

awake and on the scent of plunder; that, while the timber thieves are wrecking the White Earth forests, the Renegade Utes are crossing Wyoming and scaring the settlers, and the illicit whiskey men are putting bullet-holes through the coats of his special officers in some other part of the Indian country: is it to be wondered that now and then some part of the Commissioner's enormous round of duty slips a cog?

THE WRONG FARM POLICY

The government's aim is to give every Indian a farm and to require him to stay on it and work it. It tells him that a farm means a home, and a home means a place in which to stay quiet and prosper by cultivating the domestic virtues as well as the vegetable crops. Why do we see so meager results flowing from this policy? Partly because the Indians have so little ready capital with which to equip their farms, and partly because a large majority of them have not yet reached the stage of development where they would care to use such material if they had it in abundance. As to the home idea, we have set the evolutionary cart before the horse. The white man will delve all his life for the sake of earning a home as the crowning reward of his work and self-sacrifice; we have given the Indian a home first and then expect him to evolve from somewhere—his inner consciousness, perhaps—a desire for one. Having set the Indian to work backward, we wonder why he does not advance faster!

How firm a hold the farming fetish has on the devotion of the white theorist who does not know the Indian or study him in his purely human aspect was proved to me by the kind of opposition I had to fight with my first forward step after taking charge of the Bureau—the establishment of an employment agency where Indians who preferred some other occupation than agriculture could get labor of any sort that offered, and be looked after a little in a friendly way till they had learned to make their own bargains as to wages, etc. Hundreds of good people protested that this was going to expose the poor fellows to temptations from which the government guarded them while they were shut up in a reservation!

An expensive luxury to the Indians is the need forced upon them now and then for employing private attorneys to prosecute their claims against the government. Some

of the claims are frivolous, or so doubtful as to warrant its refusal to pay them except on judgment of a court, but often it resists a just one. A typical case was that of the "Old Settlers" or Western Cherokees, to whom the courts awarded, about twenty years ago, more than \$800,000. Congress was preparing to appropriate the money, when the attorneys came in with their bills, and in the Senate the appropriation was held up till their demands could be satisfied. For two years the wrangle continued, and then was brought to an end only by a meeting of all the attorneys behind the closed doors of a Senate committee-room, where they arranged a scheme for dividing among them about \$43,000. As some of the parties to this arrangement were relatives or business connections of senators, and as one so-called attorney who had originally estimated his services at \$80,000 benevolently scaled down his claim to \$1,000, the incident naturally attracted a good deal of attention all over the country.

STUMBLING-BLOCKS FOR JUSTICE

Owing to the fact that the Indians are not usually in a position to pay retainers or expenses outright, most of their attorneys work for contingent fees; and to guard the Indians from unscrupulous lawyers there is a statute which invalidates any contract not approved by the Secretary of the Interior. But for many years it was the practice of attorneys who could not induce the Secretary to recognize them, to do the work anyway, and then lobby through an appropriation from the Indian funds to pay them for their services on a *quantum meruit* basis. In order to keep wholly on the safe side, a Secretary here and there has refused to approve any attorneys' contracts whatever. Such indiscriminate discrimination seems to me to make a virtue of timidity; for there are some debts due to Indians which they can collect only by suing.

Having considered thus far what is wrong in our Indian business, let me suggest a constructive idea or two for thoughtful people to ponder.

The mass of incoherent statutory law under which the Indian Bureau now struggles ought to be revised and codified, relieved of its fossilized features, clarified where it is hazy, unified where it contradicts itself, and bridged where it gaps.