Before the

INDIAN CLAIMS COMMISSION

THE NAVAJO TRIBE OF INDIANS,	)	Docket No. 229
THE HOPI TRIBE, ET AL.,	)	Docket No. 196
THE PUEBLO OF ACOMA, ET AL.,	)	Docket No. 227
PUEBLO DE ACOMA,	)	Docket No. 266
THE HAVASUPAI TRIBE OF THE HAVASUPAI RESERVATION, ARIZONA	)	Docket No. 91
THE FORT SILL APACHE TRIBE OF OKLAHOMA; THE CHIRICAHUA APACHE TRIBE, ET AL.,	)	Docket No. 30
THE CHIRICAHUA AND WARM SPRINGS TRIBES OF APACHE INDIANS, ET AL.,	)	Docket No. 48
THE SAN CARLOS APACHE TRIBE OF ARIZONA AND THE WHITE MOUNTAIN APACHE TRIBE OF THE FORT APACHE RESERVATION, ET AL.,	)	Docket No. 22-D
THE NORTHERN TONTO APACHE TRIBE, ET AL.,	)	Docket No. 22-J
Petitioners,	)	
v.	)	
THE UNITED STATES OF AMERICA,	)	
Defendant	)	

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INDIAN CLAIMS COMMISSION

PROPOSED FINDINGS OF FACT IN BEHALF OF THE NAVAJO TRIBE OF INDIANS IN AREA OF THE OVERALL NAVAJO CLAIM (DOCKET 229)

(Volume I)
(Findings 1 through 12; pages 3-258)

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Before the

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PROPOSED FINDINGS OF FACT IN BEHALF OF THE NAVAJO TRIBE OF INDIANS IN AREA OF THE OVERALL NAVAJO CLAIM (DOCKET 229)

(Volume V)
(Findings 20, 21 & 22)

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Before the

INDIAN CLAIMS COMMISSION

THE NAVAJO TRIBE OF INDIANS,	)	Docket No. 229
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E. Hopi

1. Prehistoric Period to 1700

200. The Hopis, or Moquis, are an Indian tribe occupying a number of pueblos and villages in the west-central portion of the Navajo Land Claim.[6070/] In the early prehistoric period, as early as 500 or 600 A.D., peoples ancestral to the Hopis lived throughout a wide area in northern Arizona and southeastern Utah.[6071/] Late in the thirteenth century the Great Drought, dating from 1276-1299 A.D., precipitated a decrease in the area occupied by these puebloan peoples.[6072/] During this period the pueblo people in the Kayenta area abandoned their country,[6073/] as did those living west of Oraibi. Between 1300 and 1500 the Little Colorado and Moqui Buttes areas also were abandoned.[6074/]

6070/ Navajo Ex. 555, Date Map.

6071/ Navajo Ex. 15-A, Colton, Report on Hopi Boundary, p. 2; Hopi Ex. 15, ibid.; Navajo Ex. 678, Colton Report, Survey of Conditions of Indians in United States; Hopi Ex. 4, Colton, History of the Hopi Indians From Archaeological Evidence, p. 1; Def. Ex. E-509, Smith, Kiva Mural Decorations of Awatovi and Kawaika-a; Def. Ex. E-560, Brew, Awatovi Expedition of 1939.

6072/ Colton, History of the Hopi..., supra note 6071, at 2; Def. Ex. E-545, Brew, Montgomery, & Smith, Franciscan Awatovi, p. 38.

6073/ Colton, History of the Hopi..., supra note 6071, at 2.

6074/ Colton, Survey of Conditions..., supra note 6071.

201. This diminution of the area of puebloan occupation has been thoroughly studied by archaeologists, and the writings of Dr. Colton, of the Museum of Northern Arizona, have documented it in detail.[6075/] By 1598 all occupied Hopi sites were within the area conceded by the Navajos to be Hopi.[6076/] The decrease in the area occupied by puebloans in this region continued into the historic period with the final abandonment of the Jeddito Valley about 1700.[6077/]

2. Population

202. The population for the Hopis and their ancestors at various times in the past has been reported as follows:

Year	Population	Comments
600 A.D.	3,000[6078/]	
800	10,000[6079/]	

6075/ Navajo Ex. 691, Colton, Prehistoric Culture Units of Northern Arizona; Navajo Ex. 777, Hopi Archaeological Report; Def. Ex. E-511, Colton, The Rise and Fall of the Prehistoric Population of Northern Arizona; Def. Ex. 83, Docket 91 (Havasupai), ibid.

6076/ Id. at 342; Hopi Archaeological Report, supra note 6075; Navajo Ex. 777A, Map to Accompany Navajo Ex. 777. (Compare with Date Map, supra, note 6070; Colton, Prehistoric Culture Units..., supra note 6075, at 60, Fig. 12).

6077/ Colton, Survey of Conditions..., supra note 6071; Def. Ex. E-507, Brew, The First Two Seasons at Awatovi; Brew, Montgomery & Smith, supra note 6072; Def. Ex. E-112, Hack, The Changing Physical Environment of the Hopi Indians of Arizona; Def. Ex. E-564, ibid.

6078/ Colton, The Rise and Fall..., supra note 6075, Table IV.

6079/ Ibid.

Year	Population	Comments
1000	23,000 6080/	
1150	19,000 6081/	
1400	7,400 6082/	
1583	50,000	"estimate" 6083/
1583	12,000 6084/	
1629	10,000 6085/	
1630	10,000 6086/	
Ca. 1664	2,966 6087/	
1680	16,500	"greatly exaggerated" 6088/

6080/ Ibid.

6081/ Ibid.

6082/ Ibid.

6083/ Navajo Ex. 764, Donaldson, Moqui Pueblo Indians of Arizona and Pueblo Indians of New Mexico, 11th Census, Extra Census Bull. 15; Def. Ex. E-524, ibid.; Def. Ex. S-635, ibid.

6084/ Hopi Ex. 8, Hammond & Rey, Expedition into New Mexico Made by Antonio De Espejo, 1582-1583, p. 97; Def. Ex. S-624, ibid.; Def. Ex. E-35, ibid.

6085/ Hopi Ex. 16, Ayer, The Memorial of Fray Alonso de Benavides, 1630, p. 1.

6086/ Def. Ex. G-138, Bartlett, Spanish Contacts With the Hopi, 1540-1823, p. 56.

6087/ Brew, Montgomery & Smith, supra note 6072, at 17.

6088/ Def. Ex. 3-A, Docket 91 (Havasupai), Hodge, Handbook of American Indians, Pt. I.

Year	Population	Comments
1680	6089/ 2,800	
1740-60	6090/ 10,000	
1745	6091/ 10,846	
1760	6092/ 8,000	
1775	6093/ 7,497	
1775	6094/ 7,494	
1777	6095/ 7,500	
1780	6096/ 798	See Def. Ex. E-545, Brew, Franciscan Awatovi, supra note 3, at 37-40 for evidence of error

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6089/ Def. Ex. 4, Docket 91 (Havasupai), Swanton, The Indian Tribes of North America, p. 353.

6090/ Havasupai Ex. 35, Kelly, Franciscan Missions of New Mexico, p. 41.

6091/ Id. at 46; Hopi Ex. 25-A, Thomas, Forgotten Frontiers, p. 3; Havasupai Ex. 34, ibid.; Def. Ex. E-46, ibid.; Def. Ex. S-592, ibid.; Bartlett, supra note 6086, at 58; Donaldson, supra note 6083.

6092/ Brew, Montgomery & Smith, supra note 6072, at 34.

6093/ Donaldson, supra note 6083.

6094/ Ibid.; Thomas, supra note 6091, at 3-4, 9.

6095/ Id. at 3.

6096/ Id. at 9; Donaldson, supra note 6083.

Year	Population	Comments
1823	3,000	"could be" 6097/
1846	2,450	"about" 6098/
1852	8,000 - 10,000	"at least...decreasing" 6099/
1852	8,000 6100/	
1853	1,000 - 6,000	"estimates" 6101/
1853	6,720 6102/	
1856	2,000 - 2,500	"decreasing" 6103/
1856	2,500 6104/	

6097/ Navajo Ex. 799, Translations by David M. Brugge of Documents in Spanish Relied Upon by Acoma, Laguna, and Defendant's Expert Witnesses, p. 35.

6098/ Navajo Ex. 40, Bent to Medill, Nov. 10, 1846; Donaldson, supra note 172; Def. Ex. G-29, Abel, The Official Correspondence of James S. Calhoun While Indian Agent at Santa Fe; Kluckhohn, Tr. 1232.

6099/ Navajo Ex. 82, Schroeder to Backus, April 11, 1852.

6100/ Donaldson, supra note 6083.

6101/ Def. Ex. G-10, Whipple & Ives, Report of Explorations and Surveys, to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean, p. 73.

6102/ Donaldson, supra note 6083; Acoma-Laguna Jt. Ex. 521, Whipple Report..., p. 13.

6103/ Navajo Ex. 148, Kendrick to Meriwether, June 12, 1856.

6104/ Navajo Ex. 151, Kendrick to Meriwether, Aug. 22, 1856; Def. Ex. G-80, ibid.; Def. Ex. R-130, ibid.

Year	Population	Comments
1857	2,500	"probably" 6105/
1857-58	7,000	"supposed" 6106/
1857-58	3,500	"extravagant estimate" 6107/
1859	6,000	"estimate" 6108/
1861	6,000 6109/	
1861	2,500 6110/	
1863	7,000	"estimated" 6111/
1863	7,000 6112/	
1863	4,000 6113/	
1865	3,000	"does not exceed" 6114/

6105/ Navajo Ex. 158, Kendrick to Meriwether, Jan. 25, 1857.

6106/ Def. Ex. G-116, Report of the Secretary of War, Dec. 6, 1858.

6107/ Ibid.

6108/ Navajo Ex. 238, Kendrick to Greenwood, Oct. 4, 1859.

6109/ Def. Ex. G-34, Report of the Commissioner of Indian Affairs to the Two Houses of Congress, 1861.

6110/ Donaldson, supra note 6083; Kluckhohn, Tr. 1232-33.

6111/ Hopi Ex. 34, Letter from Charles D. Poston, p. 1.

6112/ Navajo Ex. 292, Indians in Arizona, April 18, 1863.

6113/ Navajo Ex. 307, Carson to Cutler, Dec. 6, 1863; Navajo Ex. 578, ibid.; Def. Ex. R-170, ibid.

6114/ Navajo Ex. 360, Ward to Steck, April 21, 1865; Donaldson, supra note 6083.

Year	Population	Comments
1865	2,500 6115/	
1865	3,000	"supposed" 6116/
1866	2,500 6117/	
1869	4,000 - 5,000 6118/	
1869	4,000	"about" 6119/
1869	1,505	census 6120/
1871	1,604	census 6121/
1873	1,663	census 6122/
1882	2,000 6123/	

6115/ Navajo Ex. 359, Steck to Dole, April 21, 1865.

6116/ Hopi Ex. 38, Leihy to Cooley, Sept. 27, 1865.

6117/ Navajo Ex. 397, Population Table, Oct. 22, 1866.

6118/ Navajo Ex. 416, Jones to Marcy, July 21, 1869; Def. Ex. G-37, Report of the Commissioner of Indian Affairs to the Secretary of the Interior for 1869, pp. 214-25.

6119/ Id. at 90-91.

6120/ Id. for 1870, at 133.

6121/ Navajo Ex. 434, Crothers to Clum, Nov. 15, 1871, p. 2.

6122/ Navajo Ex. 438, Vandever to Delano, Sept. 25, 1873, p. 1.

6123/ Navajo Ex. 735, Inspector Howard's Report on Navajo Agency, Oct. 25, 1882; Navajo Ex. 722, Centerwall, Survey of Boundary, District 6, Hopi Indian Reservation, July 22, 1942; Hopi Ex. 56, ibid.

Year	Population	Comments
1882	1,813	"last report" 6124/
1890	2,000 6125/	
1904	1,878 6126/	
1910	2,009	census 6127/
1912	2,272	census 6128/
1923	2,336 6129/	
1930	2,752	census 6130/
1930	2,600	"about" 6131/
1930	2,848	"last census" 6132/
1937	3,248 6133/	

6124/ Navajo Ex. 738, Commissioner of Indian Affairs to Secretary of Interior, Dec. 13, 1882; Def. Ex. G-244, Draft of Moqui Reservation Executive Order, Dec. 13, 1882.

6125/ Colton, The Rise and Fall..., supra note 6075, at 341, Table IV.

6126/ Hodge, supra note 6088; Swanton, supra note 6089, at 353.

6127/ Ibid.

6128/ Def. Ex. E-535, Gregory, The Navajo Country: A Geographic and Hydrographic Reconnaissance of Parts of Arizona, New Mexico and Utah, pp. 76-77.

6129/ Swanton, supra note 6089, at 353.

6130/ Ibid.

6131/ Navajo Ex. 723-K, Hutton to Commissioner of Indian Affairs, enclosing H. J. Hagerman Report with Miller Recommendation, July 12, 1930.

6132/ Navajo Ex. 723-M, H. J. Hagerman Report, Jan. 1, 1932.

6133/ Swanton, supra note 6089, at 353.

3. Spanish Period: To 1821

203. The earliest visit to the Hopis by the Spaniards was by members of Coronado's expedition in 1540. At that time there were seven pueblos.[6134/] These were Kiwakkihu (Kawaiokuh) and Awatovi (Awatobi, Aguatobi); on Jeddito Mesa, Sikyatki and Old Walpi (Walpi No. 1, Kisakovi), on First Mesa, Old Mishongnovi and Old Shungopavi (Shungopavi No. 1), on Second Mesa, and Oraibi on Third Mesa.[6135/] Kawaiokuh was destroyed in 1540,[6136/] and Sikyatki was abandoned sometime between 1540 and 1583.[6137/] The next recorded visit to Hopi was by Antonio de Espejo in 1583. At that time only five

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6134/ Hopi Ex. 6, Hammond & Rey, Narratives of the Coronado Expedition, 1540-1542; Navajo Ex. 28, Hodge, Hammond & Rey, Fray Alonso de Benavides' Revised Memorial of 1634, pp. 1-2; Navajo Ex. 524, ibid.; Hopi Ex. 11, ibid.; Acoma-Laguna Ex. 526, ibid.; Def. Ex. E-121, ibid.; Def. Ex. S-619, ibid.; Def. Ex. S-644, ibid.; Hopi Ex. 18, Bandelier, Final Report of Investigations Among the Indians of the Southwestern United States, p. 2; Def. Ex. E-2, ibid.; Def. Ex. 47, Docket 91 (Havasupai), ibid.; Eggan, Tr. 7173.

6135/ Bartlett, supra note 6086, at 55; Def. Ex. G-147, Bartlett, How Don Pedro De Tovar Discovered the Hopi and Don Garcia Lopez De Cardenas Saw the Grand Canyon With Notes Upon Their Probable Route, p. 38, n. 1; Colton, The Rise and Fall..., supra note 6075.

6136/ Hammond & Rey, supra note 6084, at 1; Bartlett, supra note 6086, at 56.

6137/ Ibid.

pueblos were occupied.[6138] These were Awatobi,[6139] Walpi,[6140] Comupavi,[6141] Mishongnovi,[6142] and Oraibi.[6143] There were also many Indians called Corechos (Querechos) in the Hopi area at the time of Espejo's visit.[6144] At the time Juan de Oñate, the colonizer of New Mexico, visited Hopi in 1598, he recorded only four pueblos, but listed five chiefs of pueblos.[6145] Onate again visited Hopi in 1604-1605 and found five pueblos.[6146]

204. In 1629, the Spaniards established missions or chapels (visitas at five Hopi towns: Awatobi, Shungopovi No. 2, Oraibi,

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6138/ Ibid.; Hammond & Rey, supra note 6084, at 1-4; Hodge, Hammond & Rey, supra note 6134, p. 2.

6139/ Hammond & Rey, supra note 6084, at 1, n. 102.

6140/ Id. at 3.

6141/ Id. at 4. This would be Shungopovi.

6142/ Id. at 4, n. 117.

6143/ Id. at 4, n. 118.

6144/ Def. Ex. S-624, Hammond & Rey, Expedition into New Mexico Made by Antonio de Espejo, 1582-1583, pp. 96-97.

6145/ Hopi Ex. 10, Hammond & Rey, Don Juan de Oñate, Colonizer of New Mexico, 1595-1628, pp. 2-3; Def. Ex. S-641, ibid.; Hodge, Hammond & Rey, supra note 223, at 3.

6146/ Hammond & Rey, supra note 6145, at 1; Bartlett, supra note 6086, at 56.

Mishongnovi, and Walpi No. 2.[6147] Also in 1629 the neighbors of the Hopis were Apaches, who lived in the nearby valleys and neighboring forests, and with whom the Hopis were at peace.[6148] During the mission period, prior to the Pueblo Revolt of 1680, the Hopis learned to raise livestock and ceased mining the local coal for fuel.[6149] The only pueblos mentioned in the records of the mission period are Awatobi, Oraibi, Shongopovi (Shungopovi), Mishongnovi, and Walpi.[6150]

205. "Heathen enemies" of the Spaniards populated the country between Santa Fe and Hopi and Aguico (Hawikuh, near present Zuñi) and Awatobi in 1664.[6151]

206. In the Pueblo Revolt of 1680 the Hopis killed their missionaries and freed themselves from Spanish rule.[6152] The Hopi pueblos at that time were Ahuatovi (Awatobi), Shongopovi (Shungopovi), Mishongnovi, Oraibi, and Walpi.[6153] The reconquest by de Vargas in

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6147/ Hodge, Hammond & Rey, supra note 6134, at 3; Bartlett, supra note 6086, at 56.

6148/ Brew, Montgomery & Smith, supra note 6072, at 9. See also Finding 2, Identification of Navajos.

6149/ Def. Ex. E-555, Thompson & Joseph, The Hopi Way, p. 24; Hack, supra note 6077.

6150/ Hodge, Hammond & Rey, supra note 6134, at 3.

6151/ Brew, Montgomery & Smith, supra note 6072, at 16.

6152/ Bartlett, supra note 6086, at 56; Eggan, Tr. 7174-75.

6153/ Hodge, Hammond & Rey, supra note 6134, at 4.

1692 received nominal submission from the Hopis, in spite of warnings from the Navajos.[6154/] During this period, probably between 1692 and 1700, refugees from the Rio Grande Pueblos founded three new pueblos in Hopi country -- Hano, on First Mesa,[6155/] Payupki, on Second Mesa,[6156/] and Teakwina, near Awatobi -- the last occupied only a short time.[6157/] At about the same time, the Hopi pueblos situated at the bases of the mesas were moved to locations on top of the mesas.[6158/]

207. In 1700 or 1701 the people of Awatobi allowed missionaries to return and the other Hopi towns, because of this, attacked Awatobi and destroyed it.[6159/] Survivors of the attack were taken as prisoners

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6154/ Bartlett, supra note 6086, at 57; Def. Ex. G-200, Reeve, Navajo-Spanish Wars 1680-1720, pp. 208-09; Def. Ex. S-518, Excerpt from Documentos Para La Historia de Mexico, p. 184; Brew, Montgomery & Smith, supra note 6072, at 20; Eggan, Tr. 7175.

6155/ Hodge, Hammond & Rey, supra note 6134, at 4; Def. Ex. E-563, Dozier, The Role of the Hopi-Tewa Migration Legend in Reinforcing Cultural Patterns and Prescribing Social Behaviour; Eggan, Tr. 7175.

6156/ Bartlett, supra note 6086, at 56.

6157/ Navajo Ex. 662, Fewkes, Tusayan Migration Traditions.

6158/ Bartlett, supra note 6086, at 56; Brew, Montgomery & Smith, supra noce 6072, at 20.

6159/ Hodge, Hammond & Rey, supra note 6134, at 4; Bandelier, supra note 6134, at 2-3, n. 4; Thomas, supra note 6091; Bartlett, supra note 6086, at 57; Brew, Montgomery & Smith, supra note 6072, at 20-24; Eggan, Tr. 7175-76.

to the other Hopi villages,[6160] or fled to the Navajos as refugees, an event still remembered in Navajo clan origin traditions.[6161] In 1701 Governor Cubero attacked the Hopis to punish them for the attack on Awatobi, but had little success.[6162]

208. In 1706 the Hopis attacked the Zuñis and a campaign sent against them attacked the Hopi Pueblo of Payupki.[6163] In 1707, the Spaniards attempted to make peace with the Hopis.[6164] As of April 1, 1708, there was continuous warfare between the Hopis and the Navajos.[6165]

209. The Spanish conducted an expedition against the Hopis in the fall of 1716, destroying some crops and killing a few Hopis,[6166] and in 1718 some Tiguas (Tiwas) who had been refugees at Hopi

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6160/ Bartlett, supra note 6086, at 57; Eggan, Tr. 7175.

6161/ Brugge, Tr. 6425-26.

6162/ Thomas, supra note 6091; Brew, Montgomery & Smith, supra note 6072, at 24.

6163/ Hopi Ex. 21, Twitchell, The Spanish Archives of New Mexico, pp. 7-8; Havasupai Ex. 30, ibid.; Def. Ex. 35, Dockets 266 & 227 (Acoma-Laguna) ibid.; Def. Ex. R-13, ibid.; Bartlett, supra note 6086, at 57.

6164/ Twitchell, supra note 6163, at 8.

6165/ Reeve, supra note 6154, at 224, n. 53. It is likely that the refugees from Awatobi who were among the Navajos had stimulated this war to avenge the destruction of their pueblo.

6166/ Twitchell, supra note 6163, at 8-9; Brew, Montgomery & Smith, supra note 161, at 25-26.

resettled Isleta Pueblo in the Rio Grande Valley.[6167] In December 1718 a Tano Indian in the Rio Grande Valley requested permission from the Spanish to visit the Tanos at Hopi.[6168] In 1719 Spanish officials gave directions not to wage offensive war against the Hopis.[6169] In 1724 two missionaries visited Hopi and preached to the Hopis, but made no converts.[6170] In 1728 a Spaniard made a trip with some Hopis.[6171]

210. During the period from about 1740 to 1760 the Hopis occupied six pueblos.[6172] About 1742 the refugee Pueblo of Payupki was abandoned and 441 inhabitants returned to the Rio Grande.[6173] In 1745 the Hopis occupied six pueblos.[6174] In 1745, during a civil war among the Hopis, another 500 Rio Grande refugees and their

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6167/ Twitchell, supra note 6163, at 17.

6168/ Id. at 9.

6169/ Ibid.

6170/ Brew, Montgomery & Smith, supra note 6072, at 26.

6171/ Twitchell, supra note 6163, at 9.

6172/ Navajo Ex. 298, Carson to Cutler, Aug. 19, 1863; Hopi Ex. 35, ibid.; Def. Ex. R-166, ibid.

6173/ Twitchell, supra note 6163, at 1-2, 4, 9-15; Bartlett, supra note 6086, at 58; Brew, Montgomery & Smith, supra note 6072, at 29-30; Eggan, Tr. 7176.

6174/ Kelly, supra note 6090, at 49.

descendants returned to the Rio Grande and to Spanish rule.[6175/] In 1747 more refugees returned to the Rio Grande, and Sandia Pueblo was resettled in 1748.[6176/] By 1760 civil wars among the Hopis had reduced the number of occupied pueblos to five.[6177/]

211. In 1775 Hopi was visited by Father Escalante, travelling from the east. At that time the Hopis occupied seven pueblos, situated on their three mesas. These were Jano (Hano), Sichomovi, and Gualpi (Walpi on First Mesa), Mossasnabi (Mishongnovi) Xipaolavi (Shipaulovi) and Xongopabi (Shungopovi), on Second Mesa, and Oraibe (Oraibi) on Third Mesa.[6178/]

212. In June and July 1776 Father Garces visited Hopi, travelling from the west. He visited a Havasupai rancheria and farm after crossing the Little Colorado River and before arriving at Moencopi, apparently at Willow Springs. At Moencopi he found a half-ruined pueblo and fields cultivated by Hopis who lived at Oraibi. The Hopis pastured their horses six leagues (about 15 miles) east of

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6175/ Brew, Montgomery & Smith, supra note 6072, at 31-32.

6176/ Id. at 33-34.

6177/ Id. at 34.

6178/ Hopi Ex. 23-A, Adams & Chavez, The Missions of New Mexico, 1776, pp. 2, 9; Thomas, supra note 6091, at 22, 150-51; Bartlett, supra note 6086, at 58; Brew, Montgomery & Smith, supra note 6072, at 34-35.

Moencopi.[6179/]

213. In the fall of the same year Father Escalante visited Hopi, following a similar route. He also recorded Havasupais on the east side of the Little Colorado River, including the farm and rancheria near Willow Springs, but the harvest had been gathered and no one was there.[6180/] Livestock was grazing in the area between Willow Springs and Oraibi. The cattle and horses west of Hopi were wild animals and strays.[6181/] Escalante's party communicated with the Hopis in the Navajo language both at Oraibi and on

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6179/ Colton, Report on Hopi Boundary, supra note 6071, p. 1; Navajo Ex. 658, Steward, Culture Element Distributions: XVIII Ute-Southern Paiute, p. 235; Navajo Ex. 686, ibid.; Def. Ex. G-17, ibid.; Def. Ex. E-189, ibid.; Hopi Archaeological Report, supra, note 6075, at 112; Hopi Ex. 22, Coues, On the Trail of a Spanish Pioneer: The Diary and Itinerary of Francisco Garcés, pp. 347, 356-57; Havasupai Ex. 37, ibid.; Def. Ex. 15-A & 15-B, Docket 91 (Havasupai), ibid.; cited in Havasupai Ex. 24, Euler, Havasupai Historical Data, p. 5; Euler, Tr. 471-73.

6180/ Navajo Ex. 525, Hackett, Historical Documents Relating to New Mexico, Nueva Vizcaya and Approaches Thereto, to 1773, p. 264; Hopi Ex. 20, ibid.; Havasupai Ex. 27, ibid.; Def. Ex. E-21, ibid.; Def. Ex. S-594, ibid.; Def. Ex. S-637, ibid.; Euler, supra note 6179, at 4-5; Havasupai Ex. 28, Bloom & Mitchell, The Chapter Elections of 1672, p. 117; Def. Ex. S-58, Dockets 30 & 48 (Fort Sill & Chiricahua Apaches), ibid.; Hopi Ex. 23-B, Adams & Chavez, The Missions of New Mexico, 1776, p. 10; Hopi Ex. 24, Bolton, Pageant in the Wilderness, pp. 121-122, 228-29, 231, map; Havasupai Exs. 36 & 39, ibid.; Def. Ex. 13, Docket 91 (Havasupai), ibid.; Def. Ex. G-26, ibid.; Def. Ex. R-5, ibid.

6181/ Id. at 231-33; Havasupai Ex. 43, Auerbach, Father Escalante's Journal With Related Documents and Maps, p. 17; Def. Ex. E-1, ibid.; Def. Ex. 14, Docket 91 (Havasupai), ibid.

Second Mesa.[6182/] At that time the Hopis occupied six pueblos, which were Oraybi (Oraibi), Xongopabi (Shungopovi), Xipaolabi (Shipaulovi), Mossonganabi (Mishongnovi), Gualpi (Walpi),[6183/] and the Pueblo of the Tanos (Hano).[6184/] At this time the Hopis were at war with the Paiutes,[6185/] the Navajos,[6186/] and the Utes.[6187/]

214. In 1779 war between the Navajos and Hopis continued.[6188/] At that time the Hopis, if the Tanos are included, occupied eight pueblos: Oraibe (Oraibi), Taucos (?), Moszasnavi (Mishongnovi), Guipaulavi (Shipaulovi), Xougopavi (Shungopovi), Gualpi (Walpi), an un-named town (location corresponding to Sichomovi, however), and

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6182/ Bolton, supra note 6180, at 123, 232-34.

6183/ Id. at 233.

6184/ Id. at 235.

6185/ Id. at 228.

6186/ Id. at 123, 235-36; Adams & Chavez, supra note 6180, at 10; Def. Ex. E-40, Reeve, Navaho-Spanish Diplomacy, 1770-1790, p. 210, n. 28; Def. Ex. G-236, ibid.; Def. Ex. S-652, ibid.

6187/ Adams & Chavez, supra note 6180, at 10; Reeve, supra note 6186, at 210, n. 28; Bartlett, supra note 6086, at 59. The Yutas mentioned by Escalante as neighbors of the Hopis on the north and as enemies of them might have been either present-day Utes or Paiutes, as Escalante referred to all Utes and Paiutes as Yutas. Hopi tradition that farms at Burnt Corn were abandoned by raids of Utes and Navajos united may refer to this period.

6188/ Brew, Montgomery & Smith, supra note 6072, at 37; Minge, Tr. 147, Dockets 266 & 227 (Acoma-Laguna).

Tanos (Hano).[6189]

215. In March a priest visited Hopi and brought 77 Hopis back to the Rio Grande Valley and to Spanish rule.[6190] In September 1780, encouraged by reports that drought and warfare had debilitated the Hopis, Governor de Anza led another Spanish expedition to Hopi.[6191] He was informed that 40 families who had been prepared to return with him to the Rio Grande had gone to the Navajos, who had killed the men and enslaved the women and children.[6192]

216. According to later Hopi tradition these people were Tanos, or Tewas, who went to live among the Navajos at Canyon de Chelly to escape the drought, staying so long and inter-marrying so much with the Navajos that they forgot their native language, although some ultimately returned to Walpi, others staying among

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6189/ Whipple & Ives, supra, note 6101, at 121-22.

6190/ Reeve, supra, note 6186, at 215-16.

6191/ Id. at 216; Brew, Montgomery & Smith, supra note 6072, at 36-37.

6192/ Id. at 40; Reeve, supra, note 6186, at 216. Reeve comments that "this horrendous tale is hard to believe." Reeve, supra, note 6186, at 216. Brew gives substantial data to show that the Hopis were not entirely truthful in their dealings with de Anza (Brew, Montgomery & Smith, supra, note 6072, at 37-39), and it is quite likely that this tale was not entirely true. See note 6195, infra.

the Navajos, founding a Navajo clan.[6193/]

217. De Anza brought 200 Hopis, or possibly Rio Grande pueblоans, back to New Mexico, but had no success in extending Spanish rule over the Hopis as a tribe.[6194/]

> On Saturday, September 23, 1780, he /de Anza/ visited Oraibi and the cacique there treated him to a splendid display of the extravagant type of doleful complaint which is characteristic of Hopis in administrative conferences today. His people were being exterminated, he himself was dying, and accordingly, as he saw of his little nation the greater part of them in the state of heathenism, he had resolved to die in the same manner with those who remained with him, "except those who may be pleased to follow me to become Christians." On his part neither in the present nor in the future would they be impeded; that with regard to the opening of trade he esteemed that very greatly of me and that they would enjoy coming and carrying it on in our country, if some day they succeeded in reestablishing themselves well; that he held it impossible because of the extermination of his nation and so much of their goods which they suffered because of lack of rains and pastures in addition to continuous war which the Utes and Navajos made on them. Of these he complained to me bitterly. For this reason I offered to mediate with both nations. However, the perversity of this nation is. . .so great that he requested I refrain from that because he was firmly resolved to die at the hands of his enemies.' To the experienced official of the United States Bureau of Indian Affairs or to any other veteran of Hopi conferences and confidences this has a familiar ring. The dire predictions, the

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6193/ Fewkes, supra, note 6157; Navajo Ex. 625, Navajo Ex. 864, Mindeleff, A Study of Pueblo Architecture, Tusayan and Cibola, p. 30; Def. Ex. E-36, ibid.; Navajo Ex. 864, Stephen, Hopi Journal; Def. Ex. E-45, ibid.; Def. Ex. E-571, ibid.; Def. Ex. E-531, Fewkes, Hopi Ceremonial Frames from Canon de Chelly.

6194/ Brew, Montgomery & Smith, supra, note 6072, at 39-40.

> depredations of the Navajo can still be heard by all who will stop to listen; the only standard item missing from Anza's interview with the old man at Oraibi is the usual complaint about lack of responsibility and general misconduct on the part of the young men. And the Indian Bureau men, although some of them might not appreciate all the cultural and psychological nuances in it, would be better able to evaluate this interview than was Anza. 6195/

The Hopis told de Anza that they would go and live among the Spaniards if their misfortunes continued. 6196/ Nonetheless, in 1781, the Hopis refused to leave their country because they were suffering a small-pox epidemic. 6197/ War with the Navajos also continued.

218. In January 1782 the Governor of New Mexico was ordered to treat the Hopis gently. 6198/ In 1794 most of the 851 inhabitants of Abiquiu were Hopis who had been purchased by the Spaniards. 6199/

219. In 1800 seven Hopi pueblos were occupied. They were Oraibi, Shungopovi, Shipaulovi, Mishongnovi, Walpi, Sichomovi, and Tewa (Hano). 6200/ In May 1800 the Navajos gave a Hopi captive to

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6195/ Id. at 39.

6196/ Id. at 40; Thomas, supra note 6091, at 12 of Hopi Ex. 25e.

6197/ Id. at 10-11.

6198/ Twitchell, supra note 6163, at 17.

6199/ Id. at 16. The data in evidence do not indicate who sold the Hopis to the Spaniards.

6200/ Hopi Ex. 4-C, Chart: Dates of Sites Determined by Pottery and Tree-Rings.

the Spaniards as partial payment for damages done in a war.[6201/] Also about 1800 the Hopis began to manufacture the pottery type known as Polacca Polychrome.[6202/] In January 1805 the Spaniards attacked the Navajos at Canyon de Chelly. Among the prisoners taken by them was one Hopi Indian.[6203/]

220. In 1819 the Hopis occupied six pueblos.[6204/] In February 1819 the Hopis requested aid from the Spanish against Navajos who had settled two leagues (about five miles) from their pueblo and who were also at Ojo de la Vaca (near Low Mountain).[6205/]

221. The Spaniards again hoped that they could convert the Hopis and bring them under Spanish rule,[6206/] and at the end of their war with the Navajos the Spaniards included a clause in their treaty with the Navajos taking the Hopis under the protection of the

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6201/ Acoma-Laguna Jt. Ex. 530, Jenkins & Minge, Record of Navajo Activities Affecting the Acoma-Laguna Area, 1746-1910, p. 17.

6202/ Brugge, Tr. 6670-71.

6203/ Brugge, supra note 6097, at 6; Def. Ex. S-535, Narbona to Chacon, Jan. 24, 1805. Chronological considerations suggest that this Hopi was one of those who had gone to join the Navajos in 1780. See note 6192, supra.

6204/ Navajo Ex. 769-A, Series of Letters, Dating from March 18, 1819 to April 13, 1819.

6205/ Ibid.; Navajo Ex. 778, Chavez, Archives of the Archdiocese of Santa Fe 1678-1900, p. 82; Twitchell, supra note 6163, at 21; Brew, Montgomery & Smith, supra note 6072, at 40. For location of Ojo de la Vaca (or Baca) see Brugge, supra note 6097, at 34.

6206/ Series of Letters..., supra note 6204; Chavez, supra note 6204, p. 82.

Spanish king.[6207]

222. In August 1820 the war captain and nine other Santa Clara Indians were given a permit by the governor of New Mexico to visit Hopi.[6208] In July 1823 the Hopis occupied six pueblos, the last one to the west being Oraibi.[6209] That summer a Mexican campaign against the Navajos operated from Hopi, having its base camp near First Mesa. Although Hopi guides promised to lead the Mexicans to Navajos, they consistently failed and the Mexicans found Navajos only by their own efforts. In addition, the Hopis aided the Navajos by concealing Navajo stock within their own herds.[6210]

223. Djasjini, a Hopi, was a boy at the time of the meteorite shower of 1833,[6211] and at that time Navajos lived on the mesas all around the Hopi villages. The Navajos and Hopis were friends and Navajos came to the Hopi villages every day. Djasjini learned to

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6207/ Navajo Exs. 889 & 889-A, Treaty of October 27, 1819, p. 1129, and Translation, p. 2.

6208/ Twitchell, supra note 6163, at 21.

6209/ Brugge, supra note 6097, at 35.

6210/ Id. at 34-44.

6211/ Navajo Ex. 623, Meteor, Encyclopedia Britannica, Vol. 15, p. 138; Navajo Ex. 651, Howard, Dakota Winter Counts as a Source of Plains History, p. 371; Navajo Ex. 652, Russell, The Pima Indian, pp. 35, 38; Navajo Ex. 684, Gifford, Culture Element Distributions: XII Apache-Pueblo, p. 2; Havasupai Ex. 172, ibid.; Def. Ex. E-161, ibid.; Def. Ex. G-204, ibid.

speak Navajo well from being among them so much. Djasjini had long been a full-grown man when he guided Ives' party in 1858.[6212/]

224. In 1834 a party of Anglo-American trappers of the Rocky Mountain Fur Company visited Hopi and took what they wanted from the Hopi gardens, shooting 15 or 20 Indians when the Hopis protested.[6213/] Between 1835 and 1840 the Navajos attacked Oraibi with a large force to avenge the killing of two Navajos there and the Oraibis suffered a severe defeat.[6214/] In about the same period Paiutes destroyed a Hopi settlement at Moencopi.[6215/]

4. American Period

225. During the period from 1846 to 1864-65 the Hopis remained close to their villages in the traditional manner of Hopi occupation, working primarily as dry land farmers on tracts lying just below the mesas on which they lived.[6216/] During the period 1848 to 1868

6212/ Stephen, supra note 6193, at 1016-17.

6213/ Hopi Ex. 28, Bartlett, Hopi History, No. 2, The Navajo Wars, 1823-1870, p. 2; Hopi Ex. 29, Victor, The River of the West; Eggan, Tr. 7179.

6214/ Stephen, supra note 6193, at 1002, n. 1, dates event 1840; Havasupai Ex. 122, Van Valkenburgh, A Short History of the Navajo People, p. 7, dates event 1837; Def. Ex. G-205, ibid.; Def. Ex. E-119, Hill, Navajo Warfare, pp. 4-6, dates event 1850; Sandoval, Tr. 3041, dates event 1835.

6215/ Colton, Report on Hopi Boundary, supra note 6071, at 1.

6216/ Kluckhohn, Tr. 938.

the Hopis continued in this manner, living in their villages,[6217/] owning and controlling the land immediately adjacent.[6218/] At the time of the Hopis' first relations with the United States, they claimed only a small area.[6219/]

226. By September 1849 the Hopis lived in "but three" pueblos (probably referring to the three mesas rather than to the number of pueblos) and had previously had a greater number of pueblos. They previously had fought a defensive war against the Navajos, using bows and arrows.[6220/] In October 1849 the Hopis occupied seven pueblos, six having one language and the seventh another language.[6221/] The pueblos were Oriva (Oraibi), Somonpavi (Shungopovi), Juparavi (Shipaulovi), Mansana (Mishongnovi), Opquivi (Walpi), Chemovi (Sichomovi), and Tanoquevi (Hano).[6222/]

227. In the 1850's the Hopis did not visit far from their

6217/ Eggan, Tr. 7343; Kluckhohn, Tr. 956.

6218/ Id. at 833.

6219/ Def. Ex. G-239, Royce, Indian Land Cessions in the United States, pp. 922-23, map 3.

6220/ Navajo Ex. 50, Report of Lieutenant J. H. Simpson of an Expedition into the Navajo Country in 1849, p. 108 and note; Acoma-Laguna Jt. Ex. 512, ibid.; Def. Ex. G-4, ibid.; Def. Ex. R-182, ibid.

6221/ Def. Ex. G-28, House of Representatives, Ex. Doc. No. 17; Abel, supra note 187.

6222/ Navajo Ex. 57, Calhoun to Brown, Oct. 12, 1850; Def. Ex. G-29, ibid.; Def. Ex. S-608, ibid.

mesas and their fields were in the vicinity of the mesas.[6223/] One Hopi was born at Keams Canyon about 1850.[6224/] In April 1851 the Hopis were friendly with the Navajos and they attempted to learn from the Zuñis the plans of the United States concerning the Navajos.[6225/] In May 1851 the Navajos came daily to the Hopi pueblos to trade.[6226/] In August 1851 the Navajos and Hopis were at peace, but the Hopis complained to Governor Calhoun of Navajo robberies.[6227/]

228. In March 1852 the Hopis had no cattle. Navajos at Hopi gave visiting Anglo-Americans information concerning the San Francisco Peaks area.[6228/] At that time the Hopis occupied only seven pueblos. The number of sheep they had was small in ratio to the population.[6229/] Their population was decreasing. Hopi gardens and orchards were located up to ten miles east of First Mesa.[6230/]

6223/ Correll, Tr. 4241-43.

6224/ Navajo Ex. 908-A, Death Certificate of Dewa Bison; Navajo Ex. 1176-B, Graph, Temporal Distribution Summary of Hopi Births, 1868 or Before, p. 17.

6225/ Navajo Ex. 66, Chandler to McLaws, April 24, 1851.

6226/ Navajo Ex. 72, Dodge to Munroe, May 12, 1851.

6227/ Hopi Ex. 30, Calhoun to Lea, Aug. 31, 1851; Def. Ex. G-29, ibid.

6228/ Def. Ex. S-656, Schoolcraft, Information Respecting the History, Conditions, and Prospects of the Indian Tribes of the United States, Vol. 6, p. 82.

6229/ Navajo Ex. 82, Schroeder to Backus, April 11, 1852, p. 2.

6230/ Id. at 1-2.

In September 1852 the Ute Chief, Walker, was contemplating a trip to Hopi to trade for horses.[6231/]

229. In November 1853 the Hopis still occupied only seven pueblos.[6232/] In December 1853 they suffered a small-pox epidemic and hundreds died.[6233/] In 1853 the Hopis lived on their mesa tops in the vicinity of their fields.[6234/] A few years prior to 1853 Mexicans and Hopis united to attack the Yavapais to steal children for slaves, but were driven back by the Yavapais.[6235/]

230. By February 6, 1854, hostilities between Navajos and Hopis had again broken out, resulting in the death of one Navajo and five Hopis.[6236/] Prior to 1855 the Hopis were confining their land occupancy for both agricultural and grazing purposes to a comparatively limited area surrounding the Hopi Mesas.[6237/] In

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6231/ Def. Ex. R-155, Young to Lea, Sept. 29, 1852.

6232/ Navajo Ex. 107, Pratt to Editor, Deseret News, Salt Lake City, Nov. 21, 1853.

6233/ Def. Ex. G-9, Whipple, Report of Explorations for a Railway Route...from the Mississippi River to the Pacific Ocean, p. 23.

6234/ Whipple & Ives, supra note 6101, at 13.

6235/ Id. at 76.

6236/ Navajo Ex. 821, Kendrick to Meriwether, Feb. 6, 1854.

6237/ Navajo Ex. 723-M, H. J. Hagerman Report, Jan. 1, 1932.

1855-1856, the Hopis suffered another small-pox epidemic.[6238/] In February 1856 Kendrick planned to distribute tools to the Hopis in March or April of that year.[6239/] By June 12th this distribution had taken place. The Hopis were still living in their seven pueblos on the three mesas and complained of a decreasing population and troubles with the Navajos.[6240/]

231. Meriwether's map of December 1856 shows the Hopis as possessing only a limited amount of land around their pueblos.[6241/] In 1857 the Hopis still occupied their seven pueblos,[6242/] and a map dated 1857 again showed the Hopis clustered in a few pueblos within a limited territory.[6243/] In January 1857 the Hopis continued to occupy seven pueblos.[6244/] Navajos and Comanches had taken a great

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6238/ Def. Ex. G-38, Report of the Commissioner of Indian Affairs to the Secretary of the Interior for 1870, p. 135.

6239/ Navajo Ex 139, Kendrick to Dodge, Feb. 6, 1856.

6240/ Navajo Ex. 148, Kendrick to Meriwether, June 12, 1856.

6241/ Navajo Ex. 507, Meriwether, A Map Showing the Indian Country in the New Mexico Superintendency. See also Navajo Ex. 157, Meriwether to Manypenny, Dec. 30, 1856, and Def. Ex. G-82, ibid., which state that the area enclosed does not represent an attempt to depict their exact boundaries.

6242/ Navajo Ex. 713-B, Clyde Kluckhohn's Bibliography, p. 31.

6243/ Hopi Ex. 62, Map, Col. B. L. E. Bonneville, 1857; Def. Ex. G-21, ibid.

6244/ Navajo Ex. 158, Kendrick to Meriwether, Jan. 25, 1857.

deal of stock from Mishongnovi in 1857.[6245/]

232. In May 1858 the Hopis occupied seven pueblos on three mesas. These pueblos were Oraybe (Oraibi), Shung-o-pay-wee (Shungopovi), Sha-pau-lah-wee (Shipaulovi), Moo-sha-neh (Mishongnovi), Hual-pee (Walpi), See-cho-mah-wee (Sichomovi), and Tegua (Hano).[6246/] They had farms at "Oraybe Gardens," about the location of present-day Hotevilla.[6247/]

233. While there were occasional conflicts such as one near Oraibi arising from the near occupancy of Navajos, especially as the Hopis increased their grazing of stock,[6248/] in addition to dryland farming, nonetheless, Navajos were visiting Hopi to trade in May 1858,[6249/] and in September the Hopis were divided on whether to ally themselves with the Navajos. Those opposing this policy, due to fear of the others, sent a representative to Zuni to learn whether they might seek protection there.[6250/] The Government however,

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6245/ Def. Ex. G-42, Ives, Report Upon the Colorado River of the West, p. 122.

6246/ Id. at map.

6247/ Id. at 125 and map. See Hopi Ex. 41, Journal of Walter Clement Powell, p. 2, for identification of Oraibi Garden as "Hotevilla."

6248/ Ives, supra note 6245, at 124-25.

6249/ Id. at 127.

6250/ Def. Ex. G-83, Bucknam to Miles, Sept. 9, 1858; Def. Ex. G-83, ibid.

threatened to destroy the Hopis if they joined the Navajos and tried to get them to fight on the side of the Anglo-Americans.[6251/] About 1858 the Hopis corraled their sheep in or near their villages each night.[6252/] In the summer of 1859 the Hopis had no horses.[6253/] In October 1859 the Hopis were reported as living in three villages, probably a reference to the three mesas upon which their pueblos were located.[6254/]

234. In 1861 the Hopis occupied seven pueblos and were attacked and robbed by the Navajos.[6255/] In March 1861 a deputation of 88 Hopis visited Fort Defiance to learn whether peace had been made with the Navajos by the Anglo-Americans. They were informed of the conditions of the treaty of February 18, 1861, that they were included in its provisions and that any infractions on their part would be followed by prompt punishment.[6256/] About 1861 one Hopi was born

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6251/ Navajo Ex. 183, Miles to Bucknam, Oct. 15, 1858.

6252/ Navajo Ex. 529, Little, Jacob Hamblin; Havasupai Ex. 53, ibid.; Def. Ex. S-648, ibid.; Def. Ex. R-8, ibid.; Def. Ex. 48, Docket 91 (Havasupai), ibid.

6253/ Navajo Ex. 224, Shepherd to Edson, Aug. 7, 1859; Def. Ex. R-70, ibid.; Def. Ex. G-59, ibid.

6254/ Navajo Ex. 238, Kendrick to Greenwood, Oct. 4, 1859.

6255/ Navajo Ex. 360, Ward to Steck, April 21, 1865.

6256/ Navajo Ex. 275, Canby to Assistant Adjutant General, March 18, 1861.

at Moencopi.[6257/]

235. In January 1863 the Hopis lived in six or seven pueblos. They had recently lost many of their flocks of sheep and goats to the Navajos and feared Navajo attacks.[6258/] In February 1863 a delegation of Hopis visited Salt Lake City and received presents from the Indian superintendent there. In April 1863 the Hopis lived in seven pueblos.[6259/]

236. Long before the Navajo war, commencing in the late 1850's, both Navajos and Hopis farmed the lands in the Moencopi Wash, both above and below the present Pueblo of Moencopi and where Tuba City now stands.[6260/]

237. On August 7, 1863, United States troops under Colonel Carson encountered five Hopis between Hopi and Zuni, who were transporting two burro-loads of articles of Indian manufacture.[6261/]

6257/ Navajo Exs. 1155 and 1163, Death Certificate of Dan Tewayestewa (Dan Tuveyentewa), Graph..., supra note 313, at 18.

6258/ Navajo Ex. 289, Steele to Smith, Jan. 8, 1863.

6259/ Navajo Ex. 292, Indians in Arizona, April 18, 1863.

6260/ Navajo Ex. 594, Williams to Commissioner, May 7, 1898.

6261/ Navajo Ex. 298, Carson to Cutler, Aug. 19, 1863; Hopi Ex. 35, ibid.; Def. Ex. R-166, ibid.; Navajo Ex. 299, Campbell to Carleton, Aug. 21, 1863, p. 1; Navajo Ex. 532, Lindgren, A Diary of Kit Carson's Navajo Campaign, p. 2.

These Hopis were on a trading expedition.[6262/] Later in the same month, when Carson's troops were campaigning against the Navajos in the vicinity of the Hopi villages, many Hopis visited the camp, traded for old clothes, and picked up everything that was thrown away.[6263/]

238. In October 1863 the Hopis had little or no flocks or herds and what little they had was kept on the insecure tenure of forebearance of the Navajos, by whom they were surrounded. Navajo tolerance of the Hopis was due to services rendered the Navajos by the Hopis as herders and spies and the Navajos were continually advised of the movements of troops operating in the vicinity of the Hopis.[6264/]

239. In November 1863 Carson again visited the Hopi pueblos. All of the villages except Oraibi had had a misunderstanding with the Navajos and Carson obtained representatives from all the villages to join him on the war path, so as to involve the Hopis so far in war with the Navajos that they could not retract. Learning that Oraibi had an alliance with the Navajos, Carson had two of their principal men bound and taken along also.[6265/]

6262/ Correll, Tr. 5898.

6263/ Lindgren, *supra* note 351.

6264/ Navajo Ex. 304, Carson to Assistant Adjutant General, Oct. 6, 1863.

6265/ Navajo Ex. 307, Carson to Cutler, Dec. 6, 1863; Navajo Ex. 578, *ibid.*; Def. Ex. R-170, *ibid.*

240. Navajo tradition confirms Carson's reports. Prior to Fort Sumner the Hopis had very little livestock, and they were generally at peace with the Navajos and traded with them.[6266] But trouble arose between them as the Hopis, encouraged by the Government, moved into ownership of stock and this livestock expansion brought them into conflict with the Navajos occupying the areas around the Hopi villages. This resulted in friction. The Hopis were quick to take advantage of the arrest by the Army and removal to captivity at Ft. Sumner of a portion of the Navajo Tribe.[6267] Prior to the Fort Sumner period the Hopis possessed practically no cattle or horses and only a limited number of sheep and donkeys.[6268] While the Navajos were in exile at Fort Sumner, Hopi herds increased appreciably, apparently due to expansion into Navajo grazing areas, for in 1873 they were seeking new lands onto which to expand.[6269]

241. About the time that the Navajos on Gray Mountain first heard of soldiers taking people to Fort Sumner a small party of Hopis

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6266/ A, Tr. 5993; Tsoh, Tr. 5228-29.

6267/ A, Tr. 5293.

6268/ Schoolcraft, *supra* note 6228, p. 82; Schroeder, *supra* note 6229; Hagerman, *supra* note 6237; Shepherd, *supra* note 6253; Carson, *supra* note 6264; Thompson, *infra* note 6276; *Report of the Commissioner...*, *infra* note 6295, at 133-34; Crothers, *infra* note 6302, at 2; Crothers, *infra* note 6306; A, Tr. 5993; Tsoh, Tr. 5228-29.

6269/ Vandever, *infra* note 6313; Mateer, *infra* note 6324.

came to Gray Mountain. The Navajos were holding a fire-dance and there were many Navajos there. The men went out with the bows and arrows and the Hopis hurried back to their towns.[6270/]

242. By April 1864 the Hopis and other Indians, as well as the Spanish-Americans, were so eager to attack Navajos, especially the wealthier ones, that the United States Army had to protect the Navajos from its allies to get them to Fort Sumner.[6271/] By May 1864 Hopis and Spanish-Americans were going out together to attack the Navajos on Gray Mountain.[6272/] Hopis did attack the Navajos on Gray Mountain,[6273/] but also decoyed them to their villages, disarmed them, and threw them off the cliffs.[6274/] The Government supplied the Hopis with guns and ammunition to prosecute this war.[6275/]

243. In September 1864 the Hopis at First Mesa had only three

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6270/ Navajo Ex. 666, Brewer, The "Long Walk" to Bosque Redondo, pp. 56-57; Navajo Ex. 677, ibid.; Def. Ex. E-6, ibid.; Def. Ex. G-202, ibid.

6271/ Navajo Ex. 336, Carey to Assistant Adjutant General, April 29, 1864; Navajo Ex. 581, ibid.

6272/ Navajo Ex. 337, Mansanarez to Steck, May 19, 1864; Navajo Ex. 520-P, Site Reports, W-LLC-C-Y; Navajo Ex. 624, Van Valkenburgh, Notes for Paper on Grandfather Peshlacoi and Hvelte; Yazzi, Tr. 3935.

6273/ Sampson, Tr. 5389; Walker, Tr. 3069.

6274/ Little, supra note 6252; Hopi Ex. 41, Powell, Journal..., p. 19. Powell dates this event as 1866.

6275/ Ibid.

horses, 14 asses, and 285 sheep and goats, for a population of about 300. At Oraibi there were about 600 to 700 inhabitants, who owned about 3,000 or 4,000 sheep and goats.[6276/]

244. About October 1864 a party of Navajos living near the Hopi villages started in the direction of the Rito Quemado.[6277/]

245. Early in 1865 Jacob Hamblin visited Oraibi and learned news of the Navajos.[6278/] In April 1865 the Hopis suffered from famine and some of them - men, women, and children - went 300 miles on foot to New Mexico to obtain food.[6279/] The pueblos occupied by the Hopis at this time were Oraiva (Oraibi), Sho-mon-pa-vi (Shungopovi), Tano (Hano), Ci-cho-mo-oi (Sichomovi), O-pi-ji-que (Walpi), Mi-shan-qu-na-vi (Mishongnovi), and Sha-pan-la-vi (Shipaulovi), all located within an area of about 15 miles.[6280/]

246. In September 1865 the Hopis were not unfriendly to the

6276/ Navajo Ex. 346, Thompson to Abeytia, Sept. 15, 1864.

6277/ Navajo Ex. 535, Eaton to Cutler, Jan. 11, 1865; Def. Ex. R-91, *ibid*.

6278/ Little, *supra* note 6252.

6279/ Navajo Ex. 360, Ward to Steck, April 21, 1865.

6280/ Navajo Ex. 359, Steck to Dole, April 21, 1865.

whites.[6281] In November of that year some Hopis visited Salt Lake in New Mexico.[6282] In November 1865, 32 Hopis joined a party of Spanish-Americans to attack Navajos. The Hopis and Spanish-Americans travelled northward into country which was unknown to them.[6283] The Hopis also allied themselves with the Utes to attack Navajos.[6284]

247. Not long after the Navajo campaign, or during it, an incident occurred which has received a great deal of attention. Ten Hopis went to Fort Defiance to see the soldiers there. They got three burro-loads of clothing, flour, and other things from the soldiers. On the return trip to Hopi, about 12 miles west of Ganado, they were warned by Navajos living there that other Navajos planned to attack them. The Navajos attacked in the early morning, before daylight, killing four of the Hopis and causing the others to flee

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6281/ Hopi Ex. 38, Leihy to Cooley, Sept. 27, 1865. This letter, according to the typed copy placed in evidence by the Hopis, also states, "The Pino and Moencopi Indians living on a reservation still maintain their friendly relations with the whites and are even assisting the military in their operations against the Apaches. The same may be said of the Papajos." None of the Hopi Indians was on a reservation at this time and this is a very obvious error in copying of "Pino," "Moencopi," and "Papajo" for "Pima," "Maricopa," and "Papago."

6282/ Navajo Ex. 376, Montoya to Cutler, Nov. 26, 1865.

6283/ Navajo Ex. 377, Lucero to Carleton, Dec. 14, 1865; Def. Ex. S-671, ibid.; Navajo Ex. 536, Mexicano to Cutler, Dec. 9, 1865.

6284/ Navajo Ex. 520-U, Site Reports, W-LLC-MP-J.

to the villages.[6285/] The first record of this tradition, recorded in November and December 1891 from a Hopi who took part in the event, makes no mention of any special significance for this incident.[6286/] By 1947, however, Hopis were asserting that this place marked a former boundary between the Hopis and the Navajos.[6287/]

248. Sometime between 1865 and 1870, representatives of several tribes, including the Navajos, met at Oraibi and peace was made.[6288/] In January 1866 Manuelito, the Navajo headman, was trading with the Hopis for provisions.[6289/] In 1866-1867 the Hopis suffered a severe small-pox epidemic, brought in by soldiers in a Government military party. The deaths resulting from this disease were so numerous that a large number of Hopis went to Zuñi to escape the pestilence.[6290/]

249. In the fall of 1866 there were no Hopis at Moencopi.[6291/]

6285/ Stephen, supra note 6214 at 1002, 1017-19; Def. Ex. E-548, Nequatewa, Truth of a Hopi; Hopi Ex. 69-L, Hopi Boundary Marker.

6286/ Stephen, supra note 6214, at 1002, 1017-19.

6287/ Nequatewa, supra note 6285, at 52.

6288/ Navajo Ex. 636, Spier, Havasupai Ethnography, pp. 378-79; Havasupai Ex. 7, ibid.; Def. Ex. G-18, ibid.; Def. Ex. E-44, ibid.

6289/ Def. Ex. R-97, Butler to Assistant Adjutant General, Jan. 18, 1866.

6290/ Def. Ex. E-523, Dockstader, The Kachina and the White Man.

6291/ Clyde Kluckhohn Bibliography, supra note 6242, at 142; Brewer, supra note 6270, at 58.

However, one Hopi was born at Moencopi about 1866.[6292/] From records of 491 Hopis born in 1868 or before, only three were born outside of the pueblos on the three mesas.[6293/]

250. In April 1869 it was reported that the Hopis lived in pueblos and went on trading and begging expeditions as far as Zuni and Prescott. Their livestock was plundered by Navajo attacks and occasional Apache raids.[6294/] In June 1869 the Hopis still lived in seven pueblos and nightly drove their sheep and goats up to pens on the top of the cliffs by the side of their own habitations for safety.[6295/]

251. In December 1869 the Hopis occupied seven pueblos, which were Tay-wah (Hano), Se-cho-ma-we (Sichomovi), Jual-pi (Walpi), Me-shung-a-na-we (Mishongnovi), She-powl-a-we (Shipaulovi), Shung-o-pa-we (Shungopovi), and O-ray-be (Oraibi), the easternmost being within 16 miles of the westernmost. The Hopis were exclusively an

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6292/ Navajo Ex. 945, Death Certificate of Mrs. Thomas Holmes; Graph..., supra note 6224, at 18.

6293/ Navajo Exs. 900 through 1176. Vital Statistics Records and Clinical Records for Hopi Indians.

6294/ Navajo Ex. 416, Jones to Marcy, July 21, 1869; Def. Ex. G-171, Report of the Different Indian Tribes in the Territory of Arizona, April 1869. Navajo Ex. 416 states that the Hopis "live in two villages, Mosqui and Oriba," but this is obviously an error.

6295/ Def. Ex. G-37, Report of the Commissioner of Indian Affairs to the Secretary of the Interior for 1869, pp. 90-91, 93.

agricultural people and the land used for their principal crops was situated just below and between their villages. Their livestock holdings consisted of a few sheep and about 100 burros or asses. They had few or no cattle, due to insufficient water. 6296/

252. The same villages were being occupied in January 1870, and Oraibis were not friendly with the other six villages. 6297/ In June 1870 the Hopis lived in seven villages, which were Oraiva (Oraibi), Sha-mon-pa-vi (Shungopovi), Tano (Hano), Cicho-mo-oi (Sichomovi), Opiji-que (Walpi), Mi-shom-gu-na-vi (Mishongnovi), and Sha-pau-la-vi (Shipaulovi). 6298/ In November 1870 Jacob Hamblin, the Mormon missionary, helped a Navajo recover some sheep which had been stolen from him by a Hopi. 6299/

253. In March 1871 the agent in charge of the Hopis distributed goods to them, which the Hopis transported from Fort Wingate to Hopi on 60 of their donkeys. The Oraibis refused to accept any goods. 6300/

6296/ Id. for 1870, at 133-34.

6297/ Navajo Ex. 434, Crothers to Clum, Nov. 15, 1871.

6298/ Def. Ex. S-683, Arny to Parker, Nov. 21, 1870, Report #8 and Journal, p. 29 of Journal.

6299/ Hopi Ex. 39, Darrah, Major Powell Prepares for a Second Expedition, p. 2, n. 11; Little, supra note 341.

6300/ Crothers to Clum, supra note 6297, at 2.

About May 1871 the Hopis killed six Navajos.[6301] In June 1871 the agent distributed more goods. The Oraibis, except for their chief, accepted goods this time.[6302] In August 1871 the Hopis occupied the usual seven villages of Tay-wah (Hano), Se-cho-ma-we (Sichomovi), Jual-pi (Walpi), Me-shung-a-na-we (Mishongnovi), She-powl-a-we (Shipaulovi), Shung-o-pa-we (Shungopovi), and Oreybe (Oraibi).[6303] In November 1871 the entire Hopi Tribe had about 1000 sheep and 100 donkeys. They were deeply attached to their locality, but it had very limited resources, with comparatively no grazing and insufficient water for any quantity of stock.[6304] By November 1871 unfriendly relations between the Hopis and Navajos had been amicably settled through the efforts of the agents for the two tribes.[6305]

254. In 1872 the Hopis consumed their old crop before their new crop was ready for harvest and were compelled to kill a large portion of their sheep to sustain life. They requested that any presents made to them by the Government that year be sheep, a

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6301/ Navajo Ex. 431, Arny to Parker, May 31, 1871.

6302/ Crothers to Clum, *supra* note 6297, at 2.

6303/ *Ibid*.

6304/ *Id*. at 3.

6305/ *Id*. at 1.

project which their agent approved.[6306] In October 1872 the Hopis still occupied the seven pueblos of Tawa (Hano), Wallap (Walpi), Moquis (Sichomovi), Machameneva (Mishongnovi), Chama Pavates (Shungopovi), SheSpalava (Shipaulovi), and Oryba (Oraibi).[6307] They had farms at Hotevilla.[6308] In November 1872 the Oraibis again refused to accept a distribution of goods by the agent.[6309] Early in the 1870's, Chief Tuba began Hopi settlement at Moencopi.[6310] At first only one Hopi lived there.[6311] In 1872 Hopis had about a half dozen houses at Moencopi and planted crops there. One Hopi also had a cotton field eight or ten miles toward the north of Moencopi, probably at either Willow Springs or Moenave.[6312]

255. By September 1873 the agent had made a contract to purchase 2200 sheep for distribution to the Hopis. Their flocks and herds had increased greatly and they were looking for new land. The

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6306/ Hopi Ex. 42, Crothers to Walker, Sept. 10, 1872.

6307/ Journal of Walter Clement Powell, supra note 6247, at 5-6.

6308/ Id. at 2.

6309/ Id. at 7.

6310/ Navajo Ex. 625, Mindeleff, A Study of Pueblo Architecture, p. 54, 77-78; Def. Ex. E-36, ibid.; Colton, Report on Hopi Boundary, supra note 160, at 1; Hack, supra note 166; Acoma-Laguna Exs. 30-31, Hodge, Handbook of American Indians, Pt. I, p. 919; Def. Exs. 3A & 3B, Docket 91 (Havasupai), ibid.

6311/ Navajo Ex. 800, Transcript, Healing v. Jones, p. 8361; Def. Ex. G-135, Southern Paiute Ethnography - Introduction, p. 164.

6312/ Journal of Walter Clement Powell, supra note 6247, at 8.

agent hoped to move them away from their mesas.[6313] In February 1874 he issued sheep to the Hopis.[6314]

256. In 1875 the Mormons began work to establish a mission at Moencopi.[6315] By 1876 both the Hopis and the Navajos were increasing in population. A reservation 50 miles square was recommended to prevent white settlers from taking their lands.[6316] By 1876 the Hopis had a village at Moencopi,[6317] and in the spring of 1876 the agent induced about 30 Hopi families to plant in a fertile valley about 15 miles distant -- quite certainly in Keam's Canyon, where the agency was located.[6318]

257. By 1878 Moencopi was well established and it has been continuously occupied since.[6319] White settlers established Tuba City about 1878.[6320] Both Navajos and Hopis farmed in the area at the time the white settlers arrived.[6321]

6313/ Navajo Ex. 438, Vandever to Delano, Sept. 25, 1873.

6314/ Navajo Ex. 442, Defrees to Smith, Feb. 26, 1874.

6315/ Little, supra note 6252.

6316/ Navajo Ex. 801, Irvine to Commissioner, Nov. 14, 1876.

6317/ Hopi Archaeological Report, supra note 6075, p. 112.

6318/ Def. Ex. G-117, Hinton, Hand-Book to Arizona: Its Resources, History, Towns, Mines, Ruins and Scenery.

6319/ Colton, Report on Hopi Boundary, supra note 160, at 1.

6320/ Ibid.; Navajo Ex. 593, Michie to Assistant Adjutant General, July 13, 1892.

6321/ Navajo Ex. 596, Affidavit, Bilindal Chinni, July 28, 1898.

258. One locale of conflict between Hopis and Navajos concerning land in 1878 was Keam's Canyon.[6322/] Hopis hauled wood from distances of 12 or 15 miles.[6323/] In 1878 ten Hopis went to farm on shares with white settlers who had located on the Little Colorado River. The agent thought the entire tribe should be moved to the Little Colorado.[6324/]

259. In 1880 it was recommended that Hopi lands be protected by setting aside three reservations, six or eight miles long and three or four miles wide, in the form of parallelograms, with the mesa and each village near the center, and with an additional six or eight square miles at a distance of ten miles for wood gathering.[6325/] In the same year the Hopis as a tribe could not be persuaded to leave their mesa villages and settle in the valley of the Little Colorado. It was recommended that they be given a reservation commencing where the 36° parallel of latitude intersects the 110° of west longitude, thence due west 48 miles, thence due south 24 miles, thence due east 48 miles, and thence north to the place of beginning.[6326/]

6322/ Navajo Ex. 802, Mateer to Commissioner, May 13, 1878; Hopi Ex. 43, Mateer to Hayt, March 31, 1878.

6323/ Ibid.

6324/ Mateer to Commissioner, supra note 6322.

6325/ Navajo Ex. 723-A, Merritt to Commissioner, Feb. 23, 1880.

6326/ Navajo Ex. 723-B, Eastman to Commissioner, March 20, 1880.

260. In 1881 a point of contact between the Hopis and the Navajos was Awatobi.[6327/] The villages then occupied by the Hopis were Tegua, also called "Hano," Suchongnewy (Sichomovi), Hualpi (Walpi), Mushangnewy (Mishongnovi), Shupowlewy (Shipaulovi), Sumopowy (Shungopovi), and Oraybe (Oraibi).[6328/] There also was a Hopi pueblo at Moencopi. Both Navajos and Hopis farmed along the Moencopi Wash.[6329/]

261. In 1882 Cushing, travelling through the Hopi country, first met Hopis near Awatobi,[6330/] and last saw them on the Moencopi Wash.[6331/] In July 1882 it was recommended that the Hopis be included in an extension of the Navajo Reservation.[6332/] At that time the Hopis still grazed a relatively small area, because they brought their stock back to their villages each night. Their fields were located within 15 miles of their villages.[6333/]

6327/ Hopi Ex. 47, Bourke, The Snake Dance of the Moquis of Arizona; Def. Ex. E-506, ibid.; Def. Ex. 26, Docket 91 (Havasupai), ibid.

6328/ Id. at 3-4.

6329/ Navajo Ex. 595, Affidavit, J. B. Williams, July 23, 1898.

6330/ Havasupai Ex. 58, Cushing, The Nation of the Willows, p. 367.

6331/ Id. at 369.

6332/ Navajo Ex. 590, Howard to Teller, July 31, 1882.

6333/ Navajo Ex. 736, Inspector Howard's Report on Hopi Agency, Nov. 29, 1882.

262. In December 1882 the boundaries of the present Executive Order Reservation of 1882 were recommended by the Hopi Agent,[6334/] and the reservation was created as recommended.[6335/] Navajos occupied all of this territory before the Executive Order was issued,[6336/] except the area including the Hopi villages, within the green line on Navajo Exhibit 555. The upper parts of the valleys back of Oraibi and the Hopi mesas were occupied by Navajos and the Hopis occupied only the parts closer to their villages.

263. In 1883 there were 16 or 17 families of Hopis living at Moencopi.[6337/] By 1884 there were 200 to 300 Hopis living there.[6338/]

264. In 1891 it was proposed that the boundary between the Hopis and the Navajos be a circle with a 16-mile radius, with Mishongnivi (Mishongnovi) at its center.[6339/] In 1893 it was proposed

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6334/ Navajo Ex. 737, Fleming to Commissioner, Dec. 4, 1882; Navajo Ex. 738, Commissioner to Secretary of the Interior, Dec. 13, 1882.

6335/ Navajo Ex. 740, Executive Order, Dec. 16, 1882; Def. Ex. G-238a, id. at 16; Navajo Ex. 803, Commissioner of Indian Affairs to Commissioner of General Land Office.

6336/ Navajo Ex. 741, Inspector H. S. Traylor Report, June 6, 1916.

6337/ Navajo Ex. 598, Affidavit, Fred D. Slattery, Aug. 2, 1898.

6338/ Navajo Ex. 723-H, Fiske Report, July 25, 1930; Navajo Ex. 744, Faris to Commissioner of Indian Affairs, May 12, 1928.

6339/ Navajo Ex. 723-E, Parker to Commissioner, Jan. 7, 1891.

that the Hopis be given an oval area, including their villages and extending from about 36° latitude on the north to about the Giant's Chair on the south, and from about Keam's Canyon on the east to within a few miles east of the western boundary of the Executive Order Reservation on the west. 6340/ This recommendation was based upon census data and Hopi use and occupancy of lands. 6341/

265. In 1916 it was recommended that the Hopis be given about 1,250,000 acres, extending from Keam's Canyon to a point 15 miles west of Oraibi and 20 miles north and south of First Mesa. 6342/

266. By 1925 Hopis, with the encouragement of the Government, were moving from their mesas and were spreading into country occupied by Navajos. 6343/ While detailed descriptions of the locations of the border conflicts between Hopis and Navajos are very limited, because of the great distance between Hopi and settlements of people literate cultures for the period prior to Fort Sumner, and even later, there are some locations that do appear as border areas.

6340/ Donaldson, supra note 6083, Map.

6341/ Ibid.

6342/ Traylor, supra note 6336.

6343/ Fiske Report, supra note 6338; Navajo Ex. 743, Miller to Commissioner, Feb. 27, 1920; Navajo Ex. 744, Faris to Commissioner, May 12, 1928.

These points are Tallahogan, or Awatobi,[6344/] Moencopi,[6345/] and Keam's Canyon.[6346/] These few points are not adequate for use to delineate a boundary between the Hopis and the Navajos and archaeological data must also be utilized. The archaeological data on Navajo occupation[6347/] are not in conflict with the few points of contact given above. On this basis the green line depicted on Navajo Exhibit 555 as a boundary for the Hopis is reasonable if an area in the vicinity of Moencopi also is added.

6344/ Navajo Ex. 743, Statement of Robert E. L. Daniel, before Commissioner of Indian Affairs, May 18, 1920; Cushing, supra note 6330, at 367; Bourke, supra note 6327.

6345/ Cushing, supra note 6330, at 268; Navajo Ex. 594, Williams to Commissioner, May 7, 1898; Navajo Ex. 595, Affidavit, J. B. Williams, July 23, 1898; Navajo Ex. 596, Affidavit, Bilindal Chinni, July 28, 1898; Def. Ex. G-245, Stephens to Howard, Dec. 13, 1882.

6346/ Navajo Ex. 224, Shepherd to Edson, Aug. 7, 1859; Def. Ex. R-70, ibid.; Def. Ex. G-59, ibid.; Lingren, supra note 351; Colton, Survey of Conditions..., supra note 6071; Donaldson, supra note 6083, map; Navajo Ex. 802, Mateer to Commissioner, May 13, 1878; Ayerbach, supra note 269; Hinton, supra note 6318; Stephen, supra note 6214, at 1017-19; Def. Ex. R-150, Reeve, The Navajo Indians, pp. 69-70; Mark, Tr. 5233; Thompson, Tr. 5140.

6347/ Navajo Ex. 555, Date Map; Navajo Exs. 520-O through 520-W, Site Reports.

5. Conclusion

267. The Navajo have long been in contact with the Hopis and for all times material to this case have occupied lands surrounding the Hopi mesas and villages.

F. Utes

1. Identity

268. The Utes are known to the Navajo as Not-a, to the Hopi as Yutama, Yutamo, or Utsia, to the Jicarilla as Ro'ta, and to the Comanche as Yu'hta. 6348/ Although composed of a number of bands, only those occupying lands adjacent to the Navajo are considered here, namely the Moache, Capote and Tabeguache. These names for Ute bands were recognized as early as the Spanish period, although the collective term of Yuta (spelled variously) was more often used. 6349/

6348/ Def. Ex. 3-B, Docket 91 (Havasupai), Hodge, Handbook of American Indians, Part II, p. 876; Def. Ex. 30, Dockets 227 & 266 (Acoma-Laguna), ibid.

6349/ Id. at 203, 664-65; Hopi Ex. 24, Bolton, Pageant in the Wilderness, pp. 30, 32, 142-44, 149, 236, and map; Havasupai Exs. 36 & 39, ibid.; Def. Ex. R-5, ibid.; Def. Ex. G-26, ibid.; Def. Ex. 13, Docket 91 (Havasupai), ibid.; Havasupai Ex. 111, A Map of the Internal Provinces of New Spain by Captain Zebulon M. Pike; Def. Ex. G-27, Alter, Father Escalante's Map; Def. Ex. S-595, Bancroft, History of Arizona and New Mexico, p. 665; Def. Ex. 8, Docket 91 (Havasupai), ibid.; Def. Ex. 66, Dockets 227 & 266 (Acoma-Laguna), ibid.; Def. Ex. G-10, Whipple, Eubank & Turner, Reports of Explorations and Surveys...Report Upon the Indian Tribes, p. 120; Hopi Ex. 27, ibid.; Def. Ex. S-90, Dockets 30 & 46 (Fort Sill & Chiricahua Apaches), ibid.; See also Chart infra.

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