

THE UNIVERSITY OF IOWA

SETTLEMENT SOVEREIGNTY:  
LAND AND MESKWAKI SELF-GOVERNANCE, 1856-1937

DEPARTMENT OF HISTORY

BY

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IOWA CITY, IOWA  
SEPTEMBER 2012

I want to know, Mr. President, why the [Indian Reorganization Act] is being forced on the [Meskwaki] Indian tribe of Tama, Iowa...This tract of land, upon which my tribe dwells, is communally owned by the [Meskwaki] Indians, purchased with their ancestors' own money. Therefore, we have the right to, through the right of ownership, decide how our affairs should be handled....Every member of my tribe has a right, a right of ownership of the land on which we live, to the disposal of our affairs as he sees fit. Therefore, every individual Indian should be in favor of the bill in question before it can be applied on the [Meskwaki] Indian land.

— John Tataposh (Meskwaki) to Franklin Delano Roosevelt, 1938<sup>1</sup>

This project historicizes Meskwaki tribal sovereignty and self-determination between 1856 and 1937. American Indian tribes have struggled to protect their sovereignty and survive the continual onslaught of American political, economic, and cultural dominance since at least the mid-nineteenth century. Accordingly, many scholars seek to understand the relationships, both historical and contemporary, between tribes and the state and federal entities that surround them. Scholars have recently woven the conceptual threads of tribal self-governance and sovereignty with tribal land, cash, and other material resources into a complex socio-political fabric.<sup>2</sup> A tribe's ability to leverage such resources against non-tribal influences closely relates to the effective exercise of their sovereignty in this multi-patterned web.<sup>3</sup> In 1856, the Meskwaki returned to the state of Iowa and later purchased eighty acres of land. In 1937, they ratified a

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<sup>1</sup> John Tataposh to United States President Franklin Delano Roosevelt, February 2, 1938, IRA Folder, Meskwaki Historic Preservation Department and Museum, Tama, Iowa (hereafter IRA-MHPDM).

<sup>2</sup> For several excellent examples of this expanding literature, see Kevin Bruyneel, *The Third Space of Sovereignty: The Post-Colonial Politics of U.S./Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007); David R.M. Beck, *Seeking Recognition: The Termination and Restoration of the Coos, Lower Umpqua, and Siuslaw Indians, 1855-1984* (Lincoln: University of Nebraska Press, 2009); Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham, NC: Duke University Press, 2008); and David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010).

<sup>3</sup> Cattelino, 1-28. On the concept of “effective sovereignty,” see Robert E. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967), 44.

tribal constitution under the auspices of the Indian Reorganization Act (IRA) of 1934.<sup>4</sup> This essay looks between those dates to explore the connections between Meskwaki sovereignty and their most valuable material resource: the land they call home. The tribe holds a unique place within the broad, tumultuous currents of national Indian policy, and though many parallels exist between theirs and other tribal histories, so do key differences. The Meskwaki John Tataposh explicates above how his tribe purchased their land and sees itself as unique among tribes in Native North America. At the time of his writing, as today, most Native groups live on federally-assigned reservations, but the Meskwaki live on a “settlement” which has grown from roughly three thousand acres in Tataposh’s time, to more than seven thousand today.

The story of the Meskwaki settlement breaks from conventional analytic frameworks that have structured standard narratives of Native history. To date, much scholarship has focused on what one might call a “reservation narrative,” which has shaped contemporary understandings of tribal political status. The reservation narrative is central to what Native scholar Craig Howe calls “Indian history.” Such histories “implicitly define *Indian* as a collective term for all indigenous peoples” and attempt to synthesize large swaths of Native experience.<sup>5</sup> Nineteenth-century Meskwaki efforts to establish a land base diverge from other reservation narratives, and

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<sup>4</sup> *Indian Reorganization Act of 1934* (June 18, 1934), 984-88. This essay uses only “Meskwaki” to describe the Native group formally recognized by the U.S. government as the “Sac and Fox of the Mississippi in Iowa.” Meskwaki roughly translates to “Red Earth People,” and represents the spelling the tribe currently prefers. They are one of three tribes bearing the name “Sac and Fox,” a title that derives from the close historical association between the Meskwaki and the Sauk. The two others are the “Sac and Fox Nation” in Oklahoma and the “Sac and Fox Nation of Missouri in Kansas and Nebraska.” For further reading on changes to the Meskwaki name, see L. Edward Purcell: “The Unknown Past: Sources for History Education and The Indians of Iowa” in *The Worlds Between Two Rivers: Perspectives on American Indians in Iowa* (Ames: Iowa State University Press, 1978), 27.

<sup>5</sup> Craig Howe, “Keep Your Thoughts Above the Trees: Ideas of Developing and Presenting Tribal Histories,” in *Clearing a Path: Theorizing the Past in Native American Studies*, ed. Nancy Shoemaker (New York: Routledge, 2002), 161.

reveal specific strategies the tribal council employed to exercise, strengthen, and preserve tribal sovereignty and self-governance in the late nineteenth and early twentieth centuries.<sup>6</sup>

Reservations are part of the general narrative of federal Indian policy. Since contact, European powers and settlers societies have expropriated Native lands and greatly reduced their territories. Treaties between Indian tribes and the British and United States that recognized tribal sovereignty were broken regularly. The U.S. government initiated a violent removal process in the 1820s that forced tribes from their homelands to other parts of the country, and removed some several more times. Though the formal removal officially ended in the 1840s, it effectively continued for some forty years as the federal government struggled to subdue Native resistance

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<sup>6</sup> There is already a small literature on Meskwaki politics, which frequently overlooks the transitional period between the late nineteenth and early twentieth centuries. Much scholarship, such as David R. Edmunds and Joseph Peyser, *The Fox Wars: The Mesquakie Challenge to New France* (Norman, OK: University of Oklahoma Press, 1993) or William T. Hagan, *The Sac and Fox Indians* (University of Oklahoma Press, 1958) examines Meskwaki history in relation to the tribe's role in early conflicts with the European and American colonizers, perhaps most notably in the Black Hawk War of 1832. Other works, such as Judith Daubenmier, *The Meskwaki and Anthropologists: Action Anthropology Reconsidered* (Lincoln: University of Nebraska Press, 2008); Douglas E. Foley, "The Fox Project: a Reappraisal," *Current Anthropology* 40:2 (April 1999); Foley, *The Heartland Chronicles* (Philadelphia: University of Pennsylvania Press, 1995); and Fred Gearing, Robert McC. Netting, and Lisa R. Peattie, eds., *Documentary History of the Fox Project, 1928-1959: A Program In Action Anthropology Directed by Sol Tax* (Chicago: University of Chicago Press, 1960) focus on the tribe's encounters with anthropologists from the so-called "Fox Project," in which graduate students under the direction of Professor Sol Tax, a non-Indian anthropologist at the University of Chicago, conducted an exercise in "action anthropology" in the 1940s and 1950s. As Regina Darnell and Stephen O. Murray note in the introduction to Daubenmier (xi), the Fox Project "attempt[ed] to combine the scientific aims of anthropology, the ethical aspirations of the anthropologist to be useful to the community studied, and the Native American impetus to utilize the results of such study for their own purposes," all as part of an overarching effort to improve social and economic conditions among Native communities. Though these and other scholars have discussed Meskwaki politics and the IRA, most usually only do so when providing background for their primary analyses of other topics and periods, and most do not deeply interrogate questions of land, self-governance, or the political discourses over culture and economics that shaped responses to issues like the IRA. For further reading on early-twentieth century Meskwaki history, see: Natalie F. Joffe, "The Fox of Iowa," in *Acculturation in Seven American Indian Tribes*, ed. Ralph Linton (London: D. Appleton-Century Company, 1940) 259-331; Nancy Bonvillain, *The Sac and Fox* (Chelsea House Publications, 1995), 13-17; Richard Frank Brown, "A Social History of the Mesquakie Indians, 1800-1963" (MA thesis, Iowa State University, 1964); and Gretchen M. Bataille, David M. Gradwohl, and Charles P. Silet, eds., *The Worlds Between Two Rivers: Perspectives on American Indians in Iowa* (Ames: Iowa State University Press, 1978). This essay draws on archival sources from the Meskwaki Historic Preservation Department and Museum, the State Historical Society of Iowa, and the National Archives and Records Center in Chicago, Illinois. The documents from these collections shed light on tribal political dynamics, from the perspectives of OIA officials and Meskwaki tribal members, and on the shifting social and economic circumstances that shaped Meskwaki negotiations for self-governance and tribal responses to changes in federal Indian policy throughout the period examined here. Fortunately, the Fox Project also produced a valuable collection of published reports that provide useful insight into the social and political conditions present at Tama, as well as Indian and non-Indian perspectives on Meskwaki life.

movements across the American West. Westward expansion, U.S. militarism, and assimilative policies assaulted tribal economies, cultures, and political systems. The 1887 General Allotment Act further reduced reservations, imposed individual allotments, and opened remaining “surplus” lands to homesteaders. John Collier, Franklin Delano Roosevelt’s Commissioner of Indian Affairs and a strong critic of U.S. Indian policy, launched the “Indian New Deal.” Collier’s most radical proposal to fully reverse allotment never came to fruition, but he successfully implemented the re-establishment of tribal governments. OIA interest in tribal self-governance waned in the 1940s, and the federal government terminated several tribes of their recognized status in a final, assimilatory sweep that lasted to the early 1970s. By the mid-1970s, federal policy shifted toward “self-determination,” which tribes embraced a solution to the problem of BIA management of tribal affairs.<sup>7</sup>

Historian Angela Keysor describes the important role land plays in Meskwaki identity, noting the palpable connection between “land ownership and autonomy” that permeates the tribal political culture.<sup>8</sup> But what real implications does this focus on landownership hold? The trust

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<sup>7</sup> Many excellent treatments of the history of federal Indian policy exist. For an excellent account of removal and the military campaigns against American Indians in the nineteenth century, see Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1987) and Jeffrey Ostler, *The Lakotas and the Black Hills: The Struggle for Sacred Ground* (New York: Viking, 2010). On the general history of assimilation in the U.S., see Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians* (Lincoln: University of Nebraska Press, 2001). On removal, reservations, and the allotment project, see Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Cambridge: Harvard University Press, 2005), 256-292. Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999) provides an excellent discussion on the termination era, while David E. Wilkins, *American Indian Politics and the American Political System* (Oxford: Rowman and Littlefield Publishers, Inc., 2011) provides an overview of Indian policy more generally, with particularly useful sections on self-determination.

<sup>8</sup> Angela Keysor, “Emergence of a Distinct Legal Identity From the Forces of Assimilation: The Meskwaki Indians and the Fight for Citizenship, 1842-1912,” 11; Folder 17, BL 391, Manuscripts Collection, State Historical Society of Iowa, Iowa City, Iowa (hereafter SHSI-IC). Curator of the Iowa State Historical Society Edgar R. Harlan to Mrs. G.A. Hobson, November 13, 1934; File 49D, Part 9, Group 4, Edgar R. Harlan Papers, H227 (hereafter ERH Papers), Special Collections, State Historical Society of Iowa, Des Moines, Iowa (hereafter SHSI-DM). In his response to Ms. Hobson’s inquiry about general Meskwaki history, Harlan passed along a message from Meskwaki tribal member George Youngbear, who informed Hobsen that “the word reservation is a misnomer, though in popular use. The Indians paid the white men for it, the same as white men paid one another for lands.” Keysor also

status of Meskwaki land is similar to the status of other tribal lands held in trust by the United States in that private sale by individual tribal members or others is prohibited in both cases. Beyond enforcing this aspect of the trust arrangement, the state of Iowa had little interest in tribal affairs or exerting control over the tribe's use of their lands. The terms of Meskwaki landholding in Iowa and non-interference by the state gave the tribe room to take control of their own affairs, for which they were prepared. The institution of the tribal council had remained intact and the people had continued to entrust their affairs to it. The state/tribal trust agreement provided a form of landownership which supplied the Meskwaki with a material tool that bolstered their sovereignty.<sup>9</sup>

Tribal sovereignty describes the authority held by Native groups, like the Meskwaki, that constitute “a distinct political entity which exercises a measure of jurisdictional power over a specific territory.”<sup>10</sup> This sovereignty existed before European contact, and each time colonizing nations like the U.S. entered into bilateral treaties and other agreements with Native peoples, they recognized and reaffirmed it. However, as Indian law scholar Frank Pommersheim argues, “tribal sovereignty was (partially) recognized within the [U.S.] Constitution, but without sufficient national commitment, understanding, or adequate safeguard to vouchsafe it against the

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notes that “[t]he [Meskwaki] sought to remedy this variant use of terms by protesting to the state government of Iowa. Various references occur in manuscripts and correspondence indicating that the [Meskwaki] personally visited state officials in Iowa City and drafted correspondence to the Governor and his representatives. Despite their protracted efforts, there is no indication that [Meskwaki] efforts to be recognized as full land owners were met with any type of official response. The refusal of the legal authorities to acknowledge the land rights of the [Meskwaki], not only resulted in lack of a legal identity for land ownership, but also contributed to a feeling of insecurity among the [tribe's] people...[and] [a]n unidentified [Meskwaki] sum[med] up this frustration by reportedly stating to an Iowa City legal official, ‘When a white man wants to buy land, you don’t ask him why, you just take his money. We have money.’”

<sup>9</sup> For further information on *fee simple* land and the trust relationship between Native tribes and the federal government, see The Harvard Project on American Indian Economic Development, *The State of the Native Nations* (New York: Oxford University Press, 2008), 98-101.

<sup>10</sup> Wilkins, 51.

tides of national expansion and exploitation."<sup>11</sup> The federal government tried hard to extinguish it numerous times -- a process that diminished Native self-governance and was "rooted...[in] a colonialism in which a 'conquered people' [like Native Americans] only has authority at the 'sufferance' of the 'conqueror.'"<sup>12</sup> These efforts spanned over two centuries and, though never fully successful, severely damaged many Native communities.<sup>13</sup> Felix S. Cohen, an architect of the Indian New Deal, reflected on the shift toward self-governance encased in the new policies and described it simply as "that form of government in which decisions are made...by the people who are most directly affected by" them.<sup>14</sup>

Initially, the state's disinterest in controlling Meskwaki internal affairs and the contiguous land base gave the tribe political and physical space to segregate themselves. Such separation has been explored in the context of reservation boundaries, and historian Jacki Thompson Rand notes that for some tribal groups, "the significance of the boundary is not whether it kept people in or out but how daily life required them to transcend it." For others, boundaries "imposed a segregation from mainstream American society that reinforced tribal cultures and identities."<sup>15</sup> Such segregation, by implication, protected forms of tribal

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<sup>11</sup> Frank Pommersheim, *Broken Landscape: Indians, Indian Tribes, and the Constitution* (New York: Oxford University Press, 2009), 46.

<sup>12</sup> *Ibid.*, 46.

<sup>13</sup> For further discussion on American Indian sovereignty, see Frederick E. Hoxie, "Missing the Point: Academic Experts and American Indian Politics" in Daniel M. Cobb and Loretta Fowler, eds., *Beyond Red Power: American Indian Politics and Activism Since 1900* (Santa Fe, NM: School for Advanced Research Press, 2007), especially 26-30. For further information on the termination era, see Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 2002) and Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Santa Fe: University of New Mexico Press, 1990).

<sup>14</sup> Felix S. Cohen, "Indian Self-Government," *The Legal Conscience: Selected Papers of Felix S. Cohen* ed., Lucy Cramer Cohen (New Haven: Yale University Press, 1970).

<sup>15</sup> Jacki Thompson Rand, "Primary Sources: Indian Goods and the History of American Colonialism and the 19<sup>th</sup>-Century Reservation," in Shoemaker, 136-137.

sovereignty: despite the strong federal presence, tribes have proven their ability to use reservations as tribal enclaves not fully susceptible to outside social, cultural, and political influence. Kevin Bruyneel recently extended the discussion of boundaries, arguing that Native peoples resist American colonial rule across a “third space of sovereignty” which “resides neither simply inside nor outside the American political system but rather exists on these very boundaries, exposing both the practices and the contingencies of American colonial rule.”<sup>16</sup>

The clear social and political sovereignty maintained by the tribe in the first four decades after the state/tribal trust agreement permits an exploration of the period as a third space of sovereignty. The State of Iowa transferred the settlement into trust with the federal government in 1896 and the tribe’s quality of self-governance changed, but not solely because of the change in status. The BIA had entered into an aggressive period aimed at destroying the last vestiges of tribal sovereignty. A poorly timed political crisis planted the seeds of discord within the tribe. All conspired to challenge Meskwaki self-governance. An opportunity to reaffirm their sovereignty in the 1930s opened up a Meskwaki political conflict framed in the discourse of cultural criticism and personal politics that spilled over a sensitive conversation about the meanings and forms of self-governance. The conversation continues to this day.

### *Land and Sovereignty*

The Meskwaki land purchase established an anchor for the exercise of tribal sovereignty upon their return to Iowa. On this land, the tribe built a central village and a dynamic, mixed subsistence economy, governed their internal affairs, and cultivated relations with the United States and the State of Iowa. On one hand, they founded a generally cooperative, if ambiguous, relationship with the state of Iowa: the state held the tribal lands in trust after 1857, but did not

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<sup>16</sup> Bruyneel, xvii.



interfere in tribal affairs, despite anti-tribal agitation expressed by some white citizens. On the other, the federal government set upon assimilating the Meskwaki into white society and even attempted to force the Meskwaki out of Iowa by stripping their federal recognition in 1856. When this strategy failed, the government re-established the tribe's federal recognition in 1866 and constructed an OIA agency in a nearby town. The OIA monitored the tribe from this post and, in keeping with broader policies, continued its oppressive crusade against the Meskwaki into the 1930s. Indeed, for their first forty years back in Iowa, the tribe maintained a unique level of autonomy in an era noted for the federal government's continual interference in the life and governance of Native peoples across the country. The Meskwaki recognition of land as a material anchor for political power, and therefore, a valuable tool for asserting tribal sovereignty, played a central role in that effort.

The brunt of American westward expansion reached the Meskwaki in the early 1830s, culminating in their temporary removal to Kansas. Nationwide, the unscrupulous policy of "Indian removal" relocated approximately eighty thousand Native people from their homelands. The U.S. carried out the policy under the Indian Removal Act of 1830, a process infamously illustrated by the 1838-39's "Trail of Tears."<sup>17</sup> Keeping with this policy, the government removed some 1,271 Meskwaki, along with their close ally, the Sauk, to the Indian Territory in present-day Kansas, beginning in 1842.<sup>18</sup> There, both tribes faced constant "pressures of allotment and Christian conversion" and saw their population decimated by disease. Some three

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<sup>17</sup> Banner, 191-227 details the removal policy, and includes a valuable discussion on the so-called "Marshall Trilogy," the series of U.S. Supreme Court Cases that effectively legalized removal and laid the foundations for the following two centuries of federal Indian policy. *Indian Removal Act of 1830*, 21<sup>st</sup> Cong., 1<sup>st</sup> sess. (June 30, 1830), 411.

<sup>18</sup> Stephen Warren, "'To Show the Public We Were Good Indians': Origins and Meanings of the Meskwaki Powwow," *American Indian Culture and Research Journal*, 33:4 (2009), 4-5. For further detail on the Meskwaki origins in New England, their early migration to Iowa, the Black Hawk War of 1832, and the removal process, see for example Hagan, 141-244.

hundred members died of pneumonia and smallpox in 1852 alone, and by the end of the decade, only about three hundred remained.<sup>19</sup> Dissatisfied with their situation and fearful that another removal further south into the Indian Territory lay on the horizon, several dozen Meskwaki left Kansas in 1856. The group returned to Iowa, joined a sparing few tribal members that had refused to leave during the initial removal, and spent several years scattered throughout the Iowa countryside.<sup>20</sup>

Funds stockpiled from handicrafts sales and annuity payments from an earlier treaty with the federal government allowed the purchase of a small tract of land from an Iowa farmer in 1857. This tract quickly became the base from which the Meskwaki re-established their tribal community.<sup>21</sup> Tribal members from Kansas and other parts of Iowa slowly assembled during the settlement's first decade and eventually established a central village along the west bank of the Iowa River.<sup>22</sup> This land base allowed tribal members to stabilize the population. Furthermore, its boundaries demarked a sovereign tribal enclave, and as Meskwaki historian Johnathan L. Buffalo argues, the village's establishment played a key role in re-unifying his tribe after two disjunctive decades.<sup>23</sup>

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<sup>19</sup> Johnathan Lantz Buffalo and Dawn Suzanne Wanatee, "1846-1856: The Iowa Journey," on *Meskwaki History*, CD-ROM, ed. Buffalo and Wanatee (Iowa City: State Historical Society of Iowa, 2006). U.S. Indian Agent John R. Chenault, "No. 33 Sac and Fox Agency," in U.S. Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs Transmitted with the Message of the President at the Opening of the Second Session of the Thirty-Second Congress, 1852* (Washington, D.C.: Robert Armstrong, Printer, 1852), 91-94.

<sup>20</sup> Though Warren, 4, asserts simply that "more than 80" Meskwaki returned to Iowa in 1856, scholars disagree as to the number of Meskwaki that never left the state or who returned that year. Brown, 57-60, avers that 76 Meskwaki were in Iowa in 1856; Joffe, 289 places the population at about 250; and Bonvillain, 89, at approximately 300.

<sup>21</sup> On the sources of tribal funds used to make the land purchase, see Warren, 4-5.

<sup>22</sup> Brown, 56-58. Buffalo and Wanatee, "The History of Meskwaki Land Purchases," *Meskwaki History* CD-ROM.

<sup>23</sup> Buffalo and Wanatee, "1846-1856: the Iowa Journey," *Meskwaki History* CD-ROM.

A “chief’s council” composed of men representing each tribal clan governed the settlement. Chiefs did not govern as absolute rulers. They exerted influence “by force of personality” rather than the innate power of the chieftainship, and “the chief, for all of his imputed authority, was primarily the spokesman for the tribe, and his power was directive, not coercive.”<sup>24</sup> More precisely, the tribe conducted business communally, and went into council when decisions on specific “business of the moment [needed to be] transacted.”<sup>25</sup> The chief represented a specific clan, but also served as the tribe’s main leader, Adult Meskwaki “voted” by offering opinions to clan leaders outside the council, but only council members were involved in the final decision-making process -- the results of which were generally respected and adhered to by the tribe.<sup>26</sup>

The Meskwaki also established a dynamic, self-sustaining economy based on seasonal work that provided sustenance and cash for transactions in surrounding communities. Men hunted, occasionally fished, and availed themselves of day labor on local non-Indian farms or undertook an artisan craft like saddle making or canoe carving. Women fashioned hand-made jewelry and other crafts for sale at local markets, grew “corn, beans, squash, and pumpkins” in gardens established at the central village, and gathered wild nuts, berries, and potatoes. They also cleaned game, tanned skins, cooked, supervised children, and made clothing. Meskwaki

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<sup>24</sup> Buffalo, “Historical Overview of the Adoption of the Indian Reorganization Act of 1934 by the Sac and Fox of the Mississippi in Iowa,” 1, IRA-MHPDM. Buffalo’s work is an unpublished report by the Meskwaki Historical Preservation Department on the history surrounding the various forms of tribal government, the IRA, and the constitution. It is an excellent compilation of primary source materials, and also provides some insight into contemporary views of tribal political history. For further reading on Meskwaki tribal governance, see Bonvillain, 30-31 and Joffe, 271.

<sup>25</sup> *Oxford Weekly Leader*, August 7, 1869.

<sup>26</sup> Buffalo, 1-2. U.S. Indian Agent W.L. Lesser, “Report of the Agent in Iowa, Report of the Sac and Fox Agency, Iowa,” in U.S. Office of Indian Affairs, *Fifty-Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1890* (Washington, D.C.: Government Printing Office, 1890), 103-106.

also frequently traded with members of regional Menominee and Winnebago tribes for goods like wild rice.<sup>27</sup> Furthermore, they maintained contact with non-Indians and merchants, and purchased or traded for items such as “pan-cakes and coffee...cups and saucers, plates and other kinds of table-ware [as well as] kettle[s], ovens, pots and pans.”<sup>28</sup> Most chose to live in wickiup-style homes, and as late as 1905 three-fourths of all dwellings “more closely resembled a more traditional Meskwaki wickiup.” At the dawn of the twentieth century, only about fifteen framed houses stood on the settlement.<sup>29</sup> All of this was seasonally based; after each autumn harvest, they left the village and organized into small groups composed of extended kin and hunted to sustain themselves through the winter.<sup>30</sup>

The tribe had established a sustainable economic and tribal political system, but it continued to struggle to negotiate its political relationships with the state and federal governments during its first decade back in Iowa. First, the return itself had initially been legally and politically problematic. Tribal members had resolved to purchase the settlement out of necessity, following a federal decision not to assign lands after they fled the Indian Territory.<sup>31</sup> Purchasing land proved challenging, however, because several Meskwaki had signed the 1842 removal treaty, thereby agreeing that the tribe would leave Iowa permanently. Therefore, Meskwaki could not legally buy land in the state.<sup>32</sup>

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<sup>27</sup> Joffe, 263-264.

<sup>28</sup> A.R.F., "The Indians of Iowa," *Daily Iowa State Register*, Nov. 18, 1869.

<sup>29</sup> Duren H. Ward Collection, BL21, Folder 11, Special Collections, SHSI-IC.

<sup>30</sup> For information on the annual winter camps, see for example Buffalo, 4; Brown, 59-69; and Daubenmier, 35-36.

<sup>31</sup> Brown, 54.

<sup>32</sup> “Treaty with the Sauk and Foxes, 1842,” in Charles J. Kappler, *Indian Treaties: 1778-1883* (New York: Interlude Publishing, 1975), printed in Buffalo and Wanatee, *Meskwaki History* CD-ROM.

Further complicating matters, local whites opposed the tribe's residency. Though no whites seem to have minded a few errant Natives inhabiting the rural woodlands, they developed an aversion to the idea of an enclave of Meskwaki establishing themselves in proximity to white communities. Even before the tribe attempted to buy the settlement, some whites petitioned Iowa Governor James W. Grimes, arguing that "Indians" in general "were a constant annoyance to the citizens of [certain] counties -- destroying their stock -- stealing their grain and provisions -- threatening their lives and in some instances committing robbery and murder," and called for forced re-removal.<sup>33</sup> The majority of whites, however, supported the Meskwaki as "[c]ivil Indians," with some noting that "the Majority of the Citizens...[had] no objection" to the tribal return.<sup>34</sup> The state government eventually sided with the latter, and in 1856, passed a resolution allowing the tribe to remain in Iowa.<sup>35</sup>

The State was still obligated to comply with the 1842 Treaty prohibition of the tribe's return to Iowa. The state and the tribe brokered an agreement in which Grimes purchased the eighty acres on the tribe's behalf and held it in trust on the condition that the Meskwaki paid state property taxes and "abide[d] by the laws of the state."<sup>36</sup> This trust status meant that the Meskwaki depended on the state's willingness to let them exist within its borders. Fortunately for the tribe, the state government remained fairly complacent and made virtually no efforts to

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<sup>33</sup> Governor of Iowa James W. Grimes to U.S. President Franklin Pierce, December 3, 1855, "Apprehended Indian Troubles," printed in *Annals of Iowa*, 3:2 (July 1897): 135-137. Additionally, the Meskwaki did not become citizens until the passage of the *Indian Citizenship Act of 1924*, 68<sup>th</sup> Cong., 1<sup>st</sup> sess. (June 2, 1924), 233, a status that may have furthered their difficulties during the process of land purchase. For further information on that law, see Stephen L. Pevar, *The Rights of Indians and Tribes: The Authoritative ACLU Guide to Indian and Tribal Rights* (New York: New York University Press, 2004), 8-9.

<sup>34</sup> "Aged Papers Tell Story of Mesquakies," *Tama News-Herald*, July 11, 1957, 2.

<sup>35</sup> "An Act Permitting Certain Indians to Reside Within the State," *Acts, Resolutions, and Memorials Passed at the Fifth General Assembly of the State of Iowa Which Convened at Iowa City on the Fifth Day of July, Anno Domini, 1856* (P. Moriarty, State Publisher, 1856).

<sup>36</sup> Joffe, 289. Associated Press, "Story of the Tama Indians," *The Boon News-Republican*, April 5, 1928.

alter the agreement or impose upon Meskwaki self-governance until the very end of the nineteenth century. This, as well as the state's cooperation with the tribe in the first place, can most likely be attributed to the tribe's rural location, their small population that reached just over 250 in the 1860s, and the fact that it existed in tranquility with surrounding communities and paid the required property taxes.<sup>37</sup>

Having overcome initial complication concerning the land purchase, a cooperative relationship between the tribe and state evolved which allowed the Meskwaki to remain virtually autonomous. Iowa held jurisdiction over most criminal offenses committed by tribal members against whites, but did not intervene in cases involving only Meskwaki people. The Major Crimes Act of 1885, however, established federal jurisdiction over specific crimes which applied to the settlement. The state maintained a position of "oversight of the financial dealings of the tribe," but rarely exercised its authority. Overall, according to Meskwaki politician and author Donald Wanatee, his tribe governed themselves from a position of "substantial political equality with their White neighbors" until the last decade of the nineteenth century.<sup>38</sup>

The Meskwaki relationship with the federal government, on the other hand, proved enduringly tempestuous. The U.S. deployed two strategies to assimilate the Meskwaki during its first ten years back in Iowa. First, the U.S. had withdrawn recognition from the tribe upon their exodus from the Indian Territory in 1856. This left them "bereft of treaty annuities and other forms of federal support," a tactic presumably predicated on the OIA's assumption that the tribe would be unable to sustain itself, and would eventually return to Kansas where it could be easily

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<sup>37</sup> U.S. Indian Agent Leander Clark, "Sacs and Foxes in Iowa," in *Message of the President of the United States and Accompanying Documents to the Two Houses of Congress at the Commencement of the Second Session of the Fortieth Congress, 1867* (Washington, D.C.: Government Printing Office, 1867), 25-26.

<sup>38</sup> Donald Wanatee, "The Lion, Fleur-de-lis, the Eagle, or the Fox: A Study of Government," in Bataille, et al., 79. On legal cases involving the application of Iowa law to the Meskwaki, see Joffe, 311-12.

controlled.<sup>39</sup> But the tribe did not suffer dramatically without their annuities; they subsisted. Still, the government viewed the Meskwaki village lifestyle as illegitimate, “barbarous,” and contradictory to the “march of civilization” that undergirded federal policy, and sought other means to facilitate assimilation.<sup>40</sup>

Launching their second strategy to assimilate the Meskwaki, the U.S. restored the tribe to federally-recognized status in 1866. This allowed the government to once again monitor the tribe as a “domestic dependent nation,” as described in the infamous 1823 Supreme Court case, *Johnson v. McIntosh*.<sup>41</sup> Accordingly, the OIA constructed an agency office in Toledo, and assigned the tribe an agent named Leander Clark. His primary responsibility was to pay tribal members the reinstated annuities that accompanied re-recognition, which he believed “would relieve [the Meskwaki] from their...squalid condition” and precipitate “teaching them to talk and write [in English] and [aid] the introduction of industrial pursuits amongst them.”<sup>42</sup> Clark’s statement illustrates his implicit duty to further the project of assimilation among the Meskwaki, which he and his successors did without pause over the subsequent six decades.

The OIA believed annuity payments would assimilate the Meskwaki further into the white, cash economy, but the tribe chose instead to use annuity revenues to expand its land base. Beginning 1867, the chief’s council focused on buying property to feed what historian Richard

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<sup>39</sup> Warren, 5. The Meskwaki negotiated significant annuities throughout the removal period, most notably in the Treaties of 1837 and 1842. For further information, see Brown, 42-46.

<sup>40</sup> U.S. Indian Agent C.C. Hutchinson “The Sacs and Foxes, Kansas,” in *Report of the Commissioner of Indian Affairs* (Washington, D.C.: Government Printing Office, 1862), 107. Hutchinson’s statements are in reference to the few Meskwaki still residing in Kansas in 1862, but his statements can be taken to reflect the OIA’s view of the (then) non-recognized band of Iowa Meskwaki.

<sup>41</sup> *Johnson v. McIntosh*, 21 U.S. 543, 588 (1823). For further reading on *Johnson*, see Echo-Hawk, 55-84.

<sup>42</sup> U.S. Indian Agent Leander Clark to James Harlan, January 27, 1866, BL57, Folder 1, Special Collections, SHSI-IC.

Brown calls “an almost fanatic desire to increase the size of their [land] holdings.”<sup>43</sup> They increased the settlement from eighty to 3,253 acres between then and 1915, almost always financed by federal annuities and income earned from trapping.<sup>44</sup>

Following anthropologist Jessica R. Cattelino’s assertion that that “sovereignty takes material form and is built with material resources,” it is clear that by expanding the area under tribal control, the tribe stabilized the population, gained a valuable resource for cultivation, gathering, hunting, and fishing, and prepared for future population growth.<sup>45</sup> Their unique form of land ownership, then, bolstered both the physical and theoretical boundaries of the sovereign Meskwaki enclave.

The autonomy that accompanied these purchases saved the Meskwaki from two of the most destructive epochs in the history of federal Indian policy. As noted, the Meskwaki had successfully settled in Iowa by 1857 without conflict or violence, and were therefore largely unaffected by the approximately 1,400 military engagements that occurred between Native and non-Native peoples across the country between 1850 and 1890. Instead, they maintained generally peaceful relations with their roughly fifteen-thousand white neighbors.<sup>46</sup> Following the so-called “Indian Wars,” the 1887 Dawes Act reduced the American Indian land base. Indeed, according to Stuart Banner, “between 1887 and 1934 [when allotment ended], the Indians [of

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<sup>43</sup> Brown, 59-63.

<sup>44</sup> Daubenmier, 33. The settlement remained at that size until 1987, when the tribe purchased additional lands, making the total size of 7,054 acres. For further reading, see Buffalo and Wanatee, “Meskwaki History Timeline: 2000” and “Land Acquisition in Tama County, Iowa,” *Meskwaki History* CD-ROM.

<sup>45</sup> Cattelino, 128.

<sup>46</sup> A.R.F., “Indians of Iowa,” notes that there were some “fifteen thousand white inhabitants of Tama County” in 1869. On “Indian Wars and Skirmishes,” see Echo-Hawk, 137. For an excellent discussion on the role violence has played in shaping American history, see Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2008).



North America] lost most of their remaining land -- 86 million acres out of the 138 million in their possession in 1887.”<sup>47</sup> The Meskwaki escaped this fate precisely because the state/tribal trust insulated them from the unilateral authority Congress held over federally-assigned reservations. Their unique settlement status protected the tribe from the physical incursions of war and dispossession, but the federal-trust relationship opened the tribe to OIA influence.

Despite the settlement’s progress, the agency continued to treat the Meskwaki as “uncivilized” Indians.” From its office just four miles away in the town of Toledo, the OIA adhered to President Ulysses S. Grant’s “Peace Policy,” which attempted to fuse religious conversion with education, all in the pursuit of “civiliz[ing]...individual natives into [becoming] docile believers in American progress.”<sup>48</sup> Regardless, most Meskwaki continued to live in or near the village until the OIA burned it to control an outbreak of smallpox that claimed nearly fifty lives in 1901, forcing their dispersal onto individual plots scattered throughout the settlement.<sup>49</sup> Because the settlement was, and remains, communally owned, no Meskwaki held individual title to their plot. Even following the fire, then, the tribe refused the agency’s vision for the kind of individual agrarian economy it believed would hasten assimilation. Instead, they followed a system of use-rights where “individual families picked out parcels on which to farm or build houses [and] gradually, families began to pass on to their heirs the land they had

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<sup>47</sup> Banner, 256-292. Foley, “The Fox Project,” 187. *The Dawes Severalty Act of 1887*, 49<sup>th</sup> Cong., 2<sup>nd</sup> sess. (February 8, 1887), 388, is also known as the “General Allotment Act” or simply the “Dawes Act.”

<sup>48</sup> On the Grant Peace Policy, see Hoxie, *A Final Promise*, xvii-xviii and 19-20. For further information on the use of boarding schools to fuse religious conversion and non-Indian education to further the project of assimilation, see John Troutman, “The Citizenship of Dance: Politics of Music among the Lakota, 1900-1924” in Cobb and Fowler, 91-108.

<sup>49</sup> Warren, 2-3, explores how the 1901 village burning also fit with the broader goals of the OIA’s assimilationist agenda.

selected, and the heirs continued to farm or live on it.”<sup>50</sup> The tribe managed the land independently and rejecting OIA reforms, the tribe maintained a practice of self-governance.

Another long-term assimilatory strategy focused on religious conversion. Leander Clark advocated for the establishment of a missionary school to meet this end, so the OIA worked in conjunction with “delegates from all the Evangelical churches in Tama County” to construct and organize “the benevolent work” of civilizing the Meskwaki at a Presbyterian mission they built near the settlement around 1883.<sup>51</sup> “[E]ducation and progress,” Clark and the OIA believed, could “only be produced by a well-directed and persistent effort,” which they relentlessly made throughout the period.<sup>52</sup>

The Meskwaki ignored the agency’s overtures. They continued to conduct ceremonies according to custom, maintained staunch opposition to non-Indian education, and refused to end the winter-camp custom when the OIA tried to persuade them to take up a more sedentary, agricultural lifestyle. The Meskwaki even forced the closure of an OIA school that was constructed on the settlement in 1875, after the few tribal children who did enroll “left with their

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<sup>50</sup> Daubenmier, 30-34. Charlotte T. Westwood, “Memorandum for Mr. Collier, Commissioner of Indian Affairs,” January 29, 1937; IRA-MHPDM. Donald Grant, “The Indian – Union of Primitive, Modern Culture.” Additionally, Chang, 20-22, provides an excellent discussion on the system of communal land use-rights employed by the Creeks of Oklahoma, which closely parallels the Meskwaki system.

<sup>51</sup> Clark, “No. 85, Agency of Sac and Fox Indians in Iowa,” in U.S. Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs* (Washington, D.C.: Government Printing Office, 1872), 515-516. Clark to Commissioner of Indian Affairs Eli S. Parker, 1871, quoted in Buffalo and Wanatee, “1867-1886: The New Neighbors,” *Meskwaki History* CD-ROM.

<sup>52</sup> Scholars disagree on the date the Presbyterian mission was established near the settlement. Daubenmier, 31, places it in 1883 while Brown, 71 writes that the mission was established by one “Elizabeth Campbell” in 1902. It is possible that these represent two different Presbyterian missions. In either regard, there was a pronounced Christian missionary presence near the settlement, but the Meskwaki largely avoided it until the first decades of the twentieth century. For information on Meskwaki religious practices, see for example Bonvillain, 19-38. Leander Clark, “Sac and Foxes in Iowa No. 125, Agency of the Sac and Fox Indians Residing in the State of Iowa,” in *Message of the President of the United States and Accompanying Documents to the Two Houses of Congress at the Commencement of the Second Session of the Fortieth Congress.*(Washington, D.C.: Government Printing Office, 1867), 349.

parents to go on the winter hunt in the fall.”<sup>53</sup> Additionally, the Meskwaki refused Christian conversion, leading Clark to remark in 1868 about “the determined opposition on the part of these Indians to any encroachment upon their old habits and customs, by any form of Christian teachings.”<sup>54</sup> Another OIA agent remarked about the tribe’s generally “friendly and peaceful disposition” toward the agency, except in matters they viewed as “infringement[s] upon what is deemed their religious belief or traditional laws and customs.” In such cases, the agent attested to the vitality of the chief’s council which “zealously protest[ed]” on the tribe’s behalf.<sup>55</sup>

Periodic shifts in public opinion, reflecting local whites’ dissatisfaction with the tribal presence near Tama, , pressured policymakers to dismantle the tribe’s work since 1856. At least two groups petitioned the commissioner of Indian affairs in 1878 to forcibly re-remove the tribe to the Indian Territory. The Meskwaki, they argued, were “a great annoyance to the white population in their vicinity [because] their ponies...constantly [broke] into the fields of the surrounding farmers.” The OIA supported removal, and believed that the Meskwaki “would be largely benefited by joining their relatives in the Indian Territory.”<sup>56</sup> Other Iowans, however, “believe[d] that it would be an act of great injustice...and a breach of faith on our part, to remove them without their consent, from their own lands which they have purchased.” They viewed the tribe as “peaceable, quiet, honest and law abiding people [who] compare[d] favorably in their

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<sup>53</sup> Brown, 61.

<sup>54</sup> Clark, “Sacs and Foxes in Iowa,” in U.S. Office of Indian Affairs, *Report of the Commissioner of Indian Affairs, 1868* (Washington, D.C.: Government Printing Office, 1868), 307.

<sup>55</sup> U.S. Indian Agent Thomas S. Free, “Agency of the Sac and Fox Indians in Iowa,” in U.S. Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington, D.C.: Government Printing Office, 1875), 290-291.

<sup>56</sup> Petition, “To the Hon. Commission of Indian Affairs. Washington, D.C.,” quoted in “1867-1886: The New Neighbors,” in Buffalo and Wanatee, *Meskwaki History* CD-ROM. Petition, “To the Hon. Geo. W. M. Crary. Secretary of War,” May 14, 1878,” quoted in Buffalo and Wanatee, “1867-1886: The New Neighbors,” *Meskwaki History* CD-ROM.

obedience to the laws with the...whites surrounding them.”<sup>57</sup> The tribe informed the OIA that they were “unanimously and utterly adverse to the removal,” leading one agent to remark that they would “suffer death rather than go” back to Kansas.<sup>58</sup> The State of Iowa maintained its trusteeship, but white opinion held sway in Washington, D.C. In early 1878 a resolution for the tribe’s removal nearly made it through the U.S. Congress, but ultimately failed in the Senate where, fortunately for the tribe, the issue was not reconsidered.<sup>59</sup>

The Meskwaki continued to oppose federal interference in their affairs following this near miss, but continued to clash with the OIA into the 1890s. In 1876, for example, the OIA mandated that all tribal members had to register their names with the agency in order for the tribe to receive its annuities. Recalling the lost payments between 1856 and 1867, most Meskwaki grew “suspicious of the motives of the government,” and refused to sign, leading the OIA to punitively withhold them once again. Much was at stake. The tribe did not rely on the annuities for subsistence, but the purchase of additional lands depended in part on the payments. Led by the chief’s council, they exercised their independence, refused to sign the rolls, and a stalemate ensued. It lasted nearly six years, when the Meskwaki capitulated only after the lack of revenue led them to default on their property taxes in 1878. Technically, the default breeched the trust agreement with Iowa, and the Tama County government reclaimed the settlement briefly, but in title only. In fact, in an expression of the state’s willingness to cooperate with the tribe, it

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<sup>57</sup> Petition, "To the Hon. Commission of Indian Affairs. Washington, D.C.," quoted in Buffalo and Wanatee, "1867-1886: The New Neighbors," *Meskwaki History* CD-ROM.

<sup>58</sup> U. S. Indian Agent Rev. A. R. Howbert, 1873, quoted in Buffalo and Wanatee, "1867-1886: The New Neighbors," *Meskwaki History* CD-ROM.

<sup>59</sup> T.A. Graham, assistant in the Office of U.S. Senator William B. Allison, to John R. Rankin, April 30, 1878, quoted in Buffalo and Wanatee, "1867-1886: The New Neighbors," *Meskwaki History* CD-ROM.

extended the deadline for payment to October 1882, which the tribe met, and the trust status remained intact.<sup>60</sup>

A pivotal moment in this saga occurred when Mamiwanige, the chief who had led the return to Iowa, died in July 1881. The chief's eldest son replaced him, but unfortunately also died suddenly just a few weeks later. Faced with a leadership vacuum, the chief's council acted quickly and installed a new leader named Pushetonequa, a decision that had long-ranging effects on the tribe. Deep concern about the implications of enrollment prompted Pushtonequa and several councilmen to travel to Washington, D.C. in 1882 to register their opposition. The U.S. Secretary of the Interior convinced the delegation that the registration process would not reduce tribal annuities, and persuaded the tribe to sign the rolls.<sup>61</sup>

In another power struggle, the OIA accelerated its efforts to reform tribal governments across the U.S. Congress passed a corollary to the Dawes Act in February 1891, authorizing the creation of "tribal business councils" that "could make decisions on behalf of the tribe in transactions involving tribal or nonallotted lands." Such councils were slated to replace any existing form of tribal governance under the law and required that council members could only be selected by majority vote, thereby undermining the power of clans, the chief, and decision-making by consensus. The OIA initiative imposed a managerial formation with democratic overtones.<sup>62</sup> As Buffalo writes, the tribe "refused to reorganize under the business council form of government," and chose instead to retain their chief-council system.<sup>63</sup> The Meskwaki council

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<sup>60</sup> Brown, 62.

<sup>61</sup> Buffalo, 3-4. Brown, 59-69. Daubenmier, 35-36.

<sup>62</sup> Loretta Fowler, *Arapahoe Politics, 1851-1978: Symbols in Crises of Authority* (Lincoln: University of Nebraska Press, 1982), 98.

<sup>63</sup> Buffalo, 4.

prevailed once again and continued to rebuff the OIA's initiatives throughout the late nineteenth century.

### *Effective Sovereignty Diminished*

The agency responded by amplifying its strategies. Agents capitalized on an opportunity to weaken Meskwaki control over their land in 1896, and the OIA slowly wedged itself into tribal affairs until, by about 1920, the chief's council barely retained any meaningful authority. Fully aware of their waning self-governance, the Meskwaki sought different means of reaffirming it. Tribal members, however, had differing ideas about the form their government should take. Meanwhile, settlement life changed dramatically as the tribe adjusted to new technologies and economic and social conditions during the first decades of the twentieth century. As the Meskwaki engaged these changes, internal tension over the meanings of tribal social and political culture erupted into a caustic political discourse that undermined self-governance and nearly crippled Meskwaki sovereignty as it existed before 1896.

Still frustrated by the tribe's refusal to reorganize into a business council in 1895, an OIA agent complained in a letter to the Commissioner of Indian Affairs that the Meskwaki were, in his opinion, "the worst problem to deal with that the [OIA] finds among any of the Indians of the States." The only solution to the problem was to "break the power and influence of the chiefs" and the council in order to make "marked progress" among the tribe.<sup>64</sup> But in order to destabilize government, the Meskwaki-Iowa trust relationship had to be broken. The storm gathered that year as local whites organized a branch of the named Indian Rights Association, a national group

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<sup>64</sup> U.S. Indian Agent Horace M. Rebok, "Report of Agent in Iowa, Report of Sac and Fox Agency," in U.S. Office of Indian Affairs, *Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1895* (Washington, D.C.: Government Printing Office, 1896), 165-169.

of Christian reformers who believed in the “destruction of native culture,” which included Indian religions, languages, and “tribal organizations and indigenous systems of communal ownership,” as the surest way to secure total acculturation.<sup>65</sup> Using the assimilation argument, the association lobbied to transfer the trust from Iowa to the United States. Perhaps seeing a way to quiet citizen complaints, Iowa also grew to advocate for assimilation. Iowa Governor Francis M. Drake told the Meskwaki in an almost apologetic statement that educating their children and having them “civilized like white people” would benefit the tribe as a whole, because living “just as white people do...[was] the better way to live.”<sup>66</sup>

The OIA, Indian Rights Association, and resentful Iowa citizens prevailed. The State of Iowa ended its four-decade practice of non-interference in Meskwaki affairs and transferred “exclusive jurisdiction” over the tribe and “all lands now or hereafter owned by or held in trust for them...[to] the United States,” on June 10, 1896.<sup>67</sup> Congress accepted the transfer the same day Iowa relinquished their trust responsibility, officially making the U.S. government the sole trustee over the Meskwaki settlement.<sup>68</sup>

The transfer put the Meskwaki in a position shared by almost every other American Indian tribe: in an unequal trust with, and thus highly subordinate to, an overzealous OIA. Describing federal/tribal trusts, Native scholar Walter Echo-Hawk writes that “between 1886 and

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<sup>65</sup> Benay Blend, “The Indian Rights Association, the Allotment Policy, and the Five Civilized Tribes, 1923-1936,” *American Indian Quarterly*, 7:2 (Spring, 1983): 67.

<sup>66</sup> “Indians Claim Damages,” *Annals of Iowa*, 3:2 (July 1897): 130-134.

<sup>67</sup> *Sacs and Foxes of the Mississippi [Jurisdictional Transfer]*, 54<sup>th</sup> Cong., 1<sup>st</sup> sess. (June 10, 1896), 598. Brown, 65 notes that “the State of Iowa, however, retained control over any judicial process within the settlement, jurisdiction of crimes against the laws of Iowa committed within the settlement by Indians or others, and the privilege of establishing and maintaining highways...[as well as] eminent domain over Indian lands for state and county purposes.”

<sup>68</sup> *Sacs and Foxes of the Mississippi [Jurisdictional Transfer]*.

1934,” the OIA’s “powers over Indian tribes reached their zenith.” This, he writes, allowed the agency to advance its goals of “land acquisition from Indian reservation enclaves,” increased internal control over tribal affairs, and ostensibly cleared the way for the total “assimilation of Indians into settler society.”<sup>69</sup> The historical memory of the impact lingers. Donald Wanatee writes that the Meskwaki suddenly found themselves “governed under a separate law, administered by members of the White community,” and increasingly “in a position of definite subordination” to the OIA after 1896.<sup>70</sup> Although land ownership did not prevent the transfer of the trust, neither did the transfer of the trust mean the dissolution or change in status of the settlement.

The land allowed the Meskwaki a base from which to mount organized resistance to federal interference. The details of the trust transfer had provided “[c]onsent...to the United States to purchase any land in Tama County to be used for and in connection with any school or schools to be established and managed by federal authority for the [tribe’s] education.”<sup>71</sup> Many local whites, and especially members of the Indian Rights Association, still considered the Meskwaki “prehistoric,” “barbaric,” and “indisputably heathen” examples of “filth and indecency,” that refused to accept the “many efforts made...to Civilize and teach them” Christian values.<sup>72</sup> Simultaneously, they noted the tribe’s success in discouraging reform project.

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<sup>69</sup> Walter R. Echo-Hawk, *In the Courts of the Conqueror: The Ten Worst Indian Law Cases Ever Decided* (Golden, CO: Fulcrum Publishing, 2010), 189-191.

<sup>70</sup> Wanatee, 79.

<sup>71</sup> An Act Tendering to the United States Jurisdiction Over Certain Indians Residing in Iowa and Over Their Lands, and the Privilege of Purchasing Land in Tama County for Indian School Purposes (February 14, 1896), *Acts and Resolutions Passed at the Regular Session of the 26<sup>th</sup> General Assembly of the State of Iowa*, ch. 110 (1896), 114-115.

<sup>72</sup> E.C. Ebersole, John R. Caldwell, and Horace M. Rebok, *History of the Indian Rights Association of Iowa and the Founding of the Indian Training School* (Toledo, Iowa: Indian Rights Association of Iowa, 1897). H. Sutherland, “That Indian Scare,” *Midland Monthly* 8:6 (December 1897): 519.



A local white woman noted in 1897 that “one [Meskwaki] pastime seemed to be driving away every teacher or preacher and even burning the building used as a school house.”<sup>73</sup> Following that failure, Congress authorized the construction of a boarding school off the settlement and, not coincidentally, right next to the OIA agency office in Toledo, with similar disappointing results.<sup>74</sup>

When the OIA ordered tribal members to enroll their children at the new school, Meskwaki families adamantly, and unanimously, refused. Stalemate ensued, and in November 1898, Pushetonequa and several councilmen again went to Washington, D.C. to negotiate with OIA administrators. The OIA offered Pushetonequa a bribe of official recognition as the “Head [Meskwaki] Chief” and \$500 annual salary in return for his support of the school. He initially declined, but the government then threatened to send children from other tribes to the settlement school, with an implied suggestion that doing so would eventually lead to “intermarriage and [the] eventual dissolution of tribal annuities.”<sup>75</sup> Pushetonequa and several council members acquiesced under this coercion and enrolled their children on December 18. However, the majority of the tribe opposed the boarding school for another decade, and low enrollment forced the school to shut down in 1911.<sup>76</sup>

Pushetonequa’s concessions to the OIA came with a price. A tribal political conflict that was born with his ascent to the chieftainship was about to erupt.<sup>77</sup> Beginning in 1881, Pushetonequa had general support from the tribe following the successive deaths of the previous

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<sup>73</sup> Sutherland, 519.

<sup>74</sup> Brown, 69-70.

<sup>75</sup> Ibid. Buffalo, 5.

<sup>76</sup> Brown, 70.

<sup>77</sup> Ibid., 69-70.

chief, Mamiwanige, and his eldest son. Though the tribe likely accepted the council's decision to recognize Pushetonequa, it had bypassed two of Mamiwanige's younger sons whom they considered "too young and incompetent" for leadership roles.<sup>78</sup> Accordingly, the chief-council system continued under Pushetonequa's leadership through the 1890s, but the seeds of conflict had been sown. Some were dissatisfied with Pushetonequa's capitulation during the boarding school dispute and many disparaged him as a corrupt "government chief." Oldbear, one of Mamiwanige's sons who had been bypassed in 1881, had reached adulthood and claimed hereditary right to the chieftainship.<sup>79</sup> The controversy had a divisive impact on tribal politics, especially after the OIA recognized Pushetonequa as the head chief in 1900 -- the same title they had offered in 1898 to coax him into supporting the boarding school. The chief's detractors quickly derided him "as a pawn in the white man's assimilation policy," and rumors about his true allegiance spread quickly across the settlement.<sup>80</sup>

The conflict shaped twentieth-century tribal politics. Meskwaki who supported Oldbear came to be known as the "Oldbears," and those who supported Pushetonequa called themselves the "Youngbears."<sup>81</sup> Anthropologist Douglas Foley argues that, "the early accounts of the Meskwaki political system are inconclusive" as to the presence of clan requirements or hierarchies that would preclude anyone, such as Pushetonequa, from specific leadership

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<sup>78</sup> Wanatee, 79.

<sup>79</sup> Ibid. Brown, 68.

<sup>80</sup> Foley, *Heartland Chronicles*, 153-54 notes the various rumors that spread regarding Pushetonequa's position on the boarding school issue, and "one story has it that Chief Pushetonequa greedily accepted [a] \$500 annuity payment [as a bribe] and sold out his people. Supporters of Pushetonequa claim that he had little choice [and] claim that white authorities were threatening to imprison one of the chief's sons if he did not cooperate."

<sup>81</sup> Buffalo, 1-4. Wanatee, 79. Foley, *The Heartland Chronicles*, 153. Additionally, Bonvillain, 30-31 provides a concise discussion of the organization of Meskwaki tribal political structures, including the relationship between chieftainships and councils.

positions. No evidence suggests that the Meskwaki chieftainship had ever been a hereditary monarchy, but “the entire secession controversy,” and thus the Oldbear/Youngbear dispute, “hinge[d] on how strict the rule of succession was.”<sup>82</sup> This disagreement perpetuated an “ongoing fracture in the political and ceremonial life of the [Meskwaki] community,” and eventually morphed into an ideological battle that changed Meskwaki politics.<sup>83</sup>

The leadership disagreement developed into a tribal discourse between “conservative” (or “traditional”) and “progressive” Meskwaki. This rhetoric overtook tribal politics, and anthropologist Lisa Peattie observed in the 1940s that “if one starts to talk to the [Meskwaki] about their society,” she wrote, “he will not hear about religious divisions or about conflicts between families. He will hear about ‘factions,’ and he will hear about them as a serious problem.”<sup>84</sup> In this paradigm, Meskwaki, local whites, and OIA agents measured tribal political turmoil by constructing a crude cultural binary that divided them:

There are two factions, the Youngbears and the Oldbears, progressive and conservative, respectively...Traditionally, the two factions have been defined in terms of their relations to the whites. The Youngbear “progressive” group has been supported by whites, and has tended to support acculturation and white leadership; the Oldbears are traditionally anti-white and [are] culturally conservative.<sup>85</sup>

Historian Judith Daubenmier remarks that this binary is “vague [and] simplistic,” and does little to explain the realities of Meskwaki politics.<sup>86</sup>

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<sup>82</sup> Foley, *Heartland Chronicles*, 153-155.

<sup>83</sup> Warren, 8.

<sup>84</sup> Lisa Peattie, “Being a Mesquakie Indian,” in Gearing, et al., 48.

<sup>85</sup> Peattie, 48.

<sup>86</sup> Daubenmier, 37. Such “factional binaries” have long been used to describe political discord within Indian tribes and have varied across myriad Native contexts. They have frequently been understood along “blood-quantum” related lines or the oft-used concept that the amount of an individual’s Native heritage determines their tribal identity. Measuring the “Indianness” of an individual or group by scrutinizing their adherence to tribal

The dispute over Pushetonequa's leadership and the increasing presence of the OIA combined to firmly plant the progressive/conservative binary in Meskwaki political rhetoric. The agency exploited the Oldbear/Youngbear division to polarize the tribe, thereby weakening the Meskwaki decision-making and self-governance. Native studies scholar Benjamin Kratch provides an analogous example, quoting a Kiowa elder named Charley Apekaum in his study of Kiowa religion and politics to describe the effect such polarization had on the Kiowa:

[White people] have taught my people politics, one party against the other party, which has split our tribe up, caused factions. Now we have two sets of leaders, not like the olden days when we had one [chief], but [now] we have several. Everybody thinking his way is the best plan. [Like] the Republicans against the Democrats, not working in harmony any more. I think that the political parties have done much harm to my people. They don't seem to agree on any policy or plan affecting our people, and therefore we can't get any proper results at the [OIA] because of this faction.<sup>87</sup>

Similarly, by roughly 1905, Meskwaki political divisions grew so entrenched that "two separate tribal councils existed." One was sanctioned by the OIA and led by Pushetonequa and his supporters, the other by the Oldbears. Both sides vied for support from the Meskwaki public and the OIA fueled the already aggressive discourse, calculating that "the tribe was easier to control when divided" against itself.<sup>88</sup> Political discord was not new to the Meskwaki. Anthropologist

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customs or by measuring their resistance to acculturation is another convention. Thomas Biolsi, *Organizing the Lakota: the Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations* (Tucson: University of Arizona Press, 1993), xx-xxi and Chapter 7, for example, describes two such "factions" among the Lakota. On one hand, Biolsi identifies "old-dealers" who "were primarily, but not exclusively...full-blood" Indians who viewed the IRA as "a culturally alien imposition" and therefore opposed it. On the other were "mixed-blood new dealers" who supported the IRA. These terms, he explains, were "employed by the Lakota and the OIA personnel to classify putative ancestry and assumed social and cultural orientation." For further reading on the intersections of genetics and cultural awareness, see for example Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010); Valerie Lambert, *Choctaw Nation: A Story of American Indian Resurgence* (Lincoln: University of Nebraska Press, 2007), 37; and Larry Nesper, *The Walleye War: The Struggle for Ojibwe Spearfishing and Treaty Rights* (Lincoln: University of Nebraska, 2002), 185-197.

<sup>87</sup> Benjamin R. Kratch, "Kiowa Religion: An Ethnohistorical Analysis of Ritual Symbolism, 1832-1987" (PhD diss., Southern Methodist University, 1989), 618.

<sup>88</sup> Foley, *Heartland Chronicles*, 153-155.

Lloyd Fallers argues that examples of “factionalism” can be found throughout Meskwaki history, and cites an early seventeenth-century schism that developed between tribal members who wanted to ally with French traders and those who did not.<sup>89</sup> However, the partisan political discord seen in the opening years of the twentieth century was new to Meskwaki politics. Conservative “Oldbear traditionalists” derided the Youngbears for “not being Indian enough on various issues,” while supporters of the progressive Youngbear group condemned their rivals as “backward” and wanting to “keep the old ways, old customs, and religion.”<sup>90</sup> Intra-tribal partisanship, it seems, made it increasingly useful for political leaders to bolster support by attacking one another on cultural grounds.

This discourse arose amidst pronounced changes to Meskwaki society and increasingly diversified economy between 1900 and 1930. Such changes were not uncommon inside and outside Indian Country during this time. Native intellectual Scott Richard Lyons argues that, in fact, “cultural diversity...always exists within any community,” and such changes should not be viewed simply as “progress” as it was meant by the many proponents of assimilation in the early 1900s. Instead, he continues, “there are numerous locales where Native cultural expressions honor constitutive myths while changing, incorporating, or blending other cultural beliefs and practices.”<sup>91</sup> Diversity and change are, and were for the Meskwaki, products of a shifting environment that should not be viewed as traitorous to their Native identity. Social changes

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<sup>89</sup> Lloyd A. Fallers, “The Role of Factionalism in Fox Acculturation,” in Gearing, et al., 64. Pages 79-81 also include several examples of “factionalism” throughout Meskwaki history, beginning in the seventeenth century.

<sup>90</sup> Foley, *Heartland Chronicles*, 154. Peattie, “Being a Mesquakie Indian,” 48 quotes this Meskwaki, an unidentified “Youngbear affiliate” from interviews she conducted in the 1940s.

<sup>91</sup> Lyons, 141.

among the Meskwaki, however, fueled much of the settlement political discourse, necessitating some level of detail to illuminate the nuanced nature of settlement life.

First, the tribe grew slowly but steadily from their 1856 reemergence in Iowa through the early twentieth century, bringing the population to about 441 in 1936. Roughly nine out of every ten Meskwaki lived on the settlement, with the remainder dispersed at schools or living in urban areas like Des Moines.<sup>92</sup> OIA records indicate that more than three quarters of all Meskwaki over age ten could speak some English, and virtually all tribal members also spoke fluent Meskwaki, the settlement's preferred parlance.<sup>93</sup> The tribe had long been in close contact with local communities, and their growing bilingualism influenced further contact with the off-settlement world, even though most Meskwaki likely did not travel more than a few miles from their land with any regularity. Two day schools stood on the settlement, though more than ninety Meskwaki young adults attended Indian schools in Kansas, Oklahoma, Nebraska, Minnesota, and South Dakota by 1928.<sup>94</sup> Additionally, many tribal members had access to media that brought new ideas and knowledge of off-settlement happenings to Tama, and by the mid-1920s,

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<sup>92</sup> The OIA population reports from 1936 may be inexact, as the agent attempted to count the number of total enrolled Meskwaki, as well as the total number actually living on the settlement, as well as the few instances where non-Meskwaki Native Americans had come to live on the settlement through intermarriage. "1936 Annual Statistical Report," 1-8; Annual Reports 051, 1935-1943, Box 114, Decimal Correspondence Files, Annual Reports 051, 1935-1943; BIA, S&FA; RG 75; NARA – Great Lakes (Chicago).

<sup>93</sup> Joffe, 294. Brown, 76. OIA Superintendent Ira D. Nelson, "1936 Annual Statistical Report," 10; Annual Reports 051, 1935-1943, Box 114, Decimal Correspondence Files; BIA, S&FA; RG 75; NARA – Great Lakes (Chicago), 8-10. Similarly, "100 Persons from Our County Hear Story of Indian," *News* (Newton, Iowa), April 18, 1935 notes that "practically all of the young [Meskwaki] can read and speak English." Such accounts may be skewed by non-Natives hoping to inflate the "progress" being made at Tama. Nevertheless, they reflect the growing tendency of many Meskwaki to be versed in both their tribal language and English.

<sup>94</sup> Brown, 71. U.S. Representative Cyrenus Cole to Sac and Fox Agency Superintendent Jacob Breid, February 12, 1931, Charities and Benevolences -- Rations (Food and Clothing), Misc. Correspondence, 1931-1933, Box 293, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). George Young Bear, "Mesquakie News Tells of History: George Young Bear Gives Facts About Indian Education," *Toledo Chronicle*, November 22, 1928. For a Meskwaki account of the assimilation project and the boarding school system, see Adeline Wanatee, "Education, the Family, and the Schools," in Bataille, et al., 100-103.

several had automobiles. Even those tribal members who faced the greatest cultural, geographic, and linguistic barriers to the outside world could have ideas and descriptions of news and events from other places translated to them by friends or family.<sup>95</sup>

New religious practices also began to take root on the settlement by the early 1920s, as tribal members explored Native and non-Native faiths beyond the Meskwaki clan/bundle custom. OIA reports, for example, note the presence of the “peyote church,” more commonly called the Native American Church, which had “quite a few followers” around that time.<sup>96</sup> Additionally, a 1936 report described the presence of “50 protestant Indians” and noted that of seven total Meskwaki marriages the previous year, four were by “tribal custom,” while the other three were conducted via “legal procedure.”<sup>97</sup> A 1934 newspaper article claimed that roughly half the tribe belonged to an on-settlement Presbyterian church.<sup>98</sup> Over the years, religious practices became increasingly diverse, and by the early 1940’s, “religious differences . . . slice[d] the Meskwaki six ways – [into] two groups of Christians, [the] peyote [Native American Church], the Drum [society], the [tribal] clan groups, and the secular” all existed on the settlement.<sup>99</sup>

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<sup>95</sup> Peattie, 53-55 notes that “a large portion of Mesquakie families subscribe[d] to a newspaper, [and] read magazines with fair frequency,” an observation she made in 1948. Other evidence, such as Grant, “The Indian,” shows that similar trends existed much earlier. Joffe, 303, notes that by the 1940s, about “half the [Meskwaki] families own[ed] automobiles.”

<sup>96</sup> “Percy Bear,” Surveys of Indian Industry, 1921-1926, Box 1, Annual Reports 051, 1935-1943, Box 114, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). For further information on the Native American Church and the federal response to it, see Biolsi, 66 and 134-140.

<sup>97</sup> “1936 Annual Statistical Report,” section 1; Annual Reports 051, 1935-1943, Box 114, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago).

<sup>98</sup> Grant, “The Indian.”

<sup>99</sup> Peattie, 46-53 details the differences between the various religious sects on the settlement. Importantly, she notes that “this conflict of faiths [between the Meskwaki] is not properly a battle between gods, since the peyote church [Native American Church] services refer to Christ and the Christian God, and both clan leaders and the Drum Society members tend to identify their Great Spirit with the Christian God. It is, therefore, possible for persons to belong to more than one of these faiths with a clear conscience.”

The settlement economy also expanded during this period. The tribe leased nearly 700 acres of its land to two white farmers in 1895 and used the revenue to pay settlement property taxes. They also expanded their annual religious ceremonies to include a powwow festival in 1913, in which tribal members performed various ceremonial dances for white tourists, a venture which fit well with the era's booming national interest in Native pageantry. The festival was controversial both among Meskwaki who viewed the performances as culturally exploitative and OIA agents who believed it promoted tribal ways, and thus, represented "resistance to progress."<sup>100</sup> However, the event grew increasingly lucrative, and the Meskwaki organized a Powwow Association to organize and manage its finances. Anthropologist Sol Tax observed that the local "chambers of commerce advertise[d]" the Meskwaki presence and "awaite[d] the powwow, which...attracted about seven thousand people" to the settlement each year.<sup>101</sup> At the height of its popularity, powwow revenues provided each performer roughly twenty extra dollars of income; vital cash for families making less than \$500 annually.<sup>102</sup>

Individual Meskwaki also found new modes of employment during this time. While many tribal members continued to farm small plots of land and hunt near their homes, many men also began working off the settlement as railroad or construction workers, in local industrial

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<sup>100</sup> Brown, 73.

<sup>101</sup> Sol Tax, "The Social Organization of the Fox Indians" (Ph.D. diss., University of Chicago, 1935) in Gearing, et al., *Documentary History*, 5-6.

<sup>102</sup> Brown, 63-64 and 72-74. Daubenmier, 31 places the tribal income in the 1930s at about \$500 annually, compared to the \$2,085 earned by the average white family in Iowa. See also pages 34-35. Peattie, 53-56. Indian pageantry became extraordinarily popular across the U.S. from the 1880s until about the 1950s. Peattie notes that "the Mesquakie [played] up to white conceptions of 'the Indian' by donning feather headdresses and standing beside canvas tipis at practically all ceremonial occasions involving a white audience," even though neither headdresses nor tipis are characteristics of Meskwaki culture. An interesting literature details the history of Indian pageantry, and three excellent treatments of the subject are provided by Louis S. Warren, *Buffalo Bill's America: William Cody and the Wild West Show* (New York: Random House, 2005); David O. Born, "Black Elk and the Duhamel Sioux Indian Pageant," *North Dakota History* 61:1 (Winter, 1994):22-29; and L.G. Moses, *Wild West Shows and the Images of American Indians 1883-1933* (Albuquerque: University of New Mexico Press, 1999).



plants, and many continued to work as hands on local farms. Meskwaki did “a little basket weaving, bead work, and some metal work,” and women made “bracelets of silver or bows and arrows for souvenir sale” to white tourists at the powwow or along the highway outside Tama.<sup>103</sup> All revenues earned from such ventures came in addition to the roughly forty-four dollars each Meskwaki received in annuities from the federal government, comprising an average family income of about \$470.<sup>104</sup> One newspaper article from 1934 also notes that one entrepreneurial Meskwaki had taken to “raising silver foxes,” presumably for sale off the settlement. To sum up the changes to the settlement economy, another reporter remarked that the Meskwaki were “good farmers, good tradesmen, and [were] successful in nearly every undertaking.”<sup>105</sup>

Material changes accompanied the expanding tribal economy, and by the mid-1920s the settlement resembled rural, non-Indian communities across the Midwest. Four years after their village was incinerated to stop the spread of smallpox in 1901, wickiups comprised three-fourths of all dwellings and only about fifteen “American style” houses stood on the settlement.<sup>106</sup> By 1927, however, the vast majority of Meskwaki lived in small frame houses and only three families lived full-time in wickiups – though many continued to maintain the older-style structures for summer use.<sup>107</sup> Several local newspapers, written and read mostly by whites, and

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<sup>103</sup> Nelson, “Annual Report, January 1, 1935,” Annual Reports 051, 1931-1935, Box 113, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). Tax, 5.

<sup>104</sup> Daubenmier, 33. Emergency Conservation Work Supervisor L.W. Page, “Report on the Sac and Fox Jurisdiction,” November 2, 1936, IRA-MHPDM.

<sup>105</sup> Brown, 74. Donald Grant, “The Indian.” “Tama Indians are Like Other American Citizens.”

<sup>106</sup> Duren H. Ward Collection, BL21, Folder 11, Special Collections, SHSI-IC.

<sup>107</sup> John J. Sullivan, “Sac and Fox Agency and Sanatorium, Iowa,” 9, Report to the Commissioner of Indian Affairs, Samuel A. Elliot Collection, # 9165 Series I, Board of Indian Commissioners Reports, Box 5C, Division of Rare and Manuscript Collections, Cornell University Library. C.M. Richards, “Tama Indians Abandon Wickiups for Modern Homes; Progress in Last Few Years was Greatest in History,” *Toledo Chronicle*, December 15, 1927. The article also notes that settlement houses ranged in price from \$500 to \$2,000 and that many Meskwaki elected to

therefore likely inclined toward the virtues of assimilation, marveled that Meskwaki dwellings were “clean, comfortable homes, [and] well furnished,” replete with “radios, newspapers, cookstoves, tables and chairs,” and other comforts of early twentieth century life.<sup>108</sup> Into the 1930s, several Meskwaki owned tractors and other agricultural technologies and tools, over forty individuals owned horses for labor, and a handful raised cattle and hogs.<sup>109</sup> Meskwaki shopped and attended “bargain night at the movies” and band concerts in nearby towns for recreation. Indeed, many white columnists were undoubtedly smitten with the overtures of assimilation and were thus chose to view the evolving settlement as an example of successful acculturation, rather than of a people unsurprisingly adapting to their changing environment, as Scott Richard Lyons noted above. One journalist, for example, exclaimed that Meskwaki “homes, their food, their habits and their entertainment are much the same as that of other American citizens,” and that “it should not be forgotten that in the ratio of progress in the last 10 or 15 years” the Meskwaki had “overstepped the vast majority of their American neighbors.”<sup>110</sup>

All of these changes are central to understanding the arc of Meskwaki political discourse as they struggled to reaffirm their self-governance in the early twentieth century. As settlement life shifted, opportunities for internal disagreement over “traditionalism” grew and bled into the tribal political discourse. No matter how ensnaring it became, however, social and economic change permeated the lives of all Meskwaki, crafting a nuanced settlement reality. Whether

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receive lump-sum payment of their tribal annuity shares to fund their houses. Daubenmier, 29-30 also describes the interior of many Meskwaki homes.

<sup>108</sup> “Tama Indians are Like Other American Citizens.” Grant, “The Indian.”

<sup>109</sup> Joffe, 302-303.

<sup>110</sup> Tax, 5. “Tama Indians Are Like Other American Citizens,” Story City, Iowa, July 20, 1933. Fallers, 79, argues that “the factions still thought of themselves as pro- and anti- white, even though fifty years of acculturation had spread a uniform level of acceptance of white material wants and behavior over the entire community.”

certain Meskwaki viewed themselves as “progressive,” “conservative [read traditional],” or anything in between, their daily lives were likely marked by elements of both tribal and non-tribal culture, though political “dispute[s] continue[d] to be framed...in terms of pro- and anti-white slogans.”<sup>111</sup> The leaders of the Oldbears and Youngbears believed, just as Charlie Apekaum had described among the Kiowa, that their way was the best plan to ensure tribal survival. Accordingly, individuals aligned their opinions around the ideology they most agreed with, and dug in. One Meskwaki, identified only as a “Youngbear affiliate,” illustrated this notion when he told an anthropologist in the 1940s that *his* party was the one “trying to do things for the good of the tribe.” His inference, of course, was that the *other* party, of the “traditional” Oldbears, was simply trying to hold the Meskwaki back from a fruitful future.<sup>112</sup>

The shifting Meskwaki religious views, for example, provide insight into the crossover between settlement rhetoric and reality. Many Oldbears who, according to their own rhetoric, would have been stalwarts to Meskwaki clan/bundle-based religion, became deeply involved with the Native American Church, which blended the ceremonial use of peyote with certain elements of Christianity, after it was introduced to the tribe by non-Meskwaki Indians in 1904.<sup>113</sup> Similarly, many Youngbears, who would have been more likely to have converted to Christianity, according to rhetoric about progressivism, took up participation in the Drum Society, which combined elements of Indian and non-Indian ceremonialism, after being brought to the tribe by some “Wisconsin Natives” around 1900.<sup>114</sup> Furthermore, many Meskwaki in both

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<sup>111</sup> Fallers, 82.

<sup>112</sup> Peattie, 48.

<sup>113</sup> Peattie, 77.

<sup>114</sup> *Ibid.*, 76.

political groups continued to follow the clan/bundle religion and many also combined elements from Meskwaki and other faiths into an almost hybridic form of tribal worship. Ultimately, then, for all the attention afforded it, the factional progressive/conservative binary merely represented what Douglas Foley terms “a healthy political discourse marked by rhetorical flourish.”<sup>115</sup>

The discord allowed the OIA to increase its control over Meskwaki governance. Though many Oldbears derided Pushetonequa as a “government chief,” his cooperation with the OIA remained limited. Local whites continued to view him as a hindrance to assimilation, with notable white author George Bird Grinnell opining that Pushetonequa “holds the tribe back instead of leading them forward, opposing most of the plans of the Government for the [tribe’s] general good.”<sup>116</sup> But tribal political discord prevailed, and in early 1914, the Oldbears submitted a petition carrying some 200 names for the replacement of Pushetonequa with an Oldbear loyalist named Peter Oldbear.<sup>117</sup> Though the effort proved unsuccessful, OIA Superintendent Robert L. Russell seized the opportunity to increase federal control over the tribe. Lamenting the rivalry between the Oldbears and Pushetonequa as irreconcilable, he argued that such dysfunction was detrimental to the “progress” of assimilation. That March, Russell applied to the commissioner of Indian affairs for the authority to appoint the members of the Meskwaki chief’s council -- a responsibility usually left to the chief. The Meskwaki attempted to avoid losing control of the council, and offered an alternative: they would reduce the council from twelve members to five, each of whom they would directly elect. Additionally, several Oldbears

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<sup>115</sup> Foley, “Fox Project,” 182.

<sup>116</sup> George Bird Grinnell, *The Indians of To-day* (New York: Duffield and Company, 1915), 283.

<sup>117</sup> Buffalo, 7-8. Vine Deloria Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1984), 37-42 provides insight into the national effort to concentrate federal Indian administration to streamline the overall project of assimilation.

petitioned the OIA requesting repeal of the legislation that declared Pushetonequa head chief in 1900. Recognizing the importance of maintaining a veneer of tribal authority, the OIA decided to leave the chief in his position and the council at twelve members. However, by October 1914, the OIA superintendent actively selected the council. This newfound authority enabled the agency to drastically reduce Pushetonequa's authority, though many Meskwaki continued to view him as an important leader. The effects of intrusive OIA strategy on Meskwaki self-governance were staggering. Indeed, Johnathan Buffalo argues that "[e]ven though Pushetonequa remained a Chief," after the loss of his ability to select council members, "his potency to act as [such] was broken."<sup>118</sup>

Meskwaki governance took the form of what Buffalo calls an "appointed business council," similar to the tribal business council the OIA had attempted to form in the 1890s, from 1914 until 1929. Now firmly under the auspices of OIA control, the council struggled to maintain any semblance of the meaningful self-governance and autonomy it previously wielded.<sup>119</sup> The OIA unilaterally reduced the council from twelve members to five, and refused to recognize a new chief following Pushetonequa's death in 1919. This action proved even more devastating than the crippling of Pushetonequa's authority five years prior, as the refusal to recognize his successor virtually erased the authority of any chief in the council system. Without clear tribal leadership and still under the duress caused by the Oldbear/Youngbear fight, the council, as Daubenmeir writes, "refused to meet for a year" until the OIA selected five Meskwaki men to serve on the new council. Still, this group held "little or no authority," and

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<sup>118</sup> Buffalo, 7-8.

<sup>119</sup> Ibid., 7.

functioned only to “validate agency decisions, to communicate these decisions [to the tribe], and to report tribal community reactions.”<sup>120</sup>

The Meskwaki stood at a clear political disadvantage to the OIA after 1919. The Indian Citizenship Act of 1924 conferred federal citizenship upon all Native Americans in the U.S., and thereafter, many Meskwaki vociferously exercised their newfound ability to vote in non-tribal elections. Though the OIA managed tribal “schools...police, and most of their domestic affairs, as one Iowan wrote, “a great many [Meskwaki took a] great interest” in local schools, the affairs of local government, “and other public matters.”<sup>121</sup> One newspaper reported that in the fall elections of 1924, their first as U.S. citizens, “77 [tribal members] cast their first vote.”<sup>122</sup> Furthermore, after almost six years of council dormancy, several Meskwaki sent a letter to Commissioner of Indian Affairs Charles H. Burke about removing the tribe from federal trusteeship. Burke responded that it would be contingent on the full allotment of the settlement into individual parcels, which was hardly acceptable to the Meskwaki.<sup>123</sup>

In 1928 the tribe held a month-long meeting after which they nominated an Oldbear as chief. That individual then selected a council, as he would have in the chief-council system, and the tribe sought OIA recognition of their chosen form of governance. The agency insisted that the tribe hold democratic elections. The Meskwaki acquiesced and organized an election in May

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<sup>120</sup> Daubenmier, 39. Buffalo, 7-9.

<sup>121</sup> Harlan to Ms. Mildred Hutchins, April 1936, File 49D, Part 10, Group 2, ERH Papers, SHSI-DM.

<sup>122</sup> “Story of the Tama Indians,” *Boone News-Republican*, April 5, 1928. For further information on the national Native reactions to the Indian Citizenship Act, see Bruyneel, 97-122 and Wilkins, *American Indian Politics*, xvi and 198-202.

<sup>123</sup> Buffalo, 10-11. It is unclear as to which party – the tribe or Commissioner Burke – first inquired on the subject. Buffalo states that “in 1928, the Commissioner...wrote a letter to the tribe implying that they reorganize their government.” However, it does not note whether that message came in response to an earlier Meskwaki letter, as was the case in 1925.

1929 at which they selected a seven-member council that included both Oldbears and Youngbears. This apparent attempt to overcome the acerbic partisan bulwark, according to one reporter, came with “great expectations” for a new era of political cooperation “throughout the [Meskwaki] lands.”<sup>124</sup>

However, the two groups proved unable to come to agreement on several issues, and at various points, certain council members refused to meet at all. The attempted compromise failed and the tribe called several additional elections, each time hoping to seat a functioning council. According to one OIA report, following these repetitious electoral failures, “five of the older men of the tribe assumed [the] responsibilit[ies]” of a tribal council, but even then “the balance of power in the council” inevitably “gravitated to one group or faction in the tribe.”<sup>125</sup> The post-1928 councils, anthropologist Natalie Joffe writes, “never [obtained] real authority,” despite the “great deal of prestige and vigorous political campaigning” that characterized the elections.<sup>126</sup> The council’s efforts to “function the best they could” also floundered; the OIA refused to recognize the council as a legal authority “without a written constitution and without full tribal consent.” By refusing to recognize the tribal council, the agency rationalized its exercise of authority over the tribe.<sup>127</sup>

The tribe’s experimentation with the elected council affirms their continued interest in self-governance as the Great Depression descended on the nation. They campaigned for tribal office, and in 1931 several members organized a four-person delegation that travelled to

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<sup>124</sup> *Toledo Chronicle*, May 9, 1929.

<sup>125</sup> Nelson to Commissioner of Indian Affairs John Collier, February 23, 1935; Letters Sent 1934, Box 36, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago).

<sup>126</sup> Joffe, 311.

<sup>127</sup> Buffalo, 12.

Washington, D.C., to discuss the worsening settlement conditions brought on by the Depression, as well as tribal enrollment and tax issues with several members of Congress.<sup>128</sup> Meskwaki interest in self-governance did not wane, even as they faced desperate economic conditions, their own inability to overcome internal political paralysis, and the OIA's frequent unwillingness to recognize tribal authority.

The Depression added economic strife to the settlement turmoil. Before it began, the Meskwaki "were poor" but "experienced no actual destitution," because their economy had diversified considerably, and many tribal members had at least enough income to comfortably subsist.<sup>129</sup> However, the onset of the Depression wiped out opportunities to labor in neighboring communities and left the tribe to "share the economic struggles of their white neighbors."<sup>130</sup> In fact, Meskwaki access to cash suffered more than most local communities, a partial consequence of early-twentieth century racial tensions. OIA Superintendent Jacob Breid remarked in early 1934 that "it is not possible for the white people of the community to secure employment, and until that has been accomplished, the Indian does not have a fair chance to get a job."<sup>131</sup> Several years before that report, tribal members "in great distress over the suffering of [the Meskwaki]

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<sup>128</sup> "Memo: RE Sac and Fox Indians of Iowa," Washington, D.C., February 4, 1931 and Cole to Breid, February 12, 1931; Charities and Benevolences -- Rations (Food and Clothing), Misc. Correspondence, 1931-1933, Box 293, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). Unfortunately, records from this trip are sparse. The four Meskwaki who attended were George Young Bear, Youngbear, Sr., Charles Davenport, and Jonas Poweshiek. Young Bear had been elected to the tribal council in the 1929 election, but it is unknown if another election had occurred since that time, if he remained on the council in 1931, or if the other three members of the delegation were councilmen. In his letter, Cole writes that "although they had no defined official powers the Commissioner of Indian Affairs and his Assistant and legal advisers heard them patiently and sympathetically." This suggests that either the majority of the Meskwaki delegation were not council members, or that the agency simply did not formally recognize their authority. Buffalo, 12, notes that the delegation also met with U.S. Vice President Charles Curtis.

<sup>129</sup> Brown, 74.

<sup>130</sup> Daubenmeir, 31.

<sup>131</sup> Breid, "1934 Annual Statistical Report," 3; Annual Reports 051, 1931-1935, Box 113, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago), 3.



people” contacted church-based charities as far away as Des Moines to request extra food and clothing for tribal members suffering through the 1930 winter.<sup>132</sup> Several government-sponsored programs like the Civilian Conservation Corps-Indian Division (CCC-ID) and the Indian Relief and Rehabilitation Program (IRRP) also provided much-needed relief, creating work and wages which benefitted tribal members and strengthened the settlement. The agency developed a program for timber reforestation that relied on Meskwaki labor to plant stands of trees to control erosion on the settlement. Established under Breid’s direction in 1929, one federal employee hoped the project would someday promise “considerable commercial value.”<sup>133</sup> This and similar projects became the focus of the tribe’s relief work. Most Meskwaki men were laborers, though several held positions of authority within the CCC-ID system. Many Meskwaki men and women also worked at the OIA agency hospital in Toledo. Regardless of where they found work, however, all sought opportunities to feed and clothe themselves and their families.<sup>134</sup> The demand for work was so high in almost every relief program that agency officials resorted to

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<sup>132</sup> Harlan to H.D. Bernbrock, April 30, 1932; File 49C, Part 8, ERH Papers, SHSI-DM and H.M. Rhode, memorandum dated December 15, 1930; File 49C, Part 7, ERH Papers, SHSI-DM. In these letters, Harlan describes how Youngbear, a Meskwaki, came to his office to “convince [him] that some of the older and less fortunate Meskwaki actually [were] in hunger” to the extent that the lack of “daily necessities have brough [sic] hazard” to some tribal members’ lives.

<sup>133</sup> Sullivan, “Sac and Fox Agency and Sanatorium,” 7-9.

<sup>134</sup> Ray Anderson, “New Form of Tribal Management Proposed by Indians on Sac and Fox Reservation,” *Cedar Rapids Gazette*, May 17, 1936. A survey of the reports contained in Weekly Progress Reports, FY1934-1940, July 1941-October 1941, Box 309, CCC-ID Program Records, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago) show that work on the settlement employed as many as 67 Meskwaki men at a time, who worked on a variety of projects, including: forest nursery, erosion control, weed eradication, drainage improvement, brush disposal, telephone pole installation, fence construction, and much more. Breid to J.P. Kinney, May 5, 1933, Letters Sent, 1933-1942, Box 306, CCC-ID Program Records, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). For general information on the CCC-ID, see Donald L. Parman, “The Indian and the Civilian Conservation Corps,” *Pacific Historical Review*, 40:1 (February 1971): 39-56 and Calvin W. Gowler, “The CCC-Indian Division: Aid for Depressed Americans, 1933-1942,” *Minnesota History*, 43:1 (Spring, 1973): 3-13.

rotating work schedules to spread the labor and wages as evenly across the Meskwaki population as possible.<sup>135</sup>

Meskwaki CCC-ID employment provided the setting for an exercise of tribal sovereignty when a dispute between program administrators and tribal members arose in 1935. That February, two members of the self-appointed tribal council arranged a meeting with the new OIA Superintendent, Ira D. Nelson, to discuss agitation among Meskwaki workers. Several days before, tribal member Frank Mitchell had a heated exchange with his supervisor, a non-Indian named Fred Anderson. Though details are unclear, the disagreement between Mitchell and Anderson was severe enough for Nelson to suspend all of the much-needed relief work until the tribal “council would guarantee no more disturbances” from Meskwaki workers. In response, the council agreed to hold a public meeting to address the issue and proscribe workplace disruptions. At some point either during or after that meeting, several Meskwaki petitioned the OIA for Anderson’s termination. Although Nelson initially refused to make personnel changes under such circumstances, and even defended Anderson to the OIA in the nation’s capital, Anderson was transferred to North Dakota barely a month after the incident.<sup>136</sup>

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<sup>135</sup> Lisa Dianne Lykins, “‘Curing the Indian’: Therapeutic Care and Acculturation at the Sac and Fox Tuberculosis Sanatorium, 1912-1942” (Ph.D. diss., University of Kentucky, 2002), 147.

<sup>136</sup> This incident provides an interesting look into tribal politics, as well as the disagreement between the Meskwaki and Fred Anderson. It seems that certain Meskwaki men were hired to positions of authority within the CCC-ID work groups, and that some of those individuals were of a different factional orientation than the self-appointed council. Thus, Nelson notes that the council not only wanted Anderson terminated, but also wanted other Meskwaki “straw bosses” replaced with other tribal members. In his correspondence with the Commissioner of Indian Affairs, Nelson noted that he felt “that [the] petition [to have Anderson terminated had] been fostered by those who are jealous of the sub-foreman and assistant [work group] leaders.” Transcript of “Meeting 2-12-35” between Sam Slick, Youngbear, and Nelson; File:749 Community Meetings – Minutes of Meetings and Related Correspondence, Box 293, Decimal Correspondence Files. Nelson to Collier, February 23, 1935; Letters sent, 1933-1942, Box 304, Indian Office Sac and Fox Agency CCC-ID Program Records. “Report, March 15, 1935” and “Report: February 15, 1935;” Weekly Progress Reports FY 1934-1940 and July 1941-October 1941, Box 309, Indian Office Sac and Fox Agency CCC-ID Program Records; all BIA, S&FA; RG 75; NARA – Great Lakes (Chicago).

The tribe successfully lobbied for the construction of an on-settlement, Meskwaki-only day school in another, more far-reaching political victory. Most tribal parents had long resisted enrolling their children in the assimilation-oriented, off-settlement boarding schools. John M. Byrd wrote in 1938 that agency superintendents had authority to “withhold rations or money from Indians refusing to send their children to school,” and though the agency never actually carried out this threat, “the knowledge, on the part of the [Meskwaki], that such means was legal served as a coercion for [them] to send their children to school against their wishes.”<sup>137</sup> There were two functioning OIA schools on the settlement by the 1920s. They seem to have gained tribal acceptance because, if nothing else, they kept Meskwaki children close to home. However, rumors that the schools were slated for closure, meaning the students would be sent off-settlement, began circulating as early as 1929. This fear came to partial fruition in 1932 when the OIA closed one of the schools, leaving only one facility on the settlement with a capacity enough only for students up to grade four. According to a 1931 contract that had been signed without tribal consent between the OIA and the school district of Montour, a town some ten miles from the settlement, by 1932 Meskwaki children above the fourth grade were bussed to and from Montour daily.<sup>138</sup>

The Meskwaki community reacted quickly after hearing that white parents and teachers in the Montour area discriminated against their children. According to Byrd, many white parents “were reluctant to permit the Indians to attend the school, thinking the Indians were subject to

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<sup>137</sup> Brown, 76, and John M. Byrd, “Educational Policies of the Federal Government Toward the Sac and Fox Indians of Iowa, 1928-1937, with Resulting Changes in Indian Educational Attitude: A Study in the Process of Assimilation” (M.S. thesis, State University of Iowa, 1938), 14; Special Collections, University of Iowa, Iowa City, Iowa. Daubenmier, 36 summarizes the controversy over the Montour school contract, noting that Sol Tax wrote to Collier on behalf of the Meskwaki, prompting Collier to send a representative to Tama to participate in the negotiation process.

<sup>138</sup> State Historical Society of Iowa Employee Hella M. Rhode to Mrs. Marrell Harriot, January 7, 1933; File 49D, Part 9, Group 1, ERH Papers, SHSI-DM. Brown, 76-77.

diseases and maladies which might affect the white children.”<sup>139</sup> Economics also factored into the prejudice suffered by the Meskwaki. Unlike the on-settlement schools, no provision had been made to subsidize the Indian students’ education. Thus, many white parents complained that the Meskwaki were “not in the school district,” and were therefore perceived as drain on its funds.<sup>140</sup> Wholly unsatisfied with the educational arrangement between the OIA and Montour, the Meskwaki organized a tribal “Student-Parents Association” to negotiate more acceptable educational conditions.<sup>141</sup> The tribe organized a community meeting in August 1934 that culminated in the passage of several “resolutions against sending their children to the Montour Schools until an agreement was recorded between the tribe and the government,” based on the central complaint that the contract between the OIA and Montour had been made “without consulting the tribe.”<sup>142</sup> Significantly, it does not appear that the usual tribal political discord affected this process. In fact, the resolutions against the Montour contract were unanimously accepted by tribal members probably because the issue did not affect political power distribution.<sup>143</sup>

Following these resolutions, the Meskwaki held a series of meetings with federal officials in which they negotiated an agreement. The agency agreed to pay Meskwaki tuition for attendance at the accredited high school in a town much closer to the settlement, while tribal children below high school would attend a new “[Meskwaki] Day School” through the eighth grade. In exchange, the tribe accepted responsibility for ensuring attendance and agreed that the

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<sup>139</sup> Byrd, 13.

<sup>140</sup> Ibid., 13-19, and Brown, 76-77.

<sup>141</sup> Brown, 77.

<sup>142</sup> Byrd, 23.

<sup>143</sup> Ibid., 23.

Student-Parents Association would continue to “represent the tribe in school matters.”<sup>144</sup> The brand-new, \$45,000 tribal day school opened in 1938, and one newspaper, no doubt delighted that Indian children were receiving a white-style education, reported that after its opening, roughly 82 percent of the eligible students regularly attended classes.<sup>145</sup> As in the dispute with CCC-ID administrators, the Meskwaki overcame internal discord, spoke with one unified voice, and demanded change.

### *Seeking a Return to Self-Governance*

The Meskwaki had watched their sovereignty bow under the pressures of federal incursion and intra-tribal political discord for the first three decades of the twentieth century. A dramatic 1934 change in federal Indian policy purported an opportunity to reaffirm tribal self-governance: the Indian Reorganization Act. Some tribal members viewed the law as such, while others saw it as a deviation from tribal custom and sought a return to the chief-council system. Meskwaki on both sides of the debate hoped to regain the level of autonomy they possessed before 1896. Tribal political discord approached its apogee as political leaders jockeyed for control, and two important elections occurred only three years apart. Land and self-governance lay at the heart of the debate, and when the dust settled in 1937, the Meskwaki narrowly chose a new political framework that, though far from unanimous, would carry the tribe through the tumultuous waters of the twentieth century.

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<sup>144</sup> Brown 78-79.

<sup>145</sup> Byrd, 23, notes that the resolutions themselves were crafted by a five-member board consisting of Amos Morgan, Horace Poweshiek, Albert Davenport, and George Buffalo. “Tama Indian School is Different,” *Cedar Rapids Gazette*, November 27, 1938. The high school children were moved to the town of Tama, Iowa, which is roughly five miles from the settlement.

Sweeping administrative changes accompanied the start of Franklin Roosevelt's first presidential term in the spring of 1933. Among them was an important shift in the tenor of federal Indian policy. Under the leadership of Roosevelt's new Commissioner of Indian Affairs, John Collier, the OIA immediately began implementing a series of programs intended to drastically divert Indian affairs away from the policies of assimilation and allotment. Collectively, these programs were known as the Indian New Deal, and they included a variety of efforts to improve conditions in Indian Country nationwide.<sup>146</sup> The central component of this effort, the IRA, had initially been conceived to remedy the numerous inadequacies identified in the 1928 Miriam Report, a sharply critical federal examination of national Indian affairs<sup>147</sup> According to historian Kenneth Philp, Collier "believed that," in order to undo the damages of allotment and assimilation, the Indian "bureau would have to decrease its paternalism and extend both civil rights and modern business enterprise" to Indians. He presumed the best way to facilitate this transformation would be to "reaffirm the right of tribal societies to control their lives and property by establishing a system of home rule under federal guidance."<sup>148</sup> Several scholars argue that the IRA represented little more than an effort to perpetuate a system of

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<sup>146</sup> Philp, 113-134 provides a fine overview of the change in administration which brought Collier into the OIA, as well as detail on the various programs considered part of the Indian New Deal. Harry A. Kersey, Jr., *The Florida Seminoles and the New Deal, 1933-1942* (Boca Raton: Florida Atlantic University Press, 1989), xi-xiii, and Virginia Davis, "A Discovery of Sorts: Reexamining the Origins of the Federal Indian Housing Obligation," *Harvard Blackletter Law Journal* 18 (2002) also describe various programs that were folded into the Indian New Deal, including the Johnson-O'Malley Act, the CCC-ID, the Indian Relief and Rehabilitation Program (IRRP), and several others.

<sup>147</sup> Brookings Institution, Institute for Government Research, *The Problem of Indian Administration: Report of a Survey made at the request of Honorable Hubert Work, Secretary of the Interior, and submitted to him, February 21, 1928* (Baltimore, MD: The Johns Hopkins Press, 1928) <http://www.eric.ed.gov/PDFS/ED087573.pdf> (accessed, 5/30/2012). Davis, 225-228, provides a concise background and outline of the Miriam Report of 1928 (otherwise known by its official title, *The Problem of Indian Administration*). As she notes, the report was composed over the course of two years, and "recommended badly needed changes in virtually every aspect of Indian policy, sharply criticized the allotment policy, outlined programs for improvement, and advocated for increased funding of Indian programs."

<sup>148</sup> Philp, 118 and 141.

indirect colonialism that furthered the project of assimilation.<sup>149</sup> Regardless, the most important aspect of the law, at least for the Meskwaki, was Collier's recognition of tribal self-governance as the greatest conduit for the creation of lasting political systems in Indian Country.

Originally called the Wheeler-Howard Act after its primary congressional sponsors, the bill that became the IRA underwent an arduous period of legislative debate and amendment beginning in February 1934.<sup>150</sup> While Congress considered the bill, Collier and his aides held a series of ten meetings in Native communities across the nation, where they pitched the ideals of the IRA to various tribal delegations.<sup>151</sup> These congresses provided an opportunity for the OIA to take its newly reconstituted mission from the bureaucratic halls of Washington to the communities it would impact. According to one federal report, the meetings were intended to:

Symbolize a new relation between the Indians and the OIA which the Commissioner hoped would evolve. In lieu of Administrative absolutism there would be developed between government officials and Indians a partnership in the determination of many policies. Instead of superintendents or Washington

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<sup>149</sup> Collier ostensibly sought to replace earlier attempts at assimilation with a system that reaffirmed the tribal rights to govern, worship, and live on their own terms. However, his intentions have become the subject of great inquiry and controversy in recent decades. For additional scholarly discourse on Collier, the IRA, and the intentions, successes, and the successes and failures of the Indian New Deal era, see Philp; Deloria and Lytle; Akim Reinhardt, "A Crude Replacement: The Indian New Deal, Indirect Colonialism, and Pine Ridge Reservation," *Journal of Colonialism and Colonial History*, 6:1 (2005); Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934-1945* (Lincoln, University of Nebraska Press, 1980); Felix S. Cohen, *On the Drafting of Tribal Constitutions*, ed. David E. Wilkins (Norman: University of Oklahoma Press, 2007); Elmer R. Rusco, *A Fateful Time: The Background and Legislative History of the Indian Reorganization Act* (Reno: University of Nevada Press, 2000); Wilcomb E. Washburn, "A Fifty-Year Perspective on the Indian Reorganization Act," *American Anthropologists*, 86:2 (June 1984):279-289; Jennifer McLerran, *A New Deal for Native Art: Indian Arts and Federal Policy, 1933-1943* (Tucson: University of Arizona Press, 2009); and Wilkins, *American Indian Politics*.

<sup>150</sup> Deloria and Lytle, 80-153, provide an excellent discussion of the Congressional debates, political dynamics, and amendments that occurred during the debate over the Wheeler-Howard Bill, as well as a comparison between the legislation's original versions and the final, implemented act. The bill was named for U.S. Senator Burton K. Wheeler of Montana and U.S. Representative Edgar Howard of Nebraska, who sponsored it.

<sup>151</sup> Vine Deloria, Jr., ed., *The Indian Reorganization Act Congresses and Bills* (Norman: University of Oklahoma Press, 2002) provides edited transcripts for each of the ten meetings between the Indian Office and tribal delegations, as well as the full original Wheeler-Howard Act and the final versions of the IRA. The meetings took place between March 2 and June 11, 1934, in South Dakota, Oregon, Arizona, California, Oklahoma, and Wisconsin.

officials deciding everything, there would be an area for local [Native American] self government.<sup>152</sup>

Native delegations, however, did not receive the IRA as well as Collier had hoped. In fact, the effort nearly dissolved after the initial meetings because many tribes found it unclear or simply opposed federal policies out of habit.<sup>153</sup> Collier eventually secured Roosevelt's signature on a much-altered version of the IRA on June 18, 1934, despite these near-fatal challenges and the obstacles presented by a highly politicized Congress.<sup>154</sup>

The final IRA differed from the Wheeler-Howard Act in several key ways, most of which diluted Collier's original blueprint for tribal self-governance. The original bill extended Indian communities the power to make their own laws, organize independent contracts with the state and federal governments, and in Collier's words, "do many [other] things that a country or city can do."<sup>155</sup> Legislators, however, were uncomfortable affording tribes such autonomy. Thus, the final IRA offered only a watered-down form of self-governance embodied in tribal constitutions that tribes could compose and ratify. Collier continued to claim that, despite its many changes, the finalized IRA offered "many far-reaching powers...to the duly elected authorities of the tribe," which would be constructed "according to the needs and wishes of the tribe." Thus, he argued, reorganization provided an opportunity for Indians to regain much of the independence

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<sup>152</sup> Theodore H. Haas, *Ten Years of Tribal Government Under I.R.A.* (United States Indian Service Haskell Institute Printing Department, 1947), 1.

<sup>153</sup> Deloria, xv.

<sup>154</sup> Deloria and Lytle, 38-139 provides an excellent discussion on the Congressional debates over the Wheeler-Howard Act.

<sup>155</sup> Collier, "Facts About the New Indian Reorganization Act: An Explanation and Interpretation of the Wheeler-Howard Bill as Modified, Amended, and Passed by Congress," 2; File 46U, Part 43, Group 4, ERH Papers, SHSI-DM.



and authority lost during assimilation. Self-governance, however, continued to be couched under federal authority.<sup>156</sup>

Indian tribes that chose reorganization took a series of steps.<sup>157</sup> They first had to vote to accept the IRA itself, Collier wrote, and then draft a tribal constitution along with the “cooperation and active assistance of the Commissioner and his staff.”<sup>158</sup> Such assistance included a process of constant revision and a clear effort by the agency to pressure tribes to integrate democratic governance into their constitutions. The IRA required the Secretary of the Interior to call a ratification election once tribes possessed a completed draft and, assuming electoral approval, the Secretary had to formally approve the document for it to take effect.<sup>159</sup>

This process began in April 1934 for the Meskwaki, while Congress debated the Wheeler-Howard Act, and Collier and his OIA held their congresses across the country. Tribal delegations commonly traveled great distances to attend the meetings. There is no evidence to suggest that the Meskwaki attended the one nearest Congress some 350 miles away in Hayward, Wisconsin, or any other.<sup>160</sup> Instead, at a meeting on April 7, the tribe selected an eight-member committee to study, interpret, and explain the IRA to the rest.<sup>161</sup> Over the course of nearly

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<sup>156</sup> Collier, 9-10. It should be noted that, in addition to the development of a constitutional government, tribes were also offered the opportunity to incorporate “for purely business purposes,” through an approval tribal charter. For further information on Collier and the Indian Office’s focus on using the IRA to continue a form of internal colonialism, see Reinhardt.

<sup>157</sup> Hass, 3 notes that from 1934 to 1936, 181 tribes accepted the IRA while 77 rejected it.

<sup>158</sup> Collier, 10.

<sup>159</sup> Deloria and Lytle, 141.

<sup>160</sup> Deloria, 399-402 provides a list of tribes represented at the Hayward congress. The next closest IRA meeting was held at Anadarko, Oklahoma. The records from that meeting do not provide details on all of the tribes in attendance, and Deloria, 288-289 includes a statement from an unidentified “Sac and Fox Representative.” However, there is no evidence to suggest this individual was from Iowa. Instead, it is most likely this individual represented the Oklahoma band of the Sac and Fox.

<sup>161</sup> Buffalo, 15.

twenty such meetings, this group went over the IRA, carefully weighing and explaining its merits.<sup>162</sup> Edgar R. Harlan, curator at the State Historical Society of Iowa in Des Moines, inquired to Collier in September 1934, on behalf of several Meskwaki as to the full impact the legislation would have on their tribe. Harlan, a non-Native widely viewed as a Meskwaki friend and advocate, noted that many tribal members were unclear about the changes between the original Wheeler-Howard Bill and the final IRA. He therefore requested an explanation of precisely those sections that would directly affect the Meskwaki, given the settlement's strange status as both communally owned *and* in a federal/tribal trust. Harlan noted that such an explanation would clarify the IRA in the:

minds of those leaders of the [Meskwaki] who, in the time being, may be credentialed as councilmen, but also the minds of those who are inevitably [opposed to the IRA], so that each individual, regardless of his factional attitude, may know exactly what he is in favor of, and what the law proposes, and what he is against.<sup>163</sup>

He further observed that “the great cause of dissention” among the tribe and the political parties, “is the occurrence in nearly all communications [from the agency] of matter immaterial to their situation.” The Meskwaki, he wrote, tended to doubt all new policies when they appeared “manifestly intended for a different tribe or culture.”<sup>164</sup>

The OIA viewed the council as symbolically important, but politically weak by the time news of the IRA reached the settlement. A July 1934 report on the condition of tribal

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<sup>162</sup> Buffalo, 17.

<sup>163</sup> Harlan to Collier, September 25, 1934; File 49U, Part 43, Group 4, ERH Papers, SHSI-DM. Harlan acted as an emissary of sorts for the tribe throughout his career at the State Historical Society of Iowa. He worked directly with Jonas Poweshiek (a Meskwaki who lived in Des Moines and worked at the historical society), and frequently acted as a liaison between the tribe and non-Indians. Indeed, as journalist Ed Gallarno wrote in “Tama Indians are Like Other American Citizens,” *Publication Unknown* Story City, Iowa, July 20, 1933, Harlan [knew] this band of [Indians] better than any other citizen of our state.”

<sup>164</sup> Harlan to Collier, September 25, 1934; File 49U, Part 43, Group 4, ERH Papers, SHSI-DM.

government contained a message Superintendent Nelson wrote to the Washington office, informing them that “no recognized tribal organization” existed at Tama. He also stated that the only semblance of tribal authority rested with the “acting tribal council” who had appointed themselves after the series of failed elections after 1928, but “in reality held no office.” However, Nelson noted that this council did exhibit a form of authority that the OIA and the tribe recognized:

This acting council is not authorized to handle matters of the tribe, but have assumed authority as a representative body of the tribe to sign tribal leases, reimbursable agreements, matters of enrollment into the tribe in which all members of the tribe have a voice, and said council acts in any matter where it is necessary that an administrative and representative council be at hand.<sup>165</sup>

Nelson did not publicly recognize the council as having any political authority, but saw the utility in leaving the acting council intact. He recognized that the council members were viewed as leaders by other Meskwaki, and that their stamp of approval added an important measure of tribal legitimacy to agency decisions. He also observed the tribe’s continual efforts to elect a functional council since 1928, writing that “none of the members of the tribe are satisfied with the acting council and to improve this situation they are...trying to elect a tribal business committee by vote of the entire tribe.”<sup>166</sup> Even the council recognized its limitations: in a meeting where Nelson asked them to settle a domestic relations dispute, the acting council stated that they “did not consider their authority sufficient to act as arbitrators...or even to make a recommendation.”<sup>167</sup>

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<sup>165</sup> Nelson to Collier, August 10, 1934, 1-5; IRA-MHPDM. Nelson wrote the OIA in response to Circular No. 3010, which provided a questionnaire that agency superintendents filled out to provide the agency with data on extant tribal political conditions nationwide.

<sup>166</sup> Ibid., 1-7. Nelson’s assertion that “none” of the tribal members supported the acting council reflects his likely bias toward the pro-elected council group.

<sup>167</sup> Westwood, “Memorandum to Mr. Collier.”

Complicating matters further, the tribe was well aware of the OIA's steadfast support of the IRA. The federal government strongly encouraged its new policies and showed little restraint in efforts to convince the Meskwaki to accept them. Collier emphasized all tribes' choice in accepting or rejecting the act but presented the tribe with a harsh alternative:

Rejection of the [IRA]...will not mean abandonment of the tribe by the Government. Its members will continue to be Federal wards and the tribe will continue to receive its share of the appropriations and services open to the Indian race as a whole. There cannot be and will not be any discrimination against a tribe which in the exercise of its best judgment declines to accept the Act. It will merely drift to the rear of the great advance open to the Indian race. It will stand still and will continue to lose its lands while those who accept the Act, its benefits and responsibilities preserve and increase their lands and will move forward.<sup>168</sup>

Backed by such rhetoric, the OIA remained closely entwined with the constitutional process, and frequently recommended revisions. Thus, the Secretary of the Interior ultimately approved a Meskwaki constitution that did not stray far from the federal concept of Indian reorganization.<sup>169</sup>

Together, all of this shows the complexity of the political situation developing on the settlement in the lead-up to the 1935 IRA election. With a return to pre-1896 autonomy as their shared goal, two distinct and polarized Meskwaki views on reorganization developed. The constitutional committee, comprised of Edward Davenport, brothers William and Horace Poweshiek, and George Young Bear, led those Meskwaki who viewed the IRA as a new and effective tool for self-governance. Members of the acting tribal council led those who preferred a return to the chief-council system, along with other prominent tribal members like John

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<sup>168</sup> Collier, 16. Emphasis original.

<sup>169</sup> Many scholars argue that the Indian Office constructed pre-written "model constitutions" which they forced onto tribes. Others maintain that the Indian Office created such models, but intentionally never released them to tribes. For further detail on these debates, see Cohen, Rusco, and Taylor. Along these lines, as Daubenmier, 41, notes, critics of the Meskwaki constitutional committee charged that they "had done nothing more than take the constitution of another tribe and write 'Meskwaki' wherever the name of the other tribe appeared." Additionally, rumors persist that the Indian Office threatened tribal members with termination of their federal status if they refused to accept the IRA, though no obvious documentary evidence corroborates these allegations.

Tataposh, Jack Old Bear, Sam Slick, Charles Davenport, and others. Drawing such a clean line between tribal positions, of course, oversimplifies the issue. Outside these nine major players, there were hundreds of other Meskwaki whose political preferences were less constant, and who sided with the group they more or less agreed with.<sup>170</sup>

While both groups sought a return to tribal self-governance backed by the autonomy afforded by the pre-1896 state/tribal trust, both wanted to be at the helm. Some tribal members, as historian Richard Brown writes, “feared that a change in the organization of the tribal council would break the political stalemate by giving the [Meskwaki who supported the IRA] control of the council.” Conversely, the pro-IRA Meskwaki saw how it could “enable them to dominate the council and thus increase their control over tribal affairs.”<sup>171</sup> When news of the pending IRA arrived in early 1934, the tribe as a whole was already working toward the restoration of Meskwaki self-governance, but the question of its form, and more importantly, who would be in control, remained unanswered. The strong feelings this situation evoked provided ample opportunity for the ever-present progressive/conservative binary to again dominate political discourse. Scholars have commented on the popular perception, present in many local newspapers, that the tribe fought over the IRA on the terms that “the good guys were the progressive Youngbear faction who wanted to adopt white ways and the bad guys were the conservative Oldbear faction who wanted to preserve Indian ways.”<sup>172</sup> Tribal members drew these lines out of necessity more than the ideological predisposition suggested by the rhetoric of

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<sup>170</sup> Edward Davenport, George Young Bear, Horace Poweshiek, and William Poweshiek to Collier, June 29, 1937; Young Bear, Charles Davenport, C.H. Chuck, Peter Morgan, John Tataposh, and Sam Slick to Collier, December 13, 1937; and Jack Old Bear, Joe Peters, Harrison Kapayou, and John Tatopash to U.S. Secretary of State Harold L. Ickes, December 26, 1934; all IRA-MHPDM.

<sup>171</sup> Brown, 80.

<sup>172</sup> Foley, *Heartland Chronicles*, 151.

binary factionalism: in a 1935 election, the OIA gave the Meskwaki only two choices – accept or reject the IRA. The tribe faced the same all-or-nothing choice over the ratification of its constitution in 1937. Because no other options existed in either election, tribal political leaders coalesced around one position or the other and gained support from Meskwaki voters who agreed with those positions for myriad reasons.<sup>173</sup>

With these general political positions in place, several Meskwaki actively opposed the legislation based on a sense of independence reminiscent of the pre-1896 era. Five tribal members wrote Secretary Ickes in December 1934, arguing that as owners of their land, the Meskwaki “should not be held to the action as set out in the Wheeler-Howard Bill.” Instead, they argued, the tribe was “capable of self-government and [were already in the process of] organizing a council for that purpose.” They continued, noting that “it is true that we hold this land in severalty and wish to continue holding it in that way, under the supervision of the council selected from our organization. We therefore ask your assistance in releasing us from the Wheeler Howard Act.”<sup>174</sup> Collier responded on Ickes’ behalf, and assumed that the four Meskwaki had “the wrong understanding of [the] act.” He then explained that the IRA would “not disturb the manner in which the tribe now holds its lands,” before reaffirming that they would have the opportunity to hold an election over the IRA.<sup>175</sup>

Still, many tribal members continued to have an unclear understanding of the IRA’s provisions, leading them to oppose the bill on those grounds. Collier quickly requested that

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<sup>173</sup> Robert W. Reitz, “A Discussion of Contemporary Fox Social Organization, Together with a Proposal for a Combined Program of Social Engineering and Social Science Research,” in Gearing, et al., 98-110 provides an anthropological discussion on the various “types” of reactions different Meskwaki had to factionalism.

<sup>174</sup> Jack Old Bear, Joe Peters, Harrison Kapayou, and John Tataposh to Ickes, December 18, 1934; IRA-MHPDM.

<sup>175</sup> Nelson to Collier, February 4, 1935 and Collier to Old Bear, January 21, 1935; both IRA-MHPDM. Daubenmier, 40-45.

Nelson “report as to the attitude of [the] Indians [and] what influences, if any, are at work among them to create a wrong impression” of the bill.<sup>176</sup> To this, Nelson responded that based on his observations at a recent tribal meeting, their “general feeling was favorable to the Act” and that the opposition of a few did not represent the overall position of the tribe. The Meskwaki had held a number of meetings by May 1935 where the provisions of the law were explained and discussed in detail, and Nelson wrote that he had “endeavored to explain to them as clearly as I understand the act,” though he admitted to feeling certain tribal members would be “much better satisfied if someone from the office could visit the reservation prior to the election,” which had been set for June 15.<sup>177</sup>

The OIA sent two representatives to Tama for meetings to discuss the IRA with the Meskwaki in the weeks immediately preceding the election. Though the details of any meetings between these representatives and the tribe are unknown, it is likely that they continued to push the OIA’s support for the legislation, and their efforts paid off. During the election of June 15, thirty-eight percent of eligible Meskwaki men and women accepted the IRA by a wide margin of sixty-three to thirteen, despite the apparent lack of understanding for the IRA and the opposition posted by certain members.<sup>178</sup>

The IRA election was notable for two main reasons, which exemplify efforts by Meskwaki on both sides of the issue to advance their political agendas by working within the non-Meskwaki electoral system. First, and most obviously, the Meskwaki accepted the law,

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<sup>176</sup> Buffalo, 16.

<sup>177</sup> Nelson to Collier, May 18, 1935; IRA-MHPDM.

<sup>178</sup> Collier to Nelson, May 24, 1935 and June 11, 1935 and Telegram: Nelson to Collier, June 15, 1935; both IRA-MHPDM. The OIA sent Henry Roe Cloud and David Holtz to Tama to discuss the provisions of the IRA with the Meskwaki.

moving it into the second phase of reorganization. Secondly, while the wide margin of victory seemed to show an overwhelming amount of support for the IRA, the reality was more complicated. The amount of Meskwaki “opposition was much greater than the number of ‘no’ votes would indicate,” as Daubenmier notes, because many tribal members who opposed the measure intentionally abstained from the election.<sup>179</sup>

Indeed, the opposition attempted to nullify the election through boycott. Convention holds that those Meskwaki who abstained simply did not understand democratic elections, or thought they were following tribal custom and thus believed that by not showing up, they would be counted as a vote against the IRA. Also, the low voter turnout could have resulted from tribal members’ inability to travel to the balloting offices. However, both of these arguments fail to recognize that many tribal members had been participating in white-style elections for over a decade, and that agency reports describe the settlement as “small and [therefore] easy for the voters to get together,” especially in the good weather offered by a June election. Thus, while some members of the opposition did not understand the provisions of the law, this lack of understanding of American legal parlance should not be equated with a lack of understanding for the electoral process.<sup>180</sup>

A more likely explanation could be that the opposition misinterpreted Section 17 of the IRA, leading them to believe that a loophole existed to stymie the legislation’s passage. Nelson noted in a spring 1936 letter to Collier that those opposing the IRA “claim[ed] that it is necessary

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<sup>179</sup> Daubenmier, 42-44 and Buffalo, 17-18. In Nelson to Collier, June 18, 1935; IRA-MHPDM, Nelson wrote that he had “the honor to again report that there were listed 198 eligible voters, 18 of which were absentee members. Votes cast by each group were as follows. Resident members – 180, for 61, against 9. Absentee members – 18, for 2, against 4.” Additionally, the voting conditions provided the Meskwaki ample time to cast their ballots. According to a *Toledo Chronicle*, June 20, 1935, “voting took place at the Farmer’s office near the [Meskwaki] day school. The polls were open from 8 in the morning until 5 at night. All men and women 21 years of age or over were entitled to vote.”

<sup>180</sup> OIA Field Agent Benjamin Reifel to Collier, March 5, 1937; IRA-MHPDM.



for at least thirty percent of the adult Indians of the reservation to sign a petition requesting and authorizing the adoption of the proposed constitution and bylaws.”<sup>181</sup> Though this letter came several months after the 1935 election, it suggests that the anti-IRA Meskwaki thought that by abstaining from the election the previous June, they could keep the electoral turnout below thirty percent. Doing so, they mistakenly believed, would disqualify the IRA. However, their interpretation of the law was inaccurate, and as the OIA explained to Nelson, a thirty-percent petition requirement existed merely “as an alternative to meet a special case” in Section 17 of the IRA, but only applied to tribal corporate charters, not elections for the IRA or for constitutional ratification.<sup>182</sup> Nevertheless, this suggests that the abstention vote was a calculated, if flawed, effort on the part of some Meskwaki to prevent reorganization.<sup>183</sup>

The OIA and Meskwaki who supported the IRA disregarded their opposition as legally naïve, and quickly set about drafting the Meskwaki constitution following their 1935 victory. Several eager Meskwaki had elected a constitutional committee in 1934, while Congress still debated the Wheeler-Howard Act. By 1935, that group was working in close conjunction with the agency and took care in the crafting of the document over the course of some eighteen months. Its members requested and amassed copies of constitutions from other tribes who had already reorganized, and used them as frameworks while OIA agents made constant

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<sup>181</sup> Nelson to Collier, March 19, 1936; IRA-MHPDM.

<sup>182</sup> Assistant Commissioner of Indian Affairs F.H. Daiker to Nelson, May 18, 1936; IRA-MHPDM. A fair amount of scholarly discourse surrounds the phenomenon of Native abstention in IRA elections. Early proponents of these claims argued that Indians who abstained were merely following tribal custom. Washburn and Taylor have both refuted this, and Washburn, 285 argues that “in general, Indian participation in the elective process equaled or exceeded the percentage of White participation in American elections.”

<sup>183</sup> The *Indian Reorganization Act*, sec. 17 reads, in part, “The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation.”

recommendations for the document's form and language.<sup>184</sup> Even with this influence over the committee, the OIA agents left the majority of the legal decision making to the tribe. Indeed, the committee proceeded very slowly through each stage of the process, wary of making mistakes or coming to conclusions that the tribe might not accept. Observing this caution, field agent Benjamin Reifel went so far as to call the committee "one of the most exacting that I have ever worked with," while another administrator called them "extraordinarily painstaking in their deliberations."<sup>185</sup>

Perhaps the most contentious disagreement between tribal members focused on the redistribution of settlement land, a proposal that local agents observed would "give the greatest difficulty" throughout the IRA process. While the tribe's communal use-rights system likely worked well in the settlement's earliest years, by the early twentieth century, it created "wide variances in land distribution [where] a few families had as much as 60 acres while others had only enough for a homestead and garden."<sup>186</sup> Thus, proponents of a clause allowing the council to reassign lands under the constitution intended to more equally share the settlement by effectively undoing the plot-inheritance system. This measure met great resistance by those Meskwaki who claimed use-rights to larger tracts of land. Those with greater acreage would "rent or share-crop it to other members of the tribe," as one federal official noted, making the

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<sup>184</sup> *Cedar Rapids Gazette*, May 17, 1936. Buffalo, 22. Daubenmier, 40-43 provides details on each of the constitution committee's members, including that all had some college education, and were likely more intimately aware of the English language and the American political system than were most Meskwaki. Brown, 80 notes that the committee and its supporters "wholeheartedly approved of the [IRA and] believed it would increase their control over tribal affairs."

<sup>185</sup> Westwood, "Memorandum for Mr. Collier." Reifel to Chairman of the Meskwaki Constitution Committee Ed Davenport, March 5, 1937. Reifel to Collier, March 1, 1937. Nelson to Collier, February 29, 1936 and March 4, 1936. Westwood, "Memorandum to Organization Division of the U.S. Department of the Interior," March 16, 1937; all IRA-MHPDM.

<sup>186</sup> Daubenmier, 30-34. Grant, "The Indian."

land issue an important one, especially in the Depression-era economy.<sup>187</sup> Land remained at the center of Meskwaki political discourse, but where it had previously been a unifying buffer between the tribe and external forces, by the 1930s, it also became a point of internal discord.

The committee searched for a politically balanced land reform process that would correct the “inequitable land assignment arrangements” without alienating so many Meskwaki that they refused to vote for the constitution. Its final version recognized extant land assignments, but provided the tribal council with measured powers to reassign settlement land if, as Daubenmier writes, “the assignee did not use it or if the assignee died and the council determined [that] the assignee’s heirs did not need it.” The measure, despite this compromise, remained controversial and continued to play a central role in the opposition that nearly stymied constitutional ratification.<sup>188</sup>

Tribal citizenship was another major issue, and it too focused on concerns over land and tribal resources. Though the tribe remained almost entirely composed of full-blooded Meskwaki, by the mid-1930s some tribal members had married and/or had children with members of outside tribes, though no evidence of intermarriage with whites exists.<sup>189</sup> The Meskwaki Sam Slick stated in a meeting with Superintendent Nelson over tribal adoption:

It should always be generally understood that [tribal] children should be enrolled with the father. Because if we take in just anyone that makes an application for enrollment, eventually there will be such a mix-up in the tribe that they would not have any more regard for the real members of the tribe.

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<sup>187</sup> Westwood, “Memorandum for Mr. Collier.”

<sup>188</sup> OIA Administrative Assistant D’Arcy McNickle, “Memorandum to Mr. Harper, Re: Sac and Fox Indians, Tama, Iowa,” December 30, 1936; IRA-MHPDM. Westwood, “Memorandum to Mr. Collier.” Meskwaki Constitution, art. X, sec. 1 and art. XI. Daubenmier, 43-46.

<sup>189</sup> Westwood, “Memorandum to Mr. Collier,” notes that virtually no intermarriage occurred between whites and Meskwaki, but some tribal members married members of other Native tribes, “particularly [the] Winnebago and Potawatomi.”

Slick clarified that citizenship concerns were not merely based in chauvinistic debates over what constituted a “real” Meskwaki. Instead, he continued, “we have seen [it] happen time and again...where people come from other tribes and make their home here they take up the land under [the inheritance] system and that is not the way we want things.”<sup>190</sup> By raising this issue, tribal members again forced the constitutional committee to find a politically balanced solution, and thus demonstrate the potency of their influence. In another effort to placate both sides of a hotly contested issue, the final constitution continued the patriarchal adoption system preferred by Slick and others, but also provided the tribal council the authority to formally adopt children of mixed Meskwaki lineage as they wished.

The committee struggled throughout 1937 to gain support for the document, despite such efforts to craft a constitution that was both effective and politically palatable. The constitution also reduced the age of qualification for a seat on the tribal council to twenty-five and opened council seats to females – both controversial deviations from the form the chief’s council had previously taken. Additionally, as Daubenmier notes, under reorganization, many duties that had once been left to the chief’s council, “such as representing the tribe in negotiations with the government and resolving disputes among its members,” would be transferred to the new, elected council.<sup>191</sup>

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<sup>190</sup> “Minutes, January 8, 1935,” 749 Community Meetings – Minutes of Meetings and Related Correspondence, Box 293, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). This issue had also arisen in 1931 when “the question came up as to who should be enrolled” following tribal intermarriages. To solve the issue, the “Indian Office told the [Meskwaki] to get together and decide for themselves; the decision was that the children should follow the Father -- a mother marrying outside the tribe lost her rights.” Charities and Benevolences -- Rations (Food and Clothing), Misc. Correspondence, 1931-1933, Box 293, Decimal Correspondence Files, BIA, S&FA; RG 75; NARA – Great Lakes (Chicago). Meskwaki Constitution, art. II. Daubenmier, 43-46.

<sup>191</sup> Brown, 80. Daubenmier, 45. Meskwaki Constitution, art. IV and art. X, sec. 3-4.

Opposition also continued because some tribal members remained unsure of the IRA's consequences. The committee had numerous meetings throughout 1937 with agency representatives as drafts of the Meskwaki constitution made rounds through the OIA. Federal officials made various, and generally slight, changes to the document's organization and grammar during this time, while many who opposed the IRA continued to express a lack of full constitutional understanding. That February, one such Meskwaki asked Charlotte Westwood, a Department of the Interior official who had been working with the committee, "for a statement of what a constitution is and the purposes of the proposed tribal constitution." Westwood noted later that she "believe[d] it was a serious request" as she had been told that many Meskwaki "do not understand the purpose or meaning of [re]organization."<sup>192</sup> Tribal members who, as during the 1935 election, may not have understood how the constitution worked, did understand that it represented a shift in power dynamics, and many opposed it on those grounds.

Together, the high levels of political and economic complexity surrounding the IRA led to a dramatic election on November 13, 1937. The constitution had received its final approval in early autumn, after which the OIA set the election date and forwarded 200 copies of the document to tribal members in a final effort to provide them with a clear knowledge of its provisions and implications.<sup>193</sup> It remains unclear whether this effort alleviated all or most of the misunderstandings. Either way, opposition to the IRA nearly derailed ratification. On November 13, with more than double the voter turnout from the previous election, the tribe ratified the document by an excruciatingly narrow vote of eighty to seventy-eight. Assistant

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<sup>192</sup> Westwood to Assistant Commissioner of Indian Affairs William Zimmerman, Jr., February 20, 1937; IRA-MHPDM.

<sup>193</sup> Zimmerman to Nelson, September 22, 1937 and Nelson to Collier, September 30, 1937; both IRA-MHPDM.

Secretary of the Interior Oscar L. Chapman approved the tribal constitution on December 20, officially restructuring the Meskwaki government under the Indian Reorganization Act.<sup>194</sup>

### *Conclusion*

After more than three years of debate, and some three decades in search of a return to the form of self-governance they wielded before 1896, the Meskwaki entered 1938 with a new constitution and the tools for exercising a form of self-governance through the twentieth century. Unlike their 1935 effort, those Meskwaki who opposed the law apparently held a clearer understanding of non-tribal electoral protocols, had not attempted a boycott in 1937. This should not, however, be viewed as a sign of complacency or as an end to the partisanship that plagued tribal politics. Indeed, just a week before final approval even occurred, a petition affixed with over one-hundred signatures by Meskwaki who still preferred a return to the chief's council, who believed that the IRA unacceptably deviated from tribal custom, and who argued that tribal land ownership entitled them to make political decisions without OIA interference arrived on the Secretary of the Interior's desk. It adamantly declared that: "[w]e members of the [Meskwaki Tribe] at Tama Iowa are not satisfied with the election that was recently supposed to be held, which was supposed to adopt a mode of handling the Indian lands that belong to us."<sup>195</sup>

The anomalous history of the Meskwaki relationship to their land provides texture to the multi-layered fabrics of Native history. The dramatic oscillations of the settlement status highlight the relationship between a material resource like land and the effectiveness of tribal sovereignty. The tribe successfully resisted the OIA's assimilatory efforts for four decades, and

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<sup>194</sup> Buffalo, 26-27. Zimmerman to Nelson, November 13<sup>th</sup>, 1937; IRA-MHPDM. Daubenmier, 41-42.

<sup>195</sup> John Tataposh et al. to Harold L. Ickes, December 13, 1937, IRA-MHPDM.

during that period, managed political and cultural affairs in their own ways and on their own terms. A slow decline of Meskwaki political power followed the settlement's transfer into federal trust in 1896. The tribe did not lose ownership of their settlement in that transfer, but over time, lost control of their political system as the OIA inserted itself into Meskwaki affairs and internal partisanship crippled the tribal discourse. These toxic conditions repeatedly distracted the Meskwaki from the goal they carried throughout the early twentieth century: the reaffirmation of the political autonomy they wielded before 1896. Partisanship nearly derailed the IRA process in the 1930s, this time with land as much a wedge against tribal unity as an anchor for unity, but the tribe narrowly reorganized under the constitution that governs them today. That process was hotly contested in its own time and remains so. In fact, the tribe has attempted to repeal or dramatically reform their constitution approximately once per decade over the last seventy-five years, and discussions of yet another effort are presently making their way around the settlement.<sup>196</sup>

Now, as in the 1930s, land anchors the Meskwaki concept of sovereignty to their internal discourses over self-governance and their relationship to non-Native entities. As recently as 2011, a Meskwaki tribal judge dismissed the constitution as “flawed and biased from the start” because in her view, the federal government forced the IRA onto her tribe.<sup>197</sup> Aside from what it may expose about one individual's political proclivities, this statement illustrates the deep Meskwaki discontent with interference into matters of tribal sovereignty, a sentiment reflected by Tataposh and his fellow petitioners less than a month after constitutional ratification in

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<sup>196</sup> Buffalo, i and 29-47 details the seven major attempts to reform the tribal constitution, which occurred in 1938, 1948, 1962, 1978, 1986, 1994, and 2004.

<sup>197</sup> Meskwaki Tribal Judge Theresa Essman Mahoney, “Practical Tips for Advocates of Indian Children: A Tribal Perspective” (slideshow presented at the 2011 Iowa State Bar Association's Juvenile Law Seminar, Friday, May 6, 2011), 3-4.

November 1937. Their petition did not upend the IRA as its signers had hoped, but it reflects a position that has dominated the tribal political consciousness since 1857: that the settlement lies on the sovereign side of a clear tribal boundary.



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