

Sovereignty Reconstituted: Governmentality and the Indian Reorganization Act

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I. Introduction

From one angle, the Indian Reorganization Act (IRA) of 1934 was a radical new direction in United States Indian policy. Where earlier laws like the General Allotment Act (1887) had explicitly sought to undermine traditional Native American ways of life, destroying "tribal relations" as a means of guiding Native Americans toward "civilization," the IRA was intended to allow Indian groups to live according to their own rules and customs, to maintain their cultures and to govern themselves, as far was conceivable at the time. From another perspective, however, the IRA was an attempt by paternalistic government administrators, driven by romantic ideas of Indian life, to impose a rigid, Eurocentric framework on the tremendous variety of native peoples and cultures of the United States.

I use Foucault's work on government to reexamine the Indian Reorganization Act, thus placing this legislation in the larger context of an expanding duty of states to care for the well-being of society as a whole. Where previous legislation had enacted a distinction between rational, civilized Europeans and Indians who were "ungovernable" by definition, the fundamental proposition of the IRA was that Indian sovereignty, in some form, could be not only compatible with, but even perhaps contribute to, a larger American social order. The legislation sought to reconstitute sovereign Indian tribes as aggregations of governable subjects, thereby radically rewriting the meaning of sovereignty and self-determination. As such, the IRA was fundamentally consistent with older policies in some ways, even as it broke with them in others.

I begin with a brief summary of Foucault's ideas about governmentality. I will then try to place the Indian Reorganization Act in its historical context in order to show how it represented a change in the direction of Indian policy, particularly as that policy was carried out in the final decades of the nineteenth century. Section IV will apply the lens of governmentality to the IRA, demonstrating that, from this perspective, the Act was not in fact a departure from the established aims of Indian policy.

II. Governmentality

In his writings on "government," Foucault describes a historical shift in the conception of political rule from an emphasis on the control of territory to a concern with the overall well-being of the "population," understood as people in their relations with each other and with their total environment (Foucault 2003:245). Foucault calls this a change from the model of "sovereignty" to the model of "government". Where sovereignty was concerned with maintaining the rule of the sovereign, government is primarily concerned with the directing of the processes by which, e.g., wealth is produced, subsistence guaranteed, children produced, etc. – with arranging things so as to achieve "a suitable end" for all the things that are governed. (Foucault 2007:100). More generally, the purpose of governmental power is not, primarily, *control* of the governed, but their protection, security, and *improvement*.

As Foucault notes, this actually means that government pursues a number of different ends, complementary to its larger purpose; “[for] example, the government will have to ensure that the greatest possible amount of wealth is produced, that the people are provided with sufficient means of subsistence, and that the population can increase” (Foucault 2007:99). The problem is to hit upon a suitable “arrangement” of the complex totality of “men and things” with which government is concerned for achieving these ends. With this new purpose, the most significant power of the ruler is no longer the sovereign's power to take life, to kill, but the ‘biopolitical’ power of government to create life (at the aggregate level) by improving the condition of the population (Foucault 2003:243-245).

The governmental shift was spurred in large part by the efforts of absolute monarchs to maintain control in times of substantial upheaval (Foucault 2003:249-251). From a demographic boom beginning in the seventeenth century through to the industrial revolution – with the accompanying growth and increased wealth of the middle class – in the eighteenth, new conditions represented significant challenges to absolutism, and rulers responded by extending state power downwards, to the individual level, in the form of the disciplines (Foucault 1977), and upward, to the level of the population, through regulation and government (Foucault 2003:249-250).

The shift is therefore as much about changing methods— or practices of rule— as it is about different goals. The processes government directs and optimizes exist only at the level of the population, and so dealing with these processes is not the same as dealing with individuals. The state does not, for example, construct a sewer system so that no individual will get sick; it makes sewers so that the overall incidence of disease in the population will be reduced. This is true even though the individual is the one upon whom power is directly exercised; the individual is the point of articulation at which government can take hold, so to speak, of population.

This kind of technique is not primarily concerned with forcing individuals to behave in one way or another; instead, it tries to adjust the outcomes of the ways in which they choose to behave on their own. Government thus operates on the population through the freedom of individuals (Dean 1999:15). The classic example of this is the theory of the invisible hand, in which economic outcomes are the result of individual actors pursuing their own interests; government does not try to tell these individuals what to do, but rather operates on the economy by adjusting the conditions within which those decisions are made (Foucault 2007:22-23). Government in this sense is characterized precisely by projects like sewer construction, educational systems, and urban planning, which take for granted an idea of individuals who pursue their self-interest by use of a decision calculus, and attempt to alter that calculus without attempting to dictate individual actions directly. The development of governmental rule is therefore connected to the development of liberalism in political thought (Foucault 2007:47-48).¹

¹ This point, in particular, will be important in considering the intentions and the impacts of the Indian Reorganization Act.

So, the “arts of government” that Foucault describes entail changes in the objects, ends, and methods of the exercise of political power. This dramatic shift in the conceptualization of political government was never, Foucault tells us, a purely theoretical exercise, even at the earliest stages; it was a change in the way things were actually done. One could see its influence in real terms in both the “development of the administrative apparatus of the territorial monarchies”, by which they came to exercise power in a much more continuous way over more of their territory, and in

a set of analyses and forms of knowledge that began to develop at the end of the sixteenth century and increased in scope in the seventeenth century; essentially knowledge of the state in its different elements, dimensions, and the factors of its strength, which was called, precisely, ‘statistics’, meaning the science of the state (Foucault 2007:100-101; See Scott 1998 for more on this topic).

The development of the idea of “population” was therefore tied to the development of statistics, which, Foucault notes, had originally been a tool of sovereign power (Foucault 2007:104). It was through such methods and techniques of measurement, assessment and evaluation that the population began to emerge as a real and meaningful unit.

Population becomes the “final end of government”, the object upon which governmental interventions are designed to act in order “to improve the condition of the population, to increase its wealth, its longevity, and its health”, as distinct from the health and well-being of every individual member (Foucault 2007:105). To govern – that is, to rule in a way that takes the total well-being of those ruled as its goal and purpose— is to rule through population. Thus for Foucault, Machiavelli marks the end of an era when the key political problem to be solved was

that of the safety of the Prince and his territory. Now it seems to me that ...we see the emergence of a completely different problem that is no longer that of fixing and demarcating the territory, but of allowing circulations to take place, of controlling them, sifting the good and the bad...in such a way that the inherent dangers of this circulation are canceled out. No longer the safety (*sûreté*) of the prince and his territory, but the security (*sécurité*) of the population and, consequently, of those who govern it (Foucault 2007:67).

This problem, the security of the population, is solved through knowledge of its characteristics, its patterns and processes. This knowledge is produced through the set of techniques that Foucault broadly terms “statistics”. What is important about these techniques is that they take the population as their object – they presuppose its existence in the world as a natural, unified, discoverable entity. In so doing, they actually produce the population; they enact it as a reality that can be known, studied, and acted upon.

It is not, then, that the object of political rule is re-conceived as the population rather than the territory, and new methods invented for dealing with this new object; rather, new methods, prompted by social, economic, and demographic changes that challenged the power of absolute rulers, make possible the conception of the population as a new object of rule by making it *visible* as an artifact of statistical knowledge. The population is a set of representations tied to specific practices through which these representations

are created and interpreted. Because the population is understood as natural or given, however, these techniques are understood as ways of measuring and intervening in what is already there.

The importance of the shift from sovereignty to government, then, is that it introduced into history a model of political power that depends on definition, on demarcating and “knowing” the object of the exercise of power. Foucault describes this in terms of systems of “veridiction”, by which he means systems apparently governed by their own, natural rules, rules that determine the right way to deal with those systems. Again, the example of the market is important; market forces of supply and demand, understood as natural or inevitable, provide a system of veridiction that determines what is the right thing for the government to do (Foucault 2008:32). The concern is therefore no longer with “justice” in the classical sense of a distribution of wealth that gives each individual what he or she deserves, but with conceding to the natural laws of the market and finding ways of improving economic outcomes within those laws. Western history, Foucault argues, is marked by a transition from systems of jurisdiction to systems of veridiction (Foucault 2008:33).

The natural laws and processes of the population, discovered through statistics, are also such a system. In the model of sovereignty, the power of the sovereign was defined by its spatial limit, by the boundaries of the territory he could claim to control; in the model of government, the power of the ruler is defined by the characteristics of the population, which is both the means and end of his rule. As Foucault also notes, this represents a change from a model in which the limit of the power of the ruler was the rights of the ruled, to a model in which the only principle that limits government is efficacy, the ability of a particular policy to improve the situation, as measured through statistics, of the population as a whole (Foucault 2008:10-11).

The idea of the population and its characteristics as a system of veridiction through which the right way to govern could be discerned depended explicitly on the idea that the population itself was a natural fact; the processes that characterize it must be natural in order to constitute a system of veridiction. Knowing the population, then, is not just instrumentally useful for affecting it; without the practices of rule that seek to know and affect it, there is no population.

My primary contention here is that it is both plausible and useful to think of Indian policy in the United States in terms of the *governmentality* of rule. More precisely, the effort to “civilize” or assimilate Indians—the explicit aim of Indian policy for over a century— was an effort to make them into *governable* subjects, individuals who were susceptible to state interventions designed to promote the best possible outcome for the complex of “men and things” which are its object. As I have said above, governmentality depends on *knowledge* of the population— its size, its demographic makeup, its health, its education, its family relationships, its economic conditions, and so on. In order for such methods to function, therefore, the population must be *knowable*; it must be possible to observe and assess all of these characteristics, and to aggregate them into a picture of the “population” as a whole. Governmental power both *individuates* and *assembles* data; both tasks require that individuals be readily and repeatedly locatable

and identifiable, and that their relationships to one another be similarly clearly defined. Assimilationist Indian policy, several iterations of which are described below, aimed at making Indian societies permeable to this kind of observation and assessment. I will also try to show that the Indian Reorganization Act, despite being explicitly intended to allow Native Americans to remain distinct groups, with some degree of self-government, was similar in both intention and effect.

III. Background to the IRA

In many ways, the Indian Reorganization Act must indeed be viewed as a distinct break with previous Indian policies in the United States. Nearly without exception, policymakers beginning very early in the Republican era took it for granted that Indians as *Indians*, as distinct groups with their own cultures and forms of political and social organization, would cease to exist, and that individual Indians would become assimilated into the larger body of American citizens. The only real debate was over how this should happen: the speed of change, and the level of coercion that was acceptable in bringing it about. The change itself was considered inevitable, because it was taken for granted that “primitive” modes of existence could not long coexist with modern “civilization.”

In the early Republic, the favored approach was to encourage the *coexistence* of whites and Indians, based on the belief that, exposed to the benefits of white civilization, Native Americans would desire to emulate it and transform themselves of their own free will. Thomas Jefferson, a firm believer in Enlightenment notions of inevitable human progress, believed that Indians were by nature equal to whites, and that their apparent inferiorities could be attributed to environmental causes.² Change their environment, he argued, and ‘we shall probably find that they are formed in mind as well as in body, on the same module with the “Homo sapiens Europaeus”’ (quoted in Prucha 1971:5).

The goal of civilization was thus to be pursued by encouraging interaction between Indians and whites, building schools to educate Indians, and teaching them about both farming and religion. The central element in Jefferson’s own approach to the goal of Indian civilization was the encouragement of agriculture, with an attendant end to nomadism (frequently spoken of as though it were characteristic of *all* Indian groups) and communal ownership of property. Both of these traits, it is worth noting, make Indians less governable in Foucault’s sense, because they obscure identities, property relationships, etc. “Once the Indians abandoned the perilous existence of the hunter and became cultivators of the earth as God intended, they would have no further need to vast tracts of wilderness. ‘While they are learning to do better on less land,’ Jefferson explained, also in 1803, ‘our increasing numbers will be calling for more land, and thus a coincidence of interests will be produced...’” (Dippie 1982:5; see also Horsman 1999:51). It was therefore incumbent upon whites to teach Indians about farming and

² Indeed, John Collier’s rejection of assimilationism in Indian policy was interpreted by some of his critics at the time as *racism*, because they believed him to be suggesting that Indians were incapable of change.

other aspects of civilized life precisely so that they could survive inevitable white expansion (Horsman 1999:49).

It was with the goal of civilizing Indians both for their own survival and for the easier acquisition of their lands that, in 1819, James Monroe signed into law the Indian Civilization Act, 'which provided for the acculturation of Indian tribes adjoining the frontier settlements by appropriating ten thousand dollars annually to employ people to instruct Indians in agriculture and educate their children' (Fryd 1999:327). The goal, Monroe said, was 'their improvement in the arts of civilized life.' To achieve this goal, according to Thomas McKenney, Commissioner for Indian Affairs under Monroe, 'their whole character, inside and out; language and morals, must be changed' (both quoted in Reynolds 2008:24). In other words, the problem was not simply particular Indian behaviors, but the *kind* of people the Indians were; to have a chance at civilization—to become governable—they had to become a different kind. A comprehensive strategy was therefore formulated to achieve this goal.

A decade later, however, the passage of the Indian Removal Act reflected a growing consensus that the strategy of assimilation through coexistence was not working. In 1825, only six years after signing the Civilization Act, Monroe declared that 'Experience has clearly demonstrated that, in their present state, it is impossible to incorporate [the Indians] in such masses,³ in any form whatever, into our systems' (quoted in Maddox 1991:6). Making them into the kind of governable individuals who *could* be incorporated into these 'systems', it was argued, would take more time than the Indians had in the face of white expansion; giving them that time meant moving them as far as possible, for as long as possible, from white society. The Removal Act of 1830, therefore, was intended to relocate Indians as far as possible from white society and thereby give them more time to make the social, cultural, and economic transformations that "civilization" required— ideally, without expensive and risky government programs.

Through the course of the nineteenth century, however, white expansion into the west—driven by a number of interrelated factors, including the California gold rush in the 1850s, the Homestead Act of 1862, and the completion of the Transcontinental Railroad in 1869— put increasing pressure on Native Americans and, in particular, on Native land claims. As one commentator puts it, in this period "the age-old process of dispossessing the Indian was...rapidly accelerating" (Otis 1973:13). It became clear, therefore, that the Removal Act had not bought Indians nearly as much time as policymakers in the 1820s had believed. "With shocking speed," Hoxie notes, "the Indians who had previously avoided American domination suffered complete military defeat. Every tribe and band was now encircled by a rising tide of farmers, miners, and entrepreneurs" (Hoxie 2001:xviii). In these circumstances, the project of Indian civilization became more urgent, as many were convinced that, without assistance from concerned whites and the U.S. government, Indians were doomed to die out entirely (see, e.g., Dippie 1982).

³ We should take care to read "masses" here as a qualitative characterization of Indian societies and lifestyles, not merely an assessment of their numbers. See below a similar characterization by Teddy Roosevelt nearly a century later.

In this context began what is now often known as the Assimilation Era in U.S. Indian policy, a period in which the Federal Government began once again to take a much more active role in assimilating Native Americans to white American society. "In the 1880s a radical reversal of thinking occurred: if you can no longer push Indians westward to avoid contact with civilization, and it is inhumane to conduct wars of extermination against them, the only alternative is to assimilate them" (Deloria and Lytle 1983:8). This period is marked by, among other things, the declaration in 1871 that treaties would no longer be made with Native tribes (meaning, in turn, that they would no longer be treated as sovereign powers); the proliferation of Indian boarding schools, with the explicit purpose of teaching Indian children the ways of white society and breaking them of the "habits" of tribal life; and the development of the "plenary power" doctrine, by which the Federal Government asserted an almost absolute authority over Native Americans, justified primarily by the role that that the government ostensibly played as their "guardian" or "trustee."⁴ As Kelly explains,

With the adoption of the reservation system and the abolition of the treaty system, the internal affairs of the tribes came under increasing scrutiny by the federal government. A conscious effort was begun to civilize the Indians. Government farmers were employed to teach them the agricultural arts. Missionary societies were subsidized to bring them the benefits of Christianity and formal education. Tribal autonomy and the authority of native leaders were deliberately weakened by enlarging the powers of Indian agents and by congressional restrictions on tribal gatherings. Great emphasis was placed on the twin virtues of individual ownership of property and personal responsibility (Kelly 1983).

The zenith (or nadir, depending on one's perspective) of this approach was reached with the passage in 1887 of the General Allotment Act, also known as the Dawes Act, which sought to end Native Americans' collective ownership of land and resources by dividing all Indian territories into 160, 80, or 40 acre plots, each of which would be assigned to an individual Indian. These "allotments" would be subject to restrictions on sale or leasing for 25 years, after which they would become the property of the individual allottees outright, to do with as they chose. All Indian lands left over after each individual had received his⁵ allotment, designated "surplus" lands, could be sold or leased by the government to white settlers, miners, and so on as it saw fit.

This legislation had two distinct purposes. The first was to make more Indian land available to white settlement. The Native American population of the United States had reached its lowest point in this era, with many tribes reduced to a few hundred members; in most cases, 160 acres per household would add up to significantly less land than many groups were entitled to by treaty. In practice also, many allottees also lost control of their lands to whites almost immediately, either by being manipulated or through their inability to maintain their property or pay required taxes. Over the allotment period, Indian lands in the United States were reduced from over 155 million acres in 1881 to just under 78 million in 1900, and around 48 million by 1934 (Prucha 1995:671).

⁴ For more on the trust responsibility and governmentality, see French 2013.

⁵ Allotments were by default assigned to male heads of households; women and children could receive smaller shares of land when there was no male head of household.

The other main purpose of the Dawes Act was to force the more rapid assimilation of Native Americans by destroying the political and economic connections among groups. Teddy Roosevelt famously issued one of the clearest expressions of this intention when he referred to the Dawes Act in his first State of the Union address as “a mighty pulverizing engine to break up the tribal mass” (Roosevelt, Annual Message to Congress, 1901). While they generally did not understand the nature of it, policymakers in the U.S. had long been aware of the strong connection between Native American societies and the lands they occupied; in particular, they saw that communal ownership and stewardship of lands was central to the structure and maintenance of social relationships in many native societies. This structure of relations, loosely summarized under the heading of “tribalism,” was widely seen as the chief obstacle to the “civilization” of the Indians, and the Dawes Act sought therefore to break up the relations by breaking up the lands.

Advocates of the Dawes Act also had an almost mystical belief in the power of private property to provoke “civilized” behavior; this argument had a fairly long pedigree. It can be seen in the statement by Thomas Jefferson about the value of agriculture, quoted earlier. Later in the nineteenth century, the early anthropologist Henry Lewis Morgan, whose theories of human social development were highly influential, described private property as “the power that brought the Aryan and Semitic nations out of barbarism into civilization” (in Hoxie 2001:19). President Rutherford B. Hayes, in his 1878 State of the Union address, argued that “Indians who have become agriculturalists or herdsmen, and feel an interest in property, will thenceforth cease to be a warlike and disturbing element” (Hayes, Annual Message to Congress, 1878). Senator Dawes himself described allotment as a “self-acting machine” that would lead to all the other elements of a civilized life (Otis 1973:57). As Dawes put it, “The idea [behind the Act] is to take the Indians out one by one from under the tribe, place him [sic] in a position to become an independent American citizen, and then before the tribe is aware of it its existence as a tribe is gone” (in Rusco 2000:51).

By the second decade of the twentieth century, however, there was a growing recognition among policymakers that allotment had not accomplished what it was supposed to. This reality was expressed most clearly in the 1928 Meriam Report on Indian Administration, produced by the Brookings Institution. The report made it clear that, first, the economic conditions of Native Americans had not improved since the passage of the Act; for instance, more than half of all Indians in the United States had an income of less than \$200 per year in 1928 (Taylor 1980:7). Second, and perhaps more importantly from the perspective of policymakers, the report showed that “Allotment [had] also failed as a means to promote assimilation,” mainly because of “the failure of the government to provide the incentives and institutions that would make it possible for Indians to benefit from or even function effectively in the emerging industrial society” (Taylor 1980:7).

IV. Sovereignty and Governable Subjects

It was against this backdrop of the failure of previous policies either to assimilate Native Americans or adequately protect their interests that the Indian Reorganization Act emerged, led largely by John Collier, who would be appointed Commissioner of Indian Affairs by Franklin Delano Roosevelt in 1933. What is striking about this legislation, and indeed about Collier himself, is that it was the first time since the signing of the earliest treaties with Native American groups that their eventual assimilation was not taken for granted as the ultimate goal of Indian policy. Collier had been a social worker in New York City earlier in his career, and in that role had advocated the idea that "the acceptance of new ideas and customs from abroad would enrich American culture by increasing its diversity," and so "encouraged the immigrants to preserve those parts of their heritage that did not conflict with their adjustment to American life" (Kelly 1983:20-21). He carried this belief over into his work with Native Americans, arguing not only that they should be allowed to retain their distinctive cultures, but that white society might see great benefit by observing and learning from those cultures. As Kenneth Philp puts it,

In opposition [to the prevailing assimilationism of the time], Collier favored a policy of cultural pluralism that would not turn the Indian into a white man, but let him contribute elements of his culture to white civilization. He believed that the Indian heritage offered examples of viable communal practices, potent educational disciplines, and the composite art of blending speech, song, and dance. He dreamed of preserving the institutional life especially of the Southwestern Indians because it provided a social alternative for the 'frustrated but struggling Aryan individualized consciousness.' (Philp 1977:97).

Collier made this argument explicitly more than once, perhaps most famously in his article "The Red Atlantis," in which he described the Pueblo Indians at Taos as "still the possessors and users of the fundamental secret of human life— the secret of building great personality through the instrumentality of social institutions" (in Schwartz 1994:507).⁶

Collier argued, therefore, that the goal of Indian policy should not be assimilation, but rather to find ways to help Indians to maintain traditional practices and social structures. He also recognized that maintaining the Indian land base was vital for this purpose (Kunitz 1971:217; Koppes 1977:551). When he became Commissioner of Indian Affairs in 1933, the policies he pursued reflected this new approach. Collier called in his first annual report for "an end to allotment and for 'group organization and tribal incorporation' for the management of Indian resources" (Taylor 1980:19). The Indian Reorganization Act was intended to provide legal mechanisms for this "organization and incorporation," as well as new protections for Indian lands. While the bill that was eventually enacted was notably less radical than what Collier had envisioned, it still provided a legal framework in which Native groups could collectively own and manage land and resources, as well as exercise limited powers of self-government. Further, as Commissioner of Indian Affairs, Collier had significant administrative discretion (for

⁶ I do not have space here to describe Collier's ideas in this area in detail, but Philp (1977:8) traces the perspective here to Collier's reading of the sociologist Lester Frank Ward, whose "concept of sociocracy...advocated the 'scientific control of social forces by the collective mind of society...'" For more on Collier's thinking about the relationship between the individual and community, see Kunitz 1971 and Schwartz 1994).

better or for worse), and in effect “acted as though Congress had approved his original draft,” using executive actions to further encourage organization and protect Indian lands (Koppes 1977:552). The IRA together with these executive measures are often collectively referred to as the “Indian New Deal.”

The Indian Reorganization Act was signed into law on June 18, 1934, and had nineteen sections; the first eight dealt with Indian lands. Section one, simply and briefly, ended the policy of allotment, declaring that “hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian” (Indian Reorganization Act, 48 Stat. 984; in Deloria 2002:20; hereafter “IRA”). Section two extended trust restrictions on lands already allotted, and sections three through eight further limited the sale of Indian lands or property, allowed the restoration of unallotted “surplus” lands to Indian ownership, and provided for the acquisition, by the Secretary of the Interior, of new lands for Indian reservations, including the establishment of a fund of \$2 million per year for the purchase of such lands. Sections nine through eleven provided additional funds to pay the administrative costs of establishing the new tribal organizations, provide scholarships for Indian students, and establish a revolving credit fund of \$10 million, to be used in loans to Indian individuals or corporations for purposes of economic development (IRA 20-21).

Sections sixteen and seventeen are the main provisions of the law dealing with tribal organization. The former declares that any Indian tribe “shall have the right to organize for its common welfare, and may adopt a constitution and bylaws,” subject to ratification by a majority of all the adult Indians residing on the reservation (IRA 22). The decision to adopt such a constitution would endow the “tribe or its tribal council” with the power to hire legal counsel, block the sale or lease of tribal lands or other property, and “negotiate with the Federal, State, and local Governments” (IRA 22).

Section seventeen gave the Secretary of the Interior the power to issue a charter of incorporation to any tribe, provided s/he first received a petition for such a charter from at least one-third of all adult members of the tribe, and it was later ratified by a majority vote (IRA 22). Incorporation under the Act allowed the tribe to own, manage, purchase, and otherwise dispose of “property of every description, real and personal,” with the significant limitation that they could not “sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation” (IRA 22-23).

The final two sections of the Act specified the criteria for determining who would be considered an “Indian” for the purposes of the law, and required a special election for each eligible tribe, to be organized by the Secretary of the Interior within one year of passage, at which all adult members of the tribe would vote on whether they wanted to organize under the provisions of the Act; the IRA did not apply to any tribe in which a majority of adult members voted against it.

This law, and the administrative policies that followed it, might seem at first glance to work against the governmental (in Foucault’s sense), individualizing imperatives that drove earlier Indian policy. Where earlier policies had sought to “break up the tribal

mass," penetrating it and distinguishing its various elements (i.e., individual Native Americans) in terms of a number of administratively useful metrics, the IRA seems to reconstitute that "mass," in some sense, by allowing Indians to act collectively, and deal with federal officials as a *group* rather than as individual citizens.

However, in at least two important ways, the IRA and subsequent policies in fact simply provided an alternative mechanism for extending governmental power. First, the legislation was not as far-reaching in its effects or as radical in its outlook as Collier often claimed, leaving a great deal of authority over Indian affairs in the hands of the BIA, the Commissioner of Indian Affairs, and the Secretary of the Interior. Second, the model of "self-determination" that Collier had in mind was far from "sovereignty" in the usual sense, but rather envisioned organized Indian groups as a kind of subsidiary of the Federal Government, by which it could provide services in ways that were both more effective and less culturally disruptive (Washburn 1984:286). I will now deal with each of these two points in turn.

The Practical Limits of Self-Government

Many recent accounts of the Collier administration argue that, however different his intentions and his view of Native societies may have been, Collier's (and consequently the IRA's) implementation of the New Deal policy changes provided for, at best, a very limited conception of Indian self-determination. Philp (1983), for instance, traces the "termination" era of the 1950s and 1960s directly to the weak protections provided by the IRA for Indian self-government. Bilosi goes further, arguing that the "idea of Indian self-government" instantiated in the IRA "was less a matter of native *rights*, and more a matter of a tactic of native administration" (Bilosi 1991:24). Taylor suggests that the New Deal reforms were "fatally weakened" by the assumptions they made about Indian cultures and social organization, both in the past and at the time of the Act's passage (Taylor 1980:xii-xiii). Kelly's assessment is more measured, suggesting that the Act "fell short of the revolutionary changes in Indian policy which are often attributed to it" (Kelly 1975:293). While others (*Michigan Law Review* 1972; Deloria and Lytle 1984; Washburn 1984; Rusco 2000) provide at least a qualified defense of Collier and the New Deal reforms, there are at least grounds for asking how far the IRA and subsequent policies achieved the goal of allowing Indian self-government, and in what sense.

1. Reliance on the idea of "tribes"

One common criticism of the Indian Reorganization Act is that it took the "tribe" as its basic unit, recognizing Indian organization only on the "tribal" level. However, as Taylor (1980:2-3) notes, "Tribe is most appropriately a cultural concept. Except for some eastern woodland confederacies, few Indians had tribal organizations that governed their activities." What white society often recognized as "tribes" might be united language, cultural practices, and certain religious ceremonies, but did not constitute the units in which political decisions were made or enforced. Villages, clans, bands, or extended families were more frequently the primary form of political organization. Despite this, "White officials often assigned to the tribe a more formal structure and greater powers than it actually possessed" (Taylor 1980:3). This was a long-standing, if

not exactly official, practice, reflected in many of the treaties enacted between the U.S. government and various tribes.

The IRA continued this practice by designating only recognized tribes, as a whole, as eligible to organize and draft a constitution, or to charter a corporation for collective land ownership. An alternative version of the bill, produced in the House, included a provision that would have allowed “any number of members over ten of any recognized tribe to form a chartered corporation” (Taylor 1980:26). This would have made possible the recognition of units of organization smaller than the tribe, although it might also have resulted in fragmenting control over tribal assets, which is presumably why it was removed, “apparently at Collier’s behest...Nevertheless, the inability of Indians to organize politically or economically” at any other level “perpetuated and strengthened what were to be basically artificial units of Indian political and social life” (Taylor 1980:29).

While Taylor sees the emphasis on tribal organization as a result of cultural misunderstanding among government officials, Washburn (1984) argues that the choice was a pragmatic one. The goal of reorganization legislation could not be to protect existing native political structures from change, because at the time these structures “were [already] in the process of change, usually toward dissolution, and the only alternatives were changes in the opposite direction” (Washburn 1984:280). With that in mind, “Collier chose the tribe because that was the way whites saw Indians, and he could use the term to convey a favorable historical and romantic image to justify the preservation of Indian cultures and group organizations to a potentially unsympathetic Congress” (Washburn 1984:280).

Washburn’s analysis here perhaps underestimates Collier’s own romanticism about Indian societies and the binding power of communal institutions. As Koppes notes, Collier’s approach was driven by “his expectation that the tribal council would foster community solidarity,” an expectation that was frequently frustrated (Koppes 1977:554). Even if Washburn is generally correct, though, it does not alter the fact that the IRA allowed the federal government to define the groups who were eligible for organization under its provisions (and, indeed, to deny some groups the option through the federal recognition process). The IRA did not give a distinct legal or political status to individual Indians as Indians; it gave special legal options to Indian groups as groups— and reserved to the federal government the power to define what those groups could look like. Whether this was done out of ignorance of Indian cultures, administrative pragmatism, or some combination of the two does nothing to alter this fundamental point.

2. *Limited Forms of Organization*

A second important critique of the IRA is that the constitutions adopted by tribes who chose to organize under its provisions reflected Western political ideas and assumptions rather than Native American ones, and that they were formulaic, following a “template” drafted by BIA administrators. Charters of incorporation, too, embedded tribal economies in Euro-American legal rules and practices, effectively transforming tribal

communities into collections of shareholders. The suggestion is that Indian tribes who chose to organize under the IRA were limited in important ways in the forms such organization could take; they also faced difficulties in understanding these new options.

These problems were reinforced, according to critics of the IRA, by the use of a “model constitution” prepared by BIA lawyers and brought to reservations, where it was to serve as a starting point for the preparation of the specific constitution for each tribal group. In practice, however, individual constitutions followed this template rather closely; one government lawyer, according to Taylor, “warned of ‘an incredibly high degree of standardization of the constitutions’” (Taylor 1980:37). Thus not only were tribes who wished to organize forced into making use of a written constitution, in many cases they also ended up with more or less the same one— despite widely varying historical experiences, cultures, and levels of acculturation with white society.

Other authors, however, dispute the claim that the constitutions written under the IRA were excessively similar. Washburn, for one, notes that “each tribal constitution differed in one respect or another from every other tribal constitution,” and lists several examples in which the standard template was altered to accommodate particular circumstances (Washburn 1984:281-2). Similarly, the author of an article in the *Michigan Law Review* argues that “One philosophy underlying the IRA was flexibility and consideration of differences among tribes. This philosophy was to be implemented by allowing tribes to choose to be under the Act and to vary their governments and economic organizations” (*Michigan Law Review* 1972:976).

Though there was some latitude and variation in the creation of constitutions and charters, it is still the case that tribes who wished to organize under the provisions of the IRA had precisely two basic options for doing so, and were certainly limited in practice in the way they exercised those options. Whatever the ideals of BIA administrators and lawyers may have been, their hands were tied in practice by the fact that the forms of organization adopted by tribes must be able to function within the American legal system; there were powers that tribes could not assume (like, e.g., the power to prosecute those offenses listed in the Major Crimes Act), and individual rights that they had to recognize. As Taylor notes,

...tribal corporations, in particular, must be organized on lines appropriate to enable them to enter into contracts with other companies and have legal standing in the courts. Consequently, the councils and corporations established under the act were all in some degree modeled along Anglo-American lines, with electoral districts, voting by secret ballot, tribal presidents, vice-presidents, treasuries, and committees (Taylor 1980:51).

I will return to this point below; it is sufficient to observe at this point that the necessity for tribal organizations to work within the larger legal and judicial framework of the United States meant that the options in designing them were necessarily limited in significant ways.

3. *Administrative Discretion*

At the time when John Collier was becoming involved in Indian affairs, the excessive power of BIA officials over the lives of Native Americans had been a persistent criticism for decades. In the period leading up to the passage of the Dawes Act in 1887, many reformers and “friends of the Indian” saw the special legal status of Native Americans, and the extra level of governmental control that went with it, as an injustice and a primary motivation for reform. A *Chicago Tribune* editorial from 1879, cited by Hoxie, provides a clear example; it argued that “Means should be devised by which an Indian, when he has obtained the necessary degree of civilization, shall be released from the arbitrary control of the Indian Bureau and allowed all the rights and immunities of a free man” (in Hoxie 2001:5; my emphasis). Since the passage of the Major Crimes act the articulation of the “plenary power” doctrine in *U.S. v. Kagama* (1886),⁷ the Federal Government had claimed— and made use of— more or less unlimited authority to intervene in and regulate the everyday lives of Native Americans; this extraordinary authority was justified by the argument that Indians were “wards” of the government. One of the main arguments for allotment was that, by ending the recognition of Indian tribes and their claims to territory, it would also end the need for special government protections and thus place the same limits to government authority over Indians that all other American citizens were entitled to. The elimination of Native tribes as distinct cultural and political groups was necessary to “emancipate” individual Indians from arbitrary authority, and thereby make the entire administrative apparatus of Indian policy obsolete.

In the years leading up to Collier’s appointment and the passage of the IRA, reformers were again calling for the abolition of the BIA as the best way of defending Indian interests, and several bills to this end were introduced in Congress in the 1920s (Rusco 2000:86). Collier, however, wanted to assure the continued existence of Native cultures, and believed (probably rightly) that their special legal status, as well as the special status of Indian lands, were the best protections against assimilation (see e.g. Koppes 1977:551). He therefore sought to maintain both the BIA and the wardship status of Native Americans, while ending their “most oppressive and intrusive features” (Daily 2004:87). Collier claimed that his long-term goal was to reduce the Office of Indian Affairs to “a purely advisory and special service body [as is] the Department of Agriculture [vis-à-vis] American farmers” (*Michigan Law Review* 1972:967; brackets in original).

However, as many critics have noted, the provisions of the Act do not actually accomplish anything like this. “Even under the final Act, the Secretary [of the Interior] was empowered to review many actions of tribal governments, and still retains close control over tribal government” (*Michigan Law Review* 1972:968). As already mentioned, tribal councils could not decide to sell tribal lands, or lease them for a period longer than ten years. Further, the restoration of unallotted “surplus lands” to tribal control, the purchase of additional lands, the final approval of tribal constitutions, the issuance of corporate charters, and the approval of all fees for legal counsel retained by tribes were all explicitly subject to the discretion of the Secretary of the Interior. The

⁷ For more detail on all of these developments, see French 2013 and French 2015.

Secretary also retained substantial control over natural resources on Indian lands (IRA 21-23).

One reason for retaining the administrative authority of the BIA was pragmatic, if still paternalistic: at the time, "...the highest priority had to be given to salvaging Indian economies, and from the viewpoint of the bureau leaders, that task required the continuation of maximum administrative control over Indian resources" (Taylor 1980:93; see also Deloria and Lytle 1984:183). Whatever the motivations behind these provisions, however, the IRA clearly still vested a great deal of authority in the existing bureaucracy, limiting the extent to which tribes who organized under the Act could meaningfully exercise powers of self-government.⁸

4. *Low level of acceptance/adoption*

A final criticism of the Indian Reorganization Act is that its effect was limited by the fact that many tribes voted not to organize themselves under its provisions, and of those who did vote to do so, many still failed either to draft a constitution or request a corporate charter. Kelly (1975) has done the most thorough examination of the level of adoption. He found that of 252 who tribes voted in referenda on the IRA, 78 voted against it, while 174 voted to approve. While this represents a solid majority of tribal groups, the population of those groups must be taken into account; for instance, the Navajo tribe, the largest group eligible to vote on the IRA, rejected it. Thus, after the referenda, something like 129,750 Indians came under the provisions of the IRA, while 86,365 did not (Kelly 1975:301). As Kelly notes, numbers in published sources from the time vary, but all of those he examines are in this general range. The number of groups, then, who rejected organization of the IRA is substantial.

Then, too, as Philp notes, there was "the smaller number of tribes who adopted constitutions and charters after they accepted the IRA. During the New Deal only ninety-three tribes wrote constitutions, while seventy-three set up charters⁹ of incorporation allowing them to borrow money from the revolving credit fund" (Philp 1977:163-4).

Because the IRA was subject to tribal approval, its effects were limited to those groups who chose to approve it. Since a significant minority of eligible groups did not do so, the impact of the legislation was necessarily less than it might have been. Those tribes who remained outside of the Act's provisions also remained subject to the administrative authority of the BIA and the Secretary of the Interior, without any of the mechanisms for self-government, however limited, that the IRA could provide.

5. *Lack of Congressional and financial support*

⁸ It perhaps goes without saying, as well, that nothing in the IRA directly challenged the "plenary power" doctrine or did anything to limit Congressional authority over Indian affairs.

⁹ Note that only tribes who adopted constitutions were eligible for charters of incorporation. What these numbers show, therefore, is that around 20 of the tribes who wrote constitutions did not also apply for a charter.

In part because so much authority was left in the hands of federal officials, the extent to which the IRA made a meaningful difference in the day-to-day lives of Native Americans depended on the continued support of numerous institutions and agencies— in particular, the U.S. Congress, which still had to appropriate funds for IRA provisions like the revolving credit fund and money for land purchases. For much of Collier's tenure, and for years after, such support was not readily forthcoming. At least some of the problem came from those who wanted a return to the assimilationist policies of the previous era. A Philp puts it,

...Collier's dream of creating communal organizations that would 'conquer the modern world' not only met a mixed response from the Indians, it crashed against the reality of an unsympathetic Congress. Under the direction of Representative Abe Murdock from Utah, the House Indian Affairs Committee became the focus on anti-New Deal sentiment. Members of this committee preferred the abolition of the bureau and the Indian's rapid assimilation into the white community. Their hearings became a forum for a series of emotional charged against the commissioner, making it difficult for him to concentrate on implementing the IRA (Philp 1977:170).

Among those testifying again Collier and the IRA was the American Indian Federation, an organization of assimilationist Indians, led by "Joseph Bruner, a full-blood Creek from Sapulpa, Oklahoma. [Bruner was a] successful product of the assimilationist program associated with land allotment," who owned a farm and other real estate, as well as oil interests. He believed that the IRA would tend to "segregate the Indians and continue existing racial prejudice" (Philp1977:172). He was also among those who criticized Collier's approach as "communistic" (an accusation that dogged him for much of his career).

By 1937, Senator Burton Wheeler— one of the original sponsors of the IRA— had put forward a bill calling for its repeal (Philp 1977:177). While this was defeated, members of the Congressional Indian Affairs committees succeeded in handicapping the IRA by drastically cutting funds for its implementation. As Kelly notes, these were dominated by Western congressmen who had been opposed to the IRA in the first place, and so had no interest in making it effective (Kelly 1975:306). For instance, the legislation authorized an appropriation of \$10 million for the revolving credit fund; just over half this amount was actually appropriated during Collier's tenure (which ended in 1945) (Deloria and Lytle 1984:186). Similarly, an appropriation of \$2 million per year was authorized for the purchase of new lands for reservations, but a total of just over \$5 million was actually appropriated by the time the U.S. entered the Second World War (Kelly 1975:306). There were similar shortfalls in the funds appropriated for expenses of organizing the councils themselves.

The War was, not surprisingly, a major obstacle to obtaining funds for IRA implementation, just as with many other New Deal spending programs. Then, too, the Bureau had many of its personnel leave to join the war effort, as well as around 20,000 Indians. A further blow came when the Indian service was moved, almost in its entirety, to the Merchandise Mart in Chicago in order to free up office space for war-related activities (Philp 1977:205). All of these obstacles, while in many cases not unique to the IRA or Indian Affairs, certainly limited the practical impacts of the legislation. Perhaps

most strikingly, the amount of land under BIA jurisdiction had increased only slightly by 1997, to 56 million acres, from its post-allotment low point (Rusco 2000:300). To the extent that maintaining a strong land base is necessary for Indian tribes to effectively engage in self-government, the IRA would seem to have done little more than stem the losses of the previous decades.¹⁰

Reconstructing Sovereignty

Beyond the practical limitations on its effects described in the previous section, the sense in which the IRA was ever *intended* to restore or produce anything like self-government for Native Americans was also circumscribed by the cultural and political assumptions of the time, as well as by Collier's own ideas. "Self-government" is an ambiguous term with a wide range of possible institutional expressions, from total independence to federalism to limited authority in specific areas of policy. It is worth asking, then, what exactly the Collier administration meant when they defined this as a goal of Indian policy, as well as what exactly the Reorganization Act actually provided for. I argue that the specific legal mechanisms in the IRA functioned as ways of making Indians as *groups* into governable subjects, susceptible to the interventions of a modern, governmental state. This suggests that the Act does not represent as dramatic a break with the established trajectory of Indian policy as it might seem at first glance.

Collier's approach to the idea of Native self-government has to be understood in its broader historical context. While in the early republic Indian tribes had been treated as sovereign powers, by the early part of the nineteenth century this view—and the treaties that resulted from it— was already being called into question. Andrew Jackson, who would oversee the passage of the Indian Removal Act in 1830, interpreted Indian sovereignty as a kind of legal fiction, employed only because of the United States' military weakness in the years following the end of the Revolutionary War. "Despite treaties signed and assurances given, [Jackson] did not believe the Indians had title to the land, and he would not tolerate competing sovereignties within the nation" (Meacham 2008:91; also Prucha 1969:532). Indeed, the Indians, in Jackson's view, did not constitute sovereign entities with which treaties could meaningfully be made.¹¹

Indian policy through the nineteenth century increasingly reflected the view that the idea of tribes as *sovereign* entities, existing within the boundaries of the United States but not subject to its laws, was intolerable, and progressively undermined Indian sovereignty in practice (see section III, above). The only alternative to tribal sovereignty that seemed available was to eliminate tribal organizations and identities altogether, making Indians into individual citizens, without any special rights or status; this therefore became the goal of Indian policy. By the early twentieth century the destructive social, cultural, and economic effects of this approach were becoming clear, but the debate still generally centered on finding the "best" method of assimilating the

¹⁰ Though this might be seen as no small accomplishment in itself.

¹¹ It may also be worth noting that Francis Paul Prucha, one of the preeminent historians of Indian policy, gave his book on Indian treaties the subtitle "History of a Political Anomaly" (Prucha 1994).

Indians. Collier's innovation in the Indian Reorganization Act was, in essence, that Indians could in fact be assimilated as *groups*, if those groups were to take forms that the American legal system could recognize and accommodate. The IRA defined two such forms, using the mechanisms of the constitution and the corporate charter. The notion of genuine *sovereignty*, however, was simply not on the table, either politically or ideologically, in the first quarter of the twentieth century. Instead, Collier conceived of administrative reforms that would accommodate distinct Native American groups, as groups, within the larger legal and political framework of the United States at the time.

In order to see this, it is first worth revisiting the point that the *forms* that Indian organization could take were necessarily limited to precisely those that could be recognized and accommodated by the American legal and political system, and that the disparity of information and experience between Indian tribes and BIA lawyers also meant that, in practice, constitutional details were effectively determined by white officials rather than Native Americans themselves. As Philp puts it,

Although Indian constitutions varied, they were patterned after the United States Constitution rather than tribal custom...Corporate charters, with their legal jargon, proved confusing. Most Indians lacked a high school education or sophisticated legal background (Philp 1977:164).

Deloria and Lytle, likewise, note that "too often the lack of expertise and experience meant that local Indian communities relied heavily on the legal experts from Interior" (Deloria and Lytle 1984:173). Bilosi interprets this dependence less charitably, noting that people in Indian communities "often had insufficient information to realistically challenge BIA spokespersons or to offer defensible alternatives to BIA suggestions even if they were inclined to protest BIA plans" (Bilosi 1991:24).

Beyond these practical and institutional limitations, however, Collier's idea of the basic purposes of tribal organization also entailed a very specific and restricted notion of what "self-government" could mean. In a letter to the New York Times, written before he became Commissioner, in which he sought to defend Indian dances and religious freedom, Collier "proposed that the government study the French and British colonial experience, which attempted to blend native culture with modern civilization" (Philp 1977:59). His interest in the idea of "indirect rule" persisted through much of his life, and he saw it as a way of balancing the need to keep services available to tribes and maintain the guardian/ward relationship, while still allowing them a greater degree of self-government (Philp 1977:118).

Few today would characterize "indirect rule" as practiced in British and French colonial administration as meaningful "self-government"; it was, rather, a means of achieving effective and efficient administration. Bilosi makes this point most directly, arguing that in the case of the IRA,

the idea of Indian self-government was less a matter of the recognition of native *rights*, and more a matter of a tactic of native administration— indirect rule, as Collier willingly, even proudly acknowledged. Indirect rule and the Indian New Deal for Collier meant the BIA showing the Indians the light and eventually, theoretically, at some unspecified and

mysteriously-receding point in the future, turning administration over to Indians. In the meantime, professionals knew what was best (Bilosi 1991:24).

For Bilosi, the IRA is an example of the *cooptation* of Indian tribes, a way for government officials to reduce “the political costs of dominating Indians...through a type of indirect rule” (Bilosi 1991:26).

While he does give some credit to Collier for “construct[ing] a very different image of Indian people than did his ‘assimilationist’ predecessors” (Bilosi 1991:26), Bilosi here probably both overestimates the “political costs of dominating Indians” and underestimates the extent to which Collier’s approach to Indian affairs was in conflict with that of virtually everyone else involved in this area at the time— inside government or out of it. Nonetheless, Collier’s repeated references to the notion of “indirect rule” as practiced by British colonial administrators do throw a different light on his idea of “self-government” for Native Americans. In one of the congresses organized by the BIA to inform tribes about the provisions of the IRA, Collier described his ultimate vision for tribal organizations as “Agencies of the Federal Government, instrumentalities, or, if you like, branches of the Federal Government” (Collier, quoted in Washburn 1984:286). Authority—perhaps even a great deal of authority— to make certain administrative decisions could be devolved onto these “agencies,” but the real power would ultimately remain with the federal government.

Later in life, in his autobiography, Collier described his vision of good government, in which

the sovereign aims toward a mutual, an organic relationship with the people being governed. This means knowing the social complexities of the governed people. It means striving toward a genuine partnership with the governed people. It means confronting the problems of the governed people shoulder to shoulder with that people. It means evocation, the opposite of imposition. (in Deloria and Lytle 1984:188).

As Deloria and Lytle point out, this “description of a partnership is hardly equivalent to self-government” in any strong sense. It is, however, thoroughly compatible with the idea of government as the “arrangement” of “men and things” that will “improve the condition of the population, to increase its wealth, its longevity, and its health” (Foucault 2007:105). It describes a power working within, for, and *through* communities whose unity as such is taken for granted.

Then too, we must keep in mind Collier’s ideas about the contributions that Native American societies could make to reviving a Western civilization that he saw as enervated by industrialization and the social breakdown that accompanied it. In order to fulfill this role, Indian groups needed to be *part* of the larger American society, but they also needed to remain socially and culturally distinct. They also needed to live in ways that emphasized the balance between communal life and individual development that Collier saw as so salutary. Thus it was not cultural segregation that he pursued, nor did he see the largely assimilated and allotted Eastern and Oklahoma tribes as the same kind of model for white society. As a result, Taylor explains, although the

...Indian New Deal marked the first time in the history of the Indians' relations with the government that a conscious attempt was made to take the Indian point of view into account and to shape the program to meet Indian needs rather than reshape the Indians...it was also an experiment in social engineering, a 'laboratory in ethnic affairs,' to use Collier's words. To this extent it resembled earlier Indian policies in that it proposed to manipulate Indian behavior in ways which their white 'guardians' thought best for them (Taylor 1980:32).

So, Collier advocated for increased powers of self-government for Native groups, but these groups needed to be organized along lines that both could be accommodated by the American system, and which emphasized those characteristics that made Indian cultures a positive example for white society. From this perspective, there is no real contradiction between the pursuit of powers of self-determination for Native peoples and the conscious manipulation of the forms those powers took or the ways in which they were exercised. Indian self-determination, as envisioned in the Indian New Deal, was an example of the deliberate "arrangement" of "men and things" by expert administrators, acting according to knowledge of larger patterns and processes characterizing the population as a whole.

V. Conclusion

Critics of the Indian Reorganization Act and the Collier administration generally focus on the practical shortcomings of the legislation, both in conception and implementation. Such critics perhaps sometimes understate how much of a change the IRA really represented. Whatever his limitations, "The fact remains that [Collier] engineered a complete revolution in Indian affairs" (Deloria and Lytle 1984:188). This revolution may, in fact, have been much greater than Collier actually intended; the framework of self-government that the IRA created, limited as it was, provided a base from which Indian groups have continued to assert, with increasing effectiveness, demands for Indian sovereignty. As Taylor notes,

the Indian New Deal in peculiar and unexpected ways did help produce among Indians, if not a 'spiritual reawakening,' at least a reinvigorated sense of pride in their cultural heritage. Washington policy makers could revert to assimilation, but few Indian leaders could openly urge fellow Indians to accept it again (Taylor 1980:150).

And, indeed, when the trend in Washington did turn back toward assimilation, as it did in the "termination" era of the 1950s, Indian groups organized to lobby and protest this shift in a much more effective and organized way than they had in the past.

Further, while the "tribal" lines recognized by the IRA were not always reflective of historical cultural realities, the ability to organize did perhaps provide some leverage for pushing back against the assimilating forces of American society. "Who would not assert," Washburn asks, "that the tribal political structures painfully created by Collier and his predecessors have not save Indian tribes from total dissolution and Indian individuals from loss of their lands and the security that the reservation— however impoverished it may be— provides?" (Washburn 1984:282).

At the same time, however, the Indian Reorganization act was not developed in a vacuum, and John Collier was not isolated from the cultural and political assumptions of his time. While he genuinely and honestly pursued greater powers of self-determination for Native Americans, Collier did so in a context in which genuine sovereignty, in the sense of political independence for Native Americans, was almost literally inconceivable. While Collier was in many ways a radical thinker, he nonetheless pursued this goal with the intellectual and ideological tools available to him—specifically, the perspectives and the techniques of the governmental state. The Indian New Deal, I suggest, should be seen less as a radical change of direction than as a creative way to accommodate group identity and (limited) autonomy within the framework of such a state. Viewing the IRA through this lens helps to make visible a continuity in Indian policy through the nineteenth and twentieth centuries that might otherwise be obscured.