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Beth Ritter

University of Nebraska - Lincoln

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THE POLITICS OF RETRIBALIZATION: THE NORTHERN PONCA CASE

Beth R. Ritter

*Department of Anthropology
University of Nebraska-Lincoln
Lincoln, NE 68588-0368*

Abstract. *The recently restored Ponca Tribe of Nebraska has faced considerable challenges to the expression of their tribalism throughout the contact period. As a small, prairie-plains tribe the Ponca have endured the ravages of epidemic disease, land cessions, dispossession and removal, assimilation and finally in 1962, the outright termination of their status as a federally recognized tribe. The Ponca Tribe of Nebraska has been granted the opportunity to attempt retribalization with the 1990 Congressional restoration of their recognized status. The historical circumstances which have contributed to the assaults on their political and cultural identity will be explored within the larger framework of federal Indian policy and the metropolis-satellite model.*

We want to terminate because there is nothing here. Our young men have all gone. They no longer care for farming like in the old days. They like city life. We have no housing, no work and little to do. So we want to see our tribal lands and buildings sold and divided before they tumble down. (Peter LeClaire, interview in Allan 1962)

The Ponca Tribe of Nebraska (Northern Ponca) has suffered the negative impacts of every major federal Indian policy from treaty-negotiated land cessions to tribal termination. The Tribe is currently in the process of retribalization after successfully regaining federally recognized status in 1990. Arguably, the Ponca people have been attempting to "retribalize" for the past 200 years in response to historical events and deleterious federal policies which have resulted in the erosion and subsequent subjugation of Ponca tribal sovereignty and cultural identity.

This paper will focus on the dispossession of the tribal landbase as the primary vehicle by which the federal government has transferred the wealth and control of natural resources from the Ponca nation (and Native America as a whole) to the non-Indian political and economic elite, resulting in

systematic underdevelopment, chronic poverty and cultural dispossession (Wishart 1990). The Ponca experience will be placed within an explanatory framework drawn from the "metropolis-satellite" concept of economic development and underdevelopment (Baran 1957; Jorgenson 1971, 1978) with special emphasis on the termination and restoration era.

Metropolis-Satellite

Political economy approaches (see Baran 1957) have become popular in anthropological analysis of native North America (Jorgenson 1971, 1978; Fowler 1985; Page 1985; Biolsi 1992; Perry 1993). The metropolis-satellite concept of economic development and underdevelopment shares many similarities with World Systems Theory (Wallerstein 1979, 1980, 1989) and Dependency Theory (Kaplan 1978; Frank 1969), namely the rejection of the unilinear, evolutionary view of economic development known as Modernization Theory (Rostow 1960; Portes 1976; McClelland 1967). Applying the tenets of the metropolis-satellite model to the American Indian experience, particularly to the appropriation and exploitation of indigenous land and natural resources, provides a meaningful explanatory framework.

Stated simply, the metropolis-satellite model explains uneven development by examining the relationship of the metropolis—the center of political and economic power and influence—to the satellites—the providers of resources, labor and consumption (Jorgenson 1978). The growth of the metropolis is achieved at the expense of the satellites, "the federal government aids the process by effecting laws providing massive federal benefits and maintaining privileges for the metropolis, while providing welfare schemes (minuscule federal benefits) for the poverty-ridden sectors that are created by the growth of the metropolis" (Jorgenson 1978:5).

Ponca History and Federal Indian Policy

American ethnology has historically been consumed with attempts to reconstruct "traditional" (just before European contact) American Indian culture (Jorgenson 1978; Barsh 1987). For the Ponca, and other Native Americans, this is problematic and misleading. It is important to place Ponca history and culture within the historic context of regional and global events. Culture, by definition, is always changing. Given the trail of events the Ponca have endured, it becomes elusive to discuss "traditional culture" in a definitive manner. The stereotype regarding "traditional culture" is one that plagued

the Ponca Tribe of Nebraska during their restoration bid. One of the administrative criteria for tribal restoration required that they "prove" they still retained their traditional culture (Grobsmith and Ritter 1992). This was required, despite the generations of well-documented assimilation policies which ultimately caused their termination (e.g., removal, allotment, boarding schools, etc.). A brief account of Ponca history and federal Indian policy will demonstrate how difficult that task would prove to be.

The Ponca were relatively late arrivals, late seventeenth or early eighteenth century, to the Great Plains. Although we lack hard evidence, it is plausible to assume that the events surrounding the mass migration of the Ponca, Omaha, Osage, Kansa and Quapaw (Howard 1965; Fletcher and LaFlesche 1911) in the proto-historic period from the Ohio river valley to the Great Plains were likely precipitated by Euro-American encroachment and perhaps the desire to escape the ravages of epidemic disease. Once the Ponca settled in their new homeland on the Niobrara, they began participating in the regional economy, which eventually included the fur trade.

More directly, we can chart the impacts of federal Indian policy during the past two centuries (Table 1), detailing treaties and specific policies which have adversely affected the Tribal landbase. The treaty of 1858 ceded aboriginal title to the Ponca homeland estimated at 2,334,000 acres (Wishart 1990) in exchange for a reservation of approximately 58,000 acres. A subsequent treaty was negotiated in 1865 which actually increased the Ponca reservation by 38,000 acres, bringing the total reservation acreage to roughly 96,000 acres in Knox and Boyd counties, Nebraska. The Ponca received an average of \$0.195/acre or \$455,000 for their aboriginal homeland. The fair market value was \$1/acre or \$2,334,000 (Wishart 1990). The proceeds from the land cessions were not paid directly to the tribe, but were distributed in annuities, "the government spent the Indians' money in the standard ways: food, clothes, cattle, horses, farm implements, and salaries for teachers and farmers" (Wishart 1990:105).

Three years after settling on their new reservation, the entire Ponca reservation was ceded to the Teton Dakota in the Ft. Laramie Treaty of 1868 (Howard 1965). The Ponca were never consulted or even informed by the government of the transfer of their land. Howard (1965:32) describes the incident as, "inexplicable and an almost criminal blunder." The result was that the Ponca were now trespassers in their aboriginal homeland. The government admitted the mistake but was unwilling to rectify it for fear it would irritate the Teton (Prucha 1984).

TABLE 1: NORTHERN PONCA DISPOSSESSION
AND PRIVATIZATION

Historic Event	Acreage (+/-)	Tribal Acres Remaining	Individual Ponca Acres Remaining	Remarks
Treaty of 1858	-2,334,000	58,000	—	est. Ponca reservation
Treaty of 1865	+38,000	96,000	—	incr. reservation
Ft. Laramie Treaty, 1868	-96,000	0	—	U.S. Government ceded res. to Teton Dakota
Ponca Trail of Tears, 1877	0	0	—	forced removal to Indian Territory
Return of faction to Niobrara, 1879-1891	0	0	—	Occupancy rights--old Ponca reservation
Surplus Land Cession and Allotment, 1891	+27,000	160	26,840	under Dawes Allotment Act of 1889
Land alienation (ca. 1900-1936)	-23,228	152	3,620	sale of fee patent and inherited lands
N. Ponca Constitution, IRA (1936)	+695	847	3,620	trust lands acquired under IRA
Land alienation (1937-1966)	-3,620	847	0	sale of remaining fee patent and heirship allotments
Tribal Termination, 1962	-833	14	0	Termination effective, 1966

(Sources: Howard 1965; Wishart 1990; Froehling 1993)
[figures are rounded]

The government's final solution was to move the Ponca to Indian Territory. The scheme to relocate the Poncas was part of a much larger policy advocating the concentration of all Indians on a few reservations, namely, "the Indian Territory, the White Earth Reservation in Northern Minnesota, and a reservation in the southern part of Washington Territory" (Prucha 1990:148). The Ponca were forcibly removed in the Spring of 1877 and eventually resettled on a reservation of 101,894 acres purchased from the Cherokees in north central Oklahoma (Howard 1965). Within two years of their removal to Indian Territory the Ponca had lost fully one-third of their members to disease, exacerbated by poor nutrition and exposure (Howard 1965).

When Chief Standing Bear's son died, his final request was to be buried with his ancestors in the old homeland. Standing Bear honored his request and led a band of 29 Poncas back to Nebraska in the winter of 1879. They were taken into custody at the Omaha reservation. In the now-famous "Trial of Standing Bear" (Lake 1981), Judge Dundy ruled that an Indian is a person under the meaning of the laws of the United States and that "no rightful authority exists for removing by force any of the relators to Indian Territory." This landmark decision was among the first Native American civil rights cases. Standing Bear and his followers were free to stay in Nebraska, but their former reservation still "belonged" to the Teton.

Standing Bear sued the Tetons to recover their former reservation; and in 1881, the Tetons relented and agreed to return a portion of the former reservation. With the passage of the Dawes Severalty Act in 1887 and the breakup of the Great Sioux Reservation in 1889, the way was clear to dispense individual allotments to the Ponca heads of household who received 320 acres each and to single adults who received 180 acres. A total of 167 allotments were issued, defining 27,202 acres as the new Northern Ponca reservation in 1891 (for an in-depth analysis of Northern Ponca allotment, see Froehling 1993). The Ponca were compensated the equivalent \$1.25/acre for the nearly 70,000 acres of their former reservation which was declared "surplus" (after the Ponca's allotments were selected) and the land was sold to speculators and settlers (Froehling 1993). The proceeds from the sale were not given directly to the tribe but were administered on their behalf by the Bureau of Indian Affairs. The majority of the Tribe chose to remain in Indian Territory on their new reservation and became the "Southern Ponca Tribe" or "Warm Ponca."

Federal Indian Policy

In the early 19th century, "agrarianism" was a prominent social and political philosophy guiding federal policy. Thomas Jefferson was among the strongest proponents of this ideal which favored the broad distribution of wealth as the key to promoting economic security and social equality. Jefferson felt that a "nation of farmers would be a nation of independent, self-sufficient individuals, protected thereby from the impositions of the State" (Cornell 1988:37). Under this guiding principle, land was the necessary commodity needed to insure the success of the American democratic experiment. More specifically, private property was considered a natural right as well as the basis for civilized society (Cornell 1988). Because many Native Americans resisted European-style agriculture and preferred communal (tribal) land tenure over private property, the policymakers and settlers justified American Indian dispossession as legitimate because the land was not being used "properly" (Prucha 1984).

Federal Indian policy in the nineteenth century, provided abundant, inexpensive land for non-Indian agricultural expansion. Cheap land and mechanization gradually allowed American farmers to dominate the European markets with low-cost beef and grain (Barsh 1988). Barsh contends that, "agrarian expansions in the 1830s, 1850s and 1870s were accompanied by intense land-acquisition activity, whether by outright removal, purchases or allotment" (Barsh 1988:805). Interestingly, the major land losses suffered by the Ponca correspond to Barsh's timetable, the Treaty of 1858 ceded 2.3 million acres of aboriginal homeland and the Ft. Laramie Treaty of 1868 and the subsequent 1877 removal dispossessed the Ponca of their entire 96,000 acre reservation. He further argues that these policies all correspond to negative trade balances, that Indian land was used in a counter-recessionary fashion (Barsh 1988) to stimulate the economy. The Indians did not relinquish their land voluntarily and Battey (1970) estimates the United States spent about \$500,000,000 between 1850 and 1880 on Indian "wars."

At the outset of allotment in 1887, Native Americans retained roughly 140 million acres (Jorgenson 1978:16) of the estimated 2 billion acre aboriginal landbase at the time of contact. Native Americans had lost an additional 91 million of those acres when allotment ended with the passage of the Wheeler-Howard Act of 1934 (Indian Reorganization Act).

Barsh (1988:810) argues that the "economics of allotment policy revolved around grazing land and cattle" to produce inexpensive beef primarily

for the export market. The privatization of Indian tribal land was used to open up vast tracts of grazing land for non-Indian ranchers in the West.

After the individual allotments were made, a “trust” period—originally 25 years, but later modified by federal legislation to shorten the trust period—ensued. Indian agents were vested with broad authority to judge the competency of allottees to handle their own affairs. If an allottee was judged to be “competent” the land could be taxed and subsequently sold, if “incompetent” the agent could manage the disposition of the property. In this manner, the majority of Indian land not opened up for outright sale was leased to non-Indians for agricultural purposes.

The Northern Ponca dispossession due to allotment is typical of the experiences of many tribes. They began with 27,102 acres in 1891, at the end of allotment only 3,620 acres remained (Froehling 1993:120). The former reservation was located in a rural area, the land was suitable primarily for farming and ranching. The drastic reduction of the tribal landbase forced the migration of many Northern Poncas from the reservation to urban areas in search of jobs and economic opportunity. The loss of the tribal landbase increased poverty, separated families and ultimately contributed to the erosion of the Northern Ponca tribal identity. A strong argument could be made that dispossession due to allotment, was the single most important factor which led to the targeting and successful termination of the Northern Ponca Tribe of Nebraska in 1962.

American Indians occupy a status unique from any other minority population within the U.S. Because the federal government negotiated over 370 treaties with the sovereign Indian nations, promising protection, goods and services in return for the vast land cessions, responsibility for Indian affairs has been delegated to the federal government. This relationship is known as the federal tribal trust relationship. Through time,

the Indians became fully integrated in the metropolis-satellite economy by signing treaties, relinquishing their resources, and locating on reservations. They were the first inhabitants of the satellites to become under-consumers, partly dependent on welfare, who had little access to their own strategic resources, now controlled by the federal government, and to the locus of power. (Jorgenson 1978:11)

The trust responsibility includes obligations to manage tribal assets, including land and natural resources.

Since the passage of the Indian Reorganization Act in 1934, tribal governments have been chartered by Congress and supervised by the Bureau of Indian Affairs (BIA) (Jorgenson 1978). The BIA is subsumed in the Department of Interior and is directly accountable to the Secretary of the Interior. Indian land is private property, held in trust by the Secretary of the Interior, who has "the broad authority to administer, develop, sell, dispose of, and otherwise to take all required action respecting both public lands and Indian (private) lands" (Veeder 1969:461). An obvious conflict of interest exists in the dual roles of the Secretary of the Interior to protect private Indian lands simultaneous with the charge of developing public lands for the national benefit (Barsh 1988). As Winona LaDuke observes:

By official census counts, there are only about 1 1/2 million Indians in the United States. By conservative estimates a quarter of all the low sulphur coal in the U.S. lies under our reservation land. About 15% of all the oil and natural gas lies there, as well as two-thirds of the uranium. 100 percent of all U.S. uranium production since 1955 has been on Indian land. And we have a lot of copper, timber, water rights and other resources, too. By any reasonable estimation with this small number of people and vast amount of resources, we should be the richest group in the United States.

But we are the poorest. Indians have the lowest per capita income of any population group in the U.S. We have the highest rate of unemployment and the lowest level of educational attainment. We have the highest rates of malnutrition, plague disease, death by exposure and infant mortality. On the other hand, we have the shortest life span. Now, I think this says it all. Indian wealth is going somewhere, and that somewhere is definitely not to Indians. I don't know your definition of colonialism, but this certainly fits into mine. (LaDuke 1984 in Jaimes 1988:784)

With the destructive nineteenth-century U.S. policies of allotment and removal from their aboriginal homeland, however, the Northern Ponca lacked any significant natural resources.

Termination Era

While the Indian Reorganization Act (1934) provided a much-needed respite from allotment and outright assimilationist policies, the federal tribal trust relationship came under sharp attack beginning in 1945. The twentieth century assault on tribalism consisted of several delicately interwoven legislative and administrative strategies to withdraw the federal government from their trust responsibility. The three most important were compensation, relocation and termination. The goal of compensation was to settle all outstanding grievances against the federal government, via the Indian Claims Commission established in 1946. Relocation was a policy to move Indians off the reservation into urban areas, rendering the reservation system obsolete. Tribal termination was a policy to sever the trust obligation of the federal government in favor of state supervision and responsibility for tribal affairs. If termination policy had been allowed to reach its logical conclusion, persons of Native American ancestry would no longer be recognized by the government as "Indian"; all treaties with the U.S. would be abrogated, resulting in the liquidation of the remaining reservation and trust lands and the end of federal obligations in the areas of health, education and economic assistance (Ritter-Knoche 1990).

Many argued that terminating the tribes, and their trust lands, was a humanitarian step that would solve the "Indian problem" by forcing them to assimilate. Utah Senator Arthur Watkins, architect of the termination policy, argued that the legislation put the Indians on the road "to complete citizenship rights and responsibilities" (1957:47). American Indians were supposed to have had those rights and responsibilities, *de jure*, since 1924 (Prucha 1984; Wunder 1994). Regardless of the law, Watkins held to the view that trust land denied full citizenship (Jorgenson 1978).

Federal Indian policy scholars have posited various explanations for the termination of the trust responsibility ranging from the need to reallocate federal budgets to the desire to "mainstream" and "desegregate" Indians within the context of the growing civil rights movement (Fixico 1986; Deloria 1969; Wilkinson and Biggs 1977; Prucha 1984; Orfield 1970). Arguably, one strong factor favoring termination of the trust responsibility was a purely economic one. The liquidation of the remaining reservation trust lands would open the lands managed by the BIA for increased non-Indian sale, leasing and subsequent resource extraction. Placed within the context of the post-World War II construction boom, it is likely no coincidence that the first tribes to be

targeted for termination were the timber-rich reservations (e.g., Menominee and Klamath). The Klamath case is perhaps the most dramatic,

in the Klamath Basin, the lumber companies clearly became the actual beneficiaries of Klamath termination in 1961. Although the federal official expressed concern in preventing exploitation of the Klamaths, the lumber interests in southwestern Oregon dominated their actions. Lumber companies, banks and numerous merchants depended on the Klamath lumber cuttings. (Fixico 1986:185)

The Klamath case clearly illustrates the placement of termination policy within the metropolis-satellite model.

The BIA was charged with preparing a list of all the tribes assessing their "readiness" to handle their own affairs—to terminate (Fixico 1986). Basically, two categories of tribes were initially targeted: 1) those rich in natural resources (e.g., Klamath and Menominee) and 2) small, poor tribes (like the Ponca) who would be unable to resist termination (Olson & Wilson 1984). Fixico (1986:185) suggests, "many people remember termination as just another land grab for Indian properties."

Between 1954 and 1962, 109 tribes and bands were terminated, affecting 13,263 American Indians and releasing an additional 1,365,801 acres of trust land (Prucha 1984; Ritter-Knoche 1990; Grobsmith and Ritter 1992). The Northern Ponca lost their last 834 acres of tribal trust land and 442 Northern Poncas lost their recognition as American Indians and their rights to the programs and services provided under the trust relationship. The BIA estimated the value of the remaining trust lands (at the time of termination) to be \$184,080.00, this figure included nearly \$100,000 in outstanding "heirship allotments" (Froehling 1993). In addition to the proceeds from the liquidation of remaining land, the government also divided any remaining trust funds, to be paid out in per capita payments. The estimated per capita distribution was \$450 (Froehling 1993).

The Northern Ponca case does not precisely "fit" the metropolis-satellite argument for the resource expropriation motive of termination policy, they had been dispossessed of their land and natural resources long before termination policy evolved. The Northern Ponca, however, are representative of the "other" category of tribes targeted for termination (see above). For the Northern Ponca, termination marked the final dispossession of their homeland and their cultural and tribal identity. The Northern Ponca termination, in 1962, is also illustrative of the bureaucratic machinery of the

BIA and the federal government in general, which was incapable of responding to the mounting evidence that termination was a failed policy. Congress eventually repudiated termination policy in 1988, and has subsequently restored nearly all of the terminated tribes seeking federally recognized status (Grobsmith and Ritter 1992).

The deleterious impacts of termination policy are well documented in terms of the health and overall welfare of the terminated tribes (Peroff 1982; Fixico 1986). The Ponca were no exception; a socio-economic survey completed in 1989 (Grobsmith 1989) in preparation for the restoration bid revealed serious health and economic problems. In 1989, the Northern Ponca had an adult unemployment rate of 57%; 31% of individuals surveyed fell below the poverty line; 40% of households reported they had been unable to seek medical care within the last year—due largely to a lack of financial resources and health insurance (24% of households had no insurance); and 86% believed that termination had caused a loss of heritage in their families (Grobsmith 1989; Ritter-Knoche 1990; Grobsmith and Ritter 1992).

Restoration of the Ponca Tribe of Nebraska

The Northern Ponca were the last to be terminated, and are the most recently restored (October 31, 1990). Restoration efforts began in earnest in 1987, with the founding of a non-profit organization, the Northern Ponca Restoration Committee Inc. (NPRCI). The NPRCI had limited eligibility for federal funding, because the Northern Ponca were not a federally recognized tribe. Consequently, most funding was raised from private sources. Fred LeRoy, project coordinator for NPRCI, estimated \$150,000 to \$185,000 was raised during the restoration period.

Because the Northern Ponca were congressionally terminated, they chose to seek congressional restoration. The Northern Ponca Restoration bill was first introduced in the Senate, a successful hearing was held in March of 1990. Considerable difficulty accompanied the legislation in the House of Representatives. Nebraska representative Bereuter declined to sponsor the legislation. It was introduced unsponsored. Congressman Bereuter appeared at the House hearing to oppose the Restoration bill in its current form. His primary objection was to the possibility the Northern Ponca may some day choose to re-establish a residential reservation in northeastern Nebraska. Rep. Bereuter, at that time, represented the Nebraska district which included the Santee, Winnebago and Omaha reservations. Congressman Bereuter made his position clear, stating:

I think it is anachronistic for the United States to be creating additional Indian reservations in the last half of the 20th century . . . I don't think it is at all responsible for us to condemn Ponca children to be born and raised in a reservation environment. It is one thing for Ponca adults to choose to segregate themselves off from the rest of society on a reservation, and I would not ordinarily want to deny them that opportunity. However, their born and unborn children and grandchildren and great grandchildren who have no choice about the matter shouldn't be condemned to live in the kind of deprivation that will undoubtedly continue to exist on our nation's Indian reservations in the future. (Bereuter 1990)

Beyond his fundamental objection to re-establishing a reservation for the Northern Ponca, Bereuter was also concerned about the loss of property tax revenue that would result from taking Indian land into trust status (removing the land from the local tax rolls). Bereuter's political priority was to curry favor with his non-Indian constituency, in the process he was willing to forego the historic opportunity to correct a grievous error in federal Indian policy.

The 1989 NPRCI socio-economic survey revealed that fully 90% of Poncas surveyed favored the re-establishment of the Northern Ponca reservation. The NPRCI leadership discussed the feasibility of re-establishing a reservation with Nebraska Senators Exon and Kerrey, who were not generally in favor of the proposition. The NPRCI leadership decided to pursue alternative proposals that would better serve the widely dispersed tribal membership, namely, an economic development plan to provide employment and tribal self-sufficiency. While the Northern Ponca leadership was resigned to the fact that the political climate was not conducive to establishing a reservation at that time, they were reluctant to be prohibited from *ever* seeking one. The harsh political reality was that they had to capitulate to Congressman Bereuter's stipulation that they would never seek a residential reservation. The restoration bill was re-written and quickly passed the House and returned to the Senate for approval. President Bush signed the Ponca Tribe of Nebraska back into existence on October 31, 1990 (P.L. 101-484).

Although Bereuter was keen to prevent the Ponca Tribe of Nebraska from re-acquiring their aboriginal homeland as a residential reservation, under P.L. 101-484 the tribe is allowed to purchase up to 1500 acres of land in Knox and Boyd counties, to be taken into trust by the Secretary of the Interior. Further, they will be allowed to build housing on their trust land (including Housing and Urban Development [HUD] housing programs avail-

able to other reservations), but they will be precluded from exercising any additional jurisdictional authority as tribes with reservation trust lands do within their external boundaries. No funds were appropriated by Congress to underwrite the purchase of land, the Tribe will have to raise the necessary funding.

Restoration of the Northern Ponca's federally recognized status entitled the Ponca Tribe of Nebraska to gain access to Bureau of Indian Affairs' "new tribes" money, set aside to help newly recognized tribal governments establish infrastructure. Enrolled tribal members, living in the six service delivery areas (in Nebraska and South Dakota), became eligible for numerous health, education and economic programs. Restoration has not, however, been the panacea once envisioned by the NPRCI leadership.

Upon restoration, administrative responsibility for tribal affairs was vested in the interim tribal council, composed of the board of directors of the NPRCI. This arrangement was intended to be temporary, until a tribal council was elected and a constitution ratified. Because of the timing of the restoration, the Ponca Tribe of Nebraska missed the BIA funding cycle and did not begin receiving regular tribal funding until October of 1991. Initially, office space was leased in Omaha, Nebraska, and equipment and staff procured as money was made available. During this time the interim tribal council (NPRCI board of directors), was compiling the tribal roll, drafting the constitution and developing and implementing service delivery to tribal members.

The NPRCI has faced considerable difficulty in developing and maintaining consensus since its inception. One result has been considerable turnover on the board of directors. This pattern persisted after restoration and intensified as federal funding became available in the fall of 1991. This tension eventually resulted in the development of two rival factions, both claiming to be the legitimate interim tribal council. The two rival interim councils vied for recognition for several months, resulting in considerable confusion for tribal members as well as government oversight agencies. The BIA declined to intervene and awaited the outcome of the court hearing to decide which group was the legitimate representative. The Niobrara-based faction successfully challenged the Omaha-based faction by electing a new board of directors for the NPRCI, as per the articles of incorporation for the NPRCI (a Nebraska non-profit organization). The election of the new board (interim tribal council) was recognized as the legitimate interim tribal council by District Judge Richard Garden of Norfolk, after a two-day hearing in the fall of 1992 (Lincoln Journal Star, November 8, 1992).

Tribal headquarters are now located in Niobrara, Nebraska (in the aboriginal homeland of the Ponca). The interim council has acquired and renovated new office space, hired staff and secured the Indian Health Service (IHS) contract for health care delivery to enrolled tribal members. The interim council also has the responsibility of administering the tribal enrollment process; the Ponca Tribe of Nebraska currently has 1,283 enrolled members.

The Ponca Tribe of Nebraska requires no minimum blood quantum for enrollment purposes. To be enrolled in the tribe, one must either be listed on an earlier tribal roll (1934, 1936 or 1965) or demonstrate that one is a lineal descendant of an enrolled member listed on an earlier tribal roll. Dropping blood quantum requirements was a departure from BIA policy, but was strongly argued in the Northern Ponca case. The BIA has used blood quantum as a means of limiting the number of Indian individuals eligible for federal services (Jaimes 1988). Because each enrolled member of a federally recognized tribe (currently 547 tribes) costs an estimated \$3,000 (Office of Management and Budget) annually for services, the BIA was anxious that the trend of dropping blood quantum be limited to small tribes, like the Ponca. The Ponca Tribe of Nebraska argued that their treaties were worded to include the "Poncas and their descendants" and did not specify a particular blood quantum. Therefore, constitutionally, no basis for a blood quantum requirement exists.

Numerous delays accompanied the drafting and review process for the new tribal constitution. The BIA finished the final technical review of the document and final copies were mailed to the tribal membership for a ratification vote in June of 1994. Upon successful ratification of the tribal constitution, the first tribal council election was scheduled to commence within 120 days (as required by P.L. 101-484). The first official tribal council election of the Ponca Tribe of Nebraska was October 21, 1994. The first elected tribal council will have greater autonomy in regards to administering contracts and grants, resulting in less oversight from the BIA and a greater degree of tribal self-determination for programs and service delivery.

In foregoing a residential reservation, the NPRCI negotiated the provision in P.L. 101-484 to submit an economic development plan to Congress for approval and subsequent funding. It was hoped that a good economic development plan would provide employment for tribal members and eventually, economic self-sufficiency for the Tribe. The interim-Tribal council contracted with ASW Associates of Lincoln, Nebraska, to prepare the economic development plan, which was submitted to the BIA and Secretary of the Interior for review in the fall of 1993. The plan outlines an entrepreneurially

based framework, which would provide technical and financial assistance to individual tribal members who want to start businesses. The plan will eventually be submitted to Congress for final approval and funding.

The Tribe has repurchased the old Northern Ponca Community Hall (southwest of Niobrara, Nebraska) and will begin renovation of the site in 1994. The Community Hall will be nominated for the National Historic Register and lies very near the old Ponca cemetery, the only land retained by the tribe after termination (14 acres). A traditional Ponca powwow was held on the grounds of the Community Hall in August of 1994. The powwow featured an historic "reunification ceremony" with the Southern Ponca. The tribe is negotiating the purchase of various other properties in Knox and Boyd counties to be used for economic development and residential purposes.

The Tribe has hired a Cultural Affairs Director to coordinate cultural programs, including the repatriation of human remains and sacred artifacts required by the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. 3001-3013). The Tribe hopes to establish a museum and archival library for tribal members who wish to return to Niobrara to learn more about their heritage.

Conclusion

In conclusion, the Ponca Tribe of Nebraska has arguably been undergoing repeated attempts at retribalization since the initiation of contact with Euro-Americans. As a direct result of assimilationist federal Indian policies, such as removal, allotment, and termination, the Poncas have been forced to perpetually reinvent themselves as a people and an Indian nation. Arguably, the ultimate goal of these policies was to separate Indian peoples from their land and control over their own resources. For the Ponca, the drastic reduction and eventual loss of their tribal landbase has resulted in poverty as well as political and cultural breakdown. This vulnerability led to termination—the final assault on their tribal sovereignty. While it is true that the Poncas approved their termination, their acquiescence must be placed within the historical context of their painful past and their hopelessness for their future as a people. It is clear that the tribal leaders, as well as the membership, believed that it was over for the Ponca. Federal policies had so devastated the Ponca people that there was no rational reason for expecting that would or could ever be reversed. Termination simply formalized a process which had begun generations ago.

The Ponca leaders of today have a different vision. For them, termination was a devastating mistake which never should have been allowed to happen. Termination dispossessed the Ponca of their land, their culture, and their identity as a people. Today, nearly 30 years later, the challenge is to rebuild what has been lost. The Ponca have the opportunity to attempt retribalization one last time. While they share many of the same problems and concerns of other Native Americans, they are also like no other tribe in the United States. The Ponca Tribe of Nebraska is an urban tribe with no landbase and no resources and they have suffered an extremely high degree of cultural loss. The challenges to meld a political and cultural future for the tribe are considerable. The Ponca leadership faces the prospect, once again, of reinventing and retribalizing for the children, the grandchildren and the great grandchildren to come. Perhaps that is what it means to be Ponca.

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