



## THERAPEUTIC EXPERIENCE OF RESPONSIBLE DEMOCRACY

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Indian affairs in the United States are rather more significant than the small proportion of surviving natives in the national population would indicate. This significance comes primarily from the powerful position of the country in international affairs. It derives secondarily from the extensive study of tribal peoples and government carried out in this country, for these peoples constitute a great natural laboratory for experimentation in inter-group relations, and principles applicable to parallel situations overseas can be discovered.<sup>1</sup> From this national laboratory have come social science generalizations about relationships between indigenous and non-indigenous peoples anywhere in the world. One set of human relations principles of this sort, for example, was enunciated by former Commissioner of Indian Affairs John Collier.<sup>2</sup>

Enough events have transpired within our natural social laboratory to allow us to judge the validity of our social scientists' generalizations. Yet, for all the attention that has been devoted to tribal peoples in the U. S. , one of the most significant developments of the past several years seems to have escaped published notice or recognition as an index of the scientific validity of the generalizations about group behavior advanced by Collier.

The general sequence of events in tribal administration in the United States is well known and documented. A process of change in the social structure of administration of tribal peoples was triggered by Collier when he became Commissioner of Indian Affairs in 1933. The basic principle upon which Collier based his program was, in his words, that "the experience of responsible democracy is, of all experiences, the most therapeutic, the most disciplinary, the most dynamogenic and the most productive of efficiency."<sup>3</sup> The other basic ingredient of Collier's administrative philosophy may be summed up as a generalized faith that tribal societies possessed what Leighton calls "morale."<sup>4</sup> Some such notion is a necessary base for Collier's somewhat mystical belief that tribal societies either existed or could be created and given all democratic freedoms.<sup>5</sup> This adds up to defining the state as the guardian of cultural pluralism, even to its fostering cultural autonomy of its components.<sup>6</sup>

To evaluate what the Collier program has produced in the years since 1933, one must have in mind the situation that existed when he brought his

faith to bear on practical administration. For approximately eighty years prior to 1933 the administration of tribal peoples in the U.S. had been aimed at the destruction of native culture, the breaking up of native social organizations and the individualization of native land holdings.<sup>7</sup> Key beliefs behind this program were that tribal land ownership was too different from Anglo-Saxon individual ownership to be tolerated, and tribal religions too barbarous to be allowed to flourish.<sup>8</sup> In a period of domestic imperialism, such dominant group beliefs and goals were implemented by a linear social structure of tribal administration. This was quite similar to tribal administrations in Africa, India, Australia and Canada where other native peoples were restricted geographically to segregated reserved areas by English-speaking conquerors. This system evidently arose out of British governmental habits and attitudes toward non-English speaking peoples. A specific administrative apparatus within the U.S. government was developed, in addition, for dealing with natives.

Known usually as the Bureau of Indian Affairs, this agency originated in the War Department and was incorporated into the Department of the Interior somewhat over a century ago. After final military defeat of the various tribes and withdrawal by the army from active participation in native administration, the BIA long enjoyed a near-monopoly on governmental control and direction of tribal societies, especially on Southwestern reserves. Yet, these reservations remained largely unallotted, and native religions survived, since the administrative effort "bogged down in its own complexities."<sup>9</sup>

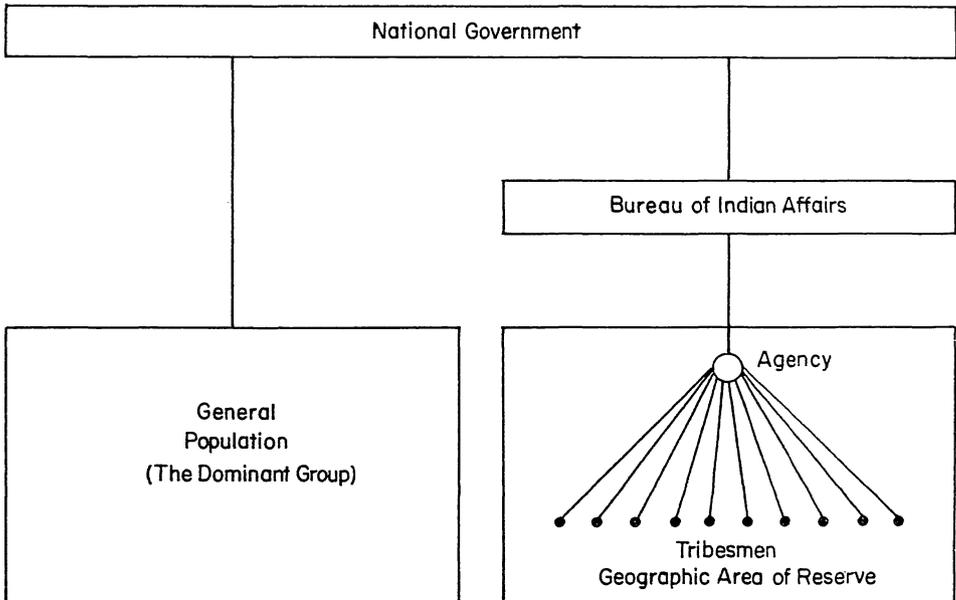
During this period, relations between the dominant and subordinate societies tended to move in straight lines from BIA administrators to tribesmen, or vice versa (see Diagram I). Thus contacts of tribesmen with individual members of the dominant society were sharply restricted in the reserve areas, particularly where the reserve areas were relatively isolated. Since BIA personnel was a highly selected and atypical sample of the general population of the nation, tribesmen inevitably acquired a distorted impression of the dominant society and its culture. It seems to be difficult for groups in such contact to be truly representative of their respective societies.<sup>10</sup> The welfare of tribesmen was largely dependent upon the actions of BIA personnel, and administrative behavior often appeared capricious and unpredictable to tribesmen of cultural traditions very different from those of the administrators. This was perhaps most often true in the cases of Southwestern tribesmen, who had relatively less formal education than Indians elsewhere in the nation as time went on. The result was the generation of considerable psychological stress among the tribal populations.<sup>11</sup> Frequently, the stress became intolerable and tribesmen responded with behavioral patterns of apathy, hatred, hostility and at times destructive action common to subordinated ethnic groups the world over. Such emotions and actions oftentimes were directed at other members of

the subordinated group, and seldom could individual tribesmen take integrated, efficient action toward overcoming the sources of their stress.

Then, as Collier reported his stewardship: "We tried to extend to the tribes a self-governing self-determination without any limit beyond the need to advance by stages to the goal."<sup>12</sup> In essence, he provided every possible encouragement to the foundation of formal constitutional self-government within the external forms of U.S. democracy. This interposed a tribal government composed of elected representatives between the individual tribesman and the full force of the administrative apparatus. Wherever tribal governments were organized, tribesmen now had slightly more chance to take efficient and integrated action toward overcoming the sources of at least some stresses induced by their subordinate socio-economic and political status. Therein lay, perhaps, the therapeutic value of tribal self-government in its opening phase -- in reducing existing causes of serious psychological stress.

Not everything which has happened on reservations since 1933 has been due, of course, to John Collier. Partly by administrative intention within the BIA and largely by accident, the monopolistic hold of the BIA on national interaction with tribal peoples was rapidly broken during the 1930's and 1940's at the same time that the experiment in tribal self-determination was initiated. Since the Southwestern Indians were perhaps most heavily subjected to the BIA monolith, the change has possibly been greatest among them.

Diagram I  
The Social Structure of Indian Affairs to 1933



Indians are now accustomed to dealing with many federal agencies and some state agencies on an individual and a tribal basis. This shift began on a large scale with the inauguration of an Indian Division of the Civilian Conservation Corps.<sup>13</sup> It continued with proliferation of governmental contacts with such agencies as the Production Marketing Administration, the Office of Price Administration, Selective Service and the public schools educating tribal children under provisions of the Johnson-O'Malley Act.<sup>14</sup> It reached the point of division of direct administrative responsibility in the fall of 1955 when the U. S. Public Health Service took over entire responsibility for Indian health from the BIA.<sup>15</sup>

All this complication of relationships between Indians and the government made the administrative organization far more complex than before. It afforded emergent tribal governments considerable room in which to maneuver and decrease causes of psychological stress among their constituents. But it altered only slightly the essentially linear nature of the relationships between tribesmen in subordinate power positions and non-Indians in dominant roles.

All these changes occurred during what might be termed Phase I of the development of tribal self-determination in the United States. This phase ended formally with promulgation of the "withdrawal" or termination policy of the BIA and Congress, as announced by Assistant Commissioner John Provinse before the National Conference of Social Work at San Francisco, April 14, 1947.<sup>16</sup> Implementation of this policy began in 1950 under Commissioner Dillon S. Myer,<sup>17</sup> and intensified in 1953 when Congress voted to permit states to assume legal jurisdiction on reservation lands.<sup>18</sup>

Since then, Phase II has developed, not clearly at first, but recently with greater clarity of form. Yet the numerous evaluations of the "Collier program" which have appeared in print have hardly distinguished this new phase, nor have its indices been recognized.<sup>19</sup>

To be sure, Collier has himself pointed out that since his resignation as Commissioner, tribes have faced increasingly hostile administrators in the BIA and legislators in the Congress during the drive begun in 1950 and continued through most of the Eisenhower administration to withdraw federal services, terminate land trusteeship, subject reserve areas and their residents to state jurisdiction, and generally to remove national government from Indian administration.<sup>20</sup> Deciding that this administration ignored elected tribal representatives, and stated a policy of subordinating tribal to individual interests, the former Commissioner wrote that: "The immediate prospect is bleak and grim in the United States."<sup>21</sup> Yet this was only the negative side of the total situation -- neutral or overtly hostile administrators toughening up on the tribal governments which had been sympathetically nursed into being by the Collier regime. There is also a positive part of the situation that this paper seeks to point out.

The beginning of this favorable aspect of Phase II of the development of tribal self-determination dates roughly from 1946 when legislation was passed by Congress which set off a new direction of growth. Not all tribes have yet entered this new phase, of course, just as there was considerable time lag between passage of the Indian Reorganization Act (48 Stat. 984) in 1934 and the actual beginnings of formal self-governments on the reserves. In general, the social structure of tribal administration and of transculturation was markedly altered through the introduction of a new feature of intergroup interactions which can be traced in large part to the Indian Claims Commission Act of 1946 (60 Stat. 1049). That act itself produced notable changes in the economies of several tribes.<sup>22</sup> The additional dimension considered in this paper is that of legal counsel hired on a year-round basis, paid and fired by the tribal government. In one case the author knows of, a Northwest Coast tribe has decided good representation was important enough to hire an attorney fresh out of law school, and suffer some losses while he learned the specialty of Indian law, because the tribe had in mind the long-term goal of obtaining capable, sympathetic counsel.

Attorneys are actually only one type of non-Indian specialist now employed by various tribes. The outside consultant takes many professional forms today.<sup>23</sup> The attorney is, however, the specialist most frequently employed by tribes on a permanent basis, and he occupies such a critical socio-political position in intergroup relations that only this key example of the general class of outside consultants is here considered.

Prior to 1946 few tribal governments retained general counsel as such. When tribes hired lawyers, they usually did so for a limited period to handle a specific case of an emergency nature. The Klamath reservation Indians, for example, retained an attorney in an allotment-period struggle with the Superintendent over election of Indian judges and policemen.<sup>24</sup> Since 1946, most tribes have retained general counsel, the sharpest break with the past having come perhaps among Southwestern tribes. The impetus for this change clearly came from the Indian Claims Commission Act, a general enabling act empowering any tribe feeling it had a valid claim against the U. S. to bring suit for recovery before a special commission established by the Act. To file such suits tribes necessarily had to hire attorneys. As a result, many tribes have recovered damages from the United States. This paper is not concerned with these direct benefits but with indirect and unforeseen advantages obtained through a significant change in the social structure of Indian affairs.

Many of the attorneys hired to present claims cases had had no previous experience with Indian legal matters. A high proportion were apparently of higher caliber than had been involved in Indian law before, although there have been a few notorious exceptions.<sup>25</sup> Once tribes made their initial contact with attorneys, many of the latter discovered that their clients stood in need of legal services of a type provided by general counsel on an

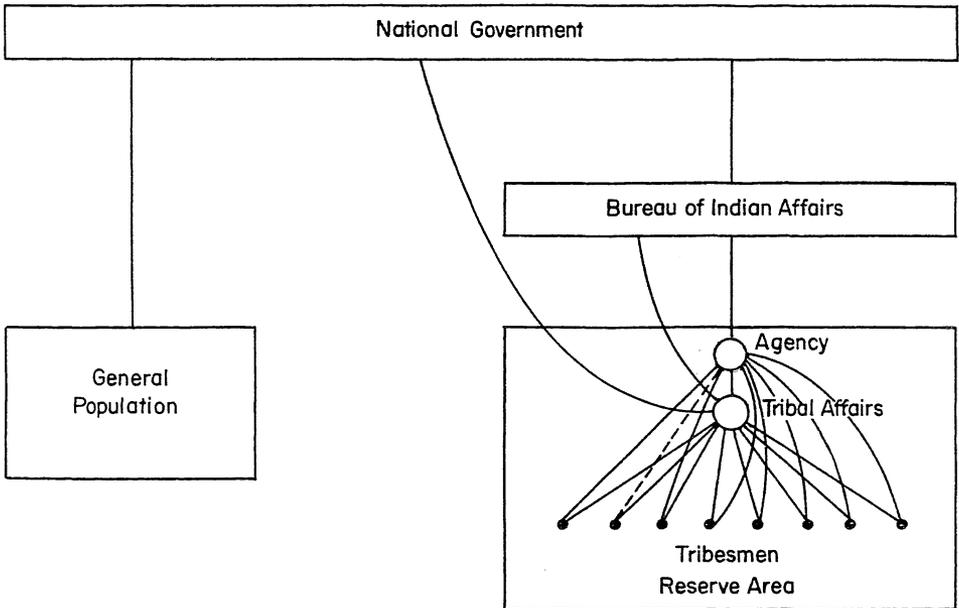
annual retainer basis, and undertook to represent tribes in matters other than claims. Many attorneys found that their personal value systems impelled them to champion the subordinate ethnic groups against their own dominant group.

As their experience with individual attorneys broadened, several tribes that first hired general counsel incidental to a claims case switched horses in midstream. Indian tribal officials appeared to be quite capable of jettisoning the type of attorney who sought employment in hopes of financial profit alone, and finding one who held genuine sympathy for tribal aspirations. The utility of tribally-employed general counsel has been such that once a tribe has enjoyed the services of a lawyer in this role, it usually continues to employ one, although it may change individuals.

The ways in which a general counsel aids his tribal employers are numberless. When full-blood and mixed blood Utes of the Uintah and Ouray Reservation, Utah, fell out over the division of a Court of Claims award made in 1950, the tribal attorney helped a special tribal legislative committee work out a plan to partition the tribe and its assets.<sup>26</sup> (This award stemmed from a special enabling act passed in 1938 and not from the later Indian Claims Commission Act.)<sup>27</sup>

In this emergent pattern of social interaction involving tribal peoples in the United States, the tribal attorney constitutes a "third force" in the

Diagram II  
The Changing Social Structure of Indian Affairs, 1933-1946



reserve area administrative set-up. He forms the third point on an interaction triangle (see Diagram III), remaining physically outside the reserve except when conducting business there. He may actually spend only a few hours attending monthly business meetings of the governing body of the reserve to which he drives or flies, so his personal contacts are limited to top tribal officers.

On the other hand, the effects of what he does reach every member of the tribe. He brings to this job, moreover, all his professional, political and social associations with members of the dominant society. Since his client is the tribe, he is paid to work for its interests regardless of the wishes of BIA administrators or any other member of the dominant group. The tribal government with counsel can, therefore, at any time short circuit through him the old "direct wire" to the BIA and seek to achieve its goals through the attorney and a triangular interaction pattern.

Being outside the old chain of command, the attorney can and does operate at any level of that hierarchy at any time. The angle of the triangle of interaction varies constantly up and down: the attorney intervenes for his tribal client with the reserve superintendent, Area Office of the BIA, its Washington headquarters, with administrative superiors of the BIA in the Department of the Interior, and if necessary directly with the Congress which has ultimate responsibility for and power over tribal administration.

One example of this last type of activity by a tribally retained general counsel was the securing of a public school building for a reserve community. The federal government had made funds generally available for local school construction through Public Law 815. The attorney carried out all the steps necessary to qualify the school district and secure funds under this law. As the final step, because all of the land within the reserve was tribally owned trust-status land, he persuaded one of the senators from his state, a personal friend sincerely interested in Indian welfare, to sponsor a bill in Congress to set aside a plot for the school.

The general counsel of a tribe is sometimes able to play off one part of the dominant society's governmental apparatus against another for the benefit of his Indian clients. Officials of one Southwestern reserve applied for permission to begin growing cotton, a very profitable cash crop, as part of their economic development program. The local Department of Agriculture official with powers of approval informed them that no reservation land could be planted to cotton under the price support program because the tribe had not previously grown this crop and the county's permitted acreage was already allotted to non-Indian farmers who had grown it previously. The tribe's general counsel contacted a senator from the state with a record of friendship to Indians. Then he was able to telephone the Department of Agriculture official to say: "Senator X thought the tribe could obtain an allotment for thirty-five acres of cotton." The allotment was approved.

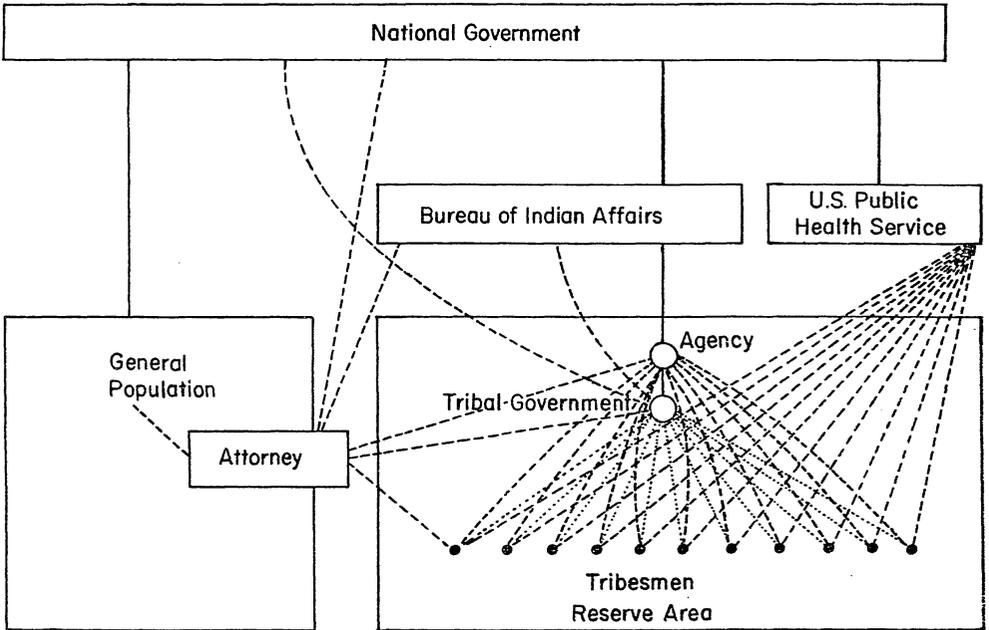
In the event interaction in this triangular pattern is not effective in gaining ends sought by his tribal client, the attorney provides a bridge from the tribe to the general population by which political action can be initiated. This may be thought of as a quadrilateral interaction, an initial stimulus moving horizontally from the tribe to its attorney and his political associates and the populace at large. Then it moves vertically to the national government in the form of protest campaigns, petitions and/or actual voting. One of the striking examples of this type of interaction pattern was the efficient mobilization of public opinion behind the tribal (and attorney) position opposing the attempt of former Commissioner of Indian Affairs Dillon S. Myer to propose administrative regulations governing attorney contracts.<sup>28</sup>

Having reached Washington, the impulses of this interaction pattern spread horizontally through the various departments, particularly that of Interior and specifically the Bureau of Indian Affairs, and then descend vertically through the chain of bureaucratic command to the tribe again (see Diagram III). In the example cited, the tribes successfully resisted the proposed regulations, which were disapproved by the then Secretary of the Interior.

The tribally retained general counsel also provides his clients with a direct window looking into state government, an increasingly significant area of tribal concern. In 1954, for example, one tribal attorney persuaded

Diagram III

The Emerging Social Structure of Indian Affairs after 1946



the long-resistant Arizona State Welfare administration to approve its first grant of general aid to a reservation resident (Arizona Daily Star, Dec. 22, 1954). Although legally entitled to such state aid, no reservation Indian had received it until an elderly woman on the San Carlos Apache jurisdiction was granted assistance through the work of tribal attorneys, "just doing a job for our client." Another tribal attorney in this state advised his reservation clients to proceed with their economic development program involving drilling deep irrigation wells despite state legislation prohibiting further well-drilling in critical areas. When the state Attorney General threatened to prosecute Indians, the tribal attorney -- a former county chairman of the political party to which the state official belonged -- pointed out that the state lacked jurisdiction on the reserve and there were plenty of non-Indian violators of the ground water code with whom the Attorney General could well concern himself. No Indian drillers were prosecuted.

It must be pointed out that the phrase "responsible democracy" in the title of this paper applies not merely to the experience of Indian tribesmen, but equally to that of their attorneys. The examples of attorney achievement cited in this discussion have all been drawn from the relatively open democratic society in the United States. Not all societies are equally open nor do attorneys occupy an equally powerful position in all. In agrarian societies dominated by land owners, the lawyer who attempts to represent subordinate group members may expose himself to serious attack. Certain Peruvian Indians engaged in a territorial dispute with a powerful landlord charge, for example, that the latter had deprived them of the right to legal defense by the simple expedient of charging each of four attorneys the Indians hired with complicity in their alleged misdeeds.<sup>29</sup> In another case, an attorney who undertook to represent Indian laborers on the estate of a Peruvian senator found himself imprisoned for obstructing the administration of justice.<sup>30</sup>

The implications of this largely new social structure of intergroup interaction for cultural change among U.S. tribal peoples are considerable. A much wider sample of the culture of the dominant society becomes available to the tribesmen for borrowing, either directly from the tribal attorney or as a result of his efforts. A much larger proportion of what was previously interpreted as capricious and unpredictable behavior by members of the dominant group is made comprehensible by the explanations of tribal attorneys, thereby reducing psychological stress in the interactions between tribes and the larger society. Broader acquaintance with the culture of the dominant groups results in acceptance of more alternatives: hiring specialists other than lawyers is one index of this change. Tribal officials are trained by their attorneys in many practical techniques of social action in the politico-legal-business circles of the United States, even down to the level of the off-color joke. Indian leaders previously have not had such training, least of all in the Southwest. This is not to claim

that other important social mechanisms of Indian integration are not operative. The service of 25,000 Indians in World War II led to the increasing participation of veterans in wider U.S. society. Rising Indian literacy has permitted increased Indian voting, recently taken into account by members of Congress.<sup>31</sup> The role of the tribal attorney is especially important, however, in its direct effects on Indian leaders as well as in obtaining benefits for the general tribal population.

The new social structure of tribal administration has important practical implications for administration of subordinate subcultural groups wherever they occur. This new interaction pattern which places tribal general counsel in a key two-way interpretative role between subordinate and dominant groups has been rapidly adopted by tribal governments not so much for the hidden benefits stressed in this paper, but because of the visible and tangible benefits to tribesmen it yields. For example, a national highway passes through the village where most of the tribesmen reside on one reservation. When this tribe recovered lands long controlled by the Santa Fe railroad, business concerns operated by non-Indians paid twenty-five dollars per year for the use of the land they occupied. The tribal attorney upped this income from a few hundred dollars to \$5,000 per year. Later he negotiated the first timber cutting contract this tribe had drawn for thirty years. More recently he has negotiated mining leases for this tribal client which provide assured income from advance royalties, and an advantageous contract for power generating rights.<sup>32</sup>

On a different reserve with irrigated farm lands, BIA officials for many years told tribesmen who held trust allotments that they could lease their lands for only one dollar per acre annually. Leases ran indefinitely at the pleasure of the non-Indian lessee. Where tribal lands were leased along the reservation boundary, BIA officials saw that non-Indians operating adjacent farms were leased contiguous Indian acreage. The non-Indian farmers then drilled wells on their own land near the boundary fence and pumped water to irrigate both plots. Improvement provisions written into BIA-drawn leases were not enforced. After the Indians on this reservation retained general counsel, he suggested that he be allowed to intervene in this situation. He put the leases up for competitive bidding and his clients received as much as \$45 per acre per year for leases limited to five years. He enforced, furthermore, existing improvement provisions that permanent improvements were to be made on the leased lands and left there at the end of the lease period. At one time he was simultaneously prosecuting two lease-holders for contract violations in matters of fencing, land leveling and drilling wells on the reserve land instead of just across the fence. In addition, if cotton were grown on these leased Indian lands, the leaseholders paid a royalty on each bale produced over a stated minimum.

Another attorney negotiated a settlement of \$2,800,000 with the U.S. Corps of Engineers for the loss of Indian property rights for which the Corps originally offered exactly nothing.

Some of the psychological benefits Indians have derived through the retaining of general counsel have been obtained directly as a result of the creation of a more advantageous economic position. In an Arizona town adjacent to a reserve, theaters, until 1952, segregated Indian patrons in their seating. Then the town government renegotiated its lease on a section of reserve lands used as the local airport. With the tribal attorney guiding negotiations, discrimination was brought under discussion. Discriminatory seating of Indian theater customers ended.

This sort of increase in the tribal share of the benefits of the national socio-political structure apparently does result in the kind of therapy John Collier had in mind in encouraging tribal self-government. Self-government in itself may be therapeutic, but successful self-government of the type resulting from retention of tribal legal counsel is certainly dynamic in its results in tribal societies. This success in increasing the tribal share of benefits objectively reduces the degree of subordination of the tribesmen. This appears as the true therapy: bringing subordinate groups into a more egalitarian socio-economic position within the national polity,<sup>33</sup> in part by destroying "artificially" created barriers to self-development<sup>34</sup> and permitting that Indian participation in planning and shaping its own future which is essential for successful cultural change.<sup>35</sup>

Since the total store of benefits in any society is fixed at any point in time, it might appear that by gaining an increased share tribal groups subtract from the portion of the dominant group. However, this does not seem to be the case simply because the change in interaction patterns is going on through time concurrently with an increase in total benefits. The economic cost of geographically segregated tribal populations in the United States has been relatively high. Indeed, it constitutes a drain on the national economy, as is readily discerned in the annually mounting appropriations to the Bureau of Indian Affairs during a period in which it has tried to "work itself out of a job." On the other hand, as tribal government becomes more successful, tribal economies become less of an economic drain. While the San Carlos Apaches, for example, have developed their tribal program with the aid of general counsel (and other outside help), they have integrated more and more into the economy and society of the Southwest and the nation. They have developed business and employment opportunities on their reservation for many Apaches who would previously have had to leave to compete with non-Indians for the jobs available elsewhere until their tribal herds and other tribal business enterprises were organized.<sup>36</sup> The motel and restaurant operated by the Navajo Tribe at Window Rock and Shiprock (New York Times, May 3, 1964) create Indian employment and additional capital in the same way as tribally leased oil, gas and uranium ore deposits. When the

Mescalero Apaches borrowed money from the BIA to purchase a \$2,000,000 ski facility at Sierra Blanca in Lincoln National Forest; they entered upon a large scale campaign for profits from the tourist trade. Individual Indian employment was only a long-range possibility dependent upon training suitable candidates (New York Times, Nov. 3, 1963). In effect, as each tribal community increases its integration into national socio-political patterns, a new "point in time" is reached at which the total store of benefits available to the society as a whole has increased.

A corollary proposition is that the possibility of nativistic movements, separatist movements or revolt is lessened as psychological stress in the tribal population decreases. Significantly the clearest example of a nativistic movement among U. S. tribal peoples today seems to be a faction known as "Traditional Hopi Chiefs." Indulging in histrionics such as sending ultimata to the President forbidding drafting of Hopi youth on religious grounds, or threatening to secede, this movement exists in a linguistic group where the formal self-governing apparatus above the native village level constitutes merely another faction, so the experience of successful self-determination remains elusive for lack of ability to make decisions.

A specific characteristic of the present situation in tribal administration in the U. S. is that a dominant group imposes a government-of-law upon subordinate groups. In a statute-stifled society such as this one, attorneys inevitably assume a central role in determining the distribution of financial, social and political benefits within the total social structure. For this reason subordinate peoples must be specifically free to employ their own competent legal counsel if they are to maximize their share of socio-political benefits and avoid severe psychological stress.

It is doubtful whether John Collier foresaw that this particular aspect of tribal self-government would assume the importance it has. Nor is there any reason to expect any social scientist to predict correctly in such detail all the consequences of an action program. It is as a social scientist that Collier is viewed in this paper, aside from his role as one of the great moralists and preachers of our time<sup>37</sup> who can laud tribal non-linear conceptions of time as "society-building, action-sustaining, wisdom-giving" and even "world-shaping."<sup>38</sup> In his more sober writing Collier has consistently employed the same indices of success of his program of tribal administration. These are in the main the biological index of Indian birth rate relative to death rate, and the economic index of rate of loan repayment. Collier claimed that the Indian death rate fell fifty-five percent in less than ten years, and that of over \$10,300,000 loaned in a decade only \$69,000 was delinquent.<sup>39</sup>

These statements<sup>40</sup> Collier still repeats, and others follow his lead.<sup>41</sup> Actually, the loan repayment index does not show such "good" Indian behavior, a "serious delinquency" situation having come about early in the last decade.<sup>42</sup>

In other words, Collier's evaluation of his own program appears frozen to indices he envisioned at the time of its formulation, and he now feels that relations between Indian and government and whites in general have become productive.<sup>43</sup> Collier attributes these improved relations to an about-face in Indian policy by the Eisenhower administration in 1958, which returned to New Deal policies.<sup>44</sup> He seems not to have appreciated the extent to which tribal self-government in the United States has advanced beyond the Phase I type operations and activities he originally predicted so that additional indices should be used to evaluate the accuracy of his predictions as to the therapeutic effects of responsible democracy upon tribal peoples. As already indicated, other social scientists specifically evaluating the Collier program appear to have analyzed it largely on Collier's own terms. Spicer has, however, stressed the need for Indian economic interdependence with other peoples in the Southwest as a precondition for self-determination in modern industrial society.<sup>45</sup> He pointed out that such interdependence as has developed has emerged on the basis of wage labor by Indian individuals, yet recognized that the individual may abandon tribal life -- and the fact that many do so constitutes one major factor stabilizing several tribal societies.<sup>46</sup> Wage labor can be, in other words, the economic basis for only the most minimally rewarding sort of tribal self-government in the highly capitalized modern society.

The impact of tribal attorneys upon tribal self-government suggests the following list of additional appropriate indices for evaluation:

(1) Realized dollar income of tribal governments and tribesmen from land leases for farming, mining, logging, etc., and tribal business enterprises, relative to resource potential.

(2) Overt discrimination by adjacent non-Indian population toward any reservation population.

(3) Level of psychological stress in the tribal population, as measured by nativistic movements (negatively), or conscious cultural pluralism (positively) or smaller scale phenomena.

In conclusion, it appears that in terms of such indices as these, Collier's prediction of the dynamic quality of tribal self-determination was essentially correct. The employment of non-Indian specialists, particularly attorneys, by tribal governments, is one sign that tribal peoples are truly developing that "more true self-government and less dependence on a government bureau for protection" which Embree pointed out is a necessary condition "if they are not to become exploited all over again as Indians."<sup>47</sup> The examples of attorney action on behalf of tribal clients cited in this paper have indeed increased tribal lease income, diminished overt racial discrimination against Indians and apparently reduced psychological stresses among reservation inhabitants.

## Footnotes:

Carrying out research in connection with Indian suits before the Indian Claims Commission between 1952 and 1957, I have been in an advantageous position to watch the development of attorney-tribe relationships in the Southwestern United States.

<sup>1</sup> John F. Embree, "The Indian Bureau and Self-Government," Human Organization, VIII (Spring, 1949), 11.

<sup>2</sup> John Collier, Indians of the Americas (New York, 1947); also Laura Thompson, "U.S. Indian Reorganization Viewed as an Experiment in Social Action Research," Estudios Antropologicos publicados en Homenaje al Doctor Manuel Gamio (Mexico City, 1956; Universidad Nacional Autonoma de Mexico, Sociedad Mexicana de Antropologia).

<sup>3</sup> John Collier, Indians, 262.

<sup>4</sup> Alexander H. Leighton, Human Relations in a Changing World (New York, 1949).

<sup>5</sup> John Collier, Indians, 261-262.

<sup>6</sup> Laura Thompson, "U.S. Indian Reorganization," 518.

<sup>7</sup> John Collier, "La permanencia del descubrimiento social," America Indigena, XV, 3 (Julio, 1955), 179; also "The Permanence of Social Discovery," Estudios Antropologicos publicados en Homenaje al Doctor Manuel Gamio (Mexico City, 1956), 325.

<sup>8</sup> Edward H. Spicer, "Worlds Apart -- Cultural Differences in the Modern Southwest," Arizona Quarterly, XIII, 3 (Fall, 1957), 219.

<sup>9</sup> Ibid.

<sup>10</sup> Ralph Linton, Acculturation in Seven American Indian Tribes (New York, 1940), 496.

<sup>11</sup> Leighton, Human Relations, 76-77.

<sup>12</sup> John Collier, Indians of the Americas, 263.

<sup>13</sup> Henry F. Dobyns, "Blunders with Bolsas," Human Organization, X, 3 (Fall, 1951), 25.

<sup>14</sup> Henry F. Dobyns, "Experiment in Conservation, Erosion Control and Forage Production on the Papago Indian Reservations in Arizona," Human Problems in Technological Change, ed. E. H. Spicer (New York, 1952).

<sup>15</sup> William Zimmerman, Jr., "The Role of the Bureau of Indian Affairs Since 1933," The Annals of the American Academy of Political and Social Science (May, 1957), 37.

<sup>16</sup> "Juvenile Delinquency Among the Indians," Report of the Committee on the Judiciary made by its Subcommittee to Investigate Juvenile Delinquency; 84th Congress, 2nd Session, Report No. 1483, 236-239.

<sup>17</sup> "Letter to General Eisenhower," The Nation, CLXXVI (Jan. 10, 1953), 29; also, John Collier, "Social Discovery," and William Zimmerman, Jr., "The Role of the Bureau of Indian Affairs," 35.

<sup>18</sup> John Collier, "Back to Dishonor?" Christian Century, LXXI (May, 1954), 579; also, "Indian Takeaway, Betrayal of a Trust," The Nation, CLXXIX (Oct. 2, 1954), 290.

<sup>19</sup> William H. Kelly, ed., Indian Affairs and the Indian Reorganization Act, The Twenty Year Record (Tucson, 1954); see also John Provinse and others, "The American Indian in Transition," American Anthropologist, LVI, 3 (June, 1954), 388, 392; Laura Thompson, "U.S. Indian Reorganization," William Zimmerman, Jr., "The Role of the Bureau of Indian Affairs"; Theodore H. Haas, "The Legal Aspects of Indian Affairs from 1887 to 1957," The Annals, CCCXI (May, 1957), 20-22; Edward P. Dozier, George E. Simpson and J. Milton Singer, "The Integration of Americans of Indian Descent," The Annals, CCCXI (May, 1957), 158-165.

<sup>20</sup> John Collier, "Back to Dishonor?" 579; also, Collier, "Indian Takeaway, Betrayal of a Trust," 290.

<sup>21</sup> John Collier, "La permanencia del descubrimiento social," 183; also, "The Permanence of Social Discovery," 327.

<sup>22</sup> Nancy O. Lurie, "The Indian Claims Commission Act," The Annals, CCCXI (May, 1957), 68-69.

<sup>23</sup> Anthropologists constitute one type of non-Indian specialist employed by a number of tribes. Several score anthropologists are or have been employed by tribes as expert witnesses before the Indian Claims Commission (see fn. 22, 60 ff.). Dr. Tom T. Sasaki has acted as consultant on resettlement problems to the Navajo Tribal Council, a professional role quite different from that of ethnohistorian. Sasaki and Harry W. Basehart directed a three-year study for the Jicarilla Apache Tribe (see Tom T. Sasaki and Harry W. Basehart, "Sources of Income Among Many Farms-Rough Rock Navajo and Jicarilla Apache: Some Comparisons and Comments," Human Organization, XX, 4 (Winter, 1961), 187-190). A team of anthropologists surveyed the Uintah and Ouray Reservation during the dispute between full-blood and mixed blood groups that led to their splitting apart and dividing tribal assets (see Robert L. Bennett, "Building Indian Economies with Land Settlement Funds," Human Organization, Ibid., 159-163). The San Carlos Apache Tribal Council in 1953 authorized along with the local BIA superintendent an anthropological study of the range cattle industry on that reservation which was carried out during the next three summers (see preface, Harry T. Getty, The San Carlos Apache Cattle Industry, Tucson, 1963). The Hualapai Tribe has a consulting anthropologist on matters ranging from archaeology to negotiations with state agencies (see Robert C. Euler and Henry F. Dobyns, "Ethnic Group Land Rights in the Modern State: Three Case Studies," Human Organization, XX, 4 (Winter, 1961), 203-207). Some specialists had been hired by tribes prior to 1946, of course. The White Mountain Apaches hired, for example, a forester to begin developing their now quite remunerative recreational facilities (see Newton Edwards, "Economic Development of Indian Reserves," Ibid., 197-202).

24 Theodore Stern, "Livelihood and Tribal Government on the Klamath Indian Reservation," Human Organization, XX, 4 (Winter, 1961), 174.

25 United States Senate, 1953, Attorney Contracts with Indian Tribes, 83d Congress, 1st Session, Report No. 8, 1-15.

26 See Bennett (fn. 23), 161.

27 Gottfried Lang, "Economic Development and Self-Determination: The Northern Ute Case," Human Organization, XX, 4 (Winter, 1961), 164-171.

28 Theodore H. Haas, "The Indian Reorganization Act in Historical Perspective," in Kelly, Indian Affairs (see fn. 19), 14-16; and Helen L. Peterson, "American Indian Political Participation," The Annals, CCCXI, (May, 1957), 116-126.

29 1957 (Lima, Peru, periodical), March 13, 37.

30 La Tribuna (daily newspaper, Lima, Peru), January 15, 1961, 1.

31 Peterson, "American Indian" (see fn. 28), 122-126.

32 Euler and Dobyns (see fn. 23), 206.

33 Allan R. Holmberg, "Participant Intervention in the Field," Human Organization, XIV, 1 (Spring, 1955), 23-26.

34 Thompson, "U.S. Indian Reorganization" (see fn. 2), 513.

35 Dobyns (see fn. 13), 31; Edward H. Spicer, Human Problems in Technological Change (New York, 1952), 292-293.

36 Getty (see fn. 23); see also his "San Carlos Indian Cattle Industry," Human Organization, XX, 4 (Winter, 1961, 181-186.

37 Edward H. Spicer, "World Apart -- Cultural Differences in the Modern Southwest," Arizona Quarterly, XIII, 3 (Autumn, 1957), 219; 223-224.

38 John Collier, Patterns and Ceremonials of the Indians of the Southwest (New York, 1949), 19.

39 Indians (see fn. 2), 268; 267.

40 (See fn. 7), 180; see also John Collier, "Slow Recovery Since Wounded Knee," Saturday Review, XLVI (June 15, 1963), 31-32.

41 Edward P. Dozier, George E. Simpson and J. Milton Singer, "The Integration of Americans of Indian Descent," The Annals of the American Academy of Political and Social Science, CCCXI (May, 1957), 158-165.

42 Haas (see fns. 28 and 19), 20-21.

43 Collier, "Slow Recovery" (see fn. 40), 31.

44 John Collier, "Indians' Heritage," Americas, XIV (September, 1962), 34-38.

45 Edward H. Spicer, Cycles of Conquest (Tucson, Arizona, 1962), 550.

46 Ibid., 557-558.

47 Embree, "The Indian Bureau" (see fn. 1), 26.