

Chapter 13

The Reservation Era and Forced Cultural Change

13.1 Introduction

After 1880, the United States government essentially accomplished their national objective of confining indigenous populations to reservations. Warfare, treaties, and national development of Native lands and resources shattered traditional Indian economies, along with their political independence. No longer able, economically, to resist the power of American expansion, Native societies faced the challenges of a new life way. Reservation life changed radically the infrastructure of their societies.

Native Americans living on reserves became wards of the United States. Their previous life ways altered, Native American people, faced the harsh political and economic realities of reservation life. To manage Native American affairs, the United States created a new set of oppressive national governmental laws and policies. The main objective was to assimilate Native Americans into Euro-American society through a directed program of social evolution. Policies to coerce Native Americans out of the state of “savagery” to a “civilized” state sparked considerable intellectual debate; a debate that extends back that to Europe's first contact with indigenous people.¹

Paralleling the intellectual maneuvering over where Indian people ranked intellectually and racially in the late nineteenth century racist hierarchy, reservations became experiments in social engineering. Following current scientific beliefs about the progression of human societies, governmental agents believed they could force Native Americans from a lower evolutionary societal stage to a higher social form. The prevailing belief in socially engineering Native American people toward civilization was

concisely echoed in the Second Annual Report of the Indian Rights Association, which read that “The Indian as a savage member of a tribal organization cannot survive, ought not to survive, the aggressions of civilization, but his individual redemption from heathenism and ignorance, his transformation to that of an industrious American citizen, is abundantly possible.”² Of course, that higher social plateau would emulate the cultural values of nineteenth century Euro-American society. Once absorbing the accoutrements of “civilized” life, Native Americans would be melded into the larger society. Those Indians who would not accept the “blessings of civilization,” many scholars and governmental bureaucrats believed that they would eventually pass into extinction, solving the “Indian problem.” For Native Americans, it was a period of forced cultural change and the relegation to irrelevancy in national life.

Under the guise of “civilizing” the Indian, the U.S. reservation system altered the political economic nature of Native American-governmental relations to insure the continued development of non-Indian enterprises at the expense of Native Americans. Economically, the reservation system was conceived as a new kind of frontier; a frontier defined not by expanding geographical boundaries, but by further economic penetration. This new frontier offered the possibility of expropriating reservation lands, natural resources, and exploiting Indian labor in the name of national progress and regional development.³ The placement on reservations presented Native Americans new challenges with respect to cultural adaptation and survival.

13.2 The Reservation System and Policies of Suppression

The reservation era for the Comanche, Southern Cheyenne, Southern Arapaho and Kiowa began after their defeat in the 1874-1875 Red River War. The defeat for the Kiowa led not only to political factionalism that would last for decades, but also a shift in religious and spiritual beliefs. The powers of individual warriors, as evidenced by their defeats, were deemed ineffectual against the United States Army. Many Kiowa and Comanche warriors “threw their powers away.”⁴ The reassessment of traditional

religious beliefs among many tribes occurred during a time an intense oppression to civilize Indians.

Some years earlier, circa 1870, the Mescalero Apache introduced the Kiowa and Comanche to peyote. By the 1880s it had a considerable following as a religion, but not without internal opposition. In the late 1880s, the *Pau-in-ke* or “Sons of the Sun” objected to peyote on the ground that it conflicted with traditional Kiowa religious beliefs. The “Sons of the Sun” movement although made little in roads into halting Kiowa acceptance of peyotism.⁵ One of the proponents in the spread of peyote religion among the Comanche was principle chief, Quanah Parker, who also began proselytizing among other tribal communities.⁶ Over the next several decades, other tribes quickly adopted the peyote religion.

By the 1880s, some Southern Cheyenne and Southern Arapaho, having the reservation north of the Kiowa, Comanche, and Plains Apache reserve, accepted peyotism.⁷ The rapid diffusion of the religion, led Oklahoma government officials to respond. One of the first statute laws to suppress peyote occurred in 1899 in the Territory of Oklahoma. The law prohibited “...medicine men from practicing their incantations among allotted Indians under penalty of fine and imprisonment...the use of the mescal bean was also declared to be unlawful.”⁸

The Northern Arapaho were introduced to peyote about 1895 through William Shakespeare. Shakespeare taught the use to peyote and the ritual to John Goggles. Peyote use quickly became associated with the curing of illnesses, merging traditional Arapaho healing practices with peyotism. By 1900 the Native American Church also coexisted with earlier religious elements among the Northern Cheyenne. The backlash against peyote began with protests from Indian Agents but eventually evolved toward laws prohibiting the transportation or use of peyote. In Montana, legislators passed laws banning peyote in 1923 and 1929, with Wyoming legislators passing a similar law prohibiting the use of peyote.⁹

The introduction of the peyote among the Southern Ute and Ute Mountain Ute was through the Southern Cheyenne. In bringing the religion to the Ute, Buckskin Charlie played a prominent role. By the early twentieth century, roadmen regularly conducted meetings, especially among Mountain Ute. Colorado also prohibited peyote use from 1917 until 1967, when the law was declared an unconstitutional infringement of religious rights.¹⁰

As tribes sought out alternative religious traditions on reservations, government authorities continued to implement policies to eradicate indigenous beliefs and practices. On May 7, 1880, the federal government banned the Sun Dance and other ceremonies and rituals deemed “uncivilized.” Medicine men and healers were now arrested for practicing traditional ways. The policies, in combination with the political economic conditions of reservation life, did conspire to suppress religious and cultural practices on many reservations. The last Kiowa Sun Dance for example was performed in 1887. Among the Southern Cheyenne and Arapaho the Sun Dance was actively repressed, among other religious activities, but never fully suppressed. The Northern Cheyenne, despite the ban, held the Sun Dance and other religious practices, often away from the prying eyes of federal officials. Some Cheyenne religious ceremonies although, such as the Massaum, were completely eradicated by the early twentieth century.¹¹

Indigenous life ways faced overt persecution as government officials engineered the "Indian's" progress toward "civilization." Forced assimilation policies are given legal teeth in 1883, after the U.S. Government establishes the Court of Indian Offenses on Indian reservations. Secretary of Interior Henry M. Teller in 1883 created the Court of Indian Offenses to quell, by force if necessary, the "continuance of old heathenish dances," ceremonies, and the enduring influence of aboriginal priests that are a "hindrance to civilization."¹² The court is given power to try cases involving infractions of rules outlined by the Interior Department.¹³ Following the Court of Indian Offenses, in March of 1885, the United States Congress passes the Indian Major Crimes Act. The act lists seven major crimes and authorizes U.S. officials to arrest any reservation Indians who commit these crimes.

For Aboriginal peoples, reservation life meant the active oppression of traditional rituals and ceremonies. By threat of imprisonment or the withholding of their rations, the Sun Dance, sweat lodge, indigenous medical practices, and other aspects of religious and cultural life were either suppressed or forced "underground."¹⁴ Moreover, Native American people could no longer travel freely to culturally significant locations that lay off-reservation. Without a reservation pass, Native Americans found off-reservation without the Agent's permission could be jailed for their transgression.

Overt cultural and religious oppression led to the emergence of religious ideologies advocating the return to the "old ways" and the elimination of their oppressors, and "White" society. As early as 1882 for example, Kiowa prophets appear predicting the return to the old way of life, the return of the buffalo and the destruction of "White" society. In 1889 during an eclipse of the sun, Jack Wilson or Wovoka "dies" and speaks to the Creator. When he awakens, Wovoka delivers the Creator's prophesy. He instructs all Indians to live peaceably with all people, work hard in this life, and pray for an apocalypse that will restore the world to an aboriginal state, devoid of Europeans. If Indian people follow the Ghost Dance path, their ancestors will return to this earth, along with the game and plant life.¹⁵ Throughout 1889 and 1890 numerous delegates from a number of tribes traveled to Paiute country to meet with Jack Wilson and learn his prophetic message. Delegates, after receiving his teachings, would return to their reservations with symbols of his holy power. These included red ochre from Mount Grant, a sacred Paiute mountain, marked magpie feathers, and pine nuts (pinon), the "daily bread" of the Paiute.¹⁶ Ghost Dancing appeared among the Southern Arapaho, Northern Arapaho, Southern Cheyenne, Northern Cheyenne, Kiowa, and Ute.¹⁷

In an effort to replace indigenous religious beliefs and practices, Episcopalians, Methodists, Mennonites, Roman Catholics, and Baptists began missionary work among many tribes. Religious conversion not only became a piece of the caviling process, but also a form of social control.¹⁸ Among the Comanche, Baptist, Methodists, Roman Catholics, Mennonites, and Presbyterian missionaries were established in their

communities. Hymns were composed in the Comanche language and many began to attend Christian summer camp meetings. Slowly Christianity became a major force in Comanche life. Similar to the Comanche, Christianity made inroads among the Cheyenne, Arapaho, Kiowa, and Southern Ute, although the level of acceptance varied among each tribe.¹⁹

Native children, sometimes under the oversight of religious denominations or federal control, were placed in boarding schools and day schools. Children often were sent, many by force to these institutions. The imposed educational system, actively discouraged Native language use and worked diligently to counteract any perceived negative cultural influences of the family that would inhibit the assimilation process of Indian children. For many, the boarding and reservation day school experience meant isolation from family, cultural alienation, punishment, sickness, and sometimes, death. In 1883 for example, 27 Ute children were sent to boarding school in Albuquerque, New Mexico. Before returning home half died. Other tribes had similar experiences. The taking away of their children, combined with the coercive policies of forced assimilation, bred growing resistance among some indigenous people.²⁰ Any resistance however was often met with punishment. The Indian Agent for the Northern Cheyenne for example, in his 1890 Report to the Commissioner of Indian Affairs reported; “I have punished three different families for taking children out of school by taking the rations from them until they return them. It worked well with two families, but the third I could not bring to time as friends came to the rescue and furnished them with the wherewithal to keep souls and body together.”²¹

On August 27, 1892, Commissioner of Indian Affairs Thomas H. Morgan reissued a list of uncivilized behaviors, which must be punished in the tribal court system. Morgan targeted Indian dancing, religious practices, and traditional Indian medical practices as major offenses. Commissioner Morgan proclaimed that:

Any Indian who shall engage in the practices of so-called medicine-men, or who shall resort to any artifice or device to keep the Indians of the reservation from adopting and following civilized habits and pursuits, or shall adopt any means to prevent the attendance of children at school, or shall use any arts of a conjurer to prevent Indians from abandoning the barbarous rites and customs, shall be deemed to be guilty of an offense, and upon conviction thereof, the first offense shall be imprisoned for not less than ten nor more than thirty days...²²

The targeting of spiritual and medicinal authorities, along with the forced confinement to reservations, severely limited access to sites and resources necessary to sustain and effectively carry out many traditional cultural practices. Commissioner Thomas J. Morgan encapsulated Indian policy since the establishment of reservations in 1889 when he wrote that the "Indian must conform to the white man's ways' peaceably if they will, forcibly if they must."²³

A policy cornerstone in the civilizing process was the continued break-up of communal land holdings into individual land divisions. Allotment in severalty-- individual ownership of small parcels of land--has a long history in European-Native American relations. As early as 1633, the General Court of Massachusetts provided individual Native Americans "allotments amongst the English" to promote self-sufficiency.²⁴ Land allotments periodically were advocated through treaties and other political negotiations with Native Americans, but a concise allotment policy only developed after 1850. It is not surprising that the individual ownership of land paralleled neatly with the height of extinguishments of indigenous land titles.

For many western Euro-Americans as well as eastern financiers, reservation lands were viewed as both unused and non-productive. As such, these under-utilized lands, especially in the hands of "idle savages," hindered further individual, regional, and national development. The act was the culmination of economic and political forces that

began a decade earlier. Between 1878 and 1887, five bills were introduced to Congress to allot in severalty the remaining reservation lands.²⁵

Responding to pressure for western reservation lands, in combination with the spiraling rise in Indian appropriations, the United States Government in 1887, passed the General Allotment Act. The law attempted to not only to solve the "Indian problem" for the United States, but also coerce Native Americans toward "civilization." Senator Henry Dawes, the bill's major architect, summarized the ideology behind the legislation for eradicating Native American life ways:

Inasmuch as the Indian refused to fade out, but multiplied under the sheltering care of reservation life, and the reservation itself was slipping away from him, there was but one alternative: either he must be endured as a lawless savage, a constant menace to civilized life, or he must be fitted to become part of that life and be absorbed into it.²⁶

No high degree of "civilization" could be achieved among indigenous people, until a sense of private property could be instilled among them. Under the Allotment Act, reservation land would be surveyed into 40 to 160 acre parcels and allotted to Native American families or individuals. These lands would be held in trust by the federal government for 25 years. After that period, the individual owner could then be declared "competent" by governmental authorities and could use the land in any manner they desired, including selling the land to non-Indians.²⁷ Allotment would continue until 1934.²⁸

Two years after the passage of the General Allotment Act, Commissioner of Indian Affairs T. J. Morgan proposed to eliminate all tribes and their reservations. Commissioner Morgan proclaimed that the Indian is to be "...individualized and conform to white man's ways, peaceably if they will, forcibly if they must..."²⁹ After the passage of the Allotment Act, the general policy objectives of the federal government toward Native Americans living on reservations were forced assimilation. Carried out as one of the

most ambitious feats of social engineering, assimilation required that Indians acquire--by choice or force--the accouterments of "American civilization." Thus the general sociological trajectory was toward the complete eradication of aboriginal ways and the incorporation of Anglo American cultural practices.³⁰

In 1891 the Commissioner of Indian Affairs stated that the Northern Arapaho, who were considered to have no real rights at Wind River because of their temporary status, had equal rights on the reservation. The decision eventually led to allotting the Arapaho, who settled to the east and southeast, and the Shoshone, who took allotments to the west and northwest. After allotment, the federal government through the McLaughlin Agreement of 1896 acquired Big Springs and in 1904 under the McLaughlin Relinquish Agreement, the Arapaho and Shoshone ceded 1,346,320 acres lying north of Wind River.³¹

The Cherokee Commission, composed of David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, arrived at Darlington Agency, Indian Territory on July 7, 1890 to negotiate for allotment and the sale of surplus lands. After 40 days of negotiation the Commission failed to get the Southern Cheyenne and Arapaho to agree to the terms. Finally, after traditional leaders refused to attend the meetings, the progressives signed an agreement to allot. The agreement was approved March 3, 1891 and every Southern Cheyenne and Arapaho on the roles was allotted land. The remaining surplus land was purchased for 1.5 million dollars and opened to non-Indian settlement.³²

The Cherokee Commission in 1892, then held meetings with the Kiowa, Comanche, and Plains Apache to persuade them to allot and cede more lands. After protracted negotiations, 456 tribal leaders, including Comanche Quannah Parker, ceded a large land tract and agreed that all tribal members will accept allotment.³³ In direct opposition to Article 12 of the 1867 Treaty of Medicine Lodge, which stipulated that all future land cessions will be approved by the consent of three-fourths of adult men, in 1900, Congress ratified the agreement.

The immediate effect of the Jerome Agreement was the destruction of the political and geographic integrity of the Kiowa, Comanche, and Plains Apache reservation. In 1901 two-thirds of the original 2,968,893 reservation acres was opened for non-Indian settlement. Five years later, 480,000 acres of tribal pasture lands were sold to the Secretary of Interior leaving only 17 percent of the original reservation.³⁴ The end result was the fractioning of the Comanche, Kiowa, and Plains Apache reservation land base.

The United States Supreme Court delivered a devastating blow to the termination of Indian land rights in 1903 when it delivered its ruling in *Lone Wolf v. Hitchcock*. A Kiowa leader, Lone Wolf, challenged Congress's decision to sell 2.4 million acres of surplus Kiowa, Comanche, and Plains Apache tribal land without the consent of adult male tribal members. A stipulation outlined clearly in the 1867 Treaty of Medicine Lodge. The court, in direct violation of the treaty provision, ruled that Congress could abrogate treaty provisions when the interests of the country and the Indians justified it. The Lone Wolf decision opened the legal door for taking of Indian lands. President Theodore Roosevelt took 2.5 million acres of Indian lands, converting them national interests.³⁵

Most tribes opposed allotment, but few escaped. In 1904, Inspector James McLaughlin at the Arapahoe and Shoshone Reservation, boldly told tribal members:

Up until a little over a year ago, no Indian reservation had been open to settlement without first consulting the Indians, but it is not now deemed necessary by Congress that such negotiations should be conducted with Indians for opening their surplus lands... In days gone by, years ago, when your reservation was set apart, large reservations were possible, because the whitemen did not desire the lands, but the tide of immigration is now pressing from both east and west...and...the department having charge of the Indians cannot prevent it.³⁶

Just as the Jerome Agreement dismantled the Kiowa, Comanche, and Plains Apache land base, the Hunter Act set the stage for the allotting of Ute lands. In 1895 the Hunter Act was passed to set aside a strip of land of the former reservation in western Colorado for the Southern Ute provided that the tribe allot. The allotment issue split the tribe into two factions. The Weminuche band led by Chief Ignacio refused to allot. In defiance, they moved to the western portion of the reservation near Ute Mountain. Eventually, in 1897, a sub-agency was founded south of Cortez, near Navajo Springs.³⁷

Later the reservation was divided, with the unallotted eastern portion becoming the Ute Mountain Ute reservation. The Mouache and Capote bands remained in the western portion of the reservation. This became the Southern Ute Reservation. In 1899 the allotment process for the Mouache and Capote was complete. Seventy-five thousand acres were allotted to tribal members and the remaining 500,000 acres was opened to non-Indian settlement.³⁸

Despite government efforts to convert the Ute into farmers, the efforts met with limited success. Few Ute were willing to work on their allotment lands. Many circulated among relatives. One agent suggested that elderly Ute be placed in confined homes to keep them from living with younger relatives. Other Ute found local Mexican American farmers willing to lease the allotment to farm, giving the family cash or a crop share. Between 1899-1921 under half of Ute were living on allotments. When the twenty-five year allotment period ended, 23,000 acres or about one-third of allotments were sold to local Anglos.³⁹

Although the Ute Mountain Reservation was never allotted, the Weminuche witnessed the loss of land through leasing to Anglo ranchers.⁴⁰ Originally Ute aboriginal range consisted of approximately 56 million acres, about 85 percent of Colorado.⁴¹ The Ute now owned a fraction of their traditional homeland.

Despite experiencing an erosion of their remaining lands, Ute bands were able to keep many tribal traditions and beliefs intact. Through their long association with the

Spanish, Mexicans, and Americans, Ute leaders knew the importance of litigation and money to defend their interests. Being knowledgeable of the United States justice process and the importance of strong political leadership, as early as 1896, the Southern Ute and Ute Mountain Ute organized the Confederated Bands of Ute Indians to take legal action for lands taken from them. In 1910 the United States Court of Claims found that the federal government owed them approximately 3.3 million dollars for land losses.⁴² Even after having the court ruled in their favor, the Ute were not allowed to control the funds. The settlement could not be allocated to any enterprise or to per capita payments to families without government permission.⁴³

The early reservation years for the Colorado Ute, as with other tribes, were difficult. With establishment of reservations, most Ute families preferred to live in brush shelters or tipis. As on all reservations, western style housing was injected to counteract any vestige of pre-reservation cultural practices. Among the Ute, houses were initially used primarily for storage. One cultural practice that mitigated against the widespread adoption of western-style housing was the tradition of abandoning structures after a death occurred in it. Slowly permanent housing was adopted, but as late as 1920, only about 50 percent of Southern Ute lived in permanent housing, with significantly less among the Ute Mountain Ute.⁴⁴

Similar to conditions on other reservations, the rations issued to families were never enough. The situation became more acute in 1913 when rations were reduced to encourage the Ute to farm. To supplement the meager rations, most Ute continued to hunt and gather, but Anglo settlement and regional economic development made this increasingly difficult. Government policy also inhibited hunting and gathering. Until 1912 it was officially illegal for an Indian to leave the reservation with out permission and many agents were reluctant to grant permission as they thought such trips detracted from “civilized” labor.⁴⁵

As on other reservations, health conditions also were deplorable. Tuberculosis, trachoma, and infant mortality, all epidemiological indicators of extreme poverty and

unsanitary living conditions, were high despite the implementation of western medical practices. The Ute, in open defiance to forced assimilation policies, openly continued to use traditional healers and medicines.⁴⁶ Other tribes, despite the overt oppression of indigenous medical practices and health beliefs, continued as well to utilize various forms of medicinal and spiritual healing.⁴⁷

By the end of the nineteenth century, the federal government again banned or actively discouraged traditional social and religious activities.⁴⁸ Federal authorities encouraged and sponsored social gatherings called “picnics,” as long as no “old customs” were practiced. Tribal religious ceremonials were replaced with “Indian Fairs” and powwows to divert attention away from traditional cultural practices.

Federal authorities also routinely rewarded Indian people who were compliant, but punished anyone who were perceived resistant to assimilation.⁴⁹ Paralleling federal attempts to actively discourage traditional cultural practices, the federal government also attempted to suppress any outside influences that would inhibit assimilation. On June 30 1897 for example, Congress passed the Indian Liquor Act, prohibiting the sale, gift, barter or exchange of any alcoholic beverages to Indians.⁵⁰

On May 27, 1902, Congress passes the General Appropriation Act. The act's intent was to fulfill all treaty obligations, "civilize" the Indians, and carry out allotment. It also provides funding for Indian schools as well as empowers the Secretary of Interior to permit Indian heirs to sell their trust-restricted lands instead of dividing them among their heirs.⁵¹ To further expedite the process to transfer allotments out of Indian hands and into Anglo hands, the U.S. government passed the 1906 Burke Act, permitting those Native American allottees adjudged "competent" to acquire private land ownership immediately.⁵² The Burke Act of 1906 granted local Bureau of Indian Affairs officials the power to transfer land from trust status to fee simple patent immediately upon application by a competent party. No longer did Native Americans have to wait 25 years before being judged "competent."⁵³ Competency, by definition, meant that a Native American allottee could transact his own business at the same level as the average

"Whiteman." That is, an indigenous person was deemed competent to handle their own affairs if they demonstrated they had thrown off the shackles of "savagery" and had become nearly "civilized." If declared competent, Native Americans were issued certification of competency that indicated they were a full citizen and no longer a ward of the federal government. The trend to negate trust status and transfer lands to Native American private ownership continued into the 1920s. In their 1917 Declaration of Policy, Commissioner of Indian Affairs and Interior Secretary Franklin Lane proclaimed that the "...time has come for discontinuing guardianship over all competent Indians. The federal government established "competency commissions," who traveled across the United States holding hearings and issuing "certification of competencies." The result of this practice was the massive transfer of allotment lands from Native American possession into non-Indian hands.⁵⁴

After the Burke Act's passage, Congress again passed a number of laws in rapid succession to facilitate the transfer of lands out of Indian and into Anglo hands. Two Congressional mandates exemplify the governmental support of land transfers of Indian lands. On March 2, 1907, Congress passes the Tribal Funds Act. The law authorizes the Secretary of Interior to designate any individual Indian the right to an allotment or a share of an allotment of an heir. The transfer of title to an individual allowed that individual to dispense with that property in any fashion they deem appropriate. That act was bolstered by the passage of the 1908 Allotted Lands Selling Act. Under that provision, the authority of the Secretary of the Interior is extended to issue patents in fee to purchasers of Indian lands and ascertain the legal heirs in such transactions.

As "competent" Indian people were being given individual property rights to expedite the transfer to Anglos, "incompetent" indigenous people also had their lands exposed to immediate appropriation by the government. Congress authorizes the sale of land allotments belonging to Native Americans declared "incompetent" by local courts.⁵⁵ In other words, the federal government legally sanctioned the outright theft of indigenous lands across the United States.

To further expedite the transfer of Indian lands, in 1910, Congress passes the Omnibus Act. The act provides for the determination of allottee heirs, holdings of trust patents on land, partition of estates, issuance of certificates of competency to individuals, the making of Indian wills, and prohibition of conveyance of trust land. The Omnibus Act was quickly followed by the Restricted Lands Trust Act of June 25, 1910. The act amends the sale of trust lands to improve the manner to determine heirs of deceased Indians in order to facilitate the sale and leasing of restricted lands. Three years later, this act is amended again to regulate allotments disposed by will.⁵⁶ The massive transfer of Indian lands and the ability to lease tribal land at will led to widespread corruption in Indian Affairs. Seeking to explain the rampant corruption in the nation's conduct of Indian Affairs, Indian Commissioner Valentine reported to Congress that "Indian Affairs are, even under the best possible administration, peculiarly a field for the grafter and other wrongdoers. The land and the monies of the Indian offer a bait which the most suited will not refuse."⁵⁷

In 1917 Interior Department Secretary Franklin Land issued his "Declaration of Policy Statement." The declaration reads "The time has come for discontinuing guardianship over all competent Indians and giving even closer attention to the incompetents that they more speedily achieve competency."⁵⁸ Commissioner of Indian Affairs Cato Sells agreed with the policy declaration as "competent" Indians should no longer be treated as "half ward and half citizen" by the U.S. Federal Government.⁵⁹

With the onset of World War I, Native Americans, although not subject to the military draft, more than 8,000 serve in the military. The United States Government, under a Congressional Act of 1919, rewarded Native American veterans by granting them citizenship. Five years later, Congress passed the 1924 General Citizenship Act. In theory, citizenship removed the status of governmental "ward," but in reality did little to change the control of the Indian Office over the lives of Indian people. The rhetoric of rewarding Indians for their military service, disguised the underlying agenda, to divorce Indian people from their lands through complete assimilation. American Indians remained a disenfranchised population, being routinely denied their rights.⁶⁰

Beginning in 1922 the Office of Indian Affairs again asserted an intensive campaign to eradicate all indigenous religious ceremonies on reservations. For seven years, reservation Superintendent's used a variety of means to crush Indian religious beliefs and cultural practices, including intimidation, arrests, and withholding resources for resistant people.⁶¹ The impetus behind the active suppression was the “liberal” belief that the clinging to Native traditions and beliefs was retarding “progress” toward civilization.

Reformers also grew increasingly concerned about impoverished reservation conditions. They brought political pressure on Secretary of the Interior Hubert Work to appoint a committee to survey the current state of Indian policies to make recommendations for improvement. Known as the Committee of One Hundred, the committee recommended increasing funds for health care, education, scholarships, and claims courts. It also calls for a scientific investigation into the effects of peyote use among Native Americans; a major factor inhibiting the Indian’s “progress.”⁶²

The growing public agitation to reform Indian Affairs led the United States government in 1926 to address the issue. To investigate federal Indian policies, Secretary of Interior Hubert Work commissioned the Institute of Government Research to launch a study. Commissioner Work requested that the study would examine the educational, industrial, social, and medical activities among Native Americans. Supported by a grant from John D. Rockefeller, Jr., in 1928, the Brookings Institution hires a research staff, headed by Lewis Merriam to investigate the state of affairs across Indian County.

The lengthy document, known as the Merriam Report, was published in 1928. The survey report offered a damning indictment of previous and current Indian policy. The Merriam Report pointed out that poorly conceived legislation hindered American Indian progress and that the federal appropriations to support Indian programs were too meager. The report charged that the Bureau of Indian Affairs' employees often were incompetent or, at best apathetic, toward their duties. The results of the widespread

breakdown of federal responsibilities resulted in an Indian population that was impoverished, in ill-health, and made little progress toward assimilating into American life. It also urged the government to reform the Office of Indian Affairs.⁶³

In the end, the Merriam Report, predictably:

...did not address itself to the need for massive funds to develop agricultural, mining, or timber industries whose ownership and control would be vested in the hands of Indians. Rather, in the standard, humane, welfare solution tradition the report addressed itself to the symptoms of the Indian's problems. Rather than analyzing the causes of Indian underdevelopment, an underdevelopment that had increased since 1880, Merriam asked for greater funds for the BIA. It was hoped that a larger budget would draw better people to this arm of the federal enterprise, and that the good advice of these people would improve the Indian's condition until they would become self-sufficient.⁶⁴

The report prompted a Senate investigation that supported its findings. The investigation found that allotment had transferred approximately 90 million acres out of Native hands without making the Indian self-supporting. Under the Bureau of Indian Affairs, Native American health suffered, and economic development remained nonexistent. Education, including boarding schools and agency day schools, did not prepare Indian students for productive lives. In short, the United States government failed to fulfill its trust responsibilities.

As a result of the Merriam Report, reformers take over key posts, in 1929, in the Office of Indian Affairs. President Herbert Hoover initially appointed Charles C. Rhoads, the President of the Indian Rights Association as Bureau of Indian Affairs Commissioner. His tenure as Commissioner however was short-lived. In 1933, President Franklin D. Roosevelt appoints John Collier as Commissioner of Indian Affairs. Most progressive reforms occurred under the John Collier administration. Prior to accepting the position of

Commissioner of Indian Affairs, Collier actively assisted the Pueblos in protecting their lands. His experiences among Southwest tribes and academic training as a social scientist led Collier to the belief in a democratic society where different cultural groups should be able to maintain their own identities and way of life without full assimilation.

Under the political and social philosophy of President Roosevelt's "Indian New Deal," Collier's administration worked to increase in governmental appropriations, improve Indian schools, partially halt the loss of Indian lands, and craft plans to reduce significantly the power of reservation Indian Agents. They also attempted to craft policies that will strengthen Native American cultural uniqueness by fostering tribal governments and "preserving" select aspects of tribal traditions and customs. Those central tenets of the "Indian New Deal" were embodied in the 1934 passage of the Wheeler Howard Act or the Indian Reorganization Act (IRA). The act attempted to fulfill the recommendations outlined in the Merriam Report and attempted to recognize, however superficial, the value of Native American cultures, languages, and religions.⁶⁵

After assuming the position of Commissioner of Indian Affairs, Collier declared that the Wheeler-Howard Act marked "...a decisive shift in the direction of American Indian policy."⁶⁶ He although cautioned that the legislation is "...merely a beginning in the process of liberating and rejuvenating a subjugated and exploited race living in the midst of an aggressive civilization far ahead, materially speaking, of its own."⁶⁷

The Indian Reorganization Act officially nullified the 1887 General Allotment Act by halting the allotment process and providing for the reconsolidation or possible acquisition of additional tribal lands. Additionally, the act indefinitely extended trust periods and restrictions on the alienability of tribal lands. Indian people also joined the Works Projects Administration (WPA), the Public Works Administration (PWA), and the Civilian Conservation Corps (CCC) in an effort to artificially bolster Indian community economies. They are instructed in farming techniques, ranching, forestry, and other industries.⁶⁸

On solving the land issue, the foundation for economic self-sufficiency, the legislation gave tribes the option to establish constitutional governments or draft charters for the purpose of conducting business. A number of tribes decided to organize themselves under the Wheeler Howard Act or Indian Reorganization Act.⁶⁹ The Southern Ute for example in 1936 drafted and ratified a tribal constitution. Four years later, the Ute Mountain Ute also organized under the Indian Reorganization Act.⁷⁰ Before the end of allotment, the Southern Ute reservation experienced a continual transfer of lands. By 1934 the original reservation had been reduced by 99 percent to 40, 600 acres. In 1937 however, 220,000 acres targeted for non-Indian homesteading were returned to the Southern Ute tribe. Thirty thousand acres also were restored to the Ute Mountain Ute.⁷¹

The Wheeler-Howard Act attempted to create viable reservation corporations to administer reservation affairs and develop a viable economic infrastructure. To stimulate development the federal government extended credit from federal funds to foster tribal enterprises.⁷² By doing so, a bureaucratic structure emerged on most reservations that articulated, politically and economically, with the federal bureaucracy in Washington D.C.⁷³ Supporting that reservation bureaucratic structure was ever increasing federal appropriations that demanded compliance to federal policies for future economic support. The end result was of the Indian Reorganization Act on many reservations that choose to adopt it was an increase in the power of the Secretary of Interior over reservation affairs.⁷⁴

Culturally, the Indian "New Deal" marked the cessation of forced assimilation. Collier's administration attempted to craft policies that would strengthen Native American cultural uniqueness by fostering tribal governments and "preserving" select aspects of tribal traditions and customs.⁷⁵ For example, Commissioner Collier issued the following mandate to Indian agents:

No interference with Indian religious life or expression will hereafter be tolerated. The cultural history of Indians is in all respects to be considered equal to that of any non-Indian group. And it is desirable that Indians be

bilingual—fluent and literate in the English language, and fluent in their vital, beautiful and efficient languages. The Indian arts are to be prized, nourished and honored.⁷⁶

He also orders the Indian Service to hire more Native American people to administer their "own" affairs.⁷⁷

The passage of the Indian Reorganization Act signaled, symbolically if not politically, the end of a tragic colonial epoch of forced cultural assimilation and religious oppression for the all American Indians, but it also marked the beginning of another. Since 1934 significant portions of the Arapaho, Cheyenne, Comanche, Kiowa, and Ute populations, continue to experience, like the majority of Indigenous Nations, endemic poverty, chronic underemployment, and rising health problems. All of these problems are intimately associated with underdevelopment of the reservation political economy. Moreover, the struggle to assert their cultural and religious rights, despite the 1934 mandate that "No interference with Indian religious life or expression will hereafter be tolerated..." or that Native American language, and cultural traditions will be "prized, nourished, and honored."⁷⁸ Native Americans continue to be systematically denied these rights. The Arapaho, Cheyenne, Comanche, Kiowa, and Ute, of course, are no exception.

13.3 Oppression and the Reassertion of Cultural Rights

Native American people, historically or presently, never have enjoyed the same rights with respect to their cultural and religious freedoms as other United States citizens. Despite the First Amendment clause of the United States Constitution, for over two centuries, Native Americans have suffered cultural and religious persecutions. During every phase of building the United States into a nation-state, the federal government denigrated almost everything indigenous to justify the appropriation of Native American lands and resources.⁷⁹ During the period from 1776 through the placement of surviving Native Americans on reservations, their cultural practices and beliefs increasingly were viewed as impediments to "civilization."

Throughout the late nineteenth and into the early twentieth century, anti-Indian sentiments prevailed. The legacy of anti-Indian sentiment among the Non-Indian citizens of Colorado and Utah is poignantly illustrated by the 1914-1915 *Tsenegat* incident and case. When the Weminuche settled the Ute Mountain Ute reservation, some families moved west into Utah, occupying the San Juan region. The area in which they settled, after the removal of the Northern Ute to Utah, was proposed several times as a potential reservation for removal of remaining Ute bands.

The families lived near Blanding, Utah. Of the families camped there, Polk Narrguinep's son, *Tsenegat* was indicted in Denver for allegedly murdering Juan Chacon, a sheepherder. Suspected of hiding at his father's camp, a United States marshal with deputized cowboys went to the camp and without provocation attacked the Ute families. The unprovoked attack resulted in the forced roundup and herding of 160 Ute out of Utah to the Ute Mountain reservation. *Tsentgat* eventually surrendered to authorities, tried, and found innocent. Eventually, the Allen Canyon Ute were allowed to return to Utah and are now a detached part of the reservation.⁸⁰ Across the Native North America, prejudice, discrimination, and occasionally outright racism continued to be exercised, especially with respect to asserting cultural and religious rights.

The open suppression of Native American cultural and religious practices continued until the passage of the 1934 Wheeler-Howard Act. Despite the "New Deal's" passage, the law did not alter Anglo discriminatory behaviors or halt the determination of Christian denominations from their conversion efforts. Native religious and cultural practices continued to be targets of suppression, if not outright oppression.

Over the next three decades, Native American cultural leaders and their respective traditional communities struggled to re-assert their Native religious and cultural practices. Colorado for example, prohibited peyote use 1917 until 1967 when the law was declared an unconstitutional infringement of religious rights.⁸¹ This was not an easy task. The loss of indigenous knowledge under the forced assimilation era, combined with the

continued oppression of indigenous religious and cultural practices, made cultural sovereignty a tenuous affair across "Indian Country."⁸²

Any promise of greater cultural and religious tolerance did not occur until the advent of the Civil Rights era. The federal government issued a number of reports about the deplorable conditions of Native American life. Those reports, along with the emergence of Indian activism, culminated in the policy of self-determination. On January 4, 1975, Congress passed the Indian Self-Determination and Educational Assistance Act.⁸³ While the act addressed social and political issues, Native American cultural and religious practices continued to be attacked to the fullest extent of the law. Federal authorities, one year later, arrested Cheyenne and Arapaho for possession of eagle feathers under the 1976 Bald Eagle Protection Act. State authorities continued to arrest Native American Church members for peyote use. The United States Congress in 1965 and again in 1970 passed laws declaring peyote a hallucinogenic drug with a high substance abuse potential.⁸⁴ Across the country, tribal people routinely were denied access to sacred lands by federal and state agencies as well as private landowners.⁸⁵

Responding to these assaults on cultural and religious freedoms, Native Americans lobbied for a bill to protect religious rights. On December 15, 1977, the American Indian Religious Freedom Act (AIRFA) was introduced into the Senate. Eight months later, President Carter signed the bill into law. The law reads:

...it shall be policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.⁸⁶

Framing a policy around inherent rights to exercise "traditional religions" did extend federal trust responsibilities and, in principle, aspects of tribal sovereignty to public

lands. The federal mandate to consider tribal religious practices on public lands was implicitly outlined in section 2 of the act. That section stipulates that various federal agencies, departments, and other entities evaluate their current policies and procedures in consultation with Native American leaders to determine changes necessary to preserve cultural rights and practices.

To discover any discriminatory practices embedded in federal policies, a Task Force examined the extant cultural differences between Native Americans and Anglo-Americans under the belief that this "cultural gulf" generated most discriminatory practices by federal agencies. The American Indian Religious Freedom Act Report, delivered to Congress in 1979, made several key suggestions that federal agencies "could" implement.⁸⁷ But as President Carter acknowledged from the outset, the law would "protect and preserve" the inherent right of the American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express, and exercise their traditional religion, but was not intended to "override existing law."⁸⁸

Immediately the law was tested in court. In the majority of test cases, especially those involving land development with federal and state agencies, AIRFA failed to protect indigenous religious practices. The most devastating Supreme Court decision was the 1988 Lyng v. Northwest Indian Cemetery Protective Association. Three Northern California tribal-nations challenged U.S. Forest Service intent to construct a road and conduct developmental activities in the Six Rivers National Forest through a sacred area that would destroy the core of their religious beliefs and practices.⁸⁹ Ignoring ethnographic data by a U. S. Forest Service anthropologist who conceded that "Failure to conduct these ceremonies in the manner specified and place specified, ... will result in great harm to the earth and to the people whose welfare depends upon it," the court majority in Lyng concluded that to accept the "Indians' free exercise claims would amount to establishing a "religious servitude" on public lands, thereby divesting the government of its "right to use what is, after all, its land."⁹⁰

The Lyng decision set a number of precedents for the future "protection" and "access" of all Native American sacred sites on public lands. Foremost, the tribes' lack of title to the lands in question precluded their right to advance First Amendment claims. Also federal agencies have the final decision in the disposition of its lands, despite indigenous concerns or claims.⁹¹

Since the Lyng decision, a body of laws and policies evolved that requires Native American consultation surrounding cultural and religious concerns. Although under the federal policy guidelines, agencies do not have to implement any management strategies based on indigenous information or concerns, considerable effort is being dedicated to incorporating indigenous issues. It is under this legal environment and policy mandates, despite the plethora of cultural heritage and management laws that indigenous cultural and religious leaders struggle to identify and designate locations that embody and protect their concerns.⁹²

13.4 Conclusion

Despite the centrality of landscape and its qualities to the continuation of indigenous cultural practices, across Native North America significant sites and resources on public and private lands have been under unceasing siege by natural resource, recreational, and economic development interests. Over the course of nation-building, numerable locations have been either destroyed outright or altered to the point of rendering them useless for the continuation of indigenous cultural and religious use. This assault currently continues.

The intimate relationship that cultural leaders have with the landscape stands in contrast to Anglo America's vision of land use. In an essay entitled "Sacred Lands and Religious Freedom," Vine Deloria Jr. writes about the fundamental differences between indigenous conceptions of lands, especially sacred lands, and those held in general by non-Indians. Those differences, he argues, are encapsulated in current body of environmental and resource management laws:

The ironic aspect of modern land use is that during the past three decades, Congress has passed many laws, which purport to protect certain kinds of lands and resources from the very developers who seek to exclude Indian religious people from using public lands. The Wild and Scenic Rivers Act, the Environmental protection Act, the Clean Air Act, the national Historic Preservation Act, and several other statutes all take definite steps to protect and preserve the environment in a manner more reminiscent of traditional Native American religion than that of uncontrolled capitalism or the domination of land expounded by world religions.⁹³

The manner by which the non-Indian worldview is ingrained into current laws about the sacred sites for example is illustrated by the definition of sacred sites written into Executive Order 13007. President Clinton's order reads:

“Sacred sites” means *any specific, discrete, narrowly delineated location on Federal land* that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.⁹⁴

Aside from who is an appropriately representative on an Indian religion, what exactly do such constructs as “specific,” “discrete,” and “narrowly delineated” mean in identifying sacred sites?⁹⁵ The 1997 Executive Order, while moving toward the full incorporation of indigenous religions into the policy fabric about public lands, is somewhat antithetical to traditionalist conceptions sacred sites as integrated, boundless, and interactive with the surrounding landscape and their worldview.⁹⁶ Thus, federal land managers are not only challenged by the recognition of the interconnectedness of places across a landscape and the culturally differing views that reflect and configure the environment, but also by the

current state of legislation, policies and guidelines that address cultural places and landscapes.

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- ¹. See, Fredrick E. Hoxie, A Final Promise: The Campaign to Assimilate the Indians, 1880-1920. (Lincoln: University of Nebraska Press, 1984).
 - ². Indian Rights Association, The Second Annual Report of the Executive Committee of the Indian Rights Association. (Philadelphia: Office of Indian Rights Association, 1885).
 - ³. Steve Talbot, Roots of Oppression: The American Indian Question. (New York: International Publishers, 1981), 100.
 - ⁴. Jerrold E. Levy, "Kiowa," In. Handbook of North American Indians. Volume 13, Part 2. Raymond J. DeMallie, volume editor. (Washington D.C.: Smithsonian Institution, 2001), 917.
 - ⁵. Omer C. Stewart, Peyote Religion: A History. (Norman: University of Oklahoma Press, 1987), 68-83.
 - ⁶. Thomas W. Kavanagh, "Comanche," In. Handbook of North American Indians. Volume 13. Part 2 of 2. Raymond J. DeMallie, volume editor. (Washington D.C.: Smithsonian Institution, 2001), 899.
 - ⁷. John H. Moore, Margot P. Liberty, and A. Terry Straus, "Cheyenne," In. Handbook of North American Indians. Volume 13, Part 2. Raymond J. DeMallie, volume editor. (Washington D.C.: Smithsonian Institution, 2001), 875; Stewart, Peyote Religion: A History, 101-104; Virginia C. Trenholm, The Arapahoes, Our People. (Norman: University of Oklahoma Press, 1970), 293-294.
 - ⁸. Stewart, Peyote Religion: A History, 99-108; 131.
 - ⁹. See, Gregory R. Campbell, The Political Economy of Ill-Health: Changing Northern Cheyenne Health Patterns and Economic Underdevelopment, 1878-1930. Doctoral Dissertation. (Ann Arbor, Michigan: University Microfilms International, 1987); Omer C. Stewart, "Peyotism in Montana." Montana, The Magazine of Western History. 33(2, 1983):2-15; Stewart, Peyote Religion: A History, 189-191, 228-229; Trenholm, The Arapahoes, Our People. 295-303.
 - ¹⁰. J. Donald Hughes, American Indians in Colorado. (Boulder: Pruett Publishing Company, 1977), 92-93; Stewart, Peyote Religion: A History, 195-197; 227.
 - ¹¹. Gregory R. Campbell, The Politics of Health Care: Historic Epidemiology and Population Change Among the Northern Cheyenne. Unpublished manuscript. (Missoula: Department of Anthropology, The University of Montana, n.d.); Margot Liberty, "Suppression and Survival of the Northern Cheyenne Sun Dance." The Minnesota Archaeologist. 27(4, 1965):120-143.
 - ¹². Cited from, Arrell Gibson, The American Indian: Prehistory to Present. (Lexington: D.C. Heath and Company, 1980), 438.
 - ¹³. Duane Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present. (Detroit: Gale Research Inc., 1994), 229; Liberty, "Suppression and Survival of the Northern Cheyenne Sun Dance."
 - ¹⁴. See, William T. Hagan, "United States Indian Policy, 1860-1900," In. Handbook of North American Indians. Volume 4. Wilcomb B. Washburn, volume editor. (Washington, D.C.: U.S. Government Printing Office, 1988), 51-65.
 - ¹⁵. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 240.

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- ¹⁶. Alice B. Kehoe, The Ghost Dance: Ethnohistory and Revitalization. Second Edition. (Long Grove: Waveland Press, 2006), 6.
- ¹⁷. Garold D. Barney, Mormons, Indians, and the Ghost Dance Religion of 1890. (Lanham: University Press of America, 1986); Alice C. Fletcher, "The Indian Messiah," Journal of American Folklore. 4(1891):57-60; Albert S. Gatschet, "Report of an Indian Visit to Jack Wilson, The Payute Messiah." Journal of American Folklore. 6(21, 1893):108-111; George Bird Grinnell, "Account of the Northern Cheyennes Concerning the Messiah Superstition." Journal of American Folklore. 4(1891):61-69; Kehoe, The Ghost Dance: Ethnohistory and Revitalization, 7-9; 13-14; Weston La Barre, The Ghost Dance. (New York: Dell Publishing Company, 1972); Gail Landsman, "The Ghost Dance and the Policy of Land Allotment," American Sociological Review. 44(1979):162-166; James Mooney, The Ghost Dance Religion and Wounded Knee. Reprint Edition. (New York: Dover Publishers, 1973); Moore, Liberty, and Straus, "Cheyenne," 875; Russell Thornton, We Shall Live Again: The 1870 and 1890 Ghost Dance Movements as Demographic Revitalization. The Arnold and Caroline Rose Monograph Series. (New York: Cambridge University Press, 1986); Trenholm, The Arapahoes, Our People. 283-293. Some Comanche also participated in the Ghost Dance, see, James Mooney, "The Ghost-Dance Religion and the Sioux Outbreak of 1890," Fourteenth Annual Report of the Bureau of American Ethnology, Part 2. (Washington D.C., 1896), 641-1136.
- ¹⁸. For a concise overview of missionary work among Native American peoples refer to, Henry W. Bowden, American Indians and Christian Missions. (Chicago: University of Chicago Press, 1981).
- ¹⁹. Kavanagh, "Comanche," 899; Trenholm, The Arapahoes, Our People. 263-282.
- ²⁰ During the early reservation period, Christian religious sects operated schools, but by the late nineteenth century, Congress passed the Education Appropriation Act on June 7, 1897. The act mandates that Congress given funding priority to Indian day and industrial schools over sectarian schools, see, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 247; Hughes, American Indians in Colorado, 84-89; Henrietta Mann, Cheyenne-Arapaho Education, 1871-1982. (Boulder: University Press of Colorado, 1997); Trenholm, The Arapahoes, Our People, 275-277.
- ²¹. United States Department of the Interior, Bureau of Indian Affairs, Annual Report of the Commissioner of Indian Affairs. (Washington: Government Printing Office, 1890), 186.
- ²². Cited from, Francis P. Prucha, editor, Documents of United States Indian Policy. Second Edition, Expanded. (Lincoln: University of Nebraska Press, 1990), 187.
- ²³. United States Department of the Interior, Bureau of Indian Affairs, Annual Report of the Commissioner of Indian Affairs. (Washington: Government Printing Office, 1889), 3.
- ²⁴. Bureau of Indian Affairs, Federal Indian Policies...from the Colonial Period through the Early 1970's. (Washington D.C.: United States Department of the Interior, n.d.), 7.
- ²⁵. Joseph G. Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," The Journal of Ethnic Studies. 6(1978):12-13.
- ²⁶. Cited from, Burton D. Smith, "The Politics of Allotment: The Flathead Indian Reservation as a Test Case." Northwest Pacific Quarterly. X(July, 1979):131.

²⁷ On February 28, 1891, Congress amends the 1887 General Allotment Act with the Land Allotment Act. The act extends its benefits and the protection of the laws of the United States to Indians on various reservations. It also limited allotments to 80 acres, except on lands that cannot be irrigated; Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 242; Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 14.

²⁸. Since the granting of statehood on November 8, 1889, the Northern Cheyenne experienced constant pressures for their remaining lands and resources. On June 3, 1926, the United States Congress passed the Northern Cheyenne Allotment Act to allot the Northern Cheyenne Reservation. Beginning in 1930, the Northern Cheyenne are given allotments. They are the last reservation allotted before the practice is halted under the 1934 Wheeler-Howard Act; Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 285.

²⁹. Cited from, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 239.

³⁰. See, Francis P. Prucha, editor, The Great Father: The United States Government and the American Indians. Volume I. (Lincoln: University of Nebraska Press, 1984); Francis P. Prucha, editor, The Great Father: The United States Government and the American Indians. Volume II. (Nebraska: University of Nebraska Press, 1984).

³¹. Virginia C. Trenholm and Maurine Carley, The Shoshonis: Sentinels of the Rockies. (Norman: University of Oklahoma Press, 1964), 314-320; Trenholm, The Arapahoes, Our People, 306.

³². Donald J. Berthrong, "Federal Indian Policy and the Southern Cheyennes and Arapahoes, 1887-1907," Ethnohistory. 3(2, 1956):138-153; George E. Fay, editor, 1971 Treaties, Land Cessions, and other U.S. Congressional Documents Relative to American Indian Tribes: Treaties between the Tribes of the Great Plains and the United States of America: Cheyenne and Arapaho, 1825-1900, &c. Occasional Publications in Anthropology, Ethnology Series. No. 22. (Greeley: Museum of Anthropology, Colorado State College, 1971), 89-98, 102-105; Moore, Liberty, and Straus, "Cheyenne," 865-866.

³³. United States Senate, "The Jerome Agreement (1892)," Senate Executive Document, Number 17. 52nd Congress, Second Session, Serial Set Number 3055, Volume 1, 4 January 1893.

³⁴. Kavanagh, "Comanche," 899; Levy, "Kiowa," 918.

³⁵. Marjane Ambler, Breaking the Iron Bonds: Indian Control of Energy Development, (Lawrence: University Press of Kansas, 1990), 11-12.

³⁶. Ambler, Breaking the Iron Bonds: Indian Control of Energy Development, 12

³⁷. See, Virginia McConnell Simmons, The Ute Indians of Utah, Colorado, and New Mexico. (Boulder: University Press of Colorado, 2000), 207-254; Richard K. Young, The Ute Indians of Colorado in the Twentieth Century. (Norman: University of Oklahoma Press, 1997), 48-56.

³⁸. Refer to, Virginia McConnell Simmons, The Ute Indians of Utah, Colorado, and New Mexico. (Boulder: University Press of Colorado, 2000); Richard K. Young, The Ute Indians of Colorado in the Twentieth Century. (Norman: University of Oklahoma Press, 1997).

³⁹. Hughes, American Indians in Colorado, 83-84.

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- ⁴⁰. Hughes, American Indians in Colorado, 71-72, 84.
- ⁴¹. Donald Callaway, Joel Janetski, and Omer C. Stewart, "Ute," In. Handbook of North American Indians, Great Basin. Volume 11. Warren L. D'Azevedo, volume editor. (Washington DC: Smithsonian Institution Press, 1986), 355.
- ⁴². Ute Reservation land from allotment until 1934 remained in a constant state of flux. In 1906 Mesa Verde National Park was created taking Ute mountain lands, but a larger portion of land was added to the reservation as just compensation. A 1915 presidential order added a few hundred acres to the reservation Southern Ute Reservation, but took in 1916 64,560 acres for naval oil shale reserve, although the order was later rescinded, see, Hughes, American Indians in Colorado. 80-81.
- ⁴³. Hughes, American Indians in Colorado. 79, 81-82.
- ⁴⁴. Hughes, American Indians in Colorado, 90.
- ⁴⁵. Hughes, American Indians in Colorado, 82-83.
- ⁴⁶. Hughes, American Indians in Colorado, 89.
- ⁴⁷. Refer to, Campbell, The Political Economy of Ill-Health: Changing Northern Cheyenne Health Patterns and Economic Underdevelopment, 1878-1930; Campbell, The Politics of Health Care: Historic Epidemiology and Population Change Among the Northern Cheyenne.
- ⁴⁸. The Office of Indian Affairs again in 1910 issued regulations forbidding the Sun Dance ceremony. Indian officials put the regulation into effect because of the self-torture by the dancers, see, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 164.
- ⁴⁹. Kavanagh, "Comanche," 899; Maurice G. Smith, "The Indian Office Pays a Debt," American Anthropologist. 33(2, 1931):228-229.
- ⁵⁰. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 247.
- ⁵¹. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 254.
- ⁵². Bureau of Indian Affairs, Federal Indian Policies...from the Colonial Period through the Early 1970's, 7.
- ⁵³. Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 14.
- ⁵⁴. Bureau of Indian Affairs, Federal Indian Policies...from the Colonial Period through the Early 1970's, 7.
- ⁵⁵. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 260; 263; Hughes, American Indians in Colorado, 84.
- ⁵⁶. On June 6, 1912, Congress passed the Classification and Appraisal of Unallotted Indian Lands Act. The act gives power to the Secretary of Interior to classify or reclassify and appraise or reappraise unallotted or unreserved reservation lands opened to White settlement, see, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 264-265, 270.
- ⁵⁷. Cited from, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 266.
- ⁵⁸. Cited from, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 276.

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- ⁵⁹. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 276.
- ⁶⁰. The act granted all Native Americans full citizenship, but many states refused to allow them to vote because of their "wardship" status with the federal government or their non-tax status, see, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 285; Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 15.
- ⁶¹. Campbell, The Political Economy of Ill-Health: Changing Northern Cheyenne Health Patterns and Economic Underdevelopment, 1878-1930; Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 281.
- ⁶². Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 281.
- ⁶³. Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 16.
- ⁶⁴. Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 16.
- ⁶⁵. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 287, 293.
- ⁶⁶. Bureau of Indian Affairs, Federal Indian Policies...from the Colonial Period through the Early 1970's, 8.
- ⁶⁷. Bureau of Indian Affairs, Federal Indian Policies...from the Colonial Period through the Early 1970's, 8.
- ⁶⁸. Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 293.
- ⁶⁹. While the passage of the IRA supported in principle the re-institutionalization of tribal powers of self-government, other legislative acts authorized the continuing intrusion of state governmental authority in Indian country. One such act was the Johnson-O'Malley Act. The act, passed by Congress in 1934, permits the Federal Government to contract with states and territories to provide comprehensive services for Native Americans. Refer to, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 293.
- ⁷⁰. Hughes, American Indians in Colorado, 96
- ⁷¹. Hughes, American Indians in Colorado, 97
- ⁷². Bureau of Indian Affairs, Federal Indian Policies...from the Colonial Period through the Early 1970's, 8.
- ⁷³. George E. Fay, editor, Charters, Constitutions and By-Laws of the Indian Tribes of North America, Part IIa: The Northern Plains. Occasional Publications in Anthropology, Ethnology Series. Number 3. (Greeley: Museum of Anthropology, Colorado State College, 1967), 78-92.
- ⁷⁴. Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 17; Talbot, Roots of Oppression: The American Indian Question, 115.
- ⁷⁵ The U.S. Congress for example, on August 27, 1936, passed the Indian Arts and Crafts Board Act. The law established a five-commissioner board to promote the economic welfare of Indian tribes and wards by encouraging the growth of Indian arts and crafts through the development of an economic market for them; Champagne, editor,

Chronology of Native North American History From Pre-Columbian Times to the Present, 296-297. Some aspects of Native culture therefore, would be encouraged and promoted if they are economically viable.

⁷⁶. Cited from, Hughes, American Indians in Colorado, 94-95.

⁷⁷. As Joseph Jorgensen notes, the Indian Reorganization Act created contradictory policies within Native North America. On the one hand, the act called for the re-institutionalization of corporate collective ties among recognized Native American entities. At another level, the legislation remained committed to the service of individual tribal identity, see, Champagne, editor, Chronology of Native North American History From Pre-Columbian Times to the Present, 293; Jorgensen, "A Century of Political Economic Effects on American Indian Society, 1880-1980," 17.

⁷⁸. United States Department of the Interior, Annual Reports of the Secretary of Interior. (Washington, D.C.: U.S. Government Printing Office, 1934).

⁷⁹. Reginald Horsman, Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism. (Cambridge: Harvard University Press, 1981), 29-39 and, Reginald Horsman, "United States Indian Policy, 1776-1815," In. Handbook of North American Indians. Volume 4. Wilcomb B. Washburn, volume editor. (Washington, D.C.: U.S. Government Printing Office, 1988), 29-39; See also, Prucha, editor, The Great Father: The United States Government and the American Indians. Volume I.; Prucha, editor, The Great Father: The United States Government and the American Indians. Volume II.; Prucha, editor, Documents of United States Indian Policy; Francis P. Prucha, The Great Father. (Lincoln: University of Nebraska Press, 1986), 40-50.

⁸⁰. Hughes, American Indians in Colorado, 94.

⁸¹. Hughes, American Indians in Colorado, 92-93.

⁸². Margot Liberty, "The Sun Dance," In. Anthropology on the Great Plains. W. Raymond Wood and Margot Liberty, editors. (Lincoln: University of Nebraska Press, 1980), 164-178; Omer C. Stewart, "The Native American Church," In. Anthropology on the Great Plains. W. Raymond Wood and Margot Liberty, editors. (Lincoln: University of Nebraska Press, 1980), 188-196; Stewart, Peyote Religion: A History; Omer C. Stewart, "Peyote and the Law," In. Handbook of American Indian Religious Freedom. Christopher Vecsey, editor. (New York: The Crossroad Publishing Company, 1991), 44-62.

⁸³. Sharon O'Brien, American Indian Tribal Governments. Norman: University of Oklahoma Press, 1989), 86-90.

⁸⁴. Stewart, Peyote Religion: A History, 3-4.

⁸⁵. Donald Falk, "Lyng v. Northwest Cemetery Protective Association: Bulldozing First Amendment Protection of Indian Sacred Lands," Ecology Law Quarterly. 16(1989):515-572; Sharon O'Brien, "A Legal Analysis of the American Indian Religious Freedom Act," In. Handbook of American Indian Religious Freedom. Christopher Vecsey, editor. (New York: The Crossroad Publishing Company, 1991), 29.

⁸⁶. The American Indian Religious Freedom Act. Public Law 95-341. August 11, 1978.

⁸⁷. U. S. Government, Federal Agencies Task Force, American Indian Religious Freedom Act Report. (Public Law 95-341), August 1979.

⁸⁸. O'Brien, "A Legal Analysis of the American Indian Religious Freedom Act," 30. See also: Association on American Indian Affairs, Inc., American Indian Religious Freedom Coalition. (New York: Association on American Indian Affairs, Inc., 1991).

⁸⁹. Steven C. Moore, "Sacred Sites and Public Lands," In. Handbook of American Indian Religious Freedom. Christopher Vecsey, editor. New York: The Crossroad Publishing Company, 1991), 89-94.

⁹⁰. Cited from, Moore, "Sacred Sites and Public Lands," 94.

⁹¹. O'Brien, "A Legal Analysis of the American Indian Religious Freedom Act," 40.

⁹². Ake Hultkrantz, "A Decade of Progress: Works on North American Indian Religions in the 1980s," In. Religion in Native North America. Christopher Vecsey, editor. (Moscow, Idaho, University of Idaho Press, 1990), 167-201; Elizabeth Manning, "There is a Notion the Indians Practicing Their Religions are Less Than Religious," High Country News 29(10, 1997), May 26; R. S. Michaelsen, "Sacred Land in America: What is it? How Can It Be Protected?" Religion. 16(1980):249-268; Howard Stambor, "Manifest Destiny and American Indian Religious Freedom: Sequoyah, Badoni, and the Drowned Gods," American Indian Law Review. 10(1982):59-89. Since the passage of the 1975 Indian Self-Determination Act, numerous tribes have made strides to promote and preserve their cultural heritage. In 1994 the Comanche adopted an official alphabet, and *Numu Tekwapuha Nomneekatu* is formed to preserve Comanche Culture.

⁹³. Vine Deloria Jr., "Sacred Lands and Religious Freedom," In. American Indian Religious Freedom Coalition. Compiled by Association of American Indian Affairs, Inc. (New York: Association of American Indian Affairs, Inc., 1991), 11.

⁹⁴. Cited from Thomas F. King, Cultural Resources Laws and Practice. (Alta Mira Press, 1998), 158; emphasis mine.

⁹⁵. King, Cultural Resources Laws and Practice, 158-159.

⁹⁶. The established policy implications and the legal alternatives for the protection of sacred sites are clear. Native American consultation may be mandated under current policy guidelines, but federal agencies do not have to implement any management goals that may conflict with indigenous practices or concerns. In recognition of how policies are being implemented and the inability of the American Indian Religious Freedom Act to protect indigenous religious rights, on May 24, 1996, President Clinton issued Executive Order No. 13007. The Executive Order requires federal land managers to "Accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, where such accommodation is not clearly inconsistent with law or essential agency functions." The law also requires managers to avoid adverse effects to the physical integrity sacred sites, "but subject to the same caveats." The order was intended as a supplement to strengthen protections afforded under the 1993 Religious Freedom Restoration Act and 1994 American Indian Religious Freedom Act Amendments, while avoiding any acrimonious legislative debate. Refer to King, Cultural Resource Laws and Practice: An Introductory Guide, 157; Andrew Guillford, Sacred Objects and Sacred Places. Preserving Tribal Traditions. (Boulder: University Press of Colorado, 2000), 119; Avisnnn Little Eagle, "Clinton's Executive Order Protects Federal Land Sacred to American Indians," Indian Country Today, (*Knight-Ridder/Tribune News Service*, June 6, 1996).