

859 Indian Affairs 1892  
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CASE NO. 147

W. Hallett Phillips.  
City, Nov. 15, 1893

In reference to making  
allocations of land to  
the Moguis Indians.

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Washington, D. C.,

November 15, 1893.

The Honorable,

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

My thanks are due for the notice taken of my letter regarding the Mokis. I do not wish to enter into a controversy with the Indian Office, for I recognize it would be out of place, and my interference might well be treated as officious. I should not have addressed you at all, but from a conviction that the present administration in its dealings with the Indians, were actuated solely by considerations of what was best for them unmoved by fanaticism. I am sorry the Commissioner feels himself obliged to adhere to the application of the allotment law to the Mokis. I firmly believe that law is no more applicable to this people as regards their towns and lands which they have always held, than to the Shakers or other communities in this country owning land in common. Such is the decision of our highest tribunal. It is

singular that the Department should ~~feel~~ itself obliged to apply the law to the Moki Pueblos but not to the other Pueblos. I was aware, when I wrote, that by executive order the reservation had been designated for the Mokis. When I referred to their lands I did not mean all those portions of the public domain included in the boundaries of the reservation, but only to the land which had been occupied and owned by the Mokis before a government of the United States was thought of. This included their towns, their surrounding orchards, fields and pastures. As remarked by the Supreme Court, the peculiar status of these people was not affected by naming an agent for them. No more was it changed by the designation of a reservation. Of course, what the government could make it could unmake, and the reservation as such was subject ~~to all government laws~~ and at the absolute disposal of the government. But the rights of this people antedated the annexation of the country in which the Pueblos were situated and were not derived from our government but were guaranteed protection by it when the country was acquired from Mexico. Those rights, as regards property and ownership had been recognized and confirmed by the Spanish and Mexican laws. The Pueblo people were not treated by the former sovereigns of the soil as were treated the wandering wild tribes which surrounded the Pueblos. This was because they had a fixed

habitat, a firm possession of the soil and its continual use, while their affairs were administered by an admirable local system. By peaceful arts they had attained to a position of more than self-support. The fact that for so many centuries they should have preserved their autonomy and reached a degree of culture encompassed as they were by warring tribes, is a marvel. The Pueblo people are the only Indians I am aware of who have succeeded in solving the struggle for existence without outside aid. The life of the people fulfils their every want. They have never asked anything from our government, and if any people ought to be let alone they are the Mokis. Right demands this and policy suggests it. To treat them as other Indian tribes are treated would be deplorable. To compel them to abandon the life which they have always led and the leading of which has preserved them would be entirely destructive of the national spirit of the people. It would be to reduce them to the level of other Indians; to disintegrate and finally make paupers of them. There would seem to be no object in directing allotments in severalty, except to compel the Mokis to live upon the land so allotted. The avowed object of officers of the Bureau in Arizona, is to make the Mokis desert their Pueblos and as individuals to settle upon the parcels of land allotted. As the people are happy, contented and industrious in their present state

why disturb them; why compel them to commence a new struggle under different surroundings which with the most favorable circumstances cannot be productive of much additional material good and must be entirely destructive of all the knowledge and modes by

which they have hitherto been preserved. If the Bureau has been informed that the Mokis or any considerable number of them wish to abandon their houses and desert their ancient towns, it has been grossly imposed on. They are entirely ignorant of the fact that their lands are being partitioned off and parceled out by our Government. I know of but two members of a Pueblo, and understand in the least what has been going on. One is Tom Polaka, who speaks a little English, and the other, one of his associates, whose name cannot recall. If some new man in the confidence of the Bureau,

could be sent out to the Mokis, he might be able to make a report showing the true state of affairs, and the policy of carrying out a system which I regard as unfortunate and needless. It has occurred to me that the extent of the Mokis lands as they have always been held, could easily be defined and set apart to each Pueblo. Then, if there is any object in throwing open the balance of the reservation, there could be no objection thereto.

Yours respectfully,

W. Hallett Phillips.

*W. Hallett Phillips*

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INDIAN OFFICE,  
Incls. No. 7  
1893