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## "The Coming Tide": Viewpoints on the Formation of U.S. Federal Indian Termination Policy, 1945-1954

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“THE COMING TIDE”: VIEWPOINTS ON THE FORMATION  
OF U.S. FEDERAL INDIAN TERMINATION POLICY, 1945-1954

by

Samuel H. Herley

A DISSERTATION

Presented to the Faculty of  
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For the Degree of Doctor of Philosophy

Major: History

Under the Supervision of Professor Victoria Smith

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“THE COMING TIDE”: VIEWPOINTS ON THE FORMATION  
OF U.S. FEDERAL INDIAN TERMINATION POLICY, 1945-1954

Samuel H. Herley, Ph.D.

University of Nebraska, 2010

Adviser: Victoria Smith

Despite the painful legacy of post-World War II federal Indian policy, the issue of termination during the era had nuanced elements that meant different ideas to different groups and individuals. Especially during its formulation prior to its widespread implementation across the United States starting in 1953, there existed division and even confusion as to what termination entailed. Those charged with making difficult decisions on termination during the formative years of the policy also came from diverse backgrounds and held varying, even shifting, viewpoints on the issue. Individual perspectives on termination had much to do with not only race, class, and gender, but also region, personal experience, human interaction, and ideology, among other variables. This study examines the different meanings that termination had for different people, and why. It focuses on four individuals of the era in particular: Napoleon Bonaparte Johnson, a Cherokee, first president of the National Congress of American Indians, and advocate of many of the overarching goals of termination; Helen Peterson, an enrolled Oglala and eventual NCAI executive director who became a steadfast fighter against termination; Oliver La Farge, the Association on American Indian Affairs president, writer, and anthropologist who supported termination early in some instances before his strong opposition; and Hugh

Butler, a politically conservative Nebraska senator in the 1940s and early 1950s who consistently and relentlessly supported termination. The goal is to explain the diversity of perspectives and to show how the four individuals – each representing different groups – held different views for varying reasons and thus reacted to termination correspondingly. Ultimately, divisions among American Indian rights advocates over termination and its meanings presented serious obstacles to the development of effective resistance to the policy, which had unremitting support from powerful individuals in Congress, the Bureau of Indian Affairs, and private enterprise.

## ACKNOWLEDGMENTS

When a person looks at the array of cultures that exist in the United States today, both Native and non-Native, one is struck by their vastness and diversity. Nonetheless, there are some common threads. Among the most universal and important is the generally recognized protocol of thanksgiving. My mother ingrained in me long ago the concept that there is never, ever a bad time to send a “thank you” note. Among Omahas, it is never a small matter when one takes a moment to say “wībthaho<sup>n</sup>” (“I thank you”). President Harry Truman – whose administration largely spanned the years covered by this dissertation – considered ingratitude to be a cardinal sin. With such themes in mind, it is my pleasure to try to find the words, however inadequately, to thank all the people who have made all the difference for me and have been a part of this project.

I could never begin to say enough about my adviser, Dr. Victoria Smith, nor could I ever thank her enough. For years now, she has been my biggest fan, champion, and supporter in academia, and she has always been able to see the best in me. She has not only assessed but maximized my abilities to their full potential. Victoria and I still fondly recall when we first met and she encountered what she called my “shell” – something virtually all my teachers have discovered since I was in first grade, often much to their frustration. Undaunted, she as much as anyone helped me assert myself in becoming the instructor and historian I have become. She has been one of my very best friends, and I can only hope I make her proud.

It has been nearly ten years since I graduated from Gettysburg College and first met Dr. John Wunder. When I returned to begin the Masters program in history at the University of Nebraska in 2004, he became my adviser, and in many ways he has never stopped. As much as anyone, John has shown me what a historian and instructor ought to be – moreover, what a gentleman ought to be. In my ten years of undergraduate and graduate study, no one has influenced me more, and I know I flatter myself greatly when I say I hope to emulate him. His unwavering dedication for guidance, enthusiasm for graduate student work, and demand for excellence are unsurpassed. It has been and continues to be a true honor to be associated with him, and I know I will never stop learning from him.

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I am most fortunate for a long line of terrific friends who have made all the difference through the years, and many of them helped directly or provided

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difference for me in both big ways (graduations) and little (such as helping me fix the roof of my car when nobody else was around). My uncle Keith White has influenced me with his love of history and his appreciation for the history of Antelope County, Nebraska. As I have acknowledged before, Keith knows as much about the history of the Northern Ponca tribe as anyone I know, and his keen interest in Plains Indians and the Standing Bear Trial in particular have been very important in my development in the field of American Indian history. I thank Larry and Carolyn Baker, as well as Nancy Baker, all of whom have been a part of my family for a very long time, have always been there for me, and have helped me become the person I am. For so many others in the family, I will make some effort at brevity and simply say: you all know who you are, and you all have been behind me so solidly for so very long. For that, I am more grateful than most of you will probably ever know. I hope this work does you all proud.

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and who a man should be. I hope this work reflects the values of integrity and hard work with which they both always tried to teach me.

Finally, unique thanks go to my mother, Dr. Barbara Black, for it was she more than anyone who instilled me with a sense of the priceless for that which can never be taken away: an education. I suspect that, with the love that only a mother can give, she appreciates this work and this moment most of all. I could write another 250 pages about my mother easily, but sometimes brevity and simplicity say things best. That being the case, truly: thank you, Mom.

You are all the best and have been the best part of my life.

Not long after I graduated from Gettysburg in 2000, I contacted Dr. Boritt to thank him again. He assured me I was quite welcome but said to me something I have never forgotten. That is to say, he explained that the very best way to say “thank you” is for each of us to use earnestly our gifts – the gifts given to us from those who have touched our lives – in ways that will advance life, enhance understanding, and improve the world. It is my sincerest hope that this dissertation says “thank you” to all of you by, in some small way, doing just so.

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## CHAPTER 1: INTRODUCTION AND OVERVIEW

“My chiefs, braves, and young men . . . . I bring to you news which it saddens my heart to think of. There is a coming flood which will soon reach us, and I advise you to prepare for it. . . . You must think of yourselves what will be best for your welfare. I tell you this that you may be prepared for the coming change. . . . Do what you can to help each other, even in the troubles with **the coming tide.**”

**--Big Elk, Omaha chief, circa 1853<sup>1</sup>**

“Everywhere I go I find that Indians are more worried than they have been in many years about what is coming in the next Congress and that they feel there was never greater need . . . to help them stem the tide.”

**--Helen Peterson, Oglala, to Edward M. Wilson, Nov. 24, 1953<sup>2</sup>**

Upon completing his landmark comprehensive study of federal Indian policy, *The Great Father*, historian Francis Paul Prucha remarked over a generation ago that his research had taught him “there was much more fundamental unity and continuity in the government’s policy than (he) had previously thought.”<sup>3</sup> Indeed, the rhetoric of Big Elk, a nineteenth-century Omaha Chief, and Helen Peterson, a twentieth-century Oglala and leader of the National Congress of American Indians, illustrates the point. Despite the enormous social, political, and technological changes during the course of the 100 years that separated their lives, their words reflect how their struggles as First Peoples had

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<sup>1</sup> In Alice C. Fletcher and Francis La Flesche, *The Omaha Tribe*, vol. 1 (Lincoln: University of Nebraska Press, 1992), 84. The story of Big Elk and his speech is also recounted in Robin Ridington and Dennis Hastings, *Blessing for a Long Time: The Sacred Pole of the Omaha Tribe* (Lincoln: University of Nebraska Press, 1997), 62-3. Ridington and Hastings also give 1853 as the year of the speech.

<sup>2</sup> National Congress of American Indians Records, Conventions 1953-1954, box 4, National Museum of the American Indian Archive, Suitland, Maryland.

<sup>3</sup> Francis Paul Prucha, *The Great Father: The United States Government and American Indians, vol. 1* (Lincoln: University of Nebraska Press, 1984), xxvii.

remained the same: the adaptation to federal policy, the retention of Indian sovereignty, the adjustment if not direct resistance to non-Native societies, the sustenance of Indian culture, the sheer continuation of life. It has been a story of constant struggle for the sake of existence in the face of change. Yet, in spite of the systematic dispossession and racial assault, each era of American Indian history – removal, reservation, allotment, Indian New Deal, termination, self-determination, and beyond – has revealed a remarkable diversity of thought, opinion, reaction, and perspective towards federal Indian policy, on the part of both Indians and non-Indians.

The title of this study, *The Coming Tide*, originates from an address given by Big Elk in the early 1850s. The title functions on two congruent levels. The first is as a broad, over-arching theme, as First Peoples have had to fight against, adapt to, and generally deal with forces of assimilation virtually ever since contact with Europeans in the late fifteenth century. On a second, more microscopic level, it refers to the specific focus of this study: the years of the Truman administration, the era preceding the enactment of modern Indian tribal termination policy.

During these contentious years, Natives and non-Natives formed intense personal convictions on termination and what they hoped the policy would achieve or fail to achieve. In doing so, they ultimately shaped termination itself. Some of them set the tone that would bring about its eventual defeat. Because termination became a national policy, threatening Indian tribes across the United

States, and often affecting the fortunes of non-Indians, it elicited a wide array of responses, particularly in its initial stages of development before official implementation.

This study examines the different meanings termination held for different peoples, and why. Previous studies have examined individuals, tribes, policymakers, and organizations that played important roles in affecting either reactions to termination policy or the policy itself. As Prucha noted, the policy and the perceptions that emerged during this time were filled with many ambiguities, despite the fact that opponents and supporters alike came to think of it as a singular principle.<sup>4</sup> But no study has yet examined, compared, and contrasted individual Natives and non-Natives of varying affiliations, backgrounds, cultures, ideologies, and occupations who commanded important positions in the policy debate. In comparing and contrasting two Natives and two non-Natives and the reasons for their various stances on termination, this study identifies themes and trends that stretched across regional, tribal, national, ideological, and personal boundaries. Group, tribal, political affiliation, race, class, or gender – often no single factor dominated a person’s stance on the issue. Nor did any one past policy or its set of successes or failures determine wholly how individuals perceived or affected federal Indian policy in the post-World War II era. Rather, individual backgrounds, comprised of varying regional and cultural experiences, combined with the national, often polarized ideological forces of the postwar era

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<sup>4</sup> Ibid., 1014-15.

to create a multiplicity of viewpoints on termination during the formation of the policy.

### **Historiography**

Prominent Indian historians Donald L. Parman, Francis Paul Prucha, and Robert F. Berkhofer, Jr. all have called attention to the great need for research in twentieth-century Indian history, particularly the post-World War II era, as well as new approaches to the topic.<sup>5</sup> The need remains acute for the subject of termination, not only as to how Natives reacted to the policy but also – regardless of their stance on the issue – as to how they interacted with and affected perceptions of non-Natives in regard to the policy. Historians increasingly have stressed the varied nature of termination, particularly for those Indian peoples forced to deal with it. Thomas Cowger has written that “whether to reject termination legislation was not a cut-and-dried decision,” and noted that “termination was a multifaceted, complex issue that contained both beneficial and harmful elements.”<sup>6</sup> Similarly, Kenneth Philp observed that, on the one hand, to Mescalero Apaches, Paiutes, Blackfeet, and others, the concept of termination initially seemed to be a route to fulfill the self-rule promises of the 1934 Indian Reorganization Act. Navajos, by comparison, saw termination as a way to jettison unpopular New Deal programs, and still other, pan-Indian groups in California and Oklahoma found termination attractive because it seemed to offer

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<sup>5</sup> Thomas W. Cowger, *The National Congress of American Indians: The Founding Years* (Lincoln: University of Nebraska Press, 1999), 2.

<sup>6</sup> *Ibid.*, 102.

a way to escape federal wardship. All of these observations and others led Philp to echo Prucha and conclude that “termination meant different things to different groups of Indians.”<sup>7</sup>

Twentieth-century historian S. Lyman Tyler once defined Indian policy as “... a course of action pursued by any government and adopted as expedient by that government in its relations with any of the Indians of the Americas. By expedient, we mean action that is considered by government to be advantageous or advisable under the particular circumstances or during a specific span.”<sup>8</sup> With such a context in mind, termination policy was essentially a broad legislative and social movement in the United States aimed at assimilating Indians into mainstream American society by eliminating their federal supervision. The goal was the expedient elimination of the federal government’s trusteeship of Indian reservations and the assumption of standard citizenship in the United States by American Indians. Put differently, termination became “the legal process of depriving an Indian of his Indian-ness, divesting him of all his inherited treaty rights, usually in exchange for a cash settlement representing his per-capita share of his tribes ‘liquidated assets.’”<sup>9</sup>

Historians long have recognized that, in many ways, the major ideas behind termination were not new. The Indian Trade and Intercourse Acts of the

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<sup>7</sup> Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), xi.

<sup>8</sup> S. Lyman Tyler, *A History of Indian Policy* (Washington, D.C.: United States Department of the Interior, Bureau of Indian Affairs, 1973), 2.

<sup>9</sup> Henry W. Hough, *Development of Indian Resources* (Denver: World Press, Inc., 1967), 160. See also Frederick J. Stefon, “The Irony of Termination: 1943-1958,” *Indian Historian* 11 (September 1978): 3.

late eighteenth and early nineteenth centuries, for example, were enacted with the goal of “civilizing” Indians. Later, federal removal policies aimed to create classes of Indian refugees. Although removal in some ways presented itself as an alternative to acculturation, it remained rooted in the same consummate goals: the dispossession of tribes, the empowerment of white settlers, and the expansion of the United States. The 1887 General Allotment Act (commonly called the Dawes Act), designed to break up Indian lands into individual privately-owned sections, joined other legislation with the intent to assimilate Indians into the white mainstream of the United States as farmers.<sup>10</sup> Many Native leaders of the post-World War II era were keenly aware of the historical connections. Helen Peterson, executive director for the NCAI in the 1950s, repeatedly pointed to the Allotment Act as the especially parallel, dangerous precedent. Even the 1934 Indian Reorganization Act (often deemed the start of the “Indian New Deal,” in conjunction with the rest of President Franklin Roosevelt’s transformative domestic program), despite its reversal of allotment and intent to revitalize tribal life, retained long-term goals of eventual assimilation.<sup>11</sup>

In spite of such precursors – which speak to the consistency in federal Indian policy, of which Prucha wrote – there was something ominously new about the termination movement that arose after World War II. It was the culmination of years of assimilative efforts. In some ways, it was the crucible out of which policy

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<sup>10</sup> John R. Wunder, *“Retained by the People”*: A History of American Indians and the Bill of Rights (New York: Oxford University Press, 1994), 99.

<sup>11</sup> Tyler, 151.

in the second half of the twentieth century emerged. Its significance in no small part stems from tribal galvanization against it. In the face of termination emerged a vocal Indian political presence with goals of self-determination, rights restoration, and increased individual liberty. Philp has argued that the years 1945 to 1949 marked a turning point in Indian history comparable to that of any other, including the end of treaty-making (1871), the Dawes Allotment Act (1887), and the Indian Reorganization Act (1934).<sup>12</sup> He further characterized 1953 – with the passage of the paramount termination measures in House Concurrent Resolution 108 and Public Law 280 – as one of the landmark years in American Indian history.<sup>13</sup>

HCR 108, adopted by the U.S. Congress on August 1, 1953, made the announcement official: the policy of the government would henceforth be “as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States and to grant them all of the rights and prerogatives pertaining to American citizenship.” The resolution declared that certain tribes and tribes in certain states “should be freed from Federal supervision” as soon as possible, and it further directed the secretary of the

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<sup>12</sup> Philp, *Termination Revisited*, 68.

<sup>13</sup> Philp, “Termination: A Legacy of the Indian New Deal,” *Western Historical Quarterly* 14 (April 1983): 165.

interior to report to Congress by January 1, 1954, with recommendations for legislation to carry out the resolution's instructions.<sup>14</sup>

Public Law 280, enacted exactly two weeks after HCR 108, further marked a major usurpation of tribal sovereignty. It essentially allowed the states of California, Nebraska, Minnesota (except for Red Lake Reservation), Oregon (except for Warm Springs Reservation), and Wisconsin (except for Menominee Reservation) to start exercising civil and criminal jurisdiction over all Indian lands within their boundaries.<sup>15</sup> Public Law 280 created a mass of jurisdictional problems for state governments, which often lacked the expertise, will, and funds needed to handle Indian affairs. Most importantly, though, the new law created confusing logistics for Indian peoples who, after decades of cumulative dependence on federal services, suddenly had to learn to negotiate state services while also trying to survive integration into the mainstream of the United States.<sup>16</sup>

HCR 108 and Public Law 280 passed not with a bang but a whimper. Their passage came with little fanfare from lawmakers, and, at first, little reaction from most Indian communities. There was something so seemingly innocuous about HCR 108 that many Indians gave it little attention upon its introduction.<sup>17</sup> Vigilant Indian leaders were outraged, however, knowing that such surreptitious

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<sup>14</sup> Prucha, vol. 2, 1044.

<sup>15</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 112.

<sup>16</sup> *Ibid.*, 133.

<sup>17</sup> Richard Schifter to Secretary of Interior Steward Udall, March 8, 1961, NCAI Records, Termination, box 256.

methods in themselves posed great dangers and had cost Indian communities dearly in the past. After years of debate, demagoguery, and policy formation, the battle lines had been clearly drawn. In 1954, Indians and their white allies launched their counterattack in earnest.<sup>18</sup> Year by year, their efforts paid off with the government's undertaking of a formal refutation of termination in the 1960s and 1970s.

The fight was a long and vicious one. Starting with the passage of HCR 108 and PL 280, termination policy over the next dozen years produced a number of ill effects on tribes. It eliminated federal recognition of the sovereignty of 109 tribes and bands and ultimately removed more than 1.3 million acres of Indian trust land from protected status. More than 12,000 Indians lost federally recognized tribal affiliation.<sup>19</sup> Fear enveloped thousands of other Indians and scores of other tribes who wondered if and when they would be next. Because terminated tribes lost federal recognition and therefore federal funding, termination also created numerous complications and negative effects on Indian schools, health care systems, and economies, and it exacerbated Native relocation to cities. Scholars therefore often have described termination as an extremely regressive period defined by Indian peoples' continued dispossession and loss of rights.<sup>20</sup>

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<sup>18</sup> Daniel M. Cobb, *Native Activism in Cold War America: the Struggle for Sovereignty* (Lawrence: University of Kansas Press, 2008), 13.

<sup>19</sup> Prucha, vol. 2, 1058-59.

<sup>20</sup> Philp, *Termination Revisited*, xi.

Some Native authors such as D'Arcy McNickle wrote effectively on voicing Indian perspectives on termination in the 1950s and 1960s. Still, many historians writing in the wake of the termination era focused on non-Native policymakers and bureaucrats. Charles F. Wilkinson and Eric R. Biggs, for example, were among the first to assert that the two basic stances on termination – one holding it as inherently racist and vicious, the other championing it as a tool for democracy and justice – had left unexplored a large, factual middle ground of overlapping viewpoints and therefore had hindered a clear, holistic perspective from taking shape.<sup>21</sup> Their analysis, while groundbreaking in many ways, focused almost entirely on the policy itself and the white policymakers who created it. The emerging picture drawn by historians showed a modern war of conquest waged not with guns, tanks, and planes, but rather one in which intolerant federal officials used a diverse legal arsenal to victimize Indians by taking their property, turning them into urban refugees, and transferring tribal sovereignty to states.<sup>22</sup> Works such as Prucha's *The Great Father* and Larry W. Burt's *Tribalism in Crisis* also describe in detail termination's implementation and ultimate abandonment by non-Native policymakers. Such studies remain invaluable in showing how coercive federal policies damaged Indian communities and cultures.

By the mid-1980s, works such as Donald Fixico's *Termination and Relocation* – a book that remains one of the most comprehensive on the subject

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<sup>21</sup> Charles F. Wilkinson and Eric R. Biggs, "The Evolution of the Termination Policy," *American Indian Law Review* 5 (1977): 140.

<sup>22</sup> Philp, *Termination Revisited*, xi.

– began to include more and more Native viewpoints in order to achieve well-rounded analyses. Demands for more such approaches continued to arise. Kenneth Philp and other scholars began to deem unsatisfactory those past historical interpretations that viewed termination as simply “a consensus of ignorance or a conspiracy by a calloused few.”<sup>23</sup> Philp particularly argued that much of termination was a reaction to the failures of the 1934 Indian Reorganization Act. Then Commissioner of Indian Affairs John Collier and others had intended the act to advance Indian rights, restore local tribal sovereignty, and restore Natives’ management of their own assets. Despite its successes, Philp argued, the IRA failed to meet the needs of a diverse Indian population, provide economic progress on reservations, and create durable political frameworks.<sup>24</sup> Philp later noted that, while many studies by then had assessed the flaws of political leaders and bureaucrats responsible for termination, such interpretations also generally had not examined Natives’ attitudes toward termination, explored the close relationship between termination with postwar Indian conceptions of self-determination, or reconciled Indian policy with national tendencies toward individualism and capitalism.<sup>25</sup>

Historian Tom Holm expanded the dialogue on termination by arguing that it was not a phenomenon whose blame lay solely on a postwar resurgence in conservatism. Instead, he traced termination’s roots to a combination of

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<sup>23</sup> Philp, “Termination: A Legacy of the Indian New Deal,” 180.

<sup>24</sup> *Ibid.*, 166.

<sup>25</sup> Philp, “Dillon S. Myer and the Advent of Termination: 1950-1953,” *Western Historical Quarterly* 19 (January 1988): 40.

conservative and liberal forces. The conservative aspect reflected the very idea of removal of federal obligation, assistance, and protection for Indians; it fit well within a general philosophy of less government regulation and assistance. However, Holm argued, terminationist thinking was rooted in the American ideals of liberalism of the time that were characteristically nationalistic and elitist in the desire to spread democratic ideals, whether it be to minority groups domestically or foreigners abroad.<sup>26</sup>

Studies on termination have tended to fall into two basic categories: micro level works that revolve around case study examinations of individual tribes, and, to a greater extent, macro level works that try to identify broad social themes and explain policy at the federal level. There also has been a gradual shift in the historiography of termination from studying the consequences of termination policy to exploring the ideological questions involved, the ideas that served as the driving force behind the policy. Some historians such as Thomas Cowger have written works studying the pan-Indian organizations that arose during the post-World War II era and their effectiveness in opposing termination and promoting tribal self-determination. Even in the late 1990s, Cowger observed that scholarship on termination remained weighted toward the federal government's implementation of the policy, with small attention given to Indians' responses.<sup>27</sup>

More recently, R. Warren Metcalf, in examining the experiences of the Ute tribe

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<sup>26</sup> Tom Holm, "Fighting a White Man's War: The Extent and Legacy of American Indian Participation in World War II," in Peter Iverson, ed., *The Plains Indians of the Twentieth Century* (Norman: University of Oklahoma Press, 1985), 162. See also Iverson's commentary, pp. 149-50.

<sup>27</sup> Cowger, "'The Crossroads of Destiny': The NCAI's Landmark Struggle to Thwart Coercive Termination," *American Indian Culture and Research Journal* 20 (1996): 138, note 4.

during the termination era in *Termination's Legacy*, has argued that tribal leader rivalry, distrust between tribal bands, and other intratribal action had as much or more to do with Indian responses to termination as did national debates over ideology and assimilation.<sup>28</sup>

The intent of this study, then, is to incorporate elements of many previous works, build perspective from relatively recent publications that emphasize Native perspectives and roles, and especially incorporate the necessary level of individual human interaction in order to explain the reasons for – and ramifications of – termination's ambiguity.

### **Problems of defining termination**

The goals of termination might seem obvious in retrospect. On the surface, it can appear as another attempt made mostly by powerful politicians in order to destroy Indian culture, assimilate Indians into the white American mainstream, and take over the last bastions of Indian land bases. In many ways it ultimately was all of those things. But what termination was and what it meant, particularly in the formative years before it became official policy, was not always an easy matter to determine at the time, despite ominous foreshadowings. In later years, some Indian leaders reflecting on the policy's formation declared that it was precisely the difficulty in defining termination that had made it so difficult to oppose. One speech given among the National Congress of American Indians

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<sup>28</sup> R. Warren Metcalf, *Termination's Legacy: The Discarded Indians of Utah* (Lincoln: University of Nebraska Press, 2002), 3-4.

declared: "It's high time that more people who talk about termination learn more about what it really means to Indian people, and what it does to them."<sup>29</sup>

In the eyes of NCAI leaders like Clarence Wesley, termination – regardless of whatever positives its supporters tried to emphasize – meant the cutting off of provisions of public service by the federal government or the taking away of the trust title on Indian lands in order to put the land in the name of Indians, by tribe or individual. Particularly dangerous was the confusion if not outright deceit so often surrounding the term and the ease with which demagogic politicians could twist it into something sounding like benevolence. Many Indian leaders felt that at the heart of termination lay the changing of the legal title of Indian-owned lands, transferring it to Indian owners so that the "land goes on the state tax rolls and the Indians are wholly responsible for that land" with the freedom to sell it or lease it. The speech given at the NCAI continued:

Now actually this sounds good to a lot of people including Indians, and that is where the real danger lies. It's like buying a car that looks nice on the outside; somebody can tell you all the wonderful things it will do and it looks good. So you give everything you've got for it and after the deal is all over and it's too late to undo it, you find the thing is all wrong inside; it doesn't work the way they said it would. And by then you have given everything you worked for all your life to buy this wonderful thing that looked good but you've lost everything.<sup>30</sup>

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<sup>29</sup> Author unknown, draft of speech on termination, April 12, 1958, Helen L. Peterson Papers, NCAI Subject File: Legislation, box 12, National Museum of the American Indian Archive. This insightful document has the name "Wesley" at the top of its pages, but an attached note suggests that it was given to Clarence Wesley for feedback and proofreading. Helen Peterson is one possible author, although the letter's context and discussion of Apaches makes it probable that it was written by another Apache, like Wesley himself.

<sup>30</sup> Ibid. The NCAI, created in 1944, was originally an all-Native membership organization intended to protect and promote the rights of American Indians and Alaska Natives. Comprised of members from dozens of tribes from across the United States, the organization broke new ground as a successful pan-American Indian organization and is still in operation today.

The word “termination” – although so often used in the second half of the twentieth century to describe generally the programs of federal withdrawal during the post-World War II era – did not become the dominant term until about the time Congress approved House Concurrent Resolution 108, the supreme termination measure, in 1953. After World War II, Indians and non-Indians alike used a range of terms to describe what was happening. “Liquidation,” a term popular at first, gradually outgrew its usefulness, not least because of its evocation of the Jewish Holocaust.<sup>31</sup> However, Indians themselves often used the term liquidation, particularly when describing proposals to do away with the BIA itself. For much of the 1940s, there was no set term, as Indians faced a range of legislation with the broad purpose of downsizing or completely eliminating the Indian bureau or federal involvement with tribes and reservation lands. Prior to the 1947 NCAI annual convention, Charles Heacock, a Rosebud Sioux, and D’Arcy McNickle, a Flathead, suggested setting aside a full day of the meeting to panel discussions on pending federal legislation. They suggested creating panels on:

1. A series of bills attacking Indian self-government.
2. A series of bills on so-called “emancipation.”
3. Various bills attempting to take away Indian property.
4. Senator Hugh Butler’s bills on the “liquidation” of tribal estates.

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<sup>31</sup> Wunder, 98. See also Wilkinson and Biggs, 140, 166, note 3.

5. Questions of when, how, if termination of the federal trust should occur.

6. Bills to transfer Indian Office services to social security, welfare, public health, reclamation, and other areas of the federal government.

7. Indian Office appropriations.<sup>32</sup>

All such panels obviously covered a range of issues mostly if not entirely thought of as falling under the modern conception of “termination.” But in 1947, two of the NCAI’s most respected leaders felt the need to suggest distinct discussions on issues of self-government, emancipation, withdrawal, and liquidation. Such distinctions demonstrate just how nuanced the early debates on termination could be. The list also thus shows how important issues revolving around federal withdrawal had become, even so early in the years following World War II. Again, notably, the word “termination” itself did not come into prominent usage in reference to the policy until after about 1951. Philp, Prucha, and other scholars have noted that HCR 108, for all its notoriety, did not even use the word “termination.”<sup>33</sup> Such observations point to the considerable malleability of the concept.

The response to the post-World War II atmosphere for many Natives was epitomized by the likes of the loquacious Crow leader and NCAI member Robert

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<sup>32</sup> Ruth Bronson to N.B. Johnson, November 19, 1947. NCAI Records, Conventions, 1947-50, Correspondance File, box 2.

<sup>33</sup> Philp, *Termination Revisited*, 172.

Yellowtail. Before the end of President Harry Truman's first term, Yellowtail denounced reservations as sinister mechanisms intended to keep the American Indian a "prisoner" and a "forgotten man in a land of plenty." He also criticized the Bureau of Indian Affairs for having become little more than a "feeding trough for 11,000 employees" and a "white man's pension bureau."<sup>34</sup> Although he was in his late 50s when he articulated his stance, Yellowtail's opinions in the late 1940s were sometimes shared by Indian veterans of World War II who returned home with sharp criticisms of reservation conditions and continued BIA paternalism.<sup>35</sup> Yet, fewer than five years later, as attempts to alter the reservation system, reduce the bureau, and withdraw federal services devolved into full-blown attacks on Indian sovereignty, culture, and existence, Yellowtail became one of termination's loudest critics. He attacked BIA Commissioner Dillon S. Myer's "so-called 'withdrawal' program" for being nothing more than a "liquidation of the Bureau of Indian Affairs" and a repudiation of treaty commitments. By the time Myer had left his job as commissioner of the BIA in early 1953, Indians everywhere "were very fortunate to emerge with our shirts on," Yellowtail said.<sup>36</sup>

Yet the war regarding termination had only begun. It continued for more than a decade. Yellowtail's shift was not so much a contradiction as it was a reflection of the evolution in problems that became most pressing to Indians

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<sup>34</sup> Thor Severson, "Indian Assails Redman Reserves, Likens Them to Russ Slave Camps," *Denver Post*, Dec. 14, 1948.

<sup>35</sup> Paul C. Rosier, "They Are Ancestral Homelands: Race, Place, and Politics in Cold War Native America," *Journal of American History* 92 (March 2006): 1309.

<sup>36</sup> Robert Yellowtail, "Address Delivered to the National Congress of American Indians," at Hotel Westward Ho, Phoenix, Arizona, Dec. 7, 1953, NCAI Records, Conventions, 1953-54, box 4.

during the Truman administration. Thus, the Crow leader outlined the dilemma facing Native peoples across the country: the need to increase Indian self-determination and reduce federal paternalism without destroying those federal safeguards and treaty terms that helped ensure tribal rights and life ways.

As the proceeding chapters show, the variance in viewpoints and malleability of the concept proved an especial problem in itself for those who genuinely supported Indian interests, rights, and sovereignties. While different Indian groups often had different views on termination, at an individual level such views naturally fractured even more. Two people who respected each other and often worked well together on basic issues of Indian rights – such as first president of the NCAI Napoleon Bonaparte Johnson, a Cherokee, and NCAI executive director Helen Peterson, an Oglala Lakota – could have very different views on what federal withdrawal meant and what it should have entailed. Many Indian leaders therefore did not give an immediate, outright, and unconditional rejection of the concept of termination so much as they grappled with it in attempts to make sense of it, define it, and decide which of its elements, if any, could serve their people's best interests.

Conversely, many supporters of the policy – particularly those driving for its passage in Congress, such as Utah Senator Arthur Watkins and Nebraska Senator Hugh Butler – were often relentless and unified in pushing for any measures that weakened the Indian bureau, undermined Indian sovereignty, transferred tribal jurisdiction to states, or simply espoused integration. The

unrelenting nature and unflinching self-righteousness of such powerful political leaders during the late 1940s and early 1950s – at a time when Indian leaders were much more diverse in their perspectives on the issue – ultimately ensured the passage of a pro-termination agenda before significant, unified opposition to it could be mounted.

Non-Natives, including those in Congress, could hold diverse and shifting views on termination as well. Whereas there is little argument that some political leaders used their power to push racist agendas and appease white constituencies, others appeared to have made decisions while having misjudged the issue or having shown little understanding of its historical context. Congressman Lee Metcalf, in addressing the NCAI in 1956, reflected: “In my first term in Congress I saw the Indian people and their property under the most persistent and serious attack, and the ironic and tragic aspect of this attack is that in most cases, I believe it was based on good intentions with the presumed interests of the Indians at heart.”<sup>37</sup> Metcalf’s remarks hearken back to past eras of Indian policy, such as the 1880s, when many “friends of Indians” thought they were doing Indian peoples a favor by lobbying for allotment policies. Not unlike the case of the Dawes Act that preceded it by more than a half century, debate remains open as to how much termination’s supporters were motivated by

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<sup>37</sup> Lee Metcalf, “A Story of Two Congresses,” speech given to the 13<sup>th</sup> Annual Convention of the National Congress of American Indians, Sept. 24-28, 1956, Salt Lake City, Utah. Carl T. Hayden Papers, box 481, Carl T. Hayden Library, Arizona State University, Tempe, Arizona.

misguided altruistic impulses or by more sinister designs to wipe out Indian cultures and overtake the last of Indian material possessions.

Complicating matters further were Natives' non-Indian allies outside the government – including academics, attorneys, and activists – who believed in and fought for Indian rights but frequently thought assimilation to be inevitable and sometimes confused aspects of termination with those of Indian self-determination. For example, the Association on American Indian Affairs issued a statement in 1948 demanding the withdrawal of federal services among California Indians “as rapidly as is practicable with due regard” for the Indians “welfare and rights.”<sup>38</sup> Such a statement and others like it, however intended to remove federal paternalism and assert Indian sovereignty, were all but an endorsement for termination. Yet, by the time Congress resolved to make termination official five years later, the AAIA had reversed its course and cemented its place as one of the most important organizations in the fight against the policy.

In the same way that individuals' personal positions on termination were not cut and dried, neither were the reasons for why they stood where they did and drew the conclusions they did. Historians often have pointed to the post-World War II winds of conformity that effected the termination movement. Such forces affected broad groups of people. But conservative forces of conformity

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<sup>38</sup> Association on American Indian Affairs, “Statement on the Indians of California,” June 1, 1948. AAIA Papers, box 323, Seeley G. Mudd Manuscript Library, Princeton University, Princeton, New Jersey.

alone do not account fully for individual attitudes to termination, nor do they explain fully the processes that led to such attitudes. This study, then, takes the general approach that too much remains unknown about the individuals responsible for opposing, supporting, and generally affecting and shaping what became termination policy. It argues that termination was not only the result of conservative forces or reactions to failures of the New Deal but also the culmination of life experiences molded across different regions that determined the actions and attitudes of those who ultimately built or defeated the policy.

The following chapters show how the differences in perspectives on termination by those who favored Indians' rights created difficulties for them in forming adequate opposition before the launch of the policy. The initial concept of this study was to compare and contrast the viewpoints of two Natives (one pro-termination, the other opposed) and two non-Natives (one pro-termination, the other opposed) who affected the policy at a national level: Napoleon Bonaparte Johnson, Helen Peterson, Oliver La Farge, and Hugh Butler. However, because of the complexities involved, early research conducted for the study proved that such a clear-cut model would be all but impossible. The perspectives sometimes merged and overlapped on aspects of termination, such as methods of implementation, pacing, timing, characteristics of tribal readiness, Indian involvement, Indian consent, and so forth. Yet they often proved to be diametrically and uncompromisingly opposed on certain issues as well. Thus emerged four distinct perspectives on termination shaped not only by the political

and ideological atmosphere of postwar America but many other factors, including race, class, gender, region, and life experience.

### **Case studies**

**Napoleon Bonaparte Johnson (1891-1974)** became the first president of the National Congress of American Indians in 1944 and served consecutive one-year terms until leaving the office by 1953. One-quarter Cherokee, he grew up in Indian Territory and what became the state of Oklahoma and graduated with a law degree from Cumberland University in Tennessee in 1921. A World War I veteran, he rose to become one of the most powerful lawyers in his home state, as well as one of the most renowned Native attorneys in the United States. His considerable prestige and knowledge of Indian law made him an obvious choice for leadership in the NCAI. Such traits also made him a strong candidate for a seat on the Indian Claims Commission, whose establishment in 1946 he often touted as one of the most important legal and political victories for Indians in the history of the United States. He eventually rose to become a justice on the Oklahoma State Supreme Court in 1948 and the court's chief justice in 1955.

Despite his knowledge of Indian history and advocacy for Indian rights, Johnson was essentially an assimilationist. Among his goals were to end romantic stereotypes of Indians, to achieve the gradual elimination of the Indian Bureau, and to create joint federal-state programs that would assist Indian citizens in managing their own affairs.<sup>39</sup> He supported some aspects of

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<sup>39</sup> Philp, *Termination Revisited*, 15.

termination and rarely castigated the policy publicly until after the passage of HCR 108 and Public Law 280 in 1953. Even by then, he was never one of its most vocal opponents. He opposed it not so much because of its goals but rather because of what had become its coercive nature. Johnson believed it possible and essential for tribes to retain knowledge of their history and cultural traditions. He favored the integration of tribes but wanted to see them achieve it on their own terms instead of on unilateral conditions set by the BIA. Johnson often pointed to his own life and the historical adaptability of Cherokees as examples of the benefits of assimilation.

**Helen Peterson (1915-2000)** became active in the NCAI in 1948 and served as its executive director from 1953 to 1961. Her activism for Indian rights and staunch opposition to termination in the 1950s led later Indian activists and scholars to recognize her as arguably the greatest executive director in the organization's history.<sup>40</sup> Of Cheyenne ancestry and an enrolled Oglala, Peterson grew up on the Pine Ridge Reservation in South Dakota and pursued a lifelong career in education. Her studies took her to a number of colleges in the Plains and Rocky Mountain region, and she dedicated herself to the improvement of Indians and other minorities. Before joining the NCAI, she created and directed the Mayor's Committee on Human Relations for the city of Denver (later renamed the Denver Commission on Community Relations). Initially during her time with the NCAI, Peterson sought to work with the federal government in order to

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<sup>40</sup> Charles Trimble, "Unsung Heroes: Helen L. Peterson, Oglala," undated.

achieve improved education, health care, and job training for Indian peoples. She at first was willing to accept noncompulsory termination in order to attain such improvements, and she advocated full consultation with tribes prior to termination.<sup>41</sup>

By the time she had become the NCAI's executive director, Peterson had become one of termination's most consistent and vocal opponents, and her organizational efforts during the year after the passage of HCR 108 marked starting points for Indian reversal of the legislation. Increasingly, scholars have recognized the importance of her role in the defeat of termination. Her rise in the early 1950s represented gender, generational, and geographical shifts in the NCAI, which in turn coincided with the organization's stronger stance against termination. Peterson's diverse background and early work with a variety of Indian groups allowed her great insight into different tribal needs. She was thus able to assert Indian rights, equality, and ethnic identity while slowing assimilationist forces.<sup>42</sup>

**Oliver La Farge (1901-1963)**, the well-known writer, anthropologist, and president of the American Association on Indian Affairs, was an example of a white man with New England roots who initially had mixed feelings on termination before eventually becoming one of its strongest opponents. A Pulitzer Prize winner before the age of thirty for *Laughing Boy*, his novel about the clash between white American and southwestern Native cultures, La Farge possessed

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<sup>41</sup> Cowger, *The National Congress of American Indians*, 102.

<sup>42</sup> *Ibid*, 110.

a power of words that became instrumental in explaining and defending Indian culture to white audiences. His research expeditions took him to the Southwest and Central America. From these, he contributed greatly to twentieth-century understanding of ancient American Indian societies, and the personal insight and knowledge he gathered from such excursions were especially rare at the time for a non-Native. Such knowledge and context made him an important figure in federal Indian policy for nearly thirty years, from the time of the Indian New Deal until his death.

Nonetheless, La Farge's early views on termination were not as rigidly opposed to the policy as one might expect for someone so renowned for his championing of Indian rights. During the 1940s, his views not only differed from situation to situation and tribe to tribe but shifted visibly over time. An advocate of some aspects of the federal withdrawal in the 1940s, he became one of termination's fiercest opponents in the 1950s. La Farge believed that the AAIA, comprised of a membership of mostly non-Indian scholars, journalists, and activists, was the best tool to promote Indian rights because of its collective financial resources, knowledge of federal law and policy, and research into Indian history and culture. His dedication to such a belief was so fierce that it often brought him into conflict with the NCAI, which he feared could threaten to drain funds from his own organization to support Indian causes.

**Hugh Alfred Butler (1878-1954)** was an unyielding supporter of termination policy as a senator throughout the Truman administration and until

his own death while still in office in 1954. A man who had made a name for himself in the Nebraska grain business during the first half of the twentieth century, Butler won three straight elections to the U.S. Senate by large majorities starting in 1940. Since his death, Butler has slid into historical obscurity, with some scholars going so far as to label him insignificant.<sup>43</sup> His primary legacy lay in his work to establish the Republican Party's dominance in Nebraska politics since World War II.

However, other than Arthur Watkins of Utah, few senators did more to set the stage for termination than Butler did in the 1940s and 1950s. Some of the bills he introduced in the late 1940s were direct precursors to the larger termination measures that came later, and he sought to transfer Indian jurisdiction and sovereignty across the continent, from the Iroquois in New York to the tribes of Alaska. He was so persistent that he earned the label "Indian Public Enemy Number One" early in his second term.<sup>44</sup> Like Watkins, Butler never wavered in his stated public belief that he was doing what was right to help Indians take their place in the mainstream of the United States so that they could enjoy opportunities and freedoms in the same manner as other citizens. His actions were shaped also by his lifelong bedrock faith in conservatism, belief in small government, New Deal opposition, anti-communism, and devoted animosity toward bureaucracy. Finally, as he often did in political matters, Butler

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<sup>43</sup> Gary W. Reichard, Review of *Senator Hugh Butler and Nebraska Republicanism* by Justus F. Paul, *Journal of American History* 64 (December 1977): 846.

<sup>44</sup> James E. Curry, "Report by James E. Curry, NCAI General Counsel," Dec. 15, 1948, *Minutes of the Fifth Annual Convention of the NCAI*, p. 22. NCAI Records, NCAI Conventions 1947-1950, box 2.

identified himself with particular groups in order to promote an agenda. Finding ways to connect himself to tribes just as he did with groups of Nebraska rural farmers or urban businessmen, Butler repeatedly presented himself as a humanitarian and sympathetic ally of Indians in what he perceived to be their plight for equality, economic welfare, and freedom from control of the federal government.

### **Timeline**

The consensus of scholars who have studied post-World War II termination trace the roots of the movement to the years of the Truman administration.<sup>45</sup> Although this study explores the background of each individual out of necessity, it is primarily concerned with their perspectives and actions between 1945 and 1954. It therefore starts with major events of the immediate postwar years, such as the end of the war, the establishment of the NCAI and other organizations, and the creation of the Indian Claims Commission. Other events in the era crucial to Indian policy and ultimately termination policy include the creation of the Hoover Commission, the Navajo-Hopi Rehabilitation Act, and disputes over tribal rights to attorney contracts.

The study concludes in 1954 for several reasons. As Philp noted, 1953 was a landmark year in federal Indian policy. It marked the transference of power

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<sup>45</sup> Cowger, "The Crossroads of Destiny," 122, note 4; Cowger, *The National Congress of American Indians*, 100. See also Donald L. Fixico, *Termination and Relocation*, Larry W. Burt, *Tribalism, Federal Indian Policy 1953-1961* (Albuquerque: University of New Mexico Press, 1982); and Larry J. Hasse, "Termination and Assimilation: Federal Indian Policy, 1943-1961" (Ph.D. dissertation, Washington State University, 1974).

from the Truman administration to the Eisenhower administration, as well as the enactments of HCR 108 and Public Law 280. Yet 1953-54 marked not only groundbreaking events but also a remarkable shift in terms of individuals important to the termination debate. BIA Commissioner Myer, considered to be the architect of termination, took his leave of office shortly after Eisenhower assumed the presidency. James Curry left his position as lead attorney for the NCAI in 1953. Felix Cohen, lead counsel for the American Association on Indian Affairs, a constant thorn in Myer's side, and one of the most important opponents of termination, died in October 1953. Napoleon Bonaparte Johnson left the presidency of the NCAI in 1953, as the organization took an increasingly anti-terminationist position. Helen Peterson assumed the executive directorship of the NCAI in 1953 and by early 1954 had begun organizing some of the earliest, most important rallies against termination policy. Furthermore, Congress lost some of its most important terminationists. Senator Butler died in summer 1954, and Senator Pat McCarran of Nevada followed that autumn.

In ten years, termination had been shaped and enacted. During that span, some people openly supported or rejected it. Others supported or rejected parts of it. Some defended its premise but renounced what became its coercive nature. Others agreed with it but disagreed with its timing. Still others advocated it, but only on a limited basis in regard to certain regions or tribes. And still others changed their minds over time. In sum, this study is based largely on the premise that there remains too much unknown about many of the people who opposed,

supported, or generally affected the formation of termination policy. To understand the policy in its totality, and to distinguish what made the era different from those that preceded it, it becomes necessary to look at the individuals involved. It is hoped that the pages that follow will help explain the roles that region, gender, class, race, age, and other variables played in creating the nuances of individual perspective and action.

This is a story of consistency and diversity: an initial examination into the variety of opinions of people trying to decide how best to endure or implement the old theme of assimilation. As Francis Paul Prucha pointed out, the uniformity of federal Indian policy has been remarkable. Just as remarkable has been the variety of backgrounds and perspectives of the people brought in by each new era to affect the tide of the policy.

## **CHAPTER 2: NAPOLEON BONAPARTE JOHNSON**

“Perhaps because I myself experienced the puzzlement and pain of transition from one kind of life to another, I am better able to help other young people who are making the same difficult transition.”<sup>1</sup>

So momentous was the occasion of the founding of the National Congress of American Indians in 1944 that its participants sometimes made comparisons to the creators of nations and international alliances. John Rainer, a future executive director for the NCAI, later recalled: “These individuals were like Washington and Jefferson for us.”<sup>2</sup> If one were to extend the comparison between founders, there was much in common at least on the surface between the first president of the United States and the first president of the National Congress of American Indians. Tall, dignified, reserved, and well-spoken, Napoleon Bonaparte Johnson commanded a Washingtonian air of respect from nearly all who attended the NCAI’s first convention. But while Washington rarely awed anyone with a superior intellect, Johnson impressed also with his wisdom and knowledge. His grasp of federal Indian law and policy, as well as the history between Oklahoma’s Five Tribes and the United States, were nearly unsurpassed. In fact these were among the most important reasons why delegates at the convention voted him the organization’s first president. Thus it

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<sup>1</sup> “Napoleon B. Johnson, Cherokee,” excerpt from *American Illustrated* (April 1962). N. B. Johnson Collection, vertical file, biography, Oklahoma State Historical Society, Oklahoma City, Oklahoma.

<sup>2</sup> Thomas W. Cowger, *The National Congress of American Indians: the Founding Years* (Lincoln: University of Nebraska Press, 1999), 37.

became Johnson who led the organization during its earliest years, the period when the United States was on the path to termination.

Important Indian leaders of the twentieth century still generally remain less well known than those of earlier eras. Their names do not resonate in popular memory as do those of Tecumseh, Geronimo, Crazy Horse, and the like. Historians sometimes have described the modern fighters for Indian rights as “warriors with attaché cases.”<sup>3</sup> Like other twentieth century leaders, Johnson has not commanded a great deal of attention since he left the scene of Native activism in the 1960s. Here was a man who had become the first president of the NCAI, received a long list of recommendations for appointment to the Indian Claims Commission, and eventually served as chief justice of the Oklahoma Supreme Court. He worked hard for Indian rights and was in the spotlight of the debate over federal Indian policy during the years of the Truman administration as much as any contemporary Indian leader. Yet a place in history as a great champion or reformer of Indian freedom and tribal sovereignty has eluded him. The reason for such exclusion is probably at least in part because of his views and actions – or inactions – in regard to termination. Never a fierce opponent of the policy, Johnson agreed with termination’s principle goal of assimilation, stressed the elements he thought could benefit Indians, and only protested the

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<sup>3</sup> For one example, see final chapter title and discussion in Laurence M. Hauptman, *Tribes and Tribulations: Misconceptions about American Indians and Their Histories* (Albuquerque: University of New Mexico Press, 1995). See also R. David Edmunds, ed., *The New Warriors: Native American Leaders Since 1900* (Lincoln: University of Nebraska Press, 2001).

policy when he thought its proponents had become too coercive by trying to implement it quickly without tribal consent.

Johnson was an assimilationist in no small part because he himself was an acculturated, mixed-blood Indian who had made a successful transition into the white American mainstream culture and power structure. He wanted other Indians to have the same opportunities for success. He saw most Indians ideally becoming something similar to him: someone who was proud of his Indian heritage and tradition but who had adapted to the dominant society in the United States and become independent of federal paternalism.

### **Beginnings**

The man who became the first president of one of the most important pan-Indian organizations of the twentieth century was born near Maysville in Indian Territory on January 17, 1891. He was the oldest of the four children of John Wade Johnson and Sarah J. (Mays) Johnson.<sup>4</sup> John Johnson was half Cherokee and his wife a white woman, which made their son Napoleon – or “Nap” as friends and family frequently called him throughout his life – one-quarter Cherokee by blood.<sup>5</sup> Napoleon grew up living a typical childhood for an Indian boy in the area. He reportedly spoke Cherokee almost exclusively through the

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<sup>4</sup> Application of John W. Johnson for the enrollment of himself, wife, and four children as Cherokee citizens. Department of the Interior, Commission to the Five Civilized Tribes, Muskogee, Indian Territory, Feb. 27, 1901. N.B. Johnson Collection, vertical file.

<sup>5</sup> Many newspaper accounts during the 1940s and 1950s inaccurately described Johnson as a “half-blood” Cherokee. While the consensus from early documents indicates that he was one-quarter Cherokee by blood, at least one document written during Johnson’s days as a district judge specifies his father as being three-quarter Cherokee and his mother one-sixteenth Cherokee. See “The new District Judge ..,” N.B. Johnson Collection, Personal History, box 5.

first few years of his life and enjoyed hunting and fishing in the forests and streams of the vast rural sections of the territory.<sup>6</sup>

John Johnson, a stock trader by profession and also an elder in the Presbyterian Church, sent the young Napoleon to a local Presbyterian mission school. It was the boy's formal introduction to a larger world and his entrance into mainstream, white American culture. It was the start of lifelong devotions to education, history, and Christianity; patriotism toward both the Cherokee Nation and the United States; and bedrock faith in American ideals of individual liberty, private property, and democracy.

In early 1908 Johnson visited a U.S. naval recruiting station in Oklahoma City.<sup>7</sup> He became infatuated with what he saw and, after much effort, convinced his mother to allow him to sign up for the U.S. Navy. In one of his first recorded journeys beyond the borders of Oklahoma – which had entered statehood just the previous year – the teenage Johnson boarded a train for the naval station in San Francisco, California. While still en route he already began to experience homesickness. He served a one-month apprenticeship, learning basic seamanship aboard the USS *Pensacola*, originally an American Civil War era steamship that the navy had modified for training purposes in 1898.<sup>8</sup> The reasons for the brevity of Johnson's naval endeavor are unclear. Yet whatever the case, it is apparent that at age seventeen he was not yet ready for an

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<sup>6</sup> "Napoleon B. Johnson, Cherokee" excerpt, *American Illustrated*.

<sup>7</sup> Napoleon Bonaparte Johnson, "Experience in the Navy," N.B Johnson Collection, box 5.

<sup>8</sup> Ibid.

extended venture so far from home. He returned to Oklahoma within the year and graduated from Mary Gregory Memorial School, a Presbyterian mission school, at Anadarko in western Oklahoma in 1909. He later graduated from the state University Preparatory School (now Oklahoma Military Academy), and attended Henry Kendall College (now Tulsa University).<sup>9</sup>

Following his high school years, Johnson entered the Indian service. He then worked various jobs at the Indian agency at Tower, Minnesota (1913), the Otoe-Missouria agency at Red Rock, Oklahoma (1913-14), and the Chilocco Indian Agricultural School at Chilocco, Oklahoma (1914-17).<sup>10</sup> He later spoke little of his experiences in such places, usually emphasizing instead his own Cherokee roots and career as an attorney. Yet his later characteristic dissatisfaction with the Bureau of Indian Affairs appears to have stemmed in part from the time spent working at the agencies and witnessing the government's inefficiency during these years:

For 115 years, the Indian Bureau had been the controlling factor over all tribal Indians and had dealt with every phase of the life of the Indian. Their policy had been completely unsatisfactory. The laws governing the American Indians had been inadequate, but the Indians had seemed content to let Congress formulate the program and progress of the tribal Indian.<sup>11</sup>

Johnson served in the United States Army during the final year of World War I, and was one of the 10,000 Native veterans to serve in the American

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<sup>9</sup> "The new District Judge ...," N.B. Johnson Collection, Personal History, box 5.

<sup>10</sup> See K. Tsianina Lomawaima, *They Called It Prairie Light: The Story of Chilocco Indian School* (Lincoln: University of Nebraska Press, 1994).

<sup>11</sup> "Minutes of the Board of Directors of the Oklahoma Historical Society, Nov. 1, 1952," *Chronicles of Oklahoma* 29 (Winter, 1951-52): 518.

military during the war. Thus, two experiences in the military, separated by a decade, bookended much of Johnson's formal education and experience in the Bureau of Indian Affairs. Not unlike Native veterans of World War II, Johnson's experiences in the navy and army had opened his eyes to a larger country, a larger world outside the reservation. They marked important waypoints in his continuing transition into the mainstream of American life. Certainly not all Indians of Johnson's era who traveled, served in the military, or attended college ultimately endorsed termination later in their lives. But in Johnson's case, travel and military service complemented his early exposure to Christianity and American nationalism. He eventually finalized his formal education by earning his law degree at Cumberland University in Tennessee. A week before the graduation ceremonies of June 1, 1921, the thirty-year old Johnson – who in later years would chastise romantic stereotypes of Indians – played the lead in the college's stage production of *Hiawatha*.<sup>12</sup>

From his early education onward, Johnson was a keen observer of American Indian history. He came to study and know Cherokee history in particular, and it was not lost on him that his people by 1825 were known as “the most civilized tribe in America.”<sup>13</sup> He knew, for example, that by the 1830s Cherokees had a constitution modeled on that of the United States and elected a chief, vice-chief, and bicameral legislature. They had an effective system of laws

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<sup>12</sup> Playbill for *Hiawatha*, Cumberland University, May 25, 1921. N.B. Johnson Collection, box 10.

<sup>13</sup> William G. McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994), 3.

with trial by jury. They used a free public school system, which conducted its classes in English with teachers trained in two Cherokee academies. They published a bilingual newspaper, the *Cherokee Advocate*, which reported on congressional affairs and the efforts of the tribe's annual delegation to Washington, D.C. The tribe had a prosperous agrarian economy but also had many other people who were merchants, hotel owners, storekeepers, blacksmiths, skilled artisans, and so forth. Finally, by the 1830s Cherokees increasingly practiced a form of Christianity that they had shaped by incorporating many of their own values and beliefs.<sup>14</sup>

Johnson prided himself on such historical examples of acculturation that his people had achieved more than a half century before he was born. In his later years, he celebrated the contributions of Indian tribes to American life and touted such accomplishments as examples to be followed. "We are citizens of one great government which Indian people have done as much as any other group to preserve," he said during a speech in 1956, "and the assimilation of the American Indian into the life stream of that government where he can enjoy all blessings and privileges of American citizenship . . . will bring him the greatest satisfaction and happiness."<sup>15</sup>

After law school, Johnson returned to Oklahoma, passed the bar exam, and embarked on an impressive legal career that eventually spanned more than

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<sup>14</sup> Ibid., 3-4.

<sup>15</sup> Napoleon Bonaparte Johnson, untitled speech note cards no. 3-4, N.B. Johnson Collection, box 11, folder 5.

four decades. Following a stint with the Osage Indian agency's legal department, he went back to Claremore and won appointment as the assistant county attorney of Rogers County in 1923. He then steadily rose through the ranks of the state's law offices and courts and earned a reputation as a tough, honest, dependable lawyer noted for his thorough work ethic, eye for detail, and exceptional preparation skills.<sup>16</sup> By summer 1930, just prior to his reelection as county attorney, Johnson had tried 178 cases as county attorney with 168 convictions and pleas of guilty, seven hung juries, and three acquittals.<sup>17</sup> He left the county attorney's office in 1931 to practice law on his own for three years before becoming the district judge of Oklahoma's Twelfth District, a position he held until 1949. By the time he was a middle-aged man, Johnson had become well-known in mainstream Oklahoma social circles. He was an active member in the local Chamber of Commerce, the American Legion, and the Elks Club, and was an honorary member of Rotary International. He was an active member of the local Presbyterian Church, and he rose to become a thirty-second-degree Mason.<sup>18</sup>

Johnson was a proud Democrat since at least the mid-1920s – about the time he started to run for various attorney offices in Oklahoma – and sometimes took part in the Democratic Party's state conventions in Oklahoma City.<sup>19</sup>

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<sup>16</sup> "Rogers County Attorney Dotes on Preparedness," *Daily Oklahoman*, December 24, 1928.

<sup>17</sup> "Napoleon Johnson for County Attorney," *Claremore Messenger*, May 25, 1930.

<sup>18</sup> Lyle H. Boren and Dale Boren, *Who's Who in Oklahoma* (Guthrie, Oklahoma: The Co-Operative Publishing Company, 1935), 259; "Napoleon Bonaparte Johnson," N.B. Johnson Collection, vertical file, box 12.

<sup>19</sup> Johnson to Martha Johnson, Sept. 1, 1926, N.B. Johnson Collection, box 1, file 5.

Following his party affiliation, he was an early proponent of President Franklin D. Roosevelt's New Deal. But as the 1930s progressed, Johnson became disillusioned and found his views increasingly at odds with the Indian New Deal and Roosevelt's Commissioner of the Bureau of Indian Affairs John Collier. Johnson's ascendancy into Indian policy at the federal level is difficult to pinpoint, although one memorandum from his files states: "Since 1938 (he) has been continuously and aggressively interested in the adjustment of the administration of Indian Affairs in the United States."<sup>20</sup>

### **American Indian Federation**

During the Depression, Johnson became a key member of Joseph Bruner's American Indian Federation, eventually rising to become president of the Rogers County unit of the organization. Johnson was in some ways a protégé of Bruner, a wealthy, full-blood Muscogee Creek who was nineteen years his senior. Both men were products of Indian boarding school education systems and early introductions to Christianity. Whereas Johnson had made a career in law, Bruner had been a successful entrepreneur in agricultural and oil businesses. They were both exceptional men, and yet they were the kind of Indians to whom pre-IRA government policymakers and reformers pointed as proof that assimilationist programs worked.<sup>21</sup>

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<sup>20</sup> Memorandum in re: Judge N.B. Johnson, Claremore, Oklahoma, N.B. Johnson Collection, Personal History, box 5. The document is undated but was apparently written sometime between 1945 and 1953, as it noted that Johnson was holding the office of presidency of the NCAI "at this time."

<sup>21</sup> W. David Baird, "Are There 'Real' Indians in Oklahoma? Historical Perspectives of the Five Civilized Tribes," *Chronicles of Oklahoma* 68 (Spring 1990): 12.

In founding the AIF in 1934 largely to oppose the Indian Reorganization Act, Bruner had drawn from his experiences in the 1920s with the Society of Oklahoma Indians. The SOI in turn had taken great influence from the Society of American Indians, founded in 1911, and Carlos Montezuma. Montezuma, a Yavapai physician, led a group of SAI members who supported assimilation of Indians and proposed abolition of the Indian Bureau. While several pan-Indian organizations such as the SOI and SAI eventually splintered because of pressures and differences of opinion among members, the core elements remained for decades: a basic endorsement for assimilation and a call for the reduction if not complete removal of federal involvement in Indian affairs.

With the implementation of the IRA in the 1930s, Collier and Bruner had two diametrically opposed visions for the future of Indian rights. Whereas Collier emphasized Indians' right to retain culture, Bruner emphasized their right to assimilate. Following Bruner's message, Johnson evolved into a typical leader of the era's pan-Indian movements. He wanted Indians to retain, appreciate, and understand their respective tribal cultural traditions – their "Indian-ness," in essence – but also fully embrace the best aspects of white American society and the rights that came with U.S. citizenship.

The AIF at its peak had about 4,000 members from thirty-three tribes, but its leadership revolved around its membership from the Five Tribes of Oklahoma: Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles. Important non-Oklahoma members included Alice Lee Jemison, Seneca; Thomas Sloan, past

president of the SAI; Adam Castillo, president of the Mission Indian Federation in California; and Jacob C. Morgan, Navajo.<sup>22</sup> Throughout the 1930s and early 1940s, the AIF had three major goals: the repeal of the Indian Reorganization Act, the removal of John Collier, and the abolition of the Bureau of Indian Affairs.<sup>23</sup> Its constitution simply called for intertribal cooperation and the defense of the rights of Indian citizens.<sup>24</sup> Although AIF members varied greatly in their views, they gravitated towards dismissive attitudes towards the IRA, and they resented the forced nature of the Indian New Deal. Many viewed Collier's program as inherently paternalistic and bent on keeping Indians in outmoded life ways, preventing their modernization, and dooming them to poverty and dependence.

The AIF weakened dramatically in the early 1940s as its membership began to branch out. A defining moment – and, in some ways, the death knell – came for the AIF with the 1940 introduction of the Settlement Bill, which if passed would have exempted up to 30,000 enrolled Indians from BIA control in return for a final cash settlement of all claims against the federal government. The bill tore the AIF apart by accentuating and exacerbating its regional differences: many Oklahoma Indians supported its introduction by Oklahoma Senator Elmer Thomas and North Dakota Representative Usher Burdick, while many members from outside the state resigned because of it. The latter group, while clearly

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<sup>22</sup> Cowger, *The National Congress of American Indians*, 22.

<sup>23</sup> Marci Barnes Gracey, "American Indian Federation," *Encyclopedia of Oklahoma History and Culture*, <http://digital.library.okstate.edu/encyclopedia> (accessed October 24, 2009).

<sup>24</sup> Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), 18.

wanting to reduce government oversight of tribes, saw the bill as a selfish attempt by already assimilated Indians to cash in on claims against the government with little regard for how such legislation might affect less-assimilated tribes in other regions of the country.

Collier fiercely opposed the measure and put enough pressure on Burdick to withdraw it from the House. Secretary of the Interior Harold Ickes called the bill an “Indian racket” and claimed that its supporters had intended to “victimize” Indians with their “cynical scheming.” Bruner, Johnson, and others wrote to Burdick to deny the charges and asserted that Ickes had misrepresented their intent. They questioned the “Americanism” of Collier and Ickes, and noted that they especially did not appreciate Ickes’s calling Indians “dupes” and “ignorant.”<sup>25</sup>

Johnson was among the delegation from the AIF who appeared before the Senate Indian Affairs Committee to argue for the passage of the bill, and he personally testified for his approval of it.<sup>26</sup> Many non-Oklahomans who had resigned from the AIF over the issue never forgot that Johnson had been among the bill’s proponents. The bill eventually failed. But historians have noted its significance as an early form of termination legislation because of its essential goal to dissolve tribal entities and liquidate tribal assets.<sup>27</sup>

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<sup>25</sup> Gracey, “Joseph Bruner and the American Indian Federation: An Alternative View of Indian Rights,” in Davis D. Joyce, ed., *Alternative Oklahoma: Contrarian Views of the Sooner State* (Norman: University of Oklahoma Press, 2007), 77.

<sup>26</sup> Adam Castillo to President Truman, Feb. 15, 1947, Papers of Harry S. Truman, Official File, box 75, Harry S. Truman Library.

<sup>27</sup> Laurence Hauptman, “The American Indian Federation and the Indian New Deal: A Reinterpretation,” *Pacific Historical Review* 52 (November 1983): 399.

The AIF thus left a mixed legacy. It had an impressive membership with the financial and educational means to challenge the federal government on core issues of policy. Yet the organization's assimilationist stances on such issues remain controversial. On the one hand, it stirred new calls for tribal claims in court, which helped lead the way toward the establishment of the Indian Claims Commission. On the other hand, the AIF's lobbies and efforts also were powerful enough that some scholars credit the organization with some of the first significant suggestions of what eventually became the termination policy of the 1950s.<sup>28</sup>

For Johnson, the AIF was crucial for a number of reasons. It marked the start of his involvement in pan-Indian organizations and introduced him to a new generation of Indian leaders who would distinguish themselves in the debate over federal policy throughout the middle of the twentieth century. Importantly, it was also during his time with the AIF that Johnson solidified his core beliefs in claims settlement, assimilation, and the extrication of Indians' own affairs from the federal government. Bruner had come to hope that Johnson would assume the dominant position in the AIF. But the organization suffered yet another severe blow when the attorney instead opted to accept the presidency of the ascending National Congress of American Indians.<sup>29</sup>

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<sup>28</sup> Gracey, "American Indian Federation."

<sup>29</sup> Gracey, "Joseph Bruner and the American Indian Federation: an Alternative View of Indian Rights," 81.

## **President of the NCAI**

World War II transformed America, including Indian Country. The war certainly triggered senses of nationalism and conformity that reverberated into the Cold War era. But it also meant a functional shift in national operations toward victory and away from domestic programs, including BIA services. Sensing the approach of a change in Indian services, delegates from fifty-five tribes in twenty-seven states met at the Cosmopolitan Hotel in Denver in November 1944 to forge a new alliance and protect the varied interests of Indian population across the United States.<sup>30</sup> The result was the National Congress of American Indians, which members hoped from the start would succeed as a permanent organization, something that so many pan-Indian groups of the past had failed to do.

Much of the early leadership of the NCAI was dominated by its Oklahoma delegation. Yet many of the early members of the NCAI also had worked for Collier's BIA, and such a reality alone made Johnson skeptical of the budding organization's usefulness. He later confessed that he was initially reluctant to attend the first NCAI convention in November 1944 because he feared it would amount to nothing more than "another of the Indian Bureau movements."<sup>31</sup> Encouraged by his friends, he ultimately went with others from Oklahoma, including Ben Dwight, a Choctaw and attorney for the Choctaw nation.

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<sup>30</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 21-22.

<sup>31</sup> "Minutes of the Board of Directors of the Oklahoma Historical Society, Nov. 1, 1952," 518.

Johnson's level of academic education, knowledge of the American legal system, and status as a judge made him a rare asset. He also impressed those in attendance with his natural leadership skills, as well as his ideas on how to operate the new body and work with the federal government. For such reasons, delegates unanimously elected him the first president of the NCAI. Johnson accepted the position humbly but dutifully, seeing it as a chance to help Natives across the United States improve their lot politically, socially, and economically in an increasingly modernized, industrialized American society that was on the verge of the postwar era. He hoped from the start that the organization would serve as a vehicle for Indian leadership to "contribute to the formulation of Federal policy" and "take the leading part in inquiring into the needs of the Indians and in making those needs vocal."<sup>32</sup> Johnson's viewpoints on assimilation were not unique, particularly early in the life of the NCAI when the organization's Oklahoma contingent dominated so much of its leadership. Many NCAI officials agreed on the prudence of reducing federal regulations and services and in gradually eliminating the BIA.<sup>33</sup> In time Johnson worked to create bridges between those of the American Indian Federation mindset (many of whom had opposed Collier and the IRA and came to endorse termination) and those others who eventually joined the NCAI (many of whom had worked with Collier, supported the IRA, and came to oppose termination). He worked well

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<sup>32</sup> Johnson, "The National Congress of American Indians," *Chronicles of Oklahoma* 30 (Summer 1952): 147.

<sup>33</sup> Cowger, *The National Congress of American Indians*, 102.

with many in the NCAI on an administrative level, and yet he never strayed far from his core beliefs in assimilation and integration.

Aware of the diversities among tribes – their unique issues dependent on location and culture – Johnson made sure his first actions focused on what he felt applied to Indians universally. In particular, he urged the NCAI's executive council to fight for Native suffrage rights in every state. Although Congress had passed the Indian Citizenship Act in 1924, districts in New Mexico, Arizona, the entire state of Maine, and other states did not guarantee Indians the right to vote in the mid-1940s. Johnson explained that the importance in securing the ballot was not simply in acquiring the freedom for individual Indians to be able to decide to vote however they wanted.<sup>34</sup> Rather, Johnson emphasized the power of the ballot and how crucial it was – not simply as an individual right in itself but as a means to secure other important rights and legislation beneficial to Indians. Tribes wanted to preserve what was rightfully theirs and advance their interests, but in order to do so, Johnson thought, they had to play the white man's game.

Secondly, Johnson stated his belief – as he would again and again – in the importance of securing claims against the U.S. government. Just as later civil rights leaders would note a peculiar tendency of the United States to fight wars abroad for foreign peoples while neglecting certain groups at home, Johnson noted that, as World War II raged on, “the United States Government ought to be

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<sup>34</sup> Transcript of the National Congress of American Indians Convention held in Denver, Colorado, Nov. 15-18, 1944, pp. 44-45. NCAI Records, NCAI Conventions 1944-46, box 1, National Museum of the American Indian Archive.

brought to realize that we have a minority group in this country whose rights ought to be settled and adjudicated at the earliest possible date.”<sup>35</sup>

Johnson believed that the “underlying objective” in founding the NCAI was to provide a means for diverse Indian groups and tribes to work together in fulfilling “their destiny as independent, self-reliant citizens and not to remain as dependent retarded wards of the United States Bureau of Indian Affairs generation after generation.”<sup>36</sup> As the creation of the Indian Claims Commission neared, he reflected on the following as the reasons as to why the NCAI was so imperative:

Jurisdiction over Indians reposes in the U.S. Congress, with a federal agency to administer the laws passed by it. Indian affairs in comparison to national affairs, are small indeed. Few men in Congress have the time to make a thorough study of the needs and the desires of the Indian people. The few who do seriously study these matters are generally lost in the great storms and struggles which fall upon Congress.

The Indian Service, as the administrative agency, is not always in the best position to influence Congressional policy. There are times when this federal agency is under fire by the public or by Congress. On such occasions, the Indian Service is often partisan, and its recommendations must be viewed with skepticism by the Indians.

Thus in moments of crises Indian tribes and the Indian people are generally left without an effective champion.

The Federal Government has failed again and again in its dealings with the Indians because there has not been any leadership among the Indians, or such leadership was negative and effective only in resisting Federal policy. It should take the leading part in inquiring into needs of Indians and making those needs vocal. Such leadership would perform an invaluable service.<sup>37</sup>

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<sup>35</sup> Ibid., 45.

<sup>36</sup> Johnson, “The National Congress of American Indians,” *Chronicles of Oklahoma*, 142.

<sup>37</sup> S. Lyman Tyler, *A History of Indian Policy* (Washington, D.C.: United States Department of the Interior, Bureau of Indian Affairs, 1973), 145-46. See also Johnson, “The National Congress of American Indians,” *American Indian* 3 (Summer 1946): 2.

One of Johnson's most important jobs during the early years of his presidency was simply publicizing the then-unknown NCAI. He worked diligently to do so however he could. Upon learning that Collier was stepping down from the BIA in 1945, Johnson tried to reach out from president to president and sent Franklin Roosevelt a telegram, pressing for the appointment of a commissioner of Indian descent. Secretary of the Interior Harold Ickes ignored the request, and William Brophy, attorney for the Pueblo Indians, ultimately received appointment to the post.<sup>38</sup> Johnson also opened a legal services bureau, headed by Ruth Muskrat Bronson, intended to furnish tribes with copies of bills and reports from Congress.<sup>39</sup>

Moreover, Johnson tried to contact anyone who was willing to listen and take his new organization seriously. He often sent out personal invitations for NCAI events to powerful politicians, attorneys, and bureaucrats. It proved to be a difficult task. In the summer and fall of 1947, for example, he invited the likes of Senators Carl Hatch (then a member of the Committee on Public Lands, which Senator Hugh Butler chaired), Carl Hayden, and Dennis Chavez (a member of the Committee on Civil Service), and House Representatives Antonio Fernandez (also a member on the Committee on Public Lands) and John Murdock to the NCAI's annual convention in December. All declined, with Chavez citing the need

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<sup>38</sup> Philp, *Termination Revisited*, 2.

<sup>39</sup> John Fahey, *Saving the Reservation: Joe Garry and the Battle to be Indian* (Seattle: University of Washington Press, 2001), 19.

to attend a special session of Congress and therefore fulfill a desire to “do my full share in complying with congressional duty.”<sup>40</sup>

The excuse was typical. By 1949, the NCAI was in its fifth year of operation, had delegates representing dozens of tribes and more than 150,000 enrolled Indians, and the organization still had not had a BIA commissioner attend one of its annual conventions. That year, Commissioner John Nichols initially accepted his invitation from Johnson. But Nichols later retracted because, he said, of a request from the assistant secretary of the interior that he join a group to scout and report on “conditions” in the Pribilof Islands and other arctic stations around Alaska.<sup>41</sup>

Such frustrations reinforced in Johnson’s mind what he felt he had known all along: Indians could not depend on government leaders, bureaucrats, or officials of any kind and had to help themselves as much as they could. Still, he felt he had to try to reach out in order to make any headway at a nationally legislative level. The tally of declined invitations is important to note because, when the new BIA Commissioner Dillon S. Myer attend the seventh annual NCAI convention in 1950, Johnson and others considered the event a milestone for the organization and a major breakthrough in cooperation. It appeared they had

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<sup>40</sup> Chavez to Johnson, Nov. 15, 1947, National Museum of the American Indian, NCAI Conventions 1947-1950, Correspondence File, 1947, box 2)

<sup>41</sup> Nichols to Johnson, NCAI Records, Conventions 1947-1950, Correspondence File, box 2. The letter is undated, but evidence indicates that it was written sometime after July 21, 1949 – the day when Nichols initially accepted the invitation – and September 1949. The Native population of the islands primarily consists of Aleuts and Inuits. The December 1947 census reported 329 Aleuts, 12 Fish & Wildlife Service employees, 9 U.S. Coast Guardsmen, 3 U.S. Weather Bureau employees, and a Russian-born Orthodox priest and his wife. The Pribilof Islands have a total human population of 684, according to the 2000 U.S. Census.

finally found someone important in the BIA who would listen directly to Indians and work with them in formulating policy.

### **Indian Claims Commission**

Johnson spent most of his first year as NCAI president lobbying for the legislation to create the Indian Claims Commission.<sup>42</sup> Other Indian leaders of the era considered him and Ben Dwight, acting executive secretary for the NCAI in 1946, to be among the most important Natives in advancing what became the Indian Claims Commission Bill.<sup>43</sup> When President Truman signed the measure into law on August 13, 1946, the president, Secretary of the Interior Julius Krug, and others government officials praised the creation of the claims commission as a landmark for Indian rights. Johnson, who was present at the signing and kept one of the pens that Truman used to sign it, joined them.

He declared the Indian Claims Commission Act to be “the most important law benefiting Indians that has ever been passed.” Yet he also warned that the commission would be “worthless” if Indians did not work diligently on the “technical and difficult task” of presenting claims effectively.<sup>44</sup> For years afterward, Johnson touted the commission as the crowning achievement of the NCAI. He saw the establishment of the commission as not only something that marked the end of more than a century of oppression, but also a means for future

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<sup>42</sup> Fahey, 17.

<sup>43</sup> NCAI letter to Robert Yellowtail, April 1, 1946. NCAI Records, Conventions, 1944-1946, box 1.

<sup>44</sup> NCAI letter, N.B. Johnson ‘To All Indian Tribes,’ Aug. 13, 1946. Helen L. Peterson Papers, box 6, NCAI Conventions & Correspondence. National Museum of the American Indian Archive. In regard to Truman’s pen, see Fahey, 17.

Indian tribes to “be able to go into court just like any other citizens to make sure that their rights and property are respected and that the Government lives up to its agreements.”<sup>45</sup> Such statements so early in the era are noteworthy in assessing Johnson’s view. In particular, the usage of the phrase “just like any other citizens” became a rallying cry in an ongoing assimilationist theme used by himself and others, including advocates of outright termination.

Because of Johnson’s Indian ancestry and his background as an attorney, many people – Indians and non-Indians – thought he would make an ideal commissioner on the panel. Endorsements for his appointment to one of the commission’s three spots came to President Truman’s desk from across the country throughout the fall, winter, and spring of 1946 and 1947.<sup>46</sup> The NCAI, the National American Indian League, the American Indian Federation, the Choctaw-Chickasaw Confederation, the Cheyenne and Arapahoe Tribes, and the American Indians of Montana, among others, all drafted resolutions, made official announcements, or sent endorsements to the president that supported Johnson’s appointment to the commission. Johnson had support across party lines in the U.S. Congress as well, although it tended to be geographically limited. House Representatives John Blatnik (Democrat, Minnesota), Walter Judd (Republican, Minnesota), Harold Knutson (Republican, Minnesota), and George Schwab (Republican, Oklahoma), all sent endorsements for Johnson to Truman.

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<sup>45</sup> Johnson to all Indian tribes, Sept. 16, 1946. Peterson Papers, NCAI Conventions & Correspondence, box 6.

<sup>46</sup> The Harry S. Truman Papers at the Truman Library contain no fewer than twenty such endorsements for Johnson.

Democratic Montana Senator James E. Murray, who also endorsed Johnson, at one point estimated that “about one-third of the total Indian population of the United States is actively supporting Judge Johnson for this appointment.”<sup>47</sup>

A notable and outspoken exception was Adam Castillo, president of the Mission Indian Federation of California. Also a former member of the AIF, Castillo urged the president to not appoint Johnson for seemingly contradictory reasons that illustrate the great diversity of views among Indians at the time. Castillo, who supported many basic tenets of assimilation, blasted Johnson for supporting the 1940 Settlement Bill. Mocking the bill and its variants as “Indian Ham & Egg Bills,” Castillo described them to Truman as “vicious and actually supported only by a handful of Indians.”<sup>48</sup> Yet Castillo also warned the president of Johnson’s participation in the NCAI and described the organization as a mechanism for “the Messiah” John Collier to “take over practical control of not only the Indians of the United States, but to reach out and take in all the native people of South American and Central America and also those of Mexico.” Finally, Castillo accused Johnson of trying to lobby Congress for funding for Collier’s programs and described the NCAI and other “Collier controlled Indian groups” as organized “for selfish and unworthy purposes.” Castillo warned of the NCAI’s political strength despite its small numbers in proportion to the Indian population and

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<sup>47</sup> Murray to Truman, 17 December 1946. Harry S. Truman Papers, Official File, File 6AA: Indian Claims Commission, Box 75, Harry S. Truman Library.

<sup>48</sup> Castillo to Truman, Feb. 15, 1947. Harry S. Truman Papers, Official File, box 75.

described the organization as an entity created by BIA Indians who sought only to perpetuate the policies of John Collier.<sup>49</sup>

Ultimately, Castillo and other detractors of Johnson need not have worried. Because of the highly political nature surrounding Indian policy during the era, Johnson almost certainly never had a chance. The creation of the commission also came early in Truman's administration, when the new president was still especially prone to lean on the advice and influence of friends he had made in the Senate. Truman, never above being loyal or even clannish, took old friend and House Speaker Sam Rayburn's advice in appointing attorney Edgar Witt, a Texas Democrat who had chaired the Mexican Claims Commission. Truman also acted on Nebraska Republican Senator Hugh Butler's recommendation to appoint William McKinley Holt, a Lincoln, Nebraska, attorney, largely along political lines because the commission required a Republican. The other Truman choice was Louis O'Marr, attorney general of Wyoming.<sup>50</sup>

Although somewhat disappointed with the selection of commissioners, Johnson remained hopeful of their ability to make just decisions on claims. To him, the major hurdle had been passed in the creation of a commission through which tribes "could be awarded compensation for lands that were wrongfully taken from them in past years."<sup>51</sup> Even though Johnson had not become a member of the commission, there was serious discussion during the spring of

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<sup>49</sup> Ibid.

<sup>50</sup> Philp, *Termination Revisited*, 29.

<sup>51</sup> Johnson to all Indian tribes, Sept. 16, 1946.

1948 about his prospects to become the new commissioner of the Bureau of Indian Affairs. Again receiving widespread endorsements, from Indians and Oklahomans in particular, he interviewed for the position with Secretary of the Interior Julius Krug. Oklahoma Senator Elmer Thomas and Representative W.G. Stigler both touted Johnson's qualifications as well as the fact that their state was the home to a third of the entire Indian population in the United States.<sup>52</sup> At the same time, Johnson also had begun considering a run for the Oklahoma Supreme Court. To him, the commissionership of the BIA took precedent as a once-in-a-lifetime opportunity. After Krug eliminated him from consideration, Johnson focused his energies on the court, to which he won election in November 1948 with some seventy percent of the vote.<sup>53</sup> His time with the NCAI was in decline from this time on. He dedicated less time to Indian affairs, although he remained an active and prominent voice.<sup>54</sup>

### **Toward termination**

With the Indian Claims Commission in place, Indian affairs increasingly turned toward questions concerning the downsizing of the BIA and the eradication of federal wardship. Words like "liquidation," "elimination," "abolition," and "emancipation" became ever more common rhetoric. In retrospect, it is clear that by then the United States undeniably had started down the road to termination. Indeed, historians have asserted that the claims commission itself

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<sup>52</sup> Stigler to Wheeler Mayo, April 7, 1948, and Elmer Thomas to Mayo, April 5, 1948. N.B. Johnson Collection, box 2.

<sup>53</sup> "Johnson Swamps GOP Court Rival By 170,000 Votes," *Claremore Messenger*, Nov. 3, 1948.

<sup>54</sup> Fahey, 21.

became an agent of the policy.<sup>55</sup> Other events of the late 1940s also pointed the nation toward termination.

Like the Claims Commission, the Zimmerman Plan of February 1947 called for a drastic reduction of government intervention in Indian affairs. With BIA Commissioner Brophy ill, Assistant Commissioner William Zimmerman took charge of the bureau and at the request of Congress divided tribes into three categories based on his assessment of how ready they were for withdrawal from federal trust status. The plan eventually became the basis for how the government decided which tribes and bands it would terminate in the 1950s and 1960s.<sup>56</sup> Furthermore, the Commission on Organization of the Executive Branch of Government – commonly known as the Hoover Commission and chaired by former President Herbert Hoover – made recommendations on improving efficiency of federal services. The commission called for a stronger assimilationist Indian policy, highlighted by the downsizing and eventual disbanding of the BIA and the gradual transfer of Indian programs to state responsibility.<sup>57</sup> All the while, measures in Congress began to foreshadow the all-out assault for termination that was about to come. During the late 1940s, politicians such as Nebraska Senator Hugh Butler were busy trying to transfer jurisdiction from tribes to the state of New York and the territory of Alaska and

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<sup>55</sup> John R. Wunder, *Retained by the People: A History of American Indians and the Bill of Rights* (New York: Oxford University Press, 1994), 97.

<sup>56</sup> Fixico, 33.

<sup>57</sup> Philp, "Termination: A Legacy of the Indian New Deal," *Western Historical Quarterly* (April 1983): 167.

were sponsoring termination-like legislation intended to distribute claims awards on a per capita basis in California.

With the establishment of the Claims Commission and the rise of his own political star, Johnson himself began making some of his strongest public statements calling for assimilation. His language often reflected the tone used by the Hoover Commission, Zimmerman, and members of Congress. For example, using remarks that he would make repeatedly, Johnson laid out many of his central ideas at the start of the 1947 NCAI Convention in Santa Fe:

We advocate the assimilation of the Indians into the general citizenship wherever and whenever such course is feasible. We believe that the time is here for the establishment of a planned program for the progressive liquidation of the United States Indian Service. ...

With the final settlement of all pending Indian claims through the instrumentality of the Claims Commission Act, as contemplated by such law, the goal we seek should be nearer realization – the day when the Indian will have passed out of our National life as a romantic hero of fiction and will have become a useful and self-supporting member of society, not only enjoying all the blessings, rights, and privileges of American Citizenship, but assuming and discharging its corresponding duties and obligations as well.<sup>58</sup>

Johnson tried to clarify his position by stating that he and other NCAI members understood there to be a “pressing need for the continuation, for the time being, of certain special services, such as education, health, and welfare – on the part of the Federal Government for and on behalf of the Indians.”<sup>59</sup> He used the word “we” seven times in the address, which made the situation sound

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<sup>58</sup> Johnson, foreword to the proceedings, 1947 NCAI Convention, Dec. 4-6. NCAI Records, Conventions, 1947-50, box 2.

<sup>59</sup> N.B. Johnson, Foreword, Proceedings, NCAI Convention, Dec. 4-6, 1947, Santa Fe, New Mexico. NCAI Records, Conventions, 1947-50, box 2. Quotes from this address by Johnson made it into Western newspapers, such as the *Rocky Mountain News*, throughout the following year.

as though there were unanimity among Indians and the NCAI in particular. In truth, there was considerable disparity among the ranks of the organization. Josephine Gates Kelly of the Standing Rock Indian Reservation in North Dakota, agreed with Johnson: "I think our claims should be settled and then we can be turned loose."<sup>60</sup> But Omaha Tribal Chairman Amos Lamson pleaded for patience in determining how and when each tribe should undergo which policies. He made it known that his tribe was still trying to work out terms under the IRA and thus were not yet ready for "so-called emancipation," a term he resented.<sup>61</sup> James Curry, head legal counsel for the NCAI, warned members to be wary of the claims commission and to "not let any more of their land slip out of their hands."<sup>62</sup>

After 1948, with the promotion of the Marshall Plan, through which the United States poured \$15 billion in economic aid to rebuild Europe and alleviate poverty-like conditions overseas, Johnson was at the forefront of those who pointed out the fundamental hypocrisy of helping people abroad while allowing Indians at home to continue living in isolated pockets of poverty. Johnson believed it was the mission of the NCAI to publicize the plight of Indians to the mainstream United States. He was convinced that, once the public knew of the terrible conditions in which so many Indians lived, public opinion would demand necessary legislative efforts to improve Native standards of living. "It is not to the credit or best interest of any nation to have within its borders a large segment of

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<sup>60</sup> Proceedings, NCAI Convention, Dec.4-6, 1947, p. 18.

<sup>61</sup> Ibid., p. 21.

<sup>62</sup> Ibid., p. 10.

people living below the standards of health, sanitation and education of other citizens,” Johnson wrote.<sup>63</sup>

Johnson did support some reservation legislation, such as the Navajo-Hopi Rehabilitation Act of 1950, which designated \$90 million over ten years to help reduce poverty and build reservation infrastructure in New Mexico and Arizona. But in his opinion, Indians living in such places would benefit most by having the chance to integrate. He noted that some Indians by the early 1950s continued to live “much in the same manner as they lived 200 or 300 years ago and are still using the primitive methods of making a living.”<sup>64</sup> He disdained the “isolated rural communities” which, because of historical circumstances (including inadequate natural resources and substandard healthcare, education, and economic opportunity) remained “sub-marginal socially and economically and have been prevented from becoming assimilated into the social and economic life of the Nation.”<sup>65</sup>

Although dividing his time between the NCAI and the Oklahoma Supreme Court after 1948, Johnson also founded and supported new organizations that he thought could work with diverse groups of people in order to end wardship, gradually eliminate the BIA, and secure Indian rights already guaranteed to other U.S. citizens. For example, he began working with Will Rogers, Jr., his old Cherokee friend and son of the famous humorist, to create a new group

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<sup>63</sup> Johnson, “The National Congress of American Indians,” *Chronicles of Oklahoma*, 145.

<sup>64</sup> *Ibid.*, 144.

<sup>65</sup> *Ibid.*, 144.

branching from NCAI with the aim of raising money and creating a national campaign to liberate impoverished Indians from second-class citizenship. The result was ARROW (American Restitution and Rightings of Old Wrongs), with headquarters in New York, Los Angeles, and Washington, D.C.<sup>66</sup>

Furthermore, he worked with the Governors' Interstate Indian Council (GIIC), established in March 1950 to create a dialogue between states with large Indian populations. The intent was to find ways to transfer bureau services to state agencies, promote individual Indian self-reliance, provide adequate off-reservation housing, create permanent jobs away from reservations, and so forth. Most of the governors belonging to the organization supported new BIA Commissioner Dillon S. Myer and demanded timetables to end federal wardship and turn management of tribal property over to state-chartered corporations. Johnson was one of several NCAI members – including Edwin Rogers, Chippewa, and Frank George, Nez Perce – who participated in GIIC meetings. Johnson himself served on the GIIC Law and Order Committee and often spoke at council meetings, echoing Myer's words by proposing the bureau's gradual abolition.<sup>67</sup>

Johnson and Will Rogers, Jr. were among those NCAI members who initially hailed Myer's appointment as commissioner that same spring. Rogers had lobbied for Myer's appointment for more than a year. He cited the commissioner's past experience as the head of the War Relocation Authority, in

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<sup>66</sup> Philp, *Termination Revisited*, 86-87.

<sup>67</sup> *Ibid.*, 95.

which Myer had supervised Japanese removal and resettlement during World War II. The job had demonstrated Myer's efficiency, something the BIA had lacked for years, Rogers said. Importantly, Myer also pressured Congress for a Japanese claims bill, "rather similar to the Indian claims bill." Such a "courageous gesture" had shown "sympathy for the underdog" and was just "one of the many stands he takes against reactionary interests," said Rogers, who predicted that Myer "would be an asset to our Indian cause."<sup>68</sup> Johnson hoped that Myer's experience with minority groups would foretell a willingness to work closely with Indians in formulating long-range policies.<sup>69</sup> The NCAI president became especially hopeful when Myer attended the organization's annual convention that year.

Despite the early hope, within months Myer's reign as commissioner alienated Indians and revealed itself to be a disaster. Even before his appointment, Myer from the outset saw that his primary goal as the new commissioner essentially was to use all possible discretion in putting the BIA "out of business as quickly as possible."<sup>70</sup> He went on to emerge as one of the primary villains of the termination era and even earned the label as the chief architect of termination. He originally had some support from those Indian tribes and organizations who advocated a policy of federal withdrawal in some form in

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<sup>68</sup> Address by Will Rogers Jr., Proceedings, NCAI Convention, Dec. 16, 1948, p. 44. NCAI Records, Conventions, 1947-1950, box 2.

<sup>69</sup> Johnson, proposed letter to Secretary of the Interior Oscar Chapman, undated. NCAI Records, Bureau of Indian Affairs, box 1. Johnson apparently wrote this letter shortly after the announcement of Myer's appointment on March 20, 1953.

<sup>70</sup> Dillon S. Myer to Secretary of the Interior, March 20, 1953. Government Agencies File, box 2, Truman Library.

order to alleviate IRA failures and gain freedom from the federal government's colonialist policy. He conflicted with many Indians, however, when he thought it best for them to give up their rights to special social services and tax-exempt lands. Myer accumulated many opponents among Indians and Indian supporters, especially with his attempt in late 1950 to change rules for contracts between attorneys and tribes. He tried to make the claim that shady attorneys were taking advantage of tribes, charging them exorbitant sums, and engaging in frivolous lawsuits. But tribal leaders knew that they needed legal expertise to stave off attacks on their rights and land bases, many of which became associated with termination. John Rainer, Taos Pueblo member of the NCAI, accused Myer of "attempting to dictate to the Indian people what attorneys they may hire . . . or whether they shall be permitted to have any attorneys at all."<sup>71</sup> Myer furthermore sought for tribes to relieve themselves of their treaties and special relationship with the federal government, which he saw as a hindrance to their social advancement. He thus earned a controversial if not hated place in the annals of federal Indian policy history.<sup>72</sup>

Even Johnson, despite his support for many of Myer's basic goals, came to detest the commissioner's tactics and disregard for tribal sovereignty and input. For all his assimilationist philosophy, Johnson was still among a group of Indian leaders – including Ruth Muskrat Bronson, Frank George, John Rainer,

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<sup>71</sup> Fahey, 25.

<sup>72</sup> Philp, "Dillon S. Myer and the Advent of Termination: 1950-1953," *Western Historical Quarterly* (Jan. 1988): 59.

and Avery Winnemucca – who emphasized the federal trust, tax-exempt land, and tribal courts as vested legal rights. He also insisted as the others did that Congress obtain Indian consent before it passed legislation that potentially threatened tribal property rights, permitted state jurisdiction in Indian country, or authorized federal withdrawal.<sup>73</sup>

Myer and Johnson often made statements that mirrored each other's rhetoric. Johnson, after all, disliked even the thought of BIA authority over tribes and fundamentally viewed the entire federal system of wardship as something into which Indians had been "conquered and forced."<sup>74</sup> But there were key differences in how they saw the situation. Foremost was the issue of tribal consent. Johnson, while personally favoring long-term assimilation, respected tribal sovereignty and the right of individual tribes to live within the federal trust and work with the federal government however they saw fit. Pacing was another issue that separated the two men. When Johnson spoke of a tribe freeing itself from federal supervision as rapidly as possible, he meant doing so when the tribe had assessed that it was ready to do so, or at the very least when it had given input and had some say in its readiness. Conversely, when Myer spoke of removing federal services for a tribe, it meant the federal government had determined that the tribe was ready. Myer made the assumption that many tribes, being incapable of accurately assessing themselves for withdrawal and having grown comfortable in their dependence on federal services, would never willingly

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<sup>73</sup> Philp, *Termination Revisited*, 173.

<sup>74</sup> Johnson, "The National Congress of American Indians," *Chronicles of Oklahoma*, 142.

give up access to special status and BIA supervision no matter how ready they actually were.

As lingering questions about what termination really meant evaporated, Johnson adhered to his assimilationist vision but advised against attempting it too quickly. Warning “uninformed and misinformed” members of Congress about supporting legislation that called for the immediate abolition of the BIA, Johnson insisted that much work remained before the bureau could be eliminated reasonably, and that to try to do so too early would be a “tragic mistake” for many tribes who were not ready.<sup>75</sup> Johnson instead called for a “planned program,” designed in cooperation between tribes, Congress, and the BIA, that would create a “progressive liquidation” of Indian services.<sup>76</sup> As he saw it, tribes in Oklahoma, Minnesota, California, and Washington were among the best prepared and could lead the way. Whatever the plan, Johnson reiterated that he wanted it to be one that eventually would lead Natives “down the road to independence and complete absorption into the general citizenship.” He added, as he often did, “The American Indian wants first of all to be an American citizen like other American citizens.”<sup>77</sup> Well aware of the history of relations between Natives and the United States, Johnson felt that the best way to end old wrongs was to help Natives eventually find a place in modern American communities.

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<sup>75</sup> Ibid., 147.

<sup>76</sup> Ibid., 147.

<sup>77</sup> Ibid., 148.

Historians of the era have written little about why Johnson left the NCAI. In some ways, it was just time for him and the organization to move on from each other. Charles Trimble, NCAI executive director for the NCAI in the 1970s, has suggested that Johnson's time as president had simply run its course by 1953.<sup>78</sup> The Oklahoma Supreme Court demanded more and more of Johnson's time, and the NCAI needed fresh, aggressive leadership to confront the threat of termination that by then was officially underway.

More pointedly, though, as the early 1950s progressed, changes were in the air for the NCAI – changes that reflected the severity of the threats of federal policy and the need for new means to oppose them. Evidence mounted that Johnson's view of the situation lacked the counterpunch necessary to combat termination and the political leaders who relentlessly pushed the policy. Because of his powerful reputation, direct challenges or rebukes to him from NCAI members were rare. But there were grumbings. James Curry, attorney for the NCAI, warned Johnson of growing complaints among the membership that the organization was “controlled by (a) a small clique of its present officers and (b) by ‘stooges of the Indian Bureau.’”<sup>79</sup>

Just as the threat of termination crescendoed, Johnson effectively resigned his presidency. In a press release announcing the election of W.W. Short to replace Johnson in 1953, the NCAI also announced its passage of a resolution opposing the appointment of Myer for “any public office henceforth for

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<sup>78</sup> Charles Trimble, interview with the author, October 30, 2009.

<sup>79</sup> James Curry, memo to N.B. Johnson, July 28, 1952. NCAI Conventions, 1950-53, box 3.

the reason that the ‘the present Commissioner of Indian Affairs has proven himself to be entirely unfit for public office.’”<sup>80</sup> The NCAI further demanded that the withdrawal program of the BIA itself be eliminated and that the incoming Eisenhower administration provide for “full and complete discussion and consultation with the tribes affected and that there be no withdrawal of federal trusteeship without the full consent and cooperation of the individual Indian tribes concerned.”<sup>81</sup>

The election of W.W. Short, a successful Oklahoma businessmen and president of the Choctaw and Chickasaw Confederation, was received with some skepticism, particularly by the Northwest membership of the NCAI. To them, just as the power of the organization appeared to be shifting into their hands, Short represented the status quo: “white” Indians, “big city professional Indians” – which meant the likes of Johnson, Bronson, D’Arcy McNickle, and Elizabeth Roe Cloud, all founding members of the NCAI. Frank George, a Nez Perce, feared Short’s election as a betrayal of grass-roots reservation Indians.<sup>82</sup> In time, according to Helen Peterson, Short’s ability to reach out to reservation Indians at a crucial time during his brief tenure became noted as one of his most important contributions.<sup>83</sup>

Nearly sixty-three years old when he left the NCAI presidency, Johnson continued an interest in Indian affairs and remained in touch with the

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<sup>80</sup> NCAI press release, Nov. 15, 1953. NCAI Records, Conventions, 1950-53, General Matters File, box 3.

<sup>81</sup> Ibid.

<sup>82</sup> Fahey, 28.

<sup>83</sup> Cowger, 111.

organization. But from then on, he largely functioned in the role of an emeritus and consultant. At its 1954 convention, the NCAI celebrated its tenth anniversary by honoring its founding members. According to Peterson, the convention paid tribute to “especially Johnson,” whose “leadership is largely responsible for the fine start which the NCAI has and the promising future now before the organization to do truly effective work on behalf of Indians.”<sup>84</sup>

### **Summary**

Following his presidency with the NCAI, Johnson for a time served as the president of the Inter-Tribal Council of Oklahoma’s Five Tribes. In October 1954 – more than one year after Congress had passed HCR 108 – the council passed a resolution opposing termination without tribal concurrence and yet endorsing “progressive development toward the goal of full cultural assimilation and integration.”<sup>85</sup> The resolution essentially summarized Johnson’s personal position.

Ultimately, Johnson’s view illustrates the era’s fine line between self-determination and termination. From his perspective, he espoused a kind of self-determination (although in his writings he rarely if ever used the term “self-determination”) that would allow tribes to take control of their own destinies and free themselves from federal paternalism. Yet his basic advocacy for assimilation, call for claims settlement, desire for the BIA’s abolition, and

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<sup>84</sup> Peterson to Johnston Murray, Governor of Oklahoma, July 26, 1954. NCAI Records, Conventions, 1953-54, General Correspondence File, box 4.

<sup>85</sup> Resolution No. 3 of the Inter-Tribal Council of the Five Civilized Tribes, October 13, 1954. NCAI Records, Conventions, 1953-54, box 4.

continual rhetoric for Indians to be treated “just like any other citizen” all did little to defend against the onset of termination and in some ways encouraged it. Johnson was among those Indian leaders – including Joseph Bruner, Adam Castillo, Reginald O. Curry, Elwood A. Towner, Wade Crawford, and others – who jettisoned IRA alternatives to assimilation. For them, termination offered a chance to achieve a claims settlement and a per capita distribution of tribal assets that would be free from control of patronizing federal bureaucrats.<sup>86</sup>

Johnson was not someone who supported termination without exception. Rather, he was at heart an assimilationist. He therefore found himself advocating many of the principle ideas behind termination – particularly putting an end to having any supervisory federal body overseeing Indian tribes. He only voiced clear opposition once termination had become official policy of Congress in 1953 and then largely on the ground that the kind of policy endorsed by legislators ignored the issue of tribal consent. Even then, he was not as outspoken as many other Native leaders or non-Indian supporters of Indian rights. Two years after the passage of HCR 108, Johnson wrote to Peterson: “It is apparently the attitude of Congress and the Indian Bureau to speedily terminate Federal responsibility of the Indians and their property and hasten detribalization. For some, this would be very detrimental.”<sup>87</sup> While such a statement showed Johnson’s concern over what termination had become, it was hardly any more

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<sup>86</sup> Philp, *Termination Revisited*, 171.

<sup>87</sup> Johnson to Helen Peterson, Aug. 29, 1955. NCAI Records, Correspondence, Box 66, Folder: Judge N.B. Johnson (President, NCAI), 1952-1960.

aggressive than what he had said years before. Long after his tenure with the NCAI, he still rarely issued forceful statements in opposition to the policy, especially when compared to other Native leaders of the era.

Unlike absolutist supporters of termination, who demanded its implementation whenever and wherever possible, Johnson came to recognize the need for the continuation of many services – health, education, and welfare, depending on the tribe in question – by the BIA. Yet he also believed that federal and state governments should consolidate services “wherever feasible and practical, and place such services under the supervision and control of the State.” He argued that doing so would result in more efficient administration. By 1952, near the end of his time as NCAI president, he noted that he felt encouraged that the BIA had begun moving toward contracts for states to take over and administer education and health services.<sup>88</sup>

Over time Myer, terminationist legislators, and their actions attracted a diverse opposition. Native leaders like Rainer and Peterson, tribal attorneys such as Felix Cohen and James Curry, and others such as Association of American Indian Affairs President Oliver La Farge all became harsh critics. And yet, while the NCAI emerged as a nemesis for the commissioner as its membership fought for their tribal existence, it is with some irony that its first president did not gain a lasting reputation as a terrific champion for Indian rights against termination. Like the AIF to which he once belonged, Johnson thus left a mixed and complex

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<sup>88</sup> Johnson, “The National Congress of American Indians,” *Chronicles of Oklahoma*, 146-47.

legacy. For all his stature and importance, he was not a prominent fighter against termination. Perhaps his greatest legacy is as a founder of the NCAI, which provided a platform for Natives such as Helen Peterson to resist termination.

### **CHAPTER 3: HELEN LOUISE PETERSON**

“We had little understanding of what termination really meant, except that it struck terror into the hearts of people.”<sup>1</sup>

One year before Napoleon Bonaparte Johnson and the other delegates founded the National Congress of American Indians at Denver’s Cosmopolitan Hotel, the same facility had hosted another group dedicated to improving minority rights. On October 1 and 2, 1943, the Rocky Mountain Council on Inter-American Affairs convened there to improve relations between the United States and Latin America as part of President Franklin Roosevelt’s wartime Good Neighbor policy. The council, which oversaw activities in New Mexico, Wyoming, Utah, and Colorado for the U.S. Coordinator of Inter-American Affairs, sought to welcome Latin American visitors and immigrants and help U.S. citizens of Latin American descent by providing them with a variety of social tools and resources. In effect, the council served as a liaison to connect Latin Americans to the region’s business, local government, music, fine art, recreation, social work, public school system, higher education, health care, and media.<sup>2</sup>

Unlike the NCAI’s first gathering at the Cosmopolitan, the Rocky Mountain Council’s convention there the previous year in 1943 was not a seminal moment. There were no sweeping resolutions, no giant forward leaps in race relations.

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<sup>1</sup> Helen Louise Peterson, in Kenneth Philp, ed., *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (Logan, Utah: Utah State University Press, 1995), 169.

<sup>2</sup> Minutes of the Fall Meeting of the Executive Committee of the Rocky Mountain Council of Inter-American Affairs, Cosmopolitan Hotel, Denver, Colorado, October 1-2, 1943, p. 2, in Helen Peterson Papers, box 1 (subset 95-36), National Museum of the American Indian Archives, Suitland, Maryland.

Rather, it was a typical event for the organization during the war. Among the council's rising stars in attendance at virtually all such events was its executive secretary, twenty-eight-year-old Helen Louise Peterson, an enrolled Oglala Lakota who had answered a request to help improve the living conditions of Denver's Latin American population. Peterson's work in the city was the start of a long and distinguished service career dedicated to improving minority civil rights and combating discrimination. As indefatigable as she was intelligent, the resourceful Peterson spent the decade helping develop model urban programs for minorities. Her efforts to improve the lives of Latin Americans preceded her efforts to do the same for American Indians and prepared her for the executive directorship of the NCAI that she held beginning in 1953.

Reflecting decades later, Peterson admitted that, when she first joined the NCAI in 1948, she knew little about federal Indian policy at large and even less about the burgeoning threat of termination in particular.<sup>3</sup> She proved a fast learner, for several reasons. She was highly intelligent. She was extremely motivated. Just as importantly, her background had prepared her better than she knew at the time. Such qualities allowed her to grasp the nature and magnitude of the struggle, and what it would take to win it. Drawing on her personal history, experience, education, and intuition, Peterson found the sensitivity and foresight necessary to see the most dangerous elements of termination for what they

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<sup>3</sup> Peterson, interview with Kathryn McKay and John Painter, August 19, 1983, p. 1, Peterson Papers, box 1 (95-36).

were, and in a short time she transformed herself into one of the policy's most capable and indispensable foes.

### **Beginnings**

Peterson, of partial Northern Cheyenne descent, was an enrolled Oglala who grew up on the Pine Ridge Reservation in South Dakota. She was born there in a log house in Bennett County on August 3, 1915. Her given name was "Wa-Cinn-Ya-Win-Pi-Mi," meaning "A Woman to Trust and Depend On."<sup>4</sup> Of especial influence in Peterson's early life was her grandmother Lucille Mae White. White was a niece of Black Kettle, the renowned Cheyenne chief who survived the Sand Creek Massacre in 1864 only to meet his end in the infamous attack by Lieutenant Colonel George Armstrong Custer's Seventh Cavalry at Washita River in 1868.<sup>5</sup> It was her grandmother more than anyone else who instilled Peterson with a permanent sense of tribal history and culture. But White also urged her granddaughter to earn an education in the white school system. "My grandmother who said she couldn't read or write used to say that she wanted me to learn to read and write and talk good and that someday we would

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<sup>4</sup> Thomas W. Cowger, *The National Congress of American Indians* (Lincoln: University of Nebraska Press, 1999), 110.

<sup>5</sup> Owanah Anderson, Helen Peterson biography section of nomination form for the 1984 Wonder Woman Awards. Peterson Papers, box 1 (95-36). Anderson was a personal friend of Peterson. See also Jeanne Varnell, *Women of Consequence: The Colorado Women's Hall of Fame* (Boulder: Johnson Books, 1999), 178. Although most accounts describe Peterson as being of Northern Cheyenne descent, it should be noted that Black Kettle was Southern Cheyenne. Although a connection between Peterson's grandmother and Black Kettle is mentioned by various sources, the author is unaware of any published source that explains the relationship within the context of Cheyenne kinship terminology or the socio-familial dynamic between Southern and Northern Cheyennes.

work amongst our own people,” Peterson recalled. “I was encouraged to do well in school, and did.”<sup>6</sup>

After receiving home schooling from her mother for a year, Peterson entered elementary school at Merriman, Nebraska, about five miles from the South Dakota border. She attended and graduated from high school at age sixteen in Hay Springs, Nebraska, sixty miles west of Merriman. Her family was associated with the area’s Episcopal Church, of which the well-known Yankton activist Vine Deloria, Sr., had become an ordained deacon just as she was finishing high school. It was Deloria, Sr., who fifty years later proclaimed Peterson “the ‘Deborah’ of the American Indian people . . . truly a great warrior, an important leader.”<sup>7</sup>

During her formative years, she noted, there were three kinds of people in her world: Indians, whites, and mixed bloods, and “somehow mixed bloods didn’t quite always have total approval of the full blood community or the white community.”<sup>8</sup> As her life moved along and she spread out past her family’s allotment to attend white schools in mostly white communities, she experienced sharp prejudices for the first time. “Once you are discriminated against,” Peterson

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<sup>6</sup> Peterson, interview with Kathryn McKay, August 18, 1983, p. 3. Peterson Papers, box 1 (95-36).

<sup>7</sup> Vine Deloria Sr., speech at the Native American Youth Conference, Denver, 1982. Noted by Owanah Anderson, biography section of The Wonder Woman Awards Nomination form, 1984. Also in Varnell, 178.

<sup>8</sup> Peterson, first interview with McKay, 3.

said during her tenure as NCAI executive director, “you fear it can happen again. You are always on guard.”<sup>9</sup>

Upon starting at Chadron State Teachers College in Nebraska in 1932, Peterson felt out of place and self-conscious. Thinking herself socially awkward, she discovered the college Greek life phenomenon of rush week and felt certain that no sorority would want to have anything to do with her. When sororities did come calling, the reticent Peterson tried to explain her Native heritage. “How wonderful!” was the exclaimed response. A pleasantly surprised Peterson took note, for it was the first time she could remember anyone who had described being Indian as “wonderful.”<sup>10</sup>

From there, Peterson began a lifelong pursuit of higher education. By 1949, during her first full year in the NCAI, she had taken courses at Chadron, the University of Northern Colorado, and the University of Denver Law School. At the height of the Great Depression in 1934, she had to drop out of Chadron because of “difficult times.” She needed money and by 1936 managed to find a job as a clerk-stenographer and office manager with the newly organized Resettlement Administration (RA) of the U.S. Department of Agriculture. Eventually consolidated with the Farm Security Administration, the RA helped relocate struggling families, both urban and rural, into federally planned communities. At the time, she was in such desperation to find work that she did

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<sup>9</sup> Kimmis Hendrick, “Indian Goals Keyed to American Welfare,” *Christian Science Monitor*, December 31, 1959.

<sup>10</sup> *Ibid.*

not even take notice that the administration was a New Deal program. “It was work and people had very little money, and there were not many jobs, and I was very grateful for a challenging, good job,” she remembered.<sup>11</sup> Peterson and her family believed deeply in the New Deal from the start. “Franklin Roosevelt could appeal to all kinds of people,” she said. But for herself at the time, she was simply trying to make ends meet. “It wasn’t until much later that I learned about political parties and how government works.”<sup>12</sup>

Nonetheless, the job was her start in a career of helping different groups obtain the means to adapt to changing environments or difficult circumstances. Importantly, the RA had cultivated her office and organization skills that became invaluable during her time with the Rocky Mountain Council and the NCAI. During the late 1930s, she worked a number of jobs, at one time keeping books for a lumber yard, and thus gained both public and private business experience. She also sometimes earned extra money on the side by teaching piano lessons.<sup>13</sup> By the end of the Depression, she worked as a secretary at the Colorado State Teacher’s College in Greeley (today University of Northern Colorado), where she also enrolled to take courses in education, Spanish, and Latin American history and culture.<sup>14</sup>

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<sup>11</sup> Peterson, interview with McKay, 2.

<sup>12</sup> Ibid., 2.

<sup>13</sup> Anderson.

<sup>14</sup> Ibid., 4. See also Resumé, Dr. Helen Louise White Peterson, 1987. Peterson Papers, box 1 (95-36).

### **Human relations in Denver**

During these early years, Peterson married Robert F. Peterson and gave birth to a son. Her husband served in the U.S. military during World War II. She later divorced and spoke little publicly of her husband but kept the Peterson name and often preferred to be called “Mrs.” While living with her son and mother in Greeley in 1942, she received an offer from Ben Cherrington of the University of Denver to work for the new Rocky Mountain Council of Inter-American Affairs and help start the local Latin American Center program.<sup>15</sup> Founded in late 1941, the council was the offspring of Cherrington’s Social Science Foundation at the University of Denver, which coordinated interests of the Rocky Mountain region’s civic clubs, educational institutions, libraries, art museums, music societies, and women’s organizations.<sup>16</sup>

The council used grant money and operated as a branch of the Office of the Coordinator of Inter-American Affairs, a federal agency that promoted commercial, economic, and cultural cooperation in the Western hemisphere during World War II.<sup>17</sup> Led by Nelson Rockefeller, the office originally was a fundamental part of President Roosevelt’s Good Neighbor policy that attempted to counter German, Japanese and Italian war propaganda. Roosevelt, Rockefeller, and other leaders feared that Latin American nations could succumb to fascist messages that urged rebellion against U.S. imperialism. Rockefeller’s

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<sup>15</sup> Varnell, 179.

<sup>16</sup> Rocky Mountain Council on Inter-American Affairs, Annual Report, Year ending June 30, 1943, p. 1.

<sup>17</sup> Ibid.

office warned that “the United States was portrayed as a land of gangsters, strikers, unemployed and Bolsheviks,” and that fascist propaganda promised Latin Americans independence in return for cooperation with the Axis powers.<sup>18</sup>

By 1942, Rockefeller’s office had a budget of \$38 million, and by 1943 it fielded 1,500 employees.<sup>19</sup> It geared many of its operations towards countering Axis publicity and tried to bolster the image of the United States among Latin American countries. It also attempted to boost domestic relations for Latin groups entering the United States. It encouraged “inter-American solidarity” through the exchange of students and leaders “in various intellectual and artistic fields . . . towards greater mutual understanding among the American Republics.” And it notably espoused “the Good Neighbor policy at home in respect to Spanish speaking minority groups in the United States.”<sup>20</sup>

Peterson joined the Rocky Mountain Council and became its executive secretary, with Cherrington its chairman. The opportunity not only opened her to a broad new field of service to other racial and ethnic groups, but importantly it also allowed her a detached standpoint from which to assess human needs. It gave her a means to observe discrimination a new way, even for her as an American Indian woman. She had seen and experienced discrimination firsthand on the Pine Ridge Reservation and its surrounding communities. But now to

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<sup>18</sup> *The Inter-American Movement: An Outline*. Office of the Coordinator of Inter-American Affairs, Washington D.C. December 1, 1942, p. 8. Peterson Papers, box 14 (subset 96-36).

<sup>19</sup> Gerald K. Haines, “Under the Eagle’s Wing: The Franklin Roosevelt Administration Forges an American Hemisphere,” *Diplomatic History* 1 (Fall 1977): 388.

<sup>20</sup> Rocky Mountain Council, Annual Report, Year ending June 30, 1943, p. 13-14. Peterson Papers, box 14 (96-36).

witness it happen to other minorities and in an urban environment had a profound effect on her. “I could be objective as I would not have been had it concerned my own people,” she said of her time in Denver with the council. “I learned the cause of prejudice and the effects of prejudice.”<sup>21</sup>

She especially credited the leadership of two men in influencing her and introducing her to minority affairs and local political processes: Enrique “Hank” Lopez and Bernard Valdez. Lopez, a World War II veteran who had grown up with working class roots in Denver, introduced Peterson to Valdez, who supervised local Mexican-American labor programs. Lopez and Valdez taught Peterson the power of the vote. Armed with information and education, masses of underprivileged and poor could fight back against discrimination and achieve political power through numbers, she learned.<sup>22</sup> With the support from Rockefeller’s office, Peterson and other leaders became effective community organizers and registered voters, often going door to door. They gradually moved from the Latino to the African American and then to the Japanese American communities of Denver.

As the decade progressed, their efforts led to the elections of some of the first minorities to the city council and other civic bodies in Denver’s history. Peterson’s advance into social services took a major step with Denver’s election of thirty-five-year-old Mayor Quigg Newton, who took office in 1947 vowing to end the city’s segregation of public facilities. Using studies conducted by the Anti-

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<sup>21</sup> Hendrick.

<sup>22</sup> Peterson, interview with McKay, 5.

Defamation League, St. John's Episcopal Cathedral, and other civic groups, Newton established the Mayor's Committee on Human Relations, of which Peterson became director. Newton appointed her directly because of her track record of success in already having helped increase minority employment for the city.<sup>23</sup> She increased her effectiveness in the new position. With a staff of one part-time employee, Peterson worked with minorities to pass state laws for fair employment, and, in large part because of her efforts, the city passed one of the nation's first urban fair housing laws in the United States.<sup>24</sup> Continuing her door-to-door efforts to encourage minority voting, she covered twenty-seven precincts and often doubled the number of registered voters. With Peterson's help, Newton continued to recruit an increasing number of minority employees for the city.<sup>25</sup>

Valdez's work in the local Mexican labor programs also helped Peterson gain familiarity with the nuances of race and class relations. After the end of the war in 1945, some of the labor programs imported sugar beet and other farm workers into the Denver area. Rifts emerged not just between Latin Americans and whites but also between the incoming workers and older, established Latin American families who had owned land in the area for generations and resented the labor programs.<sup>26</sup> With an early exposure to the diversity of viewpoints, Peterson emerged as a careful listener and skillful arbiter who could find ways for varying parties within a larger group to find common cause. Such cooperative

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<sup>23</sup> Peterson, interview with McKay, 8.

<sup>24</sup> Varnell, 180.

<sup>25</sup> Ibid., 180.

<sup>26</sup> Ibid., 179.

problem-solving methods became a hallmark of her work with not only the Rocky Mountain Council and the Denver Mayor's Committee on Human Relations but also the NCAI. "My whole life had been one of doing the organizing and work and the finding the means of motivating and assisting people in their own development," she recalled. "And frankly that kind of an approach continued to be my approach as far as the termination legislation was concerned."<sup>27</sup>

### **Joining the NCAI**

In retrospect, 1948 was a landmark year for Peterson both personally and professionally. Her Grandmother White – who had instilled in her a sense of cultural pride, advocated her education and encouraged her to use her abilities to give back and improve Indian communities – died that February. Just coming into her new job, Peterson officially had become a city employee for all minority groups in Denver, rather than just one particular group largely at the calling of a federal wartime program. Her position on the mayor's council gave her great discretion in improving minority life as she saw fit. Late in 1948, she noticed in Denver newspapers that the NCAI would host its annual convention again at the Cosmopolitan Hotel for the first time since the organization's initial one in 1944. Remembering her grandmother's wishes, Peterson attended the event on December 13-16, joined the organization immediately, and volunteered to help.

Upon first walking into the conference, Peterson was nervous. She was certainly familiar on a personal level with the kind of poverty and generally poor

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<sup>27</sup> Peterson, interview with McKay and Painter, 1.

conditions that many individual Indians and tribes faced. But she felt somewhat out of touch with specific issues, and she admittedly had little knowledge of federal Indian affairs at the time. Like many at the conference, she had never heard the word “termination” used in a sense of policy until then. She had had no idea that early versions of termination legislation, as introduced by the likes of Senator Hugh Butler, had swirled in the halls of Congress for more than a year by the time she set foot in the Cosmopolitan for the convention. Yet for the first time, she encountered warnings of the policy, as she heard others speak of the bills in Congress that threatened tribal jurisdiction from New York to Alaska. The 1948 convention was the NCAI’s first in which its delegates recommended that any withdrawal plan of federal services to Indians should proceed locally on a case-by-case basis rather than as a national policy.<sup>28</sup> Peterson might not have paid them much heed at the time if she heard them at all, but there also were rumors at the convention that a man named Dillon S. Myer might be the next commissioner of the Bureau of Indian Affairs. At the time, his actual appointment was still more than a year away.

Peterson also was intimidated by the caliber of leadership at the conference. She recalled that she “had never seen such an assembly of impressive, skilled Indians.”<sup>29</sup> Yet the gathering made her “burst with pride.”<sup>30</sup> “It was such fun to be around them as well as an education and inspirational,” she

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<sup>28</sup> Cowger, “‘The Crossroads of Destiny’: The NCAI’s Landmark Struggle to Thwart Coercive Termination,” *American Indian Culture and Research Journal* 20 (1996): 128.

<sup>29</sup> Peterson, interview with McKay, 10.

<sup>30</sup> Hendrick.

remembered. “It was like after a very long journey, finding oneself or one’s place.”<sup>31</sup> Peterson’s shyness did not stop her from making an impression on the NCAI’s leadership, particularly Ruth Muskrat Bronson and D’Arcy McNickle, with whom she was in regular contact from then on. She quickly earned appointment to the NCAI’s Permanent Committee on Legislation, along with six other members: Frank George (Nez Perce), Clarence Wesley (San Carlos Apache), Ataloo (also known as Mary Stone McClendon; Chickasaw), Amos Lamson (Omaha), Elmer Lincoln (Navajo), and McNickle (Flathead). Because of the difficulty that the NCAI had had in keeping tribes notified of pending legislation in Washington, D.C., Bronson announced hopes that the new committee would help the organization’s office in the capital and “serve as a guide in determining what types of legislation should be supported.”<sup>32</sup> For the NCAI, it was a major step – and for Peterson, the beginning – in a long war of information over termination bills and other harmful legislation.

At the time, Peterson knew little about the path on which she had embarked with the NCAI. In 1948 she and many Indians, including most members of the organization, were years away from fully grasping what termination truly meant. She simply knew she wanted to contribute to improving tribal autonomy and Native quality of life. Especially in her early time with the organization, Peterson relied heavily on Bronson’s guidance and often asked

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<sup>31</sup> Peterson, interview with McKay, 10.

<sup>32</sup> The National Congress of American Indians, Minutes of Proceedings, Fifth Annual Convention, Dec. 13-16, 1948, Denver, Colorado, p. 5. NCAI Records, Conventions, box 2. National Museum of the American Indian Archives.

directly on how she could make herself most useful for the NCAI.<sup>33</sup> Bronson, an Oklahoma Cherokee, was among those Indians who initially expressed hope that the BIA would conduct any program of federal withdrawal in such a way that would honor the IRA's promise of self-rule.<sup>34</sup> Peterson, all the while still heading the mayor's committee in Denver, steadily asserted her influence in the NCAI each year, gradually becoming one of the organization's most important leaders well before she rose to executive director in 1953. Increasingly, the NCAI found ways to use her talents as a negotiator and consultant.<sup>35</sup> By 1950, even though she had been a member for little more than a year, some NCAI members were so impressed by Peterson that they wanted to designate her the keynote speaker for that year's annual convention.<sup>36</sup>

By the 1949 NCAI convention in Rapid City, South Dakota, Peterson retained her role in the legislation committee and also earned appointment to the organization's Public Relations Committee. Her ongoing experience in Denver had prepared her well for the task. But whereas in the city she had been able to find means to spread information, especially with support from the mayor's committee, she found the NCAI woefully underfunded to launch a publicity campaign, especially on the kind of national level that it desperately needed. By 1950, she prepared a report on goals for NCAI public relations in order to "supply

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<sup>33</sup> Peterson to Bronson, May 25, 1949; Peterson to Bronson, October 27, 1949. Peterson Papers, box 6.

<sup>34</sup> Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), 171.

<sup>35</sup> Sharon Malinowski, ed., *Notable Native Americans* (New York: Gale Research Company, 1995), 328.

<sup>36</sup> Unsigned letter to Robert Bennett, July 7, 1950. NCAI Records, Conventions, 1950, box 2. The tone and context of the letter seem to indicate Bronson as its author.

members with basic information for starting, building, and financing an effective organization” and to suggest ways to secure the “sympathetic understanding and support” of Indians and non-Indians.<sup>37</sup> The committee, to which she became co-chair for 1951, also proposed a plan to implement radio programming and contact between 200 and 500 newspapers for NCAI publicity. It was the launch of an Indian media campaign that became increasingly crucial in the fight against termination as the decade progressed. Whereas Johnson and early NCAI leaders had focused their efforts on netting the attention of individual BIA and congressional leaders, the organization increasingly focused on a broader, popular approach. As Peterson had learned from experience in Denver, strength came in numbers.

### **Roots of termination, trends of NCAI**

Some of Peterson’s first actions as an NCAI member dealt not with termination precisely but rather policies related to it. By 1950, when Dillon S. Myer and federal officials started their demands for a relocation program to move Natives from reservations to urban areas, Peterson and other NCAI members were already well aware of and concerned with the plight of Indians moving to cities from reservations in the aftermath of World War II. Because the actual relocation program in the 1950s had many deleterious effects and it has gained notoriety since as having been a hand-in-glove partner in overall policy with termination, many people later mistakenly came to believe that the NCAI

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<sup>37</sup> The National Congress of American Indians, Minutes of Proceedings, Seventh Annual Convention, August 26-29, 1950, Bellingham, Washington, pp. 51-52. NCAI Records, Conventions, box 3.

categorically disagreed with it, Peterson said in 1983. “We never opposed the program. We felt it was a necessary and good program,” she said of relocation.<sup>38</sup>

In mid-1950 – after Myer had become BIA commissioner but before he had implemented significant action on the issue of relocation – Peterson and the public relations committee drew up a statement that acknowledged the problems of discrimination, unemployment, and poor housing among urban Indians. But rather than discourage Indians from moving to cities, the committee advocated the establishment of more high-quality Indian community centers in such environments in order to allow the means to recreate tribal life and foster programs for recreation, arts and crafts, and employment. “Such centers will do much toward the integration of Indians into total American life,” the committee stated.<sup>39</sup> The committee featured its report at the NCAI’s 1950 convention in Bellingham, Washington. The organization’s members hoped the convention would be a groundbreaking one because it would be the first to feature the presence of a BIA commissioner. Myer had agreed to attend, speak, and answer questions. In his first speech before the organization, Myer assured NCAI delegates that, while he believed the “ultimate integration of the American Indian into the general pattern within the United States is inevitable,” he wanted it

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<sup>38</sup> Peterson, *Indian Self-Rule*, 169.

<sup>39</sup> “When Indians Leave the Reservation For the Big City,” in NCAI Annual Report of the Public Relations Committee, August 30, 1950, p. 4. NCAI Conventions, 1947-1950, box 2.

conducted “without hurting people” and insisted that he was “not advocating the elimination of reservations.”<sup>40</sup>

Afterward, Myer took questions from a progressively skeptical audience and typically gave brief or vague answers when he said more than “I don’t know.” During the session, in one of the only recorded face-to-face dialogues between Peterson and Myer, she asked: “What can be done to expand off-reservation placement service, and will anything be done in connection with other agencies?”<sup>41</sup> Myer gave his longest answer of the session, stating that he wanted “a great deal . . . beyond what is now being done” and felt that the BIA could spend up to \$3 million for a relocation program. He suggested exploration of job opportunities with large manufacturing companies, advocated the creation of job training programs for relocated Indians, and commented on the bureau’s “good working relationship” with state employment offices.<sup>42</sup>

While such a conversation might have made the situation sound as though Peterson and Myer were on the same page, in reality they had completely different visions – even if she did not know it at the time. Peterson, with her background in urban social improvement and minority advocacy, saw city programs and community centers as vehicles to employment, education, and health care. Such mechanisms, in her mind, did not have to be the knives that cut off Indians from their tribes or tribal ways of life. Rather, she thought, they

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<sup>40</sup> The National Congress of American Indians, Minutes of Proceedings, Seventh Annual Convention, August 26-29, 1950, Bellingham, Washington, p. 1. NCAI Conventions, 1947-1950, box 2.

<sup>41</sup> Ibid., 2.

<sup>42</sup> Ibid., 2.

could serve as a means for eventual Indian community improvement, both on and off reservations. Declaring that even the “connotation of the word ‘relocation’ precludes a sane consideration of that program,” Peterson in retrospect elaborated that she and other NCAI leaders had wanted the BIA to have a “proper place” for relocation in its programs while also spending more effort in developing reservations’ human and natural resources.<sup>43</sup> For Myer, it became obvious later, relocation was a central policy that he insistently touted for its complete congruency with his concept of termination.<sup>44</sup>

In the year following the convention, Peterson watched as Myer all but severed relations with the NCAI, which he accused of creating a “perversion of the truth” in regard to his actions.<sup>45</sup> At the time, many of his plans appeared peripheral to federal withdrawal, but over time it became clear that they were ultimately very much related to his overall goal of termination. For example, in the early 1950s, many tribes had hired attorneys such as James Curry – who also served as head legal counsel for the NCAI – in order to protect their land, water, sovereignty, and legal status, as well as their hunting and fishing rights. Tribal contracts with attorneys became a central issue in regard to termination, as tribes fought to protect their interests and rights to hire lawyers of their own choosing. When Myer stepped in to impede or break up contracts, he claimed that he only

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<sup>43</sup> Peterson, *Indian Self-Rule*, 169.

<sup>44</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 135.

<sup>45</sup> “Indian Bureau Head Defends His Policies,” *New York Times*, July 26, 1951.

objected to “exorbitant or unwarranted attorney fees and expenses” by shady lawyers who might take advantage of tribes.<sup>46</sup>

The issue became intense enough that, when Myer attended the next NCAI convention in Minneapolis in July 1951, a quarrel broke out between himself and Sioux attorney Ramon Roubideaux, who represented tribes across South Dakota. Curry was also present and rebuked Myer afterward. “If . . . in all these quarrels the most important thing is not Indian self-government, [but] it is administrative stability, that means that in every quarrel you will have the cards stacked against you. Commissioner Myer forgets that basic thing,” Curry said. “He said that we charged him with illegal action. We charge him with rotten action – immoral action.”<sup>47</sup>

As Myer’s tenure progressed, the charges of rotten and immoral action against him only proliferated. In late 1952, at the same time it announced its election of W.W. Short to replace Johnson as president, the NCAI passed a resolution opposing the appointment of Myer for “any public office henceforth for the reason that the Commissioner of Indian Affairs has proven himself to be entirely unfit for public office.”<sup>48</sup> The tilt toward termination and steady alienation of Myer – whom Peterson came to call “perhaps the most hated and feared man . . . in the lifetimes of the people then”<sup>49</sup> – were far from the only trends of the

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<sup>46</sup> Ibid.

<sup>47</sup> NCAI Convention Minutes, Afternoon Program, July 26, 1951, p. 12. NCAI Records, Conventions, 1950-1953, box 3.

<sup>48</sup> NCAI press release, November 15, 1952. NCAI Records, NCAI Conventions, 1950-1953, general matters file, box 3.

<sup>49</sup> Peterson, interview with McKay, 12.

era. Peterson's ascent in the NCAI was indicative of at least two important changes in the organization in terms of gender and geography. Women had risen steadily into the ranks of the NCAI's membership and leadership over the course of the organization's first decade of existence. Secondly, the NCAI underwent a shift in its leadership base from the south central Plains to the Rockies and Northwest. Women such as Ruth Muskrat Bronson had played important roles in the NCAI since its founding in 1944, when they accounted for a tenth of all members. But over the course of a decade, more and more women entered the organization and took important leadership roles until, by the time of Peterson's executive directorship, they comprised roughly half of the NCAI's membership.<sup>50</sup> Media outlets noticed and commented on the trend, albeit sometimes misleadingly if not wholly inappropriately. "The Indian squaw – described in historical novels as nothing more than a medial houseslave – no longer exists as such among the American Indians," the *St. Paul Pioneer Press* observed in its coverage of the NCAI's 1951 convention. "On the contrary, women among the surviving Indians have risen to a point where they are threatening to take away the leadership of their tribes from the men."<sup>51</sup>

In reality they hardly threatened to take away NCAI leadership. And although, no woman held the organization's presidency during the termination era, women such as Peterson, Bronson, Ataloa (the Chickasaw name for Mary

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<sup>50</sup> Cowger, 41, 110-11.

<sup>51</sup> "Menial Squaw Thing of Past – Women Becoming Indian Leaders," *St. Paul Pioneer Press*, July 25, 1951.

Stone McClendon), and others unquestionably asserted their influence. By the post-World War II era, many NCAI women had gained working and administrative skills beyond purely political and legal expertise to benefit the organization. Peterson and Atalua, among others, had social worker backgrounds that had granted them experience with different ethnic groups in urban centers. Others had cultural knowledge that proved crucial in bridging social gaps and building inter-tribal cooperation. While no woman held the NCAI presidency during the termination era, many did hold important seats, including the executive directorship.<sup>52</sup> The executive directorship became an unstable office in the early 1950s until Peterson accepted it.

Geographically, Oklahoma Indians, who often came from urban and assimilated backgrounds and desired settlement of tribal claims, dominated the organization during its start in the 1940s. Peterson was among those newer NCAI members, whose primary concerns did not necessarily or fundamentally lay within the issue of tribal claims – at least not in the sense of asserting claims in exchange for per-capita cash settlements. Peterson respected the establishment of the Indian Claims Commission, but she rarely if ever hailed it as a major step in Indian rights as did others, such as Napoleon Bonaparte Johnson. She certainly gave credit where it was due and observed that so much of the very founding of the NCAI, as led predominantly by Johnson and other Oklahoma Indian leaders, had to do with the creation of the commission and the vindication

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<sup>52</sup> Cowger, 74.

of claims.<sup>53</sup> But she also noted that such a route had severe consequences, however unintended. When asked if she thought one ultimately could view claims settlement as another form of termination, Peterson confirmed that she indeed thought so, in retrospect.

“I think that whenever you lessen or weaken that which holds a tribe together, in some measure, yes,” she reflected. “And particularly where the money judgment and award settlement represented almost everything the tribe had, and if and when that is paid out in per capita distribution, I think it in and of itself removes a core around which the people work together and keep together.”<sup>54</sup> Such a viewpoint marked a fundamental distinction between Peterson and many early leaders of the NCAI. As termination crystallized, it became apparent that if they were ever going to avert and defeat its threat completely, there could be no compromise. Indian tribes increasingly had to rally around leaders like her who shared her view.

By the time Congress passed HCR 108 and Public Law 280 in August 1953, termination had become a splintering issue among not only tribes but also Indian individuals, including NCAI members. Some such as Klamath leader Wade Crawford supported termination outright and even promoted it as a means to distribute tribal assets on an individual basis.<sup>55</sup> The general distaste of tribes and the NCAI for Myer and his methods did not translate immediately into unity

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<sup>53</sup> Peterson, interview with McKay, 18.

<sup>54</sup> *Ibid.*, 19.

<sup>55</sup> Peterson, *Indian Self-Rule*, 169. See also Cowger, *The National Congress of American Indians*, 104, 119-120.

on the issue of termination. Even some who had been especially critical of Myer, such as Frank George and Ramon Roubideaux , gained reputations as general supporters of termination.<sup>56</sup> Johnson himself, of course, was often ambiguous, as he came to oppose compulsory termination but also supported the policy's goals and sometimes employed speech that echoed Myer's.

The passage of HCR 108 and Public Law in August 1953 assured that a slew of termination legislation was on its way from Congress. It was a bleak time for many American Indians. Not only had tribes and individuals fractionalized over termination, but the NCAI was wrought with instability. Plagued with shallow coffers throughout its early years, the NCAI financial outlook was especially bleak by 1953.<sup>57</sup> The organization's leadership was in transition. Johnson passed the presidency to Short, whom some members feared would be another "big city professional Indian" with interests opposed to those of grass-roots reservation Indians.<sup>58</sup> The NCAI's executive directorship had been an especially volatile office. Since 1949, Bronson had served in the office twice, and Louis R. Bruce (Mohawk/Oglala), John Rainer (Taos Pueblo) had each held it once. Frank George, Peterson's predecessor, stepped down from it in 1953 because of disagreements over federal withdrawal and a lack of funds for his salary.<sup>59</sup> After

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<sup>56</sup> Cowger, 109

<sup>57</sup> Peterson, interview with McKay, 12.

<sup>58</sup> John Fahey, *Saving the Reservation: Joe Garry and the Battle to Be Indian* (Seattle: University of Washington Press, 2001), 28.

<sup>59</sup> Cowger, 74, 109.

George's departure, D'Arcy McNickle and Bronson feared the organization's implosion and convinced Peterson to apply for the job. Short quickly hired her.<sup>60</sup>

### **NCAI executive director**

Initially, Peterson was hesitant to accept the office. She had been content directing the mayor's committee in Denver, and she still had a young son to raise. Robert Stearns, a respected civic leader who was at the end of his presidency at the University of Colorado, insisted to Peterson that, in truth, she had no choice: he and she both knew that she must take the executive directorship. It was too important to decline. Stearns appealed to Mayor Newton, who in turn also encouraged Peterson to take the new job. They negotiated the matter in August 1953 – just after Congress had passed HCR 108 and Public 280 – and planned for Peterson to leave for six months to face the pending crisis. “The termination resolution had just passed, and they were just desperate and terrified,” Peterson said of the NCAI.<sup>61</sup>

Peterson officially took to her duties in Washington as NCAI executive director during the first week of October 1953. Her appointment earned widespread praise from NCAI members, who largely appreciated her experience and qualifications.<sup>62</sup> Peterson, however, had doubts. Convinced she still was not as knowledgeable of Indian affairs or federal policy as many others, she felt self-

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<sup>60</sup> Fahey, 29.

<sup>61</sup> Peterson, interview with McKay, 9.

<sup>62</sup> *San Carlos (AZ) Newsletter* 2 (November 1953). NCAI Records, Conventions, 1953-54, box 4.

conscious of her inadequacies and began losing sleep.<sup>63</sup> It was as if she suddenly saw the mountain of the task looming before her. Fortunately for her, she received a strong network of encouragement and support, particularly from McNickle and Bronson, whose guidance she relied on more than ever.<sup>64</sup> There were others, too. Elizabeth Roe Cloud, an Ojibwe woman from Oregon who had taught at the Carlisle Indian Industrial School in 1915, accompanied Peterson to Washington, D.C., to help her transition. They traveled across reservations along the way, made contacts, and listened to the needs of tribes and individuals.<sup>65</sup>

The trip set the tone for Peterson's entire tenure as executive director, which surpassed the six months she had intended and lasted a full eight years. As she discovered, some Indians initially had paid little attention to the shift towards termination that Myer had brought about.<sup>66</sup> Even when HCR 108 and Public 280 passed, there was no great mass uproar among tribes at first. Some had little means of knowing. Divided and lacking funds, the NCAI barely functioned at the time and was unable to alert tribes to the danger. Gradually word spread as Native leaders discerned the reality. "I don't think it can be laid to any individual or any big pronouncement; it was an unfolding, a growing awareness of the implications of it," Peterson said, "and there was only a

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<sup>63</sup> Charles Trimble, interview with author, October 30, 2009.

<sup>64</sup> Peterson, interview with John Painter, August 19, 1983, p. 2.

<sup>65</sup> Cowger, 110. Roe Cloud, a well-known activist in her own right, was the wife of famed Winnebago educator Henry Roe Cloud.

<sup>66</sup> Patrick K. Ourada, "Dillon Seymore Myer, 1950-53," in Robert M. Kvasnicka and Herman J. Viola, eds., *The Commissioners of Indian Affairs, 1824-1977* (Lincoln: University of Nebraska Press, 1979), 296.

progressive feeling that this was ominous, it was dangerous, it was life-threatening to the tribes.”<sup>67</sup>

By late November, Peterson was struck wherever she went by the dread among those who had gained some comprehension of what was happening. Much as she once had gone from precinct to precinct in Denver, she now went from reservation to reservation across the United States. More than anything else, it was the fear she saw in people’s eyes that invigorated her and made her understand the true meaning of the policy that she and the tribes were now up against. “It will take the best that all of us have to make the NCAI able to serve effectively and counter the impending legislation,” she wrote to Edward Wilson, chair of the Minnesota Chippewa Tribal Executive Council.<sup>68</sup>

As she typically did, the modest Peterson deflected much of the credit for stirring Indian awareness on the matter, mostly toward McNickle and Bronson.<sup>69</sup> After a month of second-guessing herself, one early meeting with the NCAI executive council proved fruitful for Peterson, who began coming into her own. “This trip so far has restored my faith and enthusiasm in the work I’ve undertaken. I’m so glad I came,” she wrote to Bronson.<sup>70</sup> By the late fall of 1953, Bronson also sensed an overall positive shift for the organization and noted that paid individual and tribal dues were higher than they had been in months. “You don’t know how gratifying it is to see the organization begin to get some life, and

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<sup>67</sup> Peterson, interview with McKay and Painter, 2.

<sup>68</sup> Peterson to Edward M. Wilson, November 24, 1953. NCAI Records, Conventions, 1953-1954, box 4.

<sup>69</sup> Ibid.

<sup>70</sup> Peterson to Bronson, November 3, 1953. Peterson Papers, box 1 (95-36).

to operate like an organization again,” Bronson assured Peterson as the NCAI approached its tenth convention. “You are doing a grand job.”<sup>71</sup>

Peterson, Bronson, McNickle, and others took a major step in organizing opposition to termination at the NCAI’s tenth convention, held at the Hotel Westward Ho in Phoenix in December 1953 with the theme “The Crisis in Indian Affairs.” The buzz of the convention was, for the first time, undeniably about termination and little else.<sup>72</sup> There Short and Peterson warned delegates that tribes faced their “greatest threat in many years,” and the pair urged NCAI members to close ranks in order to better protect and develop tribal resources.<sup>73</sup> It was an energizing scene. “There was a feeling of emergency and unity, an atmosphere of tribal leadership coming together in a common cause in a very real sense,” Peterson remembered.<sup>74</sup> Even Johnson, who had stepped down from the NCAI presidency and thereafter had little actual function in the organization, attended the convention and was moved by what he saw. Afterward, he described the event as “one of the best conventions ever held,” and he could not help noticing the sudden “spirit of fine cooperation” that existed among members. Although by now largely removed and distant from the crisis, he praised Peterson for “doing a very good job” in her new role.<sup>75</sup>

It was the beginning of an Indian awakening, but the real moment of consciousness was yet to come. Joe Garry, chairman of the Coeur d’Alenes

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<sup>71</sup> Bronson to Peterson, November 16, 1953. Peterson Papers, box 1 (95-36).

<sup>72</sup> Fahey, 3.

<sup>73</sup> “Indians Confer Here on Rights,” *Phoenix Gazette*, Dec. 8, 1953.

<sup>74</sup> Peterson, interview with Painter, 1.

<sup>75</sup> Napoleon Bonaparte Johnson to Fred Bruce, January 4, 1954. NCAI Records, Correspondence, box 66.

tribal council and new president of the NCAI, began working with Peterson after the convention to plan ways to stall if not stop the imminent termination legislation. After meeting in Denver, together with Peterson's mother and son, they drove to Washington, D.C., to meet the crisis head-on. They rode in Garry's old Buick sedan ("the Coeur d'Alene beer wagon," as he called it), which became a symbol of when we had so very little," Peterson said. They talked strategy the entire way.<sup>76</sup> Once in the capital, they determined that the situation called for nothing less than the most massive, united showing of NCAI and tribal opposition to termination possible.

### **The Emergency Conference**

Organized largely by Peterson in less than a month, the officially titled "Emergency Conference of American Indians on Legislation" of February 25-28, 1954 drew the largest American Indian protest in history until that time and marked a central turning point in eventually halting termination. Although termination remained a severe threat for years afterward, the conference achieved its essential goals of unifying Indian opposition against termination and creating a forum for public relations.<sup>77</sup> Peterson and Garry selected the dates for the conference to coincide with a break in congressional deliberations on termination that had begun on February 15 so that more Indians could attend. The conference took place at the Raleigh Hotel in Washington, D.C.

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<sup>76</sup> Fahey, 4.

<sup>77</sup> Cowger, *The National Congress of American Indians*, 99, 115.

A congressional subcommittee, headed by Utah Senator Arthur Watkins, scheduled hearings on the termination of a number of tribes, including Menominees, Flatheads, Seminoles, Makahs, Sac and Foxes, Potawatomis, and the Turtle Mountain Band of Chippewas.<sup>78</sup> From the start, Watkins dominated the event and tried to funnel witnesses into giving pro-assimilationist answers. “There was frequently a tone of sarcasm and impatience and disgust . . . ,” Peterson remembered. “He was kind of a fearsome man. One dreaded going to the Hill, but we had to deal with him . . . .”<sup>79</sup> Garry, a veteran of both World War II and the Korean War, urged leaders from all tribes across the United States to attend, regardless of whether they were NCAI members. “The supreme test for our strength and our will to survive, as Indians, is now before us,” he announced in the invitation. “In this emergency we must stand united as one Indian Nation with courage to defend the hopes and ideals common to all of us.”<sup>80</sup>

Peterson at one point worked long hours into the night with her mother, assembling informational packets and using a hand-cranked mimeograph machine to produce materials on the pending legislation for those who came.<sup>81</sup> More than 200 tribal delegates “poured into D.C.” after Peterson and Garry had expected about seventy-five.<sup>82</sup> Collectively, the Indian leaders represented forty-three tribes from twenty-one states and the Territory of Alaska – roughly a full

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<sup>78</sup> Cowger, “The Crossroads of Destiny,” 132.

<sup>79</sup> Peterson, interview with McKay and Painter, 10.

<sup>80</sup> Joseph R. Garry, “Emergency Conference of American Indians on Legislation,” February 9, 1954. NCAI Records, Committees & Special Issues, Termination, box 256.

<sup>81</sup> Cowger, *The National Congress of American Indians*, 99.

<sup>82</sup> Peterson, interview with McKay and Painter, 4-5.

third of the American Indian population in the United States.<sup>83</sup> The NCAI also received broad support from nineteen church and reform organizations, including the Association on American Indian Affairs, the American Civil Liberties Union, the Japanese-American Citizens' League, the Boy Scouts of America, the American Legion, the National Council of Churches, and John Collier's Institute of Ethnic Affairs, among others.<sup>84</sup>

The skills Peterson had developed as a networker over the previous ten years were the driving force behind the conference, which struck a decisive – albeit far from fatal – blow against plans for compulsory termination.<sup>85</sup> Some members of the Senate and House Subcommittees on Indian Affairs changed their stances on termination immediately after the conference. The event also shocked many state officials by notifying them of the large expenses bound to occur with the transfer of federal services to individual states.<sup>86</sup> House members who especially took interest in the emergency conference included Representatives Lee Metcalf of Montana, Ed Edmondson of Oklahoma, and James Haley of Florida. To Peterson, they and other like-minded, non-Indian political leaders became “the port in the storm, the good guys.”<sup>87</sup> From the time of the emergency conference onward, there were at least some reliable allies that the NCAI could count on in assessing and fighting the policy. “So there began to

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<sup>83</sup> Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W.W. Norton and Co., 2005), 105-6. See also Fahey, 6; and Cowger, *The National Congress of American Indians*, 114.

<sup>84</sup> For a full list, see Cowger, *The National Congress of American Indians*, 114-15.

<sup>85</sup> Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University of Kansas Press, 2008), 13-14.

<sup>86</sup> Cowger, *The National Congress of American Indians*, 118.

<sup>87</sup> Peterson, interview with McKay and Painter, 10.

be many more questions raised about termination and what this would really mean,” Peterson said. “(I)t launched many people into efforts to do further research and point out the consequences of this kind of action.”<sup>88</sup>

The conference generated new successes in public relations for Indians, with the NCAI thereafter receiving moral support from European human rights groups.<sup>89</sup> Yet, even more important than its collection of white political support, the conference marked an important waypoint in its unification of tribal support against termination. For some Indians who attended, the conference marked their first trip to the nation’s capital, first look at a list of pending legislation, first interaction with a congressional leader, or even first encounter with other Indians.<sup>90</sup> Although the conference was only the start of the colossal effort it would take to stem the tide, it was at least a start.

Near the end of the conference, NCAI delegates approved a “Declaration of Indian Rights.” In a remindful notice that tribes had ceded to the United States certain lands in exchange for “Federal protection and the promise of certain benefits,” the NCAI further proclaimed:

Today the Federal Government is threatening to withdraw this protection and these benefits. We believe that the American people will not permit the Government to act in this way if they know these proposals do not have Indian consent; that these proposals, if adopted, will tend to destroy our tribal government; that they may well leave our older people destitute; and that the effect of many of

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<sup>88</sup> Peterson, interview with McKay, 17.

<sup>89</sup> Cowger, “The Crossroads of Destiny,” 133.

<sup>90</sup> Fahey, 6.

these proposals will be to force our people into a way of life that some of them are not willing or not ready to adopt.<sup>91</sup>

The declaration was an obvious and complete refutation of compulsory termination. Yet, like HCR 108 – the very document whose intentions it opposed – it did notably not once use the term “termination.”

### **Continuing the fight**

Peterson, Garry and other NCAI leaders had learned from adversity, and their efforts with the conference had proven that a rising Indian movement had only begun.<sup>92</sup> Yet, even after the emergency conference, the NCAI took no official position on the termination of those tribes, such as Menominees and Klamaths, some of whom still openly supported it or voted for it. For some tribal members, the prospect of large per-capita payouts remained alluring.<sup>93</sup> The NCAI agreed to help such tribes prepare for the effects of immediate termination.<sup>94</sup> But Peterson and Garry spoke out against the policy whenever they could. In the months following the emergency conference, Peterson continued to crisscross Indian country not only to communicate with tribes but to warn them. Nearly a year after she had become the NCAI executive director, she found that for many tribes the fear of termination had not subsided at all but, rather, had continued to

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<sup>91</sup> Garry, “A Declaration of Indian Rights,” February 28, 1954. Emergency Conference Bulletin folder, NCAI Records, box 257. A copy is also available in the Philleo Nash Papers, box 42, Harry S. Truman Library.

<sup>92</sup> Wilkinson, 105-6.

<sup>93</sup> Fahey, 34.

<sup>94</sup> Cowger, “The Crossroads of Destiny,” 134.

grow. “The very word ‘termination’ or ‘withdrawal’ frightens an Indian tribe, as it certainly frightens me,” she said.<sup>95</sup>

Her personal and outer circumspection demanded that she continue to do whatever possible to maximize the powers of her NCAI office without exceeding them. Whereas she once heavily relied on McNickle and Bronson for guidance, after the conference she took more advice from her spreading network of contacts. In time, two of her most effective allies were Robert Bennett, an Oneida and future commissioner of the BIA, and John Cragun, an NCAI attorney. To Peterson, Cragun was possibly “the most brilliant lawyer in this century in this whole field of Indian affairs.”<sup>96</sup> The training and preparation they provided in time helped her overcome any apprehensions she previously had in facing questions from Watkins’s ilk in congressional subcommittee deliberations.<sup>97</sup>

Outside of grilling question-and-answer sessions, she knew she had to learn to participate in the politics of Washington, D.C. As early as 1954, she often had to deal with condescending politicians who considered her to be “the little lady” who, they told her, sure was “doing a fine job” for her “people.” In time, she found out that she, too, could flatter, cajole, and play the political game that she had to play.<sup>98</sup> As she increasingly recognized the highly politicized nature of the termination era, she saw that political tools were absolutely necessary to defeat termination legislation.

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<sup>95</sup> Peterson to tribal council members, Three Affiliated Tribes, New Town North Dakota, August 7, 1954. NCAI Records, Committee & Special Issues, box 256.

<sup>96</sup> Peterson, interview with McKay, 18.

<sup>97</sup> Trimble.

<sup>98</sup> Ibid.

Peterson worked tirelessly to send tribes copies of bills, copies of congressional hearing records, copies of legislative history – “every bit of information” possible.<sup>99</sup> In effect having become one of the NCAI’s watchdogs, she sent notices to tribes whenever she felt there were important hearings taking place. One measure she spoke out against and eventually blunted was a Senate joint resolution first introduced by Nevada Senator Pat McCarran to amend the U.S. Constitution. McCarran’s proposed amendment intended to “restore the same rights to the Indian tribes which are enjoyed by all citizens of the United States” by eliminating the basic provisions in the Constitution that designated federal authority to regulate commerce with Indian tribes.<sup>100</sup>

After consulting with NCAI attorneys, Peterson noted that such an amendment would have “automatically cut off from Federal services and protection” every tribe without a treaty with the United States, and it furthermore would have continued such services for tribes with treaties as only precisely provided in such treaties.<sup>101</sup> Testifying to the Senate Committee on the Judiciary, Peterson denounced the resolution’s demagoguery. She had come to see that such language was at the heart of the problem. To her, it clouded judgment and prevented both Indians and non-Indians from clearly interpreting the issues of the termination debate:

Indians have repeatedly expressed bitter resentment at the trickery and unfairness of employing such words and phrases as ‘restoring

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<sup>99</sup> Peterson, interview with McKay and Painter, 4.

<sup>100</sup> Senate Joint Resolution 4, introduced January 7, 1953. 83<sup>rd</sup> Congress, 1<sup>st</sup> Session.

<sup>101</sup> Peterson, Important Notice to All Tribes, May 7, 1954. NCAI Records, Constitutional Amendments file, box 256.

the same rights to the Indian tribes which are enjoyed by all citizens of the United States' which purport to give Indians something they do not already have. The use of such words is misleading to many Indians who lack education and to unsuspecting good citizens who want justice for American Indians. . . . This resolution 'gives' Indians nothing; on the contrary, it would take from Indians protections they are properly entitled to and want to keep.<sup>102</sup>

At the same time she informed tribes on termination, she informed and educated herself. Whereas she once had felt insecure about her personal ignorance of the history of federal Indian policy, she developed her knowledge of it into a strength. Her research, as well as her ongoing fight against termination, gave her an overall sense of appreciation for John Collier and the Indian Reorganization Act. On the one hand, she criticized the IRA for forcing "confused" tribes that had been denied their own system of government for decades "to accept names and forms which had meaning to white men but were strange to them."<sup>103</sup> Yet, in spite of the IRA's obvious flaws and consequences, Peterson thought that the program had formalized tribal governments and had helped provide them with at least some kind of system to deal face-to-face with the federal government.<sup>104</sup> "The great failure during the last twenty years," she wrote in 1957, "has been that the intent of the IRA has not had consistent and vigorous support. As a result, the major goals of adequately revitalizing Indian self-government, permitting it to adapt itself, and eventually bringing tribal

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<sup>102</sup> Statement of Mrs. Helen L. Peterson, executive director, National Congress of American Indians, before the Senate Committee on the Judiciary, May 11, 1954. SJ Res. 4, 83<sup>rd</sup> Congress, 2<sup>nd</sup> Session. NCAI Records, Constitutional Amendments file, box 256.

<sup>103</sup> Peterson, "American Indian Political Participation," *Annals of American Academy of Political and Social Science* 311 (May, 1957): 120.

<sup>104</sup> Trimble.

systems into full participation in the political life of our democracy, have not been reached.”<sup>105</sup>

Although she often continued to chide herself for what she did not know about Indian affairs, in time Peterson became adept at seeing the larger picture, the larger pattern, in making connections between contemporary movements like termination and past policies.<sup>106</sup> Both her perception and vocalization of historical parallels evolved into effective tools in communicating the enormity of termination. Along with McNickle, Peterson became one of the first NCAI leaders to articulate direct comparisons between termination and other historically sinister and unjust legislation. “There can be no doubt that the accumulated bills in the last session were the gravest threat to Indian property and rights since the Allotment Act of 1887. This trend seems to have been stopped for the time being, and only time will tell whether the change in Congress and the make-up of the subcommittee will change the trend in legislation,” Peterson wrote to Garry. “I think it would be very dangerous for Indians to assume this.”<sup>107</sup> As she later reflected on her childhood, with the suffering of discrimination comes guardedness. Having spent nearly all her time focusing on the threat of termination, she had come to understand that its defeat required constant vigilance.

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<sup>105</sup> Peterson, “American Indian Political Participation,” 120.

<sup>106</sup> Trimble.

<sup>107</sup> Peterson to Garry, November 6, 1954. NCAI Records, Conventions, 1953-1954, box 4.

The NCAI's information campaign that Peterson had helped start years earlier came to a head in 1954 as she plunged further into her duties as executive director. Drawing more than ever on her experience as a community organizer in Denver, Peterson knew that the rapid spread of accurate information about the situation was crucial. "Unless we can acquaint the American public immediately on what is happening to Indian groups through Federal policies that are rapidly diminishing their land holdings through harmful legislation, the very tribal existence of many groups will be wiped out," she wrote. "We must have funds for postage, printing and other means necessary to spread this information."<sup>108</sup>

As it doubled its efforts to notify both political leaders and the general public of the fight against termination, the NCAI reported that there had been "more national and local press stories, magazine articles, radio-TV programs and group discussions on Indian affairs during 1956 than the total combined for a number of previous years. There can be no question but that there was a significant and increased amount of support for the Indian cause – certainly this was reflected in the legislation acted upon."<sup>109</sup>

Information about the policy spread across not only the mainstream United States but also Indian country. As it did, tribal fear over termination and the legal battles against it also drew Indian voters to the polls.<sup>110</sup> Just as she once had

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<sup>108</sup> Peterson to R.W. Rietz, January 15, 1954. Peterson Papers, box 6.

<sup>109</sup> "Report to Members on the Work of the NCAI in 1956," January 10, 1957. Peterson Papers, box 6.

<sup>110</sup> Cowger, *The National Congress of American Indians*, 118.

urged the Latin American community and other minority groups to participate democratically wherever and however possible, by 1954 Peterson had committed herself totally in imploring Indians to exercise their right to vote as a weapon against termination. "Above all, every Indian tribe and organization should make a most determined effort to get Indian people to register and use the precious and vital strength they have in their votes," noted a typical letter that Peterson, Garry, and NCAI Vice President Martin Cross sent out to tribes. "THIS YEAR LET US MAKE OUR POLITICAL STRENGTH FELT. UNLESS WE DO, WE HAVE NO COMPLAINT WHEN OUR CONGRESSMEN VOTE AGAINST INDIAN INTERESTS OR REFUSE TO HELP."<sup>111</sup>

Peterson's biggest concerns were with tribes and tribal members themselves. Not only were they who actually suffered termination, but, she knew, they had to play a bigger role in fighting it. Thus, she discovered that ideally there should be a balance of using the NCAI as a tool without making it the focus. Drawing on her background in Denver, Peterson made her Washington, D.C., office for the NCAI function increasingly like a political party office.<sup>112</sup> Until the emergency conference many Indians had seen the NCAI as a fundamentally elitist or paternalistic organization that functioned as the long arm of the IRA, the BIA, Collier, or all three. Even after terminationists like Myer and his successor Glenn Emmons had ascended to the top of the BIA, many tribal leaders

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<sup>111</sup> Garry, Peterson, and Martin T. Cross to all Indian Tribal Councils, September 30, 1954. Peterson Papers, box 6.

<sup>112</sup> Trimble.

continued to be suspicious of potential links between the bureau and NCAI leadership.

Peterson did what she could to make the organization a true representative of the tribes. She understood that the struggle was not simply the NCAI's fight against termination; it was, above all, the tribes' fight against termination, a struggle over the right to exist. She consistently downplayed her own role in building an Indian consensus of tribes against termination by observing that "an outsider's personal influence doesn't do it."<sup>113</sup> Instead, she emphasized that tribes had to work within a familiar process, and she credited each one with building its own consensus. Yet her office unquestionably began to serve as an accessible rallying point – one that tribes could trust as a place of accurate informational exchange and not just a branch of the NCAI existing only for NCAI members. Many tribes who were not NCAI members contacted her office for help or information. Peterson's perspective and ability to focus issues on individual tribes were, ultimately, keys to building inter-tribal solidarity.<sup>114</sup>

### **Summary**

Knowing little about federal Indian policy and even less about the specifics of federal withdrawal when she joined the NCAI in 1948, Peterson in roughly five years transformed herself into one of the strongest and ablest fighters against termination. For a time she accepted noncompulsory federal withdrawal, as she understood it. She primarily wanted better access to health care, education, and

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<sup>113</sup> Peterson, interview with McKay and Painter, 3-4.

<sup>114</sup> Trimble.

job training for Indians. She wanted termination – if it had to occur – to be a tribe’s own decision and for it to happen only with a tribe’s full understanding and compliance.<sup>115</sup> After the passage of HCR 108 and Public Law 280, she helped those tribes who supported noncompulsory termination. But the threat of compulsory termination demanded the vast majority of her attention.

Critical to her work in slowing the termination and general assimilationist movement was her diverse background, which she used to assert Indian liberty and ethnic identity.<sup>116</sup> As she attested, her own experience in not only having experienced discrimination personally but also having witnessed its nature and effect on various groups was important in her development. She could sense that termination policy was essentially discriminatory in nature. There was a prevailing belief among some American Indians that they could harness termination as a means to achieve wealth through per-capita payouts. Peterson fundamentally understood more quickly than others that, overall, the detrimental effects of the policy far outweighed whatever its temporary benefits, if any, could be.<sup>117</sup>

Peterson by her own admittance lived much of her early life largely unaware of the often nuanced struggle over tribal governments, aspects of the IRA, claims settlements, and other specifics regarding federal Indian policy. She joined the National Congress of American Indians at almost the very moment

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<sup>115</sup> Cowger, “The Crossroads of Destiny,” 124.

<sup>116</sup> Cowger, *The National Congress of American Indians*, 110.

<sup>117</sup> Trimble.

when the federal government had taken a decisive turn toward termination with direction from the Zimmerman Plan, the Hoover Commission, and legislation from the likes of Senators Hugh Butler, Pat McCarran, and Arthur Watkins. Influenced by D'Arcy McNickle, Ruth Bronson, and other NCAI leaders at the time when termination grew as a threat to Indians, Peterson grew into the kind of leader with the kind of vision capable of effectively opposing the policy.

Her young age, inexperience, and early ignorance of federal policy hindered her from having immediate, momentous effects on the NCAI or federal policy in the same way that, for instance, Napoleon Bonaparte Johnson did when he first joined the organization. Nonetheless, her considerable abilities allowed her to climb rapidly in the NCAI. She established herself as one of its most reliable members well before she became its executive director in 1953.

Having lived much of her early life on a reservation and surrounding small towns, Peterson earned a strong education. Her experiences – urban and rural, off-reservation and on-reservation – had prepared her well for dealing with termination among both Indians and non-Indians. Once having attained the executive directorship, she discovered that regional differences and their effects on Indians' views of termination were impossible to ignore. As the NCAI's 1954 convention neared, Peterson admitted she felt concerned that she and other leaders would “get accused again of letting Oklahoma dominate NCAI.”<sup>118</sup> Because of her disposition, skill, and perspective of the situation, Peterson

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<sup>118</sup> Peterson to Bronson, November 24, 1954. Peterson Papers, box 1 (95-36).

served as an effective networker who appealed to different Indian leaders. It is probably of no coincidence that she was from Denver, a central hub of the West from which she could reach out to southern Plains, Southwest, and Northwest tribes, all of whom often had very different views of termination.

Peterson also began to realize that her task involved working with not only Indians but also non-Indians of different regional backgrounds and perspectives. Part of the significance of the 1954 emergency conference was that, for the first time, attorneys from the Association on American Indian Affairs worked with the NCAI to mobilize both Indian and non-Indian groups and to publicize the forced nature of termination legislation.<sup>119</sup> Peterson tried to reach out further to the AAIA, whose members often commanded financial resources and academic backgrounds. Early on, she formed a positive alliance with AAIA member Philleo Nash, an anthropologist who had served as a human relations adviser to President Truman and had recommended desegregation of the military. Nash, who became BIA commissioner in the 1960s, had opposed Dillon S. Myer's appointment as commissioner and later urged Myer's firing.<sup>120</sup> Nash congratulated Peterson on her "speed and energy" in organizing the emergency conference.<sup>121</sup> He told AAIA president Oliver La Farge that he had found Peterson easy to work with, "friendly and cooperative."<sup>122</sup>

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<sup>119</sup> Paul C. Rosier, "'They Are Ancestral Homelands': Race, Place, and Politics in Cold War Native America, 1945-1961," *Journal of American History* 92 (March 2006): 1316.

<sup>120</sup> Philleo Nash, interview by Jerry N. Hess, June 5, 1967, Washington, D.C., transcript, p. 685. Harry S. Truman Presidential Library, Independence, Missouri.

<sup>121</sup> Nash to Peterson, March 8, 1954. Nash Papers, box 42. Truman Library.

<sup>122</sup> Nash to La Farge, May 26, 1954. Nash Papers, box 75.

La Farge was less enthusiastic. When Peterson approached him directly about the possibility of the AAIA's using its "history and fund-raising skills" to support the NCAI, La Farge refused. "I reasoned and argued that the day was passed when white people doing things for minorities was any longer appropriate," Peterson recalled. La Farge argued that AAIA supporters would cease donations to the organization if they discovered that it had relegated itself to a supporting role and simply transferred resources to the NCAI. Peterson objected to how the AAIA seemed to choose only dramatic issues as a basis to raise funds, but she "got nowhere" with the argument and lost touch with him.<sup>123</sup>

The falling out did not stop Peterson's efforts to cooperate with and gain support from white leaders, including many members of the AAIA. But it was one more lesson for her. In trying to reason with La Farge, she discovered that she was dealing with a man who – despite his level of education, study of Native culture, and background in anthropology – had a different view on American Indians. Moreover, he had a different perspective on termination.

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<sup>123</sup> Peterson, interview with Painter, 16-17.

#### **CHAPTER 4: OLIVER LA FARGE**

“Certain tribes receive services in fulfillment of treaties, and in such cases they are rights, yet I feel that even in these cases the services must ultimately be terminable. Perhaps consent is the only way in which that can be done . . . . The thought makes me vaguely uneasy . . . .”<sup>1</sup>

A generation after his appointment as the commissioner of the Bureau of Indian Affairs, Dillon S. Myer commented that it was only a matter of time as to whether American Indians would fully assimilate into the white American mainstream of the United States. “I think the Indians are on the way out as a separate or isolated people, but it may take hundreds of years. I feel quite strongly that integration is already in process,” he said when asked if American Indians were a dying race. “It will increase as communications between Indians and the outside public increases and it will speed up, I think, from here on out.”<sup>2</sup>

Myer elaborated that, although the rate of integration would vary greatly from tribe to tribe, the BIA’s continued relocation and support programs for those Natives moving off reservation ideally would quicken the procedure. “It is obvious that this process of gradual absorption into the general pattern of the country will inevitably continue, although it is slow due to isolation at the reservation level, problems of fear and insecurity when they move off the reservation,” he said.<sup>3</sup> In

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<sup>1</sup> Oliver La Farge, Basic Policy Memorandum for the American Association on Indian Affairs, November 11, 1952. Association on American Indians Papers, box 402. Seeley G. Mudd Manuscript Library, Princeton University, Princeton, New Jersey.

<sup>2</sup> Dillon S. Myer, *An Autobiography of Dillon S. Myer* (Berkeley: University of California Press, 1970), 292.

<sup>3</sup> *Ibid.*, 294.

the same breath, Myer labeled Association on American Indian Affairs President Oliver La Farge an especial thorn in the BIA's side during the early 1950s. La Farge, Myer said, could "write well" to "cook up stories of neglect, of ineptness" about the BIA. Myer and other bureau leaders then had to spend a great deal of time and energy on publicity for rebuttal.<sup>4</sup>

Myer almost certainly did not know it, but for much of the AAIA president's life, La Farge held views on the long-term prospects of American Indian assimilation that were quite similar to those of the notorious BIA commissioner. Well into the early 1950s, La Farge believed eventual cultural death for American Indians was inevitable. Such views in turn affected his own perception of termination policy. Only with the onset of the coercive termination measures of the early 1950s, as brought about by Myer and others, did La Farge definitively begin to change his mind. Gifted with impressive intellectual abilities, grounded in the values of the New England elite, and educated by some of the finest American schools, La Farge proved capable of insight and thought on American Indian culture and federal Indian policy that many other white Americans of his day did not. His perspective on termination was a complex one that experienced shifts over time and varied from region to region and tribe to tribe. Although he emerged as one of termination's most ferocious and eloquent opponents, he never fully escaped his own essentially paternalistic outlook. He therefore

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<sup>4</sup> Ibid., 295-96.

differed from many Native leaders on how to oppose termination and viewed it primarily as a white problem to fight and resolve.

### **Beginnings**

La Farge was born into a well-known, although not fabulously wealthy, upper-class family in New York City on December 19, 1901. He traced ancestry from legendary names in American history, and his family socialized among the rich and famous of the Northeast. A direct descendant of Benjamin Franklin, La Farge also was the great-grandson of Jean-Frédéric de la Farge, a French sailor for whom the town of La Fargeville, New York, is named. Jean-Frédéric's son John became a friend of both writers Henry James and Henry Adams, the grandson of John Quincy Adams. John La Farge married Margaret Mason Perry, a descendant of Oliver Hazard Perry (a naval hero of the War of 1812 and Oliver La Farge's namesake) and also of Commodore Matthew Perry, who earned fame for opening Japan to the West through the Convention of Kanagawa in 1854. La Farge's parents, Grant and Florence, were close personal friends of Theodore Roosevelt, who on several occasions invited them to the White House.<sup>5</sup> Another prominent family friend was Owen Wister, the famed author of *The Virginian* and founder of Western fiction whose writings influenced young Oliver. Despite his lifelong attraction to the West, La Farge never fully outgrew his northeastern roots. His friend later in life, the well-known poet and critic Winfield Townley

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<sup>5</sup> Robert A. Hecht, *Oliver La Farge and the American Indian: A Biography* (Metuchen, New Jersey: The Scarecrow Press, 1991), 2-3, 5.

Scott, described La Farge as “a New England Yankee, a proud Yankee, an aristocratic Yankee” who possessed “fierce pride.”<sup>6</sup>

Although never fully authenticated, by family tradition there was an American Indian ancestor among the La Farges, apparently through the Hazard branch of the Perry family. Many friends and family noted that Oliver – with his natural black hair, dark skin, and pronounced facial bones – seemed to have Native-like physical features. The possibility of Indian ancestry seemed more fascinating to Oliver La Farge than others in the family. He frequently and proudly claimed to have one sixty-fourth Indian blood. His mother called him “Indian Man,” and until her death, he signed his letters to her as “Thine Indian Man.” To others in the family, he was known as “Ink” or “Inky.”<sup>7</sup> Others, especially non-Indians, noticed La Farge’s Native-like physical features throughout his life. Five years before his death in 1963, the *New York Times* described him as a “tall, graceful man with straight black hair” who “could be taken for an Indian.”<sup>8</sup>

La Farge’s early interest in American Indian history and culture stemmed from his father. Grant La Farge was an architect by profession who had traveled the West, met and knew American Indians personally, and studied Native culture. Grant respected Native knowledge of hunting and nature generally, and he often

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<sup>6</sup> Winfield Townley Scott, introduction, in Oliver La Farge, *The Man with the Calabash Pipe: Some Observations* (Boston: Houghton Mifflin Company, 1966), xvi-xvii. See also Mark Simmons, “Indian Man,” *Santa Fe Reporter*, February 1, 1979. Article reprinted in Oliver La Farge, *A Pause in the Desert and Other Short Stories* (Santa Fe: Sunstone Press, 2009), ii-v.

<sup>7</sup> D’Arcy McNickle, *Indian Man: A Life of Oliver La Farge* (Bloomington: Indian University Press, 1971), 4-5. See also Hecht, 2-3.

<sup>8</sup> “Champion of the Indian: Oliver Hazzard Perry La Farge,” *New York Times*, March 31, 1958.

used the help of Indian guides and canoers while on fishing trips to Canada.<sup>9</sup> “My father was a great outdoorsman, a wilderness man, with an unusual gift for getting on with Indians. He knew them from the Abenaki of eastern Canada to the Hopis of Arizona, and I had a secret desire to emulate him,” Oliver recalled.<sup>10</sup> An accomplished artist, Grant created drawings and paintings of Indians, notably for Elsie Clews Parsons’s *American Indian Life*, published in 1922. He also purportedly wrote an unpublished short story, printed only for family and friends, about tribes of Rhode Island and Connecticut. Credit for introducing Oliver La Farge to literature goes to Oliver’s mother, Florence. Such influences from his parents were crucial in developing La Farge’s early interests in writing and anthropology. As a boy, La Farge spent much of his time in the outdoors of New England hunting, fishing, exploring, and searching for arrowheads.<sup>11</sup>

La Farge attended the Groton School – an elite, Episcopal, preparatory boarding school – in Massachusetts from 1914 until his entrance to Harvard in 1920. It is notable during this time that, even as a boy, he was an avowed Anglophile who openly rooted against the Central Powers from the very outset of World War I, years before the United States entered the conflict.<sup>12</sup> Yet the horrors of European battlefields were the least of concerns for a boy attending a Massachusetts boarding school. La Farge later recalled the period as the worst time of his life and wrote dreadful descriptions of it in his autobiography, *Raw*

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<sup>9</sup> John Pen La Farge, “An Appreciation of a Father,” in Oliver La Farge, *A Pause in the Desert and Other Short Stories* (Santa Fe: Sunstone Press, 2009), vii.

<sup>10</sup> La Farge, *Raw Material* (Boston: Houghton Mifflin Company, 1945), 151.

<sup>11</sup> T.M. Pearce, *Oliver La Farge* (New York: Twayne Publishers, Inc., 1972), preface.

<sup>12</sup> Hecht, 25.

*Material.* A major facet of La Farge's problems at Groton lay in that, in a way, he had to undergo his own assimilation and conformity. The school expected every student to become a good "Groton Boy," an ideal image of a young man who could fit into the school's routines and synchronize with the rigidity of its institutions. "At Groton it was important to be regular. . . . (I)nconspicuousness, regularity, was to be sought," he wrote during World War II. The Groton Boy was "the boy who fitted easily into every routine and institution of the school, a conformist, manly, honourable, courageous. . . . . The whole doctrine was grindingly conformist."<sup>13</sup> To La Farge, the Groton School discouraged free thinking and destroyed individuality. He compared his ordeal and that of other boys there to having to wear disguises:

Through six long years of school we tried, pretended, covered up just as hard as we possibly could, we put on masks and strove desperately to make the masks become our true faces. . . . . The great struggle was not primarily of doing; the value of deeds lay in the key they gave to one's inner self. The struggle as in *being*, and it was in our *being*, in the essence of ourselves, that we were failures. If I not only do not do well, but my *being* is no good, the only thing for me to do is to crawl into a hole and pull it in after me.<sup>14</sup>

For La Farge, who years later as a mature writer chastised the intentions, methods, and effects of Indian boarding schools in much harsher terms, the entire ordeal was as close as he ever came personally to experiencing any kind of forced assimilation. He never directly compared Groton to an Indian boarding school, nor did he compare his experience there to that of American Indian

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<sup>13</sup> La Farge, *Raw Material*, 9-10.

<sup>14</sup> *Ibid.*, 10.

students who had to attend boarding schools. But his own experience in itself was miserable enough that he never forgot it.

His academic achievement never stood out at the school. In 1918, just a decade before he was in the midst of writing a Pulitzer Prize-winning novel, one of La Farge's report cards revealed that he had earned only a "B" in English. He rated "poor" in mathematics.<sup>15</sup> Yet other important developments took place at Groton. One was his introduction to a book review written by Theodore Roosevelt. When La Farge was fifteen, his mother sent him a copy of Roosevelt's favorable review of Henry Fairfield Osborn's *Men of the Old Stone Age*. "Once I got my hands on the book the direction of my life began to be determined," recalled La Farge, who entered Harvard in 1920 and set out for a major in anthropology.<sup>16</sup>

### **Journeys**

Within a year, La Farge became a part of the groups of anthropology students that Harvard had been sending on field trips to the Southwest since the late 1800s. He and other students visited the Four Corners region, where the present-day boundaries of Arizona, Colorado, New Mexico, and Utah converge. There the group conducted research on sites of the Ancient Pueblo Peoples, whom archaeologists also have called "Anasazi." At the time of the Harvard expeditions of the 1920s, so little was known about the sites that anthropologists struggled to date the remains. Modern estimates place the culture as being more

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<sup>15</sup> Hecht, 27.

<sup>16</sup> La Farge, *Raw Material*, 74. See also Hecht, 13, 33.

than 3,000 years old. After visiting the site in the summer of 1921 as a novice, La Farge returned in 1922 and again as the leader of the expedition in 1924. At the same time, he began to demonstrate the writing skills that earned him lasting fame. In 1922, he joined the staff of the *Harvard Advocate*. Within his first year of working for the literary magazine, he published five short stories, two of which had Navajo themes.<sup>17</sup>

By his own account, La Farge first met western American Indians at a “little, tin roofed trading post” near Cameron, Arizona, on the edge of the Navajo Reservation. He had had an idea until then that Indians were “a rather light, bronze colour,” and was surprised to see that they “seemed purple.” He found their faces “expressionless and stupid.” He wrote that he was, “as a matter of fact, prepared to dislike them in advance, and this first impression of shabbiness and heavy, dull expressions was not unexpected but nonetheless depressing.”<sup>18</sup>

The initial reaction of repugnance from the aristocratic Yankee morphed into fascination and, in time, sympathy. Despite obvious prejudices, La Farge began a period of deep personal change, if not growth, during the expeditions. American Indians and especially Navajos – the tribe he admired most throughout his life – captivated him. “The more I saw of them, and the more I studied their culture . . . the more they grew on me,” he wrote.<sup>19</sup> He made many Navajo friends and discovered an ambition to “become one of those rare white men who

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<sup>17</sup> Pearce, 15.

<sup>18</sup> La Farge, *Raw Material*, 148-49.

<sup>19</sup> *Ibid.*, 157.

really understands the Indians.”<sup>20</sup> While La Farge marveled over what he observed to be the very real simplicity of the Navajo lifestyle, he consciously tried to inject cultural relativism into his perspective. He prided himself on his realism in order to maintain a sense of objectivity. Yet, throughout his life, he never fully refrained from using generalizations. In *Raw Material*, he wrote:

I can clear the decks here by stating that Indians are not idyllic, any more than I am. They are also not superior to us. They are just as stupid and just as intelligent as we are, just as noble and just as mean, just as good and just as bad. They produce some of the most astute, devious, and unscrupulous politicians I have ever encountered as well as civic leaders whole-heartedly and intelligently devoted to the public welfare, they produce heroes and villains. They are different from us, strong in some thing where we are weak, weak where we are strong (just as white men are stronger than Indians in the hands and arms but weaker in the back), but averaged all together neither better nor worse.<sup>21</sup>

La Farge came to abhor tourists (“amateur seekers,” as he called them) who, without any real appreciation for Navajo culture, swung by the reservation for the cheap thrill of a quick glance at what they perceived to be a bygone culture. He strongly criticized white “yearners” who went west for little more than the allure of escapism and attraction to Native “picturesqueness.”<sup>22</sup> He also observed that many whites, when visiting American Indians, felt a sense of their own “superior wisdom, and this feeling, which is in part a sense of cultural, perhaps even racial,

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<sup>20</sup> Ibid., 152.

<sup>21</sup> Ibid., 152-53.

<sup>22</sup> Ibid, 153.

superiority, does not conflict with their worshipful reverence for Indian wisdom and the beauties of Indian culture.”<sup>23</sup>

By the end of his last undergraduate year at Harvard, La Farge was making a name for himself at the school. He had come a long way since his days of frustration at Groton. He became president of the *Advocate's* board of editors and earned election to the staff of *The Harvard Lampoon*. He graduated *cum laude* and earned distinction as class poet for Harvard's Class of 1924. Furthermore, La Farge won the school's Hemenway Fellowship for graduate study in anthropology.<sup>24</sup> By then he had eschewed his interest in direct archaeological digs for ethnological studies in order to pursue his interests in modern cultures. Not surprisingly, he focused on Navajos and their linguistic relatives, Apaches.<sup>25</sup>

Yet his ethnological interests took him on a wide range of pursuits throughout the late 1920s as his reputation as a scholar and writer soared. In 1925, he accepted a position with the Department of Middle American Research at Tulane University in New Orleans, where he associated with talented artists, including a young William Faulkner.<sup>26</sup> The same year, La Farge joined renowned Danish archaeologist Frans Blom and became assistant director of the First Tulane Expedition to Central America. In 1927, La Farge fielded an expedition to Guatemala and, as a result of his findings, co-authored with Blom *Tribes and*

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<sup>23</sup> Ibid., 156.

<sup>24</sup> McNickle, 27-28.

<sup>25</sup> Hecht, 34, 36.

<sup>26</sup> McNickle, 44.

*Temples*, a 500-page study loaded with maps, photographs, drawings, and illustrations detailing the “ancient remains” and “customs and languages” of the region’s American Indians.<sup>27</sup> Altogether from 1925 to 1940, La Farge conducted anthropological field work across Mexico and Guatemala that resulted in four substantial technical reports, as well as numerous articles on ethnology and linguistics, primarily of Highland Mayan groups. During the same period, he researched or taught at Harvard, Tulane, Columbia University, and the University of Pennsylvania.<sup>28</sup>

His travels outside the United States posed challenges to some of his beliefs on the future of Indian country. During his time in the Southwest, La Farge had come to accept the prevailing notion among many non-Indians of the time that American Indians and their way of life were destined to disappear as a result of eventual assimilation. He had concluded his 1924 expedition with a horseback ride across northern Arizona, visiting Navajos and Hopis along the way. By the end of the journey, he later recalled, he had come to a poignant conclusion:

The Indian story had to end in tragedy. It was hopeless to dream that the Indian Bureau with its powerful church backing could be reformed, or that the children would cease to suffer. The culture must die away under hostile pressure and there was no sign of anything to replace it save hopelessness and sloth. Disease would continue, the death rate go on mounting. There had once been three-quarters of a million Indians in the United States, now the population was estimated at one-quarter. They would go ever faster. Even so it would be a slow, heartbreaking process before the last Indian died – one comfort was that when it happened, a lot

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<sup>27</sup> Frans Blom and Oliver La Farge, *Tribes and Temples: A Record of the Expedition to Middle America Conducted by the Tulane University of Louisiana in 1925* (New Orleans: Tulane University Press, 1926), 1.

<sup>28</sup> Edith Bayles Ricketson, “Oliver La Farge, 1901-1963,” *El Palacio* (Summer 1964): 24.

of bureaucrats would suddenly be out of a job. I was angry but I couldn't see that I could do anything about it.<sup>29</sup>

Yet in southern Mexico and Guatemala, La Farge visited tribes who had changed greatly while remaining distinctly Indian. Many such tribes had accepted aspects of Christianity, for example, but nonetheless continued to live in traditional-style housing. They ate and dressed in much the same manner that their ancestors had for centuries.<sup>30</sup> For many non-Indians living during the early and middle of the twentieth century, the belief in the imminence of Indian disappearance as a result of assimilation proved stubborn if not immovable. It was so for La Farge as well. But the early, cumulative diversity of his experience among tribes in both North and South America made a dent, slight but lasting, in his belief of the inevitability of cultural extinction through absorption. Such impressions resonated through his conflicting attitudes toward termination decades later.

Hallmark themes of assimilation and cultural clash permeated La Farge's magnum opus, *Laughing Boy*. The 1929 novel's titular character, a young, wealth-seeking Navajo man, falls in love with and marries Slim Girl, an English-speaking, Americanized Navajo woman who has returned to the reservation and wishes to live a tribal lifestyle once again. La Farge made clear that he did not intend the novel to be a condemnation of the encroachment of white society. "The story is meant neither to instruct nor prove a point, but to amuse. It is not

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<sup>29</sup> La Farge, *Raw Material*, 176-77.

<sup>30</sup> McNickle, 42-43.

propaganda, nor an indictment of anything,” he wrote in the book’s introduction. “The hostility with which certain characters in it view Americans and the American system is theirs, arising from the plot, and not the author’s. The picture is frankly one sided. It is also entirely possible.”<sup>31</sup>

Yet he also later admitted that *Laughing Boy* “expressed the point” he had reached in his sad outlook on the prospects of Native life ways:

I saw our own Indians as inexorably doomed, I saw that they must come increasingly into contact with our so-called civilization, and that (I then thought inevitably) contact meant conflict and disaster. I put this idea into the book, along with anger at certain evil things I had seen, and then I let myself out by sending my hero, after the final tragedy, back into my own dreamland, the untouched, undisturbed Navajo country where the white man was not a factor and would not become one within my time.<sup>32</sup>

*Laughing Boy* won the 1930 Pulitzer Prize, beating out such works as Faulkner’s *Sound and the Fury* and Ernest Hemingway’s *A Farewell to Arms*. The novel earned great fame for La Farge, who, in addition to marrying his first wife in 1929, also completed his Masters from Harvard that year with a thesis entitled “Derivation of Apache and Navajo Culture.” Because of his stream of writing on American Indians, both fiction and non-fiction – and because of *Laughing Boy*, most of all – La Farge entrenched himself into the public consciousness as an “authority on Indians.”<sup>33</sup> His stories gained acclaim for replacing the sentimental and romantic imagery of Indians that had been so prevalent for decades in American literature with a sense of realism and cultural

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<sup>31</sup> La Farge, *Laughing Boy* (Cambridge: Houghton Mifflin Company, 1929), introduction, vii-viii.

<sup>32</sup> La Farge, *Raw Material*, 177.

<sup>33</sup> Simmons.

accuracy.<sup>34</sup> Suddenly his work was in demand, and the awards poured in, even as he sometimes tried desperately to extricate himself from the very pigeonhole he had created as a writer of all things American Indian. His short story “Haunted Ground,” which had nothing to do with Native culture, won an O. Henry Award in 1931. The following year, La Farge became the youngest person ever honored with an honorary Master of Arts Degree from Brown University, which cited him for his work to aid “sometimes neglected racial groups in our national life.”<sup>35</sup>

La Farge never again reached the fame and wealth that he had in the immediate wake of *Laughing Boy*. The desire to duplicate its success became his albatross. He later admitted that he had gained a certain resentment for the novel because “it has been so popular whereas my other books have done only fairly well. I grow sick of smiling fools who tell me, ‘Oh, Mr. La Farge, I did so love your *Laughing Boy*, when are you going to give us another book?’”<sup>36</sup> But the book also served another important purpose. Because it had thrust him into the spotlight, it brought La Farge into contact with not only scientists and artists who wanted to study or write about American Indians but also reformers who wanted to help them. La Farge found a new calling. He realized that he should join a society dedicated to “helping and protecting the Indians,” because *Laughing Boy* by itself “might prove good publicity for the Navajos, but it could lead to no reforms.”<sup>37</sup>

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<sup>34</sup> John Pen La Farge, “An Appreciation of a Father,” in Oliver La Farge, *A Pause in the Desert and Other Short Stories* (Santa Fe: Sunstone Press, 2009), xii.

<sup>35</sup> McNickle, 96.

<sup>36</sup> La Farge, *Raw Material*, 206-07.

<sup>37</sup> *Ibid.*, 177.

## **Reformer**

With his reputation earning him an invitation, La Farge joined the Eastern Association on Indian Affairs (EAIA) in 1930. He quickly established himself as a popular and capable leader, and won the organization's presidency in 1932. Yet his skills as an anthropologist and writer did not transform him into a great reformer overnight. For all his knowledge of ethnology and linguistics, he knew little about the intricacies of federal Indian policy or its history. La Farge had a weak initial appearance when Congress subpoenaed him in January 1931 to testify before the Senate Indian Affairs Committee on several matters, including the aptitude of Indian Service field official Herbert J. Hagerman. La Farge supported Hagerman, a former New Mexico governor who worked on the Navajo Reservation. The American Indian Defense Association (AIDA) and its executive secretary, John Collier, called for Hagerman's dismissal. La Farge performed poorly in the hearings and thereafter vowed to immerse himself in gathering all the knowledge he could on the history and politics of federal Indian policy. He discovered that he could not focus simply on "that which was interesting" about American Indians in order to serve them and instead had to "study their situation as one would that of a corrupt municipality one intended to reform."<sup>38</sup>

The hearings brought La Farge into direct contact, and conflict, with two men who affected his actions in regard to policy for much of the decade: John Collier and Democratic Montana Senator Burton K. Wheeler, one of the primary

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<sup>38</sup> Ibid., 181.

proponents of the Indian Reorganization Act (IRA, also known as the Wheeler-Howard Act). The early 1930s were a time of tremendous factionalism among the various, mostly white groups who tried to reform federal Indian policy. The EAIA had had an ongoing rivalry with the AIDA for years – more because of differences in personalities and tactics than differences in overall goals – before La Farge landed on the reform scene. But the rifts were enough to set La Farge and Collier at odds from the start. La Farge worked with and approved of Charles J. Rhoads, commissioner of Indian Affairs for the Hoover administration. La Farge believed that it had been Rhoads, not Collier, who “laid the groundwork” and “made the necessary transition for the changes” in federal policy that began to take place in the 1930s.<sup>39</sup> La Farge and the EAIA campaigned for Hoover’s reelection in 1932, but a sense of dejection set in as it became obvious that Franklin Roosevelt would win the election and possibly appoint Collier as commissioner. The EAIA nearly disbanded upon Roosevelt’s victory, but La Farge managed to keep it together, barely. With his expanding grasp of federal Indian policy and increasing political skill, he managed to forge an effective, if at times uneasy, partnership with Collier. Throughout the mid-1930s, La Farge was one of Collier’s most important allies in passing, installing, and eventually rescuing the IRA.<sup>40</sup>

La Farge consistently described the IRA as imperfect but noted that, in his opinion, it contained nothing particularly harmful while providing “badly needed

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<sup>39</sup> La Farge, “Revolution with Reservations,” *New Republic* 84 (October 9, 1935): 232.

<sup>40</sup> Hecht, 79.

reforms.”<sup>41</sup> Severe, lasting controversies erupted as to just how democratic the elections actually were to install new tribal governments under the IRA. But La Farge felt that the federal government’s consideration of Indian consent at all represented a “miracle in itself.”<sup>42</sup> He summarized the fundamental ideas behind the IRA as: providing Indians with education, especially in terms of a new, workable means for self-government; assuring Indians a “decent living” with “adequate health service”; and ridding Indian Bureau personnel of “race or cultural prejudice, hostility to native arts, traditions, religions . . . .”<sup>43</sup>

In part because he was lobbying for the IRA and in part because his historical understanding was growing at the time, La Farge spent much of the Roosevelt administration assailing the history of federal Indian policy and the United States’ record of broken treaties with tribes. For most of the existence of the Indian Bureau, he argued, it functioned to exact “the white man’s wish,” and the government’s business was “to see to it that when whites wanted an area of land, they got it. No one cared about Indians anyway; they were a dark race, they were savage, they had what we wanted.”<sup>44</sup> The first century and a half of federal Indian policy, La Farge argued, had two basic characteristics:

1. Our civilization is *the* civilization. Anything different is savage. Anyway, Indians are inferior. The quicker they become like us, the better; they must become Christian, and in so far as the leopard can change his spots, cease to be Indians.

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<sup>41</sup> Quoted in Hecht, 94.

<sup>42</sup> La Farge, “The American Indian’s Revenge,” *Current History* 40 (May 1934): 163.

<sup>43</sup> La Farge, “Revolution with Reservations,” 234.

<sup>44</sup> *Ibid.*, 232.

2. We still need land. Though we do not admit it, we do not intend to let these aborigines retain anything we want. Gold in the Black Hills? Farming land in Kansas? The agent will get the Indians to move, and if he can't do it, the army will.<sup>45</sup>

La Farge's view of the IRA is consistent with interpretations of historians, such as S. Lyman Tyler, who have described the Indian New Deal as a federally intentional, gradual means to bring about – rather than reject – assimilation.<sup>46</sup> The basic provisions of the IRA preserved Indian lands, established tribal governments, continued federal services, and appropriated funds for Indian education and economic development. La Farge approved of all such measures because, in his view, they protected American Indians temporarily while simultaneously preparing tribes for eventual assimilation. At the time of the implementation of the IRA, La Farge absolutely presumed that the larger society of the United States eventually would engulf and absorb American Indians.<sup>47</sup>

La Farge assisted or directly carried out a number of assignments for Collier during the IRA years. Among the more notable and questionable was the task of helping Hopis write their IRA tribal constitution in 1936. In spite of accusations that he tried to force a constitution upon them, La Farge wanted the tribe to design it mostly on its own. But his view on the issue reflected his vision for the Indian future: gaining such experience in self-government would prepare for ultimate assimilation.<sup>48</sup> Hopis voted to adopt the constitution in late 1936, but

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<sup>45</sup> Ibid., 232.

<sup>46</sup> S. Lyman Tyler, *A History of Indian Policy* (Washington, D.C.: United States Department of the Interior, Bureau of Indian Affairs, 1973), 151.

<sup>47</sup> Hecht, 94-95.

<sup>48</sup> Ibid., 98.

many tribal members, historians, and writers later criticized it for exacerbating existing tribal divisions. Although the episode caused La Farge criticism for the rest of his life, to the point that even he admitted to making major mistakes, it brought him into a closer working relationship with Collier.

At about the same moment, both men came into dispute with Senator Wheeler, who had been the primary sponsor of the IRA. By early 1937 Wheeler had become impatient with the Indian New Deal. Feeling that it had hampered private enterprise as well as Indian self-sufficiency, he introduced legislation to repeal the act. La Farge opposed the repeal and attacked it as a purely political maneuver intended to please special interests who had become “accustomed to acquiring Indian land as the allotments were released.”<sup>49</sup>

La Farge’s relationship with Wheeler in certain respects foreshadowed his confrontation some fifteen years later with Dillon S. Meyer. Wheeler stressed the goals of individualism and self-help for Indians. In actuality, he and La Farge were loosely similar on what they expected to see in the Indian future: self-sufficiency and an ability to cope with the larger society of the United States. Their differences were largely a matter of pace and timing. Wheeler wanted to move quickly, end the burdensome Indian bureau, and put Indians on their own as fast as possible – not unlike the philosophies that inspired the Dawes Act of 1887 or the termination measures of 1953. La Farge also foresaw the day when Indians would be independent. But to him that day was still in the distant future

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<sup>49</sup> Quoted in Hecht, 108.

for most tribes. In the meantime, he then felt, they must continue their special relationship with the federal government.<sup>50</sup> Just before he enlisted in World War II, La Farge edited *The Changing Indian*, a collection of essays by more than a dozen specialists on the social history of American Indians. The topics ranged from housing and education to public health and vocational training. The authors offered commentary on the difficulties of adjustments that Indians continued to face. In the work's final essay, La Farge wrote:

From early times until about 1925, all Indian policy was predicated upon the concept of a dying culture and a dying race. . . . This concept of rapid absorption differed from our present long-term goal of the assimilated, acculturated Indian chiefly in its excessive haste, its assumption of biological incapacity to survive, and in the cultural arrogance which assumed there was nothing in the Indians' heritage the loss of which should be lamented.<sup>51</sup>

He noted that the physical population of American Indians was on the rise. But privately he continued to doubt that Indian culture could survive.

### **World War II service**

In spring 1942 the forty-year-old La Farge went to Washington, D.C., with the hope of finding some way to make himself useful in the American war effort. He heard suggestions that he should join Nelson Rockefeller's Office of the Coordinator of Inter-American Affairs – the very organization to which Helen Peterson joined at nearly the same time. La Farge declined, though, citing white American “condescension and a lack of grasp of the Latin American point of

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<sup>50</sup> Hecht, 109-110.

<sup>51</sup> La Farge, “New Concepts in Indian Affairs,” in La Farge, ed., *The Changing Indian* (Norman: University of Oklahoma Press, 1942), 166-67.

view.”<sup>52</sup> Instead, he applied to the Air Force. He eventually received a captain’s commission in spring 1943, and the Air Transport Command tasked him with writing its wartime history.

By the end of the war, he had flown thousands of miles around the world and had visited dozens of Air Force bases. He was rarely able to attend Indian reform functions during the war. Yet the wheels of termination had begun to turn. Just two months after he received his captainship, the Senate Subcommittee on Indian Affairs issued Senate Report 310, which was a condemnation of the IRA and a harbinger of the termination era. Signed by Democratic Senators Burton Wheeler, Dennis Chavez (New Mexico), Elmer Thomas (Oklahoma), and Republican Senator Henrik Shipstead (Minnesota), the report detailed thirty-three recommendations, including the effective elimination of the Indian Bureau. The report cited a need for wartime savings and attacked Collier for creating an exorbitant “miniature Federal organization” that had “completely clouded the original purpose which was to make the Indian a self-respecting, contributing citizen.”<sup>53</sup> The senators therefore sought to “free all Indians from federal wardship in any form, except those for whom the Government holds property in trust,” and to “eliminate Federal trust over all individual Indian lands including those in inheritance status.”<sup>54</sup>

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<sup>52</sup> Quoted in McNickle, 135. See also Hecht, 141.

<sup>53</sup> Senate Report 310, Survey of Conditions Among the Indians of the United States, Partial Report, 78<sup>th</sup> Congress, 1<sup>st</sup> Session, June 11, 1943, p. 17. Copy available in AAIA Papers, box 325.

<sup>54</sup> Ibid. See list of recommendations, pp. 19-22.

La Farge eventually received word of the report and was furious. He could do little except express his disgust. "The so-called partial report fills me with horror. It is really a flagrant attempt to do just exactly what we warned our members might be attempted: to take advantage of the diversion of the war to knife the Indians in the back," he wrote. "I should never have believed that any Congressman could put his name to so shameless an expression of sheer ignorance and prejudice."<sup>55</sup> La Farge further hoped reform groups could appeal to public support by emphasizing the Native contribution to the American war effort. Notably, La Farge initially thought that Native cultures would prove incompatible with military life, and he feared that the experience might overwhelm many Indian servicemen. He had pushed for segregated Indian military units as soon as the United States started its peacetime draft in 1940.<sup>56</sup>

For La Farge himself, the individualistic man who had hated standardized life at Groton as a schoolboy, now found during the war that he greatly enjoyed the regimentation of the military. He liked his duties, even if they seemed to have little to do with everything that he had accomplished until then in his life. Immersed in a sea of anti-individuality in the service, La Farge discovered that he still could exist proudly and uniquely as himself. He earned promotion to lieutenant colonel by the war's end. He received his discharge on August 30, 1946, less than a month after the passage of the Indian Claims Commission Act.

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<sup>55</sup> La Farge to Emerson, undated. AAIA Papers, box 325, folder 5. Because of its context, the letter likely dates to summer 1943, possibly July – shortly after the issuance of Senate Report 310.

<sup>56</sup> Hecht, 150.

By then, a new war – one that ultimately decided his own struggles and beliefs on the fate of American Indians – was underway.

### **Supporting termination**

Throughout the Great Depression, the EAIA barely managed to stay afloat as its patrons struggled to find the will or money to donate to its cause. Himself an Easterner who had spent so much time in Arizona and New Mexico, La Farge recognized the need for his organization to overcome internal and regional differences. He worried, for instance, that the organization's name alone might give the appearance of an eastern bias.<sup>57</sup> In order to unite the EAIA's branches and consolidate funding sources, he proposed that the organization change its name to the National Association on Indian Affairs. In 1937, La Farge scored a major accomplishment by leading the merger between his association and the rival AIDA. The executive board readily agreed. Later the organization changed to the American Association on Indian Affairs and finally, in 1946, to the Association on American Indian Affairs (AAIA). La Farge became the organization's president again in 1948.

La Farge also acted on his wartime suggestions to remind the American public of Indian military service in the World War II. "The war turned our attention away from Indian matters," he wrote.<sup>58</sup> He called for rejuvenated efforts to establish reservation development programs, even if they were "very large-

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<sup>57</sup> McNickle, 90.

<sup>58</sup> La Farge, "They Were Good Enough for the Army," *Harper's Magazine* 195 (November 1947): 447.

scale” and “expensive,” because they would improve educational and economic opportunities in the long-term:

So long as Indians are unable to take care of themselves, they will remain a burden upon the taxpayers at large. The only solution to the Indian problem, the only way to get the Indians off our backs, is to build up their health, their economic condition, and their competence until we can honestly say that they no longer need special care and federal protection. The course which we are following with the Navajos is one designed to perpetuate their dependence upon our purses.<sup>59</sup>

For nearly three years, La Farge spent most of his Indian welfare work on a Navajo rehabilitation plan, which President Truman signed into law on April 19, 1950.<sup>60</sup> But the issue of termination began to creep into La Farge’s thoughts as well, just as it oozed onto the national scene. He and the AAIA looked into Congress’s early termination legislation proposed by 1947. On the surface, it seemed to support the AAIA’s agenda for eventual tribal self-sufficiency. One example of particular interest was S. 1685, a bill sponsored by Republican Senators Arthur Watkins of Utah and Hugh Butler of Nebraska to emancipate California Indians. The bill proposed to determine market value of tribal assets in the state, sell the property to the secretary of interior, and then distribute the profits to individual Indians. Butler and Watkins announced that they wanted to give individual California Indians control over property and a per capita

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<sup>59</sup> Ibid., 448.

<sup>60</sup> Hecht, 182.

distribution of claims awards, which would allow all Indians in the state to become unrestricted and unsupervised citizens.<sup>61</sup>

The AAIA initially gave qualified support for the measure because of widespread belief that most California Indians had assimilated by then.<sup>62</sup> In January 1948, La Farge and the AAIA wrote to Watkins to assure him that they were “in complete accord with the objectives implicit in S. 1685 and similar bills, namely, that American Indians should be completely unrestricted, unsupervised citizens.”<sup>63</sup> To La Farge and the AAIA, “supervision and guardianship of American Indians” were a “necessary transitional process” toward the goal of unrestricted, unsupervised citizenship. Most tribes nationally needed to continue protection for the time being, the AAIA’s board of directors argued, but a “few exceptions” in California could have supervision removed soon after the federal government had conducted a “most searching investigation.”<sup>64</sup>

Importantly, the AAIA also noted that the “primary consideration” for the government in determining a tribe’s readiness in handling its own affairs without federal protection was “the degree to which its members are competent to do so as individuals and as a group.” The AAIA then noted to Watkins that the “second consideration should be the will of the people themselves,” and that the government therefore should conduct studies to allow for the “fullest opportunity

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<sup>61</sup> Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), 76.

<sup>62</sup> Hecht, 195.

<sup>63</sup> AAIA to Arthur V. Watkins, January 14, 1948, p. 1. AAIA Papers, box 323.

<sup>64</sup> *Ibid.*

for the American Indian group and individuals concerned to be heard.”<sup>65</sup> In other words, although both criteria were important, the AAIA at the time felt that a tribe’s readiness for removal from trust status, as determined by the government, trumped tribal consent. Despite its general agreement with the bill’s intent, the AAIA expressed worry that S. 1685 and similar legislation lacked mechanisms to “make sure of competency.” The organization also pointed out that the bill would “liquidate tribal assets” without proper safeguards.<sup>66</sup>

In June 1948 La Farge, having resumed his full AAIA presidential duties, issued a statement that “the situation of the Indians of California calls for the withdrawal of the Federal Government from the administration of their affairs as completely and as rapidly as is practicable with due regard for their welfare and rights.”<sup>67</sup> In conjunction with the Indian Defense Association of Northern California, La Farge recommended that the state assume obligations of providing health, education, and welfare services to Indians while extending civil and criminal jurisdiction over them. He suggested that no withdrawal from trust lands take place without consent of Indians, “who should be allowed to determine the future status of their lands.”<sup>68</sup> Yet he further called for California tribes to collectively hold funds obtained through claims cases and use the money “for the general welfare and progress of California Indians for years to come,” even

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<sup>65</sup> Ibid., pp. 1-2.

<sup>66</sup> Ibid.

<sup>67</sup> AAIA, “Statement on the Indians of California,” June 1, 1948, p. 1. AAIA Papers, box 323.

<sup>68</sup> Ibid., p. 2.

though he admitted that a “strong movement of California Indians” demanded a per capita distribution.<sup>69</sup>

Obvious support for termination in such situations later earned La Farge criticism.<sup>70</sup> Although he and the AAIA were discussing termination writ large, rarely in their statements or exchanges with Congress in the late 1940s did they use the actual word “termination.” With the issue still unresolved in California by 1952, La Farge declared:

I am . . . conscious myself of a feeling of exasperation over the delays involved in the termination of federal jurisdiction in an area where everyone is agreed that it should be terminated. . . . The bill to terminate federal supervision over Indian affairs in California [S. 3005] is of special importance since it is a sort of pilot bill. . . . (A) similar termination for part of Oregon is also in the mill. We may hope that in coming years we shall be considering bills to the same end for other Indian groups, whether by single tribes or by larger areas. I think it is essential that the first bill of this kind should be as nearly perfect as possible. Should the termination of federal jurisdiction in California lead to such hardships or injustices as to create a public stink, termination would be greatly delayed in other areas. . . . (We) stress that this bill does not provide for orderly withdrawal.<sup>71</sup>

La Farge reiterated that the AAIA continued to favor the “broad purpose implicit” in such legislation but demanded that its goal “be achieved honorably and constructively” with “an orderly program of withdrawal of Federal agencies and authorities.” He therefore opposed S. 3005 – a bill drafted by Dillon S. Myer

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<sup>69</sup> Ibid., p. 3.

<sup>70</sup> Hecht, 195.

<sup>71</sup> La Farge to Clinton P. Anderson, June 17, 1952. AAIA Papers, box 323.

himself – and other similar bills because of their failure to meet such conditions at any point and not because of their overall goal.<sup>72</sup>

One of his first published uses of the word “terminate” came in an article he wrote called “To Set the Indians Free” for *The New Republic* in 1949. La Farge demanded that a tribe be “culturally and economically ready” when “we plan to terminate” its wardship, and he warned against temptations to scapegoat the BIA with simplistic demands to “set the Indians free.”<sup>73</sup> He wanted carefully conducted studies of tribal readiness before actual federal withdrawal. While declaring that most tribes were not yet ready, La Farge thought there were notable exceptions, such as Klamaths in Oregon, roughly 20,000 Indians in California, and many individuals in Oklahoma. “These are the successes, and successes do not make news,” he wrote.<sup>74</sup>

In February 1950, a month before Dillon S. Myer’s appointment as BIA commissioner, La Farge decided that the AAIA needed a clearer expression of its aims. Criticizing the BIA for its “lack of a positive program” and its “inertia,” he pressed the AAIA for more aggressive action to help tribes and reiterated his longtime stance of inevitable assimilation:

Our basic over-all theory or policy is that Indians must become absorbed into the general population. In being thus absorbed, they may or may not be able to retain enriching elements of their own culture. We do know, as an inescapable fact, that no minority of 400,000 can survive among 150,000,000 of another culture, and

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<sup>72</sup> La Farge, “Statement of the Association on American Indian Affairs on Legislation Now Before Congress ‘to Facilitate the Termination of Federal Supervision over Indian Affairs in California,’” June 13, 1952. AAIA Papers, box 323.

<sup>73</sup> La Farge, “To Set the Indians Free,” *New Republic* 121 (October-December 1949): 11, 12.

<sup>74</sup> *Ibid.*, 13.

retain its identity forever. Our problem is so to guide and protect the process of amalgamation that it will be carried through with benefit to both groups, with justice and with humanity.

This means that in most cases the various tribes must continue under special protections until important cultural, social, and economic adjustments can be made. We must be wary, however, of a merely protective or paternalistic tendency to hold Indians back. We need a positive, active program of handing authority and responsibility to the tribes as fast as they can take it, and of similarly removing all special statuses. We must watch and act against a tendency in the Indian Bureau to prolong a state of dependency.<sup>75</sup>

La Farge called for the AAIA to “press for positive steps to end Federal control in California, New York, and over the Klamath.”<sup>76</sup> Historian Laurence M. Hauptman has contended that the espousals of assimilation taken by the La Farge and the AAIA at the time actually aided the forthcoming, brazenly terminationist policies advocated by incoming BIA commissioner Dillon S. Myer.<sup>77</sup> At first, La Farge did not see Myer as a threat. Noting the new commissioner’s “fine record as an administrator,” the AAIA president expressed hope that Myer could enact “new developments” in the bureau.<sup>78</sup> After early outbreaks of complaints against Myer by Indians and AAIA board members, La Farge urged patience and recommended that the commissioner have at least a year on the job before tribes and reform groups judged him.<sup>79</sup>

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<sup>75</sup> La Farge, AAIA, “Restatement of Program and Policy in Indian Affairs,” February 8, 1950. Philleo Nash Papers, box 75, Harry S. Truman Library, Independence, Missouri.

<sup>76</sup> Ibid.

<sup>77</sup> Laurence M. Hauptman, *The Iroquois Struggle for Survival: World War II to Red Power* (Syracuse: Syracuse University Press, 1986), 67-68.

<sup>78</sup> La Farge, “Not an Indian, But a White-Man Problem,” *New York Times*, April 30, 1950.

<sup>79</sup> Hecht, 201, 206.

### **Turning points**

By 1950, La Farge was in the midst of a personal war over his beliefs and views on Indians and their assimilation. Once one of Collier's staunchest defenders, he criticized some advocates of the IRA for believing in "an Arcadian solution for Indians" that would keep tribes in a "delightfully communal, anti-individualistic manner of life, upon the land, securely islanded in the ocean of our alien culture."<sup>80</sup> Yet, while he admitted his own acerbity toward the BIA for being over-protective, he still saw the bureau as "the constant, most necessary defender of the Indians against the raids, in Congress and within the states . . . against their remaining property. It is their foremost guarantor of quality before the law, of genuine citizenship."<sup>81</sup>

He liked to say that Indians had a "White Man Problem," a phrase borrowed from AAIA attorney Felix Cohen. La Farge expanded the idea, because he felt that the problem created by white men could only have a white man's solution. Although he felt that tribes had a limited part to play in protecting themselves, the crux of the problem fell to white Americans, out of both obligation and necessity. He described the need for a "triple attack": a coordination of the BIA, Congress, and the American people to consult with tribes for the transfer of responsibility to "the Indians themselves, leading them on until they can take their

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<sup>80</sup> La Farge, "Not an Indian, But a White-Man Problem." See also Alison R. Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman: University of Oklahoma Press, 1991), 169-70.

<sup>81</sup> La Farge, "Not an Indian, But a White-Man Problem."

own futures entirely in their own hands.”<sup>82</sup> In yet another paternalistic statement that summer, La Farge concluded that the “Indian problem was a twofold failure: the failure of tribes to adapt to American culture and society, and the failure of the United States to lead them to such an adaptation.”<sup>83</sup>

Many representatives of the National Congress of American Indians, themselves requisitely members of tribes and therefore more sensitive to the actions of the BIA, reacted with more immediate outrage to Myer than did La Farge or the AAIA. The very rise of the NCAI complicated the picture for La Farge, AAIA board members, and other white reformers who had not foreseen such an event. Especially until the mid-1950s, La Farge questioned the NCAI’s capabilities and dismissed the organization’s leaders as “an extremely excitable group of Indians, inclined to simplify everything into dramatic black and white.”<sup>84</sup> When many NCAI members endorsed Will Rogers, Jr., as a candidate for BIA commissioner in 1949, La Farge dismissed the notion as an “emotional cry for an Indian Commissioner of Indian Affairs” rather than a choice based on merit.<sup>85</sup> Moreover, La Farge could not help himself from suspicions of the upstart NCAI as a potential rival rather than a pure ally. He viewed the organization as a potential threat to the AAIA that would compete for exposure and funding. Although the two organizations merged strong efforts to combat termination in

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<sup>82</sup> Ibid.

<sup>83</sup> La Farge, “Proposal for a Study of Fundamentals of the Indian Problem,” July 21, 1950. AAIA Papers, box 402.

<sup>84</sup> Quoted in Thomas Cowger, *The National Congress of American Indians: The Founding Years* (Lincoln: University of Nebraska Press, 1999), 83. Hecht quotes it as “. . . dramatic blacks and whites,” p. 205.

<sup>85</sup> Hecht, 197.

the 1950s, La Farge's dubiety of the NCAI persisted well after the passage of HCR 108 and Public Law 280 in August 1953.

La Farge's dim view of the NCAI was part of the reason behind his initial impartiality toward Myer. For example, Myer deceitfully worked in conjunction with Democratic Senator Pat McCarran of Nevada toward the removal of Paiute reservation superintendent Si Fryer, who had tried to defend the tribe's water rights. Confronting the commissioner about the situation, La Farge at first accepted the story concocted by Myer, who blamed the NCAI and its attorney James Curry for creating a "fabrication" and turning it into a "national issue."<sup>86</sup>

Shortly thereafter, La Farge began to agree with NCAI members and reformers that the new commissioner spelled trouble. Yet La Farge's early criticisms of Myer only dealt with termination indirectly. For instance, he accused Myer of failing to obtain appropriations needed for reservation rehabilitation projects, such as that signed into law for Navajos the previous year. Another important turning point for La Farge was Myer's insistence to limit the freedom of tribes in contracting with attorneys.<sup>87</sup>

With the combination of the commissioner's objection to reservation development, insistence for relocation, and disregard for tribal sovereignty, the scene became clear to La Farge, as it had been for months to many NCAI members and tribes. Myer advocated a comprehensive, all-out program for termination, by choice or otherwise. By late 1951, La Farge regularly expressed

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<sup>86</sup> Ibid., 205.

<sup>87</sup> Ibid., 206-207. See also McNickle, 159.

contempt for Myer, whom he considered utterly dishonest. Assessing Myer to be the worst commissioner of the Indian Bureau more than twenty-five years, La Farge temporarily entertained thoughts of finding ways to oust him from the BIA. But he also worried about Myer's strong connections in Congress, as well as the difficult reality of finding a decent replacement. Pointing the NCAI toward the need for cooperation to appoint a solid new commissioner, regardless of the results of the 1952 presidential election, La Farge wrote to Ruth Muskrat Bronson and charged that Myer was "a liar on a number of provable counts, and it would be folly to make peace with him."<sup>88</sup>

As the election campaigns began, La Farge experienced an epiphany of sorts. The AAIA sponsored an Institute on American Indian Assimilation in May 1952 in Washington, D.C. La Farge discussed Myer's policies at the conference and emphasized that any decisions on assimilation and termination in particular should be voluntary on the part of American Indians. In regard to termination, he drew a line between persuasion and guidance that could lead to coercion, and he further encouraged Indians and non-Indians to understand each other better, lest assimilation turn into the "negative of destruction."<sup>89</sup>

More importantly for La Farge personally were the words he heard from American Indians who spoke at the conference. He all but admitted later that he was among the majority of non-Indians in attendance who had assumed that

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<sup>88</sup> La Farge to Ruth Muskrat Bronson, September 5, 1952, AAIA Papers, quoted in Richard Drinnon, *Keeper of Concentration Camps: Dillon S. Myer and American Racism* (Berkeley: University of California Press, 1987), 232.

<sup>89</sup> Quoted in Philp, *Termination Revisited*, 161.

“assimilation was inevitable . . . and that what we were there to discuss was at what pace it should proceed, how it should be guided, by what means we could ensure that it did not mean merely degrading Indians into the lowest levels of the general population.”<sup>90</sup> Anyone holding such views was in for a surprise at the conference, La Farge wrote. “The Indians brought us up short. Only one, a Navy doctor, spoke in favor of assimilation or considered it inevitable. The rest took a contrary view. They made a sharp distinction between becoming adapted to the American scheme and contributing participants in it, and becoming assimilated into it.”<sup>91</sup> La Farge heard strong argument after strong argument that tribes could use their retention of cultural and social traits – “Indianism,” as he called it – as an effective tool for adaptation.

Common ownership of land and tribal organization, among other fundamental values of many tribes, could help American Indians keep a sense of community, retain group integrity, and therefore “master the modern world more effectively than if they allow themselves to be fragmented,” La Farge later observed.<sup>92</sup> The conference did not change his mind on assimilation immediately or entirely. But it was one in a series of events that marked an important step in his personal development and outlook, just at the time when he had begun to transform the AAIA’s leadership, including himself, into effective crusaders against termination.

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<sup>90</sup> La Farge, “Assimilation – the Indian View,” *New Mexico Quarterly* 26 (1956): 7-8.

<sup>91</sup> *Ibid.*, 8.

<sup>92</sup> *Ibid.*, 9.

By fall 1952, La Farge reaffirmed the AAIA's ultimate goal to help improve the condition of tribes to the point in which federal jurisdiction would "become unnecessary." He demanded "orderly withdrawal" with necessary protections left in place if Congress enacted any end to federal services to tribes. He suggested that any termination legislation should include provisions that would allow Indians to apply for extensions of the federal trust, and he urged the AAIA to fight withdrawal in any case in which the organization had reason to believe a tribe was not ready. "If large numbers of Indians need trusteeships, then the time has not yet come for federal withdrawal," he wrote to the AAIA board.<sup>93</sup>

La Farge initially threw his support behind Dwight Eisenhower for the 1952 presidential election, then shifted toward Democrat Adlai Stevenson, and finally welcomed the former as Republicans swept into power. A new administration and a new party at least meant the ejection of Myer, and La Farge expressed optimism in the revitalization of the BIA. In the spring of 1953, he recorded disappointment in his annual report over the Truman administration's "outright reaction with a regrettable revival of the archaic concept of 'wardship,' the false myth as to the Indian's status that has been used for more than a century to excuse dominating their daily lives."<sup>94</sup> La Farge felt encouraged by Eisenhower's promises during the campaign to consult with tribes before making decisions.

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<sup>93</sup> La Farge, Memorandum to the Board of Directors and Executive Director, "Policy in Regard to Withdrawal of Federal Jurisdiction over Indians," September 9, 1952. AAIA Papers, box 402.

<sup>94</sup> McNickle, 162.

Eisenhower's eventual selection of Albuquerque banker Glen L. Emmons in July 1953 as BIA commissioner also reassured La Farge, who knew of Emmons's experience with Navajos. But the situation soured almost immediately, as Emmons announced continued plans to end trusteeship as quickly as possible. In August, before Emmons officially took his post, Congress passed HCR 108 and Public Law 280. La Farge also worried about new competency legislation that aimed at ending trust status of allotted lands when Indian landowners reached age twenty-one.<sup>95</sup> The succession of actions finally unmasked the cumulative menace for La Farge. Any lingering inclinations that he felt to support termination effectively evaporated before the end of the summer.

### **Fighting termination**

La Farge was among the first to sound the alarm on HCR 108 and Public Law 280. Without specifically mentioning either measure, and without referring to the AAIA's support of withdrawal legislation in the late 1940s, La Farge alerted his board of directors that American Indians faced an "acute, even potentially disastrous" situation. Although he did not directly indict the mistakes of his own organization over the previous five years, he pointed to non-Indian well-wishers' tendencies to fall victim to demagoguery of "the ever watchful group that desires to plunder what remains of the Indian estate." He warned against continued calls to "set the Indians free." As Helen Peterson did, he drew direct historical parallels between the direness of the termination measures and that of the 1887 Allotment

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<sup>95</sup> Hecht, 211-212.

Act. Although he called it an “almost frightening challenge,” he saw it as a “tremendous opportunity to prove that we are not only well-wishers, but genuinely effective friends of the American Indians.”<sup>96</sup>

Early on La Farge did not blame Eisenhower and maintained that the president was an honorable man whom deceitful politicians and misinformed advisors had led astray. He took into account that the president had expressed “grave doubts” over legislation such as Public Law 280. La Farge felt that Eisenhower “was bamboozled into signing it.” The AAIA president thus initially reserved his harshest criticism for those leaders who still maintained that such legislation would “give the Indians ‘equality’” and thus entice “the well-intentioned to go along with it.”<sup>97</sup>

By the fall, La Farge launched the AAIA into the emerging campaign to raise awareness of the situation’s severity. He began to express his first doubts about Eisenhower, particularly in regard to the president’s signing of a bill to extend state civil and criminal jurisdiction into tribal lands. La Farge also alleged ignorance and spinelessness on the part of Secretary of the Interior Douglas McKay and Assistant Secretary Orme Lewis.<sup>98</sup> The AAIA president further released public statements on the gravity of the overall crisis in federal policy. He told news outlets that a “profound misunderstanding” of tribal needs had precipitated an “abandonment of legal responsibility,” which in turn threatened to

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<sup>96</sup> La Farge, Memorandum on American Indian Affairs, “The Present Crisis in Indian Affairs,” August 1953. AAIA Papers, box 164.

<sup>97</sup> La Farge, “Freedom, Equality, Brotherhood,” *American Indian* 7 (Spring 1954): 9.

<sup>98</sup> Hecht, 213.

destroy Native rights.<sup>99</sup> HCR 108 and Public Law 280 created “a crisis more acute than any that has faced the Indians in our time,” La Farge said. “A sudden end in federal safeguards that protect Indian self-government and ancient homelands can neither enlarge nor remedy widespread Indian poverty, ill health and ignorance that are the real ‘Indian problem.’”<sup>100</sup>

La Farge and other reformers tried to unify their voices against the powerful lobbies behind the building legislation in Congress. The results were mixed. When John Collier argued that private economic interests promoted many of the termination bills, La Farge agreed, for example, that recent discoveries of oil reserves in Utah had played a role in the drafting of termination bills that targeted Paiutes in the state.<sup>101</sup> Despite the efforts of La Farge and others, Utah Paiutes, an impoverished tribe of fewer than 400 people, suffered termination in August 1954. By spring of that year, La Farge had become so adamantly opposed to termination that he all but completely reversed his course in regard to several California tribes. In a letter to AAIA executive director Alexander Lesser, La Farge pointed out that Yuma Indians opposed termination, and he thought them especially unprepared for it. He also argued that fraudulent opportunists were trying to swindle groups, such as Palm Spring Indians, who owned valuable real estate.<sup>102</sup>

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<sup>99</sup> “Indians Say Acute Crisis Faces Race,” *Clovis New Mexico News-Journal*, October 20, 1953.

<sup>100</sup> Jay Edgerton, “‘Freeing’ Indians Is a Complex Task,” *Minneapolis Star*, October 22, 1953.

<sup>101</sup> Larry W. Burt, *Tribalism in Crisis: Federal Indian Policy, 1953-1961* (Albuquerque: University of New Mexico Press, 1982), 45.

<sup>102</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 113-14.

Invited to the NCAI's pivotal Phoenix conference in December 1953, La Farge declined, writing to Helen Peterson that the "very nature" of his work on Indian affairs made it "impossible" for him to attend.<sup>103</sup> He explained that he would work as hard as possible to fight back against the continued assaults that intended for Indians "to be legislated out of existence." He stated that he earnestly hoped for the ongoing success and growing strength of the NCAI, which he saw as "essential for the Indians' future." Moreover, he assured Peterson of the AAIA's role as a partner:

I can say for myself and for the whole of the Association on American Indian Affairs that we do not want to lead Indians. We do not want to do things for Indians. We want to do things with Indians. We want to stand beside them and work with them, and to serve as an amplifier for what the Indians have to say. We are looking to the NCAI to give us a single voice from the Indian people.<sup>104</sup>

Yet La Farge continued to take a different tone in regard to the NCAI when speaking with his own organization. Peterson and the NCAI received generous support from the AAIA and more than a dozen other organizations during the emergency conference on termination in Washington, D.C., on February 25-28, 1954.<sup>105</sup> She and other NCAI leaders sought AAIA assistance for analysis on each of the termination bills scheduled for review during that month's Congressional hearings.<sup>106</sup> La Farge felt that the AAIA deserved especial credit

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<sup>103</sup> La Farge to Peterson, December 4, 1953. NCAI Records, NCAI Conventions 1953-1954, box 4. National Museum of the American Indian Archive.

<sup>104</sup> Ibid.

<sup>105</sup> Cowger, 114-115.

<sup>106</sup> AAIA Memorandum, "In Re: Cooperation with the National Congress of American Indians," January 31, 1954. AAIA Papers, box 402.

for its assistance in the event. “At the present time the NCAI is heavily dependent upon us. What was done in Washington in the matter of the termination bills could not possibly have been done without our guidance at every point, and not only our guidance but our very active help,” La Farge wrote to AAIA board members in May. “It is going to be quite a long time before the NCAI will be able to function effectively without us . . . .”<sup>107</sup>

La Farge increasingly warned of the NCAI’s efforts to negotiate fundraising contracts, which he felt could undermine his association. He worried that the two organizations would soon try to “scramble over each other” to claim credit for accomplishments, and he did not want the AAIA to relegate itself to a subordinate role that would allow the NCAI to “make the big noise” before Congress. Because he also worried that a rivalry could hinder the capacity of both organizations to fight harmful legislation and termination in particular, La Farge begrudgingly suggested that AAIA members try to create a cooperative arrangement with Peterson and other NCAI leaders.<sup>108</sup> La Farge’s message of teamwork, however limited, was somewhat progressive within the association. Some AAIA members at the time, such as Philleo Nash, encouraged closer collaboration with Peterson. Yet others, including Lesser, strongly rejected the idea of any cooperation with the NCAI.<sup>109</sup>

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<sup>107</sup> La Farge, Memorandum to Smith, Freeman, Norman, Poole, Nash, and Stevens, “Effect of Relations with the NCAI on Association Finances,” May 11, 1954. AAIA Papers, box 402.

<sup>108</sup> Ibid.

<sup>109</sup> Cowger, 122.

When presented with the idea of having an NCAI delegate join the AAIA board, a cynical La Farge remarked that the NCAI's "membership includes a considerable number of the most undesirable kind of Indian politician, many of whom are extremely hostile to us." He continued:

If we could find Indians who could become members of our Board of Directors on a basis of ability, integrity, and breadth of outlook – and not merely for the sake of putting Indians on the Board – I should be all for it. So far, every time we have tried to find people of this kind, they have proven to be special in their interests, partisan in some internal, Indian matter, or otherwise unsatisfactory. Persons like Ruth Bronson, I fear, no matter how fine their characters, would be unable to avoid setting the interests of the NCAI ahead of ours. I would like to see a good Indian or so on our Board, and should welcome suggestions.<sup>110</sup>

With long-held biases conflicting against a growing sense of need for cooperation with the NCAI, La Farge continued fighting termination throughout the rest of 1954 wherever he could. "These bills, of course, end the trusts. They terminate all Indian rights. In fact, if enacted, then the members of the tribes concerned will no longer be Indians!" he wrote. "The powers of Congress are truly remarkable. It was the Chairman of the Sac and Fox Tribal Council who said, 'We object to becoming extinct, legally or otherwise,' but he may have no choice. The new slogan seems to be, 'The only equal Indian is a dead one.'"<sup>111</sup> Although he tried to have faith in the new administration, La Farge grew increasingly disillusioned with it and Commissioner Emmons. It took weeks, even months for some AAIA members to recognize Emmons as a terminationist. For

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<sup>110</sup> La Farge to Betty Rosenthal, May 25, 1954. AAIA Papers, box 402.

<sup>111</sup> La Farge, "Freedom, Equality, Brotherhood," *American Indian* 7 (Spring 1954): 9.

all his harsh rhetoric against Congress, La Farge – repeating the patience he had shown Myer – refrained from direct and public criticism of Emmons for another full year.

By November 1954, realities and threats of termination were well underway for tribes across the United States with no end in sight. At an emergency session, La Farge and the AAIA issued a statement demanding a “halt to snowballing administrative pressures and Federal legislation directed toward the planned extinction of American Indians as Indians.”<sup>112</sup> He insisted that termination, “if justified at all,” be orderly and planned and with full consent of tribes. He further asserted that “termination must not mean extinction.” Pointing to American foreign policy of the Cold War, the association urged the adoption of a new national federal Indian policy to preserve “the same right of self-determination which this nation has urged and approved as a principle which should apply throughout the world.”<sup>113</sup> It was one of the AAIA’s first uses of the term “self-determination” in a public statement on its policy. The session and the statement set the tone for the AAIA for the rest of the decade. In some ways, the moment marked the beginning of the final phase of La Farge’s perspective on not only termination and federal Indian policy but also American Indians and their ongoing struggle for existence altogether.

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<sup>112</sup> AAIA press release, “Stop Planned Extinction of American Indian Tribes, Association Demands at Emergency Session,” November 17, 1954. NCAI Records, Conventions, 1954, box 5.

<sup>113</sup> AAIA, “The Current Termination Program in Indian Affairs: A Statement of Association Policy,” November 16, 1954. AAIA Papers, box 402.

## **Summary**

La Farge's diverse life experiences and education prepared him to understand American Indians and their struggles better than many white Americans of his time. Born into an upper-class New England family that raised him on the principles of philanthropy, charity, and reform, the intelligent and reflective La Farge became a keen observer of Native cultures and developed many ideal skills for someone hoping to help the cause of Indian rights. Yet he had obvious limitations as well. He learned to sympathize with American Indians, but he was never fully able to empathize with them.

La Farge evolved into a noted, important, and effective fighter against termination, but his views also obstructed him from being a more effective one. He struggled for nearly his entire life with his dogma of inevitable Indian disintegration through assimilation, and it became a serious obstacle for him to overcome in challenging termination. Such a belief blurred his view of the line between termination and self-determination for years. His outrage against Senate Report 310 in 1943 was early evidence of his essential stance against termination. Yet his confusion over how to handle early termination and withdrawal legislation of the late 1940s and early 1950s underscored the perspective of a man with deeply assimilationist convictions.

Critical of the racism and ethnocentrism of other white Americans, La Farge often seemed oblivious to his own prejudices and biases. Dismissive of what he perceived as Native helplessness, primitiveness, and ignorance, he

occasionally spoke of Indians' need to do their part in bettering their own condition. But especially until the mid-1950s, he perceived Native impoverishment, federal Indian policy, and termination as a cumulative "white man's problem" that required a white man's solution, because white men had caused the problem itself. He spoke of equality between groups of people, yet for years he held outright contempt for the NCAI and many of its members.

La Farge once described 1954 to AAIA members as a "year of confusion."<sup>114</sup> He was speaking primarily as a reaction to federal policy, but he just as well could have been speaking of the AAIA's incoherence at the time in determining its friends, enemies, and causes. The disregard of La Farge and others for the NCAI, even while he sometimes spoke of a need for cooperation between the organization and his own AAIA, undoubtedly hindered opposition to termination. An earlier, stronger alliance between the two organizations might have led to a faster, better dialogue on both termination and self-determination well before the enactment of HCR 108 and Public Law 280. It is revealing of La Farge that he extended an eager open hand to Myer and Emmons, and gave each second chances and leeway, even as he at the very same time dismissed the NCAI, who captured his suspicion from the start. He believed that tribal consent was crucial and increasingly argued for its inclusion as the termination era proceeded. Yet it is further revealing that he initially believed a tribe's level of

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<sup>114</sup> Quoted in McNickle, 171. McNickle's biography of La Farge is without citations, but for the source of the quote, McNickle points to La Farge's annual report to the AAIA, given in May 1954.

readiness as assessed by the Indian bureau – and not a tribe's consent – to be the paramount criterion for determining withdrawal of federal services.

To La Farge's credit, he proved capable – however gradually – of overcoming many of his entrenched biases, especially as his help was most in need during the years after passage of HCR 108 and Public Law 280. In no small part because of such a personal victory, his advocacy of Indian rights – and persistence against termination especially – earned him as much lasting recognition as any of his books. By comparison, many other non-Indians important to the era's federal Indian policy proved all but completely inflexible. Myer was an infamous example. But as BIA commissioner, it was not his responsibility to pass the laws that effected termination. Of a vastly different background from that of Johnson, Peterson, or La Farge, Nebraska Senator Hugh Butler had still yet another perspective on termination – one that typified the obstinate outlook of the politicians who aggressively legislated the policy.

## **CHAPTER 5: HUGH ALFRED BUTLER**

“In my study of the problems of American Indians, I have run across a good deal of misunderstanding and contradiction.”<sup>1</sup>

In 1878, the United States was a nation of some 40 million people. Having survived the Civil War, financial panic, and the failures of Reconstruction, it was a nation of growing industry tied together by an ever-expanding network of railroads. By that year on the southern Plains, Americans slaughtered some 3.5 million buffalo, the major food source for Native nations in the area. Hardly any of the animals remained, and a similar fate awaited the northern herds within the next five years. In that same year, an army lieutenant named Richard Henry Pratt commissioned the United States government to convert an old army post into an Indian boarding school at Carlisle, Pennsylvania, a place that would come to epitomize assimilation, cultural genocide, and the motto “kill the Indian, save the man.”

It was the year of the Bannock War, in which the Bannock and Northern Shoshone nations, starving on reservations because of a lack of provisions promised by the United States, faced defeat by the U.S. army after trying to raid white settlements for food. It was also year of the exodus of some 300 Northern Cheyennes from their reservation near Ft. Sill in Indian Territory, to which the army had removed them in 1876. Led by Chiefs Little Wolf and Morning Star,

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<sup>1</sup> Hugh Butler to Ernest S. Griffith, July 13, 1948. Hugh Butler Papers, box 89, Nebraska State Historical Society, Lincoln, Nebraska.

they staged an epic flight, consistently evading U.S. forces in an attempt to return to their ancestral homes in Montana Territory. Similarly, 1878 was the year the Nez Perce and Chief Joseph tried to survive malaria in Kansas, to where they had been removed after surrendering the previous fall at the end of a legendary months-long evasion of the U.S. army.<sup>2</sup> In 1878 – still a year away from his return to Nebraska and his trial in which, for the first time, U.S. law would recognize an Indian as a “person” – Standing Bear and a few hundred other Poncas struggled for their very survival in Indian Territory, to where the U.S. military recently had removed them from their ancestral homelands along the Niobrara River.<sup>3</sup> Still further north, 1878 was the year Sitting Bull and his band were less than a year into their exile in Saskatchewan, Canada, where they would continue to stay for three years before their surrender to the United States. Meanwhile, in the Southwest, Geronimo and a band of Apaches staged their second escape from the San Carlos reservation, to which they would return the following year – only to escape yet again later.<sup>4</sup>

In the midst of such turmoil, Hugh Alfred Butler was born on February 28, 1878, in Missouri Valley, Iowa, near the Nebraska border. Starting his life on the edge of the West at the end of one tumultuous era of federal Indian policy defined by war and removal and at the beginning of another defined by

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<sup>2</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1986), 187.

<sup>3</sup> See Joe Starita, *“I Am a Man”: Chief Standing Bear’s Journey for Justice* (New York: St. Martin’s Press, 2009).

<sup>4</sup> Angie Debo, *A History of the Indians of the United States* (Norman: University of Oklahoma Press, 1989), 274-277.

assimilation and allotment, Butler lived to become one of the most relentless and influential proponents of termination in the twentieth century. He has remained a mystery, sometimes described by historians as an unimportant senator on the national stage, a quintessential opportunistic machine politician, and a consistently conservative ideologue.<sup>5</sup> Those who have concentrated on Butler's life have tended to give little attention to his significance in federal Indian policy. Conversely, those who actually have focused on his effect on Indian policy in the 1940s and 1950s have mentioned little about his life and career. An intertwining of both is necessary in order to seek explanations to his role and perspective as a terminationist.

Butler biographer Justus F. Paul has described the senator as one of Nebraska's "least understood politicians" and has noted that little is known about him prior to the start of his political career.<sup>6</sup> Information on Butler's early attitudes and beliefs about Indians is especially scarce – and the scarcity is telling in itself. With a personal background that seemed to have little to do with Indians, Butler emerged as a formidable politician who had an important legacy in shaping post-World War II Indian policy. Although he had little appreciation for Indian culture or history, Butler's style of support for termination reflected his longtime devotions to fiscal conservatism, capitalist idealism, American nationalism and agrarianism,

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<sup>5</sup> Gary W. Reichard, review of Justus F. Paul's *Senator Hugh Butler and Nebraska Republicanism*, in *Journal of American History* 64 (Dec., 1977): 846-847.

<sup>6</sup> Justus F. Paul, "The Making of a Senator: The Early Life of Hugh Butler," *Nebraska History* 49 (Autumn 1968): 247.

as well as his consistent demand for limited government and fierce opposition to communism.

### **Beginnings**

Historians have described President Harry Truman and his Bureau of Indian Affairs Commissioner Dillon S. Myer as products of their time.<sup>7</sup> Older than either and one of the eldest senators by the time he began pushing termination bills, Butler remained throughout his life, like the president, very much a nineteenth-century man with Euro-American values at heart. When Butler was six, his parents Harve and Ida Wills Butler moved the family in a covered wagon some 300 miles southwest of the Iowa border to a farm near Cambridge, Nebraska. By the time of the death of Hugh's mother in 1891, he had two brothers and a sister. Harve Butler settled the family into Cambridge, where the children attended public school and Harve took a job at the flour mill, working there for the next 35 years.

One of Hugh Butler's earliest known memories of American Indians – recalled during his time in the senate – was of an episode of their mistreatment at the hands of whites before his family moved to Nebraska. As a senator, Butler worked to secure some \$25,000 in Federal Works Agency disaster funds in January 1949<sup>8</sup> to help 300 Sioux Indians, mostly laborers, survive a blizzard after they had made their way from the Rosebud and Pine Ridge Reservations of

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<sup>7</sup> Kenneth R. Philp, "Dillon S. Myer and the Advent of Termination: 1950-1953," *Western Historical Quarterly* 19 (Jan., 1988): 57.

<sup>8</sup> Adjusted for inflation, about \$227,000 in 2010 dollars, according to the U.S. Bureau of Labor Statistics.

South Dakota to find work in Gordon, Nebraska. The severe weather had created an extreme need for fuel and food, as the workers tried to subsist on frozen beef and potatoes. They reportedly had no fuel except old railroad ties.<sup>9</sup> The situation made Butler cringe as he lobbied for their aid: "They furnished them with a bunch of these frozen cattle to eat – that makes me think of the days I was a kid along the Missouri River and we would give the Indians the cholera hogs that died."<sup>10</sup>

Although recent genealogical efforts have traced Butler's lineage back as far as the seventeenth century with certain family members, historians still generally know little about his ancestors. Remarkably, while serving in the Senate, Hugh Butler made at least one documented claim to having Indian ancestry. "Being part Indian myself, I am naturally very sympathetic with them in solution of their problems, but they better be treated like grown-up humans instead of children unable to look after their own interests," he wrote as he approached his seventieth birthday. "Some of the outstanding citizens of Alaska are Indians who have graduated from the best schools in America. Limiting the opportunity for the Indian to develop himself by placing him on a reservation is the worst thing that we could do for him. They should be treated as one of us."<sup>11</sup>

As of 2010, no one has authenticated a direct link to Native ancestry for Butler, although it is possible that one exists. His paternal ancestors had farmed in South Carolina, Tennessee, and Kentucky. If Butler had a genuine Indian

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<sup>9</sup> Press release from the office of Senator Hugh Butler, January 18, 1949. Butler Papers, box 56.

<sup>10</sup> Butler, Telephone Conversation with William Zimmerman, January 17, 1949. Butler Papers, box 56.

<sup>11</sup> Hugh Butler to Carl J. Lomen, 3 January 1948. Butler Papers, box 89.

lineage, it is likely to have come from around the southeastern United States in what was the traditional country of Cherokees, among whose acculturated members “Butler” was not an uncommon surname by the nineteenth century. In any case, as a senator, Butler often tried to make connections to groups he represented or worked with. Thus, in true Butler form – not altogether unlike how he often emphasized his farming experience when trying to appeal to farmers or enact agricultural legislation, for instance – he appeared to have felt that his supposed Indian blood gave him intuition and compassion when acting in regard to Indian policy. Furthermore, If Butler – a man who held unquestionable racial biases – sincerely believed in his Indian ancestry, then it should be no surprise that while a Senator he kept a news report in his files about a study conducted in 1950 by University of Oklahoma professor E.E. Dale, who not only advocated assimilation of Indians but also complimented Native traits. Dale proclaimed that the solution to the “Indian problem” existed in the intermarriage between Indians and whites because it might “produce a more vigorous stock, superior to either of the parents.” Dale had claimed that “Indians are a great people, and Indian blood is good blood.”<sup>12</sup>

While Butler was conscientious, intelligent, and hard-working throughout his youth, there is little evidence that he demonstrated an interest in federal Indian policy at a young age or even through his middle years. Nevertheless, such was the reality and atmosphere of the era in which he grew up. Butler lived

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<sup>12</sup> United Press International, “Indians Advised to Marry Whites,” *Omaha World Herald*, July 12, 1950.

his childhood in a time and place when many white Americans thought Indians to be a vanishing race with the lifeways of a bygone era, never to return, as the United States closed the book on the frontier and its acquisition through Manifest Destiny. It was an era when those who advocated systems of Indian boarding schools and assimilation – now methods considered tantamount to cultural genocide – considered themselves progressive thinkers. Twenty days before Butler's ninth birthday, Congress passed the General Allotment Act, proposed by Massachusetts Senator Henry Dawes and designed to redistribute Indian tribal lands into individually-allotted properties. It remained the most sweeping piece of assimilationist legislation for more than sixty years until abolished by the Indian New Deal in 1934.

After attending school in Cambridge, Hugh Butler won a scholarship to Doane College in Crete, Nebraska, in 1896 and graduated in 1900 with a Bachelor of Science degree. Not surprisingly, little learned in his formal education prepared him to become a policymaker in Indian affairs. Butler's studies at Doane included German, Virgil, Xenophon, *Iliad*, Ovid, Greek, chemistry, trigonometry, astronomy, literature, and economics.<sup>13</sup> He originally had hoped to enter the University of Nebraska College of Law but found it too expensive. Within the year, he became a construction engineer for thirty-five dollars a month with the Chicago, Burlington, and Quincy Railroad. Assigned to a surveying crew,

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<sup>13</sup> Paul, "The Making of a Senator," 250, note 6.

Butler helped build the railroad across Nebraska, Wyoming and Montana for eight years.

In 1903 he married Fay Johnson, his college sweetheart. She longed for a more settled life from that of a railroad family, and by 1908, the Butlers had moved to Curtis, Nebraska, where he invested in the milling industry. Butler eventually became the manager of the Curtis Mills, and it was in the community that he began his first political venture as a member of the town council. He helped the community build electrical and water plants, as well as a sanitary sewer system. One of his proudest accomplishments was the creation of the Nebraska School of Agriculture at Curtis, which he espoused while holding his first political office on the town board.

Butler's agricultural fortunes and those of most Indians during the period could not have been starker. In 1920, Walter M. Camp, a railroad engineer and authority on the late nineteenth-century wars between the United States and Plains Indians, issued a report to the U.S. Board of Indian Commissioners entitled "The Condition of Reservation Indians." Camp found that Indians' primary problem was an inability to become self-sufficient. According to Camp, the Indian was "not a capitalist," but rather an inherently "primitive man" who failed to possess a desire for moneymaking and was "lacking in industry" and in any ability to "accumulate property or stores of goods."<sup>14</sup>

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<sup>14</sup> Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians* (Lincoln: University of Nebraska Press, 2001), 239-41. Includes excerpt from Walter M. Camp, "The Condition of Reservation Indians," submitted to Malcolm McDowell, secretary of the Board of Indian Commissioners, June 8, 1920.

If he had known Butler, Camp no doubt would have had his entrepreneurial ideal of what Indians were not and should have aspired to be. The future Senator Butler embarked in several successful business endeavors during what became known as the golden age of agriculture in the United States and steadily accumulated substantial wealth as he advanced from youth to middle age. Off the reservation, gross farm income across the country doubled in the first generation after the turn of the century, and farmers increased their acreage and productivity with advances in technology. Butler managed the Crete Mills from 1913 to 1918 and co-founded the successful Butler-Welsh Grain Company in Omaha in 1919. The company allowed Butler a means to travel the state, visit grain elevators, meet grain dealers, speak with farmers, and establish contacts that would be important to him throughout his later political career. The company became “one of the largest home-owned concerns on the Omaha Grain Exchange, with 100 employes [sic] in the busy season and . . . reputed to be worth 200 thousand dollars.”<sup>15</sup> Butler went on to direct the Nebraska Consolidated Flour Mills in Omaha, operate mills in Sheridan, Wyoming, serve as president of the Omaha Grain Exchange, and become president of the Grain and Feed Dealer’s National Association for two years.<sup>16</sup>

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<sup>15</sup> Paul, *Senator Hugh Butler and Nebraska Republicanism* (Lincoln: Nebraska State Historical Society, 1976), 5-6. See also *Omaha World Herald*, September 22, 1940.

<sup>16</sup> Butler Papers, biographical note.

### **Depression and politics**

With the onset of the Great Depression and especially the New Deal, Butler began to flash the kind of conservatism that would epitomize his time as a senator and affect all aspects of his political dealings, including his push for termination. One major example came during his presidency of the Grain Exchange when he became a vocal opponent of the Federal Farm Board, created by President Herbert Hoover under the Agricultural Marketing Act in 1929. Intended to stabilize prices and promote agricultural product sales, the board expanded its powers greatly to meet farmers' needs as the Great Depression deepened. Butler and large western farmers condemned the board and accused it of creating burdensome over-regulation with socialistic tendencies. To Butler, the board represented eastern interests who were out of touch with the agricultural situation of the Plains, and he likened it to a child that had "inherited its unfortunate aspects from its parents . . . who were the self-seeking politicians and bureaucrats who create issues for the government which have very little to do with the nation's welfare, but have much to do with the next election."<sup>17</sup>

To Butler, the free market development of American agriculture was always of foremost importance in the nation's interest. Moreover, his anti-paternalism and distrust of government agencies and the bureaucrats who ran

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<sup>17</sup> Paul, *Senator Hugh Butler and Nebraska Republicanism*, 7. See also James A. Stone, *Agrarian Ideology and the Farm Problem in Nebraska State Politics with Special Reference to Northeast Nebraska, 1920-1933* (unpublished Ph.D. dissertation, University of Nebraska-Lincoln, 1960), 351-52, 357.

them remained constants in his political perspective. He saw the Farm Board as an overbearing engine for dependency that only worsened the Depression. He wanted farmers to show the kind of individualism and resolve that they did when he grew up in Nebraska: "In those times, people depended more on their own efforts than they do today. Too many seem to think today that the world (or at least the GOVERNMENT) owes them a living . . . ." <sup>18</sup> Although Butler's lamentations of the Agricultural Marketing Act had little to do with Indian affairs at the time, they nonetheless foreshadowed many of his central ideas that appeared later when he helped shape federal Indian policy. A disdain for bureaucrats, a promotion of anti-paternalism, a call for people to handle their own lives without government help or interference – all such ideas characterized the pattern of Butler's perspective twenty years later when he called for the abolition of the Bureau of Indian Affairs, distrusted BIA employees, tried to remove tribes from federal jurisdiction, and generally advocated termination.

During his second term as a Senator, a typical letter to a constituent regarding Indian affairs ended thusly: "I assure you that I have been trying to do something constructive on behalf of the Indians and I trust that as a result of my efforts the Indians will be treated the same as any other citizen." <sup>19</sup> To Butler, doing something constructive on behalf of Indians meant helping them to help themselves by freeing them from government oversight and regulation – not

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<sup>18</sup> Excerpt, Butler to George Norris, February 20, 1932, in Paul, *Senator Hugh Butler and Nebraska Republicanism*, 8.

<sup>19</sup> Butler to Phillip C. Johnson, February 28, 1951. Butler Papers, box 56.

unlike helping farmers to free themselves from government oversight and regulation. Thus, with his unflinching brand of conservatism, Butler viewed entities like the Farm Board and the Bureau of Indian Affairs as part of the same fundamental problem of overextended federal control.

The Farm Board, the Depression, and the New Deal sweep to power in 1932 all further motivated Butler – who always had harbored political ambitions – to seek a career in politics. He warned that “government competition is nearing socialism,” that the “advent of government is a serious threat to our individual rights,” and that the nation could never return to prosperity as long as the government kept contending with private citizens.<sup>20</sup> Butler’s fears of socialism and communism grew during the 1930s and preoccupied a great deal of his political views for the rest of his life. In 1931, he invited businessman John B. Maling of Chicago to speak at the Nebraska Rotary club on the topic of “The Origin and the Effect of Freak, Class and Special Legislation.” Maling claimed that communism had infiltrated industry throughout South Chicago and undoubtedly had implanted a “nucleus in every large plant of Omaha” that could be defeated only by the vigilance of private businessmen.<sup>21</sup>

Butler disparaged the New Deal in general and therefore almost certainly abhorred the Indian Reorganization Act upon its passage in 1934, if he paid attention to it at all at the time. As he forged his own role in Indian policy during the second half of his Senate tenure, Butler joined those who attacked the

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<sup>20</sup> Paul, *The Making of a Senator*, 260.

<sup>21</sup> *Ibid.*, 262-63.

measure as an oppressive law that kept Indians in poverty and blocked their economic and social progress. He repeatedly voiced his opinion that the act was one of the worst actions in the history of Indian affairs and one of the greatest mistakes of his later friend, Montana Senator Burton K. Wheeler, who co-sponsored the bill with Nebraska Congressman Edgar Howard. Butler stated unequivocally that the IRA had “raised more hell with the Indians than anything else that has ever happened.”<sup>22</sup> He further characterized it as “perhaps America’s most outstanding example of control by race legislation.”<sup>23</sup> Yet at the time of the IRA’s passage, Butler showed much more interest in his own political future. He thought seriously about running for the U.S. Senate as early as 1934 but held off until he knew he could win election to it. His wealth solidified, he spent much of the decade building the conservative base of the Nebraska Republican Party and preparing his own plan to run when the time was precisely right.

Butler won election as the Republican National Committeeman for Nebraska in 1936 and set out to do whatever he could to help his deeply-divided party take seats in that year’s elections. New to the job, somewhat naïve, and desperate to win, he accepted the aid and cooperation from the Nebraska Protective Association, once known in the state as the Ku Klux Klan. Butler’s main goal was to defeat Franklin Roosevelt and Nebraska Senator George Norris. Although Norris had been a longtime Republican, he had alienated many

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<sup>22</sup> Butler to J.M. Sholtus, March 27, 1950. Butler Papers, box 89.

<sup>23</sup> Butler, “It Is Time to Give Serious Consideration to Setting American Indians Free,” Congressional Record, Proceedings and Debates of the 80<sup>th</sup> Congress, First Session, July 21, 1947. Butler Papers, box 88.

conservatives with his progressive voting record and ran in 1936 as an independent. Despite Butler's efforts, Roosevelt won Nebraska in the general election, and Norris was reelected. Fortunately for Butler's reputation, Norris blamed the Klan's activities during the election on supporters of Democratic candidate Terry Carpenter rather than on Republicans.<sup>24</sup>

### **Election of a senator**

A shrewd observer of political trends and maneuvers, Butler sensed the continued ascendancy of conservatism in Nebraska and ran for the U.S. Senate in 1940. Appealing to Nebraska's western farmers and Omaha business interests alike, he won fifty-seven percent of the vote to defeat R.L. Cochran, who had won the Democratic primary against incumbent Edward Burke. Just weeks after one of the great triumphs of his life, tragedy struck Butler when his wife sustained mortal injuries in a car accident in which he had been driving on their way to a celebratory Thanksgiving weekend in Cambridge. Paralyzed for weeks, she died on February 15, 1941, barely a month after his taking office, ten days after their thirty-eighth wedding anniversary, and two weeks before his sixty-third birthday. Both his children had died at young ages decades before. Now with his wife gone and without any close family, Butler briefly considered resigning his seat but returned to the Senate, to which he dedicated his energy and focus for the rest of his life.<sup>25</sup>

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<sup>24</sup> Paul, *Senator Hugh Butler and Nebraska Republicanism*, 10.

<sup>25</sup> Paul, *The Political Career of Senator Hugh Butler, 1940-1954* (unpublished Ph.D. dissertation, University of Nebraska-Lincoln, 1966), 116-17.

From the start, Butler directed such dedication toward his familiarization with the Washington scene and the consolidation of political power. He later claimed to have looked out always for Indian interests as a senator since he “first took office.”<sup>26</sup> In reality, he rarely involved himself in Indian affairs directly or in any notable way until late in his first term with the establishment of the Indian Claims Commission. Until then he focused largely on the rejuvenation of the Republican Party, opposition to the New Deal, and support of the American effort in World War II. An isolationist until the Japanese attack on Pearl Harbor, he opposed all foreign aid programs that he believed were not absolutely essential to American interests. The cost of the war worried him and made him even more insistent that the administration cease its spending on social programs. He wanted the U.S. to do all it could to win the war as quickly as possible while helping allies only where essential to the war effort in order to minimize costs. Even though he earned a reputation as a fierce anti-communist after the war, Butler feared exorbitant spending and financial suicide as the nation’s most significant threats.<sup>27</sup>

One of Butler’s most widely reported exploits during the war came when he traveled to Central and South America in the summer of 1943 to investigate the costs of the Roosevelt administration’s foreign aid programs. Appalled by what he saw, Butler returned to the U.S. and accused the president of

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<sup>26</sup> Press release, “Real Progress in Citizenship is Being Made by the Indians of Nebraska,” undated. Butler Papers, box 88.

<sup>27</sup> Paul, *Senator Hugh Butler and Nebraska Republicanism*, 100.

widespread reckless spending that threatened international relations. “The people of Latin America are proud. They naturally desire to be the architects of their own future,” Butler reported in *Reader’s Digest*. “We, however, treat them like mendicants; seduce them with boondoggles; make it plain that, whether they like it or not, we aim to do them over in our own image.”<sup>28</sup> His efforts earned him widespread ridicule, particularly from Vice President Henry Wallace and Democratic Senators, who “ripped holes in his statistics, his suspicions, and even plastered his style.”<sup>29</sup> Butler had charged that the administration, in acting like a “Rich Uncle,” had spent more than \$6 billion in Latin America; Inter-American Coordinator Nelson Rockefeller calculated the expenses at one-tenth that amount. Butler’s critics, according to *Time*, had “all visibly enjoyed the novelty of a free shot at a vulnerable, small-fry Republican.”<sup>30</sup>

Thus, whereas Butler criticized the president for extravagant spending abroad to recreate Latin Americans “in our own image,” he also soon rebuked Roosevelt and Truman at home for spending on programs to prevent the recreation of Native Americans in the very same image. Such views speak more to Butler’s stance as an isolationist than as an assimilationist. Butler did not oppose assimilation of Latin Americans for moral reasons; rather, he opposed their assimilation because their geographic location lay outside the borders of the contiguous United States. Butler saw American Indians as both assimilable and

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<sup>28</sup> Butler, “Our Deep Dark Secrets in Latin America,” *Reader’s Digest* 43 (December 1943): 22-23.

<sup>29</sup> “Foreign Relations: Barrage over Butler,” *Time*, December 27, 1943.

<sup>30</sup> *Ibid.*

in the rightful position to be assimilated. And indeed, as *Time* pointed out, to most people Butler was not a particularly important leader or maker of laws. He tended to stay out of the limelight. He rarely gave speeches, spoke on the Senate floor, or introduced high-profile legislation. Yet as the war years receded into the past, American Indian leaders in particular began to see Butler as something more than a “small fry” politician.

### **Committee on Public Lands**

Butler’s first major influence in Indian affairs came in 1947 following the creation of the Indian Claims Commission and the Republican sweep to power in that year’s elections. Taking control of Congress, conservatives placed Butler in the chair of the Senate Public Lands Committee (later renamed the Interior and Insular Affairs Committee). Although the chair of the committee had many duties, it was an especially powerful position from which to influence Indian policy.<sup>31</sup>

To Butler, the claims commission was an opportunity to stretch Nebraska’s political influence, further conservatism, and advance conformity. The Indian Claims Commission Act signed by Truman required that a Republican hold at least one of the commission’s three seats, and Butler saw his chance. He sponsored William McKinley Holt, a personal friend and Lincoln, Nebraska attorney. Holt had a solid but unspectacular legal record and no background in federal Indian law or tribal law. Like Butler, the staunchly conservative Holt was born in Iowa, moved to Nebraska at a young age, and had a reputation for

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<sup>31</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1986), 346.

personal kindness, honesty, and decency. Following Truman's appointment of Holt, Butler helped his counselor friend prepare for the new task by recommending staff members and working with Democratic North Carolina Senator Clyde Hoey to furnish the new commissioner with an apartment in Washington D.C.<sup>32</sup> The commission has remained controversial among historians in part because of how it started, evolved, and received support from Indian groups, as well as both sides of the political aisle. Because the commission originally received endorsement from former BIA Commissioner John Collier and the NCAI, one interpretation is to see the commission as the last act of the Indian New Deal. But because of what the commission became, other historians have seen it as the first major signal that the drive toward termination had begun.<sup>33</sup>

Even if they rarely used the word "termination" yet, there is little doubt that Butler and other legislators like him viewed the commission's purpose as inherently connected to their concept of termination. Once tribes had presented their claims, settled for cash compensations, and had their cases closed, the situation would be that much easier for the government to eliminate the BIA and the federal-tribal trust relationship. Butler could see no reason why anyone – Indians, non-Indians, government officials, tribal leaders – would want any differently. Holt and the commission went to work in the spring of 1947. That

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<sup>32</sup> Butler to Hoey, May 26, 1947. Butler Papers, box 211. See also Francis Moul, "William McKinley Holt and the Indian Claims Commission," *Great Plains Quarterly* 16 (Summer 1996): 173-4, and note 22.

<sup>33</sup> Alison R. Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman: University of Oklahoma Press, 1991), 162-63.

same year, Butler's first as chair of the Public Lands Committee, the senator introduced nine bills intended to reduce or end federal trust responsibility to the Hoopa, Mission, and Sacramento area tribes of California; the Flatheads of Montana; the Menominees of Wisconsin, the Osages of Oklahoma; the Potawatomis of Kansas; the Turtle Mountain Chippewas of North Dakota; and the Iroquois in New York State. While introducing the bills on July 21, 1947, Butler gave a speech in Congress entitled "It is Time to Give Serious Consideration to Setting American Indians Free." In it, he spoke of how "as rapidly as it can be done, the Indians should be emancipated from Federal wardship and control."<sup>34</sup> The speech was one of the first of many statements in which Butler claimed that such emancipation was what Indians wanted:

Numerous Indian leaders and citizens, from every tribe, in every State, and in every community where Indians reside, have beseeched their representatives in the Senate and in the House to pass legislation granting them equal rights of citizenship with their white neighbors. Every Senator from a State with Indian constituents receives mail almost daily asking for action along this line. It is time to give serious consideration to legislation which will answer their pleas.<sup>35</sup>

Butler went on in the speech to praise the World War II service of brave American Indian veterans, to whom the United States owed equality of citizenship. Despite the Indian Citizenship Act of 1924, he said, thousands of Indians had "never been emancipated," still had "restricted property rights," and still lived under "conditions of racial segregation." Government regulations

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<sup>34</sup> Butler, "It Is Time to Give Serious Consideration to Setting American Indians Free," Congressional Record, Proceedings and Debates of the 80<sup>th</sup> Congress, First Session, July 21, 1947.

<sup>35</sup> Ibid.

constantly reminded them “of their inferior status,” he said. Finally, he criticized the “paternalism” of the IRA. Citing a 1944 report from Oklahoma Senator Elmer Thomas that had called for the act’s repeal, Butler blamed the IRA for resulting in: 1) perpetual government control of Indians, 2) Indian land policies that were incompatible “with the American system of land tenure,” 3) placing more than 500,000 acres of land under BIA supervision, with most of it “unused,” 4) “providing for complete regimentation of Indians through the system of loans,” and 5) strengthening and perpetuating the reservation system, which was “obnoxious to all thinking Americans.”<sup>36</sup>

Butler was part of an expanding western bloc of legislators who endorsed such thinking. Although much of their agenda did not pass until after the election of the Eighty-third Congress in 1952, they had begun laying a clear foundation by 1947.<sup>37</sup> Butler was not the first or only Senator or Congressman to sponsor such legislation, but he was one of the earliest and most important. The Butler Bills, as they came to be known, were trendsetters. Particularly influential were the three aimed at ending federal obligations to Iroquois Indians and extending New York state court jurisdiction into Iroquois reservations. The bills became the model for later termination measures in Congress. Public Law 280, for example, which transferred federal jurisdiction in Indian matters to five states in 1953, drew its

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<sup>36</sup> Ibid.

<sup>37</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 36.

conceptual roots largely from legislation passed in regard to the Iroquois in 1948 and 1950.<sup>38</sup>

Butler had held his chairmanship of the Public Lands Committee for barely a year when he introduced a bill to terminate reservations in the Territory of Alaska, whose statehood he vehemently opposed. He tried to transfer all “powers, duties, and functions” of the secretary of the interior and BIA commissioner within territorial boundaries to the Territory of Alaska itself. His bill, he claimed, would have cut down on federal expenses, consolidated Indian children in Alaska into public school systems, and ensured that there would be “no segregation of the Indians.”<sup>39</sup> The previous year, Congress had passed the Tongass Timber Act, which allowed the secretaries of interior and agriculture to sell timber from the Alaskan Tongass National Forest without the consent of Indian tribes who claimed title to the land. The law was damaging enough to southeastern Alaska Natives, but it still had not resolved the question of reservation lands. The 1936 Alaska Reorganization Act, a companion to the 1934 IRA, designated authority to the secretary of the interior to create reservations in the Tongass area. Timber companies and politicians mounted an effort to repeal the ARA. Butler again led the way, working with Utah Senator Arthur Watkins and Montana Representative Wesley D’Ewart to propose bills (S.J. 162 and H.R.

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<sup>38</sup> Laurence M. Hauptman, *The Iroquois Struggle for Survival: World War II to Red Power* (Syracuse: Syracuse University Press, 1986), 48. See also quote on page 45 of Hauptman, which states “. . . the laws enacted by Congress [in 1948 and 1950] established a pattern for Federal Legislation.” Excerpt from New York State Joint Legislative Committee on Indian Affairs, *Report*, 1962; also, *United States Statutes at Large* 67 (August 15, 1953): 588-590.

<sup>39</sup> Butler, “Release of Alaskan Indians From Federal Supervision,” Congressional Record, Proceedings and Debates of the 80<sup>th</sup> Congress, Second Session, January 21, 1948.

269) to effect the repeal. The NCAI, Alaska Native Service, BIA, and the Department of the Interior cooperated in defeating Butler's proposed legislation.<sup>40</sup>

Butler generally endorsed assimilation of Natives, the breakup of reservations, and the incorporation of Indian lands into the American mainstream however possible. Throughout the late 1940s, Butler engaged in letters, memos, analyses, and other exchanges in the Senate that routinely observed poor reservation conditions and blamed the BIA for inadequate administrative procedures.<sup>41</sup> Throughout his second term, Butler strongly supported the concept of fee patents, which equated to termination at the individual level. The 1906 Burke Act had built on the 1887 Dawes Act by authorizing the government to take individual Indian land allotments out of trust if it deemed an Indian landowner competent. After removing the land from trust status, in effect exempting it from a tribe or reservation, the government issued a fee patent to the landholder to designate his own full ownership of the land's title – which in turn subjected the land to state and local taxes. By late 1948, Assistant BIA Commissioner John Province informed Butler that there had been a “large volume” of requests from Indians for fee patents.<sup>42</sup> Butler sometimes received personal requests for help from Indians who sought to obtain fee patents. He typically obliged and saw such requests as further sign that the majority of Indians were ready for assimilation.

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<sup>40</sup> Thomas W. Cowger, *The National Congress of American Indians: The Founding Years* (Lincoln: University of Nebraska Press, 1999), 59.

<sup>41</sup> See Butler report, “Fractionated Indian Heirship Lands,” 1948. U.S. Senate, Records of the Committee on Interior and Insular Affairs, 1816-1968, Record Group 46, National Archives.

<sup>42</sup> John H. Province to Butler, November 16, 1948. Butler Papers, box 56.

When Charles Whitebeaver of Winnebago, Nebraska, contacted Butler about obtaining a patent in fee, the Senator replied that he would “do everything possible to be of assistance in this matter.”<sup>43</sup> Similarly, George Phillips, a full-blooded Omaha, wrote to Butler requesting help to obtain a fee patent and explained that many Omahas felt they had “demonstrated their ability to complete [sic] with white people.”<sup>44</sup> When Indians such as Whitebeaver, Phillips, and others contacted Butler, the Senator made the assumption that such progressive Indians were moving in the direction that all Indians would go and should want to go. As a proponent of fee patents and termination in general, Butler throughout his second term routinely supported controversial competency legislation, which he intended to demonstrate individual Indians’ readiness to leave reservation and tribal life. One example came in 1949 with his proposed Indian Emancipation Bill (S. 186), which aimed to “emancipate United States Indians in certain cases” and would have allowed individual Indian allottees to apply to local courts for a chance to prove competency and receive a fee patent.

Several Omahas, among others, tried to explain to Butler the dangers of such legislation: “Any time a white man sees a chance to buy up Indian land at his own price, he is going to make certain that the Indian land owner receives a ‘decree of competency’ whther [sic] he is qualified morally or intellectually.”<sup>45</sup> The group warned that, among Omahas, fee patents historically had led to poverty

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<sup>43</sup> Butler to Charles Whitebeaver, undated. Butler Papers, box 56.

<sup>44</sup> Phillips to Butler, September 23, 1948, Butler Papers, box 56.

<sup>45</sup> American Legion Members, Post 345, Nebraska, Macy Nebraska, to Butler, February 25, 1949. Butler Papers, box 89.

and homelessness because any money made from a land deal following the issuance of the fee patent tended to evaporate quickly. Despite the protest – as well as loud and continual complaints from Natives who found the very idea of competency legislation appalling – Butler remained adamant that he was only doing what most Indians wanted. He claimed that Congress “has learned through the testimony of Indians from many reservations throughout the United States that legislation along this line is desirable.”<sup>46</sup>

### **Input and interactions**

Butler tended to respond bluntly, if at all, to American Indians who opposed his views. When the United Osage Indians of Southern California wrote to tell him of their tribal council’s opposition to his emancipation bill and a bill to abolish the BIA (S. 186 and S. 2726, respectively), Butler replied with two sentences, only as a formality to acknowledge receipt of their letter and express his appreciation to know of their position.<sup>47</sup> He was much more interested in hearing from any Natives who agreed with him. Convinced of his cause, he could correspond at length with anyone who stood in contempt of the BIA and nearly always ended his letters with parting words about the necessity of liberating Indians, granting them rights, letting them stand on their own two feet and have all the rights of any other American citizen.

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<sup>46</sup> Butler to American Legion Post 345, Macy, Nebraska, March 11, 1949. Butler Papers, box 89.

<sup>47</sup> United Osage Indians to Butler, February 4, 1950, and Butler to Joseph Pearson, Chairman, Executive Council, February 15, 1950. Butler Papers, box 89.

He conversed with American Indians from across the nation in regard to termination and federal Indian policy in general, and he did receive feedback from some who openly supported his actions – or thought they did at the time. One such group was the Flathead Liquidation Association in Montana. Their president, Zephyre Courville, sent Butler a copy of their “Bill of Rights Resolution.” Butler informed the group that he would use their petition whenever possible to spread the word of the need to remove federal oversight of tribes, for he was “very much in favor of giving the Indians all the rights which every other American citizen enjoys.”<sup>48</sup> Butler heard from the Indians of California, Inc., led by George Collett, who objected to Indian Bureau legislation that would “facilitate termination” too slowly.<sup>49</sup> Also from California, Butler received a copy of the “Memorial to Congress,” signed by Adam Castillo, president of the Mission Indian Federation. The document likened the methods of the California branch of the BIA to “Russian communism” and declared that “all the American Indian wants from his fellow-citizens is freedom from the power of Bureau bureaucracy, so that we can, as a free people, prove that we can help ourselves.”<sup>50</sup> It further attacked the “rule of intolerance and complete disrespect of inherent rights of Indians, under the communistic regime” of John Collier, whose “ruinous policies have set

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<sup>48</sup> Butler to Zephyre Courville, President of the Flathead Liquidation Association. March 21, 1949. Butler Papers, box 89.

<sup>49</sup> Indians of California, Inc., to Butler, June 11, 1952. Butler Papers, box 88.

<sup>50</sup> *California Mission Indians Send Memorial to Congress*, February 22, 1949, pp. 2, 11. Butler Papers, box 89.

the Indian race back a hundred years.”<sup>51</sup> Butler thanked the group for their “very interesting and factual summary.”<sup>52</sup>

Butler was also in regular contact with the likes of President of the Choctaw-Chickasaw Confederation in Oklahoma, H.E. Wilkes, who argued that Indians would not become independent until they had taken their place among white businesses and professions, had their children “attend public schools and fraternize with white children,” and “made to be responsible to the State in which they live.”<sup>53</sup> Butler thanked Wilkes for his “views in behalf of the Indian citizens in their fight for freedom and emancipation” and commented that a man of such leadership and beliefs “would be of great benefit to the Indian citizens.”<sup>54</sup> Norman Ewing, a Sioux living in Michigan, wrote that he was in “wholehearted accord with all sane proposals” that Butler presented and that Congress do away with “the age old system of Bureau Paternalistic Attitude and Throttling Control over the Lives and Property of the Indian.”<sup>55</sup> Likewise, Bernard Morrison, a Minnesota Chippewa, wrote to Butler: “The majority of our Indian people believe that the Indian Bureau has long served its purpose and the time has come when we must show the American people that we are a race that can get out from under the

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<sup>51</sup> *Ibid.*, 11.

<sup>52</sup> Butler to Mr. P. Willis, April 5, 1949. Butler Papers, box 89.

<sup>53</sup> H.E. Wilkes to Butler, March 18, 1950. Butler Papers, box 89.

<sup>54</sup> Butler to Wilkes, March 19, 1952. Butler Papers, box 88.

<sup>55</sup> Norman Ewing, Maza Kinyan, Sioux Nation, to Butler, March 29, 1949. Butler Papers, box 89.

Indian Bureau's policies to the end that our people can tavel [sic] a new road for the betterment and freedom of our people."<sup>56</sup>

He also received support and influence from white individuals and corporate interests who assured him that Indians were ready for integration and that Indian lands would thrive if only the government loosened restrictions and allowed for their development. Because of Butler's chairmanship and nationwide work from the Committee on Public Lands, many of them contacted him from Alaska, Washington, California, Montana – regions of the West often far outside his own state of Nebraska. Cattle rancher Percy Kuehne of Keller, Washington – a town encompassed by the Colville Indian Reservation – urged Butler to help “make history” and “turn the Indians loose.” Kuehne expressed worry about recent proposals to return 818,000 acres of land to the Confederated Tribes of the reservation. Addendums to the IRA, in order to halt allotment, seized the Colville Reservation lands to stop further disposition and sale, and by 1950 there was a concerted effort to return it to the tribes. “Altho [sic] we are white we own and lease much land to operate our cattle ranch. We have many, many friends among the Indians. They are our good neighbors, we are their good neighbors. We know the Indians' wishes and their needs,” Kuehne wrote to Butler. “Except for the Indians living off these hugh [sic] grants of money, the Indians would like to be free and would do well. If we are to have race equality, the Indians must

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<sup>56</sup> Bernard Morrison, secretary of the Minnesota Chippewa Tribe, to Butler, November 29, 1949. Butler Papers, box 89.

assume their place and position with other races.”<sup>57</sup> Colville Indians won the 818,000 acres back in 1956, but not before a lengthy battle with the likes of Butler and other lawmakers influenced by non-Indian interests.

Butler’s view changed little over time, regardless of the nature or source of the input. Feedback from Indians or non-Indians that supported his views only reinforced what he felt he already knew. He tended to overemphasize or misinterpret the message of Indians who desired claims settlements, rejected the IRA, lodged grievances against the BIA, demanded less federal oversight, or advocated some form of government withdrawal. Butler generally perceived any complaint about the BIA or the Indian New Deal as vindication of his own view and legislation. He equated all such desires and actions as evidence that Indians across the United States ultimately wanted full-scale assimilation and removal of federal trust protection as soon as possible. For example, Butler misinterpreted the words of Omaha Tribal Chairman Amos Lamson, who had insisted throughout the late 1940s that his tribe was not ready for withdrawal. When Lamson suggested the abolition of unnecessary BIA field offices and argued for the redistribution of the maintenance funds for such office to the tribes themselves, he in essence called for a chance for greater tribal self-determination.<sup>58</sup> He wanted greater tribal autonomy in working with the federal government, not elimination of federal recognition of the tribe or its sovereignty.

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<sup>57</sup> Kuehne to Butler, June 19, 1950. Butler Papers, box 89.

<sup>58</sup> Amos Lamson to Affiliated Tribes of the Northwest, Attn: Joseph R. Garry, April 7, 1950. Butler Papers, box 56.

Butler issued a concurrence of opinion but in fact was only agreeing with reducing the number of agency offices and expenses because it meant one more step toward ending all federal involvement with tribes.<sup>59</sup>

Sometimes Indians misread Butler's intentions as well, particularly in the late 1940s before implementation of HCR 108. For instance, Mercedes Newman Black of the Mission Creek Reservation in California felt encouraged by some of Butler's early efforts and urged him and Congress to "approve the Withdrawal Program" to allow California Indians to "take care of ourselves." She demanded a per capita payment of tribal claims or, barring that, urged political leaders to see that the money be used to aid in developing community centers or "on some other worthy project which will benefit Indians in California."<sup>60</sup> While Butler gladly drove withdrawal, his vision was not one that advanced Indian community or reservation development.

Butler did not oppose humanitarian aid for Indians who he thought faced dire threats of poverty, malnutrition, or exposure to harsh weather conditions. But he did think some reports of reservation life had exaggerated the reality of Native impoverishment. As always, he was wary of costs and feared that the BIA would manipulate rehabilitation bills, redirect funding for such bills into its field offices, and perpetuate reservations. He frequently teamed with Senator George Malone of Nevada to refuse funds for reservation communities where federal employees

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<sup>59</sup> Butler to Lamson, April 12, 1950. Butler Papers, box 56.

<sup>60</sup> Mercedes Newman Black to Butler, undated. Butler reply dated May 10, 1949. Butler Papers, box 88.

discouraged private business by supervising tribal corporations.<sup>61</sup> Terminating the BIA and the reservation system – the ultimate goals, in Butler’s eyes – could face only hindrance and delay if the government allocated resources to rehabilitate and develop tribal lands. At a time when the Truman administration was spending billions in foreign economic recovery with the Marshall Plan, the isolationist Butler agreed with those who felt that the U.S. could have kept the money in its coffers or spent it more wisely at home, such as to alleviate poverty. “I feel that we have paid too much attention to some of our foreign aid programs and too little to some of our own Indians who are desperately in need,” he said.<sup>62</sup> Yet, to Butler, the simplest and best way to end poverty on reservations was to simply eliminate reservations.

Butler’s early work in advancing termination (although few called it “termination” at the time) across the United States and Alaska Territory prompted National Congress of American Indians attorney James Curry to label him “Public Enemy of the Indian Number One.”<sup>63</sup> Curry castigated the senator’s use of slander and personal attacks on Indian leaders and representatives in Alaska and in issues surrounding tribal attorney contracts. Increasingly, as the United States entered the era of McCarthyism, Butler branded his opponents as actual or potential communists, and he was convinced that there was no shortage of

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<sup>61</sup> Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), 83.

<sup>62</sup> Butler to Jessie Duncan, December 29, 1949. Butler Papers, box 88.

<sup>63</sup> Report of James E. Curry, NCAI General Counsel, Dec. 15, 1948. NCAI Convention Proceedings, p. 22. NCAI Conventions 1947-1950, Proceedings 1948 file, box 2, National Museum of the American Indian Archives.

Marxist tendencies among both the NCAI and BIA. He and others in Congress also had attacked the intentions of leaders such as NCAI Secretary Ruth Muskrat Bronson and charged Curry with corrupt intentions and unethical attorney practices in “soliciting business” from Indian tribes. Curry went so far as to “thank heaven” that the Democratic Party upset wins of the 1948 elections had caused a rearrangement of the Senate and ousted Butler from his chair on the Senate Public Lands Committee (by 1948 renamed the Committee on Interior and Insular Affairs).<sup>64</sup> Especially by the early 1950s, Butler received substantial complaints against termination legislation pending in Congress; he dismissed such objections and the people who made them as ignorant at best and communistic at worst.

### **Seeing “Reds” on the reservation**

Although ejected from his chairmanship temporarily (he resumed in 1953, following Republican election victories in Congress), Butler remained a force for not only termination but also anti-communism. Indeed, for him the two were inextricably linked. Cynical of any leftist tendencies of the Roosevelt and Truman administrations, skeptical of John Collier and the BIA, and prone to believing evidence or rumors that tied New Dealers to communism, Butler enthusiastically supported all legislation that targeted the American Communist Party or communism in general. He had been deeply suspicious of the Soviet Union during World War II. He was confused and angered by the 1949 fall of China, the

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<sup>64</sup> Ibid.

1950 Communist attack on South Korea, the methods by which Truman pursued to fight the Korean War, and the conduct of the Cold War at large.<sup>65</sup> Because of all such factors, Butler became an ally of Joseph McCarthy and supported the Wisconsin senator's notorious investigations of communism. As early as 1950, he admitted that McCarthy probably had made "some blunders" and lacked tact, and yet Butler still defended his colleague as an able patriot whose exposés constituted a "most worthy objective" that had the "overwhelming approval of the people throughout the country."<sup>66</sup>

Butler rarely made direct accusations, as some other terminationist senators did, that connected the traditional communal life ways of some Indian tribes to the communism of Marxist and Soviet ideology. In fact, he rarely spoke of Indian lifeways or traditions at all. However, it is probable that such alleged connections affected his outlook. He proved quite capable of grouping races and ethnicities with beliefs and tendencies. For example, his anti-communist and racial biases were the lynchpins of his opposition to Hawaiian statehood after the war. In a report that expressed his fear that granting statehood to Hawaii would "create a grave danger to our national security," Butler stated that he could see no reason why a man "of Japanese or Oriental extraction should not be as loyal a citizen or as good an American as a man of any other extraction." And yet he opposed statehood because "in Hawaii . . . the various groups of recent arrivals with Oriental traditions predominate and set the tone of the entire culture." He

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<sup>65</sup> Paul, *Senator Hugh Butler and Nebraska Republicanism*, 112.

<sup>66</sup> *Ibid.*, 112-113.

further contended: “If Hawaii had been settled and primarily populated by Americans from the Mainland, there might be no great problem about admitting it as a state. Unfortunately, that was not the case.”<sup>67</sup>

Butler also opposed statehood because of Hawaii’s non-contiguity with the rest of the United States and for fiscal and logistical reasons, as he feared what it would cost the rest of the United States to bring the territory into the union.<sup>68</sup> Indian tribes living on reservations within the contiguous United States, on the other hand, constituted groups of assimilable non-whites whose rapid assimilation would reduce bureaucratic costs while relieving the country of pockets of poverty and unrest that were potentially vulnerable to the threat of internal communist ideology. To Butler, Indians were not “alien” – or at least not as “alien” – and did not have “alien traditions”<sup>69</sup> in the same sense or extent that Hawaiians and Asians were and had. Indeed, he thought the worst course of action would have been for the United States to not assimilate Indians as it had other European groups. “Personally, I think it is a crime the way we have treated Indians,” Butler stated. “They should have become a part of us long ago, the same as the Irish who came here, and the Dutch, the British, or the Germans.”<sup>70</sup> He liked to point out that, “among the 400,000 so-called Indians there are hundreds and thousands of Indians who are less than a quarter Indian, that is to

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<sup>67</sup> Ch’eng-K’un Cheng, “Assimilation in Hawaii and the Bid for Statehood,” *Social Forces* 30 (October 1951): 16. Butler’s report appears in U.S. 81<sup>st</sup> Congress, 2d Session, Report No. 1928, June 29, 1951.

<sup>68</sup> Paul, “The Power of Seniority: Senator Hugh Butler and Statehood for Hawaii,” *Hawaii Journal of History* 9 (1975): 140.

<sup>69</sup> *Ibid.*, 142, and notes 15, 22. See also Report no. 1928, pp. 47-59, and Report No. 314, May 8, 1951, 82nd Congress, 1<sup>st</sup> Session, pp. 66-69.

<sup>70</sup> Butler to Ray McConnell Jr., February 7, 1949. Butler Papers, box 56.

say, they are more than three-fourths white.”<sup>71</sup> Moreover, he saw the greatest threats to the United States as internal. Defending against them meant cleaning up domestically, securing borders, and resisting any temptation for expansion that might force the country to face new dangers.

It speaks to his level of anti-communism that Butler initially expressed apprehension about Truman’s last appointment to commissioner of the BIA, Dillon S. Myer. Butler’s suspicions were formidable enough that even Myer, who came to symbolize the era’s intolerance and conformity, did not escape scrutiny. Fulton Lewis Jr. – the radio broadcaster well known for his opposition to the New Deal, support for McCarthy, and reporting that exposed Julius and Ethel Rosenberg as Soviet spies – contacted Butler for possible dirt on the incoming commissioner. Wary of any possible rumored communist ties, Butler spent part of the spring of 1950 sifting through documents of the House Committee on Un-American Activities to find anything on Myer. Butler received assurances from H. Rex Lee – who had worked for the War Relocation Authority with Myer – that the incoming commissioner was “just a farm boy like you and me” and “no more Communist than either you or I or anyone else who has grown up under such circumstances.”<sup>72</sup> Only then did Butler lower his guard. He attended the congressional hearings that preceded Myer’s appointment, and over the next three years, the two saw eye-to-eye on nearly all major aspects of termination.

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<sup>71</sup> Butler to Mrs. G. Masters, May 2, 1950. Butler Papers, box 56.

<sup>72</sup> Dillon S. Myer, *An Autobiography of Dillon S. Myer* (Berkeley: University of California Press, 1970), 253-54.

James Curry later maintained that Myer himself had inspired the attacks on the NCAI and the attempts to link the organization with communist groups.<sup>73</sup>

As termination crystallized under the leadership of Myer, Butler, and other western senators such as Republican Arthur Watkins of Utah and Democrat Pat McCarran of Nevada, opposition to their policies, bills, and methods grew from groups like the NCAI and the Association on American Indian Affairs. Butler retaliated by working with the House Un-American Activities Committee to find and publicize communist ties among such groups. As early as 1947, for example, Butler's office cooperated with Albert Gorud, a clerk on the Senate Indian Subcommittee, to circulate a report entitled "The National Congress of American Indians: An Indian Bureau Organization and How It Was Formed."<sup>74</sup> The report concluded that the NCAI intended to keep Indians under the "communist" IRA. Their efforts were convincing enough to put the NCAI on the defensive and convince many members to quit the organization. Historian Kenneth R. Philp has credited Butler's office with instigating the resignation of Leta Myers Smart, who had helped organize the NCAI office in Los Angeles. Thomas Largo, a Cahuilla Indian and sachem for the California Indian Rights Association in Pasadena, also extricated himself from the NCAI for fear that ties to the organization would stain him as disloyal to the United States.<sup>75</sup>

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<sup>73</sup> Cowger, 71.

<sup>74</sup> Kenneth R. Philp, 105.

<sup>75</sup> *Ibid.*, 106.

Smart first came into contact with Butler in 1950 and cooperated with him for years thereafter. In her mid-fifties, she claimed to be of one-sixteenth Omaha ancestry and the great-great grand-daughter of Laughing Buffalo, an Omaha Indian who, she said, was part of a tribal contingent that had visited Paris, France, near the turn of the nineteenth century.<sup>76</sup> According to Smart, there were two categories of Indians. The first category, she said, were those mostly full-blooded Indians on reservations who were “afraid to take a step forward for freedom and real honest-to-goodness citizenship because they have been deluded into thinking that if they did they would thereby lose their tribal rights.” The second category was comprised of those Indians who had been “progressive enough to leave the reservation and go out into the world to get an education and make something of themselves.” Many of the second group had been “sucked into the Indian Bureau to further its schemes for only further engulfing the Indians” she said, and she equated them with spies for the bureau.<sup>77</sup>

Smart became an especially outspoken and emotional opponent of the NCAI, even listing it as a “communist organization” to which she once had belonged.<sup>78</sup> Indeed, she became convinced that far leftist ideology was rampant inside both the NCAI and the BIA. She turned on her former organization, the NCAI, and labeled it “another one of John Collier’s fanatical schemes to further enslave, intimidate and sell the Indians down the river!”<sup>79</sup> Smart worried that if

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<sup>76</sup> Smart to Butler, undated. Butler Papers, box 88.

<sup>77</sup> Smart to Butler, undated.. Butler Papers, box 88.

<sup>78</sup> Smart, form of registration pursuant to Los Angeles County, undated. Butler Papers, box 88.

<sup>79</sup> Smart to Butler, September 7, 1950. Butler Papers, box 88.

reservation conditions were not improved and if Indians were not helped to “make something of their lives outside reservations,” tribes might prove susceptible to “something worse” than what they already endured, such as communism.<sup>80</sup> Ironically, even Napoleon Bonaparte Johnson, who as a member of the American Indian Federation had been an ardent opponent of Collier in the late 1930s, found himself at the mercy of Smart’s tirades. She angrily rebuked the NCAI and its president for being dupes for Collier’s “ulterior purposes,” and further charged that the organization wrongfully “never had stood for the emancipation of the Indians.”<sup>81</sup> Meanwhile, she constantly encouraged Butler and at one point thanked him and Malone for being the “real and true friends the Indians have in Congress.”<sup>82</sup>

Butler and Smart both bought wholesale into the accusations from the House Committee on Un-American Activities that the Robert Marshall Civil Liberties Trust, which had been one of the primary funders of the NCAI during its early years, was “one of the principle organizations for furnishing money to communist fronts.” Both badgered NCAI leaders over the connection, with Butler demanding that Curry disclose contribution amounts, names of the foundation trustees, and even a copy of Robert Marshall’s will and trust.<sup>83</sup> Questions abound about how much Butler affected Smart’s views and how much she, in turn, affected his. But their relationship in regard to Indian policy appears to have

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<sup>80</sup> Smart to Reva Basone, August 11, 1950. Butler Papers, box 88.

<sup>81</sup> Smart to Johnson, undated. Butler Papers, box 88.

<sup>82</sup> Smart to Butler, September 26, 1951. Butler Papers, box 88.

<sup>83</sup> Butler to James E. Curry, March 26, 1951. Butler Papers, box 88.

been symbiotic: the more he gave her reason to believe there was a threat of communism among the BIA and the NCAI, the more she attacked such organizations. Conversely, the more she attacked such organizations, the more he appeared to have embraced the righteousness of his cause and believed that Indians broadly and rightfully opposed the BIA, wanted assimilation, and, ultimately, desired termination.

### **Summary**

As termination efforts approached their zenith under Myer's leadership, Butler had a small role in one of the era's more well-known episodes involving a Native veteran. Butler was one of just two senators (along with Iowa Democrat Guy Gillette) to attend the funeral of John Rice in Arlington Cemetery on Sept. 5, 1951. A Ho-Chunk, Rice was from Winnebago, Nebraska, and had served in World War II. Killed during service in the Korean War, Rice became the source of controversy when officials for a Sioux City, Iowa, cemetery forbade his burial there because he was an American Indian. President Truman intervened, opening the way for Rice's burial at Arlington National Cemetery as a symbol of gratitude to all Native veterans. Also in attendance at the funeral were Secretary of the Interior Oscar Chapman and BIA Commissioner Dillon S. Myer.<sup>84</sup> Such a seemingly sympathetic gesture in itself on Butler's part might have had political motivations. It is not out of the question that Butler used the opportunity to project an image of compassion and gain publicity at a time when moderate Republicans

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<sup>84</sup> "Indian G.I. Buried in Arlington Rites," *New York Times*, Sept. 6, 1951.

were attacking him in order to build momentum for Val Peterson's upcoming run against Butler in the 1952 primary.<sup>85</sup> Butler's attendance earned praise from some circles. Unsurprisingly, he insisted that he went "as a mark of respect for the Indian veteran since I have been very much interested in the Indian problem for some time."<sup>86</sup>

Butler introduced and supported termination legislation from the end of World War II until the end of his life. On January 9, 1953 – just days before his swearing in for his third term in the senate – he introduced six bills, virtually all of which tried to advance a terminationist agenda. One of the bills (S. 329) was yet another attempt to limit the secretary of the interior's powers to establish reservations in Alaska. Another (s. 332) tried to confer jurisdiction to states "over offenses committed by or against Indians on Indian Reservations."<sup>87</sup> Another of the bills (S. 330) called for a per capita distribution of all tribal cash in the U.S. treasury. Another (S. 331) tried to not only authorize but direct the secretary of the interior to partition or sell and distribute proceeds of any land allotted to an Indian who had died without leaving a will, thereby disposing of the allotment. Still another (S. 335) again called for "emancipation" by allowing an Indian to apply for a decree of competency upon reaching age twenty-one. In response to S. 335, the NCAI noted that, along with many tribes, it had "unalterably opposed"

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<sup>85</sup> Paul, e-mail message to author, December 11, 2009.

<sup>86</sup> Butler to Maxine Vogler, September 7, 1951. Butler Papers, box 88.

<sup>87</sup> Congressional Record, Vol. 99, Part 1, Proceedings and Debates of the 83<sup>rd</sup> Congress, 1<sup>st</sup> Session, Jan. 3 – Feb. 25, 1953, p. 257.

such legislation for five consecutive years.<sup>88</sup> Butler also continued to push for a commutation of the Canandaigua Treaty into a final cash payment to the Iroquois up until his death in 1954. By then, the Iroquois had endured the closing of the New York Superintendency and the transfer of civil and criminal jurisdiction to the state. Butler had hoped to terminate the tribe entirely.<sup>89</sup>

Butler was among those persistent BIA and congressional members who lobbied for passage of Public Law 280 and urged President Dwight Eisenhower to sign the measure. Butler even sent the White House a telegram of encouragement on August 15, 1953, the day Eisenhower signed it into law. Eisenhower stated that he doubted the wisdom of some the law's provisions but nonetheless signed it because "its basic purpose represents still another step in granting equality to all Indians in our nation." In response to Butler's telegram, the President expressed hope that Congress would work with Indian leaders and amend it as necessary before transfers to state jurisdiction. Seven bills introduced in the Eight-fourth and Eight-fifth Congresses requested amendments but none passed.<sup>90</sup>

While still in office, Butler suffered a stroke and died quietly at Bethesda Naval Hospital on July 1, 1954. He was convinced to the end of the righteousness of his actions on Indian policy and hopeful of the future merits of HCR 108 and Public Law 280, as Congress began to carry out both measures.

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<sup>88</sup> NCAI Convention Proceedings, p. 32, December 1953. Helen Peterson Papers, box 12, National Museum of the American Indian Archive.

<sup>89</sup> Hauptman, 63-64.

<sup>90</sup> Fixico, 111-112.

One of the mysteries of Butler is how and why a senator noted primarily for his preoccupation with political capital and election victory could have such a sweeping, widespread effect on termination at a time when most leaders did not look to Indian policy as a route for advancing congressional careers or personal ambitions. Butler, after all, was unquestionably a calculating politician who carefully orchestrated each of his senatorial campaigns, winning the general election with fifty-seven percent of the vote in 1940, seventy percent in 1946, and sixty-nine percent in 1952. Yet he also introduced dozens of termination bills and supported countless more during his time in the Senate, and he often supported termination in New York, Alaska, Washington, California, and other places far outside his voting base in Nebraska.

One explanation is that termination was a policy and a movement that perfectly fit within Butler's worldview and ideology during the era. Fiscal responsibility, limited government, conformity, assimilation, anti-communism, pro-capitalism, and even isolationism – all fused and fueled his vision for Indian country and the United States. In supporting such ideals, Butler tried to cultivate an image as a righteous humanitarian who helped poor, disadvantaged people overcome segregation, assimilate into the mainstream, and have opportunities at the American dreams of individualism, wealth creation, and private property. If such ideas simultaneously could open up more land for mainstream American development, boost resources, cut back on wasteful government spending, and

therefore aggregately make the United States more self-reliant and stronger in its quest to defeat communism, then to Butler the situation would be all the better.

Yet the roots of Butler's perspective on termination go deeper than the postwar era or even the Great Depression. A western senator, he was a product of his time and region. A white, protestant man of middle class beginnings, he ascended to a wealthy status through the agrarian free market system of the Plains. His views on Indian sovereignty and culture were essentially the same as those of people who had advocated boarding schools and allotment during the era in which he had been born. To keep Indians on reservations supervised by the federal government meant preserving an outdated, outmoded way of life through the oversight of a bureaucratic system at the expense of the American taxpayer. In the postwar era, that such a system fostered an alien society within the borders of the United States, prolonged segregation in a time of conformity, and possibly attracted elements of twentieth-century communist ideology only served as further reason to promote termination.

Butler's view of and support for termination were the product of a long legacy of realities in American history. Although he came to understand the basic history of many tribes during his time in the Senate, he still rarely if ever spoke of tribal rights or demonstrated recognition of tribes as sovereign nations. He was incapable of seeing an alternative to dismantling the BIA, repealing the IRA, and driving toward assimilation as quickly as possible. As he stated, he intended to

“push for a solution along these lines with all the energy” he had.<sup>91</sup> As the termination policy that he helped create solidified in the wake of his death, however, so did the perspective and resolve of a growing number of the policy’s opponents. But it was a long fight. The government was terminating tribes more than a decade after Butler’s death. The effects lingered for decades thereafter, long beyond when the last of leaders with similar views had passed from the scene.

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<sup>91</sup> Butler, “The Indians of Nebraska,” March 29, 1949. Butler Papers, box 56.

## CHAPTER 6: CONCLUSION

“There had been mention of the kinds of termination . . . . (T)here were bills that would terminate by band, by tribe, by portions of a tribe as in the case of the affiliated Ute citizens. By whole states of tribes, California; parts of states, western Oregon; and by service, beginning to whittle away at the Bureau. And then there was one to terminate anyone half-blood or less. . . . There was every kind of effort at termination.”<sup>1</sup>

For the fifteenth annual convention of the National Congress of American Indians in late 1959, Executive Director Helen Peterson sent a request to each of the three men who had served as the organization’s president. She wanted Joe Garry, W.W. Short, and Napoleon Bonaparte Johnson to send her a photograph and a statement for inclusion in the convention program. To Peterson’s delight, Johnson – still a man of enormous prestige who had ascended to Chief Justice of the Oklahoma State Supreme Court in 1955 – responded promptly in October. But she discovered she had some problems with his choice of words.

His message praised the NCAI for its endearing unity, which was, he observed, something rare in the history of inter-tribal coalitions. He also pointed to the organization’s list of accomplishments in its first fifteen years. First among them, he mentioned the establishment of the Indian Claims Commission. Yet when transitioning into the list of tasks that lay ahead for the NCAI, Johnson noted: “There are still large segments in each of the tribes living on remote reservations and in isolated rural communities who because of historical factors, bad health, bad lands and lack of educational opportunities are sub-marginal

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<sup>1</sup> Helen Peterson, interview with Kathryn McKay and John Painter, August 19, 1983, p. 16.

socially and economically. Many are living in dire poverty under the most deplorable circumstances.” Johnson then continued: “Before federal termination of Indian affairs can be had, these conditions must be remedied to the extent that the social and economic status of the Indian will be brought to a par with that of the non-Indian citizen.”<sup>2</sup>

Peterson saw red flags. She found Johnson’s language outdated, off-target, and potentially divisive after more than five years of the NCAI’s near-total opposition to termination. By then, Peterson had thought, there should have been no debate about the meaning or usage of the word “termination.” Writing back to Johnson, Peterson suggested “a couple of minor editing changes.”<sup>3</sup> While she did have some small stylistic alterations for the Judge, she also wanted two parts completely stricken from the message. She suggested that he take out the part about “isolated rural communities,” because, she said, “some of the Indians might read into this an implication that they shouldn’t live on reservations.” She also wanted to delete the clause “Before federal termination of Indian affairs can be had.” Trying to maintain diplomacy and lauding the statement overall as “most excellent,” Peterson reminded Johnson: “As you know, many of the tribal officials would not agree that termination of federal trusteeship is any goal of theirs!”<sup>4</sup>

The next day, Peterson wrote to her friend Chuck Ennis, who was in charge of putting the statements together in the convention program. She

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<sup>2</sup> Statement by Justice N.B. Johnson, undated. NCAI Records, Judge Johnson file box 66, National Museum of the American Indian Archive, Suitland, Maryland.

<sup>3</sup> Peterson to Johnson, October 27, 1959. NCAI Records, Judge Johnson file, box 66.

<sup>4</sup> Ibid.

described Johnson's message as "good" but once again outlined her criticisms. "I don't think the Judge's words are saying what he even means," Peterson wrote. But had Johnson, the Oklahoma Supreme Court justice, really not said what he meant? He was, after all, a man who had built a reputation over three decades as a fine legal mind, with consistent expression of himself in concise arguments and decisions. "He probably means termination of special federal responsibility for public services to Indians and termination of trust on land," Peterson continued to Ennis. After a pause, she wrote, "Anyhow, leave it out."<sup>5</sup>

It reveals much that one early prominent NCAI leader would want to change the words of another on termination and even have to speculate as to his probable meaning more than six years after the passage of HCR 108 and Public Law 280. The persistent existence of differences even then – between two friends and allies with ties to the same organization and with dedications to the same basic cause of American Indian rights – speaks volumes as to the discord over the issue. The lack of unity was that much more pronounced a decade, even a half-decade, earlier. As the nation lurched toward termination during the years of the Truman administration, there existed broad diversity over what the issue and language surrounding it meant.

Differences in viewpoints transcended social lines, and such differences had repercussions as the social lines materialized into battle lines over which the varying sides fought the war over termination. An examination of the lives of

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<sup>5</sup> Peterson to Ennis, October 28, 1959. NCAI Records, Judge Johnson file, box 66.

Napoleon Johnson, Helen Peterson, Oliver La Farge, and Hugh Butler shows patterns of how people viewed the issue of termination as it transformed into law. Their perspectives often overlapped and revealed the complexity not only of post-World War II federal Indian policy but of reaction to it. Yet such perspectives also remained separate from each other with distinctions based on many social variables, including race, class, gender, age, life experience, and region.

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When NCAI members and allies attending the February 1954 Emergency Conference ascended the U.S. Capitol's steps to confront Congress on termination, they passed Horatio Greenough's statue titled *The Rescue*.<sup>6</sup> The sculpture, which had stood alongside the East Front of the Capitol ever since 1853, showed an oversized white man overpowering an American Indian man armed with a tomahawk. As a cowering white woman huddled to the side with child in arms, the white figure of civilization appeared coming to the rescue, triumphing to restrain the Indian without causing physical harm. Greenough wrote that he intended the statue to display "the superiority of the white-man, and why and how civilization crowded the Indian from his soil."<sup>7</sup> The artist elaborated that the work showed "the triumph of whites over the savage tribes," and he meant it to serve as a "memorial to the Indian race."<sup>8</sup>

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<sup>6</sup> Paul C. Rosier, "'They Are Ancestral Homelands': Race, Place, and Politics in Cold War Native America, 1945-1961," *Journal of American History* 92 (March 2006): 1314.

<sup>7</sup> Quoted in Rosier, 1314. See also Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Minneapolis: University of Minnesota Press, 1980), 20.

<sup>8</sup> Quoted in Albert Boime, *A Social History of Modern Art, Volume 2: Art in an Age of Counterrevolution, 1815-1848* (Chicago: University of Chicago Press, 2004), 527.

Although many did not realize it during the early years of the Truman administration, the termination movement that began then ultimately reflected the ideas embodied so long before in Greenough's statue. The tide of termination had its roots in the supposed civilizing power of the inevitable, sweeping tide that Big Elk had described in 1853, coincidentally the same year that *The Rescue* took its place on the U.S. Capitol. It is no wonder that many Native leaders – some of whom worked towards the statue's removal from the Capitol by 1958 – found little comfort in the words and actions of Hugh Butler, Arthur Watkins, and other terminationist politicians. Indeed, Watkins noted that Congress's federal Indian policy "sought to return to the historic principles of much earlier decades."<sup>9</sup> As much as the policy itself or anything else, it was a mindset, a worldview, that opponents of termination had to fight. Hugh Butler's worldview, for instance, was representative of many western senators who espoused termination.

### **Hugh Butler**

At first glance, Butler's involvement in federal Indian policy raises questions about his motivations. His terminationist acts in particular sometimes have confounded historians who have examined him. While recognizing Butler's prominence as a terminationist well before the Eisenhower administration, for example, historian Donald L. Parman noted that his own research never established "any compelling reasons" for Butler's actions. "His personal papers

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<sup>9</sup> Arthur V. Watkins, "Termination of Federal Supervision: The Removal of Restrictions over Indian Property and Person," *Annals of the American Academy of Political and Social Sciences* 311 (May 1957): 48. See also Rosier, 1314.

indicate that a few constituents wrote him about Indian problems, but no major vested interest in Nebraska seemed interested,” Parman wrote. “Butler’s involvement may have been simply a quirk.”<sup>10</sup>

Butler biographer Justus F. Paul has argued repeatedly about the extreme political nature of Butler’s actions as a senator. The Nebraska politician weighed his actions heavily in regard to how they might affect his next election. He also never ran for an election without supreme confidence that the political deck’s stacking was heavily in his favor. Yet in regard to federal Indian policy, much of Butler’s action and dialogue went outside his home constituency. After World War II, the senator regularly sponsored or supported termination measures in New York, California, Washington state, Oregon, Alaska, and elsewhere.

Butler’s staunch advocacy of termination was no accident. As demonstrated in this study, termination in its purest form – the elimination of the federal trust, of the federal recognition of tribes, and of the BIA itself, all in order to catalyze assimilation – walked in lockstep with his life experiences and worldviews. Butler traveled westward into Nebraska as a child, lived in a sod house, and held traditional and parochial views on white American settlers.<sup>11</sup> He never let go of his belief in the paramount significance of agriculture to the American way of life.<sup>12</sup> His extreme adherence to rugged individualism led him to criticize many who advocated the New Deal or accepted aid from its programs.

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<sup>10</sup> Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington: University of Indiana Press, 1994), 205-06, note 79.

<sup>11</sup> Kenneth R. Philp, *Termination Revisited* (Lincoln: University of Nebraska Press, 1999), 188, note 55.

<sup>12</sup> Justus F. Paul, *Senator Hugh Butler and Nebraska Republicanism* (Lincoln: Nebraska State Historical Society, 1976), 7-8.

His fervid belief in the free market and traditional American capitalism caused him disdain for anything that resembled government meddling. His demand for limited government made him detest anything approaching a bureaucracy. His anti-communism, perhaps only a notch below that of Senator Joseph McCarthy, was so acute that he suspected or accused many Truman administration officials, including Dillon S. Myer, of being communists.

An isolationist who desired less contact with Latin America and feared immigration from Asia, Butler sometimes allied with Southern Democrats and displayed sharp racial biases. Yet unlike his views on other non-European groups, Butler's position toward American Indians was one that deemed them assimilable. It is possible that he simply believed American Indians were different from other groups in this respect, and such difference might well have been attributable to whatever beliefs he harbored about his own supposed American Indian ancestry. If he truly believed that he had Indian blood, then in his mind he was living proof of Indian blood that had assimilated successfully. As an isolationist who felt most comfortable with the idea of the United States being as unvarying as possible, he also viewed tribes as bastions of aberration in an otherwise potentially homogenous society.

In contrast to other nations, of course, Indian tribes are inside the boundaries of the United States. For the strongly isolationistic Butler, the United States could further its own interests and simultaneously do American Indians a humane favor by expunging their tribes through absorption. Unlike Oliver La

Farge, Butler appears to have never reached a point at any time in his life in which he even remotely questioned the common notion during the early twentieth century that Indians were destined for complete absorption into the mainstream United States. Butler spoke out little on race relations concerning African Americans or the civil rights platforms of Truman and other socially liberal politicians. Yet the senator sometimes pointed toward attempts at African American integration as an equivalent situation for American Indians, who therefore ought to gain more freedom by simply moving into white America.

With such positions in so many areas, realistically there was little to nothing that Butler saw in termination to not support. His early life, narrow sense of patriotism, Congregational background, and education in the traditional white American patterns of the late nineteenth century all contributed to his philosophy.<sup>13</sup> Combined with an intense adherence to fiscal conservatism and little exposure to American Indian culture, Butler's background fit the profile of a devout terminationist as well as nearly anyone's. The characteristics of his life experiences are consistent with those of many western terminationist policymakers. One of the oldest members of the Senate during his time in Washington, D.C., Butler was of the same generation as many of the most ardent and well-known terminationists. Many of them – Dillon S. Myer, Pat McCarran, Arthur Watkins, and Butler himself, among others – were born before the turn of the twentieth century. Historian Kenneth Philp has described such men, as well

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<sup>13</sup> Paul, 126.

as President Harry Truman, as products of their time, an observation which nonetheless leaves their actions to serious question and criticism. Thus, in many ways – race, class, gender, region, and age – Butler was very much representative of those powerful ideologues who helped the United States on a course for termination as its basic federal Indian policy. Like many of them, Butler held a stance on termination that was as fixed as it was unrelenting. Men with such ardent beliefs in such positions of power presented difficult adversaries for anti-terminationists.

In some ways, Butler also presented a special case. Less dramatic in word and action than Watkins, Butler agreed in virtually every instance with his colleague on termination policy. But while Watkins made headlines and has remained a focal point in historiography, Butler in some ways was arguably as important, even though his senatorial reputation is generally one of insignificance. Butler played an important role in federal Indian policy, especially during the Truman administration as termination built momentum before its widespread, definitive enactment. He affected the composition of the Indian Claims Commission and sponsored some of the earliest, most influential termination bills of the post-World War II era when Watkins had just taken office.

Thirty years to the month after the passage of HCR 108, Kathryn McKay interviewed Helen Peterson about the early years of the NCAI. Peterson could recall in detail the exploits of terminationists such as Myer and Watkins. When asked about Butler, Peterson admitted that she “was drawing a blank” and was

“not sure when Butler left Congress.”<sup>14</sup> She quickly changed the subject to others, including Congressman Arthur Miller of Nebraska. She especially had harsh words for Albert Grorud, a staff director for the Senate subcommittee with whom Butler worked closely. Remembering Grorud, Peterson said that she was experiencing “reawakening memories” and recalled correctly that Grorud “was in league with Butler.”<sup>15</sup> Writing of Butler’s “quiet persuasiveness,” Paul noted:

Butler’s influence in Washington was exercised backstage rather than in the limelight. He worked through his favorite techniques and devices – the committee, the personal visit, the phone call or the letter. Several of his former colleagues have testified that his influence in behind-the-scenes maneuvering and in Republican policy decisions was often substantial, although gaining little public notice. Senators of both parties spoke highly of Butler’s quiet effectiveness, his gentlemanliness, and his loyal service to his party and his country.<sup>16</sup>

Unlike Watkins, who publicly prided himself as an emancipator of American Indians and champion of Native rights, Butler quietly went about his job. Butler’s worldview in itself – much more so than political ambition or desire for a lasting reputation – drove his work on termination. While he privately took pride in what he believed was the righteousness of his cause, he seemed to have cared little about recognition he might receive for it. In some ways, Butler’s quiet effectiveness and behind-the-scenes maneuvering made him all the more dangerous for American Indians. While still trying to decipher and agree on the real meaning of legislation that called for liquidation, withdrawal, emancipation

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<sup>14</sup> Helen Peterson, interview with McKay and Painter, 12.

<sup>15</sup> *Ibid.*, 14.

<sup>16</sup> Paul, 127.

and the like, American Indian groups had enough difficulty tracking such bills going through Congress. As Peterson stated, the NCAI was organized on a “shoestring” with a tight budget.<sup>17</sup> Politicians who worked outside the spotlight to push termination made the situation just as hard to grasp as did demagogues who filled newspapers with falsehoods about the policy’s purported merits.

Butler died on July 1, 1954. On November 9, 1954, the day after he took over Butler’s Nebraska senate seat, Republican Roman Lee Hruska declared of Butler: “His wide experience with men and affairs gave him a broad understanding of the many situations and problems which confronted him from time to time.”<sup>18</sup> Hruska’s remarks came with great irony. It had been precisely Butler’s lack of experience with American Indians that had defined his perspective on Native life ways and federal Indian policy.

Hruska’s was the first that day in the Senate of twenty-three tributes, all of which lauded Butler as a quiet, honorable man of great patriotism and firm conviction. Typical were the remarks of New Jersey Republican Clifford P. Case, who appreciated Butler’s “contribution to the West because of his leadership in the Committee on Interior and Insular Affairs, his deep interest in the great program of development along the Missouri River Basin, his interest in irrigation, and his interest in the welfare of the stockmen in the great open spaces of the

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<sup>17</sup> Peterson in Kenneth R. Philp, ed., *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (Logan, Utah: Utah State University Press, 1995), 169.

<sup>18</sup> Congressional Record, Proceedings and Debates of the 83d Congress, 2d Session, August 19 to December 2, 1954 (Washington, D.C.: U.S. Government Printing Office, 1955), p. 15,895.

West.”<sup>19</sup> None of the Senate tributes to Butler – indeed, few of his tributes, eulogies, or obituaries, if any at all – mentioned a word about his dealings with American Indians, whose lives he had threatened so profoundly. Even as the adulatory remarks filled the Senate chambers for Butler, American Indians and their allies were at work in a long process to unite their views and efforts in reversing the tide of termination that he so greatly had helped set in motion.

### **Oliver La Farge**

Although he detested messages such as that of *The Rescue* that flaunted white superiority, Oliver La Farge wondered if one day there would be, as Greenough had suggested, a “memorial to the Indian race.” With an Ivy League education and an upper-class New England background, La Farge had the means to study anthropology and meet a wide scope of cultures in the United States and Central America. Particularly with American Indian groups, he thus was able to attain a diversity of experiences, the likes of which someone such as Butler never approached. Yet it still took La Farge nearly his entire life to escape beliefs that, at their core, were not entirely different from those of someone of Butler’s generation and background. However progressive or beneficent he was for his time, the aristocratic New Englander still harbored deep biases. Notably, La Farge spent a lifetime overcoming the entrenched belief in the imminence of what he later called the “disintegration” of American Indian culture through

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<sup>19</sup> Ibid., 15,898.

overwhelming assimilation.<sup>20</sup> Perhaps no other aspect of his perspective so affected his early conflicting attitudes over termination than the central tenet of absorption's inevitability. NCAI leader D'Arcy McNickle later observed that, with the publication of *Laughing Boy*, "many beginnings came into focus" for La Farge, whose views of Indians were "still skewed by the social climate then prevailing in America."<sup>21</sup>

La Farge's outlook on American Indians was in transition nearly from his time in childhood, when he explored for arrowheads and learned of his father's experiences. He studied Southwestern and Central American tribes in earnest as a young man. He wrote about Native culture extensively in fiction and non-fiction, and he helped implement the policies of John Collier's Indian New Deal. La Farge stated at the end of World War II that contacts with Native groups, study of Native culture, and dealings in policy had shaped his political philosophy:

Indian affairs to my astonishment broadened before my eyes and within my mind until they could not be distinguished from liberal politics and social thinking. Since I left Harvard I have steadily become less conservative, reversing the usual process. I don't believe in Socialism, I have no use at all for Communism, but if, using the word within the American scheme of things, you want to call me radical and say it pleasantly I'll hesitate to deny it. This the Indians have done to me.<sup>22</sup>

Whatever his own political leanings, La Farge initially refrained from engaging in the Cold War rhetoric and political ideology when discussing federal

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<sup>20</sup> Oliver La Farge, "Termination of Federal Supervision: Disintegration of the American Indians," *Annals of the American Academy of Political and Social Sciences* 311, *American Indians and American Life* (May 1957): 42.

<sup>21</sup> D'Arcy McNickle, *Indian Man: A Life of Oliver La Farge* (Bloomington: Indiana University Press, 1971), 50.

<sup>22</sup> La Farge, *Raw Material* (Boston: Houghton Mifflin Company, 1945), 184.

Indian policy. He had no qualms with flip-flopping from political party to political party if he thought one or the other had a better candidate for addressing American Indian needs. Whereas Butler framed termination policy in terms of conservatism and feared connections between Communists and groups such as the NCAI, La Farge showed larger concerns for tribal sovereignty and Native rights. Like Butler, La Farge thought tribes would have to accept assimilation. Unlike Butler, La Farge showed concern for tribal consent and believed in the freedom of tribes to withdraw from the federal government at their own paces and according to their own methods. As the 1950s progressed, he objected to the methods of termination that violated tribal consent and forced immediacy. “We begin to see that for practical purposes the present debate is not about ‘termination’ as such, but about a particular kind of termination, something characterized by hasty impatience, to be applied to tribes who do not want it,” La Farge wrote.<sup>23</sup>

Whereas Butler feared that too many options for tribes would lead to their coddling and continued dependence on the Bureau of Indian Affairs, La Farge increasingly demanded allowance for gradualism and tribal compliance. Yet as politicians increasingly tried to brand the NCAI as a Communist group or point out similarities between Communism and Native communal lifestyles, La Farge gradually fought back by turning the argument on its head. Compulsory termination was Communist-like, he argued, because it forced procedures on

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<sup>23</sup> La Farge, “Termination of Federal Supervision: Disintegration and the American Indians,” *Annals of the American Academy of Political and Social Sciences* 311 (May 1957): 46.

people for their “own good.” “One cannot ‘equalize’ people by depriving them of their property and of the going communities of their own kind that are their source of strength,” La Farge wrote. “Trying to do so is deeply un-American.”<sup>24</sup>

La Farge’s rhetorical aplomb emerged as a great tool against termination in the years following the passage of HCR 108 and Public Law 280. That someone of La Farge’s background, education, and sympathy toward American Indian culture could confuse aspects of termination with those of self-determination and in some cases support termination policy shows how deeply ingrained certain assumptions and biases were for many non-Indians at the time. His words and actions during the late 1940s and early 1950s in some ways had encouraged the very policy that he later earned renown for fighting. Always caring toward American Indians, he also nonetheless displayed high-handed and paternalistic attitudes for much of his life. After 1953, with termination in full effect, he came to see that the “Indian problem” was everybody’s problem, an American problem. Long resistant to the NCAI, he came to appreciate the organization, and he lived to see American Indians sitting on the board of his own body, the Association on American Indian Affairs.<sup>25</sup> Initially accepting of termination as a means to implement the inevitable, it is no coincidence that La Farge began to reject the policy during the 1950s as he progressively viewed Native culture as essential to tribal adaptation without wholesale assimilation.

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<sup>24</sup> Ibid., 42.

<sup>25</sup> Robert A. Hecht, *Oliver La Farge and the American Indian: A Biography* (Metuchen, N.J.: Scarecrow Press, 1991), 326.

La Farge died of lung cancer on August 2, 1963, almost exactly ten years to the day after the passage of HCR 108. Well-known for his indifference to formal religion during his lifetime, he had left instructions that he be buried Episcopalian.<sup>26</sup> He received tributes and letters of acclaim from across the nation – from Indians and non-Indians, conservative and liberals, Republicans and Democrats, from both those who had fought termination and those who had helped enact it. Among them were William Whirlwind Horse, President of the Oglala Sioux Tribal Council; John Wooden Legs, President of the Northern Cheyenne Tribal Council; George D. Heron, President of the Seneca Nation; and Robert Burnett, then executive director of the NCAI. In Congress, letters came from Arizona Republican Senator Barry Goldwater, and South Dakota Democratic Senator George McGovern. Others included then Secretary of the Interior Stewart Udall, BIA Commissioner Philleo Nash, and former BIA Commissioner John Collier.

A eulogy from Rhode Island Democratic Senator Claiborne Pell on August 8 praised La Farge for stressing “the need for less government paternalism and more guidance for Indians.” Pell included a quotation attributed to La Farge: “Benevolence has sapped the Indians’ strength. More responsibility and authority must be turned over to the Indians themselves, leading them on until they can take care of their own future entirely in their own hands.”<sup>27</sup> Not long after his

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<sup>26</sup> Ibid., 328.

<sup>27</sup> See Association on American Indian Affairs Papers, box 131, folder 24. Seeley G. Mudd Manuscript Library, Princeton University, Princeton, New Jersey.

death, La Farge also received criticism from a rising group of Native leaders, including Vine Deloria, Jr. In spite of all of La Farge's efforts at goodwill and reform, especially late in his life, his own biases and paternalisms had not gone unnoticed among American Indians.

### **Napoleon Bonaparte Johnson**

La Farge's conflicting attitudes on termination and assimilation in some ways complemented the perspective of the first president of the NCAI, Napoleon Bonaparte Johnson. Johnson, one-quarter Cherokee by blood and a product of Presbyterian mission schools, also had had diverse life experiences. But such experiences had led him to support and even encourage assimilation rather than oppose it. While La Farge for so long viewed assimilation as inevitable, Johnson viewed it as desirable. Rather than something that had to connote cultural death, assimilation for Johnson was ideally a beneficial byproduct of adaptation.

Johnson felt that tribes could remain prideful and knowledgeable in their culture and history and therefore retain identity even while assimilating. He pointed to early nineteenth-century precedents of Cherokee acculturation as historical examples from which twentieth-century tribes could learn and follow. With his membership in the American Indian Federation in the 1930s, Johnson belonged to a group who openly supported the abolition of the Bureau of Indian Affairs. It seems very plausible that if termination had meant only the pure elimination of the BIA, Johnson would have supported the policy indefinitely.

Whereas La Farge especially after 1953 saw why many Indians believed that assimilation was “a dirty word,”<sup>28</sup> Johnson never publicly relinquished his support for the concept. As Johnson saw it, after all, assimilation had helped himself achieve distinction as a student, attorney, and judge. It provided avenues to not only employment and wealth but also the education necessary to meet the white, mainstream United States on its own playing field. It gave American Indians tools to deal with both public and private interests instead of serving as hapless pawns to the Indian bureau. Thus, as historian Thomas Cowger has argued, Johnson sought assimilation through a kind of “voluntary termination” that would end “Indian separateness and economic dislocation.”<sup>29</sup> His primary objections to termination, which he began to voice late in his presidency with the approach of HCR 108 and Public Law 280, revolved around not the policy’s ultimate goal of assimilation but rather its forced nature.

Moreso than Butler and far more so than La Farge or Peterson, Johnson focused on the matter of tribal claims. He thus was representative of many acculturated Oklahoma Indians of the era. As Peterson recalled, Johnson’s election to the NCAI’s presidency was in no small part because of his support from Oklahoma Indians who appreciated his legal expertise and wanted results on their claims, often in per capita payments.<sup>30</sup> The earliest years of the organization revolved around the issue. Johnson apparently was unable to

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<sup>28</sup> La Farge, “Assimilation – the Indian View,” *New Mexico Quarterly* 26 (2, 1956): 13.

<sup>29</sup> Thomas Cowger, *The National Congress of American Indian Affairs: The Founding Years* (Lincoln: University of Nebraska Press, 1999), 102.

<sup>30</sup> Peterson, interview with McKay, August 18, 1983, p. 17.

foresee at the time that politicians and special interests would twist the issue of claims into something harmful to Native rights. As late as 1960, he publicly lauded the establishment of the Indian Claims Commission as a watershed victory for American Indians. Even though the federal government had not implemented the ICC exactly as he had wanted, Johnson felt the creation of the commission in itself was a vital step forward.

Johnson faded from the scene of national Indian affairs following the end of his NCAI presidency. He ascended to Chief Justice of the Oklahoma Supreme Court in 1955. Staying in contact with the NCAI through the late 1950s, Johnson sometimes expressed worry or outright opposition to termination policy after 1953. He felt that tribes should embrace assimilation at their own pace rather than have it forced upon them immediately regardless of whether they wanted it. Yet Johnson rarely condemned termination and even then only in instances where it violated tribal consent. Although there is little question that he came to oppose what termination had become, he never objected as vehemently as other Native leaders who rose to prominence during the 1950s and 1960s. Johnson's legacy in American Indian history therefore is limited to his role as a founder, organizer, and first president of the NCAI rather than as a great activist voice against termination.

Johnson's legal and public career came to a shocking end in 1965, when he faced bribery charges from the Oklahoma State House of Representatives. His record of personal achievement and public reputation exceeded virtually all of

those who sat in judgment of him, and many Oklahomans thought him the last person they could expect to see facing impeachment.<sup>31</sup> Johnson maintained that he had done nothing wrong throughout the proceedings. Nonetheless, the Oklahoma State Senate impeached him by exactly the required two-thirds majority for accepting a total of \$10,000 in regard to trial decisions he had made in the late 1950s. Johnson became the first justice of the Oklahoma Supreme Court to be removed from office by impeachment. Announcing his disappointment in the verdict with a brief statement immediately afterward, Johnson departed from the state capitol stairway with family members and disappeared into a life of seclusion.

One of the most prominent and recognizable American Indian leaders in the United States during his time as NCAI president, Johnson lived his final years in obscurity away from the national scene. He did not speak out on legal matters or Indian policy again. He gave no interviews. By the late 1960s, he became a member of Cherokee tribal President W.W. Keeler's executive committee. Yet Johnson quietly dedicated most of his time to preparing tribal histories and conducting research in the Oklahoma Historical Society archives.<sup>32</sup>

In 1969, a Cherokee full-blood named George Groundhog filed a lawsuit against Keeler, Johnson, U.S. Secretary of Interior Walter Hickel, and other members of the Cherokee executive committee in order to "express the

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<sup>31</sup> William A. Berry and James Edwin Alexander, *Justice for Sale: The Shocking Scandal of the Oklahoma Supreme Court* (Oklahoma City: Macedon Publishing, 1996), 80.

<sup>32</sup> "Justice Johnson Services Today," *Oklahoma Journal Record*, July 12, 1974. See also Peter Collier, "Theft of a Nation: Apologies to the Cherokees," *Ramparts Magazine* 9 (September 1970), available at <http://www.angelfire.com/co2/dayunita/TheftofNation1.html> (accessed March 27, 2010).

grievances of the Cherokee people at the White structure of power over them.”<sup>33</sup> A state court dismissed the case, which nonetheless received notice from the federal government. The U.S. Congress in 1970 passed the Principal Chiefs Act, which allowed Cherokees to elect their tribal president for the first time since 1903. Keeler, having been appointed by President Harry Truman in 1949 as the termination movement approached its zenith, had been in power unchallenged for twenty years. For Johnson, the lawsuit revealed his continued associations, perceived or actual, with acculturated Indian and white interests. The time for termination as a realistic policy and Johnson as a functional activist had passed long ago. But the former NCAI president still identified with noticeable assimilationist leanings at a time when the rising American Indian Movement and other organizations strongly emphasized traditional Native pride.

Johnson died on July 10, 1974, in Oklahoma City after a long illness.<sup>34</sup> During the final years of his life, he observed as attorneys for the Cherokee nation continued to battle the federal government over offset claims filed with the Indian Claims Commission.<sup>35</sup> Once intended to last ten years, the commission operated until 1978. Having heard 546 cases and awarded \$818 million to tribes, it turned over its last 170 cases to the U.S. Court of Claims. There remains considerable debate over the commission. Some historians have seen it as the

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<sup>33</sup> Docketing statement, George Groundhog, Moses Blair, Charley S. Guess, J.B. Tanner, and Lucille Proctor, Appellants, vs. W.W. Keeler, Walter J. Hickel et al, Appellees, U.S. Court of Appeals, 10<sup>th</sup> Judicial District, copy received by Cherokee Nation of Oklahoma, January 23, 1970. N.B. Johnson Collection, box 5, Oklahoma State Historical Society, Oklahoma City, Oklahoma.

<sup>34</sup> “Death Claims Ousted Justice,” *Daily Oklahoman*, July 12, 1974.

<sup>35</sup> Earl Boyd Pierce to W.W. Keeler, November 12, 1970. N.B. Johnson Collection, box 5.

last reform measure of the IRA, and others have seen it as the opening salvo of the termination era.<sup>36</sup> Historian Francis Paul Prucha remarked that the issue of claims settlement eventually “appeared to be, not a bold stroke to correct all past injustices, but simply a necessary preliminary step toward termination.”<sup>37</sup> What Johnson must have concluded in the twilight of his life about the claims commission – whose establishment he had championed for years as a watershed victory for Native rights – is still open to speculation.

### **Helen Peterson**

Women of varying backgrounds stood on different grounds of the termination debate. Various political leaders, including Senator Butler, heard from many different women and women’s organizations on issues related to federal withdrawal. In May 1947, Cecilia H. Merrick, an Oneida BIA employee living in Winnebago, Nebraska, warned Butler of “clamoring” for Indians to be “turned loose” because it would lead to local whites having another “chance to get at the Indian’s property.”<sup>38</sup> On the other hand Mercedes Newman Black, an enrolled member of the Mission Creek Reservation in California, wrote in 1949 that California Indians urged that Congress approve a withdrawal program in order for tribes to receive per capita payments. With still another perspective Leta Myers Smart, an Omaha Indian woman based in California, contacted Butler often in the

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<sup>36</sup> Alison R. Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman: University of Oklahoma Press, 1991), 162.

<sup>37</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1986), 343.

<sup>38</sup> Cecilia H. Merrick to Hugh Butler, May 11, 1947. Hugh Butler Papers, box 89, Nebraska State Historical Society, Lincoln, Nebraska.

early 1950s to discuss mismanagement of the BIA and fear of alleged Communist infiltration of the NCAI. Among non-Indian women, Mary C. Hyde contacted Butler regularly on behalf of the Omaha League of Women's Voters (a branch of the National League of Women's Voters based in the city of Omaha) in early 1946 to encourage the establishment of the Indian Claims Commission.<sup>39</sup> Seven years later, Sylvia Cline and fifty other women residents of Omaha protested Butler's competency legislation with a petition, to which he replied that they had "misunderstood the effects" of the bills he had introduced.<sup>40</sup>

Democratic Congresswomen Gracie Pfof of Idaho and Edith Green of Oregon became important anti-terminationists in the 1950s.<sup>41</sup> La Verne Madigan became executive director of the AAIA in the late 1950s. She took over much of the workload as La Farge's health began to fail, engaged the organization more aggressively in the national political process against termination, and steered toward direct involvement in Indian community development.<sup>42</sup> Yet women who were in positions of power and able to affect termination directly in the formative years of the policy during the Truman administration were rare. Some of the women most crucial to affecting the outcome were American Indians who worked in organizations such as the NCAI. Ruth Muskrat Bronson was among the earliest and most important. Like Napoleon Johnson, Bronson was raised

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<sup>39</sup> Mary C. Hyde to Butler, March 27, 1946. Butler Papers, box, 56.

<sup>40</sup> Sylvia Cline et al to Butler, February 1, 1953. See also Butler to Cline, March 13, 1953. Butler Papers, box 88.

<sup>41</sup> Peterson, interview with McKay and John Painter, August 19, 1983, p. 10.

<sup>42</sup> Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University of Kansas Press, 2008), 14.

Presbyterian and an acculturated Oklahoma Cherokee. She at times endorsed the removal of certain tribes from federal supervision and hoped that federal withdrawal ideally could serve as a means to achieve the Indian Reorganization Act's promises of self-rule.<sup>43</sup>

Helen Peterson was part of a new wave of American Indian leaders who began to emerge in the early 1950s. By the time the NCAI was ten years old in 1954, it saw women comprise nearly half its increasingly geographically diverse membership. Of such women, Peterson in particular emerged as a leader whose background, education, and life experience crossed a variety of boundaries. Her ability to transcend social and regional barriers while serving as an effective voice for the NCAI in Washington, D.C., made her one of Indian country's strongest individual weapons against termination.

An enrolled Oglala of Cheyenne ancestry, Peterson had early contact with the Episcopal Church. Even as she ventured into non-Indian institutions of employment and education, she also always retained robust ties to her Native culture and heritage. After assuming the executive directorship of the NCAI in 1953, she personally felt that her urban experiences among Denver's ethnic groups, particularly Latin Americans, enhanced her worldview and ultimately augmented her capabilities as an activist for American Indian rights. Because of her experiences among different groups, Peterson was able to discern what termination meant to different people. Even though she was late to the scene of

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<sup>43</sup> Philp, *Termination Revisited*, 71, 171.

termination's formulation, she came to understand it quicker and better than most. As she later described, appreciating so many points of view became problematic even as termination metastasized into what she and others saw as an obvious threat:

In the NCAI office we did all we could to support, encourage, and back up those people who cared to question termination, but it was pretty much a losing battle. The NCAI was in a tough spot. We were deeply committed to respecting the sovereignty of a tribe. Did the NCAI want to oppose termination even when people involved wanted it? We never really came to a final answer on that question.<sup>44</sup>

Relatively inattentive to federal Indian policy until she joined the NCAI in 1948, Peterson educated herself during the formative years of termination. In the year following the passage of HCR 108 and Public Law 280, she demonstrated a firm grasp of the dangers of termination as she solidified her executive directorship of the NCAI. The organizing force behind the February 1954 NCAI Emergency Conference that marked a crucial turning point, Peterson proved herself a fierce debater and shrewd lobbyist against termination for the rest of the decade. In a crossroads of history, she met and received training and advice in lobbying from Mike Masaoka, who had been the national secretary of the Japanese American Citizens League during World War II and thus had had to deal with Dillon S. Myer when Myer headed the War Relocation Authority. Some historians such as Richard Drinnon have criticized Masaoka for showing almost puppet-like acquiescence to Myer during the U.S. internment of Japanese

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<sup>44</sup> Peterson in *Indian Self-Rule*, 169.

Americans.<sup>45</sup> Masaoka maintained that he had taken practical courses of action and that aggressive resistance would have been counterproductive.<sup>46</sup>

While she did not agree with his assessment of Myer, Peterson claimed to have learned from Masaoka that constant frontal assaults on termination in the direction of powerful congressional leaders might backfire. She credited him with helping the NCAI become a legitimate presence in Washington, D.C. “(H)e pointed out a very human trait that finally . . . people get tired of seeing you coming because all you do is object and oppose, and he advised us to do the very best we could to develop relations with congressmen so that we weren’t such unwelcome guests,” she recalled. “(I)n these days of high-pressure statements that may not sound like very skillful lobbying. But believe me it is, because it begins then to establish one as not a habitual haranguer or habitual jack-in-the-box but rather a representative of an organization that has strict discipline and integrity and validity.”<sup>47</sup> Peterson in her later years emphasized the importance of the formation of the NCAI in the 1950s to serve as a vehicle not only to fight termination but to meet all national issues concerning American Indians. She stepped down from the NCAI executive directorship in late 1961

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<sup>45</sup> Richard Drinnon, *Keeper of Concentration Camps: Dillon S. Myer and American Racism* (Berkeley: University of California Press, 1987), 65-73, 251.

<sup>46</sup> See Mike Masaoka with Bill Hosokawa, *They Call Me Moses Masaoka: An American Saga* (New York: William Morrow and Company, 1987), 116-117. In the autobiography, published four years before his own death, Masaoka described Myer as “an unwilling jail-keeper” and a “humane, understanding person” who had a “deep concern for human rights.” Masaoka instead blamed “rabid members of Congress, a hostile press, and California-firsters” for exerting pressures on Myer, whom Masaoka felt had “a difficult job.” Masaoka further blamed “latter-day historians” for having “wrongly accused Myer of being responsible for the evacuations and continued imprisonment of the Japanese Americans.”

<sup>47</sup> Peterson, interview with McKay and Painter, 8-9.

and described her eight years on the job as “challenging, exciting, satisfying” but also at times “discouraging and even painful.”<sup>48</sup>

She remained active in American Indian affairs for nearly the rest of her life and inspired generations of both Indians and non-Indians to do the same. Historian and attorney Charles F. Wilkinson gave credit to Peterson for her tutelage during his time studying federal Indian law with the Native American Rights Fund.<sup>49</sup> Charles Trimble, NCAI executive director from 1972 to 1978 and founder of the American Indian Press Association, has speculated that Indian country ultimately would have found a way to survive termination without the efforts of Peterson and Joe Garry – but only at the expense of far more loss of sovereignty, culture, and land.<sup>50</sup>

Dedicating much of her time to the advancement of leadership among American Indian youth, Peterson helped create programs to sponsor college credit summer workshops. From 1972 to 1975, she served as an assistant to the Commissioner of Indian Affairs, and later she worked as a liaison to the tribes of the Portland Area Office of the BIA. She helped found the Church of the Four Winds, an ecumenical Christian ministry for urban American Indians.<sup>51</sup> She spent her final year establishing “Star Vision Workshops” with Chadron State College to promote understanding and improve race relations in northeast Nebraska.<sup>52</sup>

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<sup>48</sup> Peterson, To the Executive Council at the Conclusion of the 18<sup>th</sup> Annual Convention, September 22, 1961. Helen Peterson Papers, box 67, National Museum of the American Indian Archive.

<sup>49</sup> Charles F. Wilkinson in *Indian Self-Rule*, 303.

<sup>50</sup> Trimble, interview with author, October 30, 2009.

<sup>51</sup> “Helen W. Peterson; American Indian Activist in Pivotal Years,” *Los Angeles Times*, July 12, 2000.

<sup>52</sup> Helen L. Peterson obituary, *Sho-Ban News*, September 2, 2000.

Peterson died of Parkinson's Disease in Portland, Oregon, on July 10, 2000 – coincidentally, exactly twenty-six years after the death of Napoleon Johnson.

As the years went by with reflection on termination, Peterson increasingly emphasized the centrality of land and the trust relationship between tribes and the federal government. "Termination was above all else the ending of the trust on Indian land," she said in 1983. She elaborated:

We hear a good deal about both genocide and the cultural survival of Indians. The general public is often confused about this. But a few things are crystal clear. People find it difficult to survive as a distinct culture without a land base. This explains the tenacity of the Jews and their determination to establish and maintain a homeland. It is not unique to Indians to know that it is important to hold on to a piece of this earth. We need to concentrate on making these simple truths and facts better understood among both Indian people and the general public.<sup>53</sup>

Thus, Peterson explained, part of the confusion over the definition of termination had been because of longstanding and continuing confusion over the very nature of the federal-tribal relationship. Interviewed a decade later at the age of 77, Peterson reiterated the importance of land, once again to a degree that Butler, La Farge, and Johnson never did: "I just hope that we can somehow help the Indian people learn before it is too late that tribal survival, survival as a tribe can't happen unless we have a land base."<sup>54</sup>

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<sup>53</sup> Peterson in *Indian Self-Rule*, 308.

<sup>54</sup> Quoted in Cowger, 150.

### **The terminating of termination policy**

Because of the efforts of Peterson, Garry, other NCAI members and Native leaders, the AAIA and other helpful non-Indian groups, termination lost momentum after 1954. The makeup of Congress changed drastically during the 1956 elections, which further tilted the political field in favor of tribes. Problems in the logistics of the process became apparent, and later termination bills increasingly focused on small bands and groups who lacked formidable tribal organizations and large land bases.<sup>55</sup> By the early 1960s, there were clear signs that termination was on its way out. President John F. Kennedy launched a “New Frontier” program to reform American society, and in particular a “New Trail” policy emerged to help tribes and eventually remove threats of termination. Philleo Nash, an AAIA member and friend of Oliver La Farge, became the commissioner of the Indian Bureau from 1961 to 1966. Under his tenure, termination all but ground to a halt.<sup>56</sup>

Yet termination remained a persistent threat for some unfortunate tribes. For example, Northern Poncas – descendants of those who had returned to Nebraska with Standing Bear following their infamous removal to Indian Territory in the 1870s – became the last tribe to endure termination as late as 1966 (see Table I). Despite losing their ancestral land base, the small but tenacious tribe fought a quarter of a century for re-recognition. Their efforts paid off on October

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<sup>55</sup> Prucha, 347.

<sup>56</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: New Mexico University Press, 1986), 198.

31, 1990, when the Ponca Restoration Act became law and recognized the group as the Ponca Tribe of Nebraska.<sup>57</sup>

Although other groups were not so fortunate in regaining recognition, the Ponca fight was indicative of Native efforts at self-determination that effectively buried termination, if not the policy's legacy. In 1968, the same year the American Indian Movement formed, President Lyndon Johnson delivered a message to Congress that openly called for self-determination with an objective of a "policy of maximum choice for American Indians."<sup>58</sup> An even more historic moment came two years later when President Richard Nixon gave a detailed, forceful message to Congress. In calling termination "wrong" and "morally and legally unacceptable," Nixon not only urged the official rejection of the policy but also called for laws to enact self-determination, improved Indian health care, and support for Indian-controlled education. Congress went on to enact the Indian Self-Determination Act in 1975. While not an overnight success, systems of creating and encouraging self-determination gradually took effect into the 1980s.<sup>59</sup>

Yet transitions in Indian policy rarely come without turbulence. As historian Donald L. Fixico has observed, the late 1970s saw a temporary period of "white backlash" and "quasi-termination." For instance, Democratic Congressman Lloyd Meeds of and Republican Congressman John Cunningham, both from the state

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<sup>57</sup> See Beth Ritter Knoche, "Termination, Self-Determination and Restoration: The Northern Ponca Case" (Master's thesis, University of Nebraska-Lincoln, 1990).

<sup>58</sup> Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W.W. Norton and Company, 2005), 195-96.

<sup>59</sup> *Ibid.*, 196.

of Washington, tried to introduce bills in the late 1970s that were essentially terminationist in nature through attempted cuts in Indian services.<sup>60</sup> One could not blame tribes for remaining leery of how realistically close at hand assimilationist legislation might be for a federal government that still struggles to understand its role and relationship with nations it historically so often has misunderstood and mistreated. Native leaders continue to assert their views in a variety of ways, and self-determination efforts have continued into the twenty-first century with the implementation of laws such as the 1996 Native American Housing Assistance and Self-Determination Act. Although viewpoints and policies are no less complex than they have been in the past, there remain consistent threads. Such efforts and laws continue, in many ways, as a direct or indirect reaction to the termination policy that began to formulate more than sixty years ago.

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Even after Butler, Watkins, Myer and other politicians and bureaucrats had pounded for termination with unified relentlessness at the middle of the twentieth century, divisions existed among tribes and their non-Indian allies. Differences of opinion over the policy's meanings and effects served as obstacles for American Indians in deciding how to oppose or accept the policy. Termination was not simply the potential end of the federal trust, federal service, federal appropriation, or the BIA. Nor was it simply a transfer of state jurisdiction or a means to tribal

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<sup>60</sup> Fixico, 202.

payouts and per capita claims. It was all such elements and more, depending on the point of view. But the sum of all the elements, combined with federal coercion and expedience, spelled collective disaster for American Indians. To Peterson, the basic lesson of dealing with termination was not only the necessity to understand different people's points of view but also the language that they use in pressing their agendas. "The words *genocide* and *survival* are thrown around loosely. They mean different things," she said. "If we are not careful, we can be a part of such a movement without even knowing it."<sup>61</sup>

It was a perspective – itself the product of many perspectives on issues and themes prevalent in American history – as much as anything that Indian rights advocates were up against during the formative years of termination. To combat the coming policy effectively, they often had to overcome their own biases, weaknesses, and myopias, all the while trying to determine what words like "termination," "liquidation," "withdrawal," "and "self-determination" truly meant. Once they had done so, they collectively prevailed against the latest in the series of tides that had come. Some tribes suffered through termination. Some lost more land. Some lost more culture. Some lost more of their sovereignty. But the combined effort of resistance led to greater recognition of cultural pride and tribal autonomy and set the course for an era of Indian self-determination. The resulting perspectives thus ensured that what Oliver La Farge

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<sup>61</sup> Peterson in *Indian Self-Rule*, 170.

once called “the tide of Indian civilization”<sup>62</sup> would not recede. Rather, it would rise yet again.

**TABLE I: TERMINATION ACTS**<sup>63</sup>

<b>Indian Group</b>	<b>State</b>	<b>Population</b>	<b>Acres</b>	<b>Date of Act</b>	<b>Effective Date</b>
Menominee	Wisconsin	3,270	233,881	June 17, 1954	1961
Klamath	Oregon	2,133	862,662	Aug. 13, 1954	1961
Western Ore. (61 tribes and bands)	Oregon	2,081	3,158	Aug. 13, 1954	1956
Mixed-bl. Ute	Utah	490	211,430	Aug. 27, 1954	1961
So. Paiute	Utah	232	42,839	Sept. 1, 1954	1957
Wyandotte	Okla.	1,157	94	Aug. 1, 1956	1959
Peoria	Okla.	640	0	Aug. 2, 1956	1959
Ottawa	Okla.	630	0	Aug. 3, 1956	1959
Calif. Rancherias	Calif.	1,107	4,315	Aug. 18, 1958	1961-70
Catawba	South Car.	631	3,388	Sept. 21, 1959	1962
No. Ponca	Nebraska	<u>442</u>	<u>834</u>	Sept. 5, 1962	1966
		13,263	1,365,801		

<sup>62</sup> La Farge, *Raw Material*, 188.

<sup>63</sup> Charles F. Wilkinson and Eric R. Biggs, “Evolution of the Termination Policy,” *American Indian Law Review* 5 (1977): 151.

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