

Jon S. Blackman. 2013. *Oklahoma's Indian New Deal*. University of Oklahoma Press, pp. 236.

Scholars of Indian law usually point out that there are three different frameworks of law in the United States: Oklahoma, Alaska, and the other 48 states. That being said, most literature that addresses Indian law at large does not apply to Oklahoma and most literature about Oklahoma does not apply to the rest of the states. This situation makes a book like Jon Blackman's *Oklahoma's Indian New Deal* all the more important.

Blackman is a University of Oklahoma trained historian who works at the State Department in Washington, D.C. As an historian, his focus is federal Indian policy. The book is richly informed by archival documents Blackman accessed at the Library of Congress. For example, he cites numerous letters written to Oklahoma Congressmen regarding passage of Oklahoma Indian Welfare Act (OIWA) as well as the minutes of several community meetings from the 1930's.

It is common knowledge that President Franklin Roosevelt's New Deal programs were created to bring an end to the suffering Americans experienced during the Great Depression. Included in the New Deal was a plan drafted by John Collier – Commissioner of Indian Affairs – known as the Indian Reorganization Act (IRA) of 1934. The IRA officially ended the federal government's allotment policy, gave tribes more authority in creating tribal governments, and funded economic programs for tribes. Collier had a very unique view of policy for Indians. He didn't believe in assimilation, but neither did he believe in a society where Natives and non-Natives would live separately. Blackman quotes Collier's memoir: "The New Deal told the Indians: you are of the world and the world is of you. Draw now of your own

deep powers . . . the huge past in you has a huge future” (8). Collier hoped that the Indian New Deal, as the IRA was known, would empower the tribes to achieve self-determination and economic development.

One might assume that the State of Oklahoma would be in favor of the IRA, but that is not correct. In fact, although Collier spent weeks in Oklahoma trying to create support for the bill, natives and non-natives found reasons to reject it. Because over half of the Native Americans in the United States lived in Oklahoma at the time, excluding Oklahoma from the IRA was quite a blow to Collier’s plan for empowering Indians. However, within two years, Oklahoma was willing to accept a nearly identical piece of legislation that basically extended the WRA to Oklahoma. What happened?

To understand why Oklahoma rejected the IRA in 1934 yet eagerly accepted the OIWA in 1936 one must examine the political climate in Oklahoma at the time, specifically Senator Elmer Thomas. Senator Thomas was firmly against the IRA yet embraced the OIWA. Natives certainly didn’t have any political muscle to guide policy choices so, although Thomas and Collier met with Indian leaders across the state, it was really the views of powerful non-natives that drove these choices. As Blackman writes, “Thomas . . . clearly knew what side his political bread was buttered on – Oklahoma whites, not Oklahoma Indians, kept returning him to Washington” (7). Why wouldn’t non-natives in Oklahoma want to reject power for natives?

In the period between 1887 and 1920, natives were stripped of nearly 90% of the land they were given in the allotment process. Historian Angie Debo has called this disinheritance “an orgy of plunder and exploitation.” Part of the way this plunder of native wealth was affected was through “grafting” and also using friendly local probate judges to manage leases or sale of native land. For example, one attorney charged the fee of \$35,000 to probate one Indian case and it was not uncommon for an attorney to charge up to 70% of the value of the estate probated. Any change to the law that might disrupt attorneys’ cash flow was opposed. The federal government was aware of this exploitation and commissioned the Meriam Report to suggest ways to protect native landholdings.

During the Great Depression, non-native Oklahoma politicians viewed tribes as wards of the federal government who were draining state resources. Among the Five Tribes, poverty was rampant. The annual per capita earnings was only \$47 and most had lost their allotment land. Collier's IRA would seek to remedy these conditions with a two-step plan. First, the Indians would be organized with new constitutions on good land. Second, Indians would be given credit to generate economic independence. Another section of the law would remove Indian affairs from state courts to special Courts of Indian Affairs.

The IRA sought to use a one-size-fits-all remedy on a problem that was very different for Oklahoma and non-Oklahoma tribes. Powerful Oklahoma tribes didn't like the IRA because they didn't live on reservations and thought they might be forced to move to one. Grafting attorneys didn't like the IRA because it would take away their ability to skim giant profits on probates. Finally, non-native politicians in Oklahoma – such as Governor William H. Murray – opposed the New Deal on principle and resisted embracing aid through the IRA. After much haggling in Congress, and pressure from Oklahoma Senator Elmer Thomas, the IRA was amended from 48 pages down to five and Oklahoma tribes were excluded from it.

The year 1936 saw a massive policy reversal. Governor Ernest Marland took office and he wholeheartedly embraced New Deal programs to alleviate the suffering of Oklahomans. He worked with Senator Thomas on a new bill – the Thomas-Rogers Bill – which was known familiarly as OIWA. It was very similar to the IRA. The bill initially was killed by Oklahoma probate and guardianship attorneys but when the bill was amended to leave jurisdiction over these issues in state courts the bill was brought back to life. The “Newer New Deal” passed on June 26, 1936.

This highly readable book would be interesting for anyone with an interest in Oklahoma history or the history of natives in Oklahoma. The quotes that Blackman uses throughout the book to bring the political debates to life are especially appreciated. Like many New Deal programs, the assistance and the credit provided to tribes under the IRA or OIWA didn't have long term effects. However, Commissioner Collier's foresight in allowing tribes to reorganize and begin to express their sovereignty is actually the lasting impact these acts have had. If

action had not been taken in the bleak years of the 1930s, there may be no tribes at all today.

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