

INFORMATION CONCERNING HOPI LAND PROBLEMS.

I. HISTORICAL INTRODUCTION.

When the first white men arrived in Northern Arizona, the Hopis were living on and about the same mesas on which they are living today. Archaeologists have traced back their history to about 600 A.D. During the thousand years 600 A.D. to 1600 A.D. the original Hopi apparently received additional people from the north from around Navajo Mountain and the Tsegi Canyons area; from the south along the Little Colorado, and even increments from the east.

Unlike the Rio Grande Pueblos, and the Acoma and Zuni, the Hopi received no grant of land from the Spanish crown; at least no reference to one has ever been discovered or referred to in the Spanish archives.

In 1849, after the Mexican War, James S. Calhoun was appointed a special commissioner to deal with land claims under the treaty of Guadalupe Hidalgo. On account of the hostile Navajo he never visited the Hopi country. In 1850, he recommended that the Hopi be given the same treatment as was accorded the Rio Grande Pueblos and Zuni. Under common law they could get title to the land because open and notorious possession of land for 21 years should give them title. (Donaldson, Extra Bulletin. 11th Census of the U. S. the Moqui Pueblo Indians of Arizona, 1893.)

Memorandum of a treaty entered into between Colonel A.

W. Doniphan, Commander of the United States forces in the

Navajo country and Chiefs of the Navajo Nation -

Article I A firm and lasting peace and amnity shall
henceforth exist between the American
People and the Navajo Tribe of Indians.

Article II The people of New Mexico and the Pueblo
Tribe of Indians are included in the term
"American People".

Living in the midst of the Navajo Country, the Hopi
never had that a confirmation of their title was neces-
sary nor had they any money to make the claim. Therefore,
they had no legal tenure to their land until the executive
order of President Arthur in 1882 set aside 2,472,320 acres
or 3960 square miles as the Moqui Indian Reservation. This
was set aside out of the public lands of the United States
for the Hopi and any other Indians the government might wish
to place there. Ath that time there were about 2000 Hopis
and a few hundred Navajos in the area. Since then the Hopis
have increased to 3300 and the Navajo to 3600. This reserva-
tion was set up with the idea of giving the United States
authority over the Hopi and to protect them from the Navajo
(Donaldson, 1893).

The report of Lieutenant C. Ives of his exploration in
1857 and 1858 of this area would seem to further subsantiate
the claims that the Executive Order Reservation was set aside
to protect the Hopis from the Navajos rather than a place for
the Navajos to be settled. Ives report and maps places the

east boundary of the Hopis somewhere east of Ganado.

II. NAVAJO PRESSURE ON THE HOPI

From all historic evidence it seems that the Navajos entered Arizona in the last half of the eighteenth century, but their grazing area did not conflict with the Hopi grazing and hunting areas until about 1840 or 1850. The United States Army temporarily removed the pressure in 1863 by transferring most of the Navajo to Fort Sumner in New Mexico. Some Navajo, however, fled west and settled in the Little Colorado Valley. When the Navajo were returned to their reservation in 1868, they were, for several years, too busy getting settled to expand in the direction of the Hopi, and it was not until 1882, after the formation of the Moqui Reservation that the pressure became acute. Col. E. A. Carr reported from his Fort Wingate Headquarters, August 22, 1889, that in Nov. 1888 he had received orders from the Interior Department at a complaint of Herbert Welch to send a judicious officer to remove all Navajos trespassing on the Moqui Reservation. A party was sent out but the weather was bad, and they only removed those Navajos who had recently encroached on the Moquis and warned those who had been living there a year not to impose on the Moquis. "The Moquis are mild and inoffensive and should be protected but it is for the agent to designate where the Navajos shall settle and then if necessary to call on military assistance to remove them." (Rept. of the Sec. of War. 51st Congress 1st. Sess., Vol. 1, 1889-1890 Washington, p. 197)

"From excursions I made into the desert and to the mesa," says Donaldson in 1893, "I frequently came across large herds of Navajo sheep and goats. . . far from their own reservation, monopolizing the feeding and watering places of the Moqui." [Donaldson, p. 60, 1 oc. cit.]

III. ADMINISTERED LAND

From 1882 until recently the Navajo and the Hopi on the Executive Order Hopi Reservation have been administered by the same superintendent. In 1936 the Navajo Service (See last par. of range regulations) set aside Land Management District No. 6 for the Hopi jurisdiction. This action caused considerable confusion which the superintendent of the Navajo Service attempted to clarify in a meeting with Superintendent of the Hopi Reservation and several members of the tribe August 25, 1937. We quote from Memorandum "The belief seems to exist, among the Hopis, that the Navajo Service has created a Reservation for the Hopi Indians; that, as a consequence to this assumed action, all Hopi Indians living outside of District No. 6 would be forced back inside of this boundary. Nothing is further from the truth." Under the present arrangement the Hopi Superintendent and Hopi Tribal Council only has jurisdiction over Land Management District No. 6, which contains one-half million acres. This district has an estimated carrying capacity of 17,500 sheep units. According to the stock census of the Soil Conservation Service the Hopis have been ranging approximately 14,000 sheep units outside of this district. Considerable farming is also done outside of Dis-

trict No. 6 by the Hopis.

IV. LAND USE OUTSIDE DISTRICT 6

The Hopi have in the past made use of the land within forty or fifty miles of their villages for hunting, grazing, agriculture and for wood supplies. From time to time they visited religious shrines, well outside that area. They first felt Navajo pressure when the Navajo started using their hunting areas for grazing, destroying the game.

The following evidence is taken from members of the tribe, and others, who remember the use of the areas described in the following paragraphs and located on the accompanying map.

When the Hopi first received horses, sheep and goats from the Spaniards, in order to protect their fields, which lay mostly within ten miles of the pueblos, and which could not be fenced, they placed the live stock far away. Father Garces records that in July 1776, the Oraibi horses were kept on Howell Mesa, part way between Moenkopi and Oraibi. There were no Navajo in the country at that time.

Agriculture was mostly conducted close to the villages, but fields are reported as far away as Monument Point, 24 miles south of Oraibi.

If we consider the land used by the Hopi outside of District No. 6, not going back further than 1882, we have

the following information.

A. Northwestern Boundary of District 6 (Used by Third Mesa Hopi, mostly from Hotevilla). Paragraph Nos. correspond to number on map.

8. Down the Dinnebito below Hotevilla, the Hopi have long had a grazing area based on Monokovi Spring which lies about four miles northeast of Dinnebito Trading Post. Johnson, who is still alive built a house there in 1907 or 1908 but was driven out by the Navajo. In 1895 Frank Tewanimptewa who is still alive, ran his sheep in that area, Walter and Earl Ventewa use that grazing area at the present time (Seyumptewa)

9. Up the Dinnebito Wash, which forms the west boundary of District No. 6 the Hopi are farming west of the wash.. Beginning at the old crossing of the Tuba City Road, and extending northeast the names of the owners of the fields in order are as follows: Polingyuntewa, Silas Aloiguan, Sacksyesva, Tuvangyumptewa, Talasyestewa, Coochkwaptewa, Benjamin Waitaima, Kuwanvema, Tawanimptewa; Henry Keevema (His farm was taken away from him by the Navajo. Miller, the stockman, tried to help him two other white men on the Navajo side prevailed), Earl Albert, Walter Albert, Simon Lomahouyima, Jack Pongyesva, Puhukma. (Keevema)

10. There are two farms 10 miles up the wash above the bridge and also sheep camps of Howard of Bekabi and Jean Navahonema from Hotevilla.

11. The people of Hotevilla procure their wood for fuel and fence posts from the hills north of the Dinnebito Wash. (E.N.)

B. Oraibi Wash (Land used by Oraibi and Second Mesa Pueblos).

12. Down the Oraibi wash in 1890, Nakwavantewa of Shipaulovi had a farm a mile above the cottonwood tree near Monument Point. There were other farms nearby also. (E.N.).

13. In 1915, a man named Sakkuwaya of Bakabi and Frank Masaquatewa of Shipaulovi had farm near Red Lake. All this farm land and grazing land below Shonto (Masipa Spring) has been taken by Navajo. (E.N.)

14. The Hopi of Oraibi procure their wood fence posts, and fuel from the hills west of Pinon. (E.N.).

C. The area north of District No. 6 - Polacca and Wepo drainage System (Land used mostly by Hano and Talpi)

15. A few miles south of Pinon, Starlie Polacca has a home. He has a farm and grazes stock in that area. Willie and Percy Healing, along, and Eicks Cheeda also graze stock in that area. (A.Y.)

16. In this region the wood supply is procured for the Second Mesa Pueblos. (A.Y.)

17. Up the Polacca Wash, Hale Adams, Willie Avatochoya, Taylor Tahbo, Nanaskasya, Ohni, and Tahoe run stock. In 1916, encouraged by Leo Crane, the Superintendent, George Lomayeva built a good house and planted trees. While he was away the Navajos wrecked the house, broke his windows, and destroyed his farm. (A.Y.)

The deserted Hopi house farthest up the wash was built by Tom Pavatea. (A.Y.)

D. The area east of District No. 6

18. The area between the Polacca Wash and Keams Wash centering on Cienaga Wash has long been a Hopi grazing area. Bingham Dam seems to be the eastern limit. Kutka, Maipi, Bennett Cooka, and Tom Pavatea use this area. (A.Y.)

19. Up the Jeddito, Justin Sanderson, and Sequi graze sheep and cattle as far east as Petes Spring. (A.Y.)

E. The area Southeast of District No. 6 (Land used by Walpi and Hano.)

20. Along the rim of the mesa west of the Jeddito Wash are the ruins of five large Hopi Pueblos: Awatovi, Kawaioku, Chakpahu, Nesheptanga and Kokopnyama. The descendants of the people who occupied these pueblos claim clan farm lands along the Jeddito Wash. Awatovi was occupied up to about 1700, the others were abandoned earlier. Sequi has a farm just S.W. of the Jeddito Trading Post. (A.Y.)

22. From the White Cone Valley southwest to Comah Spring Vinton and Charlie Naha, Neil, Archie, and George Coochise run stock. Albert Naha was running stock in this area in 1912. (A.Y.)

23. Comah Spring has long been a Hopi frontier post. Several attempts have been made to establish a settlement there but the Navajos have broken up every attempt. Charlie Avayo, Vinton Naha's uncle, built a house but the Navajos drove him out.

Suta who had been grazing his stock near Comah Spring was encouraged by Superintendent Daniels in 1920 or '21 to build a house and plant fields. When the crops came up the Navajos drove their stock across his fields, so he left and never finished the house. (A.Y.)

Three-fourth mile northwest of Comah Spring five Hopis from Shipaulovi and Mishongnovi have fields. Hale Secakuku has a house. (E.N.)

F. Area Southwest of District No. 6 (Land used by Second Mesa, - Mishongnovi and Shipaulovi.)

24. Some people from Mishongnovi and Shipaulovi, in 1916, established farm south of Tovar Mesa but were driven out by Navajo. (E.N.)

25. Down the Polacca wash between Coyote Springs and Red Lake, a big party of men planted fields in 1910. They were promptly run out by the Navajo. (E.N.)

The area down the Oraibi and Dinnebito Washes were discussed in sections 8, 12, and 13.

During the first decades of the 20th century, the Hopi Superintendents made it a policy to encourage the Hopi to settle on the outlying farms. When the Hopi fields were ruined or their houses looted, individual Navajos were sometimes punished, but not enough protection was given to make the Hopi feel secure, so most of those attempts to use the outlying farms lands were failures.

V. MISCELLANEOUS CLAIMS

A. Jeddito Irrigation Project

There is very little irrigation possibilities in the area occupied by the Hopis. The Dinnebito and Hard Rock Projects accessible to the

Hopis have been given to the Navajo. The Jeddito project now under construction is the only remaining project in this area of any size. We feel that this project should all be given to the Hopis for the following reasons:

1. Many projects have been developed for the Navajos, and the possibilities of further developments are good.
2. The administration of the project, if divided between the two tribes, will be difficult.
3. No where in the Hopi area is there any opportunity to develop more than small subsistence gardens.
4. Evidence shows that until recently this valley was farmed by the Hopis who ~~are~~ were forced to relinquish their farms to the Navajo.

It is well to remember that the Hopi Tribe exists only in the eyes of the Indian Bureau and the general public. The Hopi themselves do not think of themselves in terms of a tribe. They owe allegiance only to the village in which they live and, with a couple of exceptions, the villages are as independent of one another as certain Rio Grande Pueblos like Santo Domingo, Sia, Cochiti and Acoma which are bound together by language and culture.

C. The present allocation of land gives the Navajo residing in the executive order reservation approximately 400 acres per capita while it only allows the Hopi about 165 acres per capita.

There is no timber or other natural resources in the present Hopi jurisdiction. The cultivated land is practically all utilized. There are many of the younger families without any farm land.

The Hopi has long been self supporting. With the range limited, much of the better farm land ruined by erosion, many without farm land, or without any possibility of obtaining any, just how long can we expect the Hopi to remain self supporting? Would it not be better to make it possible for these people to remain self supporting than to demoralize them with relief?

VI. MOENCOPI

Outside of the executive order Moqui Reservation of 1882, there has lived, for a long period, a group of Hopi at Moencopi, forty miles northwest of Hotevilla. Archaeologists recognize that Hopi were living there in a permanent village between 1400 and 1600 A.D.. The ruins of this pueblo lie on the mesa east of the present village.

On June 28, 1776, Father Garcas records Hopi cultivating their irrigated fields at Moencopi but gives the impression that they came there each summer, for he reports that the pueblo was half in ruins. (Coues Vol. II, p. 358)

In 1911, a very old Hopi, named Quavaho, died. His children remember that he told them that when he was 14 or 15 years old, Paiutes captured the pueblo above Moencopi, destroyed the town and killed all the people. Two boys escaped who fled to Oraibi. This must have occurred between 1830 and 1840. (Honahni and Numkana)

In the early 1870's Chief Tuba rebuilt the village under the protection of the Mormons, who had settled at Tuba City. By 1878 Moencopi was well established and has been continuously occupied ever since.

In settling the Hopi-Navajo boundary, moral as well as legal questions must be considered.

(Par. Nos. refer to Nos. on map)

1. Hopi have been living in the pueblo at Moencopi continuously since the 1870's; they use the spring for irrigation and have their fields below the pueblo and in Pasture Canyon. They graze their flocks on both sides of the Moencopi Wash.

2. After the abandonment of Moenave by the Mormons, Frank Tewaniptewa and Numkena Bros. made abortive efforts to plant fields, using the old irrigation works. They were run out by Navajos, with the help of White men.

3. Below Red Lake (Tonalea), 1/4 mile south of trading Post, Numkena Brothers, Poli, Joseph Talas, and George Nuvayestewa, also Wilson Kaye have farms. (Honahni). Moencopi procures its wood from the hills east of Red Lake and Red Mesa area, and north of Tuba City. (J.K.)

4. On and about the mesas between Moencopi and the Dinnabito, Numkena reports twenty people now having fields. (Honahni).

5. In the Little Colorado, Hopi run their cattle with some Navajo cattle between Cameron and Howell Mesa. They water at the Little Colorado. (Numkena and Honahni).

6. 14 miles north of Tuba, west of White Mesa, since 1914, two bands of Hopi sheep have been run. (Numkena and Honahni).

7. In 1908 or 1909, Big Phillip ran sheep in the region of Lower Moencopi Dam. (Honahni).

SUMMARY

1. Early explorers and Government agents recognized a much larger area than the executive order reservation as belonging to the Hopi.

2. It is evident the executive order reservation was set aside to

protect the Hopis from encroachment from the whites and Navajos. (Quotation from the U.S. Extra Census Bulletin by Thomas Donaldson - "The Moqui Pueblos live upon lands in Arizona which they were permitted to occupy by the Spanish and Mexican owners, and which because grants by reason of town occupation for a long period. These grants are not yet defined, but are tacitly recognized by President Arthur in his proclamation of December 16, 1882, when he threw about them the protection of a reservation to keep off white people and the Navajos. These Indians are citizens of the United States under the treaty of Guadalupe Hidalgo.") The other Indians no doubt meant Texas, and other Rio Grande Pueblos.

3. Negligence on the part of the U. S. Government allowed the Navajos to trespass on Hopi territory. The Hopi were forced back to the small area around the mesas, they did not withdraw from the larger area by choice.

4. The present Hopi jurisdiction, Land Management District, was set up by the Navajo Service, without the consent or knowledge of the Hopi Tribe. Little consideration, if any, was given to the legal and moral claims of the Hopi in setting up this area.

5. The present Hopi Jurisdiction taken at least 50% of the range formerly used and controlled by the Hopis, from them.

6. The Hopis will become a dependent people unless sufficient grazing and farming area is allowed them for the present group of younger families without land, and to allow for the increase in population.

7. The Hopis must be given land on which there is sufficient tree growth to give them needed wood, posts, etc.

8. The Hopi has always sought to live peacefully. We are a frugal people, conserving all our resources. It seems to us that because of these recognized virtues, we have been discriminated against. The less thrifty, less provident tribes have been given considerable more consideration in a material way than the Hopi has ever received.

Submitted at Holbrook - 13 - Dec 7, 1939

CCR