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Roads in the Sky

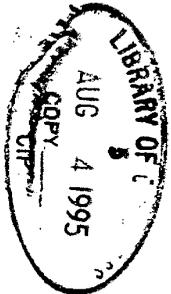
The Hopi Indians in a
Century of Change

Richard O. Clemmer

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Implementing the Ideology at Hopi

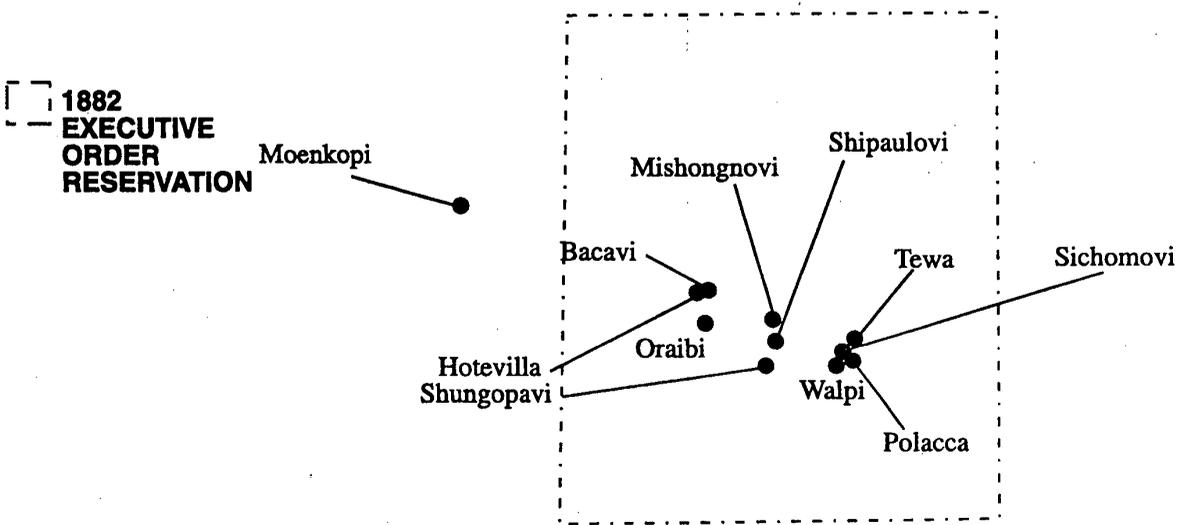
Officially established in 1869, the "Mogwi Pueblos Agency" had no agents until 1871, when temporary "special agents" were assigned to it on a year-to-year basis. They operated out of the Navajo Agency until 1874, when a permanent agency was established at Trout Spring, 15 miles northeast of Walpi in 1874. In 1875 agent Truax started a tiny school, staffed with a missionary teacher, and published a short-lived school magazine. In 1876 William Materer took over as agent, but shortly thereafter, the entire enterprise had been abandoned due to lack of funds.³⁰ Materer was succeeded by an agent named Fleming.

Trader Thomas Kearn arrived at about the same time. Kearn had battled Navajo agent William Army for a trading license starting in 1871; Army was eventually dismissed under suspicions -- probably well-founded -- of embezzlement. Kearn gave up on the Navajo situation when his marriage to a Navajo woman fell apart but finally obtained a long-sought trading license in 1875, filing a patent on 640 acres in what is now Kearn's Canyon, and started trying to initiate changes in the lives of First Mesa's residents (McNitt 1962: 145-149). Kearn's ranch eventually included a trading post, house, and seventeen out-buildings, all constructed of dressed native sandstone. When agents were re-assigned in 1878 but continued to operate out of Fort Defiance, Kearn offered one of his buildings to Agent J.H. Fleming in 1880. But Fleming was less than pleased with being agent to a tribe that had no reservation.

Creating the 1882 Reservation

Kearn and Fleming seem to be the persuasive forces behind the "Mogwi Reservation," but more likely than not, it was simply an idea whose time had come. In 1876 Truax had urged that a Hopi reservation be established. Perhaps Kearn urged the reservation because he feared losing the Agency if he could not persuade Fleming to stay at the proffered headquarters at his ranch. Fleming wanted jurisdiction over a reservation, not just over a tribe. Fleming insisted on a reservation because he said two former agency employees were going through the Hopi villages ostensibly stirring Hopis up against the Government and the idea of sending children to a boarding school. Fleming wanted to arrest them, or at least to oust them. He could not do so unless there were some reservation boundaries from which to oust them.

Fleming wrote the Commissioner of Indian Affairs, asking how to proceed. The Commissioner told him to recommend boundaries of a reservation which would include "all Mogwi villages and agency and



Hopi Towns and Reservation Boundaries: 1882

large enough to meet all needful purposes and no larger." Fleming replied with a map and description which did *not* include all the Hopi villages. The Commissioner forwarded the materials to President Chester A. Arthur, who had granted an audience to Cushing, the five Zunis and the Hopi-Zuni-Navajo Nanahe just a few months earlier. The Commissioner requested an executive order creating the reservation in order to (1) vest title to the Moqui in the lands they occupied, (2) afford them U.S. protection, and (3) permit the agent legal authority to evict "unprincipled whites" and "arrest and punish mischiefmakers" (Stephens 1961:70-74).

As part of a general policy, Congress authorized the U.S. President to create reservations by "executive orders" that followed the same formula in all cases: "for the _____ Indians and such other Indians as the Secretary of the Interior shall settle thereon." Thus, the executive order establishing the "Moki Indian Reservation" contains this wording. That little phrase would create irreparable confusion in years to come. Its boundaries were quite arbitrary: the 2.45 million acre parcel conformed neither to the Hopi use area; nor to topographical features; nor to Hopis' wishes (they were not asked). It was a perfect rectangle, 70 miles by 55. Its boundaries included 300 Navajos, and excluded the 100 Hopis living in Moenkopi. A distance of 20 miles separated Moenkopi from its western boundary.

Establishment of the reservation benefited Thomas Kean most immediately. Kean seems to have been a proselytizer for progress and the modern life. He wanted Hopis to "live like white men," to move down from the mesas to the valley; and to be educated in the English language and the industrial arts. It was Kean who pushed hardest for schools for the Hopi. He wrote a letter ostensibly on behalf of "Cimo, tribal chief of Moks" (actually Kikmongwi of Walpi and Sichomovi) plus the "chiefs of Mishongnovi, Shpaulovi, and Shungopavi" and 15 "religious leaders" requesting a school accompanied by a petition with each man's name and clan mark (ARCIA 1886:LXXX). But Cimo was also known to oppose schooling (Yava 1978:11). Ostensibly in response, a "Moqui School Reserve" was established, in 1885, but without any school buildings. Kean offered some of his buildings for an "Indian industrial boarding school" and in 1886 the Government agreed to lease 19 buildings for \$100 a month, opening the "Moqui Boarding School" in September, 1887 after persuading as many parents as possible to send their children to it (Miller 1907). Many Hopi, especially at Oraibi, showed little interest, or actively opposed it. In 1889 the Government bought the buildings outright, including the 640 acres on which they sat, for \$10,000. In 1890 presidential authority was granted for surveying the Hopi Reservation preliminary to making allotments (ARCIA 1890:XLVII). The

allotments were on the desert floor, below the mesas, where Hopis had their fields. Despite some tradition of individual usufruct, Hopis interpreted these moves as hostile acts. In 1891, the Government sent a party of surveyors to survey the Reservation. All village chiefs opposed the scheme (Titiev 1944:76; Parsons 1922). But the surveyors returned in 1894 and this time Kean and Stephen drew up a petition from Walpi's men opposing allotment. The petition requested "one continuous boundary ring enclosing all the Tewa and all the Hopi lands" and including enough land for their flocks and herds as well as fields" and was signed by 123 men with their clan marks from all villages. The petition went unacknowledged (Yava 1978:123-4, 165-7). Men from Oraibi pulled up surveyors' markers and openly threatened to burn the school at Kean's ranch (Spicer 1962:203).

Not more than a few hundred Hopis moved off the mesas and only those at Moenkopi took allotments. Attempts to allot land were ended in 1912 when agent Crane recommended against allotment, noting that the water supply was too small, the people did not want allotment and were not ready for it, and a growing land controversy with the Navajos had not been settled. But the allotting efforts precipitated two confrontations between Hopis and troops at Oraibi, and the policy of compulsory education was the source of innumerable confrontations at Third Mesa and at Second. Yet another source of conflict arose when the Agency implemented its "hair-cutting order" in 1901-02. Superintendent Burton ordered all men to have their hair cut. Such humiliating treatment emphasized the power of the American nation-state, but also drew fire from Hopi partisans such as Charles Lummis in Los Angeles and one of the teachers, Belle Axtell Kolp, niece of a former territorial governor of New Mexico, who resigned her position in protest. They formed the "Sequoia League" and enlisted such heavyweights as Phoebe Apperson Hearst and Theodore Roosevelt (Lummis 1968). Kolp filed a long affidavit of mistreatments in Los Angeles in 1903. Burton was reprimanded, but not removed.

There is much evidence that Hopi men were not against the principal of allotment, as we shall see. In fact, they may have even favored it, but they wanted to do it their own way, not to have it done for them. The reasons for Hopis' opposition to allotment may not be immediately obvious but they become so when the nature of Hopi farming is taken into consideration. On reservations where farming was not very important or virtually non-existent, people could be expected to be somewhat ambivalent. But Hopis were absolutely dependent on agriculture, even as late as the 1930s, and they had a keen awareness of how important flexibility was. *Assigned* allotments would destroy that flexibility, preventing a man from shifting the location of his crops from

year to year and also preventing him from farming several plots in several locations. Many men did this and continue to do it as a kind of practical insurance against climatic disaster, which might result in one field being washed away in a flood while another simply gets a good dose of moisture.

The Great Transformation: Economy and Demography

I have borrowed the title of Karl Polany's (1957) well-known study of the development of market capitalism in western Europe because it captures the essence of what modernization is all about: a change in world view from maintaining "habitation" to "improving" the utility of land; a shift in population from countryside to city; an increase in mortality due to introduction of new diseases, followed by a population explosion; intervention by governments to insure the interests of private property; changes in the pattern of work, from maintaining subsistence to earning wages and making profits, thus making labor into a commodity; a development of situations in which profit and loss, rather than kin relations, are the basis for social interaction; and the secularization and democratization of ideas. All of these things began to happen to the Hopi when Mexico abolished mercantilism, embraced laissez-faire capitalism, and opened its northern frontier to American changes. These changes began slowly and haphazardly, and certainly they did not happen all at once. But they accelerated after the American take-over, and despite some successful resistance to them, these historical processes quickly began to frame the context of everyday Hopi life. Not all of them were initiated by the Euro-American intruders; Hopis initiated some of them as well, adding to, rather than replacing, pre-existing Hopi social and economic institutions. But many Hopis also resisted the changes, and it is the resistance as much as the embracing of the Great Transformation that characterizes modernization in general, and Hopis' modernization in particular.

Cash income: farming, livestock, wage labor, contract freighting

Ratios between farming, livestock, and wage labor income seem to have been well established by 1890 and remained stable for the following 40 years. Agent Fleming furnished three wagons to "Moquis for farming and freighting" in 1880 and 1881, (ARCIA 1880:XIII; 1881:XXXII). By 1884, the Agent was hiring Hopis to haul supplies to and from railroad and loaning money for Hopis to buy freight wagons and mules as well as

cattle, reporting that "a few of the principal men" among the Hopi were "beginning to gather herds of cattle." Hopis still depended on trading "surplus melons and peaches" with Navajos for sheep, which regularly overran Hopi gardens, especially at Wepo and Tallahogan springs (ARCIA 1884:136-138). But Hopis' sheep herds were beginning to increase and by 1886 they numbered 25,000, yielding a "wool clip" of "6,000 lbs., of which 3,000 was manufactured into blankets" (ARCIA 1886:LXXX, 402, 432-3; 420; 444-45). The following year, the wool clip was 20,000 lbs., of which half was sold at eight cents a pound, and the rest "fabricated into wearing apparel and blankets for their personal use;" the corn yielded was estimated at 40,000 bushels. The agent estimated Hopis grew 32,000 melons, pumpkins, and squashes (ARCIA 1887:177-8; 358).

In 1888, the corn harvest was estimated as equally as good as in 1887, although Hopis had either sold (or lost to rustling and raiding) more than a quarter of their sheep (ARCIA 1888:420, 439). In 1890 Hopis again grew close to 40,000 bushels of corn, storing about a quarter of it for use during the year, selling about 200 bushels to traders, bartering a third of it for about 300,000 pounds of mutton, and grinding the rest into cornmeal or consuming it on the spot. For the first time Hopis were reported as selling horses and mules, for a total of \$1,000, and 50 cattle at \$18 for \$900.00. Sale of blankets, cotton fabrics, rugs, and basketry brought \$3,500, and Hopis did \$5,000 worth of freighting, probably mostly for the Agency but likely for Kearn as well (ARCIA 1890:167-170). In 1889 and again in 1890 the corn harvest was a whopping 70,000 bushels, and in 1891, the "value of products sold to others" (not the Government) was again around \$5,000 (ARCIA 1891:310-311; II:72, 92-93), including 26,000 pounds of wool sold at \$.08-.09 per pound (Donaldson 1893:46).

While some of these estimates may be a little high, figures for the decade 1880-1890 point out six important aspects of the Hopi economy: (1) the slow but steady growth in prosperity; (2) the importance of neighboring Navajos as a source of meat and outlet for surplus agricultural products; (3) the growing importance of cattle; (4) the growing importance of the market for raw wool and craft items, a market that could only have been created by Kearn on one end, and the Mormons on the other, since Kearn was the only licensed trader for miles around; (5) the growing importance of cash; (6) the continuing importance of agriculture.

The year 1892 promised some improvement, by the account of the agent as well as by that of Alexander Stephen. "Until about a year ago the Moquis were considerably troubled by the Navajoes," reported agent David Shipley. "However, about one year ago, with the cooperation of Special Agent Parker, I issued a decree prohibiting the Navajoes from

entering within a radius of 15 miles of the village of Me-shung-ne-vi. Since this time the Moquis have more ground for cultivation." (ARCLIA 211-21). Stephen (1936:954-955) estimated 1,200 acres planted in corn at "East Mesa," 800 acres of corn at "Middle Mesa," and 1,600 acres of corn at Oraibi. He figured another 2,000 acres, total, planted in vegetables, beans, melons, squash, pumpkin, gourd, chile, onions, amaranth, sunflower, cotton, wheat, and buckwheat, with 1,000 acres of orchards, primarily peach and apricot. On the basis of the previous year's harvest, Stephen predicted a yield for corn of 12 bushels per acre, for a total of 43,200 bushels, with 200-300 bushels being sold or traded to traders and 7,500 bushels bartered to Navajos for 5,000 sheep, each weighing 30 lbs, and another 300 or so bushels traded to them for blankets and other items. He figured between 20,000 and 25,000 consumed, ground into cornmeal, and fed to animals, and about 10,000 bushels stored. But the numbers of Hopis' sheep had diminished drastically, from 20,000 to 8,000, and cattle had decreased from 800 to only 500 (ARCLIA 1892:211-212, 789, 802-803), and the corn yield turned out to be much less than Stephen had predicted: only 25,000 bushels. By 1893 the agent reported only 2,000 sheep and goats (Donaldson 1893:46; ARCLIA 1893:694, 710-711). It is clear that the decade of the 1890s brought a steady economic deterioration.

Wage jobs were available, but not abundant. By 1899 U.S. Government Indian agents were acting as contractors for the Santa Fe Railway, assembling work gangs of Hopis as well as Navajos; the relationship continued through 1907, when the Railroad laid off its Indian workers due to "retrenchment." Between April, 1906 and February, 1907, between 48 and 210 "companies of Indians, mainly Hopis, Mohaves, Navahoes and Pueblos, were kept at work on the Santa Fe railroad" for several earnings of \$25,101.61, and the agent also regularly hired out several hundred Hopis, Navajos, Pueblos, and Apaches for seasonal work in the beet fields of southern Arizona and Colorado (ARDOLAI 1907 II:13). Some Hopi men went to Winslow for jobs at the Santa Fe roundhouse, hauling ashes out of the locomotive fireboxes (Yava 1978:20). Missionaries hired Hopi men for casual labor, paying them \$.50 a day (Oyawayma 1964:53). The Agency at Keams had one regular interpreter on staff at \$20 a month, and three Hopis had the Keams-Fort Defiance mail carrying contract (Yava 1978:13, 21).

Trading Posts. Frederick Volz ran a store in Canyon Diablo and opened a store near Oraibi Day school around 1898, installing his brother William, "a Mexican" as clerk. Volz bought Katsina dolls, weavings, basketry, and even some pottery from Hopis, paying probably less than a dollar for the Katsina dolls, and sold the collection to George Heye in 1901 (Harvey 1963:38-49, 48). (Eventually the collection went into the Museum of the American Indian in New York.) Hopis reportedly derived

"considerable income from the manufacture and sale of pottery and baskets, purchased more, perhaps, for their novelty than for practical use" (Indian Rights Association 1898). But much of Volz's trade was with Navajos who went through Hopi cornfields to get there, letting their burros and ponies eat Hopis' produce. Hopis complained about Volz to agent Burton, not only due to his trading practices but also because he apparently had a violent temper (Whiteley 1988a:102-103). In 1901 Hopis sold nearly \$13,000 worth of products to traders and to the Government agency, coal, wood, and beef as well as craft items. Some crafts were apparently marketed through a man named Douglas Graham who "began a long trading career" at Hopi in 1878 (ARDOLAI 1901, 1686, 708-709). Graham may well have been the middleman between Keam and other buyers. In 1902 Lorenzo Hubbell extended his business when he bought Keam's old "Tusayan Trading Post." Keam moved back home to England.³¹ Hubbell immediately began marketing Navajo and Hopi crafts by mail order: \$2.50 - \$4.00 for sashes woven by Hopi men, Hopi baskets and plaques woven by women at \$.50 to \$2.50 each, Katsina dolls at \$.75 to \$.2, pottery from \$.25 to \$.5.00, \$2.50 to \$10.00 for prehistoric pottery. Hubbell eventually may have taken over Volz's trade, but not his store; Volz's store "on the road to Oraibi" (Babbitt 1973:40) had been abandoned by 1906 (Whiteley 1988b:103).³²

Burton, the same Agency superintendent who had ruthlessly enforced school attendance and the hair-cutting order, encouraged Hopi traders. By 1905 two traders, Naquistewa and Thomas Tawakwaptiwa, younger brother to Wilson Tawakwaptiwa, the Kimongwi, opened stores in Oraibi, and a "Sam Pawlki" had opened a store in Kykotsmovi by 1908 (Nagata 1970:198). Thomas later moved his store to Moenkopi, where he also developed a thriving cattle herd and worked as interpreter for the Tuba City agency which opened in 1903. By 1910 a total of three Hopi-owned stores were operating in Moenkopi. Hopis got jobs at the boarding school, opened in 1899 in Blue Canyon and moved to Tuba City in 1903 and perhaps also at the three missions nearby. But freighting at Tuba City had always been in the hands of Mormons, who shipped out Navajo wool and pinon nuts, and operated a general merchandise store for dealing with the Indians (Nagata 1970:32-37).

Disaster: Drought, Depression, Deprivation, and Arroyo Cutting

The year 1894 is a telling one. Freighting is down to \$1,457. Products sold amount to only \$2,000. Hopi are down to 5,000 sheep, 3,000 goats and 500 cattle. The corn harvest is 40% of 1893's harvest (ARCLIA 1894:100-101, 566-7). Why? For one thing, the United States was in the

depths of a rock-bottom depression. The West especially had been plunged into ruin when the U.S. Government declared the gold standard and let the price of silver "float" as any other commodity. The price floated downward. Wool and livestock prices were drastically lowered. The price of silver plummeted; silver mines closed down. People were thrown out of work; half the populations of some towns pulled up stakes and departed. Two of these were Jerome and Prescott, about 150 miles to the south of the Hopi villages. The area was in the grip not only of a national depression, but also of a regional one.

Table 5.1 Economic statistics for selected years, 1886-1902

Year	# of sheep goats	# of cattle	wool clip, lbs.	corn, bu.	other veg. bu.	sales \$	freight haul \$
1886-87 ^a	25,000	^b	20,000	40,000	32,000 count	1,600	
1888	18,000			40,000		5,400	5,000
1889	6,000	250		70,000	6,575 bu.		185
1891	8,000	500	26,000	43,200		5,000	
1892	8,000	500		25,000	1,500 bu.	2,720	1,325
1894-95	5,000s 3,000g	500		10,000	750 bu.	2,000 1,360	706
1902	5,600s 14,400g	1,365		20,000		5,500	2,500

^aIn some cases I have combined years in which the statistics were substantially the same in the interest of brevity and to show trends.

^bEmpty cells reflect lack of data in the agents' reports for that category in that year.

Water. A severe drought in 1893-1894 was followed by a severe winter in 1894-95 with heavy snowfalls. Warm weather in the spring and consequent heavy spring runoffs exacerbated arroyo cutting along all of the washes and their tributaries. Rainfall in spring and summer of 1893 would have made irrigating from the washes increasing difficult; spring

deluges from snowmelt in 1894 would have changed difficulty to disaster.³³ The period between 1895 and 1904 was another period of drought, "broken by a series of great storms early in 1905" (Bradfield 1971:28) that gouged Oraibi Wash into an ever-deepening arroyo for ever. To top things off, Oraibi's spring had been drying up for years and continued to do so. Deepening it once hardly helped. Women stood for hours at a time waiting to fill their jugs from the water that seeped every so slowly up into the well's sandy bottom.

Navajos and Mormons. Navajos had begun to get the upper hand in the competition for land. Their sheep had increased to 1,000,000; goats to 250,000; and their population had expanded so that they accounted for nearly 45% of the population of the 1882 Reservation. In other words, there were nearly as many Navajos in Hopi country as there were Hopis. By the mid-1880s, every major population of Navajos had the opportunity for regular trade with Anglo-Americans (Bailey and Bailey 1986:38-39). By 1890 there were seven trading posts on the reservation, and 30-odd posts just off the reservation. Navajos began marketing wool at least as early as 1876, and by 1880, they were regularly marketing about 800,000 pounds per year (Aberle 1966:33). In 1889 the Navajo wool clip was 2,100,000 lbs. (compared to a some 20,000 lbs. for Hopis). Between 1903 and 1906, Navajos virtually monopolized the market on livestock, wool and blankets; the value of those items rose in just three years from \$500,000 to \$1,000,000. While Hopis also had some trading opportunities, they dealt with no more than one or two traders until well into the late 1890s, and had to traverse miles of Navajo country to get to any other posts.

Merino Sheep. Anglos' introduction of merino sheep in the mid-1880s brought another ecological disaster. Unlike the churros that had been introduced by Spaniards in the 1600s and had been adopted by Hopis and Navajos alike, the merinos yield a much heavier coat of wool. This characteristic meant a temporary boom in the wool trade for Navajos and Hopis alike, who also acquired the merinos. But also unlike the churros, they have very efficient eating patterns: they graze an area down to the nub before moving on. This grazing pattern could easily result in huge areas being nearly entirely denuded, and in 1893 and 1894 the drought would have packed a double whammy: not only would forage have been scarcer, but what forage there was, would have been grazed to the root, and would not have had a chance to resprout.³⁴ Denuded floodplains would have had topsoil swept away at an alarming rate, and the velocity of runoff would have initiated channelling and arroyo cutting.

Land Gridlock. Finally, competition among Hopis, Navajos, and Mormons at Moenkopi had placed resources into a kind of gridlock: there was no room for anybody to expand there. One hundred Hopis were

living there at the time, but the Mormons had made Hopis into virtual share croppers on their own land. Navajos had also moved in (Nagata 1970:33, 37, 39; cf. ARCIA 1896:113). In 1892, troops had even been called out to investigate fatal conflicts between Navajos and Mormons and also complaints by Hopis that Mormons had dispossessed them (Stephen 1936:997-1001). When Hopis and Navajos were finally allotted the former Mormon lands in 1897, five Navajos received almost as much as the eleven Hopi allottees (Nagata 1970:39). Attempts by some Hopis to found a small colony along the Little Colorado River near Leupp (La Farge 1936a:48), possibly also under Mormon protection, had not met with success.

Busts, Booms and Smallpox. The year 1898 brought a very brief improvement in material conditions. The corn harvest was 50,000 bushels, and Hopis sold \$8,000 worth of products to traders. But Hopi livestock continue to dip in numbers (ARCIA 1898:600, 616-617). Then disaster struck. A smallpox epidemic swept First Mesa and spread to Second Mesa before vaccine could be obtained. Vaccinations and fumigation of crops, houses and people checked its spread at First Mesa, where only twenty-four died, but the pestilence killed at least 163 at Second Mesa. Two-hundred-twenty people -- half the population -- were not vaccinated due to refusals stemming from mistrust of the Government's intentions (ARCIA 80-81, 158-159). Certainly Hopis would have had no knowledge of how the principle of vaccination worked; it is possible that no one even explained it to them. Most vaccinations bring on a slight and short instance of the disease itself and thus some people may well have seen the vaccinated initially get worse after treatment. Those who did accept vaccinations would have had to surrender a large amount of trust to federal authorities. Those who refused seem to have seen it as another part of the resistance to U.S. authority. At Second Mesa, eight arrests were made of men who urged refusal; two of them were kept under police surveillance at the agency until 1900.

At Mishongnovi and Shipaulovi, bodies "piled up in the streets. "The Indian agent called in a detachment of African-American soldiers (the "Buffalo Soldiers") from Fort Wingate and ordered a mass cremation. A witness to the events, artist Louis Akin, reported that "the bodies were gathered and thrown into a crevice, covered with oil, and burned" (Babbitt 1973:41). Oraibi was spared only because Government officials managed to enforce a quarantine. The deaths resulted in Oraibi's population being 10% higher -- at 990 -- than that of First Mesa and Second Mesa combined (ARCIA 1899:80). Weakened from the disease and unable to plant fields, many Hopis from First Mesa went to the Mormon settlement of Joseph City, where they had on-going trading relationships, to glean Mormons' wheat fields (Yava 1978:13-14).

Somehow, Hopis were able to acquire about 50,000 sheep³⁵ by 1900, but corn harvests continued to run low (ARDOLJA 1901, 1:686, 708-709; ARDOLJA 1904, 1:138). In 1902, Oraibi's corn crop failed completely. Memmorie missionaries Voth and Epp had two carloads of corn shipped out from Kansas (Whiteley 1988a:43). The cash economy became even more crucially important.

Tourism: Boom, Curse, and Growing Source of Cash Income. The Santa Fe Railroad completed its line through Winslow and Flagstaff, linking Los Angeles with Kansas City, in 1884. In 1897 it specifically began advertising its routes using Indian themes, commissioning ethnographer Walter Hough (1898) to write a thick, meaty pamphlet on the "Mogqui Snake Dance," profusely illustrated with photographs (cf. Forrest 1961).³⁶ The pamphlet contained explicit directions on how to get to the Hopi mesas for the famed Snake Dance, advising the travelers to hire horses, mules, wagons, or buckboards in Winslow, Holbrook, Diablo Canyon, or Flagstaff. In 1903 the Santa Fe hired artist Louis Akin to paint Hopi Indians specifically for an advertising campaign; Akin rented the upper floor of a two-story house in Oraibi for 50 cents a week and experienced no difficulties living there for nearly a year, despite the factionalism (Babbitt 1973:8-9). Between 1879 and 1906, no fewer than 28 popular accounts of the Snake Dance appeared in articles and books, two of them in Europe (Laird 1977). The Harvey Company arranged with one of the Volz Brothers to provide transportation from the rail stop at Canyon Diablo (now "Two Guns," Arizona) to the Hopi villages for Snake Dances.

By 1904 the Santa Fe had bought a rail line originally run into Grand Canyon by a mining company and the Harvey Company, which had operated swank dining rooms and hotels along the route from its beginnings in Kansas, had built "Harvey House" hotels in Albuquerque, Holbrook, and Winslow, eventually operating a chain of 75 along the route all the way to Los Angeles. The company had begun its collection of Indian arts and crafts in 1899, opening its "Indian Room" in Albuquerque's refurbished Alvarado Hotel in 1903. The room featured one of H.R. Voth's replicas of Hopi ceremonial objects and an altar, similar to that which he had made for the Columbian Exposition in 1895 and which later turned up in the Field Museum. Hopis protested the sacrilege, but to no avail. Voth made three more altars for the Harvey Company in 1913 (Harvey 1963:34-40).³⁷

In 1905, Congress placed Grand Canyon under the protection of the U.S. Forest Service, and the Harvey company opened El Tovar Hotel and "Hopi House" craft shop in the same year. Architect Mary Colter designed Hopi House to authentically resemble a two-storyed cluster of rooms in Oraibi. The Harvey Company paid Hopis from Mishongnovi,

Thomas Banyacya also referred to this *tiponi* at a Meeting of Religious People in Hotevilla in 1956 (Bentley 1957).

It was decided not to show the *tiponi* to the Interior Department committee at that time, but two years later, in 1957, Duke Pahona shipped it to Washington and did show it to a Senate committee during hearings on legislation to partition the 1882 Reservation. He testified that when they were released from Fort Sumner, "the Navahos came to the Snake Clan at Walpi with peace offers. The Navahos brought with them a symbol of peace, a sacred emblem called a Tee-po-ni. The Hopi did not make a peace offering, the Navaho himself did saying, "I bring you this peace symbol to signify that should I ever again recall my ways and return to be depredations upon you, that this, my symbol of peace, my own making, will turn on me and pass sentence on me." The Navaho has now reverted to his former ways, and his own word must now be carried out." He quoted anthropologist Gordon MacGregor who had written to Commissioner John Collier on August 6, 1938, that "the First Mesa or Walpi people made an agreement with the Navaho some time about 1850 establishing a boundary line. The Navaho were to cross it only on condition of good behavior. As a sign of good faith the Navajos are said to have presented a feather shrine or symbol, which First Mesa still preserves. A pile of rocks some distance west of Ganado and on the old road once marked this line.⁸² First Mesa, of course, would like to see this line form the east limit of the reservation" (sic) (Pahona 1972:175-6).⁸³

Fifteen years later, in 1972, Hopi-Tewa Logan Koopee submitted a written document to the House Committee on Interior and Insular Affairs, which mentioned the *tiponi* and its presentation at Walpi by seven Navajo leaders. One morning in 1977 Duke Pahona made his last statement on the matter: "The Navajos made an agreement with us," he said, "that if they ever bothered us again like they had in the past, we should remind them. It's our right to do anything to them, if they disobeyed that. That's what this *tiponi* says. That's what it means." But the explanation could not continue. A victim of black lung, Duke Pahona had to be assisted with oxygen tanks and could not get up from his bed. Whether from physical debility or emotional strain, the thread of the narrative was lost. Pahona began to unwrap the *tiponi*, tied up in a clean piece of linen, but his wife had objections. "Maybe you can come back this afternoon," his wife suggested. "I don't want him to open that in the house. I'm afraid of it..." (Clemmer 1978a:12-13). That afternoon, Duke's nephew unwrapped it outside in front of his house and Dan Budnik (1979:44) photographed it.

Thus in Hopi thinking, Hopi-Navajo relations are governed as much by the *tiponi* as by the various actions and acts of the U.S. Government. Where some Hopis part company with others is on the appropriate role

of the U.S. Government in enforcing Hopi-Navajo relations with respect to the *tiponi*. Some review of the historical context of the Hopi-Navajo land dispute puts the apparent internal disagreements among the Hopi into perspective.

The Land Dispute: Historical and Demographic Context

President Chester A. Arthur's Executive Order of 1882 establishing the "Moqui Indian Reservation" encompassing 2,427,166 acres for "the use and occupancy of the Moqui (Hopi), and such other Indians as the Secretary of the Interior may see fit to settle thereon," disregarded the settlement patterns and symbolic attributions of both tribes respecting their sacred lands: the Hopi settlement of Moenkopi was well outside the reservation's boundaries, and the existence of an estimated 300 Navajo settlers inside the 1882 boundaries went unacknowledged. The Government made virtually no attempt to expel Navajos from the area or to prevent them from further settling it (Clemmer et al. 1989:748).

Presidential executive orders of 1884 and 1900 extended the Navajo Reservation to the north and east so that the Navajo Reservation then bordered the 1882 Reservation on two sides and established the Western Navajo Reservation for the Navajos and "such other Indians as the Secretary of the Interior shall settle thereon." Besides Navajos, Patutes were already living on the reservation at Willow Springs and Hopis were living on it at Moenkopi. Between 1901 and 1930, a series of presidential executive orders, actions by the Secretary of the Interior, and Congressional Acts culminating in 1934 expanded the boundaries of this reservation so that by 1934 it surrounded the Hopi Reservation completely on all four sides. Thus, by congressional statute, the Navajos acquired contemporaneous rights in the Hopi Reservation, but Hopis also acquired contemporaneous rights in the 1900 Executive Order reservation along with Navajos and Patutes.

Hopis and Navajos Within the 1882 Reservation

Another boundary marked by stones dates from 1891 and is far closer to the Hopi villages than the one on the "Canado Road" mentioned by MacGregor. Military officials under General McCook called a joint Navajo-Hopi council on January 8, 1891 and established a boundary line separating Navajos from Hopis. The line traced a perimeter in a sixteen mile radius from Mishongnovi, barely taking in Jeddito but corresponding remarkably to the later-established District Six. The

boundary came to be known as the "sixteen-mile limit." Navajos ostensibly agreed to remove their herds from within this boundary but within a year there were reports of Navajo trespass (Stephens 1961:90-93).

The situation worsened in 1910. Hopis from First Mesa spotted a group of Navajos twelve miles away, "trying to sneak up on our mesa and kill and steal our food and our children," according to Hopi elder Ethel Mahle. Hopi "warriors went out and fought and killed them all" (Eiston 1988:27). In 1911 agent Crane suggested partitioning the 1882 Reservation, and in 1920 the House of Representatives requested an investigation of Hopi-Navajo relations. In 1925 special investigator Dorrington reported that, indeed, Navajos were moving into the area circumscribed by the "sixteen mile limit." Recovering from the influenza epidemic of 1919-21, Hopis again began establishing ranches away from the mesas. But Navajos who had migrated to Leupp from the Sunset Crater / Wupatki area were once again on the move, coming into conflict with Hopis in the Oraibi Valley (Stephens 1961:110-119, 158).

In 1930 and again in 1933 Shungopavi village requested more land, presenting the BIA with maps of the aboriginal Hopi *teciqua* in support. Area commissioner Hagerman, who had been given oversight responsibility for Navajos and Hopis in 1922, also launched an investigation that resulted in a conference of eleven Navajos, five from the Hopi Reservation, and thirteen Hopis including three from Moenkopi to try to resolve the conflicts. The Hopi delegates refused to commit themselves on specific boundaries and ended up requesting a separate Hopi Agency (Stephens 1961:122-127). Out of the conference came the "Hopi Council" established by Otto Lomavitu and Wilson Tawakwaphitwa at Kykotsmovi in 1931. In 1940 the BIA decided to remove Navajos from District Six and in 1943 declared District Six exclusively Hopi.

In 1954, the Hopi Tribal Council finally got the Hopi Agency detached from the oil-industry inspired Navajo Area Commissioner established in 1922 and placed under the newly-created Phoenix Area Office (Stephens 1961:168). In 1945 the U.S. House Committee on Indian Affairs held hearings on the "Condition of the Hopi Tribe," especially focusing on the Hopi-Navajo land issue, but nothing came of them.

Between 1946 and 1970, but especially after 1954, the Navajo Tribe established one chapter for each 1,000 Navajos on the 1882 Reservation. By 1962 there were a dozen Navajo chapters either on the 1882 Reservation or overlapping its borders. In 1965 the Secretary of the Interior took 20,000 acres from one of the exclusive Navajo grazing districts around Moenkopi and added the acreage to District Six. Even though not contiguous, this acreage now came under the jurisdiction of the Hopi Tribe and the Hopi Indian Agency in Keams Canyon. In 1930, 3,300 Navajos lived on the 1882; by 1958, 8,800, nearly twice the number

of Hopis, and by 1970, closer to 12,000. In 1970 the land-to-person ratio for Hopis was about ninety-three acres per person; for Navajos, ninety eight; Hopis' per capita income was \$1,300; Navajos', \$900; Americans \$4,200. Hopis had about 2 head of livestock for each person; Navajos had 10 head per person.

The Indian Claims Commission

But partitioning the Reservation, settling the mineral estate, and recognizing land titles were inextricably tied up with the Indian Claim Commission established by Congress in 1946. Congress can recognize tribe's title to land at any time. The ICC was a mechanism for doing this in some cases, such as that of the Hopi, recognition was retroactive and title was extinguished simultaneously with title recognition. The Commission entered a decision on June 29, 1970, declaring Hopi aboriginal claim to the 2.5 million acres of the 1882 Reservation plus another 1.9 million acres surrounding it -- 4.4 million acres altogether. The Commission decided that creation of the 1882 Reservation had "effectively terminated and put to rest all Hopi aboriginal title claim beyond the limits of the 1882 Hopi Executive order Reservation. Inaccurately, the Commission also decided the Hopi had always been small tribe, "probably never exceeding 2500 Indians prior to 1882, and that by nature the Hopis were inoffensive and somewhat timid Indian whose pueblo oriented culture and environment confined them to permanent village sites" (Indian Claims Commission 1970).

Aboriginal Title

The decision included a determination of the boundaries of the land to which the Hopi Tribe had aboriginal title in 1832, and the dates when the Hopi aboriginal title was extinguished in various portions of it. The concept of "aboriginal title" had been established by Chief Justice John Marshall of the U.S. Supreme Court in a case decided in 1832. The court ruled that Indian tribes hold title to their lands by virtue of having occupied and used them "from time immemorial." Until and unless Congress takes away the land of any particular tribe by treaty, purchase or some other way, that tribe continues to hold title to their land and that minerals beneath it (Churchill 1992). The Commission refused to acknowledge Hopis' aboriginal title to their entire *teciqua* marked by the shrines because they said the Hopi had abandoned many of the shrine areas and they had been used by other tribes. Because Congress ha

already declared its recognition of Hopi title to the 631,000 acres in District Six and to half of the JUA, the Claims Commission declared these lands still held by Hopis continuously since 1882. But the Commission ruled that because the BIA had restricted Hopis to District Six on April 24, 1943, Hopis had lost the rest of the 1882 Reservation in addition to 1.9 million acres outside the 1882 Reservation. "Hopi non-use of a large part of the 1882 Reservation can be attributed to Hopi superstition and fear of the more warlike and aggressive Navajos and not to Hopi abandonment of the land," concluded the Commission (Indian Claims Commission 1970). The Navajos, it decided, had been "settled thereon" in 1937 when the Secretary of the Interior issued grazing permits to them.

The Traditionalists, supporting the Kikmongwis of Mishongnovi, Shungopavi, and Oraibi, rejected the ruling and the Hopi Tribe appealed it to the U.S. Court of Claims. The Court of Claims denied its requests for a rehearing, and issuing final findings of fact on December 2, 1976. Attorney Boyden suggested a compromise settlement of the Hopi claim for \$5 million. The award was made but Hopis did not accept it. The Kikmongwis of First Mesa, Shungopavi and Oraibi successfully urged a boycott of the award referendum, mandated by law. Only 250 people, less than 10% of the eligible voters, voted in the referendum, with 221 favoring acceptance of the money and 21 against. The Council, too, ultimately voted to table acceptance of the award, leaving it untouched in an Albuquerque bank account.

The final compromise settlement acknowledged Hopis' continuing claim to an area corresponding to the boundaries of their *techiqua* but modified by the westerly boundary line of the Navajo country as fixed by the "Merriwether Treaty" between Navajos and the U.S. Government of 1855. As all such settlements did, the Claim Commission's compromise settlement disposed of all rights, claims, or demands of Hopis against the U.S. Government, but stipulated that the settlement would not affect the outcome of any legal action the Hopi Tribe had the right to bring under the Navajo-Hopi Settlement Act of 1974. Thus the settlement was one of the few that extinguished title to land, but did not specify the boundaries of that land. Instead, the Act extinguished title only to land that was not included in reservations established for the use and occupancy of Indians that included Hopis. This meant that most of the Hopi *techiqua* was lost and gone forever from the Government's viewpoint, but that the Western Navajo Reservation was still up for grabs.

Act of Congress, 1958: Settling the Mineral Estate

Joint Hopi-Navajo ownership of the 1882 Reservation's mineral estate had first been suggested in 1933. Otto Lomavitu, a prime mover in the Flagstaff Conference of 1930 and in Kyoctomov's "Hopi Council" of 1931, wrote Agency Superintendent Miller on February 13, 1933: "Now should oil or other mineral resources ... ever be ... developed on either the Hopi or Navajo occupied area of the Hopi Reservation, how would fees or royalties be handled? ..." Miller queried the Commissioner of Indian Affairs and received this answer: "Such Navajos as are permanently residing on the reservation would probably be entitled to share with the Hopis in any income from future mineral production" (Stephens 1961:178-179). Acting Solicitor Cohen (1946) had issued a formal legal determination in 1946, in response to a similar query in 1944, finding that leases could not be negotiated unless Navajos living on the 1882 Reservation were brought into the decision-making process and shared the royalties. Thus one of John Boyden's first moves as the Tribal Council's attorney was to petition the Department of the Interior in December, 1952⁸⁴ for reconsideration of the 1946 decision. Interior did reconsider, but did not produce the answer Boyden sought. In 1955 he requested reconsideration of the reconsideration, setting out a more detailed argument that title to the mineral estate should be vested exclusively in the Hopis. The Navajo Tribal attorney petitioned against exclusive Hopi ownership.

But by 1957 the two Tribal attorneys agreed to lobby a bill through Congress that would let a court determine ownership. "There was a confluence of interests in having the issue of land ownership decided. The Tribes had had to live too long in ambiguity; energy firms needed to clarify title; Tribal attorneys wished to settle the issue; and so, apparently, did the BIA. In 1957 the Tribal councils agreed with their attorneys in seeking federal permission to sue each other, and the BIA drafted legislation" (Aberle 1993:160).

Healing v. Jones

Traditionalists opposed the bill because it looked to them like a giveaway to the Navajos. They mounted an impressive campaign to stop its passage, submitting a petition signed by 373 people from eight villages, declaring, "we do not consider the Navajo Tribe of ever having a claim to our traditional Hopi lands" But the Tribal Council favored the bill and in 1958 Congress passed it, setting up a special three-judge panel of the U.S. District Court in Arizona and granting permission for

the two tribes to sue each other to determine who owned what land. The legislation cleared title to part of the 1882 Reservation and the lawsuit cleared the remainder. The suit was filed by the two tribal chairmen, Dewey Healing for the Hopi and Paul Jones for the Navajo. The court decided the *Healing v. Jones* case in 1961, issuing its final decision as an appeal court in 1962.

The JUA. Both Tribes consider themselves to have lost the case. The court decided that by implication the Secretary of the interior had seen "fit to settle" both Tribes "thereon" because nothing had ever been done to expel the Navajos or prevent them from settling there, and thus the Navajos qualified as "such other Indians." Taking into account the Collier administration's designation of grazing District Six as exclusively Hopi and the removal of Navajos from that district, the court assigned the surface and mineral rights of District Six exclusively to the Hopi. It judged the remaining 1,822,000 acres belonged to the two Tribes, which had joint and equal rights in its surface and subsurface (minerals). It ruled that each Tribe had "joint equal, and undivided" possession to the surface as well as the subsurface (the minerals) property of the 1882 Reservation outside District Six. This area subsequently became known as the Joint Use Area, or JUA. The phrase, "joint, equal, and undivided" in the ruling was to have enormous implications in the years to come.

The court did not feel it had authorization from Congress to divide the 1,822,000 acres into exclusively Hopi and exclusively Navajo areas and so it did not. But some members of Congress had expected it to do so. Congressman Wayne Aspinall introduced a partition bill in 1964. Hopi Traditionalists opposed it. The bill died. Between 1963 and 1969, Hopi efforts at attaining a negotiated sharing of the JUA failed. Navajos would not give up residence and use of land that they already had. Many had been given to understand that they could settle there legally if outside the "sixteen miles limit" after 1891, and still others had settled there legally after 1944. Many represented third and fourth generations living in the JUA.

Traditional Navajos

The Bennett Freeze. But the Government seemed to regard partition as constantly imminent, and everyone knew that further court cases might also re-arrange the boundaries of the Western Navajo Reservation. Commissioner of Indian Affairs Robert Bennett imposed a freeze on construction of structures and on changes to any and all surface and subsurface leases and rights of way in 1966 on parts of the JUA and on 1.5 million acres of the "1934 Western Navajo Reservation," knowing that

Hopis would also claim right to this reservation under the "see fit to settle thereon" clause because Moenkopi was located on this reservation. The freeze effectively banned any "improvements," from remodeling of houses to paving of roads. He defined the area by extending the northern and southern boundaries of the 1882 Executive Order Area to the western boundary of the Navajo reservation. At some point, the freeze was clarified as also banning constructions, repairs, etc. on all *new* leases and rights of way, unless both Tribes concurred on a particular request. Only concurrence of both Tribes on a particular request could circumvent the restrictions and only the Secretary of the Interior could over-ride a Tribal veto (Colby et al. 1992). Since 1966, the entire area has come to be known almost as a separate reservation and is called the "Bennett Freeze" area.

The result was a large area of more than two million that included the Bennett Freeze area and contiguous portions of the JUA where roads remained unpaved and unimproved; where the norm for homes continued to be hand-made hogans built in the 1950s or earlier; where there were no mines, industries, housing subdivisions, convenience stores, gas stations, or trailer parks; and where virtually no one had running water, electricity, or telephones. The only exception was Peabody's mining lease. Trading posts and missions established in the 1920s, '30s and '40s continued to be the centers of trade, communication, and contact with the outside world in the JUA and Freeze areas. Navajo women continued to make most of their own clothing, bright-colored pleated skirts and velveteen blouses, and to weave saddle blankets from their own coarse, home-grown wool. Navajos continued to raise much of their own food, growing corn and herding sheep, butchering them for meat and selling the wool. Diets heavy in corn, lard, mutton, flour, sugar, salt, and coffee were the rule, supplemented with pine nuts gathered from upland slopes and cans of peaches and tomatoes purchased from the trading post, and cooking and heating continued to be done with pinon and juniper wood in cast-iron stoves. Many residents assembled earth bundles from elements of the land where they lived to invoke the spirits' protection of themselves, their animals, and their homes, and mothers continued to follow traditional customs such as burying their babies' umbilical cords in the earth near the house.

Settlement clusters of matrilineally-related kin and affines remained isolated, especially in winter; most people spoke only Navajo and did not read or write; and many children grew up never attending school because it was too far to go, and if they did, they often settled elsewhere. Few residents had any contacts with Navajo Tribal Government, or cared to. The Bennett Freeze and the parts of the JUA contiguous with it became a stronghold for Navajos practicing traditions and living a way of life that resembled that of 1870 more than 1970. Many probably thought it

would continue to go on that way and some undoubtedly hoped it would.

Prospects of Evictions and Federal Marshals

But changes began to come in 1969, even though few Navajos who would be affected knew about them. The prospect of dependable funding from the Peabody Coal lease royalties coincided with the development of a two-pronged strategy by the Hopi Tribal Council's attorney, John Boyden, that pushed two very tender legal and legislative buttons, pressure points deriving from the principle of "tribal rights." First, in 1970 he petitioned the U.S. District Court in Phoenix for a "writ of assistance" allowing the Hopi to enforce their rights to the JUA. Enforcement would have permitted confiscation of livestock in pursuit of the mandate for livestock reduction; the JUA was badly overgrazed. The District Court declined, but on appeal, the Ninth Circuit Court of Appeals in San Francisco ordered the District Court to do so. The judge agreed to issue a writ of assistance and order of compliance directing reduction of Navajo livestock in the JUA by 85%, from 120,000 sheep units to 8,139 (a "sheep unit" is the same as one sheep and one-quarter of a steer, i.e., one steer or cow = 1 animal unit; one horse = 1.25 animal unit; one sheep = .25 animal unit) and prohibiting any new construction in the JUA without permits from both Tribes (Whitson 1985:378-379). Thus the "freeze" now encompassed more than three million acres. The Court ordered that henceforth, no Navajos could initiate new construction of buildings on the JUA without the Hopi Tribe's written permission, and no Hopis could initiate new construction without the Navajo Tribe's written permission. The Council hired a father-and-son team of cowboys to patrol the range and pick up Navajo stock that had trespassed onto District Six.

Then, Boyden sought Arizona Congressman Sam Steiger's help in pushing a settlement bill through Congress. Steiger introduced his partition bill in 1970 and Congress held hearings on it in 1972. The Kikmongwis of First Mesa, Mishongnovi, Shungopavi, and Oraibi objected to the proposed bill, declaring, "The Hopi Chiefs have never consented to boundaries established by the U.S. Government and expressing their desire for a negotiated settlement." The Traditionalists initiated negotiations of their own with Navajos living in parts of the JUA.

The congressional hearings revealed that Navajos had continued to exercise exclusive control of the JUA for all practical purposes, including surface leasing and granting of rights of way without consulting the Hopi Tribe. Navajos had beneficial use not of 50% of the JUA, but rather, 98%

Tribe. Navajos had beneficial use not of 50% of the JUA, but rather, 98% of it. Hopis testified that harassments such as Hopi corrals and fences being torn down and stock water being diverted had discouraged and prevented them from trying to use the other 48% to which they had rights.

The "Steiger bill" would have provided no special relocation benefits. It passed the House with a voice vote. Immediately following the House's voice-vote approval, Navajo Chairman Peter MacDonald announced the opening of a full-time lobby office, calling Steiger's testimony in support of the bill "completely a big lie ... It can, will take away million of acres of Indian land ... We will continue to fight it..." (Indian Legal Information Service 1972:32).

PL 93-531: An Act to Provide for Final Settlement...

The Steiger bill stalled and died in the Senate. But the right buttons had indeed been pushed and a response was forthcoming. The U.S. District Court's Order of Compliance of October 14, 1972, was accompanied by a Writ of Assistance requiring the United States Marshal to evict Navajo families living on the JUA, by force if necessary (Congressional Record 1986: H3432-3). The specter of federal marshals dragging Indians out of their dirt-floor hogans in response to eviction orders made Government officials and legislators wince. Legislators offered a kinder, gentler alternative. In 1973 Senators Fannin and Goldwater introduced the bill that eventually became PL-93-531, known as the "Settlement Act" of 1974. At hearings held pursuant to the Act in 1973 and 1974, even some prominent Traditionalists, usually opposed to involvement with any Government- or Council-sponsored project, broke ranks and came forth with statements affirming Navajo trespass. According to Congressman Morris Udall, PL-93-531 was enacted in order to prevent "the potential disaster stemming from the court-ordered eviction of Navajo families" (Congressional Record 1986: H3433). The number of relocatees was anticipated in 1974 as 775 Navajo families and two Hopi families.

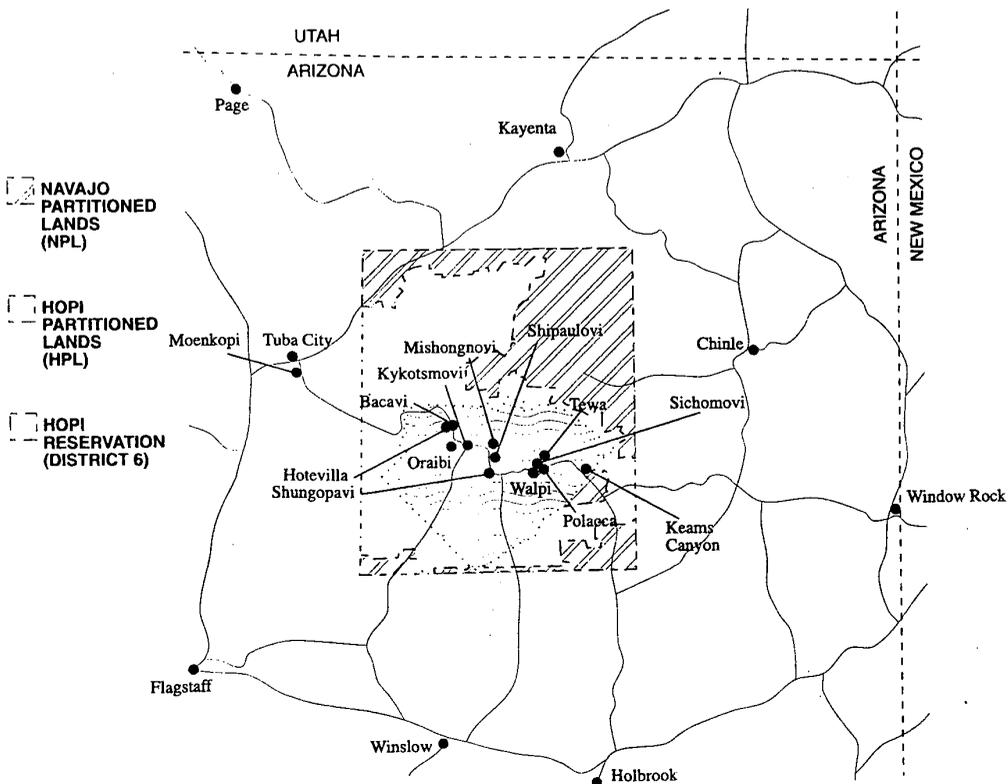
The Act included provision for sixty "life estates" for those Navajo families who wished to remain; they could not, however, pass the land onto their heirs. At the holder's death, a life estate would revert to full Hopi Tribal ownership. The Navajos began calling them "death estates." Only one person applied for one.

Management of Relocation was turned over to a Navajo-Hopi Indian Relocation Commission (NIIRC) of three members appointed by the President but responsible to the Secretary of the Interior, with

was stock reduction, which diminished Navajos' herds by 85%. The second step was fencing the perimeter of the new "Hopi Reservation." The BIA undertook both the stock reductions and the fencing. The Act allocated sufficient money for the Government to purchase sheep at more than market value. Stock reduction began in 1977. By 1982 it had been largely accomplished though some individuals continued to run stock in excess of permitted numbers. The Act provided for a negotiated settlement at any time, but authorized the U.S. District Court in Phoenix to take over the case after 180 days and to ask a federal mediator to draw a partition line. Sections 4 and 25 of the Act authorized the Government to make allocations for an unspecified number of lawsuits that could be initiated by one tribe against the other for damages and "further original, ancillary, or supplementary actions against the other tribe as may be necessary or desirable to insure the quiet and peaceful enjoyment of the reservation ..." The Hopi Tribe's allocation was \$250,000 a year (Sidney 1989).

In 1975, after actually a nine-month period of more than a dozen meetings between representatives appointed by the two Tribal administrations failed to produce a negotiated settlement, the Court accepted a mediator's partition line on February 10, 1977. After two years of unsuccessful appeals, surveying of the area to begin in April, 1979. The Hopi area -- 905,000 acres -- would become known as Hopi Partitioned Lands, or HPL, the 922,000 Navajo acres as NPL, Navajo Partitioned Lands. The mediator created a "Navajo island" near Jeddito. Navajos within this "island" would be permitted to continue to live there, under the jurisdiction of the Navajo Tribe. About forty Hopis had homes in this Jeddito island and would have to move.

The line drawn by the mediator followed a suggested line drawn in 1972 by Albert Purchase, a former Soil Conservationist transferred to the BIA in 1942, and in charge of land operations at the Hopi Agency ever since. "Many Hopis can't stand this work," he had said at the time. "They don't believe land can be divided. A lot of Hopis think that way. Others know that this dispute is going to be settled the white man's way by the white man's law. They know they'd better take their half while they can. It won't be done in the Hopi way" (Bingham et al 1984:198). At that time, the figure for Navajos that would have to be relocated was 680 families consisting of 3,500; for Hopis, 2 extended families consisting of 40 people. Relocation could not begin, however, until a Report and Plan were submitted to Congress. Preparation of the Report and Plan took two years. In the meantime, the Tribes tried more than a dozen additional fruitless negotiations before the NHIIRC completed its plan in July, 1981.



The Relocation Plan

The law specified that Navajos and Hopis on "wrong" sides of the lines had five years to move voluntarily from the date of the plan's completion. It was another lousy government plan. For Navajos, there was virtually no place to move.

By 1981, the estimate of potential relocatees was 1,520 Navajo and 20 Hopi households. Hopis almost immediately secured home sites on the newly-acquired "Hopi 'Partitioned' Lands" (HPL). Many Navajos had already moved off HPL, crowding in with relatives, while awaiting the opening of new lands to which to relocate. A 1980 amendment raised the maximum compensation to \$55,000-\$66,000 per household, depending on size, for new housing, although the first relocatees had been eligible for only \$17,000-25,000. A \$5,000 bonus was offered for moving in 1981 decreasing to \$1,000 in 1985. The 1980 amendment also broadened eligibility criteria; extended the deadline for application to July 7, 1985; and increased the number of potentially available life estates from sixty to one-hundred-twenty, providing for up to ninety acres for each with limited grazing rights. Still, no one applied for one.

These liberalizations enhanced the Plan's implementation. But the Plan was deficient on any number of counts. First, there was still no place for the relocatees to go once they moved, except to the already overcrowded Navajo reservation or into a border city -- Flagstaff, Winslow, Gallup. The process for obtaining home sites in other Navajo communities was long and tedious, requiring many hearings and approvals. The NHIRC's efforts to set up local committees in potential host chapters to plan for the relocatees had had little success (Aberle 1993:165). And more than a million acres adjacent to the JUA -- the Bennett Freeze -- were off-limits due to the ban on new construction. The freeze was removed from two administrative areas, Tuba City and Moenkopi, but the 1980 Amendment removed the provision for a Secretarial over-ride of Tribal refusal of consent and made concurrence from *both* Tribes required for home construction or improvement. The Hopi Tribe enacted a housing moratorium in 1982, effectively refusing consent for housing development outside Moenkopi and Tuba City, but because Moenkopi and Tuba City had become exempt from the freeze, Hopis could and did construct several large subdivisions of HUD housing.

The NHIRC Relocation Plan provided no effective planning for economic or community development or relocatee livelihood and had no provision for moving functioning groups of relatives (Aberle 1993:165). These problems were not remedied until well into the late 1980s, and although they affected Navajos directly, they also affected Hopis. Navajos

stalled in relocating and thus delayed the point at which Hopis could begin to use their new lands. By 1993, 43% of on-reservation Navajo relocations finished up on NPL (Aberle 1993:181), increasing its population significantly, thereby creating the same kinds of crowding problems that had pushed Navajos into the 1882 Reservation in the first place, and thereby heightening some individuals' temptation to sneak their stock huffer-mugger back over into HPL, now recovering its forage potential after decades of overgrazing.

The Relocation Process

Land-to-person ratios after division and addition of Navajos' new lands were 167 acres per person for Hopis, and about 80 acres per person for Navajos, as of 1990.⁸⁵ In the early years the vast majority of Navajo relocations were urban (Aberle 1993:172). By 1984, 40% of the 2,169 persons relocated to off-reservation communities no longer owned their homes (Whitson 1985:389), having lost them to loan sharks or simply due to unfamiliarity with the urban milieu. By 1985, relocation had cost \$339 million and in 1989 a knowledgeable commentator mentioned the possibility of an ultimate figure of \$500 million. By March, 1993, 2,930 households consisting of about 11,250 individuals for Navajos, and 26 Hopi households of 90 individuals had been declared eligible for relocation. Number of households actually relocated was 2,216 for Navajos and 23 for Hopis. Although the relocation program began badly, it was gradually improved by a crucial series of steps taken by Congress at NHIRC's behest (Aberle 1993:165).

Impacts. Perhaps the most frequently cited study of Navajo relocatees and the impacts on them is the study by Scudder et al. (1979). This study documented abnormal rates of death, misfortune, illness, and psychological trauma among Navajos relocated from District Six in 1972. The impacts are undeniable. But the analogy, or concordance often drawn between these relocatees and Navajos relocated under PL-93-531 is somewhat misleading. None of the District Six relocatees were provided with any but the most minimal assistance. No law provided them with benefits, compensations, or counseling. In contrast, PL-93-531 did provide for these kinds of assistance. The 51 families relocated from District Six filed a lawsuit and were, albeit belatedly, finally included under PL-93-531 and its amendments and were given until July 6, 1986 to apply for benefits.

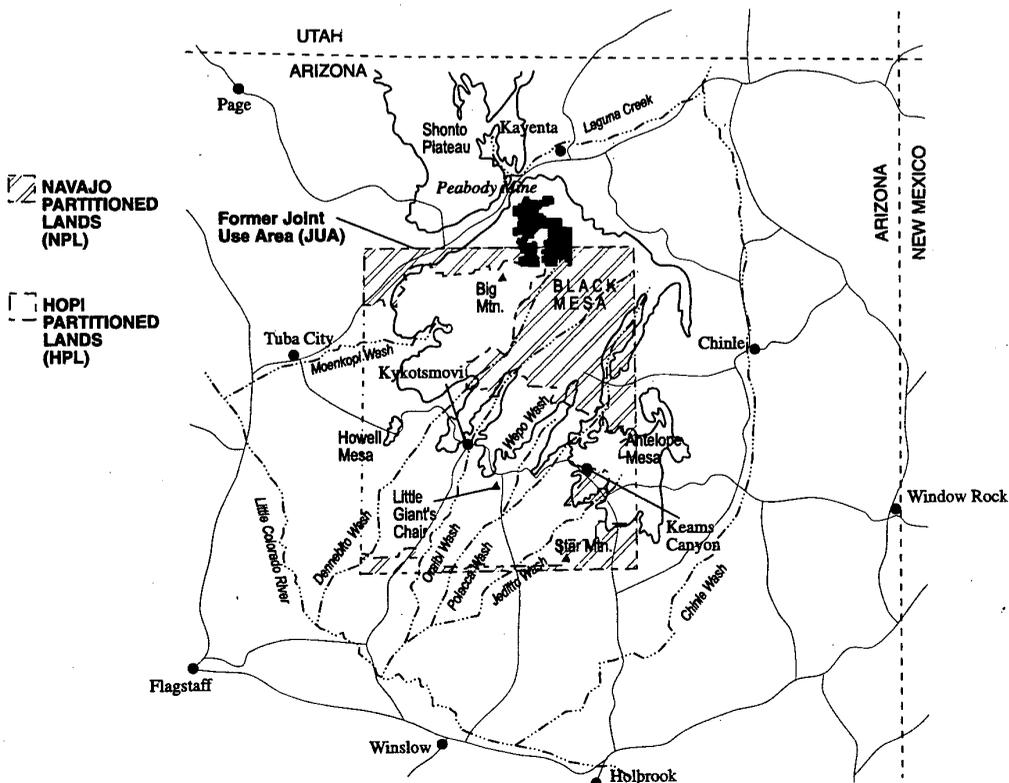
But relocation under the best of circumstances is a situation of "multidimensional" stress (Aberle 1993:189-90). The threat of relocation has had a definitely negative impact on Navajos' mental health. "Among

self-referred patients to Indian Public Health facilities in four service areas of the Reservation," says David Aberle (1993:190), "those living on HPL and thus facing relocation showed a higher rate of self-referral than those living on NPL or those living outside the JUA. They were more likely to be clinically diagnosed as depressed, and to attribute their negative feelings to such impacts as moving, the freeze on housing, and livestock reduction." Relocations from the period 1977-1987, prior to the availability of the new lands, were especially stressful and unsuccessful, and stock reductions often recalled bitter memories of those of 1933-34.

Resistance to the Settlement Act

Even before the law was passed, Navajos and even some Hopis expressed opposition to it. Calls went out for its repeal. Relocation was not acceptable to many HPL Navajos. Resistance started at Big Mountain in 1977 when some Navajo ladies chased off a Navajo fencing crew hired by the BIA. That incident was followed by a stream of others. Major confrontations between fencing crews and individual Navajos resulted in arrests in 1979, 1980, and 1987. Receiving support to "stand up for their rights" from Hopi Traditionalists such as Thomas Banyacya (Simross 1981), the resisters made the fence into a symbol of their determination. They successfully blocked completion of a six-mile segment of it for sixteen years.

The resulting publicity brought support from thousands of sympathizers. Big Mountain partisans came from Los Angeles and San Francisco to help out Navajo elders at Big Mountain: they renovate structures, tended cornfields, herded sheep, provided transportation, and ran errands. In 1978 the American Indian Movement held its first "survival meeting" at Big Mountain and established an "AIM Survival Camp." In 1979 AIM held its Annual International Indian Treaty Council meeting there and in 1980 carried the Big Mountain case to the Fourth Russell Tribunal in Rotterdam, charging violation of human rights. Big Mountain support groups formed in Berkeley, Los Angeles, Boulder, Brooklyn, and elsewhere, initiating monthly newsletters, charging the U.S. Government with genocide and conspiracy with energy companies, and funneling aid to HPL residents. Annual gatherings of Big Mountain supporters started in 1981 with over 300 people, and in 1982 Lakota spiritual leaders began holding an annual Sun Dance -- later two of them -- at Big Mountain. Slogans appeared in bright colors painted on a new water tank installed by the Hopi Tribe: "Economic Development is Cultural Genocide. BIA YOU are still native people. YOU are responsible



Peabody Mine in Relation to Hopi Reservation and NPL

for the destruction of a culture. Big Mountain Elders Protect YOUR Future."

Between 1979 and 1986 hearings were held on various amendments, some initiated from the Hopi position and some from the Navajo, proposing various land exchanges and cash settlements to avoid relocating the Big Mountain people. All were defeated. In 1982 Boston attorney Lew Gurwitz founded the Big Mountain Legal Defense/Offense Committee (BMLDOC) in Flagstaff with support from the Los Angeles chapter of the Big Mountain Support Group, which sent the BMLDOC substantial funding on a monthly basis, collected mostly from grass-roots contributions of sympathetic urbanites, from 1982 through 1986. BMLDOC searched for legal ways of stopping Navajo relocation and also encouraged a negotiated settlement, sponsoring several meetings between Hopi and Navajo elders at Big Mountain in the mid-1980s. It also started its own lobbying campaign, opening an office in Washington, D.C. in 1986. In response to BMLDOC's lobbying, the European Parliament added the Navajo-Hopi relocation to its list of human-rights concerns along with those in South Africa, the Soviet Union, and Nicaragua in 1986. The June 6th Resolution called for repeal of PL-93-531 (Brinkley-Rogers 1986).

Dragnets? Because PL 93-531 specified that Navajos on the "Hopi" side of the line had five years to move voluntarily from the date of completion of the survey permanently fixing the line and because the survey was completed in July, 1981, Big Mountain Support Groups and BMLDOC interpreted July 6, 1986 -- the last day on which to apply for relocation benefits -- as also the deadline for relocation to be completed, and began expressing fear that tac squads would swoop down on remaining Navajos. As July 6, 1986 approached, things had really heated up. Many observers expected federal marshals and troops to surround Navajo families with dragnets and began packing them into removal vans. Support for Navajo resisters on HPL intensified. But support for Hopis also intensified, and appeared from some surprising quarters. In April, 1986, American Indian Movement activist Russell Means went to Hopiland and apologized to the Hopis, saying he had been misled in his earlier support for resisters and that he now supported Hopi elders who want to reclaim their land. "It is Hopi land, and the old Navajos know it," he declared. "They are afraid that if they go to the Hopis, in light of all the past history of trouble, the Hopis will not let them stay" (Elston 1988:73-4). Tribal Chairman Ivan Sidney, a Hopi-Tewa from First Mesa, declared the beginning of a public-relations drive, presenting the Hopi position to various public forums.

A *Normal Day*. But the BIA declared July 6 a "normal day," saying the deadline was meaningless and that there would be no action to evict

anyone. Ivan Sidney also declared there were no plans to evict the remaining Navajos. In June, 1986, a scuffle broke out between Navajos in the Seba Dalkai area of HPL with two Hopi-BIA police officers and a Hopi tribal ranger. It turned into a confrontation with about 100 Navajos eventually surrounding the three policemen; one had his revolver taken away. The crowd held them for nearly six hours before tensions eased and everyone departed. On July 7, 1986, the Hopi Tribal Council passed a resolution officially claiming HPL and the first non-relocated Hopi placed a claim on HPL, just across the line from the District Six boundary, and Navajos, estimated at 200 to 500 marched and demonstrated at a portion of the fence dividing HPL from NPL at Big Mountain, cutting the fence, and thereby symbolically defying the relocation mandate. Many of the demonstrators anticipated Huey-helicopter-loads of assault teams to swoop down upon them. But nothing happened.

Traditionalist Actions. In April, 1987, a delegation of ten Hopi Traditionalists from four villages, including Lower Moenkopi's Kikmongwi, spent a week in Washington, D.C. Organized by the San Francisco based Network for Hopi/Navajo Land Rights and Big Mountain Defense/Offense Committee's Washington, D.C. office, a series of meetings was arranged with various senators and representatives. The Traditionalists "went to convey the Hopi position on their own self-governance. The intentions of the leaders were to articulate recognition of who the true leaders in power are in the Hopi Villages and that the Tribal Council is a forced governing body working in collusion with the U.S. Government" (Hopi Epicentre 1987). They met with Senator Inouye, Chairman of the Senate Select Committee on Indian Affairs as well as Congressman Udall and Senators McCain and DeConcini from Arizona. Several attended appropriations hearings for the Navajo-Hopi Relocation Commission.

Inouye promised to take time within the following nine months to personally visit with the people in Hopiland. He did, expecting to meet with the village leaders; they decided not to meet with him. Instead, he met with Tribal Chairman Ivan Sidney and other members of the Tribal Council and administration. Shortly afterwards, the BMLDOC's lobbyist resigned, and its Washington lobby office was closed.

MacDonald's Defiance. In 1988, Peter MacDonald, then Navajo Tribal Chairman, deliberately defied the administrative Bennett Freeze, the Hopi Tribal moratorium, and the freeze imposed by PL 93-531 by having Navajo Tribal work crews repair a number of Navajo houses in the Freeze area and on HPL, and by constructing half a dozen new houses on HPL under what he called "Project Hope." Not surprisingly, the Hopi Tribe sought to stop construction with a preliminary injunction. The