

THE 1968 INDIAN CIVIL RIGHTS ACT: FROM TERMINATION TO SELF-DETERMINATION

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GUIDING QUESTION:

How did the rights of American Indians change between the passage of the Indian Citizenship Act of 1924 and the Indian Civil Rights Act of 1968?

OVERVIEW

The lesson will explore the concepts of individual rights and tribal sovereignty through a selection of primary resources from the Indian Citizenship Act of 1924 through the Indian Civil Rights Act of 1968. The mid-twentieth-century federal policies of termination and self-determination are also explored, as are civil rights movements led by American Indian leaders.

OBJECTIVES

At the conclusion of this activity, students will be able to

- > Interpret the meaning of tribal sovereignty and dual citizenship;
- > Apply the concepts of termination and self-determination in the context of U.S. federal policy toward American Indians.
- > Evaluate the effectiveness of the Indian Civil Rights Act of 1968; and
- > Compare and contrast the acts of protest and advocacy of the civil rights protests of the 1960s and 1970s with modern movements led by American Indians.

STANDARDS CONNECTIONS

CONNECTIONS TO COMMON CORE

- > CCSS.ELA-LITERACY.RH.9-10.1 Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.
- > CCSS.ELA-LITERACY.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

- > CCSS.ELA-LITERACY.RH.9-10.6 Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.

CONNECTIONS TO C3 FRAMEWORK

- > D2.Civ.1.9-12. Distinguish the powers and responsibilities of local, state, tribal, national, and international civic and political institutions.
- > D2.Civ.5.9-12. Evaluate citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level.
- > D2.His.3.9-12. Use questions generated about individuals and groups to assess how the significance of their actions changes over time and is shaped by the historical context.
- > D2.His.16.9-12. Integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about the past.

DOCUMENTS USED

PRIMARY SOURCES

An Act of April 11, 1968, Public Law 90-284, 82 STAT 73, to Prescribe Penalties for Certain Acts of Violence or Intimidation, and for Other Purposes (Indian Civil Rights Act of 1968), April 11, 1968 National Archives and Records Administration (12199297) <https://catalog.archives.gov/id/12199297>

Act of June 2, 1924, Public Law 68-175, 43 STAT 253, to Authorize the Secretary of the Interior to Issue Certificates of Citizenship to Indians (Indian Citizenship Act of 1924), June 2, 1924 National Archives and Records Administration (299828) <https://catalog.archives.gov/id/299828>

House Concurrent Resolution 108, August 1, 1953 (excerpt)
U.S. Government Publishing Office
<https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-PgB132-2.pdf>

News Footage, National Congress of American Indians (NCAI)
1969 Annual Meeting and Mount Rushmore Occupation (6:39)
NBC News, CBS News
<https://youtu.be/3Wd1uLgV7mc>

Political Cartoon, Thomas Nast, "Move On!" Has the Native American no rights..., *Harper's Weekly*, April 22, 1871
Library of Congress (2001696066)
<https://www.loc.gov/resource/cph.3b25032/>

Public Law 280, April 15, 1953 (excerpt)
U.S. Government Publishing Office
<https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-Pg588.pdf>

Radio News Report, Minnesota Public Radio, "A news story about life on the Pine Ridge Reservation during the occupation of Wounded Knee," September 1973
Minnesota Digital Library, Digital Public Library of America
<https://dp.la/primary-source-sets/the-wounded-knee-massacre/sources/756>

Richard Nixon, Special Message to the Congress on Indian Affairs, 1970 (excerpt)
American Presidency Project, University of California, Santa Barbara
<https://www.presidency.ucsb.edu/documents/special-message-the-congress-indian-affairs>

Speech, Lyndon B. Johnson, *The Forgotten American*, March 6, 1968
American Presidency Project, University of California, Santa Barbara
<https://www.presidency.ucsb.edu/documents/special-message-the-congress-the-problems-the-american-indian-the-forgotten-american>

Television Interview with Richard Oakes at Alcatraz, November 10, 1969 (10:06)
KRON-TV Archive, San Francisco State University
<https://diva.sfsu.edu/collections/sfbatv/bundles/209390>

TEACHER-CREATED MATERIALS

- > Primary Source Packet
- > American Indian Protest Movements Assessment

CONNECTIONS

This resource presents several lessons that explore the concept of majority rule with protection for minority rights. This includes lessons on the concept of citizenship for American Indians, Japanese Americans, and Chinese Americans.

ACTIVITY PREPARATION

- > Preview the primary resources provided to determine if students need vocabulary learning aids.
- > Make one copy of the Primary Source Packet for each student (or provide electronically).

PROCEDURE

ACTIVITY ONE (30 MINUTES)

- > Start by asking students, *How have the rights of American Indians been treated differently than other groups in American history?*
- > Project "Move on!..." political cartoon for the class.
- > Analyze the political cartoon in quadrants, asking students to break down what they observe. Discussion questions:
 - » *Who is depicted in the cartoon? How are they drawn?*
 - » *Does the cartoon include any words or phrases? What messages do they reveal to the viewer?*
 - » *What is the setting of the cartoon?*
 - » *What is the place of American Indians in American society? Are they citizens? Do they have certain rights and privileges or do they lack them? Are they being denied certain rights in the political cartoon? Which ones?*
- > Discuss as a class how this relates to the wider history of American Indians in the United States.
 - » **Teacher Tip:** Students can discuss specific events, such as the Indian Removal Act, Dawes Act of 1877, Trail of Tears, forced assimilation, American Indian boarding schools, reservations, and various court cases. Teachers should also engage students in the discussion of general themes, including land ownership and voting. This will give students points of comparison when analyzing twentieth-century laws.

ACTIVITY TWO (30 MINUTES)

- > Ask students to consider the question, *Is there a difference between the individual rights of American Indians and the rights of tribal governments?*, as they work through the primary sources.
- > Organize students into pairs and distribute a copy of the Primary Source Packet.
- > Complete Part One to analyze the differences between the Indian Citizenship Act of 1924 and the Indian Civil Rights Act of 1968.
 - » Review the definitions of dual citizenship and tribal sovereignty when complete.
- > Move on to Part Two. Circulate and prompt students to consider the themes of individual rights versus group rights, dual citizenship, and tribal sovereignty.
 - » Halfway through time on the task, solicit working definitions for individual rights versus group rights, dual citizenship, and tribal sovereignty.
- > Move on to Part Three. Circulate and prompt students to consider the role of the federal government in questions of citizenship, rights, and tribal sovereignty.

- > When students have completed individual tasks, discuss their findings by asking:
 - » *What are individual rights? What are group rights? How do the documents define them? Give examples.*
 - » *What is dual citizenship? How is it defined in the documents? Give examples.*
 - » *According to the documents, what is tribal sovereignty? How is it defined?*
 - » *What is the difference between the policies of termination and self-determination?*
 - » *What else was happening in the 1940s, 1950s, and 1960s that may have caused this change in the approach toward American Indians?*
- > Return to the starter question, *Is there a difference between the individual rights of American Indians and the rights of tribal governments?*

ASSESSMENT OPTIONS

- > Distribute the American Indian Protest Movements Assessment to help students analyze reactions by activists after the Indian Civil Rights Act of 1968. Review each of the three acts of protest outlined in the media clips. If needed, jigsaw the three examples. Ask students:
 - » *Why would the protest method of occupation have symbolic significance for American Indians? Do you think this would be an effective method?*
 - » *Based on these protests, did the 1968 Indian Civil Rights Act meet the demands of American Indians?*
- > Allow students time to research these protests to compare and contrast to other civil rights movements, such as the Chicano movement, the Women’s Rights Movement, and the Black Civil Rights Movement of the 1960s and 1970s.

STUDENTS INTERESTED IN THIS TOPIC MIGHT BE INTERESTED IN RESEARCHING THE FOLLOWING FOR AN NHD PROJECT

- > Appeal for personhood in *Standing Bear v. Crook* (1879)
- > Red Power Movement, American Indian Movement (AIM), and National Indian Youth Council
- > The occupation of Alcatraz Island (1969–1971)
- > The occupation of Mount Rushmore (1970)
- > Trail of Broken Treaties Caravan protest (1972)
- > The occupation of Wounded Knee (1973)

To access a PDF containing all of the sources and materials to complete this lesson plan, go to:

WWW.NHD.ORG/250

EDSITEment!

RELATED RESOURCES

Lesson Plan: Not “Indians,” Many Tribes: Native American Diversity

<https://edsitement.neh.gov/lesson-plans/not-indians-many-tribes-native-american-diversity>

Humanities Article: “American Originals”

<https://www.neh.gov/humanities/2012/mayjune/curio/american-originals>

Media Resource: BackStory: Darkness over the Plain: The Bison in American History

<https://edsitement.neh.gov/media-resources/backstory-darkness-over-plain-bison-american-history>

Media Resource: Picturing America: Black Hawk & Catlin

<https://edsitement.neh.gov/media-resources/picturing-america-black-hawk-catlin>

Teacher’s Guide: American Indian History and Heritage

<https://edsitement.neh.gov/teachers-guides/american-indian-history-and-heritage>

POLITICAL CARTOON

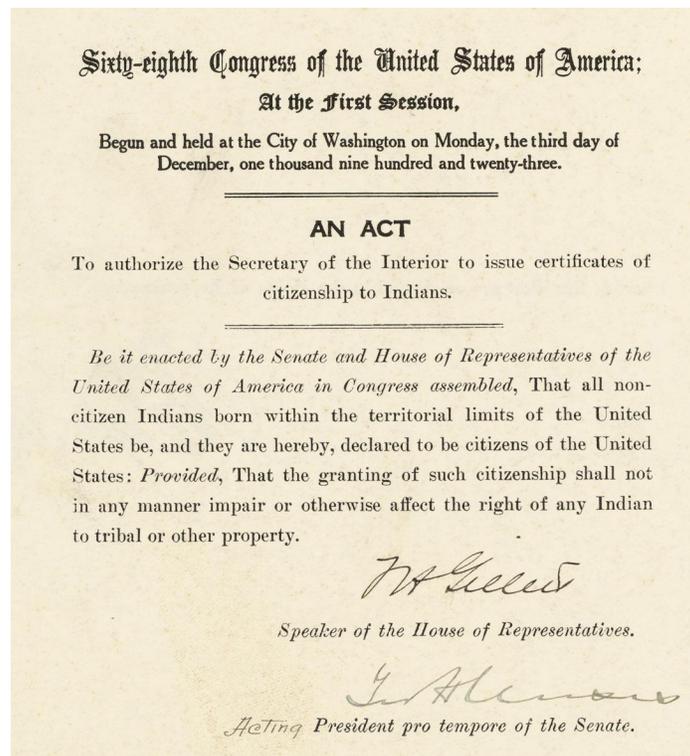
Political Cartoon, Thomas Nast, "Move On!" Has the Native American no rights..., *Harper's Weekly*, April 22, 1871
Library of Congress (2001696066)
<https://www.loc.gov/resource/cph.3b25032/>



PRIMARY SOURCE PACKET

PART ONE: INDIGENOUS RIGHTS VERSUS TRIBAL RIGHTS (1924–1968)

Act of June 2, 1924, Public Law 68-175, 43 STAT 253, to Authorize the Secretary of the Interior to Issue Certificates of Citizenship to Indians (Indian Citizenship Act of 1924), June 2, 1924
National Archives and Records Administration (299828)
<https://catalog.archives.gov/id/299828>



An Act

To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

PRIMARY SOURCE PACKET (CON'T)

An Act of April 11, 1968, Public Law 90-284, 82 STAT 73, to Prescribe Penalties for Certain Acts of Violence or Intimidation, and for Other Purposes (Indian Civil Rights Act of 1968), April 11, 1968
National Archives and Records Administration (12199297)
<https://catalog.archives.gov/id/12199297>

TITLE II—RIGHTS OF INDIANS

Definitions

Sec. 201. For purposes of this title, the term—

(1) “Indian tribe” means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

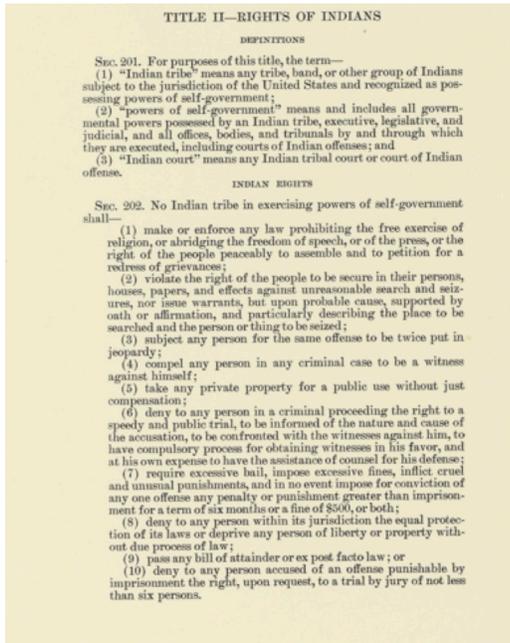
(2) “powers of self-government” means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and

(3) “Indian court” means any Indian tribal court or court of Indian offense.

Indian Rights

Sec. 202. No Indian tribe in exercising powers of self-government shall—

- (1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- (2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (3) subject any person for the same offense to be twice put in jeopardy;
- (4) compel any person in any criminal case to be a witness against himself;
- (5) take any private property for a public use without just compensation;
- (6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
- (7) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of \$500, or both;
- (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (9) pass any bill of attainder or ex post facto law; or
- (10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.



PRIMARY SOURCE PACKET (CON'T)

PART ONE INQUIRY QUESTIONS

Until 1924, it was unclear whether or not American Indians were considered citizens. The Indian Citizenship Act of 1924 clarified the question and protected what other right? Why do you think that was included in this law?

In the Indian Civil Rights Act of 1968, what right of tribal governments could be restricted? Why do you think that was included in this law?

Using both laws, define in your own words the concepts of dual citizenship and tribal sovereignty in the rights of Americans Indians.

What questions do these laws raise about the debate over the American Indians' rights and tribal rights?

PRIMARY SOURCE PACKET (CON'T)

PART TWO: CONTRASTING POLICIES OF TERMINATION AND SELF-DETERMINATION HANDOUT

Public Law 280, April 15, 1953 (excerpt)

U.S. Government Publishing Office

<https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-Pg588.pdf>

Historical Context: Public Law 280 established the precedent that most crimes and civil suits that arose on American Indian reservations fell under the jurisdiction of state law. The U.S. government initially ceded power over these claims to five states, including California, Minnesota, Nebraska, Oregon, and Wisconsin. There are noted exceptions in Public Law 280 where this does not apply. This jurisdiction was granted to Alaska when it became a state in 1959.

§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country “(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:

State of Indian country affected

California -- All Indian country within the State

Minnesota -- All Indian country within the State, except the Red Lake Reservation

Nebraska -- All Indian country within the State

Oregon -- All Indian country within the State, except the Warm Springs Reservation

Wisconsin All Indian country within the State, except the Menominee Reservation...

...SEC. 7. The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof.

Approved August 15, 1953.

PRIMARY SOURCE PACKET (CON'T)

House Concurrent Resolution 108, August 1, 1953 (excerpt)

U.S. Government Publishing Office

<https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-PgB132-2.pdf>

August 1, 1953 H. Con. Res. 108

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it...

Resolved by the House of Representatives (the Senate concurring),

That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potawatamie [sic] Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished...

PRIMARY SOURCE PACKET (CON'T)

PART TWO INQUIRY QUESTIONS

In 1953, the United States government began instituting a policy of termination toward tribal governments. Looking at the documents above, what examples of termination can you find?

Do these changes expand or contract the rights of American Indians? What about the rights of tribal governments? Why do you think the U.S. government wanted to make these changes?

What additional questions do you have?

How do these materials relate to the Indian Civil Rights Act of 1968?

PRIMARY SOURCE PACKET (CON'T)

PART THREE: THE FEDERAL GOVERNMENT AND THE QUESTION OF CITIZENSHIP

Speech, Lyndon B. Johnson, *The Forgotten American*, March 6, 1968
American Presidency Project, University of California, Santa Barbara
<https://www.presidency.ucsb.edu/documents/special-message-the-congress-the-problems-the-american-indian-the-forgotten-american>

Historical Context: President Lyndon B. Johnson issued a statement to Congress that urged the end of termination and the support of a policy of self-determination for American Indians. He outlined new goals for the American Indian community, which stressed partnerships and other protections. Johnson signed the Indian Civil Rights Act of 1968 in April, granting American Indians equal protection under the law and the extension of privileges and protections laid out in the U.S. Constitution.

THE FIRST AMERICANS

The program I propose seeks to promote Indian development by improving health and education, encouraging long-term economic growth, and strengthening community institutions.

Underlying this program is the assumption that the Federal government can best be a responsible partner in Indian progress by treating the Indian himself as a full citizen, responsible for the pace and direction of his development.

But there can be no question that the government and the people of the United States have a responsibility to the Indians.

In our efforts to meet that responsibility, we must pledge to respect fully the dignity and the uniqueness of the Indian citizen.

That means partnership--not paternalism.

We must affirm the right of the first Americans to remain Indians while exercising their rights as Americans.

We must affirm their right to freedom of choice and self-determination.

We must seek new ways to provide Federal assistance to Indians--with new emphasis on Indian self-help and with respect for Indian culture.

And we must assure the Indian people that it is our desire and intention that the special relationship between the Indian and his government grow and flourish. For, the first among us must not be last.

I urge the Congress to affirm this policy and to enact this program.

LYNDON B. JOHNSON

The White House

March 6, 1968

PRIMARY SOURCE PACKET (CON'T)

Richard Nixon, Special Message to the Congress on Indian Affairs, 1970 (excerpt)
American Presidency Project, University of California, Santa Barbara
<https://www.presidency.ucsb.edu/documents/special-message-the-congress-indian-affairs>

“...This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian’s sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support...”

“The recommendations of this Administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy. In place of policies which simply call for more spending, we suggest policies which call for wiser spending. In place of policies which oscillate between the deadly extremes of forced termination and constant paternalism, we suggest a policy in which the Federal government and the Indian community play complementary roles.”

PRIMARY SOURCE PACKET (CON'T)

PART THREE INQUIRY QUESTIONS

With the passage of the Indian Civil Rights Act of 1968, President Johnson and President Nixon began the process of reversing past national policies toward tribal governments by encouraging self-determination. What is at least one quote from each excerpt above that shows this new policy?

What other historical events in this time period encouraged these types of changes? Based on your knowledge of this era, how would you compare the attitudes toward American Indians with those toward other minority groups?

How do these materials relate to the Indian Civil Rights Act of 1968?

What additional questions do you have?

AMERICAN INDIAN PROTEST MOVEMENTS ASSESSMENT

A. OCCUPATION OF ALCATRAZ ISLAND (1969–1971)

Watch the television interview with Richard Oakes at Alcatraz, November 10, 1969 (10:06).
<https://diva.sfsu.edu/collections/sfbatv/bundles/209390>

What action did American Indians take to demonstrate for greater self-determination?

Based on the source, what specifically are the activists asking to be changed?

What other questions do you have?

AMERICAN INDIAN PROTEST MOVEMENTS ASSESSMENT (CON'T)

B. OCCUPATION OF MOUNT RUSHMORE (1970–1971)

Watch the news footage from CBS and NBC news of the National Congress of American Indians (NCAI) 1969 Annual Meeting and Mount Rushmore Occupation (6:39).

<https://youtu.be/3Wd1uLgV7mc>

What action did American Indians take to demonstrate for greater self-determination?

Based on the source, what specifically are the activists asking to be changed?

What other questions do you have?

AMERICAN INDIAN PROTEST MOVEMENTS ASSESSMENT (CON'T)

C. OCCUPATION OF WOUNDED KNEE (1973)

Listen to a recording from Minnesota Public Radio about the Occupation of Wounded Knee (10:28).
<https://dp.la/primary-source-sets/the-wounded-knee-massacre/sources/756>

What action did American Indians take to demonstrate for greater self-determination?

Based on the source, what specifically are the activists asking to be changed?

What other questions do you have?

AMERICAN INDIAN PROTEST MOVEMENTS ASSESSMENT (CON'T)

D. RESEARCH CURRENT ADVOCACY EFFORTS

The American Indian community still advocates for the protection of rights and privileges for its people. Compare and contrast how the movement has changed from the 1960s and 1970s to now. Select a modern advocacy issue to research. Topics could include mental and physical health, natural resources, reparations, socioeconomic changes, or land ownership issues.

Quality Research Sources to Begin Your Work:

- > National Congress of American Indians' Demographic Page: www.ncai.org/about-tribes/demographics
- > National Museum of the American Indian's American Indian Response to Environmental Changes: americanindian.si.edu/environment/
- > *Smithsonian Magazine's* article, "Inside a New Effort to Change What Schools Teach About Native American History": www.smithsonianmag.com/smithsonian-institution/inside-new-effort-change-what-schools-teach-about-native-american-history-180973166/
- > Tribal Leaders Directory: www.bia.gov/bia/ois/tribal-leaders-directory/
- > U.S. Census Bureau, Urban Indian Health Commission, Invisible Tribes: Urban Indians and Their Health in a Changing World: www2.census.gov/cac/nac/meetings/2015-10-13/invisible-tribes.pdf

Questions to Consider:

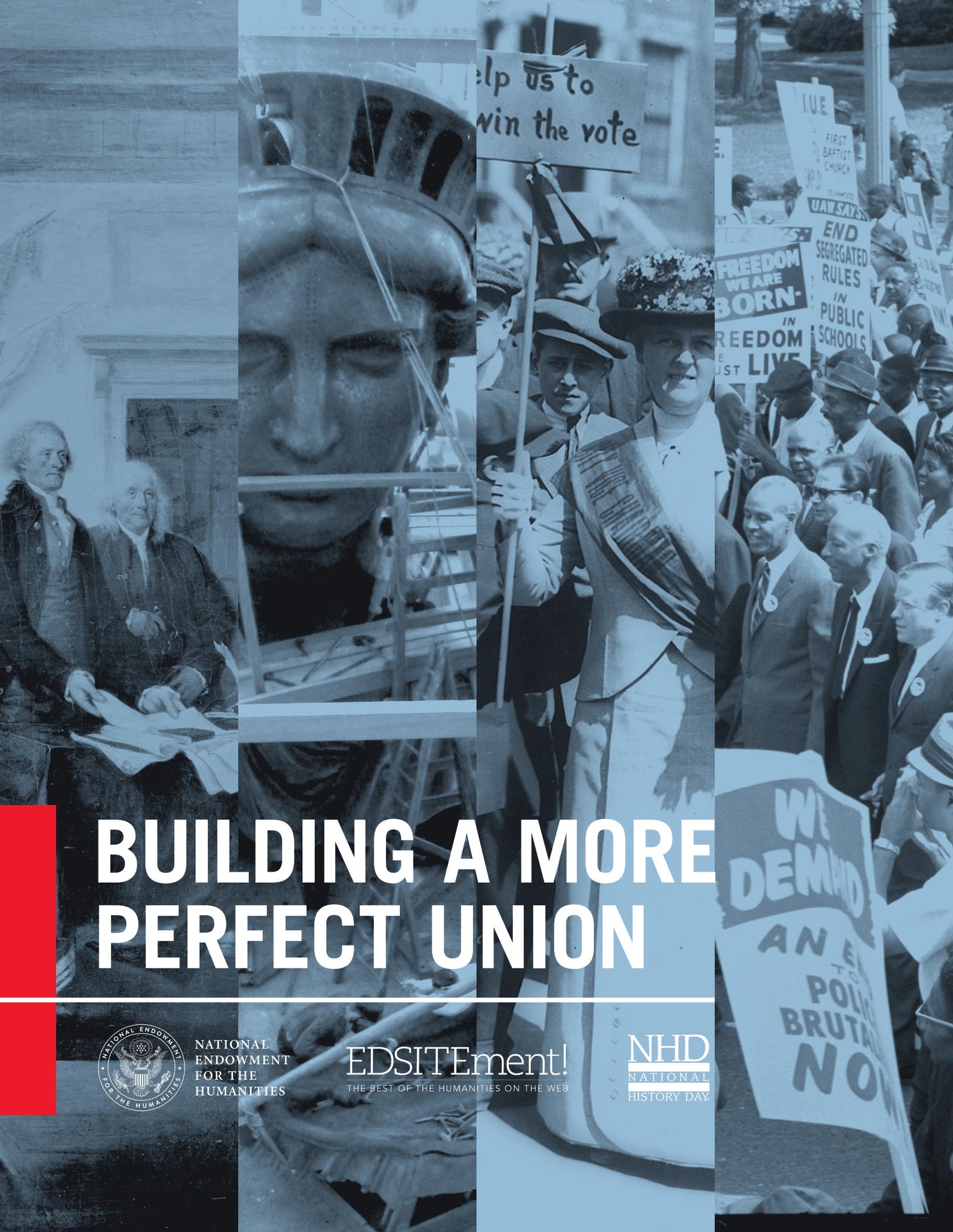
- > Who are the leaders of the movement?
- > What do these leaders advocate for or against?
- > What are the major goals of the current movement?
- > How has the movement changed over developed or time?
- > Are there still unresolved issues?

Evaluate Change and Continuity over Time: After students complete research, they should craft a plan that takes the form of a short presentation, an argumentative essay/editorial, an appropriate media form (podcast, documentary, public service announcement, etc.), or a letter to a state or federal legislator or other appropriate public or private entity.

The plan should answer the following question: *How do the tactics, issues, and message of modern advocacy movements for American Indian communities compare and contrast to earlier American Indian movements in the 1960s and 1970s?*

Action Steps:

- > Evaluate how the provisions within the Indian Civil Rights Act of 1968 have informed the acts of protest and advocacy by American Indians today.
- > Directly compare and contrast the protest movements from the Civil Rights Era to modern advocacy movements.
- > Use the key terminology from this lesson including tribal sovereignty, dual citizenship, and self-determination.
- > Highlight what issues still exist in the protection of equal rights for American Indians locally or nationally.
- > Suggest an action that individuals, local communities, lawmakers, and/or other entities should take on the issue.



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