

The Goals of the Indian Reorganization Act

Frederick E. Hoxie

University of Illinois, Urbana/Champaign

Like any statute, the Indian Reorganization Act (IRA) attracted support from legislators who did not agree with one another politically or on every aspect of policymaking. Nevertheless, when Congress approved this law in June, 1934, it articulated and advanced three broad goals. The clarity of those goals (and their persistence over the past eight decades) enables us to define quite clearly the core intent of this landmark legislation.

First, the IRA was intended to end allotment—the government program of individualizing and privatizing American Indian lands. As a national policy, allotment had been initiated in 1887 by the Dawes Severalty Act and had facilitated the transfer of tens of millions of acres of Indian land from Native to non-Native ownership. While the consequences of this devastating loss continue to plague Indian people in the United States down to the present day, the IRA ended federal support for the continued erosion of American Indian community resources.

Second, the IRA made possible the organization of tribal governments and tribal corporations. These provisions of the law created a mechanism by which Native people could establish federally-recognized entities that could govern, develop—and speak for—their communities. From 1934 onward, tribal governments would be a constant, visible factor in policymaking.

Third, by ending the allotment policy and providing for the future development, and even expansion, of reservation communities, Congress endorsed the idea that individuals could be both U.S. and tribal citizens. 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 'Indianness' would have a continuing place in American life. This action brought forward a new generation of Native American leaders.

Over the past eight decades the implementation of the IRA has generally supported these three goals: the individualization of indigenous community resources has been halted, tribal institutions have flourished, and Indian people have asserted themselves as citizens of, and advocates for, their tribes without jeopardizing their status as citizens of this nation. 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 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 "Americans." Since 1934 Indians across the nation have been free to be active citizens in their communities and to assert tribal interests and tribal rights without being labeled unpatriotic, backward or "uncivilized." We have banished the long-held Indian Office view, neatly summarized by one Wisconsin Indian agent a century ago, that Native Americans "cannot improve in civilization and remain Indians."¹

In short, the IRA was intended to initiate a new era in which the United States would support Indian people and tribal communities as continuing and dynamic members

¹ Annual Report of the Commissioner of Indian Affairs, 1875, 871.

of a modern American nation. This aspect of the law—together with the national government’s pledge to sustain an ongoing and mutually-satisfactory relationship with Native tribes—remains its crowning achievement. The fulfillment of this goal is the reason, despite economic hardships and policy disputes, that the United States has been a model for other democracies struggling to forge fair, just, and mutually respectful relations with the indigenous communities within their borders.

Objective One: Stopping Allotment and the Individualization of Tribal Resources

The policymakers who crafted the Indian Reorganization Act were acutely aware of the devastating consequences of allotment. They understood that the previous generation of Indian Office and congressional leaders had been eager to accelerate the division of tribal lands and the removal of the restrictions the Dawes Act had originally placed on the sale and lease of individual allotments. Their predecessors had applauded in 1903 when the Supreme Court in Lone Wolf v. Hitchcock had endorsed Congress’s “plenary authority” over Indian lands. That decision endorsed the unilateral abrogation of treaties and the rapid dissolution of collective landownership (something that had not been provided for in the original allotment law). “If you wait for the tribe’s consent in these matters,” Commissioner of Indian Affairs William A. Jones declared at the time, “it will be fifty years before you can do away with the reservations.”² Jones’s colleagues in Congress agreed, endorsing the removal of trust restrictions that would have kept allotments in Indian hands. Connecticut’s senior Senator Orville Platt spoke for many

² Quoted in Frederick E. Hoxie, A Final Promise: The Campaign to Assimilate the Indians, 1880-1920 (Lincoln: University of Nebraska Press, 1984), 155.

when he declared that “the easiest Indians in the country to civilize” were those who had “no money, no funds, no land, no annuities.”³

Legislators in 1934 were aware that their predecessors’ assumption that allotment—and even poverty—would spur Indian “progress” had proven tragically incorrect. Not only had the Indian estate shrunk from 151 million acres to 52 million acres between 1880 and 1933, but this transfer of assets from Indians to non-Indians had not produced economic prosperity—or even minimal security. In 1928, The Meriam Report, a federally-funded study of social and economic conditions among American Indians, found that “the overwhelming majority of Indians are poor, even extremely poor.” Among its findings:

Health: “The health of the Indians as compared with that of the general population is bad ... [T]he death rate and the infant mortality rate are high. Tuberculosis is extremely prevalent.

Living Conditions: “... are conducive to the development and spread of disease. ... [T]he diet of the Indians is bad ... [T]he use of milk is rare, and it is generally not available, even for infants.

Economic Conditions: “The income of the typical Indian family is low and earned income extremely low. ... [T]he number of real farmers is comparatively small....”

Seventy one percent of Indians reported a total income of less than \$200 per year; the commission also noted that some income statistics were so low as to be “unbelievable.”⁴

³ Ibid., 157-8.

⁴ Quoted in R. David Edmunds, Frederick E. Hoxie, and Neal Salisbury, The People: A History of Native America (Boston: Houghton Mifflin, 2007), 371. The original report is The Problem of Indian

The appalling statistics in the Meriam Report proved that the rosy predictions of progress over the previous three decades had been both self-serving and wrong. As legislators and Indian Office leaders in the Hoover administration struggled to respond to the growing realization that a dramatic new policy initiative was needed, the Great Depression hit and conditions grew worse. Native Americans faced crushing hardship and even starvation. In 1931 the Indian Office –with no further resources of its own— was forced to call on the American Red Cross and the U.S. Army to supply food to needy Indians.

Franklin Roosevelt’s inauguration in 1933 offered the prospect of change. Moreover, his appointment of long-time Indian Office critic John Collier to position of Commissioner of Indian Affairs indicated that a major new policy initiative would soon be forthcoming. Collier, an idealistic former New York City social worker, would serve as Commissioner of Indian Affairs for twelve years, longer than anyone in American history. Founder and president of the American Indian Defense Association (AIDA), the new commissioner had spent most of the 1920s rallying environmentalists, humanitarians and sympathetic politicians to the cause of protecting Indians from exploitation and abuse. His correspondents during that decade included the popular western writer Mary Austin, Roger Baldwin, the founder of the American Civil Liberties Union, progressive reformers Arthur Morgan, Robert Ely and Harold Ickes (a Chicago attorney who later became Roosevelt’s Secretary of the Interior), and political insurgents Robert LaFollette and William Borah. The AIDA was generously supported by the General Federation of Women’s Clubs and wealthy patrons in California and New York.

Administration: Report of a Survey Made at the Request of Honorable Hubert Work, Secretary of the Interior.... (Baltimore: Johns Hopkins Press, 1928).

Collier's reform ideas were embodied in a legislative proposal drafted during the winter of 1933 by Felix Cohen and a team of lawyers in the Interior Department. The son of philosopher Morris Cohen, Felix held a law degree from Columbia and a Ph.D. in philosophy from Harvard and was deeply sympathetic to the commissioner's desire to use federal power to protect and rehabilitate Native communities. Cohen and Collier believed the most effective method for accomplishing this goal was an ambitious federal initiative to end allotment, sponsor federally-sanctioned tribal governments and promote indigenous leaders. They hoped that their reforms would stop the erosion of Indian resources while facilitating the consolidation of tribal land holding and the development of modern and productive tribal enterprises.

Collier's February, 1934, draft of the IRA ran to forty-eight pages and included provisions for a national court of Indian Affairs, and the granting of extensive governmental powers to the new reservation governments. Among the proposed powers were the authority to condemn reservation land owned by tribal members, the right to manage Indian Office personnel, and the privilege of selecting the particular federal services each community felt were most appropriate to their needs. Several congressional leaders and many in the Indian service responded to Collier's proposal with shock, arguing that it represented too radical a shift from past practices. Collier responded to this criticism by organizing nine regional "Indian congresses" which were held during March and April, 1934. At these congresses—unprecedented in federal Indian policymaking—the commissioner and his representatives explained the provisions of the proposed law and tried to rally support for it from tribal delegates. The congresses revealed significant pockets of support for Collier's bill among Indian communities, but

they also generated new questions and concerns. What of existing business committees and tribal councils? How would the new law affect treaty rights and claims cases? And how would the rights of individual Indian landholders be protected from the power of the new tribal governments? In the wake of these meetings, Collier revised his bill and began negotiations with key congressional leaders.

Negotiations between Collier and Indian Affairs Committee leaders proceeded during April and May, and the bill won final approval on June 18. Throughout this process, Commissioner Collier retained his basic commitment to ending allotment and launching federally-recognized tribal councils that would empower American Indians to govern their own communities under federal supervision and launch new economic development initiatives. Everything else was negotiable. As Collier and congressional leaders struggled over the final bill, President Roosevelt, acting at the behest of Interior Secretary Harold Ickes, intervened with a letter stressing the urgency of the situation. FDR warned that if the negotiators failed to act, the nation would soon witness the “extinction of the race.” It was this image of a national tragedy of vanishing Indians that made the difference. Burton K. Wheeler, Chair of the Senate Indian Affairs Committee, told the President “something can be worked out” and a few weeks later the legislation was approved.

The final bill was less than half the length of the commissioner’s original draft but it embodied the key elements of Collier’s and Cohen’s original vision: the end of allotment, the creation of tribal governments, and an endorsement of tribal citizenship

and tribal culture.⁵ The more controversial aspects of Collier’s original proposal—a national Indian court and expansive powers for tribal governments—had been jettisoned.

The three central elements of the IRA were also supported by ancillary New Deal programs. Both Collier and congressional leaders supported special programs within the Civilian Conservation Corps and the Works Progress Administration, for example, that created jobs on reservations for day laborers and construction crews. These programs stimulated local economies and built both new buildings and improved reservation infrastructure. Other agencies provided funding for reservation schools and conservation projects and medical facilities, while the Indian Office won a 30% in its annual budget.⁶ All of this activity provided new opportunities for tribal leaders and new forums for the discussion of the Native future within the United States.

Given the desperate circumstances that produced the IRA, it is not surprising that the new statute set an ambitious, national agenda for the rehabilitation of Indian communities. Indeed, at a May hearing shortly before the bill was approved, Collier explained the thinking behind the new law’s proposed Section Five which authorized the Secretary of the Interior to acquire land “for the purpose of providing land for Indians.” Through his many years of advocacy—and at the several regional congresses he had just completed—Collier had spoken about the suffering of Indian communities that had become landless during the allotment era. “Wandering bands of Indians who have no reservation at all,” he declared, would be helped and rehabilitated on new reservations. Following passage of the act, a number of groups who fit this description organized tribal

⁵ The best recent analysis of the final bill and its relation to Collier’s original proposal is in Rusco, A Fateful Time, 255-281.

⁶ Exact figures are difficult to retrieve, but the Indian Office budget for 1931 stood at \$28 million and the 1940 appropriation was \$37 million. See Philp, John Collier’s Crusade for Indian Reform, 96 and The First American, March 16, 1940, 5. Both figures are in current dollars; not adjusted for inflation.

governments under the IRA. These included a tribe that previously had had no resident agent (Saginaw Chippewa), a tribe whose lands had been largely abandoned (Pojoaque Pueblo), tribes that no longer controlled any trust land (Bay Mills), and long-neglected groups such as the Catawba Indian Tribe of South Carolina and the Alabama and Coushatta Indians in Texas. In the wake of the law's passage, the Indian Office also created four new reservations in Nevada to accommodate tribes there.⁷

The intention of the IRA's framers to stop the erosion of tribal resources and begin the process of community rehabilitation is also made evident by the fact that in 1936, acting at Collier's request, Congress approved the Oklahoma Indian Welfare Act and the Alaska Reorganization Act. The Oklahoma law contained a version of the IRA's original Section Five, empowering the Secretary of the Interior to acquire land that "shall be taken into trust for the tribe, band, group or individual Indian for whose benefit such land is so acquired..."⁸ The Alaska Act was modified to fit the distinctive conditions in that territory, but the Commissioner declared that the law's purpose was consistent with the IRA: to protect Native groups "who in the past have seen their land rights almost universally disregarded ... and their economic situation grow each year increasingly more desperate."⁹

Recent critics have charged that the IRA did little to restore the millions of acres Indian people had lost during the four decades of allotment or to provide material assistance to Indian farmers who had been marginalized by their mechanized non-Indian

⁷ See "Hearings on S.2744 and S.3645 Before the Senate Committee on Indian Affairs, 73rd Congress, 2 Session, 241 (1934). This aspect of the IRA is discussed at length in BRIEF OF HISTORIANS FREDERICK E. HOXIE, PAUL C. ROSIER AND CHRISTIAN W. MCMILLEN AS AMICI CURIAE SUPPORTING RESPONDENTS, *Carcieri v. Kepthorne*, 07-526, 10-14.

⁸ U.S. Statutes at Large, 49:1967.

⁹ Quoted in Francis P. Prucha, The Great Father: The United States Government and the American Indians (Lincoln: University of Nebraska, 1984) II, 971.

neighbors. These critics add that the law did little to end the pernicious practice of leasing Indian lands to non-Native farmers, ranchers and mineral resource developers, a pattern that had begun in the early decades of the 20th century and which continues to siphon resources from tribal homelands. Many of these criticisms are warranted, but there can be no doubt that the first objective of the Indian Reorganization Act was to stop the dissolution of the Indian estate and to begin the process of community rehabilitation in every Native American community in the nation.

Objective Two: The Organization of Tribal Governments

Inspired both by his experience as a social worker in the immigrant neighborhoods of New York City in the first decades of the nineteenth century, and by his experience as an Indian policy activist in the 1920s, John Collier believed that the most effective agents of community development were leaders drawn from the community itself. In New York he had been an advocate of settlement house organizations and community celebrations of group identity. His Indian work had begun, famously, during a Christmas visit to Taos Pueblo in 1920. There he made what he called his “earth shaking discovery of American Indians.” Witnessing winter ceremonies at this mountaintop village, he later recalled, he saw “face to face, primary social groups” that proved to him “deep community yet lived on in the embattled Red Indians.” In the dozen years that followed, Collier held to that insight, insisting to paternalistic missionaries, authoritarian BIA officials and doubting legislators that Native

communities—which had maintained their distinctive identities through centuries of assault and dispossession—represented a “new hope for the Race of Man.”¹⁰

It is easy at the remove of nearly a century to scoff at the image of an idealistic New York social worker falling in love with Indians in the winter chill of a Taos winter ceremony. But however romantic it may have been, Collier’s Taos vision stayed with him until the day he died—ironically—at Taos, in 1968. More important, Collier’s rejection of paternalism—the idea that white people knew what was best for Indians—set him apart from most of the major policy figures of his day. In 1920, missionaries and mission societies—all determined to replace Native “paganism” with Christianity—dominated Indian policymaking. Few of them took Collier seriously. Over the next decade, however, both the growth of popular interest in Native American culture, and the growing sense that authoritarian efforts to eradicate Indian lifeways were both unfair and doomed to fail, moved popular opinion in Collier’s direction.

By the time John Collier and his congressional adversaries were negotiating the details of the Indian Reorganization Act, his idealistic rhapsodies had become mainstream. For one thing, the academic study of American Indians had revealed that earlier interpretations of Native culture as backward and primitive were incorrect. In the era of allotment, anthropologists had applauded the eradication of Indian cultures. John Wesley Powell, for example, the Smithsonian Institution’s preeminent expert on Native Americans wrote a key congressional leader in 1880 that the only way the United States’ “debt” to the Indians could be repaid was “by giving to the Indians Anglo-Saxon

¹⁰ See John Collier, From Every Zenith (Denver: Sage Books, 1963), 126, 123, 119.

civilization, that they may also have prosperity and happiness under the new civilization of this continent.”¹¹

By 1934 Powell’s successors in museums and universities had come to believe that the peoples of the world had created a variety of distinct and worthy cultural traditions and that each deserved to be appreciated on its own terms. Franz Boas, the leading anthropologist of the day, expressed this view in a letter to President Roosevelt on the eve of his inauguration. Urging the President-elect to chart a new course in Indian affairs, Boas declared that throughout its history the Indian Office had continuously made “one fundamental error.” It had failed “to understand the impossibility of overcoming the deep influence that the old ways of life still exert upon the Indian community. Whoever is in charge of the Bureau of Indian Affairs,” he wrote, “ought to understand this fact.”¹²

While many in Congress continued to support the work of missionaries and others who sought to “uplift” the nation’s Indian communities, the Anglo-Saxon idealism of Powell and his contemporaries had largely vanished by the time of the New Deal. Burton Wheeler, Chair of the Senate Indian Affairs Committee, a former labor lawyer who had been Robert LaFollette’s running mate on the Progressive Party ticket in 1924, was dubious about the effectiveness of Collier’s ideas, but he had little sympathy for the commissioner’s missionary critics. (One published an article in the Christian Century magazine entitled, “Does Uncle Sam Foster Paganism?”¹³) With the White House urging passage, Wheeler and his congressional colleagues scaled back many of the most

¹¹ John Wesley Powell to Senator Henry Teller, March 23, 1880, quoted in Hoxie, A Final Promise, 24.

¹² Franz Boas to Franklin D. Roosevelt, March 16, 1933, quoted in Prucha, The Great Father, II, 939.

¹³ Elaine Goodale Eastman, “Does Uncle Sam Foster Paganism?” Christian Century 51 (August 8, 1934), 1016-1018.

ambitious features of Collier's original bill—and added an amendment excluding Oklahoma from its provisions—before agreeing to support it.

In the decade following the passage of the IRA, Senator Wheeler and other western legislators became critical of Collier and his administration of Indian Affairs. Many charged that the commissioner was a social engineer who was perpetuating Indians in a state of dependency. Others believed his programs were wasteful and too expensive. By the end of the 1930s, the commissioner became a lightning rod for opponents of the New Deal. But despite this shifting political climate, there was little appetite in Congress for a return to the authoritarian policies of the allotment era. Tribal governments were often hobbled by hostile BIA administrators and tiny budgets, but few in Congress questioned the value of Native organizations or the importance of some form of Indian participation in policymaking. Even the attacks on tribal governments that led to the termination of several tribes in the 1950s were predicated on the assumption that Indians should consent to any shift in their status. When termination was stopped and eventually reversed, its critics' most powerful argument was that Indian leaders and tribal organizations opposed it.

Despite disagreements among the authors of the IRA over the powers to be granted the new tribal governments, the law ratified a new consensus regarding the importance of tribal organizations and Indian leaders and underscored the necessity of involving Indian people in the formulation of policies affecting their communities. Debate over the scope of Indian and tribal leadership in policymaking continues into our own time, but the IRA defined for the first time a new, national approach to

policymaking that would include Indian people and organizations regardless of their location or history.

Objective Three: Redefining Indian Citizenship

During his negotiations with Congress over his proposal, John Collier had agreed to an amendment mandating local referendums on the IRA before it could be implemented at any agency. This fact, together with the speed with which the IRA was proposed and passed, meant that the implementation of the new law would be marked by extensive, grass-roots debate and the involvement of tribal leaders from every corner of the nation.

At the time of the IRA's passage, hundreds of Indian leaders were prepared and eager to participate in these discussions regarding the future of their communities. During the previous two decades, most tribes had organized BIA-approved "business committees" or tribal councils. The Indian Office articulated no specific agenda for these groups and gave them little authority. Nevertheless, these organizations provided a forum and training ground for aspiring community leaders (and likely producing most of the participants in Commissioner Collier's "congresses" in the spring of 1934). In addition, by 1930 nearly two hundred cases had been brought to the U.S. Court of Claims by tribes charging federal officials with mismanagement of their resources or failure to pay damages under existing treaties and agreements. The most famous of these was *U.S. v. Sioux Nation* (filed first in 1923 and ultimately settled—in court—in 1980), but no matter their size or fame, each one brought together generations of tribal leaders and allied lawyers to lobby, gather evidence and rally community support for the effort. For

these reasons, an entire generation of energized Indian citizens stood poised to participate in the IRA implementation process, a process which dramatically energized the political life of Native America.

In the first year following the law's passage, the Crows and Navajos decided against organizing under the IRA. The largest Sioux reserves—Pine Ridge and Rosebud—voted narrowly to accept the new law in hotly contested balloting held during the same period. Among these larger tribes, opponents of the IRA focused their attacks on the BIA and its history of incompetence. Their complaints ranged from criticism of the campaign to reduce erosion on the Navajo reservation by reducing the size of family sheep herds, to divisions between older traditionalists and young, English speaking leaders, to concerns—expressed most vehemently among the Sioux, Crow and New York communities—over the impact of the new law on the force of existing treaties. But while the nature of this opposition varied, every community faced a similar dilemma: deciding between the promise of new federal programs and their accompanying subsidies for tribal development, and their long-standing distrust of Washington bureaucrats appearing to offer them once again a “solution to the Indian problem.”

During the New Deal years, the Indian Office sponsored a total of 258 reservation referendums on the IRA. Two-thirds of the tribes voted to accept the new law, but heavy negative votes among large tribes such as the Navajos and the Sioux meant that of the total ballots cast in all IRA elections, only 40% were marked “yes.” Still, this disagreement energized the political life of countless Native communities, creating challenges for older leaders and bringing dozens of younger men and women into the limelight. Among the latter group was D'Arcy McNickle, a young aid to commissioner

Collier who had grown up on the Flathead Reservation in northwestern Montana.

McNickle became the commissioner's most senior American Indian advisor. Over the course of the 1930s, he also became one of his agency's principal representatives in the campaign to win ratification of the IRA.

At first—probably because of his youth—McNickle was sent to remote communities where Indians were poor, vulnerable and likely to welcome the government's presence. He traveled to North Dakota to meet with the Missouri River tribes at Fort Berthold and with landless Crees and Ojibwes near Great Falls, Montana. He traveled to Iowa to meet with the tiny Sac and Fox tribe and to Maine where he discovered “a rather forlorn band of Algonquin-speaking Indians.”¹⁴

Wherever he traveled, McNickle presented himself as a loyal defender of the Commissioner's programs. He wrote in 1938, for example, that, “In years past, the seasons came and went.” McNickle wrote, but “this year, for some Indians, there is a difference.” The “difference,” he declared, was the Indian Reorganization Act under which “tribes have become organized ... money has gone into tribal treasuries, land has been purchased, [and] students have secured loans to attend colleges.” He cited federal money distributed to tribes, land purchased by new reservation governments, and scholarships awarded to Indian students. “Something has started,” he observed, “and here is the general direction in which it moves.”¹⁵

But McNickle was not simply Collier's publicist. While he supported the administration's program, his rapid education in the daily reality of tribal life quickly

¹⁴ See Parker, Singing an Indian Song, 71-2 and D'Arcy McNickle, “In Maine,” Indians at Work, October 1, 1937, 15-18. McNickle's travels can also be deduced from his comments in a speech to the Missouri Archaeological Society. See D'Arcy McNickle, “The Indian Today,” Missouri Archaeologist, v.5, n.2 (September, 1939), 1-10.

¹⁵ D'Arcy McNickle, “Four Years of Indian Reorganization,” Indians at Work, v.5, n.11 (July, 1938), 4-11.

pushed him in a more practical direction. Like other tribal leaders of his day, he found himself participating in an ever-widening public discussion of Indian affairs. He wrote in 1938, for example, that “What has been done is only a fragment of the task remaining.” The program, “is not a simple matter of organizing tribes and lending money to them,” he added. “They will need, for several years, as much encouragement and assistance as can be given them.” He cited the need for ongoing subsidies for tribal operations, money for land purchases, and support for tribal police and courts. In his view, the new law had initiated a process of community revitalization that was creating a rapidly-multiplying set of needs among the tribes. The assertion of these needs ran straight into—and over—the patronizing racial attitudes that had long pervaded Indian policymaking in Washington, D.C.

Looking back on the New Deal era from the perspective of the 1950s, McNickle wrote that “If one sees Indians as savages, or the often used euphemism ‘children,’ perhaps no other view and no other course of action are possible than to work for their extermination. . . . At the very heart of the Indian problem” he added, was “the need for land and [financial] credit.” Outsiders who did not understand this—even those who rhapsodized over the beauty of Indian ceremonies—condemned the tribes to a future of picturesque powerlessness—or worse.¹⁶ The IRA brought the tribes’ need for “land and credit” sharply into focus and initiated a rapid expansion of activism among Indian

¹⁶ Harold E. Fey and D’Arcy McNickle, Indians and Other Americans: Two Ways of Life Meet (New York: Harper and Brothers, 1959), 146-7.

leaders at both the local and national level.¹⁷ The new law taught the nation a fundamental lesson that was news to many policymakers: Indians are not children.

D'Arcy McNickle's career illustrates how dramatically the policymaking arena changed during the New Deal. He became a national figure in Indian affairs during the 1930s, and, in 1944, a central organizer of the National Congress of American Indians (NCAI). He remained a prominent figure in that organization well into the 1960s. He was also one of the principal organizers of the 1961 American Indian Chicago Conference—at that time the largest gathering of Native leaders ever held in North America—and a pioneer in the infant field of Native American Studies.

By the end of World War II, an entirely new community of Native leaders was coming onto the scene. Their activism had begun during the implementation of the IRA in the 1930s, but was also fueled in many cases by the confidence derived from service in World War II (and the GI Bill). Some older figures like McNickle or Ruth Muskrat Bronson of the NCAI presented themselves as brokers between local constituents and those who controlled federal agencies and resources, while younger tribal leaders such as the Coeur d'Alenes' Joseph Garry or the Navajos' Sam Akeah came forward as vigorous defenders of the relevance of Native traditions in the modern world. All were participants in a new conversation about the relationship of indigenous people to a complex industrial nation. Former Assistant Commissioner Graham Holmes confirmed this view when he observed at an event held in 1984 to mark the 50th anniversary of the

¹⁷ The evolution of McNickle's view of himself as an Indian advocate was also evident in his decision in 1939 to sign on to a separate statement issued by Indian delegates at a U.S.-Canadian conference on Indian policy. See Donald Smith, "Now We Talk—You Listen," *Rotunda* (Fall, 1990), 48-52.

law's passage, that it fixed "forever ... the rights of Indian tribes to have a government of their own."¹⁸

The new generation of activists who emerged in the decades following 1934 established a new standard of citizenship for American Indians. Vocal in local tribal communities as well as in Washington, D.C., these activists would demand that they both be consulted as fellow U.S. citizens and recognized as representatives of indigenous communities with distinctive claims on the nation. Their lives embodied the dual citizenship they enjoyed as heirs of the New Deal era. While they recognized tribal and regional differences among themselves, they made no distinctions regarding their right to speak out on behalf of their tribes and of their rights as Americans. They were all modern Indians, heirs of the IRA.

Conclusion

When assessing the implications of the United States Supreme Court's 2009 decision in Carcieri v. Salazar, I hope the members of this committee will consider these original objectives of the Indian Reorganization Act of 1934. The passage of this statute, which occurred almost exactly seventy-seven years ago this week, marked an important turning point in the history of relations between the United States and America's indigenous people. An ambitious Commissioner of Indian Affairs and an energetic new administration worked collaboratively with a skeptical, but cooperative, Congress, to forge a general statute that ended a half-century assault on Indian landholding, initiated the creation of modern tribal governments, and called forth a new generation of Native

¹⁸ Kenneth R. Philp, editor, Indian Self Rule: First Hand Accounts of Indian-White Relations From Roosevelt to Reagan (Salt Lake City: Howe Brothers, 1986), 90, 91. For a description of Seneca and Iroquois New Deal programs, see Hauptman, The Iroquois and the New Deal, 106-135.

political leaders. Spurred by the disastrous conditions created by the government's own misguided policies over the previous fifty years, encouraged by Indian leaders and their supporters in the academic and reform communities, and framed by experienced legislators, the new law marked a brave decision to turn away from paternalism and to embrace a new federal policy based on mutual respect and faith in the future of American Indians as citizens of tribes and of the United States. The new directions blazed with this law established a model for other nations to follow. Therefore, in whatever reforms or initiatives you and your colleagues consider in the weeks ahead, I hope you will both remember and honor your predecessors remarkable and courageous achievement.