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A History of the Navajos

The Reservation Years

Garrick Bailey
and Roberta Glenn Bailey

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Cover: Juanita (wife of Manuelito) and Governor Arny, 1874. Courtesy of the Smithsonian Institution.

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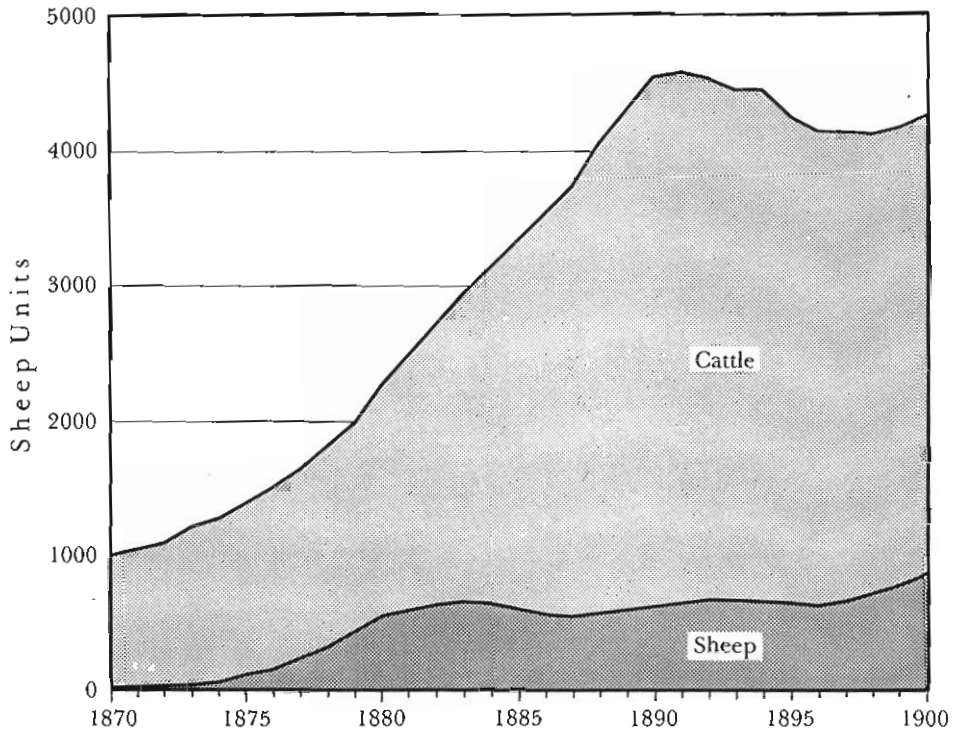

Figure 5. Number of cattle and sheep on Arizona rangelands, 1870–1900. Top line represents combined totals of cattle and sheep.

south, this ranch included large tracts of rangeland occupied by Navajos. Initially, the Hashknife Outfit stocked the range with 40,000 head of cattle transported from Pecos, Texas, to Holbrook, Arizona, and by 1888 they were grazing 60,000 head (Meinig 1971:44–45; Morrisey 1950:153). Thus, an organization of tremendous economic power and political influence, as well as aggressive local cowboys and sheepmen, was challenging Navajo range rights in the 1880s.

The Navajos and the Public Domain

Navajo agents did not fail to notice the challenge to Navajo range rights from the expanding cattle industry. Although the tribe prospered as never before during the 1880s, the agents realized that if white ranchers forced the Navajo herds off the public domain and onto the confines of the reservation, the self-sufficient Navajo economy would collapse. At best, the tribe would have to be supported by rations, like many other tribes; at worst, the

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ranchers' actions would lead to a bloody war. To prevent either consequence, agents tried to strengthen the Navajo economic position by enlarging their reservation land base and improving productivity on the reservation. In these endeavors, local officials apparently received limited support from Washington.

White settlers blocked extension of the reservation to the east, as did the Atlantic and Pacific right-of-way to the south. Any northward extension would have to enter Utah, which presented political problems, so the reservation could only expand west toward the junction of the Colorado and Little Colorado rivers (Sherman to Lincoln, Oct. 7, 1881, RBIA LR GR). In the spring of 1882, Secretary of the Interior Teller expressed the opinion that expansion was not "advisable" at that time (Teller to CIA, May 26, 1882, RBIA LR GR).

Shortly thereafter, the executive order of December 16, 1882, created the Hopi reservation adjacent to the Navajo reservation on the west. This measure, which provided that "other Indians" could settle there, in part alleviated the Navajo land problem. At the time, Navajos occupied much if not most of this tract, and the new provision protected their grazing from white intruders (Kappler 1904:805).

Opposed to further extensions of the reservation, settlers tried to evict Navajos from the public domain, and lobbied to return choice portions of the reservation to public status. On May 17, 1884, an executive order restored the south bank of the San Juan to the public domain and opened it to homesteading (Kappler 1904:876). Frank Reeve (1946:10–11) wrote of this action, "No specific explanation can be found in official documents and [it] must be judged the result of influences working through the routine political channels." Chaos resulted as white settlers quickly occupied portions of the area and evicted Navajo farmers from their lands. Fearing open conflict in the valley, Indian Office officials intervened, and on April 24, 1886, the area was returned to the Navajos by executive order (Bailey and Bailey 1982:92–95; Kappler 1904:877).

A second executive order of May 17, 1884, extended the reservation north into Utah, adding a strip of land between the Arizona border and the San Juan River; and west to the Colorado River, adding a long, east-west tract (Kappler 1904:876). Along with the restoration of the south bank of the San Juan, these were the last extensions of the reservation during the nineteenth century.

Even the expanded reservation could not support the tribe's vast herds. During the late 1880s and early 1890s, it was variously estimated that between one-third and one-half of the Navajos lived off the reservation on public

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domain and railroad lands for at least part of the year, usually during the winter months (Atkins to Sec. of the Int., Dec. 19, 1885, RBIA LR GR; Welton to CIA, July 8, 1888, RBIA LR GR; Vandever to CIA, Mar. 4, 1890, RBIA LR GR; Tinker to Sec. of the Int., June 16, 1892 RBIA LR GR).

In retrospect, it is evident that Navajos had as much legal right as anyone to settle on public lands. The Act of March 3, 1875, clearly stated that non-reservation Indians had a right to settle on the public domain and file for homesteads (Strickland 1982:130). Indians also qualified for homesteads under the Act of May 14, 1880, and as early as 1881, Agent Eastman informed off-reservation Navajos of their eligibility (RCIA 1881:196). In 1882 C. H. Howard, an inspector for the Department of the Interior, recommended that the Indian Service help Navajos acquire and improve homesteads on the public domain (Howard to Sec. of the Int., Oct. 25, 1882, RBIA LR GR). Two years later, when white settlers began evicting Navajos from the south bank of the San Juan, Indian homesteading rights were recognized once again (Bowman to CIA, Sept. 27, 1884, RBIA LR GR). If any doubt remained about the legal status of off-reservation Navajos, the General Allotment Act of 1887 stated that any non-reservation Indian could receive an allotment on the public domain (Strickland 1982:131). In spite of this legislation, Navajos living on the public domain were periodically ordered back to the reservation, and soldiers escorted the more reluctant (Bailey and Bailey 1982:182–89).

The Navajo Agency failed to act on suggestions that off-reservation families file for homesteads because it lacked sufficient personnel to undertake such an extensive and time-consuming project. In addition, the Atlantic and Pacific Railroad opposed any such action. Navajos were occupying railroad land in some areas (Greever 1954:39), and railroad officials looked upon off-reservation Navajos as a hindrance to the economic development of the region. Undoubtedly, the railroad applied political pressure to have them returned to the reservation, and the inaction of agency officials only exacerbated the conflict.

While working to expand the reservation, agency officials also tried to increase the productivity of the existing reservation in order to support a higher percentage of the population. Accordingly, they initiated projects to develop wells and reservoirs in dry range areas, increase acreage under irrigation, and improve the quality of Navajo sheep.

Insufficient sources of water for stock left much rangeland on the reservation unused, or used below its grazing potential. For this reason, in 1879 the government authorized Agent Eastman to spend $500 for windmills (Eastman to CIA, Sept. 26, 1879, RBIA LR NMS). Eastman thought that

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a program to develop permanent water sources would gradually bring off-reservation families back to the reservation (Eastman to CIA, Jan. 26, 1880, RBIA LR NMS), and in the spring of 1880, he was authorized to spend not more than $3,000 "to furnish . . . Indians with a supply of water for their stock and for irrigating purposes" (Eastman to Trowbridge, March 30, 1880, RBIA LR NMS). The agency purchased three windmills and planned to place them at Pueblo Colorado, as requested by Ganado Mucho; Manuelito's camp; and Fort Defiance (Eastman to CIA, Apr. 26, 1880, RBIA LR NMS; Contract with Stover and Co., 1880, RBIA LR NMS). Eastman was temporarily replaced before the windmills were installed (Townsend to Trowbridge, June 15, 1880, RBIA LR NMS), and by 1883 at least two of them had yet to be erected (Riordan to CIA, Jan. 20, 1883, RBIA LR GR).

Development of water resources accelerated in the 1880s and 1890s as the land shortage became more severe. Investigating the reservation, Special Indian Agent William Parsons thought it imperative to bring Navajos back to the reservation to alleviate the increasing conflict between them and whites. Parsons named the lack of water on the reservation as the major obstacle to their return, and recommended

> (1) That the sum of $50,000 be expended as soon as practicable in constructing dams, reservoirs, irrigating ditches, and sinking wells upon the Navajo reservation, with a view to store a sufficient supply of water for the necessities of the whole tribe.
> (2) That when this has been done, or when sufficiently near completion to remove all doubt, the non-reservation Navajos be required upon reasonable notice . . . to return and remain upon the reservation. (U.S. Congress 1886:12)

In November 1886, Congress appropriated $7,500 for the development of water resources on the reservation. The following year, 14 reservoirs, 5 dams, 15 springs, and 9 irrigation ditches from 50 feet to 1.25 miles in length were developed—all within a fifty-mile radius of Fort Defiance (RCIA 1887:174; Dorchester to CIA, May 13, 1892, RBIA LR GR).

The effectiveness of these projects is open to question. Construction had been done carelessly, and some of the dams washed out. Work began on three irrigation ditches on Whiskey and Chusen creeks, respectively, thirty and thirty-five miles north of the agency, but the commissioner of Indian affairs halted construction in April 1888 (RCIA 1888:190). As for the irrigation projects, "the ditches were evidently built without any regard to utility, durability, or knowledge of the subject" (RCIA 1889:258).

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Officials called for better planning to prevent such problems. In 1889 Lt. J. M. Stotsenburg surveyed portions of the reservation for the development of irrigation projects (RCIA 1889:258), and in 1892, three parties of army engineers made a large-scale survey to plan for worthwhile irrigation projects and to develop a dependable supply of water for livestock (U.S. Congress 1893:5–16). Funds for water development became available in the early 1890s, when some of the money appropriated for the support and civilization of the Navajos was diverted to irrigation projects (U.S. Congress 1891:3).

Officials first proposed the upgrading of Navajo herds in 1875, suggesting that Leicester or Cotswold rams be introduced (Goodale to Smith, May 10, 1875, RBIA LR NMS). W. B. Truax, the agency farmer, supported the proposal "as meeting a long neglected want, & introducing a much needed improvement" (Truax to Smith, May 11, 1875, RBIA LR NMS).

No action was taken until 1884, when the agency tried to improve the quality of the herd with Merino rams (Blunn 1940:104; Wentworth 1948:547). In 1883 Agent Riordan characterized the existing Navajo sheep as "scrubs" that sheared only "a scant pound" per fleece. Riordan believed that the wool yield could be increased to between six and ten pounds per fleece and that the herds could be reduced by two-thirds if the quality of the stock were improved (RCIA 1883:122). He resigned before specifying the details of his plan, and when the agency bought seventy-five Merino rams in 1884 (Bowman to Teller, Sept. 16, 1884, RBIA LR GR), his successor found himself wondering what to do with them. Agent Bowman planned to construct a building and corrals near Washington Pass to start an agency sheep ranch, but high elevation, cold winters, and the difficulty of securing adequate feed for the stock made the location unsuitable (Keam to Teller, June 5, 1884, RBIA LR GR). In September the rams were still at Fort Defiance "doing no good," so Bowman suggested buying some Merino ewes (Bowman to Teller, Sept. 16, 1884, RBIA LR GR). Secretary Teller rejected the proposal and told Bowman to distribute the rams to Navajos who would "take care of and properly use them" (Teller to Bowman, Oct. 1, 1884, RBIA LR GR). Since these rams were not referred to again in the correspondence, we can assume that was what happened.

Even with the best of planning, the programs to upgrade Navajo herds and establish permanent water systems probably would have failed. The Navajo herders were still thinking in terms of the subsistence value of stock (food for home consumption), rather than the market value of animal products (wool for the traders). The existing herds of churros—good foragers and meat producers, even if they did not grow the heaviest

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fleeces—probably suited the Navajos' needs better than Merinos. As for the water development projects, even if they had been well engineered and constructed, they were not far-reaching enough, and came too late to help off-reservation Navajos.

By the late 1880s, ranchers had overstocked the rangelands of New Mexico and Arizona with sheep and cattle, and competition for water and grazing rights intensified. As cattle replaced sheep, Anglo-American cowboys replaced Spanish-American sheepherders as the major competitors for Navajo range. As Colonel Buell noted in 1882, "the cattle-man and cowboy is the Indian's avowed enemy considering no rights of the Indian that he shall respect" (Buell to AA Gen'l, Mar. 13, 1882, RBIA LR GR). Added to this, the famous antagonism between sheepmen and cattlemen, described here by Special Agent Parsons, only made matters worse:

> The Navajos are mainly engaged in sheep and goat raising. The interests of cattle and sheep raisers, whether white or Indian, are hostile. Cattle cannot range where sheep are in the habit of grazing, and cattle men will drive off the sheep herders by force. (U.S. Congress 1886:12)

As the more aggressive Anglo-American cattlemen took over the range from Spanish-American sheepherders, confrontations between whites and Navajos became more violent. Not surprisingly, the major areas of conflict during this period—the San Juan River and the Little Colorado Valley—centered in areas of strong cattle ranching interests (RCIA 1893:111).

By the winter of 1889–90, the conflict reached a climax. A band of thirty cowboys decided to evict some Navajo families from the "Chaco country," east of the reservation and south of the San Juan, and in the process, reportedly stole horses and blankets (Mitchell to Commandant Post, Fort Lewis, Jan. 9, 1890, RBIA LR GR). Things went from bad to worse in December when a cowboy named John Cox shot and killed Chis-chilli, a Navajo, in an incident north of Aztec. Reports of the killing varied in particulars, but agreed in substance. The cowboys were harassing a Navajo hunting party, shooting broke out, Chis-chilli was killed, and the other Navajos fled to the reservation (Bailey and Bailey 1982:185–86). Following the incident, cowboys organized to drive the Navajo families off the public domain and back to the reservation, and some had even driven herds of cattle onto the Navajo reservation (Adams to C.O., Fort Lewis, Jan. 13, 1890, RBIA LR GR).

Prompt action by federal officials averted a range war between the Navajos and the cowboys. Deputy U.S. Marshall Winfield Mitchell asked for troops,

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reporting that "hostile feeling is at such a fever-heat, that trouble is liable to commence at any moment" (Mitchell to Commandment Post, Fort Lewis, Jan. 9, 1890, RBIA LR GR). Terrified by the prospects of Navajo reprisals, white settlers offered to compensate Chis-chilli's family, and placed $200 in the Second National Bank of Santa Fe for that purpose. The Navajos and their agent rejected the offer (RSW 1890, 1:166; Vandever to CIA, Mar. 4, 1890, RBIA LR GR). San Juan County officials finally bowed to strong pressure from federal officials and arrested Cox and his companions (RSW 1890, 1:166), temporarily placating the Navajos and intimidating the local cowboys. Eventually, the grand jury dismissed the case (Shipley to CIA, Apr. 13, 1891, RBIA LR GR), and the men were released. Tensions remained high, but other than routine complaints that trespassing Navajos were killing and scattering stock (Prince to Morgan, Dec. 24, 1892, RBIA LR GR), no major incidents involving Navajos and Anglo-American cowboys took place in the San Juan region in 1891 and 1892.

DISCUSSION: THE NAVAJOS ABOUT 1890

Navajo culture changed significantly between 1868 and 1892, particularly the structure and emphasis of its economy. Government officials wanted to alter some aspects of Navajo culture, but their programs and policies played only minor and often indirect roles in the changes that actually occurred. Unlike the majority of Indian populations during the late nineteenth century, the Navajos did not succumb to external cultural influences, but were responding to major economic changes in the territories of Arizona and New Mexico.

Despite growing conflicts with their neighbors, the Navajos enjoyed greater prosperity in the late 1880s and early 1890s than at any previous time in their history. In 1892 Agent David Shipley wrote that with the exception of the Osage, the Navajos were the wealthiest tribe in the United States (RCIA 1892:576)—a significant comparison, considering that only a few years earlier the Osage had been called, on a per capita basis, the "wealthiest people in the world" (E. White 1965:203). However, the wealth of the Osage resulted from favorable treaties with the United States government, which allowed them to sell, not merely cede, their reservation in Kansas (G. Bailey 1973:80–81); while the Navajos prospered as a result of their own industry.

As previously noted, subsistence level support required a human-to-sheep ratio of between 1:40 and 1:50. At the most, the Navajos had thirty sheep

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At the same time, the relationship of Navajos to the dominant Anglo-American society was changing. Government controls tightened, and for the first time officials made genuine efforts to suppress "objectionable" aspects of Navajo culture. Schools and enrollment increased dramatically, and missionaries became more active. As the economy improved and trade expanded, the number of trading posts and traders increased. In general, the frequency and depth of Navajo contact with Anglo-Americans and their culture increased several times over, particularly between 1900 and 1920. The cumulative effects of these changes were staggering, and a new way of life evolved.

THE GOVERNMENT TAKES CONTROL (MORE OR LESS)

The change in federal policy from isolation to assimilation occurred gradually; it was not until the late 1880s that the change was explicitly formulated into policy. The General Allotment Act (Dawes Act) of 1887 set the tone of this shift. Indian reservations were to be broken up, lands allotted to tribal members, and the "surplus" unallotted lands opened to white homesteaders.[1] Two years later, Commissioner of Indian Affairs T. J. Morgan established a "new" Indian policy, which included six major points:

> (1) The reservation system . . . must soon cease to exist, (2) The logic of events demands the absorption of the Indians into our national life, not as Indians, but as American citizens, (3) The relations of the Indians to the Government must rest solely upon the full recognition of their individuality, (4) The Indians must "conform to the White man's ways," peaceably if they will, forcibly if they must, (5) A comprehensive system of education . . . compulsory in its demands . . . should be developed as rapidly as possible, (6) The tribal relations should be broken up, . . . and the autonomy of the individual substituted. (RCIA 1889:3-4)

Morgan subsequently summarized his position when he wrote, "The American Indian is to become the Indian American." To achieve these goals, Congress passed the Appropriations Act of July 13, 1892, which made Indian education compulsory (Strickland 1982:139-40).

These policies had little effect upon the Navajos until Agent David Shipley tried to enforce compulsory education by seizing Navajo children and sending them to boarding school. His actions culminated in the Round Rock incident, in which he was assaulted by a local Navajo leader named

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Black Horse and had to be rescued by the Navajo police and cavalry (Underhill 1956:205–6).[2]

By resisting physically, the Navajos had succeeded in thwarting the first direct challenge to their internal autonomy. Although government officials continued to round up children for boarding school, it was done surreptitiously. Even if the Navajos had not resisted, Shipley's actions would have been futile. In the 1890s the government could not have afforded to enroll the entire school-age population, just as it lacked the means to enforce other aspects of Indian policy. It was simply a problem of too many Navajos, and not enough money. Consequently, the tribe did not begin to feel the effects of assimilationist policy until the early years of the twentieth century.

As early as 1870, it became apparent that such a large tribe could not be managed from a single center. The government took no action to correct the problem until 1899, when it began to create additional administrative districts. By 1909 six separate agencies shared responsibility for the reservation (Kelly 1968:27; E. Hill 1981:163), and regardless of geographical location, Navajos began to come into more frequent contact with government officials. The activities of each agency centered around at least one boarding school, and some had day schools as well. The government supplied each agency with at least one physician, medical facilities, and one or more farmers or stockmen to help develop farms and herds.

The first of the new agencies was created in 1899, when land set aside under the executive order of December 16, 1882, was removed from the jurisdiction of the Navajo Agency and organized as the Moqui reservation (its name was changed to the "Hopi Agency" in 1923), with Keams Canyon as its administrative center. Primarily concerned with the Hopis, the agency also supervised the affairs of large numbers of Navajos within its boundaries (E. Hill 1981:163; Young 1968:60). An executive order of January 8, 1900, set aside the tract of land between the Hopi reservation and the Colorado River. In 1901 this tract and the one covered by the executive order of May 17, 1884, were removed from the Navajo Agency and placed under the jurisdiction of a newly created Western Navajo Agency. At first the superintendent of Western Navajo lived at the Blue Canyon School, but in 1903, after the relocation of Mormon settlers, the agency moved to Tuba City (WN NR 1915:2; Kelly 1968:27). An executive order of November 14, 1901, gave the Navajos a checkerboard of public domain lands along the Little Colorado River (Kappler 1904:877) known as the Navajo Extension and administered by a resident farmer. The government built a school there in 1908, and established the Leupp Agency. In 1903 the northern portion

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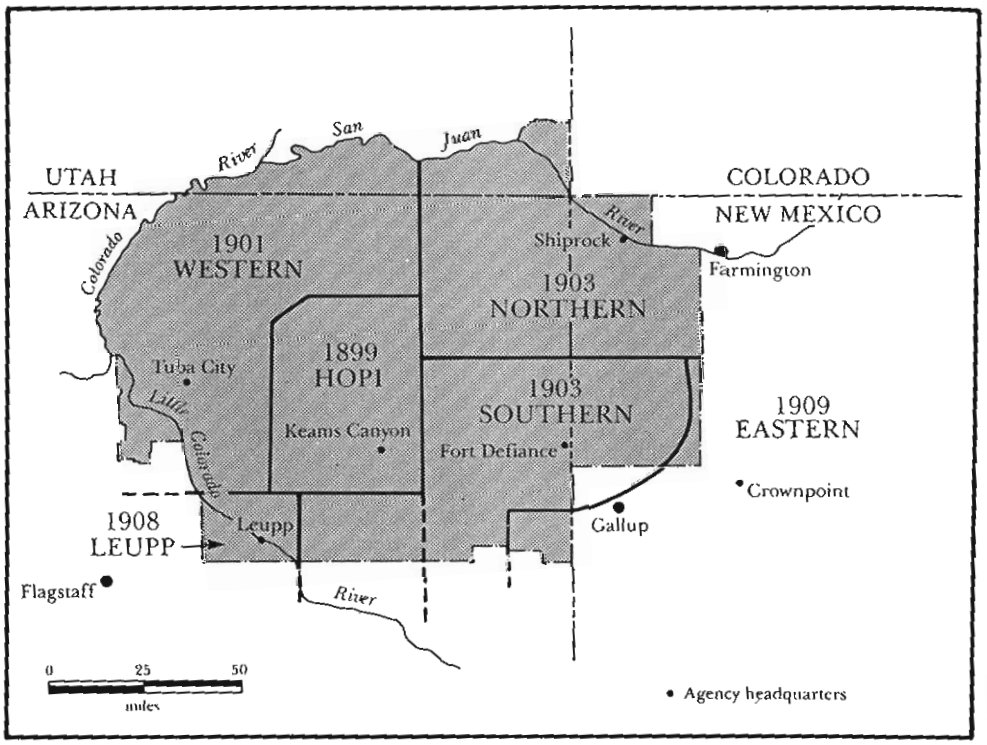

Map 4. Navajo jurisdictions, 1909–1935. Adapted from Williams (1970).

of the Navajo reservation was reorganized as the San Juan Agency, with offices at Shiprock (Kelly 1968:27). Authorized in 1907, the Pueblo Bonito Agency moved its offices to Crownpoint soon after it was established in 1909 (Stacher c. 1940:1; Kelly 1968:27).

On January 1, 1927, the names of three of the agencies were changed: San Juan became Northern Navajo, Pueblo Bonito was renamed Eastern Navajo, and the original Navajo Agency at Fort Defiance became Southern Navajo (map 4; Underhill 1953:275, 277). For the sake of clarity, we will refer to these agencies as Northern, Eastern, and Southern Navajo throughout this chapter.

The quality of government control also changed during this period. During the early 1900s, career civil servants began to fill positions in the Indian Service, instead of political appointees (Van Valkenburgh 1938:53). Tenure in office lengthened significantly, and as a result, superintendents and other workers became better acquainted with the Navajos and their problems than had their predecessors. However, there were drawbacks. Career civil servants could not exercise the same freedom of choice that political appointees could, and regardless of their personal opinions, were forced to conform more closely to policy decisions.

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With a larger and stabler work force, the Indian Service prepared for an assault on Navajo autonomy. Performing the same administrative function as agents, the new superintendents and their staffs put regulations into effect on all the reservations concerning trade or aimed at eradicating "vices" such as child marriage, polygyny, and gambling. The Navajo Indian police and the Court of Indian Offenses (the primary regulatory body at each agency) were responsible for enforcing the regulations, although federal and state courts held jurisdiction over major offenses (L NR 1913:11).

In general, federal officials made little effort to establish any meaningful form of tribal government. The government continued to appoint leaders who would not oppose federal Indian policy (Williams 1970:16). The earliest business council appears to have been formed at Leupp (then the Navajo Extension) in about 1904. This council, composed of the two Navajo court judges and three "elected" Head Men, met between eight and ten times a year (L NR 1910:23), but informal meetings replaced it in 1911 (L NR 1911:18). At Southern Navajo, a business council met only once a year, and consisted of "all the most intelligent members of the tribe" (N NR 1911:14). Northern Navajo held its earliest informal council in 1921, consisting of all adult males from the agency who wished to attend (Kelly 1968:49).[3] Western Navajo did not report any such meetings until 1922, when monthly councils of "influential men" were being held (WN NR 1922:31). No evidence has been found of a council ever being held at Eastern Navajo during these years.

The councils did not function as a tribal government. In 1917 the superintendent at Leupp complained, "the Government took away the old tribal form of control and substituted nothing adequate in its place. Nothing that really governs . . ." (L NR 1917:1). However, many superintendents considered the absence of formal Navajo government an advantage. Superintendent Shelton of Northern Navajo wrote in 1910 that "we have no business councils with the Indians on this reservation for the reason that we do not consider them desirable from any point of view" (SJ NR 1910:24). Some superintendents preferred to deal directly with individual Navajos instead of working through a business council. Certainly this approach conformed to the policy of "individualizing" the Indians rather than dealing with them as a tribe. It also minimized the possibility of any widespread, organized resistance to government policies. Where councils did exist, they did not really govern or even advise, but merely served the interests of the superintendents. For example, the early Leupp business council met to "report violations" of policy and to "control" other Navajos (L NR

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1910:23). Consequently, superintendents had a relatively free hand in implementing policies within their jurisdictions. Navajos resisted this usurpation of power only to a limited degree and on a local level. In some cases, they were forcibly suppressed when they did.

Superintendent Shelton tried to enforce the new order in Northern Navajo, and met resistance from Bai-a-lil-le and his followers, the most openly defiant group of Navajos in the district. Called a witch by some, Bai-a-lil-le was an influential medicine man who defied Shelton by refusing to have his sheep dipped for protection against scabies, selling his young ewes to traders instead of building up his flocks, having more than one wife, and opposing compulsory education for children. In the fall of 1907, a troop of cavalry was dispatched to Aneth at Shelton's request and attacked Bai-a-lil-le's camp. Soldiers killed two Navajos outright, seriously wounded another, and captured Bai-a-lil-le and nine of his men (Correll 1970:4–13, 26; U.S. Congress 1907:7–8).

In 1913 another major incident took place on Northern Navajo. After raiding Shiprock and freeing three women who were being held for violating Shelton's ban against polygyny, a local leader named Bi-joshii and his followers fled to Beautiful Mountain, a natural stronghold above Sanostee. When Bi-joshii refused to surrender and the Navajo police were unable to arrest him, the cavalry was summoned. The episode ended peacefully, however, when General Hugh Scott persuaded the Navajos to surrender. The harshest sentence handed out was thirty days in jail (McNitt 1962:347–58).

In Western Navajo, the superintendents struggled to maintain any semblance of control. During the teens, Tuba City officials complained that their police force was not as efficient as the Fort Defiance force (WN NR 1914:1); furthermore, that their force was made up in part of feeble old men who were too conservative for the job (WN NR 1915:6). Superintendents leveled similar allegations at the judges of the local Court of Indian Offenses. One complained that he lacked authority, and that "this system of government has resulted in placing absolute control of reservation affairs in the old medicine men who have always been supported by the criminal element" (WN NR 1916:2).

Navajos living in the vicinity of Navajo Mountain caused many of the difficulties in the Western Navajo Agency. In 1916 the superintendent ordered the Navajo police to arrest one of the leaders of this band, but they refused. Instead of granting the superintendent's subsequent request for military support, the Indian Service authorized hiring a truant officer. The new officer, an Anglo-American, confronted the Navajo leader, and killed him when he resisted (WN NR 1916:3–4). This show of force did not

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enhance the government's position in the west. The following year, the superintendent reported that Navajos in his district had "never learned to respect . . . governing authority," and that "they have absolute control of their own affairs and have done practically as they pleased" (WN NR 1917:3).

Although there can be little doubt that by their use of the Indian police, Indian judges, business councils, and the military, the superintendents increased their control over the lives of individual Navajos during the first two decades of the twentieth century, the degree of that control varied from region to region, and was tenuous at best.[4] The Bai-a-lil-le and Beautiful Mountain affairs showed Navajos that they could not openly defy the government. However, the number of Anglo-American officials on the reservation remained relatively small, and the superintendents had to rely on the Indian police, whose effectiveness they questioned. The tribe's increasing prosperity deprived officials of economic leverage, one of their most effective means of control. At least covertly, the Navajos continued their practices of plural marriage, child marriage, gambling, and other activities officially considered "vices."[5]

It was not until the 1920s that the Indian Service began to recognize a real need for some formalized governmental units among the Navajos. As we will discuss later, the discovery of oil in Northern Navajo and the difficulties that oil companies encountered in attempting to lease tracts of reservation land from informal councils resulted in the establishment of the Navajo Tribal Council in 1923. However, this elected, twelve-member council was established primarily to serve the interests of the oil companies and functioned only at the tribal level, failing to respond to the needs of the agency superintendents or the problems of local communities.

In 1927 the superintendent of Leupp decided that the Navajos needed some organization at the community level and proceeded to set up what he termed "chapters" within his jurisdiction (Williams 1970:33–34). Chapters were loosely defined Navajo communities, usually held together by kinship ties and centered around a trading post. Averaging about 500 people, chapters had elected officials and served as a means of communication between superintendents and the families of a particular region. The concept of chapter organization spread rapidly, and within a few years, superintendents had organized chapters in every jurisdiction. By the 1930s, about 80 chapters had been organized on and off the reservation (Williams 1970:38). The Indian Service, however, made no attempt to formally link the chapters and the Tribal Council, and at the end of this period, reservation political structure remained in an incipient stage of development.

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THE NAVAJOS AND THE WHITE MAN

During the early decades of the twentieth century, the Navajos were affected by political and economic events in a white world of which they had little awareness and over which they exerted even less control. Competition between off-reservation families and white ranchers for public domain lands continued. New Mexico and Arizona became states in 1912, giving local white ranching interests congressional representation and making it more difficult to protect Indian land rights. The outbreak of World War I in Europe and the entrance of the United States into the war in 1917 had little direct effect on the Navajos, but tremendous indirect effects. Finally, the discovery of oil in the northern portion of the reservation in the early 1920s introduced the Navajo people to yet another element of the Anglo-American world—the oil companies—some of which were politically ruthless in their attempt to gain access to Navajo resources.

Land

The collapse of the livestock industry in the mid-1890s temporarily eased range competition and tension on the public domain. The white populations of New Mexico and Arizona were growing rapidly, however—from 200,000 in 1890 to 273,000 in 1900—and demand for land grew accordingly. Between 1900 and 1930, the white population in New Mexico and Arizona almost tripled in size, reaching approximately 770,000 (U.S. Bureau of the Census 1975:24, 32).

The challenge to Navajo holdings on the eastern margins of the reservation came primarily from a regenerated sheep industry. Starting about 1898 or 1899, large herds wintered just east of the reservation line on the Chaco Plateau in New Mexico, an area used mainly by Navajos in the past (Brugge 1980:156–58, 199–200). In the area adjoining the southeastern corner of the reservation, the discovery of artesian water and the development of artesian wells after 1900 led to increased conflict between Navajos and white ranchers. In the past, scarcity of water had kept white ranching operations out of the region (Kelly 1968:23), but once water became available,

> hordes of sheep were driven over this range during the winter by White sheep owners, who ranged over the Indian occupied lands without regard to the range rights of the Indians; and without any payment for the use of the range to the Indians or any Department of Government or the State. (Stacher c. 1940:1)

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Doubting that more than half of the Navajo population lived on the reservation, in 1899 Agent Hayzlett wrote,

> Many complaints are coming in from parties who reside in the Territories of Arizona and New Mexico and the State of Utah, in regard to the Indians going there with their flocks. I am unable to find a remedy, for the reason that there is not vegetation nor tillable land enough on this reservation to support more than one-half of the tribe. (RCIA 1899:158)

Despite the acknowledged inadequacies of the Navajo land base, W. A. Jones, then commissioner of Indian affairs, opposed any extension of the reservation boundaries (Jones to Sec. of Int., July 15, 1899, RBIA LR GR). However, just five months later a shootout between Navajos and whites near Flagstaff, Arizona left five Navajos and one cowboy dead (*San Juan Times*, Nov. 17, 1899), and shook the government out of its complacency. Reverend W. R. Johnston had established a mission for the Navajos at Tolchaco, Arizona in 1897, and lobbied vigorously to protect the land rights of off-reservation Navajos in the Little Colorado Valley (L NR 1931:2; Kelly 1968:21). His efforts and the killings near Flagstaff resulted in a quick reversal of the government's position against extending the boundaries of the reservation in Arizona. On January 8, 1900, an executive order removed "from sale and allotment" 1,575,369 acres of land bounded on the east by the Navajo and Hopi reservations and on the west by the Colorado River (Kappler 1904:877; Kelly 1968:22). Although not specifically designated an extension to the Navajo reservation, the land came under the jurisdiction of the Western Navajo reservation when it was established the following year (Kelly 1968:22). On November 14, 1901, a second executive order withdrew 425,171 acres from the public domain along the Little Colorado River (map 5).

Although these actions secured portions of the Navajo land base and helped relieve tensions, they did not solve the problem. Many Navajo families in Arizona were still living on lands that had not been withdrawn from the public domain. Approximately one-third of the land specified in the 1900 order and all of the land in the 1901 order were scattered in a "checkerboard" among sections owned by the Santa Fe Railroad and leased to white ranchers (Kelly 1968:21–22; Kappler 1904:877).

While the government made progress toward resolving the land problem in Arizona, the situation was getting worse in New Mexico. In 1901 territorial representatives from San Juan County learned from their constituents that the Navajos were

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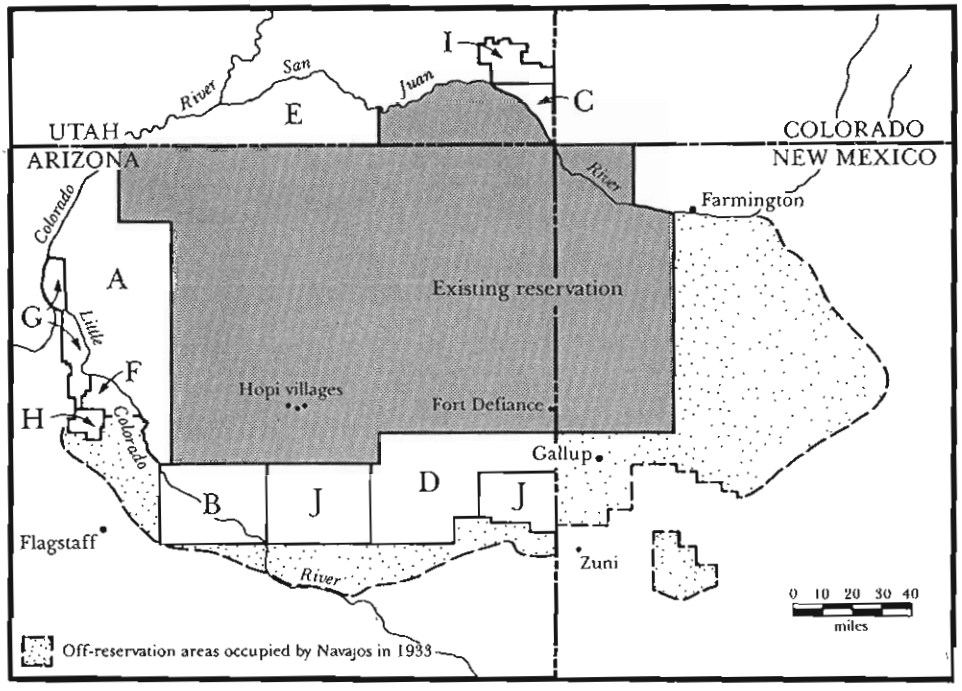

Map 5. Growth of Navajo land base, 1900–1933. A, *Executive order of Jan. 8, 1900.* B, *Executive order of Nov. 14, 1901.* C, *Executive order of May 15, 1905.* D, *Executive order of Nov. 7, 1907.* E, *The "Paiute Strip": returned to the public domain in 1892; Navajo 1908–1922; public domain 1922–1929; removed from homestead entry 1929–1933; Navajo 1933.* F, *Executive order of May 7, 1917.* G, *Act of May 23, 1930.* H, *Act of Feb. 21, 1931.* I, *Act of Mar. 1, 1933.* J, *Act of June 14, 1933. Adapted from Williams (1970).*

acting in a very arbitrary manner toward the settlers in that region . . . Indians were allowed to leave the limits of the reservation and have wandered all over that section of territory . . . . They [have] practically taken possession of a strip of land some 50 miles wide and 200 miles long and are barring out of this strip, lying along the east side of the Navajo reservation, on public domain, all stock whose owners do not pay them for water privileges, and even when an excessive tax is paid the cattle and sheep are driven away from the watering places immediately after they have taken water, so that when they again require water another tax may be levied against the owners. This tax is generally in the nature of a demand by the Indians that they be given ten sheep for every 1000 head allowed to water. (*Farmington Times*, Mar. 1, 1901)

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The conflict between Navajos and whites in the New Mexico off-reservation areas continued to escalate. During a disagreement over the watering of stock, the owner of Chico Trading Post, southeast of Farmington, shot and wounded a Navajo (*Farmington Times*, June 6, 1902). Navajos were suspected of murdering three traders between December 1902 and July 1903, and some Anglos claimed the killings were part of a conspiracy (*Farmington Times*, July 10, 1903).

The establishment of the Northern Navajo Agency in 1903 and the arrival of Superintendent Shelton temporarily contained the problem. Shelton did not mince words on the land controversy, telling a meeting of local whites who were unhappy about off-reservation Navajos that they "misunderstood the purpose of a reservation. Reservations were to keep the white men off, not the Indians on" (Bailey field notes).

In January 1905 a state livestock inspector declared that Navajo sheep herds were infected with scabies. Both Navajo agents in New Mexico—Perry (Southern Navajo) and Shelton (Northern Navajo)—had made plans for dipping Navajo sheep, but needed time to raise money and construct dipping vats. The delay gave white ranchers an opportunity to complain about the government's management of the problem and to demand that Navajo herds be put under quarantine on the reservation (Brugge 1980:198–213).

Perhaps angered by the scabies controversy, Indian Service officials pressed for protection of Navajo interests on the public domain in New Mexico. In the summer of 1905, superintendents Shelton and Perry jointly requested that a tract of public land measuring twenty-four miles east to west and seventy miles north to south be added to the eastern side of the reservation (Brugge 1980:199–200). Commissioner of Indian Affairs Francis Leupp visited the disputed area and recommended implementation of the plan. By this time, white ranchers had already occupied portions of the tract, and proved influential enough to force a compromise. Accordingly, on November 9, 1907, President Theodore Roosevelt temporarily withdrew most of the area from homestead eligibility.[6] Resident Navajo families would have time to file for allotments under section four of the General Allotment Act of 1887, and unallotted lands would be restored to the public domain (Kelly 1968:23–24; Kappler 1913:669).

In 1907 the government placed off-reservation Navajos under the jurisdiction of the newly authorized Eastern Navajo Agency. Samuel Stacher became the agency's first superintendent in 1909, when it actually began operations (Stacher c. 1940:1). In 1910 he reported 2,783 allotments in New Mexico and Arizona, saying that "the allotment work has been completed

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except to those Indians who live in three townships east of Seven Lakes" (PB NR 1910:18). By the fall, claimants had filed allotments on 319,363 acres in New Mexico and 54,880 acres in Arizona (RCIA 1911:95–96, 206). Surplus lands were returned to the public domain (Kelly 1968:25).

Indian Service officials knew that Congress would soon make Arizona and New Mexico states, thereby increasing the power of Anglo ranching interests. Consequently, while allotment progressed in New Mexico and Arizona, they moved quickly to consolidate Navajo landholdings in the "checkerboard" area of Arizona named in the executive orders of 1900 and 1901. Under a provision of the Indian appropriations bill of 1904, private lands within an executive-order reservation could be traded for public lands "of equal area and value . . . in the same State or Territory." In exchange for other land, on December 17, 1912, the Santa Fe and Pacific Railroad Company transferred its title to all of the odd section lands (327,000 acres) within the 1900 and 1901 tracts to the government as trustee for the Navajos. No solution to the checkerboarding of landholdings was reached, however, because the solicitor in the Interior Department wrote an unfavorable opinion on the legality of the exchange (Kelly 1968:22).

Before New Mexico became a state in 1912, many white occupants opposed Navajo allotments on the public domain. The most outspoken opposition came from communities bordering the reservation. The *Farmington Enterprise* (June 7, 1907) protested that the Navajos were

> being allotted all the government land which is worth having, south of the San Juan River, and east of the reservation. While all these matters will probably be adjusted in the course of time it will be a slow process, and it certainly seems to be a shame that it's necessary to hold the development of the greater part of the best and most resourceful section of the Western slope back for a generation in order to accommodate the Indians.

While vehemently opposed to Navajo allotments on the public domain, many Anglos assumed that the reservation would eventually be opened to white settlement. In 1908 the New Mexico Bureau of Immigration issued a pamphlet to encourage migration, stating, "It is the announced intention of the Government eventually to allot the lands within the Navajo reservation" (BINM 1908:5). In the spring of 1907, Major James McLaughlin, an Indian inspector, met with a group of Navajos in Shiprock to discuss leasing part of the reservation for oil and natural gas exploration. The *Farmington Times Hustler* (Mar. 14, 1907) strongly endorsed leases, but not because they might benefit the Navajos:

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> This step is the initial one that will ultimately lead to the allotment of all the lands and the throwing open of the entire reservation for settlement. Those who are interested in getting a portion of the best Indian reservation that yet remains unopened had better keep an eye on the movements here. Of the 6,400,000 acres included in this reservation, there are many mesas that are as beautiful as a garden.

While many whites cast covetous eyes towards the reservation, others continued to fight Navajo allotments on the public domain. In 1909 the Indian Rights Association discovered that white ranchers had successfully delayed allotment applications in local land offices for more than two years (ARIRA 1909; ARIRA 1910:15). Final approval of these allotments came under the jurisdiction of the General Land Office, not the Indian Office, and partly because of this opposition, it had not patented any of the Navajo allotments made on the public domain by the time New Mexico became a state. The General Land Office "was not as lenient toward the Navajos as was the Indian Bureau" (Kelly 1968:32) concerning residence and improvement requirements for patents.

The first New Mexico legislature asked Congress to allot the Navajo reservation and open any remaining lands to white homesteaders. Senator Albert Fall led the fight against expanding the reservation, consolidating off-reservation holdings, and granting allotments of public domain lands. A 1914 compromise limited allotments to Navajos who had lived on the public domain before June 30, 1913 (Kelly 1968:27–31), but political opposition continued to thwart Navajos in their attempt to acquire land. In 1916 a government field inspector found that the General Land Office had failed to approve about 2,900 allotment applications from Eastern Navajo, and they were in danger of being cancelled (Kelly 1968:32). Supposedly, the applicants did not meet improvement and residence requirements; in reality, the office was bending to local pressure, and withholding patents for no legitimate reason.

In 1918 Senator Marcus Smith of Arizona introduced legislation forbidding the creation or extension of any Indian reservation within the boundaries of a state without the consent of Congress. When it became law, it put an end to enlargements of the Navajo reservation by executive order (Kelly 1968:33–34). Fortunately for the Navajos, World War I was under way. High livestock prices induced white and Navajo stockmen to sell large numbers of animals, temporarily alleviating the demand for rangeland once again.

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