

2024

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### Recommended Citation

Kravitz, Eliza (2024) "Using the Colonizers' Own Weapons: The Politics of Equality, Freedom, & Integration in Advocacy Against American Indian Termination," *Swarthmore Undergraduate History Journal*: 5 (2), 105-126. 10.24968/2693-244X.5.2.4 <https://works.swarthmore.edu/suhj/vol5/iss2/4>

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# **Using the Colonizers' Own Weapons: The Politics of Equality, Freedom, & Integration in Advocacy Against American Indian Termination**

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Beginning in the early 1950s, the United States Congress enacted a program of “termination” of American Indian tribes. By eliminating the special relationship between tribes and the federal government, termination aimed at the full assimilation of American Indians into U.S. society. Government proponents advocated for termination using the language of equal rights, freedom, and integration. Previous scholarship has shown that anti-termination advocates, by contrast, appealed to the internationalist Cold War language of development, self-governance, and global decolonization to resist termination. These same leaders also invoked the civil rights language of termination’s proponents, however. Their arguments illustrated how the federal government misconstrued and misapplied the concepts of equality and freedom in relation to federal Indian policy; in other words, they used the colonizers’ own weapons against them. Not only is this analysis an important missing piece in historical scholarship on anti-termination advocacy, but it also challenges the supposed opposition between tribal sovereignty and civil rights struggles and emphasizes the historical coexistence of multiple competing interpretations of American freedom and equality.

## Introduction

As decolonization swept the globe after World War II, the United States broadcasted a national vision of equality, democracy, and inclusion on the international stage. Domestic racial segregation and inequality became increasingly humiliating for U.S. Cold War politics, particularly as African American freedom movements invigorated by wartime experiences advocated for racial integration in international political arenas.<sup>1</sup> The country's stated commitment to racial equality contributed to the politics of the civil rights movement, which entered onto the national scene in the 1950s and persists well into our current historical moment.

The politics of equal rights and integration reached American Indians, too—or, as many tribal advocates argued, it was weaponized against them for their destruction.<sup>2</sup> After several years of legislative and political foreshadowing, in 1953 Congress passed a pair of bills that constructed the policy of tribal “termination”: a federal policy initiative that promised to dissolve the special federal-tribal relationship, including the trusteeship landholding system and the federal provision of services, in favor of Indian assimilation into U.S. society.<sup>3</sup> Described by leading termination advocate and Utah Senator Arthur V. Watkins as an “Indian freedom program” grounded on the principles of integration and equality before the law, the 1953 legislation prompted a string of campaigns that terminated or, in Watkins’ words, “freed” various tribes in the 1950s and 1960s.<sup>4</sup>

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<sup>1</sup> See, e.g., Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2000); Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (New York, NY and Cambridge, UK: Cambridge University Press, 2003).

<sup>2</sup> In this paper, following the lead of tribal advocates in the mid-twentieth century and modern historians, I use the term “American Indians” or “Indians” to refer to individuals who trace their ancestry to people indigenous to the modern U.S.

<sup>3</sup> The official Congressional Record documents the use of the term “termination” by Congressmen and personnel of the Bureau of Indian Affairs (BIA) since before 1953. See: Charles F. Wilkinson and Eric R. Biggs, “The Evolution of the Termination Policy,” *American Indian Law Review* 5, no. 1 (1977): 166n3.

<sup>4</sup> Arthur V. Watkins, “Termination of Federal Supervision: The Removal of Restrictions over Indian Property and Person,” *Annals of the American Academy of Political and Social Science* 311 (May 1957): 49.

Termination policies provoked intense political mobilization by American Indians and their advocates at local and national levels. By and large, advocates for Indian rights opposed termination and instead sought continued federal aid and protection of tribal sovereignty.<sup>5</sup> In articulating their opposition, leading anti-termination advocates had a wealth of political discourses at their disposal.<sup>6</sup> While the Cold War spotlighted the warring ideologies of communism and democracy, the paired process of global decolonization generated discourses about Third World development and sovereignty. Meanwhile, the language of freedom, equal rights, and integration held political sway domestically. At the same time, anti-termination advocates also contended with the urgent material needs of American Indian communities.<sup>7</sup>

How, then, did anti-termination advocates articulate their opposition to termination in light of this multifaceted post-war political environment? Of particular interest is the period from the late 1940s, when termination first showed political promise, to the early 1960s, after which the tribal sovereignty movement gained national political momentum. Daniel M. Cobb and Paul C. Rosier, historians of American Indian politics, have argued that anti-termination advocates in this period found inspiration in the Cold War politics of development, self-governance, and decolonization.<sup>8</sup> In other words, these advocates articulated their opposition to termination policies, which were cloaked in the language of freedom and equality, in alternative discourses that centered indigenous sovereignty and survival.

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<sup>5</sup> Wilkinson and Biggs, "The Evolution of the Termination Policy," 139.

<sup>6</sup> The "anti-termination advocates" whose views I examine in this paper include both Indians and non-Indians. As this paper analyzes prominent political discourses on termination, I chose to focus on sources likely to have had significant circulation and/or political influence, and many of the most influential advocates for Indian rights in this period were non-Indian. Consequently, this paper does not purport to analyze the views of tribal communities themselves. Further research, perhaps in local tribal archives or through oral history interviews, could help to illuminate the perspectives of tribal communities and ordinary tribal members on termination.

<sup>7</sup> See, e.g., Paul C. Rosier, "'They Are Ancestral Homelands': Race, Place, and Politics in Cold War Native America, 1945–1961," *The Journal of American History* 92, no. 4 (March 2006): 1300–1326.

<sup>8</sup> Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence, KS: University Press of Kansas, 2008); Daniel M. Cobb, "Indian Politics in Cold War America: Parallel and Contradiction," *The Princeton University Library Chronicle* 67, no. 2 (Winter 2006): 392–419; Rosier, "'They Are Ancestral Homelands.'"

These alternative discourses were not anti-termination advocates' only source of inspiration, however. In political, academic, and media statements from the late 1940s to the early 1960s, anti-termination advocates hardly dismissed the language of equality, freedom, and integration that infused termination politics. Rather, in addition to drawing inspiration from anticolonial sovereignty politics, they seriously grappled with the vision of equal rights as liberation and adopted its language to articulate their opposition to termination. In doing so, they showed how the government misconstrued and misapplied the concepts of freedom, equality, and integration in federal Indian policy; they used the colonizers' own weapons against them.

This historical reorientation places the anti-termination movement within the mainstream U.S. political frameworks of freedom and equal rights. While other scholars have suggested that American Indian sovereignty efforts and African American civil rights struggles were inevitably opposed, this analysis helps to explain anti-termination advocates' nuanced understandings of the relationship between diverse ethnic movements. Furthermore, the contours of anti-termination advocacy serve as a valuable reminder of the historical coexistence of multiple competing interpretations of American freedom and equality.

In this paper, I proceed by extrapolating on termination policies and the diverse political forces that influenced anti-termination advocacy. After acknowledging the ways in which anti-termination advocates drew on developmentalist and anticolonial politics, I turn to their use of notions of equality, freedom, and integration towards the same ends, and I illustrate how they used the government's language against itself through their arguments. Given anti-termination advocates' engagement with U.S. civil rights principles, I then explore their views on other ethnic minority struggles in relation to those of American Indians. Finally, in light of this history, I conclude by reflecting on the contested meanings of freedom and equality in the U.S.

## Prescribing Freedom & Equality Through Termination

The termination era followed a period of groundbreaking federal Indian political reform. During sociologist John Collier's reign as Bureau of Indian Affairs (BIA) commissioner from 1933 to 1945, the U.S. government strengthened protections for tribal sovereignty, land ownership, and cultural autonomy through a package of policies collectively known as the Indian New Deal.<sup>9</sup> What followed was a wildly different policy approach: after World War II, all three branches of government pivoted to programs that eroded the federal-tribal legal relationship.<sup>10</sup> As legal scholars Charles F. Wilkinson and Eric R. Biggs aptly summed up, federal Indian policy has long taken the form of a pendulum swinging between the tensions of self-determination and assimilation.<sup>11</sup> Following the war, the pendulum swung decisively towards the latter.

The aggressive assimilationist approach of termination became official federal policy in August 1953 through the passage of two bills: House Concurrent Resolution 108, which called for tribal members in four states to be “freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians”; and Public Law 280, which granted states permission to unilaterally assume criminal and civil jurisdiction on Indian reservations.<sup>12</sup> These two laws provided the groundwork for campaigns to terminate individual tribes, which peaked in 1954 and ultimately succeeded in terminating 109 tribes. While termination directly affected less than three percent of the American Indian population, termination efforts went hand in hand with other federal government initiatives that disrupted autonomous reservation livelihoods. Relocation programs, for instance, used often-coercive methods to transfer tribal

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<sup>9</sup> Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920–1954* (Tucson, AZ: University of Arizona Press, 1977), xiv.

<sup>10</sup> Wilkinson and Biggs, “The Evolution of the Termination Policy,” 145–147.

<sup>11</sup> Wilkinson and Biggs, “The Evolution of the Termination Policy,” 139.

<sup>12</sup> U.S. Congress, House of Representatives, *Indians*, House Concurrent Resolution 108, 83rd Congress, First Session, passed Aug 1, 1953; *An Act to Confer Jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin*, Public Law 83-280, 67 Stat. 588, Aug 15, 1953.

members from reservations to urban areas throughout the 1950s.<sup>13</sup> By the mid-sixties, however, the pendulum of federal Indian policy swung back towards self-determination. Amidst a strengthening tribal sovereignty movement, Congress gradually abandoned its termination efforts and embraced a political stance more amenable to Indian self-determination.<sup>14</sup>

To justify termination, government officials invoked the language of freedom, equality, and integration that had become central to America's post-war image. In a 1957 academic journal article, Watkins articulated arguments that dominated the government's stated support for termination and which also resonated with popular America.<sup>15</sup> Federal "wardship," he wrote, conferred upon Indians a form of second-class citizenship. Termination solved this travesty: it "integrat[ed]" Indians with the "common citizenry," fostered "equality before the law," and enabled the "full realization of their national citizenship with all other Americans." Underscoring its liberatory nature, Watkins even likened termination to the 1865 Emancipation Proclamation.<sup>16</sup> Relatedly, President Dwight W. Eisenhower justified signing the controversial Public Law 280 into law in the name of "granting equality to all Indians in our nation."<sup>17</sup>

## **Navigating the Cold War Political Milieu**

This optimistic political cacophony muffled the often devastating prospects of termination for tribal communities. Although many leading American Indian rights advocates

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<sup>13</sup> Donald Lee Fixico, *Termination and Relocation: Federal Indian Policy, 1945–1960* (Albuquerque, NM: University of New Mexico Press, 1986), 101, 135; Wilkinson and Biggs, "The Evolution of the Termination Policy," 151, 161.

<sup>14</sup> Wilkinson and Biggs, "The Evolution of the Termination Policy," 163–164; Charles F. Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York, NY and London: W.W. Norton & Company, 2005), 191–197. For accounts of the timeline of the tribal sovereignty movement, see: Rosier, "'They Are Ancestral Homelands,'" 1302; Cobb, *Native Activism in Cold War America*, 31; Wilkinson, "Red Power," in *Blood Struggle*, 129–149.

<sup>15</sup> For commentary on the popularity of Watson's beliefs, see: Fixico, *Termination and Relocation*, 106–107.

<sup>16</sup> Watkins, "Termination of Federal Supervision," 47, 48, 49, 52, 55.

<sup>17</sup> Statement by President Eisenhower, released by James C. Hagerty, Aug 15, 1953, as cited in Fixico, *Termination and Relocation*, 227n3.

were open to eventual assimilation and/or integration, the vast majority objected to the proposed methods of termination.<sup>18</sup> In crafting their responses, these advocates had to navigate a peculiar Cold War political environment. In many respects, U.S. Cold War politics enabled the political viability of termination. Supporters of the policy invoked the primacy of individual freedom, equality before the law, and the integration of minorities, which aligned with the U.S.'s self-positioning as the global leader of freedom, human rights, and democracy.<sup>19</sup> Maintaining the reservation system, which termination supporters characterized as segregated, prison-like, and socialist, would violate these principles.<sup>20</sup> Watkins' rhetoric in support of termination, therefore, possessed contemporary political resonance.

In other ways, termination, by degrading tribal sovereignty and disrupting Indians' livelihoods, stood in clear opposition with other Cold War principles, particularly decolonization, Third World economic development, and self-determination. As Cobb and Rosier have noted, leading anti-termination advocates invoked this latter category of Cold War principles to articulate opposition to termination.<sup>21</sup> John Collier, for instance, founded the Institute for Ethnic Affairs (IEA) in 1945 to facilitate research and advocacy for groups living under U.S. colonial rule, such as in Guam.<sup>22</sup> Invoking the common plight of American Indians and dependent groups worldwide, Collier responded to termination by highlighting U.S. aid to impoverished countries abroad through "Point Four" economic development programs. Instead of obliterating tribal communities through termination, he argued, the U.S. government should apply the same principles at home by piloting Point Four on its domestic dependent nations.<sup>23</sup>

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<sup>18</sup> Fixico, *Termination and Relocation*, 98.

<sup>19</sup> See, e.g., Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy*.

<sup>20</sup> See Cobb, *Native Activism in Cold War America*, 12–13.

<sup>21</sup> Cobb, *Native Activism in Cold War America*; Cobb, "Indian Politics in Cold War America"; Rosier, "'They Are Ancestral Homelands.'"

<sup>22</sup> Philp, *John Collier's Crusade for Indian Reform*. 214–215.

<sup>23</sup> John Collier, "Striking at Indians: Directive Viewed as Aimed at Destruction of Trusteeship," *New York Times*, October 19, 1952, obtained from *ProQuest Historical Newspapers*; John Collier, "Two Illustrative Case Records on



The political aspirations undergirding this advocacy approach—decolonization, development, and self-determination—often failed to gain traction in U.S. domestic politics.<sup>24</sup> And indeed, they were not the only contemporary politics to which anti-termination advocates appealed. Rather, a previously-unexplored rhetorical strand of opposition to termination appropriated the very language of freedom, equality, and integration that the authors of termination themselves utilized.<sup>25</sup> It is to this inquiry that I now turn.

### **Pro-Equal Rights, Anti-Termination**

Anti-termination advocates engaged directly with the language embedded in termination politics. They argued that termination did not advance their equal rights as U.S. citizens, nor would it bring them freedom. They also strove to disentangle the concept of integration from assimilation and termination. Moreover, they presented themselves as embracing a vision that aligned with the desired international image of the U.S.

Not fooled by the government’s rhetoric, anti-termination advocates exposed the irony of what they understood as rhetorical manipulation by termination’s proponents to obscure the policy’s true implications. For instance, Felix Cohen, a prominent legal scholar who played a significant role in engineering the Indian New Deal, expressed skepticism towards the government’s idealistic language. In a 1953 article for *The American Indian*, a magazine of the

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the Point Four Planning,” *News Letter of the Institute of Ethnic Affairs, Inc.* 5, no. 1 (1950): 1–3. See also: D’Arcy McNickle, “U.S. Indian Affairs – 1953,” *América Indígena: Organo Trimestral del Instituto Indigenista Interamericano* 7, no. 4 (October 1953): 273; National Congress of American Indians, “Point Four Program for American Indians,” November 21, 1954, as excerpted in Daniel M. Cobb, ed., *Say We Are Nations: Documents of Politics and Protest in Indigenous America Since 1887* (Chapel Hill, NC: The University of North Carolina Press, 2015), 93–100.

<sup>24</sup> See, e.g., Jim Cullen, *Democratic Empire: The United States Since 1945* (Newark, NJ: John Wiley & Sons, 2016).

<sup>25</sup> In the archival sources I consulted, anti-termination advocates did not similarly appropriate the rhetoric of anti-communism in U.S. Cold War politics. U.S. anti-communism likely was difficult for them to overcome and navigate. Collier, for instance, ultimately lost credibility in the federal government due to accusations that he was a Communist (see Wilkinson, *Blood Struggle*, 63). This topic, while beyond the scope of this paper, remains underexplored and is an area for future research.

Association on American Indian Affairs (AAIA), Cohen recommended heightened scrutiny for legislation that was “ornamented by high-sounding terms like ‘withdrawal’ and ‘emancipation.’”<sup>26</sup> With numerous termination bills pending in 1954, Collier similarly cautioned in the *New York Times* that Indians faced “assaults cloaked in the guise of ‘emancipation,’ ‘liberation’ and ‘equality.’”<sup>27</sup>

Although these examples reveal that anti-termination advocates questioned the sincerity of the government’s language of equality, freedom, and integration in termination politics, they did not discard the value of those principles. Instead, they engaged deeply with them, exploiting the very language of termination politics to expose the government’s missteps and hypocrisy in advancing termination.

### **Equality Before the Law**

One of the core tenets of pro-termination advocacy was the idea that termination would remedy American Indians’ disadvantaged legal status by equalizing them with all other U.S. citizens. Anti-termination advocates insisted that this argument misconstrued the concept of Indian advancement through equality. In 1954 Congressional hearings that featured debates on termination, Helen Peterson (executive director of the National Congress of American Indians (NCAI)) objected to policies that promised only to “restor[e] the same rights to the Indian tribes which are enjoyed by all citizens of the United States.”<sup>28</sup> After all, American Indians *already* possessed equal rights of American citizenship, as guaranteed by the Indian Citizenship Act of

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<sup>26</sup> Felix Cohen, “Indian Wardship: The Twilight of a Myth,” *The American Indian*, 1953, as reproduced in Lucy Kramer Cohen, ed., *The Legal Conscience: Selective Papers of Felix S. Cohen* (New Haven, CT: Yale University Press, 1960), 334. See also: Felix Cohen, “First Americans First,” *The New Leader* 36, no. 4 (January 1953): 17.

<sup>27</sup> John Collier, “Threat to Indians Feared: Pending Bills Called an Assault on Rights of Oldest Minority,” *New York Times*, August 1, 1954, obtained from *ProQuest Historical Newspapers*.

<sup>28</sup> Helen Peterson and Alice Jamison, “This Resolution ‘Gives’ Indians Nothing,” 1954, in Cobb, ed., *Say We Are Nations*, 104.

1924.<sup>29</sup> Peterson's argument reflects a broader critique among anti-termination advocates: a policy whose supposed gains for American Indians simply reified benefits they already possessed offered no gains at all.<sup>30</sup> The irony of such a policy was duly noted by Oliver La Farge, anthropologist and AAIA president, who commented in 1957, "One cannot 'equalize' people by depriving them of their property and of the going communities of their own kind that are their source of strength."<sup>31</sup>

The government's presupposition that American Indians did not enjoy full citizenship rights rested on a misrepresentation of the federal-tribal trust relationship. In a 1953 article entitled "Indian Wardship: The Twilight of a Myth," Cohen exposed "two popular fallacies" among the American public: "the idea that Indians are wards under the guardianship of the Great White Father, and the idea that a ward cannot be a citizen or, at least, cannot exercise the rights of citizenship."<sup>32</sup> Both of these ideas, Cohen explained, were myths. The Indian New Deal established the federal government's role as a trustee of tribal lands and the provider of key funding and services—not as the guardian of a ward.<sup>33</sup> Far from an arrangement that victimized tribes or precluded Indians' abilities to exercise citizenship rights, trusteeship was grounded on "mutual consent" and "contractual obligation," according to NCAI cofounder D'Arcy McNickle.<sup>34</sup> The best way to conceive of American Indians' legal status, various advocates argued, was to acknowledge that they possessed both the full rights of U.S. citizenship and, *in*

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<sup>29</sup> Gray C. Stein, "The Indian Citizenship Act of 1924," *New Mexico Historical Review* 47, no. 3 (July 1972): 257–274.

<sup>30</sup> See also: Felix Cohen, "Indians Are Citizens!" *The American Indian*, 1944, in Kramer Cohen, ed., *The Legal Conscience*, 253–263; "Crisis in Indian Affairs," *Indian Affairs: News Letter of the American Indian Fund and the Association on American Indian Affairs*, October 20, 1953, in "American Indians General File, 1950-1955," in *A-B; NAACP Papers, Part 18: Special Subjects, 1940-1955*, Library of Congress, obtained from *ProQuest*.

<sup>31</sup> Oliver La Farge, "Termination of Federal Supervision: Disintegration and the American Indians," *Annals of the American Academy of Political and Social Science* 311 (May 1957): 42.

<sup>32</sup> Cohen, "Indian Wardship," in Kramer Cohen, ed., *The Legal Conscience*, 328.

<sup>33</sup> Cohen, "Indian Wardship," in Kramer Cohen, ed., *The Legal Conscience*, 328.

<sup>34</sup> McNickle, "U.S. Indian Affairs – 1953," 268.

*addition*, special rights and provisions that the federal government had guaranteed to tribes in treaties and agreements in exchange for vast land concessions.<sup>35</sup>

Although anti-termination advocates highlighted this dual legal structure, they were wary of compromising the principle of equality and thus framed these special treaty privileges as consistent with equality before the law. “This is not special pleading,” read The Declaration of Indian Purpose at the 1961 American Indian Chicago Conference. “We ask only that the United States be true to its own traditions and set an example to the world in fair dealing.”<sup>36</sup> Seven years earlier, Joseph Garry of the NCAI advanced a similar argument: since the federal government negotiated colonial-era treaty obligations “on a basis of full equality” with tribes, the principles of equality and consent of the governed demanded continued compliance with treaty provisions.<sup>37</sup> Earlier still, Cohen, perhaps anticipating the debates that would emerge in the post-war BIA, wrote in 1944 that the “special rights” of Indians were comparable to those of other groups who possessed “special claims upon the Federal Government,” such as veterans and government employees.<sup>38</sup> This comparison emphasized the idea that Indians’ treaty privileges did not inherently interfere with the principle of equality before the law, since many other Americans also enjoyed special legal privileges on top of the standard package of citizenship benefits.

In addition to broad arguments about legal equality and citizenship rights, anti-termination advocates invoked the principle of equal rights in demanding tribes’ control over their own fates. La Farge wrote in 1957 that, given the history of European descendants compromising Indians’ opportunities for “life, liberty, and the pursuit of happiness,” it follows that “we cannot, as Americans, rest content until we have restored that opportunity to them *at*

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<sup>35</sup> See, e.g., Collier, “Threat to Indians Feared.”

<sup>36</sup> American Indian Chicago Conference, “The Declaration of Indian Purpose,” University of Chicago, June 13–20, 1961, as excerpted in Cobb, ed., *Say We Are Nations*, 121.

<sup>37</sup> Joseph Garry, “A Declaration of Indian Rights,” NCAI Emergency Meeting on Termination, February 1954, as reproduced in Cobb, ed., *Say We Are Nations*, 102.

<sup>38</sup> Cohen, “Indians Are Citizens!” 1944, in Kramer Cohen, ed., *The Legal Conscience*, 255.

*least to the degree that other citizens have it.*”<sup>39</sup> In the context of termination, according to Cohen, Collier, and McNickle, this notion of equality through self-determination required Indians’ participation in decisions related to tribal assimilation and development, as well as a degree of self-governance consistent with other U.S. communities.<sup>40</sup> In other words, protecting tribal self-determination fell within the political project of equalizing freedoms across all citizens. To deny these rights to Indians, Cohen wrote in 1949, would be to selectively exclude them from American liberty.<sup>41</sup>

### **American Freedom**

Indeed, anti-termination advocates reframed not only the concept of equality that had been invoked in termination politics but also ideas about American freedom. The government’s conception of freedom, which also dominated mainstream domestic politics, embraced the American Dream-like vision of freedom as unrestricted movement, individualism, and social mobility. Under this definition, government officials argued that termination was an act of emancipation for Indians through its dissolution of reservations and group-based politics and its assimilation of Indians into U.S. society.<sup>42</sup> In their opposition, anti-termination advocates contested these definitions of American freedom and its applications.

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<sup>39</sup> La Farge, “Termination of Federal Supervision,” 41 (emphasis added). Felix Cohen similarly argued that the federal government must include Indians in U.S. democracy by allowing them some self-governance, “just as neighboring white communities do.” (Felix Cohen, “Colonialism: U.S. Style,” *The Progressive* (February 1951): 18.)

<sup>40</sup> Felix Cohen, “Indian Self-Government,” *The American Indian*, 1949, in Kramer Cohen, ed., *The Legal Conscience*, 305; John Collier, “Threat to Indian Rights Seen: Bills Proposing Termination of Federal Services to Tribes Opposed,” *New York Times*, February 24, 1954, obtained from *ProQuest Historical Newspapers*; D’Arcy McNickle, “The Indian in American Society,” in *The Social Welfare Forum, 1955: Official Proceedings, 82nd Annual Forum, National Conference of Social Work* (New York, NY: Columbia University Press, 1955), 178, 183.

<sup>41</sup> Cohen, “Indian Self-Government,” in Kramer Cohen, ed., *The Legal Conscience*, 314.

<sup>42</sup> See Watkins, “Termination of Federal Supervision.”

First, anti-termination advocates challenged the claim that freedom of movement did not exist on reservations, which Watkins had compared to refugee camps and which Soviet propaganda had likened to Nazi concentration camps.<sup>43</sup> According to various anti-termination advocates, reservations did *not* constrict their residents' freedom of movement. Forcefully explaining NCAI's perspective in the 1954 "Declaration of Indian Rights," Joseph Garry refuted the myth of prison-like reservations. "Nothing could be farther from the truth," he declared. "Reservations do not imprison us. They are ancestral homelands, retained by us for our perpetual use and enjoyment." Furthermore, he noted, Indians are "free to move about the country like everyone else."<sup>44</sup> Much like government officials' promise that termination would grant Indians full rights of U.S. citizenship, their claim that eliminating the reservation system would afford Indians freedom of movement fell on deaf ears: the government promised Indians nothing more than that which they already possessed.

Anti-termination advocates also disputed the notion that group-based politics precluded individual freedom. Collier is the authoritative voice on this subject. Not unlike the argument that freedom was possible only outside of Indian reservations, the idea that Indian grouphood pervaded individual assimilation and liberty had long persisted, Collier explained. Examining historical federal Indian policy, he argued that the federal government's assimilationist reforms consistently posited that "the individual Indian must be rescued from his grouphood."<sup>45</sup> Collier countered that the perceived contradiction between guaranteeing individual liberties (including

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<sup>43</sup> U.S. Congress, *Termination of Federal Supervision Over Certain Tribes of Indians: Joint Hearings Before the Subcommittees of the Committees on Interior and Insular Affairs, Congress of the United States, Eighty-Third Congress, Second Session, Part 6* (Washington, DC: U.S. Government Printing Office, 1954), 744; Rosier, "They Are Ancestral Homelands," 1300.

<sup>44</sup> Garry, "A Declaration of Indian Rights," 1954, in Cobb, ed., *Say We Are Nations*, 102. For similar examples, see: Felix Cohen, "The Erosion of Indian Rights, 1950–1953: A Case Study in Bureaucracy," *Yale Law Journal* 62, no. 3 (February 1953): 358; John Collier, "The American Indian: Cultural Autonomy or Individual Assimilation," 1954, John Collier Papers (MS 146), Reel 52U, Manuscripts and Archives, Yale University Library.

<sup>45</sup> Collier, "The American Indian: Cultural Autonomy or Individual Assimilation," 3–4.

the freedom to assimilate) and sustaining group autonomy was not universal, but rather a position that the U.S. government applied selectively to groups viewed as other, such as American Indians and people of African descent.<sup>46</sup> He argued that Indians' individual liberties not only could but *should* be protected alongside group autonomy, a position that did not gain political traction until the 1960s.<sup>47</sup>

Finally, anti-termination advocates highlighted that the BIA's infringement on tribal sovereignty limited Indians' social and economic mobility, which was a central tenet of the American Dream and post-war freedom rhetoric. Cohen argued that the "expert governance" approach of the BIA, which required extensive professional and educational backgrounds for its program staff, effectively prevented tribal members from entering public service, thus compromising their "freedom of opportunity."<sup>48</sup> La Farge noted, moreover, that assimilation likely would create new forms of discrimination against Indians: "When you ask an Indian to become assimilated you ask him, in effect, to become an anonymous, dark-skinned individual in a society that has a notable prejudice against dark-skinned individuals."<sup>49</sup> Such concerns were particularly heightened in the Jim Crow South, such as among the Mississippi Choctaws.<sup>50</sup> In other words, termination was likely to exacerbate, rather than eliminate, the limitations on Indians' mobility.

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<sup>46</sup> Collier, "The American Indian: Cultural Autonomy or Individual Assimilation," 7–8.

<sup>47</sup> See "John Collier on Indian Equality" in "The Indians—Three Points of View," *Saskatchewan Community* 3, no. 10 (May 1952): 1–3; John Collier, "America's Aboriginal Societies Come into Their Own," *Common Ground* 7, no. 3 (Summer 1947): 38–42.

<sup>48</sup> Cohen, "The Erosion of Indian Rights, 1950–1953," 361, 390.

<sup>49</sup> Oliver La Farge, "Assimilation: The Indian View," *New Mexico Quarterly* 26, no. 1 (Spring 1956): 12.

<sup>50</sup> See Phillip Martin to Fred A. Seaton, September 27, 1960, as reproduced in Cobb, ed., *Say We Are Nations*, 111–114.

## Integration, Assimilation, and Termination

As this last example suggests, anti-termination advocates' arguments about freedom and equality also sparked conversations about the relationships between integration, assimilation, and termination. Government officials and policies used all three of these terms, sometimes interchangeably.<sup>51</sup> To anti-termination advocates, however, they were far from synonymous. In articulating their opposition to termination, advocates questioned what the rosy Cold War language of integration of ethnic minorities meant for American Indians.

To challenge integration-based justifications for termination, anti-termination advocates argued that integration did not naturally follow from assimilation or termination, and vice versa. Phillip Martin, chairman of the Mississippi Choctaws, wrote to the Interior Secretary in 1960 declaring that the BIA and the tribe differed in their long-term goals of "termination" versus "integration," respectively. He defined the tribe's vision for "integration" as "gradual assimilation," which remained distinct from the BIA-prescribed rapid "termination."<sup>52</sup> Relatedly, speaking at the 1961 American Indian Chicago Conference, Pueblo anthropologist Edward Dozier claimed that integration of Indians into American society was achievable without assimilation or termination.<sup>53</sup> This argument mirrored Collier's claims that American Indians' individual liberties could be protected without the wholesale destruction of Indian grouphood.

Anti-termination advocates also challenged the government's assumption that Indian segregation was involuntary and necessarily opposed to the ideals of freedom and equality. Speaking at the 1955 National Conference of Social Work in the wake of the *Brown v. Board of Education* decision (1954), D'Arcy McNickle refuted these claims. He declared that the typical

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<sup>51</sup> See, e.g., U.S. Congress, House of Representatives, *Report with respect to the House Resolution authorizing the Committee on Interior and Insular Affairs to conduct an investigation of the Bureau of Indian Affairs pursuant to House Resolution 89*, 83rd Congress, Second Session, 1954, H.R. Rep. 2680, serial 11747, 11–12.

<sup>52</sup> Phillip Martin to Fred A. Seaton, September 27, 1960, as reproduced in Cobb, ed., *Say We Are Nations*, 112, 113.

<sup>53</sup> Edward P. Dozier, Keynote Address, American Indian Chicago Conference, 1961, as reproduced in Cobb, ed., *Say We Are Nations*, 118.



U.S. government view of segregation as “a form of isolation of persons, such as the foreign-born or an ethnic group such as the Negroes, under conditions in which neither the group nor the individual has freedom of choice,” did not apply to the “isolation” of American Indians. Rather, although Indians suffered some involuntary segregation at the level of individuals (due to their lack of trade, language, and education skills, for instance), their isolation as a group was neither involuntary nor absolute. McNickle instead proposed an alternative conceptualization of segregation in light of American Indian history: in response to colonial settlement, Indians’ segregation had been “an act of self-preservation, the motivation being a desire to keep what they had.” Extending into the termination era, McNickle said, “this motivation persists.” In effect, he claimed, it was far from certain that integration into broader U.S. society would promote genuine freedom or equality for American Indians.<sup>54</sup>

### **Tribal Sovereignty and Civil Rights**

This examination of the concepts of equality, freedom and integration—the very language of termination—is an important and missing piece in historical scholarship on anti-termination advocacy. In addition, the fact that this advocacy shared rhetorical principles with mainstream domestic politics and the U.S. civil rights movement begs the question: how did the anti-termination movement relate to other post-war racial and ethnic advocacy movements?

In his writings, historian Daniel Cobb referenced a comment by Helen Peterson of the NCAI in 1957: “Indian problems aren’t civil rights problems.” With integrationist politics gaining political momentum after *Brown*, Peterson worried that tribal sovereignty efforts would

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<sup>54</sup> McNickle, “The Indian in American Society,” 174. See also: Collier, “Threat to Indians Feared.”

flounder amidst assimilation and termination campaigns that were politically in vogue.<sup>55</sup> With the door of the civil rights movement supposedly closed off to American Indians, anti-termination advocates needed to appeal to alternative political models. They found the most promise, Cobb claimed, in the Cold War international politics of decolonization, development, and self-determination. Furthermore, Cobb wrote, by the late 1950s this framework led anti-termination advocates to reconceptualize tribes “as communities emerging from colonialism rather than minorities desiring integration.”<sup>56</sup>

Were the anti-termination and U.S. civil rights movements as diametrically opposed as Peterson and Cobb suggested? More broadly, did advocacy for American Indian rights in the 1950s really have so little in common with advocacy for African American equality in the same period, or with other minority rights movements? Where Cobb erred, and what this paper seeks to remedy, was his failure to recognize that anti-termination advocates did in fact invoke the same principles that formed the core of the civil rights movement. Unsurprisingly, then, many of these advocates expressed views on the relationship between tribal sovereignty and civil rights struggles that were more nuanced than a simple story of total opposition.

Certainly, anti-termination advocates acknowledged that American Indian problems and goals differed from those of African Americans and other minority groups in the U.S. In particular, La Farge cautioned against assuming that Indians had “the same ultimate goal as almost all other minorities, racial or national-origin, in the United States, which is eventual assimilation.” This distinction, he and others noted, could be attributed to the distinct histories of American Indians and other U.S. ethnic minorities.<sup>57</sup> Still, advocacy movements for American

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<sup>55</sup> Proceedings of a Meeting of the Commission on the Rights, Liberties, and Responsibilities of the American Indian with Representatives of Voluntary Agencies in the Field of Indian Affairs, February 18, 1957, as cited in Cobb, *Native Activism in Cold War America*, 219n42.

<sup>56</sup> Cobb, *Native Activism in Cold War America*, 22, 27.

<sup>57</sup> La Farge, “Assimilation: The Indian View,” 7. See also: La Farge, “Termination of Federal Supervision,” 44; Dozier, Keynote Address, in Cobb, ed., *Say We Are Nations*, 117.

Indians and other U.S. minorities addressed overlapping problems. Like other minority groups, American Indians experienced discrimination and deprivation of full rights that constituted “second class citizenship,” according to Dozier, despite legal guarantees to the contrary.<sup>58</sup> La Farge also admitted that, although significant differences remained, Indians were “moving towards resemblance to other minorities.”<sup>59</sup>

These perceived similarities between American Indian struggles and those of other minority groups influenced anti-termination advocates’ understandings of their political project. For La Farge, the shared struggles of U.S. minority groups, paired with American Indians’ long-term success in resisting assimilation, modified the mid-century scholarly consensus: perhaps U.S. minority assimilation was not inevitable after all.<sup>60</sup> For Dozier, the commonalities created opportunities for collaboration between ethnic movements.<sup>61</sup> And Collier, whose advocacy during the termination era encompassed both American Indians and marginalized groups worldwide, concluded that American Indian struggles and achievements offered lessons in advocacy and governance for ethnic minorities and dependent groups across the U.S. and around the world.<sup>62</sup>

## **Conclusion: A Multiplicity of Freedoms**

Given that anti-termination advocates consistently articulated the principles of equality, freedom, and integration that became linked with the U.S. civil rights movement, it comes as no surprise that they perceived shared characteristics between the two movements. For although

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<sup>58</sup> Dozier, Keynote Address, in Cobb, ed., *Say We Are Nations*, 117.

<sup>59</sup> La Farge, “Assimilation: The Indian View,” 6.

<sup>60</sup> La Farge, “Assimilation: The Indian View,” 10.

<sup>61</sup> Dozier, Keynote Address, in Cobb, ed., *Say We Are Nations*, 117.

<sup>62</sup> John Collier, “United States Indian Administration as a Laboratory of Ethnic Relations,” *Social Research* 12, no. 3 (September 1945): 298, 301; John Collier, Untitled speech, undated (1947?), John Collier Papers (MS 146), Reel 52U.

termination itself came packaged in the language of equality, freedom, and integration, anti-termination advocates recognized that termination did not represent the realization of those ideals for American Indians. It would be incorrect, therefore, to conclude that anti-termination advocates were uninterested in pursuing the goals of equality, freedom, or integration. By examining the ways in which they used civil rights-esque language to resist termination, we can understand how their tactics not only appropriated the language of the government to demonstrate its fallacies but also challenged the supposed opposition between American Indian struggles and those of African Americans and other ethnic minorities at home and abroad.

In addition to capturing a more nuanced relationship between the anti-termination movement and civil rights aspirations in the 1950s, this history emphasizes that the civil rights tenets incorporated into U.S. law in the 1960s were not the only possible realization of the foundational U.S. principles of freedom and equality. These principles, baked into founding documents and U.S. Cold War politics alike, conformed to diverse visions. For Cohen, Collier, La Farge, McNickle, and other anti-termination advocates, the assimilationist ethic of termination violated the principles of freedom and equality. Their vision for realizing those principles emphasized sovereignty and development over integration and uniformity, the latter of which characterized the civil rights principles enshrined into law in the following decade.

Whether they did so intentionally or not, anti-termination advocates likely advanced their political legitimacy by speaking the language of reform most assimilable to post-war domestic politics. Their rhetoric also revealed a deeper truth, however: freedom and equality were not settled, uncontested principles in mid-century America. To accept integration and uniformity as a result predetermined by America's political foundations is to discredit the authors of diverse resistance movements. After all, civil rights advocates constructed the links between

quintessential American promises and their visions for integration, just as anti-termination advocates connected their opposition to termination with their interpretations of freedom and equality. Distinct U.S. communities have envisioned multiple interpretations of freedom and equality, any one of which theoretically could have prevailed. Anti-termination advocates' use of their political opponents' rhetorical tools serves as an important reminder of the malleability of the principles of freedom and equality, which have, in one way or another, shaped our collective history.

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