THE AMERICAN INDIAN DECLARATION OF INDEPENDENCE: CLASSICAL LIBERAL RHETORIC IN ROBERT YELLOWTAIL'S SPEECH BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS IN 1919

By

Christine Myers

A thesis in partial fulfillment of the requirements for the
John F. Reed Honors Program
Fort Lewis College

April 2014

Thesis Supervisors: Dr. Nichlas Emmons
Dr. Sara Roberts-Cady
Dr. Erik Juergensmeyer

The despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement. The spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvements on an unwilling people; and the spirit of liberty, in so far as it resists such attempts, may ally itself locally and temporarily with the opponents of improvement; but the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centres of improvement as there are individuals. The progressive principle, however, in either shape, whether as the love of liberty or of improvement, is antagonistic to the sway of Custom, involving at least emancipation from that yoke; and the contest between the two constitutes the chief interest of the history of mankind. …Justice and right mean conformity to custom; the argument of custom no one, unless some tyrant intoxicated with power, thinks of resisting. And we see the result. Those nations must once have had originality; they did not start out of the ground populous, lettered, and versed in many of the arts of life; they made themselves all this, and were then the greatest and most powerful nations in the world.

-- John Stuart Mill, *On Liberty* (Chapter III, 1859), p. 124-125.

John F. Reed Honors Program
Fort Lewis College
Durango, CO

CERTIFICATE OF APPROVAL

HONORS THESIS

This is to certify that the Honors Thesis of

Christine S. Myers

Has been approved by the Honors Council for the thesis requirement for the John F. Reed Honors Program at the May 2014 graduation.

Signatures:

_____
Dr. Nichlas Emmons, Thesis Supervisor, Indigenous Studies

_____
Dr. Sara Roberts-Cady, Thesis Supervisor, Political Philosophy

_____
Dr. Erik Juergensmeyer, Thesis Supervisor, Rhetoric

_____
Dr. Kathy Hartney, Honors Program Coordinator

Acknowledgements

It is an honor and privilege to express my sincere gratitude first of all to my Thesis Supervisors, the Fort Lewis College staff, my John F. Reed Honors Program peers, as well as my supportive family, friends, and other community members.

I would like to thank my Honors Thesis Supervisors Dr. Nichlas Emmons, Dr. Sarah Roberts-Cady, and Dr. Erik Juergensmeyer for being such a brilliant team of academics for this project. To my esteemed mentor Dr. Emmons− I want to thank you for inspiring me to follow my passion for research in the quest to illuminate the shadowy realms of American Indian policy. Your facilitation and on-going inspiration have guided my intellectual discoveries, assisting me in piecing together the bigger picture. I am immensely grateful to Dr. Sarah Roberts-Cady for agreeing to read my paper for political philosophy quite late in the thesis process. You led me into a subject I had absolutely no notion of to start with. What I have learned with your guidance in this process has forged a positive change in my own worldview and critical thinking capacities. I want to thank you Dr. Juergensmeyer for always having faith in me, your great sense of humor, and that seemingly inexhaustible patience you seem to have. If you have transmitted even an iota of your amazing knowledge of rhetorical criticism to me, I can hope to be at least half as talented as you in your art and work towards using language as a tool for world peace.

Special thanks goes out to Dr. James Joseph Buss for your help in finding a speech artifact to analyze, for being so generous with your time discussing my project with me, and for your recommendations for useful sources on the "Peace Policy" era after the Civil War. Thanks to Kathy Hartney for all your hard work in making the John F. Reed Honors Program a success.

Your feedback on this paper has been so helpful and I hope that the program continues to blossom under your leadership in the years to come.

I want to thank the all Fort Lewis College Staff who helped make this thesis possible with their generous support. More specifically I would like to thank: Jennifer Guy, Administrative Assistant for Honors Program; Yvonne Bilinski, Native American Center Director; Lisa Cate, Administrative Assistant for the Native American Center; and Jim Engle, Native American Student Enrichment Advisor. Each of you have directly assisted me somehow in this process and I am truly grateful.

Thank you to all my Honors Program peers for their time and energy both in and out classes: Allen Jircik, Thomas James Kaisch Trump, Leah Payne, Leah Hale, Jacob Rodgers, Kelly Avant; Rita Austin, and Meghan Dina. Thanks for accepting the intellectual challenge of participating in this Program. It has been an amazing experience to be on this journey with you and I wish all of you the best of luck in the future.

Jeff Benally, the best roommate I have ever had, thank you for everything. I have not met too many people who could handle my quirkiness. You are absolutely brilliant and I could not have made it through the last year and half without your support and friendship. To my ‘sister’ Dawn Hamilton, thank you so much for all your support, rides to and from campus late at night, and for just being the kindest, most generous and humble soul I have met.

Last but not least I want to thank my family. Many of my family members have supported me through this process but most of all my mom Rhonda Myers and my dad Claude Myers. There are so many things you both have done for me through-out this process I cannot hope to name them all. Thank you.

Table of Contents

Abstract

In 1919, as the Crow (*Apsáalooke*) Nation was being forced by the federal government to allot the "surplus" lands on their reservation, tribal member Robert Yellowtail spoke before the United States Senate Committee on Indian Affairs in a speech entitled, "In Defense of The Rights of The Crow Indians and The Indians Generally." To establish the context of the speech, a brief history of the *Apsáalooke* Indian nation and tribal member Robert Yellowtail will be given within the framework of United States Indian policy relevant to assimilation and allotment at the time. Classical liberalism, its political philosophy of property and government, illuminates Yellowtail's arguments through a generative rhetorical analysis. The implications of the analysis are discussed as a case study of liberal political philosophy utilized to make the case for the rights of American Indians to self-determination in a direct challenge to the dominant United States Indian policy paradigm at the time. Contrary to American founding principles, American Indians had been subjected to the same paternalizing policy strategies underlying the July 4th, 1776 rebellion of the American colonies against the British crown. Yellowtail skillfully brought these inconsistencies to light, challenging the paternal paradigm by using the key terms and concepts of classical liberal political philosophy as used by the American Founding Fathers.

Introduction

In 1919, American Indians were in the midst of undergoing a paternilizing United States Indian policy paradigm which had set a trajectory towards extinguishing their semi-sovereign identities as separate nations within the matrix of United States government affairs. Under these policies, Indian people were to assimilate and become civilized, entering into the social, political, and economic melting pot model of mainstream American society. Crow (*Apsáalooke*) citizen Robert Yellowtail's speech before the Senate Indian Affairs Committee challenged this paradigm in defense of the rights of American Indian people to self-determination and intellectual liberty.

There are a number of terms which require clarification up front. Robert Yellowtail was a member of what is most widely known in history books and United States legal documents as the Crow Tribe of Montana. In this paper, I made the rhetorical choice to use their traditional name for themselves, the *Apsáalooke*. This is true except where I use some direct quote or a reference to the Crow Agency as an office of the Department of the Interior, the Crow Act of 1920, or direct quotes from other sources are used specifically.

In this research, the terms Indian and American Indian will be used when discussing the issues presented. I have made the rhetorical choice to retain the use of these terms for the analysis given the age of the speech artifact analyzed; the use of Indian and American Indian as legal terms; and the specific construction which Robert Yellowtail uses to assert Indian rights.

Should American Indians be referred to as tribes or as nations? The term tribe is considered to be a derogatory one which delegitimizes the social organizations underlying traditional governments and has a diminishing rhetorical effect on the inherent sovereignty of Indian peoples. For this reason, I refer to American Indians in this research as nations, communities, groups, and peoples unless the term tribe has been pulled from a direct quote.

This research is interdisciplinary and weaves together three threads; ethnohistory, political philosophy, and generative rhetorical analysis. The intent was to examine a Progressive Era American Indian leader's concepts of their property rights in relationship to the overriding United States Indian policies. Once the Robert Yellowtail speech artifact was located, a preliminary rhetorical analysis revealed key terms from classical liberal political philosophy were used with a rhetorical structure and phraseology borrowed from the American Declaration of Independence. From these findings, a review of literature was conducted to better clarify the context of the speech.

The unconventional choice was made to format the literature review in a narrative format. Narrative organization is more akin to indigenous methodologies, as it vivifies the speech artifact's historical context. In the field of ethnohistory, relevant background on Robert Yellowtail and the *Apsáalooke* people unfolded from mostly an anthropological perspective and the history of United States Indian policy was collated to that. Determining the political philosophical background required reading primary documents including John Locke's *Two Treatises on Civil* Government, *The Declaration of Independence*, John Stuart Mill's *On Liberty*, *The United States Constitution* and *The Bill of Rights*, and three prominent speeches given by President Woodrow Wilson during World War I. Deeper rhetorical analysis was conducted after these materials were reviewed to create a possible explanation for the findings and show how Robert Yellowtail's rhetorical vision challenged the predominant political philosophy behind Indian policy at the time.

Narrative Context of the Speech Artifact

Ethnohistorical Circumstances

Apsáalooke Statesman Robert Yellowtail

Robert "Summer" Yellowtail was born into the *Apsáalooke* Nation around 1889, just after the people had been forced onto the reservation.[1] His family had set up a "traditional camp" near the Little Bighorn River.[2] Yellowtail's was born at home in the traditional way surrounded by his many Whistling Water clan relatives, his mother Elizabeth (Lizzie) Frazee Chienne's clan.[3] His mother was the granddaughter of a French-Canadian trader who had settled among the *Apsáalooke* in the mid-1800s.[4] Robert's father's name was Yellowtail a member of the Big Lodge. His father's clan family also attended the birth.[5] His father had been too young to attain status through war honors against their old enemies the Sioux; but it was said that he actively farmed, sang, was an "expert rifleman," and participated in the traditional *Apsáalooke* Tobacco Society.[6]

Throughout his life, Robert Yellowtail "celebrated his ties to clan and kin."[7] An abundance of kin and extended family ties made Robert Yellowtail a wealthy man by *Apsáalooke* standards.[8] In the *Apsáalooke* kinship system, kin plays a prominent role in the success of relatives; as "allies and supporters" who would in Yellowtail's case volunteer to "stump for him in elections", defend him against "his enemies" and participate in his political

[1] Hoxie, Fredrick E, and Tim Bernardis. "Robert Yellowtail." In *The New Warriors: Native American Leaders since 1900*, by David R. Edmunds, 55-77. Lincoln: University of Nebraska Press, 2001; 55.
[2] Ibid., 55.
[3] Ibid., 55.
[4] Ibid., 55.
[5] Ibid., 55.
[6] Ibid., 57.
[7] Ibid., 57.
[8] Ibid., 57.

campaigns.[9] Robert would receive three different traditional names over the course of his life; *Biawakshish* (Summer), *Shoopáaheeh* (Four War Deeds), and *Axichish* (The Wet) after a clan ancestor.[10]

The *Apsáalooke* once led a semi-nomadic existence centered on the buffalo hunt which they refer to as the "buffalo days."[11] It is believed that they transitioned away from the maize, beans, and squash horticulture they practiced to the plains buffalo culture around 1735 when the horse was introduced to them.[12] By means of reservation treaties, the United States government forced families to settle near the Crow Agency so agents could track them and monitor their progress towards "civilization." [13] The people were subjected to inspections where their lodgings were scrutinized; an inventory of their personal "belongings" and how they were dressed was recorded regularly.[14] The agents tested them on their English proficiency, controlling what and how parents could name their children.[15] These efforts were part of a program the government designed to civilize the so-called "last remnants of a dying race."[16]

Robert Yellowtail was fortunate to have a wealth of culture and knowledge from both sides of his heritage, which gave him ability to navigate both worlds. A Catholic Jesuit priest baptized him after his birth but he was later re-baptized by a protestant missionary.[17] Over the course of his lifetime Robert attended "all six Christian churches" in Lodge Grass but "eventually identified with the Baptist congregation."[18] Robert remained active in traditional

[9] Hoxie, "Robert Yellowtail," 57.
[10] Ibid., 58.
[11] Ibid., 59.
[12] Ibid. 12.
[13] Ibid., 55.
[14] Ibid., 57.
[15] Ibid., 57.
[16] Ibid., 56.
[17] Ibid., 58.
[18] Ibid., 58.

Apsáalooke religious societies even though he also attended Christian churches, "consulted traditional healers", and "supported the revival of the Sun Dance" in his leadership roles.[19] While he was very much in touch with traditional ways he was also capable of maneuvering well in the white world since he was among the first generation of *Apsáalooke* children educated at the white schools.[20]

When he was only four years old, Robert Yellowtail was taken away from his parents by an *Apsáalooke* tribal police officer to attend boarding school.[21] Even though he missed his home and family, he also recalled that he enjoyed learning.[22] He first attended the on-reservation boarding school then transferred to the Sherman Institute in Riverside, California where he graduated from its high school program in 1907.[23] Yellowtail's chief interest was the study of American history and law. After graduating from Sherman he stayed in California working as a clerk for a "local justice of the peace" and completed correspondence courses in law from the University of Chicago.[24] All his hard work in school prepared him for the transformed warriorship tradition he would engage in when he returned home. Yellowtail was drawn into politics immediately when he returned in 1910. The astute "bicultural skills" he had developed would serve him well.[25]

Yellowtail applied the skills he learned in school to persistent issues his people faced. Under Yellowtail's leadership, tribal members learned "to apply" the traditional "warriors' tactics to this new bloodless fight" over their lands.[26] He used his developed faculties

[19] Hoxie, "Robert Yellowtail," 58.
[20] Ibid., 57.
[21] Ibid., 58.
[22] Ibid., 58.
[23] Ibid., 58.
[24] Poten, Constance J. "Robert Yellowtail, the New Warrior." *Montana: The Magazine of Western History* (Montana Historical Society) 39, no. 3 (Summer, 1989); 37.
[25] Hoxie, "Robert Yellowtail," 57.
[26] Ibid., 59.

synergistically with the traditional *Apsáalooke* values and kinship system to attain high political status.[27] His "ambitions for political influence and status" ran parallel to old ways but adapted to changed circumstances.[28]

Yellowtail was a talented orator in both the *Apsáalooke* and English languages. Skilled oratory is a longstanding and valued tradition which gives practitioners status in the community. Community members compared the level of skill he had accomplished in oratory to the speeches made by the old "chiefs of the buffalo days."[29] He used his excellent command of written and oral English to keep the allotment of tribal lands at bay from 1913 to 1919, winning the support of his people.[30] Just like in the buffalo days, chiefs "remained in power as long as they were successful in war and fending off tribal enemies."[31]

Among Yellowtail's life-long goals were to advocate for human rights, self-determination, tribal autonomy, and economic rehabilitation for the *Apsáalooke* people.[32] Adversaries accused Yellowtail of pursuing his own self-interests, being cross, and intimidating people.[33] Most see him as having defended the *Apsáalooke* from "greedy ranchers, designing senators, and indifferent presidents."[34] He attained positions in his lifetime as a tribal councilman, tribal chairman, and later as the agency superintendent under Indian Commissioner John Collier. [35]

[27] Hoxie, "Robert Yellowtail," 59.
[28] Ibid., 59.
[29] Ibid., 59.
[30] Ibid., 59.
[31] Ibid., 59.
[32] Ibid., 59.
[33] Ibid., 58.
[34] Ibid., 58.
[35] Ibid., 57-58.

The *Apsáalooke* Predicament

Apsáalooke Worldview, Governing Structure, and Social Organization

The "Crow Indians" call themselves the *Apsáalooke*, which means people of "the large-beaked bird," most likely a raven or species of magpie, by their relatives the *Hidatsa*.[36] They "have always lived in close association with the land, its animals, its plants, and its seasonal cycles.[37]" In the *Apsáalooke* worldview "all entities and phenomenon are interconnected" a concept expressed in the term they use for their clans, which translates in English as the phrase "as driftwood lodges."[38] In the *Apsáalooke* creation story this concept of interdependence extends to the sentience of the earth itself in the mention of the "medicine stone."[39] The Creator "Old-Man-Coyote" mentions the stone(s) being everywhere "the oldest part of the earth," and able to reproduce themselves as an actual "separate being."[40] To the *Apsáalooke*, "the buffalo, the chokecherry, and the rivers" are as dear to them as their own children.[41] This "kinship" relationship with nature taught the *Apsáalooke* people principles which have been central to their traditional governing structures and decision-making processes since time immemorial.[42]

Women and men had complementary egalitarian roles in traditional *Apsáalooke* social organization. Inheritance was traced only through the matrilineal clan line.[43] Leaders in politics

---

[36] Frey, Rodney. *The World of the Crow Indians.* Norman: University of Oklahoma Press, 1987; 27.
[37] Ibid., 3.
[38] Ibid., 4.
[39] Lowie, Robert H. *Myths and Traditions of the Crow Indians.* Vol. XXV, in *Anthropological Papers*, by American Museum of Natural History. New York: American Museum of Natural History, 1918; 15
[40] Ibid., 15.
[41] Frey, 3.
[42] Ibid., 3. See also McKeon, Richard. "The Development of the Concept of Property in Political Philosophy: A Study of the Background of the Constitution." *Ethics* (University of Chicago Press) 48, no. 3 (Apr. 1938) at 312. McKeon discusses Cicero's influence on the ideologies of political associations of kinship relationships. Cicero asserted that "reason and speech" belong only to mankind, so setting them apart and above the animals. The writings of Cicero also appear to be the first mention of a need for "political bonds" to be "universal" in order to "unite all rational animals in one community."
[43] Lowie, *Myths and Traditions of the Crow Indians*, 25.

and religion, were selected through specific clan descent.[44] Women held the property of the family, conducting much of activity around the home regarding the daily living routine.[45] Men held important roles as hunters, fishers, and warriors. They could only become chiefs after participating in rigorous rights-of-passage which involved counting four types of "meritorious" deeds.[46]

In order to attain the title of "Little" chief, men had to have accumulate at least one deed in each of the following four categories: the capture of an enemy's prize horse; seizing the weapon of an enemy in battle; striking a fallen enemy; and leading a successful war party.[47] Camp or "Great" chiefs had accumulated multiple of these deeds, with at least one in each category, and ascended to their position through the will of their people.[48] Those who had risen to a position of leadership had to rule "by example," not coercion, and would only maintain a position as long as their leadership was effective.[49] When any concern arose regarding the tribal interest, "only chiefs were entitled to debate" the issues.[50]

The United States Indian Policy Paradigm

Americans negotiated treaties after the Revolutionary War with the Indians largely based on natural rights, considered under the philosophy of natural law in the Law of Nations. This meant that Indian rights to the land were recognized and their traditional diplomatic practices, laws, and customs in treaty-making were honored.[51] This early policy follows the framework of

[44] Lowie, *Myths and Traditions of the Crow Indians,* 25.
[45] Hoxie, "Robert Yellowtail," 22.
[46] Lowie, *Myths and Traditions of the Crow Indians,* 228.
[47] Ibid., 230.
[48] Ibid., 228.
[49] Lowie, Robert H. *Social Life of the Crow Indians.* Vol. IX, chap. II in *Anthropological Papers*, by American Museum of Natural History, 179-248. New York: American Museum of Natural History, 1911; 229.
[50] Ibid., 229.
[51] Genetin-Pilawa, C. Joseph. *Crooked Paths to Allotment: The Fight Over Federal Indian Policy after the Civil War*. Chapel Hill: University of North Carolina Press, 2012; 16.

classical liberalism which considers property and liberty as intimately connected, with each person and their distinct community having a right to live their lives as they see fit. [52]

According to the influential liberal political philosopher John Locke, within the state of nature men are free "to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man."[53] There is an inherent state of equality, "where all power and jurisdiction is reciprocal" an absence of "subordination" or "subjection" in the relationship between people(s).[54] The law of nature was "reason" Locke asserted, which obliged humanity that "no one ought to harm another in his life, health, liberty, or possessions" unless it was to establish justice in punishing or preventing crime.[55] Locke included a caveat that this state of equality was present unless "the Lord and master of them all should by any manifest declaration of his will set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty."[56] In this early timeframe, even while these treaties were being negotiated based on liberal political philosophy, this important caveat was to be applied in future negotiations and national policy toward American Indians.

It was this caveat that appears to have been used as an underlying justification in an important series of United States Supreme Court cases which undermined American Indian sovereignty. The 'undoubted right to dominion' caveat Locke includes here is based on the same pretense he scripturally refutes in his argument against patriarchy, for the Divine Right of Kings,

[52] Tsuk, Dalia. "The Neal Deal Origins of American Legal Pluralism." *Florida State University Law Review*, 2001: 189-268.
[53] Locke, John. *Two Treatises on Civil Government.* Edited by Paul Negri, & Tom Crawford. New York: Dover Publications, Inc, 2002; 2.
[54] Ibid., 2.
[55] Ibid., 3.
[56] Ibid., 2.

in his *First Treatise on Civil Government*. After refuting the argument for the Divine Right of Kings, Locke summarizes his assumptions up front in his *Second Treatise* as follows:

1. That Adam had not, either by natural right of fatherhood, or by positive donation from God, any such authority over his children, or dominion over the world, as is pretended:
2. That if he had, his heirs, yet, had no right to it:
3. That if his heirs had, there being no law of nature nor positive law of God that determines which is the right heir in all cases that may arise, the right of succession, and consequently of bearing rule, could not have been certainly determined:
4. That if even that had been determined, yet the knowledge of which is the eldest line of Adam's posterity, being so long since utterly lost, that in the races of mankind and families of the world, there remains not to one above another, the least pretence to be the eldest house, and to have the right of inheritance.[57]

The Divine Right of Kings was an important underlying Biblical assumption that those descended from Adam had 'undoubted right of dominion' and absolute sovereignty over heathens and infidels, heathens never having known Christ's teachings and infidels having rejected them.[58] The arguments in favor of the paternalistic Divine Right of Kings, which benefit was considered to have transferred to the United States, underlies the basis for subsequent decisions establishing the early foundation of United States Indian policy. Building upon these foundations there had been what most historians consider to be four distinct United States Indian policy eras by the time when Robert Yellowtail gives his speech: the Early Treaty Era, the Removal and Relocation Era, the Reservation Era, and the Allotment and Assimilation Era.

Under the Early Treaty Era from 1789 and into the 1810s, as mentioned previously, Indian nations were dealt with under the Law of Nations according to natural law. In kinship terms, they were treated with as brothers– not children –entire communities operating under legitimate governments in possession of full inherent sovereignty. Treaties continued to be

[57] Locke, 1.
[58] Ibid., 1.

negotiated up until 1871 with numerous policy shifts transpiring. As time passed the major policy shifts became part of naming the different eras.

During the Removal and Relocation Era from the 1820s to about 1848, three United States Supreme Court cases set the framework upon which United States Indian Policy would be formulated. [59] The first case was the *Johnson v. M'Intosh* decision in 1823, in which the court held the opinion that the American Indians had the legal right of occupancy to their lands, yet that they were restricted in their ability to transfer land title to anyone but the United States under the "Doctrine of Discovery." [60] This doctrine is premised on religious assumptions traceable to the Divine Right of Kings. Under this religious-based doctrine, the Supreme Court held that land title transferred by American Indian chiefs to "private individuals" was invalid because the discovering "European sovereign" or monarch, had exclusive rights to acquire the "soil form the natives," and that this right had transferred to the United States after the American Revolution.[61] Indian title was a mere "right of occupancy" which could be extinguished by acquisition or "conquest."[62]

The underlying assumptions of this court decision can be traced to ideologies found within canonical law, based on custom, which is typically held to be a social institution. Many early colonial American governors were quoted using Biblical precepts, under religious customs, in order to justify "lawfully" taking Indian lands.[63] Custom is not typically considered a strong basis for formulating law but may influence legal proceedings within the basis of underlying social assumptions in public opinion.[64] The concept of custom in law is "an established usage

[59] Canby, Jr., William C. *American Indian Law in a Nutshell.* Phoenix: Thomson Reuters, 2009; 15.
[60] Ibid., 15.
[61] Ibid., 15.
[62] Ibid., 16.
[63] Kades, Erik. "History and Interpretation of the Great Case of Johnson v. M'Intosh." *Faculty Publications of William & Mary Law School*, 2001; 72.
[64] Ibid., 69.

which by long continuance has acquired the force of a law or right, esp. the established usage of a particular locality, trade," or "society."[65] Custom is also a feudal term denoting "service," "tribute, toll, impost, or duty" imposed by a Lord.[66]

The next case came in 1832 where the Supreme Court ruled in *Cherokee Nation v. Georgia* that the *Cherokee* were "domestic dependent nations" not "foreign states" capable of bringing "an original action" in the Supreme Court against the State of Georgia.[67] In paternalistic language, this court ruling also harkens back to custom and directly asserts a claim to title to the lands of the *Cherokee* "independent of their will."[68] In this case, the court ruled that the *Cherokee* were in a wardship status, a father/child relationship of sorts, under the protection of the United States government. This case established the legal trust relationship between the United States government and the Indians generally yet the *Cherokee* and other Indians retained rights to their inherent sovereignty or rights to govern themselves.[69]

In that same year the Supreme Court decided the third major case, *Worcester v. Georgia*. The ruling in that decision was that "several Indian nations" were indeed "distinct political communities" where their territories could be demarcated and they maintained governing authority.[70] This case established the basis for the nation to nation relationship between American Indians and the federal government, because the ruling determined that state laws had no authority within Indian territories.

---

[65] Oxford English Dictionary Online. *custom, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/46306?rskey=B5RYNc&result=1&isAdvanced=false#eid (accessed Feb. 12, 2014).
[66] Ibid.
[67] Canby, 16.
[68] Ibid., 16.
[69] Ibid., 16-17.
[70] Ibid., 18.

To summarize, the three principles established by these cases were: restrictions on transfer of land ownership exclusively to the United States under a religiously based doctrine of discovery; domestic dependent nation status establishing the paternalistic ward-guardian relationship; and consolidating federal jurisdiction over Indian Affairs by excluding state jurisdiction in Indian territories. From this basis, Indian policy transitioned into what is known as the Reservation Era which lasted from 1849 into the 1870s.

In the course of the Reservation Era, issues in Indian Affairs intensified during and after the American Civil War 1861-1865. A "Peace Commission" bearing the "olive branch" visited the warring tribes of the West in 1867.[71] The policy developed to pen treaties with the Indians ceding vast portions of land, "reserving" much smaller portions to themselves to live on, or removing them entirely from the ceded lands to distant reservations.[72] The Indian people were to settle on these lands under the threat of an "iron hand" in "a velvet glove" since the United States military was authorized to suppress any transgressors by force.[73]

It was in the later part of this era that what is known as the "Peace Policy" was implemented.[74] As Secretary of the Interior Columbus Delano stated in 1872, the Indians had "become wards of the nation by the fortunes of conquest and territorial acquisition."[75] Moral "humane treatment" was to be combined with "all needed severity" in order to deter them from "their native habits and practices."[76] The focus of this policy was on civilizing "the Indian on reservations where they could be kept from contact with frontier settlements" to be instructed by Christian organizations in "the arts of agriculture."[77]

---

[71] Prucha, Francis Paul. *American Indian Policy in Crisis.* Norman: University of Oklahoma, 1976, 18.
[72] Canby, 20.
[73] Prucha, 18.
[74] Ibid., 30.
[75] Ibid., 30.
[76] Ibid. 31.
[77] Ibid. 31.

Various Christian denominational church governments had previously established historical relationships between the Indian and federal governments. When several military-related atrocities were loudly reported in the national media, tremendous strength was added to moral arguments for Christian reform efforts.[78] These reformers decided that the Indians should not be treated as separate communities, distinct from "mainstream American life and entitled to special treatment" but instead they were to be "individualized and Americanized" brought to some ideal level of civilization, allotted land in individual ownership, and eventually granted American "citizenship."[79] Their proposals for United States Indian Policy were instituted by "marshaling" support via concerted efforts to influence public opinion through the media.[80]

Under what became known as the "Peace Policy" the administration of Indian Affairs was largely delegated to the ten person "Board of Indian Commissioners" (BIC) and to the "Indian agencies" which were divided up among church governments.[81] The religiously-backed BIC held concurrent control over annuity funds and the disbursement of treaty provisions with the Secretary of the Interior; was authorized to inspect records, supervise agency employees; and advise the President and the Secretary on civil, military, and financial Indian policies.[82] Entire agencies were allocated to the jurisdiction of individual church denominations.

Under the delegated administrative authority of these churches, agents and employees "of high character" were appointed from within their ranks and education and civilization programs were implemented.[83] The desired result of the 'Peace Policy' eventually developed an aim that Indian people would forsake their cultures and prior worldviews by taking up allotments of land

[78] Prucha, 16.
[79] Prucha, *v.*
[80] Ibid., *v.*
[81] Ibid., 33.
[82] Ibid.,, 33.
[83] Ibid.,, 33.

in individual ownership, either farming that land or learning a trade, and becoming integrated into the ranks of American citizenship. At the Congressional level, the allotment policy idea which emerged from the 'Peace Policy' was eventually embodied in federal legislation as the General Allotment Act (GAA) of February 8, 1887.

With the passage of the GAA, the Allotment and Assimilation Era began and lasted from 1887 up to 1934 with the passage of the Indian Reorganization Act. All the policy which had been enacted, combined with the force of popular opinion generated through interests groups, built towards an aim at complete abrogation of Indian treaty rights. The GAA overrode tribal sovereignty forcing assimilation into Euro-American society without the people's consent.

The reservation policies were publically deemed to be a miserable failure and well-connected advocates used the plenary power of Congress to force the full assimilation of many American Indian peoples, attempting to dissolve many of their governments, and redistributing tribal wealth by breaking up their communally held reservation lands. [84] The GAA gave powers to the President and Congress to dispossess the Indian nations of their lands as the manifestation of "individual landholding as a national policy goal" for American Indians.[85] This goal was to allot individual Indians fee-simple title to specific plots of land (typically 160 acres), granting them citizenship, and selling the "surplus" lands off to the American public.[86]

Title in fee-simple, according to the Oxford English Dictionary is "an estate in land," the title to which belongs "to the owner and his heirs forever, without limitation to any particular class of heirs."[87] The person who holds such a title has title "in absolute possession."[88] This was

[84] Hoxie, 61.
[85] Ibid., 61.
[86] Genetin-Pilawa, 86.
[87] Oxford English Dictionary. *fee-simple, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/69002?redirectedFrom=fee-simple#eid (accessed Feb. 12, 2014).
[88] Ibid.

a new form of land ownership to the *Apsáalooke* people and Indians generally, which also complicated heirship issues since many Indian nations traditionally traced inheritance through the mother's line. Fee-simple title, under the GAA, also eventually had the goal of bringing these lands under the jurisdiction and taxation systems of the state in which they were deemed located.

The GAA was not applicable to the Five Civilized Tribes, who held their lands within the Indian Territory. In 1898, The Curtis Act forced the allotment and dissolution of the Five Civilized Tribe's governments, set up the framework for the creation of the Oklahoma Territory, brought all those people residing within its bounds under federal jurisdiction, and moved the new territory toward statehood under one government.[89] This legislation accomplished what amounted to the "utter destruction" of the governments of the Five Civilized Tribes. The Curtis Act set a major precedent in United States Indian policy by openly abrogating Indian treaties. It dissolved Indian governments; abolished tribal courts; instituted a centralized territorial government; and required Indian communities and individuals to submit to allotment regardless consent or consequences.[90]

The next major blow to Indian rights under these polices was the decision in *Lone Wolf v. Hitchcock* where the court ruled that due to the politics behind plenary power, Congress had full rein to abrogate treaties with American Indian governments even when that meant; forcing allotment without consent, dissembling their governing bodies, seizing and redistributing their property as they saw fit.[91] In this case, the Medicine Lodge Treaty of the Kiowa and Comanche had guaranteed a ¾ majority vote of the community members before any further cessions could

[89] Unrau, William E. *Mixed-Bloods and Tribal Dissolution: Charles Curtis and the Quest for Indian Identity.* Lawrence: University Press of Kansas, 1989; 125.
[90] Curtis Act "An Act for the Protection of the People of Indian Territory" June 28, 1898, c.517, 30 Stat. 495; Ind. T. Ann. St. 1899, c. 3a
[91] Unrau, 141. See also: Lone Wolf v. Hitchcock, 187 U.S. 553, 23 S. Ct. 216, 47 L. Ed. 299 (1903), 39, 131

be implemented.[92] The outcome of this test case made it possible for treaties with Indians to be abrogated by a legislative act of Congress "in perfect good faith."[93]

This deconstruction of Indian self-determination help move the assimilation policy agenda of the time forward on May 8, 1906 when the Burke Act passed through Congress amending Section 6 of GAA under the title, "Citizenship to be accorded to allottees and Indians adopting civilized life."[94] This amendment enlarged the powers of the Secretary of the Interior dramatically concerning individual and community rights regarding the management of Indian lands.[95] Under these enlarged powers a number of extremely paternalistic provisions were developed and administered.

Under this amendment to the GAA, the Secretary was empowered to determine the competency of individual Indians which was to be decided by appointed competency committees.[96] Force was authorized to warrant the issuance of fee-patent allotments without an individual's consent, want, or knowledge of the implications of fee-simple patent.[97] After a fee-simple patent was issued, all previous protections that had been available under trust status were removed, and the allotted land was made subject to taxation.[98]

The power to decide legal heirship of deceased Indians was assumed by the Secretary.[99] If the Secretary determined that there were no legitimate heirs according to Euro-American law and custom, then ownership reverted back to the United States and the land could be sold.[100] A grant of citizenship authorized by a determination of fitness by the competency committees, the

[92] Canby, 131.
[93] Canby, 132.
[94] The Burke Act. 34 U.S. Stat. 1906. 1015, 1018. Mar. 14, 2014.
[95] Ibid.
[96] Ibid.
[97] Ibid.
[98] Ibid.
[99] Ibid.
[100] Ibid.

issuance of fee title to an allotment, by other merits including military service, or could be granted if an Indian person voluntary relocated apart from their people.[101]

United States Indian Policy had been deliberately built toward the goals allotment and assimilation for more than fifty years. By the time of Robert Yellowtail's speech in 1919 it had been nigh over thirty-two years since the General Allotment Act had been enacted and since then a considerable number of laws had implemented the policies with varying degrees of success. The Crow Act, under consideration in the Senate Committee on Indian Affairs at the time of this speech, was yet another allotment bill in this long line of allotment and assimilation legislation.

Apsáalooke Treaties & United States Indian Policy

As Indian Commissioner George Manypenny summarized in his 1856 Commissioner's Report, the core of United States Indian Policy was to first make treaties of peace and friendship; second, treaties of acquisition with a view to colonizing the Indians on reservations; and third, treaties of acquisition that included provisions for allotment, then or in the future, with an eye for working towards "detribalizing" the Indians.[102] By the time of the 1868 reservation treaty with the *Apsáalookes*, this pattern was already well established. In Manypenny's example, the Choctaw and the Chickasaw Indian nations had been the experiment for these policies and were supposedly anxious to become citizens of the United States.[103] In his words, the civilization campaign policy of "colonizing" the Indians would make them "acceptable and useful citizens."[104]

[101] The Burke Act. 34 U.S. Stat. 1906. 1015, 1018. Mar. 14, 2014.
[102] Genetin-Pilawa, 20.
[103] Manypenny, George W. "Report of the Commissioner of Indian Affairs." *34th Congress, Senate Executive Documents.* Vol. 2. Washington, D.C.: GPO, Nov. 22, 1856; 565.
[104] Ibid., 565.

Five treaties and agreements were legally executed between the United States and the *Apsáalooke* Indians: August 4, 1825; September 17, 1851; May 7, 1868; April 11, 1882; March 3, 1891; and the last one on April 27, 1904. Following the pattern described by Manypenny, the first set of treaties with the Indians might adhere to the Law of Nations, respecting their inherent sovereignty, as witnessed in the 1825 treaty of peace between the *Apsáalooke* and the United States. The 1851 treaty, also a treaty of peace, set the boundaries of the *Apsáalooke* territory in a legal document. In line with the policy design Manypenny mentions, by the 1868 treaty *Apsáalooke* land holdings were reduced to just 8 million acres within the geographic area that would later become the State of Montana. In this same treaty the *Apsáalooke* agreed to make this reservation of land their permanent home under the caveat that "no portion therein described" would "be ceded without first obtaining" their "consent."[105] This was also the first treaty to include provisions for the future individual allotment of *Apsáalooke* lands. The 1882 treaty allotted the lands and opened the reservation to cattle grazing leases. Another allotment of land was authorized in the 1891 treaty.[106]

Under the provisions of the 1868 treaty the *Apsáalooke* were relocated to their reservation in 1884.[107] The people settled in much the same traditional way they were accustomed to do by making their homes along the river bottoms near family and kin, keeping cows and horses, growing hay, and participating in "subsistence" gardening.[108] Under the treaties signed by their leaders, they had agreed that after ceding vast portions of their lands, this reservation would be their "last estate" and "permanent home."[109] The agents and politicians

[105] Committee on Indian Affairs. *Crow Tribe of Indians of Montana.* S. Rep. 219, Washington, D.C.: U.S. Congress Senate, 1919; 7.
[106] Ibid., 7.
[107] Hoxie, 59.
[108] Ibid., 59.
[109] Committee on Indian Affairs. *Crow Tribe of Indians of Montana.* S. Rep. 219, 7.

were not satisfied with the progress made by the *Apsáalooke* people. As they saw it, despite the intent and belief of the *Apsáalooke* leaders signing the treaties, the government's desired policy outcome was to break apart tribal relationships and individuate the *Apsáalooke* people.[110] Given the *Apsáalooke* worldview, this is tantamount to making each person an orphan.[111] In *Apsáalooke* society, being called *akirī'hawe*, an "orphan" is a serious insult because kinship is so important.[112] Life without kin would be meaningless.[113]

Even though the shift was being successfully made to a sedentary life of farmers and ranchers, the government policy intended them not to continue thinking of themselves as *Apsáalookes*.[114] The majority of the *Apsáalooke* lands were still held in common for grazing and other uses, despite provisions in the treaties for individual allotments to be issued. Given the government's stated policy objectives, the *Apsáalooke* would need to become individual land owners living on their own allotments.

Allotment furthered the government's agenda towards 'civilizing' the *Apsáalooke* people but after the first allotments began in 1882 the 'surplus' lands were politically guarded by the *Apsáalooke* leaders and the majority of these lands were withheld from alienation.[115] In the meantime, various interests at the local, state, and federal level began urging the forced allotment of the 'surplus' *Apsáalooke* lands while Robert Yellowtail was yet attending high school.[116] The *Apsáalooke*, like many other Indian nations, had already undergone allotment proceedings under

[110] Hoxie, 59.
[111] Lowie, *Social Life of the Crow Indians*, 245.
[112] Lowie, *Social Life of the Crow Indians*, 229.
[113] Ibid., 245.
[114] Hoxie, 60.
[115] Ibid., 61.
[116] Ibid., 61.

their treaty provisions before the GAA was enacted to effectuate the broader program of allotting Indian lands, opening up reservations to American homesteading and settlement.[117]

Interests Press for Allotment

After a long-drawn-out resistance to persistent allotment pressures, *Apsáalooke* tribal leaders eventually acquiesced and ceded two sparsely populated areas of their reservation to appease persistent farming and ranching interests.[118] They hoped by doing this the outsiders would permanently back off.[119] While Yellowtail attended school in California, the United States government surveyed, allotted, and was poised to dispose of other surplus lands that the tribal leaders maintained were needed for future tribal member "allotments and communal grazing pastures."[120]

Elder tribal leaders kept up the resistance as the fight shifted arenas with Montana Congressmen actively building public support for the allotment through 1909 and 1910.[121] The allotment crisis forced changes in the way that traditional *Apsáalooke* leadership functioned. Typically, leadership roles were held by *Apsáalooke* elders but the skills needed to defend the community had changed under the circumstances. Leadership roles shifted from the elder "chiefs and headmen" to a younger generation of educated youth like Robert Yellowtail.[122] The emerging young leaders developed a new genre of "reservation politicians."[123]

After relocation in 1884, Chief Plenty Coups had ascended to a leadership position and had thus far been successful in warding off the seizure of the "surplus" lands by the contrivances

[117] Hoxie, 61.
[118] Ibid., 61.
[119] Ibid., 61.
[120] Ibid., 61.
[121] Ibid., 62.
[122] Ibid., 62.
[123] Ibid., 62.

of the Indian Office and the Montana politicians.[124] Plenty Coups needed a trustworthy, educated person with an excellent command of both *Apsáalooke* and English to assist him.[125]

The battle was waged on many fronts at once, with special interests filing bills at the state level, pushing for Congressional action at the federal level, and asserting influence over public opinion by controlling the media.[126] Fledgling *Apsáalookes* like Robert Yellowtail learned to develop relationships with reform groups who knew how to access the media on the national stage.[127] It was under these auspices in 1912 that Robert Yellowtail was appointed to the *Apsáalooke* business committee as a district representative for negotiating the leases for grazing with the powerful grazing interests in order to afford the community "an ongoing and credible voice in the continuing land dispute."[128]

It is important to note that in the *Apsáalooke* tradition, speech is not just a matter of semantics but communication is endowed with sacred qualities and has the power to manifest "phenomena."[129] Those endowed with quality language abilities were afforded a high status. In 1915 the *Hardin Herald* published an early speech Yellowtail gave at a summit between the ranchers and the *Apsáalooke* Indians.[130] This summit had been called to discuss opening the reservation to homesteading.[131] Robert's speech "mustered legal and moral arguments" that appear to have made the *Apsáalooke* adversaries sit up and take notice.[132] From that day forward whenever the possibility of Congressional action to disinherit the *Apsáalooke* of their lands arose, a delegation would be dispatched to D.C. to represent the community's interests in the

[124] Hoxie., "Robert Yellowtail," 62.
[125] Ibid., 62.
[126] Ibid., 62.
[127] Ibid., 62.
[128] Ibid., 62.
[129] Frey, 27.
[130] Hoxie, "Robert Yellowtail," 62.
[131] Ibid., 62.
[132] Ibid., 62.

matter.[133] Robert Yellowtail had won status by his deeds and was an important member of these delegations.[134]

Yellowtail adapted the traditional *Apsáalooke* war strategy, in a more colonial context, of utilizing "outside allies to defeat powerful enemies" to address the threats to their landholdings.[135] These strategies delayed the alienation of the lands while Yellowtail built alliances with progressive politicians and Washington D.C. attorneys.[136] In formulating his speeches, he worked hard to present his people's "case in the most political appealing language."[137] By 1917, the Senate invited the *Apsáalooke* to draft their own allotment bill.[138]

The pressures from local Montana ranchers and farmers would not subside.[139] In September 1919, at the same time the *Apsáalooke* allotment bill was moving through committee, Congress chartered the American Legion, incorporated based on ancient European military tradition.[140] This organization combined their rhetorical appeals for military homesteads with the war-time demand for grain and beef, thus compelling the *Apsáalooke* to a forced compromise based on the long-standing custom of providing land for soldiers.[141]

Chief Plenty Coups continued to oppose the allotment bill while others saw that the situation might be their last chance to at least have a say in how it was going to happen, given the unrelenting threats.[142] Yellowtail and his allies wanted to allot the entire reservation among the

---

[133] Hoxie, "Robert Yellowtail," 62..
[134] Ibid., 63.
[135] Ibid., 63.
[136] Hoxie, "Robert Yellowtail," 63.
[137] Ibid., 63.
[138] Ibid., 63.
[139] Ibid., 63. And United States Senate, Committee on Indian Affairs. *Allotments to the Crow Indians.* Senate, Washington, D.C.: GPO, 1919. The American Legion was chartered by Congress on September 16, 1919.
[140] The American Legion. *History.* Jan 01, 2014. http://www.legion.org/history (accessed Feb 19, 2014).
[141] Ibid., 63. And see also United States Senate, Committee on Indian Affairs. *Allotments to the Crow Indians.* Senate, Washington, D.C.: GPO, 1919.
[142] Ibid., 63.

tribal members which would prevent opening the land to settlement immediately by putting in place severe restrictions on how much land could be sold, leased, or rented to outsiders.[143] Any tribal members who had fee-simple title to their land would be allowed to sell under these restricted conditions.[144] But Plenty Coups did not want the allotment to proceed what-so-ever and held out on that stance.[145] The Senate flatly rejected the *Apsáalooke* proposal for a bill allotting the entire reservation exclusively to tribal members.[146] Eventually, Plenty Coups acquiesced to and endorsed the final allotment bill proposal.[147]

Prior to the bill's passing into law, at the September 9, 1919 meeting of the Senate Subcommittee on Indian Affairs discussing the *Apsáalooke* allotment bill, Robert Yellowtail headed the delegation giving a speech entitled, "In Defense of the Rights of the Crow Indians and the Indians Generally." Yellowtail's speech seized an opportune moment. He employed the phraseology of classical liberalism promulgated by John Locke and John Stuart Mill and utilizing the format of the Declaration of Independence to make his case, he punctuated his arguments with the human rights ideologies of President Woodrow Wilson to assert the rights of the *Apsáalooke* people, as well as all American Indian communities, by asserting Indian rights to self-determination.[148]

The Audience for the Speech Artifact

Robert Yellowtail's speech addressed Mr. Chairman, the Committee, and the world. Perhaps it is merely a formality, but the phrase "Mr. Chairman" occurs in the speech more than any other term, with a count of 29 instances. Targeting the Chairman of Senate Committee on

[143] Hoxie, "Robert Yellowtail," 64.
[144] Ibid., 64.
[145] Ibid., 64.
[146] Hoxie, "Robert Yellowtail," 64.
[147] Ibid., 64.
[148]Ibid., 64.

Indian Affairs in this speech is significant. Yellowtail is addressing Senator Charles Curtis; a conservative, Methodist, Republican politician who was also a mixed-blood Kansa/Osage Indian notably descended of Kansa Chief White Plume and Osage Chief Pawhuska. He was an attorney and Congressman and he would eventually serve under President Herbert Hoover as the Vice-President of the United States.[149]

As a mixed-blood American Indian politician, Curtis "emerged as one of the most influential Indian policy brokers of his time."[150] In this position he championed pro-assimilation policies that seem to have followed closely President Thomas Jefferson's policy platform, later restated by Secretary of War Crawford in his 1816 memorandum to Congress, that white/Indian intermarriage would encourage assimilation and open up the opportunities for them to enjoy the "civil liberty and social happiness" that Americans were promised.[151]

Via his Indian identity he became known an "authority of *all* Indian matters" while he scandalously promoted powerful outside business interests access to Indian land leases.[152] Outside of his public duties, Curtis represented energy companies in their dealings with tribal government's natural resources; collecting substantial lawyer fees for representing exploitive corporate interests in oil and gas, coal, and timber extraction on Indian lands.[153] One prominent example of this includes his known connections to the Standard and Sinclair oil companies.[154] At one point, he attached a rider to the Cherokee allotment bill protecting the interests of Standard Oil on the Cherokee's lands.[155]

[149] Unrau, x.
[150] Unrau, x.
[151] Ibid., 2.
[152] Ibid., 119.
[153] Ibid., 286.
[154] Ibid., 119.
[155] Ibid., 119.

The most important piece of legislation championed by Curtis, by far, was instituted while he still held office in the House of Representatives. The Curtis Act of 1898, a.k.a "An Act for the Protection of the People of Indian Territory," forced the Five Civilized Tribes in Indian Territory into an allotment of their lands, abrogating their treaties, and redistributing their property.[156] Significant provisions in this law transferred authority to the Department of the Interior to have the final say in issues of awarding mineral leases on tribal lands.[157] Even though the Five Civilized Tribes had previously held fee-simple title to their lands, ownership of their mineral rights, and had legitimately contracted their own mineral leases, the enactment of this law nullified these leases at time when Curtis was actively being paid to facilitate mineral and resource leases for private industry, outside his duties of office.[158]

In another testament to the character of the Chairman well-known prior to this speech, Senator Curtis had taken a major role in the dissolution of the Kansa (Kaw) Indian government in 1902, while serving in the House of Representatives. He and his family gained tremendously in both annuity disbursements and land allotments derived the forced allotment of his own people.[159]

---

[156] Unrau, 119.
[157] Ibid., 119.
[158] One example of treaty rights belonging to the Five Civilized Tribes can be found in the 1830 Choctaw Treaty of Dancing Rabbit Creek, Article II which reads: "The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation, a tract of country West of the Mississippi River in **fee simple**, to them and their descendants, to insure to them while they shall exist as a Nation, and live on it…" (Bold emphasis added.); and evidence of Curtis' involvement in the mineral leasing on Indian lands in: Unrau, William E. "Charles Curtis (1860-1936)." In *A Biographical Dictionary of Vice Presidents*, by L. Edward Purcell, 283-288. New York: Checkmark Books, 2001; 286.
[159] Unrau, "Charles Curtis (1860-1936)," 286.

Tradition of Classical Liberalism in Political Philosophy

Classical Liberalism

The basic framework of classical liberalism is —that people are inherently born with certain rights and that those rights limit what government can or should do. [160] Within this tradition it is contested whether property rights arise as a condition of social life or if they exist as a natural right.[161] The concept of social or civil liberty was developed further from this basis to assert that the "final end of the state was to make men free to develop their faculties."[162] Some philosophers have put forth the argument that seen in this light, a person's "opinions and beliefs" would also be a property.[163] While there is general agreement among liberal philosophers that the government should protect people's liberties, broad disagreement exists as to what rights or liberties exist, to what extent they exist, and who or even what possesses these rights.

John Locke

John Locke's *Two Treatises on Civil Government* is widely considered the first major work defending classic liberalism. He asserted that individuals were born with a bundle of natural rights because they were born free and equal. In the original state of nature, mankind possessed "perfect freedom to order their actions and dispose of their possessions and persons as they see fit."[164] According to Locke's thesis, in that original state they also dwelt in a state of equality "wherein all the power and jurisdiction is reciprocal."[165] Humans were "restrained from

[160] Center for the Study of Language and Information. "Liberalism." *The Stanford Encyclopedia of Philosophy.* 2014. http://plato.stanford.edu/entries/liberalism/#PolLib (accessed Feb. 14, 2014); at Classical Liberalism.
[161] Post, David M. "Jeffersonian Revisions of Locke: Property-Rights, and Liberty." *Journal of the History of Ideas* (University of Pennsylvania Press) 47, no. 1 (Jan.- Mar. 1986); 152.
[162] Ibid., 147.
[163] Schultz, David. "The Locke Republican Debate and the Paradox of Property Rights in Early American Jurisprudence." Western New England Law Review (Western New England University School of Law) 13, no. 2 (1991); 159.
[164] Locke, 2.
[165] Ibid., 2.

invading other's rights" for the peace and preservation of mankind.[166] From this position, men being free and equal, Locke believed that governments were formed by communities in society with the primary purpose of protecting their lives, liberties, and properties.[167] The power of the government to govern originated from the people in-so-much that the government legitimately governed only by the "consent" of the governed.[168] American statesmen used the concepts represented in these terms in drafting the Declaration of Independence and the Constitution of the United States government.[169]

Declaration of Independence

According to constitutional historian R. B. Bernstein, The United States Declaration of Independence instituted and codified the tenets of American political philosophy.[170] Colonial Americans had been Royal British subjects without the right of electing officials for direct representation in the Parliament. The British government needed to pay down its war debts and reasoned that taxing the colonies would help to bring in needed revenue for this purpose. At the heart of the matter, the idea of taxation without representation called into question the legitimacy of British authority. As the legislative body, Parliament was authorized to make laws as "the empire's supreme authority," but the colonists argued that this "virtual representation" was arbitrary power--as in actual and potential tyranny.

The colonies eventually united in defense of their civil liberties against the British Stamp Tax.[171] It is generally understood that "the First Continental Congress of 1774" marked the point

[166] Locke, 3.
[167] Ibid., 44.
[168] Ibid., 45.
[169] McKeon, Richard. "The Development of the Concept of Property in Political Philosophy: A Study of the Background of the Constitution." *Ethics* (University of Chicago Press) 48, no. 3 (Apr. 1938); 352.
[170] Bernstien, R.B. *The Constitution of the United States with the Declaration of Independence and the Articles of Confederation.* New York: Fall River Press, 2002; 5.
[171] Ibid., 5.

where the colonies began to develop a unified identity.[172] Two years later the colonist's irreconcilable differences with the Crown incited the drafting and adoption of one of America's most important human rights documents, the Declaration of Independence, at the Second Continental Congress.[173]

The preamble to the Declaration was the most instrumental language in the document, as it makes "its case against the king" based on the "inalienable rights" of "life, liberty, and the pursuit of happiness."[174] These Declaratory principles are exemplified in the development of American government using Lockean political philosophy, upon which the federal and state constitutions were later built.

The Constitution

As a consequence of the American Revolution "moral and political happiness and national prosperity" were said to combine in three main reforms to the previous order which were instituted in The Constitution and The Bill of Rights.[175] First, that on the surface of things men were "free and equal in respect to their rights" with the caveat that civil distinctions could be made for public utility.[176] Second, that the duty of the government to preserve "the natural and imprescriptible" rights of its citizens. [177] The chief rights concerned in this context were "liberty, property, security, and resistance to oppression."[178] Third, that power and sovereignty is vested

[172] Bernstien, R.B, *The Constitution of the United States with the Declaration of Independence and the Articles of Confederation*, 5.
[173] Ibid., 6.
[174] Ibid., 6.
[175] McKeon, 352.
[176] Ibid., 352.
[177] Ibid., 352.
[178] Ibid., 352.

in the nation itself not in an individual or a hereditary line of particular people.[179] Any authority of an individual or group of people must derive from the nation.[180]

Mentions of Indians as distinct groups of peoples, ruling themselves, are included in a number of Constitutional provisions. Article 1 of the Constitution clearly deems Indians pre-existing sovereigns.[181] In Section 2, paragraph 3, the Constitution mentions Indians not taxed where it excludes Indians from the formula for determining representation in Congress because of their extra-constitutional status.[182] Then again in Section 8, paragraph 3, Indian Trade is to be regulated by the Federal government under what is known as the Commerce Clause.[183] One drawback to this situation was that as non-citizens, the Indians were held in their extra-constitutional status and denied the basic civil liberties that most classes of Americans enjoyed.

John Stuart Mill

Civil or social liberties are the main focus of liberal political philosophy. One of the most influential writers in this field was John Stuart Mill. In his book *On Liberty*, Mill defended the liberties of individuals and minority communities from the "tyranny of the majority."[184]

According to Mill, throughout European history humanity engaged in a struggle between "liberty and authority."[185] Much like the relationship between the British Crown, Parliament, and the American colonists; governments typically were seen as being at odds with the interests of the governed.[186] Civil liberties, in theory, restrict the "nature" of and limit the "power which can be legitimately exercised by society" over individuals and minorities.[187] The concept of liberty

[179] McKeon, 352.
[180] Ibid., Thomas Paine quoted at 352.
[181] Genetin-Pilawa, 22.
[182] Ibid., 22.
[183] Ibid., 22.
[184] Mill, John Stuart. *On Liberty.* Edited by Millicent Garrett Fawcett. London: Oxford University Press, 1963; 63.
[185] Ibid., 63.
[186] Ibid.,; 63.
[187] Ibid., 63.

translates as justly restricting the powers of the government in order to protect the rights of the people. Limits on the powers of government were set in two ways.[188] To begin with, specific political liberties and rights were argued to exist which if the government were to breach these rights then a resistance or rebellion would be justified.[189] In addition to this, constitutional checks and balances were established which required actions taken to be in alignment with the consent of the governed or that of the elected officials theoretically representing them.[190] Elected assemblies had a duty to navigate a balance of power in representing the public interests.

The trouble, Mill asserted, is that a way was found around the limitations on power and freedom of the press ensconced in the U.S. Constitution. The theoretical premise of the self-governing system was then undermined by the "tyranny of the majority."[191] Often-times these interests did not constitute the majority at all but merely consisted of the oppressive force of opinions disseminated by an active and vocal few acting to manipulate public opinion through the media. Undue influence on public opinion overrode the limitations on the powers of government. Mill asserted that this methodology was well-known to certain "classes in European society to whose real or supposed interests democracy" was considered at odds.[192] Mill therefore asserted that such tactics to influence the "public authorities" had to be guarded against by upholding the constitution and making certain provisions were there to protect the interests of minorities.[193] Guarding liberty from the "tyranny of the prevailing opinion and feeling" had to be accomplished by means other than positive laws as certain forces in society were acting to constrict the model of human development to one entirely derived from a selective interest not in

[188] Mill, John Stuart. *On Liberty*, 64.
[189] Ibid., 64.
[190] Ibid., 64.
[191] Ibid., 66.
[192] Ibid., 66.
[193] Ibid., 65-66.

"harmony" with human liberty.[194] In 1868 when he wrote *On* Liberty, Mill asserted that freedom of the press was more important than ever and that the press should not become an clandestine arm of the legislative or executive because that would in effect be equivalent to the government prescribing to the people what opinions they should hold or "what doctrines or arguments they should be allowed to hear."[195]

The free development of the human faculties, by formulating opinions and expressing them, is an important aspect to the improvement of humanity. Mill emphasizes that with these developments humanity should also be capable of judging for themselves what is best, putting their opinions and beliefs into practice as pertains to their own concerns.[196] Majority rule creates a terrible dichotomy between the "traditions or customs of other people" and where "the rule of conduct" inhibits "human happiness," stunting both the growth of individuals and communities.[197]

To Mill, people need their rights to self-determination protected because the "worth of different modes of life should be proved practically." [198] What "traditions and customs" have taught other people is their own experience, so ideally individuals should be allowed to judge for themselves what part of the experience of others applies to their own lives instead of blindly following custom.[199] The exercise of human faculties in determining for themselves the best course of action is the way to mental and moral development, not imitation without the application of reason.[200] Establishing and protecting this right benefits society just "in

[194] Mill, John Stuart. *On Liberty*, 66.
[195] Ibid., 76.
[196] Ibid., 111.
[197] Mill, 112.
[198] Ibid., 113.
[199] Ibid., 113 and 115.
[200] Ibid., 113-114.

proportion" that the faculties are allowed to be utilized to these ends. [201] By the exercise of reason human beings are able to improve themselves and society. The mental freedom to decide on a "plan of life" by formulating, holding, and expressing opinions and acting on the best judgment are the basis of the concept of self-determination.[202]

Speeches of President Woodrow Wilson

Self-determination rhetoric emerges in the 20th century in the speeches of United States President Woodrow Wilson. President Wilson began to apply liberal political philosophy to what would began to be known as the global human rights conversation. The evolving concern in the betterment of humanity was brought sharply into focus by the atrocities of World War I which was fought on the world stage from 1914 to 1920. The most important aspect of these speeches was that President Wilson called for self-determination and equality of rights for all nations, no matter what their previous situation had been or their relative size in comparison to other countries.[203] From the highly individualistic ideas put forth by Locke in early liberal thought, to the speeches of President Wilson during the World War I era; minority communities and small nations were beginning to dissent to being over-ruled by the majority opinions of powerful interests, nations, or governments of the world.

Generative Method

This research combines the disciplines of ethnohistory and political philosophy using analytical, inductive, qualitative, conceptual, and historical research methodologies. It is analytical as it systematically examines the presence of classical liberal political philosophy concepts in a specific sample of American Indian rhetoric. The presence of various terministic

[201] Mill, John Stuart. *On Liberty*, 114.
[202] Ibid., 114.
[203] Wilson, Woodrow. "Address of The President of the United States, January 22, 1917." Delivered to the Senate of the United States. Washington, D.C.: GPO, Jan. 22, 1917.

elements and ideological concepts related to liberal political philosophy concepts will be determined. An explanation will be developed for how Robert Yellowtail used classical liberal philosophical concepts to assert the rights of the Indians using a format modeled off of the Declaration of Independence with the human rights assurances to self-determination made by President Woodrow Wilson. The research is inductive as it involves an analysis of the text of the speech artifact in order to determine probable sources of argumentation used by the rhetor.

The Generative criticism method will be utilized to examine the challenges Yellowtail is making to the predominant worldview in the conversation about *Apsáalooke* land allotment and the rights of American Indians. The project is qualitative because no mathematical or statistical data was collected. One primary artifact will be examined. Selective coding will be used to create a storyline for interpreting the speech in the context of history and political philosophy. Using a transformative research paradigm the story-telling modality has been chosen to in order to convey the research in harmony with indigenous methodology and to help to locate the narrative about *Apsáalooke* lands in time and circumstance.

In 1919, after years of resistance to state and federal pressures to accept total allotment of their lands and a dissolution of their government, the *Apsáalooke* Indians sent Robert Yellowtail and a delegation of other leaders to Washington, D.C. to influence the legislative proceedings there. The document of analysis is Robert Yellowtail's speech before the Senate Committee on Indian Affairs. This research is conclusion-oriented as the rhetorical analysis has the purpose of clarifying and bringing to light the rhetorical worldview utilized by Native rhetor involved in this early 20th century indigenous rights conversation. The research conducted is only on historical events and circumstances in time. In that way it is a one-time research at the level of the static record of history.

Generative Analysis

A generative criticism generates "units of analysis or explanations" for the chosen artifact rather than utilizing a pre-determined formal method.[204] There are nine recursive steps involved when generative criticism is used to analyze a document. First a document must be identified for analysis. Next the document is generally coded. Subsequently, the reader looks for the reasoning behind its arrangement and meaning. After this, an explanation is created for any patterns found in the document. From there, a research question is formulated. A review of relevant literature is undertaken from which the "study" is framed and then the essay is written.[205]

I began with the question in mind, "How did Progressive Era American Indian leaders conceptualize their property rights compared with the Euro-American political philosophy of property rights?" Looking for a thread of a conversation concerning property concepts, I thumbed through "Talking Back to Civilization: Indian Voices from the Progressive Era" by Fredrick Hoxie. As the crow flies, the book opened to a speech given by Robert Yellowtail in front of the United States Senate Committee on Indian Affairs, concerning the Crow Act of 1920. The address is titled: "In Defense of the Rights of Crow Indians, and the Indians Generally" dated September 9, 1919. Bibliographical information about the speech was extracted and researched.

The original document of the speech was located in an Adobe Portable Document Format (PDF), then scanned and converted into a Microsoft Word document for easier coding. The Word Document was then proof read for errors and this text was copied and pasted into a page and line-numbered template for easier reference. (See Appendix A) Initial coding for key term

[204] Foss, Sonja. "Generative Criticism." In *Rhetorical Criticism: Exploration and Practice*, by Sonja Foss, 378-444. Denver: Waveland Press, 2009; 387.
[205] Ibid., 394.

frequency revealed a particular emphasis on rights and freedom. The uses of these terms and the relationships they have with surrounding terms and concepts were examined.

The framework of the speech artifact itself was discovered to have been formulated after the United States Declaration of Independence. The opening to Robert Yellowtail's speech echoes the preamble to the Declaration but adds a caveat specifically concerning self-determination. A closer examination was conducted in order to permit a comparison between the construction of the Declaration of Independence and the speech artifact based on general framework as well as conceptual grounds.

Working from these emerging themes biographical research on Robert Yellowtail and the *Apsáalooke* Indians; United States Indian policy at the time in question; the principles of classical liberal political philosophy underlying the founding of American government; and basic background on the suspected audience was conducted. An initial explanation appeared for the formulation of this document in that Yellowtail merged the classical liberal philosophical principles and language of the human rights movement up to that point in time in defense of *Apsáalooke* and American Indian rights. These primary documents include the Declaration of Independence, the United States Constitution and Bill of Rights, and the rhetoric of human rights and self-determination President Woodrow Wilson promoted during World War I. Utilizing the founding principles of American government, Yellowtail made use of an opportune moment in world history by bringing the issue of American Indian rights into the international conversation about human rights and self-determination. Predominantly, those founding principles have their origins in the political philosophy of classical liberalism. Recognizing this, the research question then arose "How does Robert Yellowtail's rhetorical vision challenge the predominant political philosophy behind Indian policy at the time?"

Discussion of Findings

The focus of this rhetorical analysis examines Yellowtail's use of the terms, language, and concepts of the liberal political philosophy of John Locke and John Stuart Mill as passed down in the Declaration of Independence and other United States human rights documents up to the time of Yellowtail's speech in 1919. The sources of comparison and analysis were chosen based on the two most frequent key terms occurring in the speech, other than the phrase 'Mr. Chairman,' which are 'right' and 'free'. The main sources for classical liberal political philosophy used in this analysis consist of John Locke's *Two Treatises on Civil Government*, the *Declaration of Independence*, the *Constitution of the United States*, John Stuart Mill's *On Liberty*, and the language and philosophy found in three important speeches made by President Woodrow Wilson before and during World War I.

The scope of this particular analysis is limited to the examination of these specific liberal political philosophical influences on the construction of Robert Yellowtail's arguments. It is admitted that there may be other potential influences, outside of the rhetor's own cultural lenses, on the construction of this speech. It is believed that the analysis will show how Yellowtail uses the liberal political philosophy underlying the very founding of America to challenge the predominant United States Indian policy paradigm at the time.

Coding for Key Terms

The graphics in Figure 1. below depict the two most prominent terministic themes emerging from the coding process, 'right' and 'free.' Right is most commonly used in this document in the sense of meaning a "legal, equitable, or moral title or claim to the possession of property or authority" by natural right or through acts of legislation.[206] The term free, in various

[206] Oxford English Dictionary Online. *right, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/ (accessed Feb. 12, 2014).

forms, is used to convey the concept of being liberated from a state of "servitude or subjection to another" transitioning into a state of being where one has "personal, social, and political rights as a member of a society or state."[207]

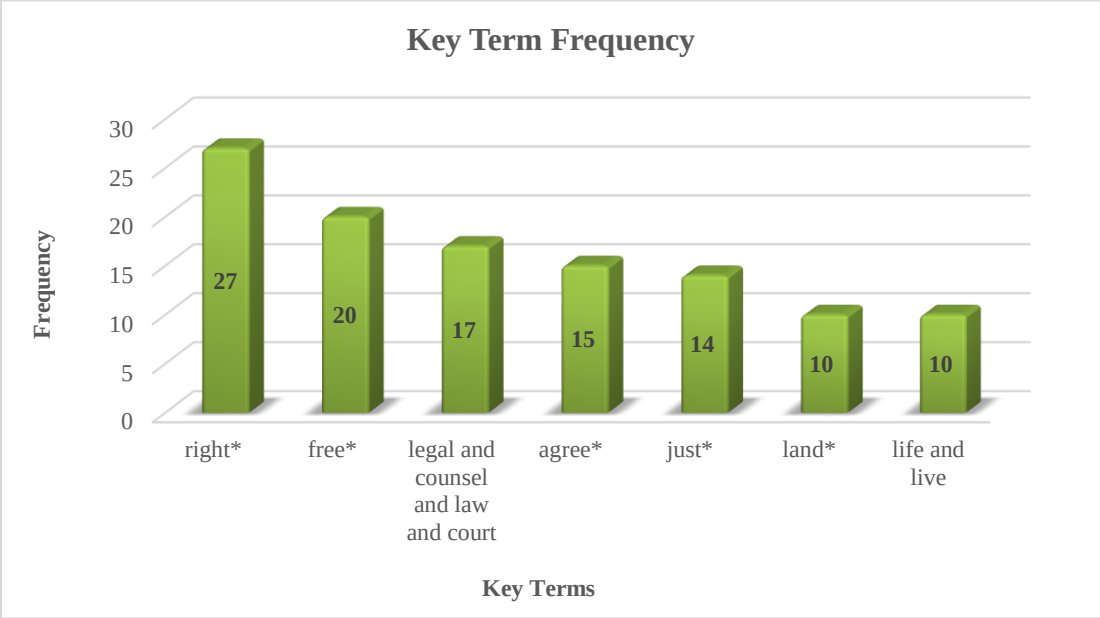

Figure 1. Visualization of key term frequency coding in speech artifact. Asterisk indicate wildcard search term including multiple forms with a base of the term listed.

From the 27 occurrences of the term right in the speech artifact, all but three instances use right as a noun. The uses of right as a noun include right(s) to, right(s) of, and name specific rights or a type of right. On page four, the sentence which starts at line 18 with "Mr. Chairman" on line 20 contains the fifth and sixth uses which are part of commonly used compound phrases. In use 5, "right then and there," right is used as a premodifier expressing time and place. In the use 6, "right about face" is a military term for a maneuver executing an 180˚ turn, indicating a reversal of position or direction.[208] On page ten, the sentence that starts at line 2 contains the 27th

[207] Oxford English Dictionary Online. *free, adj., n., and adv.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/74375?rskey=0ikQlT&result=1&isAdvanced=false#eid (accessed Feb 02, 2014).
[208] Oxford English Dictionary Online. *right-about-face, v.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/275012?rskey=12mxBL&result=3&isAdvanced=false#eid (accessed Feb. 14, 2014).

use of the term right at line 4, which in this instance is used in to convey a sense of time, as an adverb indicating immediacy of action. In this case, give the Indians American citizenship right now.

The base term free occurs in the speech twenty times. Free and freedom are the most frequently used terms but free-handed, freest, and freer are used with specific intensity within the speech to punctuate particular points. Figure 2. represents the frequency of these forms as they occur in the speech.

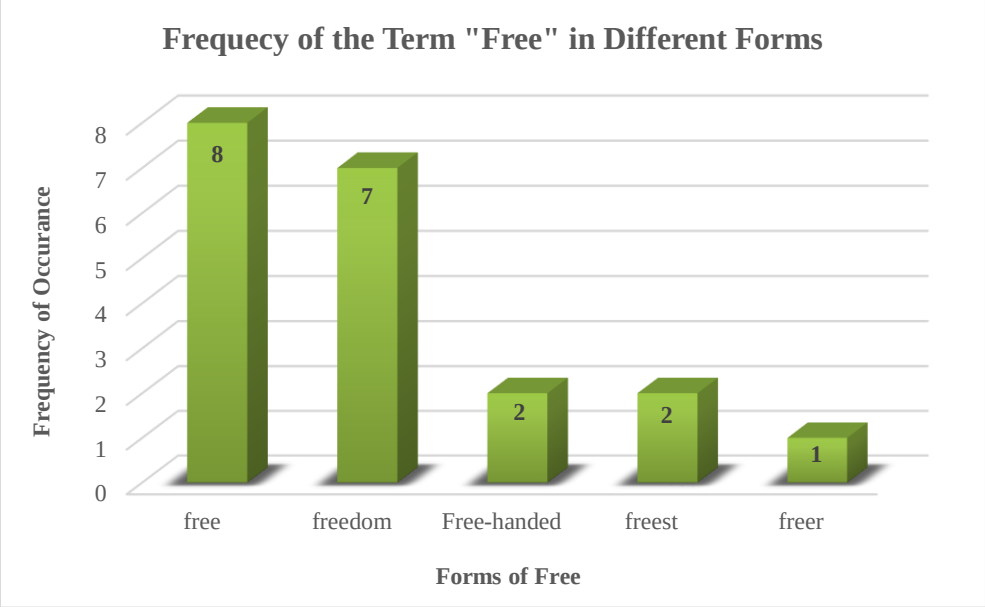

Figure 2. Visualization of key term frequency coding of free* in the speech artifact.

Free was further coded into its various forms and the terms and concepts surrounding these were examined to determine the part of speech the term was being used in and any other useful or interesting patterns which may have emerged. Table 1. below depicts the results of this coding process.

Table 1. The term free* occurs in five forms: free, freedom, free-handed, freest, and freer.

Term	Code Cluster	Code Cluster	Code Cluster	Code Cluster	Code Cluster	Code Cluster	Code Cluster	Code Cluster
free	think free	act free	expand free	decide free	free thought	free thought	grown free	are free
freedom	birth of freedom	their freedom	birth of freedom	exercise of freedom	condition of freedom	nothing else than freedom	freedom in the broadest and most comprehensive sense	
free-handed	turned loose free-handed	right to select free-handed						
freest	freest expression	freest expression						
freer	to be freer and happier							

The first four frees are located on page four, in the sentence which begins line 28 with "Mr. Chairman", at line 31. Here Yellowtail has just reminded the audience of the treaty obligations that the United States is under, states that their consent to allot their lands is not given per those agreements, and this string of frees alludes to the double standard existing in the 'land of the free' where Indian people are denied their self-determination because no law has been passed with "more explicit assurances" for the humane treatment of Indian people.

The phrase free thought occurs together twice. Both are found on page 9, occurrences 11 and 13, on lines 6 and 7. These terms are included in Yellowtail's conclusion. Free thought in this sense is used with a number of other important ideas to drive home the point that allowing American Indians the right to make their own decisions is the best way to assist them in their advancement, a concept contrary to the practice in full force at the time. In the same thread, 'grown free' on page 9, line 10 emerges from the argument for American Indian freedoms and

‘are free’ relates to granting American Indians citizenship to make sure they have these freedoms.

Freedom is synonymous with liberty. Liberty has important overtones of freedom of thought, discussion, and decision-making. On page 4 at line 19, a ‘new birth of freedom’ for the *Apsáalooke* was supposed to be equal to that which they had given up by treating with the United States. The second ‘new birth of freedom’ on page 6 at line 2, comes as a result of President Wilson’s claim that all nations regardless of size or circumstance shall be granted self-determination. Yellowtail uses ‘their freedom’ on page 5 at line 24 to make an assertion that the President may not give the Indians the freedom he is claiming to support for other nations. As much as Indian people’s rights to an ‘exercise of freedom’ are respected, they will become better citizens, page 9, at line 8. American citizenship is a ‘condition of freedom’ on page 9, at line 15. Freedom equals American citizenship “in the broadest and most comprehensive sense of the word” page 9, at line 24. ‘Freer’ is used once in the phrase, “freer and happier” on page 9 at line 4 and relates to Indians becoming “more intelligent and useful citizens” if conditions make it possible for them to make their own decisions about their happiness.

Free-handed occurs in the text twice. The first use of free is the term free-handed. It is found on page 1 at line 19, and refers to the use of the military to change the circumstances of American Indians with little to no oversight. The second use of free-handed is found on page 7 with the 9th occurrence where the sentence starts at line 24. This use refers to the Indian’s right to obtain legal counsel without oversight of the Secretary of the Interior.

Yellowtail uses freest in the phrase ‘freest expression’ to punctuate points about freedom and self-determination in his conclusion. ‘Freest expression’ of Indian’s intellectual liberty on page 9 at line 6 with the 12th and the 15th occurrence on page 9 in line 9 ‘freest expression’ to

exercise their freedoms in the broadest sense possible is needed to free the Indian people from political and intellectual slavery.

Coding for Liberal Political Philosophic Concepts

As in the Declaration of Independence (Declaration), Robert Yellowtail declares the causes by enumerating the conditions of a conflict between abstract or even artificial ideals contained in layers of law and concrete facts concerning physical spaces.[209] Yellowtail opens the speech with "American Indians" claiming also to be "creatures of God." That he uses "American" to modify Indian and specifically the word "God" instead of Creator is significant. By modifying the word Indian with American he starts to build a case, by association, for Indians to attain citizenship rights in the conclusion of his argument. The use of "God," instead of Creator which would be a word much more culturally relevant term in *Apsáalooke* ideology, he is recalling the opening prologue of the Declaration of Independence.

> When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.[210]

Using this language then invokes the laws of nature given by God, to a people who sit on a level separate and equal to the powers addressed. In the same opening paragraph Yellowtail melds the first sentence of the next paragraph in the Declaration with the last sentence of the prologue. Yellowtail invokes the prologues to the Declaration claiming that American Indians are

[209] Committee on Indian Affairs. *Crow Tribe of Indians of Montana.* S. Rep. 219, Washington, D.C.: U.S. Congress Senate, 1919, 1-11. This source for the speech analysis is used for the remainder of references in the Findings section. Any uncited quotes found in this analysis are from this Yellowtail speech being analyzed.
[210] Jefferson, Thomas. "National Archives: The Charters of Freedom." *Declaration of Independence.* July 4, 1776. http://www.archives.gov/exhibits/charters/declaration_transcript.html (accessed Jan 01, 2014).

"endowed with certain inalienable rights, among which are life, liberty and the pursuit of happiness."[211]

His last sentence in this declaration relates to "a decent respect to the opinions of mankind" in the Declaration, that in his speech American Indians "maintain as" their "right the right to choose the manner in which" they "shall choose their own happiness," which is the power of self-determination.[212] Yellowtail's statement here echoes the sentiments of John Stuart Mill's assertion that humanity needs the mental freedom to decide their own "plan of life."[213] This statement opens to an enumeration reminiscent of the "causes which impel them" as found in the last sentence of the Declaration's prologue.[214]

Robert follows the order of the rights mentioned in the Declaration - life, liberty, and the pursuit of happiness - in laying out his case.[215] Preceding this famous statement, the Founding Fathers led the paragraph with "we hold these truths to be self-evident."[216] Yellowtail does not use this language directly but states instead states "how well he had performed this task of living needs but a glance at his history, as you yourselves have recorded it." This is the introduction that he will present his proofs.

At this point, he utilizes a variety of similar themes from the grievances listed in the Declaration of Independence as "Facts submitted to a candid world."[217] The "First" being that American Indians had pre-existing legitimate governments and laws "corresponding to the statutes in" the United States "archives of law." Indian life and society made Indian men admirably fit as witnessed by his "manly courage" and "manly stamina." Using the word

[211] Jefferson, *Declaration of Independence.* July 4, 1776.
[212] Ibid.
[213] Mill, 114.
[214] Jefferson, *Declaration of Independence.* July 4, 1776.
[215] Ibid.
[216] Ibid.
[217] Ibid.

"manly" at the end of this section with emphasis and repetition is significant because it correlates to one of the "Facts submitted to a candid world" in the Declaration: "He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people."[218]

In the "Second" assertion Yellowtail states that the United States "Government in its wisdom saw fit to change this man of nature" by allowing the "military forces" to be "turned loose" without oversight of the government. This claim correlates in the Declaration to "He has affected to render the Military independent of and superior to the Civil power."[219] Ending this paragraph he uses the term "judge" which is found at the end of the Declaration in reference to a moral appeal to the "Supreme Judge of the World."[220] In this case he makes the moral appeal to the Committee to be the judge of how well they had completely transformed the American Indian to "make him exactly the reverse of what he had been."

Yellowtail's "Third" point is made in regards to the "imprisonment" of American Indians on reservations. Here he switches from the more abstract term American Indian to specifically address the situation of the *Apsáalooke*. He makes the distinction that his people took up homes on their reservation by "mutual agreement through treaty, between our chiefs and yours" because the *Apsáalooke* were never conquered but had cooperated with the United States.

The next section corresponds to the second to the last paragraph of the Declaration of Independence. Here Yellowtail is invoking the philosophy underlying this section with a focus on his own people's predicament:

> We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the

[218] Jefferson, *Declaration of Independence.* July 4, 1776.
[219] Ibid.
[220] Ibid.

> ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence.[221]

At the end of the same paragraph, as in the Declaration, Yellowtail emphasizes the "patient sufferance" theme by reminding the Committee of the series of treaties made and remade in the course of the *Apsáalooke* relationship of friendship with the United States.[222] Therefore Yellowtail focuses on the *Apsáalooke's* "willingness in every instance to comply," invoking that they have upheld their end of the agreement even when that entailed undue sacrifice on the part of their people.

That "no portion of the lands therein described could not be ceded without first obtaining our common consent thereto" is used to assert that a breach of their treaty agreement is being made. The idea of common consent is one of the two ways in which Mill conveys that the people attempted to assure representative government by establishing "constitutional checks" in order that "the consent of the community, or of a body of some sort, supposed to represent its interests" would be prerequisite to legitimate power.[223] Since the *Apsáalooke* were not party to the United States Constitution, their representation was marginal at best despite the authority of Congress to exercise plenary power. The *Apsáalooke* position in this state of affairs is similar to, but not exactly the same as the circumstances that the English colonists were in prior to the Revolutionary War when England passed the Stamp Tax.[224] Congress could craft legislation for the Indians but the Indians did not have much, if any, voice in the formulation of the laws affecting them.

---

[221] Jefferson, *Declaration of Independence.* July 4, 1776.
[222] Ibid.
[223] Mill, 64.
[224] Bernstien, R.B. *The Constitution of the United States with the Declaration of Independence and the Articles of Confederation.* New York: Fall River Press, 2002; 5.

Yellowtail places emphasis on a placating sense of friendship, but the term "friend" in the Declaration would imply that Yellowtail means that they "hold" the United States as they "hold the rest of mankind, Enemies in War, in Peace Friends."[225] The ideology behind this section of the speech also echoes the second paragraph in the Declaration where the colonists state that "a long train of abuses and usurpations, pursuing invariably the same Object" evinced "a design to reduce them under absolute Despotism."[226]

Yellowtail's appeal to the Committee's "native justice and magnanimity," as in the Declaration, comes in the direct address to the chairman of the committee to consider the "fairness" and "justness" of the *Apsáalooke*'s request to decide for themselves how to manage their lands.[227] He backs up this argument with evidence that his people risked their lives serving to help quiet "disputes" with many of the *Apsáalooke's* Indian neighbors, through their friendship and military service. The *Apsáalooke* people had not been conquered but had been cooperative, having given the United States Republic military aid.[228]

Concluding his proofs, Yellowtail calls for a spirit of reciprocity. By reminding the audience of this history, the section of the Declaration being expressed is a petition for "Redress in the most humble terms."[229] Likewise, Yellowtail uses the term "humbly" in this manner with the term "request." This is an appeal for redress in the manner of equalizing the relationship, moving towards more balance, and expresses a core traditional *Apsáalooke* value.

Yellowtail makes a case for the treaties to be considered as covenants, drawing from the term as used in popular currency at the time of his speech in September of 1919. The Paris Peace

[225] Jefferson, *Declaration of Independence.* July 4, 1776.
[226] Ibid.
[227] Ibid.
[228] Lowie, Robet H. *The Crow Indians.* New York: Farrar & Rinehart, Inc, 1935; 6.
[229] Jefferson, *Declaration of Independence.* July 4, 1776.

Conference negotiated the *Covenant of The League of Nations* in January of the same year.[230] His use of the terms "solemn" and "sacred" to modify the term "covenants" appeals to a higher moral standard and having just reminded the Senate Committee of these treaty agreements as such, by using the term "abrogated" Yellowtail wisely asserts that no formal repeal or breech had been made of those covenants.

The terms "treaties and agreements" are used together in Woodrow Wilson's speech made January 22, 1917.[231] In this speech the President is calling for a "League for Peace" structured on the founding principles of the United States government.[232] The treaties or agreements needed to bring the state of war to an end, Wilson asserts, must be made as a "universal covenant" that includes the "peoples of the New World."[233] In order for the peace to be lasting and judicious President Wilson stated that the "elements of that peace" must "satisfy the principles of the American governments" and "win the approval of mankind."[234]

Yellowtail follows by reminding his audience that the terms and conditions of the treaties and agreements between the *Apsáalooke* and the United States are still in full force, explicitly requiring that the Federal Government must have *Apsáalooke* "consent" in order dispose of any part of their lands. Supreme Court legal precedent established the *Apsáalooke* and other Indian peoples as wards of the government by this point in time despite having consented as parties to treaties in full capacity. In the case of the *Apsáalooke*, these treaties originated on the grounds of military alliance not from conquest in war.

[230] Wilson, 4.
[231] Ibid., 4.
[232] Ibid., 3-4.
[233] Ibid., 4.
[234] Ibid., 4.

The clauses in *Apsáalooke* treaties requiring their consent to any further action to reduce their land base follow the principles of liberal political philosophy. Consent of the governed is an important stipulation embedded in core principles of American government. In this situation both the Executive and Legislative branches of American government had the power to create rules and laws effecting the *Apsáalooke* people. Having established the need for consent, Yellowtail points out that these agreements made no mention of setting "aside against" their will or consent sections of land "for schools or any other purposes to any State, or to anyone else."

In their treaties, the *Apsáalookes* had trustingly entered into a symbolic kinship relationship with the United States. In this next paragraph, Yellowtail brings in the kinship allegory of the father/child relationship implied by the 'domestic dependent nation' status which evolved from the *Cherokee v. Georgia* Supreme Court decision. This paragraph is the only place in the speech where the term "right" is used to express two different concepts other than having legal or moral rights, both uses relate to taking particular actions or involve motion. The most pertinent idea here is that this new relationship was a "right-about-face" from the *Apsáalooke's* previous position, not at all the "new birth of freedom" they had bargained for in the treaties.

From this point forward, Yellowtail begins to develop the concept of freedom for the *Apsáalookes* and Indian people. John Locke examined the idea of paternal power in chapter six of his *Second Treatise* where he discussed that a father's authority over his children was not arbitrary or absolute because all people are born with freedom and rationality.[235] In Yellowtail's speech the "new birth of freedom equal to at least the one which we gave up" was expected when the *Apsáalooke* people trusted the paternal guidance of the United States. Yellowtail uses the analogy that the *Apsáalooke* followed the United States into an uncertain future "as a child

[235] Locke, 27.

follows its father." Locke's idea of the extent of parental authority is much more in alignment with the traditional *Apsáalooke* fatherhood responsibilities than those exhibited by the federal government's policies.

In the *Apsáalooke* tradition the father's clan would be responsible for religious training and provide social recognition for their children with a view that the children would learn "moral, ethical, and behavioral expectations" of their culture, by example but not by coercive authority.[236] The government speciously conflated the role of master with that of their legally postured parental role of fatherhood.[237]

The guardian-ward status is a trust relationship in the American legal sense and Yellowtail uses this term in both for legal meaning and in the kinship relationship sense when he calls into question "how well" that "trust has been fulfilled." The theme of trust arises in the context of Locke's *Second Treatise*, Book 2 of Chapter 19 where he states:

> The legislative acts against the trust reposed in them when they endevour to invade the property of the subject, and to make themselves or any part of the community masters or arbitrary disposers of the lives, liberties, or fortunes of the people.[238]

Classical liberalism views the role of government as the preservation of the people's property.[239] Applied by Yellowtail to the allotment and assimilation policies in practice, the United States had explicitly agreed to protect American Indian rights and properties in treaties but were not

---

[236] Bauerle, Phenocia, Cindy Bell, Luella Brien, Carrie McCleary, Timothy P McCleary, and Hubert B Two Leggins. *The Apsáalooke (Crow Indians) of Montana: A Tribal Histories Teacher's Guide.* Helena: Montana, Office of Public Instruction, 2010; 3.

[237] McKeon, 346. Here McKeon discusses the variance between the philosophy of Hobbes and Locke concerning the "distinctions between ruler, father, and master" as definitions underlying the different forms that sovereignty may take.

[238] Locke, 100.

[239] Center for the Study of Language and Information. "Liberalism." *The Stanford Encyclopedia of Philosophy.* 2014. http://plato.stanford.edu/entries/liberalism/#PolLib (accessed Feb. 14, 2014).

doing so.[240] In closing this section, Yellowtail repeats the pattern emphasizing judgment, which harkens back to the earlier mentions. This time the judgment is left to "the world at large" not the chairman, and not the committee.

The transition is made to a theme of freedom, building off of what he has already established. The treaties or covenants forged "elaborate and distinct understandings" and yet the Apsáalooke are held in subjugation under the Secretary of Interior. Yellowtail states its "peculiar and strange" that no laws exist allowing Apsáalookes "to think free, act free, expand free, and to decide free." Closer examination shows that free emerges as a keyword in the Declaration of Independence with a particularly interesting analysis in the context of this speech.

The first "free" in the Declaration is found in the grievance stated as: "For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies."[241] This applies to the fact that the interests acting through the State of Montana pressured the federal government to allot the Apsáalooke lands. The 'neighbouring Province' would be Montana, this is a concept which Yellowtail elaborates on later in his speech. The plan for allotment, authorized under prior treaties, the General Allotment Act of 1887, and which would be applied specifically by the proposed legislation at issue- would call for eventually bringing the Apsáalooke lands under the jurisdiction and taxation system of the State of Montana. This would serve to enlarge Montana's jurisdictional boundaries, overrunning the Apsáalooke governing system, and establishing "absolute rule" without their consent.[242]

[240] Locke, 100.
[241] Jefferson, *Declaration of Independence.* July 4, 1776.
[242] Ibid.

The second "free" in the Declaration, by association, implies a weakness of character on the part of the United States. The humble petitions for upholding the treaties are not being heeded, therefore one can draw the conclusion Yellowtail implies that the United States is exercising tyranny and oppression towards the Apsáalookes in violation of their rights secured under previous agreements. The direction that the United States policy was taking was not part of the bargain made by the Apsáalooke leaders who treated with the government. He emphasizes that if they had known the designs of the United States at that time they "would have held their ground until every last one of them were dead or until… more explicit assurances" were made that were "more humane" and in alignment with the civil liberties granted to American citizens. Before he alludes to the third instance of the term "free" in the Declaration though, he again constructs an argument on more recent rhetoric of human rights which Woodrow Wilson was using to build support for the League of Nations.

The *Covenant of The League of Nations* was negotiated from January to June of 1919. The hearing where Robert Yellowtail spoke was held in September of that same year. Transitioning into that conversation, Yellowtail states that President Wilson had made assurances just the day before to both the country and the world "that the right of self-determination shall not be denied to any people, no matter where they live, nor how small or weak they may be, nor what their previous conditions of servitude may have been." Wilson's statement is related to John Stuart Mill's arguments in *On Liberty*; protecting the rights of the minority from the tyranny of the majority is in the best interest of humanity. In his 1917 speech, the President pulled from Lockean ideologies when he called for an "equality of nations" based on an "equality of rights" which would not "recognize nor imply a difference between big nations and

small, between those that are powerful and those that are weak."[243] President Wilson stated that the people of the world long for "freedom of life" rather than a balance of power per se.[244] Yellowtail pledges his support for these concepts with the caveat that he is concerned somehow there would be a way it would not apply to the American Indian people "who have no rights whatsoever, not even the right to think for themselves." Indeed, he calls for an end to "subjecting" the American Indians to the "discretion of the Secretary of the Interior" which would give the many American Indian nations their full rights to self-determination.

The third "free" in the Declaration is tied to Robert's next bold statement that "the Crow Indian Reservation is a separate semi-sovereign nation in itself." He specifically leaves out the wording "of Montana" from his assertion. This declaration echoes into the speech from the last paragraph of the Declaration of Independence. This rhetoric would perhaps have us draw the conclusion that the Apsáalooke Nation is "and of Right ought to be Free and Independent."[245] In terms related to President Wilson's 1917 speech, Yellowtail appears to be connecting his rhetoric to the President's statement made suggesting that all nations adopt the Monroe Doctrine:

> …that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.[246]

Yellowtail declares that the Apsáalooke do "not belong to any State" are not "confined within the boundary lines of any State in the Union, and until such proper cessions, as had been agreed to" and as expressed in the "covenants, have been duly complied with" no Senator or other persons had a right to legislate away *Apsáalooke* lands based on "geographic proximity" or pressure from local state interests. Not only is this reminiscent of "attempts by" the legislators

[243] Wilson, 5.
[244] Ibid., 6.
[245] Jefferson, *Declaration of Independence.* July 4, 1776.
[246] Wilson, 7-8.

"to extend an unwarrantable jurisdiction" mentioned in the second to the last paragraph in the Declaration of Independence but this statement also calls upon yet another enumerated grievance: "He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation."[247] By the time this speech is made the Apsáalookes had their justice system eroded by the enactment of the Major Crimes Act of 1885, which had extended federal criminal jurisdiction for major crimes--like murder or rape--onto Indian lands.[248] Other encroachments into internal matters included the control over legal heirship issues regarding property. Heirship matters were to be determined by applying the laws of the State of Montana as had been authorized under the General Allotment Act, and not according to the essential kinship structures already existing in *Apsáalooke* governance. For Indians generally, as mentioned earlier, jurisdiction had been eroded by the Curtis Act which gave the Secretary of the Interior authority to pen leases to Indian natural resources and also the Burke Act which gave the Interior authority to determine inheritance for allotment lands.

It is important to recall, as Yellowtail mentions in his speech, that the *Apsáalooke* had been fighting "constant agitation to deprive" them of their land beginning with the treaty ratified in 1882. This was accelerated under the General Allotment Act in 1887 and built force through other legislation and court cases leading up to the time of this hearing in 1919. In his most explicitly liberal philosophical argument, Yellowtail follows these important points by stating "atonement" should be made by "willingly granting the Indian people of this country their unquestionable right to determine how much of their own lands they shall retain as their homes" or "dispose of" as they see fit. The assertion of this right is backed up with evidence from the

[247] Jefferson, *Declaration of Independence.* July 4, 1776.
[248] Canby, 21.

treaties "penned" by the United States themselves stating that no lands could be further ceded unless agreed to by consent. In that agreement, repeated here as earlier, he reminds the Committee that the question at hand required their consent and that they do not consent to this dispossession of their lands.

Robert Yellowtail then switches to discussing the lack of a venue "to try out claims that the Indians may have against the Government which arise out of treaties, agreements, or acts of Congress, or which are due to losses or damage suffered by reason of wrongful acts of officials or employees." The way in which he begins this with, "in this connection," ties the forgoing passages into the narrative. The next three paragraphs contain very complex sentences, corresponding to conditions in the present tense.

The lack of venue to try grievances between the Indian peoples and the United States government could relate to various provisions in the Declaration. One would be that the United States has "obstructed the Administration of Justice, by refusing…" to "Assent to Laws for establishing Judiciary powers."[249] Yellowtail's use of the word deprived may be seen to relate to the grievance from the Declaration related to the concept of due process, "depriving us in many cases, of the benefits of Trial by Jury."[250]

Evidence is then presented of an expert opinion from a former tribal attorney that the Indians are not able to attain any form of representation in Congress in order that they might influence legislation that pertains to their interests because the Secretary of the Interior's permission was needed. This relates to the grievance in the Declaration where the colonists were forced to "relinquish the right of Representation in the Legislature" because the Government

[249] Jefferson, *Declaration of Independence.* July 4, 1776.
[250] Ibid.

"refused to pass other Laws for the accommodation of large districts of people."[251] In the Declaration a similar theme occurs where the government declares "themselves invested with power to legislate for us in all cases whatsoever."[252]

As for legal representation, in the Declaration it states that the King controlled the pay and position of the judges in the colonial governments.[253] This relates to the manner in which tribal attorneys "tenure" of office and "the amount and payment of their salaries" were controlled by the Secretary of Interior. Yellowtail writes that withholding the right to choose their own counsel "raises a presumption of hostility." The concept of hostility is elaborated on in assertions made by John Locke in his *Two Treatises on Civil Government*, chapter three "Of the State of War."[254] In Section 19, Locke discusses that the State of Nature is a true equality among men but where there is "force, or a declared design of force," without a "common superior on earth to appeal to for relief" there is a "state of war."[255] In this case, the Indians faced the 'design of force' as a state of war by craft, rather than by arms and placed under duress they had been denied an appeal to justice. We can compare this passage to the Declaration statement "declaring us out of his Protection and waging War against us."[256]

The issue of protecting the interests of the Indians is made explicit; the attorneys representing them at this time were required to get their orders from the Secretary of the Interior in order to perform any services. In this way, a conflict of interest arose as to proper representation, since if the attorney wanted to keep his job he had to placate the Secretary.

[251] Jefferson, *Declaration of Independence.* July 4, 1776.
[252] Ibid.
[253] Ibid.
[254] Locke, 9.
[255] Ibid., 9.
[256] Jefferson, *Declaration of Independence.* July 4, 1776.

Again from Locke, we see a presumption that "it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends."[257]

In his closing argument, Yellowtail asserts that the American Indians will be more "intelligent and useful," if they were allowed to be "freer and happier." He claims that in order to help American Indians to advance; the government should work harder to protect their lands, recognize their intellectual and personal liberty, and their right to freedom of thought and belief. Yellowtail stated that American Indians were still held in bondage as political and intellectual slaves. In order to remedy this situation he offers the government should allow Indian people to enter American civil life on their own terms.

American citizenship, as Yellowtail saw it, would afford Indians the rights, privileges, immunities, and responsibilities which would honor the people's inherent freedoms. He supports his claims by acknowledging that in the ancient origins of Euro-American society and law there have always been conditions of service or "ability" for citizenship. These conditions, he offers, have been met with evidence he presents of exemplary military service to the country and that American Indians had risen to positions of success in the American community.

Conclusions

Despite the intense effort of Robert Yellowtail and his fellow *Apsáalooke* leaders to avoid allotment, the bill eventually passed into law. Provisions in the bill were designed to make it difficult for the land to be acquired by non-Indians but the effort stood as only a partial success. The *Apsáalooke* had protected the lands more than if they had not fought but ultimately the fragmentation of their land holdings was involuntary.[258]

[257] Locke, 6.
[258] Mill, 64.

Euro-American tradition and politics trumped the *Apsáalooke's* property rights. Through tradition, the ancient Roman Republican model of rewarding soldiers with land. This model evolved from the Republican ideal that the statesmen of Rome had as their first duty the "defense of private property" which became a basic tenet of American governance.[259] Soldiers performing their duties of citizenship needed an "occupation to return to after terms of service rather than to be career soldiers."[260] Apparently, within the context of that tradition, the prime agricultural lands of the *Apsáalooke* Nation were considered public lands—even though the *Apsáalooke* were not conquered in war—due to the precedent set in prior court cases, particularly the *Cherokee Nation v. Georgia* Supreme Court decision combined with the subsequent passage of the General Allotment Act.[261] The application of this tradition can be seen both for American military and the Indian soldiers.

The three principle court cases based on political power made it possible for the United States to institute a religious-based civilization program that was intricately tied to industrialist philanthropists.[262] These precedents and policies were systematically implemented in Indian affairs and had the effect of creating a paternalizing situation so that the *Apsáalooke* were not being allowed to make their own decisions or manage their affairs.

Indian decision-making authority had been undermined by the initial 1832 *Cherokee v. Georgia* case, which established the fiduciary ward/guardian relationship between the federal government and the Indian nations as domestic dependent nations.[263] The 1886 case of *U.S. v. Kagama* built off of the *Cherokee v. Georgia* case, upholding federal jurisdiction over major

[259] Garnsey, Peter. *Thinking about Property: From Antiquity to the Age of Revolution.* New York: Cambridge University Press, 2007; 192.
[260] Ibid., fn 47.
[261] Canby, 16.
[262] Genetin-Pilawa, 95.
[263] Canby, 37-40.

crimes in Indian Country.[264] By 1903 the case of *Lone Wolf v. Hitchcock* further entrenched the paternalistic paradigm of dependency where the plenary power of Congress was said to be that of a political nature not proper subject-matter of the judiciary.[265] This policy trajectory can be summed up by Indian Commissioner William Jones statement in 1903, after the *Lone Wolf* case expanded Congressional "plenary power to allot" reservation lands without the consent of Indian people as per their treaties,

> Supposing you were the guardian or ward of a child 8 or 10 years of age, would you ask the consent of a child to the investment of its funds? No; you would not.[266]

In the majority view, Congress acted in a Christian fatherly role echoing the very same concepts about paternal power behind the Divine Right of Kings that John Locke had systematically refuted in his *First Treatise on Civil Government*. The British colonies in America rebelled against this same paternalistic force, calling for independence and self-government (self-determination) in the American Revolutionary War. In American Indian thought, a proper father-child relationship varies from tribe to tribe. According to Rodney Frey in the *World of the Crow* Indians, the *Apsáalooke* traditional role of a father was invested with duties to provide social and spiritual guidance from a viewpoint recognizing the inherent capacity of the child.[267]

The *Apsáalooke* view on the role of the father in respect to the child reflects much of what Locke argued back in 1689, well before the 1776 American Revolution. In his *Second Treatise*, in the chapter *On Paternal Power*, he stated that "we are born free, as we are born rational" and that merely considering a child's age did not give "those who had the government of his nonage" license to disinherit the child of its wealth.[268] The judiciary loathed to interfere

[264] Canby, 37-40.
[265] Ibid.
[266] Unrau, *Mixed-Bloods and Tribal* Dissolution, 141.
[267] Frey, 85-86.
[268] Locke, 27 and 28.

with this plenary "paternal" power of Congress upon which the allotment and assimilation policies were being implemented, but these polices were really based on religious doctrines contrary to the founding principles of Americanism.

American Indian governments and social organizations are legitimate institutions and their rights to intellectual liberty in terms of freedom of religion, thought, discussion, and decision-making should be protected because it reinforces important principles which apply in precedent to America and the world at large. Since American Indians were subjected unjustly to allotment and assimilation policies under duress, based on religious doctrines violating their inherent rights, sincere efforts need to be made to assure them the ability to reconsolidate their lands so that they can support and care for the needs of their people.

Kinship relationships and parental roles are an important part of government theory. In order to facilitate self-determination for American Indian people, an exploration of kinship, gender, and parental roles−both past and present−may be useful. Future research could examine how or in what way American Indian philosophies of governance include(d) animal, plant, and mineral realms in their kinship relationships and decision-making models. Is it possible to explore a liberal political philosophical model giving voice in contemporary intercultural governing structures to ecological communities respected by American Indian cultures? Also, gender and parental roles could be explored in terms of rites of passage ceremonies performed historically, in the present, and/or adapted for the future. If American Indian communities have as a goal the exercise self-determination, how can we best prepare our people for their roles in the decision-making process? Thinking about kinship, gender, and parental roles may lead American Indian governments to implement constitutional changes and reformulate their own policy trajectories.

Mr. Chairman and gentlemen of the committee, the American Indian, also a creature of God, claims, as you yourselves do, to be endowed with certain inalienable **rights**,[1] among which are life, liberty, and the pursuit of happiness. He further maintains as his **right**[2] the **right**[3] to choose the manner in which he shall seek his own happiness.

Mr. Chairman, how well he had performed this task of living needs but a glance at his history as you yourselves have recorded it.

First. You found him on this side of this continent, in well-organized organizations, living in accordance with well-established customs corresponding to the statutes in your archives of law, and under which he regulated and conducted his daily life; and continuing to the westward coast you found him exactly the same, until you met the mighty waters of the Pacific; and, gentleman, were you not impressed as you read of him, of the manly courage, the powerful physique, and the manly stamina so often recited about him and that he so ably exhibited.

Second. This Government in its wisdom saw fit to change this man of nature in a desire to make of him exactly the reverse of what he had been, for how long, nobody knows, and accordingly, Mr. Chairman, the military forces of this Nation were turned loose,
free – handed,[1] responsible to nobody but themselves, to accomplish this act; how well they did it, Mr. Chairman, I leave to this committee to judge.

Third. In the prosecution of that program, Mr. Chairman, it necessitated the reservating and in many instances the imprisonment of these people: in the case of the Crows it was not by compulsory subjugation or imprisonment, but by mutual agreement through treaty, between our chiefs and yours, that we designated certain of our lands in what is now the State of Montana as our homes, and which were as follows:

By the treaty of August 4, 1825, we treated for the purpose of perpetrating the friendship which had theretofore existed, and also to remove all future causes of dissension, as it affects the friendship between the United States and the Crow Tribe of Indians, and this we have observed to this very day.

By the treaty of September 17, 18S1, we again recited, as one of our purposes, to continue the establishment of peaceful relations between ourselves, to abstain in the future from all hostilities whatsoever between ourselves, to maintain good faith and, friendship in all our mutual intercourse, and to make an effective and lasting peace. This we have also observed to this very day. We also agreed in said treaty that the territory of the Crow Nation should commence at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the headwaters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the headwaters of the Musselshell River; thence down the Musselshell River to its mouth; thence to the head waters of the Big Dry Creek, and thence to its mouth.

Again in our treaty with you May 7, 1868, we recited "that peace from the day forward between the united States and the Crows shall continue forever," and again. Mr. Chairman, we can say that we have executed our part as men.

Again by article 2 of that treaty we agreed as follows:
"The United States agrees that the following district of country, to wit: Commencing where the one hundred and seventh degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said one hundred and seventh meridian to the mid-channel of the Yellowstone River; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the forty-fifth degree of north latitude; and thence east along said parallel of latitude to the place of beginning, shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians, as from time to time they may be willing, with the consent of the United States, to admit amongst them.

Then by article 4 of the same treaty it was agreed that we would make those lands our permanent home.

By article 11 of the same treaty it was agreed that no portion of the lands therein described could not be ceded without first obtaining our common consent thereto.

Again by our agreement of 1880, and at your behest we agreed to certain cessions unhesitatingly, but which for some reason was not ratified, but which, in any event, showed our willingness in every instance to comply with your wishes, and here again, Mr. Chairman, we have proven to you that our word was good no matter what the sacrifices were. (Treaty of 1880 was ratified Apr. II, 1882; 22 Stat., 45).

Again by our treaty of 1882, and in our last treaty of April 27, 1004, we made one further cession of land to you in compliance with your request. All of these treaties in their entirety were penned by your commissioners, the Crow Indians merely acquiescing to your requests, thus again proving their willingness to at all times meet your requests and demands.

Now, Mr. Chairman, is it not fair, and have we not earned the **right** [4] to request of you only this once, not a half dozens times, as you have requested of us, to give us for once what we request of you; to let us once exercise our own judgment with respect to the disposition of our last estate. I hope that the gentlemen of this committee will see the fairness of this our first request and seeing this fairness will concede the justness of our request.

In this connection, gentlemen, I might also state that we have always been friends to this Government, never having ensued in any hostilities against it. On the other hand we befriended you, we assisted you, we gave such aid and comfort as enabled your generals to settle with less difficulty, and to your advantage, the many disputes that were settled with our neighboring bands or tribes. The old man here, Sits-Down-Spotted, in this connection personally rendered you valuable service as a scout and guide over that then trackless wilderness, beset with a multitude of dangers. He is a personal friend of Gen. Miles. Many others also rendered much assistance, and in doing so risked their lives to assist you, when you were sorely in need.

Now, gentlemen, I have proven to you that when we had the chance we befriended

you, when you were sorely in need we assisted you, and now, my friends, we humbly request that at this time you consider the possibility of reciprocating that favor, which is within your power to give us, in this our hour of need.

Now, Mr., Chairman, these being our solemn covenants then entered into, at your behest, between and by your representatives and ours, I can state, standing here before all men, that never so far as we have been concerned, have they ever been ignored or abrogated, and very naturally we expect the same of you. Are they not then, Mr. Chairman, to be considered sacred? Surely, the "scrap of paper" idea never entered the minds of your President or your commissioners when they treated with us.

Now, then, Mr. Chairman, if you look through these sacred covenants you will not find in any of them any reservations or prior agreements to take or sell any portion of our lands so set aside against our wishes for schools or any other purposes to any State or to anybody else, but, on the other hand, it was solemnly agreed that no portion of it shall be disposed of until our consent thereto had been duly given. This was the condition of our agreement then.

Mr. Chairman, the fact of the matter has been that from the day that we treated with your commissioners for presumably a new birth of **freedom** [2] equal to at least the one which we gave up at your bidding, and in many respects you assured us that it would be better, and, taking you at your word and **right then and there** [5] turning **right about face**,[6] we followed you as a child follows its father, believing, because or your presence and the faith we reposed in you, that there would be no cause for any alarm, we followed you into what was then a perfect dark. Mr. Chairman, how well you have performed your side of this covenant and how well you have fulfilled this trust that we unhesitatingly reposed in you we leave to the world at large to judge.

Mr. Chairman, it is peculiar and strange to me, however, that after such elaborate and distinct understandings it should develop that to-day, after over half a century since our agreement, you have not upon your statute books nor in your archives of law, so far as I know, one law that permits us to think **free**[3], act **free**[4], expand **free**[5], and to decide **free**[6] without first having to go and ask a total stranger that you call the Secretary of the Interior, in all humbleness and

humiliation, "How about this, Mr. Secretary, can I have permission to do this"? and "Can I have permission to do that?" -etc. Ah, Mr. Chairman, if you had given us an inkling then of what has since transpired, I am sure that our fathers would have then held their ground until every last one of them were dead or until you saw fit to guarantee to us in more explicit assurances something more humane, something more of that blessing of civil life, peculiar to this country alone that you call "Americanism."

Mr. Chairman, your President but yesterday assured the people of this great country, and also the people of the whole world, that the **right**[7] of self-determination shall not be denied to any people, no matter where they live, nor how small or weak they may be, nor what their previous conditions of servitude may have been. He has stood before the whole world for the past three years at least as the champion of the **rights**[8] of humanity and of the cause of the weak and dependent peoples of this earth. He has told us that this so-called league of nations was conceived for the express purpose of lifting from the shoulders of burdened humanity this unnecessary load of care. If that be the case, Mr. Chairman, I shall deem it my most immediate duty to see that every Indian in the United States shall do what he can for the speedy passage of that measure, but, on the other hand, Mr. Chairman, this thought has often occurred to me, that perhaps the case of the North American Indian may never have entered the mind of our great President when he uttered those solemn words; that, perhaps, in the final draft of this league of nations document a proviso might be inserted to read something like this: "That in no case shall this be construed to mean that the Indians of the United States shall be entitled to the **rights**[9] and privileges expressed herein, or the **right**[10] of self-determination, as it is understood herein, but that their **freedom**[7] and future shall be left subject to such rules and regulations as the Secretary of the Interior may, in his discretion, prescribe." I and the rest of my people sincerely hope and pray that the President, in his great scheme of enforcing upon all nations of the earth the adoption of great principle of the brotherhood of man and nations, and that the inherent **right**[11] of each one is that of the **right**[12] of self-determination, I hope, Mr. Chairman, that he will not forget that within the boundaries of his own Nation are the American Indians, who have no **rights**[13] whatsoever—not even the **right**[14] to think for themselves—that in his great wisdom he may say to Congress, "Let us, as speedily as possible, cut out this idea of subjecting

the lot of these people to the discretion of the Secretary of the Interior and let us henceforth give to these people also a share of this new birth of **freedom**[8] which is about to dawn the world over."

Mr. Chairman, I hold that the Crow Indian Reservation is a separate semi-sovereign nation in itself, not belonging to any State, not confined within the boundary lines of any State of the Union, and that until such proper cessions, as had been agreed to and as expressed in our covenant, have been duly complied with no Senator, or anybody else, so far as that is concerned, has any **right**[15] to claim the **right**[16] to tear us asunder by the continued introduction of bills here without our consent and simply because of our geographical proximity to his State or his home, or because his constituents prevail upon him so to act; neither has he the **right**[17] to dictate to us what we shall hold as our final homesteads in this our last stand against the ever-encroaching hand, nor continue to disturb our peace of mind by a constant agitation to deprive us of our lands that were, to begin with, ours, not his, and not given to us by anybody. This Nation should be only too ready, as an atonement for our treatment in the past, to willingly grant to the Indian people of this country their unquestionable and undeniable **right**[18] to determine how much of their own lands they shall retain as their homes and how much they shall dispose of to outsiders.

Mr. Chairman, the Crow Indians are at this moment making their last stand against the encroaching hand; they see their lands about to be snatched from them; they have for the past 18 years witnessed many such attempts, but only for the vigilance of their friends here in Congress and elsewhere, have they been able to withhold and keep at a distance the aggressors. I am most certain that the gentlemen of this committee are conscious of the obligations that their fathers, predecessors, and commissioners have placed upon their shoulders. That in the determination of this matter that affects the very existence of the Indians to-morrow, you will not forget that an agreement in writing, touching most specifically upon this question at issue, is somewhere in your archives of law, and that more than this, you yourselves penned every word of it, the Indians merely acquiescing at your behest.

Mr. Chairman, surely you will not deny, in this connection, that it is the undeniable **right**[19] of all the Indian tribes of this country to be entitled to have a court in which to try out any claims the Indians may have against the Government which arise out of treaties, agreements, or acts of Congress, or which are due to losses or damage suffered by reason of wrongful acts of officials or employees of the Government, charged with the care, custody, or administration of Indian property. The task of procuring such court, and thereafter of preparing, presenting, and prosecuting therein the claims of all tribes, requires, first, the assistance of competent legal counsel with both financial and legal ability, as well as talent, at their command, and, also, one who will stand ready to advance, if necessary, the necessary finances in order to properly and successfully conduct the prosecution of any of their claims.

Mr. Chairman, to accord them the **right**[20] to select and employ such legal assistance, without any foreign interference whatsoever, is an inalienable **right**[21] of every American Indian just as much as it is of every citizen of this country, and for anyone whomsoever to interfere with or defeat this **right**[22] of self-protection and determination on the Indian's part, or for an official or other employee of a debtor Government to do so, not only violates this fundamental **right**[23] of the Indians, but raises a presumption of hostility, if nothing worse, on the part of the employee against the Indian; but, for the guardian of the Indian to assume this attitude toward his wards, when perhaps his very salary is being paid, in part if not wholly, out of the ward's funds, is seemingly such a perversion of justice as to justify the designation of the act as an anomaly.

And thus, Mr. Chairman, in the very nature of things, if the Indians are deprived of this **right**[24] to select **free – handed**,[9] and employ legal counsel, responsible solely to them for honest, disinterested, efficient service, little hope of success remains to the Indian. If the selection of counsel, of the terms of service, the kind and amount of compensation are dictated and controlled by the debtor Government and employees, surely, such counsel is sorely fettered in the performance of loyal service to the Indian, and in such case the declaration of one of the best-known Indian lawyers, formerly a tribal attorney, now a Member of Congress and as good a citizen as ever walked in this country, is as follows:

Mr. Hastings said: "They have certain differences with the department. They can not be represented up here before the committees of Congress. They can not send an attorney here; they can not send their tribal council here. There is no way for them to present their claims to Congress now without the permission of the Secretary of the Interior."

In response to the views of a Member of the House opposing him, Mr. Hastings said: "The gentleman has not had the experience upon these Indian matters that some of the rest of us have had. Personally I have lived under the department every day of my life. We have been under we supervision of the Interior Department down there in Oklahoma always, and if yon are going to allow the Secretary of the Interior to pick the attorney, to let him be hand picked, you might as well have none at all, because the attorney then must go down and first get orders from the department and the Commissioner of Indian Affairs, else he will not be employed the next year. His employment depends upon his representing their views and not the views of the Indian."

He made his position clearer still. "Now, I have always contended that these people with these large interests ought to be represented by a high-class attorney, and I believe they ought to have something to say about naming him. Let me say to the gentlemen, for years I was attorney for the Cherokee Tribe of Indians, and representing them before committees and before the departments and before the courts here, I do not believe that any tribal representative ought to be dictated to by the Commissioner of Indian Affairs or the Secretary of the Interior." After an interruption Mr. Hastings proceeded: "I will say that all these tribal attorneys that are now employed, where approval has to be made by the Secretary of the Interior, they cannot, of course, represent any other views than, those entertained by the department."

Now, Mr. Chairman, what is true of the Osages is true of every other Indian tribe in the country.

Thus from the forgoing it is plain that the history of Indian litigation proves conclusively that the Indians are altogether capable of selecting their own counsel, and it should not be denied them. To select the counsel is the Indian's **right**,[25] inherently fixed; to deprive him thereof, is essentially a wrong, an injustice, and, I am tempted to say, almost a crime.

Now, in conclusion, Mr. Chairman, permit me to say that the Indians of this country will grow better and become better and more intelligent and useful citizens, just in proportion as you make it possible for them to be **freer**[10] and happier; just in proportion as you permit fewer thrusts and snatches at their lands; just in proportion as you allow them to exercise more intellectual liberty; just in proportion as you permit them personal liberty, **free**[11] thought, and the **freest**[12] expression thereof, for **free**[13] thought never gave us anything else but the truth; just exactly the same as your own race has grown better, just in proportion to their exercise of **freedom**[14] of body, and mind, and thought, plus the **freest**[15] expression thereof; the history of all nations tell us that they have grown only better just in proportion as they have grown **free**,[16] and I am here, gentlemen, to advocate that proposition for the American Indian, who still is held in bondage as a political slave; by this great Government as intellectual slaves, and as intellectual serfs; and now, gentlemen, I ask of you, that has not the time arrived when we ought to begin at least to think of giving to these people more of the essence of that happier life as you live it, and to permit them to enjoy a little more of that enviable condition of **freedom**[17] peculiar only to American civil life that you call "Americanism"?

In short, Mr. Chairman, and gentlemen of the committee, I mean to that not until every American Indian is clothed with unconditional American citizenship, not until you can truly say that be is full fledged in that respect, enjoying its **right**[26], privileges, and immunities, and discharging its responsibilities, the same as any other citizen of this, his native land, can the Indians themselves say that they are **free**[18]; for as I see it, gentlemen, American citizenship, testing 100 per cent pure, means nothing else than **freedom**[19], and **freedom**[20] in the broadest and most comprehensive sense of the word.

Perhaps, Mr. Chairman, there are certain conditions of ability to be demonstrated, certain patriotic requirements of a sacrificing nature also to be demonstrated; if so, I reply by saying to you: Look the country over and in every field of endeavor leading up from private enterprises through the different departments of the Government and continuing on up to the halls of Congress you will find him most successfully competing with the best that this Nation has;

surely, he has demonstrated beyond any doubt whatsoever his ability as a man and even now the name of one of them is being mentioned as a presidential possibility. If, on the other hand, Mr. Chairman, the unshirking performance of military performance be a requirement, then I say to you, gentlemen, you owe him his papers **right**[27] this minute, for in every battle since the Revolution to and including the one just over, he has fought, and on just so many battlefields he lies buried.

Gentlemen, your own Gen. Pershing saw fit to pin upon their breasts in recognition of their distinguished services every cross of honor in existence excepting, of course, the iron cross. Now, gentlemen, that in brief is the manner in which we have conducted ourselves; then are we not worthy of your most affectionate friendship and do you not think that we are entitled to our demands—that is the big question.

My people are awaiting for that day beyond that misty, hazy, and clouded horizon to dawn when they can say with all proudness that they, too, are full-fledged American citizens.

Gentlemen of the committee, we now intrust the verdict in our case to your kind, thoughtful, and careful consideration. We hope we will find friends among you that will plead our cause in the Congress of the United States whenever such cause hangs in the balance.

Bibliography

Bauerle, Phenocia, Cindy Bell, Luella Brien, Carrie McCleary, Timothy P McCleary, and Hubert B Two Leggins. *The Apsáalooke (Crow Indians) of Montana : A Tribal Histories Teacher's Guide.* Helena: Montana, Office of Public Instruction, 2010.

Bernstien, R.B. *The Constitution of the United States with the Declaration of Independence and the Articles of Confederation.* New York: Fall River Press, 2002.

Canby, Jr., William C. . *American Indian Law in a Nutshell.* Phoenix: Thomson Reuters, 2009.

Center for the Study of Language and Information. "Liberalism." *The Stanford Encyclopedia of Philosophy.* 2014. http://plato.stanford.edu/entries/liberalism/#PolLib (accessed Feb. 14, 2014).

Committee on Indian Affairs. *Allotments to Crow Indians.* Hearing, Sixty-Sixth Congress, Washington, D.C.: United States Senate, September 3, 1919, 1-26.

Committee on Indian Affairs. *Crow Tribe of Indians of Montana.* S. Rep. 219, Washington, D.C.: U.S. Congress Senate, September 23, 1919, 1-11.

d'Errico, Peter P. *Introduction: Native Americans in Politics.* Vol. 2, in *Encyclapedia of Minorities in American Politics*, by Jeffery D. Schultz, Kerry L. Haynie, Anne M. McCulloch, & Andrew L. Aoki, 569-749. Phoenix: Oryx Press, 2000.

Forbes, Jack D. "Intellectual Self-Determination and Sovereignty: Implications for Native Studies and for Native Intellectuals." *Wicazo Sa Review* 13, no. 1 (Spring 1998): 11-23.

Foss, Sonja. "Generative Criticism." In *Rhetorical Criticism: Exploration and Practice*, by Sonja Foss, 378-444. Denver: Waveland Press, 2009.

Frey, Rodney. *The World of the Crow Indians.* Norman: University of Oklahoma Press, 1987.

Fritz, Henry E. "The Making of Grant's Peace Policy." *Chronicles of Oklahoma* 37 (Winter 1959-1960): 411-432.

Garnsey, Peter. *Thinking about Property: From Antiquity to the Age of Revolution.* New York: Cambridge University Press, 2007.

Genetin-Pilawa, C. Joseph. *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War.* Chapel Hill: University of North Carolina Press, 2012.

Hoxie, Fredrick E, and Tim Bernardis. "Robert Yellowtail." In *The New Warriors: Native American Leaders Since 1900*, by David R. Edmunds, 55-77. Lincoln: UNiversity of Nebraska Press, 2001.

Hoxie, Fredrick E. *Talking Back to Civilization: Indian Voices from the Progressive Era.* Boston: Bedford/St. Martin's, 2001.

Jefferson, Thomas. "National Archives: The Charters of Freedom." *Declaration of Independence.* July 4, 1776. http://www.archives.gov/exhibits/charters/declaration_transcript.html (accessed Jan 01, 2014).

Kades, Erik. "History and Interpretation of the Great Case of Johnson v. M'Intosh." *Faculty Publications of William & Mary Law School*, 2001: 67-116.

Locke, John. *Two Treatises on Civil Government.* Edited by Paul Negri, & Tom Crawford. New York: Dover Publications, Inc, 2002.

Lowie, Robert H. *Myths and Traditions of the Crow Indians.* Vol. XXV, in *Athropological Papers*, by American Museum of Natural History. New York: American Museum of Natural History, 1918.

Lowie, Robert H. *Social Life of the Crow Indians.* Vol. IX, chap. II in *Anthropological Papers*, by American Museum of Natural History, 179-248. New York: American Museum of Natural History, 1911.

Lowie, Robet H. *The Crow Indians.* New York: Farrar & Rinehart, Inc, 1935.

Manypenny, George W. "Report of the Commissioner of Indian Affairs." *34th Congress, Senate Executive Documents.* Vol. 2. Washington, D.C.: GPO, Nov. 22, 1856. 554-580.

McKeon, Richard. "The Development of the Concept of Property in Political Philosophy: A Study of the Background of the Constitution." *Ethics* (University of Chicago Press) 48, no. 3 (Apr. 1938): 297-366.

Mill, John Stuart. *On Liberty.* Edited by Millicent Garrett Fawcett. London: Oxford University Press, 1963.

Murphy, Walter F., James E. Fleming, and Sotirios A. Barber. *American Constitutional Interpretation.* New York: The Foundation Press, 1995.

Oxford English Dictionary Online. *civilizade, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/33583?redirectedFrom=civilizade#eid (accessed Feb. 2, 2014).

—. *custom, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/46306?rskey=B5RYNc&result=1&isAdvanced=false#eid (accessed Feb. 12, 2014).

—. *fee-simple, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/69002?redirectedFrom=fee-simple#eid (accessed Feb. 12, 2014).

—. *free, adj., n., and adv.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/74375?rskey=0ikQlT&result=1&isAdvanced=false#eid (accessed Feb 02, 2014).

—. *right, n.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/ (accessed Feb. 12, 2014).

—. *right-about-face, v.* Jan. 01, 2014. http://0-www.oed.com.opac.fortlewis.edu/view/Entry/275012?rskey=12mxBL&result=3&isAdvanced=false#eid (accessed Feb. 14, 2014).

Post, David M. "Jeffersonian Revisions of Locke: Property-Rights, and Liberty." *Journal of the History of Ideas* (University of Pennsylvania Press) 47, no. 1 (Jan.- Mar. 1986): 147-157.

Poten, Constance J. "Robert Yellowtail, the New Warrior." *Montana: The Magazine of Western History* (Montana Historical Society) 39, no. 3 (Summer, 1989): 36-41.

Prucha, Francis Paul. *American Indian Policy in Crisis.* Norman: University of Oklahoma , 1976.

Rodgers, Daniel T. *Contested Truths: Keywords in American Politics Since Independance.* New York: Basic Books, 1987.

Sahakian, William S. *History of Philosophy.* New York: Barnes and Noble, 1968.

Schultz, David. "The Locke Republican Debate and the Paradox of Property Rights in Early American Jurisprudence." *Western New England Law Review* (Western New England University School of Law) 13, no. 2 (1991): 155-187.

The American Legion. *History.* Jan 01, 2014. http://www.legion.org/history (accessed Feb 19, 2014).

Tsuk, Dalia. "The Neal Deal Origins of American Legal Pluralism." *Florida State University Law Review*, 2001: 189-268.

United States of America. "The Bill of Rights." In *Basic Documents of Human Rights*, by Ian Brownlie, 11-13. London: Oxford University Press, 1971.

United States Senate, Committee on Indian Affairs. *Allotments to the Crow Indians.* Senate, Washington, D.C.: GPO, 1919.

Unrau, William E. "Charles Curtis (1860-1936)." In *A Biographical Dictionary of Vice Presidents*, by L. Edward Purcell, 283-288. New York: Checkmark Books, 2001.

Unrau, William E. *Mixed-Bloods and Tribal Dissolution: Charles Curtis and the Quest for Indian Identity.* Lawrence: University Press of Kansas, 1989.

Wilson, Woodrow. "Address of the President of the United States, April 2, 1917." *Delivered to the Joint Session of the Two Houses of Congress.* Washington, D.C. : GPO, April 2, 1917.

—. "Address of The President of the United States, January 22, 1917." *Delivered to the Senate of the United States.* Washington, D.C.: GPO, Jan. 22, 1917.

—. "Address of the President of the United States, January 8, 1918." *Delivered to the Joint Session of the Two Houses of the United States Congress.* Washington, D.C.: GPO, Jan. 8, 1918.