

“WE MUST START SOMEWHERE:” TERMINATION TO
SELF-DETERMINATION AND THE IMPACT OF NATIVE
AMERICAN ACTIVISM ON TRIBAL SOVEREIGNTY
FROM 1945 TO 1980

Alexandra N. Stepp

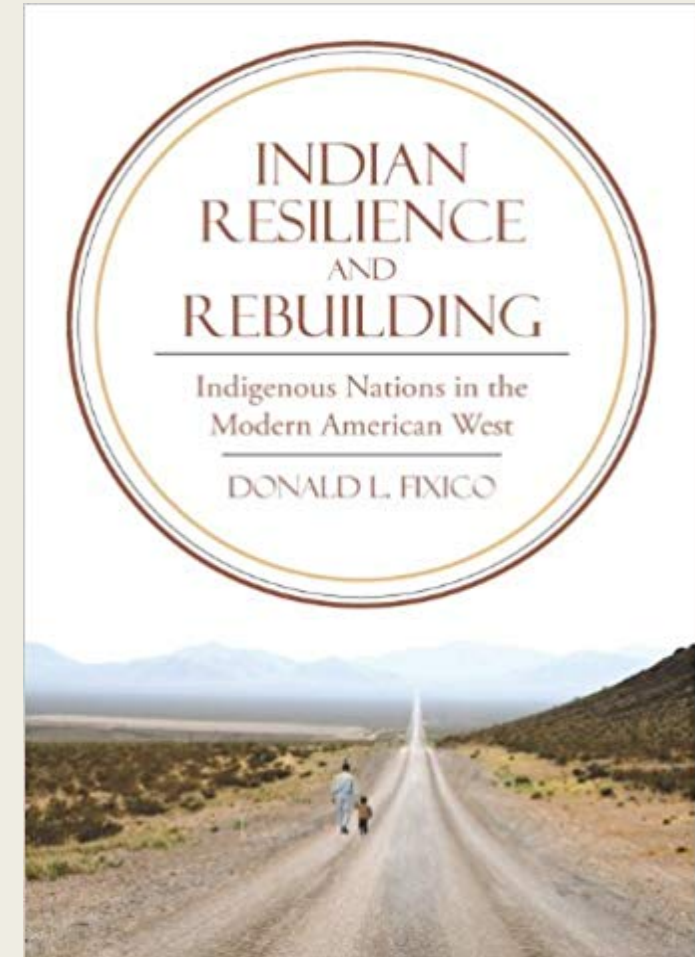
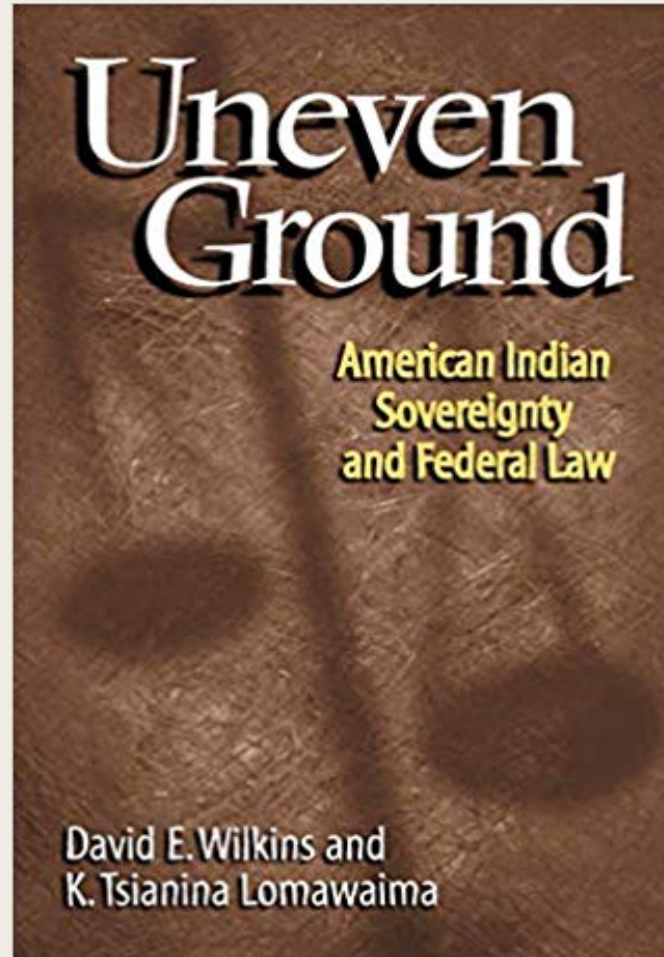
HIST-J495: Proseminar for History Majors

April 10, 2019



Historiography

- Stephen Cornell, *The Return of the Native: American Indian Political Resurgence* (1988)
- David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (2001)
- Donald Fixico, *Indian Resilience and Rebuilding: Indigenous Nations in the Modern American West* (2013)



Methodology

Primary Sources

- Congressional laws:
 - Alaska Native Claims Settlement Act.*
 - American Indian Religious Freedom Act.*
 - Indian Child Welfare Act.*
 - Indian Civil Rights Act of 1968.*
 - Indian Self-Determination and Education Assistance Act.*
 - Indian Relocation Act of 1956.*
 - Maine Indian Claims Settlement Act.*
 - Menominee Restoration Act.*
 - Public Law 280*
 - Public Law 91-550.*
 - House Concurrent Resolution*
- Supreme Court Cases:
 - Antoine v. Washington (1975)*
 - Bryan v. Itasca County (1978)*
 - Federal Power Commission v. Tuscarora Indian Nation (1960)*
 - McClanahan v. Arizona State Tax Commission (1973)*
 - Northwestern Bands of Shoshone Indians v. United States (1945)*
 - Oliphant v. Suquamish Indian Tribe (1978)*
 - Santa Clara Pueblo v. Martinez (1978)*
 - Seymour v. Superintendent of Washington State Penitentiary (1962)*
 - Tee-Hit-Ton Indians v. United States (1955)*
 - United States v. Sioux Nation of Indians (1980)*
 - United States v. Wheeler (1978)*
 - Williams v. Lee (1959)*
- Autobiographies of Russel Means and Dennis Banks
- Newspaper Articles
- Interviews, mostly from *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan*

Secondary Sources

- Books
- Dissertations
- Journal Articles
- Documentaries

Thesis

While the historiography continues to neglect twentieth century federal Indian policies in comparison to other centuries of policies, this century is particularly important and deserves greater attention because it significantly degraded Native American sovereignty during these key decades but also demonstrated Native American agency that created important policy changes.

Termination
Policy Begins



1945

Self-
Determination
Policy Begins



1964

Nationwide
Native American
Activism Begins
with Fish-In
Movement



1970

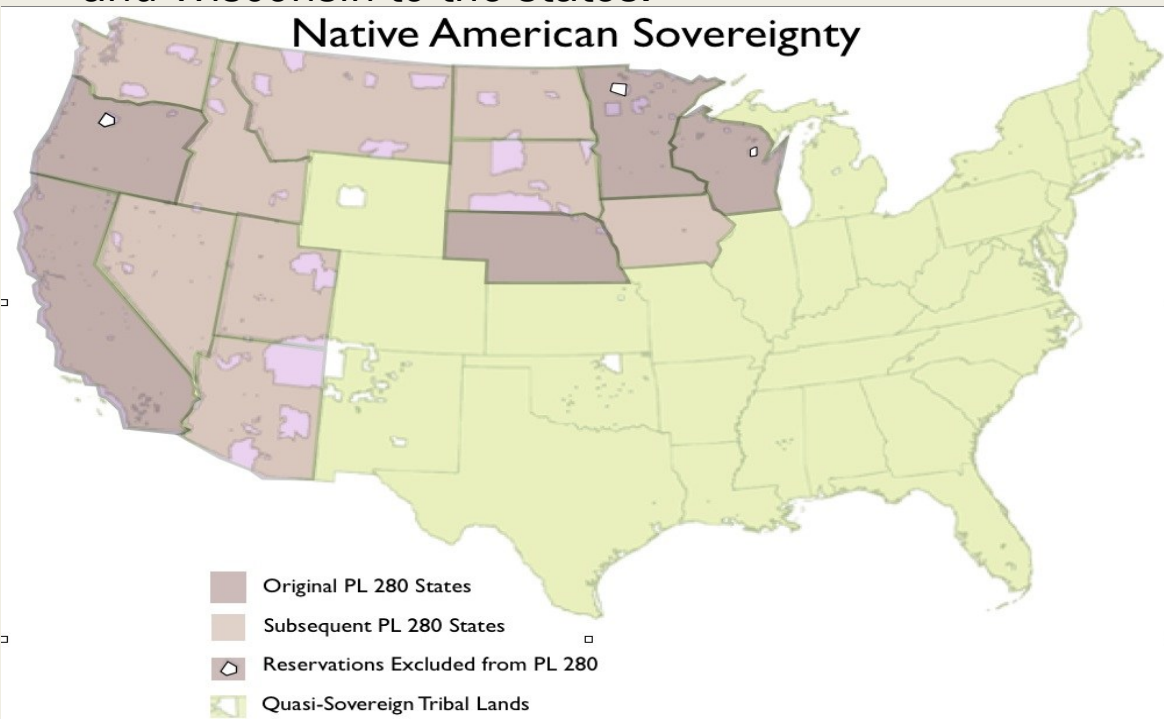


1970 onward

Termination
Policy
Continues

Termination Policy in Congress

- House Concurrent Resolution 108 of 1953 called for termination of tribes in Montana, Oregon, Wisconsin, Kansas, Nebraska, North Dakota, California, Florida, New York, and Texas.
- Public Law 280 conferred jurisdictional authority over tribes in Oregon, California, Nebraska, Minnesota, and Wisconsin to the states.



Strategic Application International. *Native American Sovereignty*. Digital Image. 2018. SAI LLC. Accessed March 19, 2019. <http://sai-dc.com/cops-pl280/>.

COME TO DENVER.
THE CHANCE OF YOUR LIFETIME !

Good Jobs
Retail Trade
Manufacturing
Government—Federal, State, Local
Wholesale Trade
Construction of Buildings, Etc.

Happy Homes
Beautiful Houses
Many Churches
Exciting Community Life
Over Half of Homes Owned by Residents
Convenient Stores—Shopping Centers

Training
Vocational Training
Auto Mech., Beauty Shop, Drafting,
Nursing, Office Work, Watchmaking
Adult Education
Evening High School, Arts and Crafts
Job Improvement, Home-making

Beautiful Colorado
Tallest State, 48 Mt. Peaks Over 14,000 Ft.
350 Days Sunshine, Mild Winters
Zoos, Museums, Mountain Parks, Drives
Picnic Areas, Lakes, Amusement Parks
Big Game Hunting, Trout Fishing, Camping

Bureau of Indian Affairs. *Indian Relocation Brochure*. Digital Image. 1956. *U.S. National Library of Medicine*. Accessed March 19, 2019.

<https://www.nlm.nih.gov/nativevoices/timeline/488.html>

Termination Policy in the Supreme Court



- Exceptions
The decision in *Williams v. Lee* (1959) declared that tribal governments had jurisdiction over civil cases because state control would place undue strain on tribal sovereignty.

The decision in *Seymour v. Superintendent of Washington State Penitentiary* (1962) overturned a state conviction of a Native American man for committing burglary on a reservation, stating tribal governments have jurisdiction over criminal cases on tribal grounds.

Native American Activism

- The first main form of nationwide Native American activism was fish-ins, seen in Washington state. Tribes protested against state fishing laws, finding support not only in the National Indian Youth Council but also in the actor Marlon Brando. Brando would eventually refuse to accept an Oscar, instead allowing Apache Sacheen Littlefeather speak at the Academy Awards in 1973 about the Native American struggle for sovereignty.

- Left: Marlon Brando and Bob Satiacum.



Marlon Brando and Bob Satiacum. March 2, 1964. Photograph. History Link. Accessed March 19, 2019. <https://www.historylink.org/File/5332>.

Occupations

- (Top Right) Occupation of Alcatraz Island: November 20, 1969 to June 11, 1971.

Occupation of Alcatraz. 1969. Photograph. *Indian Country Today*. Accessed May 19, 2019. <https://newsmaven.io/indiancountrytoday/archive/today-in-native-history-occupation-of-alcatraz-island-ends-1RiJb06iOUS8KQMaRSnXWw/>.

- (Bottom Right) Occupation of BIA: November 3 to November 9, 1972.

Occupation of BIA. May 5, 1972. Photograph. *University of Georgia University Libraries*. Accessed May 19, 2019. <https://digilab.libs.uga.edu/exhibits/exhibits/show/civil-rights-digital-history-p/american-indian-movement>

- (Below) Occupation of Wounded Knee: February 27 to May 8, 1973.

American Indian Activists at Wounded Knee. 1973. Photograph. *Libcom*. Accessed May 19, 2019. <https://libcom.org/history/1973-siege-at-wounded-knee>



Marches

Trail of Broken Treaties, 1972



Boston, Bernie. *Unidentified Participant in the Trail of Broken Treaties*. November 2, 1972. Photograph. *Flickr*. Accessed March 19, 2019. https://www.flickr.com/photos/washington_area_spark/8590012643/in/album-72157633092409518/

The Longest Walk, 1978



Participants in the Longest Walk. 1978. Photograph. *National Museum of the American Indian*. Accessed March 19, 2019. <https://blog.nmai.si.edu/main/2016/07/the-longest-walk-activism-and-legislation-in-indian-country.html>.

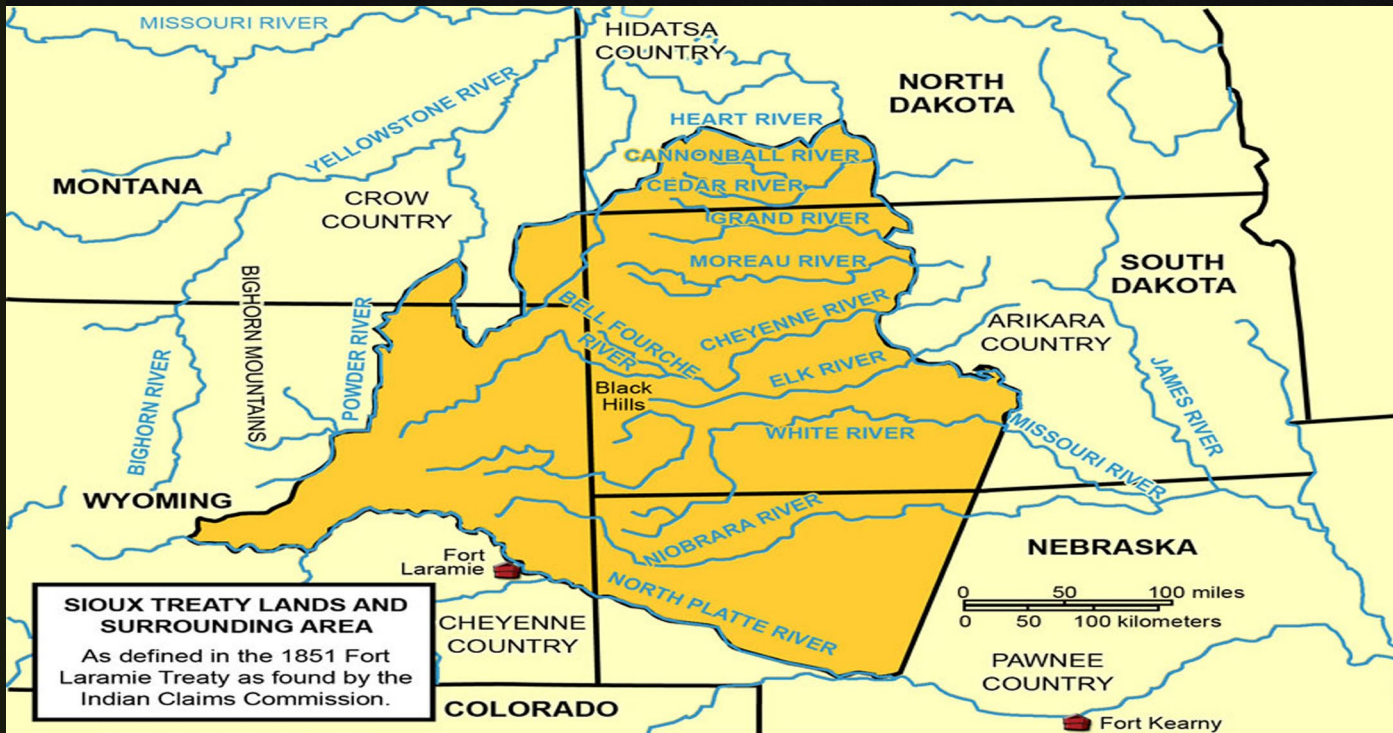
The Rise of Self-Determination Policy

- One of the most prominent laws through which Congress restored tribal status was through the Menominee Restoration Act of 1973.
- The Supreme Court newly protected tribes from state interference. *Antoine v. Washington* in 1975 struck the application of state hunting and fishing regulations to Native Americans. The 1973 and 1974 cases *McClanahan v. Arizona State Tax Commission* and *Bryan v. Itasca County* protected tribes against state taxes.



Top Right: President Richard Nixon returns Blue Lake to the Taos Pueblo in 1970.

Richard Nixon Returns Blue Lake. 1970. Photograph. Nixon Foundation. Accessed March 19, 2019. <https://www.nixonfoundation.org/2016/09/president-nixon-champion-for-native-americans/>.



Bottom Right: Map of Sioux land and the Black Hills in 1851.

Fort Laramie Treaty of 1851. 2019. Digital Image. North Dakota State Government. Accessed March 19, 2019. <https://www.ndstudies.gov/gr8/content/unit-iii-waves-development-1861-1920/lesson-4-alliances-and-conflicts/topic-2-sitting-bulls-people/section-3-treaties-fort-laramie-1851-1868>.

Termination Continues

■ Congress

- Did not restore the Pauite Tribe until 1980.
- Did not restore the Ponca Tribe of Nebraska until 1990, who suffered a 57% unemployment rate until then.

■ The Supreme Court

- Decided in *United States v. Wheeler* (1978) that a Native American can be tried by the federal courts even after undergoing prosecution for the same crime in tribal courts.
- Decided in *Oliphant v. Suquamish Indian Tribe* (1978) that tribal governments do not have jurisdiction over crimes committed by non-Native Americans on tribal grounds.

Conclusion



SELECTED BIBLIOGRAPHY

- Banks, Dennis and Richard Erdoes. *Ojibwa Warrior: Dennis Banks and the Rise of the American Indian Movement*. Norman: University of Oklahoma Press, 2014.
- Blansett, Kent. *Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement*. New Haven: Yale University Press, 2018.
- Fixico, Donald L. *Indian Resilience and Rebuilding: Indigenous Nations in the Modern American West*. Tucson: University of Arizona Press, 2013.
- Indians of All Tribes. "The Letter, December 16, 1969." In *At Large: Ai Weiwei on Alcatraz*, edited by David Spalding, 177-178. San Francisco: Chronicle Books, 2015.
- Public Law 280. Public Law 83-280. 83d Cong., 1st sess. (August 15, 1953). *US Statutes at Large* 67 (1953). Accessed January 27, 2019.
<https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-Pg588.pdf>.
- Ritter, Beth R. "The Politics of Retribalization: The Northern Ponca Case." *Great Plains Research: A Journal of Natural and Social Sciences* (1994): 237-255.
<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1236&context=greatplainsresearch>.
- Shreve, Bradley G. *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism*. Norman: University of Oklahoma Press, 2011.
- U.S. Congress. House. *House Concurrent Resolution 108*. H Res. 108, 83d Cong., 1st sess. Passed in House August 1, 1953. *US Statutes at Large* 67 (1953). Accessed March 5, 2019. <https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-PgB132-2.pdf>.
- U.S. Supreme Court. *Antoine v. Washington*. Case # 420US194. February 19, 1975. Accessed March 12, 2019.
<http://cdn.loc.gov/service/ll/usrep/usrep420/usrep420194/usrep420194.pdf>.
- . *Bryan v. Itasca County*. Case # 426US373. June 14, 1976. Accessed March 12, 2019. <http://cdn.loc.gov/service/ll/usrep/usrep426/usrep426373/usrep426373.pdf>.
- . *McClanahan v. Arizona State Tax Commission*. Case # 411US164. March 27, 1973. Accessed March 12, 2019.
<http://cdn.loc.gov/service/ll/usrep/usrep411/usrep411164/usrep411164.pdf>.
- . *Northwestern Bands of Shoshone Indians v. United States*. Case # 324US335. March 12, 1945. Accessed March 8, 2019.
<https://www.law.cornell.edu/supremecourt/text/324/335>.
- . *Oliphant v. Suquamish Indian Tribe*. Case # 435US191. March 6, 1978. Accessed March 12, 2019.
<http://cdn.loc.gov/service/ll/usrep/usrep435/usrep435191/usrep435191.pdf>.
- . *Seymour v. Superintendent of Washington State Penitentiary*. Case # 386US351. January 15, 1962. Accessed March 8, 2019.
<http://cdn.loc.gov/service/ll/usrep/usrep368/usrep368351/usrep368351.pdf>.
- . *United States v. Sioux Nation of Indians*. Case # 448US371. June 30, 1980. Accessed January 29, 2019. <https://supreme.justia.com/cases/federal/us/448/371/>.
- . *United States v. Wheeler*. Case # 435US313. March 22, 1978. Accessed March 12, 2019. <http://cdn.loc.gov/service/ll/usrep/usrep435/usrep435313/usrep435313.pdf>.
- . *Williams v. Lee*. Case # 358US217. January 12, 1959. Accessed March 8, 2019. <https://supreme.justia.com/cases/federal/us/358/217/#tab-opinion-1942139>.
- Wilkins, David E. *American Indian Sovereignty and the U.S. Supreme Court: The Making of Justice*. Austin: University of Texas Press, 1997.
- Wilkins, David E., and K. Tsianina Lomawaima. *Uneven Ground: American Indian Sovereignty and Federal Law*. Norman: University of Oklahoma Press, 2001.