

The Moencopi Boundary Problem

The Final Report

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101343

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BARY PROBLEM - FINAL REPORT - NOV. 1967

101344

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THE MOENKOPI BOUNDARY PROBLEM - FINAL REPORT

One of the areas of long-standing land disputes in the Navajo Country has been that around Moenkopi and Tuba City. The history of the use and occupancy of lands in the area reveals that diverse peoples have settled in the vicinity or used the lands at different times.

The following brief summary of land use in the area is a simple chronicle, without any attempt to account for the dynamics of the population shifts in the earlier periods, the explanations that might be advanced for these being all of a theoretical nature.

The earliest peoples known in the immediate area were the Kayenta Branch Anasazi who are generally thought to have been ancestral to the Hopis, at least in part. Colton believed the modern Hopi Tribe originated from a fusion of the Kayenta, Tusayan and Winslow Branches, with perhaps some others. (Colton, Harold Sellers, Pre-historic Culture Units and Their Relationships in Northern Arizona, Bulletin 17, Museum of Northern Arizona, Flagstaff 1939) The archaeological sequence at Moenkopi is not well known and a detailed record of the occupation there has never been published. Our best data at present are from the historic record, sparse as it is.

In the latter part of the 17th century, there seems to be little doubt that the occupants were Yuman speakers. Peñalosa, Governor of New Mexico in the 1660's, claimed:

"He reduced to peace two heathen nations, The Cruzados and The Coninas, and made them settle by assembling them in two large Pueblos in the province of Moqui; there were certificates from Father Fray Josef de Espeleta among the defendant's papers, of those who had already been baptized, who, he thinks, numbered thirty-eight or twenty-eight." (Hackett, Charles Wilson, Historical Documents Relating to New Mexico, Nweva Vizcaya, and Approaches Thereto, to 1773. Carnegie Institution of Washington. 1923. p. 264)

The Cruzados were the Yavapais and the Coninas the Havasupais. That a mission was established west of Oraibi and that it served Havasupais is further confirmed by the record of the Chapter election held by the Franciscan missionaries of New Mexico in 1672. Listed toward the end is the following:

101345

And, that the recently taught and catechized souls of the unbelievers may have Fathers to feed them with the Bread (of life) and to impart to them as little children the Divine Law in true apostolic spirit, we designate and constitute Apostolic Emissaries with papal authority:

In the Missionary District named "Coconinos," Father friar José de Espeleta and Father friar José de Trujillo.

(Bloom, Lansing B. and Lynn B. Mitchell, "The Chapter Elections in 1672," New Mexico Historical Review, Vol. XIII, No. 1, Albuquerque, 1938. pp. 116-17)

By 1686, the "Coninas" or Havasupais were reported to have been defeated by the Apaches, these latter being identified as Navajos by Bandelier. (Bandelier, A.F., Final Report of Investigations Among the Indians of the Southwestern United States, Carried on Mainly in the Years from 1880 to 1885, Cambridge. 1892. p. 382.)

The precise location of the mission station is not now determinable, at least on the basis of the limited known documentation and lacking an intensive archaeological survey of the area. In 1692, Don Diego de Vargas reported that the Coninas lived only ten leagues (about 25 miles) west of the Hopis, (Forbes, Jack D. "The Early Western Apache," Journal of the West, Vol. V, No. 3, July 1966. p. 351) suggesting that Havasupai settlement extended as far East as the the lower end of Blue Canyon at that time.

There follows a long gap in the historical record. The Spaniards failed to retake the Hopi Pueblos in the reconquest and knowledge of events in the West was limited to vague reports concerning the Coninas that give no good indications of their geographic spread until the 1770's. In 1775, Fray Silvestre Velez de Escalante, then missionary at Zuni, visited the Hopi and met a "Cosnina" who said that the first rancheros of his people were about 3 days travel West of Oraibi. (Adams, Eleanor B. & Fray Angelico Chavez, The Missions of New Mexico, 1776, University of New Mexico Press, Albuquerque, 1956. p. 302.)

In June 1776, Francisco Garcés, a Priest from Sonora passed through Havasupai country on his way to visit the Hopis. He reported the Havasupais to be at war with the Napao, doubtless a reference to the Navajos. He referred to the Havasupais variously as Jabesua or Yabipai. He recorded in his journal for the last day of June, when near present Tuba City:

101346

I arrived at a rancheria of Yabipais that should have as it were 30 souls, I was received with many civilities, for here was the Indian who as said above, had sung the hymn. The captain of this rancheria, who wore the beard very long, was brother of the Jabesua Indian that accompanied me - - -

July 1. I went one league and eastsoutheast, and found a river that seemed to me to be the Rio San Pedro Jaquesila (actually Moenkopi Wash), and on a mesa contiguous thereto a half-ruined pueblo. I asked what that was, and they answered me that it had been a pueblo of the Moqui (Hopi), and that some crops which were near to a spring water were theirs, they coming to cultivate them from the same Moqui pueblo (Oraibe) that is today so large. The river runs little, and it is yellowish; having crossed it and ascended some hills, I entered upon some very wide plains, without one tree, though there is some small grass; and having gone six leagues (about 15 miles) in the same direction I arrived at some pastures where the Moquis keep their horseherd. These pastures are of difficult entrance and worse exit; there are found some scanty aguajes. (Coues, Elliott, On The Trail of a Spanish Pioneer, Francis P. Harper, New York, 1900. pp. 356-58)

Garcés¹ was not hospitably received at Oraibi and soon returned by the same trail. He wrote of his stop at the Tuba City rancheria on his return:

July 5. I arrived at the rancheria of Yabipais, having gone a league and a half westnorthwest. The bearded captain and his people were much grieved that the Moquis had given me nothing to eat, and themselves did even more than at the going. They had killed beef, and (it was) one of those head of cattle which run wild, on the whole of which did they feast me - - . (Ibid. p. 403).

Garcés¹ journal makes it clear that in 1776, the Hopis used land as far west as Moenkopi and the Havasupais used land as far east as Tuba City. The year was a very productive one for records, however. In November, another expedition, with Escalante as chronicler, came from the north and added to our knowledge of the Tribes of the area. Escalante's journal entry for November 14th contains most of the pertinent information:

- - - - We continued southeast, and having gone three-fourths of a league, we entered a canyon in which four springs

101347

of good water r... We traveled along it half a league to the southeast and arrived at a small farm and some ranchos of the Cosninas, which were very beautiful and well arranged. This farm is irrigated by the four springs mentioned and two other large ones that rise near it. This year the Cosninas planted maize, beans, calabashes, water melons and cantaloupes on it. When we arrived they had already gathered their harvest, and judging from the refuse or remains which we saw of everything, it was abundant, especially the beans, for if we had stopped here we could have gathered half a fanega of them. The farm was surrounded by peach trees, and, besides several huts made of branches, there was a little house very well made of stone and mud. In it were the baskets, jars and other utensils of these Indians. Judging from the tracks, they had been absent for several days, perhaps to seek piñon nuts in the high sierra close by toward the south-southwest. From the rancho, roads lead out in different directions, and we did not know which we ought to take to go to Moqui, - - -

We took a road which runs to the southeast and traveled two leagues over a very level terrain, passing some springs of good water, and crossed a small river which flows from northeast to southwest and carries as much water as a fair-sized ditch. It has its small grove and meadow-sized meadows but very bad pasturage where we crossed it. After leaving the river we climbed a mesa on which there was a small lake and several pools of rain water which served as drinking places and watering holes for the cattle of Moqui, which we now began to see in large herds. We traveled along the mesa two and one half leagues to the east-southeast, ascended a high hill, and because night was coming on and there was good pasturage for the animals, we stopped, naming the campsite Cuesta de los Llanos, because from this place wide plains and fields begin without mesas, trees, or sierras, but with very good pasturage, that extend to the southeast beyond Moqui. - - Today six and one quarter leagues. (Bolton, Herbert E. Pageant in the Wilderness, Utah State Historical Society, Salt Lake City 1950, pp. 230-31)

It is not certain that Escalante visited the same rancheria as Garces', and his failure to note the Hopi fields reported by Garces' suggests that the two followed somewhat different trails.

Again, there is a long gap in the documentary record, this one lasting nearly half a century. In 1823, Jose Antonio Vizcarra in

101348

his journal of his campaign against the Navajos, wrote that he set out to the westward from Oraibi for Los Algodones, the name meaning "The Cotton Plants". This is a translation of the old Navajo name for Moenkopi and even though Vizcarra never reached his intended destination, (Brugge, David M.; "Vizcarra's Navajo Campaign of 1823," Arizona and the West, Vol. _____, No. _____. Tucson. p. 235) The implications that Hopis were raising cotton at Moenkopi and that Navajos were likely to be found at or near the same place are strong.

If the Havasupais had withdrawn and the Navajos advanced into the Moenkopi area between 1776 and 1823, As the data suggest, the time of entry of the Navajos was most probably in the 1780's or 1790's a period for which a very high proportion of tree-ring dates have been obtained from Navajo sites in the Gray Mountain-Coconino Basin area. (Stokes, M.A. and T.L. Smiley, "Tree-Ring Dates from the Navajo Land Claim II. The Western Sector", Tree-Ring Bulletin, Vol. 26, Nos. 1-4, Tucson, 1964. pp. 16-17).

As early as 1776, Garcés had reported hostilities between the Navajos and Havasupais. (Covey, Supra, pp. 351-52) In 1801 a war by the Navajos against the Hopis and Havasupais was reported (NMSRC, SA # 1548, Extracto delos novedades ocurridas en la Provincia del Nuevo Mexico desde 1° de Abril hasta 12 de Junio de 1801). Navajo success in the war is indicated by the sale of a Havasupai captive at Jemez in December of the same year. (B-17, Jemez Book of Baptisms, 1720-1829, entry for 12 December 1801).

No people other than the Havasupais themselves seem to have any tradition of Havasupai occupancy in the Tuba City area and it may be presumed that Havasupai occupancy ended quite early. Navajo Tradition suggests that at first Navajos from Black Mesa crossed the area in going to Gray Mountain.

In the meantime still another tribe, the San Juan Paiute, was in the region just to the north. Escalante reported Paiutes in the Navajo Canyon country in 1776 (Bolton, Supra, pp. 228-29). In 1823, Vizcarra's troops encountered Paiutes on White Mesa and in the Paiute Canyon. (Brugge, Supra, pp. 237 & 243). Today the Paiutes claim to have been the first occupants of the Tuba City area and some Navajo tradition is in agreement.

Both the Hopis and the Paiutes assert that the Navajos did not occupy the Tuba City area until the time of the Carson Campaign and Fort Sumner. The Navajos claim to have been there considerably longer.

101349

Nearly good documentation is lacking, but Indian tradition recorded at an early date indicates the Navajos to be correct in this regard. Havasupai tradition recorded about 1918-21 quotes a Navajo as saying about 1863:

----A long time ago some of them (Havasupais) ^{came} comes to a place a little east of the present Tuba, where I had some horses. They killed all of my family, my wife and children and some other women. I was not home then. They killed them and stole all my horses. That is why I want to fight. (Spier, Leslie. Havasupai Ethnography, Anthropological Papers of the American Museum of Natural History, Vol. XXIX, Part III. New York. 1928. p. 364)

Regarding Navajo occupancy at Tuba City prior to the Fort Sumner exile, the Navajo headman Atsidi stated in 1898:

----That before the Navajos were taken as prisoners to Fort Sumner, (Bosque Redondo,) about thirty years ago. He, Et-zit-tee, used to visit an uncle of his named Hosteen Tso, who lived near where Tuba City now is; that his said uncle and a number of other Navajos were then farming there, and there were no Mormons in that section of the country at that time; that a Navajo Indian named Bi-lin-dal-chin-ni farmed at the spring where Tuba City now stands when he used to visit his said uncle over thirty years ago. (Affidavit of Et-zit-tee, 1 August 1898, NA, RG-75,01A, File Mark 29553, encl. 21, 1899).

The earliest tradition of Navajo occupancy in the Tuba City area obtained in the testimony given in the Navajo land claim case was given by Hastiin Nat'aanii, who said that his mother's father, Hastiin Bii'aghaani of the Kiiya'aanii Clan, was born near Tuba City. His date of birth, both according to genealogical reckoning and the fact that he was an adult at the time of the Fort Sumner exile, must have been about 1843 or before. (Nat'aanii, Ts. 3376-78, Docket 229 et. al. before the Indian Claims Commission, 24 April 1961)

Evidences of the birth of Navajos at or near Tuba City continues for later dates. Two births by or before 1845 are again datable by genealogical reckoning. (See Proposed Findings of Fort --, Vol. II, p. 331). Two more births date about 1849. (Ibid. p. 343) About 1852, three more births are indicated at or near present day Tuba City. (Ibid. p. 355) Another two births at Tuba City date about 1854. (Ibid. p. 364) For 1855, there is one for Moenave and one for Tuba City.

101350

Ibid., pp. 367-68) For 1858, there is one more for Tuba City. (Ibid. p. 384). Two more appear for 1862. (Ibid., p. 408) Thus, at least 15 Navajos were born at or near Tuba City in the 20 years preceding the Fort Sumner exile. There is only one record indicating the birth of a Hopi at Moenkopi during this period, the date being about 1861. (Death Certificate of Dan Tewayestewa or Tuveyentewa)

The period of the Carson Campaign and the Fort Sumner Exile lasted from 1863 to 1868. The data available indicate that prior to this there was use of the area by Navajos, Hopi and the Paiutes, but no really detailed description of the use made by these peoples is possible. Vizcarra's account suggests that the San Juan Paiutes had begun to acculturate to Navajo ways by 1823 and it seems probable that limited Hopi farming, particularly of cotton, continued at Moenkopi throughout the period. Navajos also farmed in the area. There can be little doubt that the government's campaigns did drive more Navajos to the west, probably beginning about 1860, although the question of how many of these became permanent settlers in the west would not appear to be a major problem, despite the Hopi and Paiute assertions that these were the first Navajos to enter the region.

Carson did lead his troops westward from the Hopi villages. His description of his movements is sufficiently vague that it is not possible to trace the exact route followed, but a general determination of locations is of value. He arrived at Oraibi about the 23rd of November 1863 and having heard that the Oraibis were in alliance with the Navajos had their governor and one other leader bound and taken with them. From Oraibi, the troops marched 65 miles to a running stream, a tributary of the Little Colorado. This was almost certainly Moenkopi Wash and it seems probable that Carson exaggerated the distance traveled unless, as is not unlikely, the distance included excursions from a direct route in search of Navajos. On the 24th, which was apparently spent in camp on the Moenkopi, a scouting party captured one boy and seven horses, destroyed a camp and encountered a Navajo presumed to be Manuelito who tried to parley, failure to communicate being due to the lack of interpreter. On the 25th, the troops captured a woman and child, about 500 sheep and goats and 70 horses, destroying another camp. Five other Indians in the group escaped across a deep portion of the canyon of the Little Colorado. This suggests that the campaigners first struck the Little Colorado below present-day Cameron. Carson reported that he camped that night "on the table lands of the river," obviously meaning the Little Colorado, but did not say which side of the river. He was

101351

west of the Little Colorado on the 26th, however, and camped that night about 25 miles northwest of the San Francisco Peaks, probably westerly from Mesa Butte on the upper drainage of Tappan Wash. His scouting parties found abundant signs of Navajos, but could not overtake them. A captive informed him that it was a three day trip without water to the destination of the Navajos and he turned back. He took a different route on his return to the Hopi village, probably striking more easterly toward the Dinnebito below Oraibi. (Carson A Cutler, 6 Dec. 1863, NA. RWO, RG 98, DNM. LS, Old Book 124 bound as 76, pp. 34-38.)

If the Navajos fleeing before Carson's troops were Manuelito's band, they did not long remain in this far western area, for later reports of Manuelito's movements show him ranging between Black Mesa and Zuni until he finally surrendered. It therefore seems unlikely that the Carson Campaign had any great lasting effect upon the composition of the Navajo population in the area west of Hopi, although a few of the refugees may well have remained among the local Navajos.

As a conclusion regarding this early period, it would appear that the traditions of none of the tribes in the area can be relied upon for accurate information as to the time of settlement by their neighbors and that reliance should be given to the information obtained from an informant only with regard to the history of his own tribe.

During the Fort Sumner period a few expeditions of citizens undertook raids to the west of Hopi. In the spring of 1864, a party of citizens attacked Navajos two days' travel beyond Hopi, presumably to the west, taking stock and captives. They were then surrounded by 200 mounted Navajos and had to fight their way out, losing part of the stock and captives. (Mansanarez to Steck, 19 May 1864, NA, BIA, RG-75, NMS, LR, W-382/1864 end) In July, the following year, another band of privateers attacked the Navajos west of Hopi:

For the information of the General Comdg. I have the honor to state a citizen named Juan Vigil reported to me this inst. that he in company with fifty one other citizens left Abique, N.M. on the 19th day of last month on a scout against the Navajos Indians, that after having passed over a great portion of the Navajoe country finally upon the 8th inst. they encountered at or near the San Francisco Mts. about two hundred warriors, Navajoes & Apaches combined, with whom they had two fights. The 1st fight lasted about three hours, the 2nd, one and a half hours.

101352

They killed nine Indians, and recaptured a Mexican boy of some ten years of age, and captured eighty five Ind. horses and about one thousand head of sheep. In these fights two of the citizens were pretty severely wounded. On the third day after the 2d fight when the party was divided the Indians surprised the herders (twenty two in number) and retook all their stock excepting some fifty or sixty sheep which had been killed for the subsistence of the party.

After having lost their captured stock, the party finding their provisions growing short, and deeming it useless to campaign without a party sufficiently large to protect any property they might capture, they concluded to return home.

The distance from this post to where the Abique party found the Indians is about 230 or 250 miles, being west of the Moquie Villages; - - -

(Shaw to Cutler, 24 July 1865, NA, RWD, RG 98, DNM, LR, S-191/18650).

Either of these two expeditions might be the one mentioned by Victor Sagenetso. A third expedition in November and December 1865 passed through the area, but saw few Indians. (Mexicano to Cutler, 9 Dec 1865, NA, RWD, RG98, DNM, LR, M0151/1865).

It is significant that none of these expeditions reported any sort of Hopi settlement beyond Oraibi. Traditional accounts of the first Hopi settlement at Moenkopi variously ascribe it to the period of the Fort Sumner exile or the time of the arrival of the first Mormons. The temporal discrepancy is not so great as to be a cause for concern. The date of the initial Mormon settlement is also somewhat uncertain.

According to Gregory a large group of Mormons crossed from Utah in 1873, but "disastrous experiences in the Painted desert forced them to return, only one family remaining at Moenkopi." (Gregory, Herbert E. "The Oasis of Tuba, Arizona," Annals of the Association of American Geographers, Vol. V, p. 116) This was apparently the party encountered by John D. Lee on his flight southward from federal troops in June of that year. In his journal entry for June 26th, he wrote:

Reached the Navajo springs about 2 PM where I found a co. of 22 wagons of the Brethren returning from the A. Z. Mission.

101353

Related the news and gave them the mail containing news from their friends at home. Refreshed myself and animal and in co. with Bro. Becksted and Wood about sunset started on for the Main Camp at the Mowencroppa. - - (Cleland, Robert Glass & Juanita Brooks, A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876. The Huntington Library, San Marino. 1955. p. 264.)

The next day Lee encountered Jacob Hamblin who advised him to settle at "The Mowcroppa" with an old man named Winburn. (Ibid., p. 264) Winburn had crops planted at a place Lee consistently called "Moencropa" in his journal. There was a Main Camp at some distance where Lee purchased supplies until that group left. Lee was staying not at Moenkopi proper however and his description of the country suggests that he was at Moenave:

----We strike the first springs affording water enough to Eregate about 40 acre of land, a few cottonwoods and willows. Here we turn East over rocks and sand 6 [mi] to the 3rd springs; consider [able] land and grass, a few cotton woods, abundance of willow. Good water and soil enough to eregate about 50 acres. At this spring, J. Hamblin has commenced a little farm. 1 mile East is an other spring and some small springs that would eregate about 25 acres. Land not so good- not so good in quality (El) the soil. A m. further East is the main body of spring or water, the place where Tuba resides. Their farm is situated in a low vally 1/2 mile West. Rich soil probably 20 miles in length with m[ore] small springs braking out on the North side but too small to amount to much for eregating - - - (Ibid., pp. 267-68)

As with his failure to note any information about the company of Mormons except that which concerned him directly, Lee is very vague in the information he gives about the Indians in the vicinity. His first mention of them after his arrival is on June 29th when some 1873 of the wagon trains stock got into the crops of the "Natives." He mentioned that Tuba was "the principle of the settlement." (Ibid., p. 265) He later referred to Tuba as a "Walipie Chief." (Ibid., p. 266) As Tuba was Hopi rather than Wallapai, he probably meant Walpi and this suggests that Tuba was originally from First Mesa. In his entry for July 3rd, Lee mentions that a "Piede" or Paiute Indian helped him erect a shade. On July 4th, he identified more Hopis, "One of the principle men and his Lady of the oriva Tribe named Tow-wow-we-win and his Squaw She-ma," who visited his camp. (Ibid., p. 266) On

101354

July 6th, a Navajo named "Ash-Ha-as-neh" with two companions stopped at the camp on their way to trade in Utah. (Ibid., p. 267) Finally, on July 7th, he identifies a Paiute as named "Shew" who helped him irrigate. Not until July 7th, did he intimate that Shew had crops of his own at the same place. (Ibid. p. 268)

On the 9th, Lee made an entry of particular interest:

---Today Shew, one of the Natives, informed me that the Whites at the agency did not want the Mormons to settle at the Moencrop[a]; that they had written to government to prevent it, and that Jacob would not be able to tend the land at the Moencropa another year without paying horses, cattle; clothing &c. &c.; that they were putting the oribas and Navajoes up to object to our settling among them &c. (Ibid. p. 268).

On the 10th, he noted rain "in the direction of the Navajo and oriva country" (Ibid., p. 269) This has led some researchers to conclude that no Navajos were near Moenkopi at the time Lee stayed there. On the 12th, he recorded that Shew and his family moved to "Upper Moencropa," (Ibid), apparently meaning Willow Springs. On the 16th, he did not irrigate, noting that "To day the Indians had the water to irrigate their crops. " Just who these Indians were besides Shew and his family is not stated, but it seems likely that there were more people farming at Moenave than those Lee identifies by name. That Lee's farm was at Moenave is made quite certain by a mention on the same day that it was 8 miles to Tuba's place. He visited Moenkopi the following day and description of "the Farm of the Native, including oraves, Navajoes and Piutes" clearly shows that Navajos were farming there at that time. (Ibid.)

The day by day account continues, generally adding little as to the exact location of the Indians of various tribes. He recorded the name of Tuba's wife, Tellas saki, on the 18th of July. (Ibid., p. 272) On the 28th, he mentioned a Navajo chief, "Ash-Kaash-na, known as John." (Ibid., p. 278). On August 16th, Lee visited Moenkopi and mentioned the name of another Hopi there, Taltee. (Ibid., p. 286) On the 19th, of the month, he made mention of another Paiute, a different man than Shew, who came from "Upper Moencroppa" and used the water at Moenave to irrigate crops. (Ibid., p. 287). Beginning on August 21st, Lee no longer referred to his place as "Moencroppa," but wrote a name that more resembles Moenave, spelling it variously, Mowee-yabby, Moweeyawba, Mowe Yauba, Moweabba, etc. (Ibid., p. 287 ff.)

101355

On August 23rd, W. S. Defrees, the Hopi Agent, visited Lee and informed him of a plan to establish the Hopi Agency at Moenkopi. (Ibid. p. 288) On August 30th, he mentions the visit of a Paiute named "Pocky." (Ibid., p. 292) On September 2nd, he hired somebody named "Cuckelbur" to irrigate. (Ibid.) This was Shew but this identification is not given until later on. (Ibid., p. 294) On September 4th, he noted that Taltee was Tuba's brother-in-law. (Ibid., p. 293)

On September 6th, Taltee came to inform Lee that all the Hopis at Moenkopi had returned to Oraibi except he, his son, Tuba and "Telas-
kle", the last being another spelling for Tuba's wife's name. They wanted Lee to move with his family to Moenkopi so that they could unite to prevent any trouble with the Navajos. This Lee did not want to do as he had not yet harvested all his crops at Moenave. (Ibid., p. 294)

On September 26th, a Navajo came from "5 Lakes" to trade. (Ibid., p. 301). An earlier reference to 5 Lakes (Ibid., p. 288) suggests that this was Lee's name for Pasture Canyon.

In September and October, Lee was engaged in putting up a store house at Moenave that measured 34' x 17'. (Ibid., p. 302) It might yet be possible, on the basis of these dimensions, to identify this structure and thus locate Lee's farm.

Directions written by another hand in Lee's journal following the entry for December 24th mentions a Navajo camp 18 miles from "Tuba's Camp," apparently meaning Moenkopi. (Ibid., p. 314) This was apparently the place referred to occasionally as the "Navajo Villages." (See Ibid., p. 320)

In January 1874, an event in Utah was to alter Defrees' plans to establish the Hopi Agency at Moenkopi and to have a profound effect upon events in the Moenkopi area. A rancher named McCarty, a Non-Mormon, with some cowboys, attacked four young Navajo traders, killing three and severely wounding the fourth, who made his way back to his own people. ~~All of~~ ^{Two} of the men killed were sons of Ketchene, a Navajo leader in the west, and the Navajos blamed the Mormons. (See James J. Bleak Annals, pp. 229-41 for a detailed account.) Word of the threatened trouble was sent by a Navajo chief through Tuba to warn the people at Lee's settlement. Lee learned of the trouble on January 15th and set out that night to bring help from Utah. (Cleland and Brooks, p. 320) On the 29th, he returned with Jacob Hamblin bearing a message from Brigham Young. Tuba had visited Moenave with two chiefs, Tutsnay and Comiase, apparently both Navajos, in his absence. Both of the Navajo

101356

chiefs were against any hasty action. (Ibid., pp. 322-23) Hamblin went to see the Navajos, accompanied by J. E. Smith and Edward Smith. The trouble had caused all the Hopis except one woman to leave Moenkopi. Hamblin first went in search of Mush-ah (or Musher), a Navajo who had a camp about 12 miles east of Moenkopi. Musher was not at home, but met there a Navajo Messenger bound for Moenave. The Navajo directed the Whites to a high mesa visible from that point where a number of Navajos were camped. (Bleak Annals) The location has been variously identified as a camp of Ketchene (Young, John R., "The Navajo and Moqui Mission," Improvement Era, Vol. 17, 1914, pp. 247-49) or of Peokon (Young, John R., "In Memory of Ira Hatch, Indian Missionary, Interpreter and Scout of Southern Utah," Improvement Era, Vol. 25, 1922, pp. 885-87), and perhaps both men lived there. It is probable that "Peokon" is a poor spelling of the name Bii'aghaani, "Backbone", a Navajo known to have lived in the area. The place was said to be about a 50 miles ride from Moenave (Cleland and Brooks, p. 323) and was probably on Big Mountain. Hamblin and the Smith brothers engaged in a long discussion with the Navajos, feeling trapped when given the places of honor at the rear of a forked-pole hogan with some 24 Navajos between themselves and the entry. The talks lasted from about noon until midnight. Hamblin stoutly maintained that the Mormons had no part in the killings and refused to commit them to any payment of reparations. It was finally agreed that the matter would be settled by another chief, Hastole, on a date set 25 days after the meeting. Hamblin reported that the next meeting was to be held at Moenave. (Bleak Annals) Ketchene was reported to have gone to Fort Defiance. (Cleland and Brooks, P. 342)

On February 6th, Ketchene, father of 2 of the men killed in Utah, came to Moenave with a party of Navajos and a Paiute interpreter. According to Lee:

---After a long talk they decided not to shed blood but asked 400 head of horses and 400 head of cattle and settle and be friends and wished me to write it to Brigham Young and for Jacob to take it to Brigham and consult the matter and bring word within 25 days &c. We smoked and I fed them and they embraced Jacob and I then returned - - - - (Ibid., p. 325)

Early in February 1874, immigrants to the San Juan passed Lee's place at Moenave on their way to the Aneth area. (Ibid., p. 327) Hamblin did not keep his appointment with the Navajos, leaving Moenave for Oraibi two days before the date set. Ketchene felt greatly offended by this. (Ibid., pp. 328-29)

101357

On March 12th, Ketchene did catch Hamblin at Moenave, but little came of the encounter beyond the setting of a date for another meeting and a disagreement between Lee and Hamblin. (Ibid., pp. 329-30)

The trouble caused the return of a Mormon colonizing expedition, but a few of the Mormons remained at Moenkopi. According to McClintock (McClintock, James H., Mormon Settlement in Arizona, Phoenix 1921, p. 137) only Hamblin, Hatch and Tenney remained. Hamblin's failure to keep his appointments led to another meeting in which Ira Hatch and John L. Blythe represented the Mormons. The meeting ended in a Navajo threat to destroy the Mormon settlement and the Mormons retreated to the other side of the Colorado River. (Young, John R. "The Navajo and Moqui Mission," Improvement Era, Vol. 17, 1914, pp. 247-49 and "In Memory of Ira Hatch, Indian Missionary, Interpreter and Scout of Southern Utah," Improvement Era, Vol. 25, 1922, pp. 885-87). The threat of war also disrupted Agent Defrees' plan to locate his agency at Moenkopi. (Defrees to CIA, 8 April 1874, NA, BIA, RG 75, AS, D-413/74)

In the fall of 1875, another Mormon party stopped at Moenkopi and built a stone house there for the winter quarters. From Moenkopi, they explored the country and returned to report to church authorities. This led to establishment of a settlement at Moenkopi in December. (McClintock, pp. 156-57) At about the same time the new Hopi agent, W. B. Truax, was encouraging Hopis to farm at Moenkopi. (Truax to CIA, 10 Dec. 1875, NA, OIA, RG-75, AS, T-909/75) Mormon immigrants were also settling in considerable numbers on the Little Colorado. (McClintock, p. 138) and Truax wanted a reservation established to protect the Hopis. (Annual Report of the Commissioner of Indian Affairs, 1876).

In June 1876, it was reported that both Navajos and Hopis were frequent visitors to the Moenkopi settlement. (U of A Special Collections, History of the Little Colorado Mission, Jan. 16, 1876____, p. 6) In 1877, the settlement had a population of 25 (Ibid., p. 9) and in 1878, the population of 27. (Ibid., p. 11) The settlers had plans for expansion, however, and in the same year laid out a townsite at "Musha Springs" which became Tuba City. (McClintock, p. 158)

The Hopis at Oraibi were that year claiming that their resistance to government programs was upon the advice of the Mormons. One prominent Hopi, Hum min sha, was said to spend most of his time at "the Mormon camp at Moen Kappi." (Mateer to CIA, 24 Feb 1878, NA, OIA, RG 75, AS, M-585/78)

101358

By the spring of 1879, land disputes between the Mormons and the Hopis had already begun. Agent Mateer reported from Keams Canyon:

Tu-bee, formerly a chief of the Oraibe Village is here and complains that the Mormons are intruding upon their farming lands at Moen-Kappi and interfering with their planting. He states that his father planted there when he was a boy, as well as many other Oraibis, and that it is their ground. At Moen-av-ee, eight miles above, in the same canyon they had another place of planting where they lived during the summer. A few years ago Jacob Hamlin(sic), one of the Mormon Apostles, came in there and asked permission to plant that season and water his stock which was granted. In the spring when the Indians returned to plant, as usual, they found other Mormons in possession and when they attempted to go to work, the Mormons said, oh no! we have bought this place from Mr. Hamlin and you can't plant here. John W. Young, the favorite son of Brigham Young deceased, resides at Moen Kappi and has a large store there. I inclose a copy of a letter which I send to him at Tu-bee's request.

I would respectfully inquire whether there is not some law by which the Indians can be protected in their rights to lands which they have cultivated for a century or more? (Truax to CIA, 1 May 1879, NA, CIA, RG 75, AS, M-1090/79)

Young was undertaking a new enterprise at Moenkopi that year. He had a woolen mill under construction by May 6th and a party of Mormons who passed through on their way to settle on the San Juan stayed briefly to help quarry rock for him. (Miller, David E. Hole-in-the-Rock, U of Utah Press, Salt Lake City, 1959. p. 149) The same party found Bii'aghaanii farming in the valley just east of Middle Mesa that spring. (Ibid. See also Jenson, Andrew, History of the San Juan Stake, L.D.S. Church Historian's Office, Salt Lake City)

By November, Young had his woolen mill ready for operation and by spring of the following year it was manufacturing yarn. (McClinck, p. 159) In 1879, Moenkopi increased to 110 population. (Hist. of the L.C. Mission, p. 131) In 1880, population was split between Moenkopi and Tuba City and varied from 111 to 116. (Ibid. pp. 156, 166-67, 174-75) It is uncertain whether there was a permanent Hopi population in residence at Moenkopi in addition to the Mormons at this time. It would seem likely that there was, but perhaps still limited to Tuba and his family.

101350

There was an interesting development at this time. As the land conflict between the Mormons and the Hopis seemed to be increasing, the Mormons began doing more missionary work among the Navajos. Seven Navajos were baptized in May 1880. (Diary of Christian Lingo Christensen, Typescript at Museum of Northern Arizona, Flagstaff, pp. 23-24)

In March 1882, then agent, J.H. Fleming reported that Tuba had "been dragged into the Mormon band," apparently meaning that he has joined that church. (Fleming to Sec. of Interior, 27 March. 1882, Field Papers, Moqui Agency, 6230/1882)

In July, Inspector C.H. Howard reported that at least 8,000 Navajos were living beyond the reservation boundaries in Arizona and recommended that extension of the reservation under a new agency to look after both the Hopis and the western Navajos. (Howard to Sec. of Interior, 31 July 1882, NA, OIA, RG 75, LR, 15060/1882)

In August there is a record of "Musha" a Navajo residing at Moenkopie, and a mention of his nephew, John Navajo. (Eastman to Fleming, 17 Aug 1882, FD-3, p. 175A)

The Mormon population at Moenkopi continued to grow. By February 1883 it stood at 127. (Hist. of the L.C. Mission, pp. 230-31.) Mormons continued to maintain close relations with the Navajos. In February a party of Mormons held a meeting with some Navajos near Comar Spring. In March, Christensen preached to the Navajos and in June a Navajo boy was baptized. (C.L. Christensen Dairy, pp. 29-35) In September Christensen with three others, including the local bishop, visited a Navajo dance and re-assured the Navajos who were concerned that they were to be driven onto the reservation. Christensen also helped Musher to market his wool. (Ibid., pp. 36 & 39)

By May 1884, the Mormon population had increased to 174. (Hist. of the L.C. Mission, pp. 246-47) During the year the Mormons continued to proselytize among the Navajos. In April 26, Navajos were baptized and in May there were more Navajo baptisms. (C.L. Christensen Dairy, pp. 49-55) A mission at Palchin Alanney's place was even proposed (Ibid., p. 56), but it is not known what came of the plan.

In October, the Navajo Agent, John Bowman, visited Tuba City and settled some land disputes there between the settlers and the Indians. He also reported that "Mussor" was a wealthy Navajo living about 20 miles north of Tuba City and freed a Paiute slave held by him. (Bowman to CIA, 30 Oct. 1884, FD-6, pp. 174-78) The Indians involved in

101360

the land dispute were Navajos. (Bowman to CIA, 19 Nov 1884, FD-6, p. 260)

In 1885, the Mormon population reached 230. (Hist. of the L. C. Mission, pp. 275 & 279) They continued to have disputes with the local Indian population, over irrigation water with the Hopis (C.L. Christensen Diary, p. 73) and with the Navajos over livestock. (Ibid., p. 75) Musher was living at Tokesjei, the mouth of Cow Spring Wash in Blue Canyon in 1886. His wife, a sister of Goma'a Yazhi, died that year. Christensen had a good deal of contact with the Navajos that year. (Ibid., pp. 91-95)

In June 1888, H.S. Wellsth Special Indian Agent, visited Moenkopi to investigate reported trouble between the Hopis and the Mormons. His report is quite lengthy, only the more important portions being reproduced here:

At a small Oraibi Village on a sandstone bluff, at the junction of Reservoir Canon with the Moen Copie Wash, (Shown on the map of 1887) as "Moencopie") there is now 16 Oraibi Indians Viz. 4 men 6 women 5 boys and one girl. Several others formerly came from the Oraibi Pueblo (40 miles east) and planted here in summer. But since the Mormons have taken nearly all the land and Water, they come no more.

While the Indians are still permitted to retain a small piece of land they are deprived of water sufficient to irrigate it. Hence I found the men at work for one Smith who had taken their land from them. He had also told them that he had bought the land their village stands on and last spring ordered them off, but finally did not insist upon it, though he took some doors from their Adobe Houses.

These Indians tell me they have been here 8 years before the Mormon (Jno. C. Young) (Son of Brigham) came here, and built the now dismantled woolen mill (that was in 1875) and their ancestors had planted here long before that, - - -

The Mormons, having improved the water supply now claim it all.

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In 1875, John D. Young came to this point bringing several Mormon families with him, built a woolen Mill to buy wool from the Indians. But being overbearing and tyrannical one Mormon found a smaller spring where Tuba City now is, and moved

101361

his family there, others followed, and soon, Mr. Young found himself alone with his mill, which he dismantled and left the country, leaving the Oraibi's in the peaceful possession of their Homes.

They so remained until 1885 when Edgar D. Stone (the Complainant) put a stock of goods into the Old Mormon Fort much to the gratification of the Indians- - - - until January 87 during which time one Lot Smith a wealthy and aggressive Mormon had joined this colony and - - - demanded and took immediate and forceable possession - - - -. Stone finally compromised for \$800 gave a quit claim and left with his goods in Aug.

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This quit claim from Stone obtained under the above circumstances is all the title under which Smith claims to own and hold all the lands and buildings in Moen Copie. He owns a house lives and has a wife and family in Tuba City. He also has a wife and family living in the Moen Copie Fort. - - -

The Tuba City settlers have built three large Reservoirs on Reservoirs Canon two miles East of Tuba City. They have also enclosed with wire many hundreds of acres of splendid land in Moen Copie Bottoms some 3 or 4 miles below the Oraibi Village, which land they now irrigate from these Reservoirs carrying the water down passed the Oraibi Village and lands. - -

To be better understood I have roughly sketched a plat of the location in controversy (inclosed herewith) showing four 160 acre tracts with descriptive boundaries thereto attached, which if allotted to the Indians now there will effectively cover all the lands claimed by the Oraibis - - - -

Welton went on to recommend that these four tracts be allotted to four Oraibi Hopis named La-toak - see, Quach-a-yua, Ah-cau-cha and Och-she. (Welton to CIA, 16 June 1888, NA, OIA, RG 75, LR, 15960/88 and enclosures)

Welton also found Navajos in the area and wrote a separate short report on them that is worth quoting at some length:

On my recent visit to the Oraibi Moen Copie Settlement, I found Oraibis Pi-Utes and Navajoes in about equal numbers. But while the two former inclined to settle down and work the lands, The Navajoes had sheep, goats and horses, and were roveing in search of feed therefore. Except some 20 or 30 who are settled

101362

in the Moen Copie wash some 12 miles above Moen Copie. They dam the wash and irrigate therefrom.

I met with these Navajoes telling them they must return to their Reserve or take lands in severalty. I talked long with them through their headman "Musher".

They do not want to return to the Reserve neither do they incline to take lands in severalty but claim all the land west to the San Francisco Mountains. But will accept the Little Colorado as their western boundary. I saw large bands of fine Navajo horses in the Little Colorado bottoms, where the stock Men told me, the Indians had often driven the stock mens cattle to the west side of the river. They also seem to practically take full possession of the Moquies Reserve the same as their own, and often (in the absence of the Moquis.) break into their houses eat steal and carry away the food raised and stored by these Pueblos. Both Whites and Pueblos tell me this. I asked the Navajos in Council about this. In reply they say, "We go to the Moquis houses and get something to eat, and in return also feed the Moqui when he comes to their Hogan. Being also charged with stealing his horses they say, "the Moqui works all the time in the ground to raise food. He rides to his crop and turns his horse loose and then digs several days in his crop, while his horse wanders away, and then the Moqui says "The Navajo stole it".

Having now been on the East South and West sides, I think fully half of the Navajos are off of their Reservation. And doubt the ability of their chiefs to get them back. - - - (Walton to CIA, 17 June 1888, NA, OIA, RG 75, LR, 15959/88)

It was about this time that Charley Atsidi purchased the land that was later allotted to him and his relatives. The seller was a Mormon named John Adams. (Affidavit of Et-zit-tee, 1 Aug 1898, NA, OIA, RG 75, LR, 29553/99, encl 21)

In the summer of 1891, Atsidi was involved in a land dispute with Lott Smith (Shipley to Smith, 2 Sept 1891, FO-15, p. 175), although no details are known.

Troubles at Tuba City continued into the next year. John S. Mayhugh, who had been sent to allot land to the Hopis on the Executive Order of 1882 reported that Lott Smith had plowed ^{up} the crop of one Hopi family and recommended that if Tuba City were ^{to} be off the Reservation that the Indians there be allowed to homestead. (Mayhugh to CIA,

101363

22 June 1892, NA, OIA, RG 75, NMS, 23347/92) On July 1st, word reached Fort Defiance that Lott Smith had been shot in self-defense by a Navajo during a dispute over livestock. (Shipley to CIA, 1 July 1892, FD-17, p. 120) Lieutenant R. E. L. Michie led a detachment of the 2nd Cavalry from Fort Wingate to investigate the trouble. He concluded that the killing had indeed been done in self-defense and advised that the Navajo, Chachos, whom he did not meet personally, go to Fort Defiance. (Michie to AAG, 13 July 1892, NA, RWD, RG 98, DA, LR, 2875/92)

Michie's report included observations on conditions at Tuba City that merit quotation:

I understand the Mormons have been there some fifteen years and now number from twenty to thirty families in all. The Indians, Navajos, Piutes, Oraibis and a few Utes have been using that section as far as the Little Colorado River, especially during the spring and summer months, the Navajos in large numbers bringing in their ponies and sheep for water and grazing purposes; also doing a little farming, in the way of a few patches of corn at different points here and there. The Piutes probably number a hundred, and the Oraibis from fifty to a hundred during the summer months. The settlements have a good water supply, the land is productive and the Mormons seem very well to do. - - - I found the Indians, Navajos especially, greatly excited, thinking that I came to enforce the arrest of the Indian Chachos, who in a quarrel had killed Lott Smith, about the most prominent Mormon resident there, a short while before; also thinking that all the Indians were to be punished for this trouble. The circumstances of the killing of Smith were from all the evidence I could collect about as follows:

Smith finding some sheep belonging to a party of Indians encamped several hundred yards distant, in a pasture claimed by him and enclosed with a wire fence, went to his house, secured a pistol, returned and commenced shooting sheep, the accounts varying; the white testimony being to the effect that Smith fired five shots and killed at least two sheep, whilst the Indians claim he killed seven on the spot, and twenty-three more died from wounds received, and in addition Smith shot at a woman who with two children had been sent to drive out sheep, on his approach being noticed by them.

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101364

The Indians retaliated by shooting six head of cattle (belonging to Smith) that were in the vicinity, five of which died. Whilst there is no White testimony to the effect, I think Smith must then have fired at the Indian Chachos returned the fire twice, one shot mortally wounding Smith.

Smith rode to his house about one half mile distant and among the last things said by him was, that he ought to have quit when they commenced killing his cows but he thought the Indian wouldn't shoot, the Indians claim that Smith fired at Chachos three times before the latter fired at him (Smith) at all. Smith's last statement leads me to believe that he at least fired at Chachos first. I understand that a deputy sheriff came from Flagstaff to arrest Chachos but the Indians refused to give him up. - - - -

- - - - They (The Indians) cited certain petty grievances against the whites; as cattle on the ranges getting in their corn, and one of the Oraibis present claimed that Smith the morning he was shot had gone down and dug up his watermelon vines and that a son of Smith had frequently passed near his place firing his gun in the air simply to frighten him. That once he had plenty of land there to farm and the Mormons had taken it away little by little and that now he had hardly enough to put his house on. The Whites cited to me a number of grievances viz: That the Navajos had in April last driven off twelve head of cattle belonging to them and they had not been recovered; that about the same time a fence belonging to one J.L. Foutz had been torn down and a cow killed about seven miles from Tuba City, and that an Indian drew a revolver on one Henry Brown, a Mormon who witnessed it (the man is about one half simple); in addition to this the Indians would bring their sheep so close to their settlement that they would get in their gardens, pastures, &c. That they had no way of enforcing the law among them. Two cases of insults to females were reported. - - - (Ibid.)

It is sufficient to conclude this early history of the Tuba City area with a brief summary of later events, the dismissal of charges against Chachos, the allotment of lands to both Navajos and Hopis, the buying out of the Mormon interests and establishment of a school and

101365

superintendency at Tuba City and the gradual development of boundary disputes between the Navajos and Hopis in the area. A detailed consideration of these events is not possible at the present time.

The critical point in this early history is that many different peoples have lived in the Tuba City area at various times. No Tribe can make a really good case for "exclusive use and occupancy" for any extended period of time. This is a point which I believe to be more advantageous to the Navajos' case than to that of the Hopis, should the matter have to be brought into court.

A really fair settlement of the boundary and jurisdictional problems can only be based on present-day use and occupancy and should be a solution that will neither require any people of either tribe to abandon long established homes nor place any members of either tribe under the jurisdiction of the other, except in those cases where individuals have chosen to align themselves with the other tribe through intertribal marriage. In addition, lands of importance for the support of the people of the two tribes should be under the jurisdiction of their respective tribes.

A brief consideration of the role of the reservation in modern Indian life is needed for an understanding of the problem. Originally reservations were created to restrict Indians so as to open land for settlement by whites. The government officials who administered these actions did not always do this willingly, but being powerless to stem the influx of settlers into an area they tried to preserve at least some of the Indians' lands for them where the tribes could continue to live according to their own ways. Thus the reservations were established for two opposing reasons, first, to deprive the Indians of land and second, to protect some land for them.

The reservations have become the only places left where the various tribes can continue their own development according to their own desires, even though subject to numerous restrictions imposed by the federal government, and Indians in general have been strongly opposed to any efforts to abolish the system, such as the recent termination proposals. An Indian on the reservation of his own tribe is able to live according to the ways of his own people and suffers no disadvantage due to being different from his neighbors. If deprived of territory that is primarily under the jurisdiction of his own people, he is subject to various disadvantages due to race, language and culture, some overt, some covert, some intentional and some accidental, most of which he is unable to control and some of which he can not fully understand unless he has the advantage of an exceptionally good education. This is true whether he is living off reservation

101366

among Whites or on the reservation of a different tribe. Both cultural environments are foreign to him.

This situation is a major cause of the trouble at Moenkopi. The Moenkopi Hopis feel out-of-place under Navajo jurisdiction and have a legitimate desire for a defined area within which Hopi Tribal jurisdiction prevails. On the other hand, their desire to extend their domain to include Navajos under their jurisdiction is neither justified nor is it a condition that the Navajo Tribe can allow to come about if it is to fulfill its obligations in looking out for the interests of its people.

The problems encountered in defining an area that might be placed under exclusive Hopi jurisdiction are many. In part, this is conditioned by the small size, recency of settlement and divided nature of the Hopi community itself. Three primary areas of land use require attention. These are range land, agricultural land and urban land.

The range area is a matter that involves the small size of the community. Together with its small size, relatively few of the Moenkopi Hopis engage in stock-raising as a major factor in their economic endeavors. A large number of the Hopis hold very small permits which they obtained in order to graze a few work animals. There is little use of work animals today and most of these permits are no longer utilized. Hopi livestock holdings at Moenkopi today are about half of what they were thirty years ago. The relatively small numbers of stock on the range require that the Hopi owners use an area more extensive than their year-round needs in terms of acres would indicate in order to have access to water and grass according to seasonal changes. There is a great deal of overlapping in range areas of various Navajo and Hopi operators. There is probably less than a township within which the Hopis have anything resembling exclusive use.

The agricultural areas are beset by a similar but somewhat different problem. The plots used by members of the two tribes are checkerboarded rather than being segregated in solid blocks, although most areas are predominantly used by one tribe or the other. In addition, most of the irrigated lands depend upon the same water sources and a joint administration of the water is unavoidable.

In the urban area, both residential and business locations are of importance. Most Hopis live within the two villages of Upper and Lower Moenkopi. Those who do not are usually resident in government housing for the purpose of being near their jobs or are married to

101367

Navajo spouses. An undetermined number of those resident outside the villages are not properly Moenkopi Hopis, but Hopis from inside District 6. The Hopi residential area is thus quite well defined. Navajos are resident as an "urban" population throughout most of the area between Tuba City proper and Upper Moenkopi. The major Navajo residential area is that known as "South Tuba" which is north of the highway and southwest of Tuba City, but there are scattered Navajo homes extending to Pasture Canyon and south of the highway as far as the Blanche Taho's homesite. Hopi claims of this area of Navajo settlement are probably in part motivated by a desire to control some of the more valuable business sites at or near the highway junction. The small size of the Moenkopi villages precludes the establishment of public facilities such as schools and hospitals to serve only this community and the Hopis will of necessity have to rely upon the Navajo agency for these services.

Grazing Lands. Both Garces and Escalante in 1776 reported cattle in the region between Moenkopi and Oraibi, but there is uncertainty in their reports as to whether these cattle were domestic or feral. While the Hopis claim to have had stock in the Moenkopi area in the early days of the present settlement, the Navajos maintain that they had little or no stock until recently. Nagata, in his dissertation on Moenkopi, which is generally quite favorable in its orientation toward Hopi claims, concludes that the Moenkopi livestock industry is of relatively recent origin. Traditionally Hopi economy has emphasized agriculture as the basic source of subsistence and it seems highly unlikely that stock raising gained any real importance until a cash economy was established. Some Hopi families at Moenkopi, primarily those in the upper village, have been engaged in raising cattle for a half century or more, however.

There are no records for the period prior to 1937 to show the size of Moenkopi livestock holdings. From 1937 to 1944, Moenkopi holdings increased from 3035 sheep units to 3842 sheep units, the largest of which we have any record. Since 1944, Moenkopi holdings have decreased rather steadily and the 1966 count showed only 1562 sheep units permitted, but 1805 sheep units being grazed. *The 1967 count will not be available until after the end of the year.

According to the area natural resource manager of the Navajo Area Office, the carry capacity of the area used by the Moenkopi Hopis at present is 20 sheep units per section. (Bergesen to Brugge, 9 May 1967, NLC files) Based on the present livestock holdings of the Hopis, this would require 92.5 sections or a little more than 2½ townships. Based upon the permitted sheep units, the area would be about 78 sections.

101368

The area of range to which the Moenkopis have exclusive or nearly exclusive use today is about 27 sections. It is probable that there is some Navajo use even within this area, but it must be considered minimal. There are another⁴⁰ sections, more or less, of land on which range use is about equally divided between Navajos and Hopis. Hopi use beyond this is on range where Navajo use rights appear to be well established and where the Hopi use is generally if not entirely limited to the drifting of untended livestock. This latter area is probably about 70 or 80 sections in extent.

The Hopi claim presented in Albuquerque goes well beyond even this area and appears to be based upon two factors not yet considered. First is the very high probability that the Hopis have taken various sacred points into consideration. ~~Whether~~ they have done so can not be determined on the basis of what the Hopis have said publicly, but information given us by Wayne Pratt suggests that this has influenced their line. The second factor, according to the statements of local Navajos, is a consideration of range used by Hopis who at one time or another married Navajo women and were allowed use of their in-laws' lands. This is apparently the extent of their assertion that this area was allowed by the Navajos themselves. It is clear that Roger Honani's tale that this area was given to the Hopi Tribe by certain Navajo leaders is a fabrication. Tillman Hadley denies any part in the alleged grant of land and neither he nor Maxwell Yazzie would have been men of sufficient maturity at the time this is supposed to have taken place to have had the authority to make such an arrangement.

The various documentary sources describe a number of boundaries that different non-Indians, beginning in 1905, have thought that the Hopis did, or were entitled to, use. These range in size from less than 39 sections to expanses covering several townships. None appear entirely practicable for present-day requirements.

Neighboring cattle owners of the two tribes have established informal boundaries between their own ranges and while cattle drift beyond these, they are returned to their owners' ranges as a matter of course. A few Hopi operators, however, notably Roger Honani, have been unwilling to observe such arrangements. Navajo sheep range overlaps considerably with Hopi cattle range, primarily on a seasonal basis. Most Navajo sheep grazing within areas used year-round for Hopi cattle range is summer grazing.

The area of relatively exclusive Hopi use lies south and south-east of Moenkopi and coincides approximately with Herbert Zonnie's description of an early boundary set for the Hopis. This area of

101369

about 27 sections would be well suited for use as an initial offer to the Hopis, with the stipulation that it might be considered a temporary use area.

If, as I believe, the Navajo Tribe should contend for a permanent settlement of the area of exclusive Hopi jurisdiction and Hopi surface rights, it can be made clear that the Navajos are willing to consider a larger range area to get a final settlement. An area south of the Moenkopi Wash bounded by Tsedijool, windmills 3K-329, 3A-27 and 3K-326, ~~_____~~ Owl's Hat on the west and Moenkopi Wash on the north would be about as much as could be allowed without drastically depriving various Navajo families of their range right.

One Navajo, Zonnie Allen, is reported to live year-round within this area. I have not been able to contact him and have no good first hand data on his occupation. He has a permit for only 15 sheep units. He should be contacted before any final line is drawn. Several other Navajos, including the Goldtooth family, Herbert Zonnie, Joe D. Begay, the Billy Family, Frances Tisinnie and Frank Whiterock, Billy Yazzie and George Graly's sister-in-law, range livestock within the area on a seasonal basis and it is probable that other Navajo families with farm assignments in the Kerley Valley make some use of the Northwestern part of the area for summer range while tending their farms. Most of these Navajos would probably be willing to give up range rights inside this boundary if they were assured that Hopi stock would be excluded from their range outside the boundary. This means that a fence must be built around any area over which the Hopis are given jurisdiction. Without a fence no agreement would be enforceable and would probably lead to intensified range disputes rather than settling anything. The area outside the exclusive Hopi area should be definitely set as exclusively Navajo, at least, in so far as surface rights and jurisdiction are concerned.

It might be well to exclude a small area in the Northwestern portion of the above described area to take care of Zonnie Allen and the Navajo farmers in Kerley Valley who range a little livestock above the rim.

The total area in the above proposal would be about 60 to 70 sections, depending upon several possible minor adjustments that might be made around the periphery. None of this area is painted desert formation which was included in figuring the average by Bergesen. It should be ample for the Hopis present needs and there is nothing to indicate a reversal in the decline in stock-raising among them.

101370

In conclusion, it should be noted that all stock water development in this area is owned and maintained by The Navajo Tribe and that some of the development was originally done by the Tribe.

Agricultural Land

The problem of agricultural land is a complex one, involving as it does a checkerboard dispersal of fields at present and the necessity of both tribes sharing the same sources of irrigation water. Considerable aid by the Bureau of Indian Affairs in the matter of irrigation will be required for any manageable agreement. On the other hand, the potential of this situation for possible "horse-trading" may be great.

Only irrigation farmland need be given consideration here. All dry farms are located within the areas of the respective tribes range use if the approximate boundary suggested above is decided upon, with the exception of one long abandoned field.

The farms within the Hopi allotments that are irrigated from Reservoir Canyon and those above the bridge that are irrigated from Moenkopi Wash by the use of pumps are clearly within the Hopi area and are of no concern here. The two problem areas are the farms above the lake in Reservoir Canyon and those in Kerley Valley, the latter being parts of the old school farm.

There is no way in which the Hopi farms above the Reservoir Can- lake can be made a part of any Hopi^{allotment} that is all one contiguous piece. The best that can be done is to set these aside as a detached portion of the Hopi area. The lake and the pasturage below it are of sufficient importance to Navajo stock owners that the tribe should resist any Hopi contention to exclusive jurisdiction there. It may well be that a joint jurisdiction in this area can be arranged, however, to cover that portion of Reservoir Canyon below the Hopi farms as far as Navajo Route #1.

The allotments, both Hopi and Navajo, should for legal reasons, be excluded from any areas set aside for either tribe. Research by the Legal Department into the exact status of allotted land is needed before any final determinations regarding these tracts can be made. For all practical purposes, they might be considered belonging to the respective tribes or the allottees.

Below the Navajo allotments lies the old school farm in what is now commonly called Kerley Valley. This area has been divided into

101371

numerous small tracts, ranging from less than half an acre to 20.6 acres which have been permitted to members of both tribes by "farm assignments" under the joint administration of the local land board, composed entirely of Navajos, and the agency. These farm assignments carry the obligation that the land be farmed and any plot not farmed for two years in succession may be reassigned. A considerable proportion of these farm plots have not been farmed for two years or more, but re-assignment is being postponed pending a settlement of the current land status problem.

~~Navajos~~ ^{Hopis} Most of the plots south of the Moenkopi Wash are assigned to ~~Navajos~~. Of the seven Hopi assignees north of the wash, only three have continued to use their lands. Unfortunately, the acreage that the Hopis continue to use north of the wash is considerably more than the unused Navajo acreage south of the wash, 33.5 acres as opposed to 13.3 acres, so that this cannot form the basis for an equitable exchange, nor does this take into consideration the remaining 27.8 acres north of the wash assigned to Hopis but unused at the present.

All this Hopi acreage is separated from the main block of Hopi farms by the Navajo allotments. These lands also lie directly north of the area on the Northwestern corner of the Moenkopi Plateau which was considered needed by the Navajos for grazing in the preceding section.

It should be possible to consolidate the Hopi plots into one tract or one contiguous block with the only break being the wash by assigning all plots south of the wash to Hopis and grouping those north of the wash in one area. There does not appear to be any way to join this area to the main Hopi area around Moenkopi, however, that would not deprive Navajos of land which they now use.

The problem of irrigation works will doubtless be a major obstacle in the negotiations. The Hopis want to be given exclusive jurisdiction of Reservoir Canyon. This would give them complete control of water now used to irrigate both Navajo and Hopi allotments. At the present time, all Navajo users of the Navajo allotments are deprived of any water from this source, however, and only Hopi squatters are using this water on the Navajo allotments. It should also be noted that the diversion dam for the Kerley Valley farms is also located in an area between two Hopi allotments and under almost any boundary conceivable would fall within the Hopi area. This is a dam that serves both Navajo and Hopi farms, but most are Navajo. There are plans to enlarge the reservoir in Pasture (Reservoir) Canyon and to build a dam behind the Kerley Trading Post, the latter to be called

101372

the "Indian Valley" dam. Both of these projects are now held up by the land dispute. The Indian Valley project might well be such that it would help to overcome some of the problems raised by the location of irrigation works, but I do not have sufficient data at hand to be sure of this.

The best solution at present would seem to be to place the irrigation works under a joint administration or to leave them under BIA jurisdiction entirely.

Urban Area

The urban areas are concentrated at Tuba City and Moenkopi and the area between the two. Population concentration in Kerley Valley is approaching a ~~land~~^{level} that might well be considered "suburban," particularly along the north side of the valley. Tuba City proper was a Navajo area prior to Mormon settlement and continues to be the focus of Navajo Activity today, having resumed this role when the school and superintendency were established there. Moenkopi proper has a long history as a Hopi center, although it also has suffered periods of abandonment and near abandonment. The great problem is where to draw a line between the two.

Hopi residential patterns have followed the traditional village orientation of Hopi culture. While a few farm houses and range camps have been established in outlying sections and a few Hopis reside in government housing to which they are entitled by virtue of their jobs in Tuba City, most if not all maintain homes in either the upper or lower village. The boundaries of the lower village are clearly defined and a small area, largely within parts of two Hopi allotments, is encompassed. The upper village is an anomalous hybrid community, a Hopi village laid out in lots along streets. It was established by early superintendents who encouraged younger educated Hopis to settle in this manner. It recognizes no set limits and recent expansion of residential area has been along the Navajo Route #3 in a manner suggesting that the Upper Moenkopi people consider it another village street. There has been no attempt thus far by the Upper Moenkopis to capitalize on the business potential of this highway frontage.

Navajo urban settlement has continued to conform to the scattered clusters of homes of related families that is characteristic of Navajo rural settlement, but much more closely placed. Most of this settlement has been in the area called "South Tuba" lying between Tuba City proper and the Kerley Trading Post. The Navajo Tribe has attempted subdivision of this area, but the establishment of numerous homes

101373

without reference to this subdivision, some of them cinderblock houses of fair size and representing considerable investment, others hogans and some mere shacks, has rendered this effort futile. Indeed, a new approach in community planning is needed to accommodate the urban settlement pattern now developing in Tuba City if the family and social structure of the Navajo families of the area is not to be disrupted or placed under severe strains, one that would be uniquely adapted to Navajo life. Whatever the age of the settlement in South Tuba, and most of it is relatively recent, it is a well established Navajo community and quite clearly a suburb or division of Tuba City. To allow it to be placed ⁱⁿ anything other than Navajo jurisdiction where the problems of adopting Navajo ways to urban life could best be handled would be a great mistake.

This is a similar residential development under way along the north side of Kerley Valley which will probably reach the same stage of population concentration as South Tuba within the next few years. In addition a few Navajo families live at more scattered locations within the area near Tuba City so as to have ready access to jobs, schools for their children and other resources of the community. There are a number of Navajo families along Pasture Canyon, a few along Navajo Route #1 to the east, and a number south of the junction of Navajo Route #1 and #3. The area to the southeast of the junction especially has a sizeable Navajo settlement, some on tribally assigned homesites. The southernmost house in this area is that of Blanche Taho, a Navajo woman who is the widow of an Oraibi Hopi. Her children are enrolled as Navajos (Morgan to Director, Sept. 13, 1967, NLC files) and she has built on a homesite granted by the Navajo Tribe.

On the basis of current settlement patterns and developmental trends, Navajo residential areas extend to the south end of the small hill just north of Upper Moenkopi, while Hopi settlement extends to the southern slopes of the hill.

Nonresidential development parallels the residential development to some degree. Navajo Tribal improvements are concentrated in the area south of Tuba City proper and east of the road from the junction to Tuba City. These consist of the Tuba City Civic Center, the Police Station and Housing for Tribal Employees. Three of the four corner locations at the junction have been taken up by businesses operating under leases from the Navajo Tribe. Two Navajos have applied for a business site on the fourth location. A number of Navajo Home-site assignments are pending in the area and some of these Navajos have already built homes on the sites for which they have applied.

101374

More ambiguous is the Mormon mission site south of and across the highway from the Taho homesite. The only permit this mission has is one granted by the Upper Moenkopi Council. The Navajo Tribe and the BIA have asked them to apply for a lease from the Navajo Tribe, but they have never done so. The mission is active among both Navajos and Hopis, but is reported to have far more Navajos than Hopis in its congregation and far more participation in church affairs on the part of the Navajo members. Thus a good case could be made to support the claim of either tribe to the mission location and it can be considered to be about on what should be the boundary between the Navajo and Hopi Communities. It gives a point upon which bargaining can be done and which the Navajo Tribe can yield in order to make a concession to the Hopis without really giving up very much.

Public facilities in Tuba City proper serve both the Navajos and Hopis. These are administered by the Bureau of Indian Affairs and the Public Health Service. In addition, there are a number of small business establishments, some owned by Navajos and all patronized more by Navajos than by Hopis. The areas occupied by federal installations should, perhaps, be segregated as a federal reserve not pertaining to either tribe or placed under a joint jurisdiction, provided that the small Hopi minority of a few hundred people is not placed in a position that would allow it to completely block all additional development and maintenance of facilities needed by several thousand Navajos. If such an arrangement can not be worked out, exclusive Navajo jurisdiction is essential.

Conclusion:

The recommendations made above are to be taken as general and subject to modification as negotiations proceed. We have not yet heard any serious Hopi proposals and do not know what they might be willing to accept.

There are a number of factors which I think should be kept in mind as negotiations proceed which appear to me to be quite important. These are:

1. Moenkopi is actually two villages. All of our negotiations so far have been with the Upper Moenkopi representatives who cannot speak for Lower Moenkopi. Any agreements must be approved by both the chief of Lower Moenkopi and the Upper Moenkopi Council if we hope to avoid later well-based challenges to it.

101375

2. Any boundary agreed upon should be accepted as final, not temporary, insofar as surface rights and jurisdiction go. We might concede a partial Hopi interest in mineral rights outside such a boundary to be determined by court action, but nothing more. This is a boundary being worked out at considerable expense by the people of both tribes and should not be subject to arbitrary changes later by any court action.

3. No members of either tribe should be deprived of their homes or means of livelihood, nor placed under the jurisdiction of a tribe not their own. Tribal rights and individual rights should ideally be co-extensive in matters such as surface rights and jurisdiction. Some modifications are necessary with regard to irrigation projects and public facilities serving both peoples and in the area of the allotments where tribal rights do not extend, but actual conditions should approach the ideal as nearly as possible.

4. The local people should be involved in the negotiations as fully as possible.

A number of maps are being prepared to accompany this report which will be useful in planning negotiations and perhaps also of use in the conduct of the negotiations.

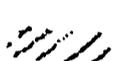
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APPENDIX I

Map of use by tribe. Orange is Hopi Use and green Navajo.



Urban and suburban areas.



Rural areas of concentrated population
which will probably become suburban in
the near future.



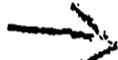
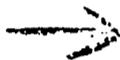
Agricultural land, used and abandoned.



Homes.



Corrals.



Grazing areas.

This map is still not complete, but I believe that it shows
enough of the use to be usable for boundary considerations.

101377

APPENDIX II

Map of a boundary suitable for an initial proposal to the Hopis. This is the most that I believe the Navajo Tribe can offer for a temporary boundary, but it should be made clear when this offer is made that if the Hopis are willing to consider agreement on a permanent boundary that the Navajo Tribe would consider a considerably larger area for a division of surface rights and jurisdictional purposes.

101378

Beginning at the water tank on the north edge of Moenkopi Village; thence due east in a straight line to the west boundary of Section 34, T32N, R11E; thence due south to the north boundary of allotment number 40, a Hopi allotment; thence due east to the northeast corner of allotment number 39, a Hopi allotment; thence due south along the eastern boundary of allotment number 39 to the center of the Moenkopi Wash; thence up the center of Moenkopi Wash to the sharp bend of the wash at T'iis Nts Haazi Ii'aahe, a cottonwood grove that is a well known landmark; thence easterly in a straight line to Tse Dijool which is a prominent landmark on the south side of the Moenkopi Wash in T32N, R12E, in the SE $\frac{1}{4}$ of section 28; thence due south to the north rim of Coal Mine Mesa; thence southerly, southwesterly and westerly along the north rim of Coal Mine Mesa to the rest area or picnic ground on the west side of Navajo Route 3 on the westernmost tip of Coal Mine Mesa; thence westerly to Windmill 3K-325; thence westerly to an X incised in the bedrock about 75' north of a cairn and about $\frac{1}{2}$ mile north of a well known rock outcrop called Owl's Hat in T31N, R11E, in the NW $\frac{1}{4}$ of section 28; thence northerly to the southwest corner of allotment number 49, a Hopi allotment, thence due north to the southwest corner of allotment number 50, a Navajo allotment; thence due east to the southeast corner of allotment number 50; thence due north to the northeast corner of allotment number 50; thence in a straight line east northeasterly to the southwest corner of the plot surveyed for the Mormon mission; thence due east to the southeast corner of the same mission plot; thence due north to the southwest edge of the right-of-way of Navajo Route 3; thence easterly to the point of beginning.

101379

APPENDIX III

Map of a working boundary that might be proposed for a permanent settlement of surface rights and jurisdiction. This boundary is not to be considered the final offer that can be made, but it is hoped that use of this as a starting point will allow a good basis for negotiation.

101380

Beginning at the water tank on the north edge of Moenkopi Village; thence due east in a straight line to the west boundary of Section 34, T32N, R11E; thence due south to the north boundary of allotment number 40, a Hopi allotment; thence due east to the northeast corner of allotment number 39, a Hopi allotment; thence due south along the eastern boundary of allotment number 39 to the center of the Moenkopi Wash; thence up the center of Moenkopi Wash to the sharp bend of the wash at T'iis Nts Haazi Ii'aahe, a cottonwood grove that is a well known landmark; thence easterly in a straight line to Tse Dijool which is a prominent landmark on the south side of the Moenkopi Wash in T32N, R12 E, in the SE $\frac{1}{4}$ of Section 28; thence south southeasterly in a straight line to Windmill 3K-329; thence southwesterly in a straight line to Windmill 3A-27; thence west southwesterly in a straight line to Windmill 3K-326; thence north northwesterly in a straight line to a well known rock outcrop called Owl's Hat in T31N, R11E, in the NW $\frac{1}{4}$ of Section 28; thence northerly to the southwest corner of allotment number 49, a Hopi allotment, thence due north to the southwest corner of allotment number 50, a Navajo allotment; thence due east to the southeast corner of allotment number 50; thence due north to the northeast corner of allotment number 50; thence in a straight line east northeasterly to the southwest corner of the plot surveyed for the Mormon mission; thence due east to the southeast corner of the same mission plot; thence due north to the southwest edge of the right-of-way of Navajo Route 3; thence easterly to the point of beginning.

Also the Hopi farms in Pasture Canyon and the farm plots in the old school farm south of the Moenkopi Wash and a block of farmland on the north side of the Moenkopi Wash, so selected that the total acreage will equal that now assigned to Hopis.

101381

APPENDIX IV

Concessions that might be made in the course of negotiating with the Hopis if bargaining should go to the enlarged area shown on the map in Appendix III. (1) The eastern end of the Nahaldzis, which is excluded from the Hopi area by the straight line from Windmill 3K-329 to Windmill 3A-27. (2) The area north of the Moenkopi Wash from the eastern end of the pump-irrigated farms to the western line of section 34 and north as far as a line extending due east from the Moenkopi Village water tank. (3) The hill immediately north of Moenkopi Village and the bottom lands in Pasture Canyon as far north as Navajo Route 1. (4) The mission plot of the Mormon church. (5) A small area to take in Roger Honahni's improvements east of Windmill 3A-27. It would be preferable, however, for the Navajo Tribe to compensate Roger Honahni for his improvements or the expense of moving them inside the line.

These concessions should not be made without getting something in return for each one from the Hopis.

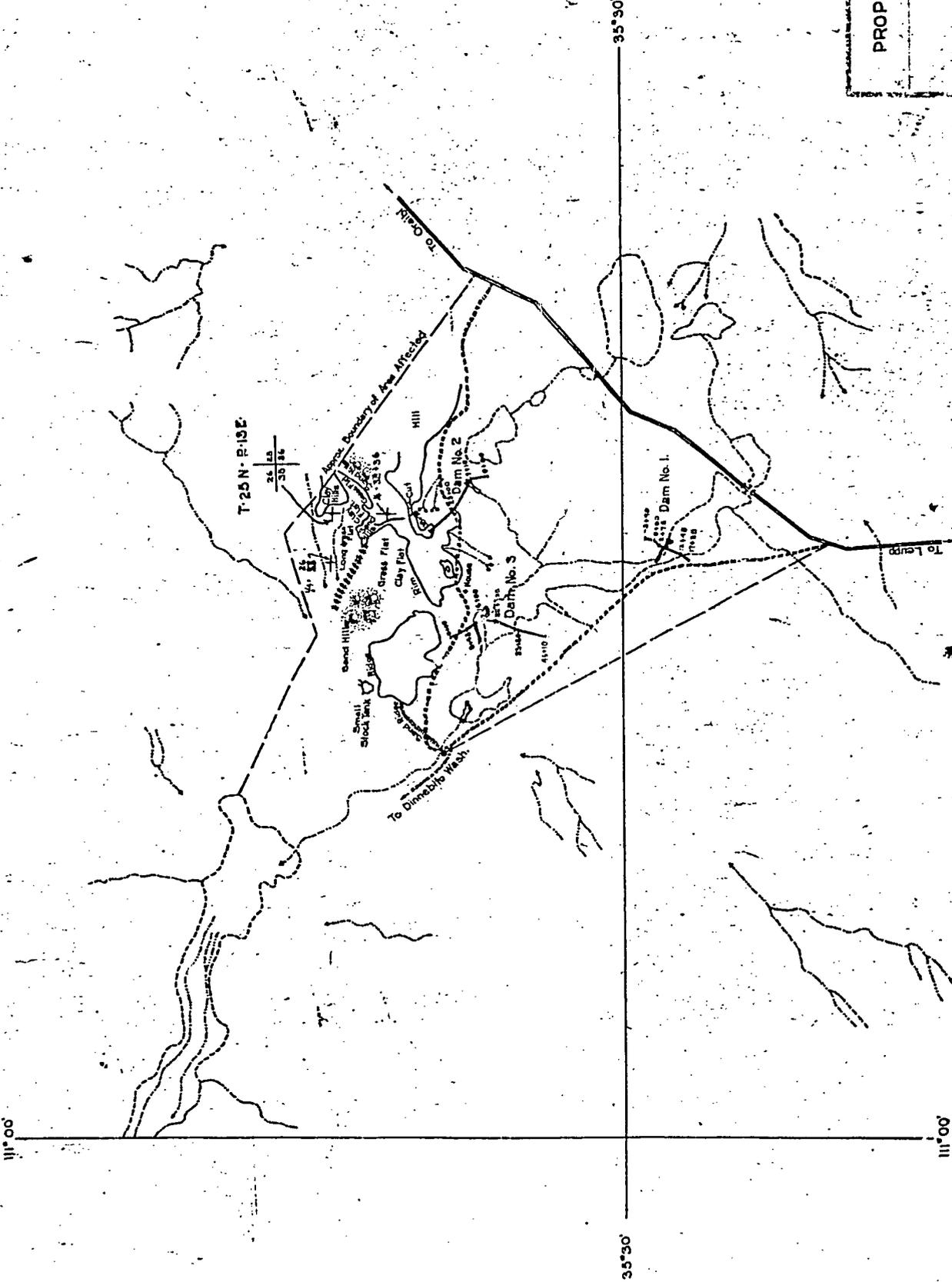
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111°00'

35°30'

35°30'

111°00'



LOCATION MAP	
PROPOSED PROJECT NO. 2	
TOLANI LAKES	
NAVAJO DISTRICT	
GALLUP, NEW MEXICO	
U. S. DEPARTMENT OF AGRICULTURE	
SOIL CONSERVATION SERVICE	
REGION	NEW MEXICO
SCALE	App. 1" = 1 Mile.
FIELD SURVEY	APPROVED
BY	CHECKED
Michael B. Shockley	HPB
12-14-57	2-21-58
FILE NUMBER	N-6429

File No - 16-1-60

HPB

N