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"Better Red than Dead": American Indians' Struggle for Sovereignty Rights in the 1960s and 1970s

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Abstrakt

Cílem této diplomové práce bylo analyzovat radikální aktivismus Amerických Indiánů v šedesátých a sedmdesátých letech dvacátého století., kdy začali původní obyvatelé Ameriky hlasitě usilovat o to, aby Americká federální vláda plnila veškeré své závazky vyplývající z historických smluv uzavíraných mezi ní a domorodými kmeny v Severní Americe. V mezinárodním kontextu studené války, probíhající dekolonizace a vietnamského konfliktu není překvapivé, že si nová generace indiánských aktivistů osvojila rétoriku nacionalismu, suverenity, sebeurčení a historických smluvních práv. Definující byla pro aktivisty také interakce s domácím hnutím za občanská práva, svobodu projevu, práva homosexuálů, proti válce ve Vietnamu a podobně. Zásadní rozdíly v samé podstatě práv, o jejichž dodržování Indiáni usilovali, je ale jasně vyčleňují ze širšího proudu tehdejších domácích hnutí za společenskou změnu, a neměla by být vnímána jako "pouze další" hnutí za občanská práva. Právě tyto obtížně vysvětlitelné rozdíly v postavení Amerických Indiánů v rámci právního a politického systém Spojených států dodnes vedou k přehlížení jejich radikálního aktivismu v moderní Americké společensko-politické historii, a nadále komplikují jejich vzájemné porozumění s dominantní společností.

Abstract

In my thesis, I argue that the Native American activism of the 1960s and 1970s does not fall into the category of Civil Rights Movement because of its significantly different goals, and that the fundamentally different character of sovereignty rights also keeps the Indian struggle invisible in American understandings of U.S. political and social history. According to my analysis, the terms *tribal sovereignty*, *self-determination*, and *treaty rights* describe the ultimate goals of the Native American activists in the 1960s and 1970s the best. The decade between 1964 and 1974 witnessed

the rise of radical Indian activism, which succeeded in reminding the general public and politicians that Indians are still present in the United States. Furthermore, it influenced a whole generation of Native Americans who found new pride in being Indian. However, this current of American activism is not known so well by the general U.S. public. This thesis will describe this state as “selective visibility” deriving from U.S. selective historical memory, only noticing and remembering those events and images concerning Native Americans that can be simply understood, somehow relate to the U.S. set of values, and fit in the national historical narrative.

Klíčová slova

Spojené státy Americké, původní obyvatelé Severní Ameriky, Američtí Indiáni, hnutí za občanská práva, boj za občanská práva, právo na svrchovanost, boj za svrchovanost, právo na sebeurčení, historická práva, smluvní práva, 60. léta, 70. léta.

Keywords

Native Americans, American Indians, Natives, Civil Rights Movement, Struggle for Civil Rights, Struggle for Sovereignty Rights, Self-Determination, Treaty Rights, 1960s, 1970s, United States, Radical Activism, American Indian Movement, Red Power.

Rozsah práce: 121 350 znaků

Prohlášení

1. Prohlašuji, že jsem předkládanou práci zpracoval/a samostatně a použil/a jen uvedené prameny a literaturu.
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V Praze dne 16. 5. 2014 Olga Staňková

Poděkování

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Obsah

Introduction 2
1. The Major Events and Strategies of Native American Activism in the 1960s and 1970s 18
1.1 The International Context of the Native American Struggle for Political Rights 18
1.2 The Influence of Other U.S. Domestic Movements on American Indian Activism 22
1.3 Differences among Native American Leaders 25
1.4 The Major Events of the American Indian Rights Struggle 28
"Fish-Ins" in the Pacific Northwest, 1964 28
Occupation of Alcatraz Island, 1969-1971 32
Trail of Broken Treaties and the Occupation of the BIA Building, 1972 35
Wounded Knee, 1973 38
2. The Influence of Native American Activism on Federal Legislation and Judicial Decisions 42
3. The Issue of Native Americans´ Invisibility – and Why It Matters 48
Conclusion 54
Shrnutí 60
Bibliography 62
Scholarly Publications 62
Scholarly Articles 63
Digitized Official and Primary Sources 64
Newspaper Articles 66
Additional Sources 67
List of Appendixes 70
Appendixes 71
Appendix 1: Timeline 1961-1973 71
Appendix 2: Index of Abbreviations 72

Introduction

Self-determination is a term which is well known in Central Europe. This concept was crucial in the development of statehood for the democratic republics of the region following the break-down of the Austro-Hungarian Monarchy in the early 20th century. The term itself was used in January 1918 by the U.S. President Woodrow Wilson in his address to Congress later dubbed the "Fourteen Points" speech. At the time, Native Americans had already experienced a century of disputes with individual states and the federal government of the Union over their right to self-determination, and an even longer history of diplomatic relations as well as military conflicts with European settlers in North America.

The long history of Indian agency[1] and activism is something that needs to be stressed and repeated because the myth of the "vanishing Indian" is still alive and well, as well as the too-frequent victimization of Native Americans as mere sufferers and responders to the actions and policies of European colonists or the U.S. federal government.[2][3] My personal experience with the general knowledge of American Indian history by U.S. students[4] is as follows: Virginian students knew the story of Pocahontas due to her Virginian origins, and students from other states were familiar with the battle

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[1] Indian agency is a scholarly term that describes the ability of American Indians to „selectively adapt their culture to meet the physical, social, political, and emotional demands of their situation with creativity, flexibility and initiative". It is a term coined in the recent effort of historians to "counter the simplistic image of defeated and despondent Indians by emphasizing the adaptability of Indian communities".
See: Tracy Neal Leavelle, "'We Will Make it Our Own Place': Agriculture and Adaptation at the Grand Ronde Reservation, 1856-1887"in *Major Problems in American Indian History: Documents and Essays*, eds. Albert L. Hurtado and Peter Iverson (Houghton Mifflin, 2001), pp. 333-347.

[2] Donald L. Fixico, "Witness to Change: Fifty Years of Indian Activism and Tribal Politics", pp. 2-32, in *Beyond Red Power,* Fowler and Cobb, 7.

[3] The most recent popular stereotype of Native Americans among the general U.S. public is that of "the rich Indians" – Native Americans who have grown rich from the tax-exempt casinos they have been allowed to operate by the 1988 Indian Gaming Regulatory Act, and who are now affluent but still live off the federal government and non-Indian society. This new stereotype continues to make cross-cultural understanding between Native and non-Native Americans difficult.
See: Native American Rights Fund Publication, *Dispelling the Myths About Indian Gaming*, http://www.narf.org/pubs/misc/gaming.html (accessed April 21, 2014).
See also: Dwanna L. Robertson, "The Myth of Indian Casino Riches" in *Indian Country Today Media Network*, June 23, 2012, http://indiancountrytodaymedianetwork.com/2012/06/23/myth-indian-casino-riches (accessed April 21, 2014).

[4] Observation made during the author´s study abroad semester at the University of Richmond, Virginia, between August and December 2013.

of the Little Big Horn where General Custer lost to Native Americans in 1876. And of course most Americans acknowledge the help provided to the Plymouth settlers by Native Americans Squanto and Massasoit from the Wampanoag tribe in 1621. A vast majority of the university students admitted that this was all they knew about American Indians history.[5]

Despite the fact that this thesis is focusing on a more recent and more visible era in the long history of Indian activism - that of the late 1960s and 1970s - the leitmotif of Native American agency is fundamentally the same throughout history: since European contact, Native nations have been fighting for various forms of self-determination and tribal sovereignty. *Tribal self-determination* is the most crucial concept of this analysis, and can be explained as "the political capability of the tribes to address their members´ cultural, social and economic needs".[6]

In my thesis, I will argue that the Native American activism of the 1960s and 1970s does not fall into the category of Civil Rights Movement because of its significantly different goals, and that the fundamentally different character of sovereignty rights also keeps the Indian struggle invisible in American understandings of U.S. political and social history.

When contemplating the turbulent changes in U.S. society occurring in the 1960s, what comes to mind most often is the Civil Rights Movement, followed by youth counterculture, the feminist movement, the anti-Vietnam War struggle, and generally, different minorities claiming political rights. However, the close of this decade of unrest also saw the rise of radical Indian activism, led by various Native American leaders and organizations, such as the Red Power movement's National Indian Youth Council (NIYC), Indians of All Tribes, and later the American Indian Movement (AIM) and others. This current of American activism is not known so well by the general U.S. public as illustrated by the informal survey above. What might be the reason behind this? How come the Native American struggle remains less visible when compared to other groups´ demand for rights? How come it is not treated as equally important as e.g. the Afro-American fight for civil rights by historians? Were its participants or their

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[5] Discussion held in the class "Native America Today", taught by Associate Professor of Anthropology at the UR, Dr. Jan H. French.
[6] Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis, London: University of Minnesota Press, 2007), 152.

goals profoundly different from those of the other groups and movements at the time? Did they use different strategies to reach their goals? I will explore these questions, as well as the relationship between the Civil Rights Movement's protest forms and the American Indian protest occupations in more detail in the first chapter.

Through analysis of available materials on this topic, I will try to prove my thesis that Native American activism of the 1960s and 1970s cannot be understood as a part of the Civil Rights Movement because the goals of American Indians were very different and in a way more complex and complicated than those of the civil rights. American Indians´ struggle in the 1960s and 1970s was not aimed at – in their eyes assimilationist – civil rights, but at *political,* more precisely *sovereignty* rights derived from their treaties with colonial powers and federal government. Paul Rosier expressed this in one simple sentence: "'Treaty rights' was the goal of American Indians, not 'Civil rights'".[7] The desire of Native American activists was not to become integrated in general American society and culture. On the contrary, to some extent they fought for their rights to remain culturally different. They fought to preserve, secure and practice their tribal (which means *political*) sovereignty, for example in the form of fishing and hunting rights guaranteed, at least in theory, by treaties in the Pacific Northwest and the Midwest.[8] They fought for the right of free choice of how to run tribal policies and Indian programs of their own making in law and law enforcement, health services, education, and culture. When talking about termination policy[9], Earl Old Person, a former leader of NCAI said: "Why it is so important that Indians be brought into the 'mainstream of American life' (…) Am I to tell my people that they will be 'thrown into the Big, Wide River of the United States?'" This quote illustrates that what might have been an ultimate goal for the Civil Rights Movement – to become integrated – was not desired by American Indian activists of the time.[10]

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[7] Paul C. Rosier, *Serving Their Country: American Indian Politics and Patriotism in the Twentieth Century* (Harvard University Press, 2009), 224, http://site.ebrary.com/id/10402488?ppg=231 (accessed April 19, 2014).
[8] Larry Nesper, *The Walleye War: The Struggle for Ojibwe Spearfishing and Treaty Rights* (University of Nebraska Press, 2002), 3.
[9] Termination policy was an effort of the U.S. federal government to terminate federal obligations toward Native Americans by terminating their special government-to-government relationship. This term is further explained on p. 6, n. 22 of this thesis.
[10] Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1996), 8.

The strategy that a movement chooses matters in various ways. Think of a violent confrontation, peaceful demonstrations, non-violent happenings, civil disobedience, cultural events etc. Each of these strategies generates a very different response from both the public and the authorities. The young American Indian activists of the 1960s chose more radical approaches to promote their goals, because to them, the potential gain probably outweighed the risks of such approach. As I have already mentioned, the Native Americans usually did not receive much attention of the public, media, or politicians.[11] Thus in a way there was probably not that much to lose in the eyes of the radical youth. Of course, neither the older generation of Indian activists who had long engaged in negotiations for the improvement of federal Indian policy with the Bureau of Indian Affairs (BIA), nor the U.S. federal government shared this view. While the older tribal leaders "generated their on-the-boundaries-approach in a somewhat diplomatic way, younger tribal leaders from the Red Power movement were much less reticent" when they saw radical means used by other movements and when in their eyes, the strategy of their parents and grandparents was really going nowhere "especially with regard to the issue of self-determination".[12]

The names of the movement and definition of its goal are equally important. What if the Native American activists chose to label their effort as a struggle for *civil rights*? At first sight, this would seem like a logical decision given the widespread currency of this term at the time. However, civil rights are defined as "the rights of citizens to political and social freedom and equality"[13]. In to the case of Native Americans this definition is troubling due to the very word *citizens* – while American Indians obtained the U.S. citizenship in 1924, this was not seen as an undoubtedly positive development for them.[14] Due to their unique place on the margins of American political space and due to the *collective* nature of tribal societies, being *individual* American citizens who enjoyed political and social freedom and equality was not their

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[11] Smith and Warrior, *Like a Hurricane*, 110 - 111.
[12] Bruyneel, *The Third Space of Sovereignty*, 155.
[13] Definition of the term "civil rights" according to the Oxford Dictionaries on-line version, http://www.oxforddictionaries.com/us/definition/american_english/civil-rights (accessed April 25, 2014).
[14] Joyotpaul Chaudhuri, "American Indian Policy: An Overview" in *American Indian Policy in the Twentieth Century*, Vine Deloria, Jr. (ed.) (Norman: University of Oklahoma Press, 1985), 29 - 30.

final goal.[15] Therefore referring to their activities as to struggle for *civil rights* would not have been fitting.

In the context of anti-colonial movements sweeping through the "third world" countries, Native Americans could also choose *independence* as a key concept of their struggle. The definition of the term "independent" as "free from outside control; not subject to another´s authority; self-governing"[16] is close to the ultimate goal of Native Americans. However, this concept is not quite fitting either. Since the first encounters with Europeans, Native Americans entered into treaties with first the European powers, and subsequently with the U.S. federal government. Those treaties created certain obligations for the federal government towards Native Americans and increasingly they also included federal funding provisions. By promoting independence, American Indians would deny one of the focal points of their activism – the recognition and enforcement of their treaty rights and *obligations* by the U.S. federal government.[17] It is true that even if Native American tribes proclaimed independence, the U.S. federal government would still have to respect the treaty rights, but it is reasonable to speculate that it would be a legally challenging situation, and that the U.S. government would for example no longer feel obligated to provide funding for federally sponsored programs for American Indians. Despite the mineral resources richness of some tribal lands, and the successful gaming industry, this would probably nevertheless - at least in short to mid-term horizon – led to deterioration of American Indians´ living conditions.[18] Furthermore, promoting full-scale independence for Native American nations would most likely gather neither public nor political support, in contrast with the more apparently legitimate demands based on the treaties signed by the U.S. federal government. Moreover, independence itself would probably be extremely difficult to achieve due to legal, political, geographical and economic obstacles.[19] Despite these

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[15] Kevin Bruyneel, "Challenging American Boundaries: Indigenous People and the "Gift" of U.S. Citizenship" in *Studies in American Political Development,* Volume 18, Issue 01, (April 2004), pp. 30-43, http://www.academia.edu/1613614/Challenging_American_Boundaries_Indigenous_People_and_the_Gift_of_U.S._Citizenship (accessed April 25, 2014).

[16] Definition of the term independent according to the Oxford Dictionaries on-line version, http://www.oxforddictionaries.com/definition/english/independent, (accessed April 25, 2014).

[17] Rosier, *Serving Their Country*, 222.

[18] For further information on federal funding of American Indian programs, see U.S. Commission on Civil Rights Report, "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country", July 2003, http://www.usccr.gov/pubs/na0703/na0731.pdf (accessed May 14, 2014).

[19] The case of "the Republic of Lakotah" illustrates the difficulties that Native nations would be facing if they decided to pursue independence on the United States. After (and if) independence movement gains considerable political support of the population concerned, say in a referendum, it has to prove its legal

obstacles, radical Native American activists nevertheless often used the *rhetoric* of independence. It is however legitimate to doubt their actual intent to declare complete independence on the United States.

On that account, the terms *tribal sovereignty*, *self-determination*, and *treaty rights* describe the ultimate goals of the Native American activists in the 1960s and 1970s the best, as I have already mentioned above[20] and as I will further argue.

Furthermore, it is important to ask what contributed to the fact that Native Americans found their more unified and louder voice specifically in the ’60s and ’70s. Most activists and historians agree that the rise of activism in the “Indian Country” was an unintended consequence of the federal policy of termination and relocation[21], aimed to assimilate the American Indians into mainstream U.S. society and to get rid of the obligations the federal government had towards them. Termination and relocation were an outcome of “economic pressures to lessen federal spending (…) converged with sentiments favoring *individual equality over social group rights* [italics mine]” [22]. The policy consisted of series of legislations passed between 1946 and 1961 that sought to deal with Native Americans' legal claims against the United States (mainly through the Indian Claims Commission established in 1946) and to completely integrate American Indians (through the BIA relocation program promoting urbanization of American Indians) into American society. Congress also passed legislation that allowed non-Native couples to adopt Native children, and another law which increased states'

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right to proclaim independence. This is a difficult and costly operation requiring thorough legal analysis. Furthermore, the future consequences of such a move are often unclear, ranging from international recognition, to practical issues such as currency, citizenship, self-sufficiency in terms of economy and resources etc.
For Lakotah independence, see: Corine Lesnes, “Les Indiens de la tribu des Lakotas ne veulent plus être citoyens des États-Unis” in *Le Monde*, December 22, 2007, http://www.lemonde.fr/ameriques/article/2007/12/22/les-indiens-de-la-tribu-des-lakotas-ne-veulent-plus-etre-citoyens-des-etats-unis_992622_3222.html (accessed May 9, 2014).
For general obstacles to independence, see: “Breaking up is hard to do : Many legal unknowns would follow Scottish independence” in *The Economist*, November 3, 2012, http://www.economist.com/news/britain/21565663-many-legal-unknowns-would-follow-scottish-independence-breaking-up-hard-do (accessed May 9, 2014).

[20] Page 2 of the thesis.

[21] The termination policy was officially adopted by the Congress in 1953. Its main piece of legislation was the Public Law 280 that allowed the expansion of state jurisdiction over tribal lands. Furthermore, Congress passed individual termination acts ending government-to-government relationship and federal oversight of trust property with selected tribes. Relocation was a program led by the BIA with a goal to urbanize and assimilate Native Americans.

[22] Taiawagi Helton and Lindsay G. Robertson, “The Foundations of Federal Indian Law” in *Beyond Red Power,* Fowler and Cobb (eds.), 35-36.

influence on Indian reservations. Moreover, circa 110 tribes were unilaterally terminated through passage of Termination Acts.[23]

Troy Johnson described these federal policies as “designed to lure Indian people off the reservation”[24] in a chapter aptly titled “Failed Indian Policy and the Birth of Red Power”[25]. Getches, Wilkinson and Williams have observed that “Ironically, termination, which was originally designed as an effort once and for all to detribalize the American Indian, worked precisely the opposite way”.[26] Denise Bates has pointed out that it was the experiences of Native Americans fighting in World War II combined with termination and relocation that helped American Indians create a united group “speaking the language of sovereignty, economic justice, and cultural preservation”.[27] According to Kevin Bruyneel, a profound colonial ambivalence at the core of U.S. federal Indian policy resulted in inconsistencies and contradictions throughout history. As he emphasized, the post-World War II era’s “anti-tribal termination agenda unintentionally fostered the emergence of a newly defined and empowered expression of indigenous political identity”.[28] Paul Rosier observed that the “nationalist consciousness [of American Indians] also stemmed from the ongoing termination pressures, which had throughout the twentieth century forced Native people both to define their “Indianness” and to defend the idea of the reservation”, and adds that Indian activists blurred the lines between the domestic and the international by comparing their struggle for treaty rights to the ongoing Cold War.[29] The importance of the U.S. government’s termination and relocation policies is also illustrated by a chapter dedicated to those policies in Vine Deloria, Jr.´s famous book *Custer Died for Your Sins*, published in 1969. The chapter´s title is “The Disastrous Policy of Termination” and one sentence appearing there is especially clear: “Termination is the single most important problem of the American Indian People at the present time”.[30] The fact that

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[23] Cobb and Fowler (eds.), *Beyond Red Power*, Table 3, XV.
[24] Troy R. Johnson, *Red Power: The Native American Civil Rights Movement,* (New York: Chelsea House Publishers, 2007), 29.
[25] Johnson, Chapter 3: “Failed Indian Policy and the Birth of Red Power“ in *Red Power*, 28-44.
[26] David Getches, Charles Wilkinson, and Robert Williams, *Cases and Materials on Federal Indian Law* (St. Paul, Minnesota: West Publishing, 2005), 216.
[27] Denise E. Bates, *The Other Movement: Indian Rights and Civil Rights in the Deep South* (Tuscaloosa, Alabama: University of Alabama Press, 2012), 3, http://site.ebrary.com/lib/cuni/docDetail.action?docID=10532811 (accessed April 19, 2014).
[28] Bruyneel, *The Third Space of Sovereignty,* 125-126.
[29] Rosier, *Serving Their Country*, 222-223.
[30] Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (University of Oklahoma Press, 1969), 79,

the federal policies of the 1950s largely contributed to the rise of Native American activism seems indisputable.

Despite the distinctly different goals of Native American activists, the inspiration from other U.S. social movements of the time and the general climate of change that was present nearly all over the world were surely important factors.[31] For example, Indian activists in the 1960s and 1970s applied some of the strategies of the Civil Rights Movement, modified to work for Native American causes. "Fish-ins" serve as an example of such a modified protest form, and are derived from the lunch-counter sit-ins organized first by African-American civil rights activists in the American South in order to non-violently protest the racial segregation and later also applied in the form of teach-ins by the student Free Speech movement and by the Anti-Vietnam War movement.[32] This form of protest usually attracted greater media attention and the usual forced removal of protesters often generated public sympathy to their cause.[33]

Inviting celebrities to participate in their protests was also a tactic used by the Civil Rights activists, especially to increase media attention. We can mention the March on Washington in 1963, attended by Marlon Brando, Joanne Baez, Dick Gregory, Josephine Baker, Burt Lancaster, Harry Belafonte, Bob Dylan, Paul Newman, Charlton Heston and others.[34] Both tactics described above inspired young Native American activist and member of the NIYC Hank Adams to invite Marlon Brando and later Dick Gregory and Jane Fonda to participate in the organized "fish-ins" on the Nisqually River in Washington state one year later.[35] These "fish-ins" will be further discussed in

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http://books.google.cz/books?id=eeIazzLJChMC&lpg=PR5&pg=PA75#v=onepage&q&f=false (accessed on April 19, 2014).

[31] Cobb, "Talking the Language of the Larger world" in *Beyond Red Power,* Fowler and Cobb (eds.), 161.

[32] "A Decade of Dissent: Student Protests at the University of Michigan in the 1960s: Teach-ins" on exhibit section of Bentley Historical Library University of Michigan website, December 22, 2008, http://bentley.umich.edu/exhibits/dissent/teachins.php (accessed May 11, 2014).
The practice of teach-ins did not vane with the end of the 1970s. They are still held today, for example by Professor Ralph Young at Temple University, PA. See: Alix Gerz, "The Right to Dissent" in *Temple Review* (Fall 2004), pp. 25-29, http://www.temple.edu/templemag/pdffiles/fall04.pdf (accessed May 11, 2014).

[33] "Sit-ins: Nashville, Tennessee" in *Civil Rights Digital Library*, http://crdl.usg.edu/events/sit_ins_nashville_tn/ (accessed April 27, 2014).

[34] "Celebrity Participation in the March on Washington" in the WBGH radio Media Library and Archives *Open Vault,* http://openvault.wgbh.org/catalog/march-bc109d-celebrity-participation-in-the-march-on-washington (accessed April 27, 2014).
Carl M. Cannon, "Hollywood Who´s Who Marched with King in ´63" in *Real Clear Politics*, August 29, 2013, http://www.realclearpolitics.com/articles/2013/08/29/hollywood_whos_who_marched_with_king_in_63__119762.html (accessed on April 27, 2014).

[35] Smith and Warrior, *Like a Hurricane*, 45-46.

Chapter 1. The media attention focusing on their struggle was something unprecedented for Native Americans, who had previously struggled with their invisibility to the general American public and politicians. The intentionally chosen tactics of radical Native activists that guaranteed the "guerilla theater"[36] such as the occupation of Alcatraz, the BIA Headquarters in Washington, D.C., or Wounded Knee, South Dakota brought them not only national, but worldwide media coverage. Furthermore, the radical Black Power movement inspired the actions and the radical rhetoric of the AIM, founded in Minneapolis in 1968 originally to monitor arrests of Native Americans by the police department – "a tactic similar to Black Panther campaigns to monitor police in Oakland, CA and other cities".[37] The Black Power movement represented a radical branch of African-American activists who refused to accept the federal government's limited progress on civil rights and promoted black sovereignty, economic self-sufficiency, armed self-reliance and racial pride through use of nationalistic language.[38]

In this work, I will first concentrate on the major events of Native American activism in the 1960s and 1970s. This wave of major Indian protests started with the occupation of Alcatraz Island that lasted for nineteen months between November 1969 and June 1971. Before Alcatraz, American Indians had already received national media attention in 1964 due to their fish-ins, i.e. the protests in the Pacific Northwest for the recognition of their treaty-based rights to fish and hunt. In October and November 1972, activists from across Native America traveled to the U.S. capital during what became known as the Trail of Broken Treaties. The Trail was supported by major Native American organizations and ended in a six-day long occupation of the BIA building in Washington, D.C. The following major event, the siege of the village of Wounded Knee in South Dakota for more than two months in the spring of 1973, also gained international media attention. Indian protest activities continued at the close of the decade with the Longest Walk in 1978, a spiritual march from the West Coast to Washington, led by the AIM. The events mentioned above differed in form and means, but their goal was essentially the same: to gain political visibility, defend tribal

[36] Bradley H. Patterson, *The Ring of Power: The White House Staff and its Expanding Role in Government* (New York: Basic Books, 1988), 72.
[37] Smith and Warrior, *Like a Hurricane*, 128.
[38] Timothy B. Tyson, "Robert F. Williams, "Black Power" and the Roots of the African American Freedom Struggle" in *The Journal of American History*, Vol. 85, No. 2, (Sep. 1998), pp. 540-570, http://history.msu.edu/files/2010/04/Timothy-Tyson.pdf (accessed May 4, 2014), 541, 545.

sovereignty, and improve conditions for American Indians in various aspects of their life.

Second, I will focus on the long-term goals of radical Indian activists. What were they? Weren´t some actions organized just to seek media attention without any larger goals that would address the needs of individual Indian communities? But on the other hand, does media attention not help publicize precisely those needs? Indeed, the media attention can help or at least make visible the pressing issued of local communities, as in the case of Wounded Knee, where the traditional Oglala Sioux elders asked the AIM to help them publicize the problems with the elected tribal chairperson Richard Wilson. Sometimes the radicalism of Red Power and AIM even made other Native American organizations more appealing to deal with for federal authorities and officials, as in the case of the BIA building occupation and vandalism.[39] Did radical Indian activism actually/effectively translate into federal policy and legislation?

Finally, I would like to explore the issue of invisibility. Why is Native American activism often omitted when we talk or learn about the political history of the United States? Why are Americans generally not aware of the protests at Alcatraz, Wounded Knee, the Trail of Broken Treaties, while they usually all have at least a vague idea about the lunch counter sit-ins, Rosa Parks, the Montgomery bus boycott, etc.? Is it due to the relatively small numbers of the Native Americans (5,2 million = 1,7% of the U.S. population)[40] when compared to African-Americans (42 million = 13,6% of the U.S. population)?[41] Why is African American effort and its achievements seen as revolutionary while Native American effort is hardly mentioned at all? Could the specific collective nature of Native American political rights be the reason why it is more difficult for usually very individualistic Americans to relate to their political struggles when compared to the Civil Right Movement's crusade for individual rights? Did the use of violent acts such as occupations and vandalism - as juxtaposed by passive resistance and non-violent protest promoted by Martin Luther King - problematize the public opinion of and general awareness of the radical Native activism?

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[39] Patterson, *The Ring of Power*, n. 21, 353.
[40] The U.S. Census Bureau publication, *The American Indian and Alaska Native Population: 2010*, issued in January 2012, page 4, table 1, http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf (accessed April 12, 2014).
[41] The U.S. Census Bureau publication, *The Black Population: 2010*, issued in September 2011, page 3, table 1 http://www.census.gov/prod/cen2010/briefs/c2010br-06.pdf (accessed April 12, 2014).

While the cultural imagery of the United States uses "Indians" quite frequently (if very questionably) in the form of sports mascots, in western movies and Buffalo Bill´s Wild West Shows, or in reference to casinos, Native Americans are nevertheless virtually non-existent when it comes to their political rights or struggles. Did the centrality of "Indians" to the U.S. popular culture contributed to the imagery chosen by radical Native activists, who often used attributes typical for western portrayal of American Indian culture – such as teepees[42], long braided hair[43], powwow clothes[44] etc. - during their protests in the 1960s and 1970s? What made and still makes Native Americans politically invisible? Could their claims to treaty rights threaten the United States' nationhood and thus be the reason behind this invisibility?[45] As Kevin Bruynneel has suggested, Indian activism in the 1960s and 1970s "refused the forgetting of the historical construction of American domestic and foreign spheres, a forgetting that protects the legitimacy of U.S. state sovereignty at the expense of indigenous sovereignty"[46]. Or is it due to the uncomfortableness of the topic of Native American history in general, given the surviving myth of Europeans discovering the virgin, pristine land of America in 1492?[47] This myth is still largely accepted by the general public despite the existing archaeological, historical, botanical and other evidence of Native American settlements, infrastructure, agricultural activity, and of largely

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[42] AIM activists set up a teepee in front of the occupied BIA building in Washington, D.C. See photograph No. 15, Archive Photos, „After declaring BIA headquarters the Native American Embassy, occupiers erected a teepee on the lawn" in *Like a Hurricane,* Smith and Warrior.

[43] Russell Means´ typical hairstyle during the 1960s, 1970s and beyond was braided hair, sometimes with feathers attached. See the cover of *Red Power,* Johnson.

[44] "Adam Nordwall (..) drove to San Francisco´s Fisherman´s Wharf, got dressed head to toe in his best powwow clothes (…)" in *Like a Hurricane*, Smith and Warrior, 14.

[45] Helton and Robertson, "The Foundations of Federal Indian Law" in *Beyond Red Power*, 35-36.

[46] Bruyneel, *The Third Space of Sovereignty*, 147.

[47] Currently, Native Americans are fighting the Columbus Day celebrations in American cities in order to remind the general public the devastating impact that the "discovery" of America by Europeans had on Native American populations. They recently succeeded on a local level when various city councils in Minnesota voted for symbolical replacement of Columbus Day by Indigenous Day or Chief Red Wing Day.
See: ICTMN staff, "Minneapolis Replaces Columbus Day With Indigenous Peoples Day" in *Indian Country Today Media Network*, April 24, 2014, http://indiancountrytodaymedianetwork.com/2014/04/25/minneapolis-replaces-columbus-day-indigenous-peoples-day-154611 (accessed May 4, 2014).
See also: ICTMN staff, "Chief Red Wing Day Symbolically Replaces Columbus Day in Minnesota" in *Indian Country Today Media Network*, April 30, 2014, http://indiancountrytodaymedianetwork.com/2014/04/30/chief-red-wing-day-symbolically-replaces-columbus-day-minnesota-154668 (accessed May 4, 2014).

civilized Northern and Southern American landscape of 1492.[48] Those will be some of the questions I will try to answer in Chapter 3.

In my research I will use history books, published mainly by scholars of Native American studies in the 1990s and 2000s, mainly because they offer rich accounts of oral testimonies, interviews, and memories by the participants of the radical Native struggle of the 1960s and 1970s. Such primary sources would be otherwise very difficult to access for me as a student at a non-U.S. university. I will review the most important publications in greater detail below. Furthermore, I will also use the important publications by Native American intellectuals and activists, such as Vine Deloria, Jr. or Clyde Warrior to gain a better understanding of the larger concepts behind the radical Indian activism of the 1960s and the 1970s.

Arguably, the essential publication on the radical Indian Activism is *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee*, written by Paul Chaat Smith and Robert Allen Warrior in 1996.[49] The authors focus on three major events between 1969 and 1974: the occupation of Alcatraz, the BIA and Wounded Knee. The book received very positive reviews for its honest portrayal of the strengths and weaknesses as well as the successes and failures of the American Indian activists. Both authors are Native American (Comanche and Osage, respectively), but the book certainly does not uncritically praise the radical leaders of the 1960s and 1970s. Smith and Warrior conducted a thorough research in federal archives, contemporary press accounts, and memoirs. They also conducted numerous interviews with the participants of the original events. The authors claim that the reason why they wrote their book was their own desire to better understand this turbulent era, and also the questionable quality of other books previously published on this topic. Warrior and Smith criticize these[50] as largely written by non-Native people, and as too often portraying American Indians as helpless victims of harmful federal Indian policies.[51] Their own book is a very useful source for gaining detailed information on the three major events of Native radical activism from the point of view of the activists as well as state and federal officials. I especially appreciate that the authors gathered a lot of information from primary sources

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[48] William M. Denevan, “The Pristine Myth: The Landscape of the Americas in 1492“ in *Annals of the Association of American Geographers*, Vol. 82, No. 3, (Sep., 1992), pp. 369-385, http://www.jstor.org/stable/2563351 (accessed May 4, 2014).
[49] Smith and Warrior, *Like a Hurricane*.
[50] Until 1996, the year when *Like a Hurricane* was published.
[51] Smith and Warrior, *Like a Hurricane,* VII-VIII.

that are not easy to access in Central Europe. The work's only weakness is the absence of numbered references below the text, which makes it somehow complicated to find the original sources. Moreover, the references at the end of the book are not numbered.

Another good read to begin with is *Red Power: The Native American Civil Rights Movement* by Troy R. Johnson, Chair of American Indian Studies at California State University.[52] Although it is not very detailed, the book offers a good overview of American Indian activism and situates the Red Power movement in its larger contexts, both before and after the 1960s and 1970s. Troy Johnson specializes in American Indian activism, and is the author of numerous books and articles about the occupation of Alcatraz Island.[53] The book is a part of eight-volume series on landmark events in Native American history, edited by Paul C. Rosier and published by Chelsea House Publishers in 2007. This publishing house specializes in books that can be used as supplemental reading for middle-school and high-school students[54]; therefore *Red Power* is by design a brief and very visual publication, using different fonts, graphs, timetables and rich visual imagery. I would highly recommend it as an introductory book on the topic of Native American activism. It is an example of an effort to deepen the knowledge of Native American radical activism among American students and to fight with the partial invisibility of Native Americans political struggles.

Beyond Red Power: American Indian Politics and Activism since 1900 represents a collection of essays by authors of different specializations, and was edited by Daniel M. Cobb and Loretta Fowler.[55] It is divided in three parts. The first section is dedicated to a new framework for writing about American Indian activism; the second deals with encounters of Native Americans with European settlers and their descendants; while the third part examines the current state of Indian activism. Although the title itself indicates that the Red Power era of Native American activism is not central to the book, I did not expect that it would be almost completely omitted in the collection. I deduce that the book´s aim was to widen reader´s knowledge of American Indian activism in general, and to understand the larger concepts behind it.

[52] Johnson, *Red Power*.
[53] Troy R. Johnson, *Curriculum Vitae*, http://www.csulb.edu/colleges/cla/departments/americanindianstudies/faculty/trj/ (accessed April 14, 2014).
[54] The "About" section of Infobase Publishing website, http://www.infobasepublishing.com/AboutUs.aspx (accessed May 4, 2014).
[55] Cobb and Fowler (eds.), *Beyond Red Power*.

The publication therefore intentionally skips the era of 1960s and 1970s which is overrepresented in scholarly publications on the topic of American Indian activism. It is interesting that the overrepresentation of one part of the history and underrepresentation of another one is apparently present not only in the larger U.S. society (imagery using stereotypical Indians v. lack of knowledge of Native American political issues), but in the scholarly publishing as well (Red Power and AIM v. moderate activism).

Red Power: The American Indians´ Fight for Freedom[56] is a second edition of the original 1971 *Red Power* by Alvin M. Josephy, Jr. The second edition was first published in 1992 and co-edited by Josephy, Joane Nagel and Troy R. Johnson. It represents a collection of primary documents, proclamations, newspaper articles, letters, laws, statements, and reports on the topic of Native American activism in the 1960s and 1970s. The selected documents are divided into six parts dedicated to specific issues such as Red Power protest, education, or spiritual and cultural renewal. *Red Power* thus represents an excellent collection gathering the major documents of modern-day Native American activism in one book. I found it very helpful in terms of both the content and the form. I believe that it was published with the intent to help students, teachers, or people interested in Native American activism to find the crucial documents in one publication.

Another collection of Native American-related documents is the *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present 1492-1992* edited by Peter Nabokov.[57] As the title reveals, it is a volume encompassing long history from the first encounters with European settlers to the early 1990s. For the purpose of this thesis I worked with the last few chapters related to modern Native American activism. Those chapters offer first-hand accounts of major events like fish-ins, the Alcatraz occupation, or the birth of the AIM. The publishers characterized the collection as "an alternate history of North America" seen through Native American eyes. In my opinion, a work on such a collection must have been enormous and as far as the Red Power and AIM eras are concerned, the personal testimonies chosen were helpful during my own research and writing.

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[56] Alvin M. Josephy Jr., Joane Nagel and Troy Johnson (eds.), *Red Power: The American Indians' Fight for Freedom, second edition* (Lincoln: University of Nebraska Press, 1999).
[57] Peter Nabokov (ed.), *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present 1492-1992* (New York, NY: Viking Penguin, expanded edition 1991).

Third similar publication that I used while working on my thesis is *Indian Self Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* edited by Kenneth R. Philp.[58] This collection is a result of a 1983 conference called "Indian Self-Rule: Fifty Years Under the Indian Reorganization Act" and contains works by non-Native and Native scholars, government employees and activists with special focus on the Franklin Delano Roosevelt´s "Indian New Deal" and its further implications for Indian "self-rule" (=sovereignty). Again, I worked with only a part of the publication, mainly with "Part Three: Toward Self-Determination" that is directly connected to the topic I am analyzing here. It contains accounts on federal policies, Native American activism and Indian identity reassertion by their contemporary witnesses.

Furthermore, some scholarly publications that are not entirely devoted to the topic of Native American struggle for sovereignty rights in the 1960s and 1970s nevertheless contained a chapter discussing radical Native activism. Such was the case of *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations*[59] by Kevin Bruyneel. For the purpose of my thesis, I worked exclusively with the fifth chapter, titled "Between Civil Right and Decolonization: The Claim for Postcolonial Nationhood".[60] Bruyneel´s theoretical approach to the topic had important influence on my understanding of Native American radical activism in larger international context.

Paul Rosier´s publication *Serving Their Country: American Indian Politics and Patriotism in the Twentieth Century* contains a chapter dedicated to the radical Native American activism in the Cold War era, and was pointing to the main influences behind the struggle for sovereignty rights, with large emphasis on the Vietnam War and the concept of American Indians´ "hybrid patriotism".[61]

The memoirs of a White House staffer, Bradley Patterson, proved to be invaluable in offering a look "behind the scenes" of governmental crisis management. It also confirmed the divisions existing among different groups of Native American activists, which were mentioned by other authors. Furthermore, the book illustrated the

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[58] Kenneth Philp (ed.), *Indian Self-Rule: First Hand Accounts of Indian-White Relations from Roosevelt to Reagan*, (Utah State University Press, 1995) http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1096&context=usupress_pubs (accessed May 9, 2014).
[59] Bruyneel, *The Third Space of Sovereignty*, 151.
[60] Ibid., pp. 123-169.
[61] Rosier, *Serving Their Country*, pp. 221-275.

fact that radical activism actually indirectly helped the moderate organizations in dealing with the U.S. federal government.[62]

Apart from the hard-cover publications, there are scholarly articles discussing the topic of Native American struggle for sovereignty rights from various angles, and providing additional information on major events organized by Red Power and AIM. However, I will not discuss them in detail here, but they will be included on the list of used sources. Besides the above-mentioned texts, there are also a number of primary sources which I will use in this thesis. First, these include contemporary proclamations, programs and demands of Native American activists. I will also rely on media sources, mainly newspaper articles, photography and film reports to map out the major events such as the fish-ins in the Pacific Northwest, and the occupations of Alcatraz Island, the BIA building in Washington, D.C., and Wounded Knee, South Dakota. Finally, I will also use official documents such as U.S. governmental reports, political speeches, and judicial rulings, which reflect the policy shifts and the radical movement.

I will conduct a qualitative analysis of the documents and materials gathered, as well as a visual analysis of flyers, photographs, and audio-visual materials. Since due to my geographical distance I will not be able to conduct field research or interviews, my analysis will largely rely on written and audio-visual materials available through digital archives, libraries, and websites related to Native American activism. Examples of such digital projects are the photographic archives of a German-American photographer Ilka Hartmann[63], or a digital project "Framing Red Power" by Jason Heppler, that digitizes archival newspaper materials concerning the Trail of Broken Treaties[64].

Through the qualitative analysis of available documents, I will test my original thesis that the Native American activism of the 1960s and 1970s does not fall into the category of Civil Rights Movement because of its significantly different goals. I will try to make a strong argument for my interpretation of radical Native American activism and thus support my conclusions.

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[62] Patterson, *The Ring of Power*.
[63] Ilka Hartmann, "Indian America", *Ilka Hartmann Photography,* http://ilkahartmann.squarespace.com/indian-america/ (accessed May 11, 2014).
[64] Jason A. Heppler, *Framing Red Power* project, 2009-2014, http://www.framingredpower.org/ (accessed May 14, 2014).

1. The Major Events and Strategies of Native American Activism in the 1960s and 1970s

For the purpose of this thesis, I will limit the choice of events to those that I consider crucial for the development of Native American activism in the second half of the Twentieth Century. Therefore, my analysis will not be all-encompassing but rather selective, and I will concentrate on the events taking place in the decade between 1964 and 1974. Before I proceed with the analysis of individual events, I will first introduce the broader context for this new type of Native American activism, as well as the internal tensions it caused within the American Indian community.

At a time when U.S. society was struggling over individual rights, it was especially complicated to articulate tribal sovereignty rights which were laying foundations for special collective rights and in some cases, benefits. This was reflected by the use of both the rhetoric of third-world nationalist anti-colonial movements, and that of U.S. domestic minority movements. When we contrast Native American activists, who also used tactics of civil disobedience, with the other movements of the 1960s and 1970s, we can see that their protest forms were different from those of the Civil Rights Movement, due to the type of rights they sought. What eventually became a typical Indian action to gain public attention was the occupation of a monument, building, or a place significant for U.S. history. This was a creative adaptation of the original sit-ins and teach-ins of the Civil Rights and Free Speech Movements that had occupied lunch-counters and universities.

1.1 The International Context of the Native American Struggle for Political Rights

There were three major international developments influencing the new forms of Native American activism: the Cold War, the ongoing process of decolonization in the "Third World", and the Vietnam War. Since the end of World War II, the Cold War had become a reality of everyday life of ordinary Americans for example in the form of "duck-and-cover" civilian defense drills against nuclear attack. Senator Joseph McCarthy provoked a new wave of "Red Scare"; the United States got militarily involved in Korea and Vietnam, and in 1962 the Cold War almost became hot during the Cuban Missile Crisis. U.S. political rhetoric on both the domestic and international

front reflected the ongoing effort of two hostile blocs to gain influence in the developing countries and all over the world. In this global struggle, the United States built on the arguable attractiveness of its democratic society and capitalist consumer economy. This made it relatively easy for various movements to rhetorically attack the U.S. as a hypocritical country that is promising other peoples something it cannot deliver to its own citizens. Native American activists used the cases of treaties broken by the government's post-World War II termination policy to question the ability of the U.S. to uphold its commitments under international treaties. This point was made for example in the 1961 editorial of *The Indian Progress*, the Workshop on American Indian Affairs newsletter, claiming that "the termination policies were transmitting fear to underdeveloped countries and undermined U.S. foreign aid programs."[65]

At the same time the more moderate and older Native American activists usually stressed their persistent faith in the U.S. Constitution, legal system, and morality of U.S. society. The *Declaration of Indian Purpose* issued by the American Indian Chicago Conference in 1961 serves as an example of this language, appealing to the better side of "America" [66]: "We believe in the future of a greater America, an America which we were first to love, where life, liberty, and the pursuit of happiness will be a reality".[67] This statement shows the "hybrid patriotism" of Native American activists, Paul Rosier´s concept that I would characterize as the patriotism under condition of respect and upholding of treaty rights by the U.S. government.[68] It is also important to notice the expression "an America which we were first to love", because it very diplomatically yet pronouncedly points out the presence of Native American nations *before* 1492, fighting the myth of a pristine America that was already mentioned in my Introduction.[69] The issue of treaties was central to Native leaders and activists´ criticism of the U.S. government, since they had a fair deal of negative experiences with the government´s (in)ability to keep its obligations.[70] According to Vine Deloria, Jr.: "It would take

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[65] Rosier, *Serving Their Country*, 232.

[66] *Declaration of Indian Purpose: The Voice of the American Indian*, American Indian Chicago Conference, (University of Chicago: June 13-20, 1961), 5, http://files.eric.ed.gov/fulltext/ED030518.pdf (accessed May 4, 2014).

[67] Interestingly enough, this idea was expressed by the Founding fathers as the basic conceptual framework for the new country, in which the Native Americans were not included. It is also interesting that the African Americans also called upon the Declaration of Independence to claim their rights and equal treatment.

[68] Term used by Rosier in *Serving Their Country*, e.g.: 232, 236, 242.

[69] Page 10; 44-45 of this thesis.

[70] In return for the Native nation giving up some or all land and/or moving to a government- designated territory or reservation, the U.S. Government promised to provide annual food and supplies and monetary

Russia another century to make and break as many treaties as the United States have already violated".[71] The treaties were also seen as acceptable means providing for a co-existence of Native Americans and the Europeans, and they played important role in guaranteeing the Native Americans their own way of life, their own sovereignty – which was violated with the violation of the treaties.

The 1960s and 1970s were not only an era of the Cold War, but also of the decolonization movements in Africa, Asia, and South America. The widespread and widely covered struggles for sovereignty of dark-skinned peoples against white colonizers were inspiring Native activists to compare their domestic struggle for treaty rights and self-determination with events happening in "Third World" countries. The militancy and confrontational events of the "aboriginal rights movement triggered fears of autonomous regions and national disintegration within the heart of the American homeland"[72]. The older generation of Red Power activists like Clyde Warrior, shaped by the Workshops on American Indian Affairs in early 1960s, were talking the language of decolonization movements, and the members of AIM applied a full-scale independence rhetoric. Both generations promoted the language of sovereignty rights and a nationalist pride in Indianness.[73] Their Native separatist nationalism was in put into practice through the protest form of occupations and declarations of Indian independence at Alcatraz in 1969, on the Trail of Broken Treaties in 1972, and at Wounded Knee in 1973.

The Vietnam War had a significant impact on the whole of U.S. society, and Native American activists were no exception. They can be divided in two groups. The first group consisted of Native Americans who had fought in Vietnam because they considered military service first, their obligation as United States citizens, and second, a fulfillment of treaty obligations toward the United States in times of crisis. Therefore they were later able to take the "moral high ground to exemplify American national honor at a time it was eroding at home and abroad" and articulate "the notion that

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payments, and to protect Indians who abide by the treaty. Such treaties often enshrined Native rights to use, especially hunt and fish on, traditional Indian tribal lands – both on and off the reservation. Various provisions of such treaties were subsequently de facto or de jure violated by the U.S. Government.

[71] Deloria, Jr., *Custer Died for Your Sins*, 28.

[72] Helton and Robertson, "The Foundations of Federal Indian Law" in *Beyond Red Power*, Fowler and Cobb (eds.), 36.

[73] Smith and Warrior, *Like a Hurricane*, 41.

treaties are sacred international documents that know no temporal or spatial limits".[74] However, even those Native Americans participating in the Vietnam War did not necessarily support it - some of them "were gnawed in their consciences by a war against brown people (…), a war whose frontiers military brass[75] still called "Indian country""[76]. The second group of Native Americans opposed the war as they saw too many parallels between the past of the American frontier (especially the "Indian Wars") at home and the war which was fought abroad. Tulalip activist Janet McCloud organized so-called Indian G.I. Resistance Movement, helping Native Americans facing the draft to claim conscientious objector status and thus avoid having to serve in Vietnam.[77]

Eventually members of both of these groups joined in the active support of Indian treaty rights. After their return to the United States, many Native Vietnam veterans enrolled in colleges and gradually "filled the ranks of the rising Indian activism movement"[78] to join the activists already fighting in "a war for treaty rights and for [the] cultural survival"[79] of Native Americans. Similarly to when he was using the Cold War and decolonization rhetoric, Vine Deloria, Jr. applied parallels with Vietnam to awaken U.S. consciousness and morality when he asked, "Is Vietnam any more crucial to the moral stance of America than the great debt owed to the Indian tribes?"[80].

The statement of Sidney Mills, a Yakima, Cherokee and a Vietnam veteran, serves as an example of the Vietnam War´s influence on Native American activists. In his statement Mills explained that after two years and four months of service in Vietnam his commitment was now drawing him to help Indian people in their struggle for sovereign rights, especially for the treaty rights to fish in the Pacific Northwest. Next, in a rather bold statement that amounted to a refusal to serve, Mills proclaimed that "I hereby renounce further obligation in service or duty to the United States Army"[81].

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[74] Rosier, *Serving Their Country*, 249.
[75] Slang expression for high-ranking military officials, see http://www.thefreedictionary.com/brass (accessed May 9, 2014).
[76] Smith and Warrior, *Like a Hurricane*, 59.
[77] Rosier, *Serving Their Country*, 243.
[78] Johnson, *Red Power*, 33.
[79] Rosier, *Serving Their Country*, 244.
[80] Deloria, Jr., *Custer Died for Your Sins*, 94.
[81] Sidney Mills, "I am a Yakama and Cherokee Indian, and a Man (October 13, 1968)" in *Red Power,* Josephy Jr., Nagel and Johnson (eds.), pp. 22-26.

1.2 The Influence of Other U.S. Domestic Movements on American Indian Activism

In spite of the differences between various activist groups, Sherry L. Smith argues that it was also participation by other movements' members that helped the Native fish-ins gain national media coverage and leverage over local and state authorities. As she cautions, "the tendency of historians and others, in retrospect, to separate [these movements] from one another does a disservice to sometimes tenuous and temporary, but powerful, intersections that took place"[82]. The arguably most instrumental figure of Native American activism, Vine Deloria, Jr. took the "civil rights movement as his model"[83] on several occasions. One of them was an Interior Department-organized conference on the future of federal Indian policy in 1966, to which Native Americans were not invited. In reaction to this, "Deloria sought to create a "media phenomenon" that would dramatize the BIA´s complete disregard for basic democratic principles. For three days, the NCAI railed against the Indian bureau as a reporter from the *New York Times* recorded every detail".[84]

The civil rights activists mastered the art of public relations. They understood that by exposing the racial injustices in the South to the American public and politicians, they could bring about the end of segregationist Jim Crow laws. To gain substantial media attention they organized dramatic protests in the form of marches, boycotts, and sit-ins.[85] One of the most famous events was the March on Birmingham, Alabama on May 3, 1963, which resulted in a violent attack on the protesters with local police using German shepherds and fire hoses to disperse the demonstrators. The photographs and footage of police violence against peaceful black marchers was reported on the front pages of all the major national newspapers, such as *The New York Times* or *The Washington Post,* and was featured on the national evening television news. The images of police dogs and fire hoses used against civil rights activists became iconic, and they helped persuade U.S. society and politicians to proceed with desegregation.[86] Later-on, television and newspapers played a key role in the growing

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[82] Sherry L. Smith, Chapter 8 "Indians, the Counterculture, and the New Left" (142-160) in *Beyond Red Power,* Fowler and Cobb (eds.), 145.
[83] Cobb, „Talking the Language of the Larger world" in, Ibid. 171.
[84] Ibid.
[85] Educational materials "The Press and the Civil Rights Movement" in *Newseum Digital Classroom,* http://newseum.org/digital-classroom/video/civil-rights/default.aspx (accessed May 10, 2014).
[86] Reporter Hank Klibanoff interviewed by Audie Cornish, "How the Civil Rights Movement Was Covered In Birmingham" in *Code Switch* radio show, *National Public Radio*, June 18, 2013,

opposition of Americans to the United States´ involvement in Vietnam when they beamed images of the conflict into American homes. The War in Vietnam is often called the first "television war", because it was the first U.S. military conflict that was extensively documented by the U.S. audiovisual media. The news of the Tet Offensive and the My Lai massacre turned masses of U.S. citizens against the war.[87]

In this context of rising national influence of visual reportage, Native American activists also realized the impact of media on public opinion, and they often used the adapted protest forms of the Civil Rights, anti-war or student movements in order to raise awareness of treaty rights struggles and other pressing American Indian issues among American readers and TV viewers. Indians of All Tribes, the NIYC, and especially the AIM all knew how to stage a protest that would attract journalists. The choice of an important and symbolic site was often the first step. Second, it was necessary to stage a dramatic situation, ideally with presence of a substantial number of protesters, and using various protest forms, most often it was occupation, but also a march or a boycott. Third, in order to communicate a message, Indian activists would usually read and distribute a declaration of their goals and the list of problems they were protesting against. These declarations had often the form of dramatic demands and ultimatums – White House staffer Patterson described such tactic as consisting of two steps: "the Indian´s portentous dare [1] followed by their publicity-laden request [2]"[88]. During the protests, Native activists also intentionally used non-Native stereotypes about Indians in order to make their struggle more understandable and relatable-to for mainstream U.S. society. Elizabeth Rich described this strategy as "contextualization [of Native American activism] for a mainstream audience".[89]

Their strategy delivered results: first in terms of the increased attention of general public throughout all the major events organized by Native activists in the 1960s and '70s; second, in direct material and financial support as in the case of

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http://www.npr.org/blogs/codeswitch/2013/06/18/193128475/how-the-civil-rights-movement-was-covered-in-birmingham (accessed May 10, 2014).

[87] Peter C. Rollins, "The Vietnam War: Perceptions Through Literature, Film, and Television" in *American Quarterly*, Vol. 36, No. 3 (1984), pp. 419-432, http://www.jstor.org/stable/2712741 (accessed May 10, 2014) , 429.

[88] Patterson, *The Ring of Power*, 78.

[89] Elizabeth Rich, "'Remember Wounded Knee': AIM´s Use of Metonymy in 21st Century Protest" in *College Literature*, Vol. 31, No. 3 (Summer 2004), pp. 70-91, http://www.jstor.org/stable/25115208 (accessed April 24, 2014), 81.

Alcatraz occupation[90]; and third, in more sensitive approaches by the federal authorities towards the protesters during the Alcatraz and BIA building occupation as well as during the Wounded Knee stand-off[91].

However, the practice of staging newsworthy protests was often criticized by more moderate Native Americans as lacking the ability to transfer a real message about pressing issues of American Indian populations[92] or as organized only "to make headlines for themselves" [in this case, AIM][93]. Also, the federal officials logically preferred to deal with elected tribal governments and members of the long-established National Congress of American Indians (NCAI) rather than to manage crises caused by the radical protesters.[94] In addition to the increased attention of the national mainstream media, the 1960s and 1970s also witnessed a proliferation of American Indian newspapers, journals and newsletters. Among the more radical periodicals was the *ABC: Americans Before Columbus* and *Warpath*, published by the NIYC.[95] These bulletins sought to inform and connect Native readers around the United States.[96] The role of media in the era of Native American radical activism will be further explored during the analysis of the individual events.

Considering the use of new strategies and inspiration by black activists[97], it is important to realize the crucial difference between fish-ins and sit-ins. Unlike sit-ins, fish-ins did not represent an effort to enforce individual civil rights, as those guaranteed to African-Americans by the Fourteenth and Fifteenth Amendments of the U.S. Constitution (in 1868 and 1870, respectively). Fish-ins were organized in order to defend the collective treaty rights embedded in the historical treaties between Native nations and the representatives of the U.S. Government.[98] This characteristic is applicable not only to fish-ins, but to certain other forms of Indian activism as well.

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[90] Richard DeLuca, "'We Hold the Rock!': The Indian Attempt to Reclaim Alcatraz Island" in *California History*, Vol. 62, No. 1 (Spring 1983, pp 2-22), 14-15, http://www.jstor.org/stable/25158134 (accessed April 24, 2014).
[91] Patterson, *The Ring of Power*, 73, 76, 79.
[92] Smith and Warrior, *Like a Hurricane*, 227.
[93] Ibid., 200.
[94] Patterson, *The Ring of Power*, note 21, 353.
[95] Josephy Jr., Nagel and Johnson (eds.), *Red Power*, 3.
[96] For further information on Native American newspapers, see the archives of the University of New Mexico: *Inventory of the Underground Newspaper Collection, 1967-1993*, http://rmoa.unm.edu/docviewer.php?docId=nmu1mss514bc.xml (accessed May 14, 2014).
[97] Smith and Warrior, *Like a Hurricane*, 45.
[98] Bruyneel, *The Third Space of Sovereignty*, 132.

While civil rights activists were emphasizing individual equality within U.S. society as their ultimate goal, American Indians "understood their search for equality as part of a collective endeavor to preserve their cultural distinctiveness and legal rights through political autonomy", as Bruyneel pointed out in his *Third Space of Sovereignty*.[99] Due to the special legal status of the Native Americans as domestic dependent nations[100], and due to their specific tribal societies and cultures, the activists´ goal was not to get individual political rights and start living a life according to an Anglo-Saxon set of values and norms, but to gain collective political rights and to be accepted, respected, and empowered *as distinctive groups* living in the territory of the United States – as Native American *nations*. As Vine Deloria, Jr. told Daniel M. Cobb during one of their interviews, he (and with him other Native American activists) "was looking for some kind of intellectual format of how you would justify overturning termination and at the same time escape this big push for integration that civil rights was doing".[101]

1.3 Differences among Native American Leaders

The use of strategies and methods such as demonstrations, occupations, and civil disobedience, was quite revolutionary in the context of the existing older Native American organizations and the approaches of activism preferred by them. This reflected the clash of several generations of Indian activists[102]. The well-established NCAI still used banners proclaiming "Indians Don´t Demonstrate" in 1967.[103] In spite of the NCAI´s reluctance, Clyde Warrior (Ponca), Hank Adams (Sioux-Assiniboine),

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[99] Bruyneel, *The Third Space of Sovereignty,* 151.
[100] The so-called "Marshall trilogy" of the 1823 – 1832 landmark decisions by Chief Justice John Marshall defined the special legal status of Native Americans as a domestic dependent nation as opposed to a foreign nation and described the relationship of the Native Americans and the federal government as that of a ward and his guardian. This definition is the basis of the trust relationship between the United States and the Native American tribes, but served as well as a reaffirmation of the government-to-government relationship of the two entities.
See: Philip J. Prygoski, "From Marshall to Marshall: The Supreme Court's changing stance on tribal sovereignty" in *American Bar Association GPSolo Magazine*, http://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/marshall.html, (accessed on April 21, 2014).
[101] Cobb, „Talking the Language of the Larger world" in *Beyond Red Power,* Fowler and Cobb (eds.), 162.
[102] Smith and Warrior, *Like a Hurricane*, 88.
[103] Ibid., 37.

and other members of the emerging NIYC felt that it was time for a change. They were not afraid to use approaches more radical than lobbying the BIA.[104]

Moderate Native leaders were usually also members of elected tribal governments, of the NCAI leadership, or professionals at the BIA. They preferred negotiations and the pursuit of Indian agency within federal programs of the War on Poverty or Cold War aid. They perceived the acts of the new and more radical generation as potentially damaging to the long-term relations between Native American peoples and the U.S. federal government, as acts of "protest for protest´s sake"[105]. Sometimes these moderates were taken advantage of by the authorities dealing with the radical activists. Such was the case of the National Tribal Chairmen´s Association (NTCA) members who held a press conference in Washington, D.C. during the BIA building occupation. According to Smith and Warrior, "Robert Robertson, executive director of the National Council on Indian Opportunity which sponsored the NTCA, had flown some of them in for the express purpose of criticizing the militants as well as the reformers within the BIA, and provided them a sheet of "talking points" to use at the press conference"[106]. Usually though, the moderate Native American organizations did not have to be "pushed" by federal officials in order to take a stance on radical activism. The Affiliated Tribes of Northwest Indians published a press release in 1970, in which they made it clear that they preferred to "communicate the nature of their needs and problems through legal channels rather than by the militant demonstrations and violence", and the NCAI proclaimed that "it did not seek to solve problems along the lines of young "Red Power" activists, who staged "fish-ins" and occupations of government buildings and sites"[107].

On other occasions, the dividing line was drawn between the traditional leaders and the elected tribal leadership. The second group was sometimes called "red apples" by the radicals, who accused moderates and the Native power elite of being red on the outside but white on the inside in their approaches to activism.[108] The Wounded Knee occupation in 1973 represented the tip of the iceberg of long-standing disputes among the traditionalist group of Oglala Sioux and the controversial tribal chairman Richard

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[104] Nabokov (ed.), *Native American Testimony*, 356-358.
[105] Smith and Warrior, *Like a Hurricane*, 37.
[106] Smith and Warrior, *Like a Hurricane*, 160.
[107] Rosier, *Serving Their Country,* 224.
[108] Josephy Jr., Nagel and Johnson (eds.), *Red Power*, 16.

Wilson, supported by BIA and the whole U.S. federal government. Despite the fact that the occupation is often seen only as a protest against federal policies, it was originally meant as a declaration of discontent with the elected tribal leadership accused of mismanagement, electoral fraud, intimidation, and other offenses.[109]

In the eyes of the young generation of activists and more radical Native Americans, the moderate leaders simply did not do enough to change the living conditions and improve the self-esteem of American Indians. Mel Thom, one of the NIYC´s founders condemned the 1961 American Indian Chicago conference as ”'Uncle Tomahawks' fumbling around, passing resolutions, and putting headdresses on people. But as for taking a strong stand they just weren´t doing it”[110]. In this he expressed the sentiment of the coming generation of new tribal leaders and radical activists. This generation was frustrated with and tired of the accommodationist approach of older leaders and influenced by the general atmosphere of change they felt it was time to “raise some hell”[111]. This led to the foundation of the NIYC and the gathering of new and more radical Native activists, such as well-known Native intellectual Clyde Warrior (Ponca) and the activist Mel Thom (Paiute).[112] Young activists founded NIYC in an effort to define themselves against the NCAI´s generation of “Uncle Tomahawks”. This term refers to the slave in Harriet Beecher Stowe´s 1853 novel, Uncle Tom´s cabin, and describes Indians who “have 'sold out' their Indian identity in order to 'better themselves' according to Euroamerican standards”.[113] The use of a modified “Uncle Tom” stereotype serves as another example of adaptation of the Civil Rights Movement´s politics by Native American activists – this derogatory epithet was

[109] This kind of conflict was an instance of the general politics of Indian reservations, which as a result of centuries of U.S. federal Indian policy, have been divided between the tribal government (who are often mixed-blood Natives cooperating with and drawing a living and power from the BIA), and the group of traditionalist elders (who lack economic or political power, but are held in high esteem for their cultural and social position, and their spirituality).
For further information see: Tom Holm, “The Crisis in Tribal Government“ in *American Indian Policy in the Twentieth Century*, Deloria, Jr. (ed.).
[110] Stephen Cornell, “The New Indian Politics“ in *The Wilson Quarterly*, Vol. 10, No. 1 (New Year´s 1986), pp. 113-131, http://www.jstor.org/stable/40257878 (accessed April 24, 2014), 124.
[111] Cornell, “The New Indian Politics“ in *The Wilson Quarterly*, 124.
[112] Bruyneel, *The Third Space of Sovereignty*, 129.
[113] Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (University of California Press, 2002), 138, http://books.google.cz/books?id=VuiKdvbF5_sC&lpg=PP1&pg=PP1#v=onepage&q&f=false (accessed May 14, 2014).

previously used during the opposition of approaches by Martin Luther King v. Malcolm X.[114]

1.4 The Major Events of the American Indian Rights Struggle

"Fish-Ins" in the Pacific Northwest, 1964

Some authors consider the occupation of Alcatraz Island the first significant act of civil disobedience by Native Americans in the era of Red Power.[115] However there was a series of events that preceded Alcatraz and that had already been showing signs typical for the period of this new Native American activism. As I have already mentioned in my introduction, the history of Indian activism reaches back several centuries. But the particular example of the so-called fish-ins illustrates that even the modern type of Native American activism started years before the November 1969 takeover of Alcatraz, and it was directly inspired by other movements of the time.[116] Despite the fact that this thesis is entirely devoted to Native American activism, the links among Indians, Afro-Americans, the anti-Vietnam War movement, the youth counterculture, and others will be mentioned, as they definitely merit consideration.

The Native fish-ins, clearly referencing the sit-ins organized by black activists[117], were organized in the Pacific Northwest at Frank´s Landing, a piece of land owned by the recently deceased activist Billy Frank, Jr. (Nisqually) on the Nisqually River.[118] Based on the Point No Point Treaty of 1855, some of the Native tribes of Washington state retained the right to fish and hunt on the land that they had ceded to the U.S. government. However, their rights were continually violated by local authorities harassing or arresting them when fishing or hunting. It was Hank Adams

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[114] "Feb. 21, 1965: Malcolm X Is Assassinated By Black Muslims", The Learning Network Project of *The New York Times*, February 21, 2012, http://learning.blogs.nytimes.com/2012/02/21/feb-21-1965-malcolm-x-is-assassinated-by-black-muslims/ (accessed May 14, 2014).
[115] DeLuca, "We Hold the Rock" in *California History*, 4.
[116] Rosier, *Serving Their Country*, 228-229. Smith and Warrior, *Like a Hurricane*, 58-59.
[117] Rosier, *Serving Their Country*, 224.
[118] Cynthia Yiall (chairperson of the Nisqually Indian Tribe), "Billy Frank, Jr.: Everyone´s Uncle" in *Indian Country Today Media Network*, May 8, 2014, http://indiancountrytodaymedianetwork.com/2014/05/08/billy-frank-jr-everyones-uncle (accessed May 11, 2014).

(Sioux-Assiniboine) who came up with the idea of using a modified black civil rights protest form to make a stand for Indian fishing rights.[119]

Furthermore, having a celebrity on your side had already proven to be a powerful strategy, especially in order to gain media attention for your cause. Marlon Brando, who already had a record of supporting the Civil Rights Movement, was invited to participate in the fish-in at Frank´s Landing in the summer of 1964, and this tactic brought increased media attention to the shores of the Nisqaully River. *The Seattle Post-Intelligencer* blared headlines such as "Brando Held, Freed in Fishing Dispute", *The Seattle Times* empathized in headlines such as "Proud but Sad: Wife Cries as Indians Face Jail to Assert Fish 'Rights'" and mentioned Brando´s participation in the protests; in the same issue they continued the coverage with an article on a meeting between Brando, fishing rights activists and the Washington State Governor Rosellini in "Rosellini in Brando Audience: Rosellini Rejects Indian Demands".[120]

Brando remained a dedicated supporter of the Indian rights struggle: during the siege of the village of Wounded Knee in 1973, he made national headlines when he refused to accept the Academy Award for *The Godfather* and instead sent Apache actress Sacheen Littlefeather to read his speech. In the speech Brando promoted Indian rights and criticized not only federal Indian policies, but also the movie industry for contributing to the misrepresentation of Native Americans in American popular culture.[122] Marlon Brando inspired other celebrities such as Jane and Peter Fonda (both actors, active in the anti-Vietnam War movement) or Dick Gregory (a black civil rights activist and comedian) to join this cause and he remained a lifelong supporter of

[119] S. L. Smith, "Indians, the Counterculture, and the New Left" in *Beyond Red Power,* Fowler and Cobb, 148.

[120] Digitized scans of newspaper accounts concerning the "Fish Wars". Washington State Archives, Digital Archives, http://www.sos.wa.gov/_assets/archives/CampusMarch1964.pdf (accessed May 9, 2014).

Bill Templeton, "Homecoming", a photograph of Native American activists including Billy Frank Jr. and Janet McCloud on their return from jail in 1964. The photograph accompanied an unidentified article in *The Seattle Times* reporting on the "Fish Wars". General Subjects Photograph Collection, 1845-2005, Washington State Archives, Digital Archives, http://www.digitalarchives.wa.gov/Record/View/0D468271C7FB94A71DB95808D6B5D863 (accessed May 9, 2014).

[122] Marlon Brando, "That Unfinished Oscar Speech" in *The New York Times,* March 30, 1973, http://www.nytimes.com/packages/html/movies/bestpictures/godfather-ar3.html (accessed on May 9, 2014).

American Indian treaty rights.[123] However, it was not only the celebrities who cared about Native American issues, but also members of other movements of the time. The founder of Students for Democratic Society and Jane Fonda's then-husband Tom Hayden published a book called *The Love of Possession is a Disease with Them* in 1972, comparing the United States´ involvement in Vietnam to the long history of the "Indian Wars".[124]

The fish-ins - or "fish-wars" as they soon came to be called by local newspapers – did more than contributing to a greater awareness of Native American treaty rights to fish and hunt among people in the Pacific Northwest. The violence used against protesters on the Puyallup River by local police and Washington state troopers in September 1970 "pushed the U.S. Justice Department" to file "*U.S. v. Washington*, a class-action suit on behalf of Native communities that traced their right to fish to the 1855 treaties".[125] In the end, the activists´ cause was not won on the river banks but in the courts, although their tireless protests on behalf of their fishing and hunting rights largely contributed to this outcome. This strategy was similar to that of Martin Luther King, Jr., who organized the march in Birmingham, Alabama, because he knew that authorities there would likely respond brutally and he wanted to tip the hand of the federal government to act on civil rights in the South. According to Rosier, this parallel was clearly visible in the Pacific Northwest: "jurisdictional struggles over the boundaries of the reservation became especially violent when Washington State officials began conducting more frequent raids of Indian fishing sites (…), creating scenes reminiscent of the American South".[126]

In February 1974, Judge George Boldt of the U.S. District Court ruled in favor of the treaty rights of Native Americans to fish and hunt in the states of Washington and Oregon. In the *Boldt Decision*, the judge commented on the latest federal legislation, favorable to sovereignty-rights: "These measures [the "Indian Civil Rights Act" of 1968[127]] and others make plain the intent and philosophy of Congress to increase rather

[123] Lewis Kamb, "Indians Fondly Recall 'Caring', Loyal Brando" in *The Seattle Post Intelligencer*, July 2, 2004, http://www.seattlepi.com/local/article/Indians-fondly-recall-caring-loyal-Brando-1148613.php (accessed May 9, 2014).
[124] Rosier, *Serving Their Country,* 246.
[125] Rosier, *Serving Their Country,* 271-272.
[126] Ibid. 240.
[127] Indian Civil Rights Act of 1968 applied many of the Bill of Rights provisions to the Indian tribal governments. The intent was to provide Native American tribal members with legal protection in the tribal legal and judicial system, comparable to that of U.S. citizens within the U.S. system. Its name

than diminish or limit the exercise of *tribal self-government* [italics mine]" and stated that it was then time to reflect this congressional approach in the court´s decision to finally settle the fishing rights issue. Boldt continued: "this Court hereby finds and holds that any one of plaintiff tribes is entitled to exercise its governmental powers by regulating the treaty right fishing of its members *without any state regulation thereof* [italics mine]". Boldt also decided that the division of the fishing harvest between the Natives and non-Natives would be 50/50, and then listed the conditions under which tribes qualified for self-regulation, such as competent and responsible leadership, experts in fishery, and others.[128] Paul Rosier notes the contradictions in the approaches of the U.S. federal government to Native American activists: "federal officials´ simultaneous prosecution of AIM leaders and support of fishing rights activists served as a potent symbol of that dilemma".[129] However, the favorable opinion had consequences beyond the states of Washington and Oregon, as it "reinforced the notion of tribal sovereignty and elevated the legal status of the treaties"[130].

For their upcoming actions, Native American activists chose places with deep significance either for Native Americans or for the American nation, such as Alcatraz Island (November 20, 1969 - June 11, 1971), the *Mayflower* ship replica in Plymouth (Thanksgiving Day, 1970), Mount Rushmore (June 1971), or the village of Wounded Knee (February 27 - May 8, 1973). These places were connected with events or symbols important for the history of the United States, and usually had negative connotations for Native American peoples. By choosing places historically significant for American nationhood, Native American activists ensured that their protests would gain adequate media and public attention. The replica of the ship *Mayflower* in Plymouth represented the arrival of European settlers and the ensuing tragedies of Indian tribes; Mount Rushmore - a popular destination of patriotic family trips - has the faces of four former

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reflected the U.S. government´s concept of civil rights in Native America, as mirroring the modern U.S. court and constitutional system. Chaudhuri warned that the "intrinsic individualism of the Bill of Rights could endanger the remaining aspects of selfhood among Indian tribes" and that it "may have a long-run assimilative effect on Indian diversities".
See: Chaudhuri, "American Indian Policy: An Overview" in *American Indian Policy in the Twentieth Century*, Deloria, Jr. (ed.), 30-31.

[128] Hon. George H. Boldt, "The Boldt Decision" in *United States v. Washington*, U.S. District Court for the Western District of Washington, Tacoma Division, February 12, 1974, 23-24, available through *Washington Department of Fish and Wildlife*, http://wdfw.wa.gov/fishing/salmon/BoldtDecision8.5x11layoutforweb.pdf (accessed May 11, 2014).

[129] Rosier, *Serving Their Country*, 272.

[130] Rob Carson, "Boldt Decision on tribal fishing still resonates after 40 years" in *The News Tribune*, February 9, 2014, http://www.thenewstribune.com/2014/02/09/3036037/boldt-decision-on-tribal-fishing.html (accessed May 11, 2014).

U.S. presidents carved in the sacred Black Hills of the Lakota, only two of the historic sites offering such irony.

Wounded Knee, the site of the most dramatic event organized by the AIM in 1973 carried arguably the most powerful symbolism. This village of South Dakota's Pine Ridge Reservation was the site of the 1890 massacre of more than 200 Lakota Sioux, men, women and children by the U.S. 7th Cavalry, who thus avenged General Custer´s defeat at the Battle of the Little Big Horn in 1876 by the Lakota, Northern Cheyenne, and Arapaho. The 1890 massacre is generally considered as the end of the so-called "Indian Wars". By the occupation of such a historically charged site, Native American activists made a strong claim about the problems that indigenous people were facing at the moment, as comparable to the 1890 massacre. I will further elaborate on this symbolism in my analysis of the 1973 Wounded Knee occupation.

Occupation of Alcatraz Island, 1969-1971

After the "fish-ins", the next major event shaping popular opinion about contemporary American Indians was the nineteen-month long occupation of Alcatraz Island in San Francisco Bay. This was the third (and the only successful) in a series of attempted occupations, the first occurring in 1964 by Sioux men, and the second earlier in November 1969. All three takeovers were committed on the basis of the Fort Laramie Treaty of 1868, which guaranteed the right of the Sioux to claim any abandoned federal property for themselves. Alcatraz Island had a history beginning with lighthouse facilities, continuing with fortification and eventually serving as first, a military, and then a federal prison up to 1963 when the prison was abandoned, therefore attracting the attention of Bay Area Native Americans. A participant of the occupation and a Sioux, Richard McKenzie claimed the island in the courts but later on it became clear that the abandoned federal property mentioned in the Fort Laramie Treaty of 1868 would have to be "adjacent to the Great Sioux Reservation in South Dakota",[131] therefore the case was dismissed. Nevertheless, the occupation of Alcatraz that started with seventy-eight people landing on the island on November 20, 1969, and ended with the removal of the last fifteen activists remaining on June 11, 1971 proved to teach radical Native American activists an important "lesson, which was that sympathetic media and guerilla

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[131] Johnson, *Red Power*, 39.

theater could generate instant attention, and place Indian issues (…) on the front pages of major newspapers”[132].

Indians of All Tribes, as the protesters chose to call themselves, was comprised of mainly but not exclusively urban American Indian college students from the San Francisco Bay Area. Already during the previous occupation attempt on November 10, 1969 Richard Oakes, the future unofficial spokesperson for Indians of All Tribes, read an “Alcatraz Proclamation” to reporters.[133] According to Vine Deloria, Jr. it was “a dignified, yet humorous protest against current conditions existing on the reservations and in the cities”[134]. The Proclamation was divided into two parts. The first part was re-claiming Alcatraz Island “by right of discovery”, often with an undercurrent of black humor and sense of parody of the historical treaties prepared by the U.S. federal government for Native Americans: “We will give to the inhabitants of this island a portion of that land for their own, to be held in trust by American Indian Government – for as long as the sun shall rise and the rivers go down the sea – to be administered by the Bureau of Caucasian Affairs (BCA)”[135]. The second part listed five institutions to be set-up on the island: a Center for Native American Studies, an American Indian Spiritual center, an Indian center for Ecology, a Great Indian Training School, and an American Indian Museum.[136]

What the activists demanded was a title to the island and federal finances to set up and run the five planned American Indian institutions. However, later on it became clear that White House staff members Leonard Garment and Bradley Patterson, two so-called “Nixon´s house liberals”[137], who managed the crisis on behalf of the U.S. President Richard Nixon, and Robert Robertson - executive director of the National Council on Indian Opportunity established during the Lyndon B. Johnson administration - will not meet the Indians of All Tribes´ demands[138]. Nevertheless, for a time the activists enjoyed unprecedented media attention and public sympathy. The

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[132] Smith and Warrior, *Like a Hurricane*, 111.
[133] Mike Mills, KRON News report aired on November 10th 1969, archival newsfilm, Young Broadcasting of San Francisco, Inc., uploaded in March 2013, https://diva.sfsu.edu/collections/sfbatv/bundles/209390 (accessed May 11, 2014).
[134] Vine Deloria, Jr., “This Country Was a Lot Better Off When the Indians Were Running It“, March 8, 1970 in *Red Power,* Josephy Jr., Nagel and Johnson (eds.), 29.
[135] Indians of All Tribes, “The Alcatraz Proclamation“, November 1969 in Ibid., 41-42.
[136] Ibid., 42.
[137] Smith and Warrior, *Like a Hurricane*, 68.
[138] Patterson, *The Ring of Power*, 74.

occupiers received donations of money, food, clothes, and boats. Government officials and President Nixon on the other hand received letters and telegrams from citizens sympathetic to the Alcatraz occupation: "For once in this country´s history let the Indians have something. Let them have Alcatraz".[139]

As it has been already pointed out, the occupation was not the first event led by the new generation of radical Native American activists, but it was special in terms of the publicity it received: "In one way, in fact, the only new thing about Alcatraz *was* [italics authors´] the press attention" [140]. Even the first attempts at occupation were carefully staged and the local press was invited to witness the Indian re-claiming of the island, to spread the information and the Alcatraz Proclamation.[141] Lenada Means[142] explains that the activists worked on their press coverage and wanted to show the public an ideal image of American Indians: "I wrote all the public relations proposals that were released from the island. (…) Many people were using drugs and getting drunk. That was not the kind of image we wanted to project to the press or to the world. We hoped to project a positive image of Indian people. We wanted to show what the federal government was doing to destroy our people."[143] Moreover, celebrities, activists from other movements, and politicians all visited Alcatraz Island to demonstrate their support for the cause - among others Jane Fonda, Anthony Quinn, Merv Griffin, Irish politician Bernadette Devlin, and the widow of Robert F. Kennedy, Ethel.[144] Their visits only contributed to the heightened press coverage of the event.

Finally, the growing problems with deteriorating living conditions on the island, rising tensions among remaining activists, and the increasingly negative press coverage which concentrated on those problematic issues led to the decline of public interest and eventually to the non-violent removal of the last fifteen Native Americans off Alcatraz on June 11, 1971 by federal marshals.[145] Probably the main legacy of the occupation was its effect on the young generation of Native Americans. There are a number of

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[139] DeLuca, ""We Hold the Rock!" in *California History*, 14-16.
[140] Smith and Warrior, *Like a Hurricane*, 36.
[141] Adam Fortunate Eagle, "Invading Alcatraz" in *Native American Testimony,* Nabokov (ed.), 370.
[142] Lenada (also spelled LaNada by Smith and Warrior) Means was mistitled as Lenada James by Philps. See: Joane Nagel, *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York, NY: Oxford University Press, 1997), note 125, 155.
[143] Lenada James, "Activism and Red Power" in *Indian Self-Rule,* Philp (ed.), 230.
[144] Patterson, *The Ring of Power*, 74.
[145] Hartmann, "The final Removal of Native Americans from Alcatraz Island" (June 11, 1971), in *Ilka Hartmann Photography,* July 17, 2011.

personal accounts of the profound impact this act of protest had on them: “The movement gave me back my dignity and gave Indian people back their dignity. It started with Alcatraz, we got back our worth, our pride, our dignity, our humanity.” (Lenny Foster, Navajo); “The people from Alcatraz have had a profound impact on the lives of people throughout this country.” (Wilma Mankiller, Cherokee);[146] “I spend my days cooking meals, cutting copper and answering letters for Alcatraz. Don´t get paid for it, but I am getting something a whole lot better than money out of it. It has given me a goal in life. I will be able to look back and say that I did something worthwhile. That is all that counts, right?” (unsigned letter).[147] Perhaps the words of Richard Oakes summarized the nineteen months long occupation the best: “Alcatraz is not an island (…) it is an idea”[148]. Despite the fact that the occupation did not end in a Native American ”victory” in form of the title to the land or establishment of Native institutions, the event itself inspired and influenced growing ranks of young Indian activists. From Alcatraz they learned that sufficient media attention can awaken public sympathy and material support, as well as ensure a measured approach by the authorities.

Trail of Broken Treaties and the Occupation of the BIA Building, 1972

After Alcatraz, the Native activist scene was increasingly dominated by the AIM, founded in 1968 in Minneapolis. In less than four years AIM became a prominent radical activist organization of the national scale with chapters being founded across the United States. As Smith and Warrior put it “AIM seized the imagination of Indian people from New York to Alaska”[149]. Since 1968 AIM had organized numerous dramatic and highly symbolic protests in the presence of press and public. To name just a couple of them, on Thanksgiving Day of 1970 and more importantly on the 350th anniversary of the *Mayflower*´s landing, Russell Means and other AIM members took-over the ship´s replica in Plymouth and “proclaimed Thanksgiving a national Day of Mourning to protest the taking of Native American lands by white colonists”[150]. In June 1971 AIM members climbed Mount Rushmore, “taking well-publicized custody of the gallery of presidential faces”[151]. Their activity was being closely watched by the Federal

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[146] Josephy Jr., Nagel and Johnson (eds.), *Red Power*, 39-40.
[147] Smith and Warrior, *Like a Hurricane*, 108.
[148] Rosier, *Serving Their Country*, 256.
[149] Smith and Warrior, *Like a Hurricane*, 138.
[150] Johnson, *Red Power*, 52.
[151] Nabokov (ed.), *Native American Testimony*, 361.

Bureau of Investigation (FBI) as is well-documented in *The Cointelpro Papers:* "AIM also engaged in a series of high-profile demonstrations (…) which continued to keep Indian issues in the public eye".[152]

Inspired by the tragic death of Richard Oakes, the former leader of Indians of All Tribes, various Native American organizations combined their forces and organized a spiritual caravan from across the country first to St. Paul to write a proclamation and then to Washington, D.C. to meet with the president and hand him over the manifest.[153] The *Twenty-Point Proposal,* mainly written by Hank Adams (previously mentioned as an active co-organizer of fish-ins), represented a plan for federal Indian policy reform with a focus on the reestablishment of treaty making, which has ended in 1871. The Indian Appropriation Act of 1871 took away the president´s power to make treaties with Native American tribes and "changed the status of an Indian tribe from a power capable of making treaties to a power with whom the United States may contract by treaty".[154] In fact, treaties and *treaty rights* were the focal point not only of the *Twenty Point Proposal* but also of much of the 1960s and 1970s radical Native American activism. The importance of individual treaties lies in the fact that the tribes having treaties with the federal government are federally recognized as sovereign and enjoy a government-to-government relationship and services. Therefore, the first point of the *Twenty Point Proposal* was the "restoration of Constitutional Treaty-making Authority" which "would force federal recognition of each Indian nation´s sovereignty".[155]

Unfortunately, what was intended to be the Indians´ "finest hour", a spiritual Trail of Broken Treaties that would "change the course of history for this country´s first citizens in the Pan American Quest for Justice"[156] ended up in a week-long occupation and the eventual destruction of the BIA building in Washington, D.C., due to failed logistics on the part of some of the organizers, the reluctance of authorities to let the

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[152] Ward Churchill and Jim Vander Wall, *The Cointelpro Papers: Documents from the FBI´s Secret Wars Against Dissent in the United States* (South End Press, 2002), 234, http://books.google.cz/books?id=DFlIcxsGUEIC&lpg=PP1&vq=Mayflower&pg=PP1#v=onepage&q&f=false (accessed May 11, 2014).

[153] Johnson, *Red Power*, 53-54.

[154] Philipp M. Kannan, "Reinstating Treaty-Making with Native American Tribes" in *William & Mary Bill of Rights Journal*, Vol. 16, No. 3 (2008), pp. 809-837, http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1064&context=wmborj (accessed May 12, 2014), 810.

[155] Hank Adams (Trail of Broken Treaties participants), "The Twenty Point Proposal of Native Americans on the Trail of Broken Treaties", Washington, D.C., October 1972, in *Red Power,* Josephy Jr., Nagel and Johnson, 45.

[156] Smith and Warrior, *Like a Hurricane*, 143.

activists perform religious ceremonies in Arlington Cemetery and powwows elsewhere, and the communication problems among the different federal officials dealing with the situation.[157] Originally, the organizers hoped that the caravan´s timing right before the presidential election in early November 1972 would function as a leverage to help them enter into negotiations about the *Twenty Point Proposal* with the White House, ideally the President himself.[158]

To White House staffers Bradley Patterson and Leonard Garment, who had previously managed the Alcatraz occupation, the Trail of Broken Treaties seemed ill-timed and “terribly unfair”, due to the current administration´s recent commitment to Native American self-determination.[159] This favorable approach, also mentioned also by Judge Boldt in his decision on *U.S. v. Washington,* was embodied in President Richard Nixon´s *Message to Congress on Indian Affairs*, on July 8, 1970, in the middle of the Alcatraz occupation.[160] Rather than a step caused by radical activism, this has been outcome of previous developments in federal Indian policy and of the day-to-day efforts of moderate Native American leaders to fight termination, especially during the Johnson Administration. As a part of his larger policy of War on Poverty, in 1968 President Lyndon B. Johnson established the National Council on Indian Opportunity by presidential executive order. Furthermore, the Johnson Administration also expanded affirmative action to favor Indians applying to all BIA positions. President Nixon clearly built on these developments during his special message to Congress, in which he announced an official rejection of the termination policy in favor of American Indian self-determination declaring the government´s belief in the ability of Native Americans to self-govern.[161]

Despite the fact that the Trail was planned by at least eight different Native American organizations, when the organizers asked for the support of the NCAI they were dismissed, because the NCAI did not want to be associated with an event co-organized by radical AIM activists and potentially threatening their negotiating position

[157] Rosier, *Serving Their Country*, 260.
[158] Churchill and Vander Wall, *The Cointelpro Papers*, 234.
[159] Smith and Warrior, *Like a Hurricane*, 146.
[160] President Richard M. Nixon, “Message to Congress on Indian Affairs“, July 8, 1970 in *Red Power,* Josephy Jr., Nagel and Johnson, 101-118.
[161] Michael G. Lacy, “The United States and American Indians“ in *American Indian Policy in the Twentieth Century*, Deloria, Jr. (ed.), 94, 97.

with the federal government.[162] Pine Ridge tribal chairman Richard Wilson, a controversial figure in Native American modern history, heavily criticized the AIM for the destruction.[163] The respected Native American leader, Vine Deloria, Jr. also expressed his discontent with the vandalism when he argued that "the seizure of the BIA did grave damage to important land, water, and treaty rights cases".[164] However, he complimented the *Twenty Point Proposal*.[165] Reactions to the BIA building occupation only reflected the existing differences among the contemporary Native American leaders, but it is possible that some of the critical commentaries by moderate Native leaders were released as part of a larger strategy of "a good cop" (moderate organizations such as the NCAI) v. " a "bad cop" (radical youngsters such as the AIM) that may have been used in a relationship with U.S. federal government. What leads me to this assumption is a simple common sense – it would be logical if the established moderate Native organizations used the radical actions of the younger generation as leverage in negotiations with the government. A meeting of the NCAI or NTCA members with government officials could possibly look like this: "We think that you should deal with us, because if you do not, you can imagine what those AIM youngsters would do in the streets.

Wounded Knee, 1973

The Trail of Broken Treaties´ controversial ending had several consequences. It deepened the divide between the moderate Native American leaders (such as the NCAI or NTCA) and AIM activists; it affirmed the premise that dramatic protests ensure publicity; and it "prompted the FBI to plant informants within the organization [AIM]".[166] Churchill and Wall revealed in their *Cointelpro Papers* that "It was during and immediately following the Trail of Broken Treaties that evidence emerged on the initiation of a counterintelligence program to neutralize AIM and its perceived leadership".[167] This infiltration played an important role in AIM´s development in the upcoming years. It slowly undermined mutual trust within AIM, decimated it financially (due to the expenses of the myriad post-Wounded Knee show-trials of AIM members), personally (the number of murders of the AIM-related Pine Ridge residents was

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[162] Smith and Warrior, *Like a Hurricane*, 148.
[163] "Sioux Leader Outraged" in *Washington Post*, November 18, 1972, digitized by Heppler, *Framing Red Power*.
[164] Smith and Warrior, *Like a Hurricane*, 173.
[165] P. 40, n. 191 of this thesis.
[166] Rosier, *Serving Their Country*, 261.
[167] Churchill and Vander Wall, *The Cointelpro Papers*, 235.

alarmingly exceeding the statistics of the then most violent American city, Detroit) and eventually led to the disappearance of the movement in its 1970s form.[168]

Before that, however, AIM had led a "border town campaign" in reservations border towns with high rates of anti-Indian discrimination and harassment by local authorities and businesses. AIM was usually invited to these cities to help local American Indians fight against the injustices they suffered. Sometimes AIM would "put a freeze" on local economies by a boycott of local businesses, using the tactics of Southern civil rights activists. Other times they would try to mediate between local authorities and Native Americans. If those approaches did not work, they would organize a dramatic protest,[169] and contrary to the Civil Rights Movement, AIM was not a strictly non-violent organization. For example, in order to deal with discrimination of American Indians in border town bars, the AIM would "launch an offensive to deal with the problem – they would go in teams and wreak havoc on the redneck bars".[170] In this context, Native American sovereignty rights struggle fundamentally differed from Martin Luther King´s passive resistance approach, and was more similar to strategies employed by the Black Panther Party, which was well known for its violent clashes with police.

Contrary to frequent charges, AIM did not decide on the Wounded Knee occupation on its own or in order to gain more publicity for itself. It was actually the traditional Oglala Lakota elders who had asked for AIM´s help with publicizing their complaints about tribal chairman Richard Wilson and his armed entourage (Guardians of the Oglala Nation - GOONS). After they unsuccessfully tried to impeach Wilson several times, the elders decided that they needed the federal government´s full attention if the conditions on the Pine Ridge Reservation are to improve. They did not agree with the Pine Ridge tribal council politics supported by the BIA, and they decided to establish the Independent Oglala Nation that would not be governed in terms of elected tribal council but according to traditional Sioux ways.[171] This move was consistent with the aforementioned rhetoric of sovereignty and self-determination used by radical Native American activists at the time. After consulting with the Oglala Lakota elders,

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[168] Churchill and Vander Wall, *The Cointelpro Papers*, 299.
[169] Smith and Warrior, "Chapter 9: Border Town Campaign", pp. 171 – 193, in *Like a Hurricane.*
[170] Smith and Warrior, *Like a Hurricane*, 188.
[171] Holm, "The Crisis in Tribal Government" in *American Indian Policy in the Twentieth Century*, Deloria, Jr. (ed.), 138.

AIM staged its last big - and the most dramatic - protest in the village of Wounded Knee, South Dakota. The situation on Pine Ridge was incredibly complex and complicated, and its sources ranged from the redistribution of federal money to discrimination and violence against traditional Oglala Lakota Indians, usually full-bloods and in material terms the poorest on the reservation. I do not have the opportunity to go through the Wounded Knee take-over, occupation, and siege in great detail, but there are a number of sources available on this topic for further information.[172]

As I have already mentioned at the beginning of this chapter, Wounded Knee had immense symbolic value for both Native Americans as well as for non-Natives throughout the country, and the AIM members were fully aware of it. The Lakota Indians, called "Sioux" by non-Native Americans, belong to a group of Plains Indians who since the early 19th century the Euro-American imagination had refashioned into "stereotypical Indians" who rode horses, hunted buffaloes, wore feathered headdresses and used tee-pees. Furthermore, Wounded Knee was a site of the 1890 massacre during which the U.S. 7th Cavalry avenged General Custer´s 1876 defeat by killing more than two hundred Lakota, including women and children, allegedly after one Indian reached for his gun.[173] In the eyes of many, and not only the AIM members, Wounded Knee symbolized the unjust treatment and policies "practiced by the United States government for over two hundred years, since the signing of the first treaty in 1774 with the Delawares, which was broken along with many other treaties", and it also stood for the "contemporary problems facing First Nations people of the United States".[174]

Taking place during the Vietnam War, this armed siege between two hundred Native Americans and FBI agents, U.S. Marshals, Richard Wilson´s GOONS, and a thinly disguised U.S. military carried a strong symbolic meaning and as it turned out, "the American public was tired of seeing images of the U.S. military and police forces killing people of color".[175] Both domestic and foreign reporters converged on the village and soon the siege gained international attention. Similarly to the previous radical

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[172] See for example a critically acclaimed PBS documentary series developed with assistance of many Native American consultants, leading scholars and first-hand witnesses of the occupation: *We Shall Remain*, Part 5 "Wounded Knee", part 5 directed by Stanley Nelson, series produced by Sharon Grimberg, Public Broadcasting Services, 2009.
[173] Nabokov (ed.), *Native American Testimony*, 253.
[174] Rich, "'Remember Wounded Knee'" in *College Literature*, 71-72.
[175] Rosier, *Serving Their Country*, 265-266.

protests, celebrities showed their support for the surrounded American Indians. As previously mentioned Marlon Brando refused to accept an Academy Award and instead published his "acceptance speech", condemning federal Indian policies and declaring his support for the Wounded Knee protesters.[176] This kind of media, public, and political attention was something that the Oglala Lakota elders and local activists could not achieve without AIM, and it was exactly why they asked for AIM´s assistance. Because "they knew the home telephone numbers of New York lawyers, and understood the rituals of press cycles [,] Russell Means and Dennis Banks knew how to bring the world to Pine Ridge".[177]

The occupiers´ strategy was delivering results in terms of public opinion. According to The Harris Survey released on April 2, 1973, 93% of the U.S. population followed the news on Wounded Knee, and 51% of the American public sympathized with the American Indians rather than with the federal government (21%) in the Wounded Knee take-over. Moreover, in terms of the struggle for treaty rights which was fundamental for the 1960s and ´70s radical Native American activists, the fact that 59% of the population thought that the U.S. government did not live up to its treaty obligations can be considered a public-relations victory.[178] However, the reporters and public were gradually losing interest in the occupation. It was difficult for non-Native journalists to grasp the complicated realities of 20th century Indianness that carried aspects of both sophisticated media manipulation and hopelessly romantic primitivism. In the eyes of the reporters, the activists "were [either] too Indian or not Indian enough".[179]

This difficulty of larger society in understanding modern Indian identity and existing American Indian political rights proves as one of the biggest problems of Native American activism, both moderate and radical. It shows that in the imagination of many Americans, "Indians" are indeed confined to the past, the group who was ultimately defeated at Wounded Knee in 1890. They are still supposed to wear traditional regalia, live in harmony with nature, and speak in broken English. At other times, the majority society would rather if Native Americans were completely

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[176] Brando, "That Unfinished Oscar Speech" in *The New York Times.*
[177] Smith and Warrior, *Like a Hurricane*, 200.
[178] Louis Harris, "Americans Sympathize With Indians at Wounded Knee" in *The Harris Survey*, April 2, 1973, http://www.harrisinteractive.com/vault/Harris-Interactive-Poll-Research-AMERICANS-SYMPATHIZE-WITH-INDIANS-AT-WOUNDED-KNEE-1973-04.pdf (accessed May 12, 2014).
[179] Smith and Warrior, *Like a Hurricane*, 232.

assimilated and did not stand out in any way from the mainstream, if they did not continue to make land or sovereignty claims, if they let the "Indian problem" be "solved". This is the reason why it is important to address the issue of partial Native American invisibility to larger U.S. society. I will further elaborate on this topic in chapter three. Chapter two will demonstrate that this ambivalent relationship to Native Americans and their place within (or outside) U.S. society influences not only public opinion or knowledge, but also federal Indian policy.

2. The Influence of Native American Activism on Federal Legislation and Judicial Decisions

Despite the fact that the stand-off at Wounded-Knee had victims and tragic consequences for the Pine Ridge Reservation, the better part of a decade of radical Native American activism between the first publicized fish-ins in the Pacific Northwest in March 1964 and the end of the Wounded Knee occupation in May 1973 certainly contributed to increased public awareness of Native American political rights. However, the heightened awareness did not always mean federal policy reform or a truer understanding of American Indians´ needs. It is difficult to assess the extent to which federal legislation was "pushed" by Native American activism of the 1960s and 1970s, and to what extent it was a product of predictable political developments. It is beyond the scope of this chapter, event this whole thesis, to fully analyze the influence of Native American activism of the 1960s and ´70s on legal and political changes in the United States. Nor is it possible to discuss each piece of federal Indian legislation. In this chapter I will simply point out the cases in which a direct link between activism and change is undisputable, or to the contrary - where Indian activism did not translate into a tangible result.

Paul Rosier drew attention to the cyclical evolution of federal Indian policy, rooted in an American "colonial ambivalence about indigenous people´s political status". There are periods of liberal reform (represented for example by the Indian Reorganization Act of 1934, also called "the Indian New Deal"[180] and by the Indian

[180] The IRA passed under the secretary of BIA John Collier, promoted tribal economic development through various New Deal programs and funds. However, IRA also pushed the tribes to accept U.S.-style tribal constitutions and establish new system of tribal governments. Importantly, it also ended allotment of Indian tribal lands.

Self-Determination and Education Assistance Act of 1975[181]) followed by periods of policies unfavorable to tribal self-determination (e.g. the Dawes Act of 1887[182] or the termination policy and Relocation programs of the 1950s[183]). The influence of tireless Native American activism was evident on the gradual rejection of the termination policy. One of the most famous cases of David´s victory over Goliath is the Menominee Restoration Act of 1973, which resulted from patient and dedicated lobbying and litigation led by a moderate Menominee activist Ada Deer.[184] Her approach, inspired by the Civil Rights Movement strategies[185], showed that sometimes all you needed to win was a bag of candy and dedication to observe "be-kind-to-BIA" days.[186]

The fish-ins, discussed in the first chapter, contributed to public awareness of the pressing issue that the tribes from Washington and Oregon states were dealing with on an almost daily basis. The exposure of local police harassment of Native Americans who were, based on their historical treaties with federal government, fishing in the "customary places" certainly increased pressure on the federal government´s Department of Justice, which eventually filed the *United States v. Washington* class action lawsuit on behalf of the Native tribes. On some occasions the activism was radical (fish-ins), and in other instances moderate (individual lawsuits against the local game wardens, police officers, or the state). Nevertheless, it took a decade of concerted activism of different forms to ultimately effect change of the situation through the American judicial system.

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[181] Indian Self-determination (…) Act represented an official Congressional policy change concerning Native tribes´ sovereignty rights. It authorized various government Departments and federal agencies for contracting of several programs and for providing grants directly to federally recognized tribes. As a result, those tribes gained greater control of their education, law enforcement, resource management etc.

[182] Dawes Act is also known as Indian Allotment Act. It authorized federal authorities to allot previously tribal Indian land to individual Indians. The "surplus land" could be then sold to anyone. This policy reduced the tribal lands by almost two thirds between 1887 and 1934 and directly aimed to destroy Indian reservations and facilitate white settlement.

[183] Termination policy and Relocation program are explained on p. 6, n. 22 of this thesis.

[184] Statement of Ada E. Deer before the Senate Committee on Indian Affairs on July 15, 1993 in *Red Power,* Josephy Jr., Nagel and Johnson, 136-139.

[185] The U.S. Supreme Court´s decision in *Brown v. Topeka Board of Educators* (1954) demonstrated that a long-run legislative lobbying of the National Association for the Advancement of Colored People can win against the Southern discriminatory laws. Ada Deer´s effort to reverse the Menominee tribe termination mirrored the lobbying strategies used by the Civil Rights Movement.
See: History.com staff, "Civil Rights Movement" at History.com, 2009, http://www.history.com/topics/black-history/civil-rights-movement (accessed May 14, 2014).

[186] I am of course terribly simplifying her tireless lobbying efforts, but it was Ada Deer herself who cited "candy-lobbying" and "be-kind-to-BIA days" as the successful means to change federal legislation.
See: "Ada Deer Explains How Her People Overturned Termination, 1974", pp. 457-460, in *Major Problems in American Indian History,* Hurtado and Iverson (eds.).

The occupation of Alcatraz Island between 1969 and 1971 did not result in Native American title to the Island; nevertheless, the protest and the activists′ demands had tangible consequences in the state of California. Education was one of the many concerns of Native American activists who had experienced the devastating cultural and psychological effects of the boarding school system. Among the five proposed institutions to be set up on the Island was also a Center for Native American Studies equivalent to U.S. higher education, and a Great Indian Training School similar to vocational training. These institutions never materialized on Alcatraz, but the occupiers opened the Big Rock School for Native American children living on the Island with their parents. After the end of the occupation the American Indian Charter School of Oakland, CA, still functioning today, "was opened using the philosophy and much of the material from the Big Rock School".[187] Furthermore, inspired by the Alcatraz Island occupation, Californian Native American and Chicano activists occupied the General Services Administration-managed unused land in July 1970 to claim title to the land and to establish a university there. They succeeded and were granted the title in April 1971. The Deganawide-Quetzalcoatl University (D-QU) was opened in July 1971 and "the White House felt that the establishment of D-QU fulfilled the demands of the Alcatraz occupiers for an Indian university".[188]

However, this development was not so surprising, considering the generally increased attention to Indian education starting in the mid-1960s under the Johnson Administration. The assimilationist policies of termination, relocation and the centuries-old boarding school system were gradually abandoned thanks to the liberal federal policies of Great Society that supported community-based and grass-roots solutions to improve said communities. This policy direction supportive of greater tribal control of American Indian education continued under the Nixon Administration and resulted in the Indian Education Act of 1972 and the Indian Self-Determination and Education Assistance Act of 1975, which increased "parental and community involvement" in the education of Native American children, and tribal control of Indian schools.[189]

The radical Native American protest with arguably the greatest political potential was the 1972 Trail of Broken Treaties, and especially its *Twenty Point Proposal,* which

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[187] Josephy Jr., Nagel and Johnson (eds.), *Red Power*, 192-193.
[188] Ibid., 194.
[189] Dean Howard Smith, *Modern Tribal Development: Path to Self-Sufficiency and Cultural Integrity in Indian Country* (Altamira Press, 2000), 37.

according to various scholars did not represent a list of radical demands, as perceived by White House employee Bradley Patterson[190], but a seriously meant effort of "respected treaty expert" Hank Adams to reinstate the treaty-making process[191] and "the best summary document of reforms put forth in this century"[192]. Unfortunately, the occupation of the BIA building and the vandalism that ensued prevented frank discussion about the proposal as the attention of officials, politicians and media shifted from the treaty rights and treaty making to the militant aspects of the protest. After the declassification of certain FBI materials, it became clear that the Trail was largely infiltrated by agents-provocateurs who greatly contributed to the damage done.[193] The *Twenty Point Proposal* became a victim of counter-intelligence operations, failed Trail organization, radical actions and rhetoric of certain Native Americans, and lack of government´s interest in the paper. In January 1973, the White House issued a statement about the *Twenty Point Proposal*, which said: "To call for new treaties is to raise a false issue, unconstitutional in concept, misleading to Indian people, and diversionary from the real problems that do need our combined energies".[194] On the basis of this statement, it is accurate to conclude that the reestablishment of treaty-making was never (not even during the peaceful part of the Trail of Tears) seriously envisioned by the U.S. federal government. And therefore, that the vandalism which occurred in the final days of the Trail did not have such prominent impact on the failed negotiations as was suggested by many AIM critics.

The locally focused AIM actions proved to be partially successful during their "border town campaign" in Kansas, Nebraska, Oklahoma and South Dakota. Even though their local protests, business boycotts and manifestations did not impact the large arena of federal policy, they had results on the small scale of reservation border towns, whose economies were largely dependent on Native Americans, but whose inhabitants often harassed and discriminated against them. Despite the radical features of AIM protests, the movement leaders were also skilled at negotiation, and they often

[190] Patterson, *The Ring of Power*, 76.
[191] Smith and Warrior, *Like a Hurricane*, 144.
[192] Josephy Jr., Nagel and Johnson (eds.) quoting Vine Deloria, Jr. in *Red Power*, 45.
[193] Churchill and Vander Wall, *The Cointelpro Papers*, 235.
[194] Donald P. Baker, "U.S. Rejects Indian Demands, Says Nixon Supports Reform" in *The Washington Post*, January 11, 1973, http://pqasb.pqarchiver.com/washingtonpost_historical/doc/148478485.html?FMT=ABS&FMTS=ABS:AI&type=historic&date=Jan+11%2C+1973&author=By+Donald+P.+Baker+Washington+Post+Staff+Writer&desc=U.S.+Rejects+Indian+Demands%2C+Says+Nixon+Supports+Reforms (accessed May 14, 2014).

reached compromises with local mayors or city councils - for example on reforms in law enforcement or school curriculum.[195]

The AIM-Oglala joint occupation of the village of Wounded Knee in South Dakota in the spring of 1973 had more mixed long-term results. It was an ambitiously staged protest that marked the height of radical Native American activism in the United States. It also represented a moment of AIM´s ideal role as a movement assisting local communities in publicizing, addressing and ideally solving their problems and needs. It was a connection between the traditional and culturally rich reservation Native Americans and the urbanized, college-educated and media-savvy radical activists. However, by asking the BIA or the federal government to remove Richard Wilson from the position of Tribal Chairman, the protesters were in a way contradicting their own usual demands for *greater tribal sovereignty* as well as the contemporary federal policy moving in the same direction. It is true that the protest also included issues such as poverty, living conditions on the reservation, and spiritual renewal, but it did not do so in a clear or elaborated way. The main problematic issue of tribal sovereignty continued to complicate the possibility of federal government´s assistance to reform tribal government. Later that year, during a Senatorial committee hearing, this was also an argument used by tribal chairman Richard Wilson, who stated that the occupation and the Congressional hearings were actually undermining tribal sovereignty and the very principle of self-determination.[196]

In March 1973 the tribal elders and AIM activists published a new set of demands and declared an Independent Oglala Nation "under the provisions of the 1868 Sioux Treaty of Laramie". Above other demands (of Congressional investigation of the BIA and the Department of Interior, and the investigation of conditions on all Sioux reservations), their number-one priority and demand was that the Senate organizes hearings on treaties ratified by Congress.[197] This illustrates the fact that the *treaty and sovereignty rights* were always at the center of Native American activism, but that they could be interpreted and prioritized differently by different groups of people. In this case, the Oglala Sioux elders and AIM perceived sovereignty as a treaty-based right to

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[195] Smith and Warrior, *Like a Hurricane*, 187-188.
[196] Holm, "The Crisis in Tribal Government" in *American Indian Policy in the Twentieth Century*, Deloria, Jr. (ed.), 139.
[197] Oglala Sioux Civil Rights Organization members, "Demands of the Independent Oglala Nation" in *Red Power,* Josephy Jr., Nagel and Johnson (eds.), 49.

establish a desired form of tribal government. Contrarily to this point of view, Richard Wilson, the BIA and even the NCAI defended the elected tribal government established by the 1934 IRA tribal constitution and any attempt to “subvert” this form of self-determination was by them “perceived as a return to the period prior to the Indian Reorganization Act” [in a negative sense].[198]

Unfortunately for AIM and the traditional Oglala, their protest which cost two Indian lives during the occupation and many more during the violence that marked the following years on Pine Ridge did not result in Richard Wilson´s removal or in any substantial changes in the structure of the Pine Ridge tribal government. Furthermore, the episode had serious consequences for AIM itself. The armed protest “managed to frighten government officials with view of guerilla warfare spreading across the Plains”[199] and the following full-scale counterintelligence operation involving hundreds of court cases against AIM members managed to destabilize the organization enough to prevent it from organizing new radical protests of such scale and publicity as the Wounded Knee occupation and ultimately to destroy it “as a viable national political organization”.[200]

This development reflects my belief that radical activism does help you increase the visibility of your problem, but it is then rather the moderate activism that effectively translates into reformed legislation. It is only logical, since the authorities and officials in every country, not only in the United States, are more likely to negotiate with peaceful activists who come with factual, not emotional, arguments and are open to discussion. Therefore an ideal situation would be the “good cop” – “bad cop” cooperation of the moderate and radical wings of the sovereignty rights movement. At times, radical activism really pushed the federal government to endorse the moderate Native American organizations and to negotiate with them on the federal support of Indian political rights. The stark contrast between moderate and radical activists improved the bargaining position of the former – White House staffer Patterson highlighted the “difference between the noisy confrontational methods of the American Indian Movement (…) and the true issues affecting Native American progress – which

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[198] Holm, “The Crisis in Tribal Government“ in *American Indian Policy in the Twentieth Century*, Deloria, Jr. (ed.), 141.
[199] Smith and Warrior, *Like a Hurricane*, 268.
[200] Churchill and Vander Wall, *The Cointelpro Papers,* 299.

were and are daily being grappled with by responsible, elected Indian tribal leadership", in his memoirs.[201]

Another important factors in effectiveness of a social movement are messaging and focus on the final outcome. The uniqueness and ultimately the success of fish-ins lied in its clearly-defined focus and strategy. The clear goal or message was often missing during the Native American protests in the ´60s and ´70s. Vine Deloria, Jr. noticed this frequent shortcoming of radical activism in a 1994 article titled "Alcatraz, Activism, and Accommodation": the "problem of a people´s movement" lies in its inability "to articulate specific solutions and see them through completion".[202] He apparently indicated that the radical leaders, who were very skilled in starting things, were unable to work hard to complete them. On many occasions, Deloria expressed his appreciation of radical activists, but at the same time he did not hesitate to express his disagreement or criticism.

When we look back at the decade of Native American radical and moderate activism focused on *sovereignty rights* between 1964 and 1973, arguably the biggest achievements on a federal scale were firstly, the 1970 Presidential Special Message to Congress making self-determination the official federal policy, and secondly, the 1975 Indian Self-Determination and Education Assistance Act, which represented a tangible legal outcome of such a federal policy approach. I would also stress the success of the fish-ins and the Menominee restoration. However, when assessing those policy changes, it is very difficult to separate the influence of radical Native American activists from the contemporary liberal reform which at the time touched almost every aspect of the U.S. society.

3. The Issue of Native Americans´ Invisibility – and Why It Matters

During the research for this thesis, I noticed the words "invisible", "vanishing" or "defeated" appearing in most scholarly publications, first-hand accounts collections,

[201] Patterson, *The Ring of Power*, note 21, 353.
[202] Vine Deloria Jr. and Barbara Deloria, Kristen Foehner, Samuel Scinta (eds.), "Alcatraz, Activism, and Accomodation" in *Spirit & Reason: The Vine Deloria, Jr., Reader* (Fulcrum Publishing, 1999), 242, http://books.google.cz/books?id=nl_5MqfY2PEC&lpg=PP1&pg=PP1#v=onepage&q&f=false (accessed May 13, 2014).

and Native American activist´ declarations. It seemed outdated to me, since I always considered the United States a multicultural society and I doubted that an ethnic or cultural group would be invisible there. Then I recalled that the courses I took in American history at Charles University in Prague discussed most recent Native Americans´ role in the U.S. history in the 19th century lesson. My experience from the "Native America Today" course at University of Richmond proved that the shortage of information on Native American history was not only a matter of Czech higher education. During its introductory session, the majority of U.S. students confessed that they had rarely heard about Native Americans in *their* high-school and university American history classes. This prompted me to include the issue of - what I would call - "selective visibility" of Native Americans to the general American public in this thesis.

During the actual writing of this thesis it became more and more clear to me that the invisibility problem has a closer connection with the political struggles of Native Americans than I originally thought. As I have already mentioned during my assessment of the influence of other domestic movements on the Native American activism of the 1960s and 1970s, the main difference between them was that the civil rights activists and other movements were fighting in groups, but they aimed for *individual rights,* while Native Americans were fighting for the recognition of their *collective sovereignty rights*. To fight for a collective right in the Cold War era when "collective" almost sounded like "communist" was a challenge, and radical Native activists were sometimes associated with Marxist ideology.[203] To assure the U.S. Government and public that Native Americans were not the "fifth column" of Soviet Russia or Red China, the moderate Native American organizations employed the rhetoric of (what Rosier called) "hybrid patriotism".

The unique nature of sovereignty rights has a lot to do with the kind of invisibility American Indians have been dealing with for a long time - be it in the American understanding of U.S. political and social history, or in the lack of an accurate representation of Native Americans in U.S. popular culture. Dominant U.S. society values individualism above all, which makes it all the more difficult to explain the already complex issue of Native American sovereignty rights. Deloria assumes that

[203] For more on this topic see: Ward Churchill, *Marxism and Native Americans* (South End Press, 1983). See also Russel Lawrence Barsh, "Contemporary Marxist Theory and Native American Reality" in American Indian Quarterly, Vol. 12, No. 3 (Summer, 1988), pp. 187-211, http://www.jstor.org/stable/1184494 (accessed May 13, 2014).

"stereotyping might be the cost of creating a nation composed of individuals – mostly rejects or fugitives – who have little in common with each other".[204] I assume that an "average American" can easily relate to the struggle for civil rights that is fully rooted in the American social and political history and is compatible with the tradition of equality, individual rights etc. Native American sovereignty rights are however of a different nature. In the eyes of the hypothetical "average American", they actually stand for inequality, because one group of U.S. citizens has a special relationship with the U.S. federal government, and based on this relationship they are entitled to federal money, are exempt from some taxes in their businesses, and so forth. This is then leading to another kind of stereotypical representation of Native Americans in current American popular culture (most recently as "Indian Casino Riches")[205], as well as to the lack of representation of Native American political history in history classes, and in general awareness by mainstream society.

There are many myths that surround American Indians and contribute to this kind of partial invisibility. The first example of such a myth is the "pristine myth" mentioned in my Introduction. Supposedly, when Europeans discovered and then settled North and South America, there was nothing there but pristine wilderness. This is a still-persisting myth even today, contributing to the false impression that there had been no (or too "primitive") civilization in the Americas, and that Europeans "discovered" an empty land with which they could dispose of as they wish.[206] Sources of this myth are two: the first one is the Doctrine of Discovery, a legal doctrine limiting the negotiation possibilities of Indigenous peoples exclusively to the European power which "discovered" the territory they were living on, in order to secure land, resources, trade, and so forth for said power. The second one is the doctrine of Terra Nullius, assuming that "discovered" territories were empty, thus completely overlooking title of Indigenous peoples to the land they were living on.[207] Currently, Native Americans are fighting against these false impressions by protesting against Columbus Day

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[204] Deloria Jr. and B. Deloria, Foehner, Scinta (eds.), "More Others" in *Spirit & Reason*, 255.
[205] Dwanna L. Robertson, "The Myth of Indian Casino Riches" in *Indian Country Today Media Network*, June 23, 2012, http://indiancountrytodaymedianetwork.com/2012/06/23/myth-indian-casino-riches (accessed April 21, 2014).
[206] Denevan, "The Pristine Myth: The Landscape of the Americas in 1492" in *Annals of the Association of American Geographers*.
[207] "'Doctrine of Discovery', Used for Centuries to Justify Seizure of Indigenous Land, Subjugate Peoples, Must Be Repudiated by United Nations, Permanent Forum Told", United Nations Economic and Social Council HR /5088, Permanent Forum on Indigenous Issues (Eleventh Session 3rd and 4th Meetings), May 8, 2012, http://www.un.org/News/Press/docs/2012/hr5088.doc.htm (accessed May 14, 2014).

(alternatively celebrated as Native Americans´ Day)[208] and Thanksgiving (alternatively commemorated as a National Day of Mourning).[209] It is an effort to remind U.S. society that Christopher Columbus did not "discover" a "pristine wilderness". Native American activists have been recently successful on local level; however, the federal change of the holiday´s name is unlikely for now.[210]

Another false perception of American Indians´ place in U.S. history is that of a defeated people who were basically exterminated or were to soon die out after the 1890 massacre at Wounded Knee. This is a myth of the "vanishing Indian". This myth was historically based on the assumption that the frontier had disappeared when the Euro-Americans settled even the remote Western Coast and that there was no more place for American Indians. This idea then supported older and ongoing Euro-American efforts at forcibly assimilate Native Americans in boarding schools, through land allotment and other federal policies. Among many other image-makers, this myth was supported by Buffalo Bill´s Wild West Show and Edward S. Curtis photography.[211][212] The myth of the "vanishing Indian" is one of the most persistent and powerful fallacies in U.S. culture. It leads many in U.S. mainstream society to believe that Native Americans "don´t count in the everyday life of America"[213] and if they don´t count it is easy to assume that they probably don´t deserve attention, study, or special political rights.[214]

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[208] Drew Desilver, "Working on Columbus Day? It depends on where you live" in PEW Research Center, October 14, 2013 http://www.pewresearch.org/fact-tank/2013/10/14/working-on-columbus-day-it-depends-on-where-you-live/ (accessed May 13, 2014).

[209] Simon Moya-Smith, "United American Indians of New England Commemorate a National Day of Mourning on Thanksgiving" in *Indian Country Today Media Network*, November 23, 2012, http://indiancountrytodaymedianetwork.com/2012/11/23/united-american-indians-new-england-commemorate-national-day-mourning-thanksgiving-145802 (accessed May 13, 2014).

[210] Vincent Schilling, "If Only! 'Columbus Day Cancelled' & 9 Other Long-Overdue Headlines" in *Indian Country Today Media Network*, February 19, 2014, http://indiancountrytodaymedianetwork.com/2014/02/19/if-only-columbus-day-cancelled-9-other-long-overdue-headlines-153634 (accessed May 13, 2014).

[211] Edward S. Curtis, *The North American Indian* (twenty volumes published between 1907-1930), accessible in its entirety through a Northwestern University Digital Library Collections, http://curtis.library.northwestern.edu/ (accessed May 13, 2014).

[212] David R. M. Beck, "The Myth of the Vanishing Race" in *Edward S. Curtis in Context,* February 2001, http://memory.loc.gov/ammem/award98/ienhtml/essay2.html (accessed May 13, 2014).

[213] Linda Coombs in an interview with Gale Courey Toensing „Wampanoag Historian on Surviving almost 400 Years of Thanksgivings" in *Indian Country Today Media Network*, November 28, 2013, http://indiancountrytodaymedianetwork.com/2013/11/28/wampanoag-historian-talks-thanksgiving-and-upcoming-400th-anniversary-152455 (accessed May 13, 2014).

[214] However, the irrelevance of Native Americans in the American everyday life is highly questionable, since there is evidence of American Indians´ rising influence in both state and federal elections. In 2000, the "Indian vote helped Al Gore carry New Mexico" in the presidential election. Furthermore, in 2004 after she won gubernatorial election in Arizona, Janet Napolitano acknowledged that "without the Native Americans I wouldn´t be standing here today".

The latest popular belief concerning Native Americans is the impression that all Indians are benefiting from on-reservation gaming. According to this myth of the "Rich Indian", nearly all Native Americans are regularly receiving considerable amounts of money from the Indian gaming industry and in addition to it, the federal "welfare money". This stereotype awakens feelings of jealousy and injustice, and complicates the mutual understanding between Native and non-Native Americans. By extension, all of these stereotypes are dangerous because they can (and they did) translate into federal policies. Recently, Katherine Spilde from the National Indian Gaming Association shared her concern about the future of tribal sovereignty: "I fear that 'Rich Indian racism' is ultimately targeting the very foundation of tribal governments, their tribal sovereignty" because "policy makers can codify these false stereotypes in policy that is harmful to Indian people".[215] In this context, the effort of Native American radical activists in the 1960s and 1970s to draw attention of media, public and federal government to their sovereignty rights struggle can be also interpreted as a way to prevent U.S. mainstream society from thinking of Native Americans as of extinct, or incapable of self-governance.

Allusions of the widespread feeling of invisibility and anger among Native Americans are well-documented. In a letter to Robert Robertson of the NCIO, Indians of All Tribes declared: "We will no longer be museum pieces, tourist attractions, and politician´s playthings".[216] In their Alcatraz Proclamation, Indians of All Tribes wrote: "it would be fitting and symbolic that ships from all over the world, entering the Golden Gate, would first see Indian land and thus be reminded of the true history of this nation".[217] Vine Deloria thought that "Indians are probably invisible because of the tremendous amount of misinformation about them". [218] Robert Warrior wrote: "One of the first lessons journalists learned at Wounded Knee, and they came in droves from around the world, was that they were arriving very late to a story that had deserved their attention much earlier."[219] Daniel Cobb observed: "Even as Native people increasingly

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See: Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, (eds.), *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (New York, NY: Cambridge University Press, 2007), 177.

[215] Katherine A. Spilde, "Rich Indian Racism: The Uses of Indian Imagery in the Political Process" presented at the 11th International Conference on Gambling and Risk Taking, Las Vegas, NV, June 20, 2000, http://www.indiangaming.org/library/articles/rich-indian-racism.shtml (accessed May 13, 2014).

[216] Smith and Warrior, *Like a Hurricane*, 81.

[217] Indians of All Tribes, "The Alcatraz Proclamation" in *Red Power,* Josephy Jr., Nagel and Johnson, 41.

[218] Deloria, Jr., *Custer Died for Your Sins*, 12.

[219] Rich, "'Remember Wounded Knee'" in *College Literature*, 70-71.

'intrude on contemporary consciousness' (…) the dominant society remains largely ignorant".[220] Native American Vietnam veteran Sidney Mills felt that Native Americans were "people who the United States has (…) abandoned".[221] During the Alcatraz Island occupation, Deloria commented on the public reactions of the protest: "The Alcatraz news stories are somewhat shocking to non-Indians. It is difficult for most Americans to comprehend that there still exists a living community of nearly one million Indians in this country."[222]

For the Native American activists of the 1960s and 1970s, public attention represented a way to prevent Americans from forgetting about Native American tribes and nations, and also to create an image of active modern-day American Indian tribes or nations capable of managing their law enforcement, judicial system, education, social programs and resources. This strategy not only helped activists to raise awareness and inspire public sympathy, but also to forge a notion of tribal sovereignty and to prevent the U.S. federal government first, from passing assimilationist or otherwise hostile Indian legislation; second, from using force when dealing with radical activists. As the memoirs of White House employee Bradley Patterson reveal, the U.S. federal government was well aware of the pitfalls of violent response to the protests: "If Indians are killed, we can surely expect sharp and widespread foreign condemnation of this U.S. Government action".[223] The domestic as well as the international public was following the dramatic Native American protests and a violent response of federal government would severely damage its public image. In the Cold War era when the ideological battle between two world blocks was at its height, the use of force against a group of U.S. citizens of color would represent a powerful weapon for anti-American propaganda.[224]

The outcomes of Native Americans´ dramatic protests were sometimes perceived as successes and sometimes not, but at least for a certain period of time they managed to remind dominant U.S. society that Indians were still present. However, the

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[220] Cobb, "Continuing Encounters: Historical Perspectives" in *Beyond Red Power,* Fowler and Cobb, 161.
[221] S. Mills, "I am a Yakama and Cherokee Indian, and a Man" in *Red Power,* Josephy Jr., Nagel and Johnson, 23.
[222] Deloria, Jr., "This Country Was a Lot Better Off" in *Red Power,* Josephy Jr., Nagel and Johnson, 23.
[223] Patterson, *The Ring of Power*, 79.
[224] One example of such anti-American propaganda, using American Indians´ treatment by the dominant society to portray the United States as a racist and imperialist country, would be the genre of "Indianerfilme" produced by East German film studio and distributed in the whole Eastern bloc. See: Rosier, *Serving Their Country*, 247-248.

issue of partial Native American invisibility still persists. I would describe this state as "selective visibility" deriving from U.S. selective historical memory. The U.S. mainstream society only notices and remembers those events and images concerning Native Americans that can be simply understood, somehow relate to the U.S. set of values, and fit in the national historical narrative. This partial invisibility or "selective visibility" of Native Americans to the U.S. mainstream society is posing a real risk of slow deterioration of tribal sovereignty, because it can potentially inspire yet another shift of federal Indian policy from self-determination to assimilation.

The dramatic protests staged by Native American radical activists in the 1960s and 1970s raised awareness of tribal sovereignty rights not only among non-Natives but among Natives as well. The history of American Indian activism reaches back before Red Power and AIM, but the new generation of radical activists managed to put their struggle on the front pages of national and foreign newspapers. This formed a new sense of national and tribal pride in being Indian, and it led to greater political awareness of Native Americans throughout the United States. New Native-led media were founded across the country and informed the readers about latest political struggles, sovereignty rights, litigations, spiritual renewal, education and so forth.[225] The newsworthy dramatic protests of radical activists proved to be instrumental in inspiring intertribal discussion on Indian issues such as treaty rights and self-determination. As Vernon Bellecourt, AIM member and brother of AIM founder Clyde Bellecourt put it when he was assessing the legacy of AIM: "We put out a bumper sticker, 'AIM for Sovereignty'. Most of our people didn´t even know what the word meant. Now they know."[226]

Conclusion

One year ago, in a thesis project, I initially framed Native American struggle for sovereignty rights as a struggle for civil rights. Careful research and analysis of Red Power, AIM and their interactions with and inspiration by other U.S. social movements of the time revealed that my initial assumption that the Native American radical activism was only another part of the Civil Rights Movement was not correct. Therefore I decided to modify the title of this thesis from "American Indians´ Struggle for Civil Rights in the 1960s and 1970s" to "'Better Red than Dead': American Indians´ Struggle

[225] Heppler, "Civil Rights and Media Coverage" in *Framing Red Power*.
[226] Vernon Bellecourt, "Birth of AIM" in *Native American Testimony,* Nabokov (ed.), 376.

for Sovereignty Rights in the 1960s and 1970s".[227] I also narrowed my research in terms of territory. My original intent was to compare indigenous movements of the United States and Canada, but my research gradually led me away from Canada, towards the context of Civil Rights Movement.

In my analysis of the Native American struggle for sovereignty rights in the 1960s and 1970s, I first concentrated on the major events of the decade that helped Native Americans gain media attention, public sympathy, and political momentum for greater political rights and self-governance. Furthermore, it became clear that both the domestic and international context greatly influenced the language and actions of Native American activists. The Cold War, decolonization movements of the "Third World", and the Vietnam War framed Native American struggle in international terms of larger world-struggle between colonial powers and people of color. The domestic atmosphere was shaped by many social justice movements, such as the Civil Rights Movement, Black Power, the anti-Vietnam War movement, and the student Free Speech Movement. Those domestic movements showed Native American activists the power of the media, dramatic protest forms, and elaborate declarations.

However, Native American activism of the 1960s and 1970s cannot be understood as simply one of many social movements of the time. The unique character of *sovereignty rights* clearly distinguished the nature and goals of American Indian activism from those of other movements, seeking *civil rights*. The language of American Indian activists showed the mixture of American patriotism and Indian nationalism. One challenge that other domestic movements of the time did not have to face was the special position of Native American tribes, bands, and nations within the legal framework of the United States. Considered as "domestic dependent nations", American Indian tribes somehow belong both inside and outside of the political and legal space of the United States. This made and makes their effort to effectively communicate their collective political rights to general American society and to the U.S. federal government incredibly challenging. It is no secret that dominant U.S. society is

[227] During the Cold War, saying.S. anti-Communism used the slogan "Better Dead than Red". Sandra Johnson switched the words of the popular saying, thus claiming that another war was being fought within the United States between the 'Reds' and the 'Whites', in which the battle cry of the Native Americans was "Better Red than dead".
Sandra Johnson´s essay on Native American identity and political rights written at the Workshop on American Indian Affairs in 1962, cited in Daniel M. Cobb, "Talking the Language of the Larger World" in *Beyond Red Power: American Indian Politics and Activism since 1900,* eds. Loretta Fowler and Daniel M. Cobb (New Mexico: School for Advanced Research Press, 2007), 165.

highly patriotic, individualistic, and values equal opportunity and private property. Therefore, the collective nature of Native American culture and political rights is difficult to grasp by the general public.

Furthermore, the first chapter also showed that Native American activism in the 1960s and ´70s was not monolithic. There were different groups with different approaches, strategies and rhetoric. Dividing lines were sometimes drawn between the traditional "full-bloods" and non-traditional "mixed-bloods"; other times between the older and established activist leaders and the younger and more radical generation; in other instances between urban and reservation Indians. Therefore it is important to bear those differences in mind during the analysis of the means, goals, and results achieved by Native activists between 1963 and 1974. Usually, the "winning cocktail" consisted of personal courage and dedication, coalition with members of other movements or with celebrities, sufficient media attention, and ability to communicate and pursue a clear goal.

The last ingredient is especially important in long-term horizon, because one of the greatest shortcomings of radical activism is that even when a specific group of people gains public attention, this does not necessarily mean that their problems will be understood or dealt with. However, by raising awareness of those issues, radical activists raised the chance that they will be addressed. "Indians did not discover they were Indians in the early 1970s. We were not reborn; we were simply noticed."[228] My analysis of Native American radical activism in the second chapter showed that without cooperation with more moderate players such as the NCAI and without the parallel use of more conventional tactics such as litigation or lobbying, the dramatic protests too frequently failed to translate this visibility into tangible and meaningful long-term results, although they *did* raise the visibility of Native Americans as sovereign nations with very specific collective political rights.

The original idea of a federal policy of *self-determination* dates back to the presidency of John F. Kennedy. It was further developed during the Lyndon B. Johnson era, when the tribes were given the opportunity to receive money from the Office of Economic Opportunity (OEO) and other agencies that did not fall under the BIA's

[228] Philip S. Deloria, "The Era of Indian Self-Determination: An Overview" in *Indian Self-Rule,* Philp (ed.), 204, http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1096&context=usupress_pubs (Accessed May 9, 2014).

authority. The change of policy from *termination* to *self-determination* was finally officially pronounced in 1970 by Richard Nixon, but in spite of the radical activism visible throughout the country, it took an additional five years to pass legislation in the form of the Indian Self-Determination Act of 1975.[229] At that moment, AIM and Red Power were already in slow decline.

The examples of the fish-ins and Menominee restoration showed that it was rather the day-to-day, moderate Native American activism that translated into federal policies and legislation. What ultimately changed the federal policy from termination to self-determination was not so much the staged protests by radical Native activists, as it was litigation (e.g. *United States v. Washington*, 1974)[230], changes within the BIA[231], the use of federal programs and agencies such as the War on Poverty and the OEO to improve the living conditions of Native American peoples[232], and lobbying for the passage of Indian-related legislation (Menominee Restoration Act, 1973).[233] The radical Indian movement of the late 1960s and early 1970s succeeded in reminding the general public and politicians that “Indians are still here, and are still fighting”[234] and it also influenced a whole generation of Native Americans who found new pride in being Indian.[235] It did not, however, fully succeed in materializing long-term achievements due to its unclear mission and vision.

My last, third chapter addressed the issue of a partial invisibility of Native Americans, or rather of their *selective visibility* for mainstream society. As it has been already mentioned, “the Indian” has been and still is playing a major role in U.S. visual imagery, history and popular culture. Stylized profiles of Native faces are used in sports teams´ visuals and merchandize to symbolize the “Indian Warrior”.[236] In popular

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229 Philp (ed.), *Indian Self-Rule*, 189, http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1096&context=usupress_pubs (Accessed May 9, 2014).

230 Cobb and Fowler (eds.), *Beyond Red Power*, Table 5, XVII.

231 The professional dedication of Clydia and Reaves Nahwooksy to Indian Affairs illustrate the efforts to change federal policies from within the system. See Smith and Warrior, *Like a Hurricane*, 47-52.

232 Nixon's Message to Congress in *Red Power,* Josephy Jr., Nagel and Johnson, 109.

233 Statement of Ada E. Deer before the Senate Committee on Indian Affairs on July 15, 1993 in *Red Power,* Josephy Jr., Nagel and Johnson, 138.

234 Smith and Warrior, *Like a Hurricane*, 226.

235 Cobb and Fowler (eds.), *Beyond Red Power*, 165, 299. Smith and Warrior, *Like a Hurricane*, 275.

236 The issue of Indian imagery, names, and mascots is slowly changing. Recently, U.S. Senate Majority Leader Harry Reid (D – Nev.) repeatedly called on NFL to change the Redskins football team name. See: Ed O´Keefe, “Citing NBA’s Decision on LA Clippers, Harry Reid Calls on NFL to Change Redskins Name“ in *The Washington Post,* April 30, 2014, http://www.washingtonpost.com/blogs/post-

culture, they are either represented as noble savages, backwards drunkards, or growing rich from their casinos.[237] In U.S. history education, they first play the role of important assistants to the first European settlers, then they are suddenly seen as cruel and barbarian adversaries needed to be defeated or assimilated, and finally they are perceived as a vanishing group of primitive people confined to the past. When the potential dangers that invisibility brings about to Native Americans - especially in the form of assimilationist federal policy - are considered, the concerted effort of radical activism of the 1960s and 1970s to publicize their struggle suddenly fits in a larger context of national myths, mutual perceptions between Native and non-Native Americans, and federal policies based on those perceptions.

In my thesis, I carefully analyzed various materials ranging from scholarly publications, to governmental reports; from first-hand accounts to the movement´s public declarations. This effort aimed to find strong evidence that would support my original assumption: that the Native American activism of the 1960s and 1970s does not fall into the category of Civil Rights Movement because of its significantly different goals, and that the fundamentally different character of sovereignty rights also keeps the Indian struggle invisible in American understandings of U.S. political and social history. In my opinion, this work can be considered successful. Although the Civil Rights Movement and the Native American struggle for sovereignty rights had a lot in common and shared the political scene of the 1960s and 1970s, they also substantially differed in their approaches, goals, and ultimate results. The complex character of sovereignty rights proved to be greatly contributing to the issue of Native American invisibility, which I later redefined as "selective visibility". U.S. mainstream society is largely oblivious to the Native American sovereignty rights struggle of the 1960s and 1970s, as well as to the reality of modern-day American Indians, with an exception of the newest "Indian" stereotypes.

This inspires hypothetical questions for future research:

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politics/wp/2014/04/30/citing-nbas-decision-on-la-clippers-harry-reid-calls-on-nfl-to-change-redskins-name/ (accessed May 14, 2014).
See also: Michael McAuliff, "Harry Reid Likens Washington Football Team's Name To Donald Sterling's Racist Rant" in *The Huffington Post*, April 30, 2014, http://www.huffingtonpost.com/2014/04/30/harry-reid-redskins_n_5242038.html (accessed May 14, 2014).
[237] Vincent Schilling, "UND Students Create 'Siouxper Drunk' Shirts, Apologies Issued" in *Indian Country Today Media Network*, May 13, 2014, http://indiancountrytodaymedianetwork.com/2014/05/13/und-students-create-siouxper-drunk-shirts-apologies-issued-154851 (accessed May 13, 2014).

“Should we expect resurgence of Native American radical activism in near future? If so, what would be its goal? Which strategies would it employ? Would it be confined to the territory of the United States or would it spread, for example through social media, to other countries with indigenous populations?” However, there is no additional space to answer such intriguing questions in *this* thesis. It must therefore suffice that I have hopefully answered the questions of my original research.

Shrnutí

O důležitosti práva na sebeurčení není ve Středoevropském prostoru pochyb. V kontextu moderních Amerických politických dějin ale může být přítomnost tohoto konceptu překvapující. Je to přitom právě část americké společnosti, která v šedesátých a sedmdesátých letech 20. století za toto právo musela bojovat. Jedná se o národy Amerických Indiánů, které se – inspirovány obecnou atmosférou společenské změny – v tu dobu radikalizovaly a začaly hlasitě usilovat o to, aby Americká federální vláda plnila veškeré své závazky vyplývající z historických smluv uzavíraných mezi ní a domorodými kmeny v Severní Americe. V mezinárodním kontextu studené války, probíhající dekolonizace a vietnamského konfliktu není překvapivé, že si nová generace indiánských aktivistů osvojila rétoriku nacionalismu, suverenity, sebeurčení a historických smluvních práv. Zásadní byla pro aktivisty také interakce s domácím hnutím za občanská práva, svobodu projevu, práva homosexuálů, proti válce ve Vietnamu a podobně.

Ačkoliv byla tato hnutí Indiánským aktivistům blízká, a do značné míry byla i jejich inspirací, analýza nejrůznějších zdrojů – od oficiálních dokumentů, přes akademické publikace, po osobní vzpomínky – prokázala, že zde existoval zcela zásadní rozdíl v právech, která si tyto skupiny nárokovaly. Zatímco ostatní hnutí na domácí americké půdě bojovala za občanská práva, která jsou ze své podstaty individuální, Američtí původní obyvatelé vedli boj za právo na sebeurčení, odvíjející se od historických smluv mezi Americkou federální vládou a jednotlivými kmeny či národy. Práva garantovaná Americkým Indiánům měla charakter kolektivní, stanovila mezivládní vztah mezi vedením Indiánských kmenů a federální vládou, zbavovala kmeny a národy povinnosti platit některé daně, a byla také podkladem pro přítok federálních financí do programů určených výhradně pro Americké Indiány.

Radikální Indiánští aktivisté 60. a 70. let modifikovali protestní formy ostatních hnutí ke své potřebě, a jejich typickým projevem se stala okupace historicky a symbolicky významných míst americké historie, jmenovat mohu například radikální převzetí repliky lodě *Mayflower* v plymouthském přístavu na den Díkuvzdání v roce 1970, či okupaci skalních portrétu amerických prezidentů v Mount Rushmore v červnu 1971. Nejvýznamnějším radikálním protestem této vlny Indiánského politického aktivismu bylo ale jednoznačně přepadení, okupace a následné ozbrojené obležení ve

Wounded Knee, kdy proti sobě stálo přibližně dvě stě Amerických Indiánů a tři sta federálních agentů.

Většině protestů pořádaných Hnutím Amerických Indiánů (American Indian Movement) či ostatními radikálními aktivisty, se podařilo získat do té doby nebývalou pozornost médií, a to nejen na domácí ale i na mezinárodní úrovni. Ačkoliv byl pro vývoj federální politiky a legislativy týkající se Indiánů vždy důležitý umírněný vyjednávací styl starší generace Amerických Indiánů, mladé radikální generaci se jako první podařilo dostat boj za právo na sebeurčení a samosprávu na přední stránky médií a do večerních zpráv. Jejich metody se u starší generace nesetkaly vždy s pochopením či souhlasem, ale je nutno radikálům přiznat, že vedlejším důsledkem jejich protestů bylo i určité vylepšení vyjednávací pozice pro umírněné organizace.

Během výzkumu a psaní této diplomové práce se postupně ukázalo, že zásadní odlišnost hnutí za práva na sebeurčení a samosprávu od ostatních skupin, bojujících za občanská práva, má také za následek určitou nesrozumitelnost Indiánského poltického aktivismu pro širší veřejnost, která se poté odráží v částečné neviditelnosti politické historie Amerických Indiánů. V zemi, která si nejvíce zakládá na individualismu, soukromém vlastnictví a samostatnosti je nesnadné většinovým občanům srozumitelně vysvětlit podstatu specifického postavení Amerických Indiánů v rámci právního a politického systému Spojených států. Důsledkem toho je situace, kdy má běžný americký občan často "Indiány" spojené s historií přežití plymouthské kolonie, či dobrodružstvími amerického západu, ale o jejich moderním způsobu života či jejich postavení v rámci Spojených států ví velmi málo. Mýtus o téměř vyhynulé rase ušlechtilých, ale primitivních Indiánů je ostatně ve Spojených státech stále rozšířený, a je pouze jedním z mnoha stereotypů o Indiánech. Mezi ty nejnovější patří představa o "zámožných Indiánech", kteří dostávají od své kmenové vlády tučné dividendy z provozu nedaněného hazardu, a navíc ještě čerpá finanční podporu od americké federální vlády.

Tyto, a další, stereotypy zcela jistě komplikují vzájemné porozumění mezi původními a nepůvodními obyvateli Ameriky a potenciálně by mohly mít ničivé dopady na poměrně křehkou a dlouho vydobývanou samosprávu Indiánských kmenových vlád.

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List of Appendixes

Appendix 1: Timeline 1961-1973

Appendix 2: Index of Abbreviations

Appendixes

Appendix 1: Timeline 1961-1973

1961: establishment of the National Indian Youth Council (NIYC), (Gallup, New Mexico)

1964: first fish-ins in the Pacific Northwest, (rivers in Oregon and Washington states)

November 1969 – June 1970: Alcatraz Island occupation by Indians of All Tribes, (San Francisco, California)

1968: establishment of the American Indian Movement (AIM), (Minneapolis, Minnesota)

Thanksgiving Day 1970: AIM takeover of the *Mayflower* ship replica, (Plymouth, Massachusetts)

June 1971: AIM occupation of the Mount Rushmore national memorial (Black Hills, South Dakota)

November 1972: Trail of Broken Treaties, culminating in a week-long occupation and eventual destruction of the Bureau of Indian Affairs´ building, (Washington, D.C.)

Spring 1973: AIM-led “Border Town Campaign” (Kansas, Nebraska, Oklahoma, and South Dakota)

February - May 1973: take-over, occupation, and siege of the Wounded Knee village by AIM and Oglala Lakota traditionalist elders (Pine Ridge Reservation, South Dakota)

March 1973: Marlon Brando´s refusal to receive the Academy Award for *The Godfather,* criticism of federal Indian policy, and support for the Wounded Knee occupiers

1973 and later: violence and murders on Pine Ridge Reservation, hundreds of arrests and show-trials of AIM members, slow decline of national radical activism of Native Americans

Appendix 2: Index of Abbreviations

AIM – American Indian Movement

BIA – Bureau of Indian Affairs

D-QU – Deganawide-Quetzalcoatl University

FBI – Federal Bureau of Investigation

GOONS – Guardians of the Oglala Nation

NCAI – National Congress of American Indians

NCIO – National Council on Indian Opportunity

NIYC – National Indian Youth Council

NTCA – National Tribal Chairmen´s Association

OEO – Office of Economic Opportunity