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**TERMINATION
AND
RELOCATION**

**Federal Indian Policy,
1945-1960**

Donald L. Fixico

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The Indian Claims Commission and the Zimmerman Plan

The pressures during World War II to thwart German and Japanese aggressions compelled the United States to decrease funding for social service programs in favor of war industries. In overshadowing all domestic issues, the war effort impelled Congress and President Truman to work fervently with the Allies to defeat the last enemy resistance. The need to reduce spending on domestic programs, including those in the Bureau of Indian Affairs, intensified as the United States prepared to launch a final assault against the Axis powers. Although government officials voiced their genuine concern for Indian Americans, they emphasized that Bureau services and other programs had to be sacrificed as a means to win the war.

Other federal efforts to reform Indian affairs also called for cutbacks. Two central efforts—the Indian Claims Commission and the Zimmerman Plan—called for drastic changes to decrease governmental intervention in the Indians' lives. And by happenstance, the strategy of cutbacks and the redirection of appropriations coincided with the legislative instigation of the termination policy that flourished during the next decade. While Indian affairs slipped into obscurity during the war, Congress began recklessly entertaining a rash of minor bills and major legislation to terminate Indian services. Although the BIA naturally assumed responsibility for Indian affairs, Congress played an increasing role in plans designed to make Native Americans independent of the government. The Bureau of Indian Affairs also tried to reduce government responsibilities by selecting certain Indian schools and hospitals for closing. Maintaining federal trust responsibilities over Indian properties was too expensive and time consuming.¹

Envisioning the reorganization of Indian services as a threat,

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Native Americans formed a new alliance that would voice the concerns of the Indian population. Across the nation, Indian Americans began to identify common problems. In response to the evolving termination policy and other pertinent issues, delegates from twenty-seven different states and fifty-five tribes met in 1944 at the Cosmopolitan Hotel in Denver, Colorado, to organize the National Congress of American Indians. After so many pan-Indian efforts had failed in the past, this movement grew in membership and developed into a defender of Indian rights in the following decades.

Legislative threats to abolish services provoked opposition from tribal groups. In Oklahoma, a concerted effort by the Five Civilized Tribes opposed Senate Bill 1311, an omnibus measure proposing the removal of trust restrictions over Native Americans. The bill prompted concern from the superintendent of Indian affairs at the Muskogee area office, who disclosed a collective view among the tribes. "It was a general feeling that . . . it would be a very short time before they lost all their property," he said.²

During the immediate postwar years, the Indian community at large became increasingly vulnerable to federal changes and congressional actions. The absence of two central figures who had previously supported Native American citizens aided the bureaucrats who favored the new Indian policy. After serving twelve years as commissioner of Indian affairs during the 1930s and early 1940s, John Collier resigned from the Bureau of Indian Affairs in 1945. During his tenure in office, western congressmen had often opposed his reform ideas because of his protraditional scheme to reconstruct tribal governments. The Indian people suffered another loss, as did the entire nation, when President Franklin Roosevelt died suddenly near the end of the war. The president had supported Interior Secretary Harold Ickes, who had backed Commissioner Collier's reform policies.

The war years had focused government activities on the country's survival, and the resulting neglect of Indian affairs had discouraged Collier, who grew frustrated with "inept" federal officials. The commissioner would not compromise his positions on Indian reform, and he was often annoyed with those congressmen whom he perceived as too conservative. His efforts to improve conditions for Indians were further hindered when he

disagreed with President Truman's Cold War policy.³ Collier's liberal ideals drew criticism from federal officials outside the Bureau, who attacked him for attempting to initiate Indian reform programs too quickly. His dismissal of BIA workers, whom he deemed incompetent, fueled the steady barrage of criticism from his enemies. Rumors on Capitol Hill depicted Collier as a dreamer whose reorganization of tribal governments retrogressively impeded Indian progress. Critics alleged that Collier's administration promoted idealism; some Indians even disagreed with the commissioner's views. Collier's conflict with Congress reached its apex when other Indian Bureau officials had to represent the BIA before congressional committees.

Collier's resignation represented a serious loss for Native Americans, and his few friends in Congress knew that he would be missed. After witnessing substandard living conditions on reservations, Representative Karl Mundt of South Dakota endorsed Collier's reform efforts: "Mr. Collier has stimulated considerable improvements in the living conditions of the Indians . . . he genuinely had the interest of the Indian at heart."⁴ Many Indian people conveyed their gratitude to John Collier for his years of dedicated service. Now, they wondered whether the next commissioner would be as genuinely concerned with their affairs. In a final message to the BIA, tribal councils, Indian leaders, and pro-Indian supporters, Collier insisted that there would be no fundamental change or weakening of his policy under the new commissioner. He praised his successor, William A. Brophy, and stated that Secretary Harold Ickes of the Interior Department and Assistant Commissioners William Zimmerman and Joseph McCaskill supported Brophy. Collier declared emphatically that Brophy was "utterly loyal to the Indians and their interests."⁵

With the exception of some Indian people from the Southwest, the majority of Native Americans supported Brophy's appointment. Although Brophy lived in New Mexico and had become well acquainted with the Southwestern Indians, his appointment made the United Pueblos uneasy. The Gallup *Independent* reported that Brophy's marriage to Dr. Sophie Aberle disturbed the native people because her actions as the superintendent of the Pueblo groups had sometimes opposed the wishes of the people.⁶

Brophy's sincerity toward Indian Americans won over many doubters who had argued previously that an Indian should have been selected as commissioner. The Albuquerque *Tribune* reported that some apprehensive native people feared that Brophy might even invoke a paternalistic policy.⁷ A few congressmen like George Schwabe of Oklahoma also asserted that an Indian should have been chosen as Indian commissioner. One citizen voiced a popular notion that Oklahoma Congressman William Stigler should have been chosen since he was part Choctaw and familiar with Indian affairs. Critics asserted that Brophy might have more political influence in Washington, but others were more qualified to be commissioner of the Bureau of Indian Affairs.⁸

A native New Yorker transplanted to New Mexico, Brophy had acquired a broad experience from working closely with local Southwestern Indians. For nine years he served as an attorney for the Pueblo Indians. His other experiences included work as a special representative for the Secretary of the Interior on Puerto Rican affairs. A youthful, sincere-looking, dark-haired man of Irish background, Brophy presented a handsome impression. Highly intelligent and exuding charm, the new commissioner remained dedicated to his work.⁹ Upon assuming office, he stated, "I hope that I shall perform my duties with wisdom and in a manner to advance the interest of the Indian people."¹⁰

With Collier and Roosevelt no longer on the scene, bureaucrats began promoting the idea that the Indian experience in World War II indicated that Native Americans were capable of assimilating into urban life. Some members of Congress were receptive to such proposals. During mid-July in 1945, Congressman William Stigler wrote to a friend that committees on Indian affairs in the Senate and in the House of Representatives were entertaining the assimilation concept: "We have some very outstanding men on the committees of each body—men who recognize the need to do something about the emancipation of the Indian."¹¹

On the same day, the Albuquerque *Tribune* reported that Brophy planned to restructure the BIA administration. After studying the supervision of Indian affairs, Brophy believed that maximum efficiency could be achieved if he delegated more responsibility to field-workers who dealt directly with native

communities.¹² This adjustment would expedite resolution of local problems and would be more effective.

Commissioner Brophy wanted to see the reservations first-hand and meet the people, so he scheduled a series of visits throughout Indian country. On each trip the people welcomed him as he won their confidence. While visiting the Blackfeet at their reservation in northwestern Montana, the commissioner was adopted by the tribe as one of them. They honored Brophy with gifts and bestowed upon him the name "Mountain Eagle."¹³ During his visits, Brophy praised the military record of American Indians, adding that they had gained valuable off-reservation experience while fighting in the war. The commissioner stressed that Indian citizens should use their newly acquired training and skills to better their livelihoods.¹⁴

In late 1945, Commissioner Brophy completed his visitations of reservations throughout the United States and Alaska. The Albuquerque *Journal* reported on 24 August that the commissioner had noted that maintenance of roads and other facilities for Indian communities had been neglected during the war. Despite Bureau staff reductions during the war and decreased federal funding, Brophy asserted that the Indian service had done a respectable job.¹⁵

After observing the reservations first hand, Brophy believed that the Indian Bureau could provide more effective services to American Indians. He planned to reorganize the entire Bureau of Indian Affairs in Washington and restructure the field offices. He planned to streamline the BIA to dissolve bureaucratic channels and to extend maximum services to the Native American population.¹⁶ Other parts of his reform proposals included serious consideration of legitimate Indian claims against the government and the removal of trust limitations on Indians.

In early September, Brophy's ideas gained the attention of the Seventy-ninth Congress when the lower house entertained House Resolution 237 during its first session. The measure proposed to establish a "congressional committee to study the claims of Indian tribes against the United States and to investigate the administration of Indian affairs."¹⁷ Originally, reform measures during the Indian New Deal era included the establishment of an Indian Claims Commission as a part of the Indian Reorganization Act of 1934, but Congress disapproved the provi-

sion. The concept of expending millions of dollars to compensate tribes for treaty violations failed to obtain congressional approval until the rising number of claims forced Congress to deal with the matter. In essence, H.R. 237 stated that tribal groups would be compensated for the government's past unfair dealings in seizing Indian lands. Simultaneously, by settling all tribal claims the government could once and for all "get out of the Indian business." Consequently, remaining tribal-federal relations would likely be terminated.

In late October, Congress entertained a similar measure when Washington Representative Henry M. Jackson introduced House Resolution 4497 "to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof . . ." ¹⁸ Like the previous resolution, this measure also attempted to establish a governmental agency to hear tribal claims presented against the United States. While Congress considered Jackson's measure, the congressman prepared materials to secure its approval. Later in December, he submitted a favorable report to the Committee on Indian Affairs to substantiate the need for creating such an Indian Claims Commission. ¹⁹ He stressed that tribes deserving claim settlements could provide their members with economic opportunities for better lives, although the process appeared to be a very expensive solution.

Jackson's efforts won support from Commissioner Brophy, who firmly believed that Indians should have the right to present claims against the United States. On 17 January 1946, in an address before the Indian Rights Association, the commissioner stated, "For years many Indian tribes have been claiming that the United States, either by violation of treaty or agreement, or by mishandling their resources or money, has become indebted to them, and that they have just claims against the United States Government." Brophy noted that the existing procedure for handling claims wasted enormous amounts of time in going through bureaucratic channels. Each claim was presented before Congress as a bill to be reviewed according to the jurisdiction of the United States Court of Claims. Brophy warned, however, that some Indians hoping to get rich would meanwhile become docile, thus hindering their progress towards self-improvement. ²⁰

Theoretically, the creation of an Indian Claims Commission

to settle all tribal claims against the United States would financially liberate Native Americans from dependency on federal programs implemented during the Collier years. Such compensation would grant them important revenue to invest for developing their own programs and properties.

As Congress debated the creation of an Indian Claims Commission, they also had to consider procedures for hearing the cases. In a memorandum to President Truman, Harvey Smith, director of the Bureau of the Budget, recommended a format for the Indian Claims Commission. Smith explained that Jackson's resolution would establish a "fact-finding commission to determine the merits of all outstanding Indian claims, subject to appropriate legal review by the Court of Claims." ²¹ Congressional Indian committees could then concentrate on other serious matters in Indian affairs.

In mid-July, Wyoming Senator Joseph O'Mahoney submitted a positive report to the Senate Committee on Indian Affairs for supporting and designing the Indian Claims Commission. He outlined the commission to "be composed of three commissioners, appointed by the President with the advice and consent of the Senate and would be equipped with the usual powers of a fact-finding commission to hold hearings and to examine the witnesses." ²² The schedule for the commission allowed tribes to submit their cases during the first five years of its existence. At the end of a second five-year period, the commission was to have completed its study and judgment of claims. ²³

Until Congress could vote on the Jackson resolution, tribal claims continued to be presented in the form of bills before the House of Representatives and the Senate. Interest groups, who became aware of the Indian plight and were knowledgeable of the historical wrongdoings to the red man, supported the Indian Claims Commission bill. Organizations like the General Federation of Women's Clubs agreed that Indian Americans should be allowed to present claims against the United States. In a letter dated 6 August 1946, leaders of this group reminded President Truman that a statute in 1863 barred all Indian treaty claims substantiating discrimination against Native Americans from coming before the U.S. Court of Claims. Except for those Indian claims that were already in Congress as special legislation, Native Americans had no access in presenting legitimate cases;

therefore, Jackson's H.R. 4497 became imperative for creating the commission.²⁴

In a hearing before the Senate Committee on Indian Affairs, the bill was presented as an attempt to "facilitate and simplify the administration of Indian affairs."²⁵ In this light, streamlining the Indian service via a commission to hear Indian claims represented another attempt in a series of postwar termination efforts that seemed to be anti-Indian. By concluding all obligations to Indians, Congressman Jackson and other federal officials hoped to rid the government of its longtime responsibilities to Native Americans. During the discussion of the commission bill in Congress, attention focused on the likelihood that much federal money would be spent to compensate tribes, a realistic possibility that impeded congressional members from enthusiastically supporting the bill. Yet, during the second session, both houses of the Seventy-ninth Congress approved the bill as Public Law 726.²⁶ Ironically, earlier in the first session, two similar bills failed to pass; one was H.R. 1941, sponsored by Senator Elmer Thomas of Oklahoma, but neither was approved "due to budget cutbacks."²⁷

President Truman signed the Indian Claims Commission bill, stating optimistically, "I am glad to sign my name to a measure which removes a lingering discrimination against our First Americans and gives them the same opportunities that our laws extend to all other American citizens to vindicate their property rights and contracts in the courts against violations by the Federal Government itself." He thought that the new law would "mark the beginning of a new era" for Indian American citizens. The president believed that Indians had earned their right to such legislation for having "valiantly served on every battle front" and having "proved by their loyalty the wisdom of a national policy built upon fairdealing." Enacting the commission enhanced the next step after "the final settlement of all outstanding claims," as Indians could now "take their place without handicap or special advantage in the economic life of the nation and share fully in its progress."²⁸

In reality, the Indian Claims Commission Act represented a major legislative reform affecting Indian affairs during the postwar period. More importantly, it provided direction for federal Indian policy. Reform for assimilating American Indians into the

mainstream society became the policy under the early Truman years—a concept that was not at all new. On 24 August, the *Oklahoma City Times* reported Commissioner Brophy's assessment of the federal administration of Indian affairs and his comparison of it with the Collier administration. Although Commissioner Brophy sought the same general reform of independence for American Indians as Collier, he approached Indian affairs differently. While Collier urged Indians to reorganize tribal governments, to become self-sustaining, to grow in confidence, and to integrate with other Americans when they were prepared, Brophy believed that many Indians, veterans especially, were ready to assimilate. Furthermore, he encouraged Native Americans to use more of their own resources and to concentrate on improvements in areas of conservation, health, and education.²⁹

More significantly, Brophy claimed that federal supervision of Indian affairs under Collier was superfluously bureaucratic. He criticized Collier for creating too many offices within the Bureau and proposed to revamp the Indian service.³⁰ Brophy worked to dissolve district offices, thereby reducing costs for personnel and program expenses. Simplification of the Indian Bureau complemented the congressional retrenching guidelines. Further reductions were considered with plans to eventually dissolve the Bureau itself.

In early August, President Truman signed a bill to "facilitate and simplify administration of Indian Affairs." Reorganization of the BIA permitted the commissioner to set up five geographical areas with headquarters in Minneapolis, Minnesota; Billings, Montana; Portland, Oregon; Phoenix, Arizona; and Oklahoma City, Oklahoma. This move eliminated over forty offices and empowered area offices with more authority. In addition, the new law cut the budget structure from 116 to 29 titles of appropriation to streamline administration. Such revisionary actions reduced the bureaucracy that had been created during the Collier years, and substantiated the early enactment of the termination policy to dissolve parts of the Indian service.

Faced with an enormously inflated national debt, Congress sought the elimination of certain government programs and a reduction in the number of federal employees. Interestingly, the creation of the Indian Claims Commission contradicted the

government's policy of reduced spending, but supporters believed that by settling with the Indians now they could save millions of dollars in the long run. Federal officials also believed that the commission's decisions for compensatory awards would help the red man to assimilate into the mainstream society. On 23 August 1946, Congressman Stigler wrote to a friend, "I think this is one of the most important bills, as far as the Indians concerned, that Congress has passed in the last quarter of a century, and it will go a long way in emancipating the American Indian and permitting him to take his place with the white brethren."³¹

Not all members of Congress supported the bill. Possible repercussions impelled several congressmen to criticize the creation of the Indian Claims Commission. Republican Senator Ed Moore of Oklahoma stated that it "looks to me like just another useless bureau."³² In a statement before the Subcommittee on Indian Affairs of the Senate Public Lands Committee, Moore argued that the commission was a "wasteful duplication of government expenditure" and that the act should be repealed. He declared that the commission's purpose was inconsistent with procedures for filing claims against the United States government; that it would lead to "graft, fraud and corruption at the expense of the public treasury"; and that the Indian Claims Commission Act furnished "an excuse for continuation of the Indian Bureau." Moreover, the Bureau of Indian Affairs cost 40 million dollars a year, and Moore asserted that it should be abolished.³³

Other Republican congressmen made similar arguments, alluding to the astronomical cost that the Indian commission would entail. They asked, "Why must we buy America from the Indians all over again?"³⁴ Furthermore, these congressional members charged the tribes with hiring prudent lawyers who would swindle the federal government out of enormous sums of money. Such an assault on the federal treasury would impede the country's progress in recovering from the war. In spite of the budget-minded congressmen, the tribes soon began to present their cases before the new commission.

Oscar Chapman, then the Acting Secretary of the Interior, wrote to President Truman, strongly recommending that Felix Cohen be named as chief of the commission.³⁵ A native New

Yorker, Cohen held a doctorate in Ethics and Jurisprudence from Harvard and a law degree from Columbia. He had taught at Yale Law School, and had written extensively on law pertaining to Indians. His *Handbook of Federal Indian Law*, published in 1922, established him as a leading authority on Indian law. In recognition of Cohen's expertise, President Truman selected Edgar E. Quinn, a former lieutenant governor of Texas, as the chief commissioner. Louis J. O'Marr, a former attorney general of Wyoming, and William M. Holt, a prominent Nebraska lawyer, were chosen as Witt's associates.

Upon receiving their appointments, the three commissioners began hearing claims against the United States. Within the first two years the commission heard 852 cases.³⁶ Numerous claims against the extension of the Indian Claims Commission until 1957, and similar circumstances forced the approval of an additional five-year extension until 1966. Again, Congress granted additional time and increased the number of commissioners to five members to expedite the hearings. After granting extensions and adding two more commissioners, Congress finally dissolved the commission in September 1978.

Meanwhile, a steady stream of bills, all purporting to be in Indian interests, followed the Indian Claims Commission bill. It is important to note that each legislative measure became another step toward terminating federal services to Indians. During the first week in January 1947, Senator Pat McCarran introduced Senate Bill 30 in the first session of the Eightieth Congress. The bill authorized "the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Reservation, Nevada."³⁷ Certain non-Indians would be granted ownership over the properties that they had developed on the Pyramid Lake Paiute Reservation. The bill escaped attention until several months later when Congress endorsed the McCarran measure, provoking a vehement Indian response. The tribal council of the Pyramid Lake Indians telegraphed Senator George Malone, declaring that "every member of the Pyramid Lake Tribe together with all Indians of Nevada vigorously protested the passage of S-30," which was later defeated.³⁸

Another anti-Indian measure, Senate Resolution 41, was introduced in the Eightieth Congress on 8 January 1947. The bill proposed to reduce staff levels in the government. After several

hearings, the Senate Committee on Indian Affairs reported "that the Bureau had ceased to be of utility." Senator Dennis Chavez of New Mexico stated emphatically, "I think we ought to abolish the Indian Agency entirely. It is absolutely unnecessary."³⁹ Another attempt to terminate Indian services resulted in Senate Bill 405, which was introduced on 27 January 1947. The bill sought to repeal the Indian Claims Commission; Republican congressmen endorsed it on the basis that it would make the government vulnerable to a barrage of tribal claims, with the Indians expecting to be paid.

Federal officials asserted that Indians should not be penalized by maintaining trust status; they contended that during the war Native Americans had proven without doubt that they deserved the same privileges and rights as other Americans. In early April, Congressman Francis Case of South Dakota proposed a measure to remedy what he called the Indians' second-class status. The Case bill proposed "to emancipate the Indians of the United States and to establish certain rights for Indians and Indian tribes."⁴⁰ Congress held hearings on the bill throughout the rest of April. Two similar bills, H.R. 2165 and H.R. 1113, followed which also advocated emancipation from federal trust restrictions for Native Americans. Wade Crawford, a concerned Klamath, testified that "with regard to the Indians—there are different groups—different classes, throughout the United States. It is impossible to draw legislation . . . that would correct all the wrongs and give the Indians what they want and need on the different reservations throughout the United States to bring the Indians into full citizenship."⁴¹ Crawford did note that a legislative study might be made of Indian age-groups for trust removal. He suggested that those from eighteen to thirty-five or forty years old would seem the most advanced of the Native American population.

The drive for total emancipation of Native Americans provoked controversy between proassimilation congressional members and Indians and their supporters. Many concerned citizens criticized the federal government for its plans to reduce services to Indians. Continued Indian-supported opposition coalesced into a sporadic movement to restore funding to Indian programs. One supporter, Alice H. Rossin, vice-president of the Association on American Indian Affairs, was quoted in the New York

Herald-Tribune as having said to the House Indian Affairs Subcommittee: "Give the bureau the tools to properly educate our Indian minority; money for more and better schools, money for more and better hospitals, housing and land development. Only by spending sufficiently NOW can the ultimate goal of full citizenship-integration of our American Indians become a certainty in this country."⁴²

In spite of popular concern, federal officials continued to seek methods to undercut Indian programs. Such retrenchment convinced pro-Indian supporters like Rossin that a termination movement was gaining momentum to dissolve Indian services, especially after Commissioner Brophy became ill with pneumonia and then developed tuberculosis following his tour of native communities in Alaska during early 1947. The responsibility of the BIA fell upon the shoulders of Assistant Commissioner William Zimmerman, who caused some discomfort among Indians and their supporters. While they trusted Brophy, skeptics questioned how Indian affairs would fare under Zimmerman. They were soon to find out when the actual plan for the termination policy was presented. On 8 February, at the request of Congress, Zimmerman proceeded to divide the tribes into three categories, depending on his perception of their readiness for withdrawal of federal trust status.⁴³ This became known as the infamous Zimmerman Plan, which laid the foundation for identifying which tribal groups would be terminated in the 1950s and early 1960s.

Without doubt, the Zimmerman Plan served as the blueprint to abrogate the federal-Indian trust relationship. Congress soon passed termination legislation which followed the Zimmerman Plan. On the second day of May, Undersecretary of the Interior Oscar L. Chapman offered a cautious opinion on a newly introduced measure, Senate Bill 598, in regard to Indian trust lands. Chapman warned that granting of fee patents or removal of restrictions would complicate the status of Indian properties. Many Indian trust lands would encumber several heirship owners upon the deaths of original allottees. With the removal of trust restrictions, multiple heirs would be subject to taxation upon receiving new lands. Multiple landowners would make the collection of inheritance taxes more complicated.⁴⁴ Previously, federal regulations had required Indian citizens, who desired to

obtain unrestricted titles on their properties, to make written applications to the Secretary of the Interior, who reviewed individual cases for approval.

On the same day, Senator Wayne Morse of Oregon introduced Senate Bill 1222 "to remove restrictions on the properties and monies belonging to the individual enrolled members of the Klamath Indian Reservation . . . to confer complete citizenship upon such Indians."⁴⁵ The Klamaths consisted of Modocs, Klamaths, and the Yahooskin Band of the Snake Indians living on the timber-rich reservation in Southern Oregon. Morse was convinced of Indian self-initiative and proposed that the Klamath be "permitted as rapidly as possible to assume all the rights and prerogatives, the privileges of all other citizens."⁴⁶ Of all Indian groups, the Klamaths seemed one of the few who could probably assume control of their own affairs. Many Klamath members were as educated as the whites who lived near their reservation, and they appeared assimilated within nearby communities.

In determining federal appropriations for 1947, Congress took its cue from the financially wealthy Klamaths and planned to reduce funding for Indian schools and other facilities. The House of Representatives approved the decreased appropriation, claiming that the management of Indian affairs consumed more time and cost to the taxpayers than was necessary. In addition to appropriating fewer dollars, Congressman Schwabe reported to an Indian leader that members of Congress "believed that the Indian Office should be given less and less jurisdiction and supervision over the Indians, instead of more. But the Bureau insists upon authority for more supervision rather than less. This is where the conflict lies."⁴⁷

In explaining the shortage of federal money, Schwabe stated that the government was still operating on the budget established from the previous fiscal year and would continue to do so until 30 June 1947. He explained that the appropriations for the 1947 fiscal year were inadequate, but that Congress had provided approximately all of the funding that local officials had requested for their Indian schools and hospitals. The congressman blamed the insufficient funding on school and hospital administrators who had not estimated their budgets high enough to meet their operating costs. Rising inflationary costs for supplies

and labor had not been calculated correctly. By using this information from the commissioner of Indians Affairs, Schwabe tried to clear Congress of the blame for the funding shortage.⁴⁸

If erroneous budgeting did indeed occur, the retrenchment policy of the federal government was the actual culprit in reducing the Interior Department's funding for the Bureau of Indian Affairs by 50 percent. In Oklahoma, the Bureau officials slated seven and possibly eight Indian schools for closure, and they intended to reduce the budgets of Indian hospitals.⁴⁹ Speculation, much of it correct, insinuated that Congress would also sharply curtail funding of other services and withdraw BIA supervision over Indian affairs. Such actions indicated that the Bureau would be dissolved in the near future, but the correct course had yet to be decided. Because of the government's past blunders in Indian affairs, it was imperative that officials select the right method for dissolving the Indian Bureau and prepare Indians for adjustment to the dominant life-style.⁵⁰

Congressional intentions in reducing BIA services disturbed Native Americans who no longer passively accepted federal actions. One Oklahoma Indian wrote Senator Elmer Thomas that he was aware the Republican Party controlled Congress, but he lobbied for Oklahoma tribes who needed the Indian hospitals, their own schools, and the Indian Bureau.⁵¹ Congressional members who supported the closing of Indian schools and hospitals claimed that state-supported institutions could supply the same services to both non-Indians and Indians. Indians asserted that they were discriminated against in public schools and in hospitals. Reportedly, officials in charge of public hospitals ignored Indian patients, and Indian children were harassed by other students in public schools. Thus, Indians preferred Indian hospitals and schools.

Federal efforts to assimilate Indians by terminating their services and special status under trust became a collective endeavor. On 21 July, Senate Bill 1681 was introduced during the second session of the Eightieth Congress as another bureaucratic attempt to abolish federal responsibilities. The proposed bill provided for final settlement of federal obligations to certain New York Indians by abrogating trust restrictions with the Six Tribes of the Iroquois League. During a discussion on Indian affairs in the Senate on the same day, Senator Hugh Butler

exhorted immediate removal of such trust restrictions. He argued that they should be removed "as rapidly as it can be done, [and] the Indians should be emancipated from Federal wardship and control."⁵² At this point in his remarks, he introduced Senate Bill 1684, a measure pertaining to the Osage Indians, which would remove restrictions on tribal properties and monies belonging to "enrolled tribal members in Oklahoma." Proceeds from selling properties would then be distributed to the Osage members on a per capita basis.

Butler was part of a small but growing bloc of westerners in Congress that condoned termination and believed that American Indians should assume control over their own destinies. Butler and his associates in Congress advocated the dissolution of federal services to Native American citizens, but they did not become effective as a terminationist faction until the Eighty-third Congress. Until then, the root of the issue lay in the question, "When should Native Americans be terminated of trust status?"

On 25 July, officials in the Department of the Interior announced the reorganization of Indian services in Oklahoma. A 50-percent reduction in appropriations meant that BIA offices in the state would need to be streamlined.⁵³ Principal changes involved the establishment of the Western Consolidated Agency of field offices at Anadarko, with additional supervision of affairs for the Quapaw Agency performed at the Muskogee Agency. This gradual withdrawal or simplification of the Bureau of Indian Affairs, along with reform legislation for certain tribes to improve their conditions for financial independence, became the first phase of the termination policy. Federal officials deemed that it was important for all tribes to assume responsibility for their own members.

On 4 August 1947 Congress approved House Resolution 3064, making members of the Laguna Band of Mission Indians in California independent of trust regulations. Enacted as Public Law 335 with President Truman's approval, the act authorized the Secretary of the Interior to issue patents in fee to the Lagnas. William Brophy and other federal officials believed that trust status had hindered the California Indians, who were considered to be progressive American citizens. For all of Commissioner Brophy's work, this case of freeing the California Indians

represented one of his achievements. In his brief term in office during the early Truman years, Brophy set the tone for Indian freedom from trust restrictions—the well-intentioned goal of the termination policy that began to unfold.

While Brophy battled tuberculosis, he stayed in contact with Native American people and encouraged their progress. During September 1947, the commissioner wrote to Ruth M. Bronson, secretary of the National Congress of American Indians, to thank the NCAI members for conveying their good wishes for his recovery. While touring native villages in Alaska, the commissioner noted that the native peoples needed supplies to combat tuberculosis and other serious ailments. Responding to a report of a tuberculosis outbreak among Indians near Sitka, Alaska, Commissioner Brophy informed Mrs. Bronson that federal funds had been appropriated to finance treatment of the disease. Furthermore, the government allocated additional funds for a new hospital, sanitarium, and equipment to detect tuberculosis. As a preventive measure, government workers educated the Alaskan inhabitants in preparing healthy diets, practicing sanitation methods to prevent tuberculosis, and improving general living conditions. "But all of this is not enough," a concerned Brophy wrote. "This siege has dramatically brought home to me the necessity that we increase our assaults on all fronts [for Indians], the medical, educational, economic and social."⁵⁴

Brophy's comments reflected the destitute living conditions and generally sad state of affairs on many reservations. Frustrated with the environment on desolate reservations and in rural Indian communities, Native Americans began to protest. *The Daily Oklahoman* reported on 21 September that Indians wanted at least 7 billion dollars from the United States. The astronomical figure was projected by Louis Allen Youpe, a dissatisfied Oklahoma Indian who announced that "250 tribes will hand Uncle Sam a bill for real estate they claim he didn't pay enough for in the first place."⁵⁵ The outrageous claim registered one of the first public Indian protests against injustice during the postwar period.

Disgruntled Indian sentiment and complaints by interest groups produced some reform action for Native American assistance. In response, the government established an Indian Credit

Association to improve living conditions for Native Americans. On 18 October, Congressman Stigler wrote a concerned friend that he believed the association to be "one of the greatest instrumentalities for rehabilitating our Indian people."⁵⁶ As early as 1945 Congress had considered legislation that would aid Indian-owned organizations and businesses, and extend an education program to the Native American population.⁵⁷ When more citizens inquired about federal assistance to Native Americans, the government showed greater concern.

In a public report dated 2 December 1947, President Truman summarized the needs of all Indian people, and especially those of the Navajo Tribe, which was starving during severe winter blizzards. "Our basic purpose is to assist the Navajos—and other Indians—to become healthy, enlightened, and self-supporting citizens, able to enjoy the full fruits of our democracy and to contribute their share to the prosperity of our country."⁵⁸ At Truman's request, Secretary of the Interior Julius Krug proposed a ten-year federal program for the rehabilitation of the Navajo and Hopi tribes, since both groups had suffered heavily and received national attention from the media.⁵⁹ Krug's proposed program involved vocational training and development of reservation resources to improve the tribes' economy and health conditions. Shortly afterward, Congress approved the program, and the Navajos and Hopis embarked on a shaky road to gradual recovery. Interestingly, while the federal government cut back overall funding for Indian programs, the Alaskan Natives and these two groups in the Southwest received increased federal assistance.

Indian uncertainty over the future increased when an ill William Brophy resigned as commissioner of Indian affairs on 31 December 1947. Native Americans had indeed lost a sincere friend and a supporter in the federal government. Brophy wrote to President Truman, "It is with deep regret that I am compelled to inform you that my health will not permit me to carry on fully the vigorous work that must be done by the Commissioner of Indian Affairs if the Indians are to be protected in their treaty, civil and property rights."⁶⁰ Brophy urged Secretary of the Interior Krug to maintain a "policy of preserving Indian resources, of assuring the people the right to live . . . in their own way."⁶¹ He stressed that the natural dignity of the people be nurtured by

respecting their heritage, protecting their civil and social rights, and extending to them public services.

Brophy's departure, plus the lack of sufficient current data on Indian conditions and needs, hindered federal officials in efficiently supervising Indian affairs. Indians and interested white organizations, which believed Native Americans were not ready to supervise their own affairs, objected to termination legislation. The Osages adamantly opposed Senate Bill 1684, which called for the removal of restrictions on property and monies belonging to enrolled tribal members. Considered one of the wealthiest tribes on a per capita basis, the Osages had faced continual harassment and exploitation from grafters since the 1920s. Oil found on their lands provided huge royalty payments which, in turn, lured swindlers. During the 1920s and 1930s, opportunists cheated and even murdered several Osages for their money and properties, indicating that wealthy Indians, although economically self-sustaining, were not experienced enough to defend themselves. Osage Chief Fred Lookout opposed the Senate bill because he feared that his people would experience further exploitation.⁶² While many Osages were educated and had served in World War II, tribal members expressed concern for elders, who were the most vulnerable—a concern that most tribes expressed.

The Agua Caliente Band of California Indians also opposed termination. On 2 February, their attorney, Eugene L. Graves, wrote to Senator Elmer Thomas: "These Indians are very much opposed to the so-called Butler Bill which proposes to sell all of the Indian land in California to the Government and to divide the proceeds."⁶³ It is likely that some California Indians had inadvertently encouraged termination when the Siletz Tribal Council requested the Department of the Interior to release all of their funds from timber sales for per capita distribution.⁶⁴ Such action implied that the Siletz were confident of being able to assume their own affairs without federal supervision. However, Congress delayed action on the bill to allow further consideration.

The proposed termination of the Siletz's trust restrictions focused attention in Congress on the Butler Bill and similar measures. House Resolution 1113, calling for the emancipation of Indians from individual trust restrictions, especially caused

disagreement among Senators Elmer Thomas, Burton Wheeler, Carl H. Hayden, Joseph O'Mahoney, and Dennis Chavez, all of whom opposed the bill, and all signed a petition to substantiate the concurrent unreadiness of Native Americans to assume full responsibility over their own affairs. Interestingly, they were all western congressmen who were protective of Indians, whereas their other western colleagues were insensitive to Indian interests.

At the federal level, at least two types of bureaucrats took interests in Indian affairs: insensitive terminationists and concerned pro-Indian supporters. In the White House, President Truman expressed concern for Native Americans when he vetoed a bill for the disposal of submarginal lands within Indian reservations. During a lengthy drought period from 1932 to 1938, the government had acquired 245,000 acres of drought area for the Secretary of the Interior to use for the Indians' benefit. This new legislation, House Resolution 3153, proposed the sale of barren lands on reservations in North Dakota, South Dakota, and Montana. By vetoing the bill, President Truman permitted the affected tribes to continue using the submarginal lands under the auspices of the Department of the Interior.⁶⁵ Although the Interior Department intended to assist them, Native Americans found that the department actually restricted their activities, and they objected to this so-called paternalism. Evidence for this charge can be found in the case of the Sac and Fox. The Interior Department supported S. 1820, which would place the Iowa Sac and Fox under state jurisdiction.⁶⁶ The federal government implied that the tribe's members needed direct protection from the state of Iowa to prevent their exploitation.

The termination of trust protection during the postwar period forced many incompetent Indians to literally surrender their lands to opportunists. Their economic situation compelled them to sell to obtain revenue to develop their properties. The mid-1940s represented a period of hardship for the majority of Native Americans. Perhaps the only positive aspect was the provision of cash settlements to tribes by the Indian Claims Commission. On 24 March 1948, P. L. 451 authorized payment to certain enrolled members of the Seminole Tribe, a small and impoverished tribe. The distribution of funds to the Seminoles indicated the usual attempt to improve a tribe's economic liveli-

hood via a claims settlement that had little overall effect on the tribe's economic development.

Five days later, President Truman signed House Resolution 2502, authorizing payments of five hundred dollars to each Klamath Indian. The Treasury Department disbursed the per capita payments from the tribe's capital reserve fund, with an additional two hundred dollars allowed for each veteran of World War II. The total amount withdrawn from the Klamaths' account concerned President Truman, who expressed an interest in the tribe's ability to spend the money wisely: "I urge the Klamath Indians to give deep thought to the use of their resources, both individual and tribal, in ways that will insure their future security and progress. I say this because it will not be possible for them to recover these resources if they are once lost through unwise transactions."⁶⁷

Frequently, members of tribes who won claims awards received per capita payments in amounts of thousands of dollars, and then frivolously squandered their money. Merchants easily persuaded the recipients to spend their windfalls on new cars, trucks, television sets, and other material goods that they never had before. In areas where newspapers and the media reported that Indians would be receiving money, merchants commonly inflated their prices and extended credit to every "soon to be rich red man."

Federal officials perceived the claims settlements as ending the tribes' dependency on the government. By dispersing per capita monies among tribal members, the Indian communities would have sufficient income to pay for services they needed instead of relying on federal programs. While enticing the people with money, the administration worked to free itself from the remaining obligations to Native Americans. On 20 September, Theodore H. Haas, chief counsel for the Indian Bureau, addressed a conference of field staff in Billings, Montana, on Indian affairs.⁶⁸ In his speech, entitled "Trends and Portrends in the Indian Bureau," he attempted to clarify the reasoning behind the federal withdrawal policy. Haas explained that transferring supervision from the Bureau of Indian Affairs to the tribes would make them more independent. This would result in the dissolution of the BIA and in the eventual assimilation of Native Americans into society.

Haas tried to mention the potential repercussions from ending federal involvement. Some tribes did not possess the competency to handle Bureau functions, and states lacked experience in assuming the responsibility for supervising business affairs. A memorandum from the file of the Secretary of the Interior, dated 26 October 1948, listed the properties and incomes of the largest tribes, indicating the state of their financial preparedness to handle their affairs; but socially the majority of the tribes remained unfit for immediate assimilation. While some states refused to take responsibility for their Indian citizens, Congress was considering three bills: H.R. 4725, H.J.R. 269, and S.J.R. 162. The bills would empower the states by giving them more authority over Indian affairs. The first measure extended state jurisdiction over Indian criminal offenses committed on reservations. The last two measures authorized the Secretary of Interior to establish reservations in Alaska Territory.

The first Truman administration and Indian policy during the postwar years ushered in a new era in federal-Indian relations. Truman advocated protection of minority civil rights, while he continued implementing federal services of the New Deal through the war years. But due to congressional cutbacks in funding, such services were offered at a reduced scale. In fact, a subtle change in Indian policy occurred in the war's aftermath, which helped the oppressed Indian minority, even though the Republican Congress advocated decreased Indian services. When the views of the president and the Congress clashed, Truman retreated. He chose not to support Indian policy by restructuring tribal governments, as had his predecessor, Franklin Roosevelt. Even more, President Truman lacked an effective leader as Indian commissioner, while the Congress lacked firm direction from the BIA. Although Truman's views on Indian policy sometimes differed with the Republican Congress, he too believed that Indians should take their place in American society.

In addition, large claims settlements were intended as means toward tribal independence. The largest settlement for an Indian claim made prior to 1950 was awarded to the Utes. The claim involved three bands of Utes on the Uintah-Ouray Reservation in Utah, numbering sixteen hundred members, and two bands of twelve hundred tribespersons on the Consolidated Ute Reservation in western Colorado.⁶⁹ Ernest Leroy Wilkinson, the Utes'

attorney who had worked on the Ute claim since 1935, finally achieved successful results.

Wilkinson announced the U.S. Claims Court's decision at the Utes' annual bear dance. Standing before the Indians to tell them the good news, the attorney paused before the jubilation he expected to occur in the next few seconds. Then, with the aid of an interpreter, he announced that the U.S. Court of Claims had ordered the United States government to pay the Utes 31.7 million dollars! But not a single Indian flickered an eyelid. Wilkinson asked the interpreter to repeat the good news, but again the people accepted it in dead silence. They took the news in stride, and it is very likely that many had no comprehension of the huge amount of money to be given to them. The settlement was compensation for six million acres of land that had been taken from the Utes in western Colorado in 1868.⁷⁰

Rather than distribute per capita payments of ten thousand dollars to each tribal member, and then try to prevent exploitation and wasteful spending, the Utes planned to spend the money through the BIA on schools, livestock, and hospitals. President Truman later congratulated the Uintah-Ouray Indians for their sound planning, stating that "the native peoples of the United States have proven that once they are given the opportunity and tools to work with, they can contribute to the stability and betterment of our civilization."⁷¹

The early Truman years had produced two important elements for altering the course of federal-Indian policy. As the immediate postwar years came to a close, the Indian Claims Commission and the Zimmerman Plan became guiding factors that brought about termination in Indian affairs. In brief, the seeds of termination were planted. Ironically, some Indians supported termination of trust status, and this unexpected support encouraged a congressional movement that promoted the termination policy. In large part, this native attitude was due to the Indians' experience during World War II, which gave them a new perspective on reservation life. Furthermore, their traditional livelihood seemed no longer practical as America entered the atomic age. The war had revitalized a nationalistic spirit of patriotism and modernization as Americans were temporarily drawn together. At the same time, nontraditional Native Americans identified with American patriotism. They adopted the

new materialistic values of the mainstream society and left reservations and allotted lands to become a part of the urban scene. World War II had, in fact, altered the life-style of many Indians, and federal officials were convinced that Native Americans as a whole were ready to assimilate into the mainstream.

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