

America's Indian Problem

THE hospitality of the American aborigine, it is told, saved the early settlers from starvation during the first bleak winters. In commemoration of having been so well received, Newport erected "a cross as a sign of English dominion." With sweet words he quieted the suspicions of Chief Powhatan, his friend. He "told him that the arms (of the cross) represented Powhatan and himself, and the middle their united league."

DeSoto and his Spaniards were graciously received by the Indian Princess Cofachiqui in the South. While on a sight-seeing tour they entered the ancestral tombs of those Indians. DeSoto "dipped into the pearls and gave his two joined hands full to each cavalier to make rosaries of, he said, to say prayers for their sins on. We imagine if their prayers were in proportion to their sins they must have spent the most of their time at their devotions."

It was in this fashion that the old world snatched away the fee in the land of the new. It was in this fashion that America was di-

vided between the powers of Europe and the aborigines were dispossessed of their country. The barbaric rule of might from which the paleface had fled hither for refuge caught up with him again, and in the melee the hospitable native suffered "legal disability."

History tells that it was from the English and the Spanish our government inherited its legal victims, the American Indians, whom to this day we hold as wards and not as citizens of their own freedom loving land. A long century of dishonor followed this inheritance of somebody's loot. Now the time is at hand when the American Indian shall have his day in court through the help of the women of America. The stain upon America's fair name is to be removed, and the remnant of the Indian nation, suffering from malnutrition, is to number among the invited invisible guests at your dinner tables.

In this undertaking there must be cooperation of head, heart and hand. We serve both our own government and a voiceless people within our midst. We would open the door of American opportunity to the red man and encourage him to find his rightful place in our

American life. We would remove the barriers that hinder his normal development.

Wardship is no substitute for American citizenship, therefore we seek his enfranchisement. The many treaties made in good faith with the Indian by our government we would like to see equitably settled. By a constructive program we hope to do away with the "piecemeal legislation" affecting Indians here and there which has proven an exceedingly expensive and disappointing method.

Do you know what *your* Bureau of Indian Affairs, in Washington, D. C., really is? How it is organized and how it deals with wards of the nation? This is our first study. Let us be informed of facts and then we may formulate our opinions. In the remaining space allowed me I shall quote from the report of the Bureau of Municipal Research, in their investigation of the Indian Bureau, published by them in the September issue, 1915, No. 65, "Municipal Research," 261 Broadway, New York City. This report is just as good for our use today as when it was first made, for very little, if any, change has been made

in the administration of Indian Affairs since then.

PREFATORY NOTE.

“While this report was printed for the information of members of Congress, it was not made a part of the report of the Joint Commission of Congress, at whose request it was prepared, and is not available for distribution.”

UNPUBLISHED DIGEST OF STATUTORY AND TREATY PROVISIONS GOVERNING INDIAN FUNDS.

“When in 1913 inquiry was made into the accounting and reporting methods of the Indian Office by the President’s Commission on Economy and Efficiency, it was found there was no digest of the provisions of statutes and treaties with Indian tribes governing Indian funds and the trust obligations of the government. Such a digest was therefore prepared. It was not completed, however, until after Congress adjourned March 4, 1913. Then, instead of being published, it found its way into the pigeon-holes in the Interior Department and the Civil Service Commission,

where the working papers and unpublished reports of the commission were ordered stored. The digest itself would make a document of about three hundred pages.

UNPUBLISHED OUTLINE OF ORGANIZATION.

“By order of the President, the commission, in cooperation with various persons assigned to this work, also prepared at great pains a complete analysis of the organization of every department, office and commission of the federal government as of July 1, 1912. This represented a complete picture of the government as a whole in summary outline; it also represented an accurate picture of every administrative bureau, office, and of every operative or field station, and showed in his working relation each of the 500,000 officers and employes in the public service. The report in typewritten form was one of the working documents used in the preparation of the ‘budget’ submitted by President Taft to Congress in February, 1913. The ‘budget’ was ordered printed by Congress, but the cost thereof was to be charged against the President’s appropria-

tion. There was not enough money remaining in this appropriation to warrant the printing of the report on organization. It, therefore, also found repose in a dark closet."

TOO VOLUMINOUS TO BE MADE PART OF
THIS SERIES.

"Congress alone could make the necessary provision for the publication of these materials; the documents are too voluminous to be printed as a part of this series, even if official permission were granted. It is again suggested, however, that the data might be made readily accessible and available to students by placing in manuscript division of the Library of Congress one copy of the unpublished reports and working papers of the President's Commission on Economy and Efficiency. This action was recommended by the commission, but the only official action taken was to order that the materials be placed under lock and key in the Civil Service Commission."

NEED FOR SPECIAL CARE IN MANAGEMENT.

"The need for special care in the management of Indian Affairs lies in the fact that

in theory of law the Indian has not the rights of a citizen. He has not even the rights of a foreign resident. The Indian individually does not have access to the courts; he can not individually appeal to the administrative and judicial branches of the public service for the enforcement of his rights. He himself is considered as a ward of the United States. His property and funds are held in trust. * * * The Indian Office is the agency of the government for administering both the guardianship of the Indian and the trusteeship of his properties."

CONDITIONS ADVERSE TO GOOD ADMINISTRATION.

"The legal status of the Indian and his property is the condition which makes it incumbent on the government to assume the obligation of protector. What is of special interest in this inquiry is to note the conditions under which the Indian Office has been required to conduct its business. In no other relation are the agents of the government under conditions more adverse to efficient administra-

tion. The influence which make for the infidelity to trusteeship, for subversion of properties and funds, for the violation of physical and moral welfare have been powerful. The opportunities and inducements are much greater than those which have operated with ruinous effect on other branches of public service and on the trustees and officers of our great private corporations. In many instances, the integrity of these have been broken down."

GOVERNMENT MACHINERY INADEQUATE.

" * * * Behind the sham protection, which operated largely as a blind to publicity, have been at all times great wealth in the form of Indian funds to be subverted; valuable lands, mines, oil fields, and other natural resources to be despoiled or appropriated to the use of the trader; and large profits to be made by those dealing with trustees who were animated by motives of gain. This has been the situation in which the Indian Service has been for more than a century—the Indian during all this time having his rights and properties to greater or less extent neglected; the guard-

ian, the government, in many instances, passive to conditions which have contributed to his undoing."

OPPORTUNITIES STILL PRESENT.

"And still, due to the increasing value of his remaining estate, there is left an inducement to fraud, corruption, and institutional incompetence almost beyond the possibility of comprehension. The properties and funds of the Indians today are estimated at not less than one thousand millions of dollars. There is still a great obligation to be discharged, which must run through many years. The government itself owes many millions of dollars for Indian moneys which it has converted to its own use, and it is of interest to note that it does not know and the officers do not know what is the present condition of the Indian funds in their keeping."

PRIMARY DEFECTS.

" * * * The story of the mismanagement of Indian Affairs is only a chapter in the history of the mismanagement of corporate

trusts. The Indian has been the victim of the same kind of neglect, the same abortive processes, the same malpractices as have the life insurance policyholders, the bank depositor, the industrial and transportation shareholder. The form of organization of the trusteeship has been one which does not provide for independent audit and supervision. The institutional methods and practices have been such that they do not provide either a fact basis for official judgment or publicity of facts which, if made available, would supply evidence of infidelity. In the operation of this machinery, there has not been the means provided for effective official scrutiny and the public conscience could not be reached."

AMPLE PRECEDENTS TO BE FOLLOWED.

"Precedents to be followed are ample. In private corporate trusts that have been mismanaged a basis of appeal has been found only when some favorable circumstance has brought to light conditions so shocking as to cause those people who have possessed political power, as a matter of self-protection, to demand a thor-

ough reorganization and revision of methods. The same motive has lain back of legislation for the Indian. But the motive to political action has been less effective, for the reason that in the past the Indians who have acted in self-protection have either been killed or placed in confinement. All the machinery of government has been set to work to repress rather than to provide adequate means for justly dealing with a large population which had no political rights."