

The Tragedy of Indian Education

THE AUGUST 30, 1924, edition of the *Big Pine Citizen* contained a routine announcement of the reopening of the local public school after summer vacation. Students were to report to the schoolhouse at 10 a.m. on September 1, but "Indian children who were not in the public schools last year" were asked to arrive a half-hour earlier.¹ In this somewhat indirect and undramatic fashion, the *Citizen* indicated that Alice Piper, a fifteen year old Indian girl, had won her court battle for admittance into Big Pine School. In the process, the court not only opened the classrooms of the small Owens Valley town of Big Pine to Indian children, but also applied "separate but equal" to Indian education and established the right of Indians to be admitted to state-supported rather than federal schools. *Piper v. Big Pine* is thus an obvious point of departure for a discussion of the history of Indians in California public education.

"THE ONLY GOOD INDIAN . . ."

The Piper case is also part of the long and tragic story of cultural misunderstanding and conflict between whites

¹ *Big Pine Citizen*, Aug. 30, 1924.

and Indians in California. Centuries before the arrival of Spanish settlers in 1769, the scores of separate California Indian cultures had developed generally stable ways of life, based on simple technologies and hunting, fishing and gathering economies. Most of the Indian groups honored tradition and had no expectation of rapid social and material change. But Spanish settlement began a radical process of transforming and destroying Indian cultures. The Spanish missions and Mexican *ranchos* were, in part, educational institutions whose purpose was to remake the Indians into a colonial work force. The stone-aged hunters and gatherers were Christianized, forcibly settled in villages, and taught agriculture, herding, and western crafts. Indian traditions and modes of life were wiped out, and a massive decline in Indian population was inadvertently caused by exposure to European diseases.²

Spanish-Mexican rule left large areas of the future state free from white man's control, but after 1848, the Gold Rush attracted thousands of new settlers into these previously untouched regions. Unlike California's former Spanish-speaking rulers, the Anglo-Americans did not need the Indian as a labor force, and Indian cultures were displaced and Indian peoples destroyed with even greater efficiency than before. In 1769 the Indian population of California was between 200,000 and 300,000; by 1880, not more than 20,000 Indians were left. It had been, according to Hubert Howe Bancroft, "one of the last human hunts in history, and the basest and most brutal of them all."³

The United States Congress attempted to regulate California Indian affairs in the early 1850s by appointing

² For a good account of white-Indian relations in California, see Sherburne Cook, *The Conflict Between the California Indian and White Civilization* (Berkeley, 1943).

³ Hubert Howe Bancroft, *History of California* (San Francisco, 1884-1890), VII, 474-475.

special federal agents to negotiate treaties to remove Indians from direct contact with white settlers. By the end of 1852, eighteen such treaties had been signed affecting 139 separate Indian communities with a combined population of about 25,000 located primarily in the Mother Lode region. The Indians agreed to move from the mining area of the Sierra foothills to 7.5 million acres of Central Valley land granted them by the government. The treaties obligated Washington to provide economic aid, social services, and most important for our purposes, education. For example, a treaty made on the Kings River between agent George Barbour and the "chiefs, captains and headmen of the Taches, Cah-Wai, etc." promised the Indians "one superior and such assistant school teachers as may be necessary."⁴ All told, the eighteen treaties provided for twenty-two principal teachers, forty-five assistants, and fifty-four schoolhouses.⁵

The first Federal Superintendent of Indian Affairs for California, Edward F. Beale, hoped the treaties would be ratified by the United States Senate. But he had some doubts about the educational provisions and warned that "the establishment of schools among them [the Indians] at the present time would not subserve their interests; their present state of civilization and advancement being such as to preclude the possibility of their appreciating the benefits . . ."⁶ Beale did not have to worry; the treaties were vehemently opposed by whites who were shocked at the idea of granting valuable land to "savages." The Senate refused ratification in 1853, and Beale was allowed

⁴ *Message From the President of the United States Communicating Eighteen Treaties Made with Indians in California* (Washington, 1905), 11; United States, Department of the Interior, Bureau of Indian Affairs, *Indians of California* (Washington, 1966), 8; William Ellison, "The Federal Indian Policy in California 1846-1860," *Mississippi Valley Historical Review* (June, 1922), 47-57.

⁵ Robert Kenny, *History and Proposed Settlement, Claims of California Indians* (Sacramento, 1944), 82.

⁶ *Message From the President*, 9.

to establish only five small reservations. By the mid-1860s, only two of the reservations still remained in operation: Hoopa Valley in Humboldt County and Tule River in the San Joaquin Valley.⁷

Meanwhile the state legislature was depriving Indians of most civil rights. Laws were passed allowing Indian vagrants to be hired out as unpaid laborers to private employers and, under certain conditions, permitting Indian children to be indentured to white families. Like Blacks and Asians, Indians could not vote, hold political office, or testify in court against whites. And like other non-whites, the segregation legislation of the 1860s banned Indians from "white" public schools, although Indian children living with white families were exempted from the ban in 1862. In 1866 school districts were allowed, but not required, to admit "half-breed" children with white guardians into the regular schools, and as a result of *Ward v. Flood* in 1874, Indian children theoretically could attend "white" schools if no "colored" school was located in the district.⁸ In fact, however, few Indians were willing or able to take advantage of California's school system; during the 1865-66 year, only sixty-three Indians were enrolled in the State's public schools.⁹

RESERVATION SCHOOLS

The major burden of Indian education in California thus fell to the Federal government. By the 1860s the Indian

⁷ Ellison, "Federal Indian Policy," 58-67.

⁸ Ferdinand Fernandez, "Except A California Indian: A Study in Discrimination," *Southern California Quarterly* (June, 1968), 167-168; Robert Heizer and Alan Almquist, *The Other Californians: Prejudice and Discrimination Under Spain, Mexico and the United States to 1920* (Berkeley, 1971), 61-64.

⁹ Irving G. Hendrick, "Federal and State Roles in the Education of Indians: The California Experience, 1850-1934" (unpublished research paper, Riverside, 1974), 4.

Bureau was planning schools at Hoopa Valley and Tule River, but in 1866 George Hoffman, Indian agent at Tule River, refused to recommend "the expenditure of any money on such hopeless subjects." He believed that the "California Digger" was a "cruel, cowardly vagabond, given to thieving, gambling, drunkenness and all that is vicious without one redeeming trait." Hoffman added that the issue was moot, since the Indians "must soon be extinct."¹⁰

But the Indians did not become extinct, and by 1872 the government was operating schools at both Hoopa Valley and Tule River with a total enrollment of 127 students.¹¹ In the late 1880s Congress appropriated money to establish additional reservations and rancherias for southern California's "Mission Indians," and in the early twentieth century similar action was taken on behalf of some northern California groups. With the expansion of the reservation system, there was a steady increase in the number of Indian schools. In 1891 the Bureau of Indian Affairs (BIA) operated two boarding schools and twelve reservation day schools in California; by 1900 there were more than 900 students enrolled in six boarding schools and twenty day schools.¹² Nevertheless, the schools had problems attracting students. In 1885, C. A. Belknap, agent at Tule River, claimed "no part of the service in connection with this agency has been so difficult as the educational." He described parents as "indifferent if not adverse" to education, and believed that "so many of the children are diseased and the number of pupils so small, that enough healthy ones cannot be selected and placed in a boarding school to warrant the expense."¹³ In

¹⁰ United States Office of Indian Affairs, *Reports on Indian Affairs, California Superintendency 1861-1871* (Washington, 1861-1871) n. 19, 98.

¹¹ Hendrick, "Federal and State," 5.

¹² United States Department of the Interior, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington, 1891), 56-58; *ibid.* (1902), 16-21.

¹³ *Ibid.* (1885), 13.

1891, the agent at Hoopa Valley, Isaac A. Beers, observed that the parents "wish their children to grow up as Indians and they say, 'school is no good to Indians.'" ¹⁴

In truth, Indians found little that was familiar and less that was consistent with Indian cultural values in the reservation schools. The curriculum and structure were established in Washington and aimed at assimilation into the white man's way of life. As Evelyn Adams has said, the schools attempted "to destroy the tribal ways and train the individual Indian to earn his living like a white man."¹⁵ Boarding schools were thought to be most effective, for they separated the child from his family and native culture. In 1885 the agent at Hoopa Valley counseled that students "be kept strictly removed from all tribal or family associations, for without enforcement of such removal but little permanent mental or moral improvement need be anticipated."¹⁶

PUBLIC SCHOOLS

Another effective way to achieve assimilation was to encourage enrollment of Indian children in the regular public schools. Here the students would receive a totally non-Indian education and have close contact with white children. Moreover, public schooling would relieve the federal government of some of the financial burden of Indian education. Thus, as early as 1892, the Bureau of Indian Affairs was contracting with California school districts for the education of reservation children. The Bureau agreed to pay tuition expenses for fifty-one students in three school districts in Shasta, San Diego and Inyo counties.¹⁷ The students attended integrated

¹⁴ *Ibid.* (1891), 220.

¹⁵ Evelyn C. Adams, *American Indian Education* (Morningside Heights, N. Y., 1946), 56.

¹⁶ *Annual Report of the Commissioner of Indian Affairs* (1885), 5-6.

¹⁷ *Ibid.* (1892), 55.

schools, for, as we have seen, California law had not specifically provided for the segregation of Indians since 1880. But apparently the BIA program awakened old fears, and in 1893 the legislature amended the school law to allow districts again to require Indians to go to separate schools.¹⁸ In 1898 only twenty-one students still were covered by BIA contracts; by 1902 all contracts had been cancelled.¹⁹

However, the concept of integrating Indian children into the public schools did not die. After the turn of the century, voluntary organizations of white citizens dedicated to helping Indians became prominent in California life. In 1907 one such group, the Northern California Indian Association, declared that "the schools of the State from common school to university should be and must be given to the Indian as fully as to the white American."²⁰ In the same year, a group of Indians meeting at Mount Herman in Santa Cruz County with a number of "white friends and field workers," demanded "common school education for our children." The Indian spokesmen claimed that the government schools "reach but a few, and most of the public schools of the State do not admit our children."²¹ Two years later, the Secretary of the Northern California Indian Association, C. E. Kelsey, spoke about Indian education before San Francisco's prestigious Commonwealth Club. He noted that in the past "no Indian children were tolerated in the public schools," but "now about 500 attend schools throughout the state." Still, Kelsey claimed, Indians were banned in a "majority of the districts containing Indian children,"

¹⁸ Fernandez, "Except A California Indian," 167-168; *School Law of California* (Sacramento, 1893), 24.

¹⁹ *Annual Report of the Commissioner of Indian Affairs* (1898), 15; *ibid.* (1903), 38.

²⁰ Northern California Indian Association, *Zayante Indians Conference* (Mt. Herman, 1907), 6-7.

²¹ *Ibid.*, 2-3.

and since the capacity of the government schools was limited, the result was that 1,800 children, about half the school-aged Indians in the state, had no chance for education at all.²²

Kelsey was also a government Indian agent in California, and his remarks were consistent with Indian Bureau policy. In 1910 the Commissioner of Indian Affairs, Robert Valentine, asserted that the "association of Indian children with white children in the public schools, where practicable, will be a definite means of assimilation of the Indian into American life."²³ Thus he announced that the government again was willing to make tuition payments for reservation children in public schools. School districts would receive an amount equal to the cost per pupil apportioned by the state for each Indian student whose parents lived on non-taxable reservation land. During the next decade, BIA officials in California vigorously pushed the program. In 1917 progress temporarily was halted when the Comptroller of the United States Treasury ruled that many California Indians were ineligible for coverage, but by 1918 the matter was resolved. In that year, the Bureau claimed that for the first time more California Indian children were in public schools than in government institutions (1,820 and 1,745 respectively).²⁴

The task of persuading school districts to accept Indian children was seldom easy. Agent Kelsey claimed that many districts cooperated only because they were so small that they "would lapse without the Indians." Kelsey said he had little difficulty dealing with state or county education officials but was often stymied by "the Plain People," who when "full of prejudice against Indians, . . .

²² Kelsey, C. E., "The Rights and Wrongs of the California Indians." *Transactions of the Commonwealth Club of California* (Dec. 1909), 422-423.

²³ *Annual Report of the Commissioner of Indian Affairs* (1910), 15.

²⁴ *Ibid.* (1918), 165.

refuse to reason."²⁵ He recalled that when the School Superintendent of Colusa County in the Sacramento Valley allowed an Indian child to enroll in elementary classes with whites, "The next morning there was not a white child in the school." The white parents continued the boycott until the Indian was withdrawn from the school and the superintendent was defeated for re-election. Since then, Kelsey explained, "we haven't been able to get a single Indian into public school with white children," and the Bureau was forced to settle for a separate Indian public school in Colusa County, supported in large part by federal tuition payments.²⁶

Kelsey's solution to the Colusa County problem was reluctantly accepted by his superiors in Washington. While the BIA preferred integrated facilities, it believed segregated public schools were better than no public schools at all. In 1915, Agent L. A. Dorrington identified two California communities in which he recommended that the Bureau pay for the construction of public Indian schoolhouses if the county would agree to establish separate, county-operated school districts for the Indians. According to Dorrington, it was "not practicable at the present time to have these children enrolled in other districts maintained for white children."²⁷

But in most cases, the Bureau was able to persuade districts to accept Indians in regular, integrated schools. By 1920 the subsidy program was going so well that Dorrington was sending out form letters reminding local superintendents that "the present school year is drawing rapidly to a close and if the school desires assistance from the Government, it will be necessary to present an

²⁵ Letter from C. E. Kelsey, Special Agent at San Jose, to C. E. Asbury, Special Agent at Reno, October 14, 1912, National Archives, San Francisco Branch, Record Group 75, Files of L. A. Dorrington, Box 12.

²⁶ *Ibid.*

²⁷ Letter from Special Agent L. A. Dorrington to Commissioner of Indian Affairs, October 19, 1915, Dorrington File, Box 12.

application therefore without delay." To facilitate matters, the letters contained an application blank which the respondents were asked to "return at the earliest possible date."²⁸

Cooperation was also enlisted from state educational officials. In January 1923, Bureau representatives met with a number of California school administrators, including Superintendent of Public Instruction Will C. Wood and Supervisor of Attendance Georgiana Carden. The BIA informed the state officials that it sought to "enroll Indian children in the public schools as rapidly as possible," and urged vigorous enforcement of the state school attendance laws. Wood and Carden agreed to pressure districts to accept Indian children in return for a federal promise to provide about two hundred more boarding school places for children whose "home conditions" made them "unacceptable" for public schools.²⁹ However, the state legislature was not nearly as cooperative as professional educators committed to the ideal of universal school attendance. In 1921 Section 1662 of the School Law was amended so that "in school districts in California where the United States government has established an Indian school, or in an area not to exceed three miles from the said Indian school, the Indian children of the district or districts, eligible for attendance upon such Indian school, may not be admitted to the district school."³⁰ This was the specific provision of the law successfully challenged by Alice Piper in the Big Pine case.

²⁸ Letter from Dorrington to William Goyette, Clerk, Millerton School District, Friant, California, March 26, 1920, Dorrington File, Box 12.

²⁹ *Annual Report of the Commissioner of Indian Affairs* (1923), 3; William J. Drew, "Educational Provisions for California Indians," *Commonwealth* (June 8, 1926), 114.

³⁰ *School Law of California* (Sacramento, 1921), 160.

THE COLLETTs

Voluntary organizations also continued to push for Indians in the public schools. Perhaps the most active was the San Francisco-based Indian Board of Cooperation, a group of "leading representative citizens," including Stanford University President David Starr Jordan. The board's executive secretary, and most influential force was Reverend Frederick G. Collett, a Congregationalist-turned-Methodist minister who had long been involved in causes on behalf of the California Indian. Before becoming active in the Board of Cooperation, Collett and his wife taught in a Colusa County Indian school and encouraged Indian communities to take advantage of the BIA public school subsidy program.³¹

The Colletts were far from universally admired, even among other friends and advocates of the Indians. In 1913, for example, C. E. Kelsey had criticized Reverend and Mrs. Collett for encouraging subsidy contracts for Indians who did not qualify under BIA criteria for public-school tuition payments. Kelsey charged that much of the Colletts' activity was an "excuse and means of raising their salary." The problem, he claimed, was "less with Collett than with Mrs. Collett who is the stronger of the two."³² However, a BIA investigation eventually cleared the Colletts of the 1913 charges, and, under their leadership, the Board of Cooperation had some solid achievements to its credit. For example, in 1917 the organization had successfully represented Ethen Anderson, a Lake County Indian, in his fight to become a registered voter. Federal law prohibited Indians living in recognized tribes from obtaining citizenship, but the California Supreme Court ruled that Anderson had never "lived in a tribal

³¹ Frances Fischer (unpublished research paper, delivered orally, Berkeley, 1975); *California Indian Herald*, Dec., 1923, 11.

³² Letter from Kelsey to Asbury, August 13, 1913, Dorrington File, Box 12.

relationship nor ever owed allegiance to any tribe," and thus was a California citizen. Since most of the state's Indians had a tribal status similar to Anderson's, the decision effectively established suffrage for the bulk of California Indians.³³

One of the Board of Cooperation's major aims was "to promote the general welfare with regard to public school privileges," and in 1923, school matters were the organization's prime concern. It represented Virginia Knight, a Mendocino County Indian girl, in a legal challenge that resulted in her being allowed to enroll in the Carroll District public school.³⁴ It also cooperated with Lake County Women's Clubs in obtaining a segregated public school for Indians on the Big Valley reservation. According to the *California Indian Herald*, the Board's newsletter, "No Parent-Teacher Association meeting, no gathering of the Chamber of Commerce, no club meeting or group of trustees escaped without hearing from some of the women as to the need for schooling of the [Big Valley] Indians." After the Lake County battle was won, Collett addressed "a tense, interested group" of nearly three hundred local "club women and men," and assured them that "it is only a matter of equal advantage that will enable the Indian to parallel the mental capacity of the white . . ."³⁵

CONFLICT AT BIG PINE

But the Big Valley campaign was an isolated victory and the decision in the Knight case was decided by a local court and thus did not have statewide precedent. In Big

³³ Chauncey Shafter Goodrich, "The Legal Status of the California Indian." *California Law Review* (Mar., 1926), 164-166; *Anderson v. Matthews*, California Reports, 537-547 (1918).

³⁴ *California Indian Herald*, Dec., 1923; Jan., 1924; Santa Rosa *Republican*, Dec. 27, 1923; Ukiah *Republican Press*, Dec. 26, 1923.

³⁵ *California Indian Herald*, Dec. 1923; Lake County *Bee*, Dec. 27, 1923.

Pine and in other rural communities throughout California, Indians continued to be barred from public schools. Big Pine had a Board of Cooperation "Indian auxiliary," an organization which allowed Indians limited participation but not membership in the board. John Sommerville, the Big Pine auxiliary leader, claimed that in 1921 local school trustees had urged Indians to vote for a measure that would finance construction of new educational facilities, with the understanding that if the election was successful, the Indians would be admitted to the school.³⁶ However, in 1923 the trustees refused to honor whatever pledge they had made on grounds that they were prohibited from doing so by Section 1662 of the School Law. There was, in fact, a government school located less than three miles from the Indian homes, and thus California law did prohibit Indian attendance in the public school.

John Sommerville later said that his people had no objection to the government teacher, who was "a good friend to the Indians." But they did object to the rules and procedures of the government-school system, which required students to do manual labor on the school grounds for part of the day and which effectively limited the educational program to the equivalent of no more than five grades of the public school. Although the Indians wished admittance into regular integrated classes, they were willing to settle for a publicly supported segregated program given in their own community hall.³⁷ During the summer of 1923, Reverend Collett and local Indian leaders made a series of presentations before the Big Pine School Board, one of which featured seventeen-year-old Eunice Hill. The *Indian Herald* described her speech as "a stirring defense of children of her people whom the whites pretended to consider of an inferior mentality."

³⁶ Big Pine *Citizen*, Aug. 23, 1924.

³⁷ *Ibid.*; California *Indian Herald*, Jan., 1924.

But the trustees were not moved and refused to change the policy of "no Indians allowed."³⁸

The decision was applauded by the local press. The Inyo *Independent* believed that the board met "with nearly unanimous approval throughout the Owens Valley." The paper warned that if the Indians "persist in such actions as characterized them at Big Pine they will lose their standing." Prime villain, according to the *Independent*, was Frederick Collett who "misled" the Indians. The Board of Cooperation was advised that if it really wanted "to help the Indians [it] can do no greater service to them to get rid of Mr. Collett."³⁹ The Big Pine *Citizen* also criticized Collett, and on September 22 he responded in kind, with a long letter to the editor. The *Citizen's* publisher claimed that he was glad to present the other side of the issue, but commented that "next week we will probably be in a position to take up this question with him [Collett] again."⁴⁰

What the *Citizen* did take up on September 29 were charges against Collett made in 1922 by a former Board of Cooperation staff member, Helen Dare. She had claimed that Collett had misused organizational funds while in Washington ostensibly lobbying on behalf of a bill to provide for monetary settlement of Indian land claims against the government. The board's executive committee cleared Collett of the charges, but the *Citizen* still printed a long article by Dare that originally had appeared in the San Francisco *Bulletin*. Inevitably, this resulted in Collett responding with an equally long 1922 piece, also originally published in the *Bulletin*, and John Sommerville issued a statement defending the reverend as a "friend of the Indian from the bottom of his heart." Sommerville claimed that the Indians only wanted "what is fair as citizens and we do not want to be used by the

³⁸ California *Indian Herald*, Jan., 1924.

³⁹ Inyo *Independent*, Sept. 15, 1923.

white people . . ."⁴¹ This did not convince the Owens Valley press, and in December, the *Inyo Register* seemed delighted to announce that Collett was being sued for divorce, partially on the grounds that he was "seeing other women." The *Register* reminded its readers that when last in the Valley, Collett was accompanied by a young female stenographer.⁴²

PIPER V. BIG PINE

All the verbal cannonades back and forth across the Sierra had little effect on the eventual outcome of the Big Pine school controversy. After the trustees refused the Indian appeals, the Board of Cooperation took the matter before the California Supreme Court. Representing Alice Piper was J. W. Henderson, President of the Board of Cooperation, and victorious attorney in both the Ethen Anderson and Virginia Knight cases. Henderson must have been particularly pleased with the decision written by Justice Seawell and issued on June 1, 1924. Not only did the court unanimously uphold Alice Piper's right to attend Big Pine School, but it used the Board of Cooperation's earlier victory in the 1917 Anderson case as a prime precedent.⁴³

Seawell ruled that Alice, like Ethen Anderson, was a citizen of California because she did not belong to an organized Indian tribe that had a treaty relationship with the United States. Moreover, the judge believed that Alice qualified for citizenship under terms of the Dawes Act of 1887, for in that legislation Congress provided that an Indian who voluntarily resides "separate from any

⁴⁰ *Big Pine Citizen*, Sept. 22, 1923.

⁴¹ *Ibid.*, Sept. 29, 1923; Oct. 6, 1923.

⁴² *Inyo Register*, Dec. 6, 1923. However, the courts eventually found insufficient evidence to sustain the adultery charge against Collett.

⁴³ Goodrich, "Legal Status," 169-170; *San Francisco Chronicle*, June 3, June 4, 1924.

tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared a citizen of the United States . . ." Citizenship, then, was defined by the degree of assimilation into the white way of life or at least the degree of separation from tribal society, and by this test, Alice Piper was a citizen of both California and the United States. Justice Seawell found ample precedent for the principle that such a citizen could not be denied the right to public education on the "basis of race or color difference."⁴⁴

Seawell's decision also recognized that by the 1920s public education played a major role in determining a person's economic and social standing: "The common schools are doorways opening into the chambers of science, art and the learned professions, as well as in fields of industrial and commercial activities. Opportunities for securing employment are often more or less dependent upon the rating which a youth, as a pupil of our public institutions, has received in his school work." Education, then, not only involved abstract rights to knowledge and enlightenment, but also tangible opportunities for wealth and privilege. "These are rights and privileges that cannot be denied."⁴⁵

Such rights and privileges also could not be delegated. To argue that Alice Piper was eligible to attend a government school less than three miles from her house, was to "beg the question." Seawell ruled that under the Constitution, public education is "exclusively the function of the state," and it "cannot be delegated to any other agency," even the federal government. The State of California could not, therefore, avoid its obligation to allow Alice Piper to attend a state-supported school.⁴⁶ Seawell had negated the 1921 amendment to Section 1662, and since

⁴⁴ *Piper v. Big Pine School District*, 193 California Reports, 670-672 (1925); *Anderson v. Matthews*, 543-544.

⁴⁵ *Piper v. Big Pine*, 673.

⁴⁶ *Ibid.*, 669.

Congress in 1924 granted citizenship to all Indians born in the United States, no matter what their tribal status, the Piper decision effectively guaranteed public schooling for all California Indians. In May of 1928 a state appellate court allowed Wesley Peters to attend public school in the Parma District of San Diego County. Unlike Alice Piper, nine-year-old Wesley lived on federal Indian land and was identified as a "Mission Indian."⁴⁷

But the decision in the Piper case did not challenge the doctrine of "separate but equal." Justice Seawell concluded that the establishment of "separate schools for Indians as provided by the statute, does not offend either the federal or state constitutions." Indeed, Seawell seemed to expect that many districts would establish such schools and sympathized with boards of education which would have to raise additional money to build separate facilities.⁴⁸ In fact, however, the Piper decision did not result in large numbers of segregated Indian schools. By 1931, when more than 2,800 Indian children were enrolled in California public schools, there were only seven segregated Indian schools with ninety-two students in the state.⁴⁹ In 1935 the legislature amended the school law so that there was no longer legal authority to segregate Indians born in the United States.⁵⁰ Officially, at least, *de jure* segregation of Indian children was at an end.

INDIANS IN THE SCHOOLS

But the problems faced by Indians in the schools were hardly ended. A 1926 report of the Commonwealth Club commented that Indian "enrollment and attendance are

⁴⁷ Los Angeles Times, May 18, 1928.

⁴⁸ Piper v. Big Pine, 671, 674.

⁴⁹ California State Department of Education, *Biennial Report* (Sacramento, 1932), 32.

⁵⁰ Fernandez, "Except a California Indian," 167-168; *School Code of the State of California* (Sacramento, 1935), 140.

two different matters."⁵¹ The report was the work of the club's section on Indian Affairs, and contained a depressing account of Indian education in California. The investigators found that Indian children from prosperous, assimilated families generally did well scholastically, but the bulk of the "less fortunate" majority performed poorly, dropped out early and often became truants. The report claimed that the reception of Indian children by public schools ranged from "cruel exploitation" to "friendliness and honesty." Greenville, in the extreme north of the state, "fought bitterly" against accepting Indian students, while Susanville, about 100 miles away, "welcomes the Indian children." When Middle Creek in Lake County was forced to accept fourteen Indian students, a special room was partitioned off, a section of the playground fenced in, and a separate teacher hired for them.⁵² A few years later, whites in Alturas in Modoc County tried to prevent Indians from entering the public school on grounds that they were in a "diseased condition." When Indian parents produced doctors' certificates assuring that the children were in "perfect health," the school reluctantly admitted the students.⁵³

The Commonwealth Club report also found little that was positive to say about the remaining government schools, which still enrolled about one-third of California's Indian children in 1926. The boarding school at the Fort Bidwell reservation was termed "a disgrace," and conditions at Hoopa Valley and Fort Yuma were not much better. Sherman Institute in Riverside was judged to be "by far the best" of the boarding schools "in equipment and grade of teacher," but even it was described as based on "the conception that the Indian is inferior to the whiteman . . . Every Indian girl is viewed as

⁵¹ Drew, "Educational Provisions," 115.

⁵² *Ibid.*, 113, 115.

⁵³ Mary Coxhead, "Modoc County Indians Need a Change" (unpublished manuscript in Bancroft Library, Berkeley, 1932), 3.

a potential house servant and every boy as a farm hand." The report also looked at the various reservation day schools and found them "ideal in plan" but "pitiful makeshifts" in reality. The sole exception was the school at Tule River, where Indians were fairly prosperous and the teacher a well-educated, popular young man. The class was "happy and vigorous" and the pupils "not only will answer the questions, but will ask them."⁵⁴

Many of the Commonwealth Club's conclusions were confirmed by a massive nationwide report on *The Problem of Indian Administration*, published by the Institute of Government Research in Washington in 1928.⁵⁵ This document was prepared by a team of experts under the direction of Lewis Merriam, and the education chapter was written by prominent "progressive" educator, William Carson Ryan. Ryan criticized the assimilationist theory of the government schools and called for a new educational program that would teach Indians to prosper in the modern world without shattering the traditional Indian culture. But in spite of its anti-assimilationist tone, Ryan's chapter applauded the effort to enroll Indian children in public schools, although he recommended increased federal control to assure that subsidy funds actually would be used to benefit the Indian students.⁵⁶

RISE AND FALL OF "JOM"

Unlike many documents of its kind, the "Merriam Report" had great influence on official policy. In 1930 William Carson Ryan was named BIA director of education and cautiously began initiating reforms. Two years later, the veteran advocate of Indian causes, John Collier,

⁵⁴ Drew, "Educational Provisions," 110-111, 115.

⁵⁵ Lewis Merriam, *The Problem of Indian Administration* (Baltimore, 1928).

⁵⁶ *Ibid.*; Margaret Szasz, *Education and the American Indian* (Albuquerque, 1974), 17-24; Adams, *American Indian Education*, 68-69.

became Commissioner of Indian Affairs, and in 1936 another prominent progressive educator, Willard Wallcott Beatty, replaced Ryan as education director. Educational policy was transformed by two laws passed in 1934: the Indian Reorganization Act, which reversed many of the old assimilationist programs, and the Johnson O'Mally Act, which allowed the BIA to contract directly with states for the education of Indian children. Under the "JOM" programs, not only were the old tuition subsidies increased, but for the first time, the Bureau could deal directly with state educational authorities rather than negotiate agreements on a district-by-district basis. The new system lessened the effect of local opposition to Indian public-school enrollment.⁵⁷ In 1935 California became the first state to sign a JOM contract, and thus began the final phase-out of the state's federal Indian schools. By the 1950s only the Sherman Institute remained, and it served only non-California Indians.⁵⁸

But the JOM program did not always operate smoothly in California. As part of the initial contract, Mary Steward, a BIA employee, was installed in the State Education Department to assure that federal funds were used to benefit Indian children. She was frustrated in her attempts to influence policy and claimed state officials made her "feel like a clerk." When she resigned in 1941, she was not replaced. Bureau officials also found that some Indian parents protested the closing of government schools. At Fort Bidwell, for example, parents claimed "we would rather our children be in school by themselves." Another challenge to the program came in the early 1940s when Purl Willis, a self-appointed spokesman who claimed to be of California Indian descent, warned that the federal government would deduct JOM

⁵⁷ Szasz, *Education and the American Indian*, 17-24; Adams, *American Indian Education*, 75-78; Bureau of Indian Affairs, *Indians of California*, 16.

⁵⁸ Szasz, *Education and the American Indian*, 95; Adams, *American Indian Education*, 78.

payments from eventual cash settlements in the Indian land cases.⁵⁹ (In 1964 California Indians finally were awarded \$29 million as a result of the cases, and JOM funds were not deducted from the total.)

In 1953 federal authorities began reducing JOM funds, arguing that states should not receive special financial assistance to educate children just because they happened to be Indians, and five years later all California JOM payments ceased.⁶⁰ However, many of the funds were replaced by new federal money authorized under "impacted area" legislation, which granted financial assistance to school districts with heavy concentrations of federal property (including Indian reservations). By the mid-sixties, about 60 percent of California school districts formerly participating in JOM programs were receiving "impacted area" funds, and federal poverty money also was beginning to find its way into districts with heavy Indian enrollments.⁶¹

THE TRAGEDY OF INDIAN EDUCATION

Certainly most districts needed all the help they could get, for by 1960 the educational profile of the California Indians was not encouraging. Of those fourteen years or older, 43.3 percent had not gotten beyond the eighth grade, compared with a 25 percent figure for whites. Less than 2 percent of California Indians had four or more years of college, compared with 11 percent of whites. Since levels of schooling, employment, and income are closely related, it is not surprising that Indians had both the highest unemployment rate and lowest per capita

⁵⁹ Szasz, *Education and the American Indian*, 62, 95-97.

⁶⁰ *Ibid.*, 95.

⁶¹ *Ibid.*, 182-183; California State Advisory Commission on Indian Affairs, *Progress Report to the Governor and the Legislature on Indians in Rural and Reservation Areas* (Sacramento, 1966), 11, 36.

income of any California ethnic group in 1960.⁶² One of the most serious problems was the high Indian drop-out rate. In 1965 a state survey of eighteen school districts with heavy Indian enrollments found that only in five were drop-out rates the same for Indians and whites; in the other districts, the Indian rates were considerably higher. A study of Indian students in the Auburn schools in Placer County over a ten-year period found a drop-out rate of 50 percent above the ninth grade. Seventy-five percent of the drops occurred in the tenth grade when most Indian youths turned sixteen, the age at which full-time schooling is no longer mandatory in California.⁶³

Educators interviewed as part of the state survey often blamed the Indians themselves for the high drop-out rate. The principal of Surprise Valley High School in Cedarville mentioned the "complacent attitude of the Indian toward school and life in general," while an administrator at Hoopa Valley believed that "so long as an Indian youth may receive 'Indian money' to buy a car, live on tax-free land, hunt and fish without restriction or limits or regard to seasons, it is difficult to convince him that education is the key to the good life." But the School Superintendent of Modoc County was willing to place some of the responsibility on the schools themselves. He suspected that Indian parents regarded the schools as "something belonging to the white man . . . Since there are no teachers of Indian extraction in the schools, these people conclude (and possibly they are correct) that the white man intends to turn their children into white men. This is not a desired end as far as the Indians are concerned."⁶⁴ A Mendocino County Indian leader took

⁶² California Department of Industrial Relations, Fair Employment Practices Commission, *American Indians in California* (San Francisco, 1965), 10-13; Jack Forbes, *A Model for the Improvement of Indian Education: the California Indian Education Association* (n.p., 1969), 11-12.

⁶³ State Advisory Commission, *Progress Report*, 11, 34-36.

⁶⁴ *Ibid.*, 37-39.

a more extreme position, claiming the problem was not so much one of "school drop-outs" as "school push-outs."⁶⁵

In the middle 1960s it was assumed that conditions were better for Indians in California's urban areas, but there were few data on which to base that assumption. Most urban school districts did not keep separate records for Indian students and little research on urban Indian problems had been done. In 1928 investigators for the Merriam Report found the situation of Los Angeles's small Indian population generally good. The report concluded that, there was "no public school discrimination whatsoever," but did quote a school principal who claimed "This school does not fit Indians at all... some of their sullenness may be stolidity or timidity."⁶⁶ Whatever the situation in 1928, it probably had little resemblance to conditions of the mid-1960s when the Los Angeles area had become one of the largest centers of urban Indian population in the United States.

The growing urban Indian population was in part due to employment opportunities created by the new defense industries, but it also reflected the fact that the pendulum of federal Indian policy swung back in the direction of assimilation after World War II. A reservation "termination" system was instituted, and Indians were encouraged to resettle in urban areas. The BIA chose the Los Angeles and San Francisco Bay regions as relocation points for Indians from all over western America, with Los Angeles receiving more former reservation residents than any other city.⁶⁷ Between 1950 and 1960, California's Indian population, including people born in

⁶⁵ *Hearings of the United States Senate Subcommittee on Indian Education. Text of the Testimony Given by Indian Witnesses at the San Francisco Hearing, January 4, 1968* (Published by American Indian Historical Society, San Francisco, 1968), 11.

⁶⁶ Merriam, *Problems of Indian Administration*, 723-724.

⁶⁷ Estelle Fuchs and Robert J. Havighurst, *To Live on This Earth:*

other states, more than doubled. By the end of the decade less than one-fourth of the states' 40,000 Indians still lived on or near reservations, and over half resided in urban areas.⁶⁸

In the cities the inadequacies of reservation education quickly became apparent. Relocated young Indians found they had not received adequate vocational training to qualify for well-paying jobs nor sufficient academic background to succeed in college. BIA counseling, employment, and educational services offered in the cities were inadequate, and Indian-run "friendship houses" were under-staffed and under-financed.⁶⁹ Although relocation primarily affected young adults above high school age, Indian enrollments in California urban schools steadily rose during the 1950s and 1960s. In the Los Angeles area, teachers and principals in schools with high Indian enrollments reported that Indian children were "quite obedient and well-behaved" but "possibly too passive in the classroom."⁷⁰

FORTY YEARS AFTER

Forty years after *Piper v. Big Pine School District*, Indians had become an accepted part of California's public education system. The American Friends Service Committee found that in one community where militant white opposition to Indian children in the public schools had existed in the 1930s, in the fifties Indian students encountered "practically no prejudice," and Indian par-

American Indian Education (Garden City, N. Y., 1973), 276-277; Forbes, *Model for the Improvement of Indian Education*, 8-9.

⁶⁸ Fair Employment Practices Commission, *American Indians in California*, 10-13; Fuchs and Havighurst, *To Live on This Earth*, 26-28.

⁶⁹ American Friends Service Committee, *Indians of California: Past and Present* (San Francisco, 1956), 20; *Hearings of United States Senate Subcommittee on Indian Education*, 17-18.

⁷⁰ Fuchs and Havighurst, *To Live on this Earth*, 280-283.

ents were actively participating in the local PTA.⁷¹ But too often school remained an alienating and frustrating experience for Indian children. One young woman educated in the Bay Area remembers her teacher telling the class, " 'This is our little Indian girl and she's going to live with us and tell us about things.' You know I was quite upset. I went running home and I said, 'Mommy, I'm an Indian. Isn't that terrible!' She said, 'Well, what do you mean?' I said, 'Well, I don't want to get shot down like we do on T.V.' "⁷²

By the late 1960s some California Indian leaders believed that "Indian-controlled schools" were the answer to their people's educational problems. In 1967 Indian educators organized the California Indian Education Association which successfully lobbied for restoration of JOM funds in California, but on the condition that the money be spent on projects at least partially controlled by Indians. The association also held a series of conferences throughout the state and encouraged local groups to apply for federally-financed poverty programs to aid Indian school children. Meanwhile the San Francisco-based American Indian Historical Society was campaigning against the unfavorable image of Indians contained in public school texts and lesson plans. By 1972 at least some changes were noticeable. An Indian informant pointed out that in the Hoopa Valley School District, "They have Indian teachers walking around. You know, usually, you could just see Indian janitors with a broom. Now we have three trustees who are Indians, we have a policy advisory board and we have Indian consultants."⁷³

⁷¹ American Friends, *Indians of California*, 28-29.

⁷² California Indian Education Association, *Report on the Fifth Annual State Conference and Workshops* (San Diego, 1973), 86-87.

⁷³ Indian Education Association, *Report*, 37; Forbes, *Model*, 13-28; American Indian Historical Society, *The American Indian Review* v. I-VI (San Francisco, 1966).

Perhaps Frederick Collett correctly foresaw the most significant effects of Alice Piper's victory a half century earlier when he observed that public schooling would allow Indian children to cope better with "the devious ways and mass of inconsistencies" of white society's attitude towards Indians. The children would get "early experience in the environment in which they must later make their living. In other words, they would at least get a glimpse at the rules before they were forced to play the game."⁷⁴

⁷⁴ *California Indian Herald*, June, 1924.