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ABSTRACT

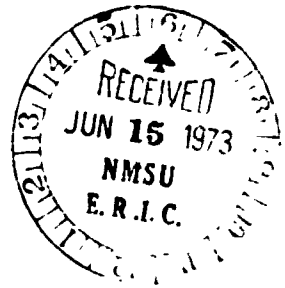
Prepared for a symposium presented September 1972 at the Great Basin Anthropological Conference (Salt Lake City) these papers represent political and ethnological research on western Great Basin Indians. The topics include (1) "Developing Political Power in Two Southern Paiute Communities", (2) "Channels of Political Expression among the Western Shoshone-Goshute of Nevada", (3) "Factionalism in a Northern Paiute Tribe as a Consequence of the Indian Reorganization Act", (4) "Reservation Politics and OEO Community Development, 1965-1971", (5) "The Role of the B.I.A. on the Reservation: Patron or Client?", (6) "Political Resources Available Through the Wheeler-Howard Act: A Case Study", (7) "The Status of Indians in Nevada Law", and (8) "Indian Tribal Governments in Nevada". The remaining part of the volume consists of 4 persons' comments on the papers. [Not available in hard copy due to marginal legibility of original document.] (HBC)

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NATIVE AMERICAN POLITICS. POWER RELATIONSHIPS
IN THE WESTERN GREAT BASIN TODAY

Ruth M. Houghton,
Editor

Bureau of Governmental Research
University of Nevada, Reno

1973

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INTRODUCTION

The papers in this volume were prepared for a symposium presented September 1, 1972, at the Great Basin Anthropological Conference at the University of Utah, Salt Lake City. These authors represent many of the people recently doing political or ethnological research in the Great Basin culture area. As chairperson of the symposium I contacted a number of anthropologists who had recently done research in the Basin so that as many people as possible who were working in this area could be included in the symposium. The resulting papers are largely on western Great Basin Indians; some research is being conducted elsewhere in the Basin, but those involved were unable to participate in the symposium or were unknown to the editor and the people contacted. Six of the eight papers are by people recently or currently completing doctoral dissertations on Great Basin Indian communities which suggests that a plea made at the 1964 Great Basin Anthropological Conference may be bearing fruit:

Two important and widely divergent gaps in the material presented should be noted here. The participants in the [1964] Conference recognized the absence of any systematic attention to problems in physical anthropology or to sociological studies of modern community organization and ethnic interrelations in the unique historical and sociocultural setting of the Great Basin western states.

The papers consider a variety of questions and represent two different disciplines; Braithwaite, Mortara, and E. Rusco are political scientists while the other authors are anthropologists. For these reasons, the papers are presented in the alphabetical order of the authors' names.

The discussants have commented on the papers as they were prepared for presentation at the conference, while some authors have made minor revisions for this volume. Time did not allow further exchange or revision of papers and comments. Not all papers were available to Professors d'Azevedo and Jorgensen in time for the preparation of comments and I regret this error.

*Fred Eggan and Warren d'Azevedo, Introduction to Warren d'Azevedo et. al., The Current Status of Anthropological Research in the Great Basin: 1964. Desert Research Institute, University of Nevada, Reno. Pp. xix-xx.

I wish to thank the Western Studies Center of the Desert Research Institute of the University of Nevada for financial aid which enabled participation of two Nevada Indians, Leah Manning and Warren Emm, in the symposium. Their comments have been abridged by the editor for inclusion in this volume. I would like to thank the people who presented papers, the discussants, and Wick Miller, who served as chairman of the 1972 Great Basin Anthropological Conference. Elmer Rusco made a large contribution to editing and preparation of this volume and Mrs. Kenna Boyer has been our capable typist.

March 14, 1973
Ruth M. Houghton

DEVELOPING POLITICAL POWER IN
THE SOUTHERN PAIUTE COMMUNITIES

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This paper concerns the Southern Paiute residents of two bi-cultural communities in Southern Utah and Northern Arizona. Specifically, it examines how these Paiute people are coping with the contemporary political system and society from their relatively powerless position.

The original research was done as a Ph.D. dissertation through the conceptual framework of political science because cultural interplay is essentially a political problem -- a question of power relationship. Political leadership in the communities studied is particularly difficult because leaders not only cope with their own powerlessness in an absolute sense, but they must also cope with their own personal identity as it relates to the contradictions between the two cultures which they confront. It is primarily the leaders' mastery of these cultural contradictions which generates increased political power and facilitates growth toward a mutually satisfying bi-cultural society.

The two cases here, Kaibab, Arizona and Cedar City, Utah, together represent the general experience of the Southern Paiute culture and were subject to approximately the same historical process. During the 19th century, both Paiute communities lost the power to control their cultural way of life at about the same time, in about the same way, to the same Anglo-American culture. In one of these Paiute groups (Kaibab) the leadership has regained a great measure of that power in that it now controls a fair amount of its destiny again. The other group (Cedar City) has not and, in fact, is in a very powerless state. Both groups continue to be surrounded by the same socio-religious Anglo culture while at the same time being subjected to significant variations in attitude and behavior from that dominant society. By almost any standard both the Kaibab Paiutes and those who live in Cedar City are more deprived and have less power in their relations with others than most of their Anglo neighbors. The deprivation goes even deeper than this, however. When the Kaibab and the Cedar City Paiutes are compared, the relative deprivation between them is the difference that stands out most sharply.

In Kaibab, Arizona there is an isolated reservation, organized on its own and affiliated with both the B.I.A. and inter-tribal groups. They have a new tribal office building and a community center and other buildings are under construction. Their homes are at least as good as the homes of the Anglos in that area and much newer, as a general rule. They have paved roads, water and sewer. Although there is an Anglo community nearby, the Paiutes have a good deal of political power and are the majority.

In contrast, in Cedar City, Utah the two Paiute bands form a single, disorganized minority ghetto located entirely within the largest town for hundreds of miles. The Indian Peaks band has been terminated while the Cedar band has not.* Neither one receives significant government aid. The Paiutes of Cedar City live in extremely sub-standard housing without pavement, water or sewer, while being surrounded by new subdivisions. Group organizations are minimal and there are no formalized ties with either the B.I.A. or inter-tribal groups. Within the larger, Anglo-dominated community they have almost no political power and are a small minority of the total population.

These differences point out how unlike the experiences of the Kaibab Paiutes are from those of the Cedar City Paiutes. At the core the difference has been between their power relationships. In every case the Kaibab Paiutes are more nearly equal, more powerful and, therefore, less deprived within their local environment than the Cedar City Paiutes. Not only in the more obvious insufficiencies such as material wealth, occupational and educational experiences and political power, but also in the more subtle deprivations of the spirit and the psyche have Cedar City Paiutes been treated unequally.

Although the Paiutes of Kaibab and Cedar City belong to the same culture and generally react outwardly in similar ways and are in fact relatives who keep close contact with each other, they are coping differently. The Paiute villages exude a different feeling just as many small towns in rural America give one a feeling of decay and despondency, as if the world were passing them by, while others, which

*Termination of the trust relationship with the United States government under House Concurrent Resolution 108, passed in 1953. Ed.

appear to be operating under the same physical constraints give one the feeling of vitality and health. Such community spirit is difficult to get a handle on because it includes every aspect and facet of the community life; therefore, its separate elements are hard to isolate and analyze with assurance.

Explanations for the differences between these two Paiute communities are many and lengthy, but briefly the study found that because of historical, economic, and social differences, a significantly more healthy psychological environment is present in Kaibab.* Leadership has developed and is now solving enough of the problems and cultural contradictions between traditional Paiute values and Anglo-Mormon values and between ideals of equality and the realities of Native American politics. Through reducing these contradictions to a tolerable level, they have been able to effect a shift in the power relationship in their bi-cultural political environment in the direction of equality.

The marked differences can be easily summarized in the following indexes derived from questionnaires which were given to all the residents over fifteen years of age in both Paiute communities. The General Psychological Characteristics index is made up of several sub-indexes of personality or an individual's psychological makeup. The indexes are political participation, sense of civic competence, attitude toward change, view of the world, racial stereotype, political awareness, Paiute image, and the discrimination index.

These indexes were adapted from Matthew & Prothro (1966), using standardized instruments and procedures.† The total of all the indexes on the General Psychological Characteristics index cannot prove anything, but it does point out the stark differences between the two closely related Paiute communities.

TABLE I
Comparison of General Psychological Characteristics
(Total Paiute Community)

	High Score (43 possible)	Low Score (-22 possible)	Average Score
Kaibab	32	-1	15
Cedar City	22	-6	7.6

*These differences center around termination, the lack of an economic and political base, and the size and general attitude of the Anglo-American community. Ed.

†See Matthew and Prothro (1966), pp. 499-528.

The magnitude of the difference is significant and the data continue in this direction. Another indicator is the Individual Paiute Image index.

TABLE II

Comparison of Paiute Image Index Scores

	High Score (11 possible)	Low Score (-7 possible)	Average Score
Kaibab	10	-3	4.3
Cedar City	11	-6	1.9

In both cases the Kaibab respondents scored approximately twice as high as the Cedar City respondents.

The Kaibab Paiutes' spirit, measured by these indexes, indicates strongly that the Kaibab Paiutes, as a group as well as individually, are healthier and more hopeful about their lives, activities, and futures than are the Paiutes in Cedar City.

In contrast to the relatively hopeful spirit of the Kaibab village, the Cedar City Paiute village gives one the strong impression that this ghetto is at least stagnated and is, perhaps, in serious trouble.

A look at the scores of individual leaders from both communities indicates a similar trend.

TABLE III

Comparison of General Psychological Characteristics
(Paiute Leadership)

<u>Cedar City Leaders</u> (average 12.6)		<u>Kaibab Leaders</u> (average 23.2)	
Band Headman	10	Council Chairman	25
Band Headman	15	Council Member A	23
Other Leader A	12*	Council Member B	20
Other Leader B	16*	Council Member C	32
Other Leader C	8*	Council Member D	29
Other Leader D	17	Church Leader E	10*
Other Leader E	9*		
Other Leader F	14*		

*Anglo-Appointed Leader

As can readily be seen, the average score of the Psychological Characteristic index for the Cedar City leaders is roughly one-half the average of the Kaibab leaders.

Bi-cultural interface is a two-way street. A great deal of care was taken in examining the relationship of the powerful segment of the communities to the powerless,

... "father" toward the "son," in general regard
... "son's" attitude toward his "father" and its effect
... contemplating the arrival of the Anglo
... effect on their mutual development over time. Since
the power relationships between the Southern Paiute and the Anglo-Americans are al-
ways changing, this analysis is of crucial importance here.

... to all the Anglo population of a fifteen mile
... village in Kaibab. The
... Anglo population was
... Cedar City.

... the results of these interviews indicated that the Anglo Ameri-
cans generally do not regard their Paiute neighbors as individuals. In Cedar
City, however, was an exception; they were not a very important segment
of the community and a feeling of some程度的 hostility was a fairly common Anglo
attitude toward the Paiutes.

... communities, it seems that in Kaibab the Paiutes are reminded
almost daily that all the nearby Anglos care about them and are friendly toward them.
Daily they see the symbols of their hand's power to affect its environment in the
form of the new road, new school, tribal office building, and the on-going construction
of their community center, bank and crafts building and more homes. The school is
the only important activity for the Anglos in Moencopie, and the Paiutes are included
in all of those activities in the single, integrated ward.

Almost daily the Paiutes in Cedar City perceive many symbols of their impotency
and powerlessness. They are reminded constantly that the Anglos don't care about
them and are not friendly toward them; as a group most do not even know them or speak
to them. Politically they are divided into two ineffectual bands with many addi-
tional factions. The Mormon church is only one of many valued Anglo activities. The
Paiutes are excluded from all but the church activities and are segregated in those,
both physically and psychologically.

In Kaibab, the Paiutes are part of the isolated Arizona Strip society. In Cedar
City, the Paiutes are surrounded by all the affluence of United States society but

are definitely not part of it. It is clear that the difference between the relative deprivations of the two Southern Paiute population centers is staggering.

Nevertheless, it seems that the single most important manifestation of the differences between the two Paiute case studies, relating deprivation and other variables notwithstanding, lies in their vastly different collective psychological spirits. This seems to be the key barrier to political development. Such a contention would be very difficult to prove but nevertheless for whatever causes, all observations and data do point out powerful and basic psychological differences in Kaibab and in Cedar City. Kaibab is collectively psychologically prepared for organization and increased responsibility, participation and power. The Cedar City Paiutes as a group just do not appear to have this kind of readiness at this time.

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CHANNELS OF POLITICAL EXPRESSION AMONG
THE WESTERN SHOSHONE-GOSHUTE OF NEVADA

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In the United States, political parties have in the past been a major channel of political expression. Political expression concerns the persuasive faculties of a group of individuals which intends to convince others that its own conception of the proper distribution of power, the means of attaining it, and how to use it is essentially more correct and just than either the status quo or other alternative. Political expression is important because it is crucial in achieving political action, which in turn accomplishes the attainment of power, its redistribution, and its use.

Recently, the Democratic and Republican parties have been making strenuous efforts to draw members of minority groups into party politics. This effort was quite evident at the recent Democratic convention, where party rules were carefully re-written to incorporate minorities into state delegations. The assumptions underlying these efforts are: 1) Minorities will achieve more effective political expression within the party machinery than outside of it; 2) Such political expression will result in political action that is more favorable to these minorities; 3) The parties will achieve more public support by catering to minorities. However, examination of the channels of political expression which the Western Shoshone and Goshute tribes already have at their disposal indicates that for American Indians, the standard party machinery and "democratic process" of elections and voting is probably largely irrelevant, and that American Indians will probably continue to achieve political action by using channels of political expression that are exclusively Indian.

One of these exclusively Indian channels is the Western Shoshone-Goshute traditional leadership. In aboriginal times, Shoshones were organized in loosely-structured villages that had a village chief and usually a ceremonial chief and hunt chief besides. Contact with Euro-Americans and acquisition of horses necessitated a band form of social organization and a military force to deal with the invaders. In the initial contact period, some of these chiefs achieved paramount importance through band and military leadership. One of these was Te-Moke, whose band centered around Ruby

Valley, Nevada.

Te-Moke seems to have been accorded the status of paramount chief by most of the Western Shoshone bands, except the nomadic "White Knives" and the bands around Reese River, and Te-Moke seems to have united the Goshute and Steptoe Valley Shoshones with the Shoshones along Burdick River in a loose federation. Consequently, the U.S. Government tried to gain favor with Te-Moke and the chiefs who were affiliated with him in an effort to win certain privileges and concessions in Nevada. When the Treaty of Ruby Valley was negotiated in 1863, Te-Moke signed the Treaty as paramount spokesman for the Western Shoshone Nation, and for many years thereafter, Te-Moke and his sub-chiefs acted as the primary channels of political expression through which Shoshones negotiated with the U.S. Government. It was largely through the efforts of Te-Moke's son and his interpreter that the Government was persuaded to establish the small reservations of Ely, Elko, South Fork, Ruby Valley and Duckwater during the 1930's and '40's.

However, in 1934 Congress passed the Indian Reorganization Act, and a new era in U.S.-Native American relations was opened. The Act was written and proposed to Congress by John Collier's "Indian New Deal" administration as a means for systematizing Indian governments, introducing European parliamentary procedures to Indian groups, and making it easier to introduce Government programs and projects to Indians. According to Julian Steward (1969), who worked with the Collier administration for a short period, Collier intended to recreate as much as possible the communal sovereignty of Indian tribes that had ruled the continent before contact with Europeans. However, Steward regarded Collier's scheme as an ill-fated attempt to recreate a mythical past for Native Americans that had never existed, and to create essentially socialistic forms of social organization that could never achieve true sovereignty or success in a capitalist society. His own recommendations for Western Shoshones and other tribes among whom he had worked for many years were ignored, and according to Ed Kennard and Gordon MacGregor (1953), who also worked for the Collier administration as consultants, the recommendations of most of the anthropologists associated with the Bureau of Indian Affairs were not adopted. Most of these recommendations made the same point; reconstruction of Indian communities could best be made by building on indigenous leadership patterns and social organization, rather than introducing something foreign.

While the anthropologists were writing studies and making recommendations, Indian Bureau personnel were meeting with Indians of various tribes who manifested interest in Collier's reorganization plans. When the Indian Reorganization Act was presented to Congress, it had the support of those Indians with whom Collier had been holding meetings. The Act was then presented to Indian tribes on most of the larger reservations. The Act stipulated that at least 30 percent of the eligible voters on a reservation must vote to make the referendum valid, and that the conditions of the Act would be applied to that reservation if a simple majority voted to accept it. Acceptance meant, among other things, access to the Indian Revolving Loan Fund and organization of an elected "tribal council" that would act as the group's spokesman to the U.S. Government. The council's actions would be subject to approval by the Secretary of the Interior.

In eastern Nevada, only the Duck Valley and Goshute tribes opted for reorganization. However, as part of its policy of returning limited amounts of land to Indians, the Collier administration established several small reservations for western Shoshones between 1937 and 1942. These were the Ruby Valley, Odgers Ranch, South Fork, Elko, Ely, Yomba and Duckwater reservations. The South Fork, Elko, Yomba and Duckwater groups were offered the opportunity of reorganizing, accepted the Act, and formed tribal councils. I have no information on whether or not the Ruby Valley, Ely or Battle Mountain groups were offered the opportunity of reorganizing; however, none of them ever did, except Ely, which adopted the Act in 1966. Neither reservations nor tribal councils were set up for Indian communities around Austin, Beowawe, Eureka or Wells.

Since the Act required only 15 percent of the eligible voters of a reservation plus one to approve reorganization, approval of the Act on any particular reservation did not necessarily indicate widespread approval by the group in question. Based on field work in 1937, Jack Harris (1940) says that a substantial number of Duck Valley Indians were not happy with the tribal council established in 1936, and that these "conservatives" considered the council to be nothing more than a puppet government under control of the Indian agent at Owyhee. Indeed, among the five Western Shoshone groups that accepted reorganization between 1936 and 1942, fewer than 300 persons voted for the Act, and substantial numbers of Shoshones--including many to whom the Act had never been presented--did not approve of the new "tribal councils." Among

these was Machach Temoke, son of Te-Moke and inheritor of Te-Moke's position as principal chief. For Machach Temoke and his sub-chiefs, the advent of tribal councils meant the rise of new leadership which could eclipse the positions of the traditional chiefs, whose influence had been quite effective in holding together the Western Shoshone nation during the 1920's and '30's. It also meant that with the tribal councils, the white man could exercise more control and have more influence over Indians. Therefore, during the 1940's when the South Fork, Elko, Duck Valley, Duckwater, Yomba and Goshute tribal councils were organizing, gaining strength, and developing governmental structures along lines mandated by the Indian Bureau, Temoke and his sub-chiefs were beginning to solidify their traditional positions of leadership.

In the past 15 years, political activity of the tribal councils and the Western Shoshone traditional leadership has grown and divergent philosophies have been articulated by both groups. Of the tribal councils, Duck Valley, Elko and South Fork are the most active; the traditional leadership under Frank Temoke--grandson of old Te-Moke--has organized its own Traditional Council consisting of members and constituents from Ruby Valley, Duck Valley, Elko, Wells, South Fork, Beowawe, Battle Mountain, Carlin and Goshute--where the tribal council represents only those Indians living at Ibapah. The tribal councils recognize the government of the United States and the state of Nevada as their sovereigns, and operate within laws and regulations established through the United States political and legal system. The Traditional Council, in contrast, maintains that Western Shoshones are not U.S. citizens but are citizens only of the Western Shoshone Nation of Indians, that the 1863 Treaty of Ruby Valley conveys sovereignty on the Western Shoshone Nation and equality between the Western Shoshone and the United States, and that U.S. laws and politics are binding only on the white man in his relations with Indians, and not on Western Shoshones.

The divergent goals of the tribal councils and the Traditional Council reflect these basic differences in philosophy. The tribal councils are generally concerned with the issues and topics of a local, bread-and-butter nature, and formulate goals within the framework of Government programs and agencies. Improved housing, jobs, health, sanitation facilities, road improvement, and stock and agricultural programs are among the topics which involve the councils heavily. The Traditional Council

also manifests concern for these issues, but bases its position on such things as civil rights, hunting and fishing rights, treaty rights, the Western Shoshone land status and land claim, and the general situation of Native Americans in white-dominated America. Unlike the tribal councils, which have cooperated with the BIA's efforts to find Indian groups that could represent entire tribes in proceedings of the Indian Claims Commission, the traditionals have consistently refused to participate in the filing of claims. The traditional leadership insists that filing such claims constitutes sale of tribal land at prices far below the land's actual value, and that only restoration of full hunting and fishing rights on public domain without licensing or restriction, opening of public domain to Indian settlement without conditions or fees, payment of royalties on mineral and other wealth taken out of treaty-recognized land, and recognition of the paramount right of Western Shoshones to make decisions regarding use of public domain land within the Western Shoshone Treaty area can compensate Shoshones for the use and occupancy of their lands by U.S. citizens and Government over the last 100 years.

Assertion of Shoshones' rights as members of a sovereign nation and as the owners by treaty right has involved the traditionals in conflicts with the State of Nevada on numerous occasions. Defiance of State fish and game laws on the public domain continually aggravates State officials and usually brings \$50 or \$100 fines from judges who do not honor an Indian's hunt for a winter meat supply above the law or distinguish between laws to regulate pleasure hunters and a hunt for subsistence. And the traditionals' meetings of the mid-1960's, at which several hundred Indians at a time denounced claims attorneys hired by the tribal councils with BIA approval and backing, initiated heated disagreements between traditional spokesmen and tribal council officials over the position of Indians vis-a-vis the United States and the best strategy for maximizing Nevada Indians' access to land. Thus it is the traditionals on various reservations who provide the opposition leadership in community politics, and who actively take the part of "conservatives" or dissidents who either disagree with the tribal council's policies or present grievances and complaints on local issues on which the council or the BIA are expected to act.

Occasionally the tribal councils and the traditional leadership line up on the

same side, when conflicts concerning the relationship of U.S. society to Indians and the exercise of Western Shoshone sovereignty are brought about by the actions of federal, state, or local governments which strongly affect Indian communities. This happened in 1968, when the Nevada Legislature contemplated the passage of three bills that would have adversely affected all Nevada Indians, on and off reservations. One bill would have outlawed use of peyote, another would have abolished free hunting and fishing licenses for Indians, and the third would have placed a state tax--in addition to federal taxes--on pinenuts, a favorite food resource of most Southwestern-Great Basin Indians. The Duck Valley Tribal Council and the Inter-Tribal Council of Nevada as well as other Indian groups, denounced the bills, and representatives of both groups spoke against them at a public session of the legislature. Representatives of the Traditional Council lobbied heavily against the bills, mobilizing public support against them, and condemning them as violations of the 1863 Treaty of Ruby Valley. All three bills were defeated.

In the past year, the traditionals have once more asserted the position that ownership of the public domain of eastern Nevada rests with the Western Shoshone Nation by right of sovereign treaty with the U.S. Government in condemning the Bureau of Land Management's destruction of over 40,000 acres of pinyon-juniper forest over the past fifteen years. The destruction is part of the BLM's land clearing project, ostensibly to increase browse for deer and other wild animals. However, the effect of the clearing project in some areas is to eliminate patches of forest--300 to 400 years old--that provide cover for deer, and replace these trees with exotic grasses that are not suited for wildlife, but rather for cattle and sheep. In other areas, the pinyon-juniper removal only stimulates new growth and promotes a thicker stand of trees. In still other areas, where trees are left to decay where they fall, the tangle of dead limbs and brush prevents any grass from growing, except in negligible quantities, and the area has become unsuitable for cattle, sheep, deer, and for pine-nut gatherers as well. The Forest Service has also cleared some acreage, and a pinyon-juniper stand on Overland Pass above Ruby Valley stands out as a dead-gray patch where the Forest Service killed the trees but left them standing as ghostly testaments to bureaucratic procedure.

The BLM--which has pushed its clearing projects much more extensively than the Forest Service--is a target of traditional criticism for three basic reasons: First, it claims exclusive right to determine use and disposal of the area that traditionals consider to be Western Shoshone Treaty territory, second, in the pinyon-juniper clearing project, it is destroying trees that are a customary source of food for Nevada Indians; third, it is attempting to serve the interests of cattle and sheep ranchers rather than the interests of indigenous wildlife and Native peoples and is trying to introduce foreign biomes to nature just as Euro-Americans have tried to introduce foreign life styles to Indians. The traditionals' criticism has found support in sympathetic news media, among Paiute groups of Nevada, and in the Sierra Club, the Native American Rights Fund, and other non-Indian conservation and Indian interest groups. So far, the tribal councils have remained silent on the pinyon-juniper issue; thus Chief Tomoko and the Traditional Council have increased their political importance and influence and strengthened their position as a political entity in the eyes of the non-Indian public, which is sometimes loathe to legitimate political expression that is not phrased in terms of political parties, legislative governments, and the U.S. style of interest-group representation. Among the traditionals' supporters on the pinyon-juniper issue are Senator Edward Kennedy and Representative Ron Dellums, who were both reached through private contacts and totally outside the Democratic party organization as well as outside the usual lobbying channels.

Although the tribal councils and the Traditional Council are often political rivals, their constituencies overlap. The Traditional Council is an all-tribal body; although the Ruby Valley, Reservation Goshute and Battle Mountain communities are its staunchest supporters, it maintains constituents in almost all the Western Shoshone communities, and is a tribe-wide body rather than community-based. The tribal councils, though opposed by the traditional leadership in principle because of their origin in the Bureau of Indian Affairs rather than the Western Shoshone tribe, are the only local bodies through which local issues and actions can be manifested. Therefore, some traditionals participate in tribal council politics, and occasionally gain control of a council in much the same way that an opposition party gains control of a legislature in the Anglo-American style of two-party representative government.

It is difficult to phrase the western Shoshone political situation in U.S. political terms, but one might say that the tribal councils represent the populist, bread-and-butter, everyday aspect of political expression, and the Traditional Council represents the philosophic, "foreign policy" aspect of political expression. For issues and actions of a local nature involving cooperation with Government agencies for the purpose of local jurisdiction, reservation upkeep and improvement, and local health, welfare and employment, the tribal councils serve as channels of expression to the Inter-Tribal Council or the Bureau of Indian Affairs and thence to the executive and legislative branches of the U.S. Government, to which the councils accord jurisdictional reality by nature of their origin and structure. For issues and actions of a tribal nature involving protest of tribal council actions, protest of U.S. Government policies and assertion of Western Shoshone sovereignty and land-based nationhood, the Traditional Council serves as a channel of expression to the Indian public, the United States public, the tribal councils, and the U.S. Government, and relies on its own ingenuity and resources to achieve its effect totally outside the structures established within the U.S. Government and political system.

With the tribal councils and the Traditional Council providing channels of political expression, Western Shoshones have little need for the political parties which are now making such strenuous efforts to incorporate minorities and minority issues into their ranks. The tribal councils have access to direct links with the Bureau of Indian Affairs and indirect links through the Inter-Tribal Council with the Department of Health, Education and Welfare, the Department of Commerce, and various community-based development programs and state agencies, with standard party politics playing little role on the Indian end of transactions. An example of how these links with the U.S. Government function in a political sense for Indian communities is the initiation of the El-Shoni Corporation, a company wholly owned and controlled by the Elko Colony Council. The company manufactures fishing lures and amplifying sound systems and employs over two dozen Indians. Through the political channels open to tribal councils in Nevada, the Elko Shoshone Colony received assistance to set up the company from the Manpower Development Training Administration, the State of Nevada Office of Employment, the Economic Development Administration, and the University of Utah, with

partisan politics playing no role at all in the entire procedure.

The Western Shoshone Traditional Council likewise takes action on behalf of Shoshones on a tribal basis without involvement in party politics, by utilizing techniques of a dramatic and persuasive nature that have characterized minority political activity and have frustrated advocates of party organizations as channels of expression and action. Examples of such action are the successful building of an Indian-led ecology movement stemming from criticism of the BLM's pinyon-juniper clearing project, and the enforcement of "no hunting" regulations for non-Indians on reservation land, when a mounted party of Indians dressed themselves in war paint and feathers and drove five hunters off the Ruby Valley Reservation in the fall of 1968. The Indians conveyed a political message in this manner much better than they could have done by going to their local elected official--the sheriff--and asking him to put the trespassers off.

It is ironic that in its relations with Western Shoshones, the U.S. Government has twice established or acknowledged certain political leadership which it regarded as the official representatives of the Western Shoshone and Goshute peoples. In 1863 and for many years thereafter, the Government acknowledged Te-Moke and his sub-chiefs as spokesmen for the tribe; then in the 1930's and '40's, the Collier administration established the tribal councils, and the Government attempted to supplant Te-Moke's descendants with leaders established according to the Government's new rules that would function more closely under BIA supervision. It is doubly ironic that the old leadership has survived along with the new and is still a potent political force, and that, in attempting to manipulate Western Shoshone leadership and political patterns, the United States has boxed its own political system into a corner from which it can hardly hope to persuade Shoshones and other Indians that there is any advantage to participating in party politics, campaigning, or elections. Even if termination would force the dissolution of reservations and the reduction of reservation communities to mere towns or cities, it is unlikely that Indians would be easily persuaded to abandon the community-based political organizations which they now have, and it is even more unlikely that the Traditional Council, with a broad base throughout the Western Shoshone and Goshute tribes, would cease its efforts to perpetuate Western Shoshone

sovereignty and aboriginal rights and to provide Shoshones with a substantial channel for voicing their own policies regarding the use and disposal of land and resources in the Shoshone and Goshute treaty areas.

As channels of political expression, the tribal councils and the Traditional Council have achieved much more political action and public support on behalf of Shoshones than have the Democratic or Republican parties. It is therefore unlikely that either the Republican or Democratic parties will be able to draw many Native Americans into party politics as long as traditional leadership patterns persist and as long as tribal councils or other community-based representation are active. As the disaffection with political parties in the United States grows, and with more than half a dozen new political parties formed in the last ten years, it is possible that the Republicans and Democrats will be looking for new channels of political expression long before Native Americans do. For Native Americans are finding that their situation, knowledge, ideas and heritage are now of interest to the inheritors of conquest in much greater proportion than their numbers would warrant, and than any old-style effort to "win the minority vote" on the part of the two ballot-box parties could drum up.

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FACTIONALISM IN A NORTHERN PAIUTE TRIBE AS A CONSEQUENCE
OF THE INDIAN REORGANIZATION ACT.¹

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I. Introduction

Smith and Mason Valleys, Nevada have been a home for Northern Paiute Indians since at least the 1850s (Hittman 1965). Following white settlement of the valleys, which began in 1859 in Smith Valley and in 1860 in Mason Valley, Northern Paiutes abandoned their foraging ways to become ranch and farmhands. Acculturation was rapid and by the first decade of the twentieth century most of traditional Paiute culture had disintegrated. Between 1869 and 1892 Smith and Mason Valley Paiutes participated in the 1870 Ghost Dance religion, which functioned as a transformative social movement for them (Hittman 1973), and originated the 1890 Ghost Dance religion, which functioned as a redemptive social movement for them (Hittman 1971).^{*} In 1896 opiates became popular among them and until 1934, large numbers of Smith and Mason Valley Paiutes were addicted to yen shee and later to morphine (Hittman 1971).

The Yerington Paiute Tribe was created in 1936 under provisions established by the Indian Reorganization Act. The Yerington Indian Colony, located in Mason Valley, became the early "capital" of tribal life. Campbell Ranch, a ranching-farming reservation for Smith and Mason Valley Paiutes, also located in Mason Valley, was purchased in 1936; its purchase resulted in a displacement of the capital of tribal life to this reservation. In spite of the fact that bilateral kinship casts a web which encloses all Smith and Mason Valley Paiutes in a single social system, residents of Mason Valley's Yerington Indian Colony and Campbell Ranch have eyed each other with suspicion and at times contempt ever since the formation of this modern day tribe: the tribal council was originally synonymous with the Colony but soon became dominated by Campbell Ranchers. This domination of tribal politics lasted until 1966, when a trend began which eventually returned control of the council to the Colony. The history of this tribe for nearly forty years has been marked by factional disputes. Yet members of the tribe speak earnestly about the need for tribal unity, emphasizing this with the slogan, "We are one tribe." The following paper describes some of the dynamics of factionalism in

^{*}See Aberle 1966, chapter 19, for a classification of social movements. Ed.

this modern day tribe.²

II. The Yerington Paiute Tribe

Until 1917 Northern Paiute Indians of Smith and Mason Valleys were scattered throughout both valleys, residing upon the ranches and farms where they found employment, or nearby the towns of Yerington, Mason, and Wabuska in Mason Valley, and Wellington and Smith in Smith Valley. The Tenth Federal Census enumerated two hundred and eighty-two Indians living in both valleys in June of 1880. Between the years 1896 and 1934, there were approximately four hundred Smith and Mason Valley Paiutes. In 1937, a Bureau of Indian Affairs census reported that there were three hundred and eighty-two Smith and Mason Valley Paiutes. And in 1968, a demographic survey undertaken by VISTA workers reported that there were two hundred and ninety-three Smith and Mason Valley Paiutes.

A. Yerington Indian Colony

In 1917 the federal government purchased 9.456 acres of land approximately one mile southwest of the city of Yerington. Designated as the Yerington Indian Colony the land was intended for occupancy by non-reservation Paiutes. On and near this land Paiutes had camped ever since time immemorial. In 1917 they were forced to relocate their tule houses, surplus army tents, and lumber houses in two rows along either side of the unpaved road which ran down the center of the Colony. The BIA's 1937 census reported thirty-seven households and one hundred and thirty-eight Indians living at the Colony in that year. VISTA workers reported twenty-six households and one hundred and twenty-three Indians living at the Colony in 1968.

In 1941 and 1942 the BIA had twenty-two so-called rehabilitation houses constructed at the Colony; two others were purchased from the Hawthorne Naval Base and moved to the Colony. These two-room, twelve-by-eighteen feet in size, lumber houses replaced most of the other types of dwellings. The tribal council gave priority for occupancy to elderly persons. As they died, younger Paiutes with growing families replaced them in the rehabilitation houses. It was not uncommon to find up to five persons living in these small houses, which lacked indoor plumbing, in 1968. Most Colony Paiutes work as farm and ranch hands, and as domestics.

The Colony qua geographical area has been and still is the hub of Indian life in Smith and Mason Valleys. The reasons are as follows:

- (1) the largest percentage of tribal members reside there;
- (2) the Colony's proximity to Yerington (and in earlier times to the once-thriving but now extinct town of Mason), where medical services, groceries, and alcohol are obtained;
- (3) the Colony's proximity to the Methodist Indian Mission, where many socio-recreational activities as well as the early tribal political activities took place;
- (4) the existence of a gambling house at the Colony until the early 1950s; and
- (5) since 1954, the location of the Bethel Indian Mission at the Colony, where church services, funerals, and occasional tribal activities are held.

B. Campbell Ranch

In July, 1936 the federal government purchased 1,036.24 acres of prime alfalfa land in Mason Valley and designated it as a farming and ranching reservation for landless Indian families. In November, 1941, an additional one hundred and twenty acres of land were purchased and added to Campbell Ranch.

The federal government purchased Campbell Ranch after residents of the Yerington Indian Colony voted thirty-one to three on June 15, 1935 in favor of applying the Wheeler-Howard Bill to Smith and Mason Valley Paiute life; and after they voted on December 12, 1936 in favor of accepting the Constitution and By-Laws drawn up for them qua Yerington Paiute Tribe.³ The first tribal council, elected in November, 1936, was an all-Colony council. The original list of prospective applicants for Campbell Ranch assignments included only Colony residents. Factors such as the delay in the transfer of Campbell Ranch to the federal government and the realization by Paiutes, arising out of their long acculturation experience as ranch and farmhands, that it would be miraculous if any Paiutes could survive on Campbell Ranch, led several Colony Paiutes to withdraw their names from the original applicant list. When Campbell Ranch was finally occupied in 1937, of the twelve assignees, four families were from Smith Valley (they were not even included on the original reserve list); and when one Mason Valley Paiute family abandoned their assignment in 1938, they were replaced by yet another

Smith Valley Paiute family. As a result, there was a severe decline in the Smith Valley Paiute population; in 1968 there were only sixty-eight Indians living there, and some of them were not Northern Paiutes.

Campbell Ranch was divided up among the original twelve Paiute families into assignments ranging from twenty-four to thirty acres in size. BIA experts predicted that it would be impossible for anyone to survive on less than forty acre assignments in these years.⁴ Yet, one of the original assignees still ranches; the Smith Valley family which moved to Campbell Ranch in 1938 still ranches; and five of the original families survived from eight to fourteen years upon the reservation. Since 1937, however, the number of occupants has decreased while the size of assignments has increased. By 1951 there were nine families ranching at Campbell Ranch; each family held approximately sixty acre assignments. In 1968 there were eight families residing there, but only five of them were actively ranching, and the size of each's assignment was roughly eighty acres.

Campbell Ranchers plant fields of alfalfa or grains, raise cattle and/or horses, and are forced to seek off-reservation employment. In its early years, ranching and farming were possible provided that an assignee could call upon immediate relatives for labor, capital, or equipment. Those families who survived on Campbell Ranch were precisely the ones who had close relatives on adjoining assignments.

Because the original assignments were so small, and because part and parcel of the New Deal for Indians was the goal of re-establishing Indian communities (cf. Kunitz 1972), the government forced Paiutes to work the reservation as a collective enterprise. Several of the original assignees opposed this because they heard or saw how a similar scheme failed among neighboring Washo Indians.⁵ Nevertheless, Campbell Ranch functioned largely as a collective enterprise during its first years of existence. The original assignees were given one hay wagon, two mowing machines, a cellar in which to store seeds, and later (in 1941) a commercial tractor, to share. While each family purchased their own herd of cattle under the revolving credit system, bulls were owned and cared for collectively. Moreover, the BIA sold all of the Campbell Ranch alfalfa crop to an Antelope Valley rancher, who, incidentally, was also given permission by the government to winter part of his extensive herd of cattle within the fenced perimeters of the

reservation.⁶

Campbell Ranchers always preferred an individualistic to a collective ethic. Probably this was associated with their pre-contact foraging ways which were related to the absence of permanent structural groups larger than the extended family (Steward 1938). The individualistic ethic of these valleys' white settlers would also have influenced Paiutes. In any case, when families became financially able, they purchased their own equipment with which to work their individual assignments. The clash between the spirit of free enterprise and that of collective enterprise is revealed by the Campbell Ranch-dominated tribal council which frequently has to enact resolutions enforcing cooperation among Campbell Ranchers in such activities as fence mending, pasture seeding, irrigation ditch cleaning, care of the water pump, and so forth. Although it was never enforced, the tribal council passed a resolution in 1948 stipulating that Campbell Ranchers who failed to help during these activities would be fined \$5.00.⁷

III. Yerington Paiute Tribal Factionalism

One does not have to remain long among Smith and Mason Valley Paiutes before discovering a condition of rivalry between Campbell Ranchers and Yerington Indian Colony members. Tribal council minutes attest to the historicity of this datum.

Yerington Indian Colony Paiutes make the following charges against their Campbell Ranch kinsmen. They are usurpers from Smith Valley who took over tribal politics; they borrow money from the Colony's treasury and use it for ranch business, without ever paying it back; they are so preoccupied with their own affairs that they show no interest in Colony affairs. In addition, Campbell Ranchers are said to act in a haughty and superior manner; indeed, to act more like whites than like Indians.

Campbell Ranchers view Colony Paiutes with considerable disdain. They characterize life at the Colony as a Dead End. If all else fails, they say, one can always marry a cousin--a disvalued custom following contact--and settle down in a rehabilitation house and have ten children. The Colony is also characterized as a place to which those Campbell Ranchers who fail at ranching can retire, or a place to which Paiutes who can't make it in the white world can fall back. One Campbell Rancher used the metaphor

of two frogs in two bowls of milk in order to characterize the differences between these two tribal social segments: Colony Paiutes, he said, were like the frog who does not try to escape and so it drowns in the milk, while Campbell Ranchers were like the frog who swims so hard in order to escape that the milk turns to butter, thereby allowing it to escape. Another Campbell Rancher ridiculed my query as to whether or not Colony Paiutes would be able to afford the rent schedules on the mutual self-help houses being proposed in 1968: they couldn't pay the \$2.00 per month utilities bill, he said, and so how would they be able to pay rent!

In describing Colony Paiutes, Campbell Ranchers use many of the pejorative terms local white racists use against Paiutes; i.e., terms such as "shy," "dumb," and "backwards." One Campbell Rancher, the offspring of an Indian-white mating, and light in skin color, even hypothesized that the inferiority of Colony Paiutes is correlated with the high incidence of full blooded Paiutes living there. If Campbell Ranchers characterize Colony kinsmen as shy, dumb, and backwards, they contrast these behaviors with their own. They proudly relate how well they (and their children) interact with whites, and how well their children perform in the public schools. Finally, Campbell Ranchers view the Yerington Indian Colony as an area where "winos" congregate. In response to the Colony charge that Campbell Ranchers qua council members neglect the Colony, Campbell Ranchers respond that the only business the Colony ever has is "drinking business."

These self and other images held by Campbell Ranchers and Yerington Indian Colony Paiutes, respectively, are reinforced by the attitudes of local whites. In general, whites characterize the Colony as a "festering sore" and a place where drunkards congregate. Campbell Ranchers are characterized as a better class of people.⁸

Clearly, the basis of this rivalry lies in the creation of the Yerington Paiute Tribe under the Indian Reorganization Act. The Yerington Indian Colony was treated by BIA officials as the tribal "capital." The preamble to this tribe's constitution reads, "We, the Indians residing on the Indian Reservation at Yerington, Nevada, known as the Yerington Colony site...." The vote to accept the Wheeler-Howard Act (the Indian Reorganization Act), the constitution, and the by-laws was taken among Colony residents

alone, even though the tribe legally subsumes Paiutes living in Smith and Mason Valleys. The first tribal council was an all-Colony council, and most of the early business of the tribe was conducted either in one of two Colony rehabilitation houses, or in the Methodist Indian Mission which was located close to the Colony site.

The purchase of Campbell Ranch, however, changed this. Campbell Ranch is eight miles from the Colony. This distance, coupled with the voluminous economic transactions engendered by the formation of the reservation in 1936, eventually led to a displacement in the locus of tribal political life from the Colony to the Ranch.⁹

The displacement occurred within the space of a few years and was abetted by several factors. First, a bunkhouse included in the original Campbell Ranch purchase was converted into an all-purpose community center. Between 1941 and 1943, the building served as a day school; between 1968 and 1970, the building served as the school house for Operation Headstart. Since 1940, the building has served primarily as the site of monthly tribal council meetings. Second, three Campbell Ranchers were elected to the second tribal council, in 1937. Thereafter, not only were tribal council meetings held at Campbell Ranch, but until 1966 every council contained five Campbell Ranchers, while thirteen of the fourteen who have served as tribal chairman were Campbell Ranchers.

The thirty-year control of tribal politics by Campbell Ranchers sustains factionalism. Some of the ways in which factionalism is manifested can be indicated.

A perusal of tribal council minutes reveals that most tribal business revolves around Campbell Ranch activities: loans for farm equipment, repayment issue cattle, the problem of the need for communal work on the reservation, and so forth, occupy most of the business time at council meetings. Colony matters discussed at council meetings are as follows: collection of rent from rehabilitation house assignees; collection of a monthly license fee from the Colony's gambling house owner; obtaining paint from the BIA in order to repaint the Colony's houses; reassignment of houses following the death or vacancy by occupant; and control of certain Colony residents' drinking behavior. Both in length of discussion time and frequency of appearance, these matters are outweighed by Campbell Ranch matters.

The symbolic importance of Campbell Ranch in tribal matters is clearly revealed

in that tribal council meetings were suspended during the agricultural seasons of certain years. In 1947, council meetings were suspended between May 5 and November 13; in 1951, between June and October; and in 1953, between June and September. This constitutes another source of aggravation among Colony Paiutes.

The dependence of Campbell Ranchers upon the BIA encouraged them to institutionalize their control over the tribal council. Although there is no constitutional basis for it, a procedure of electing five Campbell Ranchers and two Colony Paiutes was initiated by Campbell Ranchers in 1940. Beginning in 1943, election ballots were divided into two categories--Ranch and Colony--and candidates were voted upon accordingly. The 1949 council legitimized this procedure by a formal motion which read as follows: "Regulations for candidates will be as follows--Campbell Ranch 5, Colony 2." Although only ordinances are binding for longer than a year, this motion has functioned as an ordinance.

The Yerington Paiute Tribe, then, was created as a single corporate body. The Yerington Indian Colony, where the largest percentage of Smith and Mason Valley Paiutes resided, served not only as the early tribal "capital," but also as the social and political synonym of the tribe. With the purchase of Campbell Ranch and the relocation of Paiutes upon this reservation, it became a second social segment of the tribe. Campbell Ranchers came to dominate the tribal council and to wield political power over tribal affairs. Hence, the genesis of factionalism in the Yerington Paiute Tribe. Three issues over which factionalism crystallizes can be described:

(1) Money Matters

The Yerington Paiute Tribe has no regular source of income. Most of the money in the tribal treasury derives from Colony taxes. Colony members pay a monthly utility tax, which goes towards water and electricity costs. Between 1943 and 1949, Colony Paiutes paid a \$2.00 per month tax upon the rehabilitation houses, the money to be used for repairs and repainting. Between 1943 and the early 1950s, the different proprietors of the gambling house located at the Colony paid a monthly license fee which was divided between the tribal treasury and the city of Yerington. Campbell Ranchers pay \$35 per agricultural season, the money to be used for cleaning out irrigation ditches in the spring. Prior to 1968, when Colony Paiutes regained control of

the tribal council, this money was kept in a separate fund: after 1968 this money was placed in the tribal treasury.

Colony Paiutes claim unequal redistribution of tax moneys, i.e., Campbell Ranchers take advantage of the common treasury: since they control the vote, they use the treasury for their own purposes and neglect Colony needs. This situation led a Colony council member in 1942 to propose a motion that there should be two treasuries rather than one, the Colony treasury and the Ranch treasury. Campbell Ranchers controlled five votes on the council and defeated the motion. Several years later, however, a debate over how to divide up income obtained from the sale of items made by a sewing club eventually led to a division of tribal funds into two separate treasuries. Nevertheless, because Campbell Ranchers dominated tribal politics, Colony Paiutes assert that they borrow money without ever returning it to the Colony treasury.

Money matters, then, are a constant focus for the expression of factionalism. In 1967, when the tribe allowed the Sierra Pacific Power Company to construct a 120,000 volt H frame over Campbell Ranch, endemic factionalism erupted. Sierra Pacific agreed to provide free electricity to Campbell Ranch homes, to pay damages for injuries to livestock, and to give \$500.00 to the tribe. Campbell Ranchers, who traditionally argued (and voted) that any Colony taxes be divided equally between both social segments' treasuries, now argued that this money rightfully belonged to them. Colony Paiutes, marching under the "We are one tribe" banner, argued that the money should be divided equitably. Because Campbell Ranchers in 1967 and 1968 no longer controlled the vote, there was equitable distribution of the money.

(2) Campbell Ranch Assignments

There are always fewer assignments at Campbell Ranch than Paiute families who request them. Those Campbell Ranch families who survived on their original assignments were able to do so only by trading off uncultivable lands for cultivatable lands following abandonment by fellow assignees; and by stressing certain kinship ties among related Campbell Ranch families and thereby pooling labor and equipment. One family in particular, pseudonymously called the Morgans, has been especially successful at this. John Morgan and his stepfather were two of the original assignees. Both

are from Smith Valley. In 1937 their families lived together in one house on the reservation. They cooperated in that John Morgan returned to Smith Valley and worked as a cowboy, while the rest of his family, along with his step-father's family worked both Campbell Ranch assignments as if they were a single assignment. In succeeding years two of John Morgan's sons obtained separate assignments at the reservation, as did his brother-in-law. While these relatives worked off the reservation, John Morgan worked their assignments for them. Not only does the Morgan extended family control most of the land at Campbell Ranch, but they also control council politics since two or more of them are usually voted in as councilmen.

Thus, it has been almost impossible for "outsiders" to receive assignments at Campbell Ranch. The Morgans are especially resented. But since the modern vehicle for the expression of anger is the tribe, it is the Morgans qua Campbell Ranchers who are resented. Campbell Ranch families who fail not only blame their failure upon the Morgans rather than upon the meager governmental assistance they received, but since they go to live at the Colony they then express their resentment in terms of the Colony versus the Ranch.¹⁰

(3) Enforcement of Social Control

Article VI, Sections 1h and 1i of the Yerington Paiute Tribe's Constitution empower the tribal council to "promulgate and enforce ordinances...providing for the maintenance of law and order...which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Yerington Paiute Tribe...." Relatively few times has the council so acted. In 1940, for example, upon promptings by misinformed and ignorant governmental representatives, the council voted to ban peyote from the reservation (Hittman 1970). One issue over which the council has frequently been called upon to act concerns the behaviors of those who drink too much.

Because of the large Indian population living at the Colony, the Colony's proximity to Yerington city, and because of considerable in- and out-migration due to job opportunities in Smith and Mason Valleys, there are always Indians with drinking problems residing on or near the Colony. Paiutes are loathe to complain about such persons to the tribal council since there are no Smith and Mason Valley Paiute families without at least one "wino" in them. But when a Colony house becomes a drinking house,

and husbands frequent it, then the temperance passions of their wives are aroused and they lodge complaints with the tribal council. Three times in the history of the Yerington Paiute Tribe the tribal council has been petitioned by Colony members to evict Colony assignees who allow their houses to become drinking houses; and in each of these instances the council has so acted. Since kinship is a strong factor in tribal life, and since Smith and Mason Valley Paiutes are related to one another, evictions inevitably stir up some resentment. And since council members predominantly have been Campbell Ranchers, blame is ultimately laid in their laps. Campbell Ranchers, in turn, legally charged qua tribal councilmen to effect social control, find yet more evidence which reinforces their attitudes of superiority over Yerington Colony Paiutes.

IV. Conclusion

The return to Mason Valley of two members of the (pseudonymously called) Astor family precipitated a trend in which the Yerington Indian Colony gradually regained control over the tribal council. Occupancy in 1970 of Mutual Self-Help homes at the Colony and Ranch, however, has disrupted the pattern of factionalism described in this paper. What new forms of factionalism will emerge remains to develop and then to be observed.

The Astor family returnees became active in tribal politics and challenged the legality of electing five Campbell Ranchers and two Colony Paiutes to tribal councils. Their efforts led to the abolishment of the system. In the 1966 and 1968 elections, four Campbell Ranchers and three Colony Paiutes were elected to the council. Campbell Ranchers bitterly resented this turn of events. Despite the fact that the Chairman of both councils was a Rancher, protest absences from council meetings by Campbell Ranch councilmen resulted in Colony control of many of the votes. This trend culminated in 1970 when four Colony Paiutes were elected to the tribal council.

The Astors are a large extended family living at the Colony. One of their members was the tribe's first Chairman. He and his two brothers were original Campbell Ranch assignees, but none of them remained there very long. It was the tribe's first Chairman's nephew and his wife who returned to Mason Valley in 1964. They were soon elected to the tribal council and their interest in politics encouraged a third

Astor family member to run for office; she was elected to the 1966, 1968, and 1970 councils. The brother of the returner petitioned for a vacant Campbell Ranch assignment, and despite objections on the part of the Morgan family, he received the assignment in 1968.

Disruption of the tribal political status occasioned by the active interest in politics of the Astor family points up one ethnographically fascinating dimension of factionalism: the relationship between Paiute extended family groupings and the tribe's two social segments, the Ranch and the Colony. Whereas the vehicle for the expression of factionalism is usually the Colony versus the Ranch, often the (Campbell Ranch) Morgan family alone is blamed for neglect of the Colony in tribal political affairs. Fuel is fed to this fire whenever Campbell Ranch families abandon their assignments and move to the Yerington Indian Colony. In three such cases, each blamed personal misfortune upon the Morgan family, charging that they used all of the irrigation water, stole cattle, borrowed equipment without returning it, and so forth. Curiously, with the rise of the Astor family to a position of importance in tribal politics, several Colony Paiutes, who normally express resentment against the Morgan family, sided with them against the new usurpers. Indeed, Colony Paiutes who once lamented Campbell Ranch control over tribal politics even opposed the Astor family's efforts to change the system of electing five Campbell Ranchers to each council.

One conclusion, then, is that the principles of cognatic kinship and of the bilateral extended family are as important today as they were in the past. This situation fairly well determines the type of factionalism which exists in Yerington (infra).

A second conclusion concerns the legal reality yet social fiction of the tribe. The value of tribus unitas was inculcated among Yerington Paiute tribal members by BIA officials. The minutes from tribal council meetings reveal this. For example, when a debate over the division of tribal monies erupted during a council meeting, the BIA agricultural-extension worker remarked: "No individual or groups of individuals could make use of this money in any way whatsoever except where it benefited the whole tribe." (December 12, 1942). Smith and Mason Valley Paiute informants often tagged on to discussions of factionalism the phrase, "After all, we're still one tribe."

Hence, the tribe stands as a single corporate body, both legally and ideologically, in the minds of tribal members. Yet in daily life it is a social fiction. Scarcity of economic resources, viz., Campbell Ranch, has had many consequences for tribal life. It has created a point of divisiveness among Smith and Mason Valley Paiutes; it has led to the Ranchers to consolidate political power via control over the tribal council; and it has led to a situation of factionalism ever since the Yerington Paiute Tribe's less than immaculate conception (cf. Jorgensen n.d.).¹¹

This paper fills a void suggested by Nicholas in his programmatic paper on factions, i.e., the need for ethnohistorical rather than conjectural historical studies on the genesis of factional disputes and their relationship to socio-cultural change (1965:46). The genesis of the Yerington case lies in that experiment in planned socio-cultural change, the Wheeler-Howard Act of 1934. Factionalism within the Yerington Paiute Tribe resembles what Beals and Siegel define as "pervasive factionalism," endemic intra-group conflict, dependent upon a "particular kind of external pressure but also upon a particular pattern of strain within the community" (1960b:399). The BIA is the source of external pressure: meager funds allocated for the Campbell Ranch operation, following its creation, coupled with the type of paternalism which was characteristic of the Indian Reorganization Act (cf. Kunitz 1972), necessitated intensive transactions between Campbell Ranch clients and BIA patrons. Campbell Ranch, then, came to displace the Colony as the tribal "capital," while the Ranchers assumed control over the tribe vis-a-vis the extra-legal method of permitting only two Colony Paiutes on each tribal council. A "pattern of strain" followed these developments, i.e., Colony Paiute resentment on account of their loss of power, disproportionate representation in tribal politics, and their feeling of general exclusion from tribal life. Though Beals and Siegel suggest that in general pervasive factionalism leads to a breakdown of cooperative activities (1960b:399), this paper, which has focused upon the genesis and sustaining causes of pervasive factionalism within the Yerington Paiute Tribe, shows that there probably was more cooperation among Smith and Mason Valley Paiutes following the creation of this modern day tribe than ever before since the days of white settlement of the two valleys. On the other hand, this author agrees with Beals and Siegel that

pervasive factionalism, at least as manifested by the Yerington case, is dysfunctional and leads to social disjunction (1967:20-25), and this author disagrees with Nicholas who sees all types of factionalist disputes as eufunctional, since they "perform [the] necessary functions in organizing conflict," and hence lead to social conjunction (1965:47).

FOOTNOTES

1. Several members of the Yerington Paiute Tribe read an earlier version of this manuscript and agreed in essence with my description of tribal factionalism. Also, Mr. Everett C. Randall, Yerington BIA Coordinator, and Mr. Alph H. Secakuku, Tribal Operations Officer, read the same manuscript and offered critical comments as well as corrected some of my errors. Otherwise, factual and interpretive errors are the fault of the author.
2. Research among Smith and Mason Valley Paiutes was conducted between 1965 and 1972. At various times I was aided by two National Science Foundation grants, and by a research grant from Long Island University, where I am currently employed. This financial assistance is greatly appreciated.
3. The vote accepting the Constitution and By-Laws was fifty-six to four.
4. These documents, e.g., letters, memoranda, tribal council minutes, are on file in the Carson City, Nevada BIA office building. I wish to thank BIA personnel for their generous hospitality whenever I visited the Carson City office in order to study such documents.
5. I was unable to discover any evidence for this.
6. Campbell Ranchers were also responsible for feeding his cattle. They were not remunerated for their labor, and, in fact, expressed resentment to me about this whole affair.
7. Initially, Campbell Ranch homes were constructed close to one another. To what extent this was on account of practical factors, e.g., a single water pump served all of them, or on account of the Collier-inspired quest that Indians return to "community" living (cf. Kunitz 1972) is not known by this author. By 1945, however, Campbell Ranchers received governmental approval and assistance in moving their homes onto their respective assignments. The majority of them did so, and as a result, the reservation then assumed its appearance as that of a dispersed Indian settlement, in contrast to its earlier "Colony" appearance.
8. Certainly one reason why local whites maintain a better opinion of Campbell Ranchers than of Colony Paiutes is because the former are engaged as relatively independent small scale entrepreneurs as are the local whites. Because Campbell Ranch is located eight miles from Yerington, Paiute children living out there are forced to ride the school bus twice daily. In doing so, they are brought into closer contact with the white children. Greater possibilities exist for inter-racial friendships, as a result, as compared with Colony Paiute children who daily walk to and from school.

9. By 1936 hardly any Smith and Mason Valley Paiutes owned horses. Several families did own automobiles. The eight mile separation of Campbell Ranch from the Yerington Indian Colony, then, was a critical factor in the genesis of factionalism.
10. Three ex-Campbell Ranchers I interviewed were especially resentful. One couple, called the Rock-fellers here, worked their assignment from 1937-1957. When an accidental fire destroyed their home, the Morgan family-controlled tribal council would or could not assist them. The Rock-fellers were forced to abandon twenty years of sacrifice and relocate to the Yerington Indian Colony. Thereafter, both began to drink heavily: Mr. Rock-feller died of pneumonia, following a drunk, in 1970. While he was still alive, he revealed to me the poignancy of the Campbell Ranch experiment in directed cultural change. He reported that in one year at Campbell Ranch, following payment of bills and loans, his family received a check from the government for ten cents. In the 1860s, Rockefeller's grandfather worked for the first white settlers of Mason Valley for ten cents per day!
11. To rectify this the BIA encouraged Colony Paiutes to hold their own monthly council meetings. In the early 1950s several such meetings occurred. Their purpose was for Colony Paiutes to reach consensus over some issue which was on the agenda of the regularly scheduled tribal council meetings held at Campbell Ranch.

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TRACES OF INDIAN POLITICAL AND ECONOMIC DEVELOPMENT, 1964-1971

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The passage of the Economic Opportunity Act (EOA) by Congress in 1964 initiated a massive effort to reduce poverty through community and economic development. The Office of Economic Opportunity (OEO), and complementary agencies were funded primarily to work with non-Indians and the single reservation Indians were included in the programs. The major source of recent development funding on many reservations since 1964 has been OEO. Two agencies which have had long relationships with Indian reservations, the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS), have continued their programs.

Since recent development by the OEO was designed primarily for non-Indians, this poses problems for the administration and organization of programs on reservations. Jenny (1966) notes that the "community action" approach is basic to the OEO philosophy; this means allowing the poor to take control of programs. Jenny suggests (p. 7232-3) that in order to create a situation in which Indians actively seek change through community action there must be "a selective reinforcement of traditional values and traditional tribal political processes, and selective selection of reservation situations which need changing."

Research at one reservation, here called Rye Meadow,¹ suggests that this "selective reinforcement of traditional values and political processes," the community action philosophy in operation, allows existing political structures to either gain control of newly introduced programs or influence the use of these new tribal resources in the same manner that tribal resources have been unequally distributed in the past. The allocation of tribal resources illustrates how the sociopolitical structure copes with the problem of scarce resources, a problem ever since Indian lands and resources were appropriated by whites in the mid-nineteenth century. Rye Meadow Indians have little influence on economic and political events beyond their community which could increase resources appropriated to Rye Meadow. Therefore, their adaptive strategy is

to utilize the minimal resources they do have to benefit only certain members of the community, those with access to political power within the community.

Reservation resources have long been monopolized by a few family groupings. (A family grouping is the individuals sharing one family surname). This is a society of bilateral kinship reckoning, but patrilineal descent of names in the past few generations provides a means of identifying and grouping individuals. The intermarriage of family groupings forms the affinal network. A few family groupings at the center of the network are both closely intermarried and have extensive ties throughout the community to form the kinship core. Those individuals who have been politically active and politically powerful tend to be or are married to members of the kinship core. What was the influence of this sociopolitical structure on recent development programs?

The major program goals of the OEO and associated-agency economic and community development at Rye Meadow from 1965 through 1971 are:

1) to improve physical conditions and raise the standard of living through IHS sanitation and water projects, BIA self-help housing, and electricity and telephone service;

2) to encourage unity and leadership potential within the community and improve communication beyond the community through the community action program and the state Tribal Council;

and 3) to reduce economic dependency on welfare by training in work habits, job skills, and home management, and by creating job opportunities through the Work Training and Experience program, construction of an industrial facility on the reservation, and a proposed water storage dam and recreation complex.

The reservation community which experienced these programs is small -- 400 people in 1971. Most of the members have been born at Rye Meadow and/or have parents also born here who were allotted land here around 1900. Only five percent of the 1971 population are "outsiders," that is people not born locally or of local parents. Outsiders gain entry to the reservation community by marrying local Indians and usually come from other reservations within 300 miles.

The reservation consists of 35,500 acres and was established under the Indian Reorganization Act (IRA) in 1936. Prior to that time people lived on allotted or

public domain lands nearby. In 1936 a tribe was organized and 20,000 acres of non-arable grazing land were set aside from the public domain, which was extremely overgrazed at that time. Between 1936 and 1940 arable ranch land with water and grazing rights in nearby national forest and other public lands was purchased for the Rye Meadow Indian tribe. Rights to most of the 4,000 acres of allotted land were signed over to the tribe by 1950. Today the community consists of 80 households clustered in camps of the aboriginal model. Camps are extended, joint, or single household units of kinsmen and are located on land parcels of five to 20 acres which are assigned to community members by the tribal council.

The tribal council was formed in 1936 and consists of eight members elected for four-year terms. This was the only designated political body of the tribe until 1969, when a tribal development board was organized to administer the economic development of the community. Political power is defined here as that power delegated by a group to a small political body to make decisions for the group. The tribal council has been the official decision-making body of the community since 1936 and the number of years individuals serve on the council can be regarded as an index of political power. Exercise of this power is reflected in the allocation of tribal resources in the community economy, which has long been focussed on cattle raising.

The only economic use of the reservation land until 1969, when a manufacturer moved into the tribal industrial facility, has been a tribal cattle industry. A tribal cattlemans' association was established in 1941 and since then Indians who run cattle on tribal land must be members of the cattlemans' association and participate in the cooperative activities of the association. No other Indians, or whites, run cattle on tribal land. The tribal cattle industry and low-paying jobs on local white ranches have been the major source of Rye Meadow income until the past decade, when some jobs have been held by Indians in a local mine or school. Even those employed some of the year, on the reservation as cattleowners or off the reservation, frequently require welfare aid in the form of surplus commodities and Indian General Assistance or Aid to Dependent Children payments. In the past decade the unemployment rate of the male work force (those aged 14 to 65 and physically able to work, not in the armed forces

owners held loans totaling \$70,000. Six of the eight men had served on the council recently, some at the time their loan was issued by the tribal council, and the other two men had brothers who were councilmen when their loans were granted. These eight loan holders earned \$33,800 gross income from cattle in 1968, 60 percent of the 1968 tribal cattle income. The loan holders earned about half of the \$12,000 net cattle income for that year, and the balance was earned by another man also on the council who does not hold a tribal loan. Twenty-six men sold cattle in 1968 but only a few earned enough to pay more than expenses. Despite the tribal council control of reservation resources for cattle raising, most cattlemen do not earn enough from their work to support their households. In fact, the state university Cooperative Extension Service has estimated that only seven to ten household units could be supported as cattlemen on reservation land if the ranching was well managed. The control of tribal resources for cattle ranching is an adaptation to the marginal resources and opportunities available to Rye Meadow Indians. Tribal resources and program benefits acquired since 1965 are in large part distributed in a similar manner.

Jobs in tribal OEO programs have been allocated by the tribal council to kinsmen; such a situation occurs in other tribal OEO programs (Jenny 1966, Bee 1969).

Self-help housing is not directly administered by the tribe or funded by OEO; it is a BIA project. However, the tribal council approves land assignments for new homesites, and a tribal housing committee, appointed by the council, recommends distribution of the new housing. Thirty-one people originally applied in 1965 and 15 houses were built in 1968. Seven of the original applicants received new homes. The other eight houses did not go to original applicants, even though they were still on the reservation, but to eight other people. The seven houses assigned to original applicants went to households with members in or closely associated with the kinship core; heads of these households or their close kinsmen had served on the council. The other eight houses went to five people who had themselves been on the council or whose fathers, sons or brothers had been councilmen; one person whose mother was in the kinship core; and a woman and her son who are not members of the kinship core and do not have close affiliations with anyone on the council. Most of the new houses were

constructed in camps where one or more households are involved with tribal cattle ranching.

The development program goal to raise the standard of living has been largely met through construction and repair of housing and other improvements. But the distribution of new housing has been influenced by tribal council biases and a major segment of the second program goal, to foster community unity, has failed. Another aspect of the second goal, strengthening of leadership, has been achieved, as the council continues to have benefits and resources to allocate to selected community members.

The third goal, the reduction of economic dependency, was to be met through general economic development and the Work Training and Experience program (Title V of the EOA). This program was open to welfare recipients; all but 10 or 15 households in 1965 and in 1971 were receiving some form of welfare. The tribal council had no direct control of the program but one of the work activities for men in the program was to rebuild an irrigation dam and repair ditches, projects of benefit to cattle owners on the reservation. Also, the continued control of the tribal council over the cattle industry served to maintain a view that cattle ownership was possible and preferable, for people with the right connections. People of cattle households were among those eligible to participate in work training, but few did. About one-third of the households on the reservation contain cattle owners. Only 17 percent of the males who completed the 36 month work training program but 50 percent of the males who quit the program were of these households. In general, the males who participated in work training were young, with a mean age of 29 years in 1965 when the program started; none of the males owned cattle. (Females of cattle households were 30 percent of those completing 36 months and 50 percent of those females dropping the program. Females in work training had a mean age of 35 years in 1965.)

As of January 1972 the employment and welfare rates were similar to those of 1965, despite the addition of factory employment to the reservation economy. The third program goal, the reduction of economic dependency, has not been met. A combination of influences probably has worked against achievement of this goal: preference for

cattle ranching; cultural values stressing independent, outdoor activity; available employment at wage levels near or below minimum wage and welfare payment scales; and belief in a "treaty" view that assumes the federal government owes payment to Indians for past injustices.

In conclusion, goals of development programs at Rye Meadow have been only partially met. Perhaps time will show greater changes. A major reason why the goals have not been met is the sociopolitical structure given support by the OEO community action philosophy. This structure has controlled or influenced allocation of program benefits, a strategy which serves to maximize scarce resources in order to maintain Rye Meadow Indian identity.

FOOTNOTES

1. Rye Meadow and family names are pseudonyms. This study is described in more detail in my doctoral dissertation. (University of Oregon, 1973).

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THE ROLE OF THE BUREAU OF INDIAN AFFAIRS IN THE DEVELOPMENT OF THE NORTHERN PAIUTE

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ABSTRACT

An understanding of American Indian political processes must include consideration of the intricate relationships which have developed between Indians and the Bureau of Indian Affairs. Although it is generally assumed that the federal government is in control during most of its dealings with Indian communities, a strong case may be made that in fact it is often the Indians who exercise considerable power in their interactions with Bureau personnel. Ethnographic material from a Northern Paiute community in western Nevada provides the basis for a discussion of the transitory nature of the power which both the Bureau and the Indians possess at different occasions during the ongoing relationship. The use of the patron-client framework permits a more realistic appreciation of the complexities involved in contemporary Indian-white encounters.

I

In this paper I want to explore the nature of some of the relationships between persons from the Nevada Indian Agency at Stewart, Nevada, and the residents of a reservation in western Nevada I shall call Brownsville.¹ In adopting the strategy of viewing the interaction between agency people and the Indians I hope to clarify some of the issues concerning the relative influence each has on the other. An additional aim is to counter some of the prevailing assumptions about the general lack of any sort of power on the part of reservation people. For too long the image of the enslaved Native American trapped on his reserve has clouded the picture of the actual reciprocal nature of the day-to-day dealings Indians have with representatives of the federal government. By offering instances from the Brownsville community I hope to show that such a simplistic view of Indian-white (indeed of any human) interaction distorts our view of contemporary reservation life and prevents our understanding of the local-level political process.

The mutual relationship involving the Indian community and the agency began in the first decade of the present century, when the federal government purchased land

for a reservation near the town of Brownsville. Thus the initial effort to establish the relationship was made by the Indian Bureau and its local agency. The Indians responded by moving onto the land from their settlement at the edge of town. The land henceforth became theirs, held in trust for them by the federal government. This initial transaction may be viewed as one in which the government offered a resource which the Indians did not have and which they wanted. Their movement to the reservation constituted tacit acceptance of the Bureau's offer, and engendered in them some obligation to reciprocate, although the exact nature of the repayment was left open for the moment. Further tangible presentations by the government such as a well, a day school, and medical services--once accepted by the Indians--produced still another series of ties between the two groups. During these preliminary transactions the agency created the impression that there need be no tally kept of the favors accepted by the Indian community, nor of reciprocal goods or services returned to the agency. In addition, the impression was given that these resources were only the beginning, that as the Indians' need for additional goods and services materialized the agency would supply them. This constituted the beginnings of a patron-client relationship³ in which the agency's resources were accepted by the Indians, thus cementing the contract. The government's offer of land and Bureau services was seen by the Indians as too great an opportunity to pass up. The need for additional resources from the agency resulted in establishing the government's influence over the Indians and their dependence on outside aid. Once such a relationship is established the government, as patron, may then assert its influence to manipulate its client, the Indian community. The form this influence over the Indian community has taken has varied, but generally involves the ability to set the conditions under which the reciprocal flow of goods and services will operate.

II

There are two widespread suppositions concerning patron-client relationships which I hope the present analysis of agency-reservation interaction will dispel. First, there is the belief that the relationship is one-sided, with the agency (as patron) always on the giving end and the Indian community (as client) always the receiver.

To appreciate that the relationship is actually one of mutual give-and-take,⁴ we need only look at the response of the Indians to a few outside introductions, from the early day school and clinic to present programs such as headstart, Operation Mainstream, and the activities of the Save The Children Federation. In each case there has been enthusiastic support shown by the Indian people of Brownsville, as evidenced by the numbers of individuals involved in these programs. This expression of support is itself an offering (albeit intangible) on the part of the Indians to the agency, and few would argue that the Bureau has no need for such positive responses to its efforts. Its very existence depends on Indian support of its actions.⁵ In the same way, a request in 1966 by the tribal council to the agency for help in establishing a program of town and county law enforcement on the reservation quickly brought the agency's tribal operations' officer to the reservation. He worked with the tribal council and the residents and was instrumental in convening a series of meetings with officials of the nearby town of Brownsville. In terms of the reciprocal relationship being described here, his response to the community's call for aid was further confirmation of the agency's desire to maintain the relationship. It was also another offer of a service to the Indians, which they in turn accepted. Clearly, this transaction was simply the latest gesture in a long series of reciprocal offerings by one part and acceptance by the other.

We are often misled into thinking that somehow the goods and services which pass from one party to the other must be of equal worth, that any single offering must balance its predecessor in the ongoing exchange. Focusing on the tangible aspects of the transactions exclusively obscures the central reason for the existence of a relationship of this nature: each partner to the transaction is attempting to secure resources not otherwise available. It is precisely this decision by both parties to interact in order to secure resources from the other which allows us to recognize the contractual nature of the patron-client tie. The idea that either the materials exchanged should be of equivalent value, or that the patron should dispense resources of greater value misses the point: both parties feel that what they receive is exactly what they desire, and each is willing to return what the other requests.⁶

In addition, it is unproductive to argue that the agency as patron is always in

a position to control the relationship through the kinds of resources it commands and offers to the Indian community. Resources alone do not guarantee superiority. Unless the client accepts them with the conditions imposed by the patron they give the latter little advantage. Yet there is clearly one sense in which the patron does control a transaction in the patron-client contract. It is he who determines which values are to be put into circulation. These values are the conditions or stipulations (the "strings") attached to the resources offered, and the client's acceptance of the resources confirms his acceptance of these values. As Paine (1971:15) puts it:

The question is, can one explain . . . the sense in which it is meaningful and correct to maintain both (1) that the patron is superior to the client in regard to the exchange of goods and services, and (2) that the patron and client exchange different goods and services whose commensurability resides precisely in the context of equal worth, inasmuch as both can afford the presentations they make and both value (need) those they receive.

I think one can arrive at the answer only by turning attention away, for the moment, from the tangible presentations themselves to the notion of 'value' and its circulation in a patron-client transaction. Here we do find an asymmetric relationship. Ultimately, what distinguishes the patron from his client is that only values of the patron's choosing are circulated in their relationship. There may be goods and services that are passed in the relationship in one direction only, but these do not provide a basis for distinguishing the patron and client roles. . . . Further, the client demonstrates, to his patron and others, his acceptance of the value which the patron has chosen for circulation between them; herein lies the 'loyalty' and 'dependence' for which the client is rewarded. The reward of the patron is in this acceptance by the client of the chosen value.

As an illustration of the utility of the notion of the patron's control of the values in a transaction, consider the following situation. During a meeting of the tribal council in the summer of 1971 the agency superintendent warned the people of Brownsville that they were risking the loss of federal funds for housing by their failure to cooperate. He had witnessed the latest in a series of disagreements among the people present at the meeting, with the result that a workable plan for the erection of a number of low-cost dwellings on the reservation had been delayed. Now, his ultimatum about the possibility of an indefinite delay in the housing program represents the superintendent's offer of resources and the subsequent decision to cooperate with

the new tribal council and the agency represented for the Indian people their offer in the transaction. Yet behind the offer of a housing program lay the values of the agency and the Bureau: the orderly conduct of tribal business without political conflict, and the acceptance of the idea that the federal government knows in most cases what is best for Indians. The Indians chose to cooperate and the new houses will be ready for occupancy during the spring of 1973. This expression of loyalty to the agency in return for tangible resources sorely needed by the Indian community is evidence once again that the client's acceptance of his patron's offer involves reinforcement of values or conditions introduced into the relationship by the patron.

There are many instances, however, when the Indians have refused to agree to the stipulations accompanying the agency's presentation, and in the process have specified their own conditions under which they will accept outside resources.⁷ This turn of events may temporarily reverse the familiar patron and client roles during a series of agency-Indian transactions. For example, when the agency representative reminded the tribal council during a meeting that they could pass a certain resolution without putting it to a full vote by the public in attendance, the chairman refused, and called for the vote anyway. The councilmen in this instance did not support the agency's values attached to a procedure in the public decision-making process (a process which the federal government had introduced to the Indians along with the tribal council structure in the 1930's).

III

The foregoing instance of the reversal of roles, whereby the agent finds himself playing the client role to his patron, the tribal council, brings us to a second widespread assumption about the patron-client contract: the belief that the patron is invariably the party with the higher rank or the greater amount of resources. Consequently it is assumed that agents of the federal government invariably play the role of patron in their interaction with Indians encapsulated on reservations, who in turn must be their clients. Yet we have just noted an instance in which the conditions the tribal council attached to making a political decision--that it obtain the unanimous support of all present--was accepted by the agency people at the meetings. Both they

and the Indians present recognized that the condition of unanimity and not the executive power of the tribal council would be upheld. Without the support of the tribal council the agency's programs would undoubtedly suffer; to agree to the council's condition in this instance seemed the wisest course. Certainly, it was the council's values which were respected in this case and the affirmation given them by the agency people was tangible evidence of this. The roles were now reversed, and the tribal council was patron to its client, the agency.⁸

The preceding incidents remind us that it is not always accurate to assume a priori that the Indian agency is the patron in its dealing with Indians, even though it certainly has vital resources which the Brownsville community desires. It must be recognized that anyone, regardless of his position in the larger society, may play the role of patron or client, and that a single individual may also assume the two roles during a series of transactions.⁹ Accordingly, the agency may be patron or client in relation to the Indian community, and the Indians may do the same. The critical point in defining these roles is the behavior of the persons involved. The patron chooses the conditions for the exchange of goods and services, and he will only support a client who confirms these values. The agent need not invariably assume the role of patron simply because he represents the federal government to a small community of native Americans. As we have seen, there are many instances when individual Indians, councilmen and commoners, may play the patron's part in the transaction. I would wager that there are situations on other reservations similar to the one which prevails at Brownsville. If agency people want to get something done in the Indian community they know the few Indians to contact, and they neglect this course of action at their peril.

IV

Mention of the contacts on the reservation used by agency people brings us to a further element in the patron-client relationship, the role of middleman. As with the roles of patron and client, I am looking at the middleman's role on the basis of the behavior of the incumbent, and not necessarily on his position in the larger society. The distinctive attribute of the middleman role which sets it apart from that of the patron is that the latter chooses the values or conditions which are introduced into

the relationship, while the former transmits them from one party to the other. The middleman is essentially a channel for the flow of information concerning the mutual offerings in the patron-client relationship, but he is not responsible for controlling which conditions must be met in the exchange. While the agency's tribal operations officer may serve as a middleman between the agency and the Indian community, it is not his values which are being considered in the transaction but those of the Bureau of Indian Affairs (and possibly those of the American cultural system at large). His job is to transmit faithfully the requests or acceptance of his superior (who in this case may be the patron) to representatives of the Indian community. There have been a number of Indians and Whites who have performed this service within the patron-client relationship which has existed between the Stewart Indian Agency and the Indian community at Brownsville for more than sixty years.

There is a further distinction regarding the role of the middleman which depends on the manner in which the conveyance of information between patron and client is accomplished. If a middleman merely transmits messages faithfully between the two parties he is a go-between; if he alters the messages for his own use he is a broker. Again, each of these roles may be held by the same individual at different times and by distinct individuals at the same instant. Paine (1971:21) summarizes the perspective thusly:

As roles, patron, broker, go-between, and also client are dependent upon the situational context for their recognition; it is for the same reason--that they are roles--that they may be embraced alternately and even in combination by the same person. As roles they are neither the exclusive nor invariable properties of the persons to whom they are attributed. However, both their embracement and their attribution to others may be usefully conceived as strategies of persons. Thus designation of the distinctions patron, broker, go-between, and client becomes part of the work of mapping the variety of perceptions of strategy in any given situation.

A middleman's position is often an awkward one, for he is at times accused of betraying one side while supporting the other. When the tribal council chairman failed to embrace the demands by a resident that the town council punish two of its employees she claimed had injured her brother, she and her family accused them of backing away from a confrontation with the mayor and town council. But the town council meeting

at which she voiced her demands had been called specifically to plan the new sewer system for the reservation and had nothing to do with hearing complaints from the Indians. The tribal council chairman pointed out that he did not want anything to delay the long-awaited service and that the woman's complaint was a private and not a community matter. He subsequently faced severe censure from the woman's supporters for his actions. Yet he was clearly in a predicament: there was the danger of disrupting the construction, which the bulk of the Indian community strongly desired. The chairman acted here as a broker, and did not deliver the woman's original request to the mayor and the town council. Instead he qualified it by terming it a private matter, effectively blocking any immediate action on the issue. His major concern at that time was in a sewer system which would serve the entire reservation community, and not in obtaining satisfaction for a few individuals, no matter how justified their claims might have been. He was able to accomplish this maneuver because he was in a position to monitor all of the communications between the Indians and the town council, a situation both parties to the relationship felt was beneficial.

At times it is difficult for the members of the Brownsville Indian community to know if their link to the Bureau, be he tribal operations officer or superintendent, is simply transmitting another's offering of resources or has himself selected the conditions under which the offerings are made. Misunderstanding often centers on the role of the middleman and can split the community into opposing groups, each with its own version of what should be done. This kind of factional opposition is especially troublesome when it concerns the actions of an Indian from the community who is also a broker or go-between. During the years just prior to World War II an Indian man attempted to institute some changes on the reservation by appealing to politicians and to the agency.

But his position was so misunderstood by a large group in the community that to this day many regard his actions as aimed solely at raising his own standard of living and that of his relatives. What supporters of this viewpoint neglect to mention is that his requests would have benefitted the whole reservation. What stirred the opposition was his pompous and self-centered manner, which they denounced by not supporting him or his group. In this instance this man had tried to turn his go-between role into

that of a broker--at least this is the way his actions were perceived by the opposing faction.

The fewer channels there are between the patron and his client, the more power lies in the hands of those persons who assume broker roles. With a single Indian agent doing most of the middleman chores for the agency and reservation, the danger is great that misunderstandings may develop between the parties, unsure as they are that their messages are being transmitted accurately. But there has been a change in this pattern of communication between the agency and the Indian community at Brownsville which involves an increase in the number of channels between the reservation and potential outside resources. There has been a growing number of outside sources from which the reservation may draw, including the Indian Council of Nevada, the state Indian Affairs Commission, and various departments of local, state and national governments. Each of these agencies offers potential resources for the Brownsville community, while lessening the dominance the Indian agency has generally had over Indian-White relations. This increase in channels has also put the community in a better position to establish several relationships of mutual benefit.

V

I have argued in this paper that the use of a theoretical approach which stresses the analysis of the roles individuals embrace is a valid way to understand Indian-White relationships. In an attempt to clear up some misunderstanding about the exact nature of the roles which agency personnel and Indians assume during their transactions I have underscored the reciprocal nature of the patron and client roles. That Indians should often secure resources from the federal government under conditions which they and the Bureau recognize as Indian-oriented should not surprise us. There are clever persons in all groups; we should not be lulled into thinking they do not somehow operate among the "downtrodden." Indians do not need our sympathy. They have had enough of it and they are frankly embarrassed by it. Nor do they need additional analyses by social scientists telling them they have been systematically deprived of their lands and their civil rights. They know this only too well. Perhaps we might be of some service if we were to recognize just exactly what goes on between Indians and Whites with regard to

the conduct of reservation affairs--and has been going on for quite a while. Indians have more and more come to take an active part in securing resources for their own communities and will continue to do so as they gain the necessary training and experience to cope with a foreign political and economic system. The least we can do as social scientists is to recognize this and to communicate our understanding to others. Perhaps in this way we may yet make a contribution to the welfare of all American Indians.

FOOTNOTES

1. John Poggie, Richard Trivisano, Pamela Weaver, and my wife Lorraine read drafts of the paper and I thank them for their critical comments. I have also had the benefit of a number of discussions with members of the Symposium at the Great Basin Anthropological conference, particularly Michael Hittman, Faun Mortara, and Omer Stewart. My thanks go to them and to Ruth Houghton.
2. I have changed the name of the reservation community to preserve the privacy of the people among whom I have lived and worked periodically since 1964. They are the ones who have taught me something about themselves--and myself. For that I am truly grateful.
3. This discussion of the patron-client relationship was originally stimulated by Robert Paine's insightful article "A theory of patronage and brokerage," in Paine (1971).
4. In attempting to explain the nature of this type of interaction I have concluded that there is a different style of thinking necessary. As Margaret Rad (1971) remarked about the old notion that developed countries simply encountered passive countries of the Third World and attempted to "develop them:"

What we've been trying to talk about here is the change from the type of unilinear thinking that we used to have, for instance, when you saw that a child was born and then the adults did things to it, all the way up and finally they grew it into being an adult. We realize now that at every point what the adult does is dependent on what the child does, so that the mother in a strange country is bringing up a baby that she doesn't know anything about and the baby has to educate her as she goes along. . . .

We have got to see the relationship between Indians and the federal government in precisely these terms, as one in which what each does is dependent in large measure on what the other has done as the series of transactions stretches through time. It is simplistic to view the relationship as one in which the Indian agency "does things to" the Indian community; the Indian community often is in the position to instruct the agency how to behave toward it.

5. When I asked a member of the Stewart Agency long familiar with the Brownsville community why the sudden surge of Bureau activity on the reservation during the 1960's he replied that: (1) the promise of claims money from the federal government to

5. (continued)
 tribes which were organized under the Indian Reorganization Act of 1934; (2) the Indians' realization that their land was being sold and that to protect it they had to draft a constitution and incorporate as a tribe; (3) the agency that pressure to act from the newly-created (1963-64) Inter-Tribal Council in Nevada, which had begun the difficult task of lobbying for status from state agencies of the federal government and from the state to aid Nevada's Indian communities. In all of this one can see the very real understanding on the part of the agency people of the need for them to act to revive their ebbing activities on the state's reservations. As was brought out in the discussion of the paper, there are numerous instances from across the country in which Bureau employees have had to plead with Indian communities to support government programs, particularly housing. Indian resistance to outside control over decisions is mounting and agencies whose mission it is to aid Indian communities are finding out that the communities must have some part in the plans for the development of their own resources. If Indian people are not consulted, as has generally been the case, the programs are less than enthusiastically received. To attribute the poor showing of some government efforts on reservations to the stubbornness or ignorance of Indians is only obscuring the real reasons, which involve a greater awareness by Indian communities of their own political power.
6. Paine (1971:10) rejects the notion that the patron-client contract is an asymmetric one because each partner owes the other different kinds of things. It is not the resources which balance out but the reciprocal obligation to repay the other party's gift. The very nature of the patron-client relationship demands different resources to complement the different needs each party brings to the transaction. This point was raised during discussion of the paper, when I was asked if I equated the needs of the Indian community (which are often for services vital to its continued existence) with the needs of the agency for the often "symbolic" support of its various reservation programs. I would certainly not equate the two sets of needs, nor the resources which pass from one party to the other. But I would stress that each party's needs are filled by its alter in the relationship; if they are not satisfied then the relationship must continue, provided the agency or the Indians estimate they may sometime get what they seek. It is this complementary aspect of the patron-client contract which is equivalent.
7. Omer Stewart, a long-time student of Great Basin Indian groups, noted during the discussion of the paper at the GBAC that the Brownsville reservation was originally not supposed to even exist. The Indian people in the Brownsville region were scheduled to go to other already established Nevada reservations but steadfastly refused to leave the environs of the town of Brownsville. The federal government spent a half-century attempting to convince them to relocate--and finally purchased land for them in Brownsville in 1910. Stewart interprets this incident as support for the notion that Indian groups have for some time exercised considerable influence over their special relationship with the federal government. Their refusal to move paid off; when the Bureau offered them a reservation nearer "home" they accepted it. Stewart also remarked that perhaps we have forgotten that many Great Basin Indians are remaining in their communities in greater proportion than are non-Indians. While the McDermitt, Nevada, area has lost in numbers of non-Indians, he pointed out that the Indian population there has remained fairly constant. This constancy is especially marked during the decade of the 1960's. Again, these circumstances lend weight to the view taken here. The Indians had to make some adjustments to remain where they felt most comfortable. They accepted these conditions and entered into their present reciprocal relationship with the federal government.
8. For a vivid illustration of the reciprocal nature of Indian-White relations see the paper by Braroe (1965) and the hilarious novel about Indian life on a Montana reservation by Cushman (1953).

9. The point was brought up in discussion of the paper that about the reciprocal relationship of patron and client, in which Indians often control the values in circulation, neglects the realities of the colonial situation Whites have instituted through conquest of Indian tribes. The paper was seen as omitting reference to the power advantage which "Washington" enjoys in its dealings with Indian communities. These questions raise the crucial issue of units of analysis in our studies of American Indian political behavior. I have adopted essentially a transactional framework which focuses on the roles individuals play in face-to-face interaction (Bailey 1969, 1971; Barth 1959, 1966; Goffman 1959, Homans, 1958). Indians do control many of these encounters, and agency people do submit as clients to powerful interests in Indian communities. Yet from the perspective of institutional analysis, the federal government does control many of the programs Indians find so necessary, and the Secretary of the Interior's approval is required when Indian tribes elect to make major decisions involving the resources of their reservations. These two pictures of Indian-White relations are both accurate enough, yet the approaches which produced them differ greatly. The questions asked, the data admitted as relevant, and the conclusions reached will also diverge. We need both types of approaches in our attempt to understand contemporary Indian communities. I would argue, however, for the benefits we derive from a transactional approach, which focuses our attention on the encounters Indians have with Whites and prompts us to inquire what each party receives from the relationship.

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POLITICAL RESOURCES AVAILABLE THROUGH THE WHEELER-HOWARD ACT:
A CASE STUDY

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From the time of the founding of the Pyramid Lake Indian Reservation in Nevada in 1859 there was a problem of white encroachment upon the reservation. For example, in 1862 territorial Governor Nye wrote to the Commissioner of Indian Affairs: "One great source of difficulty between whites and the Indians is a continued series of encroachments on the part of whites upon the reservation of the Indians. I refer to the reservations of the Pah Utes."¹

An attempt was made to solve the problem of trespass by the enactment of legislation in 1924 which allowed the trespassers (non-Indian entrymen) to purchase the reservation land upon which they had been living in and near the town of Wadsworth, Nevada. The land detached from the reservation was located on one of the most fertile sections of the reservation. The only consideration given in the law to the rights of the Pyramid Lake Paiutes was that they should be monetarily recompensed for the loss of their land.

If payment was not forthcoming in a designated period of time, the United States government, under the provisions of the 1924 act, reserved the right to repossess in the name of the Pyramid Lake Paiutes. Most of the entrymen paid the purchase price and obtained title to their land. A few, however, did not complete the necessary payments even though the purchase price was reduced when they protested that it was too high.

This manner of reducing the size of the Pyramid Lake Reservation followed the pattern which had developed throughout the United States. The United States Supreme Court has held that Congress has plenary authority over Indian tribes and their lands;² Congress can reduce in size both treaty reservations and executive order reservations without the consent of the native Americans whose land it is supposed to be.

In 1934 the Wheeler-Howard Act (Indian Reorganization Act, IRA) was enacted. Under its provisions any Indian tribe or tribes living on the same reservation could

adopt a constitution under which a tribal government could be organized. Among the powers of such a tribal government were the following:

To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and Local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriations, estimates or federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.³

The last stipulation could be described in terms of political resources as a guarantee of information.⁴

The Pyramid Lake Tribal Council was formed in 1936 under the provisions of the Wheeler-Howard Act. The hypothesis of this study is that by organizing under the IRA the Pyramid Lake Paiutes gained certain political resources that previously they had not had. It was now the law that their land could not be alienated without their consent. They were now guaranteed the right to hire legal counsel--extremely valuable in a political system as legalistically oriented as the American one. And the Paiutes were now represented by a recognized governmental entity responsible to them and with access to the wider political system.

Under the administration of Harold Ickes, Secretary of the Interior; John Collier, Commissioner of Indian Affairs; and Alida C. Bowler, Superintendent of the Carson Agency, new attempts were made to remove from the reservation the trespassers who had not fulfilled the requirements of the 1924 law. The action was taken with the full knowledge and support of the Pyramid Lake Tribal Council (PLTC). Both the Pyramid Lake Paiutes and Miss Bowler were hopeful that this action would result in the repossession of the land.⁵

The federal district court in Reno, Nevada, found on behalf of the non-Indian settlers and ordered that they be given the opportunity to pay the remainder of the reduced purchase price.⁶ The government appealed the decision to the Ninth Circuit Court of Appeals. In U.S. v Garaventa Land and Livestock Co. et al, in 1942, the appellate court reversed the decision of the lower court and ordered that the land be returned to the United States as trustee for the Pyramid Lake Paiutes. The court

decision pointed out that the United States had been quite indulgent in allowing the settlers seventeen years to pay their debt. The court went on to say: "The settler knew or should have known, when settlement and improvement was made, that he could acquire title to the lands as against the appellant, only by legislative grace."⁷ Again it seemed that the trespass issue on the Pyramid Lake Reservation was settled; this time favorably to the Pyramid Lake Paiutes.

In the Garaventa decision previously quoted, the words "by legislative grace" were used. The ambiguous nature of the relationship of native Americans to the American political system is characterized by this phrase. Another characterization of this relationship is that Indian rights are "political questions."⁸ Article I, Sec. 8 of the United States Constitution gives to the Congress the power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." One of the criteria that the courts use to determine the justiciability of a case is whether or not there is wording in the Constitution which specifically delegates authority with respect to a certain issue to one of the three branches of government.⁹ The United States Supreme Court over the years has limited the issues involving Indian tribes and their relationships with government which it considers justiciable. That is, the Court will generally act on cases involving the interpretation of an act of Congress with respect to Indians (as it did in the Garaventa and Depaoli cases), but it will not make a decision as to the constitutionality of the act. By doing the latter, the Court has taken the position that it would be deciding a political question which should be handled by its co-equal branch of government--the Congress. The following quotation from Lone Wolf v Hitchcock, 187 U.S. 553 (1902) illustrates the foregoing points: "Plenary authority over tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the government."

If Congress passed legislation in 1924 which allowed non-Indians to purchase part of the Pyramid Lake Reservation, it could do so again. Senator Patrick McCarran, Democrat, Nevada (1932-1954) acting upon the belief that it was the intent of Congress for the entrymen to have the land, introduced such a bill in each Congress beginning

in 1936 through his last term in 1954.¹⁰ The bill changed numbers with each Congress, but its intent was always the same--to authorize the Secretary of the Interior to issue patents to the entrymen who had not fulfilled the provisions of the 1924 law.

Senator Pat McCarran was a formidable opponent. He was a member of the Judiciary Committee, and later its chairman. Many political patronage positions must pass through the Judiciary Committee for approval. He was also chairman of the Subcommittee of the Appropriations Committee which reviewed the budget of the Department of the Interior, including the Bureau of Indian Affairs. He has been quoted as telling a Bureau of Indian Affairs official about something he wanted done, "Now, look it! I'm chairman of the subcommittee that handles your dough. And if you don't do this, why you're going to be out of luck when you want to get some more money."¹¹

The first five bills McCarran introduced passed the Senate, but were killed in the House of Representatives largely through the efforts of Nevada Representatives James Scrugham, Maurice Sullivan, and Charles Russell. The Pyramid Lake Tribal Council organized letter-writing campaigns to educate these and other legislators as to the Council position and to gain support among various interest groups. Among the individuals and groups whom they activated and who supported them were: Oliver LaFarge, John Collier, the American Civil Liberties Union, various chapters of the Daughters of the American Revolution, Will Rogers, Jr., Eleanor Roosevelt, and various newspapers (not local) which carried favorable editorials.

The Pyramid Lake Tribal attorney, James Curry, and the National Congress of American Indians, to which the Pyramid Lake Tribal Council belonged, checked the progress of the McCarran bills in Congress. Representatives from Pyramid Lake were finally given the opportunity to go to Washington, D.C. to present their case to Congress in person. This type of representation before Congress came out of the fact that the tribe was now organized and able to send spokesmen who had the authority to speak for the tribe.

In 1949 the Pyramid Lake Paiutes through their Council's mobilization of public opinion and with the assistance of sympathetic Senators were able to prevent McCarran's bill for the 81st Congress, S. 17, from being voted upon in the Senate. The Council's

attorney, acting as a lobbyist, kept a constant check on S. 17. Senators favorable to the Paiute position and those hostile to McCarran for a variety of reasons (e.g., his stands on immigration and displaced persons) combined to keep the bill from coming up for a vote. Their numbers dwindled as pressure was brought to bear but a sufficient number withstood the pressure to prevent the passage of the bill.

The tribal attorney, James Curry, noted in a letter that with respect to S. 17, "McCarran has failed to induce Congress to overrule the courts and award the land to trespassers."¹² Curry went on in this letter to hypothesize that McCarran would use his influence in the executive department (i.e., having transferred Superintendents of the Carson Agency favorable to the Paiute cause) to achieve his goals.

Curry's assessment of the situation was accurate, for McCarran wrote a friend in 1950: "I have no use for this fellow Freer [sic] [S. Reesman Fryer] who is Superintendent of Indians [Carson Agency]. I am laying the groundwork toward getting him removed, but I don't know if I can get him out before September [McCarran's primary election for Senate]."¹³ Again the Pyramid Lake Tribal Council promoted a public relations campaign and was able to prevent Fryer's transfer. However, Fryer later accepted a higher-paying, more prestigious position with the State Department, which served McCarran's goal of removing Fryer just as nicely as a transfer.

After S. 17's defeat in the Senate, McCarran introduced a similar bill two more times. Each time the bill was not acted upon by the Senate and died there.

The fact that the Pyramid Lake Paiutes were organized under the IRA added to their ability to prevent the passage of McCarran's bills in several ways. The tribal council was empowered by the IRA to negotiate for the tribe with the federal government. The tribal council was thus accorded legitimacy and authority within the political arena. The spokesmen for the tribal council could go to Washington, D.C. and say, "We represent our people, and they want and need their land." Their words were given added weight by the provision of the IRA which forbade the alienation of Indian land without Indian consent. The officials of the Bureau of Indian Affairs (which opposed McCarran's bills) and later the Paiute representatives referred to the guarantees of the IRA in their testimony in committee hearings.

By being organized, the Pyramid Lake Tribal Council was able to coordinate and focus the public relations campaign so as to achieve maximum effect. They also gained experience in the way that public policy is influenced in the American political system. As pointed out earlier, information is a valuable political resource. The fact that McCarran introduced three consecutive bills to exclude Nevada Indians from the IRA lends support to the idea that the resources gained by the Pyramid Lake Paiutes were somehow hampering his efforts to acquire the Pyramid Lake Reservation land for the trespassers.

Shortly after the defeat of S. 17, McCarran evidenced interest in the major effort by some Congressmen and some Interior Department officials to control more closely the tribal attorney contracts.¹⁴ Among the issues raised was the assertion that tribes needed attorneys who were based in Washington, D.C. If one were cynical, one could presume that this stand was motivated by a wish to prevent tribal councils from being able to keep too close a check on the progress of legislation. The importance of having lawyers to represent the interests of a particular group in the American political system cannot be overestimated. The above controversy over tribal attorney contracts in the early 1950's emphasizes this point.

The guarantees of the IRA seem to have been more effective political resources in this instance than the right to vote. The franchise allowed the Pyramid Lake Paiutes to indicate their displeasure with McCarran's behavior, but it did not have much impact on policy.¹⁵ McCarran was apparently more concerned with retaining the Italian-American vote (the trespassers were of Italian descent) than he was with getting the Paiute vote at the Pyramid Lake Reservation, as indicated by the following quotation from McCarran: "Maurice Sullivan lost a beautiful flock of votes with his activity against my bill to let white settlers pay up on Indian lands. . . . He will carry Nixon [the town on the reservation], but the waps [sic] will give him the Tommy-hawk."¹⁶

In conclusion, since the conflict over the Pyramid Lake land had to be won in Congress, the IRA did provide the Pyramid Lake Paiutes with the types of political resource necessary to engage in such a conflict. Under the IRA they achieved the

organization necessary to carry out a successful lobbying effort. It would be naive to assume that organization is all that is needed to solve the problems caused by discrimination, but it is a necessary first step, particularly in a political system in which demands are channeled into the policy formation sectors by group action.

FOOTNOTES

1. Letter from Gov. James Nye to Wm. Dole, Commissioner of Indian Affairs, Feb. 3, 186
2. See Johnson & Graham's Lessee v Wm McIntosh, 8 Wheaton 543 (1823); Cherokee Nation v Hitchcock, 187 U.S. 294 (1902); U.S. v Kagama, 118 U.S. 375 (1886).
3. Sec. 16, 25 U. S. C. 476, Wheeler-Howard Act (1934).
4. "Those resources used by the sectors in exchange with the regime or by the regime itself to alter or preserve the allocation of resources in society we term political resources," (Ilchman and Uphoff, 1969, p. 50).
5. Letter, Alida C. Bowler to Nellie Shaw Harner, Sept. 12, 1939.
6. U.S. v Garaventa Land & Livestock Co. et al, 38-F. Supp. 191 (1941).
7. U.S. v Garaventa Land & Livestock Co. et al, 129 F. 2d 418 (1942). The U.S. Supreme Court upheld the decision of the 9th Circuit Court of Appeals in a companion case, Depaoli et ux v U.S., 321 U.S. 796 (1944).
8. An analysis of this constitutional relationship forms part of the author's dissertation.
9. Baker v Carr, 369 U.S. 186 (1962).
10. U.S., Congress, House, Committee on Indian Affairs. Hearings on S. 24, An Act to authorize the Secretary of Interior to issue patents to certain settlers in the Pyramid Lake Reservation, 78th Cong., 1st Sess., 1943).
11. Joseph F. McDonald, The Life of a Newsboy in Nevada (an oral history), University of Nevada, Reno, p. 151.
12. Letter, James Curry to Kampelman, Sept. 28, 1950.
13. Letter, Sen. Pat McCarran to Peter C. Petersen, July 22, 1950.
14. U.S., Congressional Record, 82nd Cong., 2nd Sess., 1952, p. 9713.
15. Nevada State Journal, Oct. 29, 1950, p. 24.
16. Letter, Sen. Pat McCarran to Peter C. Petersen, July 9, 1943.

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THE STATUS OF INDIANS IN NEVADA LAW

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Understanding the patterns of relationships among various racial groups, now and in the past, is a significant task of contemporary social science. For those who define political science as a discipline which studies the allocation of values in a society,¹ understanding racial relationships can be a proper concern of political science. In recent years, it has become increasingly clear that values are distributed unequally in American society on a racial basis. To put it more directly, ours is a White racist society;² groups defined by our society as non-White occupy inferior positions, in various ways and in various degrees. An adequate understanding of White racism requires a full description of patterns of relationships among various racial groups, with historical depth and a theoretical explanation of these relationships. No existing work on the Great Basin attempts such an understanding, but Edward H. Spicer's Cycles of Conquest is an exemplar of this approach for Northwestern Mexico and the Southwestern United States for a period of several centuries.³ A Spicer-like study of the Great Basin, which also takes into account the Black component of the population, is badly needed.

In the meantime, a number of specific studies of race relations which fill in gaps in the total picture are needed. This paper describes one such area; White attitudes toward American Indians in one state, Nevada, from 1861 through 1971, as reflected in the law of the territory and state. It is assumed that statutes adopted by legislatures, decisions of courts, and opinions of Attorneys General during this period both influenced the conduct of people living in Nevada and reflected the viewpoints of governmental leaders.⁴ Without specific studies of actual behavior, it is often impossible to tell what impact on conduct a statute may have had, but at least formal law is of importance in understanding attitudes of officeholders. For this reason, resolutions of the legislatures, which do not have the force of law but express attitudes, are included in the data reported here.

I. Overt White Racism, 1861-1900

When Nevada became a separate territory in 1861, its legal system clearly placed all non-Whites, including Indians, in an inferior position. One of the ways by which this was done was by laws extending rights or privileges to Whites only. As examples, voting and therefore the right to hold office and serve on juries were restricted to Whites only by territorial and state laws and constitutional provisions until 1880, even though a decade earlier the adoption of the 15th Amendment to the federal Constitution invalidated the state restriction of voting to Whites. As other examples, Nevada's first law authorizing the licensing of attorneys restricted that occupation to Whites, militia duty was restricted to Whites by the territorial legislature, the first state legislature provided for free tuition to the state university for "white male persons" but not others, and only White children were admitted to a private orphanage in Virginia City supported by state funds in the 1860's and early 1870's.⁵

Other early statutes treated all non-Whites as inferior, but in language which distinguished among non-White groups. For example, the anti-miscegenation statute, first adopted in 1861, forbade a White person to "intermarry with any black person, mulatto, Indian or Chinese. . ." and also forbade "fornication" between Whites and the same racial groups.⁶ (No law, however, attempted to forbid the intermarriage of any of the non-White groups.) Similarly, various non-Whites were forbidden to testify against Whites in various statutes specifying the non-White groups and occasionally distinguishing among them. The first general criminal law statute, in 1861, provided that "No black, or mulatto person, or Indian, or Chinese, shall be permitted to give evidence in favor of, or against, any white person."⁷ The same legislature forbade the testimony in civil cases against Whites of "Indians, or persons having one half or more of Indian blood, and negroes, or persons having one half or more of negro blood. . . ."⁸ In 1865, the criminal law was amended to retain the prohibition on testimony against Whites by Indians but to permit a "negro, black or mulatto" person to testify, with "the credibility of such . . . person. . . left entirely with the jury."⁹

From 1865 to 1872, Nevada law prohibited the education of "Negroes, Mongolians, and Indians" in public schools but permitted the establishment of separate schools for

these groups at public expense. Apparently only one such separate school was ever established and only for one group: in 1866, a school for Black children was conducted in Virginia City for six months. In 1871 the constitutionality of this aspect of the school law was challenged in the State Supreme Court by the father of a Black child in Carson City, and a year later the Court declared the law unconstitutional.¹⁰ Government officials seem to have regarded the discriminatory school law as applying only to Black children, for all practical purposes.

For example, the debate over the education section in the 1863 Constitutional Convention presumed most of the time that the restriction of education to Whites meant, in practice, the exclusion of Negroes.¹¹ However, at one point its applicability to Chinese and Indians was discussed, and delegate John W. North of Washoe County, who expressed anti-racist views in both the 1863 and 1864 conventions, stated that "any man having a negro or Indian child under his charge ought to be compelled to educate such child." Delegate Samuel A. Chapin of Storey County agreed with North and the convention voted against including the word "white" in the education section.¹²

In 1868, the State Superintendent of Public Instruction criticized the law because it denied Black children the benefits of public education, in practice, and asserted that "Inasmuch as neither Mongolian nor Indian children, except a few living in white families, manifest any desire to attend the public schools, this interdict affects mainly the Negro race."¹³ The Supreme Court invalidated the school statute in a split decision, with both the majority and minority opinions discussing the issue solely as one of admission of Black students to the public schools. In fact, the dissenting Justice attempted to ridicule the position of the majority by asserting that this position, if applied literally, would void the entire school law "because it fails to accord to the Shoshone infant: their constitutional privilege of compulsory education."¹⁴

Debates of most of the territorial and state legislatures are not recorded, but the debates of the 1863 and 1864 constitutional conventions make it clear that the delegates saw all non-Whites as inferior to Whites. For example, in 1864 delegate E. F. Dunne of Humboldt County, in arguing against the disfranchisement of persons supporting the Confederacy during the Civil War, urged that these current rebels would probably

be loyal men at some future date and that he did not want the ex-rebels to be able to say that "You attempted to sink us down to the level of the negroes and Chinamen and the aboriginal inhabitants of the country."¹⁵

Laws which do not mention race also bear on the question of the status of non-Whites, because it is clear that non-Whites were subjected to various obligations created by law at the same time that they were being excluded from any chance to participate in choosing government officials and were being denied various benefits created by government. For example, with the partial exception of American Indians, non-Whites were not excluded from taxation at any time by territorial and state laws.

The 1864 Constitution required all adult males except "uncivilized American Indians" to pay an annual poll tax, which was also a condition of voting. All American Indians were prohibited from voting until the ratification of the 15th Amendment in 1869, but presumably the exemption of some Indians from payment of the poll tax prevented some Indians from voting from 1869 until 1910, when payment of the poll tax was eliminated as a qualification for voting. In 1873, "uncivilized American Indians" were exempted from paying a road tax.

Delegates to the 1864 Constitutional Convention were well aware that the new government they were creating would tax non-Whites. Delegate J. Neely Johnson of Ormsby County stated in supporting the poll tax clause that "all male citizens of the age of twenty-one years or over, be they white or black, yellow or copper-colored, shall pay an annual poll-tax in addition to any tax that may be assessed upon their property, for the protection which the Government affords to their persons. I want this clause extended so as to reach every class of individuals."¹⁶ Likewise, and again with the partial exception of Indians, the criminal laws (which they were denied any part in making) were applied to non-Whites.

II. Statutes Specifically Dealing with American Indians, 1861-1900

Beyond the statutes arising out of a general attitude that all non-Whites were inferior, there were in the 19th Century a number of legal aspects affecting Indians which were confined to that group, and which grew out of the fact that Indians had had separate societies, with their own laws based on their own values, before White conquest,

and that in some ways they retained this separate identity after conquest. For variety of reasons, including the fact that the failure of territorial or state law to recognize the independent or semi-independent status of Indian communities was part of the problem, the description of state law regarding Indians has to be less precise than is the case with law affecting other non-White groups. In a number of cases, even officeholders clearly were not sure whether state laws applied to Indians and, if so, in what fashion.

1. Criminal Law.

A striking illustration of the confusions regarding Indian law is the case of the application of criminal law to Indians. Until quite recently, Nevada law has never given any recognition to the fact of Indian cultural differences,¹⁷ but for a number of years it was not clear whether Nevada intended to apply state criminal laws to Indians, and there is still confusion on this point.

Part of the reason for this situation was the de facto assumption throughout most of our national history that Indian affairs were predominantly the responsibility of the national government. Specifically, the national government alone negotiated treaties with the Indians before the abandonment of this practice in 1871, the national government established reservations as areas specifically set aside for exclusive use by Indians, and the national government assumed exclusive criminal jurisdiction over offenses occurring on reservations until quite recently. (See below.) This general national preeminence in Indian affairs led the territory and state of Nevada to look to the national government almost solely for military action, and undoubtedly offenses committed by Indians against Indians on reservations were left to Indian or national jurisdiction by Nevada governments until the 1950's. (See below.) But there remains an area involving several categories of offenses in which one of the parties was non-Indian or the offense occurred off a reservation. Early state law was confused about the question of state jurisdiction over such offenses.

No general Nevada law extended criminal law to Indians until 1885, and in 1883 the Nevada Supreme Court ruled that, partly for this reason, the criminal law of the

state did not extend to Indians at all.¹⁸ However, this decision ignored several indications that criminal law had in fact been applied to Indians before 1883. First, several Nevada criminal statutes specifically applied to Indians or specifically exempted them. The anti-miscegenation law, adopted in 1861, has been noted above. In 1877, the State Legislature exempted Indians from most restrictions of state law concerning fishing, but provided that they could not obstruct streams for fishing purposes and could not be employed by Whites to fish in ways prohibited to Whites. Several early vagrancy laws specifically exempted Indians, which implied that the Legislature thought the vagrancy laws would have applied to them without the exemption. In 1873, Indians were first exempted from the vagrancy statute; this provision was repeated in 1877, when Chinese were also exempted. Second, a number of Indians were convicted of criminal laws not specifically applied to them before 1885. At least ten Indians were incarcerated in the State Prison for various offenses ranging from house-breaking to manslaughter before 1885. While it is difficult to discover how many Indians were sent to county jails for violation of criminal laws, there must have been several. For example, in 1866 Governor H. G. Blasdel pardoned an "Indian boy" who had been convicted of petty larceny in Storey County.¹⁹

While criminal law was often applied to Indians in the 1870's and 1880's, many Whites undoubtedly approved of lawless violence against Indians. In 1866 a Nevada newspaper reported that an Indian who had confessed to killing a White man was being held by soldiers at Fort Churchill until they could deliver him to local authorities for trial. The newspaper expressed the "hope" that "he may be turned over to the 'civil authorities' of Humboldt and make an expeditious voyage to the 'happy hunting grounds' just before he reaches the Court House in Unionville."²⁰

In 1885, in response to the 1883 State Supreme Court opinion, the Legislature extended all criminal laws of the state to Indians, with the sole exception of "an offense committed upon an Indian reservation by one Indian against the person or property of another Indian."²¹

2. Indian-White Conflict

The actual conquest of Indian groups in Nevada, a process which extended from

the 1850's to about 1870, did not involve the territorial or state government directly for the most part, but these governments indirectly aided the conquest in several ways. Indian-White warfare in Nevada was highly destructive to the Indians, resulting in a possible direct loss of 2,500-3,000 Indian lives,²² but large-scale battles or campaigns were rare and have received little attention; only the so-called "Pyramid Lake War" has been the subject of much study. Instead of these large-scale conflicts, there were many violent clashes between one or more White ranchers or miners and Indian individuals, families, or bands. Erminie Voegelin and Julian H. Steward have shown that the acquisition of horses at about the same time as White encroachments began resulted in the development of military bands among several Indian groups during the conquest period; many of the clashes of Whites with these larger, mounted bands did not involve soldiers at all on the White side.²³ Occasionally soldiers did engage in warfare with Nevada Indians. For example, the Nevada Volunteers recruited from the state during the Civil War actually served to protect the Overland Trail between Salt Lake City and San Francisco from possible Indian attacks. Relatively little fighting was involved in this, however; two of the Nevada volunteers were killed by Indians and three wounded, compared to 25 who died of other causes.²⁴

The absence of large-scale warfare and the fact that the state was not involved directly in most of the warfare did not prevent substantial state concern over war with the Indians, however, which was reflected in several kinds of actions. First, the State Legislature passed a number of resolutions between 1865 and 1891 which asserted that Indians were committing "depredations" on White settlers; these resolutions usually asked national military action to subdue the Indians. A typical resolution made it clear that the Legislature saw military action as a means to facilitate the taking of Indian lands, for it asserted that "roving bands of Indians" in the Humboldt Valley in Northeastern Nevada were "making it unsafe for settlers and prospectors to improve, settle upon, and develop the agricultural and mineral wealth of that part of the State"²⁵ Another resolution, in 1866, was more explicit about the cure for this impediment to White settlement, asserting "the necessity of a vigorous prosecution of the war, until these Indians are completely subjugated or exterminated. We have no

hope of a lasting peace so long as any number of them remains."²⁶ The word "exterminated" was used deliberately in this resolution. On the 19th day of the 1866 Session, the Senate Committee on Military and Indian Affairs reported, among other things, that it had amended an original resolution to add this word. In explaining its action, the Committee said that

The word which proved to be very obnoxious to some of the members of the Senate has been used as an alternative final, and following the advice that the 'Indians be completely subjugated.' It is presumed, from the tenor of argument already had in the Senate on the subject, that if, in the opinion of the field or line officers sent hither in response to this memorial, 'complete subjugation' of the savages is not to be accomplished short of 'extermination' (using the word in its fiercest force), it is the unanimous opinion of the Senate that such be the expressed result of the campaign we seek to have inaugurated.²⁷

The Senate adopted the amendments without a roll-call vote, and several days later adopted the resolution unanimously.²⁸

Second, the Legislatures from the 1860's until the 1920's sought, and eventually secured, payment by the national government for a territorial bond issue which had been sold to pay members of the Nevada Volunteers extra compensation, above the basic pay and allowances provided by the national government. The Nevada Volunteers were actually paid approximately \$105,000 by the territorial and state governments.²⁹ In 1880, the national government paid Nevada \$6,559.61 of the state's claim arising out of this expenditure (plus \$14,621.31 for state claims arising out of other Indian conflicts, in 1875 and 1878.)³⁰ In 1910, after a decision of the United States Court of Claims had held that most of Nevada's Civil War claims were invalid, the national government made still another payment, this time in the amount of \$12,252.34.³¹ Finally, in 1929 the national government paid Nevada \$595,076.53 as "settlement of Civil War claims."³² Throughout this period, the Legislature often actively supported the effort to secure these payments, eventually totalling approximately \$614,000, with resolutions and memorials to Congress and with acts authorizing the employment of agents in Washington, D.C., to work actively for payment of the claims.

Third, the Territory and State of Nevada attempted from 1862 to 1892 to secure payment by the national government of individual claims of White losses from Indian

wars. Several laws were passed creating Boards of Examiners in various counties to compile accounts of individual losses to be sent to Washington, and a contract was entered into with a Washington attorney to attempt to secure payment. The national government, however, consistently refused to pay such claims. Apparently the State itself paid only one such claim; in 1881, the sum of \$150 was appropriated to pay Benjamin Kimball and George Swallow "for hay, barley and provisions, furnished by them to the Pioche Volunteers . . . during the White Pine Indian War . . ." of 1875.³³

A related fact is that the first statute to prohibit the sale of alcoholic beverages to Indians also made it illegal to sell or furnish firearms or ammunition to them.³⁴ The provisions relating to firearms were extensively debated during the 1862 Session of the territorial legislature. Some legislators argued that the Indians needed guns to provide themselves with food, while others argued for the complete disarming of the Indians. At one point, the Council adopted an amendment to require Sheriffs "to disarm all Indians in their jurisdiction, . . ." but this amendment was removed in the House.³⁵

3. Reducing Reservations

In addition to these matters, during the 19th Century Nevada legislatures made several efforts to reduce in size or eliminate reservations which had been set aside for various groups of Indians in Nevada. For example, in 1867 the Legislature asked Congress to grant to the state the 22,000 acres which had been set aside near Verdi as a timber reserve for the Pyramid Lake Indians. While this was not done, the reserve was not maintained for the Indians, although no formal action was ever taken to change its status. As a report in 1899 put it, "It was . . . tacitly abandoned without any formal relinquishment."³⁶ Another example is the case of the Moapa Indian Reservation, established by executive order in 1873-1874 on an area comprising approximately 24,000 acres. In 1875, the Nevada Legislature asked Congress to abolish the reservation; that same year, Congress passed a law reducing the reservation to "one thousand acres to be selected by the Secretary of the Interior in such manner as not to include the claim of any settler or miner."³⁷ Likewise, the Legislature pressed several times during the 19th Century for the reduction or abandonment of the Walker River and Pyramid

Lake Reservations. The reasons given for these requests varied somewhat inconsistently. For example, in 1869 the Legislature asked Congress to open to White settlement 3,000 acres of land on the Walker River Reservation, on the ground that the Indians living there were not farming this land but that "whites . . . would properly till and develop it to the benefit of themselves, and an increase of the valuation of taxable property in this State. . . ." ³⁸ In 1877, a similar resolution was adopted, but in 1893, after Whites had begun to seek the right to prospect for minerals on the Walker River Reservation, Congress was asked to abandon the Reservation altogether, on the ground that it did not contain adequate lands for agricultural development. ³⁹ Another striking case of inconsistency occurred in 1877, when one resolution asked Congress to abolish the Walker River Reservation with the claim that the Indians living there could be moved to the Pyramid Lake Reservation, while another resolution asked for the reduction of the Pyramid Lake Reservation. ⁴⁰

The Walker River Reservation was allotted and the non-allotted lands opened to White settlement in 1906, following a number of statutes passed by Congress in 1902-1906. This action resulted in the loss of part of the reservation, which had previously surrounded Walker Lake, while no substantial reduction of the Pyramid Lake Reservation took place. It is not known whether the action of the state legislature was significant in bringing about any of these results, but it is worth noting that the Legislature asked a number of times for reduction or abolition of several Nevada reservations.

In one case, the Legislature reversed this general 19th Century policy concerning reservations; in 1881, it memorialized Congress to establish a reservation for the Washos. ⁴¹

4. Approving Seizure of Indian Resources

One of the most important actions of the 19th Century Nevada legislatures regarding Indians, which still has important effects today, is a series of actions recognizing as legal the seizure of Indian lands and resources by individual White settlers. No doubt partly because of the speed of White settlement, in Nevada relatively little land passed from Indian to White hands through the treaty process; only the Ruby

Valley Treaty of 1863-1869 and the Goshute Treaty of 1863-1865 were ever ratified by Congress. Most Nevada Indians simply lost their lands without benefit of legal process at all. While the national government evidently assumed that it had acquired ownership of the land and resources of Nevada by the Treaty of Guadalupe Hidalgo of 1848 (a position denied by the United States Supreme Court in 1941), for practical purposes the loss of the most important lands occurred without prior legal consent of the national government. Settlers simply moved into the territory and started mining or farming, without seeking leave from either the Indians or the national government, and the national and state governments subsequently recognized these actions as legal. Two notable aspects of this process were the actions involving mining and seizure of water resources.

Mining. Although there had been limited placer mining in the Gold Hill area for several years previously, the discovery of the Comstock Lode in 1859 brought a rapid influx of miners into Western Nevada. Because there were no state or national laws governing mining at this time, the miners simply held public meetings to adopt rules and regulations for filing and recording claims. The territorial legislature of Nevada in 1861 recognized mining claims filed under these rules and regulations as legal, in 1866 Congress passed a law similarly recognizing the legality of such claims, and in 1866 the United States Supreme Court accepted the legality of claims based upon nothing but these regulations of the miners themselves. The miners' regulations which have survived do not mention Indian rights at all; tacitly, they assume that no Indian groups owned the lands they wanted to claim.

Water. In California, state courts by the 1860's had developed the doctrine of appropriation to legalize claims to water on the public domain. This doctrine likewise acknowledged no such thing as Indian ownership of water, and gave Whites a legal right to use water on the public domain based on nothing more substantial than proof of actual use of the waters for "beneficial" purposes; the doctrine of appropriation refused to recognize any such thing as aboriginal property rights.

A Nevada case which came before the State Supreme Court in the 1860's applied the doctrine of appropriation to Nevada, and illustrated the basic attitude toward

Indian occupancy, although there was some confusion over the status of the Indians. The case involved a conflict between White ranchers over use of Desert Creek in Smith Valley. Warren Hall and D. C. Simpson had purchased from unnamed Indians for an undisclosed amount the right to use a ditch which had been dug by the Indians to facilitate the catching of fish from the creek. The first time the case was before the Supreme Court, two of the three Justices held that the purchase from the Indians was irrelevant, since the California doctrine of appropriation was declared to apply in Nevada.⁴² In a subsequent decision involving the same parties, however, the same two Justices ruled that the Indians had acquired title to the use of the waters of Desert Creek by appropriation, and therefore could transfer this title to Whites.⁴³ This case did not hold, however, that the Indians had aboriginal title to the water; instead, it was held that the Indians, as well as Whites, could acquire a right to use water by appropriation after the land had become public domain (although the date when this occurred was not stated). Since these cases have not been overruled by subsequent courts or legislatures, they remain the basis of Nevada water law today;⁴⁴ to this day, Nevada law refuses to recognize that Indians have any rights to water which arise from aboriginal ownership, occupation, or use. This fact is of central importance in the dispute over the future of Pyramid Lake (See below).

5. An Anti-Kidnapping Law

Only one statute passed during the early territorial-statehood period specifically protected American Indians and other non-White groups. This law probably was designed to prohibit a kind of de facto slavery which had existed in California in the 1850's.⁴⁵ It stated that it was to be considered kidnapping for anyone to "forcibly steal, take, or arrest any man, woman, or child, whether white, black, or colored, or any Indian in this Territory, and carry him or her into another county, state, or territory . . ." or to remove any "negro, mulatto, or colored person, or Indian" from the Territory to be sold into slavery "or otherwise to employ him or her for his or her own use, or to the use of another, without the free will and consent of such . . ." person.⁴⁶ The law was passed after a bill modeled on the California "apprenticeship" law was voted down, with one member (John D. Winters of Carson City) stating that it "would make

slaves of the Indians."⁴⁷

6. Prohibition of Sale of Alcoholic Beverages

From territorial days until quite recently, it was illegal to furnish or sell alcoholic beverages to Indians. This represented endorsement by Nevada of an early national policy which was undoubtedly desired by some Indians.

To summarize for the period to 1900, in the early period of Nevada's separate existence as a territory and then a state, the following statements can be made about the attitudes of territorial and state governments toward Indians:

1. Indians were included, with other non-Whites, in constitutional provisions and/or laws which excluded them from voting, office-holding, and jury service, and from various rights and privileges, such as the right to attend schools, to marry Whites, to be attorneys, etc.

2. Also along with other non-Whites, Indians were subjected to a number of laws imposing obligations or restraints. In practice, probably there was little taxation of Indian land or property, but state laws provided for only minor exemptions for Indians. Although there was confusion on this point, and before 1885 there was no state statute specifically applying all criminal laws to Indians, in practice Indians were subjected to White criminal laws, although to an uncertain extent, throughout the 19th century. There was also no recognition at this time in territorial or state laws that Indians were members of independent or semi-independent groups entitled to have law different from those of the White community.

3. Nevada legislators often asked Congress for military aid against the Indians, tried to get Congress to pay damage to individual Whites resulting from Indian-White conflict, succeeded ultimately in getting Congress to compensate Nevada for extra pay to the Nevada Volunteers, who were used against Indians during the 1860's and, with a single exception, regularly urged Congress to reduce or abolish existing Indian reservations in the state.

4. Territorial and state governments passed laws legalizing the theft of Indian land, water, and other resources, and refused to recognize any concept of Indian aboriginal property rights.

III. Indians in Nevada Law from 1900 to the 1940's

Gradually during the 19th Century, most of the overtly racist laws specifically applying to all non-Whites were repealed. The 15th Amendment abolished race as a condition of voting in 1869, and the State Constitution was amended to the same effect in 1880. This action opened office-holding and jury service to non-Whites. The law excluding non-Whites from public schools, except where segregated schools existed, was declared unconstitutional in 1872, and the Legislature made no attempt to revive it. The law prohibiting testimony of non-Whites against Whites in civil cases was repealed in 1869, and the law against non-White testimony in criminal cases was repealed in 1881. The early provision of free tuition to the University was replaced in 1887 with a law prohibiting racial discrimination in the admission of students, the law requiring attorneys to be White was repealed, and the state support of an orphanage which would not admit non-Whites was ended in 1881 by a State Supreme Court opinion that such support was unconstitutional because the orphanage was run by a religious order.⁴⁸

The repeal of these overtly racist laws, however, did not in fact make many changes, particularly for Indians, until the 20th Century. The reasons for this situation appear from a look at various areas of law.

1. Voting. Apparently most Indians could not vote in Nevada until 1924 because most of them were not held to be citizens of the United States. The 14th Amendment to the federal Constitution made all persons citizens who were born in the United States "subject to its jurisdiction." Since the national government maintained that the Indians were not under the jurisdiction of the United States until the passage by Congress in 1924 of a law specifically claiming jurisdiction over them, Indians did not become United States citizens by birth on passage of the 14th Amendment. Indians could become citizens through acts of Congress; while it is not known how many Nevada Indians were citizens before 1924, probably few were. Further, before 1910 payment of a poll tax was a requirement for voting in Nevada, and "uncivilized American Indians" were exempted from payment of this tax. While there seems to have been no interpretation of this clause by either a state court or the Attorney General before repeal of the law linking the poll tax and voting in 1910, it is likely that county clerks regarded

most Indians as "uncivilized" at this time. Finally, there was probably simply racial prejudice against Indians to add still another barrier to voting. A revealing indication of prejudice is a one-sentence opinion of the Attorney General in 1900 to a county clerk in which he asserted "that I do not think half-breed Indians are entitled to register to vote in this State, under article II, section 1, of the Constitution."⁴⁹

After Congress made all Indians citizens in 1924, the Attorney General ruled in two opinions that persons could establish residence for purposes of voting by residence on an Indian reservation and that polling places could be established on Indian reservations.⁵⁰ Nevada newspapers reported Indians voting for the first time in 1924 and 1926.

2. Education. After 1872, Indian children were legally entitled to attend public schools, and by law were not excluded from the school census until 1897. But in fact, very few Indian children were admitted to state schools until the 1920's, and only some were educated in schools run by the Bureau of Indian Affairs until well into this century. From 1897 to 1935, state school law reflected this situation, for it required the omission from the annual school census of Indian children of school age who were not actually attending school.

There were some attempts by Indians to set up schools run by Indians but on a White model during the 19th Century. In the late 1860's, an Indian named Samuel C. Brown attempted to build a school in Virginia City, but this effort apparently ended when Brown was sent to the State Prison for stealing carpenters' tools and lumber. Contemporary newspapers treated this attempt to introduce White education as ludicrous, and therefore accounts of it are frustratingly vague, but there seems to be little doubt that some Indians in Virginia City attempted to build a school a few years after White conquest.⁵¹ In the 1880's, Sarah Winnemucca Hopkins, daughter of Old Winnemucca, operated a school for Indian children at Lovelock. According to her account, she received a great deal of opposition from local Whites.⁵² Schools operated by the Bureau of Indian Affairs were opened at Pyramid Lake in 1878, Walker River in 1881, Duck Valley in 1882, and McDermitt in 1886.⁵³ The Carson School (today the Stewart Institute), a boarding school which became the Indian school in the state with the largest

attendance, was opened in 1890.⁵⁴ For most of the 19th Century, however, Indian children in the state did not attend school at all; in 1885 it was reported by the State Superintendent of Public Instruction that 123 Indian children were attending school out of a total of 1,500 between 6 and 16 in the state, and there were only 175 enrolled in the BIA schools in 1890.

Nevada government played a role in establishment of the Carson School. In the late 1880's the Legislature began to memorialize Congress to establish Indian schools in Nevada, and two Superintendents of Public Instruction actively worked toward this end. Some of the reasons given for desiring education for Indians are indicative both of White conceptions of the inferiority of Indians and of Indian economic roles in White society. Superintendent of Public Instruction C. S. Young indicated in 1887, for example, that

Our Nevada Indians should be educated. They are now an important factor in our western civilization. They should be taught how to work, how to make a living; should be taught the principles underlying our government, and the duties of citizenship. They should be taught not only to read and write, but the various trades, domestic work, ranching -- all kinds of handiwork. Then they might be substituted for Chinese servants, or other people foreign to our institutions and obnoxious to our American civilization.⁵⁵

In 1887, the Legislature authorized Ormsby County to issue bonds in the amount of \$10,000 to acquire land and construct buildings for an Indian school in the county. An Indian School Commission was appointed to carry out the intent of the act, and the land and buildings were to be donated to the national government if it would agree to operate an Indian school there.⁵⁶ In 1890, the land and buildings were turned over to the national government and the Carson School began instruction. In 1897, the Legislature donated another 38.66 acres to the school and authorized Ormsby County to sell bonds in the amount of \$8,000 to pay off indebtedness remaining from the original bond issue. Several resolutions asking for increased support of the Indian school at Carson City by the national government were adopted by subsequent legislatures, and in 1919 the Legislature passed a law to compel the attendance of Indian children at the school.

Beginning in the 1920's and accelerating after the passage of the Johnson-O'Malley Act of 1934, Indian students were admitted to the public schools and the BIA-run school

were closed down or converted to schools attended chiefly by non-Nevada students. Today, most Nevada Indian children are in school, attending public schools which receive modest subsidies from the national government. This has been a long process, however, and it was nearly 60 years after the repeal of the law prohibiting their education in the public schools before more than a few Indian children were admitted to the state's schools.

3. Other Areas. In other areas, Indian law in Nevada changed little from the 19th Century until recent years.

A. Criminal Law. After 1885, the state claimed criminal jurisdiction over Indians in all cases except that of an offense committed by an Indian against an Indian on a reservation, but apparently not all the situations which might have occurred actually came before the courts or the Attorney General, and there was still some confusion over the question. In 1915, the conviction of a White man living on the Pyramid Lake Reservation was sustained by the State Supreme Court,⁵⁷ an Attorney General's opinion in 1925 held that the State Police could arrest either an Indian or a non-Indian on a reservation, with the one exception provided in the 1885 act, in 1948 an Attorney General's opinion reaffirmed this, and in 1950 the Attorney General ruled that state game wardens could arrest non-Indians on the Pyramid Lake Reservation and upheld the validity of hunting, fishing and boating regulations enacted by the Pyramid Lake Tribe. However, also in 1950, the Attorney General ruled that "a State cannot enforce its fish and game laws within the domain of an Indian reservation situated within the boundaries of the State"⁵⁸ and in 1948 the Attorney General had ruled that the State Athletic Commission had no jurisdiction over athletic contests held on an Indian reservation.⁵⁹

To further confuse the situation, Congress did not give its consent to state jurisdiction of the wide sort claimed by Nevada in 1885 until 1953. The Legislature essentially reenacted the 1885 law in 1953, but before passage of the Congressional act, and therefore was forced to reenact the law in 1955. Since 1955, the state has assumed both criminal and civil jurisdiction over reservations not excluded by action of the Governor in 1955. (There is no provision for excluding reservations after 1955.) Three of the four largest reservations, by population, are excluded from State

jurisdiction.⁶⁰ The Nevada law does not provide for consultation with Indians, through tribal councils or otherwise, and therefore is in conflict with a 1968 revision of the 1953 Congressional Act, which allows state jurisdiction only "With the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption."⁶¹ Opinions of the Attorney General since 1953 also indicate considerable confusion about the effect of the 1953 Act and Nevada's 1955 law.

In recent years there have been differences of opinion between state officials and tribal councils over whether state law applies to Indian reservations in particular cases. The Pyramid Lake Tribal Council, for example, protested a Governor's executive order closing the part of the Truckee River which runs through their reservation to fishing for several months in 1972, and asserted that the order did not apply on the reservation.⁶²

B. Fish and Game Laws. A number of statutes applying to Indians provided special rules for Indian fishing. In 1911, a law allowed fish or game wardens to ask for assistance of private persons to enforce fish and game laws against Indians if the Indians "shall be in such numbers as to be beyond the reasonable power" of the warden "to control, or in case of forcible resistance to the enforcement. . ." of the law.⁶³ In 1923, however, the Legislature passed a law granting free fishing and hunting licenses to Indians,⁶⁴ and this and subsequent legislatures until 1955 passed laws allowing Indians to sell fish caught in Pyramid, Walker, and Winnemucca Lakes. Beginning in 1933, the Legislature provided special fishing seasons for Indians fishing in Pyramid and Walker Lakes.

C. Alcohol. Laws prohibiting the sale of alcohol to Indians were continued until recent years. Penalties were increased or decreased several times during the 19th and 20th Centuries, and in 1903 the law was changed to require the turning over to national authorities of anyone apprehended selling liquor to an Indian who was a ward of the government.

Curiously, while the Legislature in 1905 asked Congress to change national law to make it illegal for Indians to purchase alcoholic beverages, the state statute itself was never changed to make it criminal for Indians to buy such beverages. In 1915,

however, it was made illegal for an Indian to solicit anyone to purchase "intoxicating liquor."

D. Peyote. Beginning in 1917, Nevada law attempted to prohibit the sale of peyote in the state, although in a confused manner. In that year, it was made illegal to sell or offer to sell "anhalonium (peyote or mescal button)" except by prescription.⁶⁵ Evidently the lawmakers thought peyote and mescal were the same.

E. Anti-Miscegenation. In 1919, the anti-miscegenation statute was amended to exclude Indians from the marriage section but not the fornication section. After 1919, it was legal for a White person to marry an Indian but not to cohabit with an Indian. In 1921, a White man apparently married an Indian woman with whom he had been living with the hope that this would result in the dismissal of criminal charges which had been brought against him for alleged violation of the anti-miscegenation law. However, "After the ceremony Assistant District Attorney Harlin Heward announced that it would have no effect on the prosecution of the charge and that his office would proceed with the case just the same."⁶⁶ The outcome of the trial is not known.

F. Pro-Indian Resolutions. In a number of cases in the late 19th Century and the first part of the 20th Century, the Legislature adopted resolutions asking aid from the national government for Nevada Indians; in some cases, these requests involved benefits to Whites as well. In the 1870's and 1880's, for example, the Legislature adopted numerous resolutions and even some laws to try to halt the dumping of sawdust into the Truckee River by sawmills in California. At one point, Governor L. R. Bradley visited the mouth of the river at Pyramid Lake and reported that "the river is closed by an impenetrable barrier" of sawdust "at least a half-mile in length, three hundred yards in breadth and three feet in depth."⁶⁷ In the early 1890's, the California Fish and Game Commission stopped the pollution of the river by sawdust, and these resolutions stopped.

In 1909, after the building of Derby Dam across the Truckee River, the Legislature asked Congress to provide fish ladders at the dam, to prevent the extinction of fish in Pyramid Lake and along the Truckee. In the 1920's the Legislature asked Congress to establish fish hatcheries at Pyramid and Walker Lakes. In 1913 and 1915 it requested

Congressional aid for the Washos, and in 1925 it requested better medical services for Nevada Indians. During the 1930's and in 1941, the Legislature repeatedly requested Congress to provide for destitute Indians and/or assume all costs of various kinds of public assistance for Indians in the state.

G. Pyramid Lake Squatters. Finally, in 1937, the Legislature supported White squatters upon the Pyramid Lake Reservation, who were resisting paying for the lands they were farming, although these had never legally been removed from the reservation. (See the article by Faun Mortara in this volume.)

IV. The Modern Period: An Anti-Racist Stance

Beginning roughly in the 1940's, the Legislature began to repeal the remaining racist laws and to enact laws against non-discrimination and other statutes which favored non-White groups, especially Indians.

It has been pointed out that 19th Century Nevada law failed to recognize in any way the validity of Indian values and customs which might differ from those of the dominant society or to recognize that Indian tribal councils have any lawmaking power. The latter point is still not recognized, but several statutes have acknowledged Indian cultural differences. In 1943 and 1945, the Legislature passed laws recognizing Indian marriages as legal; that is, persons could be recognized as legally married under different rules than the general rules if they were Indians. For example, no marriage license or specific ceremony is required. In 1969, the State Supreme Court, basing its decision partly on expert testimony by anthropologist Warren d'Azevedo, upheld the validity of these laws and interpreted them broadly; the statutory requirement of registration of the marriage, for example, was held not to be mandatory.⁶⁸ The partial recognition of Indian cultural differences provided by these laws has had the effect of confusing the situation somewhat, however, because it is only partial. In a memorandum prepared for proceedings in the Ponina case, Prof. Sven Liljeblad of Idaho State University pointed out that the effect of the state recognition of the validity of Indian marriage in this instance was to require rules for inheritance of the property of the couple which were at variance with aboriginal customs: "'Indian marriage' and Indian inheritance rules are compatible; 'Indian marriage' and modern probate procedures are

not compatible."

In 1966, after hearing testimony from Prof. d'Azevedo and Indian peyotists, the Legislature specifically exempted peyote from the list of hallucinogenic drugs whose use is forbidden by law; in 1969, this statute was changed to exempt peyote only when it is "used as the sacrament in religious rites of any bona fide religious organization."⁶⁹ Related to this is the repeal of the ban on the sale of alcoholic beverages to Indians; in 1945 the Legislature asked Congress to repeal the national law, and in 1947 the state law was repealed.

Beginning in 1953, legislatures passed laws designed to protect historic or pre-historic artifacts or sites, including those of Indian origin. Excavation or collection of Indian artifacts on public lands is now legal only if a permit has been issued by the State Museum, with some exceptions.

The Legislature has recently supported efforts to preserve Indian arts and crafts. In 1945, the Legislature appropriated \$1,500 to purchase a collection of baskets made by the famed Navaho basketmaker Dat-So-La-Lee, in 1971 \$10,000 was appropriated to purchase the artifact collection of R. F. Perkins at the Lost City Museum in Clark County, if \$90,000 could be raised in private contributions, and in 1967 a law was passed to prohibit the sale of "imitation Indian art or craft articles" not so labeled.⁷⁰

In 1955, the Legislature passed a resolution opposing the policy of "terminating" Indian groups, and repeated this action in 1960 and 1961.

In 1965, the Indian Affairs Commission was created, as the first state agency specifically concerned with Indian affairs. At least three of the seven members of the Commission must be Indian, and in practice the Chairman of the Commission has been Indian since it was created. The Commission has a small staff, headed by an Executive Director, and has not been given important functions, but it does serve as a spokesman for Indians within the state government. The Executive Director has been Indian from 1965 to date.

In 1961 a law was passed to prohibit mechanical harvesting of piñon nuts, with the specific statement that this was partly designed to protect a source of food for existing Indians. In 1969, the Legislature asked the Bureau of Land Management to exempt

Indians from a regulation limiting the free harvesting of piñon nuts to 25 pounds per person, and in 1969 Indians were exempted from a 1937 law prohibiting the picking or destruction of wild plants if the Indians were gathering plants for their own use. In 1969 the Legislature amended a law allowing public agencies priority in purchasing surplus equipment from the Highway Department to include Indian tribal councils as agencies eligible for such purchases, and in 1971 this statute was amended to permit donation of such surplus equipment to the Indian Affairs Commission for use by Indians if no other public agency wished to buy such equipment.

Indians were also affected by the enactment of prohibitions on racial discrimination. In 1959, the Legislature prohibited discrimination on a racial basis in employment by all public agencies in the state, and passed two minor elaborations of this policy in 1963 and 1967. The 1959 Legislature also prohibited racial discrimination by contractor performing work for public agencies, and the 1960 Legislature passed a law prohibiting racial discrimination in apprenticeship programs.

In 1961, the Nevada Commission on Equal Rights of Citizens was created. Though it lacked enforcement powers, initially, the Commission was charged with carrying out the Legislature's stated "public policy . . . to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations, and reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, national origin or ancestry."⁷¹

In 1965, laws prohibiting racial discrimination in most public accommodations and in employment were passed, and the Equal Rights Commission was given the duty of enforcing these laws. In 1971, the public accommodations law was extended to cover practically all such businesses, and a fair housing law, also administered by the Equal Rights Commission, was adopted. Although these major anti-discrimination statutes since 1965 were adopted primarily to deal with discrimination against Blacks, and it is not clear that they have had major impact even on discrimination against this group, they also apply to American Indians and undoubtedly have had some effect on White discrimination against Indians. There needs to be a survey of existing discrimination against Indians, but

it seems likely that denial of public accommodations, employment, and housing to Indians on a racial basis is a relatively minor problem today.

V. Remaining Issues

In most respects, the 19th Century pattern of racist laws in Nevada has been reversed; instead of laws discriminating against non-Whites, there are now a number of laws against such discrimination. Nevada's legal system can still be charged with racism, however, for several reasons.

First, some racist laws still remain. Of most importance to American Indians today is that Nevada law still does not recognize aboriginal property rights, a fact of current relevance because some resources still remain to be taken from them and may be taken because of the absence of adequate legal protection for their property rights. Water rights are the most important area involved in questions of this sort, and the fate of Pyramid Lake has become a nationwide symbol of the continuing conflict between Indians and Whites. Pyramid Lake, which lies completely within the Pyramid Lake Reservation, is drying up because of diversions of water by the Truckee-Carson Irrigation District and other upstream users, for irrigation, recreation, and wildlife purposes. The Indians, in attempting to preserve their lake, are faced with two sets of problems. First, some of the White diversions are illegal even under existing laws; the use of Truckee water to maintain Lake Lahontan for recreational purposes and to maintain wildlife refuges, for example, is not authorized under existing law. The first problem of the Indians, then, is to secure enforcement of existing law; it is obvious that this is a problem only because Indians are involved. As a White friend of the Indians said in 1964, "If this property had been owned by six hundred white stockholders in an irrigation company, would this property have been taken without compensation, or at all?"⁷²

Second, the Indians need to secure a clear statement of their legal rights to enough water to maintain the present level of Pyramid Lake and its fisheries. There is no basis in state water law on which this can be done, but the Indians can rely on a national principle of law known as the Winters Doctrine. The United States Supreme Court has ruled in a number of cases since 1908 that the national government, when it established reservations for Indians, intended to preserve the water resources these

reservations need, for future as well as present purposes.⁷³ While the Indians cannot assert constitutional rights on their own, they can insist that the national government obey the law by protecting their water rights as established by the Winters Doctrine.

The complexities of the Pyramid Lake water controversy cannot be gone into here but it is important to realize that the Indians would clearly be forced to see their lake dry up if only state law were involved. The failure to change 19th Century water laws, in other words, still has enormous importance in threatening current deprivations of Indian rights.

2. Second, there is the difficult question of the extent to which Nevada law should recognize Indian communities as entitled to have their own, separate values and their own legal systems. In other words, this is a question of the extent to which pluralism in the sense of parallel institutions for different racial groups will be permitted by state law. At the moment, as has been noted above, White law recognizes the validity of Indian marriages and of peyote use in Indian religious ceremonies but has not gone beyond this. This question is one of great complexity, and there will be no attempt to deal with it fully here, but several aspects of the question require comment. It seems to me racist for the question of the degree to which pluralism is to exist to be determined solely by the White community. Only if decisions about the relationships between two or more racial groups are made freely and voluntarily by all the groups can racism be avoided. It is clear that Indian groups still do not have sufficient power to have genuinely free choice on this question to a significant degree.

3. A final aspect of the legal position of Indians in Nevada society is the question of superiority-inferiority. At present American Indians are the poorest ethnic group in the country, and this poverty is a direct result of the conquest of Indians by Whites and the destruction of resources previously owned and used by Indians. The question is complex and cannot be dealt with fully here, but again several comments cannot be avoided. The material standard of living in aboriginal times of many Indian groups, notably those of the Great Basin, was simple and would have been considered to be at a poverty level by most Whites. It seems improbable that the concept of poverty can be applied to these societies, however, at least as long as starvation was not

present. If Nevada Indians chose to live in an aboriginal fashion today and if this were possible, it would seem inappropriate to regard persons living in this way as poor. However, it is obvious that very few, if any, Nevada Indians can live today in a strictly aboriginal fashion; the resources left to them are too few to support more than a few people living as Nevada Indians lived in 1850. Beyond this, it is also obvious that most Nevada Indians have developed a desire for at least the basic material aspects of modern White society; probably most present-day Nevada Indians would consider themselves poor if they lived by strictly aboriginal standards. In short, whether they are traditionalists or adopt a viewpoint modified by contact with White society, a great deal of poverty is the lot of Nevada Indian groups, because of decisions made by White society. (As illustrations, the allotment of the Walker River Reservation resulted in average land holdings of less than 20 acres per household, the Orr Ditch Decree allocated water for irrigation to Indian farmers at Pyramid Lake on the basis of water for five acres per household, and the papers in this volume on Rye Lake Reservation and Imperial Canal show a similar pattern. Indians, even when they became farmers, had far less land per household than the average White farmer.)

In short, a non-racist society, with respect to American Indian-White relationships, seems to me to require that Indians be allowed enough power to make their own decisions on the question of pluralism, but also that the resulting patterns not systematically condemn a large proportion of Indians to poverty against their will. White law can still be considered racist as long as it contributes to frustration of these goals.

FOOTNOTES

Various individuals have contributed information used in this paper, and I should acknowledge them here. I am especially indebted to Warren d'Azevedo, Phillip Earl, Mary Ellen Glass, Sven Liljeblad, and Dennis Thompson.

1. Harold D. Lasswell defined politics in essentially the present manner in Politics: Who Gets What, When, How in 1936. More recently, see Joyce M. and William C. Mitchell, Political Analysis and Public Policy: An Introduction to Political Science (Chicago: Rand McNally, 1969).
2. Some people use racism to refer to a pattern of ideas; e.g., Pierre van den Berghe, Race and Racism (New York: John Wiley, 1967). A wider usage is adopted here

- because the actual pattern of social relationships seems more basic than the pattern of ideas supporting these relationships and because the relationships between ideas and behavior are complex.
3. Tucson: University of Arizona Press, 1962.
 4. Following H. L. A. Hart, laws are defined, strictly speaking, as those actions by government which in fact control conduct. See The Concept of Law (Oxford: Clarendon Press, 1961).
 5. Specific information on Nevada law is taken from an unpublished study by the author. Citations will be made to specific statutes or court decisions in this paper only where there is direct quotation or the source is of unusual importance.
 6. Statutes 1861, Chapter 32. Legislators in 1861 expressed more concern over White-Indian miscegenation than over miscegenation involving other groups. See William C. Miller, Russell W. McDonald, and Ann Rollins, eds., Letters from Nevada Territory, 1861-1862, by Andrew J. Marsh (Carson City, Nevada: Legislative Counsel Bureau, State of Nevada, 1972), pp. 107, 167-168, 206, 230, 247, 270-271, 305, 311, 322, 326, 329, 330, 339, 343, 347. It was "urged" in debate that "this bill was designed to prevent one of the chief causes of difficulties with Indians. . . ." P. 347.
 7. Statutes 1861, Chapter 28.
 8. Statutes 1861, Chapter 103.
 9. Statutes 1865, Chapter 136.
 10. See *State of Nevada v. Duffy*, 7 Nevada 342 (1872).
 11. See William C. Miller and Eleanore Bushnell, eds., Reports of the 1863 Constitutional Convention of the Territory of Nevada (Carson City, Nevada: Legislative Counsel Bureau, State of Nevada, 1972), pp. 260-261, 330.
 12. Ibid., p. 236.
 13. Report of the State Superintendent of Public Instruction for 1867-1868, p. 16.
 14. State of Nevada v. Duffy, 7 Nevada 342, 356.
 15. Andrew J. Marsh, Official Reporter, Nevada Constitutional Debates and Proceedings (San Francisco: Frank Eastman, 1866), p. 261. The report of the 1863 Convention was finally published in 1972; see Miller and Bushnell, fn. 11.
 16. Marsh, p. 113. Two other delegates made similar remarks. Pp. 114, 787.
 17. As an example of the conflict between Indian law and White law, in 1891 three Indians in Lovelock were convicted of second-degree murder for killing a woman they believed to be a witch. At their trial, they admitted the killing but insisted that they had been justified in the act because it was a duty in their society to kill witches. Several leaders of the Northern Paiute and Washo communities in Nevada petitioned for the release of the three on the same ground, and they were released after imprisonment for a little more than one year. See Phillip I. Earl, "Nevada Indian: Last U.S. 'Witch,'" Nevada State Journal, February 25, 1973, pp. 1, 7. In a letter to a Carson City newspaper, Bungle Jim, one of the prisoners, stated that "I am a Paiute Indian and have a firm conviction that there is witches, having been taught

so by my people.' He said: 'I am equal of the white man that I should be punished for what I believed to be right.' Carson City News, October 7, 1891, p. 1.

18. See State v. McKernan, 16 Nevada 160 (1883).
19. Information about State Prison inmates was secured from Reports of the Wardens and the ... the pardon in Storey County is from the Second Inaugural Address of Gov. Bradley, January 3, 1867, p. 15.
20. Carson Daily Appeal, May 23, 1866, p. 2, reprinting item from Humboldt Register, no date.
21. Statutes 1885, Chapter 29.
22. Hubert Howe Bancroft wrote in 1890 that "Probably 250 or 300 white persons have been killed by Indians in Nevada, while ten times that number of savages have suffered death at the hands of white men." Nevada, Colorado and Wyoming, Vol. XX of History of the Pacific States of North America San Francisco: The History Company, 1890, p. 291.
23. "The Northern Paiute Indians" typescript, 1954, prepared for the Indian Claims Commission, 313 pp.
24. Report of the Adjutant-General of Nevada for 1865, p. 6.
25. Statutes 1867, Senate Resolution 21.
26. Statutes 1866, Senate Resolution 3.
27. Journal of the Senate, 1866 Session, p. 63.
28. Ibid., pp. 64, 72.
29. See Report of the Adjutant-General for 1865, p. 7.
30. See Annual Report of the State Treasurer for 1889, pp. 19-25.
31. See State of Nevada v. United States, 45 Ct. Cl. 254 (1910) and Report of the State Treasurer for 1910, p. 5.
32. Report of the State Treasurer for 1929, p. 6.
33. Statutes 1881, Chapter 52.
34. Statutes 1862, Chapter 29.
35. Miller, McDonald, and Rollins, pp. 526, 530, 553-4, 558, 566, 572-3, 580-1, 592, 641.
36. Charles C. Royce, comp., Indian Land Cessions in the United States, Part Two of Eighteenth Annual Report of Bureau of American Ethnology (Washington, D.C.: Government Printing Office, 1899), p. 833.
37. Charles J. Kappler, comp. and ed., Indian Affairs, Laws and Treaties, Vol. 1 (Washington, D.C.: Government Printing Office, 1904), p. 157.

38. Statutes 1873, Assembly Resolution 10.
39. Statutes 1877, Assembly Resolution 11, Assembly Resolution 12, Assembly Resolution 9.
40. Statutes 1877, Assembly Resolution 16, Assembly Resolution 9.
41. Statutes 1881, Assembly Resolution 12.
42. *Loddell v. Simpson*, 2 Nevada 276 (1866). See also Myron Angel, History of Nevada (Oakland, California: Thompson and West, 1881), pp. 412-413.
43. *Loddell v. Hall*, 3 Nevada 507, 516-517.
44. Later in the 19th Century, Nevada courts also recognized the Eastern doctrine of riparian water rights as applicable in Nevada, but reversed this position subsequently. Since 1885, Nevada law has recognized appropriation alone as the basis of water law.
45. See Robert F. Heizer and Alan F. Almquist, The Other Californians (Berkeley: University of California Press, 1971), pp. 38-58, 212-217. Heizer and Almquist conclude that a system which was based on laws permitting the "indenture" of Indians from 1850 to 1863 "was a legalized form of slavery of California Indians." P. 57.
46. Statutes 1861, Chapter 28. In addition, Nevada entered the Union with Constitutional provisions banning slavery.
47. Miller, McDonald, and Robbins, pp. 70, 91-2, 123, 125-6. The statement is on p. 125.
48. See *State ex. rel. Nevada Orphan Asylum v. J. F. Hallock*, 16 Nevada 373 (1881-1882).
49. Annual Report of the Attorney General, 1901, p. 46.
50. Opinions of the Attorney General, No. 247, September 28, 1926, and No. 316, September 1, 1928.
51. See Dan De Quille, The Big Bonanza (New York: Alfred A. Knopf, 1947), pp. 218-219, and Kris Carter and Dennis Thompson "Historic Paiute Site Near Geiger Grade," Nevada Archeological Survey Reporter, Vol. VI, No. 2 (March-April, 1972).
52. See Jack D. Fortes, Nevada Indians Speak (Reno: University of Nevada Press, 1967), pp. 11-12, and Elizabeth P. Peabody, Sarah Winnemucca's Practical Solution of the Indian Problem (Cambridge: John Wilson and Son, 1886), 36 pp., and The Pitkin: Second Report of the Model School of Sarah Winnemucca (Cambridge: John Wilson and Son, 1887), 18 pp.
53. See C. Leon Wall, "History of Indian Education in Nevada from 1861 to 1951," unpublished master's thesis, University of Nevada, Reno, 1952, pp. 12-14.
54. Wall, p. 28, and Nicholas D. Jackson, "A History of the Stewart Indian School," unpublished master's thesis, University of Nevada, Reno, 1969, p. 14.
55. Report of the Superintendent of Public Instruction for 1887, p. 47.

56. Statutes 1917, Chapter 12.
57. Ex parte Crosby, 38 Nevada 389 (1915).
58. Opinions of the Attorney General, No. 914, April 28, 1950.
59. Opinions of the Attorney General, No. 605, April 15, 1948.
60. Duck Valley Reservation, Pyramid Lake Reservation, and Walker River Reservation. See Stephen T. Walther, "The Status of Nevada Courts' Jurisdiction over Indians: A Legislative Quagmire," Nevada Indian Review, published by League of Women Voters of Nevada, March 1971.
61. 82 Stat. 19.
62. See Nevada State Journal, March 29, 1972 and April 1 and 8, 1972.
63. Statutes 1911, Chapter 64. The law was repealed in 1917.
64. Statutes 1923, Chapter 198.
65. Statutes 1917, Chapter 187. There is some confusion about the status of peyote in Nevada law after 1917. A 1933 Uniform Narcotic Drug Act may have repealed the 1913 law to which the ban on peyote was added as an amendment, but in 1941 the Legislature amended the 1913 act. In 1955 the 1913 act was specifically repealed.
66. See Sparks Tribune, November 11, 1921, p. 1.
67. Second Biennial Message of Gov. Bradley, January 6, 1875, pp. 12-13.
68. Allie Ponina v. Robert Jeland, et. al., 85 Nevada 263 (1969).
69. Statutes 1969, Chapter 248.
70. Statutes 1967, Chapter 262.
71. Statutes 1961, Chapter 364.
72. Quoted in Alvin M. Josephy, Jr., "'Here in Nevada a Terrible Crime . . .'", American Heritage, Vol. XXI, No. 4 (June, 1970), p. 99.
73. See Winters v. United States, 207 U.S. 564 (1908), and William H. Veeder, "Winters Doctrine Rights, Keystone of National Program for Western Land and Water Conservation and Utilization," Montana Law Review, vol. 26, no. 2 (Spring, 1965), pp. 149-177.

INDIAN TRIBAL GOVERNMENTS IN NEVADA

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The Indian Reorganization Act of 1934 was an important result of a major shift in government policy towards Indians. Some discussions of this can be found in the anthropological literature.¹ Spicer (1962) attributes the new policy to a change in the way the acculturation process was viewed--in that the Indian community rather than the individual was seen as the most effective agent of change. The object was political and economic assimilation, but efforts were to be directed towards the tribe or reservation rather than towards the individual or family as in the past. Others have suggested that the policy shift was also based on the discrediting of naive 19th century racism and ethnocentrism. Attempts to force change in religion, language and family patterns were thus being abandoned in favor of directing change towards political assimilation and economic self-sufficiency. In fact, the Indian Bureau's most obvious attempts to repress native religious expression did cease with the Collier administration and attempts were made to encourage retention of native languages and art forms. More of the government's Indian program was directed toward economic development and, especially beginning with the Economic Opportunity program, there was an increased tendency to seek economic solutions for what had been long recognized by Indians at least to be economic problems.

The attention of a number of Indian political activists has focused in recent years on tribal councils and in general upon the provisions of the Indian Reorganization Act (IRA) (Costo 1970; Deloria 1970, 1971). Although councils are vulnerable to the charge of Bureau domination and therefore subject to the criticisms leveled at the B.I.A., many activists have pointed out the potential of these tribal governments and corporations for preserving the Indian land base and distinctive features of tribal life. It is also possible that effective defense of the tribal land base through tribal governments would lessen dependence upon the Indian Bureau, which is generally recognized, for all its imperfections, to be the only government agency committed to the defense of Indian land (Cahn 1969).

It would seem then that a study of tribal councils organized under the I.R.A. provisions would contribute to an understanding of directed culture change. Relatively little has appeared in print,² particularly for Nevada reservations and colonies, and therefore some of the findings of a recent study conducted by Inter-Tribal Council of Nevada are summarized here.³

Nearly every colony and reservation in Nevada has a governing body formally organized under the provisions of the I.R.A., which empowered local native groups to incorporate, adopt constitutions and by-laws, and elect a tribal or business council. These councils were specifically empowered to negotiate with federal, state or local governments, but no other formal links to state and local governments were provided and linkage with the federal government was clearly channeled through the Bureau of Indian Affairs. This is in contrast to other forms of local governments in the United States. Large sections of the Revised Statutes of Nevada, for example, deal with counties, cities, and unincorporated villages. Powers of the state are formally extended to or specifically restricted from these governmental units. Procedures are spelled out in detail. The only recognition of Indian tribal governments in Nevada state law consists of three relatively minor and quite recent statutes (E. Rusco 1973). As far as Nevada law is concerned, tribal councils probably more closely resemble property owners' associations than local governments.

In general, Nevada tribal councils are organized on a reservation or colony-wide basis, but there are two broader organizations that have incorporated on a tribal basis. The Washo Tribal Council, one of the first to organize and incorporate, had its constitution and by-laws approved January 24, 1936. The Washo Tribal Council embraces all members of the Washo Tribe in Nevada and California and has three sub-councils under it. The Carson Colony Community Council, the Dresslerville Community Council and the Woodfords Community Council, governing bodies of the three communities with predominantly Washo population, are sub-councils of the Washo Tribal Council. In addition, a large number of Washo live on the Reno-Sparks Indian Colony and are represented and governed by the Washo Tribal Council. The Te-Moak Western Shoshone Council, under a constitution and charter approved Aug. 24, 1938, is the governing body for those

Shoshones living on the South Fork Reservation, Odgers Ranch and Ruby Valley, and on the Elko Colony. Under the Te-Moak Western Shoshone Council are two local sub-councils, Elko Colony Council and South Fork Community Council.

The other colonies and reservations in the state are organized on a local basis, the majority of them formally (under the provisions of the I.R.A.). Seventeen of the twenty-four tribal organizations in the state were formally organized and recognized within eight years after the passage of the act and thus have had three decades of local self-government and community political activity under its provisions. Six were organized in the last decade and one has not gone through the process of formal organization. In addition reservation and colony residents throughout the state have special-purpose groups and committees both under and independent of tribal councils.

The form and powers of Nevada tribal governments vary only slightly from one community to another. The provisions of the I.R.A. spell out the functions in great detail and prescribe the general form, and in addition the Bureau of Indian Affairs was given the responsibility of providing counsel to the local tribal groups during the preparation of constitution, charter and by-laws. There are nonetheless fairly significant differences. Some of the constitutions provide explicit guarantees of certain rights to individuals, some provide for recall, referendum and/or initiative. Constitutions, charters, and by-laws for six tribal organizations were examined during an I.T.C. research project. (Two of the target communities had not formally organized.) Two of these provided a bill of rights; three provided for recall; two for referendum and one for initiative. Only one, the Constitution for the Washoe Tribal Council, one of the first approved in Nevada, has all four of these provisions.

The responsibilities and powers of local councils vary slightly from council to council. In general, they are responsible for the resources of the tribe and to tribal members; they assign lands to individuals and see that they are properly cared for. Constitutions and by-laws commit the councils to an interest in the economic and social welfare of the members of the tribe and to fostering programs which will improve conditions on the reservation or colony. All acts of the councils must be within the guidelines of the constitution and by-laws, and must be approved by the B.I.A. In

addition, all decisions involving either reservation resources or agreements with off-reservation organizations or individuals must be approved by the Secretary of the Interior through the B.I.A. The Bureau acts as counselor on matters pertaining to tribal government and resource development.

In November, 1963, delegates from six tribal councils adopted the Constitution and By-Laws of the Inter-Tribal Council of Nevada. This was the culmination of meetings and discussions held over the previous five or six years (Dressler n.d.; Forbes 1967). Membership in this council is open to all recognized Indian tribal groups in the state. Since that time 19 of the 24 tribal councils in the state have joined Inter-Tribal Council and have representatives on its Executive Board.

The Inter-Tribal Council, prohibited by its constitution from interfering in local council affairs, is charged with protecting the rights, preserving the heritage and promoting the welfare of the Indians of Nevada. It is responsible to its member organizations and has no formal relationship to the B.I.A.

The Executive Board is the political and administrative arm of the total organization, responsible for all programs and actively concerned with national and state policy affecting Indians. With funds from the Office of Economic Opportunity, the Board hired an Executive Director in 1965. At the 1972 annual meeting, the Director reported that Inter-Tribal Council (usually referred to as I.T.C.) was administering \$2,551,032, largely in federal funds. With a staff of 85 including the Director, deputy director, accountant, editor of the Native Nevadan (a monthly newspaper published by I.T.C.), program directors, clerical personnel and a large staff of field or outreach workers, I.T.C. has become the largest single employer of Indian people in the state.

The new statewide inter-tribal organization also did not establish formal linkage with the state or federal government. Its goals to "improve communications . . . between Indians and non-Indians" and to enable Indians "to participate more fully . . . in the institutions of free government in the State and communities in which they live" (I.T.C. Newsletter 1964), suggest the recognition of a need for such linkages, however. The federal programs administered by I.T.C. establish a direct link with the

federal government which bypasses the Bureau of Indian Affairs.

The study made by I.T.C. in 1970 (Dressler and M. Rusco 1971) found that linkage between tribal councils, Inter-Tribal Council and certain local and state agencies has developed informally over the years and that use has been made of the power to negotiate. Findings also suggest a trend towards increased willingness on the part of Nevada Indians to participate in state and local politics and an active involvement with tribal and inter-tribal politics. In each of the eight colonies and reservations included in this study, some state, county or city agencies regularly channelled communications to colony or reservation members through the tribal governments. This was usually an informal policy of specific individuals -- a social worker, sheriff, county extension agent, or fire chief who routinely attended the tribal council meeting or informed council members or the chairman of a special committee when he had information to disseminate to the Indian community. Some governmental agencies -- usually state -- send press releases to the Native Nevadan. Local agencies more often have notices posted on tribal council bulletin boards.

This was not found to be the practice of all -- or even most -- governmental agencies, however. Our study indicated that a more common method of disseminating information on reservations is by word-of-mouth, often referred to as the "moccasin telegraph." There was at least some indication that agencies which used tribal government channels were more successful in communicating with tribal people than those which relied on the word-of-mouth method. Colony and reservation residents were asked how they got information about government programs or policies or services. Word-of-mouth was often mentioned as a source of information, but in general less often than official tribal government sources (meetings, council members, Native Nevadan, I.T.C. staff). One question asked informants to indicate how frequently they consulted various information sources, and tribal government channels ranked consistently highest. Other (non-tribal) meetings ranked relatively high, the B.I.A significantly lower, other government agencies lower still and Indian and non-Indian individuals the lowest of all.

Most of the non-Indian informants, who were selected to include those non-Indians

who come in contact with Indians in their work, judged word-of-mouth to be the most effective way to communicate with colony or reservation residents. Many of them indicated that if they needed to disseminate information in the Indian community they would tell an Indian they knew and they were confident word would "get around."

As a part of the project the staff identified a group of Indians and non-Indians in the target areas who appeared to be most able to assume a leading role in cooperative effort between the reservation and the surrounding non-Indian community. They were selected on the basis of their responses to interviews and on the responses of other local informants and the observations of staff members. The non-Indians, with few exceptions, were government employees whose work required them to communicate regularly with colony or reservation residents. Their responses to questions about how they communicate with members of the Indian community were significantly different from the non-Indian sample as a whole.

For example, they reported reading the Native Nevadan regularly, compared to 56 percent of all the non-Indians interviewed; all were familiar with local tribal organization (many of them having attended council or I.P.C. meetings), compared to 68 percent of the total non-Indian sample; all knew local tribal leaders by name, compared to 65 percent of all non-Indians interviewed.

In addition to using tribal government channels of communication, some of these agency personnel work with organizations or committees with Indian and non-Indian members.

Limited as these practices are compared to the formal relationships of city governments to counties or states, they do provide the basis for some cooperative activities and appear to provide more effective delivery of governmental services to the reservations and colonies than are provided by those agencies which have not established these informal linkages.

Participation of the reservation people in predominantly non-Indian organizations was found to be relatively rare and usually limited to Christian or Mormon church attendance. However, participation in politics -- at least to the extent of voting -- was greater than expected. The study also indicated that in eight areas, Indians are interested in

and vote in tribal, local, state and national elections. The greatest number, 64 percent, reported participation in tribal politics; voting in national, state and local elections was reported by from 31-37 percent of the Indian informants. Although Indian turn-out at the polls is probably somewhat lower than the state's population as a whole (E. Rusco 1966), Nevada politicians are clearly sensitive to the "Indian vote." Political ads and announcements appear in the Native Nevadan, particularly near elections, and I.T.C. general meetings attract a fair number of high elected officials.

An interesting point about Nevada Indian political activity is the large number of women who participate. Only one of the ten councils involved in our survey (eight local and two tribal) did not have women serving as members at the beginning of the pilot project year -- and that council had two women elected to it in an election held a few months later. Female involvement is more than token. At the time of our study, three of the eight local councils had three or four female members each out of from five to eight total members and all eight had female officers. Four councils had women serving as vice-chairmen and one had a woman as chairman. Findings of our survey corroborate the high level of female political participation. Voting in national, state, local and tribal elections is as common for women as for men, and of the 28 respondents who reported participation in political organizations, service clubs, or committees, 27 are women.

The study yielded some data on political values held by the target area populations. Over 50 percent of the total Indian sample expressed a strongly-held value of political participation. An even greater number (72 percent) indicated that they were optimistic that desired changes and solutions to social problems could take place through the mutual involvement of Indians and non-Indians in their area. There was no reluctance to suggest the names of individuals, both Indian and non-Indian, whom they judged to be capable of active participation in such a joint effort.

Local councils were subjected to greater criticism than any other agency -- 33 percent expressed dissatisfaction with their tribal councils. A variety of complaints were expressed, including charges that the Council is family- or clique-dominated, or too tradition-bound, has too close ties with the B.I.A., or limits the participation

of young people. A plausible interpretation of this criticism, when it is considered with the frequently expressed belief that "everyone should be involved in tribal affairs," is that it is a facet of the value placed on political participation, of the importance of councils and of the potential effectiveness of expressed criticism in bringing about change.

These limited data suggest that tribal governments in Nevada play a significant role in the delivery of services (especially governmental) to the Indian people. This is probably especially true for the past seven years since the Inter-Tribal Council began to administer directly various governmental programs. Links with other local and state governmental agencies have improved communication and apparently led to better delivery of services.

A study of the historical development of these tribal governments, their role in economic development, community welfare, and defense of tribal assets, might offer a better assessment of the process of directed culture change as well as an evaluation of this institution as an agent for political and economic adaptation which could preserve ethnic identity and those features of tribal culture most highly valued by the Indian people.

FOOTNOTES

Griffith Durham, research assistant on the project, made a substantial contribution to the part of the research on which this paper is based.

1. For example, see Embree (1949), Dobyns (1965), Forbes (1969), Levine and Lurie (1965), Provinse et al (1954), Spicer (1962), and Wax (1971).
2. The Washo Tribal Council is briefly discussed by Downs (1961, 1966) and dealt with substantially by Mordy (n.d.). The Council at Duckwater is discussed briefly by Harris (1940); Forbes (1966) discusses Nevada tribal governments in slightly greater detail. Work in various stages of preparation on several Nevada tribal groups is expected to contribute more to this topic.
3. This study was part of an action research/community organization project supported in part by the Social and Rehabilitation Service, Research Grant No. RD-2793-G-PG, Division of Research and Demonstration Grants, Social and Rehabilitation Service, Department of Health, Education and Welfare, Washington, D.C.:

"Pilot Project to Develop Methods of Community Organization and Information Systems Which Will Contribute Toward the Social and Vocational Rehabilitation of Indians Handicapped by Economic, Cultural and Social Deprivation."

Project Director: John H. Dressler, I.T.C.; Program Developer: Mary Rusco, University of Nevada, Reno; Consulting Anthropologist: Warren d'Azevedo, University of Nevada, Reno; Program Consultant: Elaine Walbrook, Earl Warren School of Public Health, University of California, Berkeley.

Field research included a series of interviews conducted on eight reservations and colonies and nearby non-Indian communities and participant observation -- particularly attendance at tribal council, committee and I.T.C. meetings by staff members during the project year. Local Indian interviewers, trained and supervised by the project staff, conducted most of the interviews on the colonies and reservations. In general, these and Indian staff members interviewed Indian informants, and non-Indian staff members interviewed non-Indian informants.

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COMMENTS ON THE PAPERS

The rest of this volume consists of comments on the papers by four persons. Warren Emm and Leah Manning are Nevada Indians who attended the symposium and participated in a very useful discussion with the authors of the papers and others present. Unfortunately, the transcript of this discussion is too long for publication in its entirety, but some of their comments have been selected for inclusion here. Mr. Emm is a graduate of the School of Law of the University of New Mexico, and has been a rancher and school teacher. Ms. Manning has been a teacher and has been employed in a number of positions in which she has worked with Nevada Indian people. Warren d'Azevedo, of the University of Nevada, Reno, and Joseph Jorgensen of the University of Michigan, are anthropologists who have done extensive research on Indian life in the Great Basin.

COMMENTS BY WARREN EMM

In trying to identify myself as an Indian, I have tried to do some research to find out who we are. In doing this, I read the Cherokee cases -- Worcester v. Georgia and others. And in them I think you find the basic policies that have been handed down since the coming of the White man. You find out from these cases that Indian policy is pretty much the same today. I think it is a matter of power. Previous to Columbus' landing, we had all the power, basically. This was the situation with the Cherokees; in the Treaty of Hopewell it was basically stated that the Cherokee Nation was a sovereign state or a sovereign nation, and they could form treaties. And so the treaty situation evolved. The United States government found this an instrument to use in dealing with Indian peoples. But, it finally got to the point where power shifted to the other side.

There is an area I am researching now which might be interesting to some of you. In the Confederated Ute Case, it developed that there is a federal statute that says that any lands that the federal government has designated as public domain and which have not been turned over to private persons, can be reclaimed by the Indians. It's a strong statute, and Colorado got special legislation to get exempted from it because it would involve some of the choice land in Colorado. Maybe this law applies in Nevada. Maybe we can claim some of the land that we used to own. We can go back to some of the early documents. For instance, take the Reese River area out in central Nevada. There's documentation to the effect that the chief said that "All of these lands are ours." He was standing on the biggest peak in the area when he said this. They have 4,000 acres on the bottom of the valley floor at the present time. Maybe they can claim a lot of Bureau of Land Management and Forest Service land.

I'd like to comment on the Pyramid Lake situation. Let's speak of it in terms of property. If we follow the concept of free enterprise, which we pretend to do, we're capitalists, supposedly. Each one is trying to get ahead and trying to get all the property he can and so on. It's really good until you start taking it without

compensation, and then it becomes a question of power. You have that same situation in the Pyramid Lake case. You have the Truckee-Carson Irrigation District sitting there saying: "Okay, God sent this water from the mountains and it's coming down here for us to use." Really, whose property is it? If you go by the system as it is established, under the Winters Doctrine, the Pyramid Lake Reservation owns the water, basically, to irrigate all of the land that's irrigable on the Reservation. You can figure out how much water belongs to the Reservation by the number of acres that are irrigable.

But the whole system that we talk about, that we use, is a system of power. I'd venture to say that Pyramid Lake is going to dry up just like Winnemucca Lake. I hate to see it, but what are 300 Indians going to do against a quarter of a million people in the western part of Nevada?

It seems to me that the system that we talk about is really not a system for all the people. It is a system for the majority, for the people who have power. And I would say that the Indians would be in the same situation if they had the upper hand. I think it's a matter of numbers and power; this is the crux of the whole problem.

There is talk about Indians using the system. I don't like the system for one reason; it's based on power. If I can't get what I want here, I can come in here and I can threaten you with burning down this building and ask you for a certain amount of money. I can extort maybe \$10,000 from you because you want to save your building. That system isn't acceptable to me. It seems to me that we ought to base it on justice and equity. And if we're going to live by the Constitution of the United States then we ought to respect everybody's rights and property and everything else under that Constitution. Society and Congress have the obligation to protect the rights of the Indians, and not only the Indians but all minorities, all people as far as that goes. But, I don't think they're doing this.

COMMENTS BY LEAH MANNING

One of the first things that came to my mind after hearing the papers and comments from the audience was that the status of Indians in Nevada has changed from the time that I was a little girl. Then, people didn't want to be Indians because of the discrimination and the prejudice. And now, in 1972, people are proud to be speaking up as Indians and other people who were never known as Indians are saying they are part-Indian. The children are becoming more verbal and are participating in schools even though they are still having some problems in public schools with Indian participation in some areas.

I was the first Indian allowed to go to school in the public schools of Nevada, because everybody had to go to boarding school when I was young. My aunt, who was my second mother, who raised me, was working for a Dr. Hood, who was very influential in Reno at that time, and he helped her to keep us at home, rather than sending us away, as she said, "at a crucial time when families needed to be together rather than separated for nine years or so." Until I was orphaned, I went to school in the Reno public schools, walking back and forth to the Indian Colony every day and going to school on the west side of Reno. And when she died, I went to an Indian High School and Junior College in Oklahoma, and back to New York for the last two years. As a teacher, I always wanted to come back to Nevada, and this is where I came to teach at the public school at Owyhee, which had mostly Indian students.

I was hired as a secondary education teacher. But, because this was my first year of teaching, they said they were sure I couldn't handle this position. So, they created a job as a first grade teacher with the non-English speaking students, since I still retained my language, Paiute, and could understand Shoshone.

Later I went to graduate school in Chicago, in social work, until my husband-to-be came back; then I married before I got my master's degree. So, I came back 20 years later to the University of Utah to get my master's degree, not because I wanted to go to school so much as that no one would listen to you unless you had that behind your name.

Since then, I've been in social work in Nevada. We set up the first Inter-Tribal Council agency to operate the Indian general assistance program. We contracted with the Bureau of Indian Affairs and set up an agency with a staff of ten people, mostly Nevada Indian people. We couldn't get another Nevada person with a master's, so we have a Cherokee in there, who is now directing the program. After the program was set up, I had to move back to the Bureau of Indian Affairs, at Stewart.

I should make some comments about voting. Many Nevada Indian people, especially traditional Indians, are suspicious about voting. Then, too, voting does not have the same connotation as it does for Whites. For instance, at one time on our reservation there was a petition circulated critical of the principal of the school. So, the Indian people went around and got all these names that were required to petition to bring the matter to the council's attention. Well then, the principal got someone on his staff or somebody in his friendship circle, to go around to their relatives, and they had the same amount of petitioners on that one as they did on the original petition, because of kinship. People feel they have to stand together with their family. They don't have the same connotation about voting and this kind of thing as you do, because it's kinship-based.

This has been true for a long time. The three different tribes in Nevada -- Paiute, Shoshone, and Washoe -- were not very closely united, because of the kinship groups. Nevada Indians were more loyal to their band than they were to a tribe, even though other tribal members lived close by. This is still true today; their loyalty is with their kin, wherever they may be living.

Another thing about voting is important. The Indians used to require a unanimous vote. (Even the women spoke; although they were not on the council, they spoke at home.) They had to hear every person's voice, not just take a majority vote. There were necessarily problems of transition in moving into a majority-vote system. Some of those Indians who didn't vote for a councilman will never support him, no matter how long that person serves or how well he serves. Republicans and Democrats can fight like cats and dogs when they are running for office; they can say the worst things about each other. But, when one wins, the opponents concede and go along and support him. The majority will support this. But, Indians will not do this. They want unanimity or they don't accept an election.

SOME RECENT STUDIES OF NATIVE AMERICAN POLITICAL RELATIONS
IN THE WESTERN GREAT BASIN: A COMMENTARY¹

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It is noteworthy that with the renewed interest in ethnographic study of Indian peoples of the Great Basin over the past decade major attention has been given to the important and much neglected aspect of political relations and leadership. Earlier ethnographers were concerned primarily with reconstruction of the general features of aboriginal culture as it might be presumed to have obtained before or during first contacts with European and American intruders. A greater part of this work was carried out in the early twentieth century following fifty to one hundred years of contact between the cultures, and involving conditions of vast ecological and social change.

Ostensibly aboriginal patterns were reconstructed from reports of informants who had never themselves lived in the pre-contact or even early contact setting, but who presented from memory what they had learned from older persons. The implication was continually reinforced that the acculturative process had destroyed all but the most minimal vestiges of the previous way of life and that what remained in the contemporary situation constituted a congeries of degenerated social forms unworthy of, or irrelevant to, the ethnographer's task. A predilection for assembling the artifacts of a "baseline" phase often led the ethnographer to omit from the record the fact that many of the features reported to him as being aboriginal were still viable at the time of observation.

Invaluable as much of this early work is to our understanding of the Indian past -- work that becomes more and more difficult to supplement or validate as time goes on -- we are left with a serious negative consequence of the earlier ethnographic orientation which has taken us a long time to recognize and assess. In the Great Basin area, at least, there has been until very recently an almost total absence of study of ongoing Indian communities -- of reservations, colonies or scattered settlements. It is as though Indian culture and social organization does not exist except in the

abstracted and timeless sphere of ethnographic interpretations.

The vast hiatus which exists between the body of ethnographic scholarship and the kind of data which is needed today by students of society, administrators, and by the rapidly emerging sociopolitical consciousness of Native American peoples has become increasingly apparent to those who have been in the field during the past few years. It is particularly disturbing to discover how little Indians themselves know of their own recent history and how strong their reaction is against the fact that those who have come among them to study their way of life have left so little chronicle or analysis of their social experience in the century after conquest, but only of a pristine past devoid of the actions of real persons taking part in real events -- that is, devoid of history. To a considerable extent this reaction accounts for the widespread view among Indians (and other minorities, as well) that anthropologists are antiquarians with a romantic investment in preserving the past rather than a dynamic interest in the processes of change, growth and conflict that have brought the people to their present condition.

Equally disturbing is to discover (or rediscover) how deeply ingrained are many of the shibboleths that persist among whites and Indians alike concerning the supposed fragility of native cultures in the face of the white onslaught. Certain obscure, though purportedly fundamental, elements of aboriginal Great Basin social organization are claimed to have limited its creative accommodation and development in the period of traumatic and enforced acculturation. The failure of many whites and some Indians to take seriously the new tribalism and national political movements as anything but symptoms of a pseudo-nativism of passing importance represents a vestige of an orientation which precludes vitality and integrity to post-contact Indian social organization and culture.

In a recent article by Shimkin and Reid (1970) the authors present a most impressive and timely exposition of sociocultural continuities among a population of Nevada Shoshoneans. They show that the rapid transformation of the conditions of Indian life over the past century has not obliterated a number of important features of aboriginal culture, nor have the Indian societies failed to adapt and develop tenaciously

despite the drastic impact of subjugation and continued oppression. The authors conclude with the following statement which, hopefully, will be taken to the bosom of all future students of Great Basin Indian peoples:

In sum, then, it is clear that the quest for social identity and for meaningful behavior, as well as physical survival, may lend a toughness and adaptability to human groups far exceeding those predicted by mechanical models of diffusion, acculturation, and displacement. Doleful prognoses anticipating the demise of cultural identities are often premature. (Shimkin and Reid, 1970:194).

The papers from the 1972 Great Basin Anthropological Conference, collected into the present volume (Houghton, 1973), are a welcome contribution to a new phase in the study of Great Basin social organization. Each of them is based upon intensive recent field work and intimate knowledge of contemporary Indian groups in Nevada and adjacent states. All the papers are concerned, in one way or another, with the problem of local Indian political organization, an estimation of its role in maintaining an Indian culture or identity, and its effectiveness in coping with the conditions imposed by a dominant white society.

It is, perhaps, a most promising sign of the present era of Native American relations with the larger society that none of the authors entertains, even as a tacit assumption, the idea -- so common in past decades -- that Indian social forms were obliterated through degeneration or assimilation, or that local organization is a moribund remnant of catastrophic acculturative trauma. Neither is there an exclusive preoccupation with government programs and administrative structures as though Indian political organization, itself, is negligible or dependent upon them entirely for a precarious survival. To the contrary, there is in most of these papers a recognition of a strong adaptive current in the society and culture of Native American groups, a momentum of intrinsic vigor that has carried four or five generations of Indian peoples into the present era through periods of devastating poverty and degradation experienced by members of minute and powerless communities.

In his paper on the little-known situation among the modern Goshute, Richard Clemmer points out that there has been, over the past thirty-five years or more, a kind of dual structure to the political organization of this Western Shoshone group. One

of these he refers to as the "Traditional leadership" which stems from the militant policy of old Chief Temoke (Tumuk) and his confederates who led the struggle for establishment of "The Western Shoshone Nation" during the treaty period of the second half of the nineteenth century. The other is the Tribal Council which emerged from the Indian Reorganization Act (IRA) of the 1930's. The former has consistently opposed the concept of American citizenship status on the basis that the treaty of 1863 conveys sovereignty to the Western Shoshone Nation and that the laws of the United States are not binding on them. For this reason they have denounced the Claims Cases and demanded unrestricted hunting and fishing rights, and use of the public domain. Their policy has brought them frequently into conflict with state and federal authorities as well as the official Tribal Council. The latter, as a product of the IRA, has close ties with the Bureau of Indian Affairs (BIA) and is primarily concerned with welfare and development programs sponsored by the federal government.

In Clemmer's view, these seemingly divergent and factional forms of leadership have actually provided valuable alternatives to the expression of Goshiute political interests. Far from representing a condition of apathy and debilitating fractionalization (which white administrators and observers are prone to blame for the failures of their well-intended programs) the situation appears to offer subtle and flexible instruments for Indian effectiveness in dealing with the government and in preserving community-based integration. One of the most significant aspects of this situation is the survival of the older type of leadership along with the new, and the occasional cooperation which takes place between them around specific issues.

The author sees this as the emergence of a new political independence and sophistication in which Native Americans are not only aware of themselves as a uniquely influential minority despite their numbers, but also as a people with a heritage and social potential that can give them a special place in American society. He attributes the disinclination of the Goshiute to become involved in either of the two major American political parties (though there have been intensive campaigns to attract the Indian vote) to the preference for and the effectiveness of local Indian political forms in recent times.

This exposition is a refreshing departure from the conventional interpretation of social relations in small reservations and well deserves attention from those studying other groups where similar processes may be at work. I am particularly impressed by the fact that this is one of the very few serious treatments of the Western Shoshone "traditionalists" I have seen in the literature. In reports -- as well as in general discourse -- they are usually dismissed as a relatively inconsequential sect of irresponsible or opportunistic nativists bent on obstruction of positive channels of Indian-white communication.

"Traditionalists" and dissidents of various other groups have fared little better in the IRA era of government-created Tribal Councils patterned after European concepts of organization and representation. It has been an era which has accomplished with remarkable success the task of convincing most Americans (and some Native Americans) that the reservation way of life as reorganized after 1936 is the immutable Indian way of life. Either assimilation or relocation was expected to remove the "Indian problem" from its disturbingly exotic place on the roster of urgent social issues to the more commonplace one of class structure and ethnic minority logistics in a complex industrial society. But new nationalist movements and efforts toward coalition have raised the spectre of challenge to the model of official Indian tribal organization, and reservations have not faded away.

Regardless of the eventual resolution of these trends, it should be noted that few if any observers in the past clearly anticipated the present turn of events. Yet the roots of these developments were already embedded in the cultures of reservation settlements, in the religious sect activities and factional disputes over policy that were seldom recognized by outside observers as important resources of potential political energy and goal orientation. The selective use of terms such as "traditionalist," "nativist," "conservative," or "progressive," as applied variously throughout writings about Indian communities, often reveals a bias in which any cultural revivalism is categorized as a kind of reactionary conservatism, while the polity of official tribal organization, sponsored by governmental agencies, is deemed progressive. This is not necessarily a matter of the specific political orientation of the

observer, but more often a conventional set of designations current in a dominant society which considers its social legislation and its secular structures 'as models to be emulated by all in the interests of democracy and the illusion of perpetual improvement.

It occurs to me, for example, that the political functions of Peyotism among modern Great Basin peoples have not been addressed by investigators, nor has there been any appreciable study of the relationship of this and other related movements to national urban and reservation militant activities over the past few decades. Peyotist leaders (though they were seldom publicly known to be such) have often been the most outspoken critics of federal Indian policy, of the conduct of the Claims Cases, and of the official Indian leadership's dependency on the BIA. At times they have been the most vociferous defenders of local Indian rights. I was interested to note that all of the more aggressive political and legal activities that Clemmer attributes to Goshiute leadership were, to my knowledge, also participated in by leading Peyotists over a wide area. How is it that so little attention has been given to these realities by investigators?

Drawing upon her intensive study of a Northern Paiute reservation, Ruth Houghton analyzes the effects of new government-sponsored funding programs (such as OEO) on local sociopolitical structure. She shows that the goals of these programs were impeded rather than furthered, over the past ten years or so, by the requirement that funding and implementation be controlled by existing community structures. The result has been the usurpation of program resources for the exclusive benefit of a sector of the community which has dominated the internal organization of the reservation for decades. It is, essentially, a few large families, connected by intermarriage, whose members have had major access to tribal resources in the past, as well as to the new aid and jobs provided by government programs and industry. This group has controlled the Tribal Council which, until very recently, has been the only designated political body of the community since 1936.

Houghton views this problem as a consequence of misguided policy on the part of government agencies, and suggests that the thrust of new programs should have been

directed to encouraging the reorganization of existing political structures in the community. Just how this could be done without repeating the bureaucratic and patronizing sins of the past is not discussed. But the author implies that the formal political structure of the community, created and maintained by the BIA, has been peculiarly vulnerable to the kind of misuse or corruption of authority and representation obtaining in the situation. And though the author takes care to avoid such judgements, one's impression is reinforced that the BIA is, by its very nature, quite capable of countenancing the existence of unrepresentative and often despotic establishments where there is the necessity to foster at least the semblance of local adherence to the model of IRA reservation structure and a responsive leadership susceptible of manipulation.

It is hoped that the author of this paper will, in the near future, draw from her extensive ethnohistorical knowledge of the reservation to provide some insights concerning the potentials and alternatives present in the pre-reservation setting that might have produced different and more creative structures had they been recognized and encouraged. What, for example, were the conditions in 1936 that made it possible for the present order to come into being? Moreover, it would be of considerable value to learn of the role of unofficial leaders or groups in the community, now and in the past. To what extent do they, as latent or active forces, constitute intrinsic potentials of change, or repositories of alternative values and forms?

Robert Lynch, dealing with another Northern Paiute reservation community, which he has studied in great detail, presents a theoretical argument for viewing the relations between the Brownsville reservation and the BIA as one of reciprocity in which each party may assume the role of patron or client at different times. He takes issue with the widespread notion that the relationship is always a one-sided one with the agency as patron and the Indian community as client, or that the patron is always the party with the higher position in society. He outlines a number of situations in which Agency officials seemed to solicit resources from the Indian community and were forced to compromise elements of policy in order to succeed. Furthermore, he identifies other significant "unofficial" roles in this process involving "middlemen" and "brokers" in transactions. These latter roles constitute a crucial phenomenon historically and

structurally in the relations between Indians and whites, but there has been little analysis of them as factors in modern Great Basin social organization and acculturation.

There are, however, in Lynch's cogent paper, a number of implications that provoke questions from this reader. The theoretical framework he employs is a useful instrument for analyzing the kind of transactional system he has isolated for discussion. But, inadvertently or not, he gives the impression that the kind of reciprocity he is writing of involves separate but equal partners in the exchange. I must confess that I cannot see that such an assumption could be derived from either the data or theoretical orientation. While he has made a strong case for the "mutual give-and-take" aspects of relations between Indian leadership and non-Indian agencies, it does not necessarily follow that we must "visualize the needs of both parties as complementary, and the outcome of their relationship as mutually beneficial over time."

How can we dismiss the artificial symbiosis of government agency and reservation relations by the euphemism of "complementary needs?" These "needs" involve drastically different levels of motivation and aspiration in each case! The BIA (or any other external agency, for that matter) is motivated to implement its charge adequately, to justify and perpetuate its own existence, and (in the case of some of its more dedicated personnel) perhaps to producing evidence of positive changes in the lives of the people whom it is administering. These are the institutional needs of bureaucratic structures.

Now, it might be said that the "needs" of the Brownsville Tribal Council are not only complementary but identical to those of the BIA, and this would merely characterize the Tribal Council as a bureaucracy (should that be the case). The point is, however, that Lynch speaks of the "Indian community" as one of the parties, and, I trust, he is not subsuming community under Tribal Council. The needs of the Indian community are urgent and longstanding. They involve matters of human survival such as health, diet, reproduction, income, education, housing, and a minimal portion, at least, of a sense of dignity and hope. The two constellations of "need" can only be viewed as "complementary" in the sense that a desperate and entrapped people have had no alternative but to attempt accommodation with the agencies and programs of an impersonal government.

These agencies and programs, for reasons of expediency, have also had to adapt and modify to some extent within the situation. But I think it goes too far to say that this has been -- or even is -- a situation demonstrating complementary mutuality!

Lynch argues that the BIA is not always in a position to control the relationship through the resources it commands and offers to the Indian community. "Resources alone do not make superiority," he writes; for "unless they are accepted by the client with conditions imposed on them by the patron they give little advantage." Instances are described where tribal leaders successfully resisted elements of Agency policy, or bargained for advantage. But these instances are not very convincing illustrations of the idea that the Indian leaders have by these acts assumed the role of patron of the Agency. The author does, however, remark that "there is clearly one sense in which the patron does control the transaction in the relationship, for it is he who determines which values are to be put into circulation." In an historical setting where the American government determines, with reference to its own value system, what limited resources are to be made available to Indian peoples and under what conditions, how can we say that there has ever been any normal period of relations in which Indians have provided negotiable resources or values that represent patron status equivalent to that of the agencies of the dominant society?

Moreover, I am puzzled by the notion that the "values" of the transactional system are "the conditions or stipulations accompanying the resources offered," and that "the client's acceptance of the resources confirms his acceptance of these values." Brownsville cannot be so unique a community that its members have not frequently (and, often as a matter of course) accepted proffered resources with no clear idea at all of the "conditions or stipulations" as interpreted by Agency officials. Opportunism, competition, manipulation, and subversion of original requirements must be as much a part of the fate of many of these transactions as it is in any situation where need is urgent and resources scarce. People just do not always accept the values of a donor of goods along with the goods -- even if this was a stipulated condition of the exchange. This can also be said (in the present context) for government officials as well as Indians, particularly where cultural differences and a century or more of alienation

have produced complex and deep-rooted barriers to communication and trust.

It is possible that I have misrepresented some of the points made in Lynch's paper by assuming that his analysis is meant to hold for the entire period of the relation between Brownsville and the Bureau of Indian Affairs, whereas it may be directed in the main to the most recent decade when, as he states, there has been "an increase in the number of channels between the reservation and potential outside resources." Certainly the new status of Native Americans as an articulate and politically effective minority has improved their bargaining power with regard to a vast array of government programs and agencies whose existence depends upon justification through Indian cooperation. The BIA is no longer the sole arbiter of Indian relations with the federal government, and in the past few years it has had to defend itself against a growing sentiment for dissolution or drastic reorganization.

Under these conditions, many Indian groups throughout the country (and many other minority groups, as well) might be considered as patrons to the clients of governmental agencies who must await their turn in line for a hearing. Native Americans now have alternatives. They now have a modicum of power due to the stresses and strains in the dominant society which can no longer contain (by the old methods) the avalanche of minority awakening in America. But this very recent phenomenon must not be confused with the miserable past of American relations with Indian peoples on and off reservations. A clear historical perspective cannot confuse it, and we can be sure that Indian peoples will not confuse it, now or in the future.

It is a quite different matter, however, to point out -- as Faun Mortara has done in her paper about the Pyramid Lake Reservation -- that the enactment of the Wheeler-Howard Act (IRA) in 1934, and the conferring of a new form of tribal organization, did provide Indians with a legal basis for defending their lands and for access to the wider American political system. This is, of course, what the act was originally intended to do. The Pyramid Lake Paiute have been remarkably successful in holding their reservation and natural resources intact against continual encroachments. They were also fortunate to have had a series of vigorous and dedicated lawyers who helped them exploit the provisions of the law to the fullest and to mobilize public opinion which

brought them the support of important members of the United States Senate.

The placement of Pyramid Lake as one of the great natural resources and tourist attractions in the West, and the dramatic role of the Northern Paiute of this area in the history of white conquest and settlement, has done much to arouse public sympathy in their favor. These circumstances have given them a negotiable "resource" in the sense in which Lynch uses the term. Indeed, they have been frequently in the position to act as the "patron" of state and federal agencies, to establish a degree of equivalence in some reciprocal relations, to control certain transactions, and to "determine which values are to be put into circulation."

But it would be a mistake not to recognize that this relatively potent and favorable state of affairs has been the experience of very few Native Americans in the Great Basin. Many were placed on small reservations containing improvident and commercially worthless lands. From the mid-nineteenth century to very recently they have been subjected to the isolating ignorance, hostility, patronization, and the peculiar romanticism of the racially segregated caste structure of the rural West. One needs only to read Elmer Rusco's excellent resumé of the history of Indian legal status in Nevada to realize how intensive and how thorough was the exploitive oppression of Indian people in that state from the 1860's to the mid-twentieth century. Of utmost importance is his roster of "remaining issues" which reveals how far Nevada Indians have yet to go before they can be said to have surmounted the last barriers of racism and exploitation.

It is no doubt true that the policies of the Collier administration of the BIA introduced the first defensive buffers against the destruction of a people. Belated and inadequate as it was, it was a step ahead. It was an heroic attempt to halt the ruthless stampede for remaining Indian lands and removal of the last vestiges of their occupation of it. But the IRA proposals were applied unevenly throughout the country, depending upon the degree of real commitment of local BIA personnel, or cooperation from resident whites and Indians. Powerful interests influenced state and federal governments to undermine the basic provisions of the law. After a brief flurry of aggressive activity in behalf of Indian rights during the late 1930's and early 1940's, most Indian agencies subsided back to routinized bureaucratic lethargy.

In Nevada, one has only to recall the conditions and the atmosphere of reservations and scattered Indian settlements in the 1950's to realize what the impact of these vacillations and disappointments of government programming has been to the people involved. The land claims litigation was the only ray of hope for many, while others deeply distrusted the motives of government and foresaw the imminent dangers of compliance. It is all the more remarkable that so many Indian people continued to work conscientiously within a system that has given them so little reason for confidence and so few real opportunities. There is something outrageous about the prevailing assumption that Indian survival and occasional advances are to be attributed to enlightened government programming or "the era of the IRA." The actual history of Indian survival does not scan that way, and we are still ignorant of much of it.

During the past decade a new era of Indian-white relations appears to have begun. In the 1960's, government administrations, beset by an upsurge of demands by ethnic minorities and by general political unrest, began to make available large-scale sources of aid for urban and rural welfare. Numerous new agencies and channels for the dissemination of information were created. Profound changes began to take place in the attitudes and entrenched behavior of Americans on both national and local levels. The situation provided new alternatives in the choice of strategies, open access to new resources, and a new voice for previously entrapped and powerless groups. Native Americans were quick to take advantage of this unprecedented state of affairs and, despite the crippling effect of the organizational structures they are heir to, have succeeded in making fundamental improvements in their way of life on reservations and colonies. In Nevada, the changes over the past ten years are obvious. There is even optimism and involvement on the part of youth. But these developments are but a few years along. One can sympathize with those who reflect upon the inconstancy of governments and the record of racial minorities in American society and who turn their attention to the growing movement for national expression and coalition. They are making an investment in the future based upon the lessons of history as they see it. Perhaps, in a similar way, social scientists should not let their observations of social relations in the present decade obscure their critical estimation of the past. It is useful to ask

ourselves what our underlying assumptions will be, and what our orientation will be, in the study of Native Americans ten or even twenty years from now.

Mary Rusco's paper on tribal governments in Nevada presents some of the results of a study that might well become the model for much future research on political behavior throughout the region. As she points out, there has been scarcely any material available in print on the structure of tribal governments, the processes of organization which characterize them, or the social relations which define the integrative level of communities. The paper presents a brief but useful survey of the twenty-three or more colonies and reservations in Nevada that were organized under provisions of the IRA, including some that have been so organized only recently, and one or two that are yet unorganized. A particularly interesting development described by the author is the formation of the Inter-Tribal Council of Nevada in 1963, an organization which has become the largest single employer of Indian people in the state and which has no formal ties to the Bureau of Indian Affairs or any other state or federal agency. Nineteen of the twenty-four tribal councils in the state have joined this organization. It was initiated and is operated entirely by Native Americans.

In 1970 the Inter-Tribal Council (ITC) solicited a grant from the Department of Health, Education and Welfare in order to conduct a study of the problems of organizational effectiveness in and among Nevada Indian groups, and also to develop new methods of communication and local expression. The project was conceived by the late John Dressler, a leader of the Washo people and founding chairman of the ITC. Under his guidance, a group of outside consultants and assistants helped to prepare the formal instruments of the study and provided background information from their respective fields of experience.

One of the most impressive aspects of the study, apart from its findings, is the fact that it constitutes (to my knowledge) the first large-scale research project among Indian peoples which was essentially formulated and carried out by Indians themselves. The face-to-face relations between members of reservation communities and investigators involved, almost exclusively, contacts between Indians. A few white investigators were included for the purpose of interviewing members of the local white population. Indian

participants regularly reviewed and critically revised questionnaires and other instruments of the research. Training sessions were held for interviewers and the results of work were periodically subjected to analysis and interpretation in open sessions. Frequent meetings were held with reservation residents and leaders in order to incorporate their suggestions.

In my view, the findings of this study and its recommendations are some of the most significant that have been presented in recent years. Though only a few of these are outlined in the paper, the reader is referred to the more extensive and detailed report issued by the ITC (Dressler and Rusco, 1971). Where previous commentaries have often oversimplified or distorted the processes of decision making and communication within and between local Indian groups, the results of this investigation clearly reveal how effective these processes are, and in what way they have been misconstrued by non-Indians.

Of special interest is the finding that participation in local, state, and federal political activities is much greater than was thought to be the case. Also, women were found to be as active as men, and frequently had leading roles in tribal councils and other associations. Considerable insight is provided with regard to formal and informal patterns of Indian leadership and the values which operate in political as well as general social relations from the Indian point of view. The study reveals how little of this insight has reached into the local, state or federal agencies which come regularly into contact with the people. Data are presented which detail the high degree of mutual failure in perception between Indians and non-Indians, about styles of behavior, expressive symbols, and the divergences in orientation about the selection of procedures to get things done. The final proposals for identification of Indian and non-Indian "communicant leaders," and for new structures to accommodate the expanding political and cultural consciousness of Indian peoples on and off reservations would, if implemented, constitute a more fundamental advance in local and statewide social relations than has occurred in the past one hundred or more years of Indian-white contact.

Other papers have been submitted to this valuable collection, but unfortunately I have not yet had the opportunity to read them. It is hoped that the collection will

receive a wide circulation among interested persons in Nevada and elsewhere. Its major contribution, in my opinion, is that it is bound to encourage more research along these lines which will amplify our meagre store of information concerning the nature of political behavior and leadership among Native Americans, and the relations between them and the larger society.

The papers point to urgent tasks which, hopefully, will be undertaken by students in the near future. We need, perhaps above all, detailed ethnohistorical accounts of particular communities, their formation and development. Such studies should provide the link between what archeologists, ethnographers and historians have already learned about aboriginal Indian life, and the present. Certainly, this is not a task for anthropologists or historians alone, but for sociologists, economists and political scientists, as well. What, for example, were the crucial conditions, events and issues that characterized specific periods of the pre-reservation, reservation, and IRA phases of Indian life in any particular locale? What has been the succession and types of leadership, and what was the organizational structure of groups at any given point in time? Can we still construct meaningful biographical profiles of various kinds of leadership figures as well as descriptions of actual situations involving the exercise of authority, or the nature of the decision-making process within specific groups in the past? To what extent can we trace the continuities of major ecological, social and cultural changes over the past one hundred years or more (a relatively brief historical period) so that this knowledge can enrich our understanding and serve to clarify our analyses of modern Native American life?

These and many additional questions have been raised in my mind by this collection of papers, as undoubtedly will be the case with others. I fully expect that in the next few years we shall see (for many reasons) a substantial increase in scholarly research of this kind and, let us hope, more of it by Native Americans themselves.

FOOTNOTES

1. This article is the product of notes prepared for a discussant's response to papers presented in a symposium on Native American politics at the Great Basin Anthropological Conference, University of Utah, September 2, 1972. Though I

Footnote:--Continued

was unable to attend the Conference, I am obliged to Professor Ruth Houghton, organizer of the symposium, for requesting that I submit these more extended comments to the present collection of the papers published under her editorship. I regret that there were two or three of the papers that I did not have the opportunity to read prior to writing this contribution.

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COMMENTS ON GREAT BASIN INDIAN POLITICAL SYMPOSIUM

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The papers by the Ruscos, which generalize for all Nevada Indians, and the case analyses by the other participants in this symposium provide us with more data and more understanding of contemporary Basin Indian political life than have been available heretofore.

Taking the overview papers about Nevada's Indians first, Elmer Rusco's focus on racism, particularly discriminatory law against Nevada Indians, is enlightening. In Rusco's survey of the law we learn that Indians lost resources without legal redress. Indians also were exempt from vagrancy laws, presumably because Indians were not expected to have money; that is to say, Indians and poverty have been synonymous, even in the eyes of the law, for generations. It would be worthwhile to know, for instance, what conditions brought about the writing of a law that excluded Indians from vagrancy charges. We also learn that Indians could marry other non-whites, but could not marry whites. Whereas racist policies per se are no longer legislated, and racist legislation has been rescinded, some practices once assured by such legislation persist.

In particular I was struck by how Indians continue to lose their resources to whites, with or without racist legislation, and how powerful whites continue to centralize ownership or control of the productive resources in Nevada. It seems to me that it is now time to delve into political economy and attempt to account for the sweep of Nevada's laws toward and about Indians by looking at the forces that influence Nevada's economy. I do not think that the Great Basin is in need of a Cycles of Conquest, or acculturation interpretation of white-Indian relations. [See Spicer, 1961 and 1962, Linton, 1940. -- ed.]

Mary K. Rusco points out the willingness of tribal governments to get involved with local, county, state, and federal governments, and the willingness of Indians to work with non-Indians to solve social problems. Among Utes and Eastern Shoshones the

sare willingness holds. Indeed, for two decades Utes and Shoshones have sought to lessen the discrimination they suffer from whites by communicating a better image of Indians to whites. They have not sought to maintain separate political institutions that are unwilling to cooperate with their neighbors (see my Sun Dance Religion, 1972). This desire to work with whites which seems to have as one goal the education of whites, has been found among Indian students involved in creating Native American Studies Programs (see Frank Miller's account of the goals set by Indians at the University of Minnesota in Waddell and Watson, 1971). The objects of discrimination, then, are often the very people who are willing to influence changes by working with non-Indian agencies and governments.

A paradox emerges when Indian willingness to cooperate with local, state, and federal governments is contrasted with Indian criticism and lack of cooperation with tribal governments. The paradox exists beyond the borders of Nevada and obtains among Shoshones and Utes in Utah, Colorado, Wyoming, and Idaho. It has been my experience that tribal governments (family-dominated as Ruth Houghton demonstrates for one Indian community) are often considered even by Indians, to have more power than they possess in fact, and when tribal governments cannot deliver desired programs, or control the tribal finances, the tribal members often despair. Indeed, sniping and back-biting are ubiquitous in discussions of tribal politics. I think Ms. Rusco is a little loose with her analogy when she likens tribal councils to property owners associations (even though Ms. Houghton's example shows that one tribal council is de facto a cattleman's association). While property owners do not have to appeal to the BIA and the Secretary of the Interior in order to make final decisions about the disposition of their property, whereas tribal councils do. It is my opinion that tribal unhappiness about tribal governments per se is linked to underlying factors which have created tribal governments and maintained tribal governments as neocolonial organizations (a discussion of neocolonialism as it occurs on three Ute and two Shoshone reserves can be found in my Sun Dance Religion).

Faun Mortara provides an interesting paper which serves as a good bridge between the case studies and the overview papers. I think that the application of Mortara's

approach would be helpful in analyzing the background for all of the other case studies and for the more general pieces in this volume. In arguing that the Indian Reorganization Act (IRA) allowed the Pyramid Lake Paiutes to thwart Senator Patrick McCarran's several attempts to provide title for Indian lands to whites who had once squatted on it, Mortara assesses a considerable amount of evidence that makes it very clear that McCarran would have extinguished Indian rights to certain land in favor of Nevada entrepreneurs if he could have pulled it off. The evidence directly linking IRA provisions to McCarran's failure is not solid, but Mortara's probing of McCarran's politics is provocative evidence for the persistent class-oriented politics that attempts to dominate Indians on large and small economic issues. It is this type of analysis that would be useful in the extension of Elmer Rusco's good study.

In passing I should mention that the provisions of the IRA have not helped the same Pyramid Lake Paiutes exercise their water rights. I suspect this is so because the economic issues and the political influences are much greater in the water case than in the squatter case.

Michael Hittman's paper on pervasive factionalism at Yerington is another example of diffuse infighting among people who lack power and influence and has been noted several times in reservation Indian analyses. The fluidity of personnel moving between the localized factions, and the waxing and waning of issues -- mostly money and land -- that exercise the factions, do not speak well for the forces that created and maintain Indian domination, nor for the Indian government created through the provisions of the IRA that is supposed to control these forces.

Richard Clemmer's analysis of the conflict and compatibility of "council" and "traditional" leadership among several Western Shoshone and Gosiute groups is instructive. Clemmer avers that the two groups -- one populist and within the bureaucratic channels of the federal government, the other philosophic and providing a constant challenge to bureaucratic excesses and the abrogation of Shoshone rights -- produce well together, although they are very different in outlook. The traditionals have a sense of history and community; the council has a sense of pork barrel and immediate

... apparently the two served the same purpose in a peaceful way, but the traditionalist's attention focussed on the historic problems in the process -- problems that were created by federal acts.

Clemmer's analysis plays down seriatim factionalism and suggests that constituencies of both council and traditional groups overlap. He does not suggest that the outspoken nastiness that obtains between the Yerington factions obtains for the Western Shoshones. At Yerington people moved from one faction to another depending on whether they lived in the colony or at the ranch. Clemmer's general theme of Indian unity and the complementary roles played by pragmatists and ideologists gets to the quick of the "pervasive factionalism" question. It seems to be issues, not deeply entrenched factions, that animate Western Shoshones. The two approaches to most issues allow neither total euphoria and optimism, nor total despair and pessimism. Rather, the traditionalist and council approaches to issues provide a constant dialectic within conditions of poverty, which conditions themselves are fraught with contradictions between federal promises and actuality.

Robert Lynch's paper on the BIA as partner or patron takes the narrow transactionalist view of relationships among two or more "partners." The emphasis is on the mode of exchange of information and the structural relations of the transacting members. In short, Lynch's analysis points out that the BIA is not patron, and the Indian subjects are not clients, and the local BIA operatives, as middlemen, can pass information both up the BIA chain-of-command and throughout the local Indian community that in some instances can help both parties. It is critical from Lynch's view to point out that the so-called patron is often used by the so-called clients.

Lynch's details about transactions shed light in some dark corners, but I wonder why anyone would consider the BIA to be patron and the local Indians to be clients in the first place? After all, the BIA is a caretaker organization dependent on the federal government for budget, the Secretary of Interior for direction, and Congress for legislation. The BIA has always been involved in its own contradiction: on the one hand it has been authorized to oversee Indian land and serve as one mediator between tribe and government, but charged with developing Indians until they can direct themselves; on

the other hand the BIA has needed Indians in a dependent state in order to maintain itself. The "patron" has never been its own cause, yet it has been charged with its own destruction. It has never been the producer, or entrepreneur, or controller of resources who ultimately controls the client. The BIA can best be likened to middle-range management battling not to be caught making any major faux pas before retirement, and to do this the patron must be careful indeed because his very life depends upon his specific clients. The BIA does not go out in search of more clients from a general reservoir of clients. If maintenance of the patron's very life depends upon his specific clients, and if this means joining together with these "clients" to battle termination, or being used by these "clients" to help resolve intra-Indian disputes, it can be said that this is done because Indians and the BIA have a mutual need, to wit: maintenance of federal dole (all salaries, services, and the like) of both. The next step in Lynch's transactionalist analysis should be to incorporate the Department of Interior, Congress, and the major lobbies into the patron-client package.

Ruth Houghton's analysis of the relationship among kinship, post-IRA political power, and relative economic control amid long-term poverty on a Paiute reservation is excellent. There seems to be little doubt but that one large network of interrelated families has controlled the tribal council and tribal resources for thirty-five years, and that whereas this network seems consonant with traditional Basin Indian ethical practices of sharing with kin, this ethic apparently does not spread to the entire community and those that have a little have worked to maintain what little they have.

I look forward to subsequent analyses of this community that will delve into an economic approach to kinship and point out what ethics are preached in the household, whether these same ethics are practiced, and whether those who have the least resources, power, kin ties, and such like, resent those who have the most. Finally, I wonder if the current practices on this reservation violate the pre-reservation Basin ethic which seems to have been communitarian? At what point is it acceptable to withhold resources from kin or non-kin? An enlightening contrast might be made with the kinship, ethics, and practices of a white cattlemens' association in the vicinity.

Because I have been asked to comment, and because my comments have been based on

brief samples of research conducted by the authors, I hope that the authors will feel free to criticize my opinions and publish more extensive versions of their work in this vehicle or somewhere else.

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