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PUEBLO SOVEREIGNTY, POSTWAR

Eric T. Hagberg and Robert Bunker

The Indian nations, wrote John Marshall, have "always been considered as distinct, independent, political communities, retaining their original natural rights." And while the tribes have been deprived specifically of certain sovereign powers, the courts have decreed that other powers remain, particularly those over tribal membership, tribal property, and most internal affairs.

The immediate question is obvious and critical today: Do the Indian nations still exercise their sovereign powers? And again, can they be helped to exercise their sovereign powers, effectively, for their own benefit? It is in assisting Indian self-government that the field administrator of Indian Affairs may, we consider, find his greatest challenge.

The federal government does not regulate the life of the individual Indian in any ordinary sense, though that government must indeed, through its land and educational policies, to a large degree determine what opportunities are available to the individual. The individual Indian is not required to live on the reservation; rather the non-Indian is required to live off-reservation, unless with tribal consent. Except as regards "ten major crimes," land usage, and the liquor traffic, the individual Indian, on-reservation, answers only to his tribal government for any crimes, misdemeanors, or simple failure to co-operate — that is, if his tribal government continues to exercise its "natural" sovereignty.

The recent war, whether or not it established any separate veteran "class" among the Pueblos, did break the continuity of Pueblo life, as it did in any serviceman's family. Traditional relationships, as prescribed by authority, were naturally questioned. Other groups than the veterans have challenged Pueblo rule and, more seriously, land shortage, pressures from
non-Indian interests, new and frequently misunderstood state and federal legislation, all have combined to show the Pueblos that their sovereignty, their very structure, will not be preserved without effort. But it has become evident that many Pueblos are making that effort, making indeed considerable positive adjustment in an attempt to maintain, and strengthen, their long-time sovereignty. Their problems are being met head on.

Recent court cases have directed particular attention to Pueblo sovereignty. Three Pueblos have been involved in potential litigation challenging Pueblo jurisdiction over matters long accepted as of purely Pueblo concern: membership, use of property, and civil obedience. At Taos five Indian men married into the Pueblo refuse either to become members of the Pueblo or to move from the reservation. Members of a religious sect are now challenging their eviction from Zia — the Pueblo having ruled that, despite warning, they had repeatedly failed to perform certain duties considered civil. And at Santa Clara, over Pueblo objection, individual Indians have leased to non-Indians (working at Los Alamos) not only real estate individually bought, but also on tribal lands assigned them for their personal use.

In all three disputes, individuals concerned have recently consulted lawyers in an effort to have the Pueblo governments overruled. The Santa Clara case may be ending in favor of the Pueblos through default: the others are apparently on their way into court. Whether by coincidence or not, all the appeals against Pueblo sovereignty have seemed directed toward non-Indian sympathies: at Taos the appeal is based on the sanctity of the home, at Zia on individual freedom of religion, at Santa Clara on the concept of individual initiative — as well as on present housing needs, and the importance of Los Alamos.

Court decisions denying Pueblo jurisdiction are, we consider, improbable on the basis of past rulings; such decisions would, of course, make Pueblo self-government, particularly the traditional self-government by consent, extremely difficult. On the other hand, court decisions admitting Pueblo jurisdiction, but questioning Pueblo administrative methods, and requiring any Pueblo "bill of rights" or judicial safeguards, would have unpredictable results. If the Pueblos should incorporate the courts' administrative suggestions, these might plausibly strengthen Pueblo understanding of, and exercise of, Pueblo powers; if, however, the Pueblos should believe their own power destroyed, or limited to some uncomprehended degree, self-government would actually be thus destroyed or limited.

But even court decisions altogether denying the court's jurisdiction over the cases tried, even court decisions stressing the Pueblo's sole jurisdiction, would, of course, leave to the Pueblos themselves the responsibility for exercising jurisdiction, for maintaining law and order, and for securing
members' acceptance. Clearly, any discussion of Indian sovereignty here ramifies almost endlessly, into the broad fields of state and federal Indian law (incredibly complicated subjects in themselves)—the anthropological concepts of acculturation and changing institutions—the relationships of Pueblo religion and government—even human ability to adjust with adequate speed to rapidly changing conditions. Southwestern Indians have themselves pointed out on a number of occasions that they could more reasonably be expected to acculturate if non-Indian culture itself were not in such violent transition.

It is, of course, the Indian administrator's task to study the specialized reasons why the Pueblos can, or cannot, maintain their identity. He must weigh, too, the very fact that the Pueblos have already maintained identity through considerable upheavals around them. He must take constant note of the particular stresses with which each separate Pueblo must cope; he must attempt to develop, within each Pueblo, administrative methods which will help them cope. It is not the administrator's task to help a tribe as such to adopt or reject non-Indian manners; rather, it is the administrator's primary field duty to prepare the individual Indian and the tribe, so that they may choose effectively for themselves, and work effectively within, whichever cultural pattern they may wish.

Some of the observed stresses among Indians have come from unequal treatment off-reservation: prohibitions against Indian voting and Indian drinking, symbolic to so many of the younger men, and the more directly hurtful economic and social discriminations.

Some of these observed stresses are similar to those found in younger men anywhere: impatience with family ties or the daily burden of life. Gradually assumed before the war, in the days of first return these appeared suddenly enormous, and intolerable.

But a third set of stresses must be attributed particularly to the reservation itself. Change there is slower—conduct judged within different patterns. Quite apart from whether action is more or less "free" in a Pueblo than in nearby cities, the younger Indian far more than the city dweller, realizes that his particular restrictions are different. And only in realizing difference does he—or the city dweller—ordinarily realize restriction.

It is no accident that the dissident have taken their cases to court in these particular postwar years: these are years of uncertainty as to individual and collective futures. Yet litigation and challenge, unrest and uncertainty, are of themselves no proof that Pueblo cultures will automatically crumble. The test is not merely whether one decade's restless can readjust but, we believe, whether the Pueblos themselves will help them to readjust—either through some modification in Pueblo patterns, or through simple assistance.
toward accepting unchanging patterns. For clearly the problems of adjustment will recur, to other generations, in other decades.

There is no likelihood that the nineteen Pueblos of New Mexico will find identical solutions. Already considerable divergences are apparent, with some of what have been considered the most conservative Pueblos among those best comprehending today's needs. But even taken as a group, the Pueblos have already eased greatly their "veteran problem." It was quite apparent that immediately after the war more Pueblos than usual chose fairly young governors, inclined to action and strong administration. It is certainly observable that the veterans are now less insistent that they be immediately heard than they were even a year ago. But has this been the effect of time only, or of Pueblo disciplines—or Pueblo provision of outlets for the veterans?

Continuing development is nothing new to the Pueblos. It would be difficult to find a Pueblo for which long-time school teachers, or near-by traders, would not claim considerable changes over the years. We think immediately of Pueblo regulation of itinerant traders—Pueblo insistence on school attendance—developing Pueblo insistence on individual co-operation in public health matters—even, in a few Pueblos, tribal participation in so delicate a political matter as limiting livestock on the range.

Similar changes have come since the war. Not only in such primarily individual affairs as the large-scale employment of Santa Claras, San Juans, and San Ildefonso at Los Alamos, but also in matters requiring official Pueblo consideration, and positive action.

Isleta, after some five years of cumulating troubles, wrote, adopted by a record vote, and is now successfully functioning under, its own constitution—a constitution entirely different from that of any other Indian group, yet one which combines to a remarkable degree, with astonishing political tact, the demands of various groups. The Pueblo is currently working towards a change in the constitution—and recognizing its own power of decision with considerable pride. Veterans have been prominent, as young men can be at Isleta, in the whole constitutional campaign. Santa Clara and Laguna are similarly studying their older constitutions, with an eye to overhauling Pueblo ordinances.

Jemez has created its own arts and crafts guild, primarily for marketing. Santo Domingo has authorized and helped establish an American Legion Post. Zuñi has granted additional grazing rights to veterans with established herds, and is considering the advisability of small herds for other young men in the Pueblo.

Perhaps the most interesting of all is the way in which a number of the Pueblos, notably Zuñi, have taken over their own law and order problems.
Since Indian Service funds for Indian police were not forthcoming at the start of the present fiscal year, Zuñi has paid its policemen from tribal funds. Strict enforcement of law has decreased disturbances here almost to the vanishing point.

Most noteworthy of all, as the Pueblos start to expand their own administrative concepts, has been the tremendous development of the All-Pueblo Council, with its specialized committee set-up to advise the Pueblos of matters particularly important to them. But the All-Pueblo Council is another story.

None of this is to say that changes are made in the Pueblos as quickly as some members might wish. But the same is true of non-Indian society. It is our opinion that in most of the New Mexico Pueblos the large majority of even the younger men want to preserve the Pueblo way of action, and that what changes they would wish to make will not, or need not, be convulsive. Thus we believe that this majority is willing to effect changes so slowly and with such consideration of Pueblo public opinion that the majority of their program may be accomplished by consent. We further believe that the Pueblos thus adjusting, slowly, may very well accomplish as much for their members, within even the economic field, as do other governments, state and city. The Pueblos are choosing and will, we believe, continue to choose, for themselves.

The Pueblo Indians are indeed passing through a stage of critical adjustment. We certainly do not consider that each Pueblo has the same chance of successful adaptation. But we do, very strongly, feel that we are not fighting any lost cause. Rather, we feel confident, these Indians whose own administration we are in the business of strengthening, have every chance to develop to meet their own needs, every promise of combining present security with new force of action.