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Jacob Taylor, Boise State University, undergraduate student, “The Revival of Termination: Fragmenting John Collier’s Bureau of Indian Affairs”

Abstract: The Indian New Deal has been studied through two opposing lenses. Some historians attempt to paint John Collier, Bureau Commissioner under President Roosevelt, as a visionary who attempted to save Native American sovereignty while others denounce his legislation and time in office as ill-fated and corrupt. These two opposing views fail to illustrate the broader context of Collier’s BIA and do not provide an explanation for the ultimate failure of the Indian New Deal. Furthermore, they offer a largely monocausal explanation for the failure of the Indian New Deal. I argue that the BIA had been faltering for a long time before Collier set foot in office because of budget cuts, the failure to quickly assimilate Natives, and congressional attitudes on the longevity and necessity of the BIA. Collier inflamed congressional hatred by misunderstanding the needs of Natives and misrepresenting his ideas, which were misconstrued as anti-assimilation. Collier and his administrators further isolated themselves by disrupting the natural alliances and support for the BIA by alienating Natives organizations, Christian Missionaries, having supposed communist ties, and alleged voter fraud. These ideas compounded and upset the precarious but somewhat natural alliance of historical BIA supporters. The shattered foundation of traditional support gave way for radical abolitionists, that is, people who supported abolishing the BIA and federal wardship over Natives, to control policy for the decades after Collier left the BIA. This argument of what led to the radical termination policies of the late 1940s and 1950s should not be dominated by Collier’s success or failure but instead by the intricate relationships involving the above historical actors. The breakdown of support for the BIA was the ultimate and final blow to the Indian New Deal.

The Revival of Termination:

Fragmenting John Collier's Bureau of Indian Affairs: 1932- 1945

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It was not until the 1920s that Dawes Era allotment policies were beginning to be questioned by a majority of Native Americans and Congressmen alike. John Collier was the first major proponent of Native American Rights and advocated for them during court hearings in the 1920s, especially regarding the Pueblo Indians. He was the most eloquent and loudest critic of the Bureau of Indian Affairs in the 1920s and vehemently denounced Dawes Era policies. When Franklin D. Roosevelt was elected in 1932, he gave Collier exactly what he wished for during those long years prior, to be the Commissioner of the Bureau of Indian Affairs and to fix the issues he so loudly denounced. During the subsequent 100 days when President Roosevelt launched his massive New Deal campaign, Collier worked on crafting his vision for the indigenous people of America, The Indian New Deal. The Indian New Deal was once regarded as the most progressive legislation ever enacted for Native Americans and it has been hailed as a major turning point away from the horrific practices of the Dawes Era.

The Indian New Deal was supposed to end allotment of Native lands, deliver sovereignty back to tribes, and create economic independence for tribes. John Collier was hailed as the best suited Native advocate in America, yet directly after the Roosevelt administration and Collier's BIA, in 1945, the federal government resurrected their policy of rapid assimilation. These two eras of policy directly contradict each other and raise questions as to how the Federal government shifted its policy so drastically. How did the BIA move from a position of advocacy for sovereignty backwards into a tool for oppression? This paper argues that Congress moved to unilaterally terminate the wardship and special status of Native Americans after the Collier BIA because Congress never fully shifted its attitude and policy away from the wholesale assimilation tactics of the Dawes Era. The path to the termination policies of the late 1940s and 1950s was rooted in Congressional desire, dating well before the turn of the 20th century, to eliminate the

Bureau of Indian affairs in order to free up funding, logistics, and “solve” tensions between white citizens and Natives. Collier inflamed Congressional hatred of the BIA by imposing his vision on Native Peoples while at the same time fundamentally misunderstanding the diversity of Native societies and therefore alienating Native support for the Indian New Deal. Collier's idealism reduced his efficacy since he desired to institute a universal solution to a diverse problem. Collier's BIA was charged with communist ties and voter fraud in regards to ratification of tribal constitutions which weakened their support in Congress by painting the BIA as corrupt and subversive. These issues fractured supporters of the Indian New Deal and allowed the abolitionists, that is, congressmen who wanted rapid assimilation or the “abolition” of wardship over Native Americans, to gain the upper hand in Congress and therefore pursue once again their policies of termination and assimilation.

Historiography: A Tired Debate

Historians have largely taken two sides in the study of John Collier and his BIA during the period of 1933-1945 and have engaged in a tiresome debate involving the failure or success of the Indian New Deal. Historians either blame Collier for the failures of the Indian New Deal or claim he is the father of modern Indian rights advocacy. D'arcy McNickle, an employee of the BIA under Collier and founding member of the National Congress of American Indians, in his book, *They Came Here First*, agrees wholeheartedly with the claims that Collier realized a vision for a new era in Native history. The earliest history of the Indian New Deal is overshadowed by Collier himself and reflects his own views about the successes of the BIA. There are many other sources that follow McNickle's point of view such as William H. Kelly's *Indian Affairs and the Indian Reorganization Act: The Twenty Year Record*.” These early sources shed a positive light

on the BIA and regard Collier as a savior of Native culture and society and make up the first side of the debate.¹

Alternatively, historians have concluded that Collier was a foolhardy man, who's rhetoric far exceeded his actual accomplishments. Graham D. Taylor's book, *The New Deal and American Indian Tribalism*, argues that Collier himself fatally weakened the Indian New Deal because of wrongful assumptions about the needs of various tribes in regards to economic prosperity. It was Collier who misunderstood the severity of destruction done to Natives during the previous thirty years. Taylor further argues that it was the almost obsessive imposition of legislation upon natives by Collier that killed the Indian New Deal. Collier thought he knew best but in reality he only knew partial truths. Contemporary attitudes towards the Indian New Deal are that it was an ill crafted and rigid piece of legislation that was inept at providing for a diverse population of Native Americans. These condemnations make up the opposition in the debate against Collier and further perpetuate the notions that Collier is to blame for the termination era.²

The reasoning behind the failure of the Indian New Deal is far more complex than one man and one government agency. This thesis is founded on a recognition that neither Collier nor his ideals were the sole catalysts for the subsequent termination era. Instead, Collier's mistakes alienated the last remnants of support within and outside the federal government, which allowed the abolitionists to gain the upper hand and therefore consolidate power against wardship. In other words, this thesis re-frames an old debate about whether or not Collier's ideological visions created termination around a different question: whether or not Collier's political miscalculations made termination feasible. Collier may have been ignorant of the true issues facing Native communities but abolitionists took every opportunity to fracture the legitimacy of Collier, the BIA, and The Indian New Deal, eventually using his own ideas as weapons to deconstruct the

legislation by painting it as a Soviet, socialist experiment. This argument is important to the historiography because it takes into account the broader relationships between the BIA, Collier, Natives, Congress, and other groups that desired to assert their “vision” over indigenous people in America instead of accepting the monocausal view that has historically been presented.

Section I: The Dawes Era and its Impact on the Bureau of Indian Affairs

The road to termination after the Indian New Deal was rooted in the old congressional notion that the Bureau of Indian Affairs was merely a temporary government apparatus. From its inception it was meant to assimilate Native Americans quickly in order to terminate their state wardship and eliminate the immense costs associated with the BIA. The Dawes Era, which was from the late 1890s until the passage of the Indian New Deal in 1934, was meant to eventually destroy all vestiges of tribal land ownership by allotting parcels to each individual Native person. The Dawes Era made the BIA look incompetent because it failed to assimilate Natives while also destroying tribal political and economic structures, making any further attempt at recovering tribal sovereignty almost impossible. Collier was starting in a precarious position because of these longstanding notions.

The Dawes Act allowed any Native living on an allotted reservation to choose their own parcel of land and citizenship was achieved through this. After a trust period of 25 years, a patent was issued to the allotment holder. Upon reception of the patent or deed, the land became incorporated into the Union, while the remaining unallotted reservation land was technically “sovereign.” Most importantly, this granted full citizenship rights to the patent holder. Allotment bound land ownership, citizenship, and assimilation together in one policy.³

The overall aim of allotment was to fully absorb Native American cultures into the white community and as Collier stated, “it looked forward to the day when the Indian would become

the absolute owner of his property.” Dawes aimed to turn the Native American into a homesteader, still subservient to the great hand of Federal paternalism. Tribal land was not only parceled out but the excess land was sold to the federal government and then back to white settlers. This directly opened historically Native land to white settlement and further decreased the role of Native governments in these areas. The sovereignty Collier wanted to instill in tribes had to be stabilized by economic independence, something that had long since been shattered by allotment.⁴

The Dawes Act was made irrelevant when the Indian Citizenship Act was passed in 1924 because land ownership was no longer necessary for full citizenship rights. The Snyder Act as it would be known, carried an important point stating, “That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indians to tribal or other property.” Native Americans from this point on, enjoyed dual citizenship and were afforded a rare opportunity to maintain what was left of their tribal associations, while owning individual parcels of land. Tribal land remained tax exempt and outside federal and state criminal jurisdiction. Congress recognized Dawes had failed to assimilate every Native in America and subsequently Native peoples had the opportunity to purchase tax exempt land that could never be seized and was outside federal jurisdiction, meaning the boundaries and power of tribes remained intact even if individuals owned parcels of land. It seemed as if wardship was going to continue forever, to the dismay of many conservative Congressional members.⁵

Section II: The Shortcomings of Visions

The problem was not just Congressional opposition to any Indian reform, Collier fundamentally misunderstood the diversity of Native society, the political apparatus and community organizations of tribes, and the amount of Native opposition to his legislation.

Collier based his vision for the future of Native American society on the Pueblo Indians, a group that was drastically different from other native tribes since they were largely left intact despite allotment era policies. Collier wanted to make autonomous communities who were answerable to the Federal government and financially self-sustainable. These ideas were romantic in spirit and invoked the founding creed of the constitution but were realized too late as the Dawes Era had already crushed the tribal structures necessary to govern locally. Furthermore, Collier's ideas were amended in the final draft of the Indian New Deal which left entire sections of Collier's original draft missing. This coupled with the lack of native support from Collier being too rigid in his views allowed Congress to claim the Indian New Deal as being ineffective and further undermine the BIA as a necessary institution.⁶

Collier became an advocate for Native Americans because of the time he spent with the Pueblo Indians. His intricate knowledge of the tribe, whose traditional system of government and customs had largely been left intact, led him to believe that all Indians would want to return to their historical tribal and communal way of life. Collier's historical knowledge of the Pueblo, including their adaptations as a result of interaction with Spanish conquistadors, led him to believe that Pueblo culture was indestructible. Collier states in his autobiography, "Since (after the white man came) direct assault against the Pueblo life system (in the early Spanish years, and all the American years until the late 1920s) could not kill or even weaken the life system, this direct assault served as warfare had done in prehistory: it strengthened the Pueblos." Collier spoke vivaciously about how nothing could kill the Pueblo way of life, even decades of land encroachment by white settlers. These views that were influenced by the Pueblo were idealistic and untrue of many other Native societies such as in Oklahoma and tribes in the southeast. In fact, many did not want to return to the old way of life, especially in places like Oklahoma where

assimilation and white encroachment wreaked havoc on tribes. Native Americans across the country were the first opponents to the bill. Many tribes were not even aware of the passage of the act, which demonstrates the innate lack of communication with Natives. Federal reform returned to Federal imposition.⁷

Collier's vision did correctly identify some of the major problems Native Americans were facing when he became commissioner in 1933, especially regarding credit, education and land. Collier's idea to right these previous wrongs was simple, first, allotment had to be halted. Secondly, an annual appropriation of 2,000,000 dollars was needed to buy back white owned lands that were historically located on tribal lands. Most importantly, tribes could also vote on enacting self governing charters, that were instruments of Congress, in order to control tribal business and political affairs. These three policies became the backbone of the Indian New Deal. He states in his memoir "The policies had three chief objectives: Economic rehabilitation of the Indians, principally on the land. Organization of the Indian Tribes for managing their own affairs. Civil and cultural freedom and opportunity for the Indians." This idealism in his vision seems rather enticing and full of democratic spirit but was not so easily applied to a complex, pluralistic society involving hundreds of unique cultures that had been destroyed in an equally anarchical manner.⁸

Collier was also incorrect in his vision with his fundamentally flawed understanding of the tribe as a political apparatus. The overestimation of tribal power actually predates Collier by a century. The Federal government, and even before in the colonial period of American history, negotiated with so called tribes in order to attain treaties, land rights, and eventually, to force, in the case of many Native societies, Natives onto reservations. The problem with this method was that a tribe is merely a cultural phenomenon that had been imposed by the white settlers, based

on the first encounters with highly politically organized tribes in New England. The organization of Natives across the United States ranged from systems that were organized by extended families at the highest level or nomadic warrior bands such as the Great Plains tribes. The Pueblos, the tribe that Collier himself lived with, survived in small communities, and rarely, if ever, communicated or traveled to other Pueblo settlements. In fact, many Native communities focused on the individual, the family, or at most, a small band of people. It was impossible to reinstate the nomadic, loosely related groups of people that dominated most Native cultures in the now conquered United States of America.⁹

Collier's inadequate framework of how native societies operated was formed by his time spent with the Pueblos. He thought that all Native societies had been largely left intact at their core as the Pueblo had. He had a complex vision that was based on the romanticized ideals of returning local control and economic prosperity in the form of credit and land ownership to tribes. Congress quickly denounced his policies as being pro-wardship and not reformist in any nature. In total, over 60 percent of Native organizations voted against enacting the Indian New Deal. After Collier was met with such staunch opposition from Native peoples, bellowing from the fundamental mistakes in his vision and the alterations made in Congress, he was further delegitimized. The shortcomings of his vision fractured the remaining vestiges of support.¹⁰

Section III: The Final Nail in the Coffin: Communism and Fraud

Whatever support was left for the BIA and Collier quickly disintegrated in the face of new adversaries and the alienation of traditional allies in the midst of a rising apprehension of socialism and communism. The American Indian Federation and several Congressmen accused Collier and the BIA of being fueled by communist tendencies, which was further exacerbated by vast evidence of voter fraud in referendums pertaining to the enactment of the Indian New Deal.

The evidence of fraud and the red baiting tactics of the AIF and others proved to be the final nail in the coffin for any continuation of Collier's grand, romantic notions and finally destroyed all support for continued wardship.

The American Indian Federation called, almost immediately, for the repeal of the Indian New Deal because of its marxist and communist tendencies. Contradictory to their previous statement, the AIF argued that the Indian New Deal was going to forever keep Natives wards of the state and contained no self-government at all. In regards to the new education promoted in the Indian New Deal, the AIF stated it was "the most crack-pot combination of Russian-Mexican communism and 'progressive' education that could be designed..." The AIF stated in the same 1940 memorandum that the Roosevelt Administration had "appointed a group of people to control Indian Affairs who have well-known records for radical activities and association with, or admiration for atheists, anarchists, communists and other 'fifth columnists' in the United States." Clearly the AIF, who was once a supporter of Collier, rebuked the BIA's attempt to drastically change Federal Indian policy. The charges of communism continued by the AIF in a letter to President Roosevelt that stated why they do not support the Indian New Deal. The AIF stated, "The objections of the American Indian Federation are based upon the fact that the Christ-mocking, Communist-aiding, subversive and seditious American Civil Liberties Union...now dominates and controls the Bureau of Indian Affairs. And that this group is establishing communism and destroying Christianity among Indians..." The AIF feared that the new legislation would revoke individual land ownership and send Native Americans back to the time of the "buffalo and horse drawn carriages." Clearly, the AIF was obsessed with Collier and his communist tendencies. This blatant red baiting campaign added ammunition to Congressional desires to oust Collier and the "new" BIA. Congressmen who were skeptical of Collier now had

the opening to denounce his plan as communism as well. Senator Thomas O'Malley from Wisconsin, a well known abolitionist, "doubted whether this experiment in Soviet-style collectivism would prove successful." It was incredibly poor timing as the Red Scare and anti-communist and socialist notions were starting to develop in early days of the Cold War. The Indian New Deal lost more support in Congress because of their perceived socialist objectives.¹¹

If the notions of socialism did not lose the remainder of Collier's support, his blatant voter fraud and suppression undermined any shred of legitimacy his BIA had left. Collier wanted native communities to approve the Indian New Deal at any cost and, as discussed earlier, if Collier's original bill had passed unamended, all native groups would have been forced to enact the bill. Before a referendum vote could take place, registries had to be made of all eligible voters in any given tribal community. Specifically, Class 3 Natives, people not on tribal voting registries but on agency census forms, had to be found by the Indian commission. There was obvious political pressure to approve the Indian New Deal by the BIA and therefore they were motivated to seek out people who would say yes, even if their blood quantum was not high enough to be considered Class 3. One example is of a mother and daughter, both registered to vote, both having one half blood quantum level, and another voter's blood quantum was changed to full, in order to make their children eligible. The Indian New Deal became simply another tool for coercion and domination.¹²

These claims were solidified in a House subcommittee hearing into the accusations on February 11-13 in 1935, which proved the BIA's corrupt actions. One Indian agent from the Mission stated, "After examining the list we found the names of eight Indians of whom we had never heard of, and they had never resided upon the Santa Ysabel Reservation. Testimony from another Mission Agent stated, "47 voted against the Wheeler-Howard Bill, 9 in favor..." Collier

stated in his memoir, “The role of government was to help, but not coerce, the tribal efforts.” He should have followed his own advice. Subverting the will of the people Collier was supposed to be representing and helping was a terrible look for the BIA.. Collier and his BIA were trying to redeem their credibility by showing that the act was passing with overwhelming support but instead they gave abolitionists and Congress concrete evidence to their corruption and therefore the ultimate argument against the continuation of the Indian New Deal. It was the final straw for the reformist movement.¹³

Conclusion: The Abolitionists Consolidate Power

The long historical debate regarding the primary cause for the termination era should not focus on John Collier and his failures or successes. Instead, this debate should ask the question of if Collier’s political miscalculations made termination feasible since he alienated any remaining support for the “new” BIA and fueled abolitionist attitudes within Congress because of his corruption and socialist ideas. Collier was indeed misguided in his quest to restore Native American sovereignty but the abolitionists used Collier as the reason to end wardship and the BIA. Collier’s term as commissioner created the environment necessary for abolitionists to consolidate their, perhaps correct, platform of rapid assimilation. Decades old Congressional attitudes of a corrupt and ineffective BIA finally being confirmed by Collier’s voter fraud was the final act that confirmed the subsequent termination policies. Indirectly or not, Collier’s political misgivings facilitated the drastic policy change that followed and the large Native backlash that would erupt during the new era of termination.

Notes

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2. Graham D. Taylor, *The New-Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934-45* (Lincoln, Nebraska: Univ. of Nebraska Press, 1980) xii. Taylor, *The New-Deal and American Indian Tribalism*, xii. Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality," *Pacific Historical Review* 44, no. 3 (August 1, 1975): 292. For further reading on historians who side with Taylor and Kelly see: James P. Lynch, *Children of "Red Atlantis": The Development of Federal Indian Policy, 1735 through the Indian Reorganization Act* (Westminster, Maryland: Heritage Books, 2011), 204. David W. Daily, *Battle for the BIA: G.E.E. Lindquist and the Missionary Crusade against John Collier* (Tucson, Arizona: University of Arizona Press, 2004) 4.
3. James P. Lynch, *Children of "Red Atlantis": The Development of Federal Indian Policy, 1735 through the Indian Reorganization Act* (Westminster, Maryland: Heritage Books, 2011), 132.
4. Lynch, *Children of "Red Atlantis,"* 176. Taylor, *The New-Deal and American Indian Tribalism*, 4 and 5. (Shawnee example)
5. Lynch, *Children of "Red Atlantis,"* 161.
6. Lynch, *Children of "Red Atlantis,"* 161. John Collier, "A Lift For The Forgotten Red Man, Too," *New York Times*, May 6, 1934, 139.
7. Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality," *Pacific Historical Review* 44, no. 3 (August 1, 1975): 296. John Collier, *On the Gleaming Way: Navajos, Eastern Pueblos, Zunis, Hopis, Apaches, and Their Land; and Their Meanings to the World* (Denver, Colorado: Sage Books, 1962), 109. Kelly, "The Indian Reorganization Act," 296.
8. Collier, "A Lift for," 139. John Collier, *From Every Zenith: A Memoir; and Some Essays on Life and Thought* (Denver, Colorado: Sage Books, 1963), 173.
9. Taylor, *The New-Deal and American Indian Tribalism*, 2 and 3.
10. Thomas W. Cowger, *National Congress of American Indians: The Founding Years* (Lincoln, Nebraska: Univ Of Nebraska Press, 1999) 21.
11. Alice Lee Jameson, "Highlights of the Roosevelt Record In Indian Affairs," Memorandum From American Indian Federation, Reel 6, Frame no. 0594, In "The Office Files of John Collier, 1933-1945." National Archives. (Accessed on <https://www.roosevelt.nl/american-indian-federation-and-indian-new-deal>). Joseph Bruner to Franklin D. Roosevelt, August 3, 1934. In "The Office Files of John Collier, 1933-1945."

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12. Lynch, *Children of "Red Atlantis,"* 203-206, 208-212.

13. John Collier, *From Every Zenith*, 176. Lynch, *Children of "Red Atlantis,"* 213.

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