

Documents of American Indian Diplomacy

Treaties, Agreements, and Conventions, 1775–1979

Volume Two

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and
Raymond J. DeMallie**

With a Foreword by Daniel K. Inouye

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Also by Vine Deloria, Jr.

Custer Died for Your Sins (New York, 1969; Norman, 1988)
God Is Red: A Native View of Religion (New York, 1973; Golden, Colo., 1994)
Behind the Trail of Broken Treaties: An Indian Declaration of Independence
(New York, 1974; Austin, 1985)

Also by Raymond J. DeMallie

(ed. with Elaine A. Jahner) *Lakota Belief and Ritual* (Lincoln, Nebr., 1980)
(ed.) *Lakota Society* (Lincoln, Nebr., 1982)
(ed.) *The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt* (Lincoln, Nebr., 1984)
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1 2 3 4 5 6 7 8 9 10

NUH-SHIL-SHE-HIB-SKI,	his x mark.
CHE-LAH-HIM-SKO,	his x mark.
HUIT-SUTE-TAH,	his x mark.
KEH-KO,	his x mark.
QUALT-TIL-TOSE-SUM, (or Big Star,)	his x mark.
CHEY-YAL-ROTE,	his x mark.
QUOI-QUOI-YON,	his x mark.
IN-SKO-ME-NAY,	his x mark.
ITS-CHE-MON-NEE,	his x mark.

And 17 other chiefs.

Witnesses:

E. D. KEYES,

And the principal officers of the command.

SOURCE: 36th Cong., 1st sess., H. Ex. Doc. 65 (serial 1051): 90-91.

ARMISTICE WITH THE NAVAJO

November 20, 1858

At the request of Mr. Yost, Agent, and urgent and repeated solicitation of the Navajo Tribe of Indians asking for peace, the undersigned commander of the forces operating against them in the present war, consents to grant an armistice for 30 days from the signing of this, during which period no act or acts of hostility shall be committed by either party, on the following terms, subject to the approval of the commander of the Department of New Mexico, viz.

1. The assembled chiefs and principal men of the Tribe of Navajo Indians consents and agrees to meet within 30 days at this post authorized commissioners to form a treaty of peace on a sure basis, and which will be binding on the United States as well as on the Navijoes.

2. The assembled chiefs and principal men agrees and consents that the following items shall form the basis of the treaty. 1st. To deliver up every horse, mule and poney taken by them from this post during the war. 2d. That the chief selected to be their principal, shall be obeyed in all things with strict obedience in the requirements made by their agent or commanding officer of this post. 3d. That the Navijoes will deliver up the murderer as soon as they can catch him, and it will be no offense if the troops ever take him and punish him. 4th. On the day of signing the treaty there will be an exchange of prisoners—all captives in the possession of the Navijoes will be surrendered and all captives of their nation now in confinement at this post will be set at liberty.

We the undersigned chiefs and principal men of the Navajo Nation agree and consent in the name of their nation and sign our names before witnesses, that we act in good faith and sincerity by so doing.

This at Fort Defiance N. M. this 20th day of November 1858.

Sarcillos Largos his x mark
 Armijo his x mark
 Gordo his x mark

Jijo de Siego his x mark
 Cabras Blancas his x mark
 Ganado Mucho his x mark

Herrero his x mark
Barboncito his x mark

Guero his x mark
Cabeza Colorado his x mark

We the undersigned certify that the chiefs whose names are above signed, did so with a full and perfect understanding of the true meaning of every and each sentence, and in addition they expressed the most perfect humiliation, and the greatest willingness for peace.

S. M. YOST
U.S. Indian Agent

Green Wilson
U.S. Interpreter for Navajoe Agency

The chiefs and head men of the Navajo Tribe of Indians having agreed to the terms I have proposed, I hereby grant an armistice for thirty days from this date.

20th Novbr. 1858
Fort Defiance, N.M.

D. S. MILES
Lt. Col. 3 Inf.
Comg. Navajo Exped.

SOURCE: David M. Brugge and J. Lee Correll, *The Story of Navajo Treaties* (Navajo Historical Publications Documentary Series No. 1, Navajo Tribe, 1971): 77-78.

TREATY WITH THE NAVAJO

December 25, 1858

The following are the terms upon which Col. B. L. E. Bonneville, commanding the Department of New Mexico, and Col. J. L. Collins, Supt. of Ind. Affairs for the Territory of New Mexico, acting for and on behalf of the United States, have agreed that peace shall be restored to the Navajo tribe of Indians, and when all the terms are fully complied with on the part of said Indians, friendship and amicable relations shall again exist between the United States and the Navajo nation.

1st. It is agreed on the part of the head chiefs of the Navajos, acting for the entire tribe, that a line commencing at the Piscada Spring which forms the head of the Zuni River, thence on a direct line to Bear Spring on the road from Albuquerque to Fort Defiance; thence on a direct line to the Pueblo, or ruins of Escandido on the Chaco; thence on a direct line to the junction of the Chaco—otherwise known as the Tunicha—with the San Juan, shall form the eastern limits of the Navajo tribe, and beyond which they agree that none of the tribe shall graze or plant, nor in any other manner occupy. To prevent such occupancy, it is agreed that the authorities and troops of the United States shall have the right, under the direction of the commanding officer of Fort Defiance, to capture and destroy if necessary, all stock or flocks of the tribe found east of said line, and to destroy all crops which may be planted east of the line.

2nd. They agree to indemnify the citizens, settlers, and Pueblo Indians for all depredations committed upon their property by any of the Navajo tribe since the 15th day of August last, by the return of the property stolen, or if the property is not returned, they are to pay an equivalent in other property, such as sheep, horses, mules &c at a fare [*sic*] valuation to be fixed by the U.S. agent for the Navajo tribe, for the time being, and the commanding officer at Fort Defiance.

3^d. As a guaranty for the future good conduct of the Navajos it is agreed that the whole tribe shall be held responsible for any depredations perpetrated by any of the tribe, and if prompt satisfaction is not rendered for such depredations, then the authorities and troops of the United States will proceed to make reprisals from the stock and flocks of the tribe at large as shall suffice to indemnify the sufferers.

4th. All prisoners or captives, either Mexican or Pueblo Indians, in the possession of the Navajos who desire their release are to be given up to the U.S. for the purpose of being set at liberty or restored to their friends. On the other hand it is agreed that the Navajo prisoners in the hands of the United States will be returned to their tribe.

5th. It being represented by the Navajo tribe that the member of their nation who assassinated the Negro boy of Major Brooks at Fort Defiance, has fled beyon(d) the limits and reach of the Navajo nation, so that his surrender is out of their power, therefore the demand for his rendition heretofore made is waived; but it is understood and stipulated by the Navajos that they are never hereafter to allow that member of their tribe to come or remain within their limits, or in any manner to extend to him their protection, and if he shall be hereafter permitted to come or remain within their country or protection, such permission or toleration shall be regarded as a breach of this adjustment and an act of war against the United States.

6th. It is distinctly understood that by these conditions, or any others which may be exacted, the United States does not forego the right to dispatch military expeditions through the Navajo country, or to establish new military posts or defences, or Indian agencies, with farming, grazing, or other necessary grounds reserved for the use of same.

7th. The chief Huero, who has been lately elected by the tribe, as the head chief of the nation, is to be regarded and recognized as the central authority of the tribe, with whom all questions which may arise between the U.S. and the Navajos shall be settled, and his acts shall be recognized and held to be binding upon the whole tribe.

8th. It is understood that Sandoval and his people are for the present, and until otherwise provided in future, permitted to occupy the country they now occupy, but in all other respects they are to be considered as part and parcel of the Navajo nation.

All the people now with Sandoval who do not properly belong to his band are to return immediately to their own country west of the line fixed in the first of these articles.

Agreed to and signed on the 25th day of Dec. 1858.

In presence of

Witness.

E. BACHUS
Maj. 3 Inf.

G. GRANGER
1 Lt. Rifles, Bt. Capt..

S. M. YOST
Indian Agent

El Huero X his mark
Armijo X his mark
Cabasa Colorado X his mark
Gordo X his mark
Ish-kit-si-nee X his mark
Huero 2d X his mark
Sarcillos Largos X his mark
Herrero X his mark
Ganado Muncho X his mark
Durando X his mark
Huero X his mark
Herrera Chicito X his mark
Guardo 2d X his mark

Marcus X his mark
Utah Chicito or
Jose Antonio X his mark

I certify that the Indian chiefs whose names are signed to the above articles and conditions, agreed to them of their own accord after they were fully explained.

S. M. YOST
Indian Agent

SOURCE: David M. Brugge and J. Lee Correll, *The Story of Navajo Treaties* (Navajo Historical Publications Documentary Series No. 1, Navajo Tribe, 1971): 79-82.

TREATY WITH THE NAVAJO

February 15, 1861

There shall be perpetual peace between the United States of America and the Navajo Nation and to this end the following conditions and stipulations have been mutually agreed upon between Lieut. Colonel E. R. S. Canby, U.S. Army, on the part of the United States, and the Navajo Chiefs assembled in council at Fort Fauntleroy, N.M., this 15th day of February, 1861 on the part of the Navajo Nation.

First. It is distinctly understood that the inhabitants of New Mexico, the people of Zuni, Moqui and all the other Indian Pueblos and all Indian tribes that are now or may hereafter be under the protection of the United States are embraced in the terms and stipulations of this treaty, and that any act of hostility against these will be a breach of faith and act of hostility against the United States.

Second. The Navajo Chiefs agree to submit themselves unconditionally to the Government of the United States and to pledge themselves for the whole Navajo Nation for the faithful performance of all the conditions and stipulations of this treaty, and they also mutually pledge themselves to each other to support the Head Chief of the Nation and all the other chiefs in controlling their people and maintaining inviolate and in good faith the conditions of the treaty and this without respect to the family or the rank of the offenders.

Third. It is further agreed by the Navajo Chiefs that they will, at once, make war on the ladrones and unruly men of the nation, that the war will be continued until the ladrones are destroyed and the others are brought under proper subjection and control; and it is stipulated on the part of the United States that whenever the ladrones or bad men are so strong that they cannot be suppressed or controlled by the Navajos themselves, that troops will be sent to assist in their suppression or control.

Fourth. It is further stipulated by the Navajo Chiefs that they will not permit any ladrones or bad men to take refuge or hide among their people and that if any such are found at any time, they will immediately be surrendered to the commanding officer of the nearest military post; that they will not permit their people to purchase or sell any stolen property but will cause it to be delivered up at the nearest military post in order that it may be restored to its owners, and that they will indemnify the owners for any such property that may have been consumed or destroyed by their people; and it is stipulated on the part of the United States that if any robberies should be committed upon Navajoes who have in good faith complied with the conditions of this treaty that measures will be taken to see that justice is done them.