

*The Past
and
Future
of American
Indian
Sovereignty*

THE NATIONS WITHIN

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Indians will see new ways to reconcile the old traditions with the IRA governments.

Gaming has become a major industry for many tribes since the first edition of this book, and although we have added a sketch of the nature of this change, developments are proceeding at such a rapid pace that it is difficult to evaluate just how gaming income will affect tribal perceptions of Indians. Some tribes have become enormously wealthy, while the majority, because they are located far from population centers, have virtually no resources to speak of. At some point the wealthier tribes should begin investing in the fortunes of those without gaming resources. A sudden shift in the federal policy defining the status of Indians may well return the pendulum of survival back toward those tribes who own significant land areas.

Tribal governments, like cities and counties, are facing a time when radical changes in the structure of government must take place. The town square, main street, and agency headquarters have all become vestiges of the past. New ways of providing services, and indeed new services, are required. Citizens and tribal members often chafe at regulations and restrictions, not realizing that the burgeoning population has created a need for government to service large numbers of people in a rather impersonal way. Some means must be found to humanize social and political institutions once again. Here traditional Indian customs, if properly incorporated into the functions and mission of government, can prove effective and important. While tribes have continuing problems, the future looks brighter than it has in decades.

A Status Higher Than States

It must be a bit disconcerting when the average American on vacation out west suddenly encounters a sign that boldly proclaims that the highway is entering an Indian "nation." We like to think of nations on a much larger scale—preferably an ocean away, with all the hustle and bustle of modern, industrial, institutional life. Nations have different languages, religions, customs, and holidays from our own; they represent a mass of people who have struggled for centuries to create institutions that presently serve them. Indian tribes have some of the attributes we find familiar in other nations; language, religion, and social customs certainly set them apart from other Americans. But we miss the massive crowd of people, the well-developed lands, the military and economic power that we see in larger nations. And so, when the idea of Indian tribes as nations is voiced, many Americans laugh at the pretension, convinced that Indians have some primitive delusion of grandeur that has certainly been erased by history.

Indian affairs constitute but a minute part of the domestic American scene—so small a share, in fact, that federal Indian legislation no longer even rates a permanent subcommittee in either house of Congress. It is not difficult to see that although Indians are poor and generally live in isolated places in rural America, they are not in most respects

radically different from other Americans living in the same circumstances. In fact, one might observe, most Indians are not distinguishable from other Americans except on those occasions when they shed working clothes and perform dances in fancy costumes for tourists—for a small entrance fee, of course. If this occasional ceremonial, the meaning of which has been lost in the past century and replaced by the commercial powwow, is all that distinguishes Indians from other Americans, why do Indians believe they are different? And why does the United States government treat them differently?

Modern social reality and historical political reality are rarely consonant with each other. Contemporary Indian communities, both reservation and urban, represent the continuing existence of a particular group of people who have traditionally had a moral and legal claim against the United States. The fact that many Indian tribes continue to exist unassimilated is not due to the practice of traditional ceremonies as much as it testifies to the complex of legal and political ideas that have surrounded Indians for two centuries and made them understand the world in much different terms from any other group of American citizens.

American Indians are unique in the world in that they represent the only aboriginal peoples still practicing a form of self-government in the midst of a wholly new and modern civilization that has been transported to their lands. Early in the period of discovery of the New World, the papacy articulated the Doctrine of Discovery, which announced that Christian princes discovering new lands had a recognized title to them, subject only to the willingness of the original inhabitants to sell their lands to the discoverer. Because of such principles—and in spite of the history of exploitation and conquest represented by American settlement of North America—American Indians have actually been treated considerably better than any other aboriginal group on any other continent.

The United States, after successfully revolting against the king of England, claimed to inherit Great Britain's right to buy the lands of the Indians, and this doctrine, modified to fit the internal, domestic law of the United States, has been the primary conceptual focus for all subsequent federal Indian law. Every legal doctrine that today separates and distinguishes American Indians from other Americans traces its conceptual roots back to the Doctrine of Discovery and the subsequent moral and legal rights and responsibilities of the United States with respect to Indians.

Under the Constitution, Congress is given exclusive power to regulate commerce with foreign nations, among the several states, and

with the Indian tribes.¹ Among other powers and privileges ceded to the national government with the adoption of the Constitution was the surrender by the states of the subject of Indians. New York State and several other former colonies—specifically, Virginia and Massachusetts—preserved the right to continue to deal with Indian tribes for whom they had already assumed some responsibility. But these relationships were themselves based upon the old Doctrine of Discovery and represented a long series of treaty agreements in which the colonies—now states, with the adoption of the Constitution—agreed to protect the tribes from the depredations of their own citizens. There is no inherent power in any of the fifty states to deal with Indians at all.

One good way to view the subsequent history of the United States is through the eyes of the federal government in dealing with Indians and Indian rights. Much of the federal-state conflict has revolved around the role of the federal government in protecting its primacy with respect to Indian affairs. Pressures on the frontier for free lands, the extension of slavery into land unsuitable for cotton production, the aggressive gold rushes, the need for a suitable water law on western lands, and the authorization and construction of railroads—all these activities were hampered by and influenced by the role of the federal government toward Indians. Settlement was chaotic, but in a sense systematically so, in that many activities were delayed while the government dealt with the tribes who occupied and defended various parts of the continent.

The Constitution mentions Indians as an identifiable group twice: once in the provision for determining representation in the Congress and the second time when this phrase is repeated in the Fourteenth Amendment. Indians in these instances are viewed as individuals: "Indians not taxed," a phrase that testifies to the idea that Indians, as individuals, could be assimilated into the body politic, providing they assumed the ordinary citizenship responsibilities. In the world of Anglo-Saxon property owners this meant paying taxes. Indians not paying taxes are not to be enumerated when determining the population of each state, and the presumption is that those Indians immune from state and federal taxes are in some kind of political allegiance to their own tribes, submitting to whatever strictures that tribe or society is able to impose on its members. Therefore these Indians are outside the reach of American sovereignty and its taxing power.

This interpretation is further supported by the language of the Indian Citizenship Act of 1924,² which gives all Indians born within the territorial limits of the United States full citizenship but adds that such status does not infringe upon the rights to tribal and other property that Indians enjoy as members of their tribes. A dual citizenship exists here.

which is not to be hindered in either respect: Indians are not to lose civil rights because of their status as members of a tribe, and members of a tribe are not to be denied their tribal rights because of their American citizenship. Unfortunately, this distinction has not often been preserved, and in the 1920s, and again in the 1950s, Congress attempted to sever unilaterally the political relationship between Indian tribes and the United States, using the citizenship of individual Indians as its excuse.

For a long time after the United States assumed primary control over its portion of North America, Indian tribes maintained their own civil and criminal jurisdiction. Tribal traditions and customs prevailed in instances of civil and social disorder. Some treaties—most notably those signed in 1867 and 1868 with the large tribes of the West (the Sioux, Cheyenne, Navajo, Ute, Crow, and Arapaho)—made provision for the Indians to continue to govern themselves according to ancient ways. The first article of these treaties generally recites a formula to the effect that the tribes can punish their own wrongdoers and they can pay indemnities to the United States instead of surrendering tribal members who have performed bad or injurious acts against citizens of the United States or members of other tribes.

In 1882 the Brule Sioux medicine man Crow Dog killed Spotted Tail, leader of the band and a chief who had counseled accommodation with the United States. Under traditional Sioux customs the relatives of the two men arranged for compensation for the death of Spotted Tail. Presents were exchanged, and the families believed they had solved the problems created by the killing. The federal attorney for Dakota Territory was aghast at the seemingly casual manner in which the Sioux dealt with this killing, and he soon charged Crow Dog with murder. The case reached the Supreme Court in 1883, and the conviction of Crow Dog by the territorial court was reversed on the grounds that the 1868 treaty had preserved for the Sioux the right to punish tribal members who had committed serious crimes. A great public outcry followed the decision, and in 1885 Congress passed the Seven Major Crimes Act,³ which took away major criminal jurisdiction from Indian tribes.

Although the Seven Major Crimes Act was phrased to apply to all Indian tribes in their capacity as governments, it was not so applied. The Five Civilized Tribes—the Cherokee, Choctaw, Creek, Chickasaw, and Seminole—did not legally come under its provisions because of special laws which applied only to them. Neither, as a matter of practical fact, was it applied to the small groups of Indians in the Great Basin who had not yet moved to a reservation. Nevertheless, for the majority of Indians living on the reservations, the passage of this act, coupled with a new aggressive attitude on the part of Indian agents assigned to

them, quickly eroded the social cement that tribal custom had provided to tribal societies. Some tribes were able to maintain a form of religious continuity in ceremonies, but the major strength of tribal political unity was broken by the assumption of jurisdiction by federal and territorial courts over offenses committed by one Indian against another on the reservation.

In 1887 the General Allotment Act was passed, and shortly thereafter most of the reservations were subdivided into 160-acre tracts, which were distributed to tribal members. The remaining tribal lands were purchased by the United States at a minimum price and opened to settlement by whites, the purchase price sometimes deposited in the United States Treasury but more often distributed on a per-capita basis among tribal members. Allotment redirected the thrust of the federal-Indian relationship to that of property management, and with the need for supervision over the use of property came the expansion of the administrative structure of the Bureau of Indian Affairs. Tribal status became less important, and natural resources became the major concern of both Indians and federal bureaucrats.

In 1934, as a part of the New Deal efforts to grapple with the economic depression that had brought the country to a standstill, John Collier, commissioner of Indian Affairs, presented to Congress a major piece of reform legislation popularly called the Indian Reorganization Act (IRA). Under the provisions of this act any tribe or the people of any reservation could organize themselves as a business corporation, adopt a constitution and bylaws, and exercise certain forms of self-government. Although the IRA was designed to permit tribal governments to engage in some kinds of economic development and business enterprise, the failure of Congress to appropriate sufficient funds made the economic recovery of the tribes difficult and blunted their progress.

The postwar retrenchment of domestic social programs made it exceedingly difficult for tribes to continue the progress they had made under the IRA before the Second World War. In 1954, under the urging of Senator Arthur Watkins, Congress adopted a program of termination of federal supervision of Indians. In reality this policy meant termination of federal services to Indians; most of the tribes who lost their federal status did not escape from the burdens of wardship. They were usually placed under the supervision of one of the larger banks in the state in which they were located, and their property was managed for them by it.

With the advent of the New Frontier and Great Society programs, Indian tribes were declared eligible as local sponsoring agencies for the multitude of social welfare programs authorized by Congress. The six-

ties' War on Poverty required that the poor be organized into Community Action Program (CAP) areas and that a CAP agency administer programs designed to eliminate poverty. The poverty programs were a welcome respite from decades of neglect. Educational services were expanded, some modern forms of economic development were made available to the reservations, and housing was built for the first time since the Great Depression. By the early 1970s, tribes felt so confident in their own talents in management and political organization that they began to pressure the federal government to give them more flexibility in controlling the activities on their reservations. The 1972 Indian Education Act⁴ and the Indian Self-determination and Education Act of 1975⁵ were legislative expressions of the Indian desire for more freedom in the activities of government.

The major thrust of recent contemporary reform in Indian affairs was represented by the American Policy Review Commission resolution,⁶ which established the American Indian Policy Review Commission (AIPRC), charged with surveying the conditions of Indians in the United States and making recommendations on how to improve federal Indian policy. The commission, popularly nicknamed the Abourezk Commission after the senator from South Dakota who had sponsored the measure in the Senate and had become co-chairman of the body, was subdivided into eleven task forces that investigated various topical subjects of importance to Indians—treaties, tribal government, economic development, education, and so forth.

The AIPRC devoted two years to this study and produced a massive report, running close to two thousand pages. The final report contained over two-hundred separate recommendations, the majority of which were simple housekeeping corrections that reflected the orientation of Bureau of Indian Affairs employees who had been borrowed to write the final draft of the commission's findings. The tone of the Abourezk Commission was very aggressive, and consequently the final report was divided into a majority and minority opinion, the conflict revolving around the degree to which the commission should endorse the idea of tribal sovereignty. Many of the Indians who had worked for the commission wanted a strong posture that conceived of tribes as dependent domestic nations. The minority, led by Congressman Lloyd Meeds of Washington, recognizing that the political climate was shifting away from militancy, sought to blunt the impact of the report. Shortly after the Abourezk Commission report was issued, the Indian subcommittees in the Senate and House Interior committees were abolished, making it difficult, if not impossible, to carry out the recommendations of the commission.

With the advent of the Carter, Reagan, Bush, and Clinton administrations, Indian tribes shifted their attention to more practical programmatic considerations. Declining federal budgets for domestic social programs meant a drastic cutback in funds available to operate reservation programs, and unemployment rose swiftly on most reservations, which had depended on an expanding number of federal programs for meeting the employment needs of the tribe. Neither Carter nor Reagan disturbed the status of tribal governments with new policy considerations. They were content to admonish the tribes to enter the world of private enterprise and reduce their dependence on federal largess.

Recent federal policy has featured the slogan of a "government-to-government relationship," which is intended to represent the older idea that tribes have a special political status with respect to the United States. Few Indians or bureaucrats know exactly what this recent phrase is supposed to represent. Since tribes are very much dependent upon the federal government for their operating funds and for permission to exploit the natural resources present on their reservations, the idea of two governments meeting in some kind of contemporary contractual arrangement on anything approaching an equal bargaining position itself seems ludicrous. Nevertheless, the Indian leadership has insisted that this description of the federal-tribal relationship is accurate and describes precisely the framework they believe exists. It is no mistake, in view of the accommodations the tribes and the United States have worked out, that many tribes have erected signs proclaiming their nationhood, that traditional Indians believe themselves to be sovereign entities endowed with almost mystical political powers, and that groups of Indians have recently appeared on the world scene demanding some form of representation in the United Nations.

When we look back at the treaty negotiations between the United States and the respective Indian tribes, there is little mention of the complex of ideas that constitutes nationhood. Indeed, we find very little awareness in either the Indians or the American treaty commissioners that an important status was being changed by the agreement that people were then making. During the 1868 treaty negotiations with the Sioux and Arapaho, at times the American commissioners speak of the Sioux as a small nation that can be totally destroyed by the kind of warfare the United States was willing to wage were peace not forthcoming from the talks. Strangely, the Indians were not cowed by the threats of the treaty commissioners; they knew so little about the white man that they believed they could prevail if the whites wished to make

war on them. So finally the United States signed the treaty and agreed to one of the most humiliating provisions it ever accepted. The forts on the Bozeman Trail were abandoned at the demand of Red Cloud that the Sioux hunting lands be kept inviolate, and as the soldiers departed, the Indians rushed into the stockades and burned them to the ground.

In almost every treaty, however, the concern of the Indians was the preservation of the people, and it is in this concept of the people that we find both the psychological and the political keys that unlock the puzzling dilemma of the present and enable us to understand why American Indians view the world as they do today. When we understand the idea of the people, we can also learn how the idea of the treaty became so sacred to Indians that even today, more than a century after most of the treaties were made, Indians still refer to the provisions as if the agreement were made last week. The treaty, for most tribes, was a sacred pledge made by one people to another and required no more than the integrity of each party for enforcement. That the United States quickly insisted that the treaties should be interpreted rigidly as strictly legal documents has galloped succeeding generations of Indians and made permanent peace between Indians and the federal government impossible.

The idea of the people is primarily a religious conception, and with most American Indian tribes it begins somewhere in the primordial mists. In that time the people were gathered together but did not yet see themselves as a distinct people. A holy man had a dream or a vision; quasi-mythological figures of cosmic importance revealed themselves, or in some other manner the people were instructed. They were given ceremonies and rituals that enabled them to find their place on the continent. Quite often they were given prophecies that informed them of the historical journey ahead. In some instances the people were told to migrate until a special place was revealed; in the interim, as with the Hebrews wandering in the deserts of Sinai, the older generation, which had lost faith, and the cynics and skeptics in the group would be eliminated until the people were strong enough to receive the message.

Tribal names generally reflect the basic idea that these particular people have been chosen from among the various peoples of the universe—including mammals, birds, and reptiles, as well as other humans,—to hold a special relationship with the higher powers. Thus, most tribal names can be interpreted simply to mean "the people." There are, of course, some variations that have arisen in the course of the Indian historical journey. The people who pierced their noses have now become the Nez Percé; the prosperous people have become the Gros Ventres; the allies, or friends, have become the Sioux; and some

tribes have called themselves after the holy location where they finally came to rest—they are now the people who live at the lake, on the river, and so forth.

Because the tribes understood their place in the universe as one given specifically to them, they had no need to evolve special political institutions to shape and order their society. A council at which everyone could speak, a council to remind the people of their sacred obligations to the cosmos and to themselves, was sufficient for most purposes. The tribes needed no other form of government except the gentle reminder by elders of the tribe when the people were assembled to maintain their institutions. Indians had a good idea of nationhood, but they had no knowledge of the other attributes of political existence that other people saw as important. Most of all, Indians had no awareness of the complexity that plagued the lives of other peoples, in particular the Europeans.

First contact with Europeans shocked both the Indians and the explorers. The Indians watched without understanding as the residents in the European settlements bowed before arbitrary authority with a meekness that the Indians loathed. They believed that the whites had surrendered all moral substance in exchange for security in the anonymity of institutional life. Many Indian nicknames spoke derisively of the whites as "people who take orders," or "people who march in a straight line." And most Indians had little respect for white military leaders who commanded their soldiers to go to war while remaining safely in the rear. They might fear a white general, but they respected very few of them.

To the Europeans, Indians appeared as the lowest form of man. No formal institutions were apparent. Leaders seemed to come and go almost whimsically. One might be negotiating with one chief on one occasion and be faced with a different person for no apparent reason except that the Indian council had designated the new man to speak for them. In tracing the source of political authority, whites were really baffled. No one seemed to be in charge of anything. A promise need not even be written down, and there seemed to be no appeal to any formal authority when things went wrong. In frustration, an early painter designated the Iroquois chiefs "kings," because there seemed no way to describe their status within the tribe except through the medium of familiar English feudal terminology.

It was difficult for whites not to conclude that chiefs had some mystical but absolute power over other members of the tribe. Most important social/political positions of leadership in tribes depended upon the personal prestige and charisma of the individual. Even where a

position as chief was a lifetime office, qualifications for filling the post were primarily those of personal integrity and honesty, so that respect rather than popularity was the criterion by which Indians selected who would lead them. When whites faced an Indian war party, they would note that the Indians fought with great vigor until their leader was killed. More often than not, the Indian spirit for the fight declined swiftly upon the death of the war chief, and the whites would win the day. This kind of behavior suggested an influence far beyond that of the hereditary European monarchs over their subjects.

The truth, not surprisingly, was somewhat less mysterious. Indian war parties most often were composed of individuals who had volunteered upon hearing the announcement, made by the village crier, that a certain warrior was thinking about leading a war party. No one had to go; there was never a draft in Indian society. But if the warrior had a good reputation and the adventure promised others a chance to distinguish themselves, and if they had confidence in the warrior, then a lot of men, particularly younger warriors, would clamor to be a part of the expedition. It is not difficult to imagine the trauma of seeing the leader of the war party, a man in whom the rest of the party had placed implicit trust, killed in a skirmish. Having lost their leader, the chances were that the Indians would quickly leave the field of combat, disheartened at the turn of events. Whites interpreted this kind of Indian behavior as a political/military defeat rather than the personal loss to the members of the war party that it really represented.

This kind of leadership and these kinds of informal governing institutions existed long ago, when Indian tribes were free to live as they wished. The substance of those days remained in Indian memories, but the political institutions and social customs changed quite rapidly as more contact with whites occurred, so that we can speak of these things now as the spiritual but not the practical heritage of Indians. The important thing is that there was no doubt in the minds of most Indians that, whatever the Europeans might say or do, they were still a free people, that they controlled certain lands and territories, and that they had the capability of punishing their enemies for any transgressions they might suffer. With respect to the lands they lived on, many Indians felt a strong religious duty to protect their territory. Future generations would need the lands to live on, many previous generations had migrated long distances to arrive finally at the place where the people were intended to live. One could sell neither the future nor the past, and land cessions represented the loss of both future and past to most Indians.

The expanding white population did not see it the same way, however, and when faced with the unpleasant choice of ceding their

lands or drowning in the tidal wave of settlers who stood poised on their borders, the Indians wisely surrendered their lands and reluctantly moved west, hoping to escape white civilization by staying away from it. The course of American history demonstrated that even this faint hope was illusory, and the result of constant moves and land cessions is our scattered bits and pieces of reservation land that dot the maps of western states today.

Although Indians surrendered the physical occupation and ownership of their ancestral lands, they did not abandon the spiritual possession that had been a part of them. Even today most Indians regard their homeland as the area where their tribe originally lived. The Cherokees recently filed suit to prevent the flooding of a part of the Little Tennessee River where the old Cherokee town of Tellico once stood. To most Americans, and certainly to the federal courts who heard the case, the claim of the Indians was remote, if it existed at all, geographical proximity being more tangible and comprehensible than spiritual beliefs. To the Cherokees who opposed the flooding of the area, however, there was no responsible course except to fight as best they were able to prevent the destruction of their town site.

Today a terrible divisiveness exists in many Indian tribes. After almost a century of regarding their reservations as a place to live, Indians are discovering that they are being prodded into leasing large portions of their lands so that others can exploit the mineral wealth that lies underneath the ground. Sometimes it is coal deposits, often oil or natural gas, and occasionally uranium and molybdenum. All of these resources bring immense wealth, and their removal always leaves some desolation that cannot easily be corrected. Sacredness and utility confront each other within the tribal psyche, and it is not at all certain how Indians will decide the issue. Most Indians are so desperately poor that any kind of income seems a godsend. On the other hand, ancient teachings inform Indians that the true mark of a civilization is its ability to live in a location with a minimum disruption of its features.

Strangely, in the old prophecies in many tribes the conditions of today are accurately forecast. "A time will come," these prophecies begin, and they speak of the total desolation of the land and the abandonment of ceremonials and rituals. Religious gifts of power seem not to be eternal but only to be used within this particular segment of cosmic time. As this cycle of planetary history ends, the culture and traditions that enabled the people to live are changed, distorted, and worn out. When all resources are exhausted, there will be tremendous cosmic upheaval and a new heaven and earth will be created. The survivors of the catastrophe will then receive new prophecies and ceremo-

ities that will enable the people to prosper in the radically changed world that has come to pass. While traditional Indians mourn each step of dissolution, they are also comforted with the thought that a completely new world is in the process of being created. The fact remains, however, that the experience of this generation is one of transformation, heart-break, and confusion.

The idea of peoplehood, of nationality, has gradually been transformed over the past two centuries into a new idea, one derived primarily from the European heritage, and with a singular focus distinct from the old Indian culture and traditions. It is also important to understand the primacy of land in the Indian psychological makeup, because, as land is alienated, all other forms of social cohesion also begin to erode, land having been the context in which the other forms have been created. In such ideas lie the conceptual keys to understanding how the Indian experiences the world today.

With such understanding, we can see that the occupation of Wounded Knee in 1873 was far more traumatic for Indians than it was for whites, who might have felt a little disturbed at the idea of Indian militants taking up arms against the United States. Wounded Knee is symbolic of the conflict that is raging in Indian hearts everywhere. It arose basically over the question of how the Sioux, and by extension other Indians, should deal with the untenable situation created by the federal government in their communities. The tribes faced seemingly insoluble problems involving the form of tribal government; the claims filed against the United States that were not moving toward resolution; the use of land, tribal and individual, on the reservation; and the nature of education that Indians were receiving. Above all was the perennial dilemma of how Indians could pursue their own religious traditions in a world that refused to recognize the essential spiritual nature of life.

Politically the Wounded Knee occupation pitted traditional Indians and militants against the established tribal government, which had adopted a constitution and bylaws during the New Deal under somewhat less than promising circumstances. The traditional Sioux had always been suspicious of the new tribal government and frequently voiced their opposition to it. But since the tribal government was the only form of political participation that the United States government would recognize and deal with, the traditionalists had little choice except to boycott the tribal government and then hope that some crumbs would fall from the table of government largess, which had become available because of

the existence of the tribal government—an uncomfortable dilemma, to be sure.

From the perspective of the protestors, the point at issue in Wounded Knee was the *form of government* that the Sioux would use to direct their own destiny. From the perspective of the established tribal government—and, by extension, the federal government—the point at issue was *the direction that the existing tribal government would take*. For the traditionalists the issue was philosophical and, by extension, theological and sociological; for the tribal government the issue was pragmatic, programmatic, and operational. They believed that the larger questions were considered settled by the passage of time and by the changes that had already been wrought in many of the tribal members.

Supporters of the tribal government argued that only through the Indian Reorganization Act did the Indians have self-government and that attacking the existing tribal government was in essence advocating anarchy, a condition that the United States could not allow under any circumstances. The response of those people who supported the traditionalists and militants was that self-government was a delusion, because the existing tribal government had been created by the United States simply to serve its own purposes, supplanting the traditional government and customs with an alien institution and its rules and regulations. Where, one Sunday during the seventy-one-day occupation, the Indian protestors announced that they constituted the “independent Oglala Nation” and declared that a state of war existed between that nation and the United States, few Americans realized that it represented deep and persistent conviction among the Oglalas.

Wounded Knee, in the end, represented the philosophical divisions within all Indian tribes, the collision between the political dilemma of nationhood and the adoption of self-government within the existing federal structure. The traditionalists certainly focused on the morality of the case, but the incumbent tribal government, for all its faults, spoke with a bitter contemporary pragmatism that could not be ignored. Wounded Knee could have happened on any Indian reservation, and while the occupation was dragging out to its final spasms, even many a conservative Indian suggested that maybe such activities were necessary to awaken the bureau and the president to their responsibilities.

When we distinguish between nationhood and self-government, we speak of two entirely different positions in the world. *Nationhood* implies a process of decision making that is free and uninhibited within

the community, a community in fact that is almost completely insulated from external factors as it considers its possible options. *Self-government*, on the other hand, implies a recognition by the superior political power that some measure of local decision making is necessary but that this process must be monitored very carefully so that its products are compatible with the goals and policies of the larger political power. *Self-government* implies that the people were previously incapable of making any decisions for themselves and are now ready to assume some, but not all, of the responsibilities of a municipality. Under self-government, however, the larger moral issues that affect a *people's* relationship with other people are presumed to be included within the responsibilities of the larger nation.

The postwar generation of Indians had been enthusiastic about self-government because it has represented a step forward from the absolute prostration the tribes suffered when the federal bureaucracy preempted all social and political functions on the reservations after the passage of the General Allotment Act. Thus, having a tribal government that did have minimum respect accorded it by the federal agencies that were charged with providing services to the tribe did help Indians regain a measure of self-respect that had been lacking for several generations.

It is a long step from a small group of people living in a rather primitive fashion on an undisturbed and undiscovered continent to the present immensely complicated network of reservations that constitutes the homelands of American Indians. Nevertheless, Indian tribal governments, as presently constituted, have many of the powers of nations and, more important, have the expectation that they will continue to enhance the political status they enjoy. With some exceptions, such as jurisdiction over major crimes, now fourteen in number, a standing army, coinage and postage, and other attributes of the truly independent nations, Indian tribes exercise in some respects more governing powers than local non-Indian municipalities and in other respects more important powers than the states themselves.

But such privileges do not assuage the needs of a spiritual tradition that remains very strong within most tribes and that needs to express itself in ways familiar to the people. Thus, Wounded Knee was the inevitable product of the experiment in self-government because it represented the first effort to establish the dignity of the tribe in a manner consonant with the people's memories of their older way of life.

To suggest now that the movement for self-government was wrong may shatter modern Indian beliefs and cause great consternation. Self-government was not wrong; it was simply inadequate. It was limited in a fundamental way because it circumscribed the area in which the peo-

ple's aspirations could express themselves. Hence we *do not* say that the movement for self-government was wrong or misguided; it certainly led to the present situation, which has both positive and negative dimensions. The task that Indians face today is tracing the roots of the idea of self-government to discover how and where it relates to the present aspirations of Indians and Indian tribes.

Self-government is not an Indian idea. It originates in the minds of non-Indians who have reduced the traditional ways to dust, or believe they have, and now wish to give, as a gift, a limited measure of local control and responsibility. Self-government is an exceedingly useful concept for Indians to use when dealing with the larger government because it provides a context within which negotiations can take place. Since it will never supplant the intangible, spiritual, and emotional aspirations of American Indians, it cannot be regarded as the final solution to Indian problems. Because self-government is such a complex idea, because it has been a product of the historical process, and because it has received much of its substance from Indians in the course of its development, it is important that we trace the genesis and development of this idea and discover how it manifests itself in our lives today.