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Theodore Stern

Livelihood and Tribal Government on the Klamath Indian Reservation

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Economic Background

The capacity to concert action, which is so distinctive an attribute of society, may take many forms, of which the political is the most inclusive.¹ Upon Indian reservations today, the vitality and effectiveness of tribal government may be taken to constitute a dynamic expression of their shared community; and their readiness to enter into relationship with non-Indian entities, either as participant individuals or through the collective instrumentality of the tribe, may provide a measure of their adjustment to the larger society which embraces the reservation.

It is the purpose of this paper to examine the relationship of economic interests to tribal government as it existed until recently upon the Klamath Indian Reservation in south-central Oregon. That political and livelihood concerns are likely to be closely intertwined was made clear, for example, by Weber² and for reasons to be brought out later they are particularly close in the regulation of Indian affairs. Indeed, it was a judgment which, although it included acculturative criteria, rested fundamentally upon economic competence that in 1954 resulted in legislation which brought the reservation to an effective end. Only some ninety years after a treaty had first brought together the Klamath proper, the closely related Modoc, and a small band of Paiute to form the Klamath Tribe, lodged upon a single reserve, Congress enacted Public Law 587, setting afoot the termination of federal supervision over the reservation itself, with a devolution of functions to state and local agencies. Entailed therein

was the liquidation of the tribe itself, although a succeeding body, comprising those enrolled members who did not choose to withdraw from trust status, continues the name.

The Treaty of 1864 which established both reservation and tribe envisaged extensive economic adjustments by the Indians, for the monies paid them for the land they ceded were to be disbursed

... to promote the well-being of the Indians, advance them in civilization, and especially agriculture, and secure their moral improvement and education.³

In subsequent years, native premium upon wealth and industry led to many new ventures: farming—until it proved ecologically infeasible—then stockraising, freighting, wage labor, and fur-trapping; and these in combination with fishing, hunting, and the gathering of favorite roots and berries provided ample subsistence and a standard of living little, if at all, inferior to that of many a pioneer white. Although Agents were wont to overstress the enthusiasm with which their charges had embraced the aims of civilization, the application of at least some Klamath is indelibly attested in the attention given in official reports to a thriving, clandestine, and illegal traffic in timber felled on the reservation, rafted out, and sold to neighboring settlers.

In turn, the allotment of land in severalty under the Dawes Act, which began at Klamath in 1895 and came to an end in 1910, was designed as a measure to "break up the tribal mass" and ready the individual for a citizenship out of the tribal fold. As matters turned out, the citizenship clauses were soon amended, while the individual, through provisions permitting him to lease or even sell his allotment, was enabled without labor to convert his holdings into cash.⁴ Nor at Klamath was the "tribal mass" so easily to be dissolved. By provisions of the Act, the land declared "surplus" after allotment was supposed to be thrown open to settlement by outsiders; but at Klamath much of this land lay under timber and was unsuitable for farming. Moreover, conflicting claims so delayed allotment that, by the time it was resolved, a railroad had been built into the neighboring city of Klamath Falls, and the timber became too valuable to

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1. Research upon the Klamath Indian Reservation has been undertaken intermittently since 1949. The writer has been directly involved in a community study, in studies in linguistics and mythology, and in an analysis, with Dr. Vincent Ostrom, of the termination of federal supervision over the reservation. He has also drawn upon the findings of a number of students who have conducted studies on the reservation. Grateful acknowledgment is made to the following for grants which have supported this work: University of Oregon Faculty Research Fund, SSRC, ACLS, and the Fund for the Republic. This article owes much to discussions with Dr. Ostrom and to a review by Dr. Vernon Dorjahn.

2. Max Weber, *The Theory of Social and Economic Organization*, Talcott Parsons (ed.), Oxford University Press, New York, 1947. See especially pp. 280-314, 354-358. The present study has also been influenced by the application of Weberian theory in G. William Skinner (ed.), *Local, Ethnic, and National Loyalties in Village Indonesia: A Symposium*, Cultural Report Series, Southeast Asia Studies, Yale University, 1959.

3. *The Statutes at Large*, vol. 16, p. 707. Boston, 1871.

4. For a convenient summary, see Theodore H. Haas, "The Legal Aspects of Indian Affairs from 1887 to 1957," in G. E. Simpson and J. M. Yinger (eds.), "American Indians and American Life," *Annals of the American Academy of Political and Social Science*, 311 (May, 1957), 12-22.

sanction its opening to settlement. Accordingly, over 860,000 acres of land, some three-fourths of it in prime timber, was retained as tribal property for a tribal membership then numbering approximately 1150. By way of contrast, the Umatilla Reservation near Pendleton, Oregon, as of 1908 had fewer than 2,000 acres in unallotted tribal lands for a comparable (893) membership.

The reservation now began to see large-scale commercial exploitation of the timber. For the Klamath, the effects were twofold. From 1913, tribal members began to enjoy dividends from the cutting of tribal timber, in the form of semi-annual per capita payments. They also saw the mushroom growth of mill towns upon the face of the reservation, where sizeable bodies of whites, far exceeding the total tribal membership, lived under state jurisdiction and offered a scale of living previously beyond ken and reach of tribal members, but now close and seemingly attainable. Annual reports of the Klamath Superintendents chronicle the gradual sale or lease of lands by ranchers and the drift into town, there to enjoy the benefits placed within their grasp by the steady and assured income. Some supplemented the per capitas by other ventures, but they were comparatively few, and grew fewer as time went on. The reason was not far to seek. In 1950, the \$800 per capita enabled the average Klamath family of four in the reservation town of Chiloquin to exceed the median income for all families in the county. Since they could also hunt and fish through the year, and many families did, their actual income was considerably higher. There was thus little inclination to supplement their income through conventional labor. The Meriam committee, to be sure, had observed years before that the per capitas were too small for investment and so tended to be disbursed instead for current living expenses;⁵ but it is also true that, lacking investment experience, tribal members who realize substantial sums from the sale of allotments too often have been prone to treat them as windfalls to be squandered rather than as capital capable of bringing further financial returns.

The steady flow of assured income discouraged entrance into productive activities. In 1958, a sample of the reservation population showed the following economic profile: presently engaged in business or ranching, 18 percent; previous record of such experience, 11 percent; no such experience, 48 percent; no data, 23 percent. Within the vantage of the economic niche provided by per capitas, the Klamath were, at least on the face of it, able to maintain themselves; they were financially capable of attaining ends valued by American society. On the other hand, they were not trained in personal skills whereby they might still achieve those ends should per capitas fail or prove insufficient.

The major political consequence of their economic position was that many Klamath were naive and inexperienced in matters affecting economic matters and the

theme of dependency in some degree touched every life. Indeed, it was difficult for any Klamath dwelling upon the reservation to escape the custodial surveillance of the Agency. When allotted or purchased property was held in trust or restricted status, the title still resided with the United States, and it was not subject to taxation. By the same token, however, its management was largely overseen by the Agency staff, whose supervision then extended over many areas of life remote from property considerations. Custodial administration, geared to the average member, galled the more acculturated and was frequently flouted by those most in need of supervision. It sometimes protected the Indian even against the consequences of misjudgment: thus, merchants found official barriers to repossessing goods bought on time and lodged in Indian residences on the reservation.

With the advent of an assured income, the economic interdependence of the family declined and the standards for personal valuation became uncertain. Klamath society had never been tightly knit, and reservation culture through the years enhanced tendencies toward separatism and psychological isolation.⁶ No saving symbol remained about which they might rally, save an effulgent memory of a native culture that lay well in the past, and their tribal government. In their disunion, Klamath reacted to a felt discrimination entailed in their minority relations with their neighbors and in a resented dependence upon Agency bureaucracy, not by dedication to a religious movement (the Shaker Church had but a transient favor) nor by covert witchcraft, but by hostility directed against the outsider and themselves. Law-abiding members of Klamath society often viewed with tolerant amusement the exploits of delinquent youth against the seats and symbols of white power. Clashes with the law were not infrequent: of the 1958 sample of reservation population, 17 percent had been arrested for felony, 43 percent for misdemeanor. At least two tribal leaders have been re-elected to office despite the knowledge that they had served prison sentences for felony. Liquor, forbidden the Klamath before 1951, had led to arrest for 37 percent, and no fewer than 49 percent were judged to have problems associated with drinking. That the bottle had indeed provided a maladaptive instrument is shown by a survey of the causes of death of 139 tribal members who expired in a period of four and a half years: drinking was adjudged to be a contributory factor in no fewer than 57 percent of the deaths.⁷

From this situation, a sizeable number of Klamath had escaped. Some few had locally embraced white standards and values, although by that measure they estranged themselves from Klamath society. Others had left the reservation. Indeed, as early as 1908 there were well over 100 tribal members living off the reservation, and by 1955, some 40 percent of the total enrollment were ab-

6. James A. Clifton, "Explorations in Klamath Personality," Doctoral dissertation, University of Oregon, 1960.

7. Klamath Information and Education Office, "Survey of Deceased and Causes of Death," Typescript, 1959.

5. Lewis Meriam, et al., *The Problem of Indian Administration*, Institute for Government Research, Studies in Administration, Johns Hopkins Press, Baltimore, 1928. p. 463.

sente members. Biologically, they were less Indian than those who remained, although even on the reservation a high rate of intermarriage was present: those one-half or less in Indian heritage comprised 72 percent of absentee members and some 46 percent of the reservation enrollment. Available records on a small absentee sample (but one with a higher proportion of women than the corresponding reservation sample) do not show a higher degree of economic experience. The figures are: presently engaged in business or ranching, seven percent; previous record of such experience, 21 percent; no such experience, 70 percent; no data, two percent. The chief political significance of the absentee segment, then, is not a higher rationalization in their approach to political activities, but that, as distant members, they pose difficulties of communication in marshalling voters and their interests have tended to lie rather in the exploitation of tribal resources to yield pro rata shares, in which they might participate, than in the enjoyment of usufruct.

Political Structure

Against this economic background, the political structure of the Klamath Tribe may be considered. A highly rationalized bureaucracy, of which the Agency was the local manifestation, required a representative Indian body with which to deal, particularly in securing consent in the management of property held in common. In the sequence of tribal forms at Klamath there is to be seen the counterposed Bureau stress upon explicit and close-knit organization, and, on the part of the Indians, a persistent customary loyalty to group and individual.

In the early days of administration, Agents had molded a reservation-wide policy out of three groups, and in turn had reduced the powers and numbers of the chiefs, bringing them increasingly under the official aegis as Indian police and judges. Within a generation they were being supplemented with the better-trained graduates of Indian schools, and official position ceased to be identified with leadership. More than one deposed leader went over to covert opposition, to swell the number of informal leaders who continued to emerge upon the reservation. The repeated necessity of summoning men of the tribe to meet in council to take action on boundary and other land disputes provided occasion for such leaders to exercise their talent in organization.

Allotment under the Dawes Act with its brief promise of citizenship stimulated a group of these leaders, led by the Rev. Jesse Kirk, who had served an apprenticeship in Agency employ, to seek the election of Indian judges and police, a policy which had been reversed by the Superintendent. In the ensuing flare-up, the Superintendent was forced to resign; but more signal than this victory was the means by which it was accomplished: the faction, the tribal attorney, and the delegation to Washington.

In its train, allotment had brought much tribal business, including consideration of claims of membership, and led the Bureau of Indian Affairs to press for the formation

of an executive body to supplement the occasional sessions of the unwieldy general council. At Klamath, 1908 saw the introduction of the twelve-man Tribal Council, elected by each "End" of the reservation with representation of all major ethnic components. Difficulty in attaining a quorum led to its subsequent reduction to eight members.

When in 1927 a dissident group elected a second Tribal Council, and claimed to have superseded the existing body, the efficient administration of the tribal resources, now a large-scale operation, was placed in jeopardy, and the Commissioner of Indian Affairs insisted that matters be placed on a constitutional footing. After consideration of several models provided them, the Klamath, in 1929, enacted a constitution and by-laws for the Business Committee, as the Tribal Council was now termed. Its six members, three from each "End" were to consider

... business matters pertaining to the Tribe. [Matters] of great importance to the Tribe and which the Business Committee believe should be referred to a general tribal council

might be so referred by a vote of five members of the Committee, with the consent of the Superintendent.⁸

Once more, in 1950, envisaging a time when the tribal government would have full control over the common estate, a new constitution was enacted, this time for the General Council. By its terms, all powers were vested in that body, made up of all adult tribal members. In addition, an executive was defined, consisting of the President and other officers of the General Council, together with an Executive Committee made up of the eight members of the erstwhile Business Committee, which it succeeded, plus the President and Secretary of the General Council. To the Executive Committee the General Council might—but long declined to—delegate powers. In turn, by appropriate vote within ninety days, the General Council might reverse the action of the Executive Committee, while by a petition of at least one-fourth of the eligible voters, an action of the General Council might be submitted to referendum.⁹

The interest of the government in these revisions of formal political charter is sufficiently clear. From the viewpoint of its custodial relationship, there are advantages to the United States in supporting a tribal government. Not only is it a convenience in securing formal sanction in property matters concerning the common interest of enrolled members; it also provides a channel of communication for assessing opinion, for consultation, and for announcing programs; and it furnishes experience in responsible citizenship.

Tribal government, then, was to be articulated with

8. Constitution and By-Laws of the Klamath Business Committee of the Klamath Indian Reservation, adopted August 8, 1929.

9. Constitution and By-Laws of the Klamath General Council. Adopted February 3, 1950.

Bureau administration, its decisions rendered concrete in official minutes, and subjected to review in higher administrative echelons. In the restricted scope of its powers, tribal rule is municipal in character.¹⁰ At Klamath, its executive body dealt with a restricted administrative province, the scope of which is suggested by the names of those permanent bodies, the Tribal Loan Board and Enrollment Committee, which supplemented the Executive Committee. In 1947, some fifteen tribal members and one other were employed in General Council and Loan Board activities. By contrast, the Superintendent employed 123 individuals in the administration of agency, health, extension, law and order, roads, forestry and grazing, and irrigation.¹¹ Over these areas, the Executive Committee might exercise a veto, by cutting from the proposed Agency budget tribal funds allocated to an unwanted item. In this way, the hospital, bull pool, and tribal herd have occasionally been threatened. Understandably, efforts to appoint a tribal member to act as watchdog over Agency administration have not been kindly received.

In the formulation of general policy, the executive drew upon the advice of the tribal attorney as well as upon unofficial counsel, both sought and volunteered. All major policy decisions required approval by the General Council and were subject to review within the Bureau and the Department of the Interior. An essential communication function was served by annual delegations to Washington to discuss policy matters with Bureau officials and members of Congress. Elected by the General Council, they were generally instructed by that body and the Executive Committee on the official position to be taken.

By contrast with administrative and executive functions, the regulatory functions which Eisenstadt terms juridical-cultural found little place within the formal structure.¹² For the exercise of legitimate force lay rather with the Superintendent than the tribe, and even Indian police and courts, while they endured, reflected his authority. For well over a generation, since "Indian custom marriage" lost legal status, there have been no Klamath practices requiring special adjudication. In practice, expulsion from the tribe or curtailment of membership privileges have not been meted out as punishment for offenses against the tribe. Presiding over a territory, the tribe has been particularly weak in its control over absentee members. Indeed, the sole coercion exercised, and that from a partisan vantage only, has been the withholding of benefits under distribution.

In the General Council there resided undifferentiated

tribal powers, and it was consequently this body which best symbolized the continuity of tribal government. As such, for the general membership it formed at once the embodiment of their tribal identity and the proper arena of public debate. It was in this assembly, rather than in the executive bodies, that many preferred to see issues discussed and decisions rendered. Reluctance to delegate powers under the 1950 constitution, which deferred that act for a year and a half, was not merely an expression of factional distrust but of continued Klamath preference for direct and informal consensus in tribal affairs.

As individuals, Klamath participated in multiple political memberships to which they accorded varying loyalties. Since 1924, they have been citizens of the United States and vote in national elections. Many have seen military service. A few have run for public office. They are also citizens of the State of Oregon, which in 1951 removed special restrictions governing their right to purchase liquor and to marry whites, and two years later assumed jurisdiction in the maintenance of law and order on the reservation. Klamath also enjoyed rights in the county in schools, roads, and law and order; and even within the reservation they may enjoy all privileges as members of communities such as Chiloquin and Sprague River. Save where property is encumbered in trust or restricted status, they pay taxes for services like other citizens, and perform other obligations. These are explicit memberships, conditional upon the fulfillment of stated requirements and with the exercise of well-defined rights.

Superficially, tribal membership appears to have a similar character. In the admission of new members, the establishment of qualifications and the decision upon candidates rested with the tribe, though subject to review. Applicants had to be of Klamath parentage on at least one side. Those of one-quarter or more Klamath heritage were automatically admitted upon application, but after 1945 an added clause permitted adoption of members of one-sixteenth heritage, contingent upon assurances that they would reside upon the reservation and participate in tribal activities. In practice, heritage has been construed as Indian, whether Klamath or not, and the tribe was content to accept token assurances of participation and residence. Once enrolled, members have not been subject to review, save where their original qualifications were in doubt.

In a membership which was not conditional upon performance the tribe had much in common with such ascriptive, traditional entities as the family and ramified kin, ethnic group, and the broad, regional communities into which the latter tended to cluster.

Family loyalties have frequently been both strong and selective. At times, they have provided continuities of interest within a single line. Here, for example, were the Rev. Jesse Kirk, himself the son of a treaty signatory, and his own sons, Clayton, Seldon, and Jesse Lee; here old chief Monchknasgitk of the Upland Klamath and his son, Harrison Brown; here Judge William Crawford, his wife, Eliza, and his son, Wade; here Henry Jackson, the

liberated Pit River slave become a wealthy man, his half-brother, Ike, and the son of the latter, Boyd Jackson.

Family is seen not only in the succession of interest but in a propensity for members of a family to vote *en bloc*. That this was not invariably so, the schism that separated Jesse Kirk from his half-brother, Joseph, should serve as a reminder. Indeed, alignment within the family and extended kin has often been highly selective. For some leaders, the solidarity of family might well take precedence over impartiality in the discharge of office. Thus, one Tribal Council member is quoted as defending his action favoring the enrollment of certain children by the explanation

... that since two children were his niece's children, he felt that it was his duty to guard the interests of his minor relatives.¹³

Although intermarriage and alternative associations have long overlaid clear identification with Klamath proper, Modoc, Paiute, and Pit River, such identifications continued in recent years to have political force, however much diminished. In turn, they related to the two broad communities on the reservation. The Lower, or West, End lies on the Klamath Lakes, the heartland of Klamath country, where the Agency is situated, and here the population is still predominantly Klamath. The Upper, or East, End was centered at one time about the Yainax sub-Agency, some forty miles up the Sprague River, where Modoc, Upland Klamath, and Paiute still predominate. While the East End is now linked by a good market road to Klamath Falls and by a major highway to Lakeview, at one time it was more isolated from outside influences. By contrast, West End members have numbered many persons who, from early days, found employment at old Fort Klamath and Klamath Agency, more of the acculturated who returned to swell tribal numbers at allotment, and a conspicuous segment of those educated in off-reservation communities like Klamath Falls and the present Fort Klamath. Their experience is reflected in their biological composition, for they are significantly less Indian than the members of the East End.¹⁴ Harrison Brown, in 1931, recognized in the Lower End leader, Wade Crawford,

... a young man who is not a full-blood, who is trying to stir up trouble, and we want to set him aside, as he does not understand what we want ... I am one of the full-blood Klamath Indians [he continued]

and I don't want any trouble with the government.¹⁵

In the history of factionalism which has marked the past generation of tribal government, Wade Crawford and his wife, Ida, have drawn their strength especially from the West End and the absentee membership, while leaders opposing them, Harrison Brown, Levi Walker, Boyd Jackson, and later Jesse Lee Kirk, hailed from the East End and found their major strength there. Despite exceptions and progressive weakening, the dichotomy was long a working reality, of which the loyalty of the Paiute to Boyd Jackson was only the most signal of many expressions.

Embedded in these memberships—in kin, ethnic group, and community—lay traditional allegiances upon which leaders have sometimes drawn. Such eminence as they enjoyed, however, was earned through solid achievement, including the amassing of wealth to be generously conferred upon an immediate following. With the development of per capita, the emphasis upon wealth as a quality of the leader declined, since wealth was no longer an expression of accomplishment alone. Political activity became a professional affair for a few, and one which paid the practitioner well, not alone in power and prestige, but in per diem fees and in funds advanced by followers and—persistent rumor had it—by outside interest as well.

A review of tribal records for the past half-century reveals a striking faithfulness in the voting of the most prominent adherents. It seems clear that out of factionalism, small but stable parties were beginning to emerge, to which, however, the large body of the tribe remained uncommitted. It is upon his immediate followers that a leader relied for support in raising funds or carrying a point to the undecided. At the same time, his image drew dimension from the character, as well as number, of his adherents. That the personal image was still important, and that loyalties were not invoked in terms of issues alone, is seen by the personal denigration which took place between opponents and by the identification of each partisan group with its leader in the phrase,

He's a Crawford (or Jackson) man.

The Political Task

Tribal government thus developed along the intersection of an informal political structure and a counterposed, highly rationalized bureaucracy. Within the frame so de-

10. U. S. Department of the Interior, Office of the Solicitor, *Federal Indian Law*, Government Printing Office, Washington, D.C., 1958, p. 396.

11. U. S., 80 Congress, 1 S., Senate, Committee on Public Lands, *Klamath Indians, Oregon*, hearings on S. 1222 (1949), part 2, pp. 241-243. Note that the Agency employed 31 tribal members as against 40 Indians from other tribes.

12. S. N. Eisenstadt, "Primitive Political Systems. A Preliminary Comparative Analysis," *American Anthropologist*, LXI, No. 2 (April, 1959), 202.

13. Letter, Jesse L. Kirk, Secretary, Tribal Council, to Superintendent L. D. Arnold, date March 4, 1929, citing William Barkley.

14. The basic figures cited earlier for degree of Indian heritage of reservation and absentee members, give values in the bracket, one-half or less, respectively of 46 percent and 72 percent. For that segment of the reservation population above the age of sixteen, the value is predictably somewhat lower, 33 percent. When the latter segment is again divided into West and East Ends, the former is seen to be almost twice as large as the latter, 41 percent as against 24 percent.

15. *Minutes*, General Council, Klamath Agency, January 24, 1931. In phrasing a "full-blood-half-breed" antagonism, Brown was echoing his father, who had once proposed that "half-breeds" be denied the enjoyment of tribal prerogatives. Only when he became aware that his friend, Jesse Kirk, and such other lifelong reservation residents as William Crawford would be injured did he withdraw his suggestion.

finer, tribal leaders were beset with the party-political¹⁶ task of marshaling support for enunciated programs. It was hazardous to trust alone to appeals to reason, for the issues were often complex and difficult to interpret for a wary and conservative electorate. Since the number of his devoted adherents was inadequate to carry the day, the practical politician had resort to a supplementary arsenal of tactical devices. It was at this level that political acculturation proves to have been most effective.

In the first instance, a leader might sometimes seek to mobilize adherence by playing upon a popular cause. A claim against the government, attacks upon the Bureau, particularly in the person of the Superintendent, the repulse of intrusions upon the tribal domain by white commercial or sporting interests: these were issues which might be employed instrumentally to broaden the base of appeal. Other devices involved the manipulation of particularistic loyalties. Politicians from the less populous and ethnically more varied East End endeavored to retain districting, whereby an equal number of tribal councillors were elected from each End; and they also sought to preserve the practice of ensuring that each major ethnic group was represented on the executive body. These measures were, as a matter of course, opposed by Crawford; but it was he who, in 1927, held an election in which only the West End participated, thus bringing into being a second Tribal Council which vied for legitimacy with its predecessor.

The tactics employed to control voting were diverse. In general elections, Jackson favored restriction of voting to polling places on the reservation, against attempts by his rival to secure approval of absentee balloting, a measure which would swell the response from his off-reservation constituency. For General Council meetings, Jackson sought to continue the practice of alternating between Ends, and for those held at the Agency he provided stages at tribal expense to transport members from the East End.

Within the General Council, seating was conventionally by faction, a device which provided an easy check upon voting regularity. Jackson further favored a standing vote, while Crawford, particularly while out of power, called instead for a secret ballot. Each side on occasion exercised the boycott to prevent the mustering of a quorum when the issue was likely to go against it; and Crawford also resorted to the filibuster, under cover of which his forces might withdraw in order to attain the same end. Each also strove, when it no longer controlled the executive, to route business instead through the General Council.

In the recruitment of a following, leaders found many occasions to render personal services, appointing the faithful to tribal positions, serving as advocate in their favor, sponsoring the enrollment of their children as tribal members, or advancing them money from the tribal fund set

aside for that purpose. Interlocking memberships of the Executive Committee, the Enrollment Committee, and the Loan Board made those bodies the apex of tribal control. Of them, the central body was clearly the first named, which had as its province many phases of tribal business. The others, however, were also important in the administration of patronage.

The Tribal Loan Board had been established to preside over a fund set aside from the Yamsay Judgment of 1938, designed to fill the void left by the reluctance of many bankers to lend money to Klamath. Although advances were supposed to be made only for improvements, it became common practice to apply them as anticipation of the next per capita. When by action of the Bureau the fund was discontinued in 1955, some half million dollars, or the equivalent of almost \$250 per member, was out on loan, and a collector had to be engaged for the recovery of a sizeable portion of it.

The Enrollment Committee was the third seat of power. Admission to tribal membership ensured one's children not only a pro rata share of the undivided tribal estate, amounting at the time of termination to some \$45,000, but also to the regular per capita dividends that, subject to Agency restriction, were so commonly drawn upon to defray current living expenses.

Despite — and sometimes because of — these tactical measures, by which partisan leaders strove to bind them, many tribal members were driven into abstention by the bitter contentions which marked the last generation of tribal life. Although hundreds flocked to the luncheon set out at tribal expense for those attending General Council sessions, morning meetings failed so often to bring a quorum that they were discontinued, and even afternoon sessions sometimes could not muster one hundred adults from among the thronging diners to transact tribal business. When they did come, it was often in holiday mood, with frequent interruption of speakers and a keen appreciation for lengthy, eloquent, and often irrelevant harangues in the Klamath tongue. In this setting, the chairman and principal leaders strove with great difficulty to operate under Robert's Rules of Order. Council minutes record many instances in which many of those present cast no vote.

In this, as in other political settings, the observer could sense what some members admitted readily enough, a reluctance to commit oneself to decision that, on either side, might lead to dangerous consequences. Factional charge and innuendo had so sapped their confidence in the Klamath leadership that interviews conducted in the course of termination revealed that all but one of the respondents (118 in all) favored a management plan administered by unknown trustees to an organization headed by their own members.¹⁷

It was not, however, factionalism alone that was at the root of their uncertainty. Their long dependence upon

per capita, and the corresponding lack of experience in successfully pursuing a livelihood made many, understandably enough, fearful of any change that might threaten the economic niche in which they dwelt. Moreover, on many of the more complex issues involving property their very lack of experience made them easily swayed by irrelevancies. Not infrequently Seldon Kirk, when presiding over a vote of the General Council, would query

I wonder how many of you know what you were voting for?

and, calling for a reballoting, would see the issue solidly reversed.

Factionalism

As originally envisioned, tribal government was to form the lowest link in a chain running upward through the Bureau to the seat of government. When, in 1904, Jesse Kirk engaged the services of a private attorney for his faction, a local official testily observed of the latter that

... [he] should be told to leave the Indians and go out of the Government's business, and if there is anything to be attended to or settled, there are proper officers belonging to the Commissioner's Department and Department of the Interior who can do it.¹⁸

Despite his demurrer, the practice of retaining a tribal attorney became established at Klamath, being institutionalized by the need to retain independent counsel in negotiating claims against the government. At the same time, the tribal attorney has often been requested to provide advice in areas where the Bureau already had the duty of counsel, as in negotiating timber contracts and in long-range planning for the tribal future.

Thus, although the greater part of tribal business was in fact conducted directly through the Agency, pending claims and legislation under consideration in Congress called upon the services of attorneys and drew delegations on annual pilgrimage to the Capitol to present the tribal viewpoint. Through the years, veteran Klamath delegates came to establish informal understandings, not alone with their own representative and senators, but with those from other states who shared similar political outlooks. Since those legislators were also influential in controlling Bureau operations and appropriations, tribal delegations formed an instrument of power, and one, the mere awareness of which, undoubtedly tempered ordinary intercourse between Bureau and tribe.

The existence of this power, however, also contributed to the growth of a rampant factionalism which at times brought tribal government to a standstill. Congress was besieged by contending factions. A leader like Jesse Kirk could muster petitions on the strength of which he pur-

ported to speak for the tribe; and he won a respectful audience. Once they had entertained such practices, legislators began to be treated to the spectacle of official delegates who argued in committee hearings, each claiming to present the position of "the Indians." If a tribal politician was defeated for a place on the delegation, he could still raise funds from supporters and, making his way to Washington, enlist long-time legislative allies to secure a hearing every whit as attentive as that accorded the official representatives of the tribe. Said Wade Crawford in 1947 after a local defeat,

I can be outvoted, that doesn't mean one thing to me . . . There are 400 Congressmen and 96 Senators, and I'm going to talk to each man that will give me five minutes. People ought to understand who Congress is. Anybody can go. You don't have to be an official delegate, you can go as an individual.¹⁹

Since Washington had thus become the seat of decision, local consensus was rendered almost superfluous, and tribal affairs descended to a level of wrangling and petty maneuver. Nonetheless, major issues were being debated, and they concerned no less a subject than the disposal of the tribal estate and thus the transformation of the tribe. Because Bureau interests focussed upon the reservation as an administrative domain, where prominence was given to property concerns, any attempt to secure release from federal trusteeship tended to address itself first to ending the trust status of tribal resources. In 1900, the Board of Indian Commissioners, hailing the changes anticipated from allotment, had called for the pro rata apportionment of undivided tribal funds, which, they contended, merely served to perpetuate the Indian problem. They continued,

A law of this character would enable us all to see some reasonable limit of time to special Indian laws and special Indian administration. It would put an end to the expectation of perpetual inheritance and new claims through an indefinite number of generations, by people who may claim a fraction of Indian blood and therefore a share in undivided Indian tribal funds.²⁰

It was to this end that leaders upon the reservation itself presently addressed themselves.²¹ They began shortly after the closing of allotments in 1910 when, in opposition to white plans to open up the surplus lands for

16. Talcott Parsons, cited in Eisenstadt, *op. cit.*, p. 203. See also the characterization of "party factionalism" by Bernard J. Siegel and Alan R. Beals, "Pervasive Factionalism," *American Anthropologist*, LXII, No. 3 (June, 1960), 394-417.

17. Klamath Management Specialists, "Tentative Plan of Management and Recommended Form of Legal Entity for the Klamath Indian People." Revised August, 1957. See p. 6, Append. B, Exhibit 11.

18. Theodore Stern "The Klamath and the United States, 1864-1905." (Ms.), p. 68.

19. Minutes, General Council, Klamath Agency, September 16, 1947.

20. Thirty-Second Annual Report of the Board of Indian Commissioners. 1901 (H. Doc. 5, 56 C., 2 S. 1900-1901), Vol. 28, pp. 641, 642.

21. Data for this section come from a chapter by Dr. Vincent Ostrom, "The Development of the Klamath Termination Policy," in our joint report to the Commission on the Rights, Liberties, and Responsibilities of the American Indian, entitled "A Case Study of the Termination of Federal Responsibilities Over the Klamath Reservation."

settlement, suggestions were mounted that they be parcelled out instead among tribal members. Later, those "final settlement" proposals came to envisage the sale of the lands and the allocation of the funds thus realized in pro rata shares to members, bringing the tribe to an effective end.²² Final settlement in its early years drew widespread endorsement from tribal leaders, among whom its chief advocate was Judge Levi Walker.

In 1929, Wade and Ida Crawford, then in Washington as tribal delegates, with the active assistance of Secretary of the Interior Ray L. Wilbur, drew up an alternative plan, calling for the establishment of a tribal corporation to take over and manage tribal assets. This unauthorized proposal, which in some measure foreshadowed provisions of the Indian Reorganization Act of 1934, won out with difficulty in the tribe against adherents of the final settlement bill. Although both bills continued to be pressed in Congress, neither made headway.

In 1933, Crawford was appointed Klamath Superintendent by his friend John Collier, the new Commissioner of Indian Affairs; but the legacy of opposition which he bore into office together with his conduct while there combined to bring about his removal for cause in 1937. Although as Superintendent he advocated the Indian Reorganization Act, it was rejected by the tribe, and in time he too came to denounce it, for his experience as administrator prejudiced him against the competence of the Klamath to manage their estate. Instead, he sought for the time to limit what he deemed to be federal and tribal extravagance, while gradually developing plans for the pro rata division of the tribal assets. In this move, he turned increasingly for support to the absentee membership.

Thus it was that in 1945, returned to Washington as a delegate, Crawford sought passage of a bill combining some of the aims of the final settlement with federal purchase of tribal tracts, to be established as national forests, and the liquidation of other properties. This met opposition from the dominant tribal party, now led by Boyd Jackson, Dice Crain, and Jesse Lee Kirk, who thus became spokesmen against schemes for terminating the reservation. In successive forms, the legislation was the subject of hearings in Washington and on the reservation. As an outcome of suggestions made then, Superintendent Bert G. Courtright prepared a trial bill permitting voluntary withdrawal of competent members to be paid a portion of their shares in the tribal estate. Crawford, who became the chief proponent of this bill, now regained political ascendancy.

At this juncture, the respected moderate, Seldon Kirk, permanent chairman of the General Council, intervened and secured establishment of an extraordinary special committee of those

... who believe in the perpetuation of the Klamath Reservation.

22. As Ostrom has shown, there were inconsistencies on the latter point in the legislation itself.

Among its eight members, besides Kirk himself, were Jackson and several of his adherents. The committee drew up a new constitution for the tribe, designed to provide a structure satisfactory for self-government in a proposed transition of two decades. It was adopted in 1950 only after being linked with the voluntary withdrawal bill, and thus, for a time, both parties were satisfied. From a long-range view, it is noteworthy that Crawford had turned from an enduring tribal organization to piecemeal withdrawal of members who wished to sever tribal connections, while the former advocates of final settlement had taken a new stand for preservation of the tribal body.

Further attempts on Crawford's part to amend the voluntary withdrawal bill combined with other circumstances to delay action upon it until 1953, by which time the federal government had embarked upon a program which envisaged the termination of its supervision over the Klamath reservation, along lines proposed for the Menominee tribe.²³ When tribal leaders Crawford and Jackson concluded that the federal proposal of a private corporation was uneconomic for the tribe under the laws of Oregon and proposed instead a tribal cooperative, members attuned to factionalism were suspicious of their accord and rejected it. Under Congressional pressure, the Bureau now produced another draft and, under similar pressure, the factional leaders reached a compromise. Duly enacted as Public Law 587, it provided that members might elect either to withdraw or to remain in a surviving economic entity. Thereafter, as it became apparent that the size of the withdrawing body was likely to threaten the maintenance of timber stands under sustained-yield conditions, various bodies, both public and private, began tardily to intervene. Since the legislation had favored their position, the Crawfords adamantly opposed any changes, while Jackson and Jesse Lee Kirk were equally zealous in endorsing any amendment that promised to better the condition of the remaining members.

In the latter days of the termination program there emerged a new coalition of moderates. The Klamath Information and Education Office, established by the State Department of Education under the Termination Act, had encouraged tribal members to come together to discuss the issues posed by the Act, so that they might more intelligently vote their decision to withdraw or remain under trust. The Reservation Discussion Group that resulted included in its membership individuals who had abstained from political partisanship, together with younger moderates holding secondary tribal posts. They now entered the lists and made impressive gains in one of the last formal elections held by the General Council. Lacking a clear-cut program, they did not long survive intact their victory.

23. David W. Ames and Burton R. Fisher, "The Menominee Termination Crisis: Barriers in the Way of a Rapid Cultural Transition," *Human Organization*, XVIII, No. 3 (Fall, 1959), 101-111. It is interesting to note, by way of contrast with the reliance upon commercial exploitation of the Klamath tribal timber, that the Menominee instead had established a tribal mill in which many members found employment.

Weakness of the Tribal Government

It is easy to perceive in retrospect the weaknesses of Klamath tribal government, a body politic that, even within the limited sphere assigned it, presided but never ruled. Tribal members under trust status, deemed incompetent to administer their own property, were nonetheless called upon to make executive decisions regarding it. Here they were limited both by the scope of their awareness of alternatives and the restricted experience they were able to bring to bear upon their decisions. In turn, the narrowness of their economic knowledge was engendered by the security provided by per capita dividends.

In its protection of Klamath interests, the Bureau had a responsibility at once to administer their property efficiently and to train them to become competent to handle their own affairs. Since the former was accorded more weight in conventional administrative circles, the Klamath were overly protected from making mistakes. Tribal decisions were subjected to review and Klamath, in general, were not trained on the Agency staff, where their errors might reflect against the record of the Bureau as conservator of Indian property interests.

On the part of the Klamath, all too little personal effort was made to rise above the minimal comfort of a per capita-cum-hunting standard of living. Many of those with ambition sought their fortune elsewhere, leaving the reservation community the poorer for their departure. Tribal complaisance in the admission of new members without contingent performance stipulations resulted in a large absentee membership, the majority of whom had little interest in reservation affairs, save as concerned the yield of the tribal estate. Even with expert counsel, tribal leaders, far more capable than the general run of the membership, often seemed unable to implement the decisions they had reached. Members all too often were blinded by particularistic claims, and thus failed to see the issue of a common, tribe-wide good. In the many

devices to which politicians have resorted to thwart the resolution of differences lies ample testimony to the continued strength of those claims.

Yet, if tribal government has been sometimes corrupt and often inefficient it is thereby no stranger to the American scene. The image of the responsible citizen exercising his franchise judiciously and with vision is an ideal all too infrequently actualized. Participation in tribal government has provided an introduction to some of the key concepts and instrumentalities of American democracy. By that token, a transfer need not be too difficult to make.

In the demise of the tribe, members were already beginning tentatively to reshape their loyalties. For many there came a growing awareness of that broader identification which Mead termed "American Indian nationality," and with it participation in pan-Indian movements.²⁴ For some, this is at present enough, but others seem to have become aware through the sweeping changes of termination of the overriding power of the United States. In Chiloquin by 1958 some 64 percent of eligible Klamath adults were registered voters, in all probability in reflection of national, rather than purely local, interests. While this was considerably lower than the 81 percent of registered white voters in that community, both figures are respectably high by national standards.²⁵ Along with this, a few, including some former tribal leaders, have begun to seek a place in local political structures and, under the benign catalysis of the Klamath Information and Education Office, have received encouragement. In the end, in the transfer of commitments from tribal to other political bodies, it will not be the mere fact of having engaged in tribal affairs but the amount and kind of participation that will have significance.

24. Margaret Mead, *The Changing Culture of an Indian Tribe*, Columbia University Press, New York, 1932, pp. 67-69.

25. Theodore Stern and Bert E. Swanson, "Chiloquin, Reservation Town." (Ms.) The writer learns from his colleague, Dr. Robert E. Agger, that the figure for Springfield, Oregon, is 77.0 and for Junction City, Oregon, 70.1 percent.