

OBJECTIVES AND FUNCTIONS OF TRIBAL GOVERNMENT
AS VIEWED BY THE BUREAU

(Address given by Robert L. Bennett, Assistant Area Director, Aberdeen Area, at the Gallup Area Conference on Tribal Administrative Organization and Procedure, May 5, 1959)

I am happy to be invited back to the Gallup Area and to have had the opportunity on the way here to visit with the Chairmen of the Southern Ute and Jicarilla Apache Tribal Councils. (These visits were made without any citizen's arrests.) I do not speak to you with the same degree of confidence as I speak to other groups about Indian affairs because of the high competency in tribal government of the people here. This is really quite an admission on my part as I have more of a reputation for courage than for wisdom.

The Bureau has some objectives directly concerning tribal government and subsidiary tribal organizations. These objectives are: development of leadership, development of management experience, and development of integration. I think we should take the time to examine these objectives and do some real soul searching as to the implications of these objectives.

In the development of leadership the Bureau seeks to foster and to help develop informed and experienced leadership for tribal government and business organizations. Able leadership within a tribe is a prerequisite to independent and self-sustaining groups of Indian citizens.

Leadership is an act of influence on human behavior and a leader must be able to lead, inspire and to train. As we view this objective in the Bureau there are many factors which we should begin to consider very seriously. In discussion with Indian leaders we assume that tribes desire to be independent and self-sustaining groups of Indian citizens. I am wondering if this assumption is correct. It is true that maybe some of the leaders do subscribe to this objective to be independent and self-sustaining, but it is also true that many leaders do not subscribe to this goal. The Bureau, therefore, has to be willing to accept the risks of fostering and helping develop leadership not knowing whether this leadership subscribes to the goals which we assume that they do.

It is very easy to identify these objectives but what is the effect of the fast moving money-world on these objectives and how do we approach them? These objectives can be achieved if tribal leaders and the Bureau work together. In order for us to work together it will be necessary for the Bureau and the tribal leaders to compromise on many issues. Compromise can be achieved if consideration is given to the merit of proposals as a first approach rather than to the regulatory approach. If this compromise is to be achieved then the Bureau must set

the tone for the tribe and the tribal leaders in turn must set the tone for the Bureau, so that an atmosphere may be developed within which compromise may be effected.

Tribal leaders have insisted upon consultation with them upon all matters affecting their interest. It occurs to me that consultation is a joint responsibility of the Bureau and the tribal leaders. There has been growing up of late an attitude on the part of tribal leaders that they do not have to consult with the Bureau and, therefore, they proceed to Washington without consulting the Bureau at the Agency or Area levels, and sometimes they even proceed to the Congress without consulting the Bureau or the Department. While this is the legal right of the tribes, yet action of this kind does not contribute to developing an atmosphere in which the Bureau and the tribal leaders can arrive at mutually acceptable decisions. It does not appear to us that pressure tactics are necessary as a first step in Bureau and tribal governments developing a satisfactory working relationship.

We must have respect for each other's opinions, to which each has a right. This can keep our differences on a healthier basis and contribute to a coordinated approach to the problems of Indian people. Too often the approach is on a competitive basis and the competition takes place within an area of responsibility which has been given to the Bureau by Congress and all of our energy is dissipated in this competitive area. As a consequence, we do not expend enough energy in an area in which there is no question as to the tribe's authority to develop coordinated programs for the development of Indian people.

Another concern which gives us considerable difficulty is whether we accept moral standards or ethical standards for tribal government. If we are committed to ethical standards we are constantly in difficulty because we are asking tribal governments to meet standards higher than moral standards of local, state and national governments. In our support of tribal government problems arise when this tribal government takes action not in accordance with the goals we have assumed for them. The question is then, do we really support tribal government, or do we support tribal government when the government acts in accordance with our wishes?

One of the important decisions is - how truly representative is tribal government? Is the Bureau to be satisfied if leadership only accepts the objectives of independent and self-sustaining groups of Indian citizens? If the people whom the leaders represent do not

have these same objectives does it become the responsibility of the Bureau or the tribal leadership to work with the tribal members so they will want these objectives?

Education and communication are increasing the sophistication of Indian people and we are now dealing with a 1959 variety and not an 1887 variety. It is necessary for tribal leaders and the Bureau to create situations for turmoil to exist in a controlled and healthy atmosphere. As the political sophistication of Indian people increases the turmoil will flourish and if this turmoil is not given an opportunity to exist in a created atmosphere, then the Bureau and tribal leaders are in for considerably more trouble. As the political sophistication of the people increases the administrative procedures of the Bureau and the tribe are going to become more complicated. If we are to work toward the aspirations of the people then a more complex administration is required than working with resources, which can't talk back. These, to me, are some of the questions which reflect upon the view of the Bureau as to leadership development.

In the development of management experience, the Bureau seeks to foster and to help develop the management experience of tribal leaders. Systematic and graduated experience in the actual management of governmental, economic and social functions of the tribal group will provide a firm basis for confident assumption of independent responsibility by Indian groups.

One of the basic problems inherent in the management of the economic functions of the tribe is to determine the motivation of the members. This means, does the organization exist to spend money, to save money or to make money; to conserve their resources without regard to people, or to manage their resources for profit? In other words, does the leadership have a profit motivation? In managing the business of the tribe one must also consider the responsibility of management to the stockholders.

Some thought is being given to setting up the business and economic activities of the tribe under the responsibility of a separate entity. This would place the decision making and management responsibilities in a board of directors. The responsibilities of the board of directors would be different than those of council members carrying out a governmental function. If the board of directors are motivated by profit then serious questions will arise in view of the conservation responsibilities of the Bureau.

The tribe has always been looked to for responsibility in resource development and we in the Bureau have no hesitancy in making recommendations for capital investment in the tribal resources without regard to profit. Does the tribe and Bureau have a corresponding responsibility for poverty, disease and social ills of the members or stockholders? It seems that there is always criticism of programs developed for this purpose, particularly when funds are made available to people to achieve goals, and there is a tendency on the part of tribal leaders not to give the same attention to these problems that they give to those of resource development for the use of a few.

There appears to be a tendency for tribal organizations to remain municipal corporations and not to be profit motivated. This changes as more and more people leave the reservations. We have in our area some critical situations where non-residents, who make up approximately one-half or more than one-half of the tribal members, are raising increased objections to the making of capital investment in resources of the reservation by tribal governing bodies which are not profit motivated. These non-residents feel that they are penalized because they exercised the initiative of leaving the reservation to make a living, which is in keeping with the goal we assume to the goal of Indian people. I am wondering if Indian people really believe they should make their own living, or whether they feel the government owes them a living. Again, I am wondering if Indian leadership believes that Indian people and tribes should be independent and self-sustaining. If this is the goal of Indian people then why do tribal governments insist that anyone who leaves the reservation to accept this goal can no longer participate in tribal government, nor have their children enrolled with the tribe? It may be that a separate corporate organization is the method by which this problem can be solved, so that, while non-residents may not participate in tribal governments affecting resident members of the tribe, yet they would be able to participate in the management of the economic assets of the tribe, and this would be for profit making. As this interest in the economic assets of the tribe increases on the part of the people who accept economic independence as a goal then there will be increasing pressure on the part of management to become profit motivated and less concern with our policy of use by Indians.

It is likely that management of some tribal economic activities may be profit motivated, but it is quite likely that the stockholders are not. The question which then arises is - should the stockholders be converted to profit motivation? The stockholders are noted for engaging in subsistence activities only, and for the enjoyment of leisure. If they are not converted to the profit motivation and through leadership, developed by us, take over control of the management of the

corporation, what will happen to the corporation? We have had experiences where this has happened and the cash assets of the tribe have been distributed through per capita payments and the individual assets converted into cash and expended. It occurs to me that if the stockholders are profit motivated they will insist the corporation place more emphasis on profit than conservation or Indian use, and they will insist on less expenditures on the resources. If the stockholders are not profit motivated and their political sophistication reaches the point where they take over management then there will be a rapid decline in the worth of the corporation. One of the inherent problems is whether the profit made by the management is to be used for the benefit of the group on programs which management has designed for the good of the group, or whether the profit is to be made available to the stockholders so that this can be used by them to achieve acceptable family goals.

There is growing up on Indian reservations a caste system which the tribal leaders and the Bureau have been instrumental in maintaining. The reservation society is made up generally of a very elite group consisting of not more than 25% of the tribe, and a hard core of residual group consisting of approximately 75% of the tribe. This is further complicated by the fact that most of the elite is made up of mixed bloods, which is another issue. There is no middle class on the reservation, the backbone of any society, to keep the elite or residual groups from going to extremes. The tribal leadership, and we in the Bureau, cater to the elite group because they speak our language and they are generally in agreement with the goal of economic independent and being self-sustaining. It appears to me that the division between the elite group and the residual group is becoming more pronounced, and the numbers in the residual group are increasing. This is going to reach a point in the very near future where the residual group is going to rise up and, through the leadership developed by us but having different goals, take over the political power and then we, in turn, will have an entirely different group to work with, whether we like it or not. It seems to me that this is the time when more attention should be given to the residual group and their needs and this must be done by both the tribal leadership and the Bureau.

I sometimes have doubts of the competency of the Bureau to advise tribes in corporate management in which we as Bureau employees have had very little training and experience and are not profit motivated. We do know Indians, but do we know corporate management? I have also some question about the competency of corporate management to advise Indian groups, because while they know corporate management, do they know Indians? I also have some question about the competency

of some of the Indian leaders themselves in the field of corporate management if they are not profit motivated. Lack of this motivation often results in a subjective approach to management problems, which leads to instability of tribal decisions. It would seem that we all need the assistance of competent social scientists who can advise us on the motivations of the people making up the tribal groups, but their contribution should be limited to their field of competence, leaving the responsibility for action with the administrators. This all leads me to the inescapable conclusion that there must be a coordinated approach to the problem of tribal administrative organizations and procedures.

In the development of integration the Bureau seeks to foster and develop integration of Indian tribes into the political and economic structure of the state and national communities. The responsibility which tribal leaders and the Bureau have is to develop an atmosphere in which healthful integration can take place. There is an insistence on the part of tribal leaders as to their treaty rights which, of course, must be respected, even though these rights are sometimes cover matters which are of no real import to the tribe. The tribes must learn to develop cooperative programs with the local governments and states for the benefit of their people and this can be done without any lessening of these rights or the value of these rights to their people. The tribal leadership has a serious problem to consider when advocacy of these rights in some cases acts as a bar and obstacle to the progress of their people to a better way of life.

Another serious problem is whether integration of tribal groups can take place without profit motivation. If the corporation of the tribe is to parallel a business corporation of the state with its acquisitiveness, then an Indian corporation in the state without profit motivation is not comparable. A more serious problem arises in the process of integration when there are separate governmental systems. However, there are areas in which integration can take place now, and we must move in those areas. In arriving at decisions relative to integration, we must determine whether this takes place upon the proper development of the leadership, or upon development of the membership also as a criteria. We have many situations now where integration is taking place where there is no question as to the competency of the leadership. There is some question, however, as to whether the competency of the members or stockholders of the corporation which is being set up are adequate for the protection of the corporation and its assets. This again goes back to my original question of the responsibility on the part of the Bureau and the tribal leadership to develop the stockholders so that they will accept profit motivation and increase their