KAW NATION: THEN AND NOW

Transcript of Speech by Elaine Daily Huch, Chair, Kaw Nation

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Introduction

The Kaw Nation is a federally-recognized Native American tribe dually-headquartered in Kaw City and Newkirk, Oklahoma, both located in Kay County, in the central north of the state near the Kansas border. At present there are 3,376 Kanza citizens, about half of which live in Oklahoma. About half of those live within the tribe’s Kay County service area. The rest of the Kaws live all across the U.S. and in several countries abroad. A 2013 tribal survey showed that most Kaws are married, employed, educated, independent, and earning more than $30,000 per year. The tribe presently operates businesses and enterprises all across Kay County, including a number of casinos, convenience stores, and smoke shops. We also manage approximately 40 federal, state, and private grants totaling more than eight million dollars, which we use to fund many of our important services and projects to benefit our people, our resources, and our way of life. We run a clinic, a police force, an environmental agency, educational and social service programs—the list just goes on. Needless to say, our impact on local communities is as profound as it is diverse.

Less than 150 years ago, though, things could not have been more different. Try and picture the scene: The Kanza people had been reduced to only about 500 individuals and forced onto a series of increasing smaller reservations in central Kansas. Impoverished, malnourished, and unhealthy, they were about to embark on a perilous and forced 150-mile march to new lands to be purchased from the Osages with funds from the sale of their current homes. One of our
important band chiefs at the time, Alíⁿk’awaho (ah-LINK-ah-WAH-ho), referred to this era as “the darkest period in our history.” If only.

The terrors of that tumultuous age didn’t just end when we reached Indian Territory. Instead, further hazards awaited the Kaws who completed that journey, including allotments, tribal dissolution, loss of language and traditions, factionalism, and the underhandedness of individuals who would profit from our despair. Perhaps that “darkest period” was really only a single dark comma separating one disastrous thing from another in a long list of dangers, toils, and snares that lay in store for the Kanza people.

And, yet, here we are. We have survived. We have prospered.

It seems, then, that the Kaws have come a very long way, and in a fairly short time. But, how did this happen? How did the tribe’s governance and policy structures change over time and bring it back to an even footing? To answer these and other questions I’m going to talk to you this afternoon about the Kaw Nation, then and now. I’m going to walk you through a timeline of Kanza governance and policy, from pre-history to today. I’m going to talk about times of chaos, times of reorganization, and times of progress. I’m also going to talk about my goals as Chair of the Kaw Nation, and where I think the tribe is headed.

A Governance Timeline of the Kanza People

Pre-History

Linguistic evidence suggests that, perhaps a thousand years ago, the people who would eventually be called Kanza lived together with the people who would eventually be called Osage. While not a matter of written record, the tribe’s oral history tells us that this combined group parted ways at the crossing of a river. So, one group went on to meet its destiny on the far bank, and the other continued to seek its fortunes along the other bank. While the two nations have
sometimes fought with one another since that time, they still consider themselves close siblings, along with their slightly more distant relatives the Omahas, Poncas, and Quapaws. These tribes are known today as the Dhegiha Siouan (they-GEE-hah SOO-un) people.

In those early times, the Kaws existed as a series of small, mobile villages that we usually call **bands**. Each band had roughly the same structure. There were two halves to a band, which are commonly known as **moieties** (MOY-et-eez), or “half-tribes.” About sixteen large, extended, and usually patriarchal families of maybe 25 people or so, which we call **clans**, were then distributed equally between the two halves, called the Right Side People and the Left Side People. Certain clans aligned themselves more closely some than with others, organizing themselves into loose confederacies whose Kanza name means ‘they sing together.’ Again, the same pattern of moieties, clans, and singing groups was present in each of the bands. And, a tribal member’s personal name frequently reflected that individual’s birth order and membership in a particular clan, and thus also in a family, singing group, moiety, and band. Now, all of these various bands identified as Kanza, and bands could come together with the other Kanza bands whenever they needed to do so. Still, each was considered its own independent group. The **clans** were independent, too. Every clan in every band had its own system of leadership, its own responsibilities, and its own rules, all of which made them distinct from one another.

For most of the Kanza people’s history, there was no such thing as a single “chief of the Kaws”; there were many chiefs, including an elected chief for each band, war chiefs, clan chiefs—and, yes, even some female Kaws who were called chief. All these leaders had different roles and relationships with respect to one another. Knowledge of these complex social networks existing among individuals, families, clans, singing groups, moieties, bands, and the greater tribe was passed down from one generation to another. Things changed here and there over time, of
course, but this is the system of governance that the Kanza people enjoyed for hundreds of years. It saw them through good times and bad, whether the bands were travelling around, which they did quite a bit, or just staying put. It was also a system that enshrined certain democratic tenets.

**Contact to Removal from Kansas**

As stable and as egalitarian as this system was, it began to change in more drastic ways after contact, first with Europeans and then later with Americans. During this time, there were many new faces on the scene: Some were tribes fleeing the spread of the new arrivals in the east; others were the new arrivals themselves. All these people pouring into the Kanza lands brought with them new languages, new ideas, new technologies, and, of course, many new pressures, among these commercial trade, disease, warfare, and removal.

For instance, the North American fur trade, which began in earnest decades earlier, arrived in Kanza lands fully-formed and already internationally powerful. Indeed, the first Europeans engaged in regular dealings with the tribe around 1700 were fur trappers and horse traders, with commercial interests, radically different economic systems, and national loyalties in tow. They also brought their diseases. Smallpox had already struck a deadly blow on the tribe by the 1750s. It struck again in the 1820s, 1830s, and 1850s. Likewise, increased commercial traffic and encroachment in the area brought years of violent bloodshed. There was also great pressure for the tribe to surrender vast stretches of land for very little money and then move onto even smaller reservations. Such transactions occurred in the 1820s, 1840s, and, of course, the 1870s.

You might be thinking that all of this is mostly a matter of tribal history, not necessarily tribal **governance**. But, the fact of the matter is that each of these pressures greatly impacted Kanza government and vice versa. Take, for example, commercial trade, which was largely controlled by interests well beyond Kanza lands—sometimes even on other continents. The chief
goal of these foreign interests was the profitable exploitation of natural resources for which the Kaws generally served as responsible stewards. The tribe, which over time served as both supplier and enforcer to commercial interests, was never a big enough player to benefit greatly from the trade, but remained beholden to it for survival. Rather, its main options revolved around choosing sides between the international players, the English, the Spanish, and especially the French. This dependence relationship made alliance-building crucial, but also made the Kaws pawns in a game of gold and guns. The stakes were nothing less than the Kanza way of life. An early casualty here was democracy at the level of band chiefs. Outside commercial powers did not wish to rely on anything so fickle as the will of the people when money was on the table. Bowing to these forces, the Kanza people agreed to a line of heredity for band chiefs through their eldest sons to ensure continued cooperation and accord with powerful business associates.

Consider, too, disease epidemics. Pestilence steadily ate away at the tribal population from 1800 to 1870, until it was only about a third of its original size—down from around 1,500 to about 500. This had a profound effect on the tribe’s largely unspoken system of government. The number of bands, which had always fluctuated some, collapsed on at least one occasion down to just one band. Some clans may have been entirely wiped out during this time due to declining populations. Also, tribal power was eroding under these conditions and concentrating in the hands of fewer individuals, so that, for example, in the 1800s it became possible to think of a band leader, such as White Plume, as the principal Kaw chief.

Think also of how warfare plays out with a reduced number of able-bodied warriors and fewer resources. By the early 1800s, Kaws had begun to marry their daughters off to men outside of the tribe, Native and non-Native alike, in order to avoid war and to secure peace. This practice was nearly unheard of at the time, but it quickly became an effective tactical policy of tribal
survival, even if it also had the effect of gradually weakening tribal cohesion and clan
membership in a society where clan membership passed through the father’s line. The benefit,
which was of course peace, outweighed the cost. That cost was, of course, fewer members of
Kanza clan—fewer people participating in traditional Kanza society.

Something similar can be said of the tribe’s seeming willingness to trade huge tracts of
land for pittances and to accept life in what we would now view as nothing more than a
comparatively large concentration camp. These were decisions made at the level of survival
only: Stay and suffer more, or leave and suffer less.

Three points must be made here regarding the reservation period. First, it is not at all
clear that Kanza leaders always understood the terms of these giant land trades in the same way
that the Europeans and Americans did. For instance, the tribal holy man Waxóbe K’iⁿ (wah-KHO-beck EE), speaking in the 1880s to the ethnologist James Owen Dorsey, related the
history of the tribe during this era, including the receipt of goods and money from the Europeans
and Americans on a number of occasions. But, he does not always relate the receipt of these
“gifts” with the trading of land; rather, he often to views it part of the usual patterns of Kanza
migration and alliance building. Remember, he was speaking after the removal from Kansas.
Even with years of hindsight, it seems he did not interpret some of these great land exchanges as
removals to reservations.

Second, even if our tribal leaders may have come to comprehend the full scope and
gravity of these exchanges—tribal leaders strongly protested the 1873 move to Indian Territory,
after all—the place of Kanza leaders at the bargaining table was hardly that of an equal. At the
time of the final removal from Kansas, for example, the tribe’s own agent Mahlon (MAY-lun)
Stubbs went on record to describe them as “absolutely destitute, living on little corn and dead
animals they find lying around.” This was obviously not the case with the other parties who were involved—large governmental forces motivated by powerful industrial and settlement interests.

Third, given the tribe’s dire circumstances, these exchanges are probably best viewed as tactical retreats from lands without promise for the possibility of something better farther down the road. The choice—if, indeed, there ever was one—was clear. Leave and live.

1870s to 1950s

The story of the Kanza people is fairly well known up to this point. But, of course, history did not stop in the 1870s. What happened after that time? First of all, the move to Indian Territory effectively put an end to the band system. Everyone was now together, so there was really no need for separate, independent groupings of the people. Next, the extreme condition of the tribe did not improve any time soon. The population continued to decline rapidly to the point where there were only around 200 Kaws from the 1880s until the early 1900s. Furthermore, full-bloods made up only about half of the tribe at the time, meaning that a substantial portion of Kaws, namely, those who were born from intermarriages to other tribes or to non-Natives, could often not claim full membership—that is, clan membership—in Kanza society. The traditional structures of governance related to so few people that those structures began to lose their significance in the daily lives of Kanza people. Yes, some clan knowledge would of course persist into the 20th and even 21st centuries, but clans had already lost their relevance for a great many Kaws before the end of the 19th century, the first century of intermarriage.

Around this time, the federal government instituted a policy of allotment to break up tribes’ communal land holdings and force individual land ownership. A few years later, in the 1890s, the tribe’s own Charles Curtis, then a member of the U.S. Congress, authored the Curtis Act, which, among other things, increased the federal government’s power to parcel out and allot
tribal lands in Indian Territory, leasing any “extra” land out and building cities and towns on them, while simultaneously neutering tribal governments and abolishing tribal courts. Only four years later, in 1902, the Kaw Allotment Act, also the work of Curtis, officially dissolved the tribal government, parcelled out the tribal lands for individual allotment, and instituted a system of competency for tribal individuals. This last cause was particularly harsh: A “competent” Kaw could own land but then lost tribal member status; an “incompetent” Kaw retained tribal member status, but could not manage any personal affairs. At the time, Curtis almost certainly felt these actions would help the tribe integrate into the broader society while providing avenues for both personal autonomy and legal protection. The effect of these policies, however, was devastating on the traditional Kanza social order and system of governance. Curtis later expressed profound disappointment in how all the tribes, including his own, fared under the policies he created.

So, around the turn of the 20th century, the tribe was already hemorrhaging from the erosion of population and tradition when its ruling authority had been officially disbanded and many of its Kanza people disenrolled. Does this mean the Kanza people simply ceased to exist? Of course not. Still, we faced an uphill climb, and no clear path to the top. The last of the traditional-era elected chiefs, Wázháŋgiye (WAH-shon-GEE-yay), commonly called Washanga, died in 1908; no one was elected to replace him—mostly as a result of the growing divide between the full-blood minority and the mixed-blood majority. Yet, a number of traditionalist tribal members known now as the Last Full-Blood Council continued to speak on behalf of the tribe, eventually electing chief Wah-mo-o-e-ke (PRONUNCIATION UNKNOWN), and even lobbying for justice in Washington, D.C. Unfortunately, little became of these efforts at the time.

In the 1920s, the dire ramifications of tribal dissolution and the competency system began to dawn on the tribe, and a council of four full-bloods and four mixed-bloods elected the former
ward of Washunga, Lucy Eads, to fight for the full restoration of Kanza rights, both locally and in Washington, D.C. Eads, whose parents had died of starvation in the decades following removal to Indian Territory, was educated and well-traveled. Her argument, which proved somewhat successful, was that the legal challenges to Kanza ethnic and cultural heritage were in clear violation of the U.S. Constitution. Through these actions, the tribe did begin to gain momentum in the effort toward reconstitution, though her demands for a Business Committee and by-laws were denied as antithetical to the allotment principles by the powers in Washington.

Eads was re-elected for another term of office, but the tribal council that elected her soon disbanded. Meanwhile, Charles Curtis continued to rise in power in the Beltway, eventually ascending to the Vice-Presidency under Herbert Hoover in 1929. Eads attended his inauguration before she was ousted in 1932. Still, she felt she had been elected for life, and continued to be a vocal force in the tribe.

While the Eads and Curtis era may have been a relative high-point for the tribe, little was accomplished in the next two decades. In 1934, the same year that FDR’s Indian Reorganization Act passed, another chief was elected, Ernest Thompson. But, he was the last elected chief for many years. In fact, the tribal council dissolved the next year. By 1938, Kaws even stopped observing annual dancing customs. The 1940s brought World War II and the draft, which had the effect of relocating many tribal members outside of Oklahoma. Also at this time, the number of full-bloods dropped to just 11% of the total population. It had been approximately 75 years since the Kanza people had made that long trek out of Kansas, but tribe appeared to have lost the fight.

**1950s to 1970s**

The first decisive steps toward reconstitution took place in the 1950s, beginning with a federal award to maintain the Cemetery in Washunga, Oklahoma. Tribal members elected a six-
person Cemetery Association to oversee the work. This was the first organized action of the Kanza people in nearly 15 years. It is ironic, perhaps, that care for the dead breathed new life into the tribe. Thus, in 1955, when the federal government sold the Kaw Agency land, a new ruling body formed, the Kaw Business Committee, which included some of the last fluent Kanza language speakers. This Committee fought to reinstate the tribe, once and for all. They drafted an operating resolution, by-laws, and a new Constitution in the next few years, which 150 voting Kaws ratified in 1958. The next summer the Secretary of the Interior approved the lion’s share of the resolution, effectively granting the tribe federal recognition. The Kanza people officially operated under these terms as the Kaw Tribe of Indians until the 1970s.

Unfortunately, the 1960s and 1970s saw a return to tumult. The U.S. Army Corps of Engineers constructed the massive Kaw Lake on the site of the tribe’s former Indian Territory reservation lands, an action that resulted in the widespread displacement of tribal members and the relocation of both the Washunga Cemetery and the historic Kaw Council House. This was done with the apparent blessing of the largely mixed-blood-controlled Business Committee over vocal objections from the full-blood faction. The latter argued that the Committee had not brought the matter before the people. In 1967, a delegation of mostly full-bloods went to Washington, D.C., to argue their case. Though they received support there, little changed back home. The situation finally came to a head in 1973, when 16 of the last 17 full-bloods sued the Committee in U.S. District Court alleging illegal meetings, illegal amendments to the 1958 operating resolution, illegal tampering of enrollment records, illegal business and administrative transactions against the expressed will of constituents, and the presence of members on the Committee who were ineligible to serve. They won their case, and by late 1974, a new Business Committee was elected, despite a flurry of last-minute legal actions from the defendants. A
federal judge ratified the new election in 1975, the same year that saw the passage of the Indian Self-Determination and Education Assistance Act (1975). The tribal administration today is still built on the foundation laid by the reformed Business Committee in the mid-1970s. In fact, it is after this period that we generally begin to refer to the Kanza people as the Kaw Nation.

**1970s to Present**

During the period that saw such landmark federal Native American legislation as the Indian Gaming Regulatory Act of 1988, the Native American Graves Protection and Repatriation Act of 1990, and so on, the tribe made additional strides toward formalizing its government. The Constitution was modified in 1990 to establish a seven-member Executive Council headed by a Chairman and a General Council consisting of all tribal members of voting age. The first Chairman under the new Constitution was William Mehojah, the last full-blood Kaw, who had served as the head of the now defunct Business Committee since 1986. Mr. Mehojah was unable to finish out his term for health reasons, but was succeeded by his Vice Chairwoman Wanda Stone, who remained Chairwoman until 2002. In 1991, the Kaw Nation also established the Kaw Economic Development Authority and the tribal court system. The tribal administration grew quickly during this period and was awarded Self-Governance status for the purpose of compacts with the Indian Health Service and the Bureau of Indian Affairs in 1995 and 1996, respectively. The 20th century ended with 2,500 Kaws—representing 1,250% growth in just 100 years.

Things are pretty much the same governance-wise since that time, but there have been changes—some major. For example, it was necessary for the tribal courts to clarify the Chairman position in the 1990s to show that this person didn’t just serve on the Council, but also oversaw day-to-day tribal affairs. Thus, for several years Wanda Stone (1990 to 2002) and her successor Guy Munroe (2002-2014) appended the term CEO to their titles. Likewise, the Kaw legal system
required overhaul to clarify its structure and role; for instance, the 1990 constitution permitted no
Attorney General to represent the tribe’s interest in court, but it did reserve the tribe’s right to
execute prisoners! The latter fact is particularly striking because the Kaw Nation has neither jails
nor prisons of its own! For these and several other reasons, the 1990 Constitution was replaced in
2011 by a new Constitution. From that time on, the former Executive Council has been known
once again as the Tribal Council, and the former Chairman/CEO position has been renamed the
Chair. I am proud to be the first person elected Chair under this 2011 Constitution.

Under the new Constitution, there is also a clear delineation of who is and who is not a
Kaw citizen, which was a major bone of contention throughout most of the 20th century, and was
one of the primary motivations for the 1970s-era full-blood/mixed-blood law suit. Kaw citizens
include all who were already recognized in 2011 plus all who were descendants by blood of
allottees on the 1902 allotment roll. The only exceptions include those who knowingly enroll in
another tribe as an adult and those who have received land or money entitled to enrollees of
another tribe, except through purchase or inheritance and not by virtue of their being enrolled in
another tribe. So, citizens can be ethnically affiliated to any number of tribes and still be
enrolled as Kaw, so long as they are not legally enrolled or treated as enrolled by another tribe.
The Tribal Council also reserves the right to enroll and disenroll tribal members, though this
power has checks and balances in the tribal court system through a process of judicial review.

This is the where the Kaw Nation stands at present. Will there ever be changes? Of
course! That is the nature of responsive government. We would expect, though, that any changes
made would be motivated by the circumstance of the Kanza people and their governance
structures, as driven by forces at play within the Kaw Nation and perhaps beyond it, too. We
would also hope that any future changes adhere to reasonable policy and visionary leadership.
Present Goals and the Future of Kaw Nation

(There wasn’t anything written, I spoke from the heart.)

Elaine Dailey Huch, Chair, Kaw Nation