EXHIBIT 3

THE NAVAJO INDIANS

Weber 1914

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 11,887,700 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. Those 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 acceptation of the word. The Navajos call them "Dine Ana'I", i. e., "Navajo enemies." Years ago, before the Navajos were reduced and taken to Fort Sumner, in 1862, when raids between Mexicans and Navajos were of frequent occurrence and about 1,500 Navajos were held as 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 [illegible] the mountains." Why, many of them have been [illegible]

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 1883 and 1888. As early as 1880 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 1868, 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, 193 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. [illegible]. What became of the [illegible]

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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 11,379 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." Excepting 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 609 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 39 miles, which, on May 13, 1908, was withdrawn from sale and settlement for allotting purposes. ~~The 623 allotments, made in 1908 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 ~~50,349 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 13,400 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 5,476 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.

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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, 1,752 are Zuni Indians, occupying 264 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
		Sheep
824,929 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		398,316
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
Total		5,201,502
		72,838,400
Acreage of Arizona	350,173	
Acreage under cultivation	138,963	
Acreage controlled by mining industry		489,136
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		3,346,984
Goats		412,050
		Sheep
1,081,663 head of cattle, equal, in their effect upon the range, to		4,326,650
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
Total		8,887,236
Acreage of New Mexico		76,467,103
Acreage under cultivation	1,467,191	
Acreage controlled by mining industry	467,626	
		1,934,817
Which leaves for grazing purposes (acres)		74,532,286

Dividing this acreage by 8,887,236, the number of sheep, or their equivalent, you have 8.4 acres per head of sheep.

Now, the Navajos have 1,781,000 head of sheep and goats.

	Sheep
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
Total	2,327,060

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. 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. 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. 66, 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 20, 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 statement 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, 5,000,412 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 65 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."

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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. 10539, states:

"It is obvious that a home supported by the production of livestock is to be gaged 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 appraisement 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 means, 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 feed 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 obtained great influence with the Navajos because of his work for their practical betterment. * * * Father Weber, like every competent [illegible]

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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. Paquette, 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 county.

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. Benito Valley, along Black 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., 21 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 reserve 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 extensions of the Navajo Reservation—Western Navajo, Leupp, and the extension of 1907 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

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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 council 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. Ed Sargent
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 30,000 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 $8,000 annually to lease all the railroad lands on the reservation, and about again as much to lease the railrod 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 [illegible] reservation on which there are no railroad [illegible] ultra altruistic, were it not [illegible]

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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 2,000,000,000 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 Dragoon 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 lands 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 Mecaleros 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. Meritt, 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 WEBER, 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 vestage 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-

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