

**SURVEY OF CONDITIONS OF THE INDIANS  
IN THE UNITED STATES**

~~FROM THE OFFICE OF~~ 12  
~~SENATOR B. K. WHEELER~~

**'HEARINGS'**

BEFORE A

**SUBCOMMITTEE OF  
THE COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**SEVENTY-FIFTH CONGRESS**

**FIRST SESSION**

**PURSUANT TO**

**S. Res. 79 and 308 (70th Cong.), S. Res. 263 and 416  
(71st Cong.), S. Res. 323 (72d Cong.), S. Res. 241  
(73d Cong.), and S. Res. 230 (74th Cong.)**

**A RESOLUTION DIRECTING THE COMMITTEE ON INDIAN  
AFFAIRS OF THE UNITED STATES SENATE TO MAKE  
A GENERAL SURVEY OF THE CONDITION OF  
THE INDIANS OF THE UNITED STATES  
CONTINUING UNTIL THE END OF THE REGULAR SESSION  
OF THE SEVENTY-FIFTH CONGRESS SENATE RESOLU-  
TION NUMBERED 79 AUTHORIZING A GENERAL  
SURVEY OF INDIAN CONDITIONS**

**PART 34**

**NAVAJO BOUNDARY**

**AND**

**PUEBLOS IN NEW MEXICO**

Printed for the use of the Committee on Indian Affairs

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1937

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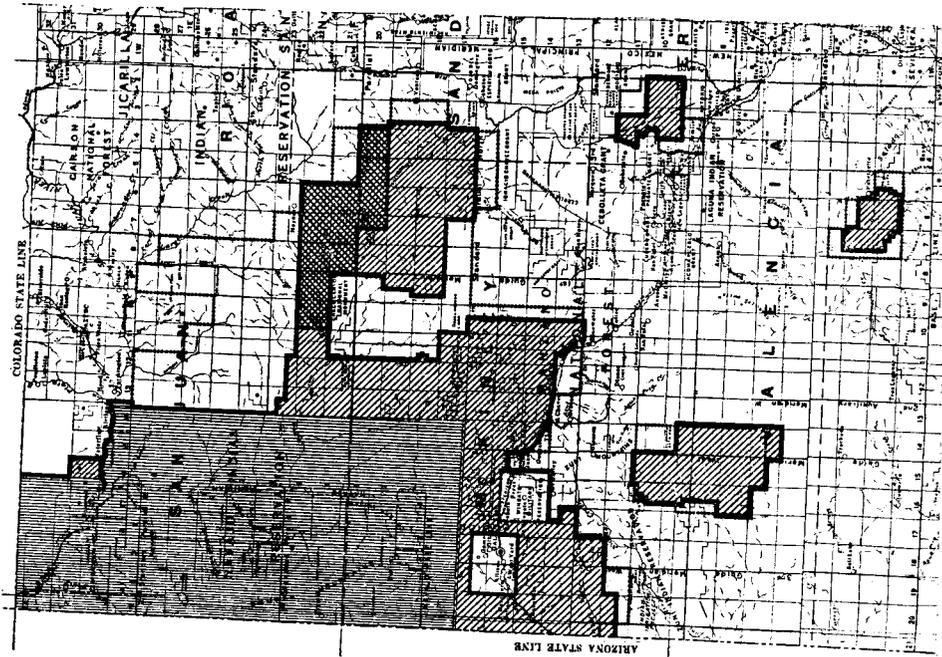
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	Page
Jacobs, Marvin	17514
Jones, Paul	17960
Kie, Charles	18154
Kiker, H. A.	17426, 18154
Layold, R. H.	17933
Lee, Floyd	17676
Long, Alfred H.	18154
Lopez, Montoya	17790
Lujan, Mable Dodge	17820
Morgan, J. C.	18173
McGinnis, W. G.	17445, 17457, 17477, 17486, 17724, 18010, 18031
McClure, W. G.	17613, 17928, 17974
McCray, E. R.	17666
McClure, Thomas M.	17855
Martin, Robert	17858
Maloney, Adolph	18016
Madox, C.	17963, 18022
Maribal, Antonio	17984
Martinez, Albert	18175
Naneskahi, Allen	18192
New Mexico Association of Indian Affairs, statement	17474
Nuefer, H. C.	17822, 18033
Naranjo, Agapito	17855, 17858, 17869
Ortiz, Otero	18207
Preston, Scott	18156
Pepperday, T. M.	17912
Presley, Kelsey	17508
Parker, James Otis	17664, 17747
Peter, Dr. W. W.	17879
Pete, Billy	17956
Paysano, Frank	18156
Pooler, Frank C. W.	18324
Platero, Jose	17784
Radcliffe, Mark	18127
Ridling, Olin H.	17672, 17721
Stewart, James M.	17658, 17685, 17795, 18120
Sargent, Edward	17695
Salles, Juan	17781
Sandaval, Julian	17779
Stover, Arthur E.	17798
Stalworthy, W. C.	17808
Shevly, Eshref	17829
Sturges, Catherine Vesta	17830
Simms, Custer	17957
Shirley, Jim	18017
Stacker, S. F. (copy of notice)	18032
Tingley, Hon. Clyde	17662
Taylor, Elmer F.	17666
Tomas, Juan	17779
Trotter, Geo. A.	17797
Thurland, E.	17822
Ta-Mu-Sec-To et al.	17873
Tabe, Bennie	17906
Turley, J.	18141
Valerde, Hernan	18207
Vigil, Martin	17429, 18162
Vesely, Frank	18136, 18140
Wathen, A. L.	17868
Weber, Auslem	17553, 17563
Westbrook, L. K.	17693, 17700
Werrito, Jose	17786
Walker, Ray (report)	17933, 17977
Yazkie, Mrs. Y. N.	18017
Zimmerman, Wm., Jr.	17482



DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

## NAVAJO BOUNDARY EXTENSION

OCT 1936

LEGEND

PRESENT NAVJO RESERVATION IN NEW MEXICO (EXCLUDING AREA IN ARIZONA AND UTAH)  
 + AREA WITHIN PROPOSED BOUNDARY EXTENSION  
 AREA ELIMINATED FROM ORIGINAL 1934 BOUNDARY BILL IN 1937  
 AREA WITHDRAWN FROM PUBLIC DOMAIN BY DEPARTMENTAL ORDER IN 1931

SCALE OF MILES

is not overpopulated with animals. There is lots of range, and in comparison we are dealing with only a tiny piece, 2,000,000 acres, and of that 2,000,000 acres I don't mean to convey that the whites are ranging all of it; the Indians are still ranging, in the southern part, the bulk of it. It is in the Star Lake area that the Indians have lost to the whites, although the title is confused also in the south. I think if Mr. Stewart be allowed to bring the boundary bill up to date and give you the details, it will illuminate a number of questions.

Senator THOMAS. If you will select all the calculations you want to give us and give them to Mr. Grorud, they will be included as part of your statement.

(The calculations and documents above referred to and furnished for the record by Commissioner Collier are as follows:)

## EXHIBIT 1

## STATEMENT OF THE NAVAJO BOUNDARY BILL

(By CHEE DODGE)

Time and again I have been asked for an opinion on the New Mexico-Navajo boundary bill now pending in Congress. My position is perfectly clear from the fact that I have been advocating and working for the enlargement of the Navajo Reservation for years. After a long fight, the boundary in Arizona was settled a few years ago by the passage through Congress of a bill similar to the New Mexico bill.

We had always felt that the white people of New Mexico were more sympathetic to the Indians and understood their needs more intimately than the white people of the other States. And yet it has been more difficult to get their support in behalf of the New Mexico boundary bill than the people from outside the State.

There is no doubt of the absolute need of the Navajos for more land, especially those who are eking out a bare existence on widely scattered allotments in the area proposed to be added to the reservation by the New Mexico boundary bill. The economic resources on the reservation are limited, and for that reason the problem of at least maintaining a chance for every family to make a decent living is becoming more and more difficult, while the population is increasing very rapidly. In other words, the entire reservation, with its limited available resources, can just support the present population. This condition on the reservation itself is serious enough, but what about the condition of approximately 3,000 Navajos who are struggling against great adverse circumstances in the area just east of the reservation? About half of these unfortunate people are trying to eke out some sort of an existence on allotments surrounded on all sides by non-Indian-owned lands. This checkerboard condition of allotments with non-Indian land is primarily responsible for the dire circumstances of these Indians. Water and even limited agricultural developments and the improvement of grazing resources by the Government are not possible unless a consolidated area, large enough to justify these improvements, is ceded to the Navajos. I do not believe that any person of average intelligence can seriously question the absolute need of these poor Indians for the lands included in the boundary bill.

The matter of possible loss of revenue to the State and local counties from taxes is usually advanced against the bill. This argument may merit serious consideration if the area was valuable for farm lands or exceptional for grazing purposes. However, the area is good for average grazing only, not valuable from the standpoint of taxation. Furthermore, the human needs of the Indians within the area for a chance to work out a decent existence is far more important than any possible loss of taxable lands to the State and local counties.

This entire area and more to the east as far as the Jemez Mountain Range have been occupied and used by the Navajos for centuries. In fact at one time this was the center, the heart, of the Navajo population. It was their original home from which they gradually spread westward into the present reservation. They call the area "Dineh-Twah", meaning "Among the Navajo people." Ask any Navajo where "Dineh-Twah" is and his answer will refer to the area in question.

On this area are two prominent peaks or mesas which are sacred to the Navajos. One is called "Tzilth-Nah-Oh-Dilthil" (Mountain Around Which People Move). According to old tradition a baby girl was found on top of one of these peaks by the sun, one of the great gods of the Navajo people. When she grew up, she was married to the sun and gave birth to twins, both boys. One was named: "Nah-Yeh-Natz-Yahnni" (Killer of Enemies), and the other: "Twoh-Bah-Jish-Chinni" (One Who is Related to Water). Upon reaching manhood, being gods, they killed all the enemies of the people. To this day, the Navajos worship them as two of their greatest gods. This old tradition, probably the most important and priceless of all Navajo traditions, identifies this eastern country as the home of the Navajo people for hundreds of years.

In view of all this, the Navajos are asking that the boundary bill be enacted into law, for this assures to them an area of land which they and their great great ancestors have always held and considered as their own.

This vital need of the Navajos for more land, especially on the east side, was recognized and advocated soon after the tribe returned from their captivity at Bosque Redondo in 1868. Chief Manuelito and his fellow-leaders early realized that the tribe had already started to increase rather rapidly and that the treaty area was hardly large enough to hold the then tribal population. They also realized that the eastern area should be acquired as soon as possible as it was the original home of the Navajos. Accordingly, in 1874 or 1875 a delegation of seven Navajo leaders with Manuelito as spokesman was selected and authorized by the tribe to go to Washington and place the matter before the President and other officials. The then Government agent assigned to the Navajos as superintendent was to conduct the party to Washington. The first part of the journey was from Fort Defiance to Santa Fe, from which the delegation traveled to Topeka, Kans. in a stage coach, there being no railroad line beyond this point at that time. The trip from Topeka to Washington was made by train to the complete amazement of Manuelito and his fellow delegates, who had never seen a "fire horse" before.

There the delegation saw President Grant and laid before him the request of the tribe that they needed more land and that the reservation should be extended eastward so as to include the area now in dispute. After a lengthy conference, the President assured the delegation that he and his advisers would consider the matter very seriously. Chief Manuelito had brought along a beautiful Navajo blanket for the President. As soon as the interview ended, he presented this to the President, who placed it on the floor near the desk. The Government agent, who was conducting the party, was present at the meeting. As soon as the Indians left the conference room of the White House and had gotten outside, the agent picked up the blanket and gave it back to Manuelito with the advice that the President was not permitted to accept presents from individuals. This made the delegation very angry at the agent for not informing them of the custom before the blanket was presented. In any event, members of the delegation on reaching Santa Fe refused to go any farther with the agent as their feeling against him was still tense. So they bought several burros from the local people, and with these burros carrying their food supplies they walked back to the reservation from Santa Fe. Shortly afterward on complaints of these Indians the agent was removed from the Navajo affairs.

I have related this bit of a story just to show that the fight for the extension of the Navajo boundary in New Mexico is not a new thing but has been carried on ever since the time of President Grant. I feel confident that the honorable Members of Congress from New Mexico will see the justice of the Navajo plea and that they will urge the early passage of the boundary bill through Congress.

## EXHIBIT 2

## LETTER OF REV. ANSELM WEBER, O. F. M. (1911)

ST. MICHAELS, ARIZ., April 29, 1911.

Mr. C. F. HAUKE,  
Washington, D. C.

DEAR SIR: Hoping you will pardon the long delay I shall now make use of the opportunity offered by your kind letter of February 9 to describe existing conditions among the Navajos. Since Mr. Gascum Johnson is in the field to

Now, if water were developed in these places it would be a great help to the Indians since they could use the range longer and during winters when there is no or hardly any snow.

But as for developing water in such a country in view of placing Indians there to stay and graze all year around, that would ruin the range absolutely. The soil in these desert lands is more loose and sandy, the grass does not form a continuous sod; only scattering bunches and spots of grass. Continuous grazing would soon transform that country into an absolute desert.

In the Black Mountain district the grazing is good since the Indians have less stock; but the Navajos from overgrazed districts are beginning to drive their herds during certain seasons to the Black Mountains, though some of the Black Mountain Indians are vigorously protesting against this "intrusion."

Lack of water, however, is not the only reason why some places are not grazed, even during winter; but lack of protection against storms in large open tracts of country and lack of fuel as well.

As to furnishing you with "a general statement showing how many Indians are really making commercial use of the public-domain lands, accompanied by a sketch showing the approximate location of these various bands off of the reservations, and the general status of the lands surrounding those occupied by the Indians, that is, as to whether the lands are homesteaded by white settlers, leased from the railroad for grazing purposes, or used as common pastures, I will say that the Navajos off the reservation in this neighborhood in Arizona have been allotted by Mr. Peterson, and their allotments will show, to some extent, their location and number. There are some American farmers in that country, especially at and near the railroad station of Chambers, most of whom have settled there since the Black Creek irrigation project has been launched. There is no friction between these farmers and the Indians. On the west end of the Indian country south of the railroad, south of the railroad station of Navajo, a township has been leased for the use of 5 or 6 years by whites, and two white cattlemen are further to the east among the Indians but there is no friction between them and the Indians; some of them is an Indian trader at the same time. One white man who did make a good deal of trouble sold out to his same trader and left the country. No other cattle or sheep men are among them.

The Indians have their small farms, especially near the railroad stations or Sanders and Houck, where they have built irrigation ditches and terraces or overgrazed. Several thousand head of sheep belonging to Indians off the reservation in the eastern part of their country in Arizona and on about two townships in New Mexico were dipped a few years ago at Eumigrant Springs, near the railway station of Sanders.

No lands have been leased by them since there is no grazing law in Arizona, and leasing would only be prohibitive where there is a copious spring on railroad land controlling the surrounding country. The best springs in that country are on one school section near Sanders which has been leased for years by a white man.

But one Indian, Arthur Chester, has leased railroad lands in Arizona, namely T. 22 N., R. 25 E., on the extension in Arizona, since Tanner Springs, which controls that part of the country, is on a railroad section.

As to New Mexico, I shall speak first of the country from the reservation line southward till the Zuni Reservation and from the territorial line eastward till the Fort Wingate Military Reserve.

The whole country is occupied by Navajos with the following exceptions: T. 11 N., R. 18 W., has been leased by the Rev. Andrew Van Der Wagon, a minister of the Christian Reformed Church, who has his store and ranch on said township and who officiates now again as missionary to the Zunis and, I am told, is trying to dispose of his ranch to devote himself exclusively to missionary endeavor. There has been friction between him and the Navajos, and he had some in the Gallup jail, and I heard a Gallup gentleman complaining to the district judge that Mr. Van Der Wagon had come to this country as a missionary and was now filling the Gallup jail with Indians. But since that part of the country has been included in the forest reserve, the matter has been regulated between him and the Indians.

The ranges of T. 11 N. are used by Mr. Van Der Wagon, a few Mexicans, and the Zuni Indians, though a Navajo has an allotment on Sec. 4, T. 11 N., R. 20 W., and he and a few other Indians are grazing their sheep on the northern part of this township.

Investigate the same question, I hope my letter will reach you just at an appropriate time.

To quote your letter: "The whites believe, in view of the large reservation set aside for the Navajo Indians, amounting to upward of 12,000,000 acres, that the use of the Government lands should be theirs."

Of the 12,000,000 acres, 1,221,120 acres have been opened up in the extension of New Mexico, which leaves them 10,778,880 acres. Of these, approximately 1,032,900 belong to the railroad company and 133,440 belong to the Territories, which leaves them a reservation of 8,820,480 acres, of which the treaty reservation embraces only about 3,225,000 acres.

Since the Navajos on and off the reservation have 1,751,900 sheep and goats, if they were all brought back on the reservation they would have a little over 5 acres for each sheep or goat.

Even if all the land belonged to them and they had 12,000,000 acres they would only have nearly 7 acres for each sheep and goat, not to mention the large number of cattle and horses belonging to them.

But in a country like the Navajo Reservation, where the range varies from the finest grazing lands along the foot of the mountain ranges to an almost absolute desert, it is very difficult to judge its grazing capacity.

I have accurate data regarding the tract of country north of the Zuni Reservation where 45 Navajo families and independent single persons graze 17,079 head of sheep and goats on 6 townships in the Zuni forest reserve, where the quality of grazing land is far above the average; 17,079 grazing on 138,240 acres is about 8 acres to 1 sheep or goat. Exhibit A gives you a description of the range of this overgrazed country. But it does not give you a fair idea of conditions that would obtain if all the Navajos were confined to the reservation with 7 acres to the sheep, since grazing land on the forest reserve is far above the average grazing land on the Navajo Reservation. There are a number of places on the Navajo Reservation where a sheep would graze on 160 acres.

Exhibit B will show you that the Secretary of Agriculture has allowed only 18,500 sheep and goats and 1,500 head of horses and cattle on the Navajo and Zuni division of the national forest.

Very well, the Navajos are grazing almost that number (17,079) on those 6 townships alone, whilst they are grazing 42,000 on the Navajo division of the national forest on the reservation. (Not having any data of the number of sheep the Zuni Indians graze on that same forest I shall omit them.) Forty-two thousand and 17,079, and only 18,500 allowed; where will you move the surplus of 38,579 head of sheep? And if the railroad company should act as indicated in exhibit B, 97,259 should be moved, and I know of no place on the reservation that could take care of them.

It is notorious that this whole country, on and off the reservation, is very much overgrazed. Inspectors from the Board of Animal Industry, whom I met last summer at the foot of the Timbisha range, the best grazing land in the country, said they did not know what the Navajos will do if their stock increases, since the whole country was overgrazed already. And their stock is increasing continually.

Development of water for stock purposes? I am sure Professor Gregory is correct in regarding that "there are many possibilities for water development where the pasturing is unpractical", though, I am afraid, the last part of his sentence needs some elucidation. I am quite certain Mr. Gregory had in mind places between the Little Colorado and Hopi in Arizona, on the east side of the mountain range in New Mexico, and some districts in the Black Mountain country. All this country—though I do not know about the Black Mountains, never having been there—is a rather barren desert. Whilst the grazing was good when Mr. Gregory saw that country, if he had visited it in early spring he would have found it grazed off.

It is absolutely impossible for the Navajos to winter their stock on top of mountain ranges and even at the foot of the mountains where the altitude is high on account of the very deep snow. These Indians must have a different water range; and in winter, when there is some snow on the ground, which obviates the necessity of watering the sheep, they take their stock into the highlands. Hence, when you find good grass late in summer and fall, you will find it grazed off in spring when the Indians take back their flocks to the mountains. There is hardly any place on the reservation which the Navajos do not use during some season of the year; and their cattle and horses roam over this country all year round.

over this country all year round.

T. 12 N., R. 18, 19, 20 W.; T. 13 N., R. 17 and 19 W.; T. 14 N., R. 17 and 18 W., are leased by the Indians from the railway company, and the heads of families have 22 allotments on these leased townships, and 6 sections have been relinquished by the railway company.

A Mexican tried to obtain a homestead by fraud on Sec. 28, T. 13 N., R. 17 W., but since the Land Office has rejected his claim, I suppose he will have to leave and the Forest Department will not renew his grazing permits.

Mr. Febro, of Gallup, N. Mex., an emigrant from Austria, whom the Indian Office knows as one who wishes the "renegade Navajos" forced back on the reservation, has leased the school sections of T. 14 N., R. 18 W. He had the whole township leased from the railway company and boasted he would have all the Navajos, about 20 families, who had been living there for years, off the township within a year; but I induced the railway company to refuse to renew the lease to him and to lease it to the Navajos. Though he continues to graze his cattle on this township, there is more peace, especially since the district attorney has directed "Old Necessity", the justice of the peace of Gallup, not to pay any attention to his complaints, since the grazing laws of New Mexico have been repealed. He had a ranch on said township, but he sold out and lives in the town of Gallup.

All the other townships enumerated above are in the exclusive possession of the Navajos; only two white men—traders—who are not in the stock business, have homesteads on them, and they, of course, are friendly toward the Indians.

As I stated in the beginning, 45 Navajo families graze 17,079 head of sheep and goats on six townships, i. e., on T. 12 N., Rs. 18 and 19 W.; T. 13 N., Rs. 17, 18, and 19 W.; T. 14 N., Rs. 17 and 18 W.; five whole townships and two fractional townships. Since they have leased these townships, and since they are in whole or in part within the national forest, they are, at least where the lands are embraced in the forest reserve, as much protected as though they were on a reservation, provided the small patches, good for Indian farming, and where water can be developed, are allotted to them.

T. 15 N., R. 17 W., has been leased by a butcher of Gallup, who is grazing his cattle on it. There are four allotments on it and one section has been relinquished by the railway company. He tried to bluff the Indians off of their allotments till the officials of the Santa Fe Land Office threatened him with the territorial rangers; since then he is rather peaceable. The Navajos have small farms on said townships, have developed some water, and built several reservoirs on it.

On T. 14 N., R. 19 W., a Mexican "outfit" has homesteads on sections 14 and 20, live on the railway section 23, on which there is a reservoir, and graze a large herd of sheep on this and adjoining townships. The Navajos offered to lease the west half of said township provided the Mexicans would lease their half and divide up the territory peaceably, but the Mexicans refused. Thereupon the Navajos wanted to lease the whole township, but I dissuaded them, to avoid trouble. Some months ago the sheriff of Gallup ordered them from a Navajo allotment where they were using up the water in reservoir built by the Navajos. The Navajos have two allotments on this township.

With the exception of Gallup and the mines, all the rest of the country, not mentioned in the foregoing passages, is in the exclusive possession of the Navajos.

While I have secured the allotments in New Mexico mentioned so far, and some others, by tracing old surveys and giving them description of their lands, securing, at the same time, relinquishments of springs and a reservoir by the railway company, Mr. Kent has made some, especially on T. 13 N., R. 20 W., and a few others near the railroad.

While I am not so well acquainted with the Indians and the country east of range 17 and south of the Zuni Reservation, the conditions are about the same, though they are more vexed by cattlemen east of R. 17.

The Navajos have their small "dry farms" in the valleys and graze their stock; others work in the mines and in Gallup besides. Some are prosperous, have even money in the bank; all make an independent living.

I could not say with accuracy how many families live off the reservation to the south in New Mexico, but I should judge about 250.

As to inducing them to return to the reservation, they cannot be induced; neither could the Indians on the reservation be induced to receive them, since they need the reservation for themselves. The whites do not want them moved, except a few political bosses, like Gregory Page, of Gallup, and his henchman, Mr. Coddington, who at one time, after a flood of abuse, gloried to me that we

had settled the Indian question by bringing tuberculosis among them; and a few cattle and sheep men, and, possibly, a few who would gladly go into the stock-raising business if the Navajos were removed. But the country would not support more than a dozen sheep or cattle men, while it is supporting over 250 Navajo families. The business realized from these 250 families is by far greater than the business that would be realized from a dozen white families of cattle or sheep men. Gallup lives off of the mines and the Indians.

Farmers? There is a Mormon settlement at Remah under an irrigation system, and there are Slovenian and American farmers on the Zuni Mountains, but they live apart from the Indians and have no quarrel with them. Some whites have tried "dry farming" east of Gallup, but all have given up in despair except two or three. It is possible, when the tide of immigration reaches this part of the country, that some would crave the Indian corn patches scattered here and there in the valleys, but the country is, as a whole, good for grazing only, and they who use the country for that purpose, the Indians, ought to retain their small farms in the valleys where they have their homes and watering places. And these places ought to be allotted to them. But I am not in favor of allotting lands to every man, woman, and child. Lands not even good for Indian farming, without water, without a site for a small reservoir, without a probability of possible development of water, in short, lands "good for grazing only", are not worth allotting.

A white farmer here and there between them would certainly do no harm, but good; but how long would he content himself with "dry farming" before he would go into the stock-raising business, for which alone this country is adapted?

To quote your letter again: "An instance in point is in a region just east of the Zuni Reservation, where a few Navajos are settled. The odd-numbered sections surrounding them were owned by the railroad company, and I believe that they sold these lands to white persons. Complaint has been made to the Office that the Indians' stock is constantly trespassing on these railroad lands, and the Office has been confronted with a proposition from the white owners to either permit the Indians to sell out or for the Government to buy out or lease the lands of the white owners."

No harm will be done if the Indian Office permits (and that is all it can do) the Indians to sell out, for the Indians would not use that permission; as to the Indian Office "buying out or leasing the lands of the owners," that would be rather an easy method for these whites to get rid of their worthless grazing lands. Supposing the Navajos would sell out, not to the owners of these railroad sections but to other cattle or sheep men, before whom would they whine then and whose assistance would they invoke then? The last Legislature of New Mexico, which was certainly conversant with agricultural and grazing conditions, advisedly repealed and amended the grazing laws in such a way that there is no protection and no redress unless the lands are fenced, be they agricultural or grazing lands; that is the will, crystallized in law, of the representatives of the white people. Let those interested seek redress from their solons.

It is true the Navajos have a large reservation, but their reservations and the lands occupied by them are stocked as much, if not more, and have as large a population, if not larger, than any other portion of New Mexico and Arizona where the land is of similar character, i. e., "good for grazing only." Whose fault is it that we are living in a country, as the cowboy put it, where there are more rivers and less water, more cows and less milk, where a person can look farther and see less than anywhere in God's creation; or, as Mr. Charles S. Lummis puts it, where a horned toad may scratch a living if it remains single, but is doomed to starvation if led into matrimony.

The Navajos have never confined themselves to the reservation; they have lived where they are now, as a rule, ever since they returned from Fort Sumner—i. e., since 1863—and most of them had lived there before that and simply went back to their old home and range. It may be rather disappointing to the whites that the Indians were here first, that they are practically occupying the whole country and are making as good use of it as a white man could, if not better. But, as I said before, the whites who are anxious to have the Indians removed are only a few politicians, some cattle and sheep men, and such as would like to go into the stock-raising business were the country cleared of Indians and Indian stock. No settlers or farmers or prospective homesteaders are craving for their lands.

Conditions on the extension in New Mexico, now opened up to settlements, or rather for grazing purposes, are about the same, if not worse, than those of the Indians off the reservation to the south, for they have to contend with more sheep and cattle men and with some unscrupulous political bosses of counties,

who happen to be wealthy sheepmen at the same time—for instance, Tom Burns and Epimeno Miera.

Even before the extension was thrown open there were more cattlemen on that extension than there had been before the extension had been made. They simply leased the railroad lands of a number of townships and ran their stock on the reservation. It is true the Indians themselves have leased a few townships, but to keep in control of that section of the country they should have leased all the townships containing water and good grazing. Since the Department of the Interior did not approve of the policy of having the railway company relinquish its lands, occupied by Indians, and selecting unoccupied lands of the same value and character somewhere else, the Indians had but one alternative—either to lease the railroad lands and remain in control at least as long as the barrier of the extension lasted, or to permit the whites to lease the lands and overrun their country again with stock; and now, since the extension is opened up, the whites do not even have to go to the expense of leasing to graze their stock on the lands of Mr. Stacher's superintendency.

Permit me to quote one more sentence of your letter: "The question of allotting Indians off the reservation is a perplexing one, and while, of course, the Office recognizes the legal rights of Indians who are actually living on lands off the reservation to take them in allotment, it is true that many instances where allotments have been made in the extension in New Mexico, the Office would find great difficulty in proving actual residence on the part of the Indians such as is required of white homesteaders under the public-land laws."

I suppose actual settlement and residence on the land is not required where allotments are made on an extension. If you had in mind the stretch of country between the northern end of the extension and the San Juan River, it is undoubtedly true that "the Office would find great difficulty, etc."

But abstracting for a moment from the legal requirements, it is rather unfair on the part of the whites to expect from Indians what they themselves never have done and never would or could do; i. e., to permanently live on one's homestead in such a country.

When that extension was made hardly any, if any, whites were living in that country, though they ran their sheep over it, especially during extraordinarily severe winters, whilst the Navajos were living in that country, had their homes there, and were depending upon it for a living, though few of them may have been living permanently at one and the same place, since few places are adapted for such a permanent residence; neither do the Mexicans live that way; they live at favored places in villages.

But I acknowledge that much worthless, uninhabitable land has been allotted to the Navajos, both in New Mexico and Arizona—much more so in New Mexico, however—which never should have been allotted; hence my remark that I do not favor allotments to every man, woman, and child—allotments of lands good for grazing only, etc.; hence, also, allotment of a grazing country like this does not give adequate protection when the reservation is opened up.

But this whole paragraph is nothing but a digression; please consider it as such and connect what follows with beginning of page 12.

Conditions existing on the extension in New Mexico now opened up will eventually also obtain on the extension in Arizona, which is now and always has been in the exclusive possession of the Navajos.

Unless the railway company relinquishes its holdings the Indians will have to lease the railroad lands or permit the whites to lease them and bring in their stock on the already overgrazed range of the extension. That is the present status of affairs on the extension in Arizona. But if the Indian Office should have that extension allotted so that every Indian can graze from 15 to 20 sheep on his allotment of 100 acres and make a living thereby—please excuse the sarcasm of this one sentence—then that famous act of Congress passed by Mr. Andrews would force the President to open up the extension, and outside of the forest reserve and where water on a railroad section would control all the neighboring lands even their leasing of the railroad lands would not keep the sheep and cattlemen away.

Whether that shall be the future status of affairs will depend upon the action of the Indian Office.

Therefore I deem it a mistake to allot the lands on the Arizona extension or to open it up, not to settlement but for grazing purposes.

To allot reservations of an agricultural character to Indians and then open up the residue for settlement may be a very good policy, but to allot reservations good for grazing only and then open them up is, in my opinion, a bad policy, for if only the lands good for Indian farming are allotted they cannot make a

living on them—no American could; if, in addition, grazing lands 100 acres to the person are allotted, they cannot make a living on them either in a country like this; they would need the residue of grazing lands on the reservation and if the reservation is thrown open they must share the grazing lands they need for their own subsistence with others.

But off the reservation I think the little land in valleys, good for Indian farming, land with springs or reservoirs, or where they can build small reservoirs or develop water, ought to be allotted to them to give them what is coming to them, to give them the only protection that can be given them, and to make stock raising and farming, as far as the land allows, and home building feasible.

The Indians are averse, as anyone else would be, to making expensive improvements if they have no assurance that the land is theirs.

As to inducing them to return upon the reservation, I deem that absolutely impossible, first, because they will not be induced, and secondly, because they are so many and their stock is so numerous that the already overgrazed reservation would not support them even if all the water were developed that can be developed.

The Navajos are now self-supporting; a number of them are very prosperous, some of them even wealthy; and they will remain so and improve if the Department will let them.

Some years ago at a council at Fort Defiance their spokesman, the Silversmith, said to Mr. Leupp, "They did not wish to ask the Government for any assistance; they did not wish to approach the Government, like the worthless Utes, begging for a chunk of meat and a loaf of bread; they wanted to be self-supporting; but to be and to remain self-supporting they needed the lands they now occupy; all they begged of him was opportunity to make a living and protection against such as would deprive them of this opportunity by depriving them of their homes and watering places and grazing lands."

If they were brought back on the reservation they might soon need the assistance of the Government.

As to the whites, a few political bosses, a few prosperous cattle and sheep men, who are eager to make, not a living, but more money; well, let them abide by the law which defines our rights and duties and ought to govern our relations to one another whether we be white, red, black, or yellow; and let them, if necessary, go, not to Yuma or some other hot place, unless they choose to do so, but where lands are unoccupied and the range is not overstocked, where they can establish themselves and expand without encroaching upon the rights of others or driving others away from their homes. Arizona and New Mexico are big territories and the whole country is before them, while the Navajos can live and thrive only where they are.

To summarize the forepart of my letter: The Navajo Reservations embrace about 8,920,480 acres of land, belonging to them or the Government. They have 1,751,900 head of sheep and goats, i. e., about 5 acres to each animal, not to mention the large number of cattle, horses, burros, and mules; but the range is such that where it is far above the average in quality, i. e., on the forest reserve, 8 acres to the sheep has ruined the range to a great extent.

Development of water in desert lands, while a great help, would not enable the Indians to use the range all year; if they did use it all year, that would deprive the mountain Indians of their winter range and would transform that country to an absolute desert.

To move the 250 families south of the reservation in New Mexico, with their 100,000 head of sheep, and the Indians south of the reservation in Arizona—I am not here including the Navajos south of the Moqui Reservation and in the Cocouino Basin, of whom I know very little—with their 50,000 head of sheep, requiring about 1,500,000 acres to graze their 150,000 head, upon a reservation already overstocked, from the forest reserve portion of which the Secretary of Agriculture desires the removal of over half their stock, would be ruinous to the Indians both on and off the reservation.

Under existing conditions I hope the Indian Office will send an allotting agent to allot, not the whole country, but the lands worth allotting, to Indians having their homes and range and watering places off the reservation, to the south, in New Mexico.

Thanking you again for the opportunity offered me to express my views, I remain,

Very respectfully and sincerely yours,

FR. ANSELM WEBER, O. F. M.

## EXHIBIT 3

## THE NAVAJO INDIANS

## A STATEMENT OF FACTS

(By (Rev.) Anselm Weber, O. F. M., St. Michaels, Ariz.)

For several years past there has been agitated the question of allotting lands in Arizona and New Mexico to the Navajo and other Indians and throwing open to settlement and entry under the public-land laws the unallotted balance of lands now embraced in Indian reservations. The cry has been loud that these reservations are too large and are not needed by the Indians. Unfortunately, some members of the delegations from these States have appeared to be influenced by exaggerated and untrue statements upon this question, and as the Indians are absolutely dependent upon the Federal Government for their rights, I have tried hereinafter to show why these reservations should not be reduced in area.

Congress, as a whole, is responsible for the Indian policy and may not conscientiously shift responsibility to delegations from States in which the Indians in question live. Is not the Nation, as such, through its Representatives, responsible for the wards of the Nation? May I not truthfully say some Members of Congress represent constituencies or rather some active, aggressive constituents who are enemies of the Indians and their welfare? They have responsive Representatives in Congress in such cases; but who represents the Indians? Without a vote, placed under Federal jurisdiction, he is not a part of the State "constituency"; he is often fought by the constituency and its representatives. The Indian has no representation unless Congress as a whole espouses his cause. Too often, however, Congress as a body relies implicitly upon the delegation from such States for information, guidance, and action, and such delegations are at times misinformed by interested constituents. I am stating the case as mildly as possible.

A case in point is found in the Congressional Record of June 17, 1913, pages 2317 to 2321:

"Within 3 months the Indian Department has located 137 renegade Navajos in Socorro County, N. Mex., 250 miles from the Navajo Reservation, where they have unallotted 12,211,300 acres"—

Not 250 miles, but 54 miles, as the bird flies, from the Navajo Reservation—"Including the Navajos who are off the reserve and the Navajos who are not, there are 1,100 acres to every Navajo—man, woman, and child."

This is a simple question of census, acreage, and arithmetic. According to the census of 1910, the Navajo Tribe numbers 22,455 people. To my own personal knowledge a large number of Navajos were not enumerated in that census; but let us accept the figure of the last census. Let us also assume 12,000,000 acres as constituting the Navajo Treaty Reservation and the various Executive Order Reservations, and a simple example of arithmetic will show that, instead of 1,100 acres, each member of the tribe would have but 534 acres.

However, to be more accurate: The Navajo Reservation embraces 11,887,793 acres, of which approximately 719,360 acres belong to the Santa Fe Pacific Railroad Co., and approximately 55,400 acres to the State of Arizona, leaving 11,113,033 acres. Consequently, if you take the very conservative figure of 25,000 Navajos and 11,113,033 acres really belonging to them, you would have 444 acres to the person.

These 137 Indians (of Socorro County) happen to represent the renegades of the tribe, who would not stay home and work, but have been leading a nomadic life for several years in the mountains of New Mexico, existing by fishing and stealing. These are the Indians who have been located among the citizens who are compelled to pay the taxes."

It is true, some of these 137 Navajos are renegades, or, rather, descendants of renegades, but in a peculiar acceptance of the word. The Navajos call them "Dine Ana'i", i. e., "Navajo enemies." Years ago, before the Navajos were subdued and taken to Fort Sumner, in 1862, when raids between Mexicans and Navajos were of frequent occurrence and about 1,500 Navajos were held captives by the Mexicans, the Mexicans employed "renegade Navajos", "Dine Ana'i", as their guides in raiding the Navajos; some of those 137 are descendants of such, and the Navajos would not care to receive them on the reservation.

"For several years in the mountains." Why, many of them have been born right there in Socorro County; at any rate, I have a paper before me, dated

June 23, 1894, written by the Archbishop of Santa Fe, signed by 43 persons of Socorro County, testifying to the good character and good intentions of these Navajos of Socorro County. Furthermore, the records of the Santa Fe land Office show that settlement was made by some of these Indians in 1870, and homestead entries in 1893 and 1888. As early as 1886 Judge McComas, of Albuquerque, tried to dispossess the Navajo, David Torres, claiming the land to be coal land.

"Existing by fishing and stealing."

They have small herds of sheep and goats and work as herdsmen for the Mexicans. The records of the district court for Socorro County for the last 15 years does not show that any Navajo was indicted for any crime during that period. Fishing. I doubt if there is a live fish within 50 miles of their habitat. Besides, fish are tabooed by the Navajos. Organize a fish brigade, armed with fishes tied to switches, and you can drive the Navajos residing off the reservation back to the reservation much easier than with several regiments of soldiers equipped with modern firearms.

I want to say to the Senator [Bristow] that possibly he does not understand the conditions as they exist in our country. Possibly he is not aware of the fact that every year, two or three times a year, these Indians are allowed to go from their immensely rich reserves to interfere with white men, American citizens, on the public domain, causing the killing of anywhere from one to a dozen people. This is an unfortunate condition of affairs. I can say to the Senator that we people down in our section of the country can deal with these conditions if we are compelled to; but this sometimes becomes a question of all a man has—of his property rights, of protection to his family and his children. Any white man, any American citizen, will then use such force as is necessary in protecting his family. All that we seek to do is to restrict the further location of these Indians upon the public domain until Congress can act again. The committee is being appointed, and I presume this matter will be investigated. It has been investigated before, and reports made, and no action taken. But this must cease; it must stop; and I tell the Senator from Kansas that it will stop. (Congr. Rec., June 17, 1913, p. 2320.)

I regret that a Senator made this statement. I have been among the Navajos for 16 years, and I know of not one single instance where a white man was killed on account of Navajos leaving the reservation, or on account of any grazing or land disputes. If every year the killing of from one to a dozen is occasioned by Navajos leaving their reserve, how is it that no one knows anything about it?

Furthermore, is it true that every year two or three times a year, these Indians are allowed to go from their immensely rich (?) reserves to interfere with white men? Navajos living on the very border of the reservation naturally graze their flocks on and off the reservation. (The reservation line is, as a rule, not known to them.) But Indians who live and have their range within the reservation do not leave it. When the small treaty reservation of 3,225,600 acres was created, in 1863, the Navajos returned from their Babylonian captivity to the homes they had occupied before their abduction to Fort Sumner; they did not leave the reservation; they had never been on the reservation. At a recent council with Indians off the reservation, 103 heads of families attending, each one was asked and each one asserted most emphatically that he had never lived on the reservation and had never ranged his stock thereon.

One more quotation: "In 1893 . . . a board of Army officers, under a resolution of Congress and by direction of the Secretary of the Interior, made a thorough examination of the entire Navajo reserve. They made a voluminous report, which was transmitted to this body and to the other House, in which it was shown that with the expenditure of \$65,000 additional to the amount of \$20,000 which they then had on hand, a total of \$85,000, the Navajo Reservation could be placed in a condition, by the opening of water holes and the development of small streams of water, so that it would amply support every Navajo Indian—man, woman, and child—on or off the reserve, and that the 9,000 off the reserve could be taken back to the reserve where they belonged and no longer interfere with the citizens living on the public domain. Congress refused to act; it refused even to appropriate \$65,000 for the purpose reported by this board of army engineers. The fault, therefore, lies, to some extent, with Congress." (Cong. Rec., June 17, 1913, p. 2317.)

No; Congress did not refuse to act. The following year Congress did appropriate \$60,000 for that purpose. What became of the money? Ask Mr. Vincent. What became of the subsequent appropriations for development of

water? Ask the respective Superintendents of Irrigation. Very little water has been developed by the Government—the suggestions of those army engineers have been carried out to a very, very limited extent. This report has been repeatedly referred to. I have a copy before me. It shows how conditions were then, 22 years ago. On page 28, the Hon. Commissioner of Indian Affairs, J. T. Morgan, writes:

"The relations between the Navajo Indians of New Mexico, Arizona, and Utah and their white neighbors have been much strained for some time. The Navajos, on account of lack of water and grass on their reservation, located in the Territories named, have been forced to go beyond its boundaries to sustain their flocks and herds. \* \* \* In a letter dated July 16, 1892, Gen. Alex. McD. McCook, United States Army, commanding the Department of Arizona, in reference to the condition of affairs on the Navajo Reservation, submitted for my consideration certain recommendations based upon what he deemed an immediate necessity, with a view to settling the differences between the Navajos and the whites upon the borders of their reservation, with a statement that it was reported by the Navajo agent that 9,000 of these Indians were without the limits of the reservation from necessity; that they had large flocks and herds; that there was no water or grass within the official limits of the reservation to maintain them, and give sufficient water even for limited agricultural purposes to the 18,000 Indians said to constitute the Navajo Nation. \* \* \* The general stated in his said letter that it would, in his judgment, be inhuman to drive the Navajo Indians, with their large flocks and herds, back to the reservation as it now is."

And on page 50, he states:

"Should the appropriation be made and the water developed and irrigation established as proposed, it is believed that the roving, nonreservation Navajos could be returned to the reservation and induced to remain thereon, and that the reservation Indians themselves could be restrained from going beyond the official limits of their reservation for the purpose of securing water and grass for their flocks and herds."

I wish to call attention to the fact that this statement embodies only the opinion of the then Indian Commissioner. Nowhere in their report do the Army engineers make any similar statement. But let that pass.

The appropriation was made; water was not developed and irrigation, as proposed, was not established to a very appreciable extent. Even if, at present, all the recommendations of said Army engineers were carried out, the same conclusion could not be reached now, after 22 years; or is it reasonable to assume that conditions now are the same as 22 years ago? Since that time the Navajos have increased by seven or eight thousand, and their stock has more than doubled.

#### OPENING OF THE NAVAJO RESERVATION FOR SETTLEMENT

In discussing this question, the character of the country and its capacity to carry a certain number of stock and to support a certain number of people must be taken into consideration; also the number of stock and the number of people it is actually supporting now.

According to the census of 1910 our Apache County has a population of 9,196 on its 11,370 square miles, i. e., 0.8 of a person to the square mile. How does the Indian population compare with the white (American, Mormon, and Mexican) population in this county? Whilst the 5,247 square miles of the Navajo Reservation support 5,687 Navajos, i. e., 1 person to the square mile, the rest of the county, 6,132 square miles, supports but 3,510 (whites and Indians), i. e., 0.6 of a person to the square mile. Furthermore, in the township south of the reservation, occupied by whites and Indians, the population averages one person to the square mile, but the portion occupied exclusively by whites averages but 0.5 of a person to the square mile; hence the "Indian country" supports just twice as many people as the "white country" in the same county. Then, why should the Indian country be opened to settlement, since it is settled already doubly as densely as the white country? Practically every Navajo is a stock raiser, though he may practice, in addition and on a small scale, dry farming and farming by irrigation where it is feasible, but, of the 3,510 whites of Apache County, 1,929, i. e., more than half live in the towns of St. Johns, Concho, Egertown, and Springerville; that leaves 0.3 of a person per square mile. What percent of these town people are stockmen I do not know. After enumerating the population in 4 towns, 22 townships, and the reservations, the census bulletin states: "Remainder of county

392" Exempting the four townships in which the four towns are situated, that "remainder" comprises 3,288 square miles, i. e., 0.1 of a person to the square mile. If the 5,686 Navajos on the reservation in Apache County could be removed as by magic, how many stockmen would that country support? Where over a thousand Navajo families make a living at present possibly a few dozen absentee cattle and sheep men would enrich themselves. But the Navajos cannot be brushed aside by a magic wand. To open the door to these cattle and sheep men would ruin an already overcrowded range and ruin the Navajos besides. When the rest of Apache County is as thickly settled as the Navajo Reservation it will be time enough to consider the opening thereof.

Navajo County, with its area of 10,300 square miles and its 11,471 people, numbers 1.1 person to the square mile. The Navajo and Moqui Reservations, with an area of 4,662 square miles and an Indian population of 4,371, numbers 1 person to the square mile; on the Apache Reservation 1.3 persons to the square mile, and off these reservations 1.2 persons to the square mile; but if you deduct the population of the railroad town of Winslow, with its 2,381 inhabitants (not to mention Holbrook, numbering 600 inhabitants), you have only 0.7 of a person to the square mile, as compared to 1 person to the square mile on the reservation.

Within this county is the so-called Butte Country, each of the Leupp, west of the Navajo, and south of the Moqui Reservation, a tract of land 24 by 30 miles, which, on May 13, 1906, was withdrawn from sale and settlement for allotting purposes. The 523 allotments, made in 1906 and 1909, are not yet approved. The odd-numbered sections in the west half of this tract belong to the St. Louis & San Francisco Railway Co., whilst the odd-numbered sections on the east half belong to the Santa Fe Railway Co. The chairman of the Arizona State Land Commission and others demand that this tract be restored for entry and selection. Is this tract unused and unoccupied? Like the balance of Navajo County (deducting the population of Winslow), outside of reservations, it numbers 0.7 of a person to the square mile, though the southwestern portion of the tract is absolutely barren. Within this tract, on 14 townships, carefully canvassed, 335 Indians are allotted, and they have 50,549 sheep, 1,124 cattle, and 1,869 horses; consequently they have 5 acres to the sheep, or their equivalent. Deduct the railroad and school lands, and they have but 2 acres per sheep. Is there room for whites within this tract? The railroad lands of several townships, among them T. 23 N., R. 18 E., have recently been leased to white men. Two of the three springs within this particular township belong to the railroad company and one to Charles L. Day. Will it be possible for the Indians to remain on this township and retain their allotments—with 2 acres to the sheep and no watering place?

Coconino County, with its area of 18,238 square miles and its 8,130 people, numbers 0.4 of a person to the square mile; but the Leupp, Western Navajo, and Moqui Reservations in this county, with an area of 5,163 square miles and 2,722 Indians, number 0.5 of a person to the square mile.

Deduct the 2,900 inhabitants of the lumber and commercial towns of Flagstaff and Williams, and Coconino County outside of these reservation numbers but 0.2 of a person to the square mile. In other words, the Indian population on these reservations is more than doubly as dense as the white population in the "white country", i. e., there are 3,200 acres to every white person living outside of Flagstaff and Williams, and 1,280 acres to every Indian living on the reservation.

In the Leupp Reservation, within this country eight families, 72 people, having 6,400 head of sheep and goats, are living permanently along Canyon Diablo and on the southwest part of the reservation south of the Little Colorado River; eight families are living along the banks of the river, and eight families are living north of the river, more especially around the "Lake" and the "Cornfields." These Indians, living permanently on the Leupp Reservation, have 13,000 head of sheep and goats, 103 head of cattle, and 219 head of horses, whilst five families, numbering 37 people, and having 2,800 head of sheep, 110 head of cattle and 75 head of horses part of the year are living on this reservation.

San Juan County, with its area of 5,470 square miles and its 8,504 people, numbers 1.6 persons to the square mile. The Navajo Reservation (in 1910, when the last census was taken and before the extension in New Mexico was opened), with its area of 2,384 square miles and its 2,693 Indians, numbers 1.1 persons to the square mile, whilst the population off the reservation numbers 1.8 persons to the square mile.

Deduct the urban population of Farmington and Aztec (1,294 inhabitants) and such as exclusively follow horticultural and agricultural pursuits through irrigation along the San Juan and Animas Rivers, utilizing a comparatively small area of land (there are 706 irrigated farms in this county), and the rest of San Juan County will not average 0.7 of a person to the square mile, whilst the Navajos on the reservation average 1.1.

McKinley County, with its area of 5,506 square miles and its 12,964 people, numbers 2.4 persons to the square mile.

The Navajo Reservation in McKinley County (in 1910), with its area of 3,060 square miles and its population of 5,527, numbers 1.8 persons to the square mile. The population outside of the Navajo Reservation numbers 7,437. Of these, 1,762 are Zuni Indians, occupying 204 square miles in McKinley County, i. e., 5.2 persons (Zunis) to the square mile; 4,222 live in the town of Gallup and the surrounding mining towns, which leaves a population of 1,463 people living on 2,181 square miles, i. e., about 0.6 of a person to the square mile as to 1.8 on the Navajo Reservation.

**SUMMARY**

In the district covered by Apache, Navajo, Coconino, San Juan, and McKinley Counties, taken as a whole, a given area supports through agriculture and stock raising two Indians to one white man; in other words, the strictly rural population living exclusively by farming and stock raising is twice as dense on the reservations as the strictly rural population of the whites living in the same counties in exclusively white districts. Then, why should these reservations be opened up? Because the proportion, 2 to 1, is too small? Must three or four Indians make a living where but one white man could subsist? That an Indian can and does make a living where a white man would starve does not prove that an area which supports one white person can support an indefinite number of Indians. Or, should the reservation be opened to stock their unused area? How does the stocking and grazing and farming on the Navajo Reservation compare with the rest of the States of Arizona and New Mexico?

*Comparative stocking and grazing*

According to the last census (1910) Arizona has—

Sheep .....	1,226,733
Goats .....	246,617
	<i>Sheep</i>
824,920 head of cattle, equal, in their effect upon the range, to.....	3,299,716
99,579 head of horses, equal, in their effect upon the range, to.....	308,316
3,963 head of mules, equal, in their effect upon the range, to.....	15,852
7,104 head of asses and burros, equal, in their effect upon the range to.....	14,208
<b>Total.....</b>	<b>5,201,502</b>
<b>Acreage of Arizona.....</b>	<b>72,838,400</b>
Acreage under cultivation.....	350,173
Acreage controlled by mining industry.....	138,963
	<b>489,136</b>

Which leaves for grazing purposes (acres)..... 72,349,264

Dividing this acreage by 5,201,502, the number of sheep, or their equivalent, you have 13.9 acres per head of sheep.

According to the last census (1910) New Mexico has—

Sheep .....	3,316,984
Goats .....	412,050
	<i>Sheep</i>
1,081,663 head of cattle, equal, in their effect upon the range, to.....	4,326,050
179,525 head of horses, equal, in their effect upon the range, to.....	718,100
14,937 head of mules, equal, in their effect upon the range, to.....	59,748
11,852 head of asses and burros, equal, in their effect upon the range, to.....	23,704
<b>Total.....</b>	<b>8,897,236</b>
<b>Acreage of New Mexico.....</b>	<b>76,467,103</b>
Acreage under cultivation.....	1,407,191
Acreage controlled by mining industry.....	407,626
	<b>1,834,817</b>

Which leaves for grazing purposes (acres)..... 74,532,286

Dividing this acreage by 8,897,236, the number of sheep, or their equivalent, you have 8.4 acres per head of sheep.

Now, the Navajos have 1,781,900 head of sheep and goats.

	<i>Sheep</i>
43,000 head of cattle, equal, in their effect upon the range, to.....	172,000
87,000 head of horses, equal, in their effect upon the range, to.....	348,000
3,795 head of mules, equal, in their effect upon the range, to.....	15,180
5,440 head of burros, equal, in their effect upon the range, to.....	10,880
<b>Total.....</b>	<b>2,327,960</b>

About one-third of this number (i. e., 775,986) are off the reservation, leaving 1,551,974 head on the 11,807,793 acres of land on the reservation, i. e., 7.6 acres to the head, as compared to the 8.4 acres to the head in New Mexico as a whole, and as compared to the 13.9 acres to the head in Arizona as a whole, or as compared to 11.1 acres to the head in Arizona and New Mexico combined; in other words, the Navajo Reservation is stocked almost twice as heavily as the rest of Arizona and considerably more than one-third heavier than the rest of the States of Arizona and New Mexico combined.

In all Arizona there are but 9,227 farms, including cattle and sheep ranches. Of these, 4,841 are irrigated farms, leaving 4,386 cattle and sheep ranches; 3,206 are mentioned as Indian farms or ranches, leaving but 1,180 ranches to white men, showing that the number of Indian families supported through stock raising is almost three times as large as the number of white families supported by the same industry.

**RANGE IN NEW MEXICO AND ARIZONA OVERSTOCKED**

It is universally admitted that the range in Arizona and New Mexico is overstocked and run down and in danger of being ruined, hence the Kent leasing bill, H. R. 10639.

Mr. J. J. Thornber, of the Arizona Agricultural Experiment Station, states:

"The present condition of our stock ranges is highly unsatisfactory to everybody. The production of forage, which, at best, is uncertain on account of the climatic conditions. . . . has been reduced to such an extent over much of the country by continual overgrazing that the grazing industry is of necessity carried on under most adverse conditions to the stockmen." (Bulletin No. 65, p. 354.)

But the Navajo Reservation is stocked heavier and its range is more overgrazed and run down than the range in other parts of these States.

Mr. E. O. Wooten, of the New Mexico Agricultural Experiment Station, makes the following statement regarding the Navajo Reservation and lands occupied by the Navajos in New Mexico:

"That part of the territory lying northwest of Grant between the Santa Fe Railroad and the Colorado and Arizona borders is a region of rather poor carrying capacity, and has been badly overstocked by sheep for years. It is now able to carry not more than about 16 head to the section, or an average capacity of about 40 acres per head." (Bulletin No. 68, p. 28.)

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## CONDITION OF RANGE ON NAVAJO RESERVATION

On February 8, 1911, Mr. Matoon, forest supervisor, wrote to the district forester:

*"Condition of range*

"Due to past overstocking of range during many years, the range is exceedingly overgrazed throughout the portion of the Zuni National Forest included within the Navajo and Zuni Reservations. As a result, the soil is eroding badly in many places and the sheep belonging to the Indians make a scanty living. Over considerable areas in the eastern division of the Navajo district very little plant life is left except sagebrush and scrub juniper and pinon. The former heavy stand of grama grass over much of this region is nearly extinct."

In regard to this very tract of land Mr. Reeves, of the Indian Office, made the statement:

"In Arizona the State land commission and the cattlemen and others have insisted on the office carrying out that provision (act May 29, 1908), because they want the surplus lands restored to the public domain so they can use them for grazing grounds."

Where is the "surplus" in this overgrazed district? Allot this tract of land and open it up, and you will ruin the range and the Indians, both.

The attitude of white stockmen toward each other is described by Prof. J. J. Thornber as follows:

"Since the country was practically all public domain, each man was free to graze as much stock on it as he was able to possess, without restriction, and without any consideration as to the carrying capacity of the grazing areas. Besides this, there were those from the outside who drove in herds from time to time to graze on the same and adjoining areas, thus sharing further the range with those already using it to its fullest carrying capacity, and, in addition, continually adding to their herds. With this free-for-all scramble for grass into which conditions finally developed each stockman sought to get all he could while it was yet to be had, for what was left by one lot of stock was sure to be eaten off by another. The nominal possession of a well-managed range was simply an invitation for others to come in and graze it off closely without any regard whatever for the moral rights of the settler or squatter, who might desire to make a home there. No thought was given concerning the maintenance of the range, nor its permanent settlement later, which, above all else, were the things to be most desired. That which was free for all to use came to be regarded as free for all to despoil. The very domain that should have been carefully guarded as a heritage for future generations, was being ruthlessly destroyed by a mere handful of persons in the absence of any laws regulating its proper use. The above state of affairs led not infrequently to recourse to arms, especially between cattlemen and sheepmen, of which instances our local histories are unfortunately replete." (Bulletin 65, p. 336.)

"It would be considered very poor business management, indeed, for A to improve the public grazing lands adjoining his holdings, however much he desired, so long as B, C, and D, his neighbors, could share equally with him all the advantages and none of the expense, and F and G, tramp sheepmen, could drive in their herds from another section of the country, and appropriate the last mouthful of grass, if necessary, for their own use. The above is but one of a number of conditions which obtains under the empty and deceiving terms, 'free grass', 'free grazing', and 'free range.'" (Bulletin 65, p. 341.)

"If the stockman has water and grass on the public domain for a thousand cattle, no matter how long he has been a resident, another stockman, and perhaps a nonresident, can put down there beside these cattle another thousand head of stock, and the resident stockman can have no recourse. He must share, and share alike, his losses with the intruder, regardless of his improvements and his foresight." (The Practical Application of the Kent Grazing Bill, pp. 4, 5.)

In view of this statement, may I venture the question what the attitude of white stockmen will be toward Indians after opening up the reservation? And what the condition of the range will be within a few years?

It is true, there are some portions of the Navajo Reservation which are not overstocked, due to lack of water. Development of water in these districts would relieve the overgrazed portions of the reservation. The following state-

ment of Mr. E. O. Wooten, in Bulletin 66, shows that the same conditions obtain among the whites in New Mexico:

"The average carrying capacity is still further diminished by the absence in some well-grassed regions of sufficient water to render the forage available. This condition may be changed by developing water."

## OPEN, UNRESERVED LANDS IN ARIZONA AND NEW MEXICO

The clamor of these two vast, undeveloped States for opening the overstocked and overgrazed Navajo Reservation seems rather ludicrous. According to Bulletin No. 66 of the New Mexico Agricultural Experiment Station, in 1908, only 2½ millions of acres were held under patent from the United States Government, obtained as homesteads, desert claims, mineral claims, etc., i. e., about one-thirty-ninth part of the Territory was patented land and 55,000,000 acres of unreserved public lands were subject to entry.

Why should the reservation be opened, since at least 50,000,000 acres are open to settlement in New Mexico and are waiting? In addition, on March 30, 1914, 5,009,412 acres of State land were still unleased and unsold.

In Arizona there are, according to Mr. Carl Hayden (Congressman from Arizona), 39,529,195 acres of unappropriated and unreserved public lands.

Hence, if anyone urges the opening of the Navajo Reservation, let him advance other reasons than a lack of unappropriated lands in these States.

## AMOUNT OF LAND NEEDED IN NEW MEXICO AND ARIZONA FOR SUPPORT OF ONE FAMILY

Assuming that the lands of the Navajo Reservation, as a whole, are neither better nor worse than the rest of New Mexico and Arizona, I proceed to quote competent authorities as to the quantity of land required for the support of a family.

Bulletin No. 66 of the New Mexico Agricultural Experiment Station, page 29:

"If 40 acres be sufficient to carry one cow, and the rate of increase be 50 percent, and the yearling be sold at \$15, what has the stockman gotten from the 40 acres? The gross receipts are \$7.40 for the 40 acres, but from this must be deducted the interest on the proportional part of all money invested in the cow, fences, pumps, troughs, corrals, buildings, etc., the cost of all service necessary in caring for the cow and yearling, and all other running expenses."

Page 33: "The land is good only for grazing, and its carrying capacity is so small that from 2,500 to 7,500 acres of land (4 to 12 sections) would be necessary to support a family expending \$1,000 a year, assuming cattle worth \$15 per head, and that the normal increase of such stock would be 50 percent (carrying capacity 20 to 60 acres per head)."

Bulletin 67 of the Arizona Agricultural Experiment Station, pages 346 and 347:

"Under the Texas grazing laws, the advantages are preeminently with the permanent settler and the small holder. He may purchase not more than four sections of grazing land at \$1 per acre, and lease 10 other sections for a period not to exceed 5 years. \* \* \* The absolute lease district comprises practically all of western Texas, in which country conditions are quite similar to those in Arizona."

On page 349, the Australian lease system is quoted in commendation, as follows:

"There are a number of classes of leases to fit the various conditions. Pastoral leases are unlimited as to area, but of 28 years tenure. \* \* \* As an alternative of the pastoral lease is the homestead lease, which is limited to 10,240 acres and to 28 years time. \* \* \* Scrub and inferior land leases apply to their respective types of country, which might otherwise remain unoccupied and unproductive. Their terms are for 28 years usually, and the maximum area obtainable under either of them is 20,480 acres. One or the other of these may be held in addition to a pastoral or homestead lease."

The author of this bulletin, in his speech before the National Live Stock Association, Denver, Colo., makes the statement (p. 7):

"There is little grazing land in the Western and Southwestern States that has a stock-carrying capacity such that even four sections of it would maintain a family in ordinary comfortable circumstances. To make this bill acceptable, the entries must be much larger."

Mr. A. A. Jones, First Assistant Secretary of the Interior, makes the statement:

"A bill introduced in the House of Representatives (H. R. 6637) proposed to provide for a grazing homestead of not less than 640 acres and not exceeding 1,280 acres in area. The bill . . . is not designed to apply to or provide for the entry of lands suitable only for grazing. The maximum area permitted to be entered thereunder, and even the maximum area described in H. R. 6637, would be wholly insufficient for the support of a homesteader and his family upon lands of that character."

Mr. Kent, author of H. R. 10530, states:

"It is obvious that a home supported by the production of livestock is to be gauged not by area but by the test of the number of head of stock that can be produced. Vast areas, indeed most of our grazing country, would not carry sufficient stock on two sections of land to support a family, so that without some certainty of tenure of adjoining public lands there could be no assurance of a livelihood from that source."

On March 9, 1914, the Albuquerque Morning Journal had the following editorial:

#### "Better land laws

"A bill proposed by Congressman Fergusson for a 640-acre homestead is a distinct improvement over the present law. Better still is the bill which has the hearty support of Mr. Fergusson. The proposition by Mr. Jones is for an expert appraisal of the lands open to homestead. Where the appraisers find a quarter section sufficiently valuable, let that be the size of that homestead; where 320 acres, 480 acres, or 640 acres are enough to afford a living for a homesteader, set that amount aside for entry. Should the land be such that with reasonable economy a man cannot make a living on less than ten or twenty thousand, or even a hundred thousand acres, give him the right to enter such an amount. Such law as proposed by Mr. Jones has in it absolute fairness and unassailable good sense. . . . The Journal states without hesitation and with full knowledge of the subject that quarter section homesteads were taken up in South Dakota, for example, during the past quarter century worth more by far than any 10,000 acres now open to entry in New Mexico. We will make it a little stronger and say that more than a thousand homesteads have been taken up in South Dakota, during the past 25 years, any one of which was worth more than any 25,000-acre tract now open to entry in this State.

"What is true of South Dakota is equally true of the public lands that have been taken up in North Dakota and Montana during the like period. In making this statement the underground water, which may be used for irrigation by pumping, in New Mexico, is given full consideration."

In another issue the same paper made the statement:

"But there are other millions of acres in the arid Southwest which never can be irrigated and where it would be impossible for a settler to make a comfortable living on less than 50,000 acres."

In the face of all this, what do you think of people who urge the allotment of 160 acres of such grazing lands to the person and then the opening of the surplus or balance to settlement? Permit me to quote Mr. Reeves again:

"In Arizona the State land commission and the cattlemen and others have insisted on the office carrying out that provision (act of May 29, 1908), because they want the surplus lands restored to the public domain so they can use them for grazing ground."

If it is absolutely necessary for the salvation of New Mexico and Arizona to open the Navajo Reservation, let it be done after adequate homestead and leasing and grazing laws have been passed and after the allotment laws have been modeled after these prospective land laws, and after the United States has educated the Navajos and placed them in a position to cope with their white neighbors.

#### THE TRIBE UNEDUCATED

Aside from the children attending the different schools, there are not over 400 members of the whole tribe of over 25,000 who understand and speak the English language well. Twelve years ago they had but one Government boarding school for the whole tribe; before that time the children were not kept long enough in school to be benefited. Even now there are no school facilities for 5,000 Navajo children.

The policy of allotting reservations to Indians may be a good one where the reservations are agricultural in character. With the exception of a few favored places where irrigation is practicable, the Navajo Reservation is good for grazing purposes only; and large tracts of land are not even good for grazing purposes for lack of water. Allotments for agricultural purposes mean, as a rule, allotments for dry farming; and, in places, bottom lands are so scarce that the allotting agents had been authorized to allot in 10-acre tracts for agricultural purposes, the balance of the 160 acres allowed to be allotted somewhere else for grazing purposes. A large percentage of Americans have abandoned their "dry farms" because they could not make a living on them. Shall we expect an Indian to make a living on a 10-acre or even on an 80-acre tract where an American fails on his homestead of 160 or even of 320 acres? These small tracts of bottom lands will help along; in good years the Indian can raise his corn, squashes, potatoes, etc., on them to help support him; but his main support comes, and, in a country like this, must come from his stock. A Navajo Indian cannot, as a rule, make his living from his allotment for agricultural purposes; much less can he make a living from his allotment (160 acres) for grazing purposes. That is obvious to anyone who is familiar with this country. On many a quarter section even a half dozen goats would starve.

Worse than lack of sufficient grazing is the lack of water. Let the Indians who are fortunate enough to have water on their allotments insist upon their right of exclusive control, and self-support will become impossible for the vast majority of the Navajos. These are some of the reasons why the allotting and opening up of reservations in this part of the country are impracticable and fatal to the progress, if not, ultimately, to the very existence of the Navajos.

As to certain parts of the reservation where lack of water has prevented overgrazing, I wish to state that it is absolutely impossible for the Navajos, on account of the very deep snow, to winter their stock on top of mountain ranges and even at the foot of the mountains where the altitude is high. These Indians must have a different winter range; and in winter, when there is some snow on the ground, which obviates the necessity of watering the sheep, they take their stock into the low lands. Hence, where you find good grass late in summer and fall, you will find it grazed off in spring when the Indians take back their flocks to the mountains. There is hardly any place on the reservation which the Navajos do not use during some season of the year; and their cattle and horses roam over this country all year round.

Now, if water were developed in these places, it would be a help to the Indians, since they could use the range longer and during winters when there is no or hardly any snow.

But as to developing water in such a country, in view of placing Indians there to stay and graze all year round, that would ruin the range completely. The soil in these desert lands is more loose and sandy; the grass does not form a continuous sod, only scattering bunches and spears of grass; continuous grazing would transform that country into an absolute desert. Lack of water, however, is not the only reason why some places are not grazed even during winter, but lack of protection against storms in large open tracts and country and lack of fuel as well.

Even if all the springs and lakes and reservoirs and the best land should be allotted before opening up the reservation, Americans and Mexicans will find a place where to build to reservoir and dig a well, and secure it by homesteading, through Desert Act, or by buying or leasing railroad or State lands, and come in with thousands of sheep and cattle and control the country for miles around. Where a number of Indian families made a living, you will have one sheepman and a few herders.

The Government is preventing overgrazing in forest reserves by granting permits to stockmen for a certain number of stock, giving the preference to actual occupants and keeping others out. Why not pursue the same policy in regard to Indian reservations in a country like this? Why should Mexicans and Americans be permitted to intrude and overgraze and "eat out" the original occupants?

The aim of the Kent grazing or leasing bill is the same—to protect the range and to protect the original occupants. That aim is obtained by retaining the reservations intact.

In the Outlook of October 18, 1913, Mr. Roosevelt writes:

"Among those at the snake dance was Father Weber, of the Franciscans, who have done much good work on the Navajo Reservation. Father Weber has attained great influence with the Navajos because of his work for their practical betterment. . . . Father Weber, like every competent judge I met, strongly

protested against opening or cutting down the Navajo Reservation. I heartily agree with him. Such an act would be a cruel wrong and would benefit only a few wealthy cattle and sheep men. \* \* \* On my return from this dance (Moqui snake dance) I met two of the best Indian agents in the entire service. The first was Mr. Inguette, a Wisconsin man, himself part Indian by blood. The other was Mr. Shelton. \* \* \* Messrs. Shelton and Paquette explained to me the cruel wrong that would be done to the Navajos if their reservation was thrown open or cut down. It is a desert country. It cannot be utilized in small tracts, for in many parts the water is so scanty that hundreds, and in places even thousands, of acres must go to the support of any family. The Indians need it all; they are steadily improving as agriculturists and stock growers; few small settlers could come in even if the reservation were thrown open; the movement to open it, and to ruin the Indians, is merely in the interests of a few needy adventurers and of a few wealthy men who wish to increase their already large fortunes and who have much political influence."

Mr. Francis E. Leupp, former Commissioner of Indian Affairs, wrote once upon a time:

"The Navajos have learned that thrice blessed is he who has nothing, for from him can nothing be taken away. Denizens of a desert too forbidding to tempt white cupidity, they have escaped pillage because nobody believed the booty would be worth the trouble of robbing them."

But in spite of the fact that thousands of acres of this reservation have not vegetation enough to founder a humming bird, the reservation as a whole is stocked one-third heavier than the rest of Arizona and New Mexico, resulting in overstocking and overgrazing of those portions of the reservation that are blessed with vegetation, yet the reservation is to be allotted "because they want the surplus lands restored to the public domain so they can use them for grazing grounds."

#### OPENING OF EXTENSION IN ARIZONA

In hearings before a subcommittee on Indian Affairs, I see, on page 12, that the Indian Office has asked for an appropriation of \$43,000 to survey the 43 townships in the Navajo extension made November 9, 1907, preparatory to its allotment. In justification it is stated that the act of May 20, 1908, requires the President to restore the surplus land to the public domain after the Indians have been allotted. In explanation I must say that Mr. Andrews, then delegate to Congress from New Mexico, had this act passed regarding the extension in Arizona and New Mexico. The extension in New Mexico has been allotted and opened up—and the consequent conditions are certainly not encouraging. There may have been some reason for the act of 1908 as far as the extension in New Mexico was concerned, since American cattlemen and Mexican sheepmen had been using portions of that tract, but at that time the extension in Arizona was, and always had been, in the exclusive possession of the Navajos; hence there was no justification for said act as far as the extension in Arizona was concerned.

On page 20 of said hearings, Mr. Reeves states that the Arizona State Land Commission and the cattlemen and others have insisted on the office carrying out that provision (act of 1908), because they want the surplus land restored to the public domain so they can use it for grazing ground. Would there be a surplus? The paragraph on Apache County illustrates existing conditions considered by themselves and as compared with the conditions obtaining among the whites in our country.

#### DESCRIPTION OF EXTENSION IN ARIZONA

In describing this tract of land (those 43 townships of the extension of 1907 in Arizona), I shall include 7 adjoining townships to the north—a former extension—just south of the treaty reservation. These two extensions in Arizona contain a large tract of very valuable timberland, about 12 townships having been embraced within the Zuni National Forest. The grazing on this tract is above the average of the Navajo Reservation.

It also embraces a number of extensive valleys used by the Indians for agricultural purposes more especially:

1. Bonito Valley, along Buck Creek, extending from Fort Defiance, the agency, 22 miles to the south, and being under the Red Lake Irrigation system.
2. The valley along the Pueblo Colorado wash, on which Ganado and the Cornfields day school is situated, running through seven townships; i. e., 42 miles north and south. Part of this valley is to be irrigated by the Ganado Irrigation project now being constructed at a cost of \$60,000.

3. The LeCroix Valley, along Cottonwood wash, extending through five townships, 30 miles to the southwest. These are the principal, though by no means the only valleys within this tract, used and needed more especially for agricultural purposes.

The scarcity of agricultural lands makes it absolutely necessary to retain all the lands in the fertile valleys for them; and as to the grazing lands on this tract, I shall quote again a letter, dated February 8, 1911, from Forest Supervisor, Mr. Mattoon, to the district forester:

#### "Condition of Range

"Due to past overstocking of range during many years, the range is exceedingly overgrazed throughout the portion of the Zuni National Forest included within the Navajo and Zuni Reservations. As a result the soil is eroding badly in many places, and the sheep belonging to the Indians make a scanty living. Over considerable areas in the eastern division of the Navajo district very little plant life is left except sagebrush and scrub juniper and pinon. The former heavy stand of grama grass over much of this region is nearly extinct."

For the year 1912 the Forest Department authorized the grazing of only 18,500 head of sheep and goats and 1,050 head of horses and cattle on the Navajo and Zuni division of the Zuni National Forest Reserve; but the Navajos are grazing, not their proportion of the 18,500 head allowed by the Forest Department, but they are grazing 40,000 head of sheep and goats on the Navajo division of said forest embraced within the tract; i. e., on the 12 townships here described. This proves conclusively that the Navajos are in need of every acre of land within this tract.

#### RAILROAD AND STATE LANDS

But half of this land—i. e., 576,000 acres—in actual possession and use by the Navajos belong to the Santa Fe Railway Co., whilst 55,040 acres belong to the State of Arizona. The Navajos are in possession and cannot get along without these lands if they are to remain self-supporting. The same may be said of the 17 townships in the extension of 1884 in New Mexico.

I am not urging an exchange of lands, but the purchase of the railroad and State lands from the proceeds of the Navajo timber sales.

#### IN THE INTEREST OF THE RAILROAD COMPANY?

Of late I have heard and read so many innuendos, intimations, and open assertions that the recent extension of the Navajo Reservation—Western Navajo, Leupp, and the extension of 1897 in New Mexico and Arizona—were made at the instigation and in the interest of the Santa Fe Pacific Railway Co., that I am afraid the sentiment thus created might militate also against the purchase of the railroad lands I am advocating; hence a few statements of fact: Major McLaughlin, for years inspector of the Interior Department, a gentleman of sterling qualities, is responsible for the Western Navajo extension; the Reverend Mr. Johnston is, I am quite certain, responsible for the Leupp extension. A few months ago the land commissioner for the Santa Fe Railway Co. was not acquainted with him.

Besides, Western Navajo was created on June 8, 1900, and Leupp on November 14, 1901, whilst the law permitting exchanges and lieu selections was passed 3 and 4 years later, on April 21, 1904. Where is the connection? Some people owe an apology to these two gentlemen.

And the extension in Arizona and New Mexico, created on November 9, 1907, and corrected January 28, 1908. For about 5 years previous the Navajo Indians living off the reservation had been agitating the question of an extension. About 2 years previous Mr. Brosius, the agent for the Indian Rights Association, made a trip from Farmington, N. Mex., to the south over the country east of the Navajo Reservation and recommended, among other things, as may be seen in the report of the Indian Rights Association, that an allotment agent be sent to allot those lands to the Navajos. Mr. Keepers was sent and had been allotting lands to the Navajos on the east side of the reservation. In consequence of Mr. Brosius' trip of investigation the Indian Department sent two of its officials to investigate and report on lands off the reservation occupied by the Navajos. Previous to that, Supervisor Frank Mead, accompanied by Harry Curley, made a trip to the east and south of the reservation in New Mexico to ascertain and report conditions to the Indian

Office. The matter was brought to a crisis, however, when the Santa Fe Pacific Railway Co. leased to American cattlemen several townships containing lakes and springs improved by the Navajos and used by the Indians. When the Indians found themselves despoiled of their homes and barred from their watering places, they began to raise a fund for traveling expenses to send several of their headmen to Washington to see the President. The money collected was placed with a well-known Indian trader. Things having come to such a pass that serious trouble was feared, their superintendent, Mr. W. H. Harrison, found it necessary to make a trip to that country to counsel with the Indians, asking me to accompany him. Both, Mr. Harrison and myself, advised them not to continue to collect money to send a delegation to Washington; we deemed such an expenditure utterly useless, since it was the avowed policy of the Department not to extend reservations. A few weeks after these councils the Commissioner of Indian Affairs, the Hon. Francis E. Leupp, came to Fort Defiance, and the Indians made use of that opportunity to place their grievances and their requests before him. They told him they had been urging this matter more especially for the last 5 years; one inspector and one agent after the other had made trips over their country and had reported conditions to Washington. Whilst their agents, when writing on small and trifling matters, always received their reply, it seemed that just these important letters had been lost somewhere between Fort Defiance and Washington, since they never received an answer to them. They did not ask the Government for any assistance; they did not wish to approach the Government, like the worthless Ute Indians, begging for a piece of meat and a loaf of bread; they wanted to be self-supporting; but to be and remain self-supporting they needed the lands they now occupied; all they begged of him, was, opportunity to make a living, and protection against such as would deprive them of this opportunity by depriving them of their homes and watering places and grazing lands.

Mr. Leupp told them that those important letters had not gone astray; they were in his possession at Washington; but that it was necessary to deliberate a long time over such an important matter; besides, the Government was large and moved slowly, like the big freight wagon they saw before them. When he returned to Washington he would tell the President all they had said to him. He did so, and the reservation was extended.

Then a cry went up through all Israel from Dan to Beersheba. A petition to the President to have the extension rescinded circulated in five counties in New Mexico, letters and telegrams of protest were sent to the President, to the Governor, and to the Delegate of Congress, and indignation meetings were held. The opposition was directed against the extension in New Mexico partly because some Americans had leased some of the railroad lands and others had made application to lease several hundred thousand acres, and partly because some Mexicans were wont to graze their herds on this section of the country, especially in winter. None of these Mexicans or Americans were living on this tract; they simply ranged their sheep and cattle on it, whilst the several thousand Navajos had their homes on it and were depending upon it for a living.

Part of the land was allotted and the extension in New Mexico thrown open. Unfortunately, the extension did not prevent Americans from leasing railroad lands on the reservation; in consequence there was more stock owned by Americans on the extensions when it was thrown open than there had been when it was created. It is true, the Indians leased a few townships of railroad lands, but not enough to adequately protect themselves. At this time the Indians have five townships of railroad sections leased from the Santa Fe Railroad Co. and two from the Frisco, in order to retain control of a portion of the range they need. The Indians could not be made to see the advantage of securing leases of other townships until the white men had secured the leases. Some of the stockmen are trying to keep the Indians out of the townships they have leased or within the limits of their allotments; this, of course, no Indian can do, as the only value any of the allotments have is the amount of range they can control surrounding their respective allotments. Recently, one man from Chama leased all the Santa Fe lands in San Juan County except half a township, which a Navajo had leased, and he has brought in approximately 80,000 head of sheep. It can easily be seen that these Indians are facing one of the most grave questions that has ever confronted them.

In absolute control of the leased railroad lands, with equal rights on the unallotted public domain, the privilege of renewing their leases and of leasing more railroad lands—the advantages of the large stockman over the numerous

Navajos whose small herds do not enable them to lease the railroad lands they need, are apparent, and the outlook not encouraging.

Off the reservation, in McKinley County, south of the reservation, the Navajos have leased seven full townships and five fractional townships. One of these townships had been leased by a white man, who promptly bombarded the Interior Department with petitions and protests against the "renegade" Navajos whom he wanted moved back on the reservation; he prosecuted them under an old law forbidding anyone to herd his sheep within 9 miles of a ranch house, and boasted that he would have these Indians ousted from that township within a year. And he would have succeeded had I not induced the railroad company not to renew its lease to him under the circumstances, but to lease it to the Navajos. In other localities the whites have eliminated them from whole townships through the leasing of railroad lands.

Such conditions as described on this and the foregoing pages have been, and are, responsible for the efforts to eliminate the railroad lands from the Navajo country, whether by exchange or purchase.

In the Butte country, as mentioned before, the railroad lands of several townships, among them T. 23 N., R. 18 E., have recently been leased to white men. Two of the three springs within this particular township belong to the railroad company, and one to Charles L. Day. Will it be possible for the Indians to remain on these townships and retain their allotments—with 2 acres to the sheep and no watering place?

In the southwestern part of the Navajo Extension in Arizona Americans leased a township some years ago, developed water and placed improvements on it costing over \$5,000 and applied to buy the railroad lands of this and two more townships. The two townships east and the township south of the one containing these improvements have been leased by the Navajos to prevent further encroachments by the cattlemen. In the last 3 years leasing or purchasing applications for five different townships in that part of the extension, and for two townships adjoining the extension were made by as many cattlemen.

The Navajos are in possession of these railroad lands and use them and need them. They realize if they do not secure the railroad lands, they will, eventually, not only lose half of their holdings to white men, but the other half will be rendered useless through overgrazing—and they will have to "move."

The Indians on and off the reservation pay annually some two thousand five hundred dollars lease money for their protection.

They are unable to raise \$9,000 annually to lease all the railroad lands on the reservation, and about again as much to lease the railroad lands occupied and used and needed by them off the reservation. Even leasing all the railroad lands would give them no protection if the railroad company should begin to sell its holdings to white men.

#### TIMBER SALE AND PURCHASE OF RAILROAD LAND

Realizing all this, the Navajos have signed the following petition:

"We, the undersigned chiefs and headmen of the Navajo Tribe, respectfully request that an appropriation, reimbursable from our timber sale, be made to buy the railroad lands which are in actual use and occupancy by the Navajo Tribe on and off their reservation."

It is true that article XIII of the treaty of 1868 provides: "If any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty"; furthermore, that section 7 of the act of June 25, 1910 (Stat. L. 855), provides, "That mature living, dead, and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation, in such manner as he may direct." \* \* \* But the Indians are of the opinion that their consent, expressed through their aforementioned petition, supplemented by an act of Congress embodying the words, "To buy the railroad lands which are in actual use and occupancy by the Navajo Tribe on and off their reservation", would eliminate these limitations.

Considering the fact that their timber, except 4,000,000 feet, is on the treaty reservation on which there are no railroad lands, their action might seem ultra altruistic, were it not for the fact that the Navajos on the treaty reser-

vation realize that their brethren will gradually be forced on to their already overcrowded and overgrazed reservation unless the railroad lands are secured for them.

Roughly estimated, the timber on the treaty reservation amounts to about 2,600,000,000 feet, whilst the timber on the extended Navajo Reservation amounts to about 800,000,000, half of which belongs to the Santa Fe Railway Co. The Navajos ask that the timber be sold through the Forest Department.

#### NOT FEASIBLE?

I have been told that two things militate against granting this petition: (1) The law of 1904 permitting exchanges of land, rendering a purchase unnecessary; (2) on account of the large area of land held by the Navajos, Congress could not be induced to make such a reimbursable appropriation.

As to the first, if the Department of the Interior wishes to avail itself of the law of 1904 in spite of the vigorous opposition of the delegation from Arizona and New Mexico and of Mr. Mulford Winsor, State land commissioner of Arizona, the Indians would not object, I am sure.

If Mr. Mulford Winsor needs all the available good lands in Arizona, also those on the Navajo Reservation, as it would seem, to make selections for the State, the following passages taken from the St. Johns Herald of January 8, 1914, sound rather strange:

"Seven or eight million acres of land in Arizona outside forest reserves and Indian reservations is reclaimable by irrigation. This is the estimate of the State land commission. The commissioners have now been in office long enough to have visited practically every township within the borders of Arizona. They declare that the public has absolutely no conception of the vast number of reservoir sites or of areas of land which can be cultivated profitably with pumping water.

"There are not hundreds of reservoir sites, but thousands of them. Only a few have been withdrawn under the United States Reclamation Act. Along every stream in the State is at least a small site, the commissioners say. In some sections of 'dry' Arizona there is more water, if conserved by storage, than there is land. Numerous sites are found along the Little Colorado, Gila, and Santa Cruz Rivers. One of the largest in the State is on 'Bill Williams' Fork. There are several on Cataract Canyon, in Coconino County. Several vast valleys in Mohave County can be irrigated from the Colorado or from reservoirs in smaller streams. Cochise County has many sites in the Swisshelm, Whetstone, and Dragon Mountains. Greenlee has more sites than land."

As to the second point, it has been the object of this paper to place facts and figures before the Members of Congress and others interested and to make them acquainted with the character of the land, grazing conditions, etc., in the Navajo country. I need not repeat.

#### REIMBURSABLE APPROPRIATION

The reimbursable appropriation ought to be made in the near future. After the railroad lands have been partially leased and partially bought by white men, and the Indians have lost their homes and watering places and grazing grounds—the means to make an independent living—it will be too late.

The same holds good regarding State lands. If their timber is sold, the State land commissioners will be able to dispose of the State lands within the Navajo country to the Navajos much sooner than they could sell to the whites in other parts of the State.

Whether the money thus appropriated will be reimbursed in the near future lies with the Government. The ripe timber is there in abundance awaiting a purchaser. There are other uses to which the proceeds of the timber sale could be put after the necessary funds have been purchased: educational and sanitary purposes, the development of water, upbreeding of their stock, etc.

If this method is neglected, the Indians and their friends are forced to urge the only alternative—exchange of lands.

Dead assets are of no use to anyone. It would seem in accord with our business administration to bring this dead capital to life to help the Indian and to save direct appropriations out of the pockets of the taxpayers.

#### TIMBER SALE FOR MESCALERO APACHES

A similar point in question is the timber on the Mescalero Reservation. Whilst their timber is estimated at several million dollars, the Indians—no; they are not starving, but there is a condition bordering on starvation when, through lack of food, the system is so enfeebled that any sickness will carry them off to the "happy hunting grounds."

The 187 Fort Sill Indians—brought to Mescalero—are receiving rations until next October. What then? The son of Victorio told me they were used to getting enough to eat; they could not subsist on one full meal every second day, like the Mescaleros! Does anyone imagine that they can make a living by raising oats in the clouds of White Tail?

There may not have been a contract, but the Mescaleros received the Fort Sills to full tribal rights of land, money, and other benefits, and the Fort Sills accepted this offer, both under the supposition that their timber be sold and the proceeds used to stock the reservation for both, the Mescaleros and the Fort Sills; but, instead of that, on January 26, 1914, S. 4187 was introduced to convert the Mescalero Apache Reservation into a national park "for the benefit and enjoyment of the people of the United States", without any provision for timber sale (except "for the protection or improvement of the park") or purchase of the timber by the Federal Government to indemnify the Indians, to enable them to buy stock and make a living. The free grazing granted to the Indians by that bill means nothing to them if they have no stock to graze.

I hope Congress will not create "pleasure grounds for the benefit and enjoyment of the people of the United States" amid an Indian population of whom Mr. Merritt, Assistant Commissioner of Indian Affairs, makes the statement: "While they have great potential resources, they are really suffering much of the time for want of sufficient subsistence and clothing."

The attempt to relieve this deplorable condition through a direct appropriation was defeated during this session of Congress. The item in the Indian appropriation bill providing \$200,000 to buy stock and other means of support for them was passed by the Senate, rejected by the House, and lost in conference.

It is hoped that these facts and figures will command the thoughtful consideration of Congress and other friends of the Indians, so that the justice of the contention of the Navajos and their friends may be properly understood and appreciated; that their reservation should remain intact, and that they be enabled to acquire title to the railroad and State lands occupied by them.

(Rev.) ANSELM WENZER, O. F. M.

ST. MICHAELS, ARIZ., July 25, 1914.

#### EXHIBIT 4

#### REPORT TO THE NAVAJO COUNCIL BY CONSERVATION ADVISORY COMMITTEE FOR THE NAVAJO RESERVATION

Because of excessive soil erosion large areas within the Navajo country are being ruined. So thin has the soil become over a vast area in total that little grows but worthless weeds. In numerous places where formerly grew stands of valuable feed not a vestige of plant life is to be seen. This is the extreme condition of soil poverty brought about by erosion, but it is a condition toward which far too much land is steadily proceeding.

When this topsoil has been washed off, the part which is left becomes so hard that it absorbs but little of the rain that falls on it. Without water plants cannot grow. The damage of erosion does not stop at this. Increased amounts of water flowing out from the soil-stripped highlands dig out arroyos, and these grow deeper and wider to destroy not only the slopes over which it flows but even flat lands far out in the broad valleys. Water flows away from the bare ground during every rain and flows not clear, but red or yellow, according to the color of the soil. The water is colored with soil material, most of which comes from the surface of the ground, the richest part of the land. Eventually this rich surface layer is stripped off to poor subsoil or to worthless solid rock.

Throughout the world the rains are busy tearing down the land, washing the soil from the slopes down into the rivers and on to the oceans. This destruc-

FRED NELSON (delegate from Hopi). We have in the past seen that where men differ in opinion over some subject we have found that the majority rules. Why not take it in this case in connection with this resolution. The same thing will happen that took place years before, and I want to vote. I want to be given a chance to vote on this and see how the vote will come out.

J. C. MORGAN (delegate from Northern Navajo). Mr. Chairman, if the delegates wish to vote on this matter let them go ahead, and the New Mexico delegates will keep silent.

THE CHAIRMAN. Before we take the vote I want to read the eighth paragraph of Regulations Relating to the Navajo Indian Tribal Council:

"(8) Each delegate to the tribal council shall be entitled to one vote on all matters coming before the tribal council, and the majority of votes cast shall be deemed the wishes of the council on such matters. A majority of the delegates to the tribal council shall constitute a quorum for the transaction of business."

So we will take a vote according to this paragraph of Mr. Tallman's resolution. All those who favor the resolution will stand.

J. C. MORGAN (delegate from Northern Navajo). We could vote according to this paragraph 8 if we had agreed upon something, if it was a question in force for some years or months, but this question is too sudden. We have not had a chance to study this thing over. That is the thing I am looking at. I think we will do an injustice to our people if we are going to vote. We will simply force this thing on our people without their consent because this question has not been in force long enough. I know that is not fair.

LEE BRADLEY (delegate from Western Navajo). I ask this question of the Commissioner before this goes. In regard to this consolidation of jurisdictions, as I understand it, the present administration as it is today—these agents, are bonded men. Are these subagents going to have the same authority and privileges as our present superintendents if this consolidation goes through. Are these subagents to be disbursing agents in the community centers or must all payments be made from the central headquarters?

THE COMMISSIONER. It may be one way or another. There is no fixed plan. A man who handles Government money is bonded whether he is disbursing one place or another place; whether he is disbursing for a large area or for one school. Undoubtedly under a centralized arrangement much of the disbursing, such as the payments for supplies, will be taken care of at one office. There will be a great saving of money by doing it that way, but the disbursing of individual Indian moneys and transactions between the Indians and the Government could be made as the Indians wanted it. That is a detail that can be worked out in a way that is most satisfactory to the Indians themselves. We have today disbursing officers for as few as 250 Indians on some reservations. Again we have bonded disbursing officers, for example, the whole Five Civilized Tribes of Oklahoma; that is, all of the State of Oklahoma. That is a detail that can be worked out in any way that is the most convenient.

TOADREHENE CHISEMILLE (alternate from Southern Navajo). There is a disbursing agent over at Fort Defiance and we do not have any trouble getting our money there at all.

THE COMMISSIONER. If we wanted to have disbursing agents in 50 places on the Navajo Reservation, we could have them. That has nothing to do with this matter of consolidation. The other question does. The question is: Will the subagents have more or less power than the superintendents? They will have more power and this whole plan is intended to give more power to the superintendents—give them more authority. I do not mean authority over you but over the administration of the Indian Bureau.

ALEX NESHEKI (delegate from Northern Navajo). I want to make a little suggestion for all members of the council. Why not just hold this question and take up some of the smaller questions up to lunch time and then maybe talk over the situation and take it up again after lunch and maybe we can talk it over and understand it a little better than now.

MARCUS KANTUHO (delegate from Leupp). I make a move that we vote on this question before the council.

ALBERT SANDOVAL (delegate from Southern Navajo). I second the motion. THE CHAIRMAN. Motion has been made and seconded that the council take a vote on this right away. All those who favor this new motion stand.

The motion carries by two-thirds majority.

Now, the vote is on the resolution of Henry Tallman. All those who favor the resolution will stand.

The motion carries by two-thirds majority.

## EXHIBIT 10

## THE NAVAJO RESERVATION, ITS RESOURCES AND PRESENT CONDITION

*Physical resources.*—The Navajo Reservation is a vast domain of mostly arid and semiarid land. Within the present boundaries, including the Arizona extension but excluding the proposed New Mexico extension, there are, according to the most reliable surveys available, 14,933,391 acres of land. By far the greatest proportion of this land is chiefly valuable for grazing. On the basis of the land-management surveys, the land, according to its present use, is classified as follows:

Range land (deducting barren areas, farm land, and inaccessible areas)-----	Acres	13, 251, 151
Forested areas:		
Piñon juniper woodland-----		3, 000, 000
Saw timber (mostly yellow pine)-----		300, 000
Other forested land-----		200, 000
Farm land:		
Irrigated land-----		9, 547
Flood irrigated land-----		27, 962
Dry farms-----		4, 723
Total farming area-----		42, 232
Waste land (unusable)-----		1, 700, 000

Fifty thousand Navajos are attempting to gain a livelihood from these lands at the present time. Rather comprehensive studies have been made to determine the income from the present use of the physical resources. A great deal of the material produced on the reservation is consumed locally without passing through trade channels, and the amounts so consumed are rather difficult to estimate. However, the following figures expressed in terms of cash income indicate as nearly as can be ascertained the monetary value of all agricultural products consumed or sold at the present time:

Income from irrigated land, assuming that all their irrigated land was in alfalfa-----	\$403, 620. 00
Income from flood and dry-farming land, on the basis of its productive capacity for corn-----	345, 366. 00
Income from sheep, assuming that all livestock with the exception of 30,000 horses were converted to sheep units-----	1, 600, 000. 00
Total income based on production-----	2, 348, 986. 00
Per-capita income from land-----	46. 98

As much of the land is not being farmed to its highest capacity, and as much of the livestock is at present represented by units of low production, such as excess horses, steers, wethers, etc., it is probable that these figures are high.

## PRESENT USE AND CONDITION OF RESOURCES

*Soil and erosion conditions.*—The seriously crowded condition of the Navajo Reservation at the present time has been brought about by a chain of events which have taken place during the period of enforced occupation of the reservation by the Navajo Indians. Restricted by treaty and legislative as well as Executive action to the use of certain lands, the Navajos have nevertheless increased in population from approximately 9,000 in 1868 to a total of 50,000 today. Coincident with this increase in population there has been an increase in the number of livestock from somewhere in the neighborhood of 20,000 to 1,888,000 sheep units in 1928. The original treaty area has been tardily enlarged from time to time in a feeble attempt to take care of this increase in population, but at no time during this entire period has there been really a sufficient area allocated for the needs of the Navajo and his livestock. The inevitable results of this unscientific and unplanned land policy were overgrazing, excessive erosion, and semidesertification. The Navajo Reservation today presents one of the most serious problems confronting the American people because (1) it is by far the largest of all Indian reservations, (2) the largest and most rapidly growing of all Indian tribes resides within its boundaries,

and (3) the reservation occupies the key position in the control or lack of control of silt in the Colorado River.

The changes which have taken place during the years as determined by scientific measurements are considerable. Yet the casual observer whose eye has not been trained to detect significant changes in vegetation and soil is apt to pass lightly over the changes with the statement that this is a desert country. It is true that a large part of the Navajo Reservation may be classed as desert, but the greatest portion of the present desert is man-made.

On old Geological Survey maps are found records of lakes now completely dry, due to siltation or drainage through gully cutting. Streams once perennial and known to have contained beaver now are alternately dry and rushing with silt-detritus-laden torrents. Untold quantities of rain water that formerly soaked into the earth, part of it to enter into the underground water supplies, now—loaded with millions of tons of silt—rush to the Colorado River, with the result that artesian-water supplies are tending to fail and moisture available for growing of range grasses has been reduced. Thus the desert area has been increased, for in effect the utility of rainfall has become less, since less of it goes into the soil to become available for plant growth and underground water supplies.

The water not only left the land, never to return, but also left destruction in its path. Alluvial valley bottoms once covered with dense stands of grass now became completely denuded. Greatly increased, and frequently torrential, flows of water now concentrated as gushing streams of great cutting power in the centers of these alluvial valleys and cut out great washes. From these washes long fingering gullies worked out toward the edge of the alluvial fill, with the result that in certain instances almost the entire valley fill has been removed to bedrock. As a part of this erosive process, not only were the grasslands devastated but also large areas formerly cultivable by flood-water irrigation were either destroyed or made inaccessible to such water through its concentration in gully bottoms and rapid run-off and loss from such areas.

*Range conditions and present use.*—The livestock industry is the "Dr. Jekyll and Mr. Hyde" of this drama, for it is the livestock industry which is, on the one hand, the chief source of income for the Navajo people; and, on the other hand, it is the pernicious demon which is destroying the very source of Navajo livelihood.

Recognition of the overgrazed condition of the reservation is not a capricious fancy of the moment, as indicated by the following quotation taken from The Navajo Indians: A Statement of Facts, published by (Rev.) Anselm Weber, of St. Michaels, in 1914:

"It is universally admitted that the range in Arizona and New Mexico is overstocked and run down and in danger of being ruined; hence the Kent leasing bill, H. R. 10539."

Mr. J. J. Thornber, of the Arizona Agricultural Experiment Station, states: "The present condition of our stock ranges is highly unsatisfactory to everybody. The production of forage, which, at best, is uncertain on account of the climatic conditions, \* \* \* has been reduced to such an extent over much of the country by continual overgrazing that the grazing industry is of necessity carried on under most adverse conditions to the stockmen." (Bulletin No. 65, p. 354).

But the Navajo Reservation is stocked heavier and its range is more overgrazed and run-down than the range in other parts of these States.

Mr. E. O. Wootton, of the New Mexico Agricultural Experiment Station, makes the following statement regarding the Navajo Reservation and lands occupied by the Navajos in New Mexico: "That part of the territory lying northwest of Grant between the Santa Fe Railroad and the Colorado and Arizona borders is a region of rather poor carrying capacity and has been badly overstocked by sheep for years. It is now able to carry not more than about 16 head to the section, or an average capacity of about 40 acres per head." (Bulletin No. 66, p. 28.)

Scientific recognition of the critical range conditions has long been given, but it is only recently that steps have been made toward correction.

That the present situation is not being overexaggerated by the local group is indicated by the following quotations from The Western Range, Senate Document No. 199, 1936:

"For all Indian lands an estimated reduction in stocking averaging 26 percent is required to reach grazing capacity (fig. 21), and a still higher reduction is necessary on the half of Indian grazing land in the Southwest, where the depletion is worst \* \* \* (p. 55).

"In the Southwest the situation is serious. Approximately one-half of the total range lands in the Navajo, Hopi, and Papago country, particularly, is seriously overstocked and presents a severely overgrazed condition. \* \* \*

The condition of these ranges, in spite of the first steps toward corrective measures which have been taken, is steadily growing worse. \* \* \* Drastic action toward livestock reduction and range rehabilitation will be necessary on millions of acres before the Indian range lands of this region are again capable of making their full contribution to the welfare of the Indian owners or the Nation as a whole" (161) (p. 280).

"In the Southwest, although many thousands of sheep and goats have been removed from the Navajo ranges and constant effort for further improvement is steadily being made, progress toward sustained yield management has been relatively slow" (p. 201).

"The great gullies and sterile plains now in evidence on the Navajo Indian Reservation (189) are further indications of the ravages of water on depleted lands in the Southwest. The very existence of these Indians, scanty as it is, is threatened by accelerated and unrestrained erosion. Water holes are drying up and floods common. Against the processes of erosion, of his own making, the red man's last stand is futile. Fortunately, in the last few years the plight of this tribe has been recognized, and Government agencies are endeavoring to restore the cover of vegetation and halt soil wastage" (pp. 332-333).

The effects of overgrazing are everywhere evident on the Navajo Reservation. Large areas of grassland have been so completely denuded that scarcely any grass can be found at the present time, and the only vegetative cover is a summer growth of Russian thistle and Rocky Mountain bee plants. From such areas the surface soil has been largely removed by wind and water erosion, and this soil must again be built up through a long period of years before the land will be capable of supporting a grass cover. Vegetative "bone yards" are a common sight throughout the reservation where palatable shrubs, such as sagebrush and greasewood, have been stripped of their herbage and left standing as stark-naked, lifeless emblems of range depletion. In some places the quantitative changes in ground cover are so slight as to be imperceptible except to the trained observer, but the qualitative changes have been of such a nature as to materially decrease the carrying capacity of the range. Sagebrush has given way to the resinous and unpalatable snakeweed and yellow brush. Luscious mountain meadow grasses and herbs have been replaced by the poisonous sneezeweed, and palatable grasses have been replaced by low-growing, unpalatable weeds, such as ladies tobacco and trailing daisy.

It is difficult to determine the actual amount of range depletion which has taken place during the years, but estimates by reliable observers indicate that the present carrying capacity is from 25 to 50 percent of what it was at the time of the treaty. During the past 2 years a comprehensive range survey has been completed which shows that the present capacity of the range is 560,000 sheep units. The actual animal population on the reservation, according to 1935 dipping records, was approximately as follows:

Sheep and goats (including lambs and kids).....	944,910
Cattle.....	25,000
Horses, mules, and burros.....	45,000
Total sheep units.....	1,269,910
Excess stock (in sheep units).....	709,910

Cattle and horses are converted to the basis of sheep units by considering that one horse consumes five times as much forage and one cow consumes four times as much forage as one sheep.

On the basis of the above figures it would be necessary to reduce the number of livestock 56 percent, if the stocking were adjusted to the carrying capacity of the range.

"Considering the above figures, the question may be raised: If the range is stocked with approximately twice as many animals as the carrying capacity, how is it that the animals exist? This might best be answered with an illustration. The various biological and physical factors which bring about the production of vegetation may be likened to a sum of money out at interest. The annual interest from the sum of money represents the actual income; the annual vegetative "income" from the range corresponds to such interest; however, if a sum of \$100 is drawing 5-percent interest, it might be possible for the owner to draw out \$10 a year for a period of years before the principal became exhausted; likewise, a range producing 560,000 sheep units of forage may be grazed indefinitely at this rate without depletion of capital range

vegetation, as this would be the equivalent of merely withdrawing the interest. On the other hand, the consumption of forage may be doubled for a brief period of years, but the end is inevitably the complete depletion of capital—which in this case is the forage-producing capacity of the range.

There has been a reduction in the number of livestock since 1930, but so far this reduction has been ineffective in that it has not reduced the "expenditures" in terms of forage consumed to the "income" in terms of forage produced. The total net reduction to date, based on dipping records, is 207,582 sheep units, 184,000 of which were goats. These reductions from 1930 to 1935 did not keep pace with the range depletion, and unless a sharp and decisive reduction can be made, the range will continue its rapid retrogression.

The situation on the Navajo must be squarely faced, and it is necessary that we should be honest in our conclusions. It is only human to hope for an easy way out. We destroy our resources and, then, lacking the courage to face the situation and shoulder the blame, we expect a supernatural force to correct the situation without pain or effort on our part. We forget the basic physical law enunciated by Newton "that for every action there is an opposite and equal reaction", which might be paraphrased to state that it is easy sledding going downhill, but it takes effort to get on top again. Circling the hill at the same level will not result in a gain in elevation.

The proposal most often offered by the panacea seekers is that range depletion can be corrected through the development of water. The foundation for such an argument is fallacious in that water development does not increase the production of forage—it merely increases the consumption of forage, and the end result of such a policy would merely be to destroy a greater amount of range.

The basic principle involved in making a grazing survey is to determine the amount of forage produced during an average year. The results of the grazing survey on the Navajo Reservation show that during an average year such a quantity of forage is produced as to support 560,000 sheep units, and this figure represents the carrying capacity of the range, provided that all of this available forage will be used by livestock. Without adequate water development it would be necessary to still further reduce the stocking, and the carrying capacity of 560,000 sheep units is based on the assumption that the range will be adequately watered. The Navajo Reservation is already reasonably well watered, and during the past few years approximately 1,500 additional watering places have been developed by Emergency Conservation Works. The land-management plans include a program of further water development which will allow more adequate range management, but this will only provide for more efficient and even use of the forage and will only slightly correct the present evils of overstocking.

*Forest and woodland condition.*—The forested area on the Navajo Reservation comprises about 24 percent of the total acreage. Approximately 3,000,000 acres are covered with piñon-juniper woodland and approximately one-half million acres support the timber type, in which yellow pine is the dominant species with a small amount of spruce, fir, and limber pine.

From the piñon-juniper woodlands, the Navajo obtains his fuel, hogan material, and piñon nuts for food. The woodland also offers shelter to man and livestock in winter. The woodlands covering the higher plateaus and slopes play an important part in controlling run-off and reduce evaporation losses from the soil through their shading influence. The yellow-pine forests are an important factor in erosion control, but up to the present time have contributed but little to the income of the Navajo. At present both the woodland and the forests are in a seriously depleted condition. Fire has destroyed large areas of timberland. Overgrazing has prevented the establishment and development of reproduction. The weakened trees have been subject to the attack of insects, fungi, and bacteria. At present the woodlands and forests are in a precarious position; while there has been some accumulation of forest material, the present trees are old and decadent. Removal of the standing timber at the present time would be disastrous in that there are no young, vigorous growing saplings to take its place.

#### POSSIBLE INCOME UNDER LAND MANAGEMENT

The economic situation on the Navajo Reservation is equally as serious as the physical-biological phase. Even to maintain the present unsatisfactory subsistence level of the Navajo people will require a very efficient utilization of all natural resources.

Under a system of practical land management it would be possible to increase the income-producing capacity of the reservation to a considerable extent. This entails proper stocking of the range, systematic management of the forested areas to provide for adequate reproduction and the removal of over-mature timber, and the development of all present and potential agricultural land to its highest productive capacity. On the basis of carefully conducted surveys, the developed and undeveloped resources of the reservation are shown to be about as follows:

Areas of irrigated land:	Acres
Present .....	9,547
Potential .....	12,280
<b>Total possible irrigated land .....</b>	<b>21,827</b>
Flood-irrigated land:	
Present .....	27,962
Potential .....	18,534
<b>Total possible flood-irrigated land .....</b>	<b>46,496</b>
Dry farms:	
Present .....	4,723
Potential .....	5,277
<b>Total possible dry farms .....</b>	<b>10,000</b>
<b>Total of all agricultural land:</b>	
Present .....	42,232
Potential .....	36,091
<b>Total possible agricultural land .....</b>	<b>78,323</b>
Areas of timberland:	
Piñon-juniper woodland .....	3,000,000
Merchantable timber .....	300,000
Other forested land .....	200,000
Range land .....	13,215,000
From this land it is estimated that the potential income under proper land management might be as follows:	
Irrigated land .....	\$930,000.00
Flood land .....	520,000.00
Dry-farming land .....	80,000.00
Livestock .....	1,640,000.00
Timber .....	360,000.00
<b>Total income from land .....</b>	<b>3,530,000.00</b>
Potential per-capita income .....	70.00
Potential income per family of 5 .....	353.00

The program for the further development of agricultural land is progressing steadily. It is hoped that when the program is completed crop production for the reservation will be at least doubled. There seems little doubt but that this may be attained, as the amount of cultivated land can be increased from approximately 42,000 acres to 78,000 acres.

The question of income from timber resources is at present an unknown quantity. The estimated income from timber is based on incomplete forest surveys, which indicate that during the next 100 years approximately 100 board-feet per acre can be removed without detriment to the forest stand. This, of course, assumes that grazing control will be in operation and thus insure adequate timber replacements by the growth and development of reproduction. The income is computed on the basis of a \$3-per-thousand stumpage, which would be returned to the tribal fund, and a \$9-per-thousand processing cost, which would be paid the Indians for labor during cutting and milling operations.

During this period of rehabilitation it should be possible to maintain the livestock income on a constant level, provided that full cooperation is given by the Indians and interested white men. Without going into complicated figures, the basis for such conclusions is as follows:

1. The reservation is producing a definite quantity of forage each year. The livestock grazed thereon are merely a means of harvesting the basic forage crop.  
 2. In theory a given amount of forage will produce only a given amount of flesh, milk, etc. Actually a greater number of consuming animals will result in a lowered production, because body weight must be maintained. This more than offsets the possible increased utilization due to a greater number of animals on the range and the utilization of plants of low palatability which would not normally be grazed. Furthermore, it has been repeatedly shown by experiments that lightly grazed or clipped vegetation may produce twice as much or more herbage than will grass which is continuously and closely cropped.  
 Based on the above premises, half as many sheep would produce as great an amount of consumable and merchantable products as the present number, which are inefficiently overgrazing the range.

That this is substantially true is shown by the results obtained at the Ganado demonstration area, where an area of 7,953 acres was stocked with a flock of the average grade Navajo sheep on the basis of the carrying capacity as determined by grazing surveys. Under these conditions a lamb crop of 93 percent and an average wool clip of 8 pounds was secured. These figures are almost double those for the same items on the adjacent overgrazed range. By improving the grade of stock, the efficiency of production can be greatly increased, provided the present erosion conditions are corrected and the range properly stocked.

Submitted August 15, 1936.

W. G. MCGINNIES,  
 Director of Land Management.

EXHIBIT 11

INDIAN POPULATION ON RESERVATION AND ON PROPOSED EXTENSION AREA

	Reservation	Total	Reservation		Extension	
			On	Off	On	Off
Southern Navajo	4,951	4,951	3,101	1,850	1,850	0
Northern Navajo	8,560	7,410	7,410	1,150	300	850
Eastern Navajo	8,456	8,456	900	7,556	7,556	0
Total	21,967	21,967	11,411	10,556	9,706	850

EXHIBIT 12

MEMORANDUM CONCERNING NAVAJO INDIAN ALLOTMENTS ON THE DOMAIN IN NEW MEXICO

JULY 31, 1936.

1. Allotments made on the Navajo extension in New Mexico, created by Executive order of November 9, 1907, as amended by Executive order of January 28, 1908:

Year:	Number
1908	470
1909	377
1910	948
1911	59
Total	1,904

2. Quite a number of allotment applications were made in 1907, the majority of which were not approved and patents issued until the years 1919 and 1920.

Approximately 883 allotment applications were approved and patents issued between the years 1912 and 1920, inclusive.

3. Approximate number of allotments made subsequent to 1920 (these allotments contain 160 acres each):

Year:	Number	Year:	Number
1921	89	1929	63
1922	168	1930	417
1923	53	1931	89
1924	34	1932	8
1925	22	1933	5
1926	41		
1927	21	Total	1,015
1928	15		

4. Total allotments made in New Mexico, 3,802, covering approximately 608,320 acres.

J. M. STEWART, Director of Lands.

EXHIBIT 13

AREA OF LANDS WITHIN PROPOSED ADDITIONS TO THE NAVAJO INDIAN RESERVATION, PROPOSED JULY 27, 1936

Land status	San Juan County	Sandoval County	McKinley County	Valencia County	Bernalillo County	Socorro County	Total
Non-Indian homesteads	Acres 2,440	Acres 22,160	Acres 35,480	Acres 24,320	Acres 1,560	Acres 1,320	Acres 92,240
Pending, subject to cancellation, New Mexico & Arizona Land Co.	9,520	10,240	270,800	55,680			55,680
Railroad lands	17,720	13,050	91,160	32,640	480	24,440	352,700
State land	10,560	25,120	217,510	20,800	8,640	9,800	35,680
Stock driveway	76,560	60,640	333,000	50,240	8,320	16,200	593,950
Public domain	48,400	47,800	14,560	1,600			504,960
Indian allotments		1,920					18,080
Indian homesteads			205,980	13,440			235,060
Railroad land relinquished for Indian use			45,700				58,080
Purchasing			196,400	7,680	12,320		210,300
Completed			5,720				28,000
Executive orders for Indian use			22,240				13,700
Forest reserves							
Total	208,800	180,920	1,437,630	233,800	31,320	62,080	2,154,550

EXHIBIT 14

EFFECT OF TAYLOR ACT ON INDIANS IN THE EASTERN NAVAJO AREA

Under the provisions of the Taylor Act (Public, No. 482, 73d Cong., H. R. 6462, 1934, as amended by H. R. 10094, 74th Cong., 1936), the public domain up to a total acreage of 142,000,000 acres is placed under the administration of the Secretary of the Interior through the Division of Grazing. The act and the Secretary's regulations pursuant thereto contain certain provisions that would appear to have a somewhat adverse effect upon the welfare of Indian livestock owners occupying the area east of the present Navajo Indian Reservation in New Mexico.

Under sections 2 and 3 of the act the Secretary is authorized to set up grazing districts and "to issue or cause to be issued permits to graze livestock on such grazing districts to such bona-fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range \* \* \*". In the language of the act and of the regulations it is brought out clearly that preference in the use of public-domain ranges will be given to those applicants who have dependent property, commensurate property, and priority of use. Dependent property is defined as that so situated that public