Forging a Political, Educational, and Cultural Agenda for Indian Country: Common Sense Recommendations Gleaned from Deloria's Prose

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Destroying Dogma

Vine Deloria Jr. and His Influence on American Society

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Common Sense Recommendations Gleaned from Deloria’s Prose

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Fortunately for the human species, in its wide assortment of pigmentations, cultural experiences, and geographic locations, each generation of a given people produces a small number of truly spirited individuals. These are individuals who not only possess the ability to constructively critique and analyze what is both sound and problematic in their society—or for our purposes, a set of societies—but who also have the rarer gift of being able to propound suggestions, ideas, and prognostications on what might be done to improve the human condition, both individually and collectively.

In the breadth and depth of Vine Deloria Jr.’s copious works across several disciplines, manifested in more than twenty books, two hundred articles, and uncounted speeches, interviews, and congressional testimonials, one finds a bevy of such societal, structural, and attitudinal critiques. And, more important for the purposes of this chapter, an even more exciting bounty of suggested reforms, strategies, and policy recommendations that, if fully implemented or adopted, would produce immediate and sustainable improvements in a variety of fields for both indigenous and nonindigenous populations.

Importantly, some of Deloria’s suggestions and concepts have already been incorporated into policy, law, and intergovernmental relations. First, through his seminal polemic Custer Died for Your Sins, the concept of tribal sovereignty was articulated in a way that made sense for Native peoples in a political, legal, and cultural sense. Second, and fundamentally related to tribal sovereignty, Deloria was responsible for conceptualizing the essential doctrine
of tribal self-determination, which debunked and replaced the legally and morally reprehensible policy of “termination.” This notion of self-determination was formally codified in federal law in another Deloria recommendation—that, as self-determined peoples, tribal nations deserved the right to subcontract specific services from the Bureau of Indian Affairs (BIA) under Public Law 93-638, the Indian Self-determination and Education Assistance Act of 1975.1

Third, prior to the publication of God Is Red, there was virtually no discussion in the academy or political halls about the importance and sacredness of space and place for indigenous nations. Deloria, in reflecting on his work and, in particular, his research and thoughts on these three ideas, noted that “these concepts form the major framework of the federal relationship with Indian tribes.”2 This is certainly the case, and much of the fortunes of First Nations today are derived from their ability to effectively implement and fundamentally relate to the notions of their own sovereignty, their inherent right of self-determination, and the relationship tribal communities have with a sacred territory.

These are just the beginning, however, of powerful and timely ideas Deloria has propounded. Since this Delorian trilogy of essential doctrines has provided a paradigm for the resurgence of indigenous nationhood, then it makes intuitive and practical sense to consider other recommendations he has provided that might also prove important to furthering and solidifying the inherent rights of First Nations. These ideas, it will be argued, can provide the federal political and legal branches ideas on how to improve their relationship to tribal nations, and then provide moral and strategic guidance for First Nations also.

But before delving into a descriptive analysis of these other recommendations, several caveats must be noted. First, given the eclectic and multidisciplinary range of fields Deloria has navigated in his public life—law, theology, hard and social science, history, education, anthropology, philosophy, and so on—and this writer’s own much narrower focus—political history, judicial politics, and tribal governments—the focus of this chapter will be on those suggested strategies and reforms that Deloria has urged for the (1) federal government in its unique political, legal, economic, and historical relationship to First Nations and (2) tribal nations and their citizens in the same areas, with culture and education factored in.

Second, although I have read through the vast majority of Deloria’s published writings in an effort to cull his suggested reforms in these broad areas, this chapter is in no way a truly comprehensive assessment of all that Deloria
has propounded. I have not literally read everything he has written, nor have I had the privilege of being present during many of his countless keynote addresses, interviews, presentations before Congress, or talks at other venues.

Notwithstanding these two important caveats, I am confident that in my reading and rereading of the majority of Deloria’s published works, supplemented by a few recorded presentations, testimonials, and personal correspondences, I have been able to identify and will discuss a broad cross section of his major policy, structural, and attitudinal recommendations. Given that Deloria has been actively involved in politics, activism, and the academy for nearly four decades, and given the tremendous breadth of his ever-expanding knowledge, trying to sort out how to arrange his suggested reforms was no small feat. Although he has himself stated that his approach to scholarship has been “ad hoc” or “spur-of-the-moment political tracts,” he has also noted a more telling truth—that if one reads his scholarship in the context of his life it is possible to “see a persistent effort to lay down certain kinds of strategies for political action which are consistent from start to finish … [and] they would be alerted that it is in the actions of my life that theories and ideologies and theologies are worked out.”

Deloria goes on to, unnecessarily and unfairly, I think, discount the quality of his own writing, claiming that it is inconsistent from work to work because, as he put it, “a politician can change his mind, a theologian or a philosopher cannot.” But for the many who have been significantly influenced by his work, there is nothing weak, harried, or inconsistent about his writing. We have understood that his works have different ideological and practical thrusts at different times. We have welcomed the dynamism, originality, and clear elegance of his prose and his forceful and thorough scholarship. And we have always known that his finger was strategically and delicately placed on the pulse of both Indian Country and the larger society, and have welcomed his astute observations and analysis. And with this work, we have embraced his prognostications and admonitions on what could and ought to be done if we are serious about correcting what ails indigenous and nonindigenous America, or strengthening what is already in place.

The remainder of this chapter is divided into two major parts, with each following a chronological format from pre-Custer to the present. Part one entails suggested policy and governmental reforms Deloria has laid out for the federal government and its sundry branches and agencies. Part two contains ideas and reforms he has suggested for Indian nations and their citizens, since Deloria, unlike many Native activists and academics, has never shied away...
from challenging and admonishing Native nations and their citizens when he has been so moved. The chapter then concludes with a short section on where we might proceed from here.

PART ONE

CHALLENGES, IDEAS, AND ADMONITIONS FOR THE U.S. GOVERNMENT

While Deloria was serving as executive director of the National Congress of American Indians (NCAI) from 1964 to 1967, and before he went to law school, he had occasion to testify before Congress on various bills that might impact Indian Country. One such occasion was a hearing before a Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary that was taking testimony on a bill that eventually culminated in the landmark legislation, the Indian Civil Rights Act of 1968.4

In his testimony, Deloria called on Congress to provide sufficient funding for tribes in two distinct areas. First, for the training of Indian trial judges “so that they could understand judicial procedure that we could [use to] begin to build a judicial system of a correct balance of law and custom.”5 The testimony and suggestion were forerunners to the establishment in 1969 of the National American Indian Court Judges Association, which provides just this kind of training while relying in part on federal funding. In addition, in 1993 Congress enacted the Indian Tribal Justice Act to assist in the development of tribal judicial systems.6 And in 2000 Congress enacted the Indian Tribal Justice Technical and Legal Assistance Act,7 which provides technical and legal assistance to tribal justice systems because “enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency.”8

When Custer Died for Your Sins was published in 1969, the timing of the book’s release, and the strength of Deloria’s trenchant observations and his sardonic prose, meant that this work would have real staying power—and that it has had. Subtitled An Indian Manifesto, Deloria bluntly attacked many of the entrenched myths about Native peoples, castigated the larger society’s most powerful institutions—higher education and churches—and vilified the federal government for ongoing flawed policies toward tribal nations. The book also contained a number of ideas and advice on what the federal government should be doing to improve its relationship to tribes. What follows are his major recommendations:
• Congress should enact a policy that would respect the inherent sovereignty and dignity of Indians; a "cultural leave-us-alone agreement, in spirit and in fact."  

• Congress should enact legislation "acknowledging the rights of the Indian people as contained in the treaties, particularly hunting and fishing rights."  

• Congress should act to restore land to tribes "by transferring land now held by the various governmental departments within reservation boundaries to the tribes involved. Additional land in the public domain can be added to smaller reservations. ..."  

• Congress should enact a "blanket law" recognizing the status and rights of eastern tribes and their right to organize under the Indian Reorganization Act (IRA). Federal services could then be made available to these long-ignored tribes on a "contract" basis that would enable them to eventually attain a measure of economic self-sufficiency. (Note: Had Congress acted upon this recommendation at that time, it is likely that the entire federal recognition process that has become a political debacle might have been prevented. Instead, Congress acquiesced and allowed the BIA to establish the problematic "criteria" for what constitutes an "Indian tribe" in 1978, and the problem is now mired in politics and economics with no logical ending in sight. )  

• Congress should initiate a "general policy of restitution" that would go far beyond the limited and adversarial scope of the Indian Claims Commission that began in 1946 and was formally terminated in 1978, with many cases still unresolved. Deloria understood that until "past betrayals" were settled, it would be impossible to build an amicable relationship between tribes and the United States. (Note: A number of eastern Indian land claims were started, with some tribes, such as those in Maine, securing recognized status and having some of their aboriginal lands returned. But the "general policy of restitution" and reconciliation has still not been fully embraced by the federal government.)  

• Congress should "promote the development of human and natural resources on the reservations, programs would be philosophically oriented to total development. There would be a means by which development could be evaluated—that of self-sufficiency." (Note: This call for Indian self-determination would, in fact, become law with the enactment of the Indian Self-determination and Education Assistance Act in 1975. )
• Congress should issue a policy that would recognize in every state "the basic right to tribal sovereignty." This "should include all promises contained in treaties and should recognize the eligibility of tribal governments for all federal programs which are opened to counties and cities."16 (Note: The first part of this statement has not fully been acted upon, but beginning in the 1970s, tribal governments became eligible for what amount to block grants as governments, and not solely because of their tribal status. They have also, more recently, been accorded "treatment-as-state" status so that they can competitively apply for funds in a manner comparable to that of states, especially in the environmental area.)

• The BIA was advised to make fundamental changes in order to be more effective. Specifically, Deloria called for the following: (1) Programming by Size of Tribe—A recognition that whereas some larger tribes are capable of handling large programs, many smaller tribes, with inadequate funding, would still need some direct linkage to the BIA. (2) Discretionary Funds—A clarion call for the BIA and the tribes to have greater flexibility in how to allocate federal expenditures according to tribal need and not Washington priorities. (Note: This recommendation was partially fulfilled with the passage in 1988 of the Indian Self-governance Act, which provided just what Deloria had called for—"maximum flexibility in meeting local needs.") (3) Tribal Employment Would Be Civil Service—As tribal governments assumed greater control over their own programs and dollars, with more people leaving the federal workforce to be employed by the tribe, their civil service status would remain in effect. Thus, "the most capable people would soon be hired for tribal programs."17 (4) Reorganization of the Bureau of Indian Affairs—It was recommended that the BIA be transferred to the Commerce Department, since economic development and granting and technical assistance would be its primary functions with the arrival of tribal self-determination. (5) Disposition of Federal Responsibility to Indians—Tribes would remain eligible for grants from all federal agencies and income generated from tribal lands, and the lands themselves would remain tax exempt "as long as the lands and the income derived from them were used to provide social and community services to reservation residents."18

• Finally, and most directly, Deloria insisted that "the most useful thing Interior and its component bureaus could do in the immediate future
would be to begin contracting with tribes and Indian centers to provide a comprehensive national program for development and training.”

(Note: As stated earlier, when Congress enacted the 1975 Indian Self-determination Act, the BIA was charged with doing this very thing—subcontracting with tribes. Although this process lacked the comprehensive scope Deloria called for, it was a step in that direction.

In his second major book, *We Talk, You Listen*, Deloria made two specific suggestions for reform that bear repeating—one regarding the struggles of all minority groups, the other centered on the environment. On the question of minorities, he suggested that if the federal government were serious about defusing intergroup tensions and improving their socioeconomic position, then the self-determination and sovereignty of each of the racial/ethnic groups should be respected. In calling for a preferential policy for all oppressed racial and ethnic groups, he noted that “one aspect of change in this area would be the replacement of non-group members by group members in those programs which minister most intimately to specific groups. This would mean that decisions affecting certain groups would be made by the people of those groups.”

Although affirmative action was still in its fledgling years, Deloria was propounding something far more powerful: an acknowledgment that specific racial, ethnic, and gender groups have rights as groups that bear specific recognition and treatment. This idea is most evident in the fact that he applied the concept of sovereignty to these groups and their members. “Perhaps,” said Deloria, “many cannot conceive of sovereignty outside of a territory within which they can exercise their own will.” He believed, however, that this was a far too limited way to understand the term. Thus, he emphasized that the “tactical efforts of minority groups should be based upon the concept of sovereignty. Only in this manner can they hope to affect policies which now block them from full realization of the nature and extent of their problems.”

Deloria went on to note that the “natural sovereignty” of these groups was implicitly recognized whenever whites would ask the perennial question, “Who are your leaders?” As he astutely observed, “If the whole community is willing to deal only with the leaders of minority groups, is not this the best indication that they somehow understand the natural sovereignty of the group? That they are willing and find a need to negotiate with the rightful government of the group?”

Regarding the environment, a topic more pressing every year, Deloria urged that the United States develop a land use plan for the entire country.
The government should repurchase all marginal farm lands and a substantial number of farms in remote areas. This land should be planted with its original growth, whether forest or grassland sod. The entire upper Midwest plains area of the Dakotas and Montana and upper Wyoming should become open-plains range with title in public hands. Deer, buffalo, and antelope should gradually replace cattle as herd animals.24

This last suggestion, particularly the latter part, is finally gaining credence. The recent mad cow disease episode, and the slow depopulation by whites of the nation’s heartland seem to be pushing us in the direction Deloria called for.

In Of Utmost Good Faith, Deloria’s first edited book, he emphatically declared that until and unless a way was found to constrain the largely unfettered powers of Congress over Indian nations, often referred to as congressional plenary power, tribes would be severely disadvantaged: “There must be a drastic limitation on the ability of Congress to change the status of the Indian tribes at its whim and a redefinition of the scope of administration of Indian affairs by the federal government.”25

Along with this declaration, Deloria also decried the fact that the United States still had not fairly resolved its legal and moral liabilities for the massacres of Sioux Indians at Wounded Knee in 1890 or of the Cheyenne and Arapahoe at Sand Creek in 1894.26 The devastating Sand Creek event was partially addressed by federal action in 2000 when President Bill Clinton signed into law a bill that had been introduced by the lone American Indian senator, Ben Nighthorse Campbell, that established the site of the Sand Creek Massacre as a national historic landmark.27 The act established an area of about 12,480 acres along Sand Creek in Kiowa County, Colorado, as the territory of the historic site. And although Congress has yet to respond directly on behalf of the ancestors of those who were killed at Wounded Knee, since 1986 Birgil Kills Straight, a Lakota, has led what has become an annual pilgrimage in honor of those massacred by federal forces.28

Deloria’s typewriter, and now his computer, has never been at rest for very long, but the 1970s were exceptionally prolific years for him as a writer. He produced eight books that encompassed a variety of disciplines, including God Is Red (1973), Behind the Trail of Broken Treaties (1974), The Indian Affair (1974), Indians of the Pacific Northwest (1977), and The Metaphysics of Modern Existence (1979). In addition, he authored at least ninety essays, articles, newspaper columns, and so forth, many of which dealt with issues such as federal Indian policy, religion and theology, social commentary, legal analysis, tribal case studies,
education, and social movements, among others. Herein were some of his more
trenchant suggestions and recommendations on how the United States could
fundamentally improve its relationship with indigenous nations.

In a 1972 article on the BIA, Deloria acknowledged one of the major
and perpetual problems tribes face in dealing with the federal bureaucracy:
“Today, whenever the Bureau doesn’t want to do something, it blithely tells
Indians, ‘the Secretary doesn’t have the power to do that.’ When it wants to do
something it mentions the Secretary’s ‘inherent’ power to act.”29 This funda-
mental policy inconsistency in the very agency charged most intimately with
carrying out the nation’s treaty and trust obligations has had decisive conse-
quences for tribes. Deloria suggested as an alternative that “if everyday
interpretations could be examined in a non-adversary hearing before a court
empowered to arbitrate issues, the Bureau would soon lose its magical power
over Indian lives.”30 The idea of binding arbitration rather than adversarial lit-
igation continues to hold great promise, particularly given the political nature
of First Nations—U.S. relations.

In God Is Red, Deloria comprehensively noted that “before any final
solution to American history can occur a reconciliation must be effected
between the spiritual owner of the land—the American Indian—and the
political owner of the land—the American white man. Guilt and accusations
cannot continue to revolve in a vacuum without some effort at solution.”31

Reconciliation was carried out in South Africa in the wake of apartheid.
It has never been a process employed in the United States, despite this nation’s
inglorious history regarding slavery and aboriginal peoples.

In 1973 Akweasane Notes, then the leading Indian news journal of the day,
republished an interview that Deloria had done with Peter Collier that had
appeared earlier in Mademoiselle.32 Deloria restated two key points—one polit-
ic, one economic—that still hold relevance. Politically, he said that the real
crisis in the relationship between tribes and the United States lay in the fact
that the federal government had not yet formally and emphatically recognized
that “Indian tribes are sovereign nations as guaranteed in the hundreds of
treaties … and that you [federal government] can’t interfere with our property
rights, life style, anything that is important to us.”

From an economic perspective, Deloria reiterated that the federal gov-
ernment should take the sizable amounts of money being spent on “studying
Indians [and] having conferences,” and place those funds into a large “grant
fund and given outright to the small tribes so they can get going.” Larger
tribes, such as the Navajo Nation, would have a revolving loan fund established
so that they would have monies available to them. The block grant idea here proposed would come to pass when Congress amended the Indian Self-determination and Education Assistance Act in 1988 to provide funds directly to a number of tribes who met the criteria. This law was expanded in 1994 in an act popularly known as the Indian Self-governance Act.

In *Behind the Trail of Broken Treaties*, released in 1974, Deloria provided a powerful argument in support of the inherent nationhood of Indian nations; a nationhood that deserved not only domestic but international political and legal recognition. These are the specific suggestions he made to the federal government. First, he stated that the U.S. government should "recognize the international status of the Indian tribes," while at the same time affirming the ongoing existence of a trust relationship with Indian tribes as smaller nations under the protection of the United States. Importantly, the trust relationship would be redefined from what he labeled an "active trust," where the federal government essentially imposes its will on Indian rights and resources whenever it chooses, to that of a "passive trust," with tribes being in charge of their own affairs and generally free of federal dominance.

The notion of a passive trust, if ever fully adopted, would mean a fundamental improvement in tribal political and economic status in that the federal government, according to Deloria, would surrender its right to extinguish Indian aboriginal title to land, and would freeze the present Indian lands within the context of national boundaries rather than reservation boundaries. Eliminating the claim of the United States to first-purchase rights of tribal land would mean that no further sales of Indian lands would be possible. The lands of individual Indians would have to be sold to the tribal government under the same legal terms by which the United States government now purchases tribal lands.

Two additional recommendations entail ideas that have recurred throughout many of Deloria's writings—that Congress should initiate a new round of treaties and/or agreements with tribal nations, and that state governments need to be reminded that from a constitutional and treaty perspective they have no more authority "to interfere with tribal governments or reservation affairs than they would to interfere with the operations of the Canadian or Mexican governments."

Deloria then contributed an article entitled "The Next Three Years" to *The Indian Historian* in the winter of 1974 that contained another set of solid policy recommendations that bear consideration.
First, the BIA should follow its congressional mandate outlined in the 1921 Snyder Act and provide services to Indians wherever they live, both on the reservation and in urban areas.

As part of this approach, the BIA should work closely with tribal governments "to bring enrollments up to date and issue each Indian a plastic card with a number on it entitled him or her to receive services."

A survey should be done of "all existing Indian communities" that have retained "aspects of Indian life and culture," and these groups should be officially "recognized" by the U.S. government and helped to organize themselves politically and economically. This policy, unlike the current ad-hoc and largely arbitrary federal acknowledgment process, "would finally bring the executive branch within the law, as defined and articulated by the federal courts, and would enable the Congress to view Indian conditions as a national commitment, and not as a commitment to respond to the political pressures that a few large western tribes can bring." 40

These three policy suggestions—a BIA that supports every American Indian, regardless of location; a clearly defined indigenous population; and a national commitment to recognize all those bona fide nonrecognized tribes—would establish a comprehensive federal basis that would in turn also encompass the protection of remaining tribal natural resources, federal educational policy, and employment and housing for Native communities. The key to success is the comprehensiveness of the federal commitment. As Deloria noted in conclusion, "We are at the stage where we must force the government to clarify its policies, to streamline its programs and to deal honestly with all Indian communities, large and small, eastern and western, urban and rural." 41 That advice is as sound today as it was when it was uttered.

In a pithy book written in 1974, The Indian Affair, Deloria continued his focused assault on all that had gone wrong in indigenous affairs, from legal problems, the need for Indian control of education, a discourse on the role churches and missionaries had played, and sharp analysis of how Native people had struggled to resist these advances on their souls, their rights, and their resources. In a chapter titled simply "The Federal Government," Deloria made three searching points. First, that treaty rights, although "central to the solution of today's problems," are very complicated and require concentrated and detailed attention. Although noting that Indians are not always clear on what their rights and responsibilities are under treaties, Deloria contended that "it is the Congress that must be blamed for the violation of treaties, since it was the Congress that passed the General
Allotment Act, developed the termination policy, and has abdicated its responsibility for overseeing Indian programs.\textsuperscript{42}

Second, and related to the first point, Congress too often abdicates its legislative responsibility, which allows the secretary of the interior to step in and provide interpretations of laws and regulations that often conflict with Natives' views of their rights. This process becomes a major burden for tribes because "the only appeal to an administrative ruling is through the administrative processes, so the Interior Department and Bureau of Indian Affairs act as legislator, court and administrators of the laws pertaining to Indians."\textsuperscript{43} This structural lack of checks and balances continues to be one of the major roadblocks to genuine tribal self-determination.

Finally, Deloria then pointed out that the federal courts constitute yet another of the major structural and ideological barriers tribes face. Although many powerless groups, including tribes, frequently turn to the federal courts for justice, this has proven most troublesome for Indians for two reasons. Federal judges generally lack the substantive knowledge of Indian history and treaty law necessary to render fair and accurate judgments. Yet one of the core doctrines of interpretation in Indian law is that "in the absence of a clear statement interpreting a statute or treaty, the courts will look to the administrative practices of the executive branch to determine how to decide a case."\textsuperscript{44} What this has meant for Native people in a treaty relationship to the United States is that if the BIA and the federal government have consistently acted in disregard of the treaty's provisions for a considerable time, "the court will decide the treaty invalid; if it were valid, then quite obviously the BIA would have respected and followed it."\textsuperscript{45} Such a circumstance leaves tribes in a virtually winless situation since the three coequal branches of the federal government, having failed in their treaty and constitutional obligations to tribes, then try to blame the other branches for their own failure.

In an interview with staff of Akwesasne Notes in 1975, Deloria detailed several specific ideas that, if ever embraced, would go far toward addressing the problematic indigenous situation he had outlined in The Indian Affair. To date, none of these propositions has been fully acted on, yet it is evident that they remain at the vortex of what needs to be repaired if Indian political, legal, and territorial status is to be clarified and solidified.

- There is a need for a "precise definition of the status and political identity of Indian communities."\textsuperscript{46}
• There is a need for a clear definition of the legal relationship between the United States and the tribes. (Note: This would prevent, or at least forestall, efforts by courts, states, and the federal government to try to take or diminish Indian lands or resources simply because those polities wanted them).

• There is a need to build on "the clearest and most traditional doctrines of law: one cannot imply a treaty abrogation, a change of status, or intent of Congress with respect to Indians unless it is clearly, explicitly, and specifically spelled out."47

• There is a need to clarify Indian title to land and natural resources. Native peoples "still have a nebulous title to our land which goes back to the 1500s and the basis of this is that because Indians were not Christian, we had no capability of ever holding good land title."48 This may well be the single most important problem aboriginal people still endure under federal law. Deloria believed then that we must arrive at a "new status for Indian lands today." Realizing the improbability of the federal government simply conceding full fee simple title to Indian nations, he posited that political economic entities such as the Tennessee Valley Authority, Ports of Authority, and other agencies had an ownership status of lands that might usefully serve as models for tribal nations and the Congress to consider. "We must," observed Deloria, "use those agencies as models, and get a clear and simple definition from the Congress concerning our lands—and this must be done quickly."49

• The secretary of interior and his or her subordinates must have their vast discretionary power over the use and regulation of Indian lands, waters, and other resources reigned in by Congress.

• There is a need to address the near jurisdictional anarchy that then—and still—prevailed in Indian Country. Deloria identified a simple historically and legally sound way to resolve this issue: "Unless a state or the federal government can show a specific grant of jurisdictional powers from the Indian tribe concerned to that government, there is no state or federal jurisdiction that can be exercised against the Indian tribe."50

Related to the issue of jurisdiction, Deloria revived an idea that John Collier, former commissioner of Indian Affairs, had first voiced in the early stages of his tenure in 1933 to 1934: the need for a permanent Court of Indian Affairs that would hear all suits involving Indian nations.
In a piece entitled "The Twentieth Century," which he contributed to a volume called *Red Men and Hat Wearsers: Viewpoints in Indian History* published during the nation's bicentennial celebration, Deloria proposed a way for Congress to resolve the Black Hills land issue that has dogged Lakota–U.S. relations for over a century. He called for the federal government to set up a special commission that would determine the legality of the "taking" of the Black Hills and proscribe an appropriate land restoration and financial compensation package that the Lakota are entitled to. Always aware of the importance of historical precedent, he astutely suggested that the federally established Pueblo Lands Act of 1924, which set up a board to ascertain which Pueblo lands had been illegally taken or squatted upon by non-Pueblo people, was an excellent example of a model that had brought some finality to the legitimate land rights of the Pueblo communities.51

The Western Shoshone are another First Nation whose particular land struggles have been the focus of several of Deloria's more case-oriented analyses, in part because their property losses have been profound despite the laws and treaties that support their rights to their aboriginal territory. It is a struggle that continues to this day. In a brief essay in 1976 titled "The Western Shoshone," Deloria urged that individuals and governments interested in justice should closely examine the struggles the traditional Western Shoshone were then experiencing via the Indian Claims Commission (ICC) and Congress. He proposed that the ICC should be fully reviewed with an eye to determining "whether the Investigative Division has fulfilled the intent of the law by researching and investigating the Indian claims."52 In particular, Deloria urged an investigation of (1) what papers had been filed by the Investigative Division, (2) what evidence had the division considered, and (3) what conclusions had the division made regarding the tribes' present rights to lands, fishing, minerals, tax exemptions, and tribal self-government.

The ICC formally ceased in 1978, leaving nearly eighty unresolved cases, all of which were transferred to the court of claims, where many of them still languish.53 The Western Shoshone, like many other tribes, are still awaiting a fair judgment of their claims against the United States.

In 1977, Deloria was invited by Leslie W. Dunbar, executive director of the Field Foundation, to write an occasional paper examining a "national question" and to make recommendations on how to improve the status and rights of the affected group in question. The work Deloria responded with was aptly called *A Better Day for Indians*. Before identifying and discussing seven major recommendations, Deloria first gave a concise comparison of
Native peoples with other minorities and then, more importantly, shrewdly identified and analyzed what he termed the "seven controlling assumptions" or implied powers that provide Congress with enormous self-assumed power vis-à-vis First Nations.

These are the assumptions that generate federal attitudes, perceptions and, of course, produce policies and laws that debilitate the inherent sovereignty of tribal nations. First, there is an assumption that "Congress is presumed to act in good faith toward Indians" (emphasis Deloria's) and that Congress men and women act in the "best interests" of Indian people.\(^5^4\) Deloria posited that this presumption was the most important of the seven he would be discussing "because it allows the federal government to disclaim any ultimate moral responsibility for its acts." Thus even poorly developed and weakly enforced laws and regulations are never properly evaluated.

Second, and evolving out of the first, was the presumption that past congressional policies are rooted in intelligent criteria that involve a solid understanding of tribal nations and that these criteria have the consent of the affected tribal communities. However, as history shows, this has only sometimes been the case.

The third assumption, steeped in federal paternalism, was that answers to Indian "problems" are almost invariably conceived as mere adjustments to pre-existing programs.

Fourth was the assumption that Native homelands are human laboratories where social engineers can try out their ideas on the willing indigenous populations. The General Allotment Act, boarding schools, and the "termination" of certain tribes were for some in Congress and the BIA social, cultural, and economic experiments to test theories of social Darwinism.\(^5^5\)

Fifth, there has always been an assumption, backed by the force of military force or law, that has maintained that the United States retains the right to use Indian lands at its own discretion.

Sixth was the assumption that there is an implicit attitude that the separation of powers doctrine and checks and balances theory, which generally work fairly well to protect the basic constitutional rights of most American citizens, are generally ineffective in protecting tribal sovereignty or treaty rights. This is because historically, the three branches have usually acted in lockstep to diminish Indian rights, or one or more branches will acquiesce or defer to the other branches without stepping in to investigate what has transpired.

Finally, there was the assumption that there is a belief among state and local officials that "tribal rights are nuisances that can be abated as need be."\(^5^6\)
This attitude is glaringly evident today in the manner in which many state governors and legislators are acting toward tribes with successful gaming operations. In a number of instances, these officials, ignoring the fact that gaming proceeds are supposed to be used to benefit tribal governments and their economic development aspirations, are pressuring tribes to renegotiate compacts, threatening to tax tribal gaming revenues, or are pushing them to surrender even more of their gross proceeds to financially strapped state coffers.57

With these federal assumptions as a critical, if not always self-evident, reality, Deloria then moved on to discuss seven specific recommendations. Several of these had appeared in some of his earlier works, but here they were brought together to form a comprehensive package. He urged the following:

• a uniform recognition of Indian communities (federal recognition for all bona fide tribal groups);
• a clarification of tribal membership (updated and verifiable tribal rolls),
• a standard definition of the status of an Indian tribe;
• the creation of a Court of Indian Affairs;
• arbitration of long-standing claims (e.g., Black Hills, Western Shoshone, etc.);
• rejuvenation of the Indian land base (fractionated lands, in particular, needed to be forcefully addressed and consolidated); and
• universal eligibility for government aid, based on need.

Deloria acknowledged in his conclusion that this was an ambitious and even "controversial" set of recommendations, but he believed that his "organically related" set of reforms would, if enacted, have a dramatically positive effect on the current situation that indigenous peoples found themselves in. To date, Congress has only acted directly on one of these suggestions, the sixth—rejuvenating the Indian land base. The Indian Land Consolidation Act was first enacted in 1983,58 and through it tribal governments were authorized, with the approval of the secretary of the interior, "to adopt a land consolidation plan providing for the sale or exchange of any tribal lands or interest in lands for the purposes of eliminating individual fractional interests in Indian trust or restricted lands or consolidating its tribal land holdings."59 The act was challenged in federal court, however, on the grounds that the escheat provision was an "unconstitutional taking of private property,"60 which led to congressional amendments to the 1983 law.61 The process has improved, but it is far from resolved.
In 1983 Deloria coauthored a book with a political science colleague, Clifford M. Lytle, titled *American Indians, American Justice*. It was the first comprehensive text devoted to exploring the unique evolution and status of tribal governments, especially the judicial arms of these polities. But it also contained valuable information about tribal-federal political and legal relationships and the role that law and lawyers play in intergovernmental affairs. Deloria and Lytle observed that some of the problems between tribes and the federal government were structural in nature. In other words:

Many of the legal problems that tribes need to resolve are directed to the Solicitor's Office in the Department of the Interior, and the associate solicitor for Indian affairs assumes a prominent role in settling these legal issues. The solicitor, like the Bureau of Indian Affairs, should theoretically be an advocate for the tribal governments. But the Indian tribes are his or her particular clients only with respect to issues involving parties outside the Department of the Interior; with respect to issues between agencies of the department, the solicitor theoretically has the department as his or her client and must determine a course of action that will produce internal satisfaction. Thus, the solicitor can become an advocate in the first discussion of the issues involving Indians. Not infrequently, Indian tribal governments and/or the BIA come into conflict with other agencies housed within Interior, such as the Bureau of Reclamation and the Bureau of Land Management. The solicitor thus may represent multiple clients who frequently possess antagonistic interests. In private practice this representation would give rise to an unethical situation in which the attorney's license would be jeopardized. But instead of facing up to the ethical dilemma, at times the Solicitor's Office will simply attempt to bring about an accommodation of the conflicting interests and quite often this accommodation will be purchased at the cost of enforcing Indian rights.62

Deloria and Lytle went on to note that since many of the problems tribes face are legal in nature, they must be directed to the Solicitor's Office, which is located in the Department of the Interior. And although the solicitor has a defining role in such legal issues and should act as the trust advocate for tribes, it frequently happens that this official may also be charged with
representing “multiple clients who frequently possess antagonistic interests.”
given that the Interior Department is also home to such agencies as the
Bureau of Reclamation, Bureau of Land Management, Fish and Wildlife
Service, and so on. Until this structural and ethical dilemma is resolved, tribal
nations will sometimes find their rights being subsumed or overridden rather
than properly enforced.

Second, Deloria and Lytle acknowledged another difficult situation that
tribes confront. This problem is centered on a power the secretary of the inte-
rior has held since the Indian Reorganization Act of 1934—the power to
approve or disapprove of any agreement entered into between individual
lawyers and tribes. As the authors noted, “It is a blatant violation of the notion
that everyone, including Indian tribes, should possess freedom of choice in
selecting legal representation.” Congress modified this act in 1968, although it
still allowed too much discretionary and paternalistic power to reside in the
Interior Department. But on March 14, 2000, Congress enacted the Indian
Tribal Economic Development and Contract Encouragement Act, which,
although still recognizing in the secretary the power to approve of agreements
or contracts with the Five Civilized Tribes or agreements that encumber
Indian land for seven or more years, for the first time denied the secretary the
power to approve contracts for legal services provided by attorneys to tribes
in general. The only exception to this rule is that the secretary still retains
this power over attorneys’ contracts if a tribe’s constitution contains express
language calling for such overview.

A year later, in 1984, Deloria and Lytle produced a second book, The
Nations Within, which was really two books in one. The first half constituted
a splendid policy analysis of the IRA. The last half contained a detailed set of
recommendations for the federal government and tribal nations. The federal
reforms were included in chapter 17, appropriately titled “The Future of
Indian Nations.” The authors laid out a comprehensive package of four broad,
but interrelated, reforms. The first two spoke directly to tribal nations, and will
be addressed in part two of this chapter. The final two implicated Indians
directly, but were also aimed at the federal government: (1) the need for tribes
to attain economic stability and (2) the need for stabilization in the political
relationship among the federal, state, and tribal governments, which could
only be attained by “mutual respect and parity” in political relations.

In their efforts to establish economic stability, Deloria and Lytle
argued, tribes faced a frustrating and desperate situation, given the long his-
tory of federal efforts to acquire or control Indian lands and resources. In
The Nations Within, Deloria reiterated a point he has made throughout his career: Until Indian land ownership is fully recognized and the allotted lands and heirship problems are addressed, land consolidation will remain “the major unsolved economic problem of Indian tribes.” As the writers graphically observed: “Until tribes are able to own their own lands in one solid block, they cannot reasonably make plans for use or development of their resources. But consolidation has other implications that make it important. Civil and criminal jurisdiction depends upon the existence of trust lands.”

At a more fundamental level, Deloria and Lytle stressed that the issue of tribal economic stability could only be resolved if the BIA and tribal officials were able to effectively settle the dilemma of whether tribal land was a commodity to be exploited as a corporate type of property, or whether it was to be viewed and related to as the tribal nation’s homeland “in which case it assumes a mystical focal point for other activities that support the economic stability of the reservation society.”

Regarding stabilization of the intergovernmental relationship among the three polities, Deloria and Lytle again emphasized the need to respect and restart the treaty process. Second, they declared that rather than litigating their conflicts with the states and the national government, “the idea of arbitration and mediation,” which traditional Native people support, is a more realistic way to manage political and legal differences. In fact, there is some evidence that arbitration, mediation, and negotiation are catching on, especially in tribal-state relations. For example, several state governors, beginning in the late 1980s and continuing to the present, have signed “sovereignty accords” with tribes that accentuate that the government-to-government relationship between the two parties will be based on a mutual respect for the sovereignty of each other.

Finally, Deloria and Lytle encouraged states and tribal leaders to continue their efforts in order to achieve a full faith and credit relationship. This would mean, at a minimum, that the basic treaty relationship would have to be accepted by the states, which often struggle with according any recognition or legitimacy to tribal governments.

Also in 1984, Deloria coedited a book with Sandra L. Cadwalader titled The Aggressions of Civilization: Federal Indian Policy since the 1880s. In addition to being coeditor, Deloria wrote an essay called “Congress in Its Wisdom: The Course of Indian Legislation,” an analysis of the rationale and type of laws Congress has enacted involving Indian affairs. In his conclusion he discussed a little-known congressional law, the Indian Delegation Act of 1946, wherein Congress gave the Department of the Interior authority to delegate
administrative responsibility to lower-level federal employees. Deloria believed that "this substantially diluted the trust responsibility of the department. In effect, Congress washed its hands of Indians and assumed that Indian matters could be handled administratively. Thereafter, the information that Congress received regarding Indians was carefully screened by the Interior Department, and of course represented the bureaucratic view of things."

Deloria did not directly suggest that Congress override or amend this law. Yet there was a sense, in this writing, that unless this was done the BIA and the interior secretary would continue to wield far more explicit and discretionary power over tribal nations than they are constitutionally entitled to, with Congress's express acquiescence.

In 1983 Deloria participated in a unique conference at Princeton's Theological Seminary that brought together a number of leading theologians and legal scholars to address the intellectual framework of both federal Indian law and federal procedural law. In advance of the gathering, Deloria had written a prospectus that served as a backdrop for discussion. He observed that First Nations needed the support of both theological leaders and the legal profession in their efforts to properly frame their moral and legal claims against the federal government and American society. He noted that the most intractable and damning political and legal issue confronting tribal nations was the omnipresent plenary power doctrine, which places Indian people "at the complete mercy of Congress and the respective executive administrations" because it situates Indian people and their treaty and trust resources and rights outside "the reach of constitutional protections."

Deloria emphatically noted that this doctrine must be overturned or at least radically altered through a "gradual process involving a series of law cases in which the Supreme Court carefully thinks out, step by step, the implications of the idea that Indians constitute a separate political entity protected by the federal government but not subject to its internal political changes."

The notion of this being a "gradual process" rooted in educational transformation was important for Deloria; he feared that otherwise the American public might raise vigorous objections. In a comparison with African Americans during the Civil Rights era, he observed that too often many non-Indians asked why Indians want to be "different," when the more appropriate question should be why Native people do not enjoy the right to be distinctive.

Three years later, in 1987, during congressional testimony at a hearing on a proposed Senate concurrent resolution to acknowledge the importance of Iroquois democratic traditions and theory on the development of the U.S.
Constitution, Deloria discussed several key directives that he wanted Congress to draft to show greater respect for the sovereignty of tribes. These would be directives, he urged, that should be binding for each branch of the government, particularly the federal courts. First, he said that the most critical directive should be a statement from Congress that national legislation is inapplicable to tribes unless they are expressly included in the legislation. Second, Congress needed to statutorily declare that Indian peoples must give their unequivocal consent before any federal program is instituted in Indian Country or that in any way directly affects Indian rights. At the present time, Deloria observed, tribal governments, despite their inherent powers of sovereignty and self-determination, did not have the recognized capacity to reject or veto secretarial rules or regulations or congressional acts if they found them objectionable. This is an inherent power that tribal governments lack to this day.

The third and capstone directive, one that Deloria has urged since the beginning of his storied career, is that Congress needed to categorically state that Indian treaties establish not only a unique legal, but also a moral relationship between tribal nations and the United States and, in substance, entail "a pledge of the integrity of one people to another." Given the generally dishonorable way the United States had enforced treaties over time, Deloria asserted that it was time that Congress conduct oversight hearings on all the major programs the federal bureaucracy carried out on behalf of First Nations. In addition, he urged that Congress hold hearings on the Indian Claims Commission and the problems generated under the American Indian Religious Freedom Act of 1978.

In the early 1990s there was discussion in Washington, D.C., about the need for a permanent National Indian Policy Research Institute. The institute would provide policy-research capability that would assist First Nation governments and federal officials charged with fulfilling U.S. treaty and trust commitments to Native nations. Popularly referred to as "think tanks," such institutes or centers can play a leading role in bringing together the leadership and resources needed to address the variegated problems still bedeviling indigenous peoples.

Although the institute was never made permanent, Deloria testified in support of its creation in July 1992. He believed the institute should focus on two broad arenas of research. First, since the trust doctrine and the treaties and agreements are the linchpins linking tribes and the United States, he wanted the proposed institute to focus some of its research on the origins of these
doctrines, their inconsistent application, and on the ways specific rights and individual First Nations had been affected by their poor enforcement.

Second, he envisioned the institute serving as a place where new technologies, discoveries, and fresh applications of “existing information about economic, environment, legal theory and education” could be applied and “futuristic speculations and modeling” charted out so that tribal governments could look far into the future in anticipation of possible developments rather than just reacting to day-to-day or immediate problems. For example, “As environmental concepts change we find new ways to use lands and natural resources, growing and marketing buffalo for example, and if we are to finally stabilize our communities and participate fully in American society, we must be able to relate to the most sophisticated part of that society as communities and individuals.” Such a futuristic orientation, although still steeped in indigenous values and philosophies, highlights one of the real strengths of Deloria’s approach to all things indigenous.

In a 1999 book cowritten with David Wilkins, Tribes, Treaties, and Constitutional Tribulations, which entailed a comprehensive examination of the U.S. Constitution’s major clauses, doctrines, and amendments insofar as they apply or do not apply to First Nations, Deloria ended the study reiterating a point he has made since the 1960s—that innovative diplomatic accords, also known as treaties, should be restarted.

It is long overdue that the federal government once again restrict itself to the exercise of the only clear traditional manner of dealing with Indian tribes: the treaty relationship. The commerce clause should be authority primarily for Congress to adjust the domestic law of the United States to conform to the obligations and responsibilities accruing to the government as a result of the treaties it makes with the Indian tribes. The property clause should be authority primarily acknowledging the unique geopolitical nature of the tribes as preexisting sovereigns who live surrounded by states and the federal government, the latter-day sovereigns. In a wide-ranging 2002 interview with Marijo Moore from News From Indian Country, Deloria spoke assertively about both the positive gains Native peoples had made since the 1960s and the negative anti-Indian backlash that had resurfaced to challenge these gains. His comments and suggestions for Indian nations will be discussed in the next section, but he also made two major recommendations for Congress. First, he noted that the anti-Indian backlash (e.g., the mascot issue, Kennewick Man, environmental issues) had dramatically intensified in recent years and that state officials, who are constitutionally
denied any direct role in Indian affairs, are often leading the charge against Indian economic gains, political gains, and cultural developments.

Second, Deloria observed that one of the reasons tribal nations struggle in federal and state courts, particularly in treaty interpretation cases, is because Indian elders have been denied status as expert witnesses. Only so-called "experts," who tend to be non-Indians who have "studied" tribes, are accorded such status, thus denying the legitimacy of Native oral traditions and the knowledge that Indians are, or should be, the recognized experts of their own histories. The implication here is that tribes, the Congress, and the courts should work to rectify this denial of aboriginal understanding of history. But since most of these cases are litigated in federal courts, and since Congress is the principal trust agent, then that body's members should act to address this injustice.

Deloria returned to the issues of reconciliation, rehabilitation, consolidation, and repatriation in an essay in 2001. He emphasized that First Nations, in an effort to enhance their political relationship to the United States, needed to muster a comprehensive plan that detailed the economic, cultural, and political effects of various disastrous federal policies (e.g., removal, allotment, forced assimilation, termination) on their nations. Since the allotment policy, for example, was later deemed a massive failure and was clearly a violation of the treaties and trust relationship, and since it contributed mightily to the persistent poverty of many allotted Indians, tribes would need to summon all that data and then negotiate with Congress for a rehabilitation act to help them begin the road to economic recovery. This process would, if done properly, facilitate reconciliation between the two peoples and would prove educational for all parties. As Deloria correctly observed, "Both Indian and white people get a little tired of hearing 'well you broke the treaties.' That's obvious, so be specific—how did they break the treaties? And then go into the facts, that there was never a chance to escape poverty because of the way the Allotment Act was administered."\(^84\)

For Deloria, this would be the first step in a fundamental process of intergovernmental reform. The next step would be a comprehensive land consolidation plan in which Congress would enact a law returning to tribes the power of land consolidation. Consolidated tribal lands would generate viable rural industries that would stabilize tribal economic security.\(^85\)

As has been seen, throughout the last four decades Deloria has produced an incomparable body of data, including numerous recommendations, reforms, and remedies, in his examination of many facets of indigenous political, legal, and cultural life, particularly as those aspects of aboriginal life have been hampered or abused by the various branches and agencies of the federal
and state) government. He has also, during this same period, and in many of these same writings, been equally critical of tribal nations and their political figures, cultural teachers, and Indian academics. In the next part of the chapter, I turn my attention to the suggestions and ideas he has proffered that might ameliorate many of the ongoing problems and tensions generated from within tribal nations.

**PART TWO**

**DELORIA TO FIRST NATIONS**

Deloria has long maintained that indigenous nations constitute unique political, economic, and cultural national entities that, given adequate resources and respect, can function effectively and at the same time provide beneficial lessons to the larger society. This attitude was in evidence in 1965 when he gave testimony in his position as executive director of the NCAI during hearings on S.966, an early version of what would eventually become the Indian Civil Rights Act in 1968. He noted that although much attention had been paid to the role the Iroquois Confederacy and the Great Law of Peace played in the political understandings of Benjamin Franklin, Thomas Jefferson, and George Washington, in actuality, “at nearly every point, social, economic, political and patriotic, American Indians can contribute their knowledge of cultural interaction and social concern that is needed today in this country.”

For example, he described how the kinship system operating in many tribes precluded the need for juvenile delinquency programs because children had large extended families they could rely on. He also attacked the notion that tribal governments were nothing more than “transitional” governments and that they would eventually be fully assimilated. Although agreeing that tribes were indeed in a state of transition, he concluded that they were transitioning "to a new form of social understanding which, if understood by older people, would help solve some of the pressing social problems of today." He confidently declared that ‘tribes are not vestiges of the past, but laboratories of the future.’

In *Custer*, Deloria gave a more focused appraisal of what tribal nations and Indian individuals needed to do to strengthen their internal and external sovereignty. First, he exhorted Indian youth, particularly urban-based youth, to seek out and establish relations with reservation-based traditional people. Second, he advocated that tribal governments adopt policies to clarify and
structure what social scientists, particularly anthropologists, would be allowed
to research. Because of the intellectual exploitation that had been occurring
for several generations, Deloria wanted tribal communities to take control of
their resources and require anthropologists to apply to the tribal council for
permission to conduct research that implicated tribal members or their
resources. More importantly, the researcher "would be given such permis-
sion only if he raised as a contribution to the tribal budget an amount of
money equal to the amount he proposed to spend in his study."90

Such an act would be of benefit to all parties, and the tribal nation would
cease to be viewed merely as an exploitable enclave by outside researchers.
Some tribal governments have implemented policies such as these, as have a
number of American Indian studies programs that have direct links to reserva-
tion communities.

Already evidencing a passion for the law, but a system rooted in indige-
nous values and norms, Deloria encouraged tribal judiciaries to look toward
the development of "an Indian common law comparable to the early English
common law."91 This is a recommendation he has restated many times since,
one that would reflect the cultural distinctiveness of tribal nations if it were
ever realized.

Deloria also saw in the corporation model a technical tool that he
believed would enable the tribal resurgence to continue. "Indian tribes," he
said, "have always had two internal strengths, which can also be seen in cor-
porations: customs and clans."92 As such, he encouraged tribal councils to
"form themselves as housing authorities, development corporations, and
training program supervisors," while continuing to act according to tribal
values and norms.93

Another major issue for Deloria and Indian Country was the bifurcation
of urban versus reservation-based and eastern-versus western-situated tribal
communities, caused in large part by federal policies of removal, relocation,
termination, and poverty conditions on reservations. Deloria pressed for the
formation of Native coalitions that would bring these separate but related
groups together in a way that would bring some level of unity, thus forcing
the BIA and other federal agencies to accept their obligations to all Native
people, regardless of their geographic or jurisdictional domicile. One particu-
larly brilliant idea he proposed "would concentrate its attention on the
coordination among the non-reservation peoples and the reservation pro-
grams on a regional or area basis. In that way migrations to and from urban
areas could be taken into account when planning reservation programs."94
Deloria also successfully predicted what he called the "recolonization" of Indian Country, with Indians gradually returning to and reclaiming their rightful place in their former homelands. He mentioned that this had happened with a group of Cherokees who had returned to Tahlequah, Oklahoma, from southern California. In addition, as the non-Indian population in the Great Plains states continues to dwindle, an increasing number of Indian people are making their way back to their original homelands, continuing this recolonization movement.

In two works, both published in 1971, *Of Utmost Good Faith* and "This Country Was a Lot Better Off When the Indians Were Running It," Deloria charged both traditional and younger and formally educated Indians with two tasks: first, to craft a broad "philosophy of Indian affairs" that would serve as an effective guide for tribes as they contended with the massive changes confronting tribal peoples. Second, he said that Indians needed to arrive at a workable understanding of the nature and meaning of tribalism. He knew this would not be easy, however, because there were contrasting and entrenched interests in Indian Country, especially traditional people and members of the NCAI, each vying for the right to set the tone of the debate on how to define the very nature of tribalism. Traditional-minded people wanted it understood as an "organized band of Indians following customs with medicine men and chiefs dominating the policies of the tribe," whereas NCAI-minded individuals viewed the term more as a "modern corporate structure attempting to compromise at least in part with modern white culture." This tension has only increased in recent years, especially since the gaming explosion, but it must still be addressed if tribal nations are to begin to heal the ideological, economic, and cultural rifts that still divide Indian Country from within.

In an article written for *The Indian Historian* in 1972, Deloria made several recommendations for Indian people that bear attention. First, he suggested that there was a need to hold a comprehensive convention that would gather all the national Indian organizations together. He declared that "we must define exactly what a national Indian organization is, who it represents, what fields it works in, how it relates to other groups, and foreclose the continued spawning of new organizations every time we have a conference." Deloria would later hone this recommendation further by noting that one way Indian political labor might be more strategically divided would be to create a comprehensive indigenous organization in which the American Indian Movement (AIM) might serve as the activist organization, the National Congress of American Indians could serve as the chief lobbying and oversight
body, the National Indian Youth Council (NIYC) could focus on the distinctive needs of Indian youth, and the National Tribal Chairman’s Association (NTCA) would interact with the Bureau of Indian Affairs.97 Such a consolidated indigenous organizational strategy never materialized, but the idea of organizing the slew of Indian organizations for political and economic purposes is a sound one that bears revisiting.

Indian education has long occupied a special place in Deloria’s worldview, given the important role it plays in developing or hindering an individual’s personal development. He has written quite a bit on the subject and has frequently discussed it in other works as well.98 Along with his non-proliferation call to Indian organizations was a similar one he made for Indian Studies programs. He noted in 1972 that “we don’t need a full Indian program for every college that has a couple of Indian students.” It would be more appropriate, he believed, to “concentrate our students and our programs at a number of selected schools and drop the remainder of the programs.”99 Here again he proposed a regional emphasis, with major universities in the Southeast, Northeast, Midwest, Northwest, and Southwest serving as the focal point given their proximity to Indian Country.

In rapid succession, Deloria concluded his 1972 article with a series of astute recommendations. First, to avoid exploitation and reinforcement of negative stereotypes, Indians need to be much more judicious in how they work with the mass media. Second, along with a reduction and consolidation in the number of Indian interest organizations, there should be a corresponding reduction and consolidation in the number of academic conferences, which consume many dollars and often serve merely as regurgitations of revised resolutions introduced in previous years. Finally, he noted that Indian tribes should hire full-time lobbyists and have them in every state capitol to keep watch on state lawmakers and to improve tribal-state relations.

In 1973 Deloria stepped forth to challenge the tactics and strategies of the leadership of some of the more activist-oriented Indian organizations that had played key roles in the Alcatraz takeover, Fort Lawton, Wounded Knee II, and the Trail of Broken Treaties. In an essay called “The Indian World Today,” he emphasized that although the goals of land restoration and treaty rights enforcement were certainly laudable, he believed that there were two major problems with the way Indian protests had unfurled up to that point. First, the format of many of the protests—especially those that followed the model of black militants—was problematic. Second, the Indian activists had “failed to pinpoint precisely the background of our oppression.”100
In the same essay, Deloria also criticized the elected leadership of some tribal governments. He asserted that a number of elected tribal officials had grabbed hold of the idea of tribal self-determination not to enrich their people's lives, but to "increase their own personal political power over tribal members," and they "never did allow a movement within the tribe of more democratically based programs and ideas."

In keeping with this critical and challenging tone, in an article titled "The Next Three Years" written in 1974, Deloria noted that although Indians had just entered a period of what he termed "Indian resurrection," he pondered how future generations would judge the present generation of Indian leaders. He opined that they would ask, why had the job of unifying on various levels not been achieved? Why had the large western tribes been unwilling to assist the small eastern and northern tribes? And finally, why, despite the progress made in reviving tribal culture with its emphasis on sharing, had some tribes "refused to share their fate with the other tribes, and the whole Indian revival dispersed with each tribe attempting to go it alone, a strategy that had previously proved disastrous on many occasions?"

Deloria concluded the piece by declaring that Indians needed to force the federal government to reconsider those laws, rules, and regulations that had long oppressed them. "We are at the stage," he insisted, "where we must force the government to clarify its policies, to streamline its programs and to deal honestly with all Indian communities, large and small, eastern and western, urban and rural."

In "Religion and Revolution among American Indians" (1974), Deloria again focused his attention on the rising tension within tribes between those Indians who had generally assimilated into the American body politic and could easily be classed as ethnically Indian but middle-class American, and the so-called tribal traditionalists who generally adhered to different values and sought to retain and act from an indigenous worldview. Although evincing great respect for the traditionalists, Deloria also called upon them to acknowledge that "the basis of Indian tribal religion is not preserving social forms and ceremonies but creating new forms and ceremonies to confront new situations." This perspective, Deloria held, was pivotal given that tribes' customs and beliefs are shaped by particular times and places and because in order to be meaningful, religious traditions must "relate to a dramatically changed community in a dramatically changed environment." He considered that traditional people should understand this concept since tribal religions are not dependent upon the teachings of
saviors, and because truth manifests "in the ever changing experiences of the community."\textsuperscript{106}

In closing, Deloria uttered a line that reflects his core positive belief in the inherent sovereignty of each tribal community: "The shape of the Indian future cannot be imported, either from Washington or from other struggles for social change."\textsuperscript{107} The major question, he would repeat again, was, what shall be the true and accepted meaning of the tribe? Although it was at the time conceptualized as a quasipolitical entity, some wanted it to become a more viable economic entity. For Deloria, however, the hope was that "the tribe" might once again become identified at its core as "a religious community."\textsuperscript{108}

Although Deloria has always emphasized the primacy of the tribe as a natural entity with many facets, he has also expressed support for the autonomy and personal rights of certain talented Indian individuals to forge their own path in their efforts to cope with the rapid flux of cultural transformation. These are individuals who are often criticized and ridiculed by tribal members if they attempt to break into fields considered unrelated to Indian life, whether it be small business, professional careers, or even folk singing. Envisioning these individuals almost as cultural liaisons, Deloria noted that "if Indians are to survive the rapid cultural change that the rest of society is making, the Indian community will simply have to allow some of its members to develop their talents and contacts with the rest of American society."\textsuperscript{109} This conflict continues to be a major issue in Indian Country, although it appears to have lessened in intensity somewhat, given the larger and increasingly diversified indigenous population.

Since Deloria asserted at one point that the three areas most likely to have a direct impact on the future of First Nations were higher education, Indian culture, and Indian control of educational institutions, he has suggested several types of studies that both academic and nonacademic Indians should consider doing that would be of tangible benefit to tribal nations.\textsuperscript{110} Tribes should start by closely examining the many controversies their communities have faced in the last two centuries, and, importantly, they should first draw on, as some of their chief sources of firsthand information, the oral recollections of living tribal members for their accounts of what transpired in the past.

As an example, Deloria suggested that the Pueblos, rather than continuing to reexamine the Spanish conquistador Coronado's exploits and the Great Pueblo Revolt of 1680, should instead "be doing extensive writing and interviews of the elder Pueblo people concerning how they organized and eventually won the battle for their lands in 1924."\textsuperscript{111} Other tribal researchers
and Indian academics, Deloria concluded, should similarly focus on other contemporary events that had profound effects on the historical and contemporary status of tribal nations.

Deloria also proposed the idea of extended seminars, of a year or so in length, that would bring together Indians and allied non-Indians to discuss literature, art, history, and ethnoscience, among other topics. Despite the basic informality of tribal social systems, he noted that "we really don't have an informal network of Indian writers like dissident groups of whites have. Each writer is writing in isolation." Importantly, he suggested that such extended gatherings should have an aspect of informality and interdisciplinarity about them so that substance rather than disciplinary theory or jargon would hold sway, and people would be interested in one another as individuals and not as a follower of a particular discipline.

By the late 1970s, as indigenous activism was ground down by a variety of forces (federal harassment and infiltration, imprisonment of Native leaders, etc.) or was channeled in other directions, Deloria posited that although there had been a number of positive developments arising out of this activism, what had not been produced "in the formula for constructive change was a unified Indian community capable of articulating and interpreting future goals." As a result, Indian Country had not been able to arrive at a "theoretical conception of the contemporary status of Indians," leaving Native America essentially rudderless and subject to being cast "to and fro between the twin poles of sovereignty and wardship."

In 1980, in written testimony to the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, Deloria argued that both Indians and Congress needed to focus on returning control of Indian education to local communities and to focus on the content and substance of Indian traditions as a way to make the educational process more meaningful to Indian students. As he described it:

In practical terms this type of education would reduce the administrative role to an absolute minimum in favor of a greatly expanded teaching staff dealing with an increasing small class of students on increasingly specific subjects of instruction. The traditional Indian teaching format approaches the tutorial in its specificity enabling both student and teacher to share a particular learning-teaching activity and dealing specifically with the knowledge and experiences of the world in which the teacher has lived and in which the
student expects to live. The content of this kind of education emphasizes how to live in the world and what it means to be a human personality within a social-political context.\textsuperscript{115}

Later in his written remarks Deloria stated that Indian student test scores decline and dropout rates increase around the time of adolescence. Historically, tribal ceremonies helped young people cope with that confusing period of life. He urged that these tribal ceremonies be “made a regular part of the educational experience even if it means that children of this age will not formally attend school for a year while they are instructed in traditional customs and beliefs and made an adult part of the community.”\textsuperscript{116} If these ceremonies were to be incorporated, Deloria judged that many of the most significant problems facing reservation communities—spiraling crime rates, alcohol-related troubles, teen suicides, and so forth—would be resolved in a manner that comported with Indian values and traditions.

Along with his criticisms and suggestions for Indian activists, Deloria had even more biting remarks for some tribal officials, both elected and appointed individuals, who by the early 1970s had come to constitute what Philip S. Deloria called a “managerial class” of Indian elites.\textsuperscript{117} Many of these individuals established cozy relationships with federal officials who administered the Great Society and War on Poverty programs, and they became adept at gaining access to external funding sources, and using the power and prestige those sources generated, to gain tribal offices and/or leadership of national Indian organizations. As Vine Deloria noted,

The Indian relationship to the federal government changed significantly as [federal] programs increased. Access to the federal government was restricted by the vision of professional Indians and their conception of what was programmatically possible to obtain. . . . Indian leadership was inclined to take programs that could be easily funded rather than programs where the needs were the greatest.\textsuperscript{118}

Such a process proved especially debilitating to tribal traditions and institutions centered on leadership. “Reservation people,” Deloria argued, “were not inclined to use traditional mechanisms for approval or disapproval of their leaders because the criterion that quickly developed was whether or not the person could obtain federal funds, not his or her trustworthiness in view of the larger social and cultural goals of the community.”\textsuperscript{119}
Unless this pattern of economic and political relations between the managerial class of Indians and federal agencies was aborted, Deloria posited, few permanent solutions to Indian problems would be forthcoming. The system was, in Deloria's words, "self-sustaining so long as it can maintain the facade of representing the community which has become its clientele." Therefore, "since funds are forthcoming only to meet the continued needs of the reservation community, it is to the advantage of the pyramidal tract of professional workers to ensure that no real solutions are forthcoming, since the resolution of any problem would only produce a reduction in funds, opportunities, and the institution itself." 120

Returning to the subject of education in another 1982 essay, "Education and Imperialism," Deloria once again called for a program that would be grounded in indigenous values as the best approach. He was deeply concerned that too many Indian education conferences were more focused on discussing "rules, regulations, and waivers" and how to get refunded than on the actual education of Indian children. Thus, he proposed the need to develop "an educational program which enables Indians to understand fully their own cultural roots and to have increasing reliance on the usefulness and rationality of tribal customs." 121 Ever aware that Native peoples live in a complex and differentiated modern society, Deloria also declared that along with the tradition-based program, there "must be a general humanistic-liberal arts-social science complex whereby Indians can learn the most important general ideas which underlay specific institutions in American life." 122

Realizing that such a program could not be instantly adopted given that most Indians had participated in Western-based systems and would need a certain amount of deprogramming, he proposed a workable compromise that would "introduce new programs during the transitional phases of the present educational experience" so that "between grade school and high school, between high school and college, and between undergraduate and graduate school, Indians should have available to them a special year during which they can stabilize the cultural/religious/social/philosophical changes they are experiencing." 123

In this holistic community-based approach to education, young people, say, at the end of their grade school years, and with puberty and adolescence just beginning, would be sent to live with tribal elders of their own gender in order to learn tribal customs and knowledge, to participate in puberty ceremonies, and to generally receive the help needed to make the difficult transition from child to young adult. A similar transitional
period would be granted to graduating high school students and college students as well.

Deloria suggested that each of these transitional years was critical for two specific purposes. First, they would provide an important pause in the necessary process of learning about non-Indian society "in which the student could reaffirm the traditional basis of his or her own society and gain personal confidence which would enable him or her to proceed to the next step in the educational process." Second, they would give students an opportunity to improve their basic reading, writing, and research skills so they would be better equipped to handle the demands of schooling on the next level.  

In yet another 1982 article, "American Indians: Landmarks on the Trail Ahead," Deloria proposed research that is still desperately needed: a national study of Indian voting patterns. As he correctly observed, there is very little data on this subject, despite the fact that Indians received the federal franchise via a federal law in 1924 (although many had attained it previously via treaties and specific statutes), and despite the amount of attention that has been devoted by historians and anthropologists to assessing how assimilated Indian peoples are in American society. Of course, in the wake of the current Indian gaming phenomenon, voting patterns appear to have changed dramatically, with many more Indians voting in state and federal elections. This shift provides even more reason for such a study to be conducted now.

In 1983 Deloria coauthored *American Indians, American Justice* with Clifford M. Lytle, an important study on the Indian judicial system. Although stressing that tribal court systems are doing critically important work amid a sea of financial, cultural, and federal constraints, the authors also strongly suggested that tribal judiciaries and their committed jurists should be careful about the wholesale adoption or mimicking of state or federal procedures and mechanisms. Even if such Western devices and institutions "must be adopted," they should be incorporated

in such a manner that they do not destroy the traditional components and familiarities of Indian law that still linger in a vulnerable condition. Adoption of these procedural formalities must not be allowed to intrude upon and dominate the informality of tribal courts, which reassures tribal members that the judge continues to work with the old traditions of solving problems rather than seeking retribution.
Deloria and Lytle continued their successful partnership and launched in 1984 a much-lauded analysis of John Collier and the IRA with the publication of *The Nations Within*. In addition to being a sterling policy analysis, this book also contained a bounty of recommendations. Before discussing the specific suggestions the authors proposed for Indians, a broader issue they also addressed should be identified—their depiction of Indian Country as being separated into two major categories of people: "traditional" or "tribal" people and "ethnic Indians." Whereas the members of both groups clamor for self-determination for their nations, they represent in some sense different visions of the world they live in, or aspire to live in. And although these are ideal type-concepts, many Indians go back and forth between the two, and there are still substantial differences between those who self-identify as belonging to one or the other group. One difference, the authors asserted, is that "tribal peoples tend to vest entirely too much trust in the ability of American institutions to perform the moral acts that would be necessary to secure what they want. Ethnic Indians regard the tribal Indians as an unrealistic and overly romantic group that looks backward to old days and glories, not forward to new programs and experiences."¹²⁸

Tribal peoples often regard their ideological opponents as wholly without principles, pragmatic to the point of having no moral stance at all, and claim they regard the tribal government, not the people, as the tribe. In other words, tribal people support *idealism*, whereas ethnic Indians support *realism*.

A second key difference between the two groups centers on their perspectives of the United States. Traditional people understand that the United States is simply one of many nations and that it, too, is bound by what transcends in the world. Traditional people's understanding of their own nationhood imagines a time when they will join the family of nations as relative equals. Ethnic Indians, on the other hand, are more comfortable operating as one of many ethnic groups in the nation, albeit as a unique group. These individuals, including most tribal elected officials, "see the solution to this problem [shrinking land bases, exploited resources] in getting involved in American domestic politics, in litigation, legislation, and other forms of political action to ensure that the laws of the United States will be applied to the reservations in the least harmful manner."¹²⁹

Traditional people, said Deloria and Lytle, are concerned with the "substance of life," whereas ethnic Indians appear more interested "in the process." Deloria and Lytle contended that something must be done to facilitate communication between the two groups if sustained progress is to occur.
With this difference as backdrop, Deloria and Lytle moved into their specific recommendations, some of which were discussed in part one of this chapter. For indigenous peoples, the authors maintained that there was a need for many First Nations to structurally reform their governing institutions, but in a way that supports a strong linkage between traditions and contemporary times. Second, they strongly emphasized a need for what they termed “lasting cultural renewal” that would enable Indians to reconcile cultural identity in a contemporary America. Third, they argued the need for tribes to become more economically stable. Finally, they encouraged more amicable relations among tribal nations and the states and federal government.

Structural Reform Suggestions

- Increase the size of tribal councils to make them more representative and less subject to BIA intimidation.
- Establish some type of national governing body for indigenous nations (an Indian United Nations).
- Incorporate more traditional customs such as reconciliation and restitution in tribal court proceedings.
- Establish Courts of Elders to help in the resolution of certain domestic and other internal disputes.
- Reorient the role of tribal police from strict law enforcement to peacemaker efforts.
- Allow the national governing body to charter tribal subsidiary groups.
- Cultural Renewal Ideas Strengthen Indigenous Languages.
- Utilize traditional foods and medicines to improve health.
- Ensure cultural integrity is essential: Indians must define and enforce what is acceptable behavior and stop prostituting their cultural traditions and ceremonies for tourists and Western religious institutions.

Economic Stability Recommendations Stop Land Loss and Consolidate Fragmented Tribal Lands.

- Utilize natural economies that do not cause severe ecological damage (e.g., aquaculture farms, ranching, etc.).
- Federal and State Relations Ideas Support Treaty Rights.
- Pursue full faith and credit relations with states.
- Engage in cross-deputation arrangements to improve law enforcement procedures.
Religion and theology are themes that also have pervaded many of Deloria’s works. In “Out of Chaos,” written in 1985, Deloria turned his keen gaze to these topics and noted that although colonialism had caused and was continuing to cause massive physical, psychological, and spiritual damage to Native peoples, it was still possible for Indians to turn this around and to recover their identities in the process. What was needed, he said, was for Indians “to develop a new interpretation of their religious traditions with a universal application.”130 Moreover, tribal peoples would also need to “seek out areas in which they could communicate with sympathetic people in the larger society, and put their own house in order.”131

Although admitting how difficult this shift would be, given the hyper-materialism that is rampant in America and the fact that many Indians now also believe that the world is basically a physical thing, Deloria nevertheless maintained that “American Indians contain the last best hope for spiritual renewal in a world dominated by material considerations.”132

In 1991 Deloria published Indian Education in America: Eight Essays, a series of articles he had previously written for the journal Winds of Change, a publication of the American Indian Science and Engineering Society.133 It was a pithy but comprehensive overview, analysis, and critique of and prescription for education, from traditional-based systems of knowledge to the flawed efforts of the federal government to transform tribal societies via education. The essays contained a number of recommendations for Native students and educators that bear attention. The work, in fact, was so popular that it was revised and expanded in 2001 when Deloria’s essays were joined with the writings of Daniel Wildcat in a new book titled Power and Place: Indian Education in America.

In the pages of the 1991 study, Deloria once again urged Indian students, particularly those who study science and engineering, to first gain or regain a solid understanding of their own tribes’ traditional knowledge about their families, ceremonies, lands and resources, cosmology, and so forth. He also recommended that Indian academics and those with professional expertise in other areas take the time “to offer their tribes predictive scenarios based upon their professional training. The degree to which an Indian professional can succeed with any tribal program will be measured by the number of possible scenarios with which he or she presents the tribe. It will then be the task of the tribe to choose among possible competing scenarios.”134

Essentially, said Deloria, Indian students and Native faculty, once they have acquired their formal training, would be performing the same role that
Native scouts did in the past. Scouts did not so much lead tribal communities as furnish critical and detailed information that provided the local community and leadership with the necessary knowledge to make appropriate decisions given the group’s values, goals, and traditions. From Deloria’s perspective, Indian students and teachers, in addition to learning from their own disciplinary training, also must always be responding to the following two perspectives: (1) how does what they receive in their educational experiences affect the preservation and sustained use of their tribal nations lands, and (2) how does their educational training affect their nation’s ongoing existence?\textsuperscript{135}

Finally, Deloria reiterated two fundamental subjects he has long championed for a truly educated Indian person. He noted that every Indian youth should be taught about family genealogies and tribal traditions. These two subjects, Deloria maintained,

\begin{quote}
provide a solid foundation for children’s personal identity as well as serving as a context for teaching all manner of social skills and development of memory and recollection. In a world of large institutional restraints, knowledge of family and tribe would provide a significant set of skills to provide confidence in the child that he or she is part of an ongoing human experience.\textsuperscript{136}
\end{quote}

Deloria emphasized that these subjects should be taught in the community and not in the school. This approach was important for keeping children connected to their families and communities.

In 1995 Deloria authored a short essay titled “Rethinking Tribal Sovereignty,” in which he unequivocally stated that the only way tribes would be able to claim to be exercising internal sovereignty would be if they found a way to revive and reinstitute the majority of their social traditions. These would include traditional methods of child adoption, focusing on reconciliation rather than restitution in conflict situations, and so on. He also suggested that tribal nations consider the possibility of installing a two-level form of government, with a Council of Elders dealing with internal sovereignty issues and community topics, and the elected Tribal Council being in charge of conducting external sovereign affairs.\textsuperscript{137}

Three years later, in 1998, Deloria trained his attention on Indian intellectuals and challenged them to utilize their talents and time anticipating and analyzing the multitude of problems adversely affecting tribal nations rather than simply discussing and redefining, in the halls of academe, certain concepts
such as hegemony, colonialism, self-determination, and sovereignty. He contended that mere discussion of these terms “assist[s] us in creating a set of artificial problems, wholly abstract in nature, that we can discuss endlessly without having to actually do something.”\textsuperscript{138}

In typically frank language, Deloria said:

I have great sympathy with Indians beginning their careers in academia and the desire, altogether human, not to get in trouble with white professors in their departments before they get tenure. No one expects them to rush into heated political situations and be branded militants or malcontents. But many Indians are so subservient that they have virtually no identity at all. Between their personal crises and academic meetings they could be producing a mass of literature that would help articulate the Indian position on many issues, and this kind of production would eventually influence how decisions are made and how Indians are treated. Liberal arts and social sciences are ripe for picking by anyone with critical faculties. Yet, the battles against derogatory images of Indians, improper histories of tribes, and misinformation on tribal programs are still being carried on largely by local Indian leaders, not by Indian academics.\textsuperscript{139}

In short, Deloria was bemoaning the fact that a substantial number of Indian academics appear to have a stronger allegiance to their disciplines than to their own peoples. This, he argued, was frightening because one might then conclude that “in a crisis they will side with the Whites and will not, under most circumstances, do anything to help Indians.”\textsuperscript{140}

In an interview in 2000, Deloria continued to urge Indians to tackle the real pressing issues that cause tribal nations problems—repatriation, challenges to bilingual education, confronting those non-Indians who are depicting Indians as antienvironmentalists, lack of respect for Indian elders as oral witnesses in litigation, and so on. But he also emphasized that Native writers, teachers, and politicians needed to do a better job of educating the public about Native rights and epistemologies. “We still,” he said, “have to work hard to entrench ourselves in the public consciousness as good guys or at least as people who, while we might have rights other people don’t have, nevertheless are entitled to those rights as a matter of history and law.”\textsuperscript{141}

Given his understanding of the validity, vitality, and value of indigenous knowledge about cosmology (star knowledge), biology (plant and animal
knowledge), family life (kinship patterns), criminal jurisdiction (warrior societies as more effective agents of maintaining peace and order than standard law enforcement officers), music (the role that it plays in aiding plant growth), and so on, Deloria was concerned that Native peoples were not doing a better job explaining and describing the inherent benefits of this knowledge to the larger society.

Finally, in 2001, Deloria contributed a short essay to Serle Chapman's edited volume, *We, The People*. Here, he strongly encouraged tribes to establish viable research institutions to develop and analyze data that would lead to reports and policy statements on the various issues that arise or affect Indian Country and that could be used to educate their own citizenry, the public, and the federal government. He emphasized that at the present time there was too much "talk" about tribal sovereignty and not enough "exercise" of this inherent communal force.

There are hundreds of conferences on sovereignty where people just get up and talk and talk and talk and talk, but very few will do the hard work to go out and exercise the sovereignty that already exists. They spend all of their time trying to define sovereignty more clearly and that's absurd if sovereignty means that any political entity can negotiate on an equal basis with any other. Period. ... So sit down and work out a deal!142

He ended the piece with two suggestions for his own people, the Sioux. First, he expressed emphatic support for the revival of the Tiospaye band structure of government, which is based on traditional Sioux community kinship patterns. Second, he proposed the creation of a new organizational body, the Sioux Nation, which would be an alliance of all the various Sioux bands. This comprehensive entity would then endeavor to renegotiate its treaty relationship with the United States to forge a more realistic and stable political and legal status for the Sioux people and an improved intergovernmental relationship with the federal government.

**CONCLUSION**

As this chapter has made evident, in the corpus of his work, Deloria has forged a comprehensive and interrelated set of ideas that have emboldened indigenous nationhood—his articulation of the right and reality of tribal sovereignty, of the force known as self-determination, and his astute analysis of the fundamental importance of space and place to First Nations. At the same time, he has proposed a set of recommendations for the federal government and Indian nations that, if enacted, would go far toward stabilizing and clarifying the cultural identities, political and legal standing, and territorial basis of First Nations.
In the broadest sense, these powerful, timely, and interconnected suggestions would strengthen indigenous nationhood, but would also fortify the notion of the United States as a pluralistic democracy, home to not one, but many democracies, including those of tribal nations, striving to fulfill the needs of their citizens and maintain amicable relations with other political bodies.

The chapter began with a descriptive analysis of Deloria’s ideas for the federal government, including, but not limited to, formally acknowledging tribal sovereignty, reviving the bi- or multilateral treaty process, disavowing congressional plenary power (read: absolute), continuing consolidation and restoration of tribal lands, affirming the rights of bona fide eastern (and other) tribes to recognition and other basic rights, establishing a permanent Court of Indian Affairs, supporting the international and domestic status of tribal nations, modifying the trust doctrine from an active to passive role, recognizing the legitimacy of Indian oral testimony in federal courts and legislative halls, and a host of suggestions aimed at improving the ever-beleaguered BIA.

The chapter then turned to Deloria’s internal critique of a set of pronouncements for First Nations, which included articulating an understanding of what constitutes a tribal nation in the twenty-first century; mending the long-standing rifts and bifurcations that divide and destabilize Indian Country—urban Indian youth/reservation-based elders, urban/reservation communities, eastern/western tribes, recognized/nonrecognized, traditional/ethnic—increasing the teaching of traditional knowledge, values, and traditions to Indian youth; improving and making more accountable indigenous educational, political, and cultural figures; strengthening tribal governments; consolidating tribal property; developing an indigenous common law; using the mass media more appropriately; and improving tribal political and economic relations with other polities.

As noted, some of Deloria’s suggestions have found their way into law, policy, and popular discourse. But it is clear that many of his policy, legal, cultural, and educational suggestions have not yet been acted upon by tribal communities, Native leaders, or state and national lawmakers. In assessing the current state of Native America in virtually every sphere—economics, science, culture, family life, politics, law, and so forth—it is striking how relevant and timely many of these suggested reforms are. The fact that we have not heretofore acted upon the majority of Deloria’s ideas is cause for some dismay, but that they have been proposed and retain all their potency to improve the human condition is exhilarating.
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<tr>
<th>Date</th>
<th>Source</th>
<th>Recommendation</th>
<th>Response</th>
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<tbody>
<tr>
<td>1965</td>
<td>Senate subcommittee</td>
<td>Train trial judges to understand judicial procedure</td>
<td>National American Indian Court Judges Association, Indian Tribal Justice Act, Indian Tribal Justice and Legal Assistance Act</td>
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<tr>
<td>1969</td>
<td><em>Custer Died for Your Sins</em></td>
<td>Congress should enact a policy to recognize tribes’ inherent sovereignty</td>
<td>Land claims were started, but Deloria’s recommendations have not been fully embraced</td>
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<td>Congress should enact legislation to restore land to tribes</td>
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<td>Congress should enact a “blanket law” recognizing the status and rights of bona fide eastern tribes</td>
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<td>Congress should initiate a “general policy of restitution”</td>
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<td>Congress should promote development of human and natural resources on reservations toward self-sufficiency</td>
<td>Indian Self-Determination and Education Assistance Act</td>
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<td>Fundamental changes within the Bureau of Indian Affairs</td>
<td>Some of the recommendations were partially fulfilled</td>
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<td>1970</td>
<td><em>We Talk, You Listen</em></td>
<td>Self-determination and sovereignty of minorities should be respected</td>
<td>While affirmative action was made policy, Deloria’s recommendations extended beyond this</td>
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<td>The government should develop a land-use plan for the entire country</td>
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<td>1971</td>
<td>Of Utmost Good Faith</td>
<td>The government must constrain plenary power</td>
<td>The Sand Creek Massacre was partially addressed by creating a national historic landmark</td>
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<td>The United States must resolve legal and moral liabilities for numerous Indian massacres (Wounded Knee, Sand Creek)</td>
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<td>1972</td>
<td>“The BIA: My Brother’s Keeper”</td>
<td>The United States must address the role of the Secretary of the Interior</td>
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<td>Binding arbitration should be utilized in place of adversarial litigation</td>
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<td>1973</td>
<td>God Is Red</td>
<td>Reconciliation must occur between Indian nations and the United States</td>
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<td>1973</td>
<td>Akwesasne Notes</td>
<td>Create block grant with money spent on studying Indians</td>
<td>Amendments of Indian Self-determination and Education Assistance Act, Indian Self-Governance Act</td>
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<td>1974</td>
<td>Behind the Trail of Broken Treaties</td>
<td>Domestic and international recognition of indigenous nationhood; initiate a new round of treaties</td>
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<td>1974</td>
<td>The Indian Historian</td>
<td>The federal government must clarify policies, streamline programs, and deal honestly with all Indian communities</td>
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<td>1974</td>
<td>The Indian Affair</td>
<td>Treaties require concentrated attention and Congress must address the need for checks and balances in Indian affairs</td>
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<td>1975</td>
<td>Akwesasne Notes</td>
<td>Indian political, legal, and territorial status must be clarified</td>
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<td>1976</td>
<td>“The Twentieth Century”</td>
<td>The federal government should establish a commission to resolve the Black Hills land issue</td>
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<td>1976</td>
<td>“The Western Shoshone”</td>
<td>The Indian Claims Commission should undergo a full investigation</td>
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<td>1977</td>
<td><em>A Better Day for Indians</em></td>
<td>1.) Uniform recognition of Indian communities; 2.) Clarification of tribal membership; 3.) Standard definition of status of Indian tribe; 4.) Creation of “Court of Indian Affairs”; 5.) Arbitration of long-standing claims; 6.) Rejuvenate Indian land base; 7.) Universal eligibility for government aid</td>
<td>Congress has acted only on point number 6, by enacting the Indian Land Consolidation Act</td>
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<tr>
<td>1983</td>
<td><em>American Indians, American Justice</em></td>
<td>The federal government must resolve the structural and ethical dilemma with the Solicitor’s Office and Department of the Interior. He also argues that the Secretary of the Interior maintains far too much power over tribes since the IRA</td>
<td>Congress modified this power in 1968. However, the Secretary of Interior’s power was not limited until the Indian Tribal Economic Development and Contract Encouragement Act</td>
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<td>1983</td>
<td>Conference presentation</td>
<td>The Doctrine of Plenary power must be overturned</td>
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<td>1984</td>
<td><em>The Nations Within</em></td>
<td>Tribes must attain economic stability and there is a critical need to stabilize the political relationships between the federal, state, and tribal governments</td>
<td>The move toward arbitration and mediation is starting to gain momentum</td>
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<td>Indian land ownership must be fully recognized, the treaty process must be respected and restarted, and there needs to be more attention on arbitration and mediation</td>
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<td>1984</td>
<td><em>The Aggressions of Civilization: Federal Indian Policy Since the 1880s</em></td>
<td>The Indian Delegation Act of 1946 substantially diluted the trust responsibility of the Department of the Interior</td>
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<td>1987</td>
<td>Congressional testimony</td>
<td>Congress should 1.) make a statement that national legislation is inapplicable to tribes unless they are explicitly included in the legislation, 2.) declare that Native people must give their consent before any program is instituted in Indian Country; 3.) express that treaties establish a unique legal and moral relationship between tribal nations and the United States; 4.) hold hearings on the Indian Claims Commission and problems arising from the American Indian Religious Freedom Act</td>
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<td>1992</td>
<td>Testimony</td>
<td>There is a need for a permanent National Indian Policy Research Institute. Research should focus on legal doctrines and treaty rights as well as looking toward the future and performing research that is actionary, not just reactionary</td>
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<td>1999</td>
<td><em>Tribes, Treaties, and Constitutional Tribulations</em></td>
<td>Diplomatic accords, also known as treaties, should be restarted</td>
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<td>2000</td>
<td>Interview</td>
<td>Tribes, Congress, and the courts should work to rectify the denial of aboriginal understanding of history</td>
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<td>2001</td>
<td>&quot;Vine Deloria&quot;</td>
<td>First Nations, in an effort to enhance their political relationship to the United States, need to create a comprehensive plan that details the economic, cultural, and political effects of various disastrous federal policies on their nations</td>
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<td>1965</td>
<td>Senate committee testimony</td>
<td>American Indians should contribute their knowledge at nearly every point (political, economic, social, and so on) toward cultural interaction and social concern</td>
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<tr>
<td>1969</td>
<td>Custer Died for Your Sins</td>
<td>1.) Indian youth should seek out and establish relations with reservation-based traditional people; 2.) Tribal governments should adopt policies to clarify and structure what social scientists would be allowed to research; 3.) Researchers should be required to generate funds for the tribal budget that match their own funds being spent on the study</td>
<td>Some tribal nations have implemented research policies for social scientists as well as some American Indian studies programs that have links to reservations</td>
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<td>American Indians should develop a common law that is comparable to English common law, based in indigenous values. Tribal governments should serve to mediate between tribal nations and the federal government, while indigenous clans and customs should be utilized to operate internal affairs</td>
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<td>Reservation and urban program administrators should develop links to better meet the needs of both areas as the result of migration to and from urban areas. Deloria predicted a time of “recolonization” of reservation areas as many native peoples return to or reclaim their rightful homelands</td>
<td>This has been occurring sporadically since the 1960s</td>
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<td>Date</td>
<td>Source</td>
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<tr>
<td>1971</td>
<td>Umost Good Faith</td>
<td>American Indians should craft a broad philosophy of Indian affairs as well as arrive at an understanding of tribalism</td>
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<tr>
<td>1972</td>
<td>The Indian Historian</td>
<td>There should be a comprehensive convention that would bring all national Indian organizations together to define what a national organization is, who it represents, etc. Bring together AIM, NCAI, NIYC, and NTCA to create multilateral positions for each within an umbrella organization</td>
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<td></td>
<td></td>
<td>Concentrate Indian Education programs and students into fewer locations with more support instead of spreading resources too thin across many colleges and universities</td>
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<tr>
<td>1973</td>
<td>“The Indian World Today”</td>
<td>Indians must be more judicious in how they work with mass media to avoid exploitation and reinforcement of negative stereotypes. Academic conferences should be consolidated, and Indian tribes should hire full-time lobbyists and have them in every state capitol to improve tribal-state relations</td>
<td>Several tribal nations now employ full-time lobbyists at the national level and several have lobbyists in the state capitol as well</td>
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<tr>
<td>1974</td>
<td>“The Next Three Years”</td>
<td>Indians need to force the federal government to reconsider laws, rules, and regulations that have long oppressed Native peoples</td>
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<tr>
<td>1974</td>
<td>“Religion and Revolution among American Indians”</td>
<td>Tribal religion must create new forms and ceremonies to confront new situations</td>
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<tr>
<td>1974</td>
<td>“Religion and Revolution among American Indians”</td>
<td>The “tribe” should become identified at its core as a “religious community”</td>
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<tr>
<td>1974</td>
<td>“Religion and Revolution among American Indians”</td>
<td>The three central areas that will impact the future of First Nations are higher education, Indian culture, and Indian control of educational institutions. Education should address both tribal histories and epistemologies as well as prepare people for the larger world. There should be one-year breaks between educational advancements to allow for cultural and spiritual growth</td>
<td>Tribally controlled colleges are making significant improvement in educational attainment for Indian students</td>
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<tr>
<td>1980</td>
<td>Testimony</td>
<td>Control of Indian Education must be returned to local communities and focus on the content and substance of Indian traditions</td>
<td>Indian charter and survival schools are prominent in reservation and urban communities</td>
</tr>
<tr>
<td>1982</td>
<td>American Indians: Landmarks on the Trail Head</td>
<td>Tribal leadership should maintain and be evaluated by cultural needs and standards that utilize traditional mechanisms</td>
<td></td>
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<tr>
<td>1982</td>
<td>American Indians: Landmarks on the Trail Head</td>
<td>There is a need for a national study of Indian voting patterns</td>
<td></td>
</tr>
<tr>
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<td>Recommendation</td>
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<tr>
<td>1983</td>
<td><em>American Indians, American Justice</em></td>
<td>Tribal judiciaries and jurists should be careful about the wholesale adoption or mimicking of state or federal procedures or mechanisms</td>
<td>Navajo Peacemaker Courts rely upon traditional leadership and nonadversarial proceedings</td>
</tr>
<tr>
<td>1984</td>
<td><em>The Nations Within</em></td>
<td>First Nations must structurally reform their governing institutions, Indians must reconcile their cultural identity in contemporary America, tribes must become more economically stable and encourage more amicable relations between tribal governments and the state and federal government</td>
<td>A number of tribes are engaged in constitutional reform. Gaming revenues are helping some tribes consolidate lands, enrich cultural identity, and improve relations with local, state, and federal governments</td>
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<tr>
<td>1985</td>
<td>“Out of Chaos”</td>
<td>Indians must develop a new interpretation of their religious traditions with a universal application</td>
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<tr>
<td>1991</td>
<td><em>Indian Education in America</em></td>
<td>Indian students must gain an understanding of their own tribal knowledge base and Indian academics should work with their communities to create scenarios to resolve issues. Every Indian youth should also be taught about genealogy and family tradition</td>
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<tr>
<td>1995</td>
<td>“Rethinking Tribal Sovereignty”</td>
<td>Tribes can only claim they exercise internal sovereignty if they revive and reinstitute social traditions to deal with contemporary problems</td>
<td></td>
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<tr>
<td>2001</td>
<td><em>We, the People</em></td>
<td>Tribes must establish research institutions to meet their needs. Indians must exercise sovereignty and should revive kinship patterns for governing the community</td>
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