

CHAPTER IV

A GENERAL POLICY FOR INDIAN AFFAIRS

At the outset of this report the effort will be made to state briefly the position taken by the survey staff with respect to certain fundamental matters of general policy in Indian affairs. Subsequent sections will deal fairly minutely with the subjects of organization and management, health, education, economic condition, family and community life, and legal aspects of the problem. Each of these sections rests on substantially the same assumptions regarding the general policies which should govern in the conduct of Indian affairs. If these assumptions are sound, as the survey staff believes they are, the findings and recommendations in these detailed sections follow logically and more or less inevitably. If these fundamental statements of policy are acceptable, one may differ here and there with respect to matters of detail but not with general principles. The best course therefore seems to be to present these assumptions as clearly as possible at the outset, so that they may be definitely understood, in order that those who wish to take issue on fundamentals may do so at the beginning. In this way it is hoped that thinking and discussion may be clarified, that fundamentals may be considered as fundamentals and the details of practice and procedure as details, highly important though they are and vital in giving effect to general policies.

The Object of Work with or for the Indians. The object of work with or for the Indians is to fit them either to merge into the social and economic life of the prevailing civilization as developed by the whites or to live in the presence of that civilization at least in accordance with a minimum standard of health and decency. The first of these alternatives is apparently so clear on its face as to require no further explanation. The second, however, demands some further explanation.

Some Indians proud of their race and devoted to their culture and their mode of life have no desire to be as the white man is. They

wish to remain Indians, to preserve what they have inherited from their fathers, and insofar as possible to escape from the ever increasing contact with and pressure from the white civilization. In this desire they are supported by intelligent, liberal whites who find real merit in their art, music, religion, form of government, and other things which may be covered by the broad term culture. Some of these whites would even go so far, metaphorically speaking, as to enclose these Indians in a glass case to preserve them as museum specimens for future generations to study and enjoy, because of the value of their culture and its picturesqueness in a world rapidly advancing in high organization and mass production. With this view as a whole if not in its extremities, the survey staff has great sympathy. It would not recommend the disastrous attempt to force individual Indians or groups of Indians to be what they do not want to be, to break their pride in themselves and their Indian race, or to deprive them of their Indian culture. Such efforts may break down the good in the old without replacing it with compensating good from the new.

The fact remains, however, that the hands of the clock cannot be turned backward. These Indians are face to face with the predominating civilization of the whites. This advancing tide of white civilization has as a rule largely destroyed the economic foundation upon which the Indian culture rested. This economic foundation cannot be restored as it was. The Indians cannot be set apart away from contacts with the whites. The glass case policy is impracticable.

Even among the Rio Grande Pueblos, the Hopis, and the Zunis, where more of the old culture apparently remains than among any other group, the Indians are by no means unanimous in their desire for the preservation of every detail of the old. Some pueblos, notably Laguna, taken as a whole seem to be seeking and finding the white man's path. Even in the most conservative pueblos individual Indians will be found who have no desire for a glass case existence, who want to take their place in the white civilization, to make their living in a distinctly white industrial pursuit, to dwell in a house with modern sanitary conveniences, to dress like a white man, to have their wives in childbirth attended by skilled physicians in a hospital, to have the doctor in illness as the white man does, to have for their children the educational equipment needful for

advance in the white civilization, and to spend their earnings for automobiles and other things made possible by the white man's mass production. These Indians are as much entitled to direct their lives according to their desires as are the conservative Indians. It would be as unjust and as unwise to attempt to force them back to the old or to withhold guidance in the achievement of the new ends they seek as it would be to attempt to force the ones who love the old into the new.

The position taken, therefore, is that the work with and for the Indians must give consideration to the desires of the individual Indians. He who wishes to merge into the social and economic life of the prevailing civilization of this country should be given all practicable aid and advice in making the necessary adjustments. He who wants to remain an Indian and live according to his old culture should be aided in doing so. The question may be raised "Why aided? Just leave him alone and he will take care of himself." The fact is, however, as has been pointed out, that the old economic basis of his culture has been to a considerable extent destroyed and new problems have been forced upon him by contacts with the whites. Adjustments have to be made, economic, social and legal. Under social is included health. The advent of white civilization has forced on the Indians new problems of health and sanitation that they, unaided, can no more solve than can a few city individuals solve municipal problems. The presence of their villages in close proximity to white settlements make the health and sanitary conditions in those villages public questions of concern to the entire section. Both the Indians and their white neighbors are concerned in having those Indians who want to stay Indians and preserve their culture, live according to at least a minimum standard of health and decency. Less than that means not only that they may become a menace to the whites but also that they themselves will go through a long drawn out and painful process of vanishing. They must be aided for the preservation of themselves.

Whichever way the individual Indian may elect to face, work in his behalf must be designed not to do for him but to help him to do for himself. The whole problem must be regarded as fundamentally educational. However much the early policy of rationing may have been necessary as a defensive, preventive war measure on the part of the whites, it worked untold harm to the Indians because

it was pauperizing and lacked any appreciable educational value.¹ Anything else done for them in a way that neglects educating them to do for themselves will work in the same direction. Controlling the expenditure of individual Indian money, for example, is pauperizing unless the work is so done that the Indian is being educated to control his own. In every activity of the Indian Service the primary question should be, how is the Indian to be trained so that he will do this for himself. Unless this question can be clearly and definitely answered by an affirmative showing of distinct educational purpose and method the chances are that the activity is impeding rather than helping the advancement of the Indian.

The Probable Duration of Special Work. Probably no question is more frequently asked than how much longer must special work for the Indians continue. The argument runs; the government of the United States has been working at this job from the very beginning and something was done by the colonies even before that. The aggregate expenditure has been enormous. When is this expenditure going to stop? The suggestion has even been made that the survey staff should attempt to say with some definiteness how many years it will take to wind up the Indian business and to hold forth a definite date as to when the public may look forward to marked reductions in appropriations for Indian affairs.

The answer of the survey staff to this question must be distinctly disappointing to those who seek definite statements in years. The number of years will depend in no small measure on how effectively the work is done, for special work with or for an individual Indian will be necessary until he can by his own efforts maintain himself in the presence of white civilization in accordance at least with a minimum standard of health and decency. Until he reaches that development he continues a problem either for the national, state, or local government or for private philanthropy.

Some people seek a single mass criterion to give the answer, such as "When they have all been educated," using education in its narrow sense as meaning when they have all been to school. Unfortunately the facts are apparently against all mass criteria. The question of whether an Indian is able to maintain himself by his

¹ For reasons for rationing policy and extent at various times, see Schmeckebier, The Office of Indian Affairs, pp. 66-70, 252-55, 313-14.

own efforts in accordance with a minimum standard is a personal individual one. This level is reached by Indians a few at a time, not by whole tribes or bands or even by whole families. Although extent of schooling and degree of Indian blood may have some relationship to capacity to maintain this standard, the relationship is not sufficient to permit either extent of schooling or degree of Indian blood to be used as an index of capacity. Any careful study of the conditions among the Indians will reveal many mixed bloods and many with a fair degree of formal schooling who are far more out of adjustment to the prevailing economic system than are many full bloods with far less formal schooling. On some of the reservations it almost seems as if the balance turns in favor of the full bloods who have never left their reservations to attend school; that they have made better use of their economic possibilities before them and are more nearly reaching the minimum standard by their own efforts. Any generalization is, however, unsound. The facts must be considered for each individual.

The question may then be raised, "Must work be done for Indians so long as any remain who cannot maintain this standard?" If the question of "By whom shall this work be done," be postponed for subsequent consideration, and if it is definitely understood that the present answer does not mean that the national government must continue indefinitely to do the work, this major question may be answered by simply "Yes." Persons who are not able to maintain themselves and their dependents in accordance with a minimum standard of health and decency, whatever their race, constitute a definite well recognized public problem.

Services Which Must Be Rendered. If the doctrine of the survival of the fittest is resorted to, and if these people are let alone and nothing is done for them, they do not quietly and promptly vanish from the face of the earth as unfit. It is here that the theory of the survival of the fittest breaks down at least in modern highly organized society. They become centers for the development and spread of infectious and contagious diseases. Their offspring tend to become progressively less fit physically and mentally for making their way in the world. They contribute out of proportion to their numbers to those who have ultimately to be cared for in penal, correctional, or charitable institutions. They increase the number

of persons who cannot be used effectively in the highly developed modern industrial system and must find what employment they can as sub-standard unskilled workers. In this country, with its great use of power and machinery, the possibility for the utilization of sub-standard labor is rapidly disappearing not alone in manufacturing enterprises but also in mining, lumbering, and agriculture. The whole tendency is toward a large investment in power and machines and the employment of a relatively small number of skilled workers. The future holds less opportunity for the Indians than the past unless better work can be done for their economic advancement.

A further objection to leaving sub-standard people alone is that they furnish fertile fields for the lower type of agitators who take advantage of discontent and ignorance to promote movements which are destructive rather than constructive.

Private philanthropic organization, especially the churches, actuated by the teachings of the Christian religion, notably the second great commandment, "Thou shalt love thy neighbor as thyself," have for centuries recognized the obligation to make determined efforts to aid sub-standard groups. To an increasing extent governments, actuated in part doubtless by ethical motives but also by more material ones, have recognized the necessity for really educating the members of such groups.

The earlier efforts in behalf of the retarded classes were of course palliative, but with growth of knowledge and experience they have become corrective and preventive. Thus today the modern state has many departments concerned with advancing the social and economic condition of its people. Although these functions are well known it will perhaps be advantageous briefly to mention certain of them because some agency must furnish for Indians the kinds of service which are being rendered by modern states for their people. Again it must be emphasized that at this time the contention is not that these services must indefinitely be rendered by the federal government. The point is that they must be rendered by some government or private agency, and that it is important first to recognize the type of services which must be rendered before the effort is made to say what agency can best render them. These services can, however, be briefly enumerated in outline form without much exposition. They are:

1. Public school systems providing education from the nursery school and kindergarten through large well equipped universities.

2. Departments of public health developing from institutions for the control of disease to constructive organizations for prevention of disease. Among their functions may be mentioned activities looking to immunization for the prevention of disease; instructive visiting nursing and home care of the sick; the establishment of prenatal, infant, and pre-school clinics; medical inspection of school children with intelligent follow-up work so as to secure corrections in the field of dentistry and also defects of eye, ear, nose, and throat; corrective and educational work for crippled children; the establishment of such hospitals, sanatoria, and special clinics as may be needed to provide adequate care in childbirth, tuberculosis, venereal disease, and other special cases.

3. Departments of public welfare doing constructive work for the dependent, neglected, defective, and delinquent, and for the poor and the aged.

4. A socialized court system working in close coöperation with departments of public welfare providing special handling of cases involving children and domestic relations and furnishing probation officers for constructive work with persons who have been before the courts; and emphasis on reform in penal institutions.

5. Agricultural departments supplying to the rural population both county agricultural demonstration agents and home demonstration agents.

6. Public employment agencies to disseminate information concerning industrial opportunities in various localities, to bring together the man and the job and at times to help the man get the necessary training for the job, to make job analyses, and to encourage the establishment of vestibule schools in various industries.

Services such as these will have to be rendered to the Indians by agencies not of their own creation and not fully supported by their own contributions. No evidence warrants a conclusion that at any time in the near future the number of Indians requiring constructive social service will be so far reduced that there will be no Indian problem and no call upon public treasures or private benevolence for Indian aid. The practical question to be faced at present is what agency or agencies shall supply the constructive developmental

work which the Indians who are below the minimum standard require and will require for many years to come.

What Agencies Shall Render the Needed Service? The agencies at present doing active work are: (1) The national government, (2) the state and local governments, (3) the Christian missionaries, (4) certain national organizations of general scope such as the Red Cross, the National Tuberculosis Association, the American Child Health Association, (5) special organizations concerned with Indian welfare, and (6) social welfare agencies in urban communities to which Indians have come.

Although constitutionally and historically the care of the Indians is a function of the national government,² some tendency toward the withdrawal of the national government from this field is apparent. A great increase, for example, has taken place in the number of Indian children in the state or local public school systems, although the federal government frequently pays tuition for them. In Oklahoma, by Congressional enactment, large numbers of Indians have been released from federal supervision and have become entirely dependent for developmental social service on the state and local governments.

In a few states, notably California, Minnesota, Washington, and Wisconsin, the state governments have evidenced a growing sense of responsibility for Indian affairs. Their state departments concerned with education, health, and public welfare appreciate that it is a matter of grave concern to the state to have in its midst groups of people living below reasonable hygienic and social standards. To them the question of whether the responsibility rests on the state or on the national government is very properly being relegated to a minor place and the real question is being faced as to whether these inhabitants of the state are being fitted to be assets rather than liabilities.

In several states with a fairly numerous Indian population the tendency is still to regard work for the Indians as purely a federal function. Even in these states, however, it is probably true that a minority, a growing minority, appreciate that the state cannot well continue in this attitude and that it must actively coöperate with

² For review of the reasons for control of Indian affairs by the national government, see Schmeckebier, pp. 2-11.

the national government to help solve what legally may be a national problem but actually is of vital concern to the state.

Oklahoma, which has evidenced a great desire to get control or possession of Indian property, has evidenced little tendency to protect the Indians or to provide the requisite developmental work. Many Indians in eastern Oklahoma who have been released from national supervision, are suffering from lack of suitable developmental work, especially in such fundamentals as health, schooling, and economic instruction. Oklahoma, despite its enormous wealth and prosperity, is storing up great future difficulties for itself by neglecting the social welfare of its rural population both white and Indian, but especially Indian. The situation there offers great opportunities for the departments of social science in its state university and for its agricultural college to furnish real technical leadership in bringing the state abreast of states such as Iowa, Minnesota, and Wisconsin in the work for rural populations. The question may be raised whether the people in the northwestern part of the state are fully awake to the conditions in the eastern portions, especially the hill country in the southeast. Many white persons and some mixed bloods in this eastern section are vigorously advocating the removal of restrictions from the full bloods of the Five Civilized Tribes. Any such action would greatly increase the social liabilities of the state and would result promptly in the dissipation of the present resources of these Indians. The national government should oppose the removal of restrictions until the state of Oklahoma has shown as much interest in the social welfare of its Indians as it has shown in securing control of their property.³

The Question of Taxation. Any program for the gradual withdrawal of the national government from its function of administering Indian affairs and the transfer of this function to state and local governments is complicated by the question of the taxation of Indian property, especially land and other real property. Most of the property of restricted Indians under national supervision is exempt from taxation. The fact that many Indians pay no direct state and county property taxes is advanced as a reason why the state and local governments should perform no service for the

³ For comment on conditions in Oklahoma, see Schmeckebier, pp. 138-42.

restricted Indians. Even when they migrate from reservations and as regular industrial workers in a white community contribute as great a share to the prosperity of a community as do the poorer white workers, they are frequently denied rights accorded recently arrived Mexican immigrants and other workers, such as free attendance at public school and county hospital care when unemployed or otherwise unable to pay full fees.

Several different devices have been used to meet this situation. When an Indian is declared competent to manage his own property and is given a fee deed to it, his property becomes subject to state and local taxation and he is in a large measure free from national supervision and to a considerable extent ceases to receive aid or service from the national government. In certain instances, notably among the Omahas and Winnebagoes in Nebraska, property held under trust patents has by action of the national Congress been subjected to state and local taxation, provided the Indian has any money from which the taxes can be paid, but, if the Secretary of the Interior certifies that the Indian has no funds, the property is not subject to tax sale. In other instances the cost of highways and bridges across Indian territory needed as connecting links in state road systems have been paid out of Indian or national funds. Tuition fees have been paid by the national government in lieu of taxes for the children of restricted Indians attending public schools.

The fact is, however, that the problem of taxation of Indian property has not been given the study and coöperative consideration by both national and state officials that it requires. No plans have been worked out on the basis of a thorough analysis of the problem and an application of sound economic and social principles in its solution.

The primary concern of both the national and the state and local government should be that the Indians, citizens of both the nation and the state, should be developed to the point where they are able to maintain themselves and their dependents in accordance at least with a minimum standard of health and decency in the presence of white civilization.

To subject to taxation Indians who are already below this standard, who have not yet acquired the capacity and the spirit to make their property sufficiently profitable both to maintain themselves and their families and to pay taxes, results either in a further

depression of their standard of living, or the forfeiture of their property, or both, as is abundantly evidenced by conditions in eastern Oklahoma. A cardinal principle of taxation is violated, namely, that taxation must not exceed the capacity to pay.

The effect of taxing Indian property is of course to force the Indians off their lands and to put the territory into the hands of whites, generally able to secure credit. Thus they can buy implements, and generally their experience, persistence, and superior training enable them both to make a living and to pay taxes, thus adding to the revenues of the state. Although this movement appears for the moment to be an advantage to the state, the fact must ever be borne in mind that it leaves the state with the problem of the unadjusted Indian, deprived of any resources of his own which may be applied to his advancement.

In this connection it should be noted that frequently the steps taken by the shrewder, more experienced whites to deprive the Indians of their lands are unethical if not actually criminal. They get the Indian property at a fraction of its true value. They can well afford to pay taxes, considering how little capital they had to invest to get possession of the natural resources that belonged to the Indian. These not over scrupulous whites are aided in their exploitation of the Indian by the fact that the Indian is finding it difficult to pay taxes and make a living. A sum of unearned ready money, the value and use of which he does not very well understand, seems an easy way out of having to work and pay taxes and affords an immediate way of satisfying his very pressing wants. With little or no means of determining the real value of his property and with a very real sense of immediate need of food and clothing, he falls an easy victim.

Those states which have a considerable number of Indians who have already lost their lands and have not been developed to a reasonable standard of efficiency, will ultimately realize the price they paid for taxes on Indian property. The price is a body of Indian citizens, unassimilated, poverty stricken, and diseased; a liability to the community, not an asset. The resources which these Indians once possessed, which might have furnished the means for a solution of their problem, have been converted, often improperly, to the private use and advantage of white citizens. The state is left to hold the bag. It will ultimately be under obligation to meet the

resulting problems through general taxation, whereas they might have been more quickly and more cheaply solved by a policy of leaving the Indians in possession of a sufficient amount of their property to supply the foundation for economic stability.

In some jurisdictions where Indian property has been subjected to the full weight of state and county taxes, it is questionable whether the Indians have actually been placed on a plane of equality with the whites with respect to the services and benefits accruing from the state and local governments. The giving of real governmental service to Indians is often still regarded as a function of the national government. The states are ready to take over the assets but not the liabilities.

The Problem Before the Nation and the States. The real problem before the statesmen in the national and the state governments can be summarized somewhat as follows:

1. What constructive social services are necessary to develop the Indians to the level of self support according to a reasonable minimum standard?
 2. How can this necessary service best be rendered?
 - a. By the national government?
 - b. By the state and local governments?
 - c. By private agencies, coöoperating with the governmental agencies?
 - d. By a coöperative program worked out jointly by the national, state, and local authorities, with or without the co-operation of private agencies?
 3. How can the costs of the necessary work be best apportioned between the state and local governments?
 4. What part, if any, of these costs can be assessed against the Indians with due recognition of the value of benefits and due consideration of their capacity to pay?
 5. If the Indians are to pay any of the costs, what form of taxation is best adapted to meet the special economic and social conditions of the Indians?
- The present survey has been concerned primarily with the first of these questions, the governmental service that is needed to develop the Indians to self support according at least to a minimum standard of health and decency.

The Position Taken with Respect to Division of Responsibility Between the Nation and the States. With respect to the division of authority and responsibility between the national and the state and local governments, the survey has proceeded upon these principles.

1. That under the Constitution of the United States and in accordance with the historical development of the country, the function of providing for the Indians is the responsibility of the national government.

2. That the national government should not transfer activities incident to this function to individual states unless and until a particular state is prepared to conduct that activity in accordance with standards at least as high as those adopted by the national government.

3. That the transfer of activities from the national government to the state governments should not be made wholesale, but one activity at a time, as the willingness and ability of the state justify.

4. That no great effort should be made toward uniformity in the treatment of all the states, as the question of the willingness and ability of the states is an individual one, with very different answers for different states.

5. That when a state assumes responsibility for a particular activity, as in the case of admitting the children of non-taxed Indians to public schools or providing for non-taxed Indians in hospitals, it is eminently proper that the national government should make contributions to the cost in the form of payments for tuition or hospital fees, and that so long as national funds are thus used the national government is under obligation to maintain officials such as the day school inspectors, to coöperate in the work done by the states to see that it is up to the required standard and that the Indians for whom the national government is primarily responsible are receiving the agreed service.

6. That the national government is under no legal or moral obligation to make the real property of the Indians subject to the regular state and county taxes until such time as the Indians are prepared to maintain themselves in the presence of white civilization and the states are prepared to render full governmental service to the Indians according to standards which will protect them from neglect and retrogression.

7. That it is in general highly desirable that the states should as rapidly as possible assume responsibility for the administration of activities which they can effectively perform alike for whites and for the Indians with a single organization, with the exception of activities that are directly concerned with Indian property. Experience tends to demonstrate that national control and supervision of property must be about the last of the activities transferred to the states.

To avoid any possibility of misunderstanding regarding the position taken with respect to the taxation of Indians, it should be clearly stated that it is regarded as highly desirable that the Indians be educated to pay taxes and to assume all the responsibilities of citizenship. The survey staff by no means advocates the permanent existence of any body of tax exempt citizens or a policy of indefinitely doing for people what they should be trained to do for themselves. The matter of taxation, however, like other problems in the Indian Service, should be approached from the educational standpoint. In the first lessons in taxation the relationship between the tax and the benefit derived from it by the Indians should be direct and obvious. The form of the tax should be one that has real regard for the capacity of the Indian to pay. The old general property tax has many defects as a system for well established white communities; it is often ruinous as a first lesson in taxation for an Indian just stepping from the status of an incompetent ward of the government to one of full competency. His chief asset is land which bears the full brunt of his tax, and he has relatively small income from which to meet it. An income tax would be far better for the Indian just emerging from the status of incompetency than the general property tax. What is advocated, is not that the Indian be exempt from taxation, but that he be taxed in a way that does not submerge him.

A few words should also be added to prevent misunderstanding with respect to the position taken in the matter of coöperation with the states. Such coöperation is highly desirable. Ultimately most of the Indians will merge with the other citizens and will secure governmental service mainly from the state and local governments. The sooner the states and counties can be brought to the point where they will render this service and the Indians to the point where they will look to the government of the community in which

they live, the better; but the national government must direct and guide the transition. It must not withdraw until the transition has been completely effected; otherwise the Indians will fall between two stools.

In the ensuing section of this report, the survey staff recommends the establishment in the Indian Service of a professional and technical Division of Planning and Development free from immediate administrative duties. One of the great services such a division can render is to aid in developing effective coöperative programs with the different states, adapted to the local conditions. The time is apparently ripe for marked advances in this direction.

The Issuance of Fee Patents. In the vital matter of the issue of fee patents and the release of Indians from wardship, the view taken is naturally that the ultimate goal is to advance the Indian to the point where he is competent to take care of himself and to manage his own property. The survey staff is inclined to endorse the definition of competency given by one very able superintendent to the effect that "That Indian is competent who although he might lose his property could and would still make his own way by his own efforts." The evidence warrants the conclusion, however, that in the past fee patents have been issued too freely, that they have been given before the Indian has given sufficient demonstration of his capacity to make his own way. Too much reliance has been placed on the theory that the way to teach a boy to swim is to throw him overboard and let him swim or drown. The Indian faces too swift and treacherous a current for such an experiment at this period of his development. Enough attention has not been given to keeping actual records of his achievements and basing the decisions regarding competency on facts rather than opinions. Too little attention has been paid to what has happened to Indians declared competent. The proof that the Indian is in fact competent is not the issuance of the fee patent and the release from wardship but what becomes of the Indian after he is released. The problem of the government is to train him for self support in our civilization. Its real responsibility does not end with the fee patent and release from wardship. These actions may evidence not competency on the part of the Indian but a serious error in judgment on the part of the officials who declared him competent.

Great pressure is unquestionably brought to bear on the Indian Service to issue fee patents and to release Indians from wardship. A considerable body of people regard the status of wardship as repugnant to our institutions, and they are inclined to quote from the Declaration of Independence, "All men are created equal." They forget apparently that wardship and the control of property by trustees also exist among the free and independent whites. Children below legal age cannot control their own property or make a valid contract. Courts declare adults incompetent to manage their own estates and place them in the status of wards. Many a head of a family himself provides for trustees to control the property given or bequeathed to his wife and children. Life insurance contracts, living trusts, and wills often result in depriving a person of the power to control the property of which he has the use. The difference lies in the assumptions. The white man on reaching legal age is assumed to be competent unless deprived of his power over his property by a court or by someone from whom he received his property. Indian guardianship was assumed when the Indians as a race were unquestionably incompetent. Relinquishment of this trust cannot lightly be made. The Indian, therefore, is assumed to be incompetent until formally declared to be competent. His status is that of the child below legal age, except that he can be declared competent whereas the child cannot be. The facts seem abundantly to warrant this assumption in the case of the Indians. With respect to knowledge and experience in the use of property, many of them are still children and must be given training in the use of property and its value before they are declared competent to handle it independently. The national government is their safest trustee. Any improvement in that trusteeship must be brought about by a reconstruction of the machinery to discharge it.

Another group bringing pressure to bear on the Indian Service believes in the sink-or-swim theory. Turn the Indians loose. Let them shift for themselves. The difficulty with this theory as has been pointed out is that the issue is not quickly settled with the disappearance of those who are not able to shift for themselves. Theorists of this school need to spend a considerable time facing the actual facts in eastern Oklahoma where they can see at first hand the disastrous effects of an actual application of this policy.

There they will find many Indians who have been turned loose who are not able to shift for themselves. The problem is too complicated to be solved by any such simple device, because the only sound solution is the long slow process of real education.

Persons who look for quick results should be mentioned next. They say of the Indian Service, "It has been at this job for a hundred years. It ought to be through. Its officers and employees must be trying to hang onto their jobs. All the Indians ought to be turned loose and the Indian Office closed. Time enough has been spent on the Indian problem." These people need to visit particularly the Indians of the southwest. A visit to an adult primary class, where big boys and girls in their teens are attending school for the first time, would be helpful. They know no English, they cannot read or write. They are having their first contact with that white man's civilization in the presence of which they and their children and their children's children are to live. The fact that they are in school is evidence that at last, after all the centuries since the advent of the white man, his civilization has penetrated to their remote desert homes. Some visitors may shake their heads and say, "You can't do much in educating these children; you have started too late." Despite some exceptions, there seems to be some truth in their assertion unless one looks to the future. Many of these children will be back in their desert homes in a year or two and they will doubtless soon forget their scanty knowledge of English and of reading and writing, but they will have had their contact with the white race, they will know what schools are, and they will have seen other Indian children with a more favorable start getting ahead. When they themselves have children they will not be where their parents were. They themselves have passed the first gulf. Their children will as a rule go to school at a far earlier age and stay much longer, advancing much further in studies and in understanding. The third generation has not only the advantage of getting to school early; it has some help in the home in such things as speaking English, reading, and knowing the white man's ways. The pride which some of the first and second generations take in the achievements of the third shows that Indians are much like white people. The truth seems to be that much cannot be expected on the average in less than three generations, and in some jurisdictions the first generation is just beginning.

A word here should be said regarding missionary activities. Here too, many persons look for quick results. Several elderly missionaries were visited who look back over their efforts and almost despair at their lack of converts who measure up to their standards of what a Christian should be. Others, notably the Roman Catholics, have a different view. They appreciate that their task is a long, slow one extending over many generations. A little is achieved here, a little there, but a primitive people are not made over in a generation. What they are and what they have cannot be hurriedly crushed out and something else quickly substituted. The only way is to take them as they are with what they have and patiently guide and slowly build, having faith that in the fullness of time, devoted and intelligent service will bring results.

Finally should be mentioned two classes of Indians who want fee patents and release from wardship. The first are those who are not getting along very successfully and see in a fee patent and release from wardship the opportunity to sell their capital and live on the proceeds, without the vision to look into the future and consider what will become of them and their children when the capital is gone. The second are able, intelligent, often well educated Indians who are themselves fully competent. Many of them have already received fee patents and been released from wardship. They think of themselves and cite themselves as typical Indians. They say, "We are Indians. Why should the government keep us as wards." The truth is that the government should not keep competent Indians as wards, but these Indians are not by any means typical. Often they are mixed bloods, not full bloods. Sometimes they come from tribes where many of the full bloods are still far too primitive to be entrusted with the defense of their property against white greed. A well educated mixed-blood Indian farmer on one reservation felt this situation very keenly. He said in effect, "These educated advanced Indians can't think of the Indians who haven't had the opportunities and haven't advanced like they have. On this reservation we have hundreds of Indians who would be ruined if they were turned loose, and yet these educated Indians go about all the time agitating to have all Indians turned loose. Many of our Indians aren't making a living without having to pay taxes. They won't be ready to be turned loose for a good many years."

The sentiment of the Indians on this subject is divided. Those who favor abolition of wardship are unquestionably the more articulate. Among their number are many mixed bloods and many whose schooling has given them a good command of English. They are effective speakers with the Indian's gift for direct and vivid statement. Some have but a modicum of Indian blood. On the other side are many full bloods who in their way are very solid and substantial people deeply attached to their lands and homes. They are disturbed to see what has happened to those who have had fee patents. One of them, with a very promising young pecan grove coming along, the result of his own labors, replied to the question whether he wanted a fee patent, "Nothing grows on the section line." Another, president of the Indians' livestock association of the reservation, said he did not want a fee patent. If he took one, the other Indians would say he had gone white and he would lose his influence with them. He felt that the great bulk of his tribe were far from the level where they could shift for themselves, and he personally preferred to stay as one of them rather than be regarded as an outsider. Included in this number are several, perhaps many, who value their status of wardship because it relieves them from taxation. The survey staff had no means of determining how a referendum on this subject would turn out, but it found in personal interviews and in councils a very considerable sentiment in favor of continued wardship.⁴

Despite the pressure that different groups bring to bear on the Indian Service, its present policy is toward marked conservatism in the issue of fee patents and release from wardship. This present policy is believed to be fundamentally sound. Fee patents and release from wardship should as a rule only be issued where fairly conclusive factual evidence is available indicating that the Indian has reached a position where he can maintain himself by his own efforts.⁵ The Indian Service is to an increasing extent realizing that its work is primarily educational in the broad sense, and is to

⁴ An indigent Indian woman who had dissipated the thousands of dollars received for her allotment appealed for rations. She ranted against the government for giving her control of property she was unable to handle. To the superintendent's statement: "You clamored and fought to get a fee patent," her reply was: "But the government should have known better."

⁵ For further detailed discussion of policy of issuance of patents in fee, see Schmeckebier, pp. 148-65.

be judged not by the number of Indians it turns loose so much as by the ability of those turned loose to make good. This subject is further considered in other sections of the report.⁶ It has been presented here to indicate the position taken by the survey staff with respect to this matter of general policy.

The Function of the Indian Education Service. The Indian Service, as has been said, is recognizing to an increasing degree that its work in all fields is primarily educational. The problem of the Service is to translate this principle into action. The greater part of the present report is devoted primarily to a consideration of what needs to be done, in the light of conditions found by the survey, to promote the efficiency of the Indian Service as an educational organization confronted with a difficult and diverse educational task.

The Question of Cost. Early in the work of preparing this report the question was raised as to what consideration the survey staff should give to the element of cost in making its recommendations. The question was vividly brought home in an interview with a doctor on one of the reservations. He had previously been visited by Dr. H. R. Edwards, the medical specialist on the survey staff, and they had discussed at length what the real health needs of the service were on that reservation. This reservation doctor said in substance. "Your doctor is all right; he knows what we need; but Congress will never appropriate the money." The reply at the moment was that Congress was the body to say whether it would or would not appropriate the funds; that the duty of the survey staff was to determine conditions and to make the best constructive recommendations it could devise which in its judgment were practicable. More careful deliberation has tended to confirm the soundness of that general position. It would be entirely improper for a survey staff to presume to predict what Congress would or would not do and to frame its recommendations to fit its guess as to the attitude of Congress or the attitude of the administration or anybody else who is concerned with Indian appropriations or administration. The effort has been to keep both feet on the ground and not to get above reasonable standards as set by other organizations

⁶ See pages 472 and 473.

doing work in the several fields comparable with that of the Indian Service.

The recommendations contained in this report if carried into effect will involve a substantial immediate increase in appropriations for the Indian Service. The aggregate annual appropriations for this service for the fiscal year ending June 30, 1928, are approximately fifteen million dollars of which more than two million dollars are from tribal funds not the property of the government and more than two million more are reimbursable expenditures, mainly for irrigation and water supplies.⁷ The survey staff has not had the time nor the facilities to estimate closely the amount that will be required for additional positions, for raising the salaries and qualifications of existing positions, for outlays for new construction, for bringing existing plant and equipment up to a reasonable standard and for materially improving the quantity, quality and variety of the food furnished the Indian children in boarding schools. The best available evidence, however, suggests that for a number of years at least ten million dollars additional will be required, if the Indian Service is to be raised to a standard approximating that of the Department of Agriculture, the United States Public Health Service and the efficient private agencies doing comparable work.

The position taken in making these recommendations is that it would be sound business policy for the national government to expend enough on the Indian Service to bring it to a reasonably high state of efficiency in order greatly to accelerate the rate at which the Indians may be absorbed into the dominant white civilization or be fitted to maintain themselves adequately in the presence of that civilization. The country apparently has its choice of alternatives; the first, comparatively small expenditures from national, state, local, or charitable funds spread over a very long period with a resulting slow rate of progress in winding up the Indian problem; the second, heavier expenditures over a much briefer period with greatly accelerated rate of progress and a much more rapid elimination of the distinctively Indian problem. The situation may

⁷ For a statement of the finances of the Indian Service for 1903, 1913, 1923 and 1928, see Schmeckebier, Appendix 6, pages 509-36. The three brief summary tables from his monograph are presented as appendices to the present report, pages 183 to 186.

be likened to diverting a stream to a new course. The diversion dam must be built strong enough to hold the stream. To economize on the dam may mean the loss of all that was put into it. In the past much money put into the Indian Service has been lost because enough was not put in to get employees really qualified for the task before them.

The recommendations for heavier appropriations are made on the ground of efficiency in performing the task before the government. It could be sustained on purely humanitarian grounds. The Indians are wards of the richest nation in the world, if not the most enlightened and most philanthropic, yet the fact is that Indian children in boarding schools maintained and operated by the government of the United States are not receiving a diet sufficient in quantity, quality, and variety to maintain their health and resistance. Conditions at these schools with respect to medical attention, housing, and sanitation leave much to be desired. The general death rate is ordinarily accepted as the best single index of the social wellbeing of a people. As is pointed out elsewhere in this report⁸ the statistics for the Indians are incomplete and more or less unreliable, and the published death rates for Indians are in many cases obviously understatements of the true conditions. The existing figures, unreliable as they are, indicate, however, a high general death rate among Indians with all that connotes of suffering both physical and emotional. The Indian is like the white man in his affection for his children, although Indian mothers and fathers often do not know how to care for them, especially in matters affecting health. This lack of knowledge does not lessen their suffering and grief at the loss of a child or lessen their resentment when they feel that responsibility for the death rests in part at least upon failure of the government boarding schools adequately to safeguard the health of their children, who may be kept away from their parents for years at a time. The economic and social conditions on most of the reservations are such that the typical Indian family is living materially below any standard which will give health and a very minimum of physical comfort. The fact that many of them look backward with regret to the days before the advent of the white man destroyed the economic basis of their

⁸ See pages 170 to 175 on Statistics, and pages 191, 196, 197-203, 266-270 in the chapter on Health.

existence is not surprising; nor, if their history be considered, is it strange that they accept their conditions with an almost oriental fatalism and resignation, and in many cases seek the temporary relief that is to be found in alcohol, peyote, and narcotics or in primitive dances and festivals. The surprising thing is to find many who have preserved their sense of humor. Although at times they complain bitterly of individual government officials, yet the majority of them look to the government as their best friend. Often they ask too much from it in the way of rations and relief and do not value highly enough what it gives in the form of constructive educational service, but this attitude is the inevitable aftermath of the old policy of rationing now largely abandoned.

Some white people are inclined to say, "You can't do anything humanitarian for them. They are Indians and they will always be that way. They would rather be that way than work." To these people two answers may be made. The first is that there are too many instances of marked success with individual Indians and with groups to warrant any such conclusion. The second is that many methods used with the Indians in the past, notably that of rationing, produce the same results with any people. They pauperize them instead of educating them to do for themselves. The errors in past methods are too obvious and too glaring to permit of past failures being fairly and justly attributed to peculiar racial characteristics of the Indians. Abundant evidence shows them to be a people of real capacity with many characteristics of outstanding worth. For example, one of their outstanding traits is their Christian virtue of loving their neighbors as themselves. The poorest Indian will share what he has with his neighbors. To Indians, selfishness and stinginess are cardinal vices. One of the difficulties the government has is to keep the lazy and the shiftless from living off the products of the labor of their more energetic tribesman who is attempting to follow the white man's economic ways. Mention should also be made here of their artistic ability. With nothing but a few cans of house paint, one Indian boy has painted theater curtains for several of the Indian schools which make the ordinary commercial curtains look insignificant and commonplace. In those schools where the children have been permitted to draw Indian designs and things which appeal to them they have shown an exceptionally high artistic ability. Some of the musical organizations, for example, the band

of the Saint Francis Mission School at Rosebud and the Glee Club at Haskell, are demonstrations of their capacity in music. They have the capacity to make real contributions to our American civilization; and as their humorists frequently remind us, they are after all the nearest approach to the hundred per cent American. With intelligent coöperative educational aid, there is every reason to look for a rich return for efforts expended in behalf of the Indians.

More adequate expenditures properly directed would not only tend to relieve fairly promptly the present suffering and distress. They would tend to raise permanently the economic efficiency of the Indians and thus remove many of the fundamental causes of ill health and poverty. The material return for this expense would come in the increased productivity of this element of the population. They would take their place in our American civilization with its high productivity and its correspondingly high standard of living. Already several far sighted merchants in the Southwest are showing their appreciation of the economic and commercial importance of increasing the productivity of the Indians. Here selfish and altruistic motives combine, because no section can be really prosperous if a large body of its population lacks the ability to produce and the resulting ability to consume. Markets for goods cannot be found unless the people produce enough to pay for them. This fundamental fact of economics is becoming increasingly apparent in the Southwest.

In favor of heavier immediate expenditures for the economic advancement of the Indians, the further fact should be cited that failure to seek much more rapid advancement for the Indians will speedily result in the development of difficulties more serious and less easily corrected than those which now confront the nation.

The white population in the Indian country is coming into closer and closer contact with the Indians. This movement appears inevitable and unescapable. As a consequence the Indians will have less and less opportunity to carry on a moderately independent existence. It is becoming more and more essential for them economically and socially to rise more nearly to white standards. Unfortunately the trend of American industrial development, as has been pointed out, makes it increasingly difficult for the Indians to make this transition as the country is more and more demanding fairly skilled and reliable workers and affords fewer openings for the illiterate, the unskilled, and particularly the casual.

Where they become surrounded by whites without having achieved these higher standards, they are menaced themselves and also become a menace to the better things in the white civilization. Sexual relationships between low types of the two races tend to develop. From what evidence the survey staff could secure in this difficult field of investigation it appears that Indian girls rarely become commercial prostitutes. They may, however, be the victims of white men. The more apparent relationship is a marriage or other union lasting for some little time. Often a white man or woman marries an Indian for the sake of securing possession or use of the Indian's property; or, an extremely low grade white, a misfit in the economic and social life of the white civilization, forms a union with a low grade Indian. These low grade whites turn Indian in a way that is quite shocking, and they may be found existing in shacks that are below rather than above those of the purely Indian dwellings in the neighborhood. Children of these unions have frequently the handicap of both bad heredity and bad environment. The white father, too, is apparently fairly prone to desert the Indian woman, leaving her with the burden of caring for the children.

On the other hand it must be said there are numerous examples of successful inter-racial unions where the Indians have risen to white standards and are sought by the whites because they possess qualities which make for the establishment of strong families.⁹

The unassimilated, undeveloped Indian readily becomes the victim of the bootlegger, the dope peddler, and the gambler. From its earliest days the Indian Service has been struggling to keep liquor from the Indians. The task becomes increasingly difficult as the white civilization comes closer to the Indians. White communities just off the Indian country tend to become centers for the trade. More officers are needed to clean things up. In some of these towns one has only to walk into the pool room to see open gambling going

⁹ At one Indian school the members of the survey staff were delightfully entertained by the Indian girls of the senior class in domestic science. Two members of the survey sat at each table with four Indian girls and were served a simple yet delicious meal prepared by the four girls. One girl at each table had to occupy the difficult position of hostess, a task performed with a quiet grace and dignity which the survey staff came to regard as characteristic of Indian women. One hostess said, "My daddy always teases my mother by telling her he married her for her biscuits," and then by the way of explanation she added, "Daddy is a white man." Judging that union by its fruit, one would conclude that the biscuits were symbolic of substantial domestic virtues. Any man might well be proud of a daughter like that girl.

on between whites and Indians with money on the table. Whatever view may be taken regarding gambling between Indian and Indian in their own homes on the reservation, commercial gambling between whites and Indians in pool rooms in a white man's town is obviously a much more serious matter. Dope peddling is undoubtedly the most serious of the three evils noted, and no effort should be spared to stop the traffic. In Nevada the evidence indicates that the Chinese are behind the trade in Yen-she, an opium derivative, but that the immediate dispensers are Indians, possibly themselves victims. This situation is particularly dangerous as the Indians can spread the habit among their own people in a way that neither whites nor Chinese could do themselves. When the survey staff was in Nevada it was reported that the dispensers were trying to break into Fallon, which had been practically free from its use and which presented an attractive example of effective economic work for Indians. In one important jurisdiction in Oklahoma, it was reported that low grade white physicians were the dope dispensers, finding this an easy means of separating wealthy Indians from their money. Naturally the methods of the survey were not of the detective type necessary to verify such reports, but if they are not true it would be an exceptional failure to resort to an obvious device for debauching these wealthy Indians. The persistence of such statements by reliable persons, however, would at least indicate that certain channels of supply should be blocked, either as a preventive measure or as a means of checking an existing evil.

Again for completeness mention must be made of the astute and unscrupulous whites who take advantage of the Indians' ignorance of money matters, of their food needs, and their desire for luxuries, notably automobiles, and separate them from their valuable property. Pressure from this source increases as the contacts between the races become closer.

Mention must again be made, too, of the Indians' low standards of living and their poverty. It has already been pointed out that these factors result inevitably in bad health so that the Indians do, from the standpoint of public health, become a menace to the neighboring white communities. Prevalence of disease among them, their poverty, and their low standards of living make them objectionable to the whites and raise opposition to the admission of their children to the public schools and other community activities neces-

sary to their advancement. Curiously, in several instances the most vigorous objection to them comes not so much from native born whites as from foreign born whites, themselves recent immigrants to this country. This condition can be overcome by more effective work in improving social and economic conditions, thus improving health.

Obviously all such difficulties of an inter-racial nature become greater as long as the cultural gap is wide and the personal contacts close. It will be cheaper and easier to work to close the gap by improving the conditions of the Indians now than to do so after these degenerating contacts have had a longer time to operate.

Although the actual amount of money required to bring the Indian Service to a reasonably high state of efficiency is a large sum itself (probably not less than ten million dollars), it would still be a relatively small item in the total of national expenditures. The nation could make the appropriation without any serious strain on the taxpayers, and if the economic efficiency of the Indians could be raised, as seems entirely possible, the material returns from the investment would be high. Failure adequately to deal with this whole question with reasonable promptness can have no other result than a yearly growth of the problem to such dimensions that greater strain to meet it will be inevitable.

The history of the relationship between the whites and the Indians contains much to which the whites cannot point with pride. No attempt will be made in this report to discuss some of these darker pages in American history.¹⁰ They are reasonably well known to every student of American history and nothing is to be gained by reviewing them here. They are mentioned because the nation has at present the opportunity, if it will, to write the closing chapters in the history of the treatment of the Indians by the government of the United States. To really patriotic citizens who love and admire their country and who like to view with pride its achievements, it would be something of an atonement and a worthwhile accomplishment if these closing chapters should disclose the national government giving to the Indians the highest quality of expert service to make them capable and efficient citizens of the nation, able to take care of themselves and to contribute to the nation from the best of their own original American culture.

¹⁰ For history of Indian relations, see Schmeckebier, pp. 11-90.

CHAPTER V

ORGANIZATION OF THE FEDERAL INDIAN WORK

Three fundamental recommendations must be made for strengthening the organization of the Indian Service. Briefly summarized, they are:

1. The creation, in connection with the Washington office, of a professional and scientific Division of Planning and Development.
2. A material strengthening of the school and reservation forces that are in direct contact with the Indians and are responsible for developing and improving their economic and social condition through education in the broadest sense of the word.
3. The maximum practical decentralization of authority so that to the fullest possible extent initiative and responsibility may be vested in the local officers in direct contact with the Indians.

Each of the recommendations requires elaboration and each will be taken up in turn.

A PROFESSIONAL AND SCIENTIFIC "DIVISION OF PLANNING AND DEVELOPMENT"

The functions of the recommended "Division of Planning and Development" may be outlined briefly as follows:

1. To advise the Commissioner in matters requiring technical or scientific knowledge of particular problems.
2. At the request of the Commissioner and subject to his approval to formulate programs and develop policies to be carried out by administrative officers or to assist in planning and arranging co-operative programs with state and local authorities.
3. To visit schools and agencies and to report to the Commissioner upon the effectiveness of the administration in those fields of work that are professional, technical, or scientific in character.
4. To visit schools and agencies and to advise and counsel with superintendents and other employees regarding the development and improvement of these specialized activities.
5. Upon direction of the Commissioner to investigate and hold hearings upon matters of special complaint that involve technical or scientific subjects.