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Formation of the Pyramid Lake Paiute Tribal Council, 1934-1936

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THE Pyramid Lake Paiute Tribe is today recognized by the federal government as a semi-sovereign society within the American polity. Its government, the Pyramid Lake Paiute Tribal Council, is acknowledged to be the governing body of the tribe and to have jurisdiction over the Pyramid Lake Reservation in northwestern Nevada, except where that jurisdiction has been eliminated or weakened by explicit action of the Congress of the United States (Cohen 1982). Before the 1930s, however, although the courts in theory recognized the semi-sovereign status of the tribe, in fact, the United States government and state and local governments did not acknowledge the existence of a genuine government within the tribe. Both the present government and recognition by Congress and the executive branch of the federal government date from the Indian New Deal. This paper examines the formation of this government in the light of what is known of previous governing structures and the perception of these structures by the surrounding society. Failure to acknowledge a government of the tribe, or to recognize it clearly, has been a significant element in the history of the tribe since the arrival of Euroamericans in the Pyramid Lake Paiute territory in the middle of the nineteenth century.

LEADERSHIP BEFORE 1934

There is still uncertainty about the nature of governing structures among the Pyramid Lake Paiutes before the 1930s. There is insufficient space here to discuss the evidence thoroughly, but a general summary is presented of several periods prior to the events outlined. There is disagreement about whether the most basic sociopolitical unit in aboriginal times was the family (or, occasionally, multi-family) unit or a wider village or band unit. Steward's (1938) extensive study of Great Basin groups during the 1930s concluded that the family was the basic unit and that, except for Owens Valley, there were no larger units. However, most Northern Paiutes were not studied by Steward. A later study (Steward and Wheeler-Voegelin 1974) applied essentially the same argument to Northern Paiutes, but asserted that they formed bands during the first years of Euroamerican intrusion. Neither of these studies included Pyramid Lake. Stewart (1939) argued that the Northern Paiutes were organized into distinct bands in aboriginal times. The assumption made here is that the Pyramid Lake group, at least, constituted a distinct band, but detailed discussion of this issue is postponed until a later study.

Aboriginal Conditions

Prior to the 1850s, the Pyramid Lake Paiute band was one of approximately 23 similar Northern Paiute groups occupying most of northwestern Nevada, southeastern Oregon, southwestern Idaho, and a small portion of California east of the Sierra Nevada mountains and north of the Mojave Desert (Stewart 1939; Fowler and Liljeblad 1986). Northern Paiutes were linguistically and culturally distinguishable from their

neighbors, and there were occasional shared activities among various bands and a good deal of intermarriage. However, no authority or power structures existed at the level of the Northern Paiute tribe as a whole, as it came to be called. Each band had a base in a specific area, but shared the resources of that area with other bands and travelled to the homelands of other bands to gather foods not present in its home territory or for other purposes.

The Pyramid Lake band occupied one of the most productive areas in the Great Basin. Pyramid Lake supplied large numbers of cui-ui, a fish unique to the lake; the band was known to other Northern Paiutes as the *Kuyuidökadö*, or cui-ui eaters. In the lake and the Truckee River, which was its main source of water, there were also prodigious numbers of Lahontan cutthroat trout. In addition, there were a great variety of waterfowl available in Winnemucca Lake, a shallow body of water to the east of the lake that was fed by overflows from the Truckee River, and in a transient lake just south of Pyramid Lake (Creel 1910; Knack and Stewart 1984). Many kinds of seeds were available around the lake. Piñon pine nuts, a favorite food of Great Basin Indians, could be secured by travel to mountain ranges nearby, and a number of animals, ranging from mountain sheep to rabbits, were available for capture immediately around the lake or nearby.

As with other Great Basin bands, within the society leadership was consensual and fragmented. Important decisions were made at general councils, and the preferred decision-making rule was unanimous agreement. Leaders at these councils or in other activities were not persons occupying clearly specified positions but individuals whose advice was respected and freely followed. Certain members of the band would lead in certain activities, such as organizing fishing expeditions during the annual spawning run of the cui-ui or repelling rare attacks from other groups, and there were other individuals who performed religious or medical services for members of the band. But evidently there was no single leader--no "chief"--and hereditary offices of any kind probably did not exist (Knack and Stewart 1984; Fowler and Liljeblad 1986).

Early Euroamerican Contact

By the mid-nineteenth century, the area which would become Nevada had been claimed by Spain and Mexico for some time; it became part of the United States in 1849, as part of the area ceded by Mexico to the United States in the Treaty of Guadalupe Hidalgo. But there is very little evidence that these constructs in the minds of Euroamericans had significant impacts on the native peoples of the Great Basin before the 1850s. Fur trappers and mountain men had come into the area in small numbers as early as the 1820s, destroying game. In 1849, large numbers of persons bound for California travelled through the area. In the 1850s, after what would become Nevada had become part of Utah Territory, small farming communities were established in the Carson and Las Vegas valleys and there was some prospecting for minerals in several places. But Pyramid Lake was off the emigrant routes. It was not even known to Americans until 1844, when John C. Frémont visited the lake, and apparently few Euroamericans visited the lake during the 1850s (Knack and Stewart 1984).

All of this changed dramatically and suddenly in 1859, however, when thousands of miners descended on the Comstock area of northwestern Nevada, south and east of Pyramid Lake. Indian agent Major Frederick Dodge, fearing that this rapid influx would quickly deplete Indian resources, requested the immediate establishment of two reserva-

tions for the Northern Paiutes. Areas surrounding both Pyramid Lake and Walker Lake were withdrawn from the public domain in that year. Although executive orders establishing the reservations were not issued until 1874, the year 1859 was subsequently accepted as the date of creation of these two reservations (Knack and Stewart 1984: 89-93).

While the courts consistently regarded native American societies as semi-sovereign nations with governments of their own, the Bureau of Indian Affairs, which in 1859 acquired jurisdiction over all of Pyramid Lake and the portion of the Truckee River extending south from the lake to include what is now Wadsworth, did not formally acknowledge a government for the band. In the initial period of Euroamerican contact with the Pyramid Lake band, during the 1860s and 1870s, evidently six generalizations about previous patterns of governance among Northern Paiutes, and specifically the Pyramid Lake band, are justified.

First, apparently there was little immediate change from the standpoint of what gradually came to be called the Pyramid Lake Paiute Tribe. Evidently at the multiband councils at Pyramid Lake during the so-called Pyramid Lake War, no single leader of the Pyramid Lake band emerged, although Young Winnemucca (Numaga) sometimes is described as its leading figure.

Second, the tendency of Euroamericans to seek agreement with "chiefs" led to confusion, because Euroamericans tended to deal with leaders with whom they could reach accommodations, regardless of aboriginal band territories. To illustrate, residents of the Susanville area, now in California but then believed to lie within Nevada, negotiated a "treaty" with Young Winnemucca to restrain conflict between Indians and the new settlers of that area, even though their problems were with the Smoke Creek band of Northern Paiutes (Fairfield 1916:106-108; Wheeler 1967:44).

Third, Euroamericans often looked for a single "chief" of all Northern Paiutes, and sometimes believed that they had found one in Old Winnemucca. Sarah Winnemucca, who often acted as an interpreter and also eloquently sought to bring attention to the plight of her people, described her father as the chief of all the Northern Paiutes. Evidently a number of residents of the territory and later the state believed this (*Reno Weekly Gazette and Stockman* October 8, 1891:3; more generally, see Canfield 1983; Fowler 1978).

Fourth, the conflict period led various Northern Paiute bands to cooperate more widely than had been customary. This became evident during the Pyramid Lake War, when various bands fought together. However, no single governing structure encompassing all Northern Paiutes developed. Had the Pyramid Lake War been followed by a formal treaty, perhaps such a structure might have come into being, but there was no such treaty.

Fifth, as Indians lost important lands and resources and experienced increasing violence from intruders, existing band patterns were disrupted. The experience of Old Winnemucca and his band is instructive. They moved around a great deal for several decades, and were reported at Steens Mountain, Fort McDermitt, and elsewhere, including the Malheur and Yakima reservations (Steward and Wheeler-Voegelin 1974). At the same time he was perceived by both Indians and Euroamericans as occasionally speaking for various bands (Stewart 1939:129-130). The Pyramid Lake band was not displaced from its homeland, although it too suffered from reduction of off-reservation resources. Various Indian agents tried to get all Northern Paiutes to move to the Pyramid Lake or Walker River reservations, but

without success.

Sixth, within the Pyramid Lake band, various individuals were referred to as chiefs from the 1860s to the 1880s. Numaga (Young Winnemucca) often is so identified. Other "chiefs" include Old Winnemucca's son Natchez (although for several years he farmed at Lovelock), George Curry (see below), and Captain Mow Wee Jim, the latter of whom was identified in an 1880 newspaper article as "the present chief" (*Reno Evening Gazette* July 27, 1880:3). Probably this means that aboriginal patterns continued; probably each of these men was a leader at some time, for some purposes.

The Reservation System

As the reservation system became more firmly established at Pyramid Lake, about 1880, several things happened. First, agents began to designate certain members of what came increasingly to be called the Pyramid Lake Tribe to help them control the reservation population. At a number of reservations, including Pyramid Lake, agents appointed and paid certain Indians to be tribal judges and policemen. This practice began as a device to strengthen the control of agents over reservation populations; later, the Supreme Court, even in the absence of congressional authorization for such actions, accepted the resulting courts, called Courts of Indian Offenses, as legitimate governing structures, although of course limited in function (Hagan 1966).

Tribal judges and policemen were chosen by agents and were responsible to them; they were not selected by Indian governing structures. Probably the agents sought for these positions persons whose personal characteristics would encourage widespread acceptance of their authority, but they may not have been persons who would have been chosen by the Indians themselves. In the case of Pyramid Lake, tribal policemen were first appointed in 1883. Captain Dave Numana was in charge of this police force from 1883 until his death in 1919. Whites often assumed that he was the chief of the reservation. For example, in 1891 a newspaper account described Captain Dave as both "Chief of Police" and "Chief Justice of the court before whom all petty offences [sic] are tried." This article went on to assert that

> He is about 55 years of age and a man of very remarkable intelligence. He is at the head of the Piute tribe, and has been for the past eight years, having succeeded young Winnemucca who died about ten years ago and George Curry who went to the happy hunting grounds about nine years ago [*Reno Weekly Gazette and Stockman* August 20, 1891:1].

A newspaper reporter visiting the Pyramid Lake Reservation in 1899 reported that Captain Dave Winnemucca [sic] was in charge of seven Indian policemen who were "government employees." The reporter also described attending a session of the Indian court at which Dave Gibson, Lee Winnemucca, and Billy Frazer "were sitting en bank [sic], as it were, trying a man for stealing another man's wife." Finally, this same article reported a visit to the home of "Chief Natchez" (Miller 1899). An article in 1909 reported only that there were Indian policemen and that there was a jail on the reservation (*Nevada State Journal* April 21, 1909:5). Probably these confusing reports mean that Captain Dave was regarded as a "chief" by some but not all of the Pyramid Lake Indians. Sarah Winnemucca was highly critical of his behavior (Hopkins 1883).

Second, as the period of group conflict passed, undoubtedly the explicit viewpoint of most agents was that one aim of government policy was to destroy tribal cohesion (to "break up the tribal mass," as Theodore Roosevelt put it in 1901) and deal with tribal members on an individual basis. This

policy became more pronounced after passage of the General Allotment Act in 1887. Dobyns succinctly stated the opinion that federal officials should deal with individuals. He wrote that, prior to the 1930s, "relations between the dominant and subordinate societies tended to move in straight lines from BIA administrators to [individual] tribesmen, or vice versa . . ." (Dobyns 1968:270). This viewpoint was clearly expressed in 1930 by the Superintendent of the Carson Indian Agency, which had jurisdiction over Pyramid Lake. Superintendent Frederic Snyder wrote in his annual report that,

> While the Indians recognize certain of their tribe as chiefs or leaders and they have meetings to discuss various tribal matters, these councils or committees are not considered in dealing with the Indians. It has been found that dealing with them individually is preferable to dealing with them in groups [Superintendent of Carson Agency 1930, p. 3 of Section IV--Industries].

On the other hand, there is no reason to believe that the Pyramid Lake Paiute Tribe ever was atomized to the point where group structures disappeared. While government policy no doubt confused things, government agents often called councils to discuss certain issues. Knack and Stewart (1984:230) put it this way: "Traditionally, important community decisions had been made in council meetings at which all adults had spoken their opinions until a consensus had formed. The BIA continued to find it convenient to call such meetings whenever Anglo legal forms required titular tribal approval." Also, they said, such meetings were called "for administrative convenience." That is, councils "served as conduits for information about projects it [the BIA] was instigating on the reserve . . ." They also went on to say that "Meetings to discuss issues of interest to the Indians, such as fishing, or to contest BIA decisions, were suppressed" (Knack and Stewart 1984:231). If this means that agents prevented meetings from being called by the Indians themselves, it is probably inaccurate. But if it means that government officials did not attend councils or pay attention to them unless they called them, it probably is correct.

In spite of the desire of BIA employees to deny recognition to Indian self-governance during this period, information about actual councils or other activities of the Indians indicates that they were not completely powerless. Moreover, government agents perceived the Pyramid Lake Paiute Tribe as having a chief--Abraham Mauwee--during the 1920s and 1930s, and therefore he was dealt with directly. Mauwee described himself as a chief during this period, but evidently not all members of the tribe granted him this status.

Knack and Stewart reported one incident in which a council evidently exercised some power. In 1929 a council turned down a request from a resident of Reno to lease a portion of the lakeshore in order to build a hotel (Knack and Stewart 1984:231). There are other cases in which a council clearly expressed an opinion not in conformity with that of the BIA. Superintendent Snyder called a meeting on the reservation on October 1, 1926, to discuss the Spanish Springs project, a water control proposal for the Truckee River system. He reported that most of the adult men of the tribe attended, and that nearly all "opposed the sale of reservation lands" for the project (Hulse MS:111).

An example of tribal action having effect because it was accepted by BIA officials was described by Marie Harrington in her biography of Mark Raymond Harrington, the archeologist chiefly responsible for the excavation of Pueblo sites in southern Nevada during the 1920s. Harrington received permission in 1927 from government officials to excavate two caves on the Pyramid Lake

Reservation. After he had found a number of artifacts, members of the Pyramid Lake Paiute Tribe began to object to the excavation. At a council meeting on December 22, 1927, "the chief, Abraham, and the majority of the older Paiutes" were opposed to further excavations (Harrington 1985:195-205). Superintendent Snyder was quoted as saying that he was "convinced that a number of the older Indians conscientiously believe their sacred burial grounds are being desecrated and that it is their duty to their departed ancestors to oppose the disturbance of these grounds in any way," and the Secretary of the Interior revoked Harrington's permit (Harrington 1985:204).

Members of the tribe used other means of expressing their opinions as well. In 1925, a petition containing approximately 150 names of Pyramid Lake Paiutes asserted that the tribe was in "unanimous opposition" to the Spanish Springs project (Hulse MS:100-101).

During the late 1920s and early 1930s, there was a yearly contest between the Nevada Department of Wildlife and the Pyramid Lake Paiutes. The dramatic reduction in Truckee River flows after the Derby Dam diverted about half the annual flow of the river in 1905 endangered the survival of the Lahontan cutthroat trout, which became extinct in the lake about 1940, and the cui-ui. The Nevada Department of Wildlife sought to collect spawn at the lake in order to preserve the trout (Knack and Stewart 1984: 311-315). Many members of the tribe objected to this activity on several grounds. One objection was that the fish raised in hatcheries were not returned to the lake. The BIA often sought approval by councils of the tribe for these activities of the Department. One such meeting was called by Superintendent Snyder in April, 1926. After a recess and several votes, ultimately 50 votes were cast on the issue, with the tribe almost evenly divided, although there was a slight majority in favor of consenting to the taking of spawn (Hulse MS:121). At a similar meeting in 1930, Snyder was unsuccessful in "obtaining the consent of the Indians for taking spawn from the reservation" (U.S. Senate Committee on Indian Affairs 1934:11,592). In an earlier letter to the BIA office, Snyder had stated that it was his understanding that BIA approval for the taking of spawn was "subject to the condition of working in harmony with the Indians" (U.S. Senate Committee on Indian Affairs 1934:11,591). Whether the tribe's refusal of consent stopped the project for that year is not known.

The Pyramid Lake Paiutes also petitioned the Nevada Legislature in 1923 and 1925, with some success. Although precisely how the tribe made its decisions on these issues is not known, the effort evidently involved significant numbers of its adult members. In 1923, the Paiutes asked the Legislature for a law to provide free hunting and fishing licenses to Indians; this was approved. They also asked for liberalization of the law restricting sales of fish to non-Indians, and some liberalization of the statute was achieved. In 1925, the petition opposing the Spanish Springs project was sent to the Legislature, and further liberalization of the law on the sale of fish to non-Indians was requested and approved (Hulse MS:82-83, 100-101).

In addition to working with councils of the tribe, agents during the 1920s and early 1930s treated Abraham Mauwee as a "chief." Mauwee, who was a tribal judge, often described himself as a "chief." Some evidence of this is provided in the papers of John T. Reid of Lovelock, a geologist-miner who had grown up with Northern Paiutes in Lovelock and could speak to them in their language. Reid often wrote letters for individual Indians or for groups, at their request, and advocated their interests to officials of the

federal government on a number of topics over a long period of time. On June 11, 1928, "Chief Abraham Mawee" wrote Reid and asked him to copy the letter on his typewriter and send it on to Washington. Reid rewrote the letter, adding a request for a "permanent" Indian agent and a new jail, and sent it to Mauwee on June 18, 1928 (Reid Papers: Mawee to Reid, June 11, 1928; Abraham Maw-Wee to Commissioner of Indian Affairs, June 18, 1928).

In November, 1927, Reid had met with Mauwee, Avery Winnemucca, Robert Dodd (a tribal policeman who said that he had been appointed by Mauwee), and Frank Northrop, all from Pyramid Lake, plus Bow-E-An (sometimes known as Skinny Dave) from Lovelock. One of the outcomes of the meeting was a letter signed by Abraham Mah-Wee as "President" and Avery Winnemucca, which asserted that "the Indians of Pyramid Lake Reservation, have called a mass meeting, before which was brought those questions of such vital interest to us all as such relates to our political and our personal rights." The letter included the assertions that the Indians did not know the boundaries of the reservation, that non-Indian trespassers were still on the reservation, and that livestock owned by non-Indians was still being grazed on the reservation. A "Treaty of the Piute Indian Tribe" was requested and the statement was made that no agreement made by any "individual Indian" was "respected by the tribe as a whole." In his notes describing the conference and letter, Reid wrote that Abraham Mah-Wee, who was perhaps 70 or 75 years of age, was "known as a chieftain or a captain among the Indians there at [Pyramid Lake] and the leading light" (Reid Papers: Reid to Mah-Wee, November 17, 1927; Maw-Wee and Winnemucca to Henry Dixon at McDermitt, Nevada, November 18, 1927; handwritten notes beginning: "As to the article attached . . .").

Superintendent Snyder sometimes referred to Mauwee as a "chief." Mauwee had sent a telegram to the Commissioner of Indian Affairs in March, 1926, in which he objected to the taking of spawn from reservation fish (Hulse MS:118). Before the meeting later that year concerning the Spanish Springs project, Snyder gave 100 copies of the bill proposing the project to Mauwee, whom he described as "Chief of the Indians," so that they could be distributed on the reservation before the meeting (Hulse MS:111). Mauwee often spoke for members of the tribe, although it is not always possible to tell in what claimed capacity. For example, he was one of three Indians who visited Superintendent James E. Jenkins of the Reno Agency of the BIA to protest the "excessive diversion of water from the Truckee channel at Derby Dam" in July, 1925 (Hulse MS:118), and in March, 1932, he was one of three Pyramid Lake Paiutes who wrote to the Washington office asking for dismissal of a U.S. Bureau of Fisheries official who had been involved with spawning operations at the lake (Hulse MS:141-142).

Other evidence shows clearly, however, that only some Indians regarded Mauwee as their leader. In a newspaper article in 1930, Bow-E-An of Lovelock asserted that

> Chief Abraham, head of the Pah Ute group which inhabits Pyramid reservation, has sold his people for a little money and is in league with white men. Only a few of the Pah Utes support Chief Abraham and it won't be long now until he will be discredited and deposed [Reid Papers: *Lovelock Review-Miner* January 10, 1930:1].

Also in 1930, Dave Gibson wrote two letters to the Commissioner of Indian Affairs in which he said that he had been chosen to represent the Pyramid Lake Tribe. In the first of these, he claimed that "at a meeting of the Pyramid Lake Indians held at [Nixon] I have been elected to represent the local

Indians on this Reservation, in matters pertaining to their general welfare and future betterment." He then stated that the Indians needed more water for irrigation, an additional Indian policeman, and tools, implements, and seed for farming. He also said that the meeting had requested that, as had been the case in previous years, the federal government should recognize "some one person as a Captain or Chief of the Indians at Pyramid Lake Indian Reservation," that such a person should receive a salary, and that "at this meeting it was the unanimous wish of all present that the undersigned so act, as such a personage . . . between the Government and the Indians . . . " (Reid Papers: Dave Gibson to Commissioner of Indian Affairs, February 7, 1930). The next day, Gibson wrote another letter to the Commissioner, signed as "Chairman Pyramid Lake Indian Reservation," in which he complained of stock trespasses on the reservation, asked for detailed "statements of receipts and expenditures" at Pyramid Lake and requested more money for "those aged, and those in a helpless condition" (Reid Papers: Gibson to Commissioner, February 8, 1930).

The BIA's response to Gibson's claims is unknown, but a year later a handwritten letter containing the names of 41 Pyramid Lake Indians was sent to Reid, obviously with the hope that he would type it and send it on to Washington. The letter asserted that the "Leaders of the Reservation" had signed it. Abraham Mauwee's name was not on this list, nor was Gibson's (Reid Papers: Jackson Natches et al. to Reid, February 28, 1931).

In 1932, a letter from three Pyramid Lake Paiutes objected specifically to acknowledgement of Mauwee as a chief. Jackson Natches, Gilbert Natches, and Tom Henry wrote Nevada Senator Tasker Oddie concerning the collection of spawn, but went on to say:

> We think that it is wrong for Abraham Mah-Wee to be regarded as our chief in fully representing all of us, he represents a faction, but not all of the Indians, so that in doing business there, not only should they see him but us also whose names is attached hereto. This makes us dissatisfied with the present agent because he always listens to him to the exclusion of us [Reid Papers: Jackson Natches et al. to Senator Oddie, March 8 (?), 1932].

The letter also stated that two of the writers were sons of "old Chief Natches, whom you know to have always been so favorably disposed to the Whites in the early days."

Further evidence of attempts to organize a council became known in 1932, when a U.S. Senate committee investigating the conditions of Indians visited Pyramid Lake and held a hearing. Superintendent Thomas B. Snoddy stated, in response to a question from Senator Burton K. Wheeler, that there was no "Indian council" on the reservation. Billy Williams, a 32-year-old rancher at Pyramid Lake, stated many grievances of the tribe to the committee. These included the continued presence of squatters, the grazing of sheep owned by non-Indians on the reservation, and "violation of the cattlemen's rights." His main assertion, however, was that Derby Dam was diverting water from the lake, threatening the "chief food supply" of the Indians (the fish), and that the state would not permit the commercial sale of fish caught in the lake outside the state. He then said that

> The main thing that we want now and what we are trying to form is a sort of council to represent this reservation, and if we could get the approval of the Indian Office or the Commissioner or the subcommittee from Washington for that, we would be glad to have a committee chosen as a business committee and to work as a council.

Senator Lynn Frazier thought that getting consent of the office should not be difficult

and that the Indians should get the "rules and regulations of the Department with respect to the organization of a council" and proceed with their plans. Fred H. Daiker of the office was present. While he did not correct Senator Frazier's mistaken notion that there were rules and regulations dealing with tribal councils, he stated that "the office approves of the Indians having a council for the purpose of having meetings and making recommendations with respect to things that are for their own benefit" (U.S. Senate Committee on Indian Affairs 1934: 15,084). Williams became the first chairman of the tribal council formed under the Indian Reorganization Act.

The farm agent at Pyramid Lake in 1934, B. E. Brigance, believed that the reason no council was organized in 1932 or 1933 in spite of the interest in doing so was the opposition of Chief Mauwee, whom he saw as a "hereditary Chief." Shortly after passage of the Indian Reorganization Act, the office sent a questionnaire to all Indian agencies inquiring about the status of tribal governments as of that time. Brigance made out the questionnaire for Pyramid Lake (Pyramid Lake Tribal Council Records: handwritten copy of questionnaire). He reported that Chief Mauwee was then 84 years of age and "unfortunately out of step with the younger Indians." He wrote that Mauwee "claimed nominal control. This control was fairly strong over the older Indians, but it was very heartily disputed by the younger Indians, who in fact broke away and refused to follow the Chief in any way." Brigance also wrote that

> In 1931 the present Farm Agent in Charge attempted to reconcile these differences. Knowing that the Chief was too old to carry on much longer, and believing in the value of some kind of Indian organization, he persuaded the Indians, with the consent of the Chief, to elect three advisers to aid the Chief. This enabled the Chief to carry on and to keep the majority of the Indians with him, although it failed to restore the aged man's waning power to its former level.

Because this step had been taken three years earlier, he wrote, when a meeting was called in early 1934 to discuss the formation of a council

> the aged Chief appeared entirely on his own volition, made a very moving speech, urged the election of a council, abdicated his powers and passed his baton to this council. The young Indian [sic], of course, strongly favored a council, and so both young and old once more came together in favoring this new order.

To summarize this section, after at least the 1880s, the leadership situation at the Pyramid Lake Reservation became even more confused. Councils continued to be held, but the introduction of government agents with authority over the reservation undoubtedly reduced their importance. Probably the Indians themselves sometimes called councils, but they had impact only if they were called or attended by government officials and if the officials acted on the basis of decisions made by them. Undoubtedly most of the decision-making authority of the tribe had in fact been transferred to the representatives of the Bureau of Indian Affairs.

Probably aboriginal patterns of individual leadership also continued, but in a weakened form. Again, the importance of native leaders no doubt depended mainly on their reception by the government officials. A complicating factor was that agents appointed tribal policemen and judges to help them carry out their program on the reservation. It is clear that in the case of at least two individuals--Captain Dave Numana and Abraham Mauwee--occupancy of these new positions coincided with claims that they were "chiefs" of the tribe as a whole. Given the earlier pattern in which no overall dominant political leader was recognized and

the fact that the formal positions they occupied were bestowed by BIA employees, not the tribe, it is highly probable that only some portions of the tribe as a whole ever thought of either of these two men as "chiefs" in the sense of persons with comprehensive authority. Nevertheless, the evidence is that BIA employees (and probably many other non-Indians) perceived these individuals as at least to some extent authority figures. In other words, there is much reason to believe that Indian and BIA perceptions of leadership differed in significant ways.

Probably the most important factor, however, was the failure of the BIA to acknowledge formally the authority of any tribal governing structures, whatever they were. There is a substantial difference between perceiving someone as a chief and having to deal with that person as the authoritative spokesperson for the tribe. Because no statutory law required them to acknowledge that the tribe was a society with its own government and because of the view that the BIA dealt, ideally, with individual Indians, even the *de facto* recognition of "chiefs" and of councils must have had little effect on government policy. Undoubtedly Knack and Stewart (1984) were correct that the agents regarded councils as tools they could use to attain their ends, and "chiefs" must have been regarded in the same light. Nothing compelled the government officials to behave in conformity with the wishes of the Indians as expressed by either or both structures. There is evidence that sometimes the tribe in fact exercised some power, but much less than its court-recognized status as a semi-sovereign society should have made possible.

The most striking indication of this state of affairs involves the crucial question of an adequate supply of water for the lake. As noted above, after 1905 a dam across the Truckee River diverted approximately half the average annual flow of the Truckee to the Truckee-Carson Irrigation District. As a result, the lake level dropped dramatically; by 1967 it was 80 feet lower than it had been before the building of Derby Dam. Several years after the dam had begun to divert water, the federal government brought suit in the U.S. District Court for Nevada to establish a legal right to such diversion. In the course of this suit, the government sought also to establish the legal rights to water from the Truckee for all users within Nevada, including the matter of the continued flow of water to Pyramid Lake. But the government asked for only enough water for Pyramid Lake to irrigate Indian fields on the reservation, and the eventual outcome of the case--the Orr Ditch Decree of 1944--assigned water to Pyramid Lake only for this purpose (Knack and Stewart 1984). There is no evidence that the government allowed the Pyramid Lake Tribe to establish its own claim to water for the lake, or even consulted it during the crucial years when legal claims for the lake were first being asserted.

In the 1970s the United States government, acting finally on behalf of the Pyramid Lake Paiute Tribe, asked for a reopening of the Orr Ditch case. The purpose was to assert a water right for Pyramid Lake sufficient to preserve the lake itself. The United States Supreme Court refused to reopen the case without examining the evidence regarding lack of tribal participation in the initial case. Nevertheless, research was undertaken as part of the case to discover what efforts had been made to secure tribal participation in the filing of the original claim. This research uncovered no evidence that the tribe was allowed to make its own authoritative statement on this crucial question. Instead, government officials acting on their behalf made the decision not to ask for water to preserve the lake (Hulse MS;

Stewart 1975). Evidence indicates clearly that various Pyramid Lake Indians at various times protested the impending destruction of the Lahontan cutthroat trout fishery by the diversion of water from the Truckee River, but the government did not change its position until the 1970s.

THE INDIAN NEW DEAL AND ESTABLISHMENT OF TRIBAL COUNCILS

A reversal of government Indian policy occurred in the Indian New Deal. A key element in the new policy was the recognition in statutory law of the status of Indian societies as self-governing entities. A prime element in this change was the Indian Reorganization Act (IRA) of 1934 (often called the Wheeler-Howard Act). Section 16 of this act authorized tribes or reservations to establish tribal constitutions that, when approved by the Secretary of the Interior, would serve as the basic governing documents of the tribe or reservation. The present Pyramid Lake Paiute Tribal government is the product of the process set in motion by the IRA. First, however, a formal tribal council was organized even before the act became law.

By early 1934, the BIA official responsible for Pyramid Lake was Carson Indian School Supervisor-in-Charge John H. Holst, a temporary replacement for Fredric Snyder. In late January, 1934, the Washington office was finishing the drafting of legislation that would be introduced as the Wheeler-Howard bill. Although the office had made efforts to contact anthropologists and "friends of the Indians" before drafting the bill, up to that time it had not sought the advice of Indians. Partly at the urging of Felix Cohen, who was the major author of the bill, a long circular letter was prepared and sent on January 20, 1934, to superintendents and Indians (through superintendents) around the country. (Details in this paragraph are based on research in the National Archives building. The best studies of the IRA to date are Deloria and Lytle [1983] and Taylor [1980].) This letter outlined the general approach already taken by the draft bill (although the fact that it was essentially drafted was not discussed in the letter) and asked for comments on these ideas. The result was a series of memoranda or other statements to the Washington office of the BIA from the field, many from Indians.

In Nevada, however, the letter was misinterpreted, and led to the swift organization of four tribal councils. Superintendent Holst quickly scheduled meetings on four reservations, and at these meetings urged the Indians to elect tribal councils. In a memorandum to the Commissioner of Indian Affairs dated February 14, 1934, Holst wrote that

> In accordance with the instructions [sic] of the Indian Office Circular on Indian self-government . . . four conferences were held in this jurisdiction. . . . At each place, the principles of self-government and the necessary organization were explained and discussed. Fort McDermitt only, had any council or form of organization, but following the conferences at each place, the Indian groups continued in session or in adjourned session until they had selected a council, and in every instance they seem to have made a good start [National Archives, Records of the Bureau of Indian Affairs, Record Group 75, Organization Division, File 9532-36-066-Carson: Holst to Commissioner, February 14, 1934; subsequent references to materials at this location are identified only as Organization Division].

Holst also stated that over three-fourths of the "adult Indians" were present at each reservation, that the circular "had had some attention by leading Indians at each place prior to the conference," that there was good participation by the Indians in discussions, and that "on the whole they evidenced a fairly clear understanding of the subjects."

At Pyramid Lake two meetings were held. At the first, Superintendent Holst explained the new orientation as he understood (or misunderstood) it; at the second meeting the next week, a tribal council was elected. Typed minutes of the first meeting, with "Notes--Self-Government, meeting held by Supt. Holst" and "Pyramid Lake. Feb. 8, 1934" written across the top, do not identify who took them, although it may have been Brigance (Pyramid Lake Tribal Council Records). However, they report that 116 "adult Indians" heard Holst, Brigance, and R. C. Bosczkiewicz, Acting Superintendent of the Carson Indian School, explain what they thought the new order meant. Although as far as he knew the bill that would become the IRA had not yet been introduced, Holst evidently explained it as though it had been enacted. The minutes indicate (in abbreviated form) the following statements by him about self-government:

> Organize Council. Judges and police work under council. Elect best men and send names to Supt.
>
> Council may make regulations for control of reservation, try cases not usually tried by Federal court. Council find needs of Indians. Represent Indians in Matters of common interest.
>
> Council not expected at this time to take over all the business of the reservation.

While these statements are congruent with plans of the administration and with the IRA as it emerged from Congress, Holst also understood the new policy to include communal economic patterns in an extreme sense, which was not the case. (There was a proposal in the original bill to force the return of allotted lands to the tribe, but this proposal did not become law; in other respects, Holst simply misunderstood what he had been told about the bill.) The minutes indicate that he told the Indians:

> Indians hold land altogether, work altogether. Cattle, crops belong to all. Profits divided among all . . . Land Matters: After council organizes decide wishes about land holdings as a whole. At death of an Indian land returned to tribe. No land lie idle. Each Indian might be given land for garden, balance worked by tribe--altogether. Products sold, money divided. All work, all share in products.

Holst then indicated that he wanted answers to two questions from them "at an early date." First,

> Do you want self government? Do you want to govern yourselves and your affairs? If so, it means you want your Council to work with the judges and the chief [sic]. You will also prepare regulations saying what people may or may not do. You will be given a charter.
>
> Not necessary to do all of this at once. Take up control as fast as you desire. But if you govern you assume responsibilities too, as do the white communities.

The second question, he told them, was about the economic arrangements they favored.

> do you want land, cattle, property altogether. Each one share alike in profits? If so, give up all land you now have, Council divide it up, so that each gets the same amount. Have tribal herds. Add more to present holdings. Plan for riders, feed. When sales are made divide money. All done on the cooperative plan.

During the discussion period, according to the minutes, Chief Abraham Mauwee inquired about how to get more water for irrigation on the reservation. Hastings Pancho and Francis Davis apparently objected to the communal property arrangements proposed, and Pancho asked: "Will the Indians be allowed to have council even tho [*sic*] they do not want to hold property altogether," to which Holst replied: "They may do so, and later decide on what steps of self-government they desire."

There was a recess of 15 minutes identified in the minutes as "Indians discussing problems presented by Supt. Holst," after

which Brigance urged them to elect a council and "Indians agree[d] to meet Thursady [sic] evening at 7 - o'clock to elect councilmen."

On February 9, Brigance wrote Holst that the Indians had met the previous evening, February 8, and elected a tribal council (Pyramid Lake Tribal Council Records: Brigance to Holst, February 9, 1934). He reported that "the majority of the adult Indians were present" and that "all took an active part. There were a number of speeches made by the chief and other leading Indians." (However, he did not report that Chief Mauwee had "abdicated.") Brigance wrote that Teddy James and Dewey Sampson had "explained the circular letter on self-government and also read notes on your talk last week."

The decision was made to elect a twelve-person council, and this was done, although no specific votes were reported. Because two of the elected council members "refused to serve," the two young men who had explained the letter to the meeting, James and Sampson, were elected to the council. Brigance wrote that "it was decided that these young men, because of their better education, could act as secretary and to explain some of the principles of how people rule." Brigance listed the resulting councilmen as Harrison Frazier, William Garvey, Teddy James, Mark Jones, Sam Kay, Joe Morgan, Gilbert Natches, Willie O'Daye, Dewey Sampson, Jack Warwick, Pete Winnemucca, and Johnie (sic) Wright.

Brigance also reported on the answers to Holst's two questions at the previous meeting. He stated that the Indians did want "self-government" on a gradual basis. "They would . . . like to take over more responsibility as they prove themselves to be able to do so from time to time." However, he reported,

> The Indians do not want their property held altogether, nor do they wish to work together. They feel this will never be satisfactory. They prefer to work as now - each man for himself.
>
> However, they do desire that all land not now in use be cut up and divided among those Indians who at present have no land, as soon as water can be obtained for this land.

In his report of the February 8 meeting, in reply to the IRA questionnaire, Brigance stated that the council had been elected by secret ballot at an election open to all enrolled tribal members 21 or older. Presumably the first meeting of the council elected the officers. These were Dewey Sampson, Chairman; Teddy James, Secretary-Treasurer; and Willie O'Daye, Sergeant-at-Arms. Thus, the young men who were added to the council only because two persons originally elected had declined to serve were chosen to the most important posts on the council.

A constitution for the tribal council of the Pyramid Lake Indian Reservation was not adopted until August 2 (Organization Division, File 9697A-1936-Carson-068-Pyramid Lake, "Constitution for the Tribal Council of the Pyramid Lake Indian Reservation, August 2, 1934"). According to the questionnaire on tribal organization written by Brigance, a draft of the constitution (whose author was not named) had been discussed at several tribal council meetings but no action was taken until the post-IRA questionnaire arrived, requesting a copy of any constitution which might exist. "Then the council met in special session and at once drew and signed both constitution and by-laws."

This first constitution was brief; its preamble was obviously modeled on that of the United States Constitution. Beyond that the document merely laid out a sketchy structure for a government. It indicated that it was adopted by the tribal council on August 2, "by authority of the Tribal Meeting of February 9, [sic] 1934," and it stated that it could be amended by a two-

thirds vote at any regular tribal council meeting, provided that written notice of the proposed vote had been given at a previous regular council meeting and that the issue was "appended to the call" for the meeting voting on the amendment. In other words, it was not adopted by the tribe as a whole nor was it contemplated that it would be amended by popular vote.

The constitution provided for two semi-annual meetings of "enrolled members of this Reservation." A February meeting was to elect members of the council, while a July meeting was to meet with the superintendent and disbursing agent "at the close of the fiscal year to discuss reservation problems, and for the hearing of annual reports." The February meeting was to elect a twelve-member council, each member to serve for three years. (Initially, by lot, one-third were to be selected for three-year terms, one-third for two-year terms, and one-third for one-year terms.) All enrolled members of the reservation 21 or over "and of at least one-fourth Indian blood" were entitled to vote at tribal meetings, whether or not they were "residing within the present boundaries of the reservation," and candidates for the council were to have the same qualifications except that they had to be residents of the reservation.

The first regular meeting of the tribal council was to elect a chairman, secretary-treasurer, and sergeant-at-arms, each of whom was to serve for a term of one year. The three officers were to constitute an executive committee, "authorized to act provisionally upon emergency matters that arise at such times when the Council cannot be assembled." While their duties were spelled out in routine fashion for Euroamerican private groups, no specific authority was delegated to the council; Article II merely said that "the object of this Council shall be to promote and to protect the general welfare of the Indians on the Pyramid Lake Indian Reservation."

Council meetings were to be held semi-monthly (the by-laws adopted at the same time said precisely when), a quorum was set at two-thirds of the council members, and the council was given authority to impeach and remove its own members.

The copy of the constitution sent to the BIA did not contain a signature for the chairman. In a letter transmitting the IRA questionnaire and the constitution to R. C. Boczkiewicz of the Carson Indian School, Brigance reported "you will observe that the name of the Chairman, Dewey Sampson, is not signed to the Constitution. He has not met with that body since last April. His duties have been assumed since that time by Teddy James, the Secretary-Treasurer" (Pyramid Lake Paiute Tribal Council Records: Brigance to Boczkiewicz, August 3, 1934). It is not known why Sampson did not attend these early meetings. He was elected to the first tribal council under the IRA constitution and served regularly as its secretary during the first few years of its existence.

Apparently only one set of minutes for this first council exists (Pyramid Lake Tribal Council Records: "Minutes of the Pyramid Lake Indian Council Meeting" of October 20, 1934). The minutes of this meeting indicate that James called the meeting to order because Sampson was not present. Six other council members were present, plus "about thirty other Indian men." The main topic of the meeting was the question of renewing leases for grazing land "on the west and north ends of the reservation." After discussion, it was decided to renew the leases for another year "like those that were made this year." An indication that consensual decision-making processes were being used is Secretary James' note that "all the Indians who were present voted along with the council." The meeting also took up the

control of firearms on the reservation, because a boy had been recently "seriously injured" in an accidental shooting. The council decided to forbid the use of firearms for persons under 16 and also to forbid the firing of a rifle within one mile of "the residential district." In both of these matters, the council was dealing with a significant issue.

Another indication that the council dealt with issues of consequence is a letter from "The Pyramid Lake Indian Council" to Commissioner of Indian Affairs John Collier dated July 26, 1934 (Pyramid Lake Tribal Council Records). The letter dealt with two matters involving water for irrigation on the reservation. First, it was reported that the amount of water allowed to flow in the Truckee River beyond Derby Dam (the diversion dam for the Truckee-Carson Irrigation District) was only a little more than a third of the amount legally allocated to Pyramid Lake. The council stated that Mr. Brigance and Acting Superintendent Boczkiewicz were presenting their complaint about this matter to the water master for the Truckee. "But this matter has been tied up in courts for some fifteen years, as we recall it, and we think that the hands of our officials here ought to be strengthened by your direct help from Washington," the letter stated. The other issue raised by the letter was the claim that "the ten Italian squatters" on the reservation had further restricted water flows to Indian lands downstream from them by putting ten dams across the Truckee. The council stated that it was impossible for Mr. Brigance or the ditch rider to properly check all of these dams; therefore, they asked that someone be sent to find a way to control the situation or, better yet, to find a way of "rebuying this land from them and in that way protecting us permanently from inavoidable water loss." The letter ended by noting that Indian farms on the reservation averaged only seven and one-half acres in size and that "we have ample land all around us which we could put into cultivation if we had the water, but we have now barely enough to supply our 7½ acre farms in normal times, with hardly half enough for them this year." Thus, the council was obviously concerned with important issues which faced the Pyramid Lake Paiutes during this period.

Brigance's questionnaire describing the council, however, reported that it had not exercised authority, In response to a question about the authority of the tribal council, Brigance wrote that

> This matter is yet in the formative stage. The one very small lease of grazing land on this reservation was made two months before the present council was organized, there are no enrollment matters in the sense that this question seems to infer, and there never has been a delegation from this reservation to Washington according to the oldest Indians living here, [nor] does the tribe have any attorneys. The chief business of the council so far has been advisory and educational.

Moreover, Brigance held an unfavorable opinion of the competence of the council. The reply to a question about criticisms of the council was that there had been no "constructive criticism whatever," but only "destructive criticism" from people who wanted to be elected to the council themselves or wanted to "use the council as an instrument to settle their personal grudges and grievances." Further, in response to a question about weaknesses of the council, Brigance wrote that some members were not very regular in attendance, that others were interested in "exclusively debating" and that "until the council can be educated to the capacity for positive action, there will be drawbacks to it assuming greater powers."

THE FIRST COUNCIL REPLACED BY AN IRA COUNCIL

After the IRA passed Congress, this first tribal council was replaced by one elected under a new constitution, drawn up under Section 16 of the IRA. The first step in this process (necessitated by a section added to the bill in Congress) was a vote to see whether the reservation accepted the IRA. (The amendment required an election on each reservation in the country, a process that occupied much of the time of the organization staff of the BIA during the first year after passage of the act.)

There is incomplete information about the process for conducting this election at Pyramid Lake. A question arose over the eligibility of voters in the election. On December 3, 1934, the new superintendent, Alida C. Bowler, sent an airmail letter to the Commissioner of Indian Affairs explaining the situation and asking for guidance (Organization Division, File 9697-1936-Carson-066). She said that

> As there was no original roll of the Pyramid Lake Reservation the matter of legal voters was left to the general assembly of Pyramid Lake Indians and the recognized tribal council. They were undecided about the Indians who had been away from the reservation for some time and desired the opinion of your office as to whether they should be permitted to vote.

She then listed the names of five individuals, all of whom were said to have lived elsewhere or were not "on reservation" for several years. The office did not reply to this letter until January 11, 1935, after the election, but at least some nonresidents were permitted to vote. The office, in its reply, quoted from a solicitor's opinion of December 13, 1934, stating that "physical presence is not a proper criterion of voting rights," and that

> Residence is commonly interpreted to mean not simply physical presence but the maintenance of a home. Thus, students, Indians working away from the reservation, and others who are temporarily absent, but who intend at a future time to return to a home on the reservation, will be entitled to vote by absentee ballot [Organization Division, File 9697-1936-Carson-066: Commissioner to Superintendent Bowler, January 11, 1935].

Immediately after the election, on December 15, Superintendent Bowler wired the results to Washington (Organization Division, File 9697-1936-Carson-066: Bowler to Commissioner, December 14, 1934). There were determined to be 277 eligible voters; of these, there had been 151 yes votes and 54 no votes actually cast. This total included four yes votes cast by absentee ballot; two yes votes cast by absentee ballot arrived too late to be counted. A letter from Superintendent Bowler noted that both men and women had voted on the issue; 106 men and 95 women cast ballots. (This obviously indicated only those voting in person.) She noted that

> The Council and other interested Indians made quite a festive occasion of election day. A group of women worked hard cooking meat, chili beans, biscuits, cake and coffee which was served cafeteria style to all who came. The reservation band played while the people sat around and ate. It was a fine sunny day and everybody seemed to be in excellent spirits and to enjoy getting together [Organization Division, File 9697-1936-Carson-066: Bowler to Commissioner, December 18, 1934].

She also indicated, however, that she was somewhat disappointed that the vote in favor of the IRA had not been higher. She wrote that

> Although this is almost a three to one vote in favor of the Act, I think all of us, including the Indian Council, were a little bit disappointed that there were so many noes. According to reports there was a tremendous amount of antagonism but the Council had felt that most of

the people had been won over by the educational work that had been done.

There also is little detail on the actual drafting of the constitution. But both members of the newly-created Organization Division in Washington and local Indians were involved throughout 1935. A memorandum from Kenneth Marmon of the Organization Division to Superintendent Bowler November 20, 1935 reported the names of members of "Constitutional Committees" for five Nevada reservations, including Pyramid Lake, with a note that "$2.00 is being allowed each one for every day they served . . ." (Organization Division, File 9697A-1936-Carson-066). However, he did not note how many days each person had served. The names for Pyramid Lake were Dewy (sic) Sampson, Sam Kay, Willie O'Daye, Mark Jones, Harrison Frazier, Jack Warick (sic), and John Wright. All were members of the tribal council elected at the February 8 meeting.

On August 14, 1935, Marmon and John H. Holst (who was working for the Organization Division at this time) wrote the Commissioner of Indian Affairs that they had just spent eight days in the "Carson Jurisdiction," and "with the assistance of the superintendent and other employees, have three constitutions in the second draft and another in the first draft" (Organization Division, File 9532C-1936-Carson-057). One of these was the Pyramid Lake constitution. They reported that "we have averaged 14 or more hours of regular work a day including Sunday for the past eight days" and that they planned to work for the Sacramento Agency for a few days "before returning here to finish up the four constitutions."

Another member of the Organization Division staff, George P. LaVatta, was brought into Nevada to make last-minute efforts to secure approval of the Pyramid Lake, Reno-Sparks, and Washoe constitutions, all of which were voted on in December, 1935. LaVatta was a Northern Shoshone Indian from the Fort Hall Reservation in Idaho, and he visited many Nevada reservations during the constitution-writing period in the 1930s. In a long letter to the Organization Division written on December 24, 1935, LaVatta reported that he had arrived in the Carson jurisdiction on December 2. During the next two weeks, he had visited the Walker River, Fallon, Reno-Sparks, Fort McDermitt, Dresslerville, and Yerington reservations and also had met with the "scattered Indians" (who eventually would organize as the Te-Moak Bands of Western Shoshone Indians) and with the Stewart Indian School students, in addition to visiting Pyramid Lake. On December 5, he had been at Pyramid Lake with Assistant Superintendent Boczkiewicz and Superintendent Bowler, who had just returned from a business trip to California. He reported the details of "an afternoon and evening meeting . . . with the Indians" at Pyramid Lake:

> Miss Bowler opened the meeting with some very fine remarks explaining to the Indians the two projects which she was trying to secure for them under the Resettlement program as well as just what was accomplished for them due to her recent visit to Washington. After Miss Bowler's opening remarks, we carefully explained the proposed constitution and by-laws which the Pyramid Lake Indians were to vote on December 14th. The constitution was carefully read and explained after which many fine questions were asked and answered. Before the meeting closed, it was the opinion and suggestion of those present that another meeting should be held which would provide further opportunity for additional questions and a clearer understanding of the constitution and by-laws [Organization Division, File 9532C-1936-Carson-057].

The second Pyramid Lake meeting was held December 13, the night before the vote. LaVatta wrote that "there was a very large attendance at this meeting." Again, the Resettlement projects being planned for them

were a central part of the presentation. LaVatta reported that

> Before the meeting was over, Mr. Raymond, who until recently has been with the Resettlement organization, was present and carefully explained the two projects which Superintendent Bowler and himself had drawn up for the Pyramid Lake Indians. He wanted the Indians' approval of these projects so as to be able to submit the projects to the Resettlement officials at Berkeley, California, on December 16th [Organization Division, File 9532C-1936-Carson-057].

The degree to which the resulting constitution represented the wishes of the Indians rather than the ideas of BIA employees is difficult to say. In general, the process was supposed to be that the Indians put forward their ideas, assisted but not controlled by BIA staff. The resulting draft document was then sent to Washington, where it was checked for legal sufficiency by attorneys and others. If the changes suggested by Washington were accepted locally (by Indians involved in the drafting), the resulting document was presented to the voters of the tribe or reservation. If they approved, the Secretary of the Interior would approve it and it would go into effect.

No information is available about the early stages of this process at Pyramid Lake except the information provided above; members of the Organization Division staff worked with persons on a local constitution committee which consisted of members of the newly-elected tribal council.

In general, again, it is clear that there was no single "model" constitution drawn up in Washington and taken around the country to serve as the basis for the discussions, although there was an outline of topics which might be in such a document. The difference between these two approaches is substantial; instead of suggesting language, the outline suggested topics to be considered, which could be dealt with in ways which could vary a good deal and arise out of local conditions. For example, the constitutions had to contain definitions of membership in the reservation or tribe to which they applied, but the definitions of membership varied a great deal from one document to another.

So far, a copy of the draft constitution sent to Washington from Pyramid Lake has not been discovered. There is in the National Archives a copy of minutes of a "Conference held October 8 on constitutions" which reports two pages of proposed changes in the draft document, but in many cases it is impossible to tell the significance of the proposed changes in the absence of the draft constitution (Organization Division, File 9697A-1936-Carson-068). The conference was attended by top BIA officials concerned with constitution-writing--Felix Cohen, Kenneth Meiklejohn, Charlotte Westwood, Joe Jennings (head of the Organization Division), John Holst, Fred Daiker, and Walter Woehlke--and also by Superintendent Bowler. It was unusual for superintendents to be involved personally in Washington deliberations on constitutions; whether Ms. Bowler happened to be in Washington at a time appropriate for this conference or came for that purpose is unknown. Since she attended other meetings on this constitution (see below) possibly she was there specifically for this purpose.

The minutes of this meeting state that a number of changes "were agreed to." These included several instances in which it was decided to substitute the "standard clause" for the language of the draft document; in many of these cases, this was a matter of attaining legal uniformity but may have had no impact on the content of the document. One of these changes added a statement on reserved powers that reads:

> Any rights and powers heretofore vested in the Pyramid Lake Paiute Tribe but not expressly

referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Pyramid Lake Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

Another change of this character substituted standard procedure dealing with amending the constitution for the original procedure.

Part of Article VI was amended to be "similar to Cheyenne River" but the import of this change cannot be determined. In one case the words "subject to review by the Secretary of the Interior" were added to the section authorizing the tribal council to levy "taxes and license fees . . . upon non-members doing business with the reservation." Another change required that the treasurer be bonded in a manner satisfactory to the Commissioner of Indian Affairs as well as the tribal council (a matter contained in the by-laws). Another by-laws provision authorizing tribal police to have "full jurisdiction upon the reservation" was amended by adding the following words: "in all cases not falling within the exclusive jurisdiction of Federal or State courts." Some of these changes seem to enlarge the authority of the tribe (e.g., adding the reserved powers section) while some restrict it (e.g., stating that the jurisdiction of tribal police is limited, although this merely reflected the status of existing law).

In spite of the absence of precise information on the process of constitution-writing, there is internal evidence that some local input was significant. There are two provisions of the Pyramid Lake constitution that are unusual, indeed unique among Great Basin constitutions. One of these is the second area of authority granted to the tribal council. Article VI, Section 1, paragraph b says that the council has the authority to

present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in presenting their claims and grievances at any court or agency of the Government; and to employ representatives or counsel for such services, the choice of counsel and fixing of fees for counsel and representatives to be subject to the approval of the Secretary of the Interior.

In addition, the By-Laws contain a separate Article (X) which states that

The tribal council shall make a thorough survey, research, investigation, and study of the history and title of all lands which were tribal in character in times past, and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands as it shall find to have been unlawfully removed from the jurisdiction of the tribe without just compensation.

The long struggle of the tribe to recover lands taken by white squatters in the nineteenth century has been thoroughly documented by now. Progress on this issue, as well as other grievances with which the tribe had been concerned, undoubtedly were high on the list of things the Pyramid Lake Paiutes expected from their new government (Dixon 1980; Haller 1981; Knack and Stewart 1984).

The election on the constitution was called by the secretary for December 14. In the letter requesting secretarial approval to call the election, Assistant Commissioner William Zimmerman, Jr., recited a history of conflicts between the chief and younger members of the tribe, the appointment of advisers in 1931 and the election of a tribal council on February 9, 1934, information that obviously came from Brigance's answers to the questionnaire in the summer of 1934 (Organization Division, File 9697A-1936-Carson-068: Commissioner to Secretary of the Interior, November 6, 1935). Zimmerman stated that the constitution had been "completed and submitted" September 4 and that, subsequent to this, it had been

"reviewed during several conferences held in the Indian Office, in which the superintendent of this jurisdiction participated in discussion. Minor changes were made and it is believed that it is now in form and substance acceptable to the Indians and that it will receive their sanction when submitted to vote."

The constitution was approved by the voters on December 14, by a vote of 69 to 34 (Organization Division, File 9697A-1936-Carson-068: Bowler to Commissioner, December 16, 1935). However, this election clearly registered a drop-off in votes from the election of one year previously which had approved the IRA. The total vote at this election, 103, was less than the yes vote the previous year, and overall voting participation was reduced to about one-half of what it had been.

Even fewer votes were cast in the election for members of the first tribal council under the new constitution; a total of 76 ballots were cast, but one was "spoiled" and not counted. There were 15 candidates for ten council positions; two either received no votes or withdrew before the election, 10 received votes ranging from 67 to 51 each and were elected, and three received smaller numbers of votes and were defeated. Several of the members of the council elected in February were reelected (Sam Kaye, Raymond Natchez, William O'Daye, Billy Williams, Harrison Frazier, and Mark Jones) but John Wright and Teddy James from the old council were defeated for reelection. At the first council meeting after the election, Billy Williams was elected chairman by the other councilmen.

The dropoff in voting participation may have resulted in dissatisfaction with the BIA and/or the IRA. As noted above, two proposals made to the Resettlement Administration that would have benefitted the reservation were used as arguments in favor of the new constitution. The proposals were to build a cooperative cold storage facility for fish at Nixon and to establish an "auto camp" at Sutcliffe to provide low-cost temporary accommodations for visitors to the lake (San Bruno Regional Archive, Records of the Bureau of Indian Affairs, Record Group 75, Carson Agency, Land Records, 1938-1950, Folder "Rural Resettlement Projects"). Neither was funded, although the reasons for this are unknown; disappointment at the failure of these projects may well have undermined confidence in the new order, but other factors may account for the change.

SUMMARY AND CONCLUSIONS

Several conclusions can be drawn about governance of the Pyramid Lake Indians before the 1930s and the formation of the Pyramid Lake Paiute Tribal Council, the ancestor of the present council, despite the absence of information on some parts of the process.

First, while the aboriginal situation and the state of affairs before 1934 cannot be determined precisely, it seems clear that aboriginal leadership practices, featuring decision-making on a consensual basis, with individual leaders largely selected on a task-oriented basis, survived in some form during several decades of reservation life. However, leadership structures undoubtedly were affected by the BIA practice of designating some individuals as tribal judges or policemen and by the tendency of non-Indians to look for a single "chief" of the tribe or of all Northern Paiutes.

Second, during the 1920s, in spite of their view that they ought to deal with Indians only on an individual basis, BIA officials in fact met with various councils of Pyramid Lake Indians and also accorded leadership status to Abraham Mauwee, who regarded himself as a chief and was accepted

as such by at least some members of the tribe. However, the BIA never formally recognized any leadership structure on the reservation, and various individuals claimed status as spokespersons for the tribe at various times during the late 1920s and early 1930s.

Third, in early 1934, as a result of misunderstanding of a BIA circular asking for opinions about the proposal which would become the Indian Reorganization Act, Superintendent John H. Holst organized an elected tribal council at Pyramid Lake, although a written constitution was not adopted until August. According to Farm Agent Brigance, Chief Mauwee "abdicated" to this council in early 1934. This first Pyramid Lake Council functioned until replaced by the first council elected under the IRA constitution, and helped to write that document.

Fourth, the IRA was accepted at Pyramid Lake by vote of the tribe in December, 1934. About a year later, an IRA constitution was accepted by the tribe, and a few months after this the first election of the new council was held. Voting participation rates declined steadily as these events were occurring.

Fifth, while it is impossible to describe the process of writing the new constitution in detail, both members of the national Organization Division staff and reservation members participated in the drafting process, and Superintendent Bowler sat in with BIA officials in Washington during meetings that resulted in modification of the draft arrived at in Nevada. Incomplete information does not permit firm judgments about the extent to which the resulting constitution represented the views of Pyramid Lake Paiutes at the time, but there is internal evidence that the constitution and by-laws contain at least some significant elements of local origin.

It may be possible to interpret these events as an example of an elected council based on a written constitution replacing a traditional governing structure centering around a "chief." However, it also seems that the traditional structure was not accepted by all Pyramid Lake Paiutes before constitution-writing began, either because deterioration of earlier structures already had occurred or, more likely, because there had never been a situation within this tribe in which a single person was accorded a long-term leadership role. The latter explanation is supported by the absence of evidence for the persistence of traditional "chiefs" after the formation of the new council. Perhaps BIA officials simply were not aware of such persistence, but this seems unlikely.

Although there is not space here to document this, after Superintendent Bowler came on the scene in 1934, the local BIA officials vigorously defended the interests of the Pyramid Lake Paiutes and worked with both tribal councils. This was particularly the case with respect to attempts to secure the return of lands held by squatters in the southern half of the reservation, but this generalization applies to other questions as well. If the BIA under Bowler's leadership imposed a constitution upon these Indians, which is quite unlikely, it certainly did not do so as part of an attempt to destroy them and/or to take their remaining resources. On the contrary, from the perspective of Superintendent Bowler, it is obvious that formation of the tribal council was part of an overall policy designed precisely to reverse earlier assaults on the self-governing authority of the tribe and on its resources.

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