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THE ORIGIN AND HISTORY OF THE HOPI-NAVAJO BOUNDARY DISPUTE IN NORTHERN ARIZONA

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TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS	iii
LIST OF ILLUSTRATIONS	viii
INTRODUCTION	1
Statement of the Problem	1
Purpose and Delimitation of the Study	2
Sources of Data and Methods of Procedure	2
Chapter	
I. ENVIRONMENTAL BACKGROUNDS	4
Physiography and Geology	4
Climate	9
Natural Resources	12
Soil	12
Flora	12
Fauna	14
Minerals	14
Native Subsistence Economies	15
The Hopis	15
The Navajos	17
II. THE PEOPLE	21
Tribal Origins	21
Anthropological backgrounds of the Hopis	21
Anthropological backgrounds of the Navajos	24
Prehistoric Relations	26
The Period of Spanish Penetration, 1540-1823	31
Early Explorations, 1540-1628	31
The Mission Period, 1628-1680	34
The Reconquest, 1680-1823	35
The Mexican Period, 1823-1847	42
The Period of American Penetration	44
The Navajo Wars, 1846-1863	44
III. THE ESTABLISHMENT OF THE RESERVATIONS	52
The Navajo Reservation, 1868-1932	52
Bosque Redondo, 1863-1868	52
The Treaty Area	56
Additions to the reservation	56
The Hopi Reservation	60
The Executive Order of December 16, 1882	60
The Hopi claims	75
The Navajo claims	78

SRP001394

IV. ATTEMPTS AT RESOLVING THE BOUNDARY DISPUTE TO 1911 81

Federal Indian Policy 81
Resettling the Hopis 81
Endeavor to remove the Navajos 82
Allotments 93
Consequences of Federal Policy 97
Factionalism among the Hopis 97
Friction between Navajos and Hopis 100

V. SEGREGATION 104

Introduction of the Program 104
Policy changes 104
Congressional hearings, 1918-1920 108
The school controversy--1924 111
Segregation Studies 112
The Dorrington Report--1927 112
The Faris Report--1928 117
The Navajo Boundary Bill 120
Hopi-Navajo conference at Flagstaff 122
The Hopis organize 127
The Hagerman Report--1932 130
The Fiske Recommendations 132
Congressional Hearings--1931 134
Boundary legislation for the Navajo country, 1930-1934 136

VI. THE RANGE MANAGEMENT PROGRAM 139

The Indian Reorganization Act of June 18, 1934 139
Range erosion 140
Hopi Range Management District #6 145
Range management districts 145
Hopi District #6 149
The Rachford Report 152
The Solicitor's Opinion of February 12, 1941 156
The Centerwall boundaries--1942 160
Soil and Moisture Conservation 163
Livestock reduction 164
Range improvements 168

VII. THE DISPUTE SINCE WORLD WAR II 174

Old Conflicts and New Developments 174
Trespasses 174
Congressional hearings: 1944-1949 176
The question of mineral rights 178
Hopi Tribal Council reorganization--1950 181
The permit problem 183
Hopi hearings--July 15-30, 1955 187
Solving the Dispute by Legal Action 188
Tribal lawyers 188
The Boyden Brief--April, 1955 189
The Hopi-Navajo lawsuit--1958 189

SRP001395

VIII. CONCLUSIONS 191

Causes of Hopi-Navajo Cultural Hostility 191

Creation of the Reservation and Legal Questions Apperaining Thereto 193

Hopi-Navajo Disputes Since Creation of Reservation and Causes Thereof 193

Appendix

I. PRECIPITATION RECORD COMPILED AT THE JEDDITO STATION, NAVAJO COUNTY, ARIZONA FROM 1894-1947 . 196

II. TABLE A: LIST OF NATURAL VEGETATIVE SPECIES GROWING ON DISTRICT 6 198

TABLE B: PLANTS CULTIVATED BY THE HOPIS . . . 201

III. PREHISTORIC STAGES OF THE SAN JUAN ANASAZI CULTURE 203

IV. CORRESPONDENCE

LETTER NO. 1: H. F. ROBINSON TO COMMISSIONER OF INDIAN AFFAIRS, MAY 26, 1914. HOPI AGENCY FILES 300/1914. (KEAMS CANYON, ARIZONA) 204

LETTER NO. 2: LEO CRANE TO COMMISSIONER OF INDIAN AFFAIRS, JUNE 22, 1914, HOPI AGENCY FILE, 300/1914. (KEAMS CANYON, ARIZONA) 207

LETTER NO. 3: EXCERPTS FROM THE TRAYLOR REPORT 216

LETTER NO. 4: L. A. DORRINGTON TO COMMISSIONER OF INDIAN AFFAIRS, JANUARY 7, 1925. BUREAU OF INDIAN AFFAIRS CLASSIFIED FILE 99561-21-150. (WASHINGTON: DEPARTMENT OF THE INTERIOR) 217

LETTER NO. 5: CHESTER E. FARIS TO COMMISSIONER OF INDIAN AFFAIRS, MAY 12, 1928. HOPI AGENCY FILE 3226/28/928. (KEAMS CANYON, ARIZONA) . . . 220

LETTER NO. 6: E. K. MILLER'S MEMORANDUM FOR HON. H. J. HAGERMAN ON HOPI SEGREGATION 229

LETTER NO. 7: H. H. FISKE TO COMMISSIONER OF INDIAN AFFAIRS, JULY 25, 1930. BUREAU OF INDIAN AFFAIRS CLASSIFIED FILE, 26213-28-150 HOPI. (WASHINGTON: DEPARTMENT OF THE INTERIOR) 230

LETTER NO. 8: MEMORANDUM OPINION OF THE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, FEBRUARY 12, 1941 237

SRP001396

LETTER NO. 9A: WILLARD R. CENTERWALL TO COMMISSIONER OF INDIAN AFFAIRS, JULY 29, 1942. HOPI AGENCY FILE, FORESTRY AND FRAZING FILE, 6200-35-301/1942, NAVAJO. (KEAMS CANYON, ARIZONA) 243

LETTER NO. 9B: BURTON A. LADD AND L. M. STEWART TO COMMISSIONER OF INDIAN AFFAIRS, NOVEMBER 20, 1942. BUREAU OF INDIAN AFFAIRS, CLASSIFIED FILE. 6200-35-301, NAVAJO. (WASHINGTON: DEPARTMENT OF THE INTERIOR) 254

LETTER NO. 10: SEKEESTEWA VS. JONES. "NAVAJO ANSWER, COUNTER-CLAIM AND CROSS-CLAIM TO THE HOPI SUIT." U. S. DISTRICT COURT FOR THE DISTRICT OF ARIZONA, NO. CIVIL 597 PCT., TUCSON, ARIZONA . . . 258

LETTER NO. 11: ARTHUR WYDELL TO THE SECRETARY OF THE INTERIOR, JANUARY 30, 1901, BUREAU OF INDIAN AFFAIRS, LETTERS RECEIVED, 3813/1901. (WASHINGTON: DEPARTMENT OF THE INTERIOR). 261

LETTER NO. 12: C. L. WALKER TO H. J. HAGERMAN, FEBRUARY 5, 1930. HOPI AGENCY FILES, SEGREGATION, 304.2/FEB. 5, 1930. (KEAMS CANYON, ARIZONA) 265

V. HOPI TESTIMONY ON LIVESTOCK REDUCTION 268

VI. HOPI TRADITIONAL CLAIMS 273

BIBLIOGRAPHY 277

SRP001397

CHAPTER III

THE ESTABLISHMENT OF THE RESERVATIONS

The Navajo Reservation, 1868-1932.

Bosque Redondo, 1863-1868:--The chastisement of the Navajos due to the successful campaigns of 1863-64 was complete. Every Indian who was taken into custody was marched southeastward to the flat plain around Fort Sumner. U. S. authorities felt that the only way to forever dispose of the Navajo problem was to remove that tribe to a reservation. As early as 1861 J. F. Collins, Superintendent of Indian Affairs for New Mexico recommended "breaking up of the [Navajo] Nation verging upon extermination or placing them on a reserve."[1]

Bosque Redondo, "the Round Grove,"[2] was first used by the Mescalero Apaches as a reservation. In 1863 there were some 410 Apache men, women, and children on this reserve.[3] During the week of September 6, 1863 the first Navajo captives were sent to Fort Sumner, fifty-one in number.[4] The first great caravan of Navajos, twenty-four hundred in all, arrived in March 1864.[5] By the end of that year Agents reported that seven thousand Navajos were held as prisoners at Bosque Redondo.[6]

In the language of General Carleton, the "Bosque Redondo

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[1]Annual Report, p. 125.

[2]Bosque Redondo is the Spanish name for a grove of cottonwood trees that grew near Fort Sumner, the headquarters of the reserve.

[3]Annual Report, 1863; p. 106.

[4]Ibid., p. 110.

[5]Underhill, The Navajos, p. 124.

[6]Annual Report, 1864, p. 183.

SRP001398

[was] far down the Pecos, on the open plain, where these Indians can have no lateral contact with settlers."[1] The nearest settlement was forty-five miles away and the region surrounding this section of the Pecos River was unfit for any kind of white settlement. Carleton, in his request to Washington for the establishment of this reserve, indicated that an area forty-miles square, with Fort Sumner in the center, would embrace all of the lands in this sector fit for human habitation.[2] Here the Navajo were to live by farming and some herding.[3]

Agriculture had become by now a factor in the subsistence economy of the Navajo. Therefore the emphasis on farming at Fort Sumner was not too far removed from concepts already deeply rooted in Navajo culture. At any rate, the new arrivals were encouraged to farm and during the first year, 1864, seven miles of irrigation ditches were dug and over fifteen-hundred acres in grain, vegetables, and corn were planted. Disaster struck, however, and the entire crop was lost to the "army worm."[4] Again in 1865 crops were planted (thirty-five hundred acres) in corn, wheat, beans, pumpkins, and melons. Evidently this harvest fell far short of feeding the captives, for the government spent some $1,500,000 for subsistence.[5] Hail destroyed much of the crops of 1867 leaving the expensive task of feeding the Indians to the government.[6]

Added to the difficulties incident to crop failure was the depletion of the wood and wild plant supply in the area. T. H. Dodd, agent for the Navajos reported that "during the severe cold weather last winter the Indians suffered a great deal from want of wood, as they were compelled to go from six to twelve miles to procure mesquite roots and... pack them on their backs to their homes."[7]

Besides the foregoing troubles, the Comanches persisted in raiding the reservation, leaving death and destruction in their wake. Naturally the Navajos complained bitterly. Numerous groups left the reservation and returned to their old country. Hunger, however,

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[1] Ibid., p. 207.
[2] Ibid.,
[3] Annual Report, 1863, p. 111.
[4] Annual Report, 1864, p. 161.
[5] Annual Report, 1866, p. 142.
[6] Annual Report, 1867, p. 203.
[7] Ibid., pp. 190, 201-3.

usually made them return to Bosque Redondo. By this time most of the Navajos were gathered on the reserve, and few remained in "dinetah."[1]

By 1868 it was recognized that the Fort Sumner experiment was a complete failure. The government had spent millions of dollars in an attempt to make the Navajos self-supporting after having destroyed their economy during the campaigns of 1863-64. The various agents to the Navajos protested the impossibility of maintaining the reserve.[2] Finally in May, 1868 General W. T. Sherman and Colonel W. F. Tappan of President Grant's Indian Peace Commission arrived at Bosque Redondo to examine the situation at first hand.[3] Their findings, and the elequent arguments of the Navajo headmen, persuaded them that "the Bosque was not the proper place for these Indians, and being convinced that they could not be made self-supporting and contented where they were," the commissioners decided to establish a reservation in the old Navajo country west of the Rio Grande River.[4] A treaty was drawn up and signed on June 1, 1868. The Senate of the United States ratified the instrument on July 15, and the President proclaimed it on August 12th. In the meantime, the Navajos had started home, June 18, 1868.[5]

The Treaty in part reads:

> Articles of a treaty and agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, one thousand eight hundred and sixty-eight, by and between the United States...and the Navaho Nation or tribe of Indians...
>
> ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it. . . If the bad men among the Indians shall commit a wrong or depredation upon the person or property of any one... The Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this treaty, or any others that may be made with the United States.
>
> ARTICLE 2. The United States agrees that the following

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[1] Ibid., p. 199.

[2] See Annual Reports, 1865, 1866, 1867, and 1868.

[3] Twitchell, Leading Facts of New Mexico History, pp. 434-35.

[4] Annual Report; p. 868 p. 621. [5] Underhill, The Navajo p. 143.

district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Canyon Bonito, east by the parallel of longitude which, if prolonged south, would pass through Old Fort Lyon or the Ojo-de-oso, Bear Spring, and west by a parallel of longitude about 109° 30' west of Greenwich, provided it embraces the outlet of the Canyon de Chelly, which canyon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employees of the Government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article...

ARTICLE 9. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation...as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

ARTICLE 12. It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any condition provided in the law, to wit...

2nd. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars...

ARTICLE 13. The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander or the department in which said reservation may be for the time being; and it is further agreed and understood by the parties to this treaty, that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war againse the people of the United States, to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have hereunto, on this the first day of June, one thousand eight hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico,

set their hands and seals.[1]

The Treaty Area:--The original area granted to the Navajos by the Federal government in the Treaty of 1868 contained 3,414,528 acres. On a map it appears as a rectangle, the length running north and south. The southern boundary ran through old Fort Defiance and the northern line was the 37° of north latitude.[2] This line later served as the boundary between Utah and Arizona. The eastern line was slightly west of Shiprock, New Mexico while the western limits was just beyond the mouth of Canyon de Chelley and Chinle Valley.[3]

Pursuant to Article 12 of the Treaty of 1868, the Federal government purchased 14,000 sheep and 1,000 goats to be distributed among the Navajos on the new reservation. This distribution was accomplished between November 28th and December 3, 1869.[4] This was the new beginning of the great flocks that were to over-run the whole Indian country in the years to come.

Additions to the Navajo Reservation:--In the years following the return to Canyon de Chelley, the Navajo tribe underwent a decided population boom that is still in progress. In 1870 the tribal population was approximately 9,000. This figure had jumped to 21,000 in 1900,

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[1]Underhill, The Navajos, pp. 142-43.

[2]Figs. 26-27, p. 51.

[3]H. J. Hagerman, Report to the Congress of the United States on the Status of the Navajo Indian Reservation, Land Acquisitions, and Extensions with Specific Recommendations for the Outside Boundaries of the Reservation, (Washington: U. S. Government Printing Office, 1932) [Hereafter cited as Hagerman] Canyon de Chelley with its twin sister "Del Muerto" is the most prominant geographical feature in the entire area. This great complex of canyons is quite broad in a number of places. There is a good deal of acreage suitable for farming. In the floor of the canyons, streams run all year providing sufficient water for the people. The two canyons are in the shape of a "Y", twenty-seven miles long and one hundred to five hundred yards wide. The sheer walls of De Chelley rise hundreds of feet and are as "high and smooth as those of skyscrapers." [Underhill, The Navajos, 66-67.] See also Figs. 28-30.

[4]Annual Report, 1870, p. 612. The distribution was on the basis two animals for every man, woman, and child. "Every Navajo waited eagerly for the fulfillment of this promise; Finally 14,000 sheep and 1,000 goats were purchased from the Luceros ranch, near Mora, New Mexico." [Underhill, Here Come the Navajo, p. 190.]

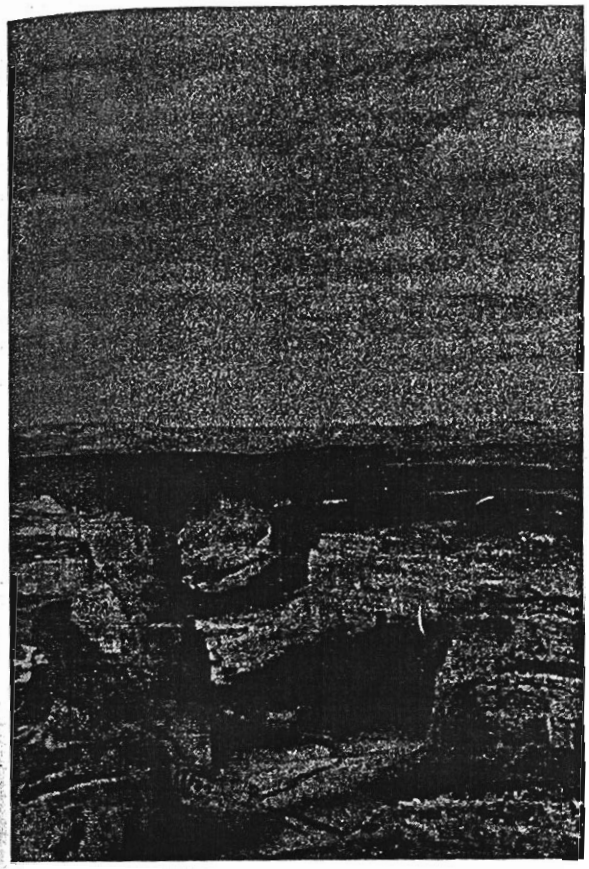

Fig. 28, Air view of Canyon de Chelly.

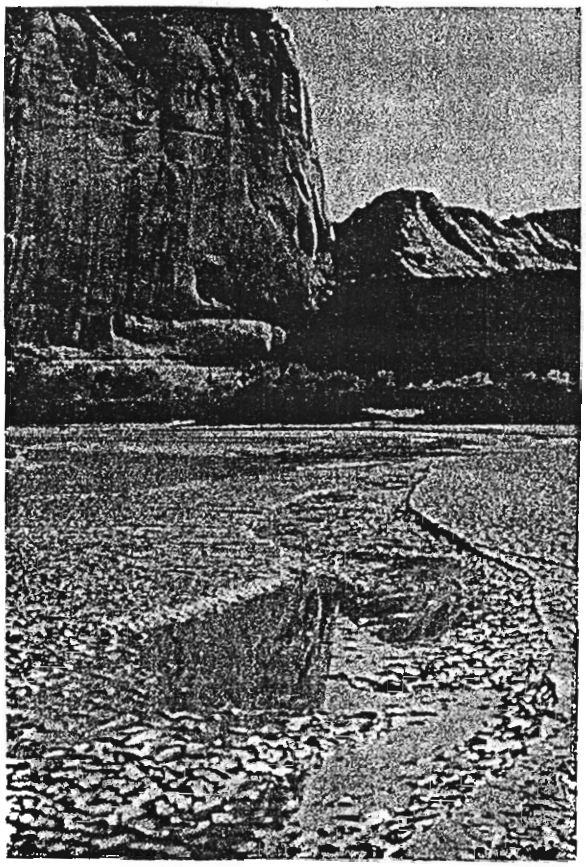

Fig. 29, Mud flats in Canyon de Chilly.

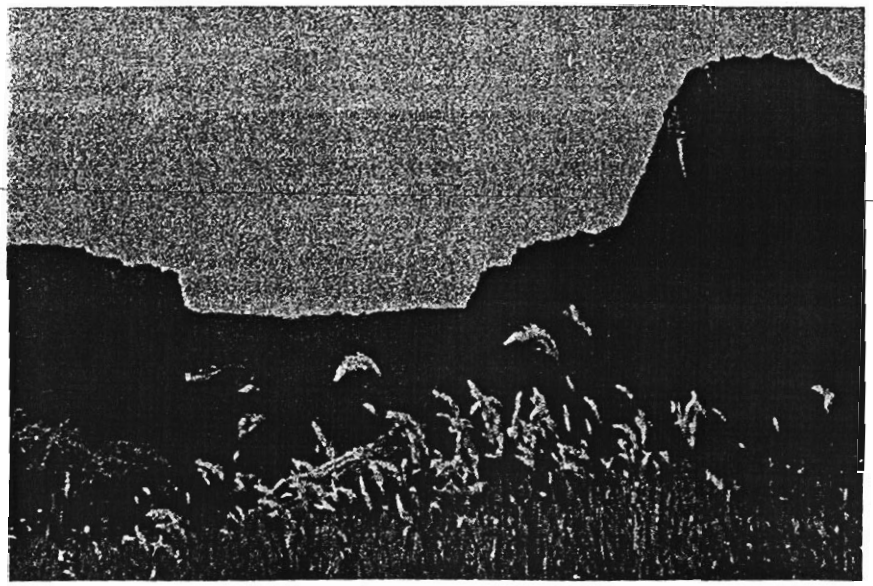

Fig. 30, Not all of Canyon de Chelly is mud flats. Much of the Canyon is grassy meadow which makes good grazing land for flocks of sheep.

SRP001403

and 43,500 in 1935.[1] This great increase in population is partly due to the polygamous nature of marriage relationships among the Navajos.[2]

As the population of the tribe increased, the pastoral economy expanded. Government reports show a steady increase of livestock on the reservation between 1868 and 1931.[3] In the latter year, 1,370,554 head of sheep and goats were over-grazing the entire Navajo-Hopi country. Added to this were huge herds of horses and cattle running into the tens of thousands.[4]

With the growth of population and increase in stock, the government found it necessary to increase the area of the reservation. Figure 31 indicates the successive additions and their dates. During the period, 1878 to 1934 the area of the Navajo Reservation was increased from 3,414,528 acres to 12,271,480 acres.[5] This does not include the Hopi reserve which lies in the very heart of this region. It should also be understood that each addition to the Navajo Reservation contained tribal residents who had lived in that area for years. With the expansion of population hundreds of families kept pushing the Navajo residence area further west, north, and south. Even today, Navajos occupy some 10,000 square miles of land, adjacent to but outside the present boundaries of the reservation.[6]

Prior to the extablishment of the Hopi Reservation on December 16, 1882, President Rutherford B. Hayes set aside by executive order

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[1]George A. Boyce, "A Primer of Navajo Economic Problems," U.S. Department of the Interior, Bureau of Indian Affairs, Navajo Service Publications, (Window Rock, Arizona: 1942) pp. 7-8. [Hereafter cited as Boyce,]

[2]U.S. Congress, Senate, Subcommittee of the Committee on Indian Affairs, Survey of Conditions of Indians of the United States: Navajos. 70th & 71st Cong., 1932, Pt. 18, pp. 9155, 9797, 9799. See also Annual Reports, 1889, p. 260; 1890, p. 160: "Polygamy is very general; a few men have four or five wives, numbers have three, but two [is] the polygamous custom. It is difficult to ascertain but probably about a third of the male adults are polygamists." These same authorities state that the Hopis are monogamous in their marriage covenants.

[3]See Annual Reports, 1869-1930.

[4]Katharine Luomala, Navajo Life of Yesterday and Today, (Berkeley, California National Park Service 1938) p. 57.

[5]Hagerman, p. 1-47.

[6]Boyce, p. 2.

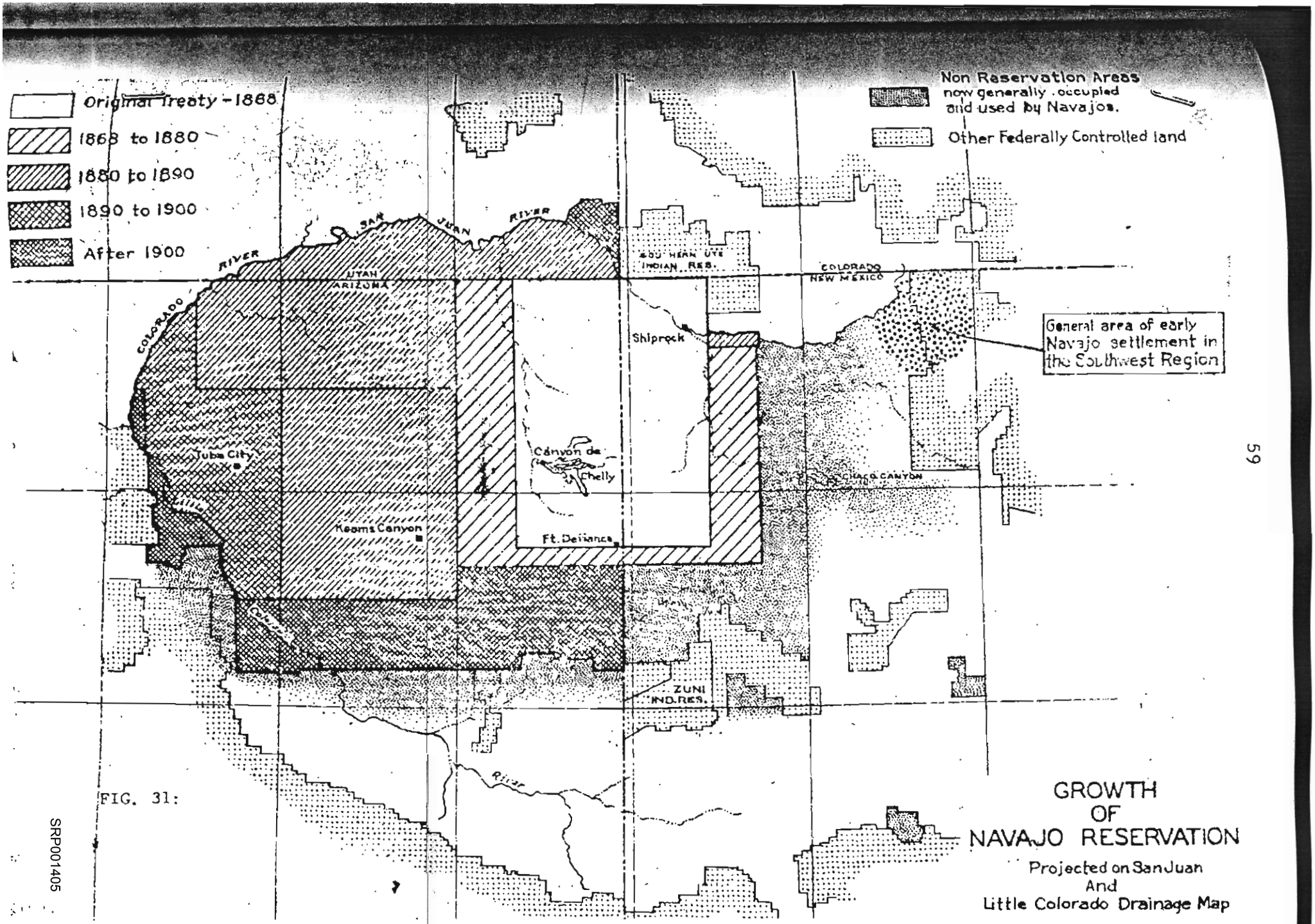

FIG. 31:

Fig. 31, Growth of Navajo Reservation.

two additions to the Navajo Reservation. The first, October 29, 1878 and the second, January 6, 1880 added 1,954,220 acres for a total of 5,368,748 acres.[1] These additions extended the western boundary of the Navajo Reserve to the one hundred and tenth degree of longitude west, which line of longitude later served as the eastern boundary of the Hopi Reservation.[2]

The Hopi Reservation

The Executive Order of December 16, 1882:--[3]Due to the fact that the government was unable to force all Navajo bands on the "Long Walk," the villages, farms, and ranches of the Hopi country were subject to constant depredations. In April, 1865 Agent John Ward reported:

> "A short time previous to my visit...they [Hopis] had been attacked and robbed by the hostile Navajos. Their location and circumstances make them an easy prey for their more formidable and warlike foes...by which they are surrounded."[4]

A similar vein was expressed by Agent J. C. Dunn August 19, 1867 who wrote: "The Navajo Indians have for years past been their invetterate enemies."[5] Lieutenant Colonel Roger Jones to the Inspector General in Washington said of the Hopis. "Although they have been for years plundered by the Navajoes...they still own a number of horses and cattle and extensive herds of sheep."[6]

The first special agent to the Hopis was appointed in 1869. This agent, A. D. Palmer, Captain, U. S. Army stated in his report for 1870 that the Hopis had a few sheep and "would have had large flocks, had they not been compelled to keep them small through fear of the Navajoes..."[7] Excerpts from two of Palmer's letters to E. S. Parker, Commissioner of Indian Affairs describe relations between the two tribes and hint at a solution for the Hopis:

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[1]Hagerman, p. 4.

[2]Bureau of Indian Affairs, Executive Order File, 23017/188.

[3]For the text of the Executive Order see p. 2. of this thesis.

[4]John Ward to M. Stecke, April, 1865, New Mexico, 5-658/1865.

[5]John C. Dunn to Senator S. C. Pomeroy, August 19, 1867, Arizona, P-153/1867.

[6]Annual Report, 1869, p. 221.

[7]Annual Report, 1870, p. 599.

"They...[Hopis]...were at one time contented and happy but bad seasons, sickness, and the thieving propensites of their immediate neighbors and hereditary enemies the Navajos and Apaches, have made and kept them poor...

They appear to be contented with their country and desire to remain there, if they can be assured of protection or of the means of protection, against their above named enemies. I shall endeavor to make a treaty between them and the Navajos...

They have no arms but their bows and arrows; the Navajos are well armed with various kinds of firearms and the [Hopis] say, that until they can acquire or receive fire arms, they have no hope of improving their present condition, as their crops, their animals, and themselves, are continually at the mercy of their enemies."[1]

"I applied to Capt. F. T. Bennett, U. S. Agent for the Navajo Indians, stationed at Fort Defiance, for the necessary building for an agency for the Moquis at that Post. I was informed by him that he had no room to spare for that purpose. I do not think it advisable to establish my agency there for another reason, to wit, the hostility existing between the Moquis [Hopi] and Navajos, which though not open or general, shows itself in occasional murders and frequent thefts."[2]

Finally Palmer made the following request in behalf of the Hopis:

"Application has been made (since approved) to Gen. G. W. Getty, U.S.A. for (20) twenty stands of arms, and suitable ammunition and accoutrements, to be used for protection, alone, of the property and lives of the Moquis [Hopi] Indians and of persons connected with the Moqui Indian Agency from hostile Navajo and Apache Indians...The arms will be issued under my personal supervision and not until I shall be satisfied of the reliability of the Indians to whom they shall [be] given. Should the experiment prove as successful as I confidentially hope, requisition will be made for a larger number of arms. As pertinent here, I would mention that I have learned that several years since, the Zunis, a tribe similar to the Moquis, were intrusted with some (300) three hundred stand of arms, to be used against the Navajo, who were then hostile...and it is said to have had an excellent effect on the conduct of the Navajos toward them. During my visit last fall, I did not see a single serviceable firearm at the Moquis Villages. I attribute their present reduced condition to the fact of their want of arms."[3]

By 1870, the Navajos had been in their home country for almost two years and the reports of the Navajo Indian agents for this period

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[1]Captain A. D. Palmer to E. S. Parker, Commissioner of Indian Affairs, November 30, 1869, New Mexico, P264/1869.

[2]Captain A. D. Palmer to E. S. Parker, Commissioner of Indian Affairs, December 20, 1869, Arizona, P-275/1869.

[3]Captain A. D. Palmer to E. S. Parker, Commissioner of Indian Affairs, April 23, 1870, Arizona, P-391/1870.

SRP001407

indicate that already large numbers of Navajos had left their reservation and were occupying the area to the west. Some bands had again taken up their old raiding habits into New Mexico.[1] In fact, on August 2, 1869, Governor R. B. Mitchell of New Mexico proclaimed the "Navajo Tribe of Indians outlaws." William A. Pile, the new Governor, modified this proclamation on September 8, 1869 by distinguishing between those marauding bands of Navajos and the tribesmen who remained within the confines of their reservation, and placing the ban of outlawry only on the former.[2] In 1870, the Navajo agent reported: "I am convinced that a majority of the citizens of this territory are very anxious that the government should declare war against the Navajos."[3] The government, however, wished to avoid a general Indian war at all costs.

Agent W. D. Crothers replaced Captain Palmer as special agent for the Hopis in January, 1871.[4] His administration lasted for two years and during that time the new arms issued to the Hopis were put to good use. During the month of May, 1871 the villagers killed six Navajos for stealing or attempting to steal livestock from the pueblos.[5]

The next agent, William S. Defrees, took up his duties in 1873.[6] By this time a peace of sorts was maintained between the two tribes. Therefore William Vandever, U. S. Indian Inspector, after conferring with Defrees felt that the Hopis could abandon their villages for dwellings in the valleys.[7]

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[1]See the following Annual Reports, 1869--pp. 256-257; 1870 pp. 608, 615, 616; 1871--p. 379; 1872--pp. 305 [a large band (about sixty) of Navajos came in and stole some forty head of horses and mules from the citizens and Apaches...They continued their depredations night after night."], 303-3; 1873--p. 271; 1874--p. 62. [Agent reports 2,000 Navajos living off reservation]; 1875--pp. 330-32.

[2]Annual Report, 1869, p. 257.

[3]Annual Report, 1870, p. 613.

[4]Annual Report, 1871, pp. 703-706. Said Agent Crothers: "I also found an unfriendly relation existing between the Moquis and the Navajo Indians." This was putting it mildly!

[5]James H. Miller, Navajo Agent, to Colonel Nathaniel Pope, Superintendent of Indian Affairs of New Mexico, May 31, 1871 and August 17, 1871, New Mexico Field Papers, 1871.

[6]Annual Report, 1873, p. 286.

[7]William Vandever to Hon. Delano, Secretary of the Interior,[Sic] Sept. 25, 1873, Inspector's File, V-47/183.

SRP001408

Several other suggestions were made for the improvement of the condition of the Hopis. For example, agents recommended removal of these Indians to a more favorable location.[1] This suggestion was abandoned when it met with solid resistence on the part of the Hopis. An agency was finally established close to the tribe in 1874. Temporary quarters were built in Keams Canyon, eighteen miles from the villages and instructions given the Hopi agent to determine the limits of a Hopi Reserve.[2]

The decision to establish a reservation was based on Defree's letter of November 3, 1873. Among other things he spoke of Hopi land use as being: "farms from one and one half miles to ten miles from their homes."[3] "It is impossible for me to arrive at the amount in acres, even approximately. They have planted in patches, and for miles in every direction."[4] Hopi farms were, in fact, as far west as Moencopi, some fifty miles away where a group from Oraibi built the Pueblo of Moencopi during the 1870's.[5] The next agent, W. B. Truax reported farms at a distance of fifteen miles.[6]

Although overt acts of war had ceased due to the vigilance of the Indian agents and military, the Navajos continued aggressive relations with the Hopis. Agent Truax wrote to the Commissioner on September 25, 1876.[7]

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[1]Annual Reports, 1871, p. 703-4; 1872, pp. 324-325; 1873, p. 286. [Defrees wished to remove the Hopis to Moencopi in order to push the Mormon settlers out of this area. The Hopis refused to go.]

[2]William S. Defrees to Commissioner Smith, April 8, 1874, Arizona, D-413/1874. [Defrees reported that Hopis were living in Keams Canyon.]

Commissioner Smith to W. S. Defrees, November 22, 1873, Bureau of Indian Affairs, Record of Copies of Letters Sent, Vol. 114, p. 469.

[3]William S. Defrees to Commissioner Smith, November 3, 1873, Arizona, D-790/1873.

[4]Annual Report, 1874, p. 290.

[5]Harold S. Colton, "Tuba City and the Charile Day Spring," Museum Notes, 3, No. 11 (1931), 1. See also Figs. 32-33.

[6]Annual Report, 1876, p. 5.

[7]The Congress of the U. S. had refused to appropriate funds to continue the agency; see Commissioner Smith to W. B. Truax, September 28, and October 29, 1876, Bureau of Indian Affairs, Record of Copies of Letters Sent, Vol. 132, pp. 89, 112, 156.

SRP001409

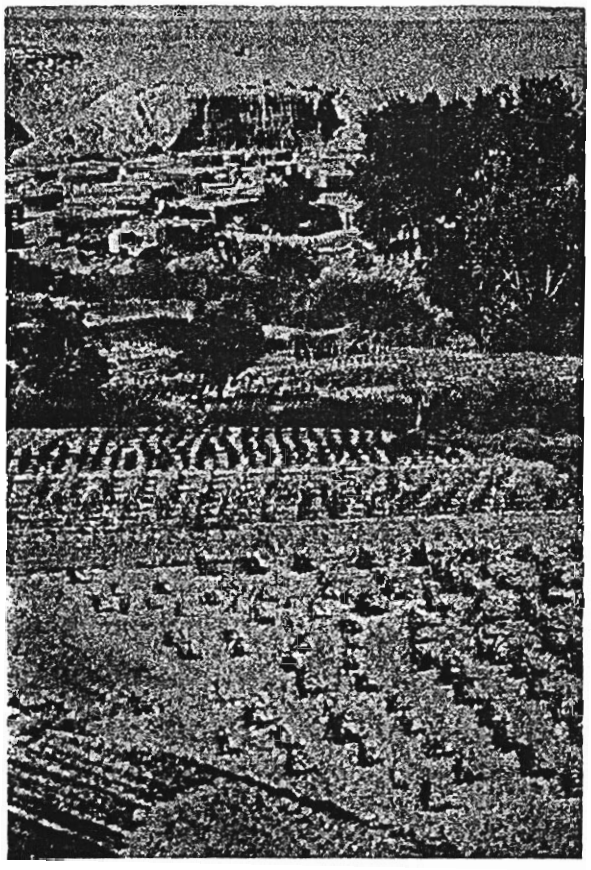

Fig. 32, The Hopi village of Moencopi. Note the fields and orchard in the foreground.

Fig. 32b, Another view of the village of Moencopi near Tuba City, Arizona.

I am deeply impressed with the conviction that this agency should not be entirely abolished just now. It would be similar to the abandonment of a family of children by their parents and leaving them in the midst of dangers. The Navajo Indians would very soon drive them from their best agricultural and grazing lands on the East and in various ways impose upon them. They have for some time manifested a disposition to do this, but have been restrained by the presence and influence of the agent. The Mormons are also encroaching upon them on the West and South-west. About five hundred of them have settled not far from the lands claimed by the Moquis, and as they are a peaceable, inoffensive tribe of Indians, their rights will be invaded with impunity, unless protected by an agent. They would soon drive these Indians to the wall.[1]

This warning was again re-iterated in Truax's annual report for 1876: "The Navajo Indians, immediately on the east, have for some time manifested a disposition to encroach upon their [Hopis] best grazing lands."[2] Despite these warnings, which later proved true, the Hopi agency was suspended in 1878 and the agent for the Navajos was directed to assume responsibility for the pueblos.[3]

During the eighteen months the Hopis were administered from Fort Defiance, the agent, Alex G. Irvine, recommended setting aside a reservation of some fifty square miles that would include the pueblo use area and sufficient land for future expansion. It was to include Keams Canyon on the east. In his correspondence the agent also pointed out that the two tribes under his jurisdiction were at peace.[4]

William Mateer, in February, 1878 was appointed agent to the Hopis and revived the old agency headquarters at Keams Canyon. He also reported encroachment of the Navajos on Hopi farms and grazing lands and requested a reservation.[5] Due to illness, Mateer resigned (August 31, 1879) but stayed on till after the Hopi wheat harvest, the pueblos fearing the Navajos would destroy their crops around Keams Canyon if he left before.[6]

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[1] W. B. Truax to Commissioner Smith, September 25, 1876, Arizona, T-402/1876.

[2] Annual Report, 1876, p. 6.

[3] Ibid., p. XXII; Annual Report, 1878, p. 8.

[4] Alex G. Irvine to Commissioner Smith, November 14, 1876, New Mexico, I-1099/1876.

[5] William R. Mateer to Commissioner E. Z. Hayt, August 28, 1878, Field Papers, Moqui Agency.

[6] William R. Mateer to Commissioner E. A. Hayt, September 22, 1879, Arizona, M-1968/1879.

During the next year the problem was aggravated by the fact that the Hopis had three different acting agents: E. S. Merritt, August 31, 1879 to November 14, 1879; Galem Eastman, November 14, 1749 to October 1, 1880, and John H. Sullivan, October, 1880 to December 1881.[1]

Just before Mateer resigned he received a request from the Commissioner of Indian Affairs for information upon the establishment of a reservation.[2] Among other things the Commissioner wished to know the extent of Navajo encroachments and the approximate area of land occupied by the Hopis.[3] Mateer did not answer this communication but E. S. Merritt did. The latter recommended a very small reserve for the Hopis.[4] This suggestion was not acted upon because in the meantime E. S. Merritt had been dismissed for immoral conduct.[5] In 1880 his successor wrote:

> Believing the Mormons are about to settle on land that ought to be embraced in a Moquis Pueblo Indian Reservation, I cannot await the tardy appearance of the expected new agent for these Indians, but feel impelled to press their necessity upon your attention and request that you do immediately call the Executive notice to their wants, to wit., that a tract of land be set off as a Reservation for the Moquis Pueblo Indians bounded as follows, vis.
>
> Commencing on the west line of the Navajo Indian Reservation where the 36 degree parallel of latitude intersects the 110° of west longitude in the Territory of Arizona, thence due west 48 miles, thence due south 24 miles--thence due east 48 miles to the west line of the Navajo Indian Reservation, and thence north along said line to the place of beginning...
>
> Said proposed reservation...covers no water courses, consequently only desert and grazing country except 'Canyon Carisa' [Keams Canyon] which runs past the agency and to the Mesas upon which these Indians have erected their villages. The Moquis Indians cannot be persuaded to leave their Mesa villages and settle in the valley of the Little Colorado as was proposed by their former agent, neither do I sanction such a measure and have therefore recommended in accordance with the plan that will enable them to enjoy their ancient

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[1] John H. Sullivan to Secretary Kirkwood, March 10, 1881, Office of Secretary of the Interior, Appointment Division, 340-P-1880.

[2] Commissioner E. A. Hayt to William R. Mateer, August 14, 1879, Field Papers, Moqui Agency.

[3] Ibid.

[4] E. S. Merritt to Commissioner E. A. Hayt, Feb. 23, 1880, Special Case No. 147, A-509/1880.

[5] Galem Eastman to Commissioner E. A. Hayt, January 21, 1880, Arizona, E-56/1880.

habitations and have the benefit of adjacent pasturage, also the fertile canyon connecting their mesas with the agency.[1]

In October 1880, still another agent, John H. Sullivan, took over the Hopi Agency.[2] He proposed the radical solution of removing the Hopis alleging that jealousy between Hopi and Navajo made this necessary.[3] However, Sullivan was dismissed "because he failed to qualify" and Jesse H. Fleming was appointed in his place December 28, 1881.[4]

The next man to try his hand at policy making was C. H. Howard who visited the Navajo country in July, 1882. He wrote to the Secretary of the Interior, H. M. Teller, on July 14, 1882, indicating that he would forward recommendations for reservations to take care of the Hopis and Navajos who lived west of the then Navajo Reservation.[5] These recommendations were sent to Washington by letter on July 31, 1882.

> I do not think it wise for me to defer one or two matters until I shall have completed my full report of recent inspections of the Navajo, and of the situation and prospect of the Navajos.
>
> The complaints of citizens more or less contiguous to the reservation as to depredations of the Indians and the encroachments by their flocks are so numerous and strenuous that something ought to be promptly done.
>
> I am disposed therefore at once to recommend some general policy which shall at least put in motion agencies to remove the evils. First, instead of there being some half dozen parties off the Reservation as represented by Governor Sheldon, such bands should be counted by hundreds. They are to be found at distances ranging from 5 to 150 miles. They consist both of roving families or tribes who are doing little in the way of agriculture and who live by herding and others who have fixed farms and have lived upon them for 2, 3, and even as long as 9 years. After very careful inquiry of all persons best informed and after visiting different parts of the reservation on horseback so as to reach land that would otherwise be inacessible and after going over large tracts of country extending 50 miles or more to the West of the Reservation I have come to the conclusion that considerably upwards of one half the entire Navajo people are living off the reserva-

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[1] Galen Eastman to Commissioner of Indian Affairs, March 20, 1880, Arizona, E-285/1880.

[2] John H. Sullivan to Commissioner of Indian Affairs, January 31, 1881, Bureau of Indian Affairs, Letters Received, 3216/1881.

[3] Ibid.

[4] Commissioner Price to Secretary of the Interior, December 28, 1881, Office of the Secretary of Interior, Appointment Division, L. R. 972/1881.

[5] C. H. Howard to H. M. Teller, July 14, 1882, Office of the Secretary of the Interior, Indian Division, M-2129/1882.

tion.

There are at least 8, 000 Navajos off the Reservation in Arizona. Second: I also made careful inquiry of the capacity of the Reservation to sustain all of these Indians. I have no hesitation in saying that if they should all be crowded back on the Reservation it would become necessary for the United States Government to resort again to feeding them. At every important council held the Indians themselves complained that they had not, even as now situated, sufficient room for their flocks and herds. Men, who themselves are practical herders and who have been on the Reservation for more than 10 years, military officers in the vicinity who have had a good chance to observe, and intelligent citizens living near the Reservation, all agree that there is not any too much grazing land on the present Reservation to support the herds and flocks now located there and that if the present rate of increase goes on, a more diversified industry will become necessary or pasturage must be sought elsewhere.

Third: At the same time it seems to me a necessity that all those Navajos who are off the reservation to the North, to the South and to the East and who live exclusively by pastoral habits and especially as they are pretty likely to couple with them more or less of stealing of cattle and sheep from the whites and are very certain to come in contact with whiskey saloons--always to be found out-side the Reservation--should be compelled to return to their Reservation.

My proposition in view of these facts is two fold, first: I recommend that the agent be required to ascertain the whereabouts of every party of Navajos off the Reservation in New Mexico and Colorado and what they are doing for a livelihood and that he instruct the wandering bands that they must return at once and keep within the bounds of the Reservation and that he furnish passes, in some specified form upon printed blanks to be made known to the Military, to those Indians who are in good faith cultivating land and particularly to such as have been living two or more years upon their present farms and express a desire to remain there and that the agent be instructed promptly to take measures to enter homestead claims for the Indians of this class as soon as it shall be made practicable, and that the District Commander (not the Militia) be informed of these regulations and be requested by the Department to co-operate in enforcing these instruction.

Fourth: I would recommend that a new reservation be set apart for the Arizona Navajos, extending 100 miles to the West of the present Reservation and contiguous thereto, its northern boundary to be boundary between Utah and Arizona, its Southern boundary to be the continuance of the Southern boundary of the present Reservation, its Western boundary to be a straight line parallel with the Western boundary of the present Reservation. It should be distinctly noted that this new Reservation would include the seven villages of the Moqui Indians. In my full report of recent inspection I shall dwell particularly upon the wants of these Indians and especially the necessity of including them in some Government Reservation unless the Department is willing that the farms that they have tilled for many years--even centuries--shall be taken from them by the encroaching white settlers, their rights constantly over ridden by their more powerful Navajo neighbors, and they be crowded back from self-support to a pauperizing dependancy upon the Government for food.

If there were one agent for the two tribes with one reservation as suggested, --having in his care the 8, 000 Navajos and 2, 000 Moquis--

SRP001414

the rights of both could be properly cared for. Of course it would not be expected to find an agent for $1,300--the salary of the present agent for the Moquis, who would be competent for such a responsible position. But the Executive Proclamation forming the new reservation should be issued in conjunction with sending out the other instructions to regulate this whole matter of absenteeism.

"Proper provision for a new agent might be a subject for subsequent action."

"In this plan for providing for the return of the Navajos and for the creation of a new reservation I may add that I have the approval of the District Commander, of the more intelligent citizens interested, of the Governor of the Territory, and of other army officers commanding posts in the vicinity. But as this plan would require the action of an active and energetic agent, physically able to visit many difficult and remote localities on horse-back and would need a harmonious cooperation with the military and their hearty support, it is more important that my previous recommendation for the relief of the present agent should be promptly acted upon."[1]

Again on October 25, 1882, Howard dated a second report to the Secretary of the Interior, referred to in the first paragraph of his letter of July 31. This letter was received in the office of the Secretary on December 2, 1882 but was not forwarded to the Bureau of Indian Affairs until December 13. It outlines the same recommendations and information contained in his letter of July 13. However, Howard did make the following observations about the Hopis.

It should be noted that the seven villages of the Moquis are in this region. One of them about twenty miles from the western boundary, and one as far as fifty miles. It is possible that the land they have cultivated may be a little south of the extensions westward of the southern boundary of the Navajo Reservation. The Navajos are all about them and some have intermarried with them. They have more or less of relations in common and frequently have difficulties between the two tribes which must be settled by some umpire. There are only 2,000 of the Moquis. Their Agency consequently has always been a small one and very little has been attempted for their civilization, though in some respects they have progressed further civilized requirements than any Indians I have before seen.[2] [sic]

While Howard was making his report and recommendations on

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[1]Charles H. Howard to H. M. Teller, Secretary of the Interior, July 31, 1882, Bureau of Indian Affairs, Letters Recieved, 15060/1882.

[2]Charles H. Howard to H. M. Teller, Secretary of the Interior, October 25, 1882, Office of Secretary of the Interior, Indian Division, M-243/1882 and OLA 22416/1882.

the Navajo country, Agent Fleming was experiencing some difficulties with white intruders at the Hopi villages, who were influencing the pueblos against the agent.[1] In reply to a letter from Fleming on the situation, the Commissioner stated that nothing could be done since the Hopis did not live on a reservation.[2] Angered, Fleming sent the following long letter, recieved in the Bureau of Indian Affairs, November 27, 1882 and filed as Letter No. 21371:

> In a recent communication, of the 17th ultimo, I had the honor to notify your office that I had ordered the arrest of one Dr. Jer. Sullivan and that he had made affidavit to leave the pueblos never to return, and promising, under oath, that he would never go within one mile of any of these villages.. This was done in compliance with instruction from your office of August 16th (A 14616/32).
>
> I regret to inform you that this man, Dr. Sullivan, has returned to the villages, is occupying his old quarters at the nearest mesa, and that, yesterday he informed Dr. Carter, the agency physician, that he had come to stay.
>
> I have not met Dr. Sullivan since his return, but am told through reliable authority that he claims that he was forced to make said affidavit, and hence it was not binding; and that, as these pueblos are not on a reservation, the Government has no power to cause his removal. I desire to say, that at the time Dr. Sullivan was under arrest, he was reminded of his promise to leave the pueblos, that he had failed to do so; and that being instructed by the Hon. Com. of Indian Affairs to prevent all intercourse between him and the Indians, in order to carry out said instructions, I had resolved to send him to Fort Wingate to be consigned to the military authorities there, unless he would make affidavit to leave the villages and never return. Dr. Sullivan told me that he would willingly make affidavit, that he considered the terms reasonable and fair and accordingly did so, with the results herein stated.
>
> At a council held at the mission house on the day of Dr. Sullivan's arrest, the principal man among the Moquis said Dr. Sullivan should be sent away, and, when informed that the Agent had done so, the Moquis said it was well. Now that Dr. Sullivan has returned, in defiance of authority and of his solemn oath, the Moquis seem to regard his as a bigger man than the Agent, and my influence over them will be greatly weakened if not destroyed, unless this man can be effectually prevented from all intercourse with them. The Moquis, now say they do not want a school, and it is of no use to try to

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[1] Jesse H. Fleming to Commissioner H. Price, October 17, 1882, Bureau of Indian Affairs, Letters Recieved, 19393/1882.

[2] Commissioner Price to Jesse H. Fleming, October 21, 1882, Press Copies of Leters Sent, Accounts Divisions, Vol. 44, pp. 381-82.

induce them to send their children to Albuquerque at present. They say the white men tell them the goods here were sent for them, and not for the school, and, because I do not give them these goods, they believe they are being cheated out of them.

This is the position of affairs at this Agency: and, much as I dislike to add to the cares of your responsible offices, which I know must be very great, I feel it due to the cause which I represent to make this frank statement. I varily believe this state of affairs is largely, if not wholly, due to the presence of white man among them who are in secret hostility to my administration. In a recent letter to your office I referred to one E. S. Merritt who has lived among these Moquis since his discharge as clerk at this agency about nine months since. He seems to be engaged in no business--simply stays there;--and his evident sympathy with Dr. Sullivan, and his well known character is such that I greatly desire him to leave.

"I would, therefore, very respectfully inquire if the Government has control over these Indian pueblos sufficient to cause the arrest and removal of a man or set of men who evidently stand in the way of the civilization of these people. The Indians are the wards of the Government, and it would seem to me, as such, the Department has a legal right to say who shall live at their pueblos. If so, I would earnestly request specific instructions as to how to proceed in the premises, and I will endeavor to execute the wishes of the Department to the letter. If there is no remedy by which this can be accomplished I shall tender my resignation as agent of the Moquis, believing, as I do, that it would not be right for me to remain here simply to draw my salary with no hopes of accomplishing anything."

"I would respectfully request a speedy answer as the matter is of the utmost importance. I would suggest, if it meet your approval, that your office send me a telegram containing instructions in brief, followed by more specific directions by mail."[1]

Faced with the possible resignation of his Agent, Commissioner Price sent the following telegram on November 27, 1882, the same day he recieved the above letter.

Describe boundaries for reservation that will include Moquis villages and agency and large enough to meet all needful purposes and no larger.--forward same by mail immediately.

H. PRICE[2]

Fleming answered the above telegram on December 4, 1882 with

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[1]Jesse H. Fleming to Commissioner Price, November 11, 1882, Bureau of Indian Affairs, Letters Recieved, 21371/1882.

[2]Commissioner Price to Jesse H. Fleming, November 27, 1882, Pressbook Copies of Letters Sent, Land Division, Vol. 52, Letterbook 104, p. 132.

these recommendations (filed as Letter No. 22383):

"Your telegram of Nov. 27, 1882, directing me to 'Describe boundaries for reservation that will include Moquis villages and agency, and large enough to meet all needful purposes and not larger,' and to 'forward by mail immediately' is at hand and I cheerfully submit the same prefacing the following remarks.

"The lands most desirable for the Moquis, and which were cultivated by them 8 or 10 years ago, have been taken up by the Mormons and others so that such as is enclosed in the prescribed boundaries, is only that which they have been cultivating within the past few years. The lands embraced within these boundaries are desert lands, much of it worthless even for grazing purposes. That which is fit for cultivation even by the Indian method, is found in small patches here and there at or near springs, and in the valleys which are overflowed by the rains, and hold moisture during the summer sufficient, to perfect the growth of their peculiar corn.

"The same land cannot be cultivated a number of years in succession, so that they change about, allowing the land cultivated one year, to rest several years, I think that the prescribed boundaries, embraces sufficient land for their agricultural and grazing purposes, but certainly not more. I am greatly encouraged by the hope of securing this reservation as it will render the condition of this people more settled and protected.

"In addition to the difficulties that have arisen from want of a reservation with which you are familiar, I may add that the Moquis are constantly annoyed by the encroachment of the Navajos, who frequently take possession of their springs, and even drive their flocks over the growing crops of the Moquis. Indeed their situation has been rendered most trying from this cause, and I have been able to limit the evils only be appealing to the Navajos through their chiefs, maintaining the rights of the Moquis. With a reservation I can protect them in civilization. Being by nature a quiet and peaceable tribe, they have been too easily imposed upon, and have suffered many losses.

"The following are the lines that I would suggest, after carefully consulting such maps as I can command, in connection with my knowledge of the prescribed territory.

"Make the N. E. Corner at the intersection of 36° - 30' with the 110° meridan - running thence west to 111° - thence south to 35° - 30' - thence east to 110° - thence north to the place of beginning.

"These boundaries are the most simple that can be given to comply with the directions of your telegram, and I believe that such a reservation will meet the requirements of this people without infringing upon the rights of others, at the same time protecting the rights of the Moquis.

"Hoping that an order may be secured for this grant at an early date I remain.[1]

SRP001418

[1] J. H. Fleming to Com. Price, Dec. 4, 1882, Bureau of

After the correspondence, Commissioner Price drafted an Executive Order setting aside lands in Arizona for "the use and occupancy of the Moqui Indians, and such Indians as the Secretary of the Interior may see fit to settle thereon," sending this with an accompanying letter dated December 13, 1882.

"I have the honor to transmit therewith, a draft of an Executive Order withdrawing certain lands, in the Territory of Arizona, from the mass of the public domain, for the use and occupancy of the Moqui Indians, and such others as the Secretary of the Interior may see fit to settle thereon and to request that the same be laid before the President for his signature.

"In this connection, I would respectfully state that the conditions are such, that it has been found impossible to extend to these Indians the proper and needful protection to which they are entitled. They have no reservation, but are living in Pueblos or villages, cultivating the soil within easy reach.

"They are temperate and industrious, are given to agricultural pursuits which they follow to no inconsiderable extent, and are distinguished for their honesty, for their politeness towards each other, and for their friendship toward the whites; in short they are described as an exceedingly interesting and deserving people.

"They number according to last report 1,813 souls. Having no vested title to the lands they occupy--which fact it seems is well understood, they are subject to continual annoyance and imposition, and it is not difficult to see, that it is only a question of time, when, if steps are not taken for their protection they will be driven from their homes and the lands that have been held and cultivated by them for generations, if not centuries, will be wrested from them, and they left in poverty and without hope.

"Even the Agency itself is unprotected, and the agent declares himself powerless to do good as matters now are. He finds it impossible to arrest and punish mischiefmakers. They openly and insolently defy his authority, and he is forced to submit.

"That these people should be separated from the evil example and annoyances of unprincipled whites who appear determined to settle in their midst is a truth that needs no argument, and I know of no way by which the desired end can be reached, other than by withdrawing the lands indicated in the Order herewith presented from white settlement.

"The estimated area of land cultivated by these Indians is 10,000 acres. Owing to the poor quality of the soil, they seldom plant the same patch two years in succession. Hence they are scattered over a considerable area of country, and the estimated area of their cultivated lands includes all the lands held by them for cultivation.

"I earnestly urge the withdrawal of the lands as proposed.

> I endorse, herewith, an official map of Arizona, upon which the lines of the proposed reservation are drawn, I respectfully request the return thereof to the files of this Office.[1]

The boundaries of the proposed reserve were those recommended by Fleming. These recommendations were presented to President Chester A. Arthur, by the Secretary of the Interior. He signed the Executive order on December 16, 1882 withdrawing from the public domain those lands since called the Hopi Reservation. The Executive Order was made known to Agent Fleming by telegram, December 21, 1882:

> President issued order dated sixteenth, setting apart land for Moquis recommended by you. Take steps at once to remove intruders.[2]
>
> signed: H. Price.

The same day he sent the telegram above, Commissioner Price wrote to Fleming by mail:

> By telegram of this date you were advised that a reservation has been established, by Order of the President, for the use and occupancy of the Moquis [Hopis].
>
> I now transmit to you a copy of the order, by which you will see that your recommendations, as contained in letter to this office, dated December 4th (instant), have been followed as regards the boundaries of the same.
>
> The establishment of the reservation will enable you hereafter to act intelligently and authoritatively in dealing with intruders and mischief-makers, and as instructed in telegram before mentioned, you will take immediate steps to rid the reservation of all objectionable persons. H. Price, Commissioner.[3]

Fleming, however, responded to the above letter with his resignation. He felt that even though a reservation had been set aside for his Indians, he could do little good for his wards.[4] With no agent the Commissioner of Indian Affairs transferred the administration of the new Hopi Reservation to the Navajo Agency at Fort Defiance on April 30, 1883.[5]

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[1] Commissioner Price to Secretary of the Interior, December 13, 1882, Office of the Secretary of the Interior, Indian Division, 2304/1882.

[2] Commissioner Price to Jesse H. Fleming, December 21, 1882, Pressbook Copies of Sent Land Division, Vol. 53, Letter book 105, p. 145.

[3] Ibid., pp. 177-178.

[4] Jesse H. Fleming to Commissioner Price, December 26, 1882, Bureau of Indian Affairs Letters Received, 373/1883.

[5] Commissioner Price to Secretary of the Interior, May 16, 1883, Office of the Secretary of the Interior, Appointment Division, 442/1883.

SRP001420

For all practical purposes the Hopi and his problems were disregarded by the government until 1884. In that year, Congress combined the Navajo and Hopi Agencies (not the reservations).[1]

The Hopi Claims.--The establishment of the Hopi Reservation did not at first accomplish the reasons for its creation. Navajos continued to encroach on Hopi lands, while the pueblos still complained to government officials. Years later the Hopis were to use the events which surrounded the drafting of the Executive Order of December 16, 1882, especially the correspondence quoted above, to argue against the presence of Navajos on their reserve. Briefly stated, the Hopis feel that all the lands embraced within the Executive Order Reservation (of December 2, 1882) is rightfully theirs and that the Navajos who occupy some four-fifths (4/5) of this area are trespassors. They further claim that the United States holds in trust for them the lands of the Hopi reservation and have in violation of that trust permitted the Navajos to illegally occupy Hopi territory.[2]

As legal owners of the soil, the pueblos also believe that the natural resources (especially the mineral estate) of the reservation are theirs and should not be shared with Navajos now living on the Hopi Reservation.[3]

Those who support the Hopi viewpoint assert that the intention of the government was to set aside lands for the Hopis and such other Indians as the government might indicate but that these latter did not effect the Navajo since they already had the largest reservation in the United States. Volney H. Jones, Curator of Ethnology, Museum of Anthropology, University of Michigan goes so far as to state that the phase "such other Indians" was a conventional one used at that time in several executive orders but that "there is no indication that there was in mind any specific intention of placing other Indians with the Hopis."[4]

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[1]Annual Report, 1884, p. 136.

[2]Sekeestewa vs. Jones, U. S. District Court for the District of Arizona No. Civil 57 Pct. (1958).

[3]J. S. Boyden, General Council for the Hopi Tribe, Petition to the Secretary of the Interior by the Hopi Tribe, Arizona, Re: Ownership of the Mineral Estate of the Hopi Executive Order Reservation (Salt Lake City: 1958), p. 3. [Hereafter cited as Boyden, Petition...]

[4]Volney H. Jones, "The Establishment of the Hopi Reservation and some Latter Developments Concerning Hopi Lands," Plateau, 23, No. 2

SRP001421

Boyden maintains that executive intent is indicated by the very wording of the Executive Order of December 16, 1882.

> Could it not be more logically and forcibly stated that since the Secretary and President knew there were Navajos within the area, if they had intended to allow them to share in the Executive Order reservation, they could have employed words similar to those used by the same President, just six days later, in the Executive Order, establishing the Gila Bend Reserve (1 Kappler 804), to-wit:
>
> 'Papago and other Indians now settled there, and such other Indians as the Secretary of the Interior may see fit to settle thereon.'
>
> The Executive Order establishing the Kaibab Indian Reservation, Arizona (IV Kappler 1003), used the following words, to-wit:
>
> 'for the use of the Kaibab and other Indians now residing thereon, and for such other Indians as the Secretary of the Interior may locate thereon.'
>
> In the treaty with the Sauk and Fox Indians of 1830 (7 Stat. 328) lands were ceded.
>
> The treaty with the New York Indians in 1838 (7 Stat. 550) provided that the Senecas should have
>
> 'for themselves and their friends, the Cayugas and Onodagas, residing among them, the easterly part of the tract set apart for the New York Indians.'
>
> Article 2 of the Comanche and Iowa Treaty of 1865 (14 Stat. 717) provided for
>
> 'such other friendly tribes as have theretofore resided within said limits, or as they may from time to time agree to admit among them.'
>
> It is not without significance that the government has repeatedly found it advisable to refer to the other Indians residing on the reservation plus the general language to which the Acting Solicitor attaches so much importance.
>
> It was quite common for the United States to establish reservations for a tribe "and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them," but we find no precedent for the establishment of an arena for hostile tribes to fight it out among themselves.[1]

In support of their contention that the Executive intent was to establish a Hopi reserve the pueblos point to the correspondence between

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(1950), p. 17. See also Boyden, p. 28: "The Executive Order of 11-26-84 (1 Kappler 860) establishing the Northern Cheyenne Reservation used the phrase (and such other Indians as the Secretary of Interior may see fit to locate thereon.) When the Duck Valley Reservation was established by Executive Order of 5-4-86 (1 Kappler 866) the words 'and such other Indians as the Secretary of the Interior may see fit to settle thereon' were used. These words are identical with those employed in the Hopi Executive Order.

This seems to have been the phraseology of the times since both of these reservations and the Hopi reservation were established in the 1880's.

[1] Boyden, p. 31-32.

the officials of Indian country and Washington prior to the establishment of the Executive Order Reservation. When Commissioner Price sent to the Secretary of the Interior the draft for the executive order, he requested: "Refer in reply to the following: Letter 15060; 1882; 21371: 1882; and 22383, 1882." These numbers referred to the letters of Inspector Howard (July 31, 1882) which recommended a joint reservation for both Hopi and Navajo, and the letters of J. H. Fleming (November 11, 1882 and December 4, 1882).[1] In this last letter, Fleming recommended a Hopi reservation in order for him to have authority to halt Navajo encroachment. He mentions no joint Hopi-Navajo occupation.[2] It is also interesting to note that in Price's messages to Fleming he does not mention the Navajos but rather says "describe boundaries for reservation that will include Moquis villages and agency, and large enough to meet all needful purposes and no more."[3]

Notations also appear on the above letters which throw some light on the question. On the Howard letter appears this notation:

Dept. of Int. 8/16/82

Respectfully referred to Commissioner
of Indian Affairs for Remarks
/s/ Geo. M. Lockwood
Chief Clerk

Santa Fe, N. M.
July 31/82

Inspector Howard

Rel. to Navajos off their reserve. A reservation for them & the Moquis. Appo. of New Agent. (Synopsis of contents.)
Regarding Moquis--see report to Sec'y enclosing draft of Ex. Order Dec. 13, 1882. Also see 21, 371 and 22383-1882.

L. B. 104-438-489
Secy'[4]

Notes also appear on the letters written by Fleming. For example, one has the notation on the back: "Enclosed drafts of Executive Order for reservation for Moquis [Hopis] of Arizona."[5] These last two letters and the notations on them do not mention the Navajos except as encroachers

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[1]See pages 67-72 of this thesis.

[2]Ibid.

[3]Ibid., p. 71.

[4]Boyden, p. 26.

[5]Commissioner Price to the Secretary of the Interior December 13, 1882, Office of the Secretary of the Interior, Indian Division, 2314/1882.

but are specifically applied to the Hopis. In all this correspondence, the Howard letter is the only document that suggests a joint reservation for the two tribes. Howard's recommendations of a large reservation and a single agent were not adapted. The Hopi Executive Order Reservation was only about half the width advocated by Howard; 70 miles long from north to south and 55 miles from east to west.[1]

As to who the "such other Indians" referred to, government documents reveal that prior to the establishment of the reservation, the Bureau of Indian Affairs was considering the possibility of locating the Pima Indians on the reserve, with the permission of the Hopis.[2] This, of course, never came to pass.

It is also inconceivable to the writer that government intent was to set aside a reservation for the joint use of two tribes that had for centuries been bitter enemies.

The Navajo Claims.--The Navajos, on the other hand, insist that the government intended to establish a joint reservation for both tribes as suggested by Inspector Howard. In fact, the Navajos declare that no Hopi, individually or as a tribe, has any right to lands within the Executive Order Reservation now occupied by Navajos.[3] The principle Navajo argument is as follows:

> 2. Commencing in the seventeenth century and continuing until the present day, numerous members of the Navajo Indian Tribe have occupied, used and controlled all of the lands in the State of Arizona embraced within and set aside by the Executive Order of December 16, 1882, save and except that part... which includes the mesas in the central portion of the aforesaid lands which said mesa tops were occupied by the Hopi Indians and are commonly referred to and known as the First, Second and Third mesas. All of the lands embraced within and set aside by the Executive Order of December 16, 1882, other than the part, parcel and portion thereof described... were and are a part of the ancestral home of the Navajo Indians, and members of the Navajo Tribe have for more than one hundred years occupied and exercised dominion and control over the entire area embraced within said Executive Order surrounding the Hopi villages on top of

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[1] H. F. Robinson to Commissioner of Indian Affairs, May 26, 1914, Hopi Agency, Education File, 300/1914; p. 1.

[2] William S. Defrees to Commissioner Smith, April 8, 1874, Arizona, D-413/1874.

[3] Sekeestewa vs. Jones, U. S. District Court for the District of Arizona No. Civil 597 Pct. (1958), "Navajo Answer, Counter Claim and Cross-Claim to Hopi Suit." p. 2. See Fig. 33. Compare these Navajo boundaries of the Hopi Reservation with those shown in Fig. 56, page 195.

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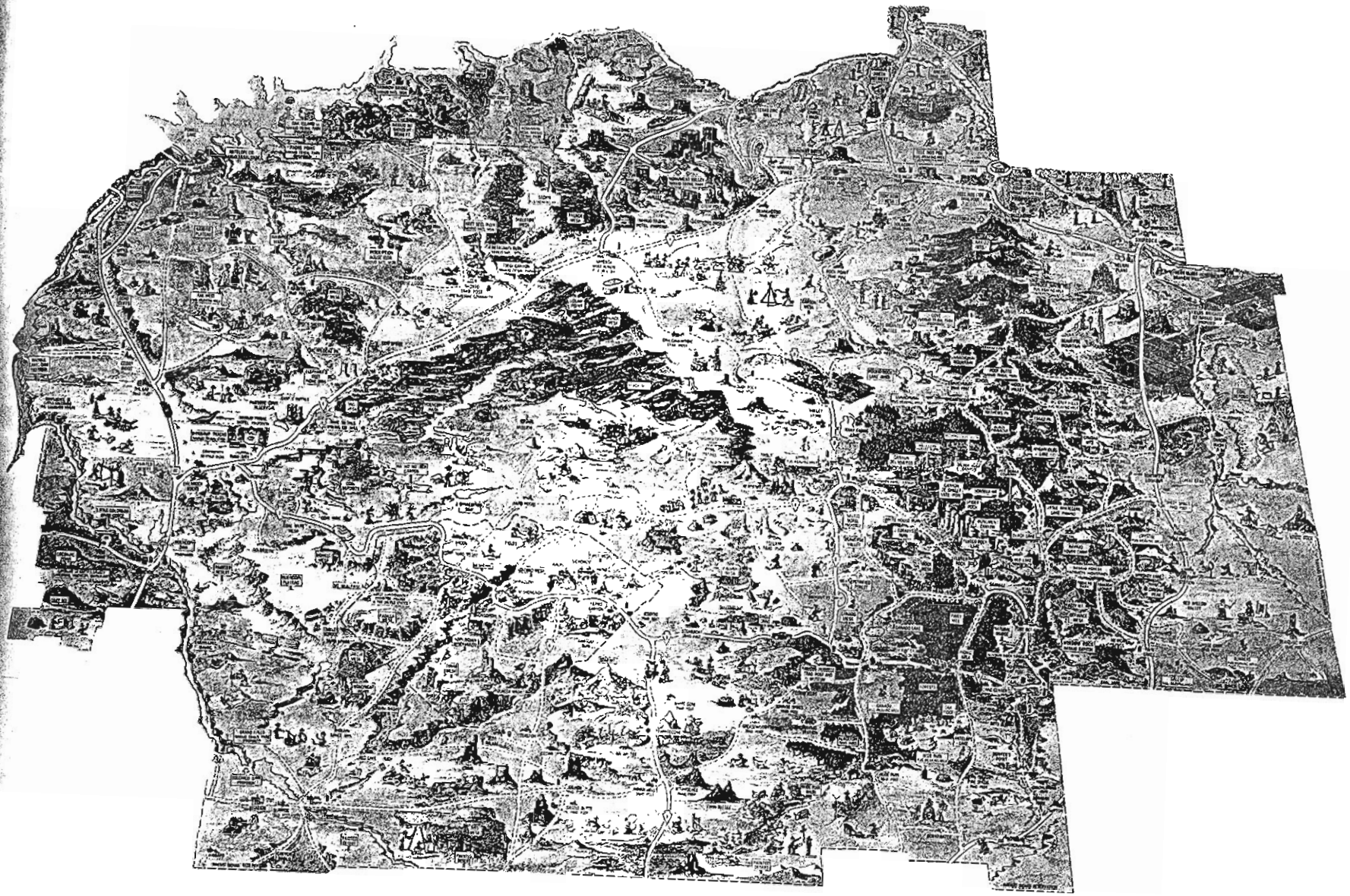

Fig. 33. Hopi boundaries as concieved by the Navajos.

the First, Second and Third mesas, to the exclusion of all other occupants.

3. At the time of the assumption of American sovereignty over the territory embraced within the aforesaid Executive Order by the Treaty of Guadalupe Hidalgo, July 4, 1848 (9 Stat. 922), and continuously since that date the Hopis occupied and have continued to occupy the same villages on top of First, Second and Third mesas located in the central portion of the aforesaid Executive Order lands. The Hopi population, as well as their area of occupation, was and is very limited. During the years from 1540 when Coronado's soldiers made the first call made by white men on the Hopi villages, the Hopi population has been limited to approximately 2,500 to 3,000. Both before and after United States sovereignty was established, the Hopis limited their occupation to the said mesa tops where they were and are to this day distinguished for their extraordinary capacity for passive resistance to change. After this area became a part of the United States, the Government tried through several successive Indian agents to persuade the Hopis to leave the mesas if only to establish farms in the valleys below them but the Hopis resisted all such efforts to persuade them to leave their mesa villages.

4. The presence of Navajo Indians in very large numbers on the lands within the Executive Order area surrounding the Hopi villages on the mesa tops was well known to and frequently reported by many government officials prior to 1882 as was Hopi occupancy and use of the First, Second and Third mesas.[1]

It is an undisputed fact that Navajos were living throughout the area west of the Navajo Reservation before 1882.[2] However, by the terms of the Navajo Treaty of 1868, the tribe gave up its title to all lands outside the Treaty Reservation.[3] Thus any occupation of lands within the Executive Order Reservation by Navajos was illegal under the terms of the treaty.

Another argument advanced by the Navajos is that members of the tribe continued to settle in the Hopi reserve with the recognition and approval of the Secretary of the Interior.[4] This argument is only partially true. That the Navajos continued to settle in the Hopi country goes without saying, but this was ignored by the Secretary of the Interior who neither approved or disapproved as far as the records show.

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[1] Ibid., pp. 3-5.

[2] See Page 67 of this thesis.

[3] Ibid., p. 55.

[4] Sekeestewa vs. Jones, "Navajo Answer," p. 8.

CHAPTER IV

ATTEMPTS AT RESOLVING THE BOUNDARY DISPUTE TO 1911

Federal Indian Policy

Resettling the Hopis.--The first approach the government used to improve the condition of the Hopi tribe was relocation. Practically every official who dealt with the tribe prior to the establishment of the reservation in 1882 advocated locating the Hopis on a reservation in a more favorable region. The area most often suggested was the Little Colorado River Valley. This idea, however, was abandoned when the Hopis refused to leave the land of their fathers.

The next effort, after the establishment of the reservation itself, was an attempt to get the Hopis to abandon the villages and scatter throughout the reservation. The idea was to establish farms and ranches after the manner of the white man to check the spread of the Navajos.[1] The Hopis partially complied and the villagers built houses in areas where they farmed and grazed. But after the harvest, the families returned to their homes on the mesas for the winter. Then in the spring they went to the outlaying plots to cultivate. Generally speaking it was during the winter season that the Navajos moved into the farm acreages. When the Hopis returned in the spring the Navajos would not let them plant having built hogans in place of Hopi farm houses. Sheep grazed where once the Hopis had planted their corn.[2]

However the efforts to get the Hopis to spread out was partially successful for E. K. Miller reported that by 1900 "many of the [Hopis]

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[1]Mischa Titiev, "Old Oraibi, A Study of the Hopi Indians of Third Mesa, Papers of the Peabody Museum of American Archaeology and Ethnology, Harvard University, XXII, No. 1, 72.

[2]Information on methods of Navajo encroachment received from Hopi Informants on First Mesa.

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had moved out away from the mesas, establishing small communities and ranches, controlling farming, gardening and grazing sections. Additional numbers each year are doing this..."[1] However, the hostility of the Navajos slowed accomplishments considerably.

Endeavor to Remove Navajos. --The decade following the Executive Order of 1882 saw many quarrels between the two tribes. Agent John H. Bowman in his annual report for 1884 charged that this was due to "careless herding of the young Navajos, who allow their herds to overrun these outlying [Hopi] gardens. The Navajos are almost invariably the aggressors."[2] In 1886, the Navajo Agent, S. S. Patterson forced Navajos to return stolen stock;[3] at the request of Patterson, troops were sent as far as Moencopi in an effort to halt Navajo depredations against both Hopis and Whites.[4] Finally Agent Patterson made the following suggestion: "As a means of preventing these occurrences it might be better if the Navajos could be excluded from the Moquis country altogether, but this would be a difficult thing to do."[5]

Conditions on the Hopi reserve were also described by Herbert Welsh, founder of the Indian Rights Association, who visited the Hopi pueblos in 1888. He wrote, in part, to the Secretary of the Interior:

> At each one of the communities mentioned the complaint of the people was the same, --the injuries which were inflicted upon them by the continual intrusions and depredations of the Navajos who steal their corn, their melons, their horses, and who in many instances have settled upon their reservation, and treat the Moqui lands as though they belonged to them, making use of the Moqui water springs and driving the lawful owners from them... For years they have received assurances from the government that the Navajos shall be

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[1] Edgar K. Miller to Commissioner of Indian Affairs, February 27, 1925, File on Hopi Boundaries, Hopi Agency, 2705-25/1925, p. 2.

[2] Annual Report, 1884, p. 137. Bowman further states with reference to the Hopis: "The lives of these people are as a rule uneventful; they are determined to live in peace and harmony with everybody; no one ever heard of their committing a crime or a depredation of any kind... They have no combativeness, not near enough to maintain their own rights;" p. 138.

[3] Annual Report, 1886, p. 205. See also Fort Defiance Letter Books, Vol. July/1886 to January/1887, pp. 150-159.

[4] Annual Report, 1887, p. 175.

[5] Annual Report, 1888, pp. 192, 196.

restrained but without result."[1]

The above letter brought action, for on October 10, 1888, the Secretary of the Interior requested troops to remove the Navajos from the Hopi Reservation.[2] Orders were sent to Colonel E. A. Carr to remove the Navajos but Carr requested modification of the orders due to difficulties of compliance in winter. Carr reported:

> He [Henry "Chee" Dodge] thinks there are five or six hundred Navajos comprising a hundred families, probably more, now living on the Moqui reservation. That most of these families have resided there for many years; that they had their homes there before the Moqui reservation was set apart; that they have continued there by sufference and have never so far as he knows received positive orders to vacate. He says that to remove them now would be a great hardship, and that he believes the Moquis do not wish the Navajos to be removed summarily nor that they would benefit, at least not during the present winter, by such removal, as they would not move from their villages to the detached ranches of the Navajos, that the Navajos have built their winter homes as the General observed when on his trip to Defiance, and it is now late in the season to move to other places and build new houses; Also that the hundred or more families ejected would be unable to find new locations except by crowding other Navajos and not only causing suffering to the people and their flocks and herds now settled for the winter, but causing great dissatisfaction among the whole tribe.
>
> It will be observed that Mr. Herbert Welsh in his letter, a copy of which was furnished me, does not recommend the removal of the Navajos, but to hold a council and give them distinctly to understand that their depredations must cease or that in future the wrong doers must expect punishment for every offense. As there is no time to spare and I must proceed at once to the execution of my orders, I deem it my duty to telegraph this in order that if approved by my military superiors, my views may be submitted to the Honorable Secretary of the Interior; they are with great respect, that it may be more just and humane as well as more politic to hasten slowly and at least hear the Navajos before subjecting them to eviction amid the rigors of winter which we have unquestionably before us, the task of rounding up the whole Navajo tribe and bringing it within bounds. [sic]
>
> The Zunis complain as much as the Moquis, but the citizens of the region complain much more loudly and they will soon make themselves heard by the Government. Navajos live and roam far to the south-east and west of here and are accused not only of consuming the grass and injuring the timber, but of living on the cattle and stealing the horses of the settlers. Should the recommendation of General Grierson in his annual report be observed, there will be little trouble

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[1] Herbert B. Welsh to the Secretary of the Interior September 26, 1888, War Dept., Adg. Gen's Office., Letters Received, 4780/188.

[2] Secretary of War to Secretary of the Interior October 13, 1888., Letters Received, 4780/1888.

> incorralling them, but if they are to be all brought within the bounds of their present reservation, I would give them this winter to deliberate and decide where the families outside should be located within its limits, which will I assure be a difficult problem; [we should] assemble a considerable force in sight of the Navajo so that bloodshed might be averted. If practicable Captain Wallace will move November seventeenth, will be at Defiance about the eighteenth, communicate with the agent there and will council with the Navajo [chiefs] and perhaps some of the Moqui chiefs about the twenty-first, so there will be time to modify the instructions if desired.[1]

This, plus the sympathies of the military officers with the Navajos, caused the project to be delayed.[2]

On November 16, 1888, Carr's commanding officer replied:

> "The actual removal of any Navajos who have had homes for a long time upon the Moqui Reservation will be deferred until spring at least. Should any Navajos be found trespassing, depredating, or in any way doing injury to the persons or property of the Moquis, they should be removed to the Navajo Reservation and required to remain there."[3]

Moreover, a new agent assumed charge of the Navajo-Hopi tribes on January 17, 1889.[4] This official, C. E. Vanever, proposed as a solution to the problem an extension of the Navajo Reservation, five miles on the south and five miles on the west. This latter area was to be taken away from the Hopi.[5] These recommendations were

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[1]Colonel E. A. Carr to Assistant Adj., General for Arizona, November 15, 1888, 4780/1888. Henry "Chee Dodge, a prominant Navajo, later Chief, was mainly responsible for Carr's successful attempt to get his orders modified. [Ibid] The pleading of the Hopis was ignored. The Centerwall report says: "The Navajos were released from Fort Sumner in 1868 and again returned to the Reservation. After the return of the Navajos, grazing disputes between the Navajos and Hopis became so acute that in the year 1888, Col. E. A. Carr from Fort Wingate sent a detachment of militia into the then created Executive Order Reservation for the purpose of removing the Navajos found trespassing on Hopi lands. Due to inclement weather the mission was not entirely completed." [Willard R. Centerwall, to Commissioner of Indian Affairs, July 29, 1942, Hopi Agency, Forrestry and Grazing File, 6200-35-301/1942, Navajo] p. 3.

[2]Ibid.,

[3]Office of Adjutant General, Dept. of Arizona to Colonel E. A. Carr, Telegram, Nov. 16, 1888, Arizona, 4780/1888.

[4]Annual Report, for the year 1889, p. 255.

[5]Ibid., p. 261; Vandever also reported: "In the past year there has been very little trouble with the [Hopi], and then only between themselves and the Navajos. The Moquis are a very peaceable people

never acted upon.

Another source of friction that was to grow in later years was the establishment of the Hopi Boarding School at Keams Canyon.[1] In 1889, the government appropriated $10,000 for the purchase of Keams Canyon and its improvements from Thomas V. Keam.[2] When the school was opened to Navajos it caused the above mentioned friction.

From the very beginning the Hopis attempted to use this school as a political weapon. Their philosophy was simply this: "If the government will protect the Hopis against the encroachments of the Navajos, we will send our children to school; if not, we won't."[3] The reaction of the American Government was adamant. The Commissioner of Indian Affairs did not think it advisable to enter into such an agreement. He agreed with Agent Vandever who stated: "I believe they should be taught to send their children to school for the benefits to be derived from it."[4]

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who try to avoid difficulties of all kind. Sometimes the Navajo's stock wanders over on the [Hopi] reservation. It has been no uncommon occurrence for each tribe to accuse the other of stealing... If the boundary line were changed as I... recommend I believe all these troubles would cease at once." p. 262.

In 1890, Vandever submitted a similar report: "A constant source of bickering between them [Hopis] and the Navajo are the encroachments of the latter. I have given this matter a great deal of careful attention, and have time and again restrained the Navajo from these intrusions, warning them not to approach with their herds within certain specified limits which would give the Moqui ample room for grazing, if they were not too timid to use it." Since I made this last adjustment complaints have not been so numerous, but it is a slow task to set up back-bone in these [Hopis] who are too spiritless to assert their own rights." [Annual Report, 1890, p. 170]. The foregoing report also states; "The Navajos, although they early encroached upon the ancient [Hopis], seem to have met but little resistance from that people, and the last serious conflict occured about fifty years ago at Oraibi, in which great numbers of the villagers were slain... The [Hopi] differ in many ways from their neighbors, these two tribes presenting many contrasts in habits and character. The saucy, arrogant Navajo leads a kind of Bedowin life, while the timid, unresisting [Hopi] cling closely to their old village [life]. [Ibid., pp. 159, 167].

[1] Seth Wilson to Chief Maho, June 3, 1941, Hopi Agency Land File 304.2/1941. See also Annual Report, for the years 1888, p. 196; 1890, p. 171. See also Figures 36 - 37.

[2] Ibid.,

[3] Thomas Keam to Commissioner of Indian Affairs, January 15, 1890, Bureau of Indian Affairs, Letters Received, 2181/1890.

[4] C. E. Vandever to Commissioner, February 15, 1890, Bureau of Indian Affairs, Letters Received 5782/1890.

Notwithstanding this attitude, the Commissioner met in Washington with a group of Hopi chiefs accompanied by Thomas Keam and Agent Vandever to discuss the problem of Navajo encroachment as well as school attedance. This meeting took place on June 27, 1890. Among other things the chiefs charged.

> Our horses are stolen by the Navajos and the agent can hardly help it. The Navajoes encroach on our water. The stealing of horses is a great trouble both to us and to the Agent. Often we cannot find out who stole the horses. We would like to have that stopped.[1]

The Navajos were not mentioned by the Commissioner who confined his remarks to education and resettlement of individual families throughout the Hopi reserve. The Commissioner emphasized that "so far as we give help, it must be given to those who go down from the mesas."[2] Without assurances on the part of the Commissioner, the chiefs returned to their reservation and in October opposed the sending of children to the boarding school at Keams Canyon. The Hopi people bluntly told Ralph P. Collins, superintendent of the boarding school, that as long as the government permitted the depredations of the Navajos, the school would not be filled.[3] Either by design or luck, Commissioner Morgan arrived at Keams Canyon in the latter part of October, 1890 with Brigadier General A. McDonald McCook. A council was held with the Hopi Chiefs and they were assured "That the Navajos would be compelled to move off across the Moqui line and to remain upon their own territory...Notice was given to [the Navajos] that they must not interfere with the right of the [Hopi] in any of the things complained of."[4]

As soon as the Commissioner's party left, however, the Navajo resumed their old ways. Superintendent Collins reported by letter of

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[1]Bureau of Indian Affairs, Conference Minutes, June 27, 1890, 1979/1890.

[2]Ibid.,

[3]Ralph P. Collins to the Commissioner of Indian Affairs, October 17, 1890, Bureau of Indian Affairs, Letters Received, 32761/1890.

[4]Thomas Donaldson, Moquis Pueblo Indians of Arizona and Pueblo Indians of New Mexico, Extra Census Bulletin, (Washington: Government Printing Office, 1890) p. 56. See also Commissioner Morgan to the Bureau of Indian Affairs, November, 1890, Letters Received, 34675/'890.

November 28, 1890.

> "I wish also to state concerning the Navajoes that notwithstanding your orders, they have been moving their herds out among the [Hopis] ever since you left. Until now they have eaten the last vestige of the [Hopi] corn stalks and the most of their winter grass. They are a standing insult to the Government and robbers of the weak and the complaints of the [Hopis] are not only just but call for most decisive action on the part of the Government.
>
> I certainly think that troops should be sent at once to drive the Navajo herds from among the [Hopi] even though the department should not be ready to deal with the whole Navajo tribe."[1]

In the meantime, the Hopis reacted violently, refusing to send their children to Keams Canyon and threatening those who were inclined to fulfill the government's wishes. The greatest resistence was on Second and Third Mesa. The events that followed were reported by Collins in a second letter November 28, 1890[2] and again in his annual report for the year 1891, submitted August 27, 1891. This latter report states:

> In company with Mr. Julian Scott, special Agent of the Census Bureau, and Mr. Keam, the trader here, and five Moquis friends, I went to Oraibe, called a council, and was informed that all except Lotomi and few of his friends would not come into a council. We then went to the leader of the opposing faction and brought him to the council. We then informed him that he and his people would be given fifteen minutes in which to produce the children which the Commissioner had told them they must furnish, and that unless they did so he would be taken away a prisoner.
>
> The time having expired and no effort being made to get the children we left the village taking this leader away prisoner, going to the second mesa village; and on the way, meeting a friend of our prisoner who attempted his rescue, we also arrested him, and found that he was just returning from a trip to the other villages for the purpose of arousing opposition to the school. The second mesa people were told that their quota of children must now be forthcoming or the leaders of the opposition among them would be arrested. One village furnished their quota at once, and the other two promised theirs in three days. I went to them again after three days and by a display of determination succeeded in getting their full number. For several days Lolomi's friends kept sending her

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[1]Ralph P. Collins to Commissioner Morgan, November 28, 1890, Bureau of Indian Affairs, Letters Received, 37275/1890.

[2]Ralph P. Collins to Commissioner Morgan, November 28, 1890, Bureau of Indian Affairs, Letters Received, 37328/1890.

children, but the opposition was more active than ever, and they arrested Lolomi, and confined him three days with threats to kill, etc.

Thinking I had done all in my power, I telegraphed the Indian Office.[1]

This telegram of November 28, 1891 reported the situation and brought Agent George W. Parker who, after thorough investigation, also telegraphed the Commissioner for troops. "[These] should be sent at once to remove trespassing Navajos from among the [Hopis] and arrest rebellious Oraibis...Any further delay in this action will work irreparable injury to the whole work among the Hopis."[2] On December 18, Commissioner Morgan informed the Secretary of the Interior that troops were being sent to the Hopi villages to enforce the school attendance policies and protect Hopis from Navajo depredations.[3] He also ordered that the

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[1]Annual Report, 1891, p. 552. Of these conditions, Mr. Julian Scott wrote in his report to the Census Bureau: "This reservation [Hopi] is merely tentative and was to give the United States authority over the Moquis and to protect them from white people and the Navajos." Again: In some of the excursions I made into the desert and to the mesa, I frequently came across large herds of Navajo sheep and goats, always attended by women and children acting as herders together with a large number of dogs, far from their own reservation, monopolizing the feeding and watering places belonging to the [Hopis]. These Navajos, with their herds roam up and down the canyons and cover the plateaus to the Tusayan trading post, and spend days along the mesas skirting the canyons, occupying all the little side canyons that have water, and their hogans are found near all these points, which they appropriate. They overrun the [Hopis] lands at will." [Julian Scott, Special Agent, "Report on the Moqui Pueblo of Arizona," in Report on Indians Taxed and Indians Not Taxed in the United States, Department of the Interior, Census Office, (Washington: Government Printing Office 1894), pp. 178, 188.]

[2]George W. Parker to Commissioner Morgan December 14, 1890, Bureau of Indian Affairs, Letters Received, 39013/1890.

[3]Besides objecting that the Hopis were not protected from the Navajos, Hopi parents "also objected to the religious instruction that was given in the schools, since it had a tendency to destroy their own religion...Most of them were in favor of schools (except the village of Oraibi) but they wanted schools located at the villages so their children could remain at home." [Nezzie Lee Leathers, "The Hopi Indians and their Relations with the United States Government to 1908," (Unpublished Master's Thesis, Dept. of History, University of Oklahoma, 1937), p. 47]. See also Commissioner Morgan to the Secretary of the Interior, December 18, 1890, Pressbook Copies of Letters Sent, Land Division Vol. 104, Letterbook 208, p. 412. In connection with the wish of the Bureau of Indian Affairs to persuade Hopis to settle away from the villages, Collins also reported: "The Moquis have said they would move down from their mesas and build homes in the valleys, if the Government

Navajos should be removed from Hopi country.[1]

Lieutenant Charles H. Greerson with troop K of the 10th Cavalry arrived on December 24, 1890. The Hopis did not resist and sent their children to school.[2] The Navajos also became more reasonable, driving their flocks and herds to areas more distant from both the Hopi villages and the protecting cavalry troops.[3]

Greerson, having accomplished two of his objectives, now turned his attention to the third, that of removing the Navajos from the Hopi Reservation. However, events that followed prohibited the carrying out of this third mission. Greerson received a modification of orders on December 31, 1890, from General McCook, the Department Commander of Arizona.

> You [Lieut. Greerson] will be very guarded in your action, especially with the Navajos, and under no circumstances, if it can be avoided, will any harsh measures be taken toward them at this time. The lines separating the Navajo and [Hopi] reservations are not marked with a degree of plainness that an ordinary Indian can understand. There was no person at or near Keams Canyon known to the Department Commander who could even indicate points on boundary lines, and until this line is distinctly marked only persuasive measures will be used toward the Navajos in this regard.[4]

The General explained to the Indian office his reasons for modifying army orders with regard to the Navajos as follows:

> It is recommended that the line of demarkation between the Navajo and [Hopi] reservations be distinctly marked by indestructable monuments upon the natural elevations along the line, and that

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would protect them from the Navajoes...The Navajos have been removed from among them by the United States troops..." [Annual Report, 1891, p. 553.] Again on December 18, 1891, Special Agent Parker wrote the Commissioner that the Hopis would continue to move down off their mesas if the government would send troops to remove the Navajos from Hopi country. [George W. Parker to Commissioner Morgan, December 18, 1890, Bureau of Indian Affairs, Letters Received, 40070/1890.]

[1]Commissioner Morgan to George W. Parker December 22, 1890, Pressbook Copies of Letters Sent, Land Division, Vol. 105, Letterbook 209, pp. 15-17.

[2]Lieutenant Charles H. Greerson to Assistant adj. General, Dept. of Arizona December 28, 1890, Bureau of Indian Affairs, Letters, Received 2914/1891.

[3]Ibid.

[4]Captain Bailey, Acting Assistant Adjutant General, Dept. of Arizona to Lieutenant Charles H. Greerson, December 31, 1890, Bureau of Indian Affairs, Letters Received, 2914/1891.

the water in the neighborhood of the line and lying east thereof be reserved for the Navajoes, and that to the west for the [Hopis]. Until this is done I do not deem it wise to use force to prevent the Navajos from grazing near the [Hopi] reservation.

The Navajoes or [Hopis] do not know where the line between their reservations is, nor do I; hence any coercive action on our part would not be wise until the line is definitely settled.

The presence of troops near the [Hopi] villages would certainly prevent Navajoes from using personal violence against the [Hopi], or plundering from or destroying their crops, and it is my intention to take necessary action to prevent this.[1]

From the foregoing correspondence we see that the chief expressed reason for not removing the Navajos was lack of a suitable boundary. However, the writer suggests yet another underlying reason for the attitude of the military officials. This is the concern that any harsh measures might put the whole Navajo nation in an ugly mood with the distinct possibility of an Indian war breaking out.[2] At any rate, actual removal of the Navajos did not take place, even though pressure and encroachments against the Hopis was for a time removed.

Having decided not to remove the Navajos, the military officials, in conjunction with agency officers, called a joint council of both tribes on January 8, 1891.[3] During the meeting the Navajos were informed that they must not move their herds within a sixteen mile radius of the Hopi village of Mishongnovi on Second Mesa.[4] Government officials informed the Navajos at a second meeting held January 15, 1891 that their herds

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[1]General A. McDonald McCook to Bureau of Indian Affairs, January 3, 1891, Bureau of Indian Affairs, Letters Received, 2914/1891.

[2]Refer to pages 83-84 of this thesis which gives Colonel Carr's reasons for not removing the Navajos in 1888.

[3]George W. Parker to Commissioner Morgan, January 7, 1891, Bureau of Indian Affairs, Letters Received, 3934/1891.

[4]Lieutenant Charles H. Greerson to Captain Bailey, Acting Assistant Adjutant General, Dept. of Arizona, January 8, 1891, Bureau of Indian Affairs, Letters Received, 3320/1891. In this report Greerson states: "In reference to the instructions of the 31st, also received yesterday, directing that I hold interviews with certain Navajo Indians living in this vicinity, and explain to them that trespassing upon the Moquis should cease, I have to state that Special Indian Agent Parker and Navajo Indian Agent Shipley arrived here Sunday evening and are attending to this matter.

They proposed to the Moquis that the Navajo herds be not allowed to come within sixteen miles of the village of Mish-ong-i-ni-vi. This was agreed to. Mr. Parker and Shipley are now marking the boundary. Saturday nexthasbeen appointed for meeting the Navajoes living in this section,

must be moved beyond the sixteen mile limit by January 19.[1] The Navajos complied with these orders, and both tribes assisted in establishing boundary markers on the sixteen mile line.[2]

As long as troops remained in the area relations between the two tribes improved considerably. David L. Shipley, Navajo Agent, was able to inform the Commissioner of Indian Affairs by August, 1892:[3]

> Until about a year ago the [Hopi] were considerably troubled by the Navajoes who in their arrogant way were ready to take advantage of their weaker natured neighbors, and in consequence fed their herds and flocks on [Hopi] fields and even appropriated their crops. However, about one year ago, with the cooperation of Special Agent Parker, I issued a decree prohibiting the Navajoes from entering

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at which they will be informed of these limits and given a proper time to remove their herds.

Mr. Parker and Shipley have recommended that 10% horses and 5% sheep of any Navajoes hereafter trespassing upon the lands within the limit designated, be confiscated, and after due advertisement, sold at public auction, proceeds to go to benefit of the Moqui School.

At the present time there are very few Navajoes who have "hogans" and are living within the line to be marked.

Since the arrival of the troop they have as a rule moved their herds to greater distance from the Moqui villages, and so depredations have not been complained of recently.

I have informed Mr. Parker and Shipley that I will aid them in every way possible in carrying out their good intentions towards the Moquis.

I shall be careful however to use no harsh measures against the Navajoes, if it can be avoided, until more definite instructions are received.

[1]Lieutenant Charles H. Greerson to Captain Baily, Acting Assistant Adjutant General, Dept. of Arizona, January 15, 1891, Bureau of Indian Affairs, Letters Received, 4417/1891. [Commissioner Morgan agreed to these decisions in a letter to the Secretary of the Interior, January 30, 1891, Pressbook Copies of Letters Sent, Land Division Vol. 104, Letterbook 208, pp. 424-425.

[2]George W. Parker to Commissioner Morgan, January 7, 1891, Bureau of Indian Affairs, Letters Received, 3934/1891. Again on January 14, 1891, Parker reported: "Everything is quiet. School flourishing... Several of the prominent Navajos who could not attend the Council sent representatives...[The Navajos notified] their brethren who had been occupying the [Hopi] grounds, that they must obey promptly the orders of the Government, to vacate the lands of the [Hopis], that the orders were perfectly just, and right, and at the same time assuring us a full and hearty cooperation in all that we are doing." [George W. Parker to Commissioner Morgan, January 14, 1891, Bureau of Indian Affairs, Letters Received, 2664/1891].

[3]David L. Shipley replaced Vandever as Agent to the Navajos and Hopis in the fall of 1890. [Annual Report, 1891, pp. 309-310].

within a radius of [16] miles of the village of Me-shung-ne-vi. Since this time a marked improvement is noticeable among the [Hopis]. They have more ground under cultivation, their granaries are filled, and with the security this enactment affords them, they feel safe in exchanging their cliff dwellings for the more convenient homes in the valley.[1]

With the absence of U. S. Troops to make them keep their distance, Navajos began to cross the sixteen mile boundary established by government officials. Within a month agent Ralph P. Collins complained of trespasses by Navajos.[2] The next year Special Agent John S. Mayhugh reported the presence of Navajos at Jeddito Spring, well within the sixteen mile limit, and the destruction of the boundary markers.[3] In later years the Navajos were to accuse the Hopis of destroying these markers on the sixteen mile line.

The United States Government attempted to demark a boundary line between the Hopi area of occupancy and the Navajo area of occupancy. The government proposed a boundary line in 1891 having a radius of sixteen miles from the Hopi village of Mishongnovi. Markers were put up on the proposed boundary line and Navajos moved out of those areas then occupied by them within the said boundary, but the

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[1]Annual Report, 1892, p. 211. The documents do not give the exact date of the withdrawal of these troops but it must have been soon.

[2]Ralph P. Collins to Commissioner Morgan, February 13, 1891, Bureau of Indian Affairs, Letters Received 6567/1891.

[3]John S. Mayhugh to Commissioner of Indian Affairs, July 19, 1893, Bureau of Indian Affairs, Special Case No. 147, 27759/1893. [In a letter to Mayhugh concerning these intruders the Commissioner advised against removal. Commissioner Browning to John S. Mayhugh, August 28, 1893, Pressbook Copies of Letters Sent, Land Division, Vol. 132, Letterbook 263, p. 393.] See also John S. Mayhugh to the Commissioner of Indian Affairs, April 5, 1892, Bureau of Indian Affairs, Special Case No. 147, 13680/1892. The fact that Navajos violated their agreement to remain outside the sixteen mile radius is indicated by later annual reports of the agents. By 1900 conditions had again reached a critical point. Superintendent Charles E. Burton reported in 1899: "Trespassing. Many Navajos from the Navajo Reservation have settled along the water courses and at the watering places on Moqui land. Why this has been allowed I cannot understand, as the Navajo Reservation is the largest in the United States and the Moqui Reservation is comparatively small. These places taken by the Navajoes are the very best ones on the reservation and control most of the water supply. The two tribes are bitter enemies, and there is constant friction, stealing of horses, destroying of each other's crops, fighting, and murder going on among them. When a difficulty arises and the superintendent tries to settle the matter the Navajo says the superintendent is not their agent, and refuses to be governed by his decisions or by his wishes. This is a condition not con-

Hopis refused to recognize any boundary line, destroyed the markers, and the plan to maintain separately defined areas failed.[1]

This statement seems very unlikely since it was the Navajos who were crossing the supposed boundary to occupy Hopi farmlands and grazing areas close to the villages after the withdrawal of the troops.[2]

Allotments.--The Federal government next turned to allotments to end the feud between the two tribes, creating small individual holdings. However, the chief reason for the allotment of lands not only on the Hopi reservation but throughout the United States was the desire to civilize the Indians.[3] It was naively assumed that the way to make the Indian a responsible citizen was to forcibly break up the tribal lands and distribute these

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ducive to peace or civilization and I earnestly recommend that this matter receive your early attention, and the Navajo be returned to his own reservation or placed under the control of the superintendent..." [Annual Report, 1899, pp. 382-4.] Again in 1900 Burton reported: "The Hopi are a very submissive and law-abiding people and seldom give any trouble save when the Navajo, who are domineering and aggressive, seek to impose on them. The Navajo have been allowed to encroach upon the Hopi Reservation for years, taking possession of the best watering places, best farming and best pasture land, and a great deal of trouble grows out of this. It should not be tolerated for a day. I have done something in the way of teaching these Navajos to respect the rights of others, and hope to do more this year.

[1]Sekeestewa vs. Jones, U. S. District Court for the District of Arizona No. Civil 597 Pct. (1958), "Navajo Answer, Counter-Claim and Cross-Claim to the Hopi Suit," p. 6.

[2]Underhill, The Navajo, pp. 174-175, 218: The Navajo agent, David L. Shipley, reported in August, 1892: "It may be correctly estimated that at least one-fourth of the Navajoes live off the reservation. These Indians are a source of annoyance and trouble to the agent...During the past year I have used every possible means of persuasion to induce the Navajoes to return to and live upon the reserve; some of whom have acted upon my advice...One great trouble at present encountered by these Indians is the scarcity of grass on the reserve for their flocks and herds. It keeps many on the move constantly, and results are that hundreds are now living off the reservation where the grass is better...[Annual Report, 1892, p. 209.]

[3]John Collier, "Editorials," Indians at Work (Washington: Bureau of Indian Affairs) (Mimeographed), p. 7. On the Hopi reservation, federal government officials assumed an arbitrary role"...the avowed purpose of which was to break up the traditional life of the Hopi and destroy the power of their 'priests' and 'chiefs,' at the same time encouraging the Indians to develop White industries and skills. This attitude was reflected in most Government policies and contacts; as for instance, the persistent attempts on the part of the Federal Government to allot the Hopi lands in severalty (the first of which extended from 1892 to 1894 and the second from

in acreages to individual Indians as private property.[1]

The first attempt by the government to allot lands on the Hopi Reservation came in 1892 to 1894. Authority for allotment was based on the Allotment Act of February 8, 1887.[3] The President of the United States issued an order dated July 10, 1890 authorizing surveys on the Hopi Reservation preliminary to the work of commencing allotments.[4] Further the President decreed:

> That the Secretary of the Interior be and is hereby authorized to allot lands in severalty to the Indians of the Moqui Reservation in Arizona, in such quantities as may be for their best interests: provided, that the allotments hereunder made shall otherwise be subject to the provisions of the Act of March second, eighteen hundred and eighty-seven entitled, an act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians and for other purposes.[5]

Actual implementation of the above orders fell to Special Allotment Agent John S. Mayhugh who arrived on the reservation February 29,

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1907 to 1910); the rule of compulsory attendance at schools, enforced by troops who compelled the people to give up their children during their formative years; and the encouragement of both Hopi and Navajo to increase their livestock as much as possible, regardless of range capacity. Moreover, when as a result of the growth of their herds the Navaho encroached on Hopi occupied lands, the Government did nothing to protect the Hopi. [Thompson and Joseph, p. 317.]

[1]Collier, p. 7: "The allotment law turned out to be principally an instrument to deprive the Indians of their lands. The successive steps of loss are easy to trace: Each Indian on the alloted reservations was given an allotment of about 160 acres, which was held in trust by the Government for a time and then turned over in fee simple to the allottee. In most cases, the allottees sold their land to white settlers in order to have "easy money" for quick spending. If the allottee died before the end of the trust period, the land passed to this heirs. Often there were numerous heirs, and the practicable method of settling the estate was to sell it and divide the money among the claimants. A step in the loss of Indian land came from the disposal of so called 'surplus' lands which were left after allotments had been made to all Indians of the reservations. These surplus lands were then opened to entry and were homesteaded by white settlers." [p. 7.]

[2]Laura Thompson, Culture in Crisis (New York: Harper Bros., 1950), p. 146.

[3]For full text of law see Annual Report, 1887, pp. 274-277.

[4]Annual Report, 1890, p. XLVII.

[5]Charles Kappler, Indian Affairs, Laws, and Treaties, III, (Washington: Government Printing Office, 1913), p. 272.

1892.[1] For the next two years much effort was expended in selecting and alloting lands to the Hopis. Due to intense opposition by the Indians and interference of white friends the project was finally abandoned in 1894.[2] One white opponent was attorney W. Hallett Phillips, of Washington, D. C.[3] That his letters to the Commissioner of Indian Affairs had some effect in the decision to discontinue allotments is indicated by a notation on Phillips letter of November 15, 1893.[4] This letter argues against segregation for the Hopis on the basis that the land rights of these people as town-dwellers was not derived from our government but antidated the annexation of the Hopi Country. He further maintained that the Hopis were ignorant of the purposes behind the allotment system. With these views the Commissioner concurred as evidenced by his penciled notation "Mr. Phillips is right," which appears at the bottom of the letter.

Government proponents once again tried the allotment system among the Hopis from 1907 to 1911. This was one part of a fourteen-point plan to destroy the power of the faction among the Hopis who were hostile to government programs.[5] Commissioner Francis E. Leupp ordered:

> that immediate steps be taken, by administrative measures under existing laws or by procuring new legislation if that be necessary looking toward the early allotment of land in severalty to the Hopis.[6]

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[1] John S. Mayhugh to Commissioner of Indian Affairs, March 1, 1892, Bureau of Indian Affairs, Special Case No. 147, 9137/1892.

[2] Commissioner Browning to John S. Mayhugh, Telegram, February 8, 1894, Bureau of Indian Affairs, Special Case No. 147, 32814/1894.

[3] W. Hallett Phillips to Commissioner Browning November 5, 1893, Bureau of Indian Affairs, Special Case No. 147, 41495/1893.

[4] W. Hallett Phillips to Commissioner Browning, November 15, 1893, Bureau of Indian Affairs, Special Case No. 147, 42859/1893. In his Annual Report for 1894 Browning commented: "The work of alloting lands in severalty to the Indians of this reservation has been discontinued. All but a few of the Indians had made their selections, which had been properly scheduled by the alloting agent, but a small number continued their opposition to allotment. This opposition, together with formal objections to the approval of any of the allotments presented to this office by friends of the Indians led to a discontinuance of the work in February last." [Annual Report, 1894, p. 20.]

[5] Annual Report, 1907, p. 82. For further discussion of this "hostile" faction see page 98 of this thesis.

[6] Ibid.

Congressional authority lay in the act of 1887 and that of March 1, 1907, giving the Secretary of the Interior specific power to allot Hopi lands.[1] Finally on February 26, 1909, the department authorized allotments of "forty acres of agricultural and 320 acres of grazing land to each Indian on the reservation."[2] Mathew M. Murphy was named Special Allotting Agent.

Probably the most interesting of the provisions for alloting the lands on the Hopi Reservation was the determination on the part of government officials to allot lands to Navajos as well as Hopis. In a letter dated February 25, 1909 from the Commissioner of Indian Affairs to Agent Murphy instructions were given in regard to the Navajo:

> There is ample authority...for making allotments in the [Hopi] reservation to such Navajo Indians as may be located therein and who wish to remain in the reservation. If the Navajos decline to accept allotments in the [Hopi] reservation of the areas specified herein they can be removed from the reservation, but, in the interests of all persons concerned the office trusts that they will agree to accept allotments there.[3]

The Hopis, in the meantime used every facility at their command to oppose the allotment program. Refusal of the Hopis to co-operate solidified around two objections. First, the villages simply did not want their communal lands broken up. Secondly, they violently objected to the Navajos receiving allotments on their reservation and manifested this by petitioning the Indian Office and opposing the school program.[4] That this opposition was successful can be seen in the fact that the Commissioner ended attempts at allotment on March 31, 1911.[5]

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[1] Francis E. Leupp, cited in Annual Report, 1910, p. 29. See also 34 Stat., 1021.

[2] Ibid.

[3] Commissioner of Indian Affairs to Mathew M. Murphy, February 25, 1909, Moqui Allotments 51 Part I. It is significant that the Commissioner in a letter to the Indian Rights Association states: "He appreciates the fact that the Navajos and [Hopis] have equal rights on the reservation and that he will endeavor to exercise justice and impartiality in dealing with the two tribes." [Commissioner of Indian Affairs to Indian Rights Association February 11, 1911, Moqui Allotments 51 Part I.]

[4] Bureau of Indian Affairs, Moqui Allotments 51 Part I, 1907-1911. (in the files of the Bureau). Also in allotments File, Hopi Agency Office, Keams Canyon, Arizona.

[5] Commissioner of Indian Affairs to Mathew M. Murphy, March 31, 1911, Moqui Allotments 51 Part I.

With the passing of the allotment program on the Hopi reservation, Hopi-Navajo disputes over land use became more bitter. Thompson writes:

> The Hopis paid a heavy price for their escape from certain federal interventions. For while the government desisted from its purpose to allot the Hopi lands, it refrained from interfering while the Navajo gradually usurped the use of three-quarters of the original Hopi reservation.[1]

Consequences of Federal Policy

Factionalism among the Hopis.--Federal land policy was only one phase of an attempt to bring about acculturation of the Hopis. It brought resistance from a people who were by nature very conservative, and the government ran into decided opposition in its attempt to induce the Hopis to abandon their villages. The program was only partially successful for although the villagers did avail themselves of Federal help to build houses near their fields, they nevertheless returned to their villages

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[1]Thompson, Culture in Crisis, p. 147. Already cited is the order of Commissioner Browning to Mayhugh about the advice against removing Navajos from the Jeddito region. [See Page 92, footnote 3 of this Thesis.] Troubles also developed between the two tribes in the Moencopie area where lands traditionally used by the Hopis were alloted to Navajos. When the Hopis at Oraibi who used these lands resisted, troops were brought in and the village leaders, nineteen in number, were arrested and imprisoned on Alcatraz Island, California, for about eight months. [Annual Report, 1895, pp. 96-97.] Concerning the foregoing, Constant Williams, the Navajo agent, wrote: "In the pueblo of Oreiba there are two factions, called by the whites the 'friendlies' and the 'hostiles' in about the proportion of 1 to 2. The friendlies send their children to school and are willing to adopt civilized ways; the hostiles, under the bad influence of the Shamans, believe that the abandonment of the old ways will be followed by drought and famine, to avert which they wish to drive the friendlies out. Last fall they took away the field at Moencopie from the friendlies, and threatened to do the same thing at Oreiba in the Spring. They said they would resort to arms if necessary, and I was obliged to call for troops to assist in arresting the ringleaders. Nineteen men were arrested and turned over to the military, by whom they are now held in confinement at Alcatraz Island, in San Francisco Harbor. This action settled the question, at least for the present." [Ibid., p. 119.] That the returned prisoners were unrepentant is indicated by William's report of August 28, 1896: "The prisoners from Oraibi who were confined at Alcatraz Island were released last September... They have behaved themselves very well since, but they refuse to send their children to school, assigning religious scruples as a reason for their not doing so." [Annual Report, Moencopie. [Secretary of the Interior to Commissioner Browning, August 16, 1897, Bureau of Indian Affairs, Letters Received, 33846/1897.]

during the winter.[1] As long as Federal programs did not threaten their religious and ceremonial life the Hopis would cooperate. They were willing to incorporate in their culture only those western traits that did not affect their ancient way of life. Ideas for the improvement of meager water resources, and aid against the encroachment of the Navajo were eagerly sought after.[2]

However, Federal policy helped to develop factionalism.[3] Those Hopis who opposed the government were called "hostiles," and those who wanted to adopt more of the white man's civilization were called "friendlies."[4] The "hostiles" especially resented the school efforts of the government mainly because religion was injected into the curriculum.

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[1]Annual Report, 1894 states: "Many of the houses built in the valleys are unoccupied the greater portion of the year. [winter months] Their habits, customs, and general mode of living are so intimately connected with the conditions of life on the mesas that it is doubtful whether anything less than compulsion will cause them to abandon their pueblo dwellings...About 50 houses have now been finished...while from 50 to 75 houses have been started by the Indians...The finished houses have generally been furnished with stoves, beds, dishes, chairs, etc. while tables and cupboards are made for them..." [pp. 101, 368]

[2]Annual Report, 1894, p. 368: "The Moquis are industrious and self-supporting, and in nearly every house on the mesas can now be seen some evidence of the proximity of civilization in the articles furnished by the Government..."

[3]See page 95 of this Thesis, footnote 5.

[4]Annual Report, 1896, p. 359: "The Oraiba disturbance was the result of opposition to schools and American customs. The village has two factions one in favor and the other opposed to schools." Ralph P. Collins reported in 1896: "There is a strong faction among these people [Hopis] which is violently opposed to everything in the direction of civilization or change from their ancient ways. They will listen to no reasoning, heed no requests, admonition, nor advice, and be changed by no punishment. I know of no way to deal with them but to let them personally alone, treat them kindly, and justly, and put their children in school by force." [p. 363.] In 1900, Charles E. Burton, Agent for the Hopis reported: "Hostiles:--Quite a large percent of the inhabitants of the second, third, and Oraibi mesas are hostile to the school and to all efforts to civilize them. A few of these were induced to send their children to school last year, and I think more will do so this year. The hostiles are a very serious draw back to the progress of civilization, not only refusing to send their children to school but by severe criticism preventing others from sending to school and in other ways making the progress they should make. These should be forced to send their children to school. When the Hostiles are let strictly alone to carry on their ancient and heathenish customs they give no trouble." [Annual Report, 1900, p. 475.]

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The climax of the struggle came on September 7, 1905. According to Federal reports the act that precipitated the crisis came when a group of Hopis moved from Shimopovi to Oraibi.[1] This group supported the "hostile" faction thereby upsetting the balance of power between the two parties. Fighting broke out and the "hostiles" with their friends from Shimopovi were driven from Oraibi.[2]

After being driven from Oraibi the "Hostiles" now called "Conservatives" built the village of Hotevilla on Third Mesa. However, their first hard year in the new village produced internal tensions, and one year later, 1907, a group of Hotavillans dissented from the policy of refusing to send their children to school. They were forced to leave the village of Hotavilla, and when Oraibi refused to admit them, they founded the present pueblo of Bakavi.[3]

The factionalism has continued to the present day. Moreover it has had a decided effect on the boundary dispute and its development. The political and ideological division became even greater with the passage of time. Even today the conservatives resist change, especially range management programs and advancements possible under Federal Government. Those who have profited most by this disunity are, of course, the Navajos.

Secondly, and most important, the resistance to government programs has over the years produced a mental attitude on the part of government officials, especially those at the Hopi and Navajo Agencies. Government documents reveal that Superintendent Charles E. Burton, Agent to the Hopis and head of the Keams Canyon Boarding School, 1899 to 1905, was the last of the heads of the Hopi Reservation who accepted the idea that Navajos did not belong on the reserve, but on their own reservation.[4]

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[1] Annual Report, 1906, p. 123.

[2] For the complete details of the "Oraibi Upheaval" the reader is referred to the Annual Reports, 1906, pp. 118-125, 1907, pp. 80-8.

[3] Lyndon L. Hargrave, "Oraibi: A Brief History of the Oldest Town in the United States." Museum Notes, IV, No. 7 (1932), 7. Hargrave states: "Communal differences were lessened by these moves but the attitude toward the government demands to send their children to school remained unchanged. The Hotavillans obstinately refused to obey the order so in 1911 a detachment of cavalry under Col. Hugh L. Scott surrounded the town and collected all children of school age."

[4] See page 92-93 of this Thesis, footnote 3.

Later agents actually supported or remained passive before the Navajos' effort to gain some four-fifths of the reservation. In fact some agents praised them for their aggressive nature. This is not to say all government officials were unsympathetic to the Hopi cause, but those directly responsible for the Hopis in the Keams Canyon Offices had experienced a change of attitude. For example an exchange of letters between H. F. Robinson and Leo Crane to the Commissioner of Indian Affairs illustrates this point.

H. F. Robinson, who was charged with developing water resources on the reservation, wrote to the Commissioner of Indian Affairs about the condition of the Hopis in 1914.[1] He spoke of Hopi complaints to his group concerning Navajo encroachments and the idea held by the Hopis that their agent would do nothing "and in the meantime the Navajos take another spring and a little more grass land."[2] Through him the Hopis complained of "being crowded to the wall and the only ray of light or hope they have, has been given them by our service in developing additional water for them."[3] Robinson finally presented recommendations for the removal of the Navajos.

Commissioner E. B. Merritt to whom the above letter was addressed requested a report from Leo Crane who had been Superintendent of the Hopi Boarding School and Hopi Agent since 1911.[4] Crane responded with a letter dated June 22, 1914, containing a scathing attack on the Hopis and recommending the status quo.[5]

Friction Between Navajos and Hopis.--Navajo tribesmen had

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[1]H. F. Robinson to Commissioner of Indian Affairs May 26, 1914, Hopi Agency Files 300/1914.

[2]In a pencilled notation, a later agent, E. K. Miller, at Keams Canyon refers to this statement as "Bunk." At the end of the letter, another pencilled note says "another Friend of the Hopis who knows what to do." This notation also has the initials E. K. Miller. The letter on which these notations appear is a copy of the Robinson letter received in the Hopi office.

[3]This letter is quoted in full in Appendix IV letter No. 1.

[4]Commissioner Meritt to Leo Crane, June 13, 1914, Hopi Agency Files, 300/1914. See also Annual Report, 1912: Report of Hopi Agency, for Crane's appointment.

[5]Leo Crane to Commissioner of Indian Affairs, June 22, 1914, Hopi Agency Files, 300/1914. This letter is quoted in full in Appendix IV Letter No. 2.

solidly established themselves around the Hopi villages at a distance of a relatively few miles by 1911 as government reports indicate.

> The Navajo are aggressive and independent. There is no doubt that the majority of these on the Moqui Reservation have come in from all sides with a deliberate purpose of taking the grazing land which rightfully belongs to the Hopi... There were, undoubtedly, a few Navajos living on this land before the reservation was set apart for the Hopi, ... but the many Navajo who have come in since, in defiance of orders, should be put off and kept off the Hopi Reservation by force, and the Hopi protected in their rights.[1]

That the Hopis made innumerable complaints to their agency officers in an effort to stop the Navajo is a matter of record. One Hopi lamented:

> I have been taught both of the stock and the things that the Hopi does in making his livelihood. I began to follow those teachings. I had some stock when I went to school so when I returned I began to work so that I will enlarge my herd. To go back a ways farther in my early youth my father had some cattle--Pinto Cattle. In those days our parents, those who have stock and cattle, had their grazing area north of here, a place they call Cow Springs--Blue Canyon. Then my Grandfather, my mother's father, grazed his stock in that area. My father grazed those stock in that area, but my grandfather heard about the Navajos coming in from the northeast direction and began to take some of our cattle. So when my grandfather heard this stealing of our cattle by the Navajos, he went to Keams Canyon and reported to the Superintendent, and the Superintendent told him not to bother no Navajos, that the Superintendent will take care of this matter for him. After that many of the people who had stock in that area lost many of their stock in that manner since nothing has happened to correct this. So the only thing took place was the moving of the stock to west of here along the Little Colorado River. There they experienced the same thing. Cattle were being stolen in that area too. So my grandfather went to the Superintendent in Keams Canyon again. He told them the same thing, but nothing has taken place to help them. These troubles began to come upon us at that time. Many of the cattle were stolen. The Superintendent knew about it, but never done anything about it. So gradually they had to move their stock up close to the mesa, but again there they were stolen. So they have to bring them close to Oraibi here where they had to corral them. In early days whenever they wanted to butcher any cattle they had to bring them into this corral and butcher them there.
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> Close to Oraibi my father made a corral for himself where I began to take care of my own stock and have worked these cattle from early youth. And I love them, and I will continue to try to work

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[1]Major General Hugh L. Scott Board of Indian Commissioners to Chairman George L. Vaux, October 15, 1921, Bureau of Indian Affairs, Classified File. 99561-21-150 Moqui.

> them. This took place later. Another white man came--Stauffer--more of an aggressive type and did not respect the Hopis or anyone hardly, and when my grandfather butchered a cow, he would come and cut out the best part for himself and just throw a quarter to my grandfather. Yet he is standing on someone's authority.[1]

In 1914, the Agent, identified several areas where there was continued Navajo-Hopi friction.[2] Navajos insisted on using Tally-hogan Springs where for many years, Hopis had planted crops. The farmers complained that the flocks kept overrunning these fields. Another point of conflict was Comar Spring in the southern part of the Hopi Reservation which had been seized by the Navajos in the 1890's.[3] Leo Crane admits that the Hopis had for years tried to regain this area.[4] We should also note the friction which developed in the area of Burro Spring, which Navajo bands attempted to use on occasion, but were steadfastly resisted by the Hopis. One letter dated December 15, 1916 from an educated Indian to the Washington office, is an interesting commentary on the quarrels in this area.

> I have lots of brothers and sisters and little children. I also have quite a few cattle and horses. I therefore need more room and water for them and as I have faith in you I now have taken courage to write to you about this matter. I would like very much to plant a field, and fence it west, of Burrow Springs. A few miles west of Burrow Springs there is a place where after much rain the water gathers up so that a reservoir could be made as a well with a wind mill and I could water my cattle here. If you could have it ordered made, and there I would like to have my place so that I could be nearer where I could keep the cattle. There are now Navajo Indians living at that place but they have not got any fields planted just there. I would try to live peaceable with them but I would make my field there. Then I would like to build a house for my child close by burros springs just west of where the old Judge Honani lives and has his house as I believe that place belongs to us as our uncles are said to have had their land there first. And then we could be where we could watch our cattle and the water close by.[5]

When Crane was requested to furnish information on this matter, he responded:

> The complaint of Andrew Hermequittewa is but one of hundreds,

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[1] U. S. Dept. of the Interior, Bureau of Indian Affairs, Hopi Hearings, July 15-30, 1955, (MSS) Hopi Agency Files.

[2] Annual Report, 1914: Report of Hopi Agency Pictorial Section.

[3] Ibid. [4] Ibid.

[5] Andrew Hermequittewa to Commissioner of Indian Affairs, December 16, 1916, Bureau of Indian Affairs, Classified File 130744-16-313 Moqui.

> and these Hopi complaints concerning this ever present conflict with Navajos over water-holes, springs, and grazing area, is the most annoying feature at this Agency; because there is in sight no apparent means toward settlement, unless the Government should decide to forcefully eject many Navajos from old locations. This is exactly the case with respect to the Little Burro Springs. Big Burro Springs, and water-holes adjacent thereto, are in the hands of the Hopi, who is especially jealous of any water that he may control, whereas Little Burro Springs (referred to by Andrew Hermequittewa) has been for years a location held by Navajos. These two "Burro Springs" are the best water-holes on the Moqui Reservation West. Honani, formerly a Hopi judge, holds one, and Andrew Hermequittewa would like to make good a claim to the other. He is not only Hopi of this mind. Many Oraibi Hopis would like the same privilege. But the Navajos have other ideas, and Navajos do not give up their locations and places of long residence at the request of any Superintendent, nor will they do so on seeing an Indian Office letter that they cannot read. Andrew Hermequittewa has been told by me that he may attempt to locate at Little Burro Springs, and if driven away his adventures will be reported to Washington.[1]

Another factor in the dispute was the encouragement given those Hopis who tried to settle away from the mesa villages. Yet conflict with the Navajos was certain. Whenever a young Hopi man expressed the desire to establish himself away from the villages, he could be sure of constant friction in his attempt to recover areas taken away from his father or grandfather by the Navajos. What the Navajo took he intended to keep.

As these complaints multiplied and petty bickering increased the government sought means of settling the dispute. However, by this time the Bureau of Indian Affairs sought to recognize the status quo with regard to those areas taken over by the Navajos. Federal policy developed around the idea of segregation.[2] That is, the Navajo were to be given the areas taken by them and the Hopis would be granted the remainder of the Hopi Reservation. These attempts at segregation were to hold government attention between 1911 and World War II.[3]

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[1] Leo Crane to Commissioner of Indian Affairs, January 24, 1917, Bureau of Indian Affairs, Classified File, 130744-16-313 Moqui.

[2] The policy of segregation is developed in chapter V.

[3] Willard R. Cetnerwall to Commissioner of Indian Affairs, April 18, 1942, Hopi Agency Files, Forrestry and Grazing, 6200-5-301, p. 4.

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