published "Integrity of the Races" by John Temple Graves, which argued that "'Racial integrity' suggests pride, self respect, self reliance, achievement. It makes no racial comparisons, suggests only an excellence to be sought, a loyalty to be served."¹²³ Though debates over the "American-ness" of segregation continued to plague the nation throughout the mid-twentieth century, the idea of racial integrity as a scientific and societal goal gave merit to systemic racism.

Virginia's racial integrity laws were not unique, as twenty-one states shared similar antimiscegenation laws prohibiting white and non-white people to marry.¹²⁴ Additionally, eighteen more states had only repealed their laws in the 1950s.¹²⁵ In 1963, Peter Cumminos argued,

Some states believe that the Negro is not the only threat to their racial purity, and therefore forbid whites to marry American Indians, West Indians, Asiatic Indians, Mongolians, Malays, Chinese, Japanese, Africans, "half-breeds," and mestizos. In South Carolina, racism tinged with male chauvinism holds that a white man can marry anyone (a Mongolian, for example) other than an Indian, a Negro, a mulatto, or a "half-breed," while a white woman can marry only a white man. Let it not be thought, however, that the South Carolina legislature is entirely bigoted, for it generously declares, "Marriages... between white persons of this State and Catswho Indians are declared legal in all respects."¹²⁶

Cumminos continues that "Most anti-miscegenation laws are aimed at preserving the "racial integrity" of the "white race," but North Carolina provides that Cherokee Indians of Robeson County may not intermarry with Negroes. The law neglects to state whether it is the Negroes or

¹²² The author has chosen to retain original source bolding. "Subtle Sales Pitch," *Daily World*, October 27, 1957.

¹²³ John Temple Graves, "Integrity of the Races," *The Columbia Record*, September 24, 1960.

¹²⁴ Peter Cumminos, "Race, Marriage, and Law," *The Harvard Crimson*, <https://www.thecrimson.com/article/1963/12/17/race-marriage-and-law-pamerican-racism/>.

¹²⁵ Ibid.

¹²⁶ Ibid.

the Cherokees who are being protected.”¹²⁷ While these states primarily prohibited the intermarriage of whites and blacks, many outlawed the “mixing” of whites with any people of color, including Native Americans.¹²⁸ However, often, the legal definitions of race proved confusing and frequently hypocritical. Cumminos points out that “... if a man is an inhabitant of an Indian tribal reservation and has at least one Indian grandparent *and* less than one-sixteenth “Negro blood,” then despite the state's definition of a Negro he may be regarded as an Indian on the reservation. Once he leaves the reservation, however, he undergoes a legal metamorphosis and becomes a Negro.”¹²⁹ These ever-changing legal definitions of race proved impossible to maneuver and presented serious problems in navigating life between states during this era.

Exemplifying Cumminos’ argument, in 1958, Richard Loving, a white man, and Mildred Jeter, a half-Indian, half-black woman, discovered that they were expecting their second child together. Painfully aware of the racially segregated county they lived in, the couple decided to leave Virginia for Washington D.C., in order to bypass Virginia’s antimiscegenation laws and be legally married. Richard hoped that their marriage would shield them from any harassment. However, it was this decision that propelled their story to international fame and forever changed both marriage and segregation laws within the United States.¹³⁰

When the couple returned to the state, they hoped that their marriage would be treated as valid. However, one night, Mildred, who was then six months pregnant, and Richard Loving were abruptly awakened, dragged out of their beds, and hauled off to jail, due to their “illegal” union. Richard Loving was released on bail the following day. However, Mildred was forced to

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Peter Wallenstein, *Race, Sex, and the Freedom to Marry: Loving v. Virginia* (Lawrence: University Press of Kansas, 2014), 81-2.

stay in lock-up for several days, while Richard and his family were instructed not to try to release her, under threat of being jailed themselves.¹³¹ Mildred later recalled that she was terrified during her imprisonment – enduring threats from the jailer of “letting a white male prisoner into her cell for the night.”¹³² When the Loving’s case was sent to trial, the couple pled “not guilty” but the court found that they had violated the state’s antimiscegenation laws, and sentenced the couple to a year in jail, with the option of avoiding the penalty, if they agreed to leave Virginia and not return for 25 years.¹³³

Facing either jail or banishment, the couple chose to move to Washington D.C. to live with their relatives. However, in 1963, they returned to Virginia and were subsequently “arrested for traveling together”¹³⁴ and violating the terms of their parole.¹³⁵ After this arrest, the Lovings, inspired by recent Civil Rights protests and wanting to return home, reached out to Attorney General Robert F. Kennedy for help. Though Kennedy could not help the couple directly, he referred them to the American Civil Liberties Union (ACLU) who agreed to take on their case.¹³⁶ Bernie Cohen filed a motion with Judge Leon Bazile to overrule the court’s decision to banish the couple from the state.¹³⁷ Additionally, he argued that “the sentence of banishment was cruel and unusual punishment and violated due process of law... [and that] the Virginia miscegenation law violated the equal protection clause of the 14th Amendment.”¹³⁸ The appeal went unanswered for months and only garnered recognition when another young lawyer happened to be

¹³¹ Ibid.

¹³² Ibid.

¹³³ “Loving v. Virginia,” Oyez, <https://www.oyez.org/cases/1966/395>; and Douglas O. Linder, “The Story Behind Loving v Virginia,” University of Missouri, Kansas City, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/LovingvVirginiaStory.html>.

¹³⁴ “Loving: Looking Back at the Landmark Case, Loving v. Virginia,” ACLU, <https://www.aclu.org/issues/racial-justice/loving>.

¹³⁵ Wallenstein, *Race, Sex, and the Freedom to Marry*, 84.

¹³⁶ “Loving,” ACLU; and Wallenstein, *Race, Sex, and the Freedom to Marry*, 98.

¹³⁷ Linder, “The Story Behind Loving v Virginia.”

¹³⁸ Ibid.

simultaneously visiting Cohen's mentor, and suggested that the lawyer file "a 2283 motion," which would force the law's constitutionality to be closely surveyed by a panel of three federal judges.¹³⁹ Taking this suggestion, Cohen filed a class-action lawsuit in Virginia's federal court and asked that they "declare the Virginia miscegenation law unconstitutional, and enjoin enforcement of Richard and Mildred's sentences."¹⁴⁰ In response to this action, Bazile issued an Indictment for Felony, and wrote that "Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."¹⁴¹

Despite Bazile's statement, the federal court decided that the Lovings should first file an appeal to Judge Bazile's decision in Virginia's Supreme Court. In response to this decision, the Loving's lawyers insisted that the state had made their stance on the matter quite clear and pushed for the case to remain in federal courts. This plea was denied, and the case was sent to the state's Supreme Court, with the caveat that its constitutionality be brought to question.¹⁴² The judges stated that the Lovings could remain together, in Virginia, while waiting for their case to be heard.¹⁴³ During this waiting period, the Lovings' story garnered national acclaim. In March of 1966, *Life Magazine* published "The Crime of Being Married: A Virginia Couple Fights to Overturn an Old Law Against Miscegenation," which described their situation as a "legal purgatory" and accurately predicted that "... *Loving vs. Virginia* may well become the next big landmark in civil rights."¹⁴⁴

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ "The New Virginia Law to Preserve Racial Integrity," Virginia Health Bulletin.

¹⁴² Wallenstein, *Race, Sex, and the Freedom to Marry*, 110.

¹⁴³ Ibid.

¹⁴⁴ "The New Virginia Law to Preserve Racial Integrity," Virginia Health Bulletin.

When preparing for the case, the state of Virginia detailed arguments similar to Bazile's statement that races should be separated as "God intended," whereas the Loving's lawyers cited previous court decisions which argued that "If the right to marry is a fundamental right, then it must be conceded that an infringement of that right by means of a racial restriction is an unlawful infringement of one's liberty."¹⁴⁵ Though the Virginian Supreme Court held true to their doctrine that marriage should be racially segregated, the court found that Judge Bazile's decision was too harsh for the crime and sent the case back to Bazile's court for resentencing.¹⁴⁶ The court stated that Bazile's objective should have been in keeping the couple apart, not in banishing them. Additionally, they argued that the sentenced time should have been in a state penitentiary, not jail, which put the couple in a worse position than before.¹⁴⁷

Having pursued every possible court in Virginia, the Lovings were now left with the sole option of taking their case to the federal Supreme Court. Though the court agreed to hear their case, while awaiting trial, the couple had to either live apart in Virginia or in exile in D.C.¹⁴⁸ Most news coverage of the case, both before and during the trial, tended to be "slightly in favor of the Lovings."¹⁴⁹ Ultimately, the Supreme Court unanimously ruled that the state's antimiscegenation laws were unconstitutional, and stated that "The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry or not marry, a person of another race resides with the individual and cannot be infringed by the State."¹⁵⁰

¹⁴⁵ *Perez v. Sharp*, California Supreme Court, 1948, in Wallenstein, *Race, Sex, and the Freedom to Marry*, 112.

¹⁴⁶ Wallenstein, *Race, Sex, and the Freedom to Marry*, 114.

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*, 115.

¹⁴⁹ Jennifer Hoewe and Geri Alunit Zeldes, "Overturning Anti-Miscegenation Laws: News Media Coverage of the Lovings' Legal Case Against the State of Virginia," *Journal of Black Studies* 43, no. 4 (2012): 439.

¹⁵⁰ *Loving v. Virginia*, 1967, in Hoewe and Zeldes, "Overturning Anti-Miscegenation Laws," 427-43.

Though *Loving v. Virginia* repealed the state's antimiscegenation laws and its policy of forced sterilization, the practice of sterilization itself continued nationally throughout the 1970s, and the law only promoted the freedom to marry in other states.¹⁵¹ However, Carla D. Pratt argues that "State miscegenation laws that ultimately permitted whites to marry Indians aided the assimilation of Indians into mainstream white America by operating as a form of racial rehabilitation."¹⁵² Furthermore, though the Lovings' case ended antimiscegenation laws, public opinions towards this topic would take longer to become sympathetic. In 1967, Ross Barnett, a former governor who was again running for Mississippi's election, argued that segregation was the only way to maintain a strong and noble society.¹⁵³ To prove this, Barnett referenced Egypt, saying that it was once the "'greatest race there was on the face of the globe' but then 'the people started integrating and now and then there was an intermarriage and that is exactly when Egypt began to go down the hill.'" Furthermore, Barnett referenced the Lovings' case and argued that it "sets the stage for doing away with similar laws in all states, including Mississippi."¹⁵⁴

Despite continued calls for racial segregation, civil rights movements by both black and Native American communities garnered support and recognition. In 1967, Robert Burnette and Henry Crow Dog, two members of the Rosebud Sioux Tribe of Mission, South Dakota, traveled to Washington D.C. to announce the formation of the American Indian Civil Rights Council. Burnette and Crow Dog stated that this council was formed to promote the need for Native American civil rights both federally and internally. The pair claimed that "while the general laws of the United States protected Indians from offenses committed against them by white men, a

¹⁵¹ Sally J. Torpy, "Native American Women and Coerced Sterilization: On the Trail of Tears in the 1970s," *American Indian Culture and Research Journal* 24, vol 2 (2000): 1-22; and Maillard and Villazor, *Loving v. Virginia in a Post-racial World*, i.

¹⁵² Maillard and Villazor, *Loving v. Virginia in a Post-racial World*, 46.

¹⁵³ "Ross Barnett Still Stands Firm for Segregation," *Clarion-Ledger*, July 30, 1967.

¹⁵⁴ *Ibid.*

section of the United States Code exempted offenses committed by one Indian against another. Tribal courts hold jurisdiction over such offenses.”¹⁵⁵ Burnette and Crow Dog asserted that due to the “‘unbelievable’ political corruption on many reservations” some Indians are denied their right to vote in tribal elections, some have their property taken from them, and that in general, “graft and corruption are widespread.”¹⁵⁶ Additionally, Burnette contended that “Our great white fathers’ top men are fully aware of the fact that Indians exist in a civil rights no-man’s land.”¹⁵⁷ For this reason, he believed that a council on civil rights would pressure Congress to take a closer look at the needs of individual Indian citizens.¹⁵⁸

During the 1960s, Native Americans across the nation began to actively protest the treatment Indigenous people endured within the United States. One of the most famous protests, founded in July of 1968, in Minneapolis, Minnesota, began as an effort to “improve conditions for recently urbanized Native Americans.”¹⁵⁹ The protest led to the creation of the American Indian Movement (AIM) – a group dedicated to addressing issues connected to sovereignty, leadership, treaties, racism, and civil rights.¹⁶⁰ These protests, combined with continuous complaints about the corruption within tribal governments, compelled the federal government to pass the Indian Civil Rights Act of 1968 (ICRA), also known as the Indian Bill of Rights. This bill declared that tribes fell under the same federal jurisdiction as other federal, state, and local

¹⁵⁵ “American Indian Civil Rights Council Asks New Legislation,” *The Gazette and Daily*, March 13, 1967.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ Jon Lurie, “American Indian Movement (AIM),” MNOpedia, <https://www.mnopedia.org/group/american-indian-movement-aim>.

¹⁶⁰ Franky Abbott, “The American Indian Movement, 1968-1978,” Digital Public Library of America, <https://dp.la/primary-source-sets/the-american-indian-movement-1968-1978>.

governments, and that members of tribal nations were privy to the same rights and privileges as any other citizens under the constitution.¹⁶¹

Though the Indian Civil Rights Act promised to make Native Americans equal members of the nation, some tribes protested the policy because it stripped the sovereignty of tribal nations. Wendell Chino, then “president of the Mescalero Apache Tribe, chairman of the New Mexico Commission on Indian Affairs and president of the National Congress of American Indians”¹⁶² said in 1969, that

In recent weeks the Indian Civil Rights Act of 1968 has begun to make itself felt through its infringement on the sovereign rights and inherent powers of the Indian Tribes and their governing bodies... Some Indian people supported Indian Civil Rights legislation because they believed that the legislation was limited to and restricted to the individual Indian and his tribal government... The communal life patterns of the Indian people is contrary to the Indian Civil Rights Act and the civil rights as understood by the non-Indian society... This conflict must be recognized lest the Indian way of life be destroyed.¹⁶³

Chino argued that the Indian Civil Rights act should be amended to protect the sovereignty and inherent rights of tribes, allow tribal governments to dictate and protect both individual and civil rights “within the customs and traditional framework of Indian tribes,”¹⁶⁴ caveat that the act can only protect *individual* Indians when dealing with tribal government, and clearly retain the right to deny reservation entry to any non-Indians, for any reason whatsoever.¹⁶⁵ These amendments, Chino believed, would protect Native Americans against the federal government.¹⁶⁶ Furthermore, in 1969, Raymond Nakai, in a speech to the Navajo Tribal Council’s Advisory Committee, argued that the Indian Civil Rights Act “is being thrashed down the throats of the poor and

¹⁶¹ “1968 Indian Bill of Rights,” Minnesota Public Radio, <http://news.minnesota.publicradio.org/projects/2001/04/brokentrust/history/history10.shtml>.

¹⁶² Bill Hume, “Indians Turned Against Rights Act,” *Albuquerque Journal*, April 13, 1969.

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

uneducated people out in the chapters,” and that “people want to live the old traditional way without having the Anglo version of Civil Rights law shoved down their throats.”¹⁶⁷

Though the Indian Civil Rights Act was hotly debated by tribes across the nation, the basic principle of the act was intended to protect Native Americans under the U.S. Constitution. However, in 1978, the U.S. Supreme Court decided in *Santa Clara Pueblo vs. Martinez* that “Indian tribes had sovereign immunity which meant that Indian tribes could not normally be sued by anyone for tribal actions.”¹⁶⁸ This decision meant that infringements on the Indian Civil Rights Act would be tried in tribal courts and not federal ones. C.L. Stetson argues that the court’s ruling meant that “Individual Indians with complaints against their tribal leaders or regulations have no recourse to a federal court for adjudication of their rights and must instead remain within the jurisdiction of the tribal courts.”¹⁶⁹ To place the relevance of this decision within a larger perspective, if the Lovings, twenty years earlier, had not had the right to take their case to a federal court, then their sentence would have stood, and Virginia’s antimiscegenation laws would have continued. Despite this, one spokesperson for United Pueblos argued “We have learned, through many centuries, what is best for us, and we hope that we may be allowed to follow the system which we have found best suited to our needs... [B]ecause we are not hedged about by the trappings of the white man’s courts and the possibilities of the miscarriage of justice... substantial justice is done and without resort to the delays characteristic of non-Indian courts.”¹⁷⁰

¹⁶⁷ Ted Rushton, “The Independent Outlook,” *The Gallup Independent*, October 2, 1969.

¹⁶⁸ “Navajo Nation Needs a Constitution,” *Arizona Daily Sun*, December 28, 1987.

¹⁶⁹ C. L. Stetson, “Tribal Sovereignty: Santa Clara Pueblo v. Martinez: Tribal Sovereignty 146 Years Later,” *American Indian Law Review* 8, no. 1 (1980): 139.

¹⁷⁰ *Ibid.*

Native Americans in the mid-twentieth century were often caught in the crosshairs of heated racial debates and homogenized with other people of color in the battle for equal rights within the nation. In *The Other Movement: Indian Rights and Civil Rights in the Deep South*, Denise E. Bates describes the racial climate of the American south as an “ambiguous racial space” for Native Americans, with a “bi-racial system not designed to include them.”¹⁷¹ In the Jim Crow south, Indians were caught between two extreme sides of race politics and were forced to either “look more white”¹⁷² or be classified as “free people of color.”¹⁷³ This system “either marginalized or mislabeled them” and forced communities to redefine their identity in order to survive.¹⁷⁴ Cases such as *Loving v. Virginia* demonstrate the ways in which one couple could change the lives of thousands of people. Additionally, policies such as Virginia’s Racial Integrity Act of 1924, southern Jim Crow legislation, federal Indian termination policies, and the Indian Civil Rights Act, mark crucial political decisions within the history of Native American communities. In the era of termination, the idea of racial integrity, matched with decreased federal support for tribes, significantly impacted tribal communities. However, by highlighting the ways in which Indigenous peoples continued to overcome harmful legislation either in courts, on the battlefield, or with picketing signs, this period may be further understood with the evolving narrative of U.S. Federal Indigenous policy.

¹⁷¹ Denise E. Bates, *The Other Movement: Indian Rights and Civil Rights in the Deep South* (Tuscaloosa: University of Alabama Press, 2012), 71.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

Conclusion

On November 4, 1969, a group of Native American Students, led by Richard Oakes, along with other people from the San Francisco Bay Area, began an eighteen-month-long protest on Alcatraz Island. This occupation was an attempt to gain “recognition and fulfillment of the promises made during the Civil Rights Movement and the Johnson Administration’s War on Poverty.”¹ This protest drew the attention of both citizens and legislatures across the nation, and, among other events, kick started the Red Power Movement, dedicated to securing better lives for Indians in the United States. From this movement, came “The Alcatraz Proclamation,” a document that claimed the land that Alcatraz was situated on “by right of discovery,”² promised to “be fair and honorable in our dealing with the Caucasian inhabitants of this land,”³ and offered to purchase the island for \$24.⁴ This proclamation justified its claim by stating that,

We feel that this so-called Alcatraz Island is more than suitable for an Indian Reservation, as determined by the white man’s own standards. By this we mean that this place resembles most Indian reservations in that:

1. It is isolated from modern facilities, and without adequate means of transportation.
2. It has no fresh running water.
3. It has inadequate sanitation facilities.
4. There are no oil or mineral rights.
5. There is no industry and so unemployment is very great.
6. There are no health care facilities.
7. The soil is rocky and non-productive; and the land does not support game.
8. There are no educational facilities.
9. The population has always exceeded the land base.
10. The population has always been held as prisoners and kept dependent upon others.⁵

¹ “The Self-Determination Era (1968 – Present),” Howard University Law Library, <https://library.law.howard.edu/civilrightshistory/indigenous/selfdetermination#:~:text=Beginning%20in%20the%20ate%201960s,of%20mistreatment%20toward%20Native%20Americans.>

² Indians of All Tribes, “The Alcatraz Proclamation: Annotated,” *The New Inquiry*, <https://thenewinquiry.com/the-alcatraz-proclamation-annotated/>.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

The Alcatraz Protest perfectly reflects how past legislative decisions and social understandings continuously impacted Indigenous societies. Though the Alcatraz Protest came to an end when the U.S. government cut off resources on the island, the Red Power Movement took root in the nation and began to change the lives of Native peoples in the United States for the better.⁶

Another case, inspired by the Alcatraz Protest, occurred in 1971, when six Native Americans were arrested for defacing the Museum of Natural History in New York City. One of the parties involved, Marie-Helena Laraque, a 23-year-old Native American anthropology student, who was described as “mad as a brave who had turned up late for Custer’s Last Stand,”⁷ argued that “We Indians are treated like relics from the past... They want to put us in museums and forget about us.”⁸ Among other acts of protest, the perpetrators emptied “a pot of paint” on the statue of Theodore Roosevelt, which stood outside the museum’s entrance. Explaining this act, Laraque continued that “Have you seen that statue? It has Theodore Roosevelt on horseback with a black and an Indian at his side, their heads bowed as if in submission to the mighty white man... And the museum typifies the white man’s approach which is to put the Indian culture in the past as relics and leave us there...”⁹

Throughout the nineteenth and twentieth centuries, U.S. federal Indigenous policy experienced significant changes in its approach, motives, and end goal in solving the nation’s “Indian problem.” In the era of separation, legislators were primarily focused on minimizing conflict between Indians and settlers, regulating trade between the two factions, managing settler encroachment on Indian territories, and establishing treaties with Indian nations.¹⁰ However, as

⁶ “The Self-Determination Era,” Howard University Law Library.

⁷ Anthony Burton, “6 Indians Nabbed in Brush With Law,” *Daily News*, June 15, 1971.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ “Proclamation of the Continental Congress (September 22, 1783),” found in Prucha, *Documents of United States Indian Policy*, 2; and “Ordinance for the Regulation of Indian Affairs (August 7, 1786),” found in

ideas such as the myth of the vanishing Indian caused the political climate to shift from a mindset of separation to assimilation, the nation's primary focus became fixated on the idea of "saving the man and killing the Indian" by way of boarding schools, cultural eradication, and tribal dispersion.¹¹ Despite the practices enacted in the era of assimilation, by the 1930s, initiatives derived from the Indian New Deal era led to the passage of the Indian Reorganization Act of 1934 – a policy dedicated to preserving tribal structures and reversing the "chipping away" at tribal land holdings.¹² Though this era presented a promising reprieve for Native communities, because of growing national beliefs such as the idea of racial integrity and the practice of segregation, by the 1950s, the mindset of preservation was overturned by the policy of termination regarding federal support for tribes.¹³ Despite these harmful legislative decisions, because of national movements such as the push for both Indian and African American civil rights, by the late 1960s, laws discriminating amongst citizens on the basis of race, were repealed and a new era of equality began to take shape.¹⁴

In the twenty-first century, there are 574 federally-recognized Indian Nations in the United States.¹⁵ The National Congress of American Indians estimates that around 229 of these tribes can be found in Alaska, with the remaining numbers spread amongst 35 states.¹⁶ Though each of these tribes are culturally, ethnically, and linguistically distinct, each nation experienced years of political, social, and cultural upheaval, and each Indigenous person has been directly

Prucha, *Documents of United States Indian Policy*, 8; and "Civilization Fund Act (March 11, 1824)," found in Prucha, *Documents of United States Indian Policy*, 33

¹¹ Cobb and Fowler, *Beyond Red Power*, 58.

¹² *Ibid.*, xv, 60.

¹³ *Ibid.*, 61.

¹⁴ *Ibid.*, 63.

¹⁵ International Affairs, "Tribes," U.S. Department of the Interior, <https://www.doi.gov/international/what-we-do/tribes>.

¹⁶ *Ibid.*

impacted by the legislative decisions enacted by the federal government. As of 2021, the U.S. Department of the Interior states that

The United States federal maintains a government-to-government relationship with the 574 federally recognized Native American Indian tribes and Alaska Native entities. Under U.S. law, Native American tribes are distinct, independent political communities. Acknowledging the history of past mistreatment and destructive policies that have hurt tribal communities, the U.S. continues efforts to restore and heal relations with Native Americans, respect tribal self-determination, ensure meaningful consultation with tribes on matters affecting their interests, and work in partnership with tribal governments to support the health and development of native communities.¹⁷

This statement reflects centuries of political upheaval, attempted cultural eradication, land encroachment, federal overrule, and social impoverishment. In order to understand how Native peoples eventually gained their right to self-determination, one must first comprehend the popular ideological movements that influenced national legislative decisions towards Native Americans.

There is no denying the fact that historically, U.S. Federal Indigenous policy has negatively impacted individual Indigenous citizens and continuously impoverished tribal nations. Petra T. Shattuck and Jill Norgren argue that “Few historical relationships are marked by a starker imbalance of economic and political power than that which developed between the United States and Indian Tribes.”¹⁸ Further illustrating this, Fergus M. Bordewich points out that “although the principle of tribal sovereignty rest on the premise that modern tribes are the direct continuation of nations that predate the founding of the United States, the governments of all but a few are wholly a twentieth-century invention.”¹⁹

¹⁷ International Affairs, “Tribes.”

¹⁸ Petra Shattuck and Jill Norgren, *Partial Justice: Federal Indian Law in a Liberal Constitutional System* (Providence: Berg Publishers, Inc., 1991), 2.

¹⁹ Bordewich, *Killing the White Man’s Indian*, 71.

In 2010, the U.S. Decennial Census revealed that 2.9 million people – 0.9 percent of the population – identified solely as either American Indian or Alaskan Native and that only 22% of the nation’s Indigenous peoples lived on tribal lands.²⁰ Additionally, 5.2 million people in the United States listed themselves as Native American or Alaskan Native, combined with other races.²¹ In 2018, the Census Bureau Population Estimates listed Alaska (27.9%), Oklahoma (17.4%), New Mexico (14.5 %), South Dakota (12%), and Montana (9.2%) as having the highest proportions of American Indians in the United States.²² However, compared to other races in the nation, as of 2009 to 2011, the Indian Health Service estimated that American Indians and Alaska Natives “have a life expectancy that is 5.5 years less than the U.S. all races population (73.0 years to 78.5 years, respectively),” and that “American Indians and Alaska Natives continue to die at higher rates than other Americans in many categories, including chronic liver disease and cirrhosis, diabetes mellitus, unintentional injuries, assault/homicide, intentional self-harm/suicide, and chronic lower respiratory diseases.”²³ Furthermore, in 2017, the U.S. Census Bureau estimated that 26.8% of Indigenous Americans lived in poverty compared to the nationwide number of 14.6%.²⁴ Moreover, as of 2019, only 17% of Indigenous Americans attended post-secondary educational institutions as opposed to the 60% among the general population.²⁵ Despite these numbers, Charles F. Wilkinson points out that though federal Indigenous law has

²⁰ “Indian County Demographics,” National Congress of American Indians, <https://www.ncai.org/about-tribes/demographics>; and “Living Conditions,” Native American Aid, http://www.nativepartnership.org/site/PageServer?pagename=naa_livingconditions.

²¹ “Living Conditions,” Native American Aid.

²² Ibid.

²³ “Disparities,” Indian Health Service, <https://www.ihs.gov/newsroom/factsheets/disparities/>.

²⁴ “Indian County Demographics,” National Congress of American Indians.

²⁵ Ibid.

been imperfect, “for its many flaws, the policy of the United States towards its native people is one of the most progressive of any nation.”²⁶

Though only a small portion of Native Americans live on reservations today, in contemporary eras, countless national initiatives have been enacted to ensure the survival, growth, and reclamation of traditional cultures, languages, and familial ties.²⁷ In the twenty-first century, the federal government has made significant efforts to both address and reform harmful policies against Indigenous peoples. On June 23, 2011, the Committee on Indian Affairs and the United States Senate hosted a hearing labeled “The Indian Reorganization Act – 75 Years Later: Renewing Our Commitment to Restore Tribal Homelands and Promote Self-Determination.”²⁸ In this meeting, Frederick Hoxie, a professor at the University of Illinois, addressed the assembly and argued that when the IRA was passed by Congress in 1934, the act articulated three main goals; the first being to end allotment, the second, to “[make] possible the organization of tribal governments and tribal corporations,”²⁹ and the third, to provide for the future development of tribal communities and reservations.³⁰ With this decision, Hoxie argued that “For the first time in the Nation’s history, the Federal Government codified in a general statute the idea that tribal citizenship was compatible with national citizenship and that Indian-ness would have a continuing place in American life.”³¹ Though the government’s actions in the decades following the IRA did not always uphold with this principle, Hoxie argued that,

²⁶ Charles F. Wilkinson, *American Indians, Time, and the Law* (New Haven: Yale University Press, 1987), 5.

²⁷ “Understanding the Destruction: Native American Life Today,” Native Hope, <https://pages.nativehope.org/native-american-life-today>.

²⁸ “The Indian Reorganization Act – 75 Years Later: Renewing Our Commitment to Restore Tribal Homelands and Promote Self-Determination,” U.S. Government Publishing Office, June 23, 2011, <https://www.govinfo.gov/content/pkg/CHRG-112shrg68389/html/CHRG-112shrg68389.htm>.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

As a consequence, in the years since 1934, despite periods when policymakers ignored Indian voices, and despite the persistence of discrimination, unacceptable rates of poverty and the ongoing crises in the delivery of social services, native people have not been viewed by policymakers as a vanishing or deficient people who must give up their traditional cultures and identities in order to become American.³²

Despite the harmful legislation enacted by the federal government on Native communities, Indigenous people continued to push back and overcome these obstacles.

In addition to the work being conducted to reclaim Native culture and propel positive Indigenous legislation, the twenty-first century has also given rise to significant progress in unifying the country's multiple racial communities. Emerging from the legacy of cases such as *Loving v. Virginia*, as of a 2015 census, one out of every six newlyweds have a spouse that is of a different race or ethnicity, whereas in 1967, this number was a mere three percent of the population.³³ Furthermore, as of 2017, only 14 percent of nonblack adults voiced opposition to a "close relative marrying a black person," in contrast to 63 percent against this in 1990.³⁴ Though these efforts are only the start of the nation's journey to remedy and reform past harms enacted on minority communities, they represent a significant positive "step forward" in an overwhelmingly negative political narrative. One challenge still facing contemporary Indigenous communities is the burden of education. The organization Native Hope advocates that in order to truly understand modern-day Indigenous struggles, non-natives must first comprehend the significance of historical trauma, what Dr. Maria Yellow Horse Brave Heart defines as "the cumulative emotional and psychological wounding over one's lifetime and from generation to generation following loss of lives, land and vital aspects of culture."³⁵ This historical trauma is

³² Ibid.

³³ "50 Years After *Loving v. Virginia*," *The New York Times*, June 14, 2017.

³⁴ Ibid.

³⁵ Ibid.

the culmination of over 500-years' worth of genocide, disenfranchisement, dislocation, both physical and mental trauma, and the impoverishment that accompanies being considered not only second-class citizens, but subhuman.³⁶ Exemplifying this, in 2006, *The New Mexican* argued that "Today, as a result of a series of legal and political battles won by tribes over the past half century, dignity is finally being restored to indigenous people of the United States. We paid for our right to govern ourselves. We paid for it with our blood and with our lands."³⁷

To understand the historical trauma Indigenous communities must continuously overcome today, one must first comprehend the federal laws that directly impacted Indian citizens, the legislative officials that decided those laws, and the societal understanding that influenced their decisions. Men such as Frederick Jackson Turner, Thomas Jefferson, Herbert Hoover, and John Collier – leaders that were both products and influencers of their time – perpetuated beliefs such as the myth of the vanishing Indian, the American spirit of individualism, and racial integrity, and used those ideals to make political decisions that impacted Native American people. These political decisions were not ahistorical or sudden, but reflected decades, if not centuries, of accumulated social understandings and practices. Despite the limitations of these political leaders, Indigenous communities continued to push and petition for their rights. Though tribes did not receive self-determination until 1975, trials such as the case of Standing Bear and *Loving v. Virginia*; ideals like the U.S. spirit of individualism, the myth of the vanishing Indian, racial integrity, and assimilation; and legislative decisions including the Indian Citizenship Act of 1924, the Indian Reorganization Act of 1934, and the

³⁶ Ibid.

³⁷ Harlan McKosato, "Sovereignty Movement Returns Power to Native People," *The New Mexican*, November 19, 2006.

Indian Civil Rights Act of 1968, served to propel Indigenous peoples towards their ultimate goal of national equality and tribal autonomy.

Bibliography

Primary Sources

- “ACT OF JUNE 18, 1934 - (Indian Reorganization Act).” Govinfo.gov.
<https://www.govinfo.gov/content/pkg/COMPS-5299/pdf/COMPS-5299.pdf>.
- “An Act to Preserve Racial Integrity.” Virginia Center for Digital History.
http://www2.vcdh.virginia.edu/lewisandclark/students/projects/monacans/Contemporary_Monacans/racial.html.
- “An Excerpt from *Democracy in America*,” University of Chicago.
<https://press.uchicago.edu/Misc/Chicago/805328.html>.
- Beard, Charles. *The Myth of Rugged American Individualism*. New York: The Stratford Press, Inc., 1932.
- “The Beginnings of the Miscegenation of the Whites and Blacks (October 1918).” Encyclopedia Virginia. <https://encyclopediavirginia.org/entries/the-beginnings-of-the-miscegenation-of-the-whites-and-blacks-october-1918/>.
- “Collection 2411 – Burton K. Wheeler Papers, 1924-1947.” Montana State University.
<https://www.lib.montana.edu/archives/finding-aids/2411.html>.
- Collier, John. *The Indians of the Americas*. New York: W. W. Norton & Company, 1947.
- . -. *On the Gleaming Way*. Denver: Sage Books, 1962.
- Cumminos, Peter. “Race, Marriage, and Law.” *The Harvard Crimson*.
<https://www.thecrimson.com/article/1963/12/17/race-marriage-and-law-pamerican-racism/>.
- Department of the Interior, *Fifty-Fifth Annual Report of the Board of Indian Commissioners to the Secretary of the Interior for the Fiscal Year Ended June 30, 1924*, Washington: Government Printing Office, 1924.
- “Disparities.” Indian Health Service. <https://www.ihs.gov/newsroom/factsheets/disparities/>.
- First Nations Version: An Indigenous Translation of the New Testament*. Downers Grove: InterVarsity Press, 2021.
- “H.R. 5007, An Act Granting Citizenship to Certain Indians, September 27, 1919.” U.S. Capitol Visitor Center. <https://www.visitthecapitol.gov/exhibitions/artifact/hr-5007-act-granting-citizenship-certain-indians-september-27-1919>.
- Higginson, Ella. “The Vanishing Race.” The Ella Higginson Blog.
<https://ellahigginson.blogspot.com/p/the-vanishing-race.html>.
- Hoover, Herbert and Nash, George H. *American Individualism*. Hoover Institution Press, 2016.
- “Indian Citizenship Act.” Library of Congress. <https://www.loc.gov/item/today-in-history/june-02/>.
- “Indian County Demographics.” National Congress of American Indians.
<https://www.ncai.org/about-tribes/demographics>

- “The Indian Reorganization Act – 75 Years Later: Renewing Our Commitment to Restore Tribal Homelands and Promote Self-Determination.” U.S. Government Publishing Office, June 23, 2011. <https://www.govinfo.gov/content/pkg/CHRG-112shrg68389/html/CHRG-112shrg68389.htm>.
- Indians of All Tribes. “The Alcatraz Proclamation: Annotated.” *The New Inquiry*. <https://thenewinquiry.com/the-alcatraz-proclamation-annotated/>.
- Jackson, Helen Hunt. *A Century of Dishonor: The Classic Exposé on the Plight of the Native Americans*. New York: Harper & Brothers, 1881.
- Jefferson, Thomas. *Notes on the State of Virginia*, American Studies at the University of Virginia. <https://xroads.virginia.edu/~Hyper/JEFFERSON/ch11.html>.
- “Johnson and Graham’s Lessee v. William McIntosh” U.S. Supreme Court, 21 U.S. 543, 5 L.Ed. 681, 8 Wheat. 543. <https://tile.loc.gov/storage-services/service/l1/usrep/usrep021/usrep021543/usrep021543.pdf>.
- “‘Kill the Indian in Him, and Save the Man:’ R.H. Pratt on the Education of Native Americans.” Carlisle Indian School Digital Resource Center. <https://carlisleindian.dickinson.edu/teach/kill-indian-him-and-save-man-r-h-pratt-education-native-americans>.
- “Letter From Walter Plecker (January 1943).” Virginia Indian Archive. <https://www.virginiaindianarchive.org/items/show/197>.
- “Living Conditions.” Native American Aid. http://www.nativepartnership.org/site/PageServer?pagename=naa_livingconditions.
- “Loving v. Virginia.” Oyez. <https://www.oyez.org/cases/1966/395>.
- Miles, Nelson A. “The Indian Problem.” *The North American Review* 268, no. 128 (March 1879): 304-314.
- Native Voices. “1823: Supreme Court Rules American Indians Do Not Own Land” National Library of Medicine. <https://www.nlm.nih.gov/nativevoices/timeline/271.html>.
- “The New Virginia Law to Preserve Racial Integrity.” *Virginia Health Bulletin*, vol. XVI, March 1924.
- The Problem of Indian Administration*. Native American Rights Fund. https://narf.org/nill/documents/merriam/d_merriam_chapter1_summary_of_findings.pdf.
- Roosevelt, Franklin D. “Statement on the Wheeler-Howard Bill.” April 28, 1934, UC Santa Barbara. <https://www.presidency.ucsb.edu/documents/statement-the-wheeler-howard-bill>.
- Roosevelt, Theodore. “The Strenuous Life.” April 10, 1899, Voices of Democracy. <https://voicesofdemocracy.umd.edu/roosevelt-strenuous-life-1899-speech-text/>.
- Santayana, George. *The Sense of Beauty: Being the Outlines of Aesthetic Theory*. New York: Charles Scribner’s Sons, 1896.
- Thomas, John L. ed. *Slavery Attacked: The Abolitionist Crusade*. Englewood Cliffs: Prentice-Hall, Inc., 1965.

- Tibbles, Thomas Henry. *Buckskin and Blanket Days: Memoirs of a Friend of the Indians*. Chicago: R. R. Donnelley & Sons Company, 1985.
- de Tocqueville, Alexis. *Democracy in America*. Vol 1. Indianapolis: Liberty Fund, Inc., 2012. Eduardo Nolla, ed.
- Turner, Frederick Jackson. "The Significance of the Frontier in American History (1893)." Wisconsin Historical Society. <http://nationalhumanitiescenter.org/pds/gilded/empire/text1/turner.pdf>.
- "1924 Racial Integrity Act." Library of Virginia. https://lva.omeka.net/exhibits/show/law_and_justice/right_to_marry/racial_integrity_act.
- "1968 Indian Bill of Rights." Minnesota Public Radio. <http://news.minnesota.publicradio.org/projects/2001/04/brokentrust/history/history10.shtml>.

Secondary Sources

- "A Shameful History: Eugenics in Virginia." ACLU Virginia. <https://acluva.org/en/news/shameful-history-eugenics-virginia>.
- Abbott, Franky. "The American Indian Movement, 1968-1978." Digital Public Library of America. <https://dp.la/primary-source-sets/the-american-indian-movement-1968-1978>.
- "Abolition of the Transatlantic Slave Trade," National Museums Liverpool. <https://www.liverpoolmuseums.org.uk/history-of-slavery/abolition>.
- Allen, Paula Gunn. *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*. Boston: Beacon Press, 1986.
- "American Indian Code Talkers." The National WWII Museum. <https://www.nationalww2museum.org/war/articles/american-indian-code-talkers>.
- "American Indians' Service in World War I." The Gilder Lehrman Institute of American History. https://www.gilderlehrman.org/history-resources/spotlight-primary-source/american-indians-service-world-war-i-1920#_ftn1.
- "America's Manifest Destiny," Smithsonian American Art Museum. <https://americanexperience.si.edu/historical-eras/expansion/pair-westward-apotheosis/>.
- "An Issue of Sovereignty." National Conference of State Legislatures, January 2013. <https://www.ncsl.org/legislators-staff/legislators/quad-caucus/an-issue-of-sovereignty.aspx>.
- Armitage, Andrew. *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand*. Vancouver: UCB Press, 1995.
- "Bacon's Rebellion." Historic Jamestowne. <https://www.nps.gov/jame/learn/historyculture/bacons-rebellion.htm>.
- Bates, Denise E. *The Other Movement: Indian Rights and Civil Rights in the Deep South*. Tuscaloosa: University of Alabama Press, 2012.

- Bellamy, Richard. *Citizenship: A Very Short Introduction*. Oxford: Oxford University Press, 2008.
- Bernstein, Alison R. *American Indians and World War II: Toward a New Era on Indian Affairs*. Norman: University of Oklahoma Press, 1991.
- Berny, Martin. "The Hollywood Indian Stereotype: The Cinematic Othering and Assimilation of Native Americans at the Turn of the 20th Century." *Société des Anglicistes de l'Enseignement Supérieur*. <https://doi.org/10.4000/angles.331>.
- Berry, Brewton. "The Myth of the Vanishing Indian." *Phylon* 21, no. 1 (1960): 52.
- Blackman, Jon S. *Oklahoma's New Deal*. Norman: University of Oklahoma Press, 2013.
- Blaisdell, Bob ed., *Great Speeches by Native Americans*. Mineola: Dover Publications, 2000.
- Boatright, Mody C. "The Myth of Frontier Individualism." *The Southwestern Social Science Quarterly* 22, no. 1 (1941): 14–5.
- Bohannon, Paul. ed. *Law and Warfare: Studies in the Anthropology of Conflict*. Garden City: The Natural History Press, 1967.
- Bonnin, Gertrude Simmons. *Help Indians Help Themselves*. Lubbock: Texas Tech University Press, 2020.
- Bouche, Teryn and Laura Rivard. "America's Hidden History: The Eugenics Movement." Scitable. <https://www.nature.com/scitable/forums/genetics-generation/america-s-hidden-history-the-eugenics-movement-123919444/>.
- Bordewich, Fergus M. *Killing the White Man's Indian*. New York: Anchor Books, 1996.
- Brown, Dee. *Bury My Heart at Wounded Knee: An Indian History of the American West*. New York: Henry Holt and Company, Inc., 1970.
- Britten, Thomas A. *American Indians in World War I*. Albuquerque: University of New Mexico Press, 1999.
- - - . "American Indians in World War I: Military Service as Catalyst for Reform." PhD. diss, Texas Tech University, 1994.
- Burnett Jr., Donald L. "An Historical Analysis of the 1968 Indian Civil Rights Act." *University of Idaho College of Law*, 1971.
- Cahn, Edgar S. ed., *Our Brother's Keeper: The Indian in White America*. Washington D.C.: New Community Press, Inc., 1970.
- Canby Jr., William C. *American Indian Law In a Nutshell*. St. Paul: West Academic Publishing, 2020.
- Carroll, Al. *Medicine Bags and Dog Tags: American Indian Veterans from Colonial Times to the Second Iraq War*. Lincoln: University of Nebraska Press, 2008.
- Champagne, Duane. ed. *Contemporary Native American Cultural Issues*. Walnut Creek: AltaMira Press, 1999.
- "Chief Standing Bear." Missouri National Park Service. <https://www.nps.gov/mnrr/learn/historyculture/standingbear.htm>.

- “Chief Standing Bear: A Person Under the Law.” U.S. Courts Library 8th Circuit.
<http://www.lb8.uscourts.gov/pubsandservices/histsociety/neb-chiefstandingbear-booklet.pdf>.
- “Chief Standing Bear’s Legacy, Civil Rights Leader of His Time – Part 3.” Native Hope.
<https://blog.nativehope.org/chief-standing-bears-legacy-civil-rights-leader-of-his-time-part3>.
- Chourey, Sarita. “What We Can Learn From Native American Politics.” Furman University, November 23, 2021. <https://news.furman.edu/2021/11/23/what-we-can-learn-from-native-american-politics/>
- “Citizenship for Native Veterans.” Nebraska Studies.org.
<http://www.nebraskastudies.org/en/1900-1924/native-american-citizenship/citizenship-for-native-veterans/>.
- “Clinton Bowen Fisk (1828-1890).” Dickinson College Archives & Special Collections.
<https://archives.dickinson.edu/people/clinton-bowen-fisk-1828-1890>.
- Cobb, Daniel M., and Loretta Fowler, eds. *Beyond Red Power*. Santa Fe: School for Advanced Research Press, 2007.
- Coleman, Arica L. *That the Blood Stay Pure: African Americans, Native Americans, and the Predicament of Race and Identity in Virginia*. Bloomington: Indiana University Press, 2013.
- Connor, Thaddieus, et al. “Information Versus Ideology: Shaping Attitudes Towards Native American Policy.” *The Social Science Journal* 54, no. 1, (2017), 56-66.
- Critchlow, Donald T. “Lewis Meriam, Expertise, and Indian Reform.” *The Historian* 43, no. 3, 1981: 325–44
- Crum, Steven. “Making Indians Disappear: A Native American Historian’s Views Regarding the Treatment of Indians in American History.” Tribal College, *Journal of American Indian Higher Education*, vol 4, no.3 (Winter 1993).
- Daniels, George. *Darwinism Comes to America*. Waltham: Blaisdell Publishing Company, 1968.
- Danner Victoria X. and JoAllyn Archambault. “Images of Native Americans in Popular Culture 19th to 21st Century.” National Museum of Natural History,
<https://naturalhistory.si.edu/sites/default/files/media/file/2011-danner-poster.pdf>.
- Danziger, Edmund Jefferson Jr. *Indians and Bureaucrats: Administering the Reservation Policy During the Civil War*. Urbana: University of Illinois Press, 1974.
- Dearborn, Mary V. *Pocahontas’s Daughters*. New York: Oxford University Press, 1986.
- “The Decision.” Nebraska Studies. <https://nebraskastudies.org/en/1875-1899/the-trial-of-standing-bear/the-decision/>.
- Debo, Angie. *And Still the Waters Run*. New Jersey: Princeton University Press, 1940.
- Deloria, Jr., Vine. ed. *American Indian Policy in the Twentieth Century*. Norman: University of Oklahoma Press, 1985.
- - - . *Custer Died for Your Sins: An Indian Manifesto*. New York: Avon Books, 1973.

- Deloria, Jr., Vine and David E. Wilkins. *Tribes, Treaties, & Constitutional Tribulations*. Austin: University of Texas Press, 1999.
- d'Errico, Peter. "John Marshall: Indian Lover?" University of Massachusetts, originally published in *Journal of the West* 39, no. 3, (Summer 2000).
https://www.umass.edu/legal/derrico/marshall_jow.html.
- Dippie, Brian W. *The Vanishing American: White Attitudes and U.S. Indian Policy*. Middletown: Wesleyan University Press, 1982.
- Dunbar-Ortiz, Roxanne. *An Indigenous People's History of the United States*. Boston: Beacon Press, 2014.
- Echo-Hawk, Walter R. *In the Light of Justice: The Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples*. Golden: Fulcrum, 2013.
- Ericson, John. "The Origins of Race: A Brief History." St. Luke's Historic Church & Museum.
https://stlukesmuseum.org/edu-blog/the-origins-of-race-a-brief-history/?gclid=CjwKCAiAg6yRBhBNEiwAeVyL0BpcI2i3Udg45_VGbguh-QvJ18T5uMBng6EFCHV2wLHEhhfKEUwayxoCUFsQAvD_BwE.
- Emerson, Michael O. and Christian Smith. *Divided by Faith: Evangelical Religion and the Problem of Race in America*. Oxford: Oxford University Press, 2000.
- "European Americans and Native Americans View Each Other, 1700-1775," National Humanities Center.
<http://nationalhumanitiescenter.org/pds/becomingamer/peoples/text3/indianscolonists.pdf>
- Farb, Peter. *Man's Rise to Civilization: As Shown by the Indians of North America from Primeval Times to the Coming of the Industrial State*. New York: E. P. Dutton & Co., 1968.
- "Featured Document Display: Honoring Native American Soldier' World War I Service." National Archives Museum, Nov 3, 2020. <https://museum.archives.gov/featured-document-display-honoring-native-american-soldiers-world-war-i-service>.
- "Federal Acts & Assimilation Policies," Minnesota Historical Society.
<https://www.usdakotawar.org/history/newcomers-us-government-and-military/acts-policy>.
- Fine-Dare, Kathleen S. *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*. Lincoln: University of Nebraska Press, 2002.
- Fixico, Donald L. *The American Indian Mind in a Linear World*. New York: Routledge, 2003.
- Fling, Sarah. "The Myth of the Vanishing Indian: Art in the White House Collection." The White House Historical Association. <https://www.whitehousehistory.org/the-myth-of-the-vanishing-indian>.
- Foner, Eric. *America's Unfinished Revolution, 1863-1877*. New York: Harper Perennial, 2014.
- Forsyth, Donelson R. and Crystal L. Hoyt, eds. *For the Greater Good of All*. New York: Palgrave Macmillan, 2011.
- Garrouette, Eva Marie. *Real Indians: Identity and the Survival of Native America*. Berkeley: University of California Press, 2003.

- Gerstle, Gary. "Theodore Roosevelt and the Divided Character of American Nationalism." *The Journal of American History* 86, no. 3 (1999): 1280–1307.
- Grillot, Thomas. *First Americans: U.S. Patriotism in Indian Country After World War I*. New Haven: Yale University Press, 2018.
- Goetz, Rebecca Anne. *The Baptism of Early Virginia*. Baltimore: Johns Hopkins University Press, 2012.
- Hanke, Lewis. *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World*. Bloomington: Indiana University Press, 1975.
- "History and Culture: Boarding Schools," American Indian Relief Council.
http://www.nativepartnership.org/site/PageServer?pagename=airc_hist_boardingschools#:~:text=The%20reformers%20assumed%20that%20it,able%20to%20assimilate%20Indian%20youth.
- Hoewe, Jennifer and Geri Alumit Zeldes. "Overturning Anti-Miscegenation Laws: News Media Coverage of the Lovings' Legal Case Against the State of Virginia." *Journal of Black Studies* 43, no. 4, (2012): 427-43.
- Holiday, Lindsay F. et al., "American Indian and Alaska Native Veterans: Lasting Contributions." U.S. Department of Veteran Affairs, (Sep 2006).
<https://www.va.gov/vetdata/docs/specialreports/aianpaper9-12-06final.pdf>.
- Holm, Tom. "The Militarization of Native America: Historical Process and Cultural Perception." *The Social Science Journal*, 34, vol. 4, (1997): n.p.
- Hoxie, Frederick E. *Indians in American History*. Arlington Heights: Harlan Davidson, Inc., 1988.
- "The 'Indian Problem.'" National Museum of the American Indian.
https://www.si.edu/object/indian-problem%3Ayt_if-BOZgWZPE.
- "Indian Reorganization Act (Indian New Deal)." Colorado Encyclopedia.
<https://coloradoencyclopedia.org/article/indian-reorganization-act-indian-new-deal>.
- "Indian New Deal." National Archives. <https://prologue.blogs.archives.gov/2015/11/30/indian-new-deal/>.
- International Affairs. "Tribes." U.S. Department of the Interior,
<https://www.doi.gov/international/what-we-do/tribes>.
- Jentz, Paul. *Seven Myths of Native American History*. Indianapolis: Hackett Publishing Co., 2018.
- "Jim Crow Era." Howard University Law Library.
<https://library.law.howard.edu/civilrightshistory/blackrights/jimcrow>
- "Jim Crow Museum Timeline, Part 4 (1877-1964)." Ferris State University.
<https://www.ferris.edu/HTMLS/news/jimcrow/timeline/jimcrow.htm>.
- Johnson, Troy R. ed. *Contemporary Native American Political Issues*. Walnut Creek: AltaMira Press, 1999.

- Kades, Eric. "History and Interpretation of the Great Case of Johnson v. M'Intosh," *William & Mary Law School Scholarship Repository* (2001): 67-116.
- Kelly, Lawrence C. "The Indian Reorganization Act: The Dream and the Reality." *Pacific Historical Review* 44, no. 3, (1975): 291-312.
- Kliwer, Addison et al. "'Kill the Indian, save the man': Remembering the Stories of Indian Boarding Schools." Gaylord News. <https://www.ou.edu/gaylord/exiled-to-indian-country/content/remembering-the-stories-of-indian-boarding-schools>.
- Krouse, Susan Applegate. *North American Indians in the Great War*. Lincoln: University of Nebraska Press, 2007.
- Landry, Alysia. "Theodore Roosevelt: 'The Only Good Indians are the Dead Indians.'" *Indian Country Today*. <https://indiancountrytoday.com/archive/theodore-roosevelt-the-only-good-indians-are-the-dead-indians>.
- "Lieutenant General Nelson Appleton Miles." Library of Congress. <https://loc.gov/rr/hispanic/1898/miles.html>.
- Linder, Douglas O. "The Story Behind Loving v Virginia." University of Missouri, Kansas City. <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/LovingvVirginiaStory.html>.
- "List of Indians in the World War," IU Museum of Archaeology and Anthropology Digital Exhibits. <https://dlib.indiana.edu/omeka/mathers/exhibits/show/in-their-own-words--native-ame/---list-of-indians-in-the-worl>.
- "Loving: Looking Back at the Landmark Case, Loving v. Virginia." ACLU. <https://www.aclu.org/issues/racial-justice/loving>.
- Lynch, James P. *Children of "Red Atlantis": The Development of Federal Indian Policy, 1735 Through the Indian Reorganization Act*. Westminster: Heritage Books, 2011.
- Lurie, Jon. "American Indian Movement (AIM)." MNopedia. <https://www.mnopedia.org/group/american-indian-movement-aim>.
- MacGregor, James B. "Negotiating Knightly Piety: The Cult of the Warrior-Saints in the West, ca. 1070-ca. 1200." *Church History* 73, no. 2 (2004).
- Maillard, Kevin Noble and Villazor, Rose Cuison Eds., *Loving v. Virginia in a Post-racial World: Rethinking Race, Sex, Marriage*. Cambridge: Cambridge University Press, 2012.
- "Marshall Trilogy." Federal Indian Law for Alaska Tribes. https://www.uaf.edu/tribal/112/unit_1/marshalltrilogy.php.
- Matthiessen, Peter. *In the Spirit of Crazy Horse*. New York: Penguin Group, 1991.
- McMurtry, Larry. *Oh What A Slaughter: Massacres of the American West*. New York: Simon & Schuster, 2005.
- McNickle, D'Arcy. *Native American Tribalism: Indian Survivals and Renewals*. New York: Oxford University Press, 1993.
- Monaghan, John and Just, Peter. *Social & Cultural Anthropology: A Very Short Introduction*. Oxford: Oxford University Press, 2000.

- Moore, MariJo. ed. *Genocide of the Mind: New Native American Writing*. New York: Avalon Publishing Group, 2003.
- Morgan, Thomas D. "Native Americans in World War II." *Army History*, no. 35, (1995): 22–27.
- National Historic Landmarks Program, *Civil Rights in America: Racial Voting Rights*. Washington D.C.: National Park Service, 2009.
- "Native Americans: Race in the United States, 1880-1940." Bowling Green State University. <https://digitalgallery.bgsu.edu/student/exhibits/show/race-in-us/native-americans>.
- Native Voices. "1823: Supreme Court Rules American Indians Do Not Own Land." National Library of Medicine. <https://www.nlm.nih.gov/nativevoices/timeline/271.html>.
- "Native Women and World War II." National Museum of the American Indian. <https://americanindian.si.edu/static/why-we-serve/topics/native-women-and-world-war-2/>.
- Parman Donald L., and Catherine Price. "A 'Work in Progress': The Emergence of Indian History as a Professional Field." *The Western Historical Quarterly* 20, no. 2 (1989): 185-196.
- "Past," Carlisle Indian School Project. <https://carlisleindianschoolproject.com/past/>.
- Patterson, Orlando. *Ethnic Chauvinism: The Reactionary Impulse*. New York: Stein and Day, 1977.
- Pommersheim, Frank. *Braid of Feathers: American Indian Law and Contemporary Tribal Life*. Berkeley: University of California Press, 1995.
- "The Philippine-American War." Bill of Rights Institute. <https://billofrightsinstitute.org/essays/the-philippine-american-war>.
- "The Progressive Movement and U.S. Foreign Policy, 1890-1920s." U.S. Department of State. <https://2001-2009.state.gov/r/pa/ho/time/ip/108646.htm>.
- "The Progressives." Constitutional Rights Foundation. <https://www.crf-usa.org/election-central/the-progressives.html>
- Prucha, Francis Paul, ed. *Documents of United States Indian Policy*. Lincoln: University of Nebraska Press, 2000.
- "Reactions to the Verdict in the Standing Bear Trial: Stories in the Omaha Herald, May 1879." Nebraska Studies.org. http://d1vmz9r13e2j4x.cloudfront.net/nebstudies/0601_1004reactions.pdf.
- Reynolds, P. Preston. "UVA and the History of Race: Eugenics, the Racial Integrity Act, Health Disparities." UVA Today. <https://news.virginia.edu/content/uva-and-history-race-eugenics-racial-integrity-act-health-disparities>.
- Rosier, Paul C. "'The Old System is No Success:' The Blackfeet Nation's Decision to Adopt the Indian Reorganization Act of 1934." *American Indian Culture & Research Journal* 23, no. 1, (1999): 1-37.
- "The Self-Determination Era (1968 – Present)." Howard University Law Library. <https://library.law.howard.edu/civilrightshistory/indigenous/selfdetermination#:~:text=Be>

gining%20in%20the%20late%201960s,of%20mistreatment%20toward%20Native%20Americans.

Shattuck, Petra and Norgren, Jill. *Partial Justice: Federal Indian Law in a Liberal Constitutional System*. Providence: Berg Publishers, Inc., 1991.

Sheehan, Bernard. *Savagism & Civility: Indians and Englishmen in Colonial America*. Cambridge: Cambridge University Press, 1980.

Smedley, Audrey. "The History of the Idea of Race... And Why It Matters." American Anthropological Association, 2007.
<https://understandingrace.org/resources/pdf/disease/smedley.pdf>.

"Status of Indians Under US Federal Law." IU Museum of Archaeology and Anthropology Digital Exhibits. <https://dlib.indiana.edu/omeka/mathers/exhibits/show/in-their-own-words--native-ame/questionnaire-anatomy/questionnaire>.

Stetson, C. L. "Tribal Sovereignty: Santa Clara Pueblo v. Martinez: Tribal Sovereignty 146 Years Later." *American Indian Law Review* 8, no. 1, (1980): 139–59

"Termination Era." Citizen Potawatomi Nation Cultural Heritage Center.
<https://www.potawatomiheritage.com/encyclopedia/termination-era/>.

"The Termination Era (1953-1968)." Howard University Law Library.
<https://library.law.howard.edu/civilrightshistory/indigenous/termination>.

"Termination Policy 1953-1968." Native Partnership.
http://www.nativepartnership.org/site/PageServer?pagename=PWNA_Native_History_terminationpolicyNP.

Tisby, Jemar. *The Color of Compromise*. Grand Rapids: Zondervan, 2019.

Torpy, Sally J. "Native American Women and Coerced Sterilization: On the Trail of Tears in the 1970s." *American Indian Culture and Research Journal* 24, vol. 2, 2000: 1-22.

Trachtenberg, Alan. *Shades of Hiawatha*. New York: Hill and Wang, 2004.

Truer, David. *The Heartbeat of Wounded Knee*. New York: Riverhead Books, 2019.

Underhill, Ruth M. *Red Man's America*. Chicago: The University of Chicago Press, 1971.

"Understanding the Destruction: Native American Life Today." Native Hope.
<https://pages.nativehope.org/native-american-life-today>.

"Virginia." University of Vermont. <https://www.uvm.edu/~lkaelber/eugenics/VA/VA.html>.

"Virginia's Racial Integrity Act is Passed." AAREG. <https://aaregistry.org/story/virginias-racial-integrity-act-passed/>.

Voight, Matthias. "Indigenous Experiences of War (USA)." International Encyclopedia of the First World War. https://encyclopedia.1914-1918-online.net/article/indigenous_experiences_of_war_usa

Wallenstein, Peter. *Race, Sex, and the Freedom to Marry: Loving v. Virginia*. Lawrence: University Press of Kansas, 2014.

- “Walter Plecker, Public Health Segregationist Born.” AAREG.
<https://aaregistry.org/story/segregationist-walter-plecker-born/>.
- Wasburn, Wilcomb E. *Red Man’s Land – White Man’s Law: A Study of the Past and Present Status of the American Indian*. New York: Charles Scribner’s Sons, 1971.
- Wilkinson, Charles F. *American Indians, Time, and the Law*. New Haven: Yale University Press, 1987.
- Wilkinson Charles F. and Eric R. Biggs. “The Evolution of the Termination Policy,” 5 *Am. Indian L. Rev.* 139, 1977: 144-5.
- “William Jennings Bryan,” Nebraska Public Media. <https://www.nebraskastudies.org/en/1875-1899/roots-of-progressivism/william-jennings-bryan/>.
- Williams, Jr., Robert A. *The American Indian in Western Legal Thought: The Discourses of Conquest*. New York: Oxford University Press, 1990.
- Witkin, Alexandra. “To Silence a Drum: The Imposition of United States Citizenship on Native Peoples.” *Historical Reflections / Réflexions Historiques* 21, no. 2 (1995): 353-383.
- “Working Effectively with American Indian Populations: A Brief Overview of Federal Indian Policy.” University of Nevada, Reno. <https://extension.unr.edu/publication.aspx?PubID=2207>.
- Wunder, John R. *“Retained by the People:” A History of American Indians and the Bill of Rights*. New York: Oxford University Press, 1994.
- Zissu, Erik M. “Conscription, Sovereignty, and Land: American Indian Resistance during World War I.” *Pacific Historical Review* 64, no. 4 (1995): 537–66.
- “The 1930s: Indian Education Values Native Culture.” Native Partnership.
http://www.nativepartnership.org/site/PageServer?pagename=PWNA_native_history_1930&printer_friendly=1.
- “The 1940-1950s: A Return to Assimilation and Away from Cross Cultural Training.” Native Partnership.
http://www.nativepartnership.org/site/PageServer?pagename=PWNA_native_history_1940.
- “50 Years After Loving v. Virginia.” *The New York Times*.
<https://www.nytimes.com/2017/06/11/us/50-years-after-loving-v-virginia.html>.