

Self-Determination and Tribal Sovereignty

UNIT 4

Key Vocabulary

Office of Economic Opportunity (OEO)

Oklahomans for Indian Opportunity (OIO)

American Indian Movement (AIM)

Indian Self-Determination and Educational Assistance Act

Johnson-O'Malley (JOM)

1978 American Indian Religious Freedom Act

Bell Community Revitalization Project

dual citizenship

Indian Child Welfare Act of 1978

Oklahoma Tax Commission v. Citizen Band, Potawatomi Indian Tribe of Oklahoma

Learning Outcomes:

The learner will be able to...

- Explain how the relationship between state and tribal governments evolved during the 1960s and 1970s.
- Identify key Native American leaders and explain the roles they played in reasserting tribal sovereignty.
- Evaluate the effectiveness of tribal, state, and federal initiatives designed to improve tribal communities.
- Describe how some tribes advocated and fought for self-determination in the areas of jurisdiction, taxation, and gaming.

Compelling Question:

- What does self-determination mean?

Chapter Overview

This chapter describes the ongoing fight for tribal sovereignty in Oklahoma. Learners will explore the shift in federal Indian policy from termination and relocation to self-determination. In addition, the chapter highlights leaders like Wilma Mankiller and LaDonna Harris who fought for political rights and the cultural continuation of Native nations.

In November 1956, Wilma Mankiller's whole world turned upside down. A month before her eleventh birthday, her family moved from their home in rural Adair County in northeastern Oklahoma to San Francisco, California. She later said that the move was like her own personal Trail of Tears. Wilma Mankiller had spent the first years of her life living at Mankiller Flats, her family's land allotment. Her family struggled to make ends meet but did not want to leave their home. Her parents faced pressure to move the family to a big city where they were supposed to have the chance to make a better living. The federal government created a program in the 1950s to help Native Americans who lived in poverty to find housing and employment. It encouraged Native American families like the Mankillers to move to cities far away from their homelands.



Fig. 13.1: Chief Wilma Mankiller, by Starr Hardridge. Wilma Mankiller was the first woman to become deputy chief of the Cherokee Nation in 1983 and principal chief in 1985 after Chief Ross Swimmer resigned. Her involvement in community development projects, such as the Bell Community Revitalization Project, and her commitment to the Cherokee people led to her re-election in 1991.

Courtesy of the Oklahoma Historical Society.

Self-Determination and Tribal Sovereignty

UNIT 4



Fig. 13.2: This brochure was distributed by the Bureau of Indian Affairs to Native Americans in the 1950s as part of its relocation policy. The BIA encouraged Indigenous people to leave their nations and move to urban areas such as Oklahoma City, Denver, and San Francisco. In response to the BIA's promises of access to housing and jobs, many Native Americans took the chance and made the move. However, they were met with an overwhelming lack of communal support, social services, and economic opportunity, and many decided to return to their nations after a short period of time.

Courtesy of the National Archives and Records Administration.

had no access to traditional support from their reservations and tribal communities. Thus, they often faced homelessness, discrimination, and overall hardship. Many ended up moving back to their reservations. They came back worse off than they were before they left.

The policies of termination and relocation acted jointly. They aimed to encourage the assimilation of Native Americans into the mainstream white culture. The federal government moved Native Americans off their reservations. They terminated tribal protections. The government thought that by dissolving Native reservations, they could sell more land to white Americans. Although some Native families found a way to prosper in the big cities, these policies mostly had dire results for many tribes. By 1970, nearly half the Native American population in the United States lived in urban areas. These programs led to a growing Native American movement called Red Power. Members of this movement demanded justice from the government. The Red Power movement took hold in many urban communities where the federal government had relocated Native Americans.

Termination and Relocation Policy

In the early 1950s, the federal government established termination as the new policy between the federal government and Native nations. Termination lasted until 1970. In 1953, Congress passed House Resolution No. 108, which terminated the status of certain Native Americans as wards, or dependents, of the federal government. It also called for full citizenship for tribal members. Lawmakers wrote the law to target tribes located in California, Texas, Florida, and New York. This change in policy seemed like a step in the direction of self-determination. But it also ended federal government programs that assisted tribes. The policy had the goal of speeding up the assimilation process. The government also wanted to do other things under the policy of termination. They aimed to end protected status for tribal lands, releasing over 3 million acres of reservation land. They wanted to close tribal rolls and sell off tribal assets. They then planned to give the money from these sales to the members of the tribes. Tribes across the nation, including the Peoria, Wyandotte, and Ottawa Nations of Oklahoma, felt the impact of termination policy.

At the same time the US government enacted termination, it launched the relocation program, offering incentives for Native Americans to move from rural areas and reservations to big cities such as San Francisco, Los Angeles, Denver, Chicago, Seattle, Oklahoma City, and Tulsa. Officials promised Native families that they could escape the poverty of reservations. They said people could find high-paying jobs and secure housing in cities. They convinced many to pack up all their belongings and leave behind the life they had known.

Native Americans who decided to move had access to funding for relocation. However, the promise of prosperity did not always pan out. Many people who relocated struggled to find jobs. Many lived in poverty. They

Self-Determination and Tribal Sovereignty

UNIT 4

Mankiller had been raised around other Cherokee children and adults. She hid when she saw white people because she felt like they looked down on her and other Cherokees. She spent much of her childhood playing outside at Mankiller Flats, and it was hard for her to leave. She missed the familiar sounds and smells. San Francisco was a big city on the West Coast, far from Adair County and Cherokee people. Twenty years passed before she returned home to the sounds and smells of Mankiller Flats. And when she did return home, she became part of an important effort in Oklahoma and nationwide to help Indigenous nations get back a lot of rights that had been taken from them.

Shifting Federal Indian Policy

As we have seen in other chapters, the history of the federal government's treatment of Indigenous people is long and complicated. Policy toward Native Americans changed a lot in the nineteenth and twentieth centuries, but much of that change had a negative impact on Indigenous people. The loss of land and the loss of the right to govern their own nations caused many problems for tribes. These losses also made it more difficult to preserve customs, beliefs, and language. This led many Indigenous people in Oklahoma and across the country to demand change in the 1960s and 1970s. One example relates to the Cherokee Nation and the choosing of their leaders. From the 1940s to the 1960s, a period of thirty years, the president of the United States had been the one to appoint the chief of the Cherokee Nation. In 1970, tribal members were able to change this so that they could elect their own leaders. As we discussed in earlier chapters, government policy toward Indigenous people and nations often focused on trying to make them more like non-Native people. It also focused on controlling their resources and telling them how to live.

Throughout Oklahoma history, Indigenous people have fought against policies that hurt their Native nations and communities, but these efforts grew even stronger in the 1960s and 1970s. One reason for this was the Civil Rights Movement, at both a national and state level. Leaders in Oklahoma like Clara Luper and E. Melvin Porter raised the issues of racism and unequal treatment. Oklahomans' growing understanding of the racism experienced by Black Oklahomans changed how they thought about the treatment of Indigenous people. Because Black people and Indigenous people had a common goal—to be treated as equals to everyone else—they wanted to work together. But this led many Americans and Oklahomans to see Native Americans as just one more group who faced discrimination. There was a key difference between the discrimination Indigenous people experienced and that experienced by other people, though. Indigenous people who belonged to any of the thirty-nine federally recognized Native nations in Oklahoma had a kind of dual citizenship. This was not just a fight against racism. Indigenous Oklahomans were fighting for their sovereignty rights. This meant that they wanted to have control over tribal governance, economic growth, health care facilities, education, and other aspects of tribal life. They did not want the government to make decisions for their tribes. They wanted to make their own decisions.

The effort to restore Indigenous sovereignty rights was strengthened by a new national focus on community development. There were new programs that could improve local conditions and provide more opportunities. In January 1964, President Lyndon B. Johnson said he was declaring unconditional "War on Poverty." To carry out this war against poverty, he created the **Office of Economic Opportunity (OEO)** to work with states and support local efforts. Poverty in the United States affected a significant portion of the population despite a thriving economy. President Johnson's effort to decrease it had a major impact on the lives of Indigenous people in Oklahoma. Native Americans in Oklahoma and across the country had the highest rates of unemployment and poverty among all groups of people. A War on Poverty could be especially helpful for them. Johnson encouraged local communities to identify areas that needed improvement. For example, some communities might have needed more jobs while others needed community centers, or improved access to electricity and running water. Native nations could apply for programs to improve conditions among their people. For many of Oklahoma's Indigenous nations, the programs also allowed them to indirectly assert their sovereignty or control over tribal affairs.

OEO and the War on Poverty

President Lyndon B. Johnson created the Office of Economic Opportunity (OEO) in 1964, as part of his Great Society legislative agenda. This program grew out of his declaration of a “War on Poverty.” At this time, about 20 percent of the US population lived in poverty. This meant that they lived on less than \$3,000 dollars a year. Johnson aimed to “not only to relieve the symptom of poverty, but to cure it and, above all, to prevent it.” He did this by signing the Economic Opportunity Act (EOA) into law in August 1964. The act put into place many programs, including education, employment, and health. They also had some for the general welfare of impoverished Americans. The EOA was one of Johnson's most publicized initiatives. It was also one of his most debated.

The director of the OEO was R. Sargent Shriver. Previously Shriver had served as the first director of the Peace Corps. After he left the OEA, he became US ambassador to France. As director of the OEA, Shriver helped create many programs. These included Head Start and Job Corps. Head Start was an educational and wellness program for children toddler age through preschool. Job Corps provided adult education and job training services. People saw these programs as social experiments on a grand scale. The OEO also did other things on top of forming these federal programs. They created Community Action Programs (CAP). Local Community Action Agencies (CAAs) ran these. Between 1965 and 1968, the OEO opened over one thousand CAAs. By creating CAAs on the local level, the OEO could meet the specific needs of local communities.

Programs such as Head Start and Job Corps saw much success. They had a proven positive impact on communities. Still, the OEO received politically motivated attacks. Because the CAAs were community-run, high tensions developed between federal directors and community workers. The EOA required the CAAs to have “maximum feasible participation” within the community areas they served. Federal directors were strict about overseeing all aspects of operations. The local and state governments complained that the federal government was overstepping its boundaries. They did not like that the federal government had managerial control over the community agencies. There was also controversy in the southern states about how to split up funds to go to different communities within each state. Some in Congress wanted programs such as Head Start to become part of the Department of Health, Education, and Welfare instead of the OEO. They also discussed placing the Job Corps in the Department of Labor. Others feared that by making these changes, the states would solely control the programs. State control of the CAAs could change who had access to them. The OEO feared that segregationists in the South would purposefully downgrade the programs. The reason for their fear was that programs such as Head Start had tight ties to integration.

To promote the Economic Opportunity Act, President Johnson went on a public relations tour. It resulted in an iconic Time magazine photo featuring Johnson and the Fletcher family. Johnson made a surprise visit to the Fletcher family home during his tour. The Fletchers were an impoverished family. They had eight children. They lived in rural Appalachia in eastern Kentucky. The father, Tom Fletcher, was an unemployed coal miner. Due to this photo, he became the face of the EOA. Despite Johnson's efforts, in 1967 Congress passed the Quie Amendment. It restructured the management and operations of the CAAs. It removed the federal directors. It then replaced them with locally elected officials and board members.

By 1973, the poverty rate had decreased to about 11 percent. It seemed that community poverty initiatives had nearly cut the poverty rate in half. Despite their success, President Ronald Reagan and his administration repealed most of the Economic Opportunity Act in 1981. Some of the key programs are still in existence today, though, including Job Corps and Head Start.

Oklahomans for Indian Opportunity

LaDonna Harris was at the center of Indigenous community development in the state. Her Comanche upbringing gave her a personal understanding of issues Native Americans faced in the state. And her marriage to US senator and Oklahoman Fred Harris put her in direct contact with powerful leaders and decision makers. A year after President Johnson created the Office of Economic Opportunity (OEO), LaDonna Harris became frustrated because OEO money was not being used to help tribes in her home state. She helped organize a meeting in Norman, Oklahoma, to discuss the challenges facing tribes. Out of that meeting came the creation of **Oklahomans for Indian Opportunity (OIO)**. Under Harris's leadership, this organization quickly made an important impact on the state. OIO's stated purpose was to "improve social and economic opportunities of Oklahoma and American Indians and draw them more fully into the Oklahoma and American economy and culture." OIO also wanted to "preserve and perpetuate the history and heritage of Oklahoman and American Indians; and to promote brotherhood and harmonious relations and communication among all Oklahomans and Americans."



Fig. 13.3: LaDonna Harris (Comanche) founded Oklahomans for Indian Opportunity (OIO) in 1965 and was later appointed by President Johnson to serve on the National Council on Indian Opportunity. Harris has been a tremendous advocate for the Native American community throughout her life.

Courtesy of the Oklahoma Historical Society.



The work of OIO varied. OIO organized efforts to preserve Native languages and cultures. At the same time, it worked to improve economic conditions for Oklahoma tribes. In fact, as leader of the OIO, Harris helped with many community action efforts in the state. She helped tribes gain grants and other resources to improve their communities. Harris was an early supporter of tribal leaders being elected by the tribes rather than being appointed by the Bureau of Indian Affairs (BIA), and she worked with tribes to help preserve Native languages. Both of these became important expressions of sovereignty.

Fig. 13.4: In March 1967, the OU student newspaper reported on Senator Robert F. Kennedy's upcoming speech at the first annual Oklahomans for Indian Opportunity (OIO) Youth Conference, to be held at the University of Oklahoma. The OIO was created to promote Native American success, with the goals of improving access for Native Americans to community development programs and employment opportunities.

Courtesy of the Oklahoma Historical Society.

Section 1

Self-Determination and Tribal Sovereignty

UNIT 4

After serving as the first president of OIO, LaDonna Harris began to play a national role in shaping debates over Indian policy. Lola Hayden, who was another founding member of the organization, continued the efforts of OIO, but she faced a lot of challenges. People disagreed as to whether OIO's purpose should be to encourage tribes to assimilate into the broader national society. The tension concerning tribes regaining power over their governments and becoming more involved with the economy of Oklahoma led to strong criticism of Hayden. Some Indigenous leaders saw OIO as a good way to take control of programs and expand tribal government. Others worried that expanding the influence of OIO would just lead to more government interference. They feared that would cause negative consequences for their tribes.

Political Party Support for Tribal Sovereignty

OIO and Hayden faced internal conflicts and criticism. But their work on community improvement received some positive support from both Republicans and Democrats. By the late 1960s, civil rights efforts were viewed as increasingly partisan. More Democrats than Republicans (especially at the national level) were in favor of civil rights measures. In fact, Democratic support for civil rights laws led some white working-class Democrats to support Republican candidates. Indigenous rights and sovereignty issues did not follow such a clear partisan split, though. Many Democrats who supported greater sovereignty rights for Indigenous Nations saw their support as similar to supporting civil rights and equality for other groups. And many Republicans saw sovereignty rights and community development efforts among Indigenous nations as consistent with their support for states' rights and local control. Democrats and Republicans did not agree on every part of tribal sovereignty. But leaders and members of both parties found some common ways to support increased sovereignty rights. This bipartisan support helped pave the way to new legislation that shifted federal policy away from earlier policies of termination and relocation.



Fig. 13.5: LaDonna and Fred Harris developed an important political partnership based on their shared commitment to improving conditions facing Indigenous people in Oklahoma and across the country. Fred Harris served as a US senator from 1964 to 1973 and was considered a leading expert on issues confronting Native Americans, in part because he was from Oklahoma and married to LaDonna, an enrolled member of the Comanche Nation.

Courtesy of the Oklahoma Historical Society.

Activism and the Path to Self-Determination

While President Lyndon Johnson's War on Poverty won little bipartisan support, the idea of greater local control over community improvement did, and in turn that idea indirectly helped promote reform in federal Indian policy. LaDonna Harris worked on the national level to make people aware of the need to change policy. In 1967 she testified before the Education and Labor Committee in the US House of Representatives. She spoke about the impact of the Office of Economic Opportunity on Indigenous people in Oklahoma. She explained how much the OEO had helped tribes in Oklahoma by providing funds to improve housing, roads, and community buildings. In 1968, Harris was appointed to serve on the new National Council on Indian Opportunity. She was the only woman and the only member who was not an elected tribal leader to serve as one of the council's original members. Her work to improve communities and decrease poverty among Indigenous Oklahomans helped lay a foundation for the shift in federal policy that took place in the mid-1970s.

Harris worked within mainstream political institutions to support greater Indigenous rights. But some Native people chose to work outside the mainstream. A number of young Native Americans formed new organizations and led protest movements to draw attention to discrimination and broken treaties. In the same way that some African Americans participated in Black Power movements, young Native Americans participated in the Red Power movement and the **American Indian Movement (AIM)**. In the late 1960s and early 1970s, Indigenous groups led several protests to fight for increased rights. The longest of those was the Occupation of Alcatraz, which went on for a year and a half (1969–71). Young people from numerous tribes took control of the abandoned federal prison on Alcatraz Island in California. Even those who were not directly involved with the occupation expressed support for it. For example, Wilma Mankiller was still living in the San Francisco area when the occupation took place, and she was inspired by what she saw.

Occupation of Alcatraz

Alcatraz Island was the site of a federal prison until it closed in 1963 due to unsafe conditions, but it soon became a symbol of Indigenous power and resistance. On March 9, 1964, five people from the Sicangu Lakota tribe traveled to Alcatraz Island in the San Francisco Bay. Their leaders were Richard McKenzie and his wife, Belva Cottier. They occupied Alcatraz for four hours. They wanted to use the island as a cultural center and university for Native American students. On November 9, 1969, a much larger group occupied the island. They had the same goals as the 1964 protest. Native activist Richard Oakes, along with Native college students and other urban Native Americans from the Bay Area, planned the occupation. Oakes was a college student and a member of the Mohawk tribe. The large group contained members of many tribes. Thus, they named their group "Indians of All Tribes."

After the November venture, Oakes began planning a much longer occupation. He recruited around eighty students to join in the next protest. He also brought in some other Native Americans. This group took control of Alcatraz Island for nineteen months, from November 20, 1969, to June 11, 1971. This was—and still is today—the longest period Native Americans had ever occupied a federal facility. After the protest began, the people on the island quickly formed a small government. They elected a council. Many referred to Oakes as the leader, the mayor of Alcatraz, or the chief. Every person had a job. They voted on every decision.

At first the federal government demanded that the protesters leave Alcatraz Island. The Native protestors demanded that they receive the deed to Alcatraz Island. They aimed to place on it a Native university, a museum, and a cultural center. They jokingly offered to buy the island for \$24 in red cloth and beads. This was the alleged price that colonizers paid for the island of Manhattan. In response, the government again demanded that the protestors leave the island.

The occupation became unorganized in early 1970. Many of the students went back to school in January. New people came to replace them. These included Native Americans from urban areas and reservations. They also included non-Native people. Many of these new arrivals were from the hippie and drug cultures of San Francisco. Two groups came along that wanted to take power from Oakes. In early January, Oakes's stepdaughter died after falling three stories from a high ledge. This caused Oakes to leave the island, leaving two rival groups to fight for power.

Around this time, the government decided not to interfere. They pretended to negotiate. They were really just waiting for the occupiers to leave. They shut off the electricity and took away the water. The group began to break down without proper leadership. In 1971, the occupiers began trying to sell copper tubing and wiring as scrap metal to buy food. The police arrested three people for these actions. The media began to publish stories of assaults on the island. Support for the occupation from outsiders decreased over time. On June 10, 1971, US government forces removed the occupiers under orders from the Nixon administration.

The core demands of the occupation were not met. Yet some good things came out of the protest, as well as from other Native-led protests during this time. Americans became more aware of Native American issues. US Native American policy shifted from termination to self-determination. More specifically, Nixon returned forty-eight acres and Blue Lake to the Taos tribe. A group of Native Americans founded a university for Native students near Davis, California. And the Bureau of Indian Affairs began hiring Native employees.



Fig. 13.6: Preston Kimbol, a member of the Osage Nation, was one of many Oklahoma-born Native Americans who participated in the Occupation of Alcatraz. This photo shows Kimbol serving as a security guard at Alcatraz during the night shift on June 19, 1970.

Courtesy of the Oklahoma Historical Society.

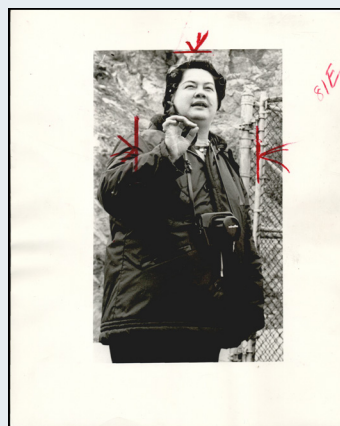


Fig. 13.6: Published in the *Daily Oklahoman* on March 22, 1970, this photo shows Grace Thorpe participating in the Occupation of Alcatraz. Grace Thorpe was the daughter of Jim Thorpe and was born in Yale, Oklahoma. Throughout her life, she advocated for Native and environmental rights. During the Alcatraz occupation, she served as a publicity manager and a negotiator between the Native activists and the federal government.

Courtesy of the Oklahoma Historical Society.

OIO tried to make change through community action grants. Some Indigenous activists took a more militant approach. They took over federal property, and these occupations often resulted in stand-offs with law enforcement. For example, in November 1972, AIM members occupied the Bureau of Indian Affairs (BIA) office in Washington, DC, for six days officials convinced protestors to leave. The following year, Indigenous activists took control of the town of Wounded Knee, South Dakota, on the Pine Ridge Indian Reservation. That reservation was the site of the 1890 Wounded Knee Massacre, when US soldiers killed at least 250 innocent Lakota people. Now, at this same site, activists and authorities were in a standoff for seventy-one days. The 1973 siege at Wounded Knee ended on May 8. Three people died and more than a dozen people were injured during the siege and, by the time it ended, more than 1,200 arrests had been made.

The main focus of Indigenous activists in the late 1960s and 1970s was to draw attention to broken treaties and reassert tribal sovereignty. This meant that Native Americans wanted to control their land, their government, their resources, and their lives. While property destruction (such as to the BIA offices in Washington, DC) was strongly criticized by many Americans, the push for renewed tribal rights was not. It met less partisan opposition than was the case with many social justice movements of the 1960s and 1970s.

The national demonstrations heavily influenced Oklahomans like Wilma Mankiller. The government relocation programs that families like the Mankillers participated in were meant to take them further away from their culture. But something quite the opposite happened. Many of the young urban Native Americans who participated in AIM and other similar organizations had been relocated, just as Mankiller had with her family. But rather than growing further away from their traditions and culture, these young people instead came to recognize a kinship and common experience with young people from other tribes. That sense of connection helped fuel their activism, both in Oklahoma and across the country.

In Oklahoma, local activists from around the state led at least ten chapters of AIM. These activists participated in both national and local AIM efforts. One of the best examples of AIM activism in Oklahoma occurred in September 1972, when more than forty Native American activists led by Carter Camp (Ponca) occupied the office of Overton James (Chickasaw), the director of Indian Education Programs for the state and governor of the Chickasaw Nation.



Fig. 13.8: The Pawhuska newspaper from October 15, 1972, reported on Oklahoma Native Americans planning to participate in AIM's march on Washington. The article (lower half of front page) quotes Carter Camp (Ponca) as saying, "When the federal government isolated Indians on reservations, they accepted the responsibility for Indian people, and they have to finish the job, until Indian people are on par with other people."

Courtesy of the Oklahoma Historical Society.



Fig. 13.9: AIM leaders, including Carter Camp (Ponca), occupying the BIA office of James Overton. Camp was Oklahoma's AIM leader. He participated in both the occupation of the BIA offices in 1972 and the occupation of Wounded Knee in 1973. In 1972, Camp led forty Native American activists in the occupation of Overton James's office. James was the director of Indian Education Programs for Oklahoma, as well as the governor of the Chickasaw Nation. The activists accused James of misappropriation of funds. This occupation was one of many during the AIM period. In his later years, Camp shifted his focus to preventing the Keystone XL Pipeline project. Camp was an avid Native American activist throughout his life.

Courtesy of the Oklahoma Historical Society.

Camp and others had criticized Overton for the misuse of federal money that was supposed to be used in support of Indigenous students. Oklahoma received approximately \$2 million annually to help fund the education of Indigenous students. AIM argued that the money was instead being used in the general education fund and not specifically for Indigenous students. Carter and the other activists were successful. Louis Bruce, Commissioner of Indian Affairs, ordered that the funds be frozen until an investigation could be completed. This incident is an example of how Native activists fought to ensure that Native citizens would have more control over money that was allocated to help them.

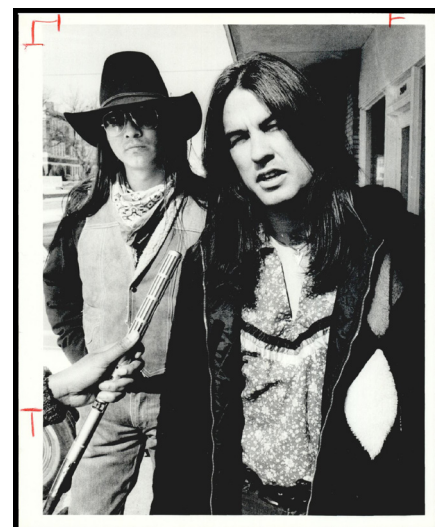
A month later, members of AIM participated in the occupation of the administration building at Fort Sill Indian School near Lawton. Students and members of AIM criticized policies at the school, including a curfew that required students to be in their dorm rooms by sundown. They also disagreed with the lack of Indigenous input into the running of the school. One student and three members of AIM were arrested for trespassing, but they were released shortly thereafter.

In response to the takeover and the complaints made by students and AIM, the BIA ordered an investigation. This incident and others like it drew attention to the problems that resulted from a lack of Indigenous input and control. The case for renewed sovereignty grew ever stronger.

The activism of Oklahoma AIM members like David Hill (Choctaw), Richard Ray Whitman (Yuchi and Muscogee Creek) Stan Holder (Wichita), Carter Camp (Ponca), and Paul Chaat Smith (Comanche) influenced federal policy regarding the rights of tribes. And the work of national figures like LaDonna Harris (Comanche); Democratic politicians like Fred Harris, Hubert Humphrey, and Stewart Udall; and Republican politicians like Richard Nixon, Spiro Agnew, and Gerald Ford played a role in the changing of federal Indian policy. Nixon and Agnew compared tribal sovereignty to the upholding of states' rights. They said tribal sovereignty was "a good old fashioned Republican philosophy."

Fig. 13.10: David Hill (Choctaw) and Richard Ray Whitman (Yuchi and Muscogee Creek) were both key Oklahoma participants in the national American Indian Movement (AIM). In this photo from February 1980, Hill is shown talking to reporters from the *Daily Oklahoman* while Whitman stands to the left of Hill. Artist and activist Whitman participated in the Wounded Knee Occupation for seventy-one days.

Courtesy of the Oklahoma Historical Society.



In 1975, President Gerald Ford signed the **Indian Self-Determination and Educational Assistance Act** into law. The impact of this new legislation was significant, if not immediate. It gave federally recognized Native American tribes far greater control. The tribes could now run their schools, healthcare facilities, businesses, and governments, among other things. The act allowed tribes to directly oversee grants and programs. For example, the **Johnson-O'Malley (JOM)** program, originally created in 1934 to provide educational assistance to Indigenous children, was expanded under the Indian Self-Determination and Educational Assistance Act. This act empowered tribes to work directly with vendors and other service providers, including public schools. Such a shift in policy also laid the foundation for the growth of tribal police forces and it allowed for the expansion of tribal headquarters. The Chickasaw Nation experienced substantial economic growth due to greater self-determination. For instance, as a result of greater access to (and oversight of) new grant money, the Chickasaw Nation in 1977 built a new 14,000-square-foot headquarters building in Ada, Oklahoma. Tribal leaders also gained greater ability to hire and fire employees and approve maintenance repairs.



Fig. 13.11: In 1976, Principal Chief Mary F. McCormick (far right, facing left) of the Sac and Fox Nation testified on community development programs in the Sac and Fox Nation before a congressional Indian policy task force in Oklahoma City. McCormick was an active member of Oklahomans for Indian Opportunity and the National Congress of American Indians.

Courtesy of the Oklahoma Historical Society.

As we will see further in chapter 15, this legislation also paved the way for a range of new economic enterprises, including casinos and manufacturing. The era of self-determination has carried on well into the twenty-first century. It continues to evolve today in new ways that stimulate economic growth, religious freedom, community partnerships, and Indigenous sovereignty. For example, the **1978 American Indian Religious Freedom Act** protected and preserved the religious rights of Native people. These rights included access to sacred sites, use and possession of sacred objects, and freedom to worship through ceremonies.

Bell Community Development Revitalization Project

The earliest impact of self-determination policy was an increase in community development efforts. These initially stemmed from funding through the Office of Economic Opportunity and the work of organizations like Oklahomans for Indian Opportunity. One major project was led by Chief Ross Swimmer of the Cherokee Nation, a Republican businessman in the 1980s. He saw an opportunity to use grant money to help improve conditions for the poorest members of his tribe. But it was Wilma Mankiller who played a direct role in overseeing the project and ensuring its success.

Local leaders accessed support from both political parties to succeed in their efforts. They could all see how in need their poor, rural areas were. When Mankiller returned to Oklahoma in the summer of 1977, she got a job working with the Cherokee Nation. By the early 1980s she was working in community development and eventually became the director of the Cherokee Nation Community Development Department. As part of this job, she oversaw the **Bell Community Revitalization Project** under the direction of Chief Swimmer.



Fig. 13.12: During the early 1980s Wilma Mankiller (center) served as director of the Cherokee Nation Community Development Department. In that position, she oversaw the Bell Revitalization Project team, which worked to install water lines and provide running water to families in Bell, a rural community in the Cherokee Nation. The 2013 film *The Cherokee Word for Water* was based on Mankiller's work with the Bell project.

Courtesy of the Cherokee Nation.

Bell, a small community in rural eastern Oklahoma, was widely considered one of the poorest communities within the Cherokee Nation. Many homes were in disrepair and did not have running water. The Bell project funded the building or remodeling of dozens of homes, as well as the construction of sixteen miles of water lines. By March 1983, when the project ended, all but five of the 103 families living in Bell had contributed to the project by helping do some of the work themselves. Political leaders and the community liked that the project required people to do some of the labor on projects that directly benefited them. Mankiller saw a positive reaction to the kind of self-help efforts that community development involved.

Mankiller kept track of timesheets submitted by the people of Bell, and she regularly visited the site to check on their progress. When she ran for deputy chief of the Cherokee Nation in 1983, she was elected in part because of the support of rural Cherokees like those living in Bell. They viewed her as really caring about the people in their community. The experience Mankiller gained through her work on the Bell project also provided a successful model that she used for even more development projects when she became principal chief in 1985 following Chief Swimmer's resignation of that position. (Swimmer resigned so that he could head the Bureau of Indian Affairs in Washington, DC.) Mankiller was elected in her own right as chief in 1987 and again in 1991. She "went from being a purist (no federal funds) to a master of garnering federal support for everything from rural water lines to a youth shelter."

Section 3

Self-Determination and Tribal Sovereignty

UNIT 4

Mankiller's experience is a good example of how community development work in Indigenous Nations became an expression of sovereignty. Tribes were now controlling what happened in their communities. The community development work being done in the Cherokee Nation brought national attention to Mankiller and the tribe. David Boren, an Oklahoma US senator at the time, described the Cherokee Nation as having "the most outstanding community development effort of any tribe in the country."

However, Mankiller's experience with the Bell project, the youth center, and other similar projects also made her critical of what she saw as less serious expressions of tribal sovereignty or control. For example, she said it was "hard to get excited about" Indigenous nations, including the Cherokee, issuing their own license plates. Given the meaningful way her community development efforts helped improve people's lives, her reaction to the license plate program is not surprising. For others, though, the ability of federally recognized tribes to issue their own license plates was an important symbol of cultural pride and sovereignty rights. The license plates served as a vivid reminder that Indigenous people were not simply one more group trying to overcome racism. They held **dual citizenship**, which involved a complex and sometimes unclear relationship with both the state and federal government.

Expanding Sovereignty

In the decades following the passage of the Indian Self-Determination and Educational Assistance Act, expressions of sovereignty grew greater and more varied in Oklahoma and across the country. One important issue that emerged in relation to tribal sovereignty was the adoption and fostering of Native American children. The **Indian Child Welfare Act of 1978 (ICWA)** was passed just three years after the self-determination legislation. In the same way that Indigenous people had experienced a loss of control over their land and tribal governments into the twentieth century, they also faced greater outside interference when it came to questions about who should raise or care for Native children. The Indian Child Welfare Act was passed to protect Indigenous children from being removed from their homes and their communities. The legislation gave family members and tribes a greater role in caring for children in difficult situations, rather than completely removing them from everything that was familiar. As a result of this legislation, greater effort was made (and required) to place Indigenous children in Indigenous foster homes. It also made it easier for relatives of the children, such as an aunt or an uncle, to adopt them when their parents could not care for them.

Indian Child Welfare Act

In 1978, the federal government passed the Indian Child Welfare Act (ICWA). It did this in response to decades of displaced Native children. From the 1950s to the 1970s, the government removed one-third of Native children from their homes, families, and tribal communities. They then placed them in non-Native households. The legislation came about after Bertram Hirsch began looking into the issue. Hirsch worked for the Association on American Indian Affairs. He was also a lawyer in New York. He started looking at data from foster care systems across the United States. His findings showed that the government had removed 25 to 35 percent of Native children from their homes. They placed around 90 percent of them in non-Native homes. This was a major concern for Native nations. Many Native children were losing access to their extended families, communities, and cultures.

Part of the reason for the high rates of non-Native adoptions of Indigenous children was a lack of cultural sensitivity in child welfare agencies. Social workers got training on how to understand Native child-rearing practices. They did not know about shared responsibility for children among tribal communities. Oftentimes in Native communities a child's entire extended



Fig. 13.13: Ann Shadlow, pictured left, was of Cheyenne heritage and was raised by her grandmother. Shadlow was a recipient of the National Indian Woman of the Year award as well as the Oklahoma Woman of the Year award. Here she is seen with her granddaughter, Laketa Pratt, at a beadwork class in 1974. Shadlow and Pratt were both raised in Native households by their families, and both excelled within their community. However, not all Native children had this experience. Native American children were frequently removed from their homes and placed with white adoptive parents. These placements deprived those children of access to traditional upbringings in Native communities. The Indian Child Welfare Act of 1978 attempted to rectify this by encouraging placement of children with members of their extended families or with other members of their nation.

Courtesy of the Oklahoma Historical Society.

family helps raise them. Their parents are not the sole caretakers. On top of this, many Native families lost their children because the families were experiencing poverty. Rather than giving these families the help they needed, child welfare agencies just took children from them.

As more people studied this problem, tribal activists began to take up the cause. Child welfare was a key focus of the American Indian Movement in the 1960s and 1970s. In response to their concerns, Congress created the American Indian Policy Review Commission. It focused on ongoing policy issues. The commission referred to Hirsch's findings when studying Native American child welfare. It concluded that the mass removal of children threatened tribal sovereignty.

When Congress passed ICWA, it put in place minimum federal standards for placement of Native children. Under this law, case workers must, when possible, place children with their extended family or with other members of their tribe. If either of these options are not available, they place children with members of another tribe. On top of this, case workers must work with the family and the Native nation to find the best placement for the child. This law reinforced the sovereignty of Native nations. It helped cement their authority over their own families.

In 2023, the US Supreme Court heard a case about the constitutionality of ICWA. Supporters of the act believe that it protects the best interests of Indigenous children, families, and nations. Critics say the law goes against the Constitution. They argue that it does this by placing child welfare, which should be a function of the state, under federal law. Others argue that the law is unconstitutional by favoring a certain racial classification. Despite these objections, the Supreme Court ruled in a 7–2 vote that the Indian Child Welfare Act would remain the law. The Court did not think that ICWA broke any laws found in the Constitution. Native Americans across the country saw this ruling as another step toward affirming tribal sovereignty.

The restoration of tribal sovereignty continued to evolve over the next few decades. During the 1980s, the Reagan administration cut federal spending to Native nations. With the reduction in federal funding to Native nations, gaming was one way to promote tribal economic development and tribal business enterprises. Tribal gaming started in the 1970s with bingo halls and horse racing and gained legal support in the late 1980s. In *California v. Cabazon Band of Mission Indians* (1987), the Supreme Court held that state regulation of gaming did not apply to tribal gaming operations on tribal land. A year later, Congress passed the Indian Gaming Regulatory Act of 1988 (IGRA) as a way to oversee gaming on Native lands and to create the National Indian Gaming Commission. The act defined three classes of Indian gaming. Class I includes traditional or social gaming, which is subject to tribal regulation. Class II includes bingo and similar games, which are subject to tribal regulation and oversight by the National Indian Gaming Commission.

Section 3

Self-Determination and Tribal Sovereignty

UNIT 4

Class III includes all other gaming, including casino gaming, which is governed by tribal-state compacts (formal agreements) that must be approved by the US Secretary of the Interior. In short, the IGRA recognized the right of tribes to conduct gaming on tribal land as a source of income as well as an expression of sovereignty and communal values. For many Indigenous communities, gaming was a means of sharing wealth among the community. In Oklahoma, new gaming laws meant that casinos could operate on tribal land, but not elsewhere. As we will see in chapter 15, the growth of tribal gaming in Oklahoma has played a key role in economic development across the state.

Another important sovereignty issue that emerged in the later decades of the twentieth century was the debate over the relationship of Indigenous nations to state and federal governments. One of the surprising and complicated ways that this debate played out was over state taxes on tobacco products. For decades, tobacco products sold in stores on tribal land were not being taxed. The state of Oklahoma argued that tribes should not be able to sell tax-free tobacco to nontribal members. Eventually this disagreement went all the way to the US Supreme Court. In ***Oklahoma Tax Commission v. Citizen Band, Potawatomi Indian Tribe of Oklahoma*** (1991), the Supreme Court decided that nontribal members were subject to state sales taxes, even when the product they were buying was sold on tribal land. The ruling also said that tribes had an obligation to assist with the collection of that tax. Some Indigenous leaders saw this ruling as a setback and as a violation of sovereignty rights. The Oklahoma tribes now called the Citizen Potawatomi Nation, the Wyandotte Nation, and the Wichita and Affiliated Tribes were particularly upset with the ruling. They saw this as a loss of rights, and at first they did not want to work with the state of Oklahoma. Other Indigenous leaders had a different view. They decided to use the ruling as an opportunity to show how tribes could work with the state as equal partners. Today Native nations grapple with their relationship to commercial tobacco, and to counter the negative sides of selling tobacco, they fund public health campaigns that encourage people to give up smoking as a regular habit. At the same time, Indigenous people use tobacco in ceremonies and cultural practices.

As chief of the second largest tribe in the country and the largest in Oklahoma, Wilma Mankiller led the effort to negotiate a tobacco-related agreement with the state. The tobacco compact that she helped negotiate for the Cherokee Nation in 1991 eventually became the standard for all tribes in the state. It also served as an example for other kinds of agreements between states and tribes. In the 1991 compact, the Cherokee Nation agreed to a lump-sum tax payment (made in advance of the sale) on tobacco so that the state got its money. This kept the Cherokee Nation from having to make sure that taxes were paid by nontribal members but not by members. The tribe could continue to advertise tax-free smoke shops, which appealed to both tribal and nontribal members. The second and most important thing to come out of this agreement was its language. It stated that the compact was being entered into on a “government to government” basis. This wording would be used in other Oklahoma tobacco compacts. Chief Mankiller argued that the wording was an expression of sovereignty. Despite the criticism she and the Cherokee Nation faced for working on the compact, it became an important example of state-tribal cooperation. The idea of government-to-government agreements between Indigenous Nations and the state has continued to grow in the twenty-first century.

Self-Determination and Tribal Sovereignty

UNIT 4

Conclusion

To date, the most important change in federal Indian policy in the history of Oklahoma and the country is the shift from termination and relocation to self-determination for Indigenous nations and tribal citizens. Many positive changes have flowed from this change. Tribes have strengthened their governments. They have offered better programs and services to their communities as a direct result of having more sovereignty. The economic contributions of Indigenous nations to the state economy have increased considerably. As we will explore in chapter 14, Oklahoma grew increasingly conservative in the 1980s. However, both Republicans and Democrats supported at least some aspects of tribal sovereignty. This helped make a continued partnership between the tribes and the state possible. That partnership would face great pressure with new rulings, most notably the 2020 Supreme Court *McGirt* decision. But the role of Indigenous nations in the state and their contributions to Oklahoma's economy and culture have only increased in the decades since President Ford signed the Indian Self-Determination and Educational Assistance Act.

Short Answer Questions

- 1 What areas of self-governance did tribal leaders seek during this time?
- 2 What role did LaDonna Harris play in the tribal sovereignty movement?
- 3 Both OIO and AIM wanted more tribal sovereignty but they differed in their approach. How did AIM differ from OIO?
- 4 What did the Indian Self-Determination and Educational Assistance Act provide?
- 5 Explain why tribes are able to open gaming facilities like casinos in Oklahoma.

Short Response Questions

- 1 Describe the approach that Wilma Mankiller took to increase tribal sovereignty and improve communities for the Cherokee Nation. In your response be sure to include the Bell Community Development Revitalization Project.
- 2 How did the relationship between tribal governments, the state of Oklahoma, and the US government change during this time period? In your response, be sure to include specific legislation that restored tribal sovereignty.