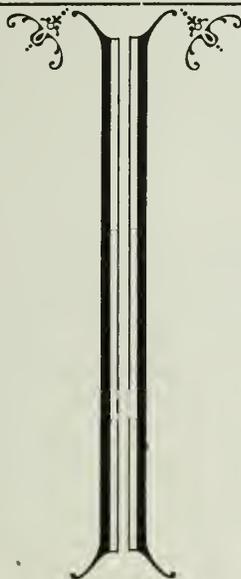

DRINK
AND THE
INDIANS



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DRINK AND THE INDIANS

EVER SO OFTEN someone says, "It beats the Dutch" but no one ever really does beat the Dutch as all the world has known since the men from Amsterdam bought the Isle of Manhattoes from the Indians in return for about twenty dollars' worth of gimcracks from Woolworth's five and ten cent store. It is true that, according to current report, the white men have recently offered to call off the deal and trade back but it is understood that the Indians have positively refused, alleging that it would require entirely too much labor to restore the island to its former state of pristine beauty and utility; it's such a mess of brick and stone and racketeers and politicians et al.

Philosophers frequently take the ferry from the Jersey side and stand by the rail to murmur "What's the meaning of it all?" and if they mean what is the meaning of Manhattan, we can tell them.

At any rate, there is a Delaware Indian tradition that the name of the Island is a corruption of their word Manahach-tanienk, meaning the-place-where-we-all-got-drunk.¹ In 1609 Henry Hudson, whom they supposed to be Mannito (the Supreme Being) was carried in a large house over the water to their shores. Great feasts were prepared in his honor. Then a white Mannito in human form landed and came to them with friendly gestures. His servant gave him a large cup and he drank. The cup was refilled and passed to the Indian chiefs. All refused, until one man, fearing to provoke the deity's wrath, drank the cup and was so delighted with the results, that he asked for more. The whole assemblage imitated him and all became intoxicated.²

Liquor was at first a mysterious symbol of the white man's power. Before his coming, strong intoxicants were not known to the Indians except in Peru, Mexico and the Southwest.³ There were a few kinds of mild intoxicants made from herbs or grain and a kind of fermented maple juice, but the Indian

had not learned the processes of distillation. Use of these beverages was restricted entirely to religious ceremonials.

When strong liquor was brought to them by the early explorer and colonists they could offer little racial resistance to its lure. It was an easy way of trading, for the Indian would exchange all his possessions for fire-water, and the profits were large. The trader took his pelts, the settler took his land and the whiskey did not last long. From the journal of Father de Smet at Council Bluffs in 1839, we have an eye-witness account of the effects of the liquor trade:⁴

"May 25. Two Pottawatomies killed on the Chage (?) River in a drunken frolic.

"May 27. Three Pottawatomies drowned in the Missouri, supposed to be drunk.

"May 28. A Pottawatomie poisoned on the Mosquito while drunk. Frequently the case.

"May 30. Arrival of the steamer Wilmington with provisions. A war of extermination appears preparing around the poor Pottawatomies. Fifty large cannons have been landed, ready charged with the most murderous grape shot, each containing thirty gallons of whisky, brandy, rum or alcohol. The boat was not yet out of sight when the skirmishes commenced. After the fourth, fifth and sixth discharges, the confusion became great and appalling. In all directions men, women and children were seen tottering and falling; the war-whoop, the merry Indian's songs, cries, savage roarings, formed a chorus. Quarrel succeeded quarrel. Blows followed blows. The club, the tomahawk, spears, butcher knives, brandished together in the air. Strange! Astonishing! only one man in this dreadful affray was drowned in the Missouri, another severely stabbed, and several noses lost. The prominent point, as you well know, the Pottawatomies particularly aim at when well corned.

* * *

"May 31. Drinking all day. Drunkards by the dozens. Indians are selling horses, blankets, guns, their all, to have a lick at the cannon. Four dollars a bottle! Plenty at the price. Detestable traffic.

* * *

"Aug. 4. Arrival of the Antelope. More whisky landed.

* * *

"Aug. 6. An encounter lately took place between the Omahas and Sioux: originating in the stealing of a few horses by the latter. About forty are said to have been slain on both sides.

"Aug. 20. Since the day of payment, drunkards are seen and heard in all places. Liquor is rolled out to the Indians by whole barrels; sold

1. Pennsylvania Historical Society Memoirs, vol. 12. *History, Manners and Customs of the Indian Nations who once inhabited Pennsylvania and Neighboring States*, Heckwelder, John, p. 262.
 2. *Ibid.*, p. 71 and following.
 3. *The Liquor Problem in All Ages*, Dorchester, Daniel, p. 115, 108; also Heckwelder, John, *op. cit.*, p. 262.

4. *Life, Letters and Travels of Father Pierre-Jean de Smet, S. J.*, edited by Chittenden, H. M., N. Y. 1905, vol. 1, p. 172-3.



Secretary Harold L. Ickes greets some visiting Indians.



This delegation is composed of Cheyenne River Sioux Indians. Whatever else you say about the Indians, they have a lot of manhood, and their faces show it.

by white men even in the presence of the agent. Wagon loads of the abominable stuff arrive daily from the settlements; and along with it the very dregs of our white neighbors and voyagers of the mountains, drunkards, gamblers, etc., etc."

Something Had to Be Done

In 1633 the General Court of Massachusetts decreed that "no man shall sell or give any strong water to an Indian." William E. Johnson, well-known temperance leader, cites this as the first authoritative prohibition of the sale of intoxicants to Indians.⁵ New Jersey followed in 1679 and Pennsylvania in 1701. But enforcement was lax everywhere and the Indians themselves, realizing the disastrous consequences of the traffic, protested. In 1741 the Indians of Pennsylvania complained to the Governor, but the flow of rum was not curbed. By 1783 the evils were such that the Indians of Western Pennsylvania took enforcement upon themselves, resolving to "spill all rum among them for the term of five years."

In 1801 before a meeting of the Friends in Baltimore, the Miami Indian chief, Mehecunnaqua, or Little Turtle, speaking through an interpreter, William Wells, gave a long testimony on the evil, in which he said:

"We tell them—Brothers fetch us useful things—bring goods that will clothe us, our women and our children, and not this evil liquor that destroys our reason; that destroys our health; that destroys our lives."⁶

5 Johnson, William E., *The Federal Government and the Liquor Traffic*, pp. 192, 196-7.

6 Published in 1802 as government document. *Memorial of Evan Thomas and others, A Committee Appointed for Indian Affairs.*

By the Yearly Meeting of the People Called Friends held in Baltimore. Published January 7, 1802, p. 6.



A Kiowa Indian dancer. The colors of his costume are magnificent.

The Problem Comes to Congress

The Committee of Friends formulated an address to Congress. Mehecunnaqua saw President Jefferson and Congress responded with the first national authorization to control the distribution of liquor to Indians. The Act of March 30, 1802, permits the President "to take such measures from time to time as may appear to him expedient to prevent or restrain the vending or distributing of spirituous liquors among all or any of the said Indian tribes."

Another leader, Tenkwatawa, brother of Tecumseh, gave abstinence a religious significance. It was part of a message revealed to him by the spirit world. "The fire-water of the whites is poison and accursed," he said. "Those who continue its use will be tormented after death with all the pains of fire, while flames will continually issue from their mouths."⁷ For a long period the words of the "prophet" carried such weight that no Indian in the vicinity

would run the risk of drinking.

The first tribal prohibition law was imposed by the Cherokees in 1819, with a fine of \$100 for the offender. It was not long before all the Five Civilized Tribes of Georgia and Alabama adopted similar measures. Beginning with the Choctaw treaty of 1820, the Federal Government began to include regulations eliminating liquor traffic in treaties with Indians. This policy was insisted upon by the Indians themselves.

Following the act of 1802, the President turned the responsibility of regulating the liquor traffic in the Indian country to the War Department. In those days rum was a standard

7. See: Bureau of Ethnology Dictionary



These Indians are in line to be served with barbecued beef. They are Florida Seminoles.



This represents honest Injun Wild West. The riders are participants and spectators at a rodeo.



This dignified gentleman is Judge Daniel Wolf of the Fort Berthold Indian Reservation, North Dakota.



Young boys of the Navajo Tribe.



This woman is named Julia Wades-in-The-Water. She is a Blackfoot Indian, and was a police matron in 1937.

army ration, sutlers and traders attached themselves to the army posts and the Government did little to suppress its sale to the Indians. Secretary of War James Barbour stated in a report made on February 16, 1828, that "some relaxation was made of this rule, which permitted the use of it (spirits) but only along our northern boundary, and to prevent the utter ruin of our trade which, it was thought, must have followed, if its use were continued by the British traders on that frontier and restricted to ours."

Congress Acts Again

Finally conditions again forced Congress to take action. On July 9, 1832, a provision was enacted that "no ardent spirits should be hereafter introduced under any pretense into the Indian country." Further legislation, passed June 30, 1834, provided a fine of \$1,000 for every person "who shall set up or continue any distillery within the Indian country." Other laws followed, gradually strengthening weak provisions and eliminating loopholes for the offender. In 1847 annuities were withheld from the Indians either under the influence or within the reach of intoxicants. An Act of 1862 initiated the principle that it was a crime to sell to Indians either *on* or *off* the reservation. A drastic search and seizure law followed. The Act of July 23, 1892, included the prohibition of the introduction of ale, beer, wine and all intoxicating liquors of whatever kind into Indian territory. When reservation land was allotted to individual Indians, the law was modified to include allottees. It has been ruled by the Comptroller General that

when an Indian receives a fee simple patent to his allotment, he is not necessarily emancipated from Federal control.

Present reliance is placed on the extremely comprehensive provisions of Section 2139 of the United States Revised Statutes, as amended by the Act of June 15, 1938 (52 U. S. Stat. L. 696).

"Any person who shall sell, give away, dispose of, exchange or barter any malt, spirituous, or vinous liquor including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent or agent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever

into the Indian country which term shall include any Indian allotment while the title to the same shall be held in trust by the government or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished for the first offense by imprisonment for not more than a year, and by a fine of not more than \$500, and for the second offense and each offense thereafter by imprisonment for not more than five years, and by a fine of not more than \$2,000. *Provided, however,* That the person convicted shall be committed until fine and costs are paid: *And provided further,* that first offenses under this section may be prosecuted by information, but no person convicted of a first offense under this section shall be sentenced to imprisonment in a penitentiary or required to perform hard labor. It shall be a sufficient defense to any charge of introduc-



An adobe house occupied by Pueblo Indians, New Mexico.

ing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country, that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this section shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation; but in all such cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes as amended. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the Court of the United States having jurisdiction of the offense."

Commissioner John Collier, of the Office of Indian Affairs, has the difficult responsibility of enforcing prohibition with less than one-third the necessary funds. Effective enforcement would require, he believes, an annual appropriation of \$690,000. The total 1939 appropriation for maintaining law and order on Indian reservations is \$237,290.

The Present Law Is Prohibition

"Technically, the Indian Service adheres to an all-embracing plan of universal prohibition among Indians," he explains. "Practically, with the funds allowed by Congress, prohibition is being enforced only in limited areas. Shall the Service abandon prohibition entirely? Shall it work toward a breakdown of Indian country into areas where enforcement is still imperative, and other areas where costs and frictions probably must continue to exceed the results?"

The Superintendent of the Crow Indian Reservation writes of the inadequate police force in his area and the difficulty of protecting the property, game and cattle of the Indians from marauders: "We are standing back helpless to do anything on account of the fact that we have only two police officers to patrol a territory which is 100 miles wide, east and west, and 65 miles wide, north and south. The remote parts of the Reservation are in mountainous country and the superintendent sitting on one end of the Reservation must and should have some police officers to represent him so that he can faithfully discharge the Government's treaty obligations to its wards."

"Sorry" Whites Prey on the Red Man

Each reservation presents a different angle to the problem. In more isolated regions, prohibition is enforced without much difficulty. In some regions, such as the Pueblos of the Southwest, the Indians themselves have taken the responsibility of enforcement. But where tracts of land within the reservation have been sold or leased to whites and where



Commissioner John Collier with two employees of the Indian Bureau. They are examining a Navajo rug.

white towns are located in close proximity, enforcement is less effectual.

The question of whether repeal of prohibition among Indians is beneficial or injurious is partly answered by the Alaskan experience. Alaska was given complete control of native prohibition after repeal of the Volstead Act. Liquor licenses are granted by judges of the Federal District Court on receiving a petition showing that the majority of citizens over 21 years of age within two miles of the place consent to it. In incorporated towns, the city council passes upon applications for licenses. In practice, the petitions are accepted at their face value and no discretion is used in withholding a license. Revocation of any license, once granted, requires formal action in court and proof of violation. But it is almost impossible to produce witnesses who will testify to violations, even though these are notorious and continued.

Conditions, resulting from this procedure, are far worse than in areas in the United States where enforcement of prohibition for Indians is still imperfect. Native families, having sufficient income to live well, are generally no better economically than those with small incomes, because the bulk of their income is spent for liquor. At Kotzebue, a community of about 350 men, women and children, there is an annual liquor bill of about \$30,000. Slovenly living standards in these towns is in contrast with communities where prohibition laws have been self-imposed. For example, one is impressed with the trim appearance of Metlakatla and with the economic and spiritual progress, under local prohibition, at Newhalen. Then, too, under the influence of a Russian Orthodox priest two years ago, every man and woman signed an abstinence pledge for a year. Only one man broke that pledge, and at the end of the year, everyone in the village took a new pledge for life. On St. Lawrence Island, for a generation, the very primitive natives have been thriving under a rigidly-enforced and self-imposed prohibition.

The Indian Coöperates

In the United States, recent policy has tended toward developing Indian responsibility for solving these difficult law and order problems. Under the Indian Reorganization Act of 1934, a number of tribes have written their own law and order codes and Indian judges and police officers are being trained for enforcement work. There are now 62 Indian judges, 60 Indian chiefs of police, and 135 Indian police with the staff of 25 Special and Deputy Special Officers under Federal authority and a small supplementary force.

Many protests have urged modification of the present Federal liquor statute on the grounds of discrimination and a stigma of inferiority. Where Indian groups show a realistic

approach to the situation, the Department has shown a disposition to favor bills permitting control of the liquor traffic under tribal regulations.

Half Drunk, Half Sober

There is an interesting situation in Oklahoma where approximately one-third of the Indians of the country reside and where all sale of hard liquor is against state law. It is a Federal offense to sell liquor to Indians on the west side of the State and not against Federal law to sell to Indians on the east side. By Act of March 5, 1934 (48 Stat. 396) the Indian liquor laws were repealed for the east side of the state, formerly known as Indian Territory, except for lands occupied by Government Indian schools. "Former Indian territory" is based on the Land Office map of 1899 and includes land occupied by the Cherokees, Chickasaws, Creeks, Choctaws, Seminoles, Quapaws, Peorias, Wyandottes, and Seneca Tribes.

Purpose of the law is stated in the Reports of the Senate and House Judiciary Committees on the bill:

"The bill seeks to repeal, insofar as the old Indian Territory is concerned, certain acts of Congress prohibiting traffic in intoxicating liquor in what is known as 'Indian country.' It is contended that these laws have become archaic. They were originally properly applicable to Indian Territory, when it was inhabited largely by tribal Indians. Since its consolidation with Oklahoma and the admission of Oklahoma to the Union, a large proportion of the Indians inhabiting the old Indian Territory have become emancipated and have been admitted to citizenship. Yet the present situation is that there is no Federal prohibition against traffic of intoxicating liquor in that part of the State of Oklahoma which constituted the old Territory of Oklahoma, but because of these Indian liquor laws there is a Federal prohibition against liquor traffic in that part of Oklahoma which was the old Indian territory. It is contended that modern developments have rendered the situation incongruous. It is understood that the purpose of Congressman Hastings, the sponsor of this measure, is to place the entire State of Oklahoma on a par with the other 47 States insofar as Federal regulation of liquor traffic is concerned."

The sale of 3.2 beer to Indians has been legalized throughout the state.

William E. Johnson, internationally-known temperance leader, was Chief Special Officer from 1908-1911. His sobriquet "Pussyfoot" was earned by his cat-like policies in pursuing law-breakers in the Indian country. He gave great impetus to the movement of enforcement, got the appropriation raised from \$25,000 to \$75,000, and with these limited funds, had over 4,400 convictions to his credit. He was succeeded by Mr. Henry A. Larson, a member of the Board of Managers of the Board of Temperance, Prohibition and Public Morals.

The energy of Louis C. Mueller, the present incumbent, is shown by his report for the calendar year 1937:

"Convictions were obtained in 90.34% of all cases filed during the year, and fines totaling \$31,000 were paid. In addition, 22 cars were seized, having a total value of \$5,640. During 1936, our officers developed 114.4 cases per man while in 1937, the average rose to 136.05 per man. The total number of cases developed was 2,313, which reflects that our officers have been energetic; and the high percentage of convictions reflects careful preparation of cases and public support and approval.

"It will be noted that some of the officers did not obtain convictions in a satisfactory percentage of cases filed; but this fact does not necessarily denote inefficiency nor lack of proper development of cases in every instance."

Liquor seized was reported as follows:	
Mash	4,000 gallons
Wine	2,268 "
Beer	268½ "
Whiskey	340½ "
Alcohol	62¼ "
Stills (number of)	20

Statistics show that liquor law violations lead the field in type of court cases filed. It is also interesting to note that the majority of offenders for bringing liquor on a reservation are whites. Yakima Reservation reports 105 white persons convicted during the year, totaling fines of \$7,400.

Tabulation by age groups shows that most of those arrested for Drunk and Disorderly Conduct are over 25 years of age:

Under 15	1	20 to 24	280
15 to 19	62	25 and over	939

There were 109 females arrested under this classification as compared with 1,165 males. Of these 729 cases were handled by the tribal courts, 544 cases by State courts and 1 by Federal Court.

There were 1,361 Indians arrested for intoxication and 32 whites; 580 were convicted in tribal courts and 803 in State courts.

Again and again bartenders are warned that it is unlawful to sell liquor to Indians in any part of the United States.

Seizure of narcotics is made in conjunction with the Bureau of Narcotics of the Treasury Department. With the enactment of a Federal Statute prohibiting the importation, sale or possession of marijuana, more effective work is being done in stamping out this traffic. Over 7,000 pounds of marijuana were seized during the last year. Traffic in the more serious forms of narcotics, such as morphine, cocaine and yenshee, is largely confined to the Indians of Nevada and to the Osages

The Question of Peyote

It is interesting to note that a bill to prevent the interstate transportation of anhalonium, or peyote, was reported on unfavorably by the Interior Department. Peyote is a cactus product, used by Indians as an element in religious observance. Members of the Peyote Church consider that the use of peyote is a mandatory and essential sacramental element in their worship, and in procuring this necessary supply of peyote, consider that they are under a religious obligation. The cult includes members located in Utah, Wisconsin, Wyoming, Iowa, Oklahoma, New Mexico and other States.

Studies were made on whether the use of peyote is essentially religious and whether the substance is habit-forming or deleterious. Eminent scholars attested to its significant sacramental rôle in the elaborate ritual of the church and its use for healing purposes. Dr. Ales Hrdlicka of the Smithsonian Institution said:

"There were no traces of any abuse of the drug, or any addiction to it, or any harm produced by its use or administration. There was certainly no demoralization in the tribe and there were no morons or imbeciles: nor even any case of insanity. The article was regarded as sacred and was believed to have supernatural properties; at the same time, however, it was administered as a real medicine and there was an unbounded faith in its efficacy."

Abstinence from alcohol is one of the moral precepts of the Church. Dr. M. R. Harrington, Curator of the Southwest Museum, Los Angeles, described a personal experience:

"I have personally known Indians who benefited greatly, for example, a gifted Shawnee. He had become an habitual drunkard and had lost his self-respect almost completely. He joined the peyote lodge and immediately stopped his drinking habits and in time won back his self-respect and the respect of the community."

About this, we know little. The testimony is quoted from men of scientific standing and deserves respect. The policy of the department is founded upon it.



Julian Martinez, Governor of the San Ildefonso Pueblo.

(Photographs in the foregoing article are by courtesy of the United States Indian Service, Washington, D. C.)

