

## A Pivotal Decision

### The Yankton Sioux and the Indian Reorganization Act of 1934

In the summer of 1968, William O'Connor, a former Yankton Sioux tribal chairman, reflected on the 1930s, when the provisions of the Indian Reorganization Act (IRA) were being implemented. "The times were very deplorable," he said in an interview, "and there were hopes that [American Indians] could live better, change the living conditions; and that was the hope of me." O'Connor had supported the IRA, which represented a departure from a half-century of assimilationist policies on the part of the United States government. Three decades later, he thought the Yanktons' failure to organize formally under its provisions was a tremendous missed opportunity for the tribe. He believed that the IRA could have helped his people to realize true tribal self-government and that the economic opportunities it presented might have restored the "incentive" that he claimed Indians had lost.<sup>1</sup>

An alternative viewpoint was expressed that same summer by Clarence Forman, a Yankton who had actively opposed the IRA. Forman blamed the IRA and other programs of the Indian New Deal for a loss of economic initiative on the reservation, claiming that they eroded the progress and spirit of self-support that individual Yanktons had achieved. The Indians, he said, "just dumped the plow over to one side and threw up their hands and said, 'Well, we'll just wait and see what this New Deal is going to do for us.' And it didn't do very much." For-

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1. Interview of William O'Connor, Lake Andes, S.Dak., by Joseph H. Cash, 27 Aug. 1968, American Indian Research Project (AIRP), manuscript 2, pp. 1, 9, 10, South Dakota Oral History Center (SDOHC), University of South Dakota (USD), Vermillion, S.Dak.

man also accused the Office of Indian Affairs (OIA) of withholding economic assistance from those who did not support the IRA.<sup>2</sup> The contrasting comments of the two tribal leaders illustrate the deep divide that existed among the Yanktons during their deliberations over the IRA in the 1930s and persisted for decades.

The heart of the Indian New Deal reforms, the IRA, has been described as both the most important legislation to affect American Indians in the last century and one of the worst bills ever produced by the congressional committee process.<sup>3</sup> Such divergent views within the existing scholarship often arise from consideration of the IRA as a policy tool of the federal government and do not adequately capture what the act meant for individual tribes. The Yankton Sioux experience presents a particularly instructive series of lessons on the IRA's positive and negative effects. On the Yankton reservation, the IRA negated an existing tribal government, exacerbated factional disputes that limited the full realization of its benefits, and led tribal members and OIA officials to seek unorthodox approaches to address the resulting challenges. Ultimately, the IRA complicated the Yanktons' political and economic development even as it provided practical experience in self-government for tribal members who later emerged as leaders.

By the early 1930s, the Yankton Sioux found themselves in dire financial straits without feasible alternatives for improving their economic situation. Through a series of treaties beginning in the mid-1800s, they had ceded approximately eighteen million acres of their lands, reluctantly accepting a roughly four-hundred-thousand-acre reservation as the only viable option for the future of the tribe. The Yanktons experienced a severe cultural transition with their settlement on the reservation, a move that meant an abrupt abandonment of their traditional lifestyle and increased pressure to assimilate into the white world. The Yankton economy, based for generations on a collective system of

2. Interview of Clarence Forman, Lake Andes, S.Dak., by Joseph H. Cash, 26 Aug. 1968, AIRP, manuscript 12, pp. 2-5, SDOHC, USD.

3. Laurence M. Hauptman, "Congress, Plenary Power, and the American Indian, 1870 to 1992," in *Exiled in the Land of the Free: Democracy, Indian Nations, and the U.S. Constitution*, ed. John C. Mohawk and Oren R. Lyons (Santa Fe, N.Mex.: Clear Light Publishers, 1992), p. 326; Vine Deloria, Jr., ed., *The Indian Reorganization Act: Congresses and Bills* (Norman: University of Oklahoma Press, 2002), p. xv.

hunting, gathering, and strong trade relations, was somehow supposed to transform itself as individuals began to farm their assigned plots of marginal land. It did not.<sup>4</sup>

With the failure of that experiment, the Yanktons became ever more dependent upon government rations. When those provisions ceased to arrive in a timely fashion, they were forced to lease or sell their only remaining asset, their land, in order to survive. A survey conducted in 1930 reported that they already had relinquished control of 90 percent of their original reservation area.<sup>5</sup> As had been the case with their ancestors, Yanktons in the twentieth century were repeatedly taken advantage of by corrupt government officials and unscrupulous land speculators, bankers, and merchants. Tuberculosis, smallpox, and other diseases further devastated the population. By the end of the 1920s, most residents endured horrible living conditions, widespread food shortages, and a lack of employment opportunities. The situation only worsened with the onset of the Great Depression, the nation's most significant economic disaster.<sup>6</sup>

Lacking a formal tribal government, the Yanktons found it difficult to make their needs known to federal officials. In the interest of improving their economic situation, they agreed on 22 September 1932 to organize under a constitution and bylaws that had been approved by President Herbert Hoover's commissioner of Indian affairs, Charles J. Rhoads. At this meeting, tribal members also elected representatives to serve on their governing body, the Yankton Sioux Tribal Business and Claims Committee. Referred to as the "Tribal Committee," the group consisted of nine "at-large" enrolled members of the tribe, with Clement Smith elected to serve as chairman. These votes followed a

4. Beth Ritter, "Dispossession to Diminishment: The Yankton Sioux Reservation, 1858–1998," (Ph.D. dissertation, University of Nebraska-Lincoln, 1999), p. 71.

5. Herbert T. Hoover, "Yankton Sioux Experience in the 'Great Indian Depression,' 1900–1930," in *The American West: Essays in Honor of W. Eugene Hollon*, ed. Ronald Lora (Toledo, Ohio: University of Toledo, 1980), p. 67.

6. Teresa M. Houser, "New Deal Experimentation and the Political Economy of the Yankton Sioux, 1930–1934," *Great Plains Quarterly* 31 (Summer 2011): 206. This study includes a more complete discussion of the tribe's economic difficulties and early short-term assistance programs offered by the Roosevelt Administration, including the Civilian Conservation Corps–Indian Division program.

year of divisive politicking during which competing factions emerged and engaged over possible solutions to the extreme poverty on the reservation. The September actions represented a degree of consensus on a path forward, but they came on the eve of unexpected and dramatic transformations to the political landscape in which Smith would attempt to govern.<sup>7</sup>

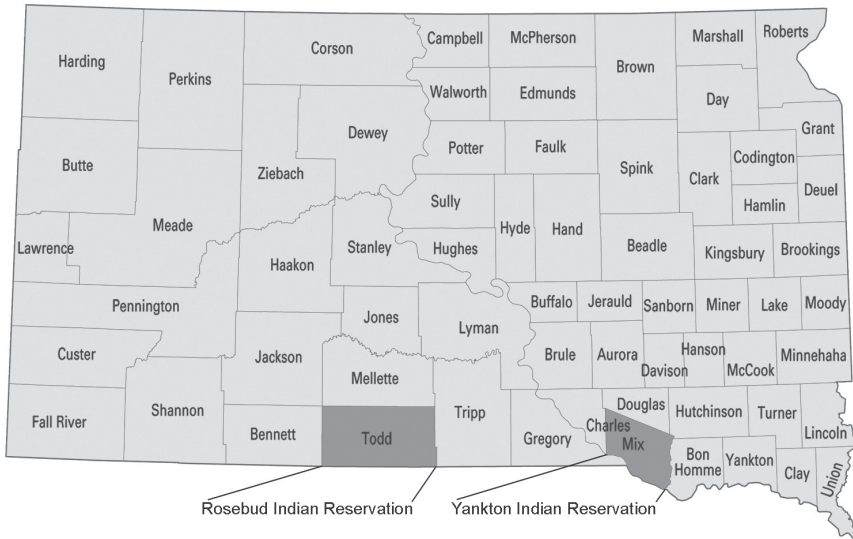
Less than three weeks after the inauguration of President Franklin Delano Roosevelt, the federal government introduced new challenges for the Yankton Sioux. The Economy Act of 1933, signed into law on 20 March, tasked federal agencies with reducing personnel expenditures through administrative reorganization and salary cuts. Under the requirement, the new commissioner of Indian affairs, John Collier, downgraded the Yankton Agency to subagency status and placed it under the jurisdiction of the Rosebud Agency. He also removed the Yankton superintendent from office over allegations of interference in tribal politics. As had happened many times before, the Yanktons had to adjust to another new superintendent, but this time he was posted approximately 150 miles away.<sup>8</sup>

Collier's term as commissioner would bring even more substantive changes for the Yanktons. In February 1934, he submitted a forty-eight-page legislative proposal to the House and Senate committees on Indian affairs that was designed to rekindle the spirit of tribal sovereignty that had lain dormant for years under the policy of assimilation. Collier's proposed "Indian Reorganization Act" sought to remedy the alienation of Indian lands that had resulted from allotment, stimulate economic development on reservations, enhance tribal self-government, reform Indian education policy, and establish a United States Court of Indian Affairs.<sup>9</sup> Introduced by Senator Burton K. Wheeler

7. Rhoads to Superintendent Hickman, 5 Oct. 1932, with approved constitution and bylaws as enclosure, Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, Record Group (RG) 75, National Archives and Records Administration, Washington, D.C. (NARA-DC).

8. Roger Bromert, "The Sioux and the Indian New Deal" (Ph.D. diss., University of Toledo, 1980), p. 47; Thomas Constantine Maroukis, *Peyote and the Yankton Sioux: The Life and Times of Sam Necklace* (Norman: University of Oklahoma Press, 2004), p. 202.

9. Text of H.R. 7902, as introduced, in Deloria, ed., *Indian Reorganization Act*, pp. 8–19.



In a 1933 cost-saving measure, the Yankton Agency was subordinated to the Rosebud Agency, adding to the physical and political distance between the Yanktons and their superintendent.



John Collier brought a wide-reaching program of reform to the Office of Indian Affairs during his tenure from 1933 to 1945.

and Representative Edgar Howard, it ultimately became known as the “Wheeler-Howard Act.”

Anticipating the confusion and controversy these changes might provoke, Collier had sent agency staff an overview of the proposal on 20 January. At the Rosebud Agency, Superintendent William O. Roberts shared copies of this information with leaders of the Rosebud and Yankton tribes, both under his jurisdiction. Their responses prompted him to inform Commissioner Collier that he had “never seen a situation among the Sioux such as your circular has created.” Roberts, who served on reservations in the southwestern United States as well as on the Great Plains, was aware that Collier’s perspective in shaping the reform proposal came from the commissioner’s own experience with the culture of the Pueblo Indians in the Southwest. “It would be a fatal error to treat the Sioux Indian in the same manner and to think of him as the same type of person as the southwestern Indian,” he advised Collier.<sup>10</sup>

Superintendent Roberts warned that tension between full-bloods and mixed-bloods on both reservations was so high that OIA staff would have to handle the situation carefully. The full-bloods, Roberts indicated, believed that the mixed-bloods had squandered tribal lands for cash, which had been quickly spent. They also felt themselves at a political disadvantage because their knowledge of English and interaction with white politicians and businessmen were limited. Roberts further predicted that Collier’s proposal would meet stiff opposition from white communities in South Dakota, which largely supported the assimilationist policies of the federal government. The superintendent concluded by proposing that Collier and his staff travel to the state and spend a few days meeting with delegates from each Sioux reservation to clarify how the IRA would work.<sup>11</sup> Collier responded a month later, noting simply that an upcoming meeting scheduled for Rapid City would provide “ample opportunity to discuss the new legislation.”<sup>12</sup>

The meeting to which Collier referred came to be known as the

10. Roberts to Collier, 31 Jan. 1934, Box 1, Records Concerning the Wheeler-Howard Act, 1933–1937, RG 75, NARA-DC.

11. *Ibid.*

12. Collier to Roberts, 28 Feb. 1934, Box 1, Records Concerning the Wheeler-Howard Act, 1933–1937, RG 75, NARA-DC.

Plains Congress and was the first in a series of sessions the commissioner conducted with tribes located throughout the western United States. The OIA hailed the assemblies as a sign that Indians were being included in the policy-making process, while critics derided Collier's tour as a propaganda effort.<sup>13</sup> At the Plains Congress, held 2–5 March 1934 in Rapid City, copies of the bill as it had already been introduced in the United States Congress were distributed to attendees. Interpreters from each tribe were on hand to facilitate communication between Collier and his OIA representatives, who explained the bill, and those Indians who spoke in response. During questioning on the section pertaining to self-government, Collier confirmed that a tribe could divide into smaller governmental units if it so chose. This feature would be of particular importance to the Sioux, who traditionally identified more closely with a smaller organizational system of bands rather than a larger tribal unit. Tribal Committee Chairman Clement Smith was among the delegates who represented the Yankton Sioux.<sup>14</sup>

The opening session of the four-day gathering joined together all of the attending tribes, which included not only the Sioux but also the Blackfeet, Crow, Shoshone, Ponca, Omaha, and other plains tribes. The members of each delegation then met amongst themselves, with Collier and his staff making the rounds of these smaller groups. In the session with Sioux delegates, the commissioner offered an opportunity to propose changes to the bill. Some delegates raised concerns that the rush to pass the legislation did not leave adequate time for those affected to comprehend it fully.<sup>15</sup> When the tribal delegations reconvened into the larger congress, Collier offered his reassurances that they would have “abundant time” to go over the proposal once they

13. Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934–45* (Lincoln: University of Nebraska Press, 1980), p. 25.

14. Minutes of the Plains Congress, 2–5 Mar. 1934, Box 4, Records Concerning the Wheeler-Howard Act, 1933–1937, RG 75, NARA-DC. Smith waited for some time to make comments at the opening session of the congress, since tribes were recognized in alphabetical order. When he began his remarks, a member of the Standing Rock Sioux delegation objected that Smith was out of order because he represented a subagency, and the Rosebud delegation had already offered their observations on the bill.

15. Minutes of the Special Session of the Sioux Tribe, 3 Mar. 1934, *ibid.*

returned home. “Congress will not move ahead of you,” he promised.<sup>16</sup>

Many of those attending the Plains Congress returned home without a clear picture of the IRA and uncomfortable with some of its provisions. Clement Smith wrote a letter to the editor of the *Sioux Falls Daily Argus-Leader* decrying the autocratic nature of the proposed IRA and claiming that it would deny Indians the right to own private property. Furthermore, Smith contended, Indians would be deprived of the right to determine their heirs because the secretary of the interior would have the authority to transfer all inherited lands into communal holdings for the entire tribe. He called it a communistic program. Smith’s letter gained wide circulation, initiating charges that OIA staff hurried to address.<sup>17</sup>

Before the Sioux heard back about the status of the revisions they had proposed at the Plains Congress, and before OIA staff had time to rebut Smith’s letter, a referendum on the Wheeler-Howard bill was scheduled for the Pine Ridge, Rosebud, and Yankton reservations.<sup>18</sup> The referendum was an attempt on the part of the bill’s proponents to show Indian support for the proposed IRA while it was being debated and amended in Congress. On 26 April 1934, Pine Ridge voted in favor of the bill with amendments, and Rosebud supported it by a two-thirds favorable vote. The Yankton Sioux voted against it, with 80 percent of their votes cast in opposition to the legislation.<sup>19</sup>

Prior to the referendum, Roberts had expressed anxiety about the potential impact of Smith’s opposition, deriding him in a letter to Collier as someone who engaged in political posturing for the sake of personal power, rather than one who acted out of desire to ensure the future well-being of his tribe. Upon learning of the Yanktons’ overwhelming rejection, Roberts acknowledged that a broader range of in-

16. Minutes of the Plains Congress, 3–5 Mar. 1934.

17. Clement Smith, letter to the editor, *Sioux Falls Daily Argus-Leader*, 4 Apr. 1934, Box 6, Records Concerning the Wheeler-Howard Act, 1933–1937, RG 75, NARA-DC.

18. Minutes of visit by Dr. Henry Roe Cloud to Wood, S.Dak., (Rosebud reservation), 13 Apr. 1934, Box 3, Records Concerning the Wheeler-Howard Act, 1933–1937, RG 75, NARA-DC. Roe Cloud, working on behalf of the OIA to build support for the Wheeler-Howard Act, reported that he was not aware of the status of amendments presented by the Pine Ridge delegation on behalf of the Sioux at the Rapid City Congress.

19. Report on the status of referenda, 30 Apr. 1934, pp. 6–7, Box 10, *ibid.*



terests must have opposed it. He suspected politicians such as South Dakota Governor Tom Berry and United States Representative Theodore B. Werner, who favored a continued policy of assimilation, as well as Episcopal missionaries who objected to the education reforms contained in the IRA proposal. The superintendent further reported his understanding that the Catholic mission had organized transportation to the polls for those Indians who opposed the IRA. Finally, Roberts admitted that information on the details of the bill had not arrived, making many Yanktons reluctant to vote for it.<sup>20</sup>

On 7 May, members of the Yankton Civilian Conservation Corps-Indian Division (CCC-ID) camp located on the Rosebud reservation forwarded a petition to Commissioner Collier complaining that the Yanktons had been improperly informed about the contents of the Wheeler-Howard bill before the referendum took place. Soon thereafter, the camp was visited by a Yankton man who had, in the words of the camp foreman, William Williamson, “shown us values not specifically mentioned in the bill but which would come as later developments.” The petition did not expand upon what these values were, but the statement likely referred to a loan fund that Collier sought to establish for tribes that organized under the provisions of the IRA. Collier spoke about this fund at the Plains Congress, but Smith and the other Yankton delegates may not have relayed the information to tribal members. The forty CCC-ID signatories requested that the Yanktons be given a chance to reconsider their referendum vote. In his cover letter, Williamson noted his belief that if information was readily accessible and the bill was fully explained by a tribal member, Yanktons would decidedly favor the legislation.<sup>21</sup>

From the first presentations of the bill at the Plains Congress in early March, failures in the process are apparent. First, despite all the OIA fanfare about Indian involvement in the policy-making process, Yanktons did not even have clear information about what they were being asked to vote upon, to say nothing of having had a role in early discus-

20. Roberts to Collier, 16 Apr. 1934, Box 9, and Roberts to Collier, 4 May 1934, Box 3, both *ibid.*

21. Williamson to Collier, 7 May 1934, Box 8, *ibid.* The 7 May 1934 petition was attached to the cover letter.

sions about what *Indians* wanted to accomplish with a comprehensive reform package. Instead, the bill was described to them after it had been submitted to Congress. In addition, the hurried referendum bore out concerns expressed by Sioux at the Plains Congress that they were being inexplicably rushed into the new program. This pressurized atmosphere only heightened Indians' suspicions of the IRA's contents.<sup>22</sup>

Collier did push for the referendum, in large part because he was struggling to preserve his reform package as it wound its way through the legislative process. The bill that emerged after congressional consideration was dramatically altered from the one he had submitted. His nearly fifty-page proposal had been reduced to a mere five. Under the IRA as signed into law on 18 June 1934, tribes could organize governments and adopt constitutions and bylaws, provided that a majority of the adult members of the tribe ratified such actions in an election authorized by the secretary of the interior. Once a tribe had organized, upon petition by one-third of the adult members and subject to tribal ratification, the secretary could issue a charter of incorporation. Chartered tribes would be eligible for economic-development loans from the \$10-million fund the act established. While the charter allowed tribes to manage property, they could not sell or lease any reservation lands for a ten-year period. The secretary of the interior could choose to return any remaining surplus lands to a tribe, and the annual \$2-million fund originally proposed for land purchases was included in the final version of the bill.<sup>23</sup>

Tribes had one year to decide whether to accept or reject the IRA, and thirty days' advance notice was required before any such vote could be held. The grand effort that had been exerted to promote the bill as it was introduced did not materialize to explain the version enacted into law. Many tribal members were unaware of the changes that had been made to the final legislation when they were asked to determine whether or not the IRA should apply to them. Of particular significance to the Sioux, for example, was the elimination of the provi-

22. Vine Deloria, Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (New York: Delacorte Press, 1974), p. 199.

23. *U.S. Statutes at Large* 48 (1934): pt. 1, 984-988.

sion to allow for the incorporation of a group smaller than a tribe, such as a band or *tiospaye*. This change was not brought to their attention.<sup>24</sup>

If a tribe rejected the IRA, it would remain under OIA administrative control, and Collier circulated information to the reservations stressing all that they would lose by such an action. Their trust period would not be extended automatically; the tribe would not be eligible for the land-purchase, organization, or credit funds; members could not access the new educational loans; they would not be exempt from civil-service requirements for OIA employment; and the government would be able to do “as it pleases” with tribal assets. He added, however, that the government would not abandon any tribe that voted against the IRA.<sup>25</sup>

In a letter to Collier, Roberts described the “difficult” situation on the Yankton reservation. Based on the best intelligence OIA staff could gather, it was expected that the IRA had a fifty-fifty chance of winning approval. Because he anticipated the measure’s chances to worsen as time went on, Roberts advised moving immediately to a vote, which was scheduled for 27 October 1934.<sup>26</sup>

On that day, 42 percent of those Yanktons who were eligible to vote turned out; 248 voted to accept the IRA, and 171 voted to reject it.<sup>27</sup> Nonparticipation in IRA balloting, as seen in the 58 percent of Yanktons who opted not to vote, frequently indicated cultural opposition to the measure. The OIA, however, measured outcomes based solely on the number of votes cast.<sup>28</sup> Of those who chose to participate, 59 percent voted to accept the IRA, thus making the Yanktons one of the

24. Ibid.; Taylor, *New Deal and American Indian Tribalism*, pp. 25, 29.

25. Collier, “Facts about the New Reorganization Act: An Explanation and Interpretation of the Wheeler-Howard Bill as Modified, Amended, and Passed by Congress,” n.d., Box 8, Records Concerning the Wheeler-Howard Act, 1933–1937, RG 75, NARA-DC.

26. Roberts to Collier, 18 Sept. 1934, Rosebud Agency, Box 26, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

27. “Votes by Tribes on the Indian Reorganization Act as Shown by the October 27 Referendum,” *Indians at Work* 2, no. 7 (15 Nov. 1934), p. 6.

28. In a compromise Collier struck with Congressional leaders, it was decided that so long as 30 percent of eligible voters participated in a vote, only a simple majority of those participating would be required to determine a result. Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, 2 vols. (Lincoln: University of Nebraska Press, 1984), 2:966.

172 tribes to do so within the prescribed one-year timetable.<sup>29</sup> Next, they would have to ratify a suitable constitution and bylaws in order to advance to full participation in its provisions.

It would take months of preparation before a new constitution and bylaws could be readied for presentation to the tribe. In the meantime, Superintendent Roberts joined with the Yankton subagency farmer, E. S. Cleaver; the home-extension agent serving the reservation, Martha Jane Buchner; and the area's agriculture extension agent, Charles Mountjoy, to file an ambitious economic-recovery program for the reservation. Predicated partly on the assumption that the Yanktons would ratify a constitution and charter under the IRA and thus be eligible for its loan programs, the plan consisted of seven project categories: home gardens; organizations; farm poultry; feed and forage crops; home yard improvements; home improvements; and conservation and preservation. Additionally, Roberts's report detailed the need for over \$22,000 in subsistence grants for 257 families; \$6,250 in Works Progress Administration (WPA) commodities for 292 families; and \$8,559 in rations for 339 families.<sup>30</sup>

The plan advocated home gardens as the best means to meet most of the Indians' subsistence needs, but, given the years of drought and grasshopper devastation, growing enough produce to support a family had been impossible. Nonetheless, Roberts set a goal of 125 gardens, to be financed by the Yanktons, presumably through IRA-reimbursable loans. Clubs, such as 4-H, garden, and poultry clubs, would also be financed by the loan programs. The plan established per-family goals for poultry production and called for the Yanktons to use their own individual funds or arrange to make lease payments to replace the stock they had had to dispose of due to the feed shortage of the preceding winter. Special emphasis was placed on Indians cultivating instead of leasing their lands, and the plan called for the establishment of at least one hundred Indian farmers, each harvesting a minimum of ten acres of corn. These efforts, too, were to be funded by Indians themselves, or

29. Taylor, *New Deal and American Indian Tribalism*, p. 32.

30. "Extension Program Plan for Yanktons, 1935," 31 Jan. 1935, Rosebud Agency, Box A-622, General Correspondence File Decimal, 1930-1940, RG 75, National Archives and Records Administration-Central Plains Region (NARA-CPR), Kansas City, Mo.



William O. Roberts (at left, wearing suit) speaks at an agricultural fair on the Cheyenne River reservation. Roberts was the superintendent at the Rosebud Agency during the height of the struggles over the IRA and the proposed Yankton constitution. (Photograph by Frank Fiske)

by loans they acquired. No money was to be allocated for home or yard improvements, but programs begun the previous year to supply cattle and train the Yanktons on how to butcher, use, and preserve all their parts would be continued. Similarly, the canning program established in 1934 also would be maintained.<sup>31</sup>

Regrettably, most of these plans left the major piece of the recovery puzzle for the Yanktons to solve by securing their own financing. For years, they had battled the elements in trying to become self-sufficient on their own lands. Unlike their white neighbors, they did not have access to loans or credit that could provide the capital needed to acquire the equipment and livestock necessary for successful farming. Collier directed government personnel to assist Indians with submitting applications through county crop-loan committees, where they could access the Farm Credit Administration's seed-loan program.<sup>32</sup>

31. *Ibid.*

32. Collier to all superintendents, 27 Mar. 1935, memorandum, Rosebud Agency, Box A-1020, General Welfare, Credit, & Extension Records, 1929-1941, RG 75, NARA-CPR.

However, seed loans, rations, and material donations could not meet the enormous short-term needs on the Yankton reservation during the Great Depression, nor did they provide a long-term means of economic stability.

The entire plan for economic recovery and stabilization depended on Yankton access to broader loans, which made it imperative that the tribe complete the steps necessary for organization under the IRA. Only after they had adopted a constitution that met with official approval and achieved status as a chartered tribe would they be eligible to access IRA loan funds. In May 1935, Superintendent Roberts traveled to Washington, D.C., to finalize the details pertaining to tribal organization on the Rosebud and Yankton reservations.<sup>33</sup>

Two months later, 350 Yanktons attended a meeting in Greenwood, South Dakota, to discuss implementation of the IRA. Clement Valandry and Charles Brooks, Sioux employees of the Rosebud Agency, had just returned from meeting with Commissioner Collier in Washington on IRA-related business and described their talks. A local newspaper, the *Lake Andes Wave*, reported that some attendees voiced opposition to the act, but the main task of those assembled was to determine whether the Yanktons wished to have assistance with the drafting of a constitution and bylaws from Joe Jennings and Ben Reifel of the OIA. The proposal gained unanimous approval. Reifel was a member of the Rosebud tribe who worked for the Indian Organization Division and conducted this assignment on multiple reservations, working from a model constitution and bylaws designed by the OIA.<sup>34</sup>

This model constitution was to be adapted, through consultation with tribal representatives, to meet each tribe's unique requirements. Difficulties arose with the presumption that a prototype constructed by Washington lawyers could accurately reflect how a tribe preferred to govern itself. Another issue centered on the involvement of field agents who had had no past dealings with most of the tribes they were

33. Collier to Dan Red Hawk, 10 May 1935, Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

34. *Lake Andes (S.Dak.) Wave*, 18 July 1935; Taylor, *New Deal and American Indian Tribalism*, p. 89; Richmond L. Clow, "'We do not always agree': Eugene Little, the Indian New Deal and Changing Rosebud Leadership," *South Dakota History* 33 (Summer 2003): 171.

attempting to persuade to adopt the documents. The perception that the United States government was again pushing them to agree to something gave many Indians pause. Opposition also arose to the notion that any actions taken by a tribe should be subject to approval from the secretary of the interior.<sup>35</sup>

Despite these concerns, the Yanktons met at Greenwood again in late September to elect six members to draft a constitution and bylaws that met IRA requirements. Lewis Gassman, Alfred Deon, Joe Grabbing Bear, Wesley Hare, Sam Gassman, and Walter McBride made up the drafting committee. Indians such as these men, who supported the IRA and were willing to work with OIA officials toward its implementation, became known as “New Dealers.” According to one news account, Ben Reifel and Charles Brooks of the OIA had already formulated documents for them to consider.<sup>36</sup>

Some of the more familiar names in Yankton tribal politics such as Clement Smith, Henry Frederick, and Gertrude Simmons Bonnin were not involved in this process. Smith and Frederick had been elected to the Tribal Committee in 1932. Smith, in particular, stridently opposed the IRA, believing that the 1932 arrangement represented the will of the people. These tribal politicians led what became known as the “Old Dealer” faction. Gertrude Bonnin, a Yankton who had been a major voice for reforms at the national level, exemplified through her involvement in organizations such as the Society of American Indians and her founding of the National Council of American Indians, had become a reservation outsider by the 1930s. Because of her uncompromising belief in assimilationist policies, she united with the Old Dealer faction in hopes of defeating the organization of a tribal government under the IRA on the Yankton reservation.<sup>37</sup>

This New Dealer-Old Dealer division was present on other reser-

35. Thomas Biolsi, *Organizing the Lakota: The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations* (Tucson: University of Arizona Press, 1998), p. 148; Bromert, “The Sioux and the Indian New Deal,” p. 80; Richmond L. Clow, “Tribal Populations in Transition, Sioux Reservations and Federal Policy, 1934-1965,” in *The Sioux in South Dakota History*, ed. Richmond L. Clow (Pierre: South Dakota State Historical Society Press, 2007), pp. 183-84.

36. *Lake Andes Wave*, 26 Sept. 1935.

37. Maroukis, *Peyote and the Yankton Sioux*, p. 65.

vations, as well, and was not a new development for the Yanktons. It grew during the early reservation period from a difference in outlook between so-called traditionalists and progressives. Often the traditionalists, who came to be referred to as “Old Dealers,” were older and tended to include many of the full-blood tribal members who still possessed their allotment lands. “New Dealers” typically were the younger, mixed-blood members of the tribe, who had disposed of their lands prior to the 1930s and held no remaining assets. In general, New Dealers were more open to the promise of economic opportunities offered through the IRA.<sup>38</sup>

The Yanktons’ draft constitution and bylaws arrived in Washington, D.C., on 7 October. Three weeks later, Assistant Commissioner of Indian Affairs William Zimmerman confirmed for the secretary of the interior that the documents conformed to the outline prescribed by the OIA and recommended that he approve a special election for the Yanktons to vote on adoption. That same day, Zimmerman instructed Superintendent Roberts to prepare for a vote on 23 November. Because several versions of proposed constitutions were circulating on the reservation, Roberts was told to take special care in preparing copies for distribution, ensuring that some form of certification was included to make the official version easily distinguishable. The OIA would supply ballots. Zimmerman also reminded Roberts that election preparations were to be the highest priority for him and his staff for the next month.<sup>39</sup>

Additional OIA staff were sent to the Yankton reservation to support Roberts in explaining the constitution, the bylaws, and the benefits of their passage. The arrival of the outsiders did not soothe those who were already suspicious of Washington’s involvement in their “self-government.” Instead, Old Dealers began to complain about the process under which the constitutional committee had been selected

38. *Ibid.*, pp. 199–200. In their statements at the beginning of this article, William O’Connor and Clarence Forman expressed the views of the New Dealers and Old Dealers, respectively.

39. Zimmerman to Secretary of the Interior Harold Ickes, 28 Oct. 1935, and Zimmerman to Roberts, 28 Oct. 1935, both Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.



and the documents drafted. Their demands for a postponement of the vote were ignored, and special elections took place on the Rosebud and Yankton reservations as planned on 23 November.<sup>40</sup>

In a document circulated immediately before the vote, OIA staff listed what they identified to be the five primary myths spread in opposition to the constitution and addressed each complaint. The first criticism was that the petition required to call for a vote on the constitution had originated with government employees rather than tribal members. Levi Hare formally raised this charge during a 20 November meeting at the Choteau Creek community, called by Roberts to discuss the proposed constitution. Office of Indian Affairs staff reported that at the meeting, attended by Clement Smith, Gertrude Bonnin, and her husband Raymond Bonnin, other Yanktons refuted this charge and named those Indians who had initiated the petition. During the discussion, it became clear that Smith had been circulating his own petition calling for the appointment of an attorney to prepare an opinion on the proposed constitution, but he did not obtain enough signatories before the vote on the OIA-drafted constitution.<sup>41</sup>

At the same meeting, a charge was made that OIA officials had promised to give each Indian who signed the petition ten head of cattle. Upon investigating the accusation, OIA staff determined the likely source of the misinformation. While in recess during a drafting session on the constitution, OIA representative Charles Brooks had noted that thirty thousand cattle would soon be arriving from drought-stricken New Mexico to be distributed among several tribes. Brooks mentioned that he expected each Yankton family to receive ten head of cattle after the tribe was organized. A small number of livestock had already arrived and been distributed to those who could provide shelter, feed, and water, regardless of their position on the proposed constitution.<sup>42</sup>

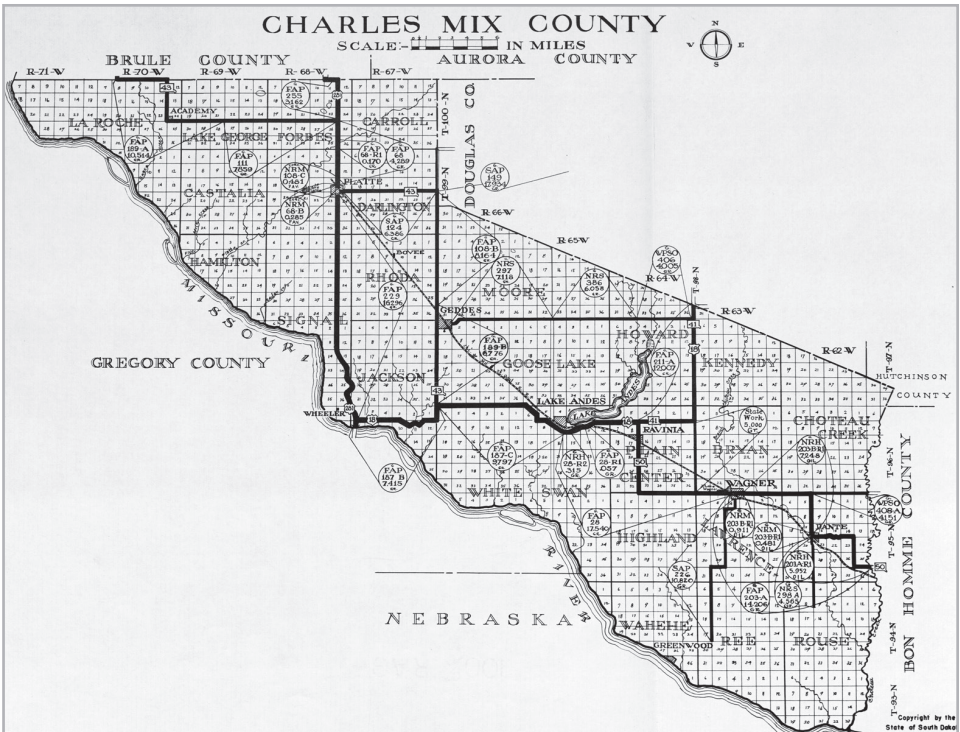
Another complaint arose from Smith directly. He argued that the existing governing body, the Tribal Committee, had voted five-to-four to refer the drafting of a proposed constitution to the General

40. Telegram, Roberts to Collier, 15 Nov. 1935, *ibid.*

41. "Claims Made by the Opposition and the Answers Thereto," n.d., *ibid.*

42. *Ibid.* While this document states that the cattle were from Mexico, later correspondence indicates that they originated in New Mexico.

Council and that the OIA had ignored the action. Smith argued that it would be far easier for the General Council to act, since the average attendance was less than thirty people, than it would be to gain petition signatures from one-third of the tribe in order to proceed to a vote. Office of Indian Affairs officials, however, countered that under the IRA, they had the legal authority to support the petition drive. As they moved along this course, Roberts had secured two representatives from each of the three main communities on the reservation—Choteau Creek, Greenwood, and White Swan—to serve on the drafting committee. The superintendent believed that working at the community level was the best way to build Sioux support, both because of the long tradition of organization at the band or *tiospaye* level and because it



This 1936 map of Charles Mix County shows the location of Greenwood, in the south-east portion of the county, and the townships of White Swan and Choteau Creek, in the south-central and northeast, respectively.

prevented Smith and the opposition from dominating the discussion as they could do in a General Council session.<sup>43</sup>

Fear that Indians would lose their allotted and inherited lands if they accepted the IRA constitution also was a major concern. Rumors circulated that privately held lands would have to be surrendered to the community as a whole. In its document, the OIA responded that the only changes to land rights came under section four of the IRA, which granted individuals the right to sell their lands to the tribe or to trade a parcel for one of equal value. The document further reminded Yanktons that this provision was already in force, since they had voted to have the IRA apply to their tribe; the proposed constitution had no bearing on the matter whatsoever.<sup>44</sup>

A charge also was leveled against Smith, accusing him or his agent of telling one individual that unless he signed the Smith petition he would receive a forced patent in fee for his allotment within days. The OIA document sought to reassure Yanktons that this claim was completely false. By accepting the IRA, the Indians were reminded, their trust period had been extended until such time as Congress might choose to act. In this instance, as well, the proposed constitution had no relevance.<sup>45</sup>

On 23 November, Rosebud tribal members approved their constitution by a vote of 992 to 643, and the Yanktons rejected theirs, 299 to 187. An additional forty-seven absentee ballots in favor of ratification were cast by nonresident Yanktons, but the number was not large enough to change the outcome. In his report on the voting, Roberts indicated that the Bonnins had spent a great deal of time on the reservation since August, actively working against adoption of the constitution. He also noted Clement Smith's vigorous opposition. Roberts went on to compliment the work of the OIA staff who had been sent to assist and relayed their findings that the most significant damage to the adoption effort came from the Catholic mission at Marty. Roberts said he had corroborated reports that every voter transported to the polls by mission workers had voted "no" on the measure.<sup>46</sup>

43. Ibid.

44. Ibid.

45. Ibid.

46. Roberts to Collier, 27 Nov. 1935, *ibid.*

Roberts wanted to pinpoint the opposition in hopes of addressing opponents' concerns and prevailing on a reconsideration vote. He wrote to Raymond Bonnin in an effort to understand more fully his and his wife's opposition. In separate letters, he reminded Clement Smith and Henry Frederick of the need to organize so that the tribe could receive all of the benefits offered under the IRA, and he asked each man to reply with detailed objections. Roberts also contacted Father Sylvester Eisenman, head of the Marty Mission, to tell him how the Catholic mission on the Rosebud reservation had supported tribal organization efforts. As in the other letters, he asked for a response that included the priest's specific reasons for opposing the proposed constitution.<sup>47</sup>

Subsequent conversations with Yanktons led Roberts to believe that Father Eisenman's opposition was primarily based on the fact that the OIA had denied his request to acquire additional Yankton-held lands for the mission. Roberts had recommended the rejection of this proposal, and the denial was affirmed by the OIA just prior to the referendum on the Wheeler-Howard Act.<sup>48</sup> In an exchange of letters and a telephone conversation with Raymond Bonnin, Roberts acknowledged Bonnin's efforts to draft a revised constitution and assured him that he would promptly forward it to Washington, D.C., upon receipt.<sup>49</sup>

Approval of an IRA constitution and charter had become even more imperative in the view of proponents following the August 1935 release of a report on surveys that the South Dakota Emergency Relief Administration (SDERA) had conducted on the state's Indian reservations the previous year. The survey results again demonstrated the tremendous poverty the Yanktons faced. Fifty percent of the Indians visited by survey staff were without homes, most of them living with relatives or in tents. This situation led to overcrowding, poor ventilation, inadequate sanitation, and the rapid spread of diseases such as tuberculosis and trachoma. Noting that "some of the places were unfit for human habitation," the report identified the need for a housing

47. Roberts to Bonnin, 27 Nov. 1935, Roberts to Smith, 27 Nov. 1935, Roberts to Frederick, 27 Nov. 1935, and Roberts to Eisenman, 27 Nov. 1935, all *ibid.*

48. Roberts to Collier, 15 Apr. 1936, *ibid.*

49. Roberts to Bonnin, 6 Dec. 1935, *ibid.*



Adequate housing was in short supply on the Yankton reservation in the 1930s, meaning that relatives and friends often shared living space. This scene of homes at White Swan was photographed in 1935.

program on the reservation, as well as access to water and an adequate supply of food.<sup>50</sup>

In regard to their agricultural pursuits, the report found that Indians were willing to work hard but that years of drought had taken a heavy toll on the land. The survey noted a significant difference between the Yankton reservation and the Pine Ridge and Rosebud reservations, where stock-raising was more prevalent. It recommended that horses be acquired for farming and transportation purposes, as well as cows, chickens, and pigs. The report described Yankton reservation residents as completely dependent on relief work for income, which the surveyor found insufficient for meeting weekly needs and highly unreliable because of periodic work suspensions. Criticism also fell on counties for issuing inadequate grocery allowances, but county officials complained that OIA staff failed to cooperate in helping them determine specific needs on the reservation.<sup>51</sup>

50. South Dakota, Emergency Relief Administration (SDERA), "General Report of Conditions in Charles Mix County on the Greenwood Reservation," *Survey of Indian Reservations*, 1935, NARA-DC (microfilm ed., Frederick, Md.: University Publications of America, 1986), reel 1, pp. 1-2.

51. *Ibid.*

The greatest difficulty lay in the fact that the only economic-development plan the OIA offered to the Yanktons was short-term, as it focused primarily on agricultural subsistence. Furthermore, the extension program of 1935 placed the financial onus for implementation on the Indians themselves, requiring them to access capital that was unavailable to them. As their financial situation continued to deteriorate, the only hope they had for accessing loans was through the new IRA programs, and without a constitution in place, they could not pursue the remaining requirements to qualify for the IRA's financial benefits.<sup>52</sup>

After the Yanktons rejected the OIA-prepared draft constitution and bylaws, Raymond Bonnin prepared an alternative constitution that won support from most of the Old Dealers, including tribal officers Clement Smith and Henry Frederick. According to rumors brought to Roberts's attention, Bonnin gained backing for his version by informing Yanktons that he would be able to elevate the subagency back to full agency status. Bonnin purportedly would be named superintendent, a position from which he would be able to supply individual Indians with money and favors. This draft constitution, submitted through Roberts on 13 December 1935 along with a petition signed by 304 Yanktons calling for a vote on it, languished for months at OIA headquarters in Washington, where officials were to determine whether it complied with departmental regulations. By contrast, the version drafted by OIA field agents had required only weeks for review and approval.<sup>53</sup>

Nick Frederick, a New Dealer, reported to Roberts that when he organized a petition to request a reconsideration vote on the OIA-approved constitution, Clement Smith and his own brother Henry had cursed and threatened him. Given such vitriolic displays among the Yankton factions, Roberts decided that another course for tribal organization would have to be pursued. The superintendent strongly believed that a successful socioeconomic program among the Sioux should begin at the community level. He noted that there were places on the reservation where the *tiospaye*, or band, still held influence and concluded that this system should be utilized to implement recovery plans.<sup>54</sup>

52. Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality," *Pacific Historical Review* 44 (Aug. 1975): 299.

53. Roberts to Collier, 15 Apr. 1936.

54. *Ibid.*

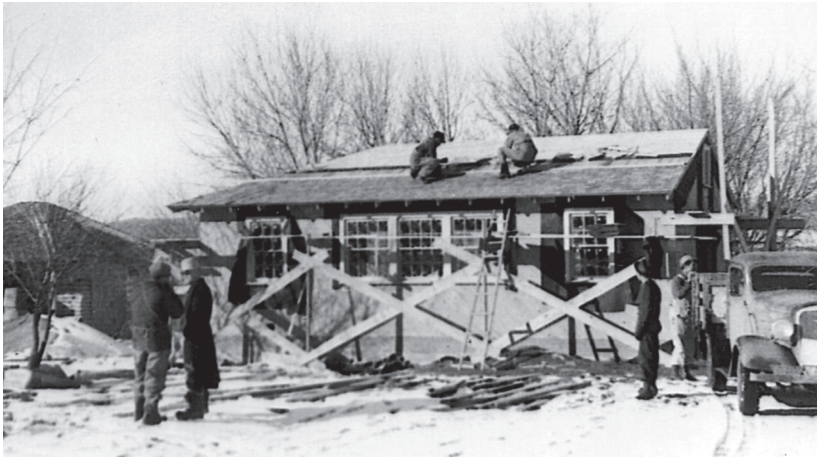
In Roberts's view, this approach held several advantages. The smaller groups, whose members had a strong sense of affiliation and shared history, could hold effective dialogues rather than become ensnared in the "oratory and politics" that sidetracked the large assemblies. The superintendent also considered it important that the groups not shy away from tackling thorny questions but be free to discuss OIA personnel, employment programs, relief needs, and land utilization. He believed that a sincere exchange among the Yanktons could lead them to solve their own problems. Success at the community level had the potential to win over skeptics and gradually erode support for IRA opponents.<sup>55</sup>

"Rehabilitation" had emerged as a new term in Indian administration by 1936. It reflected the recognition that emergency relief could not provide long-term economic stability on the reservations and that further investment was needed. In February of that year, the Indian Relief and Rehabilitation (IR&R) division of the OIA had been established to administer \$2 million in funds allotted through the Emergency Relief Appropriation Act of 1935. From these funds came loans and grants for building or repairing homes, barns, outbuildings, and root cellars; developing wells and springs; improving water access for homes; expanding garden projects; and initiating furniture-making and other handicraft ventures. Projects were supposed to accomplish the dual goals of contributing to the long-term economic stability of the community while also providing much-needed short-term work. As a result, rehabilitation efforts coordinated closely with the programs of other federal agencies. On a construction project, for example, the rehabilitation program might contribute the funds, the WPA would supply equipment and technical expertise, and the CCC-ID would provide the labor. Meanwhile, IR&R staff worked with agriculture extension agents and reservation officials to prioritize an agenda for each reservation.<sup>56</sup>

Because of their severely depressed economic conditions, the Sioux reservations were considered prime candidates for IR&R programs. One experimental approach called for the establishment of approximately twenty rehabilitation communities. The creation of each of these "colonies" would involve constructing housing and auxiliary buildings

55. *Ibid.*

56. Bromert, "The Sioux and the Indian New Deal," pp. 131-34.



This canning kitchen, under construction at White Swan, was among the tangible results of rehabilitation programs for the Yanktons.

such as canning kitchens. Irrigated gardens would be developed, and livestock would be added where feasible. In choosing who would move into the communities, priority would be given to those who were landless, homeless, and of good character. Community organizations would select the participants, subject to approval from agency staff.<sup>57</sup>

Superintendent Roberts was enthusiastic about the prospects for the development of communities on the IR&R model, and he worked with the agricultural extension agent to propose a comprehensive rehabilitation plan on the Yankton reservation. Subagency staff initially assisted three Yankton communities—Choteau Creek, Greenwood, and White Swan—in organizing for the purpose of economic self-sufficiency. Each community also chose governing officers. Staff welcomed such involvement as a sign that Yanktons realized the importance of working together to address their challenges. “It is safe to say that things are looking up on the Yankton,” observed the agricultural extension agent.<sup>58</sup>

Just as the new program was getting underway during the summer of 1936, Roberts was transferred to the Pine Ridge Agency, and Claude

57. *Ibid.*, pp. 131, 135–36.

58. Roberts to Collier, 10 June 1936, with agricultural extension agent’s report attached, Rosebud Agency, Box 35, Records of the Rehabilitation Division—Project Records, 1935–1944, RG 75, NARA-DC.



R. Whitlock arrived to oversee the Rosebud jurisdiction, including the Yankton subagency. Clement Smith immediately wrote to the new superintendent and requested that he schedule tribal-council elections. Smith noted that officers had last been elected on 22 September 1934 and indicated that the tribe's pre-IRA constitution and bylaws required elections to be held every two years. Because the pre-IRA constitution also required the commissioner of Indian affairs to provide two weeks' notice prior to such elections, Smith wanted Whitlock to obtain Collier's approval for the announcement. He argued that until the Yanktons organized under the IRA, their previous form of government should remain intact. Whitlock forwarded Smith's request to the commissioner and expressed confusion as to whom he was supposed to work with as the recognized tribal authority. He also noted that the three community organizations formed on the reservation seemed to be handling their affairs adeptly and were receiving support from a number of families.<sup>59</sup>

Fred H. Daiker, assistant to the commissioner, responded to both Whitlock and Smith. He advised that no elections be held because a revised constitution and bylaws, the version drafted by Raymond Bonnin and supported by the Old Dealers, remained under review. Once that process was complete, Daiker stated, the constitution would be forwarded to the tribe for consideration. In the meantime, he directed that the existing Tribal Committee, with Smith as its chairman, should continue to hold office.<sup>60</sup>

The OIA's rejection of the Bonnin-drafted constitution and bylaws, which Roberts had submitted nearly nine months earlier, soon made its way to Whitlock. Detailed comments were sent from Washington, D.C., on 13 September, and Whitlock distributed approximately two dozen copies among the Yanktons. After Yanktons approached him and requested a General Council meeting to discuss the OIA response, he scheduled it for 14 November.<sup>61</sup>

59. Smith to Whitlock, 17 Aug. 1936, and Whitlock to Collier, 21 Aug. 1936, both Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

60. Daiker to Whitlock, 11 Sept. 1936, and Daiker to Smith, 11 Sept. 1936, both *ibid.*

61. Minutes, General Yankton Tribal Council Meeting, Greenwood, S.Dak., 14 Nov. 1936, *ibid.*

The meeting bogged down in controversy as soon as it opened. Smith argued that a motion to limit speakers to ten minutes violated their freedom of speech, and he continued his argument until the motion was withdrawn. He then insisted that the OIA representative present at the meeting read each of the twenty-four criticisms aloud and demanded that he be given the floor to refute each point. When Smith concluded his rebuttal, several Indians expressed frustration on behalf of the full-bloods in attendance that because the entire exchange was conducted in English they had not understood a single word. Smith offered a brief overview in their native language and then presented a resolution to retain Raymond Bonnin as legal counsel for the tribe in all matters related to the preparation of a constitution and bylaws.<sup>62</sup> Those assembled approved the resolution 64 to 12.<sup>63</sup>

Subsequent to the meeting, more than one hundred Yanktons signed a petition asking Commissioner Collier to disapprove the action called for in the resolution. The number of attendees at the General Council meeting had represented only a small percentage of tribal members, they contended, and therefore did not express the opinion of the majority. Moreover, retaining outside counsel was a waste of funds that could better be spent in supporting needy tribal members. The petition signatories complained that Smith had monopolized the meeting, confused attendees, and made it impossible to have a meaningful discussion on tribal organization. They also requested that the superintendent consult with the IR&R community committees, also referred to as district organizations, because they “truly represent the Yankton people.”<sup>64</sup>

In addition to conducting the petition drive, a number of Yanktons approached Assistant Superintendent John Backus with a new proposal designed to address the needs of both competing factions. Younger, mixed-blood Indians comprised a majority of the tribe, and many of them were landless. Although they favored reorganization for its potential economic benefits, they were inexperienced in tribal

62. *Ibid.* Sources conflict on whether Smith translated in the Dakota or Nakota dialect.

63. Minutes, General Yankton Tribal Council Meeting, 14 Nov. 1936.

64. Untitled petition, 30 Nov. 1936, and Allan G. Harper, Yankton Organization Problem, 14 Jan. 1937, memorandum, both Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

politics and unfamiliar with formal proceedings. For that reason, they had been unable to advance their proposal at the General Council and therefore brought it to Backus to forward on to OIA officials. Inspired by the success of the district organizations, they wanted to organize a corporation on behalf of landless Indians that would develop an OIA-approved constitution and fulfill other necessary requirements to become chartered. They believed that other Yanktons would quickly seek to join and that this vehicle would easily accomplish tribal organization and greatly enhance the tribe's economic prospects. The new proposal sought to address the concerns of the Old Dealers, who still maintained their allotments and believed that under normal economic circumstances they could derive sufficient income from the land to support themselves, by allowing them to opt out of participation in any new programs.<sup>65</sup>

Assistant Superintendent Backus forwarded the proposal along, and the OIA rejected it, claiming that the IRA did not authorize the agency to recognize a portion of a tribe for the purposes of incorporation. Agency officials worried that such an action would only deepen the chasm between the two factions on the reservation. Office of Indian Affairs officials also rejected the tribal council resolution to employ Raymond Bonnin as legal counsel for the purpose of preparing a constitution and bylaws. The office determined that the 64 votes cast in favor of the resolution did not represent a large enough proportion of the 991 eligible Yankton voters to express a tribal opinion on the matter.<sup>66</sup>

Moreover, the 14 November meeting at which the resolution was approved had been called for the purpose of discussing the OIA's comments on the proposed constitution and determining a new path forward. Instead, Smith had monopolized the forum and steered the agenda away from its intended purpose in order to gain approval for his resolution, the contents of which had not been made known in advance. The OIA prepared a point-by-point refutation of Smith's point-by-point rebuttal and advised that rather than continue to debate the Bonnin version, the tribe should form a committee to draft a new proposed constitution. Finally, because the number of petitioners asking

65. Backus to Whitlock, 19 Nov. 1936, *ibid.*

66. Harper, memorandum, Yankton Organization Problem, 14 Jan. 1937.

the OIA to disregard Smith's resolution also did not meet a statistical threshold, it would not be addressed formally by the office.<sup>67</sup>

The decisions of the OIA resulted in a stalemate on the reservation. Smith and the Old Dealers could not move forward with their proposed constitution, through which they sought to protect their lands and the older processes for conducting tribal business. Landless New Dealers could not unite to incorporate and access the IRA credit funds that might have provided them with opportunities for economic growth. The one aspect that seemed to be working well, the community districts, would therefore not receive formal OIA recognition as a vehicle for tribal organization. Such an impasse was not just problematic for the tribe itself; Superintendent Whitlock also became confused as to how he was supposed to conduct all the business necessary to administer the reservation successfully. Whitlock wanted to move forward with plans for establishing rehabilitation colonies, including the acquisition of new land, but to do so, he had to enter into trust agreements with the recognized tribal authority. He was not sure that such an entity existed. To complicate matters further, he learned that in September of 1936, Smith had convened an unauthorized election of Tribal Committee members. Perhaps unsurprisingly, Smith was reelected chairman at the meeting. Whitlock sought instruction on how to proceed, given these circumstances.<sup>68</sup>

The OIA answered with explicit directives. The "alleged tribal organization" headed by Smith was not a properly constituted body recognized by the commissioner of Indian affairs. Whitlock was told not to deal with that body in the matter of rehabilitation trust agreements. Given the "present emergency," wrote the assistant commissioner, Whitlock was advised to find out whether the Indians in the three main districts wanted to organize for the purposes of implementing the rehabilitation program. Such an organization would not be recognized as an IRA tribal entity, but it could provide Whitlock with beneficial advice on land-use decisions and serve as a means for expanding the political cohesion arising from the community level.<sup>69</sup>

67. *Ibid.*

68. Whitlock to Collier, 17 Mar. 1937, Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

69. Zimmerman to Whitlock, 21 Apr. 1937, *ibid.*

Officers of each of the three district communities formed a board of trustees to work with agency staff as a limited tribal authority on issues related to the rehabilitation program. By 1938, staff also consulted the trustees on budgetary proposals beyond IR&R matters, in effect using them as an informal tribal council. That spring, the Yankton Rehabilitation Committee wrote the commissioner of Indian affairs requesting the opportunity to work on its own draft of a new IRA constitution. Committee members also cautioned the OIA against sending outsiders to the community. They believed that much of the misunderstanding about certain IRA provisions could be overcome if they conducted their own educational campaign. To accomplish this task, they planned to work in small groups and at the community level, rather than have one large General Council that could be dominated by the opposition. By the fall of 1938, a draft constitution had been prepared, reviewed by OIA staff, and returned with proposed revisions.<sup>70</sup>

That spring, the committee had also let Commissioner Collier know how popular the rehabilitation program was on the Yankton reservation and requested support to establish additional colonies. The growing Yankton enthusiasm for the Indian New Deal stemmed in part from the increasing number of construction projects produced through IR&R planning and coordination. One CCC-ID enrollee wrote a column for the OIA newsletter, *Indians at Work*, that illustrated the turnaround in perceptions. He noted that factionalism had stymied political progress and left young people unwilling to engage in efforts to improve their situation. During the previous two years, however, they had worked on and seen the difference the construction projects could make. More than just providing employment for those in need, such projects involved young people in offering ideas and planning for the future.<sup>71</sup>

Those who wanted to organize a tribal government under the terms of the IRA worked through the summer of 1939 to gain support for a

70. Whitlock to Assistant Commissioner John Herrick, Rehabilitation Division, 22 Jan. 1938, Rosebud Agency, Box 36, Records of the Rehabilitation Division—Project Records, 1935–1944, RG 75, NARA-DC; Yankton Rehabilitation Committee to Collier, 11 May 1938, Backus to Whitlock, 18 May 1938, and Field Agent Ben Reifel to Whitlock, 19 Sept. 1938, all Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

71. Yankton Rehabilitation Committee to Collier, 11 May 1938, Rosebud Agency, Box

vote on it. By July, they had secured the signatures of 305 Yanktons, just over the required one-third of eligible voters, and petitioned the secretary of the interior to call for a vote on the adoption of a tribal constitution and bylaws as soon as possible. Once the constitution was approved, Yanktons would still need to develop and ratify a charter. They were hoping to complete all these steps in time to apply for credit funds to facilitate spring planting.<sup>72</sup>

Just as these events took place, a series of retrenchments in New Deal expenditures occurred. The resulting budget cuts severely limited funding for the programs that had won popular support among the Yanktons, and their enthusiasm rapidly shifted to frustration as the money from Washington, D.C., became insufficient to meet their needs. Instead of serving as economic-development planners, the community organizations became welfare committees, meeting with the social worker assigned to the reservation to approve applications for assistance. As Yankton dissatisfaction with the OIA grew, its Indian Organization Division, in consultation with agency staff, determined that a vote on the proposed constitution could not be risked. It was postponed until such time as agency staff notified the Washington office that the political situation on the reservation had improved.<sup>73</sup> In the end, no vote on a tribal constitution occurred until more than twenty years later. When it did, the Yankton Sioux constitution specified that it was not subject to the terms of the IRA.

The perceived pressure to accept a one-size-fits-all approach handed down from Washington caused many Indians to reject the IRA and its provisions. Despite claims that the legislation would give them the right to organize their own governments, the OIA insisted on the terms under which the organization had to be accomplished. Officials

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36, Records of the Rehabilitation Division—Project Records, 1935–1944, RG 75, NA; Harvey Le Claire, “CCC-ID Work Has Built Up the Idea of Cooperation,” *Indians at Work* 5, no. 7 (Mar. 1938): 29.

72. Yankton Constitutional Committee to Whitlock, 24 July 1939, and Whitlock to Collier, 28 July 1939, both Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

73. Whitlock and social worker Ruth Heinemann to Welfare Committees, 29 July 1940, memorandum, Rosebud Agency, Box 37, Records of the Rehabilitation Division—

required adherence to their approach, even among tribes such as the Rosebud and Yankton Sioux that had organized prior to the IRA. Some Indians believed they were being seduced into voting for the IRA with the promise of mythical benefits, and others felt coerced by perceived threats as to what would befall those tribes rejecting the measure.<sup>74</sup> The intense political atmosphere led one Yankton, who believed the tribe had been punished for its failure to adopt an OIA-approved constitution, to declare, “John Collier starved us to death.”<sup>75</sup>

Journalist Michael Barrone observed that the New Deal changed life in the United States by changing the relationship between Americans and their government.<sup>76</sup> For many Yanktons, the Indian New Deal changed what they wanted their tribal government to be, in addition to altering their interactions with the federal government. Those who wanted to pursue progressive policies joined community organizations and enjoyed the advantage of OIA attention to their requests, even if responses were not always favorable. They acquired political organization skills through their work at the district level that would serve the tribe well when it organized under a new constitution and reclaimed full agency status in the 1960s. However, the requirements of the IRA left the rest of the tribe without a voice with which to communicate with the federal government and sorely lacking a plan for long-term economic development. Because of the factionalism it produced, the Indian New Deal complicated Yankton Sioux politics for decades to come.

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Project Records, 1935–1944, RG 75, NARA-DC; Joe Jennings, field administrator in charge, Indian Organization Division, to Daiker, 17 Sept. 1939, Rosebud Agency, Box 27, General Records Concerning Indian Organization Division, RG 75, NARA-DC.

74. Richmond L. Clow, “‘We do not always agree’: Eugene Little, the Indian New Deal and Changing Rosebud Leadership,” p. 164; Joseph H. Cash and Gerald W. Wolff, “South Dakotans Remember the Great Depression,” *South Dakota History* 19 (Summer 1989): 256.

75. Interview of Cecil Provost by Joseph H. Cash, Marty Mission, S.Dak., 19 Aug. 1968, manuscript 13, p. 1, IAIS, SDOHC.

76. David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929–1945* (New York: Oxford University Press, 2005), p. 285.

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