

THE INDIAN'S QUEST FOR JUSTICE

flutters and droops we know that the poison gasses of intolerance threaten all other minorities in our land. And who of us is not a member of some minority?

The issue is not only an issue of Indian rights; it is the much larger one of whether American liberty can be preserved. If we fight only for our *own* liberty because it is our own, are we any better than the dog who fights for his bone? We must believe in liberty itself to defend it effectively. What is my own divides me from my fellow man. Liberty, which is the other side of the shield of tolerance, is a social affair that unites me with my fellow man. If we fight for civil liberties for our side, we show that we believe not in civil liberties but in our side. But when those of us who never were Indians and never expect to be Indians fight for the cause of Indian self-government, we are fighting for something that is not limited by the accidents of race and creed and birth; we are fighting for what Las Casas and Vitoria and Pope Paul III called the integrity or salvation of our own souls. We are fighting for what Jefferson called the basic rights of man. We are fighting for the last best hope of earth. And these are causes that should carry us through many defeats.

Cohen

From

"The Legal Conscience"

Americanizing the White Man

"WHAT CAN we do to Americanize the Indian?" The question was earnestly put by a man who was about to assume control over our country's Indian affairs. He was appalled by the fact that over a hundred native tribes within the United States still speak their own languages and make their own laws on the little fragments of land that Indians reserved for their own use when they sold the rest of the country to the white man. The Commissioner-elect was a kind and generous soul, but his Anglo-Saxon pride was ruffled by the fact that so many Indians preferred their own way of life, poor as it was, to the benefits of civilization that Congress longed to confer on them. Perhaps, if Indians did not realize that they needed more Indian Bureau supervisors and bigger and better appropriations to make real Americans out of them, it might be necessary to use a little force.

A bronze-skinned figure in the audience arose. "You will forgive me," said a voice of quiet dignity, "if I tell you that my people were Americans for thousands of years before your people were. The question is not how you can Americanize us but how we can Americanize you. We have been working at that for a long time. Sometimes we are discouraged at the results. But we will keep trying. And the first thing we want to teach you is that, in the American way of life, each man has respect for his brother's vision. Because each of us respected his brother's dream, we enjoyed freedom here in America while your people were busy killing and enslaving each other across the water. The relatives you left behind are still trying to kill each other and enslave each other because they have not learned there that freedom is built on my respect for my brother's vision and his"

Published in *The American Scholar*, 1952. *The American Scholar* stated in a footnote, "Felix Cohen argued the cases that won for Indians the right to vote in those Western states that had formerly denied them the franchise. . . . His compilation of Indian Laws and Treaties and his *Handbook of Federal Indian Law* are standard reference works." The *Handbook* has been quoted frequently by the Supreme Court in Indian cases. *Williams v. Lee*, 358 U.S. 217, 219 (1959) is one of the most recent. In *Squire v. Capoeman*, 351 U.S. 1, 8 (1956), Chief Justice Warren speaking for the Court referred to Felix Cohen as "an outstanding expert in Indian law."

THE INDIAN'S QUEST FOR JUSTICE

respect for mine. We have a hard trail ahead of us in trying to Americanize you and your white brothers. But we are not afraid of hard trails."

The Commissioner-elect, in the months that followed, had repeated occasion to realize what lay behind these words.

American history, written by the scribes of the conquerors, has been written as the story of a great European conquest. What was conquered, according to the European historians and their students, was an almost empty land, dotted here and there with wild savages. These children of the wilderness, unable to live alongside civilization, proceeded to disappear as their land was settled. The "vanishing Indian" became the theme of song and folklore, of painting and sculpture, of fiction and of the special sort of fiction that sometimes passes as American history. How far this oft-told story deviates from the truth we are only beginning to discover.

As yet, few Americans and fewer Europeans realize that America is not just a pale reflection of Europe—that what is distinctive about America is Indian, through and through. American cigarettes, chewing gum, rubber balls, popcorn and corn flakes, flapjacks and maple syrup, still make European eyebrows crawl. American disrespect for the authority of parents, presidents, and would-be dictators still shocks our European critics. And visitors from the Old World are still mystified when they find no peasants on American soil. But the expressions of pain, surprise, and amused superiority that one finds in European accounts of the habits of the "crazy Americans" are not new. One finds them in European reports of American life that are 200 and even 400 years old. All these things, and many things more important in our life today, were distinctively American when the first European immigrants came to these shores.

The American way of life has stood for 400 years and more as a deadly challenge to European ideals of authority and submissive obedience in family life, in love, in school, in work, and in government. For four and a half centuries government officials have been trying to stop Indians from behaving in un-European ways. Once the battle was to stop Indians from bathing, smoking, and eating potatoes, all of which were supposed to be bad for their bodies and souls. In more recent years, our bureaucrats have issued countless orders prohibiting Indians from dancing (except after reaching the age of fifty), feasting, wearing Indian costumes, hunting for sport, traveling for pleasure, or otherwise engaging in the pursuit of happiness. Above all, they have tried to eradicate the Indian habit of sharing food and land with needy neighbors. The Indian Bureau is even now earnestly trying to implement the commandment once enunciated by a distinguished Commissioner of Indian Affairs: "The

AMERICANIZING THE WHITE MAN

Indian must be imbued with the exalting egotism of American [rather European] civilization, so that he will say 'I' instead of 'we,' and 'this is mine' instead of 'this is ours.'" Through four centuries the Spanish, English, and American Indian Bureaus have tried to turn Indians into submissive peasants. So far they have failed. To that failure we owe much that is precious in our American way of life.

As yet, only a few scholars know that the changes wrought in white life by Indian teachers are far more impressive—even if we measure them by the white man's dollar yardstick—than any changes white teachers have yet brought to Indian life. How many white farmers know that four-sevenths of our national farm produce is of plants domesticated or created by Indian botanists of pre-Columbian times? Take from the agriculture of the New World the great Indian gifts of corn, ~~tomatoes~~^{beans, peanuts, tomatoes}, white and sweet potatoes, beans, pumpkins, chocolate, American cotton, and rubber, and American life would lose more than half its color and joy as well as more than half its agricultural income. Without these Indian gifts to American agriculture, we might still be back at the level of permanent semi-starvation that kept Europeans for thousands of years ever-ready to sell their freedom for crusts of bread and royal circuses. And if we lost not only the Indian's material gifts, but the gifts of the Indian's spirit as well, perhaps we should be just as willing as Europeans have been to accept crusts of bread and royal circuses for the surrender of our freedom. ~~For~~ ^{It} is out of a rich Indian democratic tradition that the distinctive political ideals of American life emerged. Universal suffrage for women as well as for men, the pattern of states within a state that we call federalism, the habit of treating chiefs as servants of the people instead of as their masters, the insistence that the community must respect the diversity of men and the diversity of their dreams—all these things were part of the American way of life before Columbus landed.

Even the sole American contribution to the vocabulary of democratic government turns out to be a word borrowed from an Indian language. When Andrew Jackson popularized a word that his Choctaw neighbors always used in their councils to signify agreement with another speaker, the aristocrats he threw out of office, always grasping at a chance to ridicule backwoods illiteracy, accused him of abbreviating and misspelling "All Correct." But O.K. (or okeh, in Choctaw) does not mean "all correct"; it means that we have reached a point where practical agreement is possible, however far from perfection it may lie. And that is an idea which is central in the American idea of government.

When Roman legions conquered Greece, Roman historians wrote with

THE INDIAN'S QUEST FOR JUSTICE

as little imagination as did the European historians who have written of the white man's conquest of America. What the Roman historians did not see was that captive Greece would take captive conquering Rome, and that Greek science, Greek philosophy, and a Greek book known as the *Septuagint*, translated into the Latin tongue, would guide the civilized world and bring the tramp of pilgrim feet to Rome a thousand years after the last Roman regiment was destroyed.

American historians, thinking, like their Roman forebears, of military victories and changing land boundaries, have failed to see that in agriculture, in government, in sport, in education, and in our views of nature and our fellow men, it is the First Americans who have taken captive their battlefield conquerors. Our historians, trained for the most part in Germany and England, have seen America only as an imitation of Europe. They have not seen that American Indians today—who are, despite the prevailing myth of the Vanishing Indian, the most rapidly increasing race in our land—are still teaching America to solve perplexing problems of land-use, education, government, and human relations, problems to which Europe never did find adequate answers.

The real epic of America is the yet unfinished story of the Americanization of the White Man, the transformation of the hungry, fear-ridden, intolerant men that came to these shores with Columbus and John Smith. Something happened to these immigrants. Some, to be sure, remained European, less hungry, perhaps, but equally intolerant and equally submissive to the authority of rulers and regulations. But some of these immigrants became Americans, tolerant and neighborly, as strong and self-reliant men may be, and for the same reason disrespectful of all authority. To such Americans, a chief who forgets that he is a public servant and tries to tell other people what to do has always been an object of ridicule. American laughter has rippled down the centuries and upset many thrones. And when ridicule and laughter were insufficient, there has always been American blood to finish the job and to conserve for future generations the blessings of liberty.

Not always were the historians of the conqueror entirely blind to what was happening among the settlers of the New World. The contagion of the Indian's love of freedom, which defeated every attempt to establish Indian slavery, and quickly spread to the Indian's white neighbors, was noted in 1776 in a popular account of America, widely circulated in England: "The darling passion of the American is liberty and that in its fullest extent; nor is it the original natives only to whom this passion is confined; our colonists sent thither seem to have imbibed the same principles."

AMERICANIZING THE WHITE MAN

Something was happening to English colonists who had become accustomed to the voice of authority through centuries of Tudor, Stuart, and Plantagenet despotism, accustomed to taking orders, backed by force, in the nursery and the schoolroom, in the workshop and the field, in the choice of dress, mate, occupation, and creed. And what was happening to these European colonists in the formative years of our growth as a nation was happening in a land where whites were a small minority. It was to Indian guides that European colonists had to go to learn how to grow corn and tobacco, how to stalk or snare American game, how to travel the Indian trails that laced the American wilderness. And it was from these same Indian guides that European colonists learned other lessons they had not dreamed of learning when they left the Old World.

We need to remember that the Europe that lay behind Columbus as he sailed toward a New World was in many respects less civilized than the lands that spread before him. Politically, there was nothing in the kingdoms and empires of Europe in the fifteenth and sixteenth centuries to parallel the democratic constitution of the Iroquois Confederacy, with its provisions for initiative, referendum, and recall, and its suffrage for women as well as men. Socially, there was in the Old World no system of old-age pensions, disability benefits, and unemployment insurance comparable to the system of the Incas.

Of what nation, European or Asiatic, in the sixteenth century could one have written as the historian Prescott wrote of the Incas: "Their manifold provisions against poverty . . . were so perfect that in their wide extent of territory—much of it smitten with the curse of barrenness—no man, however humble, suffered for the want of food and clothing."

Out of America came the vision of a Utopia, where all men might be free, where government might rest upon the consent of the governed, rather than upon the divine right of kings, where no man could be dispossessed of the land he used for his sustenance. The vision that came to that great modern saint and legal philosopher, Thomas More, with the first reports he had from Amerigo Vespucci and other explorers of the New World—the vision of a democratic society in which a forty-hour work week left time to enjoy life, in which even the humblest worker could afford to have windows in his home to let in the sunlight—this vision lived on. When More's eyes became dim on the tyrant's scaffold that Henry the Eighth erected for his chancellor, the gleam that had lightened them had become a proud possession of a whole generation and of many generations to follow.

THE INDIAN'S QUEST FOR JUSTICE

Thomas More had seen something that no tyrant and no dictatorship could wipe out.

No despotism afterwards could escape the fatal comparison between what is and what might be. And even those who, like Adam Smith and Jeremy Bentham, ridiculed all Utopias, ended up by formulating Utopias of their own. (In these and many other ways, Indian America helped to civilize Europe.)

To Francisco Vitoria, teacher of moral theology at the University of Salamanca, in 1532, reports from the New World showed the possibility of basing international dealings on reason and mutual accommodation, and thus provided the foundations for an international law not limited by a single religious faith. And when Hugo Grotius picked up the threads of Vitoria's thought to weave the fabric of modern international law, he too was deeply influenced by Indian examples of just government. To John Locke, the champion of tolerance and of the right of revolution, the state of nature and of natural equality to which men might appeal in rebellion against tyranny was set not in a remote dawn of history but beyond the Atlantic sunset. And so, too, Montaigne, Montesquieu, Voltaire, Rousseau, and their various contemporaries found in the democracy of native America, in the "liberty, equality, fraternity" of the Indians, a light for suffering humanity, a flame in which to burn away the dross of ancient despotisms. In the American Revolution, in the French Revolution, and in the revolt of the Spanish Colonies, the passion for liberty nourished by the Indian burst into consuming flame.

On the shores of Brazil, in 1497, there was no Statue of Liberty with its inscribed message to Europe: "Send me your . . . struggling masses yearning to be free." But in almost the first report to Europe from the American continent, Amerigo Vespucci, shipwrecked on the coast of Brazil, reported on the hospitality of the natives: "Seeing that the aforesaid ship was rent asunder, they went out in their little boats . . . carried ashore the men and the munitions which were contained therein, with charity so great it is impossible to describe." For four centuries white Americans continued this tradition of hospitality toward the stranger, and those ports which were most hospitable became the most prosperous.

Is it any wonder that the greatest teachers of American democracy have gone to school with the Indian?

Were not the first common councils of the American Colonies, the Council of Lancaster in 1744 and the famous Albany Congress of 1754, councils called for the purpose of treating with the Iroquois Con-

AMERICANIZING THE WHITE MAN

federacy, whose leaders were unwilling to treat separately with the various quarreling Colonies? It was the great Iroquois Chief Canasatego who advised the Colonial governors meeting at Lancaster in 1744:

Our Wise forefathers established Union and Amity between the Five Nations. This has made us formidable; this has given us great Weight and Authority with our neighboring Nations. We are a powerful Confederacy; and by your observing the same Methods, our Wise Forefathers have taken, you will acquire such Strength and power. Therefore whatever befalls you, never fall out with one another.

The advice of Canasatego was eagerly taken up by Benjamin Franklin.

It would be a strange thing [he advised the Albany Congress] if Six Nations of ignorant savages should be capable of forming a scheme for such an union and be able to execute it in such a manner that it has subsisted ages and appears indissoluble, and yet that a like union should be impracticable for ten or a dozen English colonies, to whom it is more necessary and must be more advantageous, and who cannot be supposed to want an equal understanding of their interest.

The author of the American Declaration of Independence and of our first bill of rights freely acknowledged his debt to Indian teachers. Comparing the freedom of Indian society with the oppression of European society, Thomas Jefferson struck the keynote of the great American experiment in democracy:

Imperfect as this species of coercion may seem, crimes are very rare among them [the Indians of Virginia]; so much that were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last; and that the sheep are happier of themselves, than under the care of the wolves. It will be said, that great societies cannot exist without government. The savages, therefore, break them into small ones.

Here Jefferson put his finger on the quality that distinguishes American attitudes toward government from continental attitudes. The caution against aggrandizement of governmental power, the preference for local self-government even though it seem less efficient, the trust in the ability of good neighbors to settle their own problems by mutual accommodation without totalitarian rule—these are enduring elements of our American democracy.

meet.

THE INDIAN'S QUEST FOR JUSTICE

The theory of American democracy is based upon the premise that self-government is better than expert government. The theory was simply stated by President Jefferson in his discussion with the Cherokees on forms of government. "The fool," he said, "has as great a right to express his opinion by vote as the wise, because he is equally free and equally master of himself." Here was an idea that, however it might have shocked Plato or Aristotle or Machiavelli, was not strange to the Cherokee chiefs. For they, like the chiefs of many other Indian tribes, would again and again refuse to make decisions for their people until the decision had been thoroughly thrashed out in the councils of the people and approved by majority, or, more commonly, by unanimous agreement. This characteristic of Indian leadership, often so annoying to white administrators who want swift decisions from Indian leaders, has been a sustaining source of strength to Indian democracy. Who shall say that this deference to the public will is not the greatest achievement of American political leadership, and the greatest lesson that the Americas may teach to lands less free beyond the seas?

Measurement is difficult in the realm of political theories: those accustomed to the histories of the conqueror will hardly be convinced, though example be piled on example, that American democracy, freedom, and tolerance are more American than European and have deep aboriginal roots in our land. But measurement is easier in the field of agriculture. And here the disparagers of Indian life are up against the hard fact that the larger part of the agricultural output of the United States, and of all America, consists of plants domesticated by the Indian. Irish potatoes, Turkish tobacco, India rubber, Egyptian cotton—what are all these but Indian products disguised with respectable Old World names?

Significantly enough, the products of Indian agriculture were resisted as bitterly in the Old World as were the ideas of democracy, liberty, and tolerance that floated back to Europe from the New World. The bitterness of this resistance is evidenced by the cut-off ears and noses of German peasants who for centuries refused, despite all punishments, to eat potatoes, and by the dire penalties inflicted from England to India upon smokers of tobacco. Down to recent decades the tomato, or love apple, was regarded by most Europeans as poisonous. Gradually a few of the agricultural achievements of Indian America have become accepted by the rest of the world. But is there any reason to think that this process of give-and-take is at an end? The rediscovery of an old Indian dish, toasted corn flakes, not many years ago revolutionized the breakfast habits of the United States. We have just increased America's

AMERICANIZING THE WHITE MAN

corn crop by 40 per cent by rediscovering the Indian preference for hybrid corn.

In medicine, as in the production of food and textiles, the conventional picture of the Indian as an ignorant savage is very far from the truth. Until a few years ago most of America's contributions to medical science were of Indian origin. ^{medicine} Quinine, cocaine, cascara sagrada, ipecac, witch hazel, oil of wintergreen, petroleum jelly, arnica—all these and many other native medicines were known and developed by the medical profession in America long before the first white physician landed on American shores. In fact each of these products was denounced by learned European doctors before it became accepted into the normal pharmacopoeia. And it is interesting to note that in the 400 years that European physicians and botanists have been examining and analyzing the flora of America, they have not yet discovered a medicinal herb not known to the Indians.

These are material things that can be counted and measured. They constitute tangible refutation of the slander that the Indian did not know how to make use of his land and its resources until the white conqueror taught him. But to limit one's gaze to these materials is not only to lose sight of the intangibles of American life but even to miss the human significance of these material things. For corn, as countless Indian generations have known, is not simply a thing. It is a way of life. Corn, reproducing itself three hundredfold, without benefit of horse or plow—where plowed fields of wheat or rye produce only twentyfold or thirtyfold—is a sturdy friend of freedom. The frontiersman who would not accept a burdensome government could take a sack of seed corn on his shoulders into the wilderness in the spring, and after three months he might be reasonably assured against hunger for the rest of his life. No such path to freedom, no such check upon the growth of tyranny, was ever open to growers of wheat or rye or rice.

Oklahoma is full of stories of the Green Corn Rebellion. But really the Green Corn Rebellion has been an annual event in American life for thousands of years. Down through the centuries, every American spring has seen men and women in rebellion against petty tyrannies and dictatorships of nation or city, hamlet or household. Independent souls have gone out with sacks of seed corn to win their own independence. Long before 1776, Americans were celebrating Independence Day, the green corn festival in July, when the most bountiful of all man-made harvests assures independence from the fear of hunger, and from all the other fears that hungry men acquire when they sell control of their lives for protection from hunger.

THE INDIAN'S QUEST FOR JUSTICE

"Tomahawk Rights" and "Corn Titles" are the terms that were once applied to American frontier homesteads. But the tomahawk rights and corn titles are far older than the white man's homestead laws. American pioneers were following an old Indian pattern when they went into the wilderness, chopped down trees or girdled them with their tomahawks, planted their corn among the stumps, and claimed possession by right of use and occupancy. The whole economic history of rural America has been a struggle between the feudal land tenures of Europe, glorifying the absentee owner, the man on horseback, on the one hand, and on the other, the Indian land tenure, where land right is the fruit of use and occupancy.

What is the great American contribution to the law of property? Is it not the homestead system, the grant of land rights based on use and occupancy, and the protection of the homestead against levy, execution, and taxes? Does not this represent the triumph on our soil of the Indian landholding pattern, just as in lands south of the Rio Grande a restoration of the Ejido and the breakdown of the old feudal hacienda system represent the long-delayed triumph of native land patterns, the triumph of tenure by the hoe over tenure by the sword?

And does not the great American melodrama of the past two centuries faithfully celebrate the triumph of innocence and home ownership over the mortgage-holding villain? The hero of the melodrama has had many names. Most recently he has been called HOLC or FHA. But always the audience has cheered the right of a man to hold his own home against creditors, sheriffs, and villains. And the theme goes back four and a half centuries to Amerigo Vespucci, who reported that in America, where "every one is his own master," men's rights in the land they lived on were sacred and inalienable.

Because the Indian attitude to land emphasized the duty of loving care, rather than the right to alienate or collect rents, which was the mark of property rights in feudal Europe, it seemed to Vespucci that here was no real property; and More, who incorporated whole phrases of Vespucci's account in his *Utopia*, wrote of his ideal commonwealth: "They count themselves rather the good husbands, than the owners of their lands."¹

Even the lowly Indian (Irish) potato revolutionized European history. First, it banished the fear of hunger from millions of European homes. For a farm family that would starve on four acres of wheat or rye could thrive and multiply on an acre of potatoes. The introduction of the white potato resulted in an unprecedented rise in the standard of

1. *Utopia*, Bk. II.

AMERICANIZING THE WHITE MAN

living of Europe and the British Isles, and ultimately laid the basis for a great growth in population density and a vast expansion of commerce and industry.

Tobacco, too, carried with it a way of life. The pipe of peace is an enduring symbol of the invitation to relaxation and contentment that makes poor men rich.

If American agriculture today is predominantly Indian in its origin, may not the same be true of less tangible aspects of the life that our agriculture sustains? Consider, for example, the love of nature which is institutionalized in our athletics, in our boy scout movement, and in our vacation habits. In the Europe of Columbus, bathing was a sinful indulgence. One of Queen Isabella's first instructions to her agents who sought to civilize the Indians in 1503 was: "They are not to bathe as frequently as hitherto." Less than 200 years ago it was a misdemeanor in Boston to take a bath except when prescribed by a physician. In the Europe of Columbus' day, group athletic contests were practically unknown; and the color of white paste or swansdown was an essential part, according to the poets, of the European aristocratic ideal of feminine beauty. The millions of dollars spent every year by American vacationists, men and women, on resort beaches, acquiring the golden tan of an Indian skin, is the best tangible evidence of the way in which the Indian's love of sun and water, of bodily beauty, cleanliness, and athletic prowess, in both sexes, has become a part of the American soul.

"During his second visit to South America," the *Encyclopedia Britannica* tells us, "Columbus was astonished to see the native Indians amusing themselves with a black, heavy ball made from a vegetable gum. Later explorers were equally impressed by these balls, and an historian of the time remarked that they rebounded so much that they appeared alive."

What has happened to these balls? You will find them all across the face of America, on tennis courts and football fields, in basketball courts no different from the basketball courts uncovered in ancient cities like Mitla, in Mexican Oaxaca. You will find them in baseball parks, on sandlots, and on the sidewalks of our teeming cities. You will find them tied with rubber strings to little girls' fingers.

The sports of pre-Columbian Europe revolved chiefly about killing—killing of stags, bears, birds, fish, bulls, foxes, and human beings, with and without armor. Those sports that did not involve actual killing, such as archery, were at least concerned with practice for it. To this day a sportsman, in Europe, is one who kills for pleasure rather than for food or profit. Indian America substituted the rubber balls that "rebounded

THE INDIAN'S QUEST FOR JUSTICE

so much that they appeared alive." The Indian games out of which our national games have evolved are not always recognizable today, but the spirit of group sport and team play that was cultivated in pre-Columbian America still offers a peaceful outlet for combative instincts that in other lands find bloodier forms of expression. And millions of white tourists and vacationists—whether or not they use such Indian inventions as teepees, moccasins, canoes, rubber balls, hammocks, pack baskets, tump lines, toboggans, and snow shoes, and whether or not they munch chocolate, peanuts, or popcorn, chew gum or smoke tobacco—are learning what the Indians knew centuries ago: the peace and adventure of the trail and the camp fire. The white man, having conquered America, is just beginning to learn how to enjoy it.

Is there anything more characteristically American than the pursuit of happiness that is enshrined in our Declaration of Independence, institutionalized in our national park system, our boy scout movement, our athletic sports, our national worship of sun and air and water?

Acculturation, unlike assimilation, is not a one-way street. The American Indian has learned many things from his white teacher. But does not every great teacher carry away from his students more than he brought to them?

It is easier to talk about the past than about the future. But it is the future that really interests us, and the point that most needs making is that we still have much to learn from the Indian. There is still much that we can take from the Indian to enrich ourselves without impoverishing the Indian. We have not by any means exhausted the great harvest of Indian inventions and discoveries in agriculture, government, medicine, sport, education, and craftsmanship. Can we be sure that we have nothing to learn from the Indian techniques in law that leading American legal scholars like Professor Llewellyn are finding so rich a source of insight for our own jurisprudence? Are we sure that we have nothing to learn from Indian techniques of government, techniques which in some tribes and pueblos have established political unanimity, a government truly based on the consent of the governed—not for a moment, a month, or a year, but for unbroken centuries?

Beginning in the seventeenth and eighteenth centuries, Indians bargaining over land sales won for themselves rights that white Americans would win many years or many decades afterwards—the right to protection in homesteads against forced sales and taxes, the right to free schools and vocational training, to free public health facilities; and the rights of public credit, social security (in the form of food and clothing) against times of distress, and freedom from imprisonment for debt

AMERICANIZING THE WHITE MAN

and other monstrosities of white man's law. And year after year, assimilationists have cried out in horror, asking the abolition of these peculiarities that "set the Indian apart," while year after year white men were winning similar advantages for themselves. The more white men take on of Indian political customs, the more important becomes the role of the Indian as a teacher, and the more grotesque becomes the stereotype of Indian degradation with its threadbare corollary that we who have civilized the Indian have earned the right to take his lands, minerals, timber, and fisheries in payment.

Pure selfishness—so rare a commodity—would suggest that before we destroy the Indian and his way of life by seizing his last remaining resources, we should make sure that we have run through all the gifts of Indian agriculture, medicine, and sport. In the field of child care, for example, one of the great forward scientific movements at the present time takes off from the simple observation that Indian babies, brought up in traditional ways, rarely cry or stutter. Psychiatrists, pediatricians, and hospital administrators are now experimenting with substituting Indian methods of child training for the rigid schedules and formulas that have controlled the antiseptic babies of the last few decades.

Life after all is a pretty complicated business. There is a good deal about it that none of us understands. Customs as horrible, at first sight, as burning weeds and inhaling the smoke sometimes turn out to have a universal appeal. None of us knows enough about the other fellow's way of life to have a right to wipe it out. We are not gods to make other men in our own image. Is it not in our own best selfish interest to let our fellow men plant their corn and cultivate it as they think best, while we watch and learn? When we have gathered the last golden grain of knowledge from the harvest of the Indian summer, then we can talk about Americanizing the Indian. Until then, we might do better to concentrate our attention on the real job of the New World, the job of Americanizing the white man.