religions, traditional and contemporary Indian arts and crafts, and tribal organizations oriented toward the molding of rich, strong, free personalities.[13]

The new policy, which sought to curb official interference in tribal functions is described in the report of the Secretary of the Interior for 1936 with respect to the regulation pertaining specifically to law and order:

> Under the new law and order regulations, Indian service officials are prohibited from controlling, obstructing or interfering with the functions of the Indian courts. The appointment and removal of Indian judges on these reservations where courts of Indian offenses are now maintained is made subject to confirmation by the Indians of the reservation. Indian defendants will here-after have the benefit of formal charges, the power to summon witnesses, the privilege of bail, and the right to trial by jury . . . In addition to this criminal jurisdiction, the Indian courts will, in the future, have authority to handle civil cases between tribal Indians.

This effort of the Indian "New Deal" to restore self-determination in local affairs found many tribes confused. They had been so long denied the right to operate their own systems of government freely and openly[14] and to evolve new procedures out of the old, that again they were in the position of being asked to accept names and forms which had meaning to white men but were strange to them. Nevertheless, an impressive number of tribal councils have managed to operate successfully under the new policy; others have been less than effective, or ineffective during particular tribal administrations. A number of tribes voted not to accept IRA at all, preferring to continue under pre-existing patterns of organization, or under patterns which incorporated some of the aspects of IRA policies.

The great failure during the past twenty years has been that the intent of IRA has not had consistent and vigorous support. As a result, the major goals of adequately revitalizing Indian self-government, permitting it to adapt itself, and eventually bringing tribal systems into full participation in the political life of our democracy, have not been reached.

Recent Policies of the Indian Bureau

In 1950, approximately fifteen years after the passage of IRA, a general reversal of philosophy, harking back to the days of the General Allotment Act, began to emerge in the policies and procedures of the Indian Bureau. This is clearly seen in recent efforts to reorient federal responsibility in several ways: by pressure toward complete termination of the federal relationship with Indian tribes; by transfer of jurisdiction and responsibility for former federal services to the states; by such administrative procedures as speeding up sales of Indian trust land and shutting off available federal credit; and by emphasis on relocation to urban centers at the expense of resource development on the reservations.

The most basic right of all self-government, the right to decide questions by vote of the people, has not escaped from administrative interference. For example, the Klamath Tribe, in 1954, protested to no avail when the Commissioner of Indian Affairs not only recognized an unauthorized delegate to Washington, but also forced the tribe to pay his travel expenses; this was done even though he had sought designation as an official tribal delegate and was defeated for that position in a regular tribal election. Similar complaints within the last few years with respect to interference in tribal elections have been registered by the Blackfeet, Yakima, and the Seminoles and Choctaws of Oklahoma.

When tribal and outside interests collide, the right to independent counsel becomes crucial. This right came under attack in 1950, when a more stringent set of regulations governing tribal attorney contracts was proposed by the Indian Bureau. However, the opposition of the tribes, interested citizen groups, and the legal profession (including the American Bar Association) was so strong that the new regulations were dropped.

The current struggle of California and Arizona over water rights illustrates how conflicting the interests of Indians and non-Indians can become and points up the necessity of full right to independent counsel. In a suit brought by Arizona, the Attorney General of the United States intervened in behalf of all affected tribes in discharge of departmental duty to represent Indians. However, it immediately became apparent that a conflict of interest existed, as is demonstrated by the motion filed on behalf of the tribes with the Supreme Court (no. 10, October Term, 1956), wherein the attorneys for the tribes argued that:

> The United States has intervened in this case and has placed the rights of petitioners in issue. As a result petitioners are precluded from asserting their rights in their own names and on their own behalf. They have no control over the course of the suit, no voice in its direction and no right or opportunity to participate in the formation or trial of the issues. It can waive or compromise their rights, fail to prosecute them in full or in part, allow them to go by default, or fail to assert essential contentions.

The Franchise

Before turning to current participation in political affairs, one final aspect of the historical picture must be touched upon briefly—that of the right of Indians to the franchise.

Suffrage was not universally available to Indians until long after the Fourteenth and Fifteen Amendments had become part of the law of the land. Prior to 1924, when the Citizenship Act was passed, many Indians had acquired the right to vote by having accepted allotments, by special dispensation such

as service in the armed forces, or by giving up tribal affiliations and entering the mainstream of American life.

In 1924, all native-born Indians were declared citizens, but those born outside the country still had no naturalization procedure open to them until the Nationality Act of 1940 provided for it. But due to the constitutional relationship between the states and the federal government, the right to vote derives from the several states, subject to the limitations of the Fourteenth and Fifteenth Amendments and guarantees in the Constitution. As late as 1938, seven states still refused to let Indians go to the polls.

The justification for this discrimination, contained in state statutes or constitutions, rested upon (1) Indian exemption from real estate taxes, (2) Indian maintenance of tribal affiliation, and (3) the mistaken notion that Indians were under guardianship by virtue of the fact that Indian lands were under federal trusteeship. In 1948, following court rulings in New Mexico and Arizona, it was considered settled everywhere that Indians, whether or not they live on reservations, whether or not they pay taxes on part or all of their land, are in exactly the same position with respect to voting as non-Indians. However, in 1956, to defend the denial of the ballot to a registered Indian voter, Utah revived a statute adopted in 1897 (par. 11, Sec. 20-2-14, Utah Code Annotated, 1953) which dealt with registration and voting. This statute says in part that:

Any person living upon Indian or military reservation shall not be deemed a resident of Utah within the meaning of this chapter, unless such person had acquired a residence in some county in Utah prior to taking up his residence upon such Indian or military reservation.

In an opinion rendered by the Supreme Court of Utah in December 1956, the Court took great pains to establish that reservations Indians, as a group, occupy a status distinctly different from other residents of the state. The state's argument that all an Indian has to do to qualify to vote is to establish residence where his living is not supervised by the federal government, to assume his responsibility as a citizen by paying land taxes, and to overcome his "lack of interest" in the affairs of the state which surrounds him, is in direct contravention of the principle of self-government and the right to fulfill political participation by a citizen. It asks Indians to break up their communities where voting on local issues is a fundamental method of deciding group opinion in matter of common interest and concern.

Even as these words are written the Utah Legislature is deciding whether or not to revise its statutes. Pending the Legislature's action, an appeal to the United States Supreme Court, taken by the Ute Indians and the National Congress of American Indians, is being held in abeyance.

The vigor and independence which characterized Indian societies prior to European settlement gave way under governmental administrative procedures to a state which has often been described as one of suspicion, apathy, and dependence. Despite this history, Indians have made remarkable strides

in the last decade. Participation in two world wars both in the armed services and in war work, experience under IRA, and the more favorable state of the nation's economy, which has provided increased job opportunities, are among the factors which have combined to give Indians a new perspective. These factors have also revived Indians' courage to appreciate their own capabilities and needs to organize and to begin to act more effectively in their own behalf.

Indian Political Participation Today

The foregoing has been offered to aid in understanding current Indian political life. Against this background let us consider how and to what extent Indians do share in national, state and local political matters.

The Armed Services

Indians have assumed without hesitation the natural obligation of a citizen to defend his country. So far as military duty is a mark of good citizenship, so Indians have excelled. In the case of many tribes, the stereotype of the Indian chief, or warrior, can here be taken seriously, since war service was an established pattern of culture.

The high proportion of enlistments as against draftees has been noteworthy during both World Wars. A newspaper article appearing in the Philadelphia *Public Ledger* on September 29, 1918, reported that of the Indian population of 336,000, less than ten per cent of whom were male Indians of military age, "more than 6,000 were in the United States Army, of whom 85 per cent volunteered for service. There are some hundreds more in the United States Navy."[15] Altogether, over 17,000 Indians saw service in that war.[16]

Indian participation in World War II was even more extensive and ranged far beyond service in the fighting forces. Over 30,000 engaged in war work at home and far from home, while the purchase of bonds was as established a practice among Indians as it was among the public at large.

The Indian Bureau reported in the Spring of 1945 that approximately 22,000 Indians were in the Army, 2,000 in the Navy, 120 in the Coast Guard and 730 in the Marine Corps. Their valor in battle fronts from Iwo Jima to Salerno earned for them seventy-one Air Medals, fifty-one Silver Stars, forty-seven Bronze Stars, thirty-four Distinguished Flying Crosses, and two Congressional Medals of Honor.

The principle that tribal and national political participation by Indians can be coexistent was illustrated during the war in the experience of a small group of Papagos[17] residing in the extreme southern part of their Arizona reservation. Although nearly all of the Papagos registered under the Selective

Service Act, this group decided that the far-off war was not its concern and forcibly ejected the federal marshal who came to investigate. Instead of prosecuting the aged chief, governmental officials took him to the West Coast as a guest of the Army in order that he might see something of the war effort of his white co-citizens. As a result of this effort to improve understanding, the Indian leader thereafter enthusiastically supported the enforcement of the Selective Service Law.[18]

Still another example of the willingness of Indians to be part of America's future occurred in the same tribe, which sacrificed 400,000 of the best acres of its homeland to the Army Air Force in 1942.

"If the Army thinks it will help to win the war," said the tribal chairman speaking to the Air Force representatives, "it can have it. It can have whatever our tribe owns, if that is necessary."

When the officers brought up terms of compensation, the Chairman put the matter to his council and the response was instantaneous: "We ask nothing. Whatever the Army wants to pay will be satisfactory."[19]

Voting

In recent years, Indians have made great strides toward fuller awareness of their own best interests and the clear and forceful defense of them.

One expression of this can be seen in the voting record of Indians in the 1952 and 1956 general elections. Although it has been impossible to obtain a complete picture, scattered returns available show an unmistakable trend.

In 1952, nine of the nineteen pueblos in New Mexico had no registered voters. Rumor had been spread among the Indians that their lands would be taxed if they voted and the punishment threatened any man who made an error in marking his ballot. But in 1956, after a voter education program, only two pueblos still clung to their traditionally conservative attitude toward voting, while three achieved 100 per cent registration. A comparison of registration among the pueblos for the two years reveals the following:

Eligible voters registered (per cent)	Number of pueblos	
	1952	1956
0–10	14	7
11–50	2	7
over 50	3	5

The percent of all voters registered increased from less than 8 per cent to more than 24 per cent in the two voting years.[20]

Between 1952 and 1956, there was an average increase in voting from 31 to 37 per cent for one Montana tribe, one South Dakota tribe and two Washington tribes.

In 1952, approximately 3,000 Navahos of voting age in both Arizona and New Mexico were registered to vote, while 4,606 Navahos actually voted in 1956. It is worth noting that 3,730, or 81 per cent, of the Navahos who did not vote resided in New Mexico whereas only about 40 per cent of the tribe are inhabitants of that state. This comparatively high vote, relative to population, derives partially from the encouragement extended to potential voters by the state, from the establishment of additional voting precincts, and the assistance rendered by country officials to Navaho voter education. In addition, New Mexico, unlike Arizona, does not require a literacy test for voting eligibility.[21]

Indian Vote as a Decisive Factor

In some districts and in close races the Indian vote could be—and in some cases has been—a decisive factor in Montana, Idaho, Colorado, Washington, Oregon, North Dakota, Utah, Minnesota, Nevada, and Alaska.

In Montana the Indian vote could have been a decisive factor in the close election of Senator James Murray in 1954, who won by only 1,728 votes. In 1952, the seven tribes in Montana had 9,681 members of voting age, of whom 4,414 were registered to vote in the general election.

Senator Frank Church of Idaho won his primary election in 1956 by only 170 votes. According to the Chairman of one of the small tribes in that state, almost 100 per cent of the eligible voters on his reservation went to the polls and accounted for about 180 votes for the candidate.

The Indian vote could have been decisive in the 1952 election of Congressman Wayne Aspinall, Colorado, whose victory by a margin of twenty-nine votes was contested in a precinct where Indians held the balance of power.

An Indian issue which weighed heavily and perhaps decisively, in the 1956 election of a member of Congress was the Presidential veto of the $5 million settlement granted by the Eighty-fourth Congress to the Crow Tribe for the Yellowtail dam site. This Congressman won the election by 2,641 votes, whereas he lost to the same opponent in 1954 by 1,628 votes. The counties where the dam was an issue reflected most of the shift in voting.

Legislators from states with significant Indian populations agree that their Indian constituents are an effective voice in making known their opinions and needs. It is significant that some 300 bills presented to each Congress are of concern to Indians, and many private groups, in addition to the Indians' own tribal, intertribal, and national organizations, act quickly to help tribes protect their interests.

Comments by Congressmen in recent correspondence with the writer point up the increasing effectiveness of tribal spokesmen in making clear their wishes to lawmakers.

They are an effective voice in legislation which concerns them and make their needs known by writing and paying calls in person, even to coming to the Nation's Capitol.

—Warren G. Magnuson, U.S. Senator (Washington)

It would seem to me that Indians have become politically minded because everything they have ever accomplished or anything they have worked for has been done through the government. The Indians are becoming more effective in this respect [and] I have been impressed by appearances made by Indians before Congress . . . Their numbers are not great compared to other [groups] but I have found their interest in political affairs to be quite lively. As I have said before, they have been forced to express themselves through political channels . . . I think that their political effectiveness would be greatest, relatively speaking, in an election for Representatives in Congress.

—Edward Thye, U.S. Senator (Minnesota)

The tribes in my district are a most effective voice in legislation which concerns them. I have made a practice to meet with their tribal councils and with their leaders each year. From these meetings, I have learned much of their general outlook on matters important to them and also profited from the expression of viewpoints on specific legislation.

—Wayne N. Aspinall, Member of Congress (Colorado)

The Indian people are very definitely an effective voice regarding legislation which concerns them. Probably one-third of my mail is from Indian people primarily from my Congressional District, but a large amount of it is from those outside of my district.

—E.Y. Berry, Member of Congress (South Dakota)

As near as I can ascertain, substantially larger numbers of Indians have registered and voted at each subsequent election. I think I can safely say that the Indian vote is now courted by most candidates and spokesmen for both political parties.

—Stewart L. Udall, Member of Congress (Arizona)

Our Indian people have been very effective in making known their views on legislation, through their tribal chiefs, through tribal councils, through direct personal correspondence, and by sending delegates to Washington.

—Ed Edmondson, Member of Congress (Oklahoma)

Influence on Indian Vote

It seems safe to say that Indians vote for or against a man or a party because of his or its action on some Indian bill of vital importance to them. For example, it would appear that Indians of Idaho worked hard and voted generally for the new Senator, Frank Church. The one exception was a tribe which had been greatly assisted by the former Senator, Herman Welker, in securing the passage of a bill important to its welfare. On the other hand, a tribe in South Dakota and one in Arizona, previously heavily Republican, showed their disapproval of recent Indian policies by recording 2 to 1 and 8 to 1 votes for the other party.

There is no doubt that Indian political participation in state and national affairs has lagged in large measure because of lack of communication, knowledge of issues and candidates, experience in the mechanics of voting, and effective organization. The greatest factor in getting Indians to the polls has been the development and growth of their own organizations, tribal and intertribal, and finally of the National Congress of American Indians. These groups have been able to interpret the issues confronting Indians, to offer information about candidates, and to explain the mechanics of voting.

Organization is the Indian's best hope of having some part in determining their own future and in continuing to exist as Indian tribes in a nation committed to a philosophy of respect for cultural differences. The Indians are their own best spokesmen, their own best diplomats; but they can exercise these roles effectively only in proportion to their opportunities to exchange information and to use their combined strength and their concerted voice.

This thought was expressed by Congressman Lee Metcalf, Montana, speaking to the NCAI Thirteenth Convention in Salt Lake City, September 1956.

> It is heartening to me to know that an organization like the National Congress of American Indians exists and functions. If no such body were in existence the Indians of the United States would be faced today with the necessity of bringing about the formation of an equivalent representative organization. . . .
>
> In my first term in Congress I saw the Indian people and their property under the most persistent and their property under the most persistent and serious attack, and the ironic and tragic aspect of this attack is that in most cases, I believe, it was based on good intentions with the presumed interests of the Indians at heart.
>
> I have watched the attack go forward and it has disturbed me greatly. In this complex field where everybody is an expert and yet no one is really expert, any attempt to put forward a simple, easy solution must be viewed with misgiving.

Conclusions

1. The Indian tribes in North American had a prior history of effective self-government when Europeans arrived on this continent. That their right of self-government was inherent was recognized first by European powers and then by the government of the United States.
2. Indian self-government continued to operate even though at times the tribes' powers were usurped by administrative officials; however, the act of usurping tribal powers did not destroy the tribes' powers to act.
3. Indians have a superior record of citizenship as expressed by the quantity and quality of their services and contributions to the war efforts. There has been no evidence of disloyalty among them. A few have sought and held national, state, and county offices and served on juries—creditably. They pay all the taxes other citizens pay, except the tax on those of their lands which are held in trust. This freedom from United States taxation was something that the tribes reserved to themselves rather than had granted to them—and for it they gave considerations to the United States of immeasurable value, namely, great cessions of land and resources and cultural contributions.
4. Although a very small proportion of our population viewed as a whole, Indians are growing rapidly in numbers. Accompanying this trend, Indians are also growing away from exclusive identification with their own tribal groups and toward a broader consciousness of their affairs regionally and nationally.
5. In the latest decade, with the upheavals caused by widespread Indian military service in World War II and renewed attacks on Indian rights and property, state and regional intertribal councils are organizing and strengthening; a national Indian organization founded in 1944 is now functioning effectively and appears to be permanently established; and startling increases in registering and voting were recorded on many Indian reservations in 1956.

"Who and What Is an American Indian?"

Frell M. Owl, 1962

Frell M. Owl (n.d.), Eastern Band of Cherokee, North Carolina. Owl spent over three decades working for the Bureau of Indian Affairs, including as superintendent of Crow Creek Reservation, South Dakota, where he approved their constitution and by-laws in 1949, and the Fort Hall Indian Reservation in Idaho. In addition, Owl served on the Board of Trustees at the University of North Carolina at Asheville, 1973–1978. Owl's article "Who and What Is an American Indian?" was published in the summer of 1962 in Ethnohistory.

Although the United States serves as the legal guardian of American Indians, it has no clear-cut definition telling exactly what constitutes an American Indian. In the absence of a standard definition, various colloquial expressions describe, identify and classify individual Indians and classes of Indians. Familiar expressions will be mentioned in the beginning of this article. Interpretation and explanation will follow.

A tribal member is an "enrolled Indian." An Indian who is not a tribal member is a "non-enrolled Indian." A "non-Indian" is a person who does not possess Indian blood. "Full-blood" means pure Indian. One who is part Indian and part non-Indian is a "mixed-blood" or "breed." An Indian is generally regarded as a "ward" of the United States. An Indian who can manage personal affairs without help of Government workers is a "competent Indian." One who needs help in managing personal affairs is "incompetent." "Reservation Indian" may indicate residence on a reservation or it may indicate the degree of acculturation attained by an Indian. A reliable, honest, industrious person is a "good Indian." One who is unreliable and constantly in trouble is a "bad Indian." A person who has been converted to Christianity is a "Christian Indian." One who adheres to native religious ceremonies is a "pagan" or "heathen" Indian. Prior to 1924, a "citizen Indian" was a member of a special group of Indians. The President of the United States is "Great White Father." A "White Indian" is a person whose degree of Indian blood is small. An acculturated Indian may be called a "White Indian."

An "enrolled Indian" is a tribal member whose name, member, degree of tribal blood, marital status and residence are currently recorded on an official tribal roll recognized by the United States. Tribal officials are responsible

for maintaining their tribal roll. In unusual cases, the Secretary of the Interior is directed by Congress to prepare a tribal roll. An Indian is permitted to enroll with only one tribe. A tribe is sometimes referred to as a band or a nation. Approximately, 300 tribes are recognized by the United States.

Each Indian tribe determines qualifications for membership. An enrolled Indian may be a full-blood or a mixed-blood. Minimum degree of tribal blood required for enrollment varies with the composition and characteristics of each tribal group. Whether a child is born on or off an Indian reservation is often an important factor in determining membership. Each tribe determines whether a child, whose father or mother is not a tribal member, is eligible for membership. Requirements for membership vary considerably among the various Indian tribes.

Membership entitles a person to certain tribal rights. An enrolled Indian may secure an assignment of a tract of tribal land for homesite, farming, ranching or business purposes. Welfare and scholarship grants may be received. A tribal member may share in distribution of tribal monies, known as per capita payments. Treaty rights to hunt, fish, trap, graze livestock and gather fuel are cherished tribal rights. Enjoyment of tribal rights is limited to home reservations. Membership in a tribe does not entitle a person to enjoy tribal rights on a reservation inhabited by another tribe.

An enrolled Indian looks for protection of tribal rights to his guardian, the United States. Help and advice in the development of agricultural and range land and other natural resources are provided by Government personnel and funds. If necessary, an enrolled Indian or a tribe may call on Federal courts for protection of tribal rights.

Rules designed to regulate Indian affairs are promulgated by the Secretary of the Interior and the Secretary, Department of Health, Education and Welfare. The Interior Secretary's rules pertain primarily to use, disposition and administration of land held in trust for Indians by the United States. The Interior Secretary is also responsible for providing Indians with education, welfare and other community services, exclusive of health services. The latter are the responsibility of the Secretary, Department of Health, Education and Welfare. An enrolled Indian is required to abide by Federal rules. Federal restrictions are the source of many complaints voiced by enrolled Indians who yearn for freedom, but who resist efforts to terminate existing relationships with the United States.

Generally, the United States assumes responsibility only for tribal members possessing one-fourth or more tribal blood who maintain residence on trust land on reservations. Federal rules, however, are flexible. They are often extended to other persons recognized as Indians in the reservation community. Perhaps the reason is that Federal power over Indians is derived from Indian treaties, Federal statutes based on treaties and from a provision in the Constitution of the United States which empowers Congress "to regulate commerce with foreign nations, among the several states, *and with Indian*

tribes."[22] Non-existence of a standard definition of an Indian makes it difficult for Federal officials to determine who is or who is not an Indian. Indian benefits, therefore, may be made available to anyone in a reservation community who can prove Indian heritage, whether enrolled or *non-enrolled.*

A "non-enrolled Indian" is an Indian whose name is not officially recorded on a tribal roll. He is often a descendant of a tribal member; he may reside and own trust land on an Indian reservation. He may be a member of a band of Indians in New England or the Carolinas which is not under Federal supervision. In most cases, he is a mixed-blood Indian, but there are occasions when a full-blood is a non-enrolled Indian.

A person may be a non-enrolled Indian because he fails to meet the degree of tribal blood required for tribal membership. His enrolled parents may have established residence away from the reservation and he may have been born there. Birth on the reservation is often a stringent requirement for tribal membership. His tribal parents may have been ignorant of enrollment procedures or neglectful in filing an application with appropriate tribal officials. One parent may have been a non-member Indian, a non-enrolled Indian, or a non-Indian. In some cases, a child born to any of these types of marriages is ineligible for tribal membership. There is a known instance where an enrolled full-blood Indian, married to a non-Indian wife, deliberately refrained from enrolling his qualified child as a tribal member. He preferred that his child not be associated with Indians. There are also other reasons why an Indian may not be a tribal member.

A non-enrolled Indian is not entitled to tribal rights. A governing body of a tribe, however, may grant hunting, fishing, trapping and other rights to a resident non-enrolled Indian to enable him to secure food for subsistence of his family. A non-enrolled Indian is not otherwise entitled to have an equity in tribal property. However, if his parents own trusts allotted land on a reservation, he may be entitled to inherit such land or fractioned interests in the land. Technically, inherited allotted land loses its trusts status when it passes to a person who is not a tribal member. Allotted land is privately owned. Tribal land is held in common by all tribal members.

Normally a non-enrolled Indian is not entitled to receive health, welfare and other services available to tribal members of the United States. Federal regulations for the protection of Indians are, however, flexible. If a non-enrolled Indian resides on trust land and if it appears to Federal officials that the Individual maintains tribal relations and is recognized as an Indian, he may be entitled to receive Federal health benefits.

The name of each known non-enrolled Indian is recorded on a reservation census of Indians, taken periodically and maintained by reservation Federal workers. A reservation census should not be confused with the official tribal group residing on a reservation, including enrolled, non-enrolled, non-member and non-Indians married to Indians. A tribal roll contains names of all enrolled members.