

4. The most important of these fundamental assumptions are:

- (a) that the intelligence test measures "intelligence,"
- (b) that "intelligence" is fixed by heredity, and that the intelligence test reveals and measures hereditary intelligence.

5. The attempt to construct a universal test of native intelligence on these assumptions may be an interesting theoretical experiment, but the claim that such a test exists, or is likely soon to exist, is scientifically unsound, is designed to lead to social injustice and to grave injury to those who are arbitrarily classified as predestined inferiors or superiors.

6. The claim that a universal test of native intelligence exists is not only unfounded and harmful, but it is also stultifying to the practical development of the tests themselves. Instead of aiming at a universal test of hereditary intelligence, psychological research should be directed towards the development of a multitude of specific tests for the use of administrators, industrial, scholastic or military, as the case may be, who have to deal with the practical problem of selecting and classifying groups of people. The aim should be to test, not the capacity of the germ-plasm of John Smith, for that cannot by any knowledge we possess be distinguished from his training, but the specific fitness of John Smith at this moment to do the work of the eighth grade, to run a freight locomotive or to sell medium priced automobiles. For tasks of modern life are much too varied to be measured by a single and universal test. One series of tests for intelligence is as meaningless as would be the attempt to measure time, space, weight, speed, color, shape, beauty, justice, faith, hope and charity, with a footrule, a pound scale and a speedometer.

W. L.

## Children of Darkness

(in their generation wiser than the Children of Light)

We spurred our parents to the kiss  
Though doubtfully they shrank from this—  
Day had no courage to review  
What lusty dark alone might do—  
Then were we joined from their caress  
In heat of midnight, one from two.

This night-seed knew no discontent,  
In certitude his changings went;  
Though there were veils about his face,  
With forethought, even in that pent place,  
Down towards the light his way he bent  
To kingdoms of more ample space.

Was day prime error, that regret  
For darkness roars unstilled yet?  
That in this freedom, by faith won,  
Only acts of doubt are done?  
That unveiled eyes with tears are wet,  
They loathe to gaze upon the sun?

ROBERT GRAVES.

## The Death of the Pueblos

NOTHING less than death from poverty, starvation and disintegration will be the fate of the Pueblo Indians of New Mexico if the Bursum bill, which passed the Senate in September, should become law. This bill ostensibly is a measure to settle the disputed titles of non-Indian claimants to Indian patented lands. In reality it is a new and sweeping encroachment on these lands, since it takes as final proof of boundaries the so-called Joy survey made in 1914-16. This survey showed every small cabin, ranch or field within the Indian boundaries, giving to each claim such dimensions as the claimant chose verbally to define. It was essentially a map and nothing more; it involved no investigation into the validity of the claims, but was a preliminary step toward such investigation. On the face of each of the hundreds of blueprints is written that this was merely "a depicting of present conditions" and that it was never to be used in any way as proof of title. Now the Bursum bill proposes to make this Joy survey into "prima facie evidence" of the extent of holdings. Supplementary to this, the United States court is ordered to accept and make competent "secondary evidence" in proof of title. The court is not *allowed* but *ordered* to accept this type of evidence, which opens the door to miscellaneous perjury.

Another curious and sinister reversal of past policies contained in the Bursum bill is the proposal to take the settlement of all internal Pueblo affairs into the federal courts, furnishing each discontented individual with free legal services even though he wishes to carry his grudge against the tribal authority to the Supreme Court of the United States. The United States government since 1830 has maintained a Bureau of Indian Affairs for the express purpose of handling the delicate psychological, industrial and governmental problems of the American Indians. It has very justly been thought necessary that trained officials versed in Indian psychology and traditions should handle these problems. Fourteen million dollars a year are appropriated by Congress for the work of this Bureau. And now from a clear sky, apparently with no thought of its own self-confessed failure, the Indian Bureau, as quoted by Secretary Fall and Senator Bursum, endorses a bill which in this most vital respect removes its own reason for existence. Apart from the inconsistency here involved, the tragedy for the Pueblo Indians is very great. It means an end to the internal harmony of the tribal life. It has been the effort of three centuries of wise Spanish, Mexican and American

rule to preserve this remarkable self-government which prevails in every one of the Pueblos. Today each Pueblo governor treasures the silver-topped cane presented by Abraham Lincoln in token of the final and complete ratification of the Pueblo land grants and of their right to self-government. And now, with a complete reversal of policy, it is proposed to throw this system of self-government to the winds—to make an American law court the instrument of the division and destruction of Pueblo life. Though the Indian Bureau is silent on this provision of the Bursum bill, the Indians are not silent, and every Pueblo has registered unanimous protest against it.

Who framed the Bursum bill? And how has it won the support of the Bureau of Indian Affairs, hookwinked or under duress one must believe? And why has the Indian Rights Association, for forty years a defender of the Indians, remained silent on this issue? The bill was introduced by Senator Bursum of New Mexico, who even stated that the Indians wanted it. Secretary Fall stated in writing to the Senate Committee that it was an administration measure. The bill was drawn by two New Mexico lawyers, A. B. Renehan and Ralph Twitchell, of Santa Fé. Mr. Renehan represents his Mexican and American clients, claimants of Indian lands, some with more and some with less valid titles and the majority with no titles at all. Mr. Twitchell holds an appointment under Secretary Fall as Special United States Attorney for the Indians, at a salary of eight thousand four hundred dollars a year. In this capacity Mr. Twitchell prepared a brief, published last March, in which he stated that if suits instituted by his predecessors were pushed through the courts, they would result in a restitution to the Indians of the lands currently and anciently owned by them. But the Bursum bill, of which subsequently he appeared as co-author, outlaws all these suits and makes redress to the Indians for any infringement of land or water rights irrevocably impossible!

For instance, the Tesuque Indians, ten miles from Santa Fé are practically starving as the result of the misappropriation of their waters by Mexicans and Americans living in the Tesuque Valley. They have protested to the Bureau of Indian Affairs, with no result, over a period of fifteen years. This year, due to an unusual drought their ditches are so dry that they have not raised enough sustenance for a single family. The Superintendent of the Northern Pueblos has applied for government rations for them. Comes the Bursum bill and says in effect that the Pueblos shall have as much water as they are putting on cultivated fields at the present moment, and no more. What then becomes of

the Tesuque Pueblo, whose case represents that of at least five others? Technically what the bill does is to withdraw government protection for the Indian waters in excess of the quantity being delivered to fields irrigated and cultivated at the present moment; for additional water the Indians are directed to apply to the local courts, of which Mr. Twitchell, prior to his sponsoring of the Bursum bill, had this to say: "Our local courts have yet to show, in my judgment, where an Indian has ever received a square deal."

But even the above did not satisfy the sponsors of the Bursum bill. In Section 8, the federal court for New Mexico is required to approve non-Indian claims based upon adverse possession without color of title—which means possession without even a shadow of right as the basis for the original entry upon the lands—and to decree such lands to non-Indian claimants where they can show that they had such possession for a period running back to 1900. Under the Sandoval decision, the Indians would have a defence against the assertion of such adverse claims for the reason that, as wards of the government and still in a condition of tutelage, the statute of limitations could not run against them. That defence is made unavailable by the provisions of the bill. In the same section persons claiming valid Spanish or Mexican grants or a patent from the United States for lands lying within the boundaries of Indian lands can present them to the federal court and thereupon such non-Indian claimants "shall be entitled to a decree in their favor respectively for the whole of the lands so claimed." This closes the door upon the Indians in so far as any defence is concerned—which in most instances they would have on the ground that their grants are prior in time, in continuity of occupation and possession and in recognition by the government of the United States—and opens the door wide for unlimited graft based upon old claims long since forgotten, which would be unearthed and exploited under this provision. No more dreadful example than this has ever been offered of the failure of the Bureau of Indian Affairs to protect the Pueblo Indians of New Mexico from the devastating aggressiveness of the white settlers. The endorsement by the Bureau of this provision warrants its arraignment before public opinion in this country and a conviction for betrayal of its trust.

A large number of trespasses on Indian land have been established more recently than twenty-two years ago; they are being multiplied at the time of this writing when voters have been assured the Bursum bill will become law. All these trespasses likewise are confirmed by the Bursum bill.