(4) Proposed Finding Documents

- August 5, 1987

Summary Under the Criteria and Evidence for

Proposed Finding for Federal Acknowledgment

of the

San Juan Southern Paiute Tribe

Prepared in response to a petition submitted to the Assistant Secretary of the Interior for Indian Affairs for Federal acknowledgment that this group exists as an Indian Tribe.

Approved: 8-5-87
(date)

Acting Hazel E. Elbert
Assistant Secretary - Indian Affairs

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INTRODUCTION

This report has been prepared in response to a petition received by the Assistant Secretary - Indian Affairs from the San Juan Southern Paiutes who are seeking Federal acknowledgment as an Indian tribe within the meaning of Federal law under Part 83 of Title 25 of the Code of Federal Regulations. Part 83 (25 CFR) establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment and, subsequently, a special government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR.

A summary under the criteria of the petition and other relevant data follows. Reports detailing the evidence are also attached. The evaluation of this petition was protracted by several special circumstances. First, the San Juan Paiute petition was opposed from the outset by the Navajo Tribe through their counsel Brown & Bain, whose arguments and evidence submitted in opposition were evaluated with all other data during active consideration of the petition. Second, the recommendation as outlined in the proposed finding relies upon an opinion of the Department's Assistant Solicitor for Indian Affairs (Tribal Government) dated April 3, 1987. This opinion was required to clarify ambiguities in the definition of tribal membership found in 25 CFR 83, and followed extensive staff discussions and consultation with the Assistant Solicitor intended to arrive at a workable understanding and application of this definition to the present case. Third, the petitioner membership resides primarily within a larger Indian community, thereby making all community distinctions inter-tribal in nature, and not Indian in contrast to non-Indian.

Publication of the Assistant Secretary's proposed finding in the Federal Register initiates a 120-day response period during which factual and/or legal arguments and evidence to rebut the evidence relied upon may be submitted by the petitioner and any other interested party. Such evidence should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, Mail Stop 32-SIB, 1951 Constitution Avenue NW, Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research.

After consideration of all written arguments and evidence received during the 120-day response period, the Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the Federal Register within 60 days of the expiration of the 120-day response period. This determination will become effective 60 days from its date of publication unless the Secretary of the Interior requests the Assistant Secretary to reconsider under 25 CFR 83.10(c).

SUMMARY UNDER THE CRITERIA (83.7(a-g))

Evidence submitted by the petitioner and obtained through other interested parties and independent research by the Acknowledgment staff demonstrates that the San Juan Southern Paiute Tribe meets the seven criteria required for Federal acknowledgment. In accordance with the regulations set forth in 25 CFR 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

In the course of active consideration of the petition, questions arose concerning the interpretation of criterion 83.7(f) of the regulations. This criterion appeared to conflict with section 83.3(d) of 25 CFR 83, which states that the regulations are not intended to apply to Indian "...communities or groups of any character which separate from the main body of a tribe currently acknowledged as being an Indian tribe by the Department [i.e., the Navajo Tribe], unless it can be clearly established that the group has functioned throughout history until the present as an autonomous Indian tribal entity." This section had been understood to describe a possible exception to criterion 83.7(f), which requires that the membership of the petitioning group be "...composed principally of persons who are not members of any other North American Indian tribe." In response to a request from the Bureau for clarification, the Assistant Solicitor for Tribal Government and Alaska stated in a memorandum of April 3, 1987, that section 83.3(d) could not be construed to be an exception to the requirement in the regulations that a group must meet all seven criteria in the regulations to be acknowledged as an Indian tribe.

The Assistant Solicitor's memorandum also elaborated on the meaning of criterion 83.7(f) by describing the general principles regarding tribal membership which are fundamental to understanding the definition of membership found in section 83.1(k) of the regulations. The Assistant Solicitor's memorandum stated that the Acknowledgment staff's preliminary interpretation of "membership" as solely determined by appearance on the de facto "Navajo tribal roll" was too restricted. It held that, given the circumstances surrounding the confusion of the membership status of the San Juan Southern Paiutes in relation to the Navajo Tribe, the Acknowledgment staff was not justified in relying solely upon the appearance of San Juan Paiute names on the "Navajo roll." It held further that the staff would be justified in reexamining the question of whether or not the San Juan Southern Paiutes were in fact members of the Navajo Tribe and, therefore, whether they would meet criterion 83.7(f) upon a reexamination of the data using a less restricted interpretation of the definition of membership as found in 25 CFR 83.1(k).

Based on the advice of the Assistant Solicitor, the Acknowledgment staff reexamined the question of San Juan Paiute membership in the Navajo Tribe. It was concluded that their presence on the Bureau's census which is now the de facto "Navajo tribal roll" did not constitute evidence, because of the circumstances of creation of that document and the procedures by which census numbers were and have continued to be assigned, that the San Juan Paiutes were

maintaining the bilateral political relationship with the Navajo Tribe which is essential to membership. Ethnographic and historical data likewise demonstrated that the San Juan Paiutes were not maintaining such a relationship with the Tribe and did not consider themselves to be members. Considerable ambiguity was evidenced on the part of the Navajo Tribe's governing body, as well as the Bureau, concerning the legitimacy of the Paiutes' having the "census numbers" now used by the Navajo Tribe as "enrollment numbers."

This is a proposed finding based on available evidence and, as such, does not preclude the generation and submission of other evidence to the contrary during the 120-day comment period which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. The final determination, which will be published separately after the reciept of comments, will be based on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria.

83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.

The San Juan Band of Southern Paiutes has been repeatedly identified from 1850 to the present on a continuous basis not only in general terms like "American Indian" or "aboriginal," but specifically as "Paiute," "Southern Paiute," or "San Juan Paiute." The first recorded identification of the band, or at least the probable ancestors of the band, occurred in 1776 when the Spaniard Escalante noted one of their villages near Navajo Mountain. Two subsequent sightings of San Juan Paiute villages or camps in the same location as that seen by Escalante occurred in 1823 by the Mexican Vizcarra, and in 1829 by the Mexican Armijo. These three mentions in the historical record are all that have been found prior to 1850. Due to the extreme isolation of the San Juan Paiute territory, added to the fact that sustained Euro-American presence in the region did not occur until relatively late (ca. 1840), a true "recorded history" of the band can be said to begin only in 1850.

From that point in time, the list of historical identifications of the San Juan Paiutes is impressive. They were identified by Army surgeon Ten Broeck in 1852 and by Captain Walker in 1859. The Mormon missionaries Hamblin and Haskell identified them in 1859, and Hamblin again in 1870. John Lee, one of the founders of the Mormon settlement of Tuba City identified the San Juan Paiutes in 1873. A clear description of the band was provided by commissioners Powell and Ingalls in 1873, during their explorations for the Commissioner of Indian Affairs and the Smithsonian. Mentions of the San Juan Paiutes in 1877 and 1881 were provided by two Mormon settlers in Tuba City--Brown and Joe Lee respectively. The first investigation into the status of the band by the BIA was done by Welton in 1888; this was followed by a report mentioning the band made in 1892 by Lt. Mitchie from Ft. Wingate. John Lee's grandson Joe lived

with the San Juan Paiutes for a second winter in 1895, which he later described in detail. Indian Inspector McLaughlin described the band in 1898, and three employees of the BIA identified the San Juan Paiutes successively--Murphy in 1902, Jenkins in 1903, and Work in 1906.

The Congress of the United States identified the San Juan Paiutes in 1906, 1907, and 1908 in three separate appropriations bills. In 1907, the so-called "Paiute Strip" was established as a reservation for the San Juan Paiutes by Assistant Secretary of the Interior Thomas Ryan following the inspection reports of Chubbock (1907) and Churchill (1907) concerning the status and conditions of the band. Col. Hunter reported the number and conditions of the band in 1908, and this was followed by two reports from the BIA employee Janus in 1908 and 1909. BIA Superintendent Runke provided descriptions of the San Juan Paiutes in 1914 and 1919. Following the restoration of their reservation to the public domain in 1922, BIA Superintendent McKean described the band and spoke in its defense in 1923. Another BIA official, Walker, mentioned the band in 1928, as did Johnston during Senate hearings held in 1930. Forester Zeh of the USDA mentioned the San Juan Paiutes in 1931.

During the 1930's, the San Juan Paiutes were the subjects of repeated anthropological inquiry. Kelly studied the band in 1932 and described it in detail in several subsequent publications. Stewart and Collier did the same in 1938, and both described the band in detail in later writings. Van Valkenburgh, then working for the Navajo Service, described the band in 1941. The San Juan Paiutes were later appropriated into the Navajo Tribe owing to their inclusion in earlier BIA censuses which were designated the offical tribal roll of the Navajos. Mentions of the band in official documents temporarily decreased as a result of this, but in 1954 Tallsalt, a member of the Navajo Tribal Council, identified the San Juan Paiutes in a separate roll.

More ethnographic descriptions of the San Juan Paiutes came in 1961 and 1962 with the fieldwork of Shepardson and Hammond. This was followed by the identification of the band by anthropologist Nagata in 1963. Navajo attorney Littell identifed the San Juan Paiutes in 1964, as did ethnohistorian Brugge in 1967 in the course of his work for the Navajo Tribe. The missionary Schoff identified the band in 1969, and in 1970 the San Juan Paiutes were identified--and described--by DNA attorney Withers and journalist Stone. In 1972 Navajo tribal chairman MacDonald identified the San Juan Paiutes in Senate hearings, and BIA official Harter described the band in 1973. An article in the Hopi newspaper Qua'toqti appeared in 1974 describing the San Juan Paiutes. In 1977 anthropologist A. Turner lived with the group and described them in subsequent publications. DNA attorney Arthur identified the band in 1981, and in the following year anthropologist Bunte began her work with the group. Along with her husband, anthropologist Franklin, Bunte published materials identifying and describing the San Juan Paiutes. Stewart, after a hiatus of 46 years, returned to the band and wrote another report identifying the San Juan Paiutes. In 1985 two published articles appeared both identifying and describing the San Juan Paiutes--one was by Whiteford and McGreevy, and the other was by A. Turner and Euler. In 1986 Kelly and Fowler included the San Juan Paiutes as a distinct Southern Paiute band in their article on "Southern Paiute" published in Volume 11 of the Smithsonian Institution's Handbook of North American Indians.

Navajo oral history concerning the nineteenth century identifies the San Juan Paiutes near Navajo Mountain and also those at Willow Springs (e.g., Dyk 1938 and Van Valkenburg 1941) as distinct Paiute groups, separate from the Navajos.

These accounts were collected in the 1930's as well as more recently--some from individuals born as early as the 1880's. The contemporary San Juan Paiutes are similarly identified by the predominantly Navajo local population--and Navajo leaders--which surrounds them on the western Navajo Reservation.

The San Juan Paiutes are identified as a band of Southern Paiutes by the Kaibab Band of Paiutes of Arizona and the Paiute Tribe of Utah. Both have submitted resolutions supporting acknowledgment of the San Juan Paiutes. The Kaibab Band also identified the San Juan Paiutes as a Paiute group in 1969 in connection with the Southern Paiute judgment award in the Indian Claims Commission, and in 1942 when the Kaibab Band agreed to the San Juan Paiutes' request to become members of their tribe.

Both historically and up through the present day, the petitioner has been identified by scholars, local non-Indians, Federal officials, other Southern Paiute bands, and members of the Navajo Tribe as Southern Paiutes and as a distinct body of people. This has occurred even in contexts where close interaction with the Navajos and acculturation to Navajo culture has been stressed. In light of the volume of accumulated historical data, we conclude that the petitioner, the San Juan Southern Paiute Tribe, has been identified as an American Indian tribe from historical times until the present and has met criterion 25 CFR 83.7(a).

83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area and that its members are descendants of an Indian tribe which historically inhabited a specific area.

According to ethnographic sources, the San Juan Paiute consisted of a single "band" at the time of earliest significant contact with non-Indians, around 1850. Kelly characterized the band as a well-defined social unit, with a clearly defined territory. The best ethnographic evidence shows that there were several political units, under independent leaders, within the band at this point. Stewart's data indicate two such units. The names of local leaders in the early and mid-19th century recorded in Paiute and Navajo oral history and documents between 1900 and 1910 suggest that more than two local units may have existed at that time and for some time afterwards.

The preponderance of ethnohistorical data indicates that the area south of the San Juan and Colorado Rivers, east of the Little Colorado River and west of Black Mesa was aboriginally Southern Paiute territory for several centuries prior to the advent of Euro-American people. The northeast region around Navajo Mountain and Paiute Canyon and the southeast region around Willow Springs, Cedar Ridge and Tuba City have clearly been identified as part of the home territory of the San Juan Band of Southern Paiutes since 1850, the beginning of significant contact with Europeans. San Juan Paiute oral history places specific ancestors in these regions well before 1850. It is probable that Southern Paiutes sighted by Escalante in 1776, Vizcarra in 1823 and Armijo in 1829 were ancestors of modern San Juan Paiute Band members, though this is not provable.

Population reduction, loss of territory and outmigration probably significantly reduced the size of the San Juan Paiute band between 1860 and 1920. Two subgroups which existed historically continue to the present as distinct subgroups. One, in the south, utilized Willow Springs and nearby farming areas at Moenave and Moencopi to the south in addition to lands at Cedar Ridge to the north. The northern subgroup utilized land at Paiute Canyon and Navajo Mountain. A third subgroup, in the Oljeto-Douglas Mesa area, no longer existed after the 1920's. Its members migrated to the mixed Paiute-Ute community in Allen Canyon, Utah, or joined the two remaining subgroups on the Navajo Reservation.

There are numerous documentary historical identifications of the band before 1900 which provide descriptions--usually brief and undetailed--of the group and/or individual settlements. Other such observations distinguish the San Juan as Paiute and as a distinct community. These are consistent with ethnographic reports based on oral history collected in the 20th century. Throughout this period, the San Juan Paiutes and neighboring tribes were clearly distinct and culturally quite traditional. Contact with non-Indians and settlement of non-Indians in their territory was limited. The documentary sources begin with Army Captain Walker referring to the Paiute community in the north in 1859 and include Mormons Hamblin and Haskell in 1859, John Lee in 1873, and Brown in 1877 referring to the Paiute community in the south. Ethnographer John W. Powell's report for the Commissioner of Indian Affairs in 1873 referred to a distinct "tribe" in the San Juan Paiute territory. Joe Lee, a Mormon who was intimately familiar with both the north and the south subgroups, described the two as a single entity in 1881 and provided details concerning economic and kinship relationships between the two. BIA official Welton described a Paiute community farming at Willow Springs and Moenave and listed individual families. Joe Lee also referred to the northern subgroup in 1895, mentioning leaders and distinguishing it from mixed Ute-Paiute bands from the north. BIA officials Murphy and Work referred to the San Juan Band by name in 1902 and 1906, respectively, characterizing it as one of the Southern Paiute bands. In 1906 and 1907, Indian Service Inspectors Churchill and Chubbock briefly described the northern and southern settlements. Army Colonel Hunter in 1908 briefly described northern subgroups at Paiute Canyon and Oljeto. Western Navajo Agency Superintendent Janus wrote a detailed description of the San Juan Band in 1909, describing the subgroup at Cedar Ridge and Willow Springs in the south and the two subgroups in the north mentioned by Hunter. He indicated social and political links between them.

Documentary and ethnographic sources report the existence of the two main San Juan Paiute settlements throughout the 20th century to the present. An Indian Service report in 1909 characterized the band as a single unit with a named leader and three subgroups. The petitioner presents a detailed description of settlement patterns, e.g., the location of individual camps and economic and social links within and between the two main subgroups between 1910 and the present. Extensive kinship ties existed between the subgroups, with intermarriage and change of residence between Willow Springs and Navajo Mountain being common. Seasonal migration of families between the two areas was reported during the 19th century.

In 1914, BIA Superintendent Runke described the northern San Juan Paiute community and it was mentioned in 1919 by Indian Inspector Coleman. Other brief mentions or descriptions of the northern community were made by Superintendent McKean in 1923, who listed several Paiute families, missionary

Johnston in 1930 and USDA Forester Zeh in 1931. Ethnographic reports of Kelly (1934) and Stewart (1938, 1941-2) briefly refer to the northern and southern settlements as they existed at that time. Studies of Navajo Mountain Navajos by Collier (1966) in 1939 and Shepardson and Hammond (1970) from 1960 to 1962 provide some description of the San Juan Paiute settlement in that area. A 1941 publication about the Navajos by ethnographer Van Valkenberg described the Paiutes at Cedar Ridge and linked them as a single group with those at Willow Springs and Paiute Canyon. Ethnographer Nagata briefly mentioned the southern community in 1963 as did historian Brugge in 1967 and missionary Schoff in 1969. Later brief descriptions include those of journalist Stone in 1970 (the south), BIA official Harter in 1973, characterizing both areas as a single group, and anthropologist A. Turner in 1977, referring to the entire band.

Sixty-five percent of the membership of the San Juan Paiute Band today reside on the Navajo Reservation, most of them at Willow Springs or Navajo Mountain. Extensive economic cooperation in agriculture and grazing exists between family groups in both areas. San Juan Paiutes resident in Tuba City, near Willow Springs, also participate in this activity and some are also seasonal residents at Willow Springs.

The only sizable body of San Juan Paiutes not resident within the Navajo Reservation reside at Allen Canyon, considered by the Ute Mountain Utes to be part of their reservation. The San Juan Paiute members resident there maintain a sharp, sometimes hostile distinction between themselves and the mixed Ute-Paiute population.

The traditional, unwritten definition of membership in the band includes social affiliation and participation with other band members as a criterion of membership. To be considered a member requires recognized San Juan Paiute descent and also "participation." As defined by the band's leader and the petition researchers, "participation" includes visiting, attendance at funerals, weddings, and other formal and informal social affairs, interest in and providing assistance with group problems, etc. Thus the membership by definition is limited to persons maintaining substantial social interaction with other tribal members.

The petition contains substantial information that the Utah residents living off the Navajo Reservation, the only substantial portion of the membership at a significant distance from the main body of the tribe, maintain substantial interaction with those on the Navajo Reservation. This consists of visiting back and forth based on substantial kin ties, changes of residence between the two areas over the past 40 years, as well as participation in the political processes of the tribe. Four of the Utah families from Allen Canyon are seasonally resident at Paiute Canyon-Navajo Mountain for purposes of farming.

The primary context in which social distinction occurs is in the relationships between the San Juan Paiutes on the Navajo Reservation and their Navajo neighbors. Although both are residents of the same geographical area and there are many social links and interactions between them, the San Juan Paiutes are clearly socially distinct from the local Navajo. Even part-Navajo, Navajo-speaking individuals are universally identified as Paiute and as members of this particular group. Lists made by Navajos in 1954 of Navajo Mountain Paiutes (for the Navajo Tribe), in 1963 of Willow Springs Paiutes (for the Public Health Service) and in 1973 of virtually the entire San Juan Paiute band living on the reservation (for the BIA), identify essentially the same body of

people as Paiute as is identified in the petition and in ethnographic and other documentary sources.

The two locations are identified by local Navajos as Paiute settlements. Local Navajos also identify the individual San Juan Paiutes, including nonresidents of the two settlements and those who are primary Navajo-speakers, as Paiutes and as part of a single, distinct group. Distinctions from the Navajos are made in terms of social status, economic ability, desirability as marriage partners, lack of clan affiliation, historical origins, and past history of Paiutes as slaves or menial workers for the Navajos.

The San Juan Paiutes have not been incorporated into the kinship relationships which are primary for traditional Navajo social organization, i.e., clan membership and cooperating economic groups. Separate economic resources, for agriculture and grazing, have been maintained. Social relationships with the Navajo do not extend significantly beyond friendships. A significant barrier to intermarriage has existed in the past and still exists to a considerable extent.

There is some San Juan Paiute acculturation to Navajo culture, substantially more in some families than in others. Important cultural distinctions remain, however, with little evidence of acculturation to Navajo kinship patterns, political institutions or many aspects of religious beliefs includings puberty rites, taboos, and attitudes concerning the dead. Cultural distinctions between the San Juan Paiutes living on Utah reservations and the other reservation residents (predominantly Ute) are substantially less, since the members of these communities are closely culturally related to the San Juan Paiutes. There are few non-Indians in the communities in which most of the membership resides, and few San Juan Paiutes reside in non-Indian communities.

We conclude that the San Juan Paiutes form a community of people maintaining close social interaction and that they are socially and culturally distinct from the surrounding populations. We also conclude that historically and up through the present the San Juan Paiute band formed a distinct, socially unified body, consisting of several linked, territorially based subunits. Therefore, the San Juan Paiutes meet criterion 25 CFR 83.7(b).

83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The best ethnographic evidence indicates that the San Juan Paiutes in the 1850's were a single socially unified and distinct body that consisted of at least two political units with separate leadership. Among the Southern Paiutes in general, more strongly unified bands and the emergence of clearly defined leaders of entire bands resulted from pressures created by white settlement of Southern Paiute territory beginning after 1850. Parallel pressures on the San Juan Paiute were created by the influx of large numbers of Navajos into their territory beginning in the late 1860's. Patnish, a leader who was probably leader of the entire band, is known from historical documents. Patnish died in 1877, but may have functioned as leader of the band as early as the late 1860's. A Federal government commission investigating Southern Paiute affairs in 1873 considered the San Juan Band to be a single political unit.

From approximately the 1880's to the 1930's, the leader of the entire band was Pakai. Documentation of his role is found in government records from 1907 and 1909. A line of successors to Pakai as band leader is known to the present day. Although there is some documentation of these leaders, the primary record is oral history. This record includes San Juan Paiute, Kaibab Paiute and Navajo oral history, much of it part of ethnographic studies of Paiutes and Navajos made between the 1930's and the present. The names and activities of a succession of leaders of the local subgroups at Willow Springs and Navajo Mountain are recorded in Paiute and Navajo oral history, with some documentary evidence as well. Some of these individuals were active as early as the 1840's and perhaps the 1830's, i.e., before significant non-Indian contact.

Tribal leaders served as spokesmen for the entire tribe and were concerned with external affairs, such as dealing with non-Indians or other Indian tribes. The function and requirements for such leaders were otherwise similar to those of local leaders. The traditional system was based on consensus decision-making and noncoercive leaders who were influential because of their prestige, knowledge of Paiute culture, social maturity, and ability to gain the support of the kinsmen they spoke for. An important part of the decision-making process was meetings, where all influential adults of sufficient prestige and social standing (referred to in the petition as "elders") could speak. Many of the local and tribal leaders were described as having religious functions such as curing, or being hunt leaders. Among the observed functions of the political system were reinforcement of standards of behavior, settlement of intragroup disputes, allocation of farming and grazing lands, and decision-making concerning relations with non-Indians, Navajos, and other Indians.

Although there has been a high level of social and economic interaction between the Navajos and the San Juan Paiutes since the last century, there was no evidence that traditional Navajo leaders had any influence or control over internal political processes of the San Juan Paiutes. Historical and ethnographic accounts of the Indian populations in the Willow Springs and Navajo Mountain areas name both San Juan Paiute and Navajo leaders.

There was no evidence that the institutions of the modern Navajo tribal government played any role in San Juan Paiute political processes such as dispute resolution, organization of economic activities, allocation of land, and maintenance of behavior standards. Although originating in the 1920's, the significant and rapid development of the Navajo tribal government structure has occurred since the mid-1950's. Its political, judicial, administrative and service structures are quite extensive and have taken over many functions previously controlled and carried out exclusively by the Bureau of Indian Affairs and other non-Indian governmental agencies. Although much of the land used by the San Juan Paiutes on the reservation is held under a permit system now jointly administered by the BIA and the Navajo Tribe, the actual use of the land is allocated by internal political processes within the band. Disputes over use of the lands were not, as far as is known, taken to Navajo institutions which would be concerned with similar questions among Navajos,i.e., the chapter, grazing or land committees, or the Navajo tribal court. There is one unconfirmed report of a partial exception to this.

There has been some San Juan Paiute attendance at meetings of the local Navajo governing institutions--chapters--in or near the San Juan Paiute communities. There was no evidence that the San Juan Paiutes actively participated in these

meetings, which are partly concerned with decision-making. There was at least one Navajo report that the Paiute who attend do not actively participate. In at least one reported instance, a request by the San Juan Paiutes to be represented by a Navajo before the local chapter was rejected.

There has been some San Juan Paiute voting in Navajo elections since around 1970. Individual records of voting were only available for 1982 and 1983. Approximately half of the Paiute adults resident at Navajo Mountain and about one-fifth of those in the south had voted in at least one election in those years. There was no other evidence of Paiute involvement in the modern Navajo political system.

We conclude that the San Juan Paiutes have maintained leadership and internal political decision-making processes exercising tribal authority since earliest significant historical contact. We further conclude that the San Juan Paiute political process has functioned independently of the control of the traditional and modern political processes of the Navajo Tribe. Therefore, the San Juan Paiutes meet criterion 25 CFR 83.7(c).

83.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

The San Juan Paiutes do not have a written governing document. A description of how the band currently governs itself and a statement of its criteria for membership are included in the petition and accompanying materials, including supplementary reports, answers to court interrogatories and testimony by the band's spokesperson and one of the petition researchers. The governing processes of the band are discussed above under criterion c and in the anthropological report.

The petition contains a statement of the band's membership criteria. Additionally, slightly varying statements are found in the testimony of the tribal spokesperson (James 1984), one of the petition researchers (Bunte 1984), the tribe's answers to interrogatories from the Navajo Tribe in the Sidney v. Zah suit, and in a supplementary report by the other petition researcher (Franklin 1985b).

The tribe's definition of membership is recognized descent from a San Juan Paiute and "participation" in tribal affairs. Previous to the preparation of the petition, an explicit definition, written or unwritten, had not been made. The explicit, written definition found in the petition was prepared by the petition researchers, based on the unwritten usage within the tribe and statements by members. A tribal roll was prepared for the first time as part of the preparation of the acknowledgment petition.

Determination of descent from a San Juan Paiute is made by the tribe on the basis of members' knowledge of families and their histories. No documentary source such as a census or roll is used. The several statements regarding the meaning of "participation" defined it as including attendance at meetings (or sending a representative), inquiring about political affairs, having the band as their primary allegiance, interest in and assistance with the problems of the tribe, and "...all socially recognized forms of participation in tribal

life." The latter included visiting, attending funerals, marriages, family events, etc.

The petitioner has provided detailed statements and evidence concerning how the current group governs its affairs and the criteria for membership. We conclude, therefore, that the San Juan Paiutes have met criterion 25 CFR 83.7(d).

83.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

The San Juan Paiute membership roll for acknowledgment purposes includes 188 living members. The roll was initially prepared in May 1984, with supplements dated September, October, and December 1985. No former rolls or lists were provided and no formal ones are known to exist. The current membership roll is the product of the group's efforts to respond to acknowledgment criterion 83.7(e) above.

Eligibility for membership is based on the individual's descent from a San Juan Paiute ancestor and his/her participation in and allegiance to the group as a whole. Who is or isn't a member appears to be common knowledge within the group itself. While the San Juan Paiutes rely on their general knowledge of individual and family genealogies within the tribe to determine who their members are, it should be pointed out that in comparing their knowledge with the extant historical record, a high degree of accuracy is evident. All persons who descend from San Juan Paiute ancestry, however, are not automatically accepted as members, i.e., they must meet the participation criterion as well.

A small number of individuals (probably no more than 20, most of whom are the children of enrolled or deceased San Juan Paiute members) who are considered to be members in terms of the traditional concept of membership, as made explicit in the petition, have not requested enrollment and therefore do not appear on the tribal roll submitted with the petition. Since they participate socially, they are known to band members and their leaders. The band's leadership has stated it would be willing to add these individuals to the roll at a later date if they requested it.

The ancestry of virtually all of the members of the San Juan Paiute tribe can be traced to members or ancestors of the group who can be identified historically with the Paiute settlements on or very near the Navajo Reservation in northern Arizona and southern Utah. The written record surrounding the ancestry of the San Juan Paiutes is voluminous and varied. Records used to verify their descent span almost 100 years (1888-1985) and include information collected by various agencies of the Federal Government, federally recognized tribes, and anthropologists working with the San Juan Paiutes and other Indians in the area. Many of the families historically identified with the group are still present in the group's current membership.

The group has provided a current list of its members. The group's membership consists of individuals who have established their descendancy from the historical San Juan Paiute tribe using evidence which is acceptable to the Secretary. Therefore, we conclude that the San Juan Southern Paiutes meet criterion 83.7(e) of the regulations.

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The names of one hundred forty-two members (approximately 76 percent) of the "San Juan Southern Paiute Tribe" have had some association with or appear on the rolls of one of four federally recognized tribes: 119 with the Navajo Tribe, and 23 with three other tribes (11 Ute Mountain Ute, 7 Paiute Indian Tribe of Utah, 4 Quechan). Forty-six San Juan Paiutes are associated only with the petitioner and do not appear to have had an association with the Navajo Tribe or to be on the rolls of the three other federally recognized tribes.

The thrust of this section will deal with whether the Paiutes are legitimate members of the Navajo Tribe. The 23 Paiutes who appear on the rolls of the three other tribes noted above will not be considered at length in this summary under criterion (f) because, at most, they represent only 12 percent of the petitioner's total membership and as such would not alone be sufficient to justify a negative finding. The nature and the extent of San Juan Paiute associations with the Navajo Tribe are, however, of particular importance to a finding on this criterion since 119 of the 188 San Juan Paiute members (63 percent) have "Navajo census numbers" and are claimed by the Navajo Tribe as members.

In a recent opinion (Keep 1987:3), the Department's Assistant Solicitor for Indian Affairs (Tribal Government and Alaska) states that merely having a BIA/Navajo census number does not necessarily prove that the petitioner's membership is "...principally composed of 'members' of the Navajo Nation" and that the "unique origins and history" of the "Navajo Tribal Roll" justify further investigation to determine whether a bilateral political relationship, indicative of membership, exists between these Paiutes and the Navajo Tribe.

The key words in criterion (f) are "members of any other North American Indian tribe." To properly evaluate the San Juan Paiutes' association with these tribes--in particular with the Navajo Tribe--one must look to the definition of "Member of an Indian Tribe" found at 83.1(k) of the regulations governing acknowledgment (25 CFR 83):

> "Member of an Indian tribe" means an individual who
> [1] [a] meets the membership requirements of the tribe as set forth in its governing document
> or
> [b] is recognized collectively by those persons comprising the tribal governing body,
> and
> [2] [a] has continuously maintained tribal relations with the tribe
> or

> [b] is listed on the tribal rolls of the tribe as a member, if such rolls are kept [number and letter designations added].

Definition (k) has two parts, each of which has two subparts. Therefore, to be a member of an Indian tribe as defined by (k), an individual must meet at least one element of each part of the definition. Inherent in the definition and in the nature of tribal membership is the fact that membership is a bilateral, political relationship.

Meets membership requirements of governing document [subpart 1a]
In brief, the Navajo Tribe's membership criteria, as set forth in the Navajo Tribal Code, are to be "of Navajo blood" and on the "official roll." Many San Juan Paiutes could possibly meet the Navajo Tribe's membership criteria since many have some Navajo blood. Many also appear on the Navajo Tribe's "official roll" because the Navajo Tribal Council adopted the Bureau's updated 1940 census--a reservation-wide census including mostly Navajos but also some Paiutes--as the "Navajo Tribal Roll." The Tribe's governing document (i.e., the Navajo Tribal Code) is unclear regarding how these criteria (i.e., of Navajo blood and on the official roll) would apply to the Paiutes who appear on the "official roll." No specific instructions have been developed to deal with questions such as those raised by the Paiutes' presence on the "roll."

The enrollment procedures established by the Navajo Tribal Council in 1955, and later codified in the Navajo Tribal Code, are not now being used to enroll Navajos, much less Paiutes. No evidence was found that these procedures have ever been used by the Navajo Tribe. A Vital Statistics Department was established in 1959 to develop Navajo regulations to produce a "new Navajo Tribal Roll." No regulations are known to exist yet, nor has a "new" roll been produced.

The census numbering system nominally being used by the Navajo Tribe is a continuation of a Bureau system used to determine eligibility for Bureau services. Persons applying for census numbers do not appear to have--and have not in the past--unequivocally applied for "membership" in the Navajo Tribe. Census numbers are assigned by census office personnel in a BIA building. The Navajo Tribe's governing body does not exercise approval or disapproval over numbers assigned. Notations found in the records of the Western Navajo Agency Census Office show that personnel who staff the census office consider a significant number of the members of the San Juan Band to be Paiutes who were "enrolled" in the Navajo Tribe by mistake. (The Census Office at Western Navajo Agency is staffed by persons who are employed by the BIA as well as persons who are employed by the Navajo Tribe itself. Many--if not all--are of Navajo ancestry.) There is also evidence that elements of the Tribe's governing body as well as Bureau officials have from time to time--at least since the 1950's--questioned the legitimacy of Paiutes on the "Navajo Tribal Roll." Much confusion exists over how and why the Paiutes received "Navajo census numbers" and why they appear on the Navajo Tribe's "official roll."

Navajo membership criteria and enrollment procedures as set forth in the Navajo Tribal Code are generally unclear. The criteria and procedures are not now being used--nor are they known to have ever been used--by the Tribe's governing body and its representatives to determine eligibility for membership or to enroll Navajo Tribal members. The Code is also unclear regarding how the Tribe's existing membership criteria would apply to Paiutes and other Indians

who appear on the de facto "Navajo Tribal Roll." Despite concern over the legitimacy of Paiutes on the Tribe's "official roll" expressed by the Navajo Tribal Council in the 1950s and by other elements of the Tribe's governing body from time to time, the Council has never developed a procedure to deal with questions raised by the presence of Paiutes and other Indians. The Paiutes do not meet the Navajo Tribe's membership requirements as set forth in the Navajo Tribal Code, therefore they do not meet subpart 1a.

Recognized by the governing body [subpart 1b]
The opinion of the Assistant Solicitor for Indian Affairs (Tribal Government and Alaska) states that

> In assessing whether an individual has been recognized by the tribal governing body, you should give great weight to the views of the governing body. The views of the tribal governing body may not be conclusive, however, since membership in an Indian tribe is a bilateral, political relationship . . . (Keep 1987:4).

The documentary record, at least since the 1950's when the Navajo Tribal Council began to take an interest in defining membership, shows that the Tribe's governing body and its representatives/tribal officials have questioned the legitimacy of the Paiutes being on the Tribe's "official roll." Despite their concern, however, the tribal government has not acted to resolve questions raised by the presence of Paiutes on the Tribe's "official roll."

Distinctions have been made by tribal officials that many of the San Juan Paiutes on the de facto "Navajo Tribal Roll" are of Paiute ancestry and are not considered to be legitimate members of the Navajo Tribe. Similar distinctions have also been made by Bureau employees and Navajo tribal employees working in the census offices as recently as 1983 and 1984.

Some actions taken by the Navajo Tribe suggest that the tribal government recognizes the Paiutes as members. Two such examples are the fact that they have registered and permitted some Paiutes to vote in tribal and chapter elections and, in a few instances, have provided some services that are restricted to tribal members. In contrast, however, the Tribe's chairman in 1974 testified in Congressional hearings on the Navajo-Hopi bill that the Paiutes would be "stealing" from the Navajo Tribe if they gained rights to land (see Historical report); in the early 1980s a local Navajo chapter almost passed a resolution to prevent the Paiutes from selling their baskets--highly prized by the Navajos--on the Navajo Reservation; neighboring Navajo communities have questioned the Paiutes right to "Navajo census numbers"; and an influential Navajo refused to represent the Paiutes before the Tuba City Chapter (see Anthropological report).

The Navajo Tribe has no functioning enrollment process wherein an individual unequivocally seeks membership in the Navajo Tribe and the individual's application is approved by the Tribe's governing body. Further, one hundred fourteen (96 percent) of the 119 San Juan Paiutes who have "Navajo census numbers" have confirmed their membership in the San Juan Southern Paiute Tribe.

Three recent resolutions from the Navajo Tribal Council and two local chapters are the only unequivocal declarations of Navajo tribal government views concerning Paiute membership. These resolutions state that individuals on the

San Juan Paiute membership list who "were enrolled in the Navajo Tribe" are considered to be full members of the Navajo Tribe. However, because the resolutions were passed in response to the issues raised by the Paiutes' petition for acknowledgment and by the Paiutes' application to intervene in the U.S. District Court in the Sidney v. Zah case, they do not necessarily represent previous views of the governing body.

Notwithstanding the above resolutions, the San Juan Paiutes do not now appear to be "recognized collectively by those persons comprising the [Navajo] tribe's governing body" (25 CFR 83.1(k)), nor to have been so recognized by them in the past.

Continuous maintenance of tribal relations [subpart 2a]
A bilateral political relationship is fundamental to membership in an Indian tribe (Keep 1987:4). The San Juan Paiute Tribe has maintained tribal political authority over its membership as an autonomous unit from earliest sustained historical contact until the present. Therefore, its individual members are maintaining a bilateral political relationship with the San Juan Paiute Tribe. Conversely, individual members of the San Juan Paiute Tribe were not found to be maintaining such a relationship with the Navajo Tribe nor to have done so in the past. It was further concluded that Navajo political leaders and institutions did not exercise influence over internal decisions among the Paiute membership.

Although some Paiutes were sometimes present at Navajo chapter meetings (i.e., local Navajo tribal political units) and about a third of the adult Paiutes on the Reservation had voted in Navajo elections, little evidence was found that they have participated in the Navajo decision-making processes or that the Navajo Tribe has exercised political influence over them (see Anthropological report). To the degree that there has been some occasional involvement of the Paiutes in Navajo Tribal political institutions, i.e., voting and attending chapter meetings, the available evidence indicates that it was not of a nature and extent that could be considered substantially "continuous" tribal relations.

The Assistant Solicitor's opinion points out that in making determinations regarding membership,

> . . . you may give weight to the views of individuals to the extent you may have such evidence . . . The views of individuals are relevant . . . because membership is a bilateral relationship and an individual is free to terminate his membership at any time (Keep 1987:5).

There is some basis for believing that the Paiutes were constrained to continue to get numbers after they became "Navajo census numbers" because they were a means of obtaining vital services. The Paiutes have obtained some services from the Navajo Tribe which were previously provided by the BIA to all local Indians, regardless of tribal affiliation; these are now contracted by the Navajo Tribe from the BIA. In a few instances, Paiutes have received benefits from the Navajo Tribe that are generally limited to Navajo tribal members (see Anthropological report). However, the numbers have also been used for other purposes, not connected with tribal membership, such as to obtain social security numbers and/or benefits, for Indian

preference in employment, to secure Federal educational benefits, and for numerous other purposes (see Genealogical report).

The available evidence concerning the Paiutes' understanding and intent in voting in Navajo elections is limited. Nonetheless, their intent appears to have been to seek to influence the Navajo political system which has taken over a number of services and functions, such as control of land, which formerly were administered by the Bureau. There was some evidence that the Paiutes also felt constrained to vote in elections to avoid problems with the local chapter organizations. The Paiutes feel the Navajo tribal government has not been responsive to Paiute attempts (by voting) to be represented within it, i.e., that it has not accepted them (see Anthropological report).

In summary, Navajo political leaders and institutions do not appear to have exercised influence over internal decisions among the San Juan Paiute membership. To the degree that there has been some occasional involvement of the Paiutes in Navajo tribal political institutions, i.e., voting and attending chapter meetings, the available evidence indicates that it was not of a nature and extent that could be considered substantially "continuous" tribal relations. Similarly, acquiring and using census numbers appears to have been looked upon by the Paiutes as a means of obtaining vital services, rather than as becoming members of the Navajo Tribe.

Therefore, a bilateral political relationship, which is fundamental to tribal membership (Keep 1987:5), does not now exist and has not existed in the past between the San Juan Paiutes and the Navajo tribal governing body. The Paiutes have, however, maintained such a relationship within themselves as an autonomous political unit. Lacking "continuous maintenance of tribal relations" with the Navajo Tribe, the Paiutes do not meet subpart 2a.

Listed on tribal roll [subpart 2b]

The San Juan Paiutes' presence on what has come to be referred to as the Navajo Tribe's "official roll" grows out of the Navajo Tribal Council's adoption in 1955 of the Bureau's reservation-wide census as the Tribe's "official roll." The census was initially taken in 1928-29 with subsequent additions and deletions made through 1938. This census, with additions and deletions, was retyped in 1939 and 1940 and has been updated on a continuing basis by the Bureau and, more recently, by the Tribe.

The assignment of census numbers--now commonly referred to as "Navajo census numbers"--has continued on agency forms in a census office staffed by BIA and tribal personnel in an agency building on the Reservation. Despite the fact that the Navajo Tribal Code contains a detailed enrollment procedure and a membership application form which explicitly states "I hereby apply for membership in the Navajo Tribe . . .," neither the form nor the enrollment process itself appears to have been utilized by the Tribe or the Bureau when assigning census numbers. The Navajos' use of census numbers is a carryover from the Bureau's numbering system which was designed to enumerate the Indians living on the reservation and to determine who was eligible for services. Although the Navajo Tribe claims that having a "Navajo census number" is evidence of enrollment in the Navajo Tribe, the Navajo Tribal Council and its representatives from time to time have questioned--and continue to question--the legitimacy of Paiutes on the "Navajo Tribal Roll" and their eligibility for services available to Navajos. Available evidence does not clearly show that Paiutes with census numbers have looked upon these

numbers as "membership" numbers. Evidence suggests that the numbers were perceived as evidence of eligibility for services originally--and for a long time thereafter--provided by the Bureau. A number of these services have been taken over by the Tribe itself in recent years.

The Assistant Solicitor's opinion further states that

> To be a "tribal roll" within the meaning of the regulations, the list of members should be one which was prepared under circumstances indicating strongly that it represents a list of those maintaining tribal relations (Keep 1987:5).

The opinion goes on to note that the "circumstances under which . . . [the tribal roll] was prepared must be considered . . ." (1987:4). The strongest evidence of the maintenance of tribal relations would be:

> . . . if the list of members was prepared as a result of a formal tribal process where by individuals made application, were reviewed by an independent tribal enrollment committee and granted appeal rights . . . (1987:4).

Conversely, a list that was "casually created or simply an adaptation by the tribe of a list originated or prepared" for another purpose by another party would be of "limited value, if any, as evidence of the maintenance of tribal relations" (Keep 1987:4).

Given the unique history and origin of the de facto "Navajo Tribal Roll," current practices related to the assignment of census numbers, and the fact that Paiute legitimacy on the roll has been--and still is--questioned by elements of the Navajo tribal governing body, we find that the Paiutes who appear on the roll are not members of the Navajo Tribe as defined by the Acknowledgment regulations (25 CFR 83) and do not meet subpart 2b.

Conclusion regarding the Paiutes as members of the Navajo Tribe.
Because the San Juan Paiutes do not have a bilateral political relationship with the Navajo Tribe and do not meet any of the elements (subparts 1a, 1b, 2a, or 2b) of the definition of a "member of an Indian tribe" (83.1(k)) with respect to the Navajo Tribe, they are not legitimate members of the Navajo Tribe.

Conclusion under criterion (f).
The 119 San Juan Paiutes who have "Navajo census numbers" are not legitimate members of the Navajo Tribe because they do not meet any of the elements (subparts) of the definition of "Member of and Indian Tribe" found in section 83.1(k) of the Acknowledgment regulations (25 CFR 83). A bilateral political relationship is fundamental to membership in an Indian tribe (Keep 1987:4). These Paiutes do not now have such a relationship with the Navajo Tribe, nor have they in the past (see Genealogical report). They do, however, have a bilateral political relationship with the San Juan Southern Paiute Tribe.

The background concerning the 23 San Juan Paiutes (12 percent) whose names appear on the membership rolls of three other federally recognized tribes was not researched in depth because of the small number of members involved. Because at most only 12 percent of the San Juan Paiute membership appear to also be members of another tribe, the petitioner meets the requirements of

criterion (f) that its members not be principally members of other North American Indian tribes.

83.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The "San Juan Southern Paiute Tribe" does not appear on the Bureau's current lists of Indian tribes terminated from Federal supervision or restored to Federal status. With the exception of one individual, the members of the San Juan Paiute group did not appear on the 1956 final termination rolls of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe. These bands were restored to Federal status in 1980 and with the Cedar City Band of Southern Paiutes now comprise the Paiute Indian Tribe of Utah. Neither the San Juan Paiute group nor its members been the subject of congressional legislation which expressly terminated a previous Federal relationship. Therefore, we conclude that the San Juan Southern Paiutes meet criterion 83.7(g) of the regulations.

MAP 1

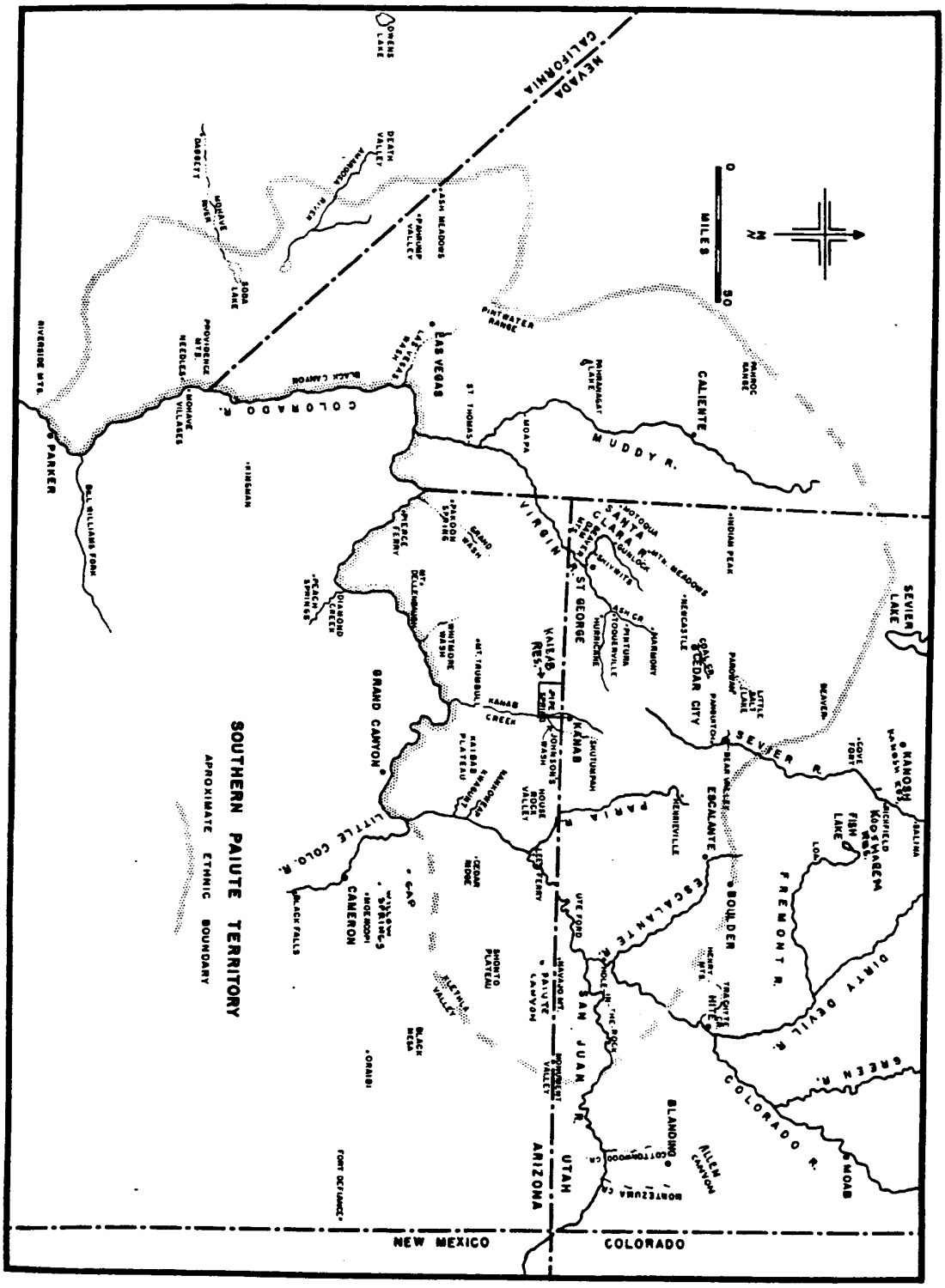
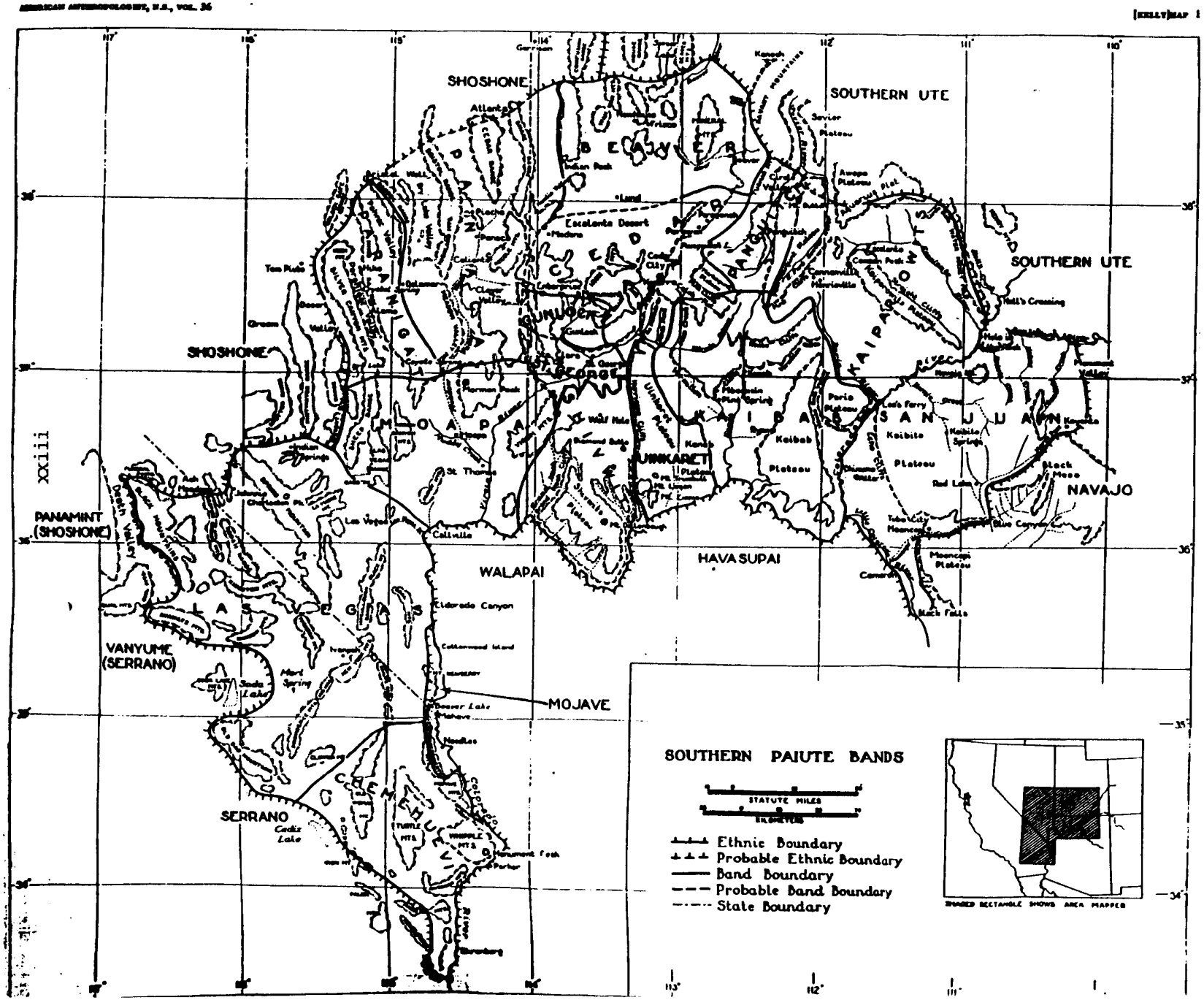


Fig. 1. Southern Paiute territory.

(From Euler 1966:5, with additions)

MAP 2: TRADITIONAL SOUTH PAIUTE TERRITORY (Kelly 1934)



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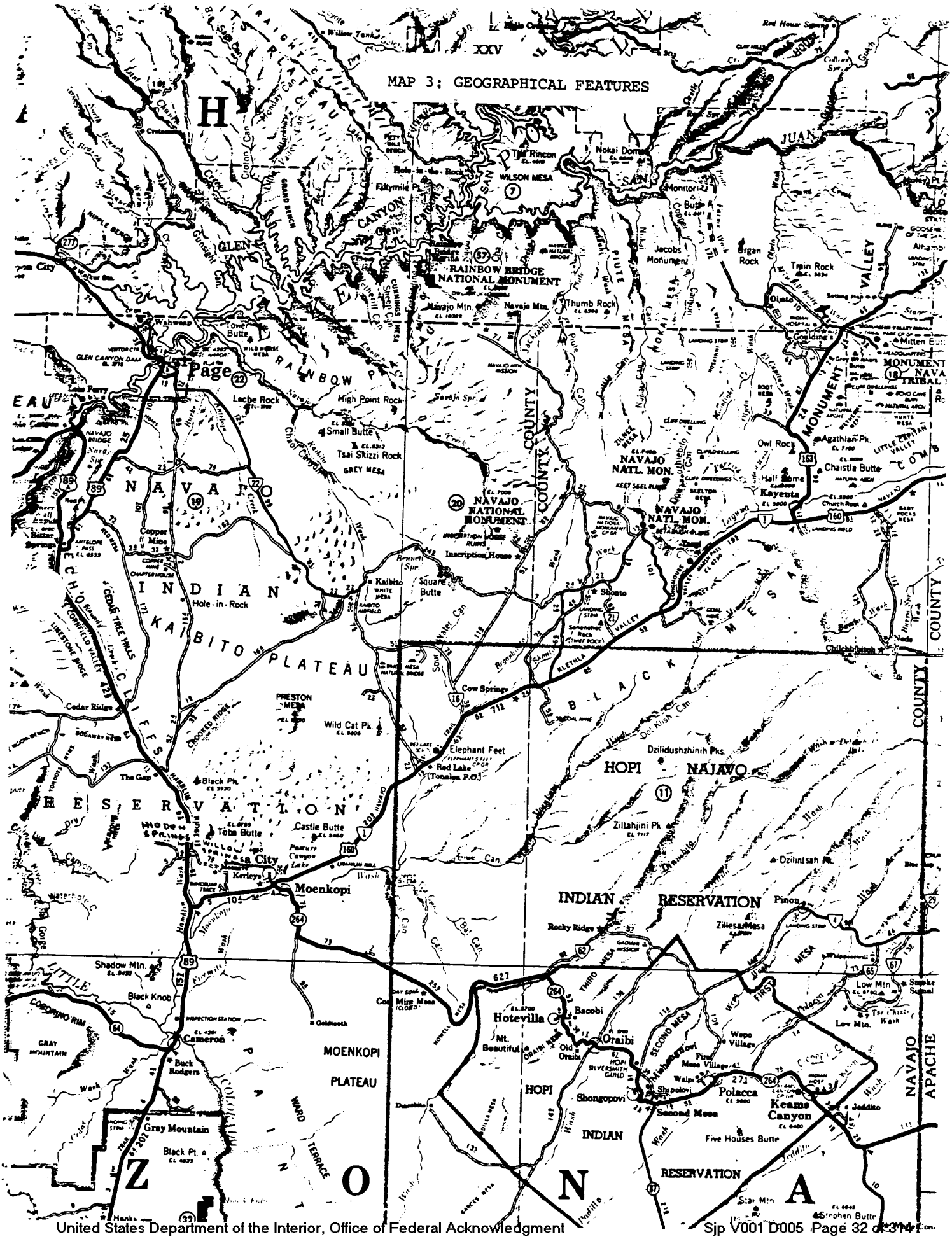
MAP 3; GEOGRAPHICAL FEATURES
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Lechee Rock
High Point Rock
Small Butte
Tsai Skizzi Rock
GREY MESA
RAINBOW BRIDGE NATIONAL MONUMENT
Navajo Mtn.
Thumb Rock
Jacobs Monument
Organ Rock
Train Rock
Oljato
Owl Rock
Agathlan Pk.
Chaistla Butte
Kayenta
NAVAJO NATL. MON.
NAVAJO NATIONAL MONUMENT
Inscription House
Kaibito
Square Butte
Shonto
Hole-in-Rock
Copper Mine
Bitter Springs
Cedar Ridge
Cow Springs
Wild Cat Pk.
PRESTON MESA
Elephant Feet
Red Lake (Tonalea P.O.)
Dzilidushzhinih Pks.
Ziltahjini Pk.
Dziltsah Pk.
Tuba Butte
Castle Butte
Tuba City
Moenkopi
Shadow Mtn.
Black Knob
Cameron
Gray Mountain
Black Pt.
Hotevilla
Bacobi
Oraibi
Mt. Beautiful
Old Oraibi
Polacca
Second Mesa
Keams Canyon
Five Houses Butte
Star Mtn.
Stephen Butte
Low Mtn.
Pinon
Rocky Ridge
Zilles Mesa
Wepo Village
Shongopovi
Jeddito
Chilchibitoh
Nava
Low Mtn.
Tsaile
Wash
Canyon
Mesa
Plateau
Valley
Creek
Butte
Point
Rock
Spring
Lake
Ruin
Trail
Ridge
Cliff Dwelling
Landing Strip
Trading Post
Visitor Ctr.
Church
Monument
Tribal
Reservation
Indian
Hopi
Navajo
Apache
County
Colorado
Arizona
Utah
New Mexico
Zona
Navaho
Hopi
Moenkopi
Kaibito
Echo Cliffs
Vermilion Cliffs
Kaibab
Paiute
Black Mesa
Second Mesa
First Mesa
Third Mesa
Coconino Rim
Little Colorado
Ward Terrace
Moenkopi Plateau
Kaibito Plateau
Navajo Mtn.
Navajo Spr.
Inscription Ruins
Cedar Tree Tanks
Limestone Bridge
Cornfield Valley
Crooked Ridge
Bodaway Mesa
Gray Mountain
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Cow Springs
Tonalea P.O.
Kerleyo
Willow Springs
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Navajo Mtn.
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Grand Canyon
Marble Canyon
Echo Cliffs
Vermilion Cliffs
Paria Plateau
Cottonwood Wash
Jacknabbit Canyon
Paiute Canyon
Cummings Mesa
Sheep Canyon
Navajo Spr.
Chaol Canyon
Kaibito Creek
Tsegi Canyon
Nokai Dome
Monument Valley
Oljato
Train Rock
Mitten Butte
Agathlan Pk.
Owl Rock
Chaistla Butte
Kayenta
Church Rock
Baby Rocks Mesa
Inscription House
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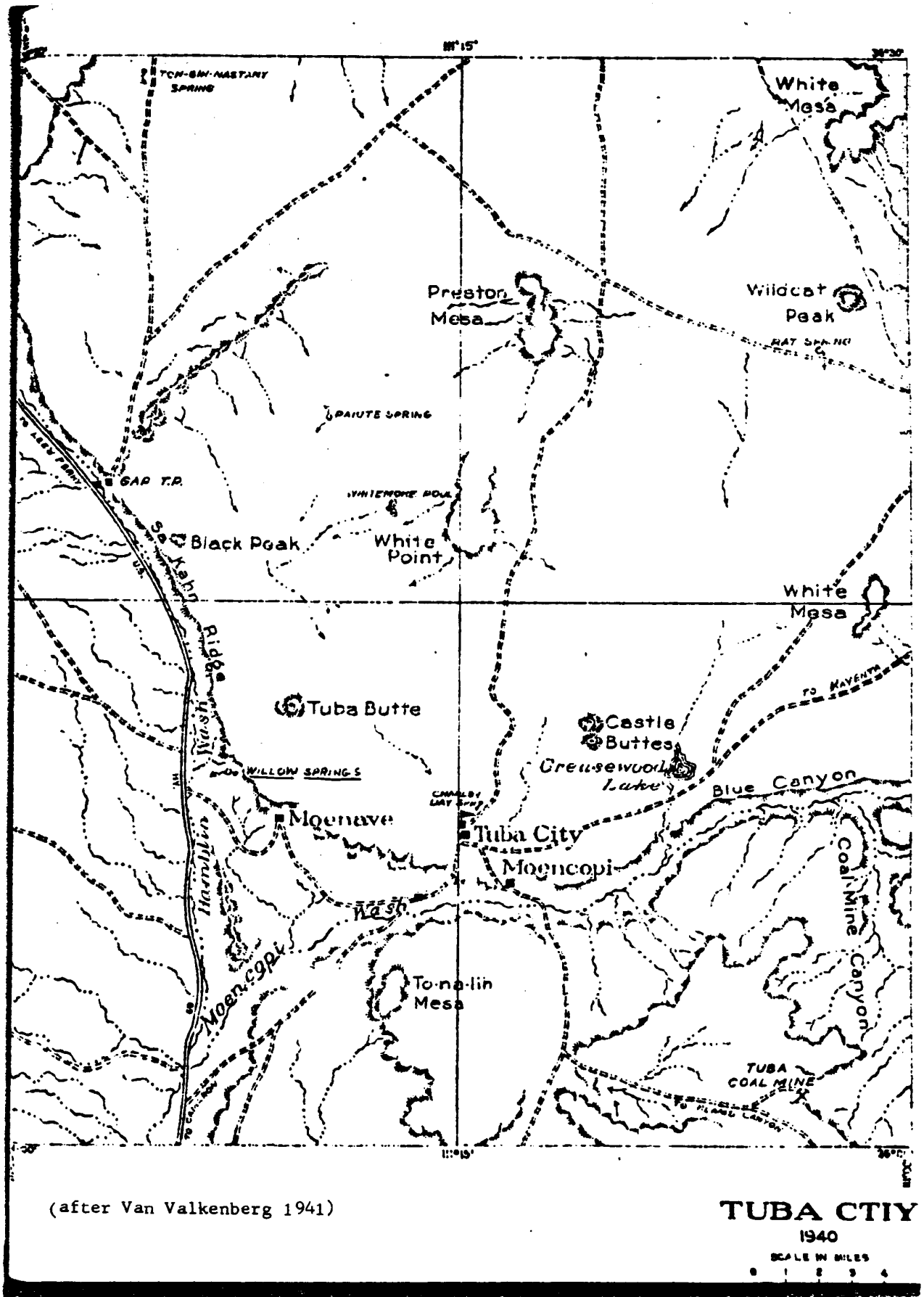
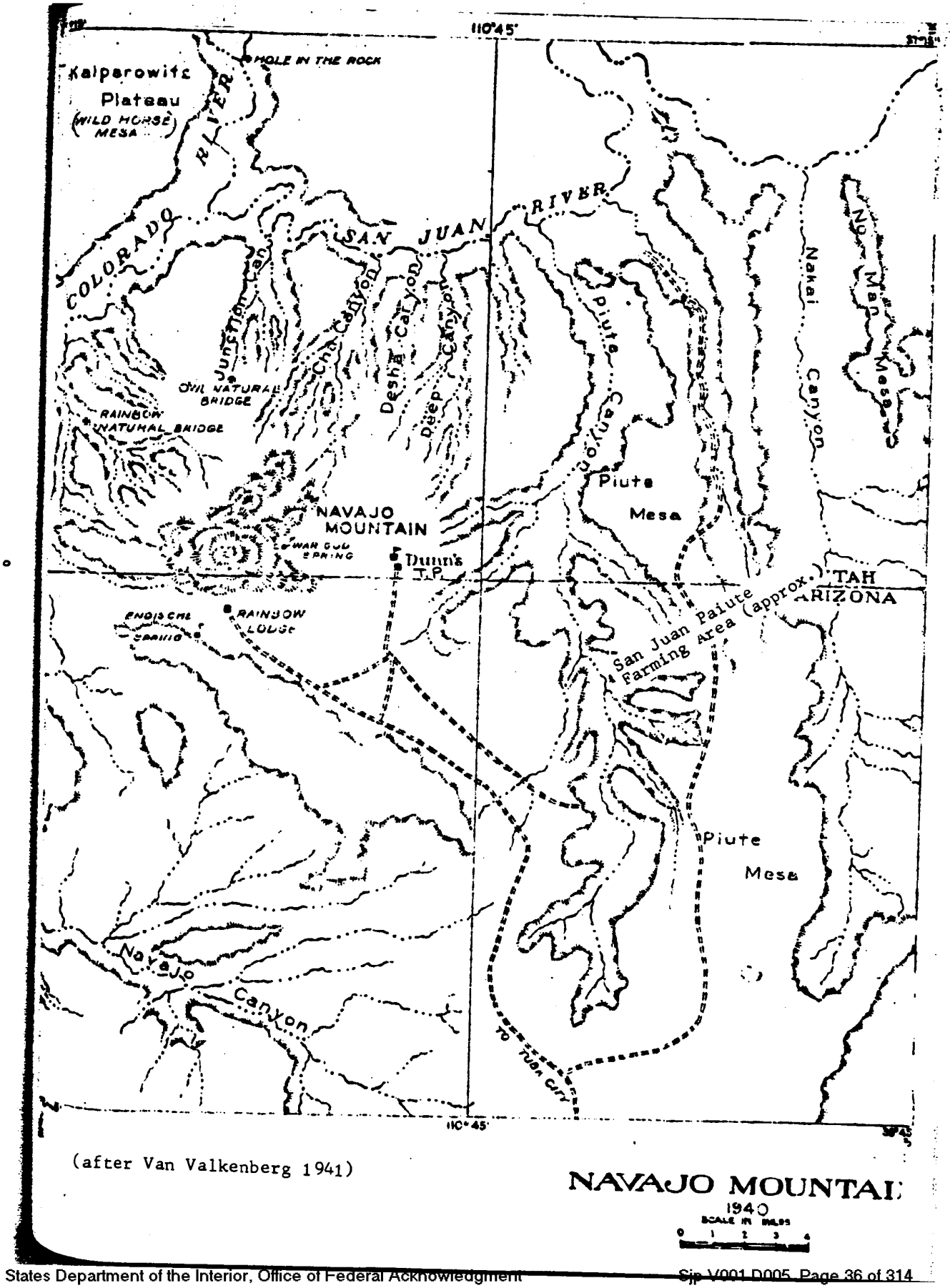
Owl Rock
Chaistla Butte
Kayenta
Chilchibitoh
Nava

MAP 4: WILLOW SPRINGS AREA



(after Van Valkenberg 1941)

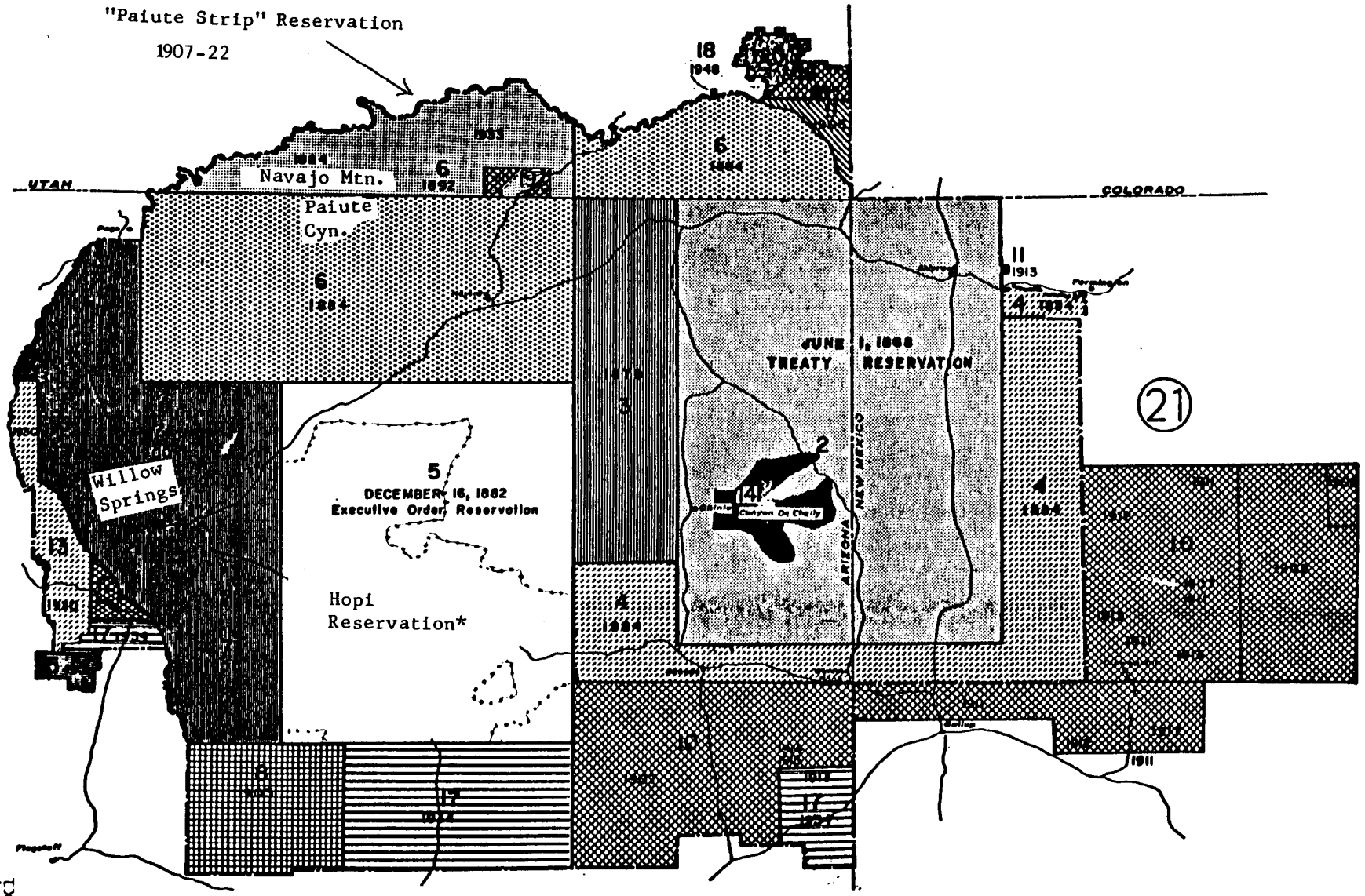
MAP 5: DETAIL OF NAVAJO MOUNTAIN - PAIUTE CANYON



(after Van Valkenberg 1941)

NAVAJO MOUNTAI
1940
SCALE IN MILES
0 1 2 3 4

MAP 6: EXPANSION OF THE NAVAJO RESERVATION



*Approximate boundary, by 1977
Order of Partition, U.S. District Court

Modification of map 21,
Correll and Dehiya 1978

ETHNOHISTORICAL REPORT ON THE SAN JUAN SOUTHERN PAIUTES

SUMMARY

The San Juan Band of Southern Paiutes is a small but politically and culturally autonomous tribe of Native Americans who today inhabit two distinct settlement areas, where they are residentially clustered, in north central Arizona. The lands which they occupy are now part of the Navajo Reservation, but these lands were aboriginally occupied by Southern Paiutes and were annexed to the Navajo Reservation by two separate Executive Orders in 1884 and 1900 due to a steady increase in Navajo population and the subsequent territorial expansion which resulted from this increase. These two San Juan Paiute communities are separated by approximately 90 miles and are referred to as the northern and southern settlement areas, located near Navajo Mountain and Tuba City, Arizona, respectively. The San Juan Paiutes traditionally shared the southern settlement area with Hopi farmers from Oraibi who later established the Pueblo of Moencopi there. Prior to the imposition of controlled grazing and agriculture in the 1930's, some members of the San Juan Band of Southern Paiutes practiced transhumance, taking their livestock back and forth between these two areas on a seasonal basis. Today this practice has ceased, yet, notwithstanding a changed economic lifestyle characterized by basket weaving and wage labor within the tribe, it must still be viewed as cohesive and autonomous both in terms of kinship and political authority.

Southern Paiute villages were first cited around Navajo Mountain by Spanish explorers in 1776, and later by Mexican officials in 1823 and 1829. The first mention of the San Juan Paiutes by American personnel in their territory occurred in 1852—the year which begins the recorded history of the tribe and the first sustained contact with non-Indian culture. Throughout the entire second half of the nineteenth century, the principal Euro-American people with whom the San Juan Paiutes carried on any interaction were the Mormons, who had made missionary and settlement inroads into their territory. While the Mormons were responsible for much of the documentary record concerning the San Juan Paiutes during this period, Mormon occupation of the region also resulted in increased competition for natural resources, especially water and arable land. It is during this period that the first recognizable ancestors of the modern San Juan Paiutes can be accurately identified through genealogical methods.

During the 1860's, U.S. military pressure brought to bear against the Navajos in northeast Arizona resulted in the flight of thousands of Navajos into San Juan Paiute territory, which added to the problem of competition for resources in the area. While this did not result in overt hostilities between the Paiutes and Navajos, the close interfacing of these two native cultures created both tension and some degree of acculturation to Navajos ways by the San Juan Paiutes.

From approximately 1875 to 1900, the San Juan Southern Paiutes witnessed a gradual encroachment of their traditional land holdings by Mormons and Navajo alike, as did their Hopi neighbors in the Tuba City/Willow Springs area, in their southern and northern settlement areas, respectively. By the early twentieth century, the U.S. Government had created the so-called Western Navajo Reservation, bought out the Mormon settlers, and established the Western Navajo Training School at Tuba City, which later became the Western Navajo Agency of the BIA. Southern Paiutes, Hopis, and Navajos were recognized by the Government as sharing this southern area and having equal rights there. In 1907, the Interior Department established a reservation for the San Juan Paiutes north of the Arizona-Utah border, south of the San Juan River, and west of

the 110° meridian known as the "Paiute Strip." During this period, the San Juan Paiutes had both the greatest visibility as an autonomous tribal entity and the most direct assistance from the Government in their entire historic existence.

Within the space of the decade between 1918 and 1928, however, the fortunes of the San Juan Paiutes made a radical change for the worse. The 1918 influenza pandemic resulted in a shattering depopulation of the band, and in 1922 they lost their reservation when it was restored to the public domain under pressure from oil interests. Added to these problems was the continued and uninterrupted population growth and territorial expansion of the Navajos, who by now had virtually eclipsed the Paiute presence in the area by sheer numbers. New BIA Superintendents of the Western Navajo Agency, not knowing the historical situation, began to view the former Paiute territory as traditionally and exclusively Navajo. Censuses made by the BIA of all Indians in the region in the late 1920's and early 1930's clearly listed the San Juan Paiutes separately and as "Paiutes" or "Paiute-Navajo." With the de facto adoption of these BIA censuses by the Navajo Tribe as their working roll around 1940, and the later official adoption of the 1940 roll by the Navajos in the mid-1950's, the Paiutes arbitrarily became members of the Navajo Tribe, and consequently entered into a further stage of administrative obscurity in their former homeland.

Their administrative obscurity lasted until approximately 1968, when the San Juan Paiutes were included in a Southern Paiute judgment award made by the Indian Claims Commission. Moreover, the confusion over the tribal status appears to have been exhibited only by U.S. Government and other administrative authorities, since numerous ethnographic studies of the tribe by professional anthropologists and ethnohistorians in the 1930's and from the 1960's to the present clearly established a distinct Paiute cultural structure and a cohesive San Juan Paiute polity. The efforts of the San Juan Band to reassert their rights and presence in their traditional territory has been on-going since the period of the ICC judgment, and included an earlier and explicit attempt to obtain Federal acknowledgment.

I. ABORIGINAL CULTURE

In what is today north central Arizona, there lives a group of Native American people who refer to themselves as the San Juan Band of Southern Paiutes. These people are descendants of what modern ethnologists generally describe as a larger body of Numic-speaking Shoshonean people who, at least four hundred years before the advent of the Euro-American settlers, roamed vast sections of the American Southwest in the present areas of the southern Great Basin and the Colorado plateau. The modern States covered by Southern Paiute aboriginal territory are southern Utah and northern Arizona, southern Nevada, and portions of southern California. The prehistoric Southern Paiutes were primarily a hunting/gathering people who practiced horticulture on a limited basis. The basic sociopolitical unit was a small band of several families that related to other Southern Paiute bands through kinship and a common material culture and language.

The origins of the Southern Paiute people and their earliest immigration into the Great Basin region are unclear, due in part to a paucity of archeological data. It is difficult to trace early Southern Paiute because, as Robert Euler points out, the only "...demonstrably identifiable Southern Paiute material traits of a non-perishable nature which might be found in archeological contexts...are ceramics primarily and, to a lesser extent, milling stones and projectile units" (Euler 1964:379). Julian Steward, also addressing Southern Paiute origins, similarly states that "Archeological evidence of ancient cultures is almost negligible," but adds that "Sometime in the post-Puebloan period there was probably a rapid expansion of the recent peoples. Evidence which must be interpreted in this way is their modern distribution and language" (Steward 1938:4-5). Euler concludes that "...on archeological grounds, an initial movement of Shoshoneans into the Pueblo area [began] about A.D. 1, followed by a second migration by the direct ancestors of the Southern Paiute into southern Nevada and southwestern Utah shortly before A.D. 1150." (see Kelly and Fowler 1986:386) It was from this point in time to the beginning of the historic period and the subsequent disruption of Southern Paiute culture by Euro-Americans that the maximum range of Southern Paiutes was achieved. It was also during this period that what is currently considered pristine or truly aboriginal Southern Paiute culture—notwithstanding cultural accretions from neighboring Native American groups—developed.

"It appears pretty certain," as Robert Manners stated, "that Indians whom we came to call Southern Paiute and Chemehuevi did use and did fight within a considerable territory in northern Arizona, southwestern Utah, southern Nevada and southeastern California" (Manners 1974:238). It remains, given this fact, to determine the nature of the Southern Paiute environment, and the degree to which this territory was populated. Understanding the human ecology of the Southern Paiute in the Basin-Plateau region depends in large part on an analysis of the significant features of the natural environment, such as climate, topography, the availability of water, and the distribution and seasonal abundance of edible flora and fauna.

Perhaps the most salient aspect of Southern Paiute territory is the diversity and/or variety of topography. Steward uses a basic two-fold division of types: the first is lower desert basin, flat and sparsely vegetated, with an average altitude from 3000 to 5000 feet (though some basin areas are considerably higher) and an average annual precipitation of 4 to 8 inches in the lower elevations; the second is higher plateau whose average elevation (though this also varies considerably) may be said to be 7000 to 8000 feet and having an average annual precipitation of 20 to 24 inches. Euler analyzes the territory with more precision, describing a third physiographic subregion which he calls the "canyonlands" (Euler 1966:14). This subregion's features are particularly relevant here, since a portion of the historic home of the San Juan Band

of Southern Paiutes has been identified as a canyonland area, e.g., Paiute Canyon. The remaining portions of their traditional territory is comprised of the plateau subregion. Deep canyons cut into the higher plateaus along the drainages of the Colorado and San Juan Rivers and their major tributaries are characterized by fertile canyon floors. "The temperature-precipitation figures for the canyonlands subregion," writes Euler, "are intermediate between those of the basin-range and the high plateaus. Yearly precipitation varies from 6 to 10 inches in the canyons themselves and reaches 12 inches in the uplands" (Ibid.:20). Detailed descriptions of soil composition, geology, botany and zoology endemic to aboriginal Southern Paiute territory can be found in Euler's "Southern Paiute Ethnohistory," pages 13 to 31.

There is, of course, a delicate and inseparable interplay between the natural ecology of a given environment and a hunter/gatherer society which subsists on it. There is a maximum which the environment can provide in terms of foodstuffs and material provision, and this maximum determines and delimits human population. Estimates of Southern Paiute aboriginal population, prior to 1520, are therefore based on estimates of human density in relation to environmental yield. Steward claims that "The estimates given by early writers are ...extremely variable. Many are mere guesses and, in most instances, the group estimated is neither properly identified nor adequately bounded" (Steward 1938:48). However, Steward adds that "The average density for the entire area was probably near Kroeber's [1934] estimate of one person to 15.6 square miles. There was, however, a striking local variation which correlated with the fertility of the natural environment." The map which accompanies this discussion shows the Southern Paiute territory supporting one person to every 28.5 square miles, as an average. Allen Turner, in discussing population density for Kaibab Paiutes, close neighbors of the San Juan Paiutes, states that "[Isabel] Kelly's estimate would account for a population density of 0.2 persons per km^2..." (Turner 1985:36).

Owing to the extreme isolation of certain Southern Paiute groups in northern Arizona and southern Utah, their culture remained relatively uninfluenced by Euro-American traits until well into the historic period. With the exception of a minimum of trade goods, the material culture of certain bands did not change significantly until the mid-nineteenth century (Fowler and Fowler 1971:98). In fact, John K. Hillers, who photographed Utes and Southern Paiutes for Major John Powell on their expeditions into the region during the early 1870's, was able to capture on film a high degree of traditional material culture of these tribes. This has enabled ethnologists and students of the Southern Paiutes to speak with some degree of accuracy about their aboriginal culture (see Kelly and Fowler 1986:392).

Southern Paiute aboriginal culture was relatively uncomplex in contrast to other aboriginal Native American cultures. Organized in small bands or villages of several families, they would move within specific parameters of their territory in search of food. While there was no concept of outright ownership of specific areas preferred for hunting and gathering, stewardship did apply at least temporarily to cultivated areas. Pre-contact agricultural foodstuffs probably included corn, squash, beans and melons, planted along riverbottoms and often left untended until harvest, when a wandering band would return to reap what had grown. The gathered vegetation which comprised part of the Southern Paiute diet was varied, but the primary flora were screwbeans, grass seeds, pinon nuts, yucca (agave), cactus fruit, acorns, and pine bark, in addition to various tubers and berries. Non-vegetable gathered foods consisted primarily of ants, grasshoppers, lizards, and mice. Southern Paiutes hunted virtually all larger game animals, but rabbits were a staple of their diet, owing to the abundance of rabbits in the area and the methods developed for hunting them, i.e., nets and crooked staffs. Deer, antelope, and mountain

sheep were hunted regularly, the last two animal types being driven into wing trap corrals as a method of hunting them.

Gathered foodstuffs were placed in large conical baskets of Southern Paiute construction. These were carried by women who were responsible for gathering vegetable foods as part of the division of labor within the social structure. Small basketry hats were worn by women to help protect their heads while carrying the larger baskets. Most baskets were twined, but some were woven. In addition to these two types, winnowing trays —flat and circular—were made, and jugs for carrying water were woven tightly and saturated with pine pitch. Southern Paiute pottery was known to exist, but was of minor importance in daily use owing to its fragility.

Game animals were hunted both individually and communally. Herd animals like the mountain sheep and antelope were often hunted communally, as was rabbit. The bow and arrow was the principal weapon used for hunting game animals, though rabbits and other rodents were hunted with special nets and what Steward refers to as "rodent hooks." "Shoshonean tribes," he writes, "commonly used long sticks with either hooked or slightly forked ends which they inserted into rodent burrows and twisted in the fur of the animals so as to pull them out" (Steward 1939:10). Some ethnologists believe that the rodent hook and its use was the basis for the genesis of the pejorative term "diggers" used to describe Southern Paiute and other Great Basin tribes. In addition to weapons used for hunting, Southern Paiutes were also users of clubs (for warfare) and hafted flint knives.

Animal skins obtained through hunting and trapping provided the basic materials for traditional Southern Paiute dress. The climate of the region affected the dress of the people, so that in the warmer season few clothes were worn. Breechclouts and moccasins were worn by the men during the hot season, and skirts were worn by the women. During the winter months, full dress buckskin of deer or antelope was worn by men and women, the men wearing shirts and leggings and the women clad in dresses or blouses and peplums. These were often supplemented by long rabbit-skin capes used in the coldest periods. Skull caps were worn by both men and women, the men's being constructed of skin and the women's of woven fibers. The men, moreover, wore a variety of feathered ornamental headdresses.

Housing, like clothing, varied with the season and the location of the band in terms of the availability of certain construction materials. During the summer months, brush shelters were the normal habitations, being made of branches and brush arranged over a depression scraped out of the ground, often under a tree or existing overhang, e.g., rock, etc. (Kelly 1976:172). Since the subsistence routine required constant relocation, it was unfeasible to construct more permanent or elaborate dwellings. In winter months, however, when mobility was decreased and colder weather became a survival problem, sturdier and larger conical lodges were constructed. These were usually forked-stick arrangements built over a pit, framed by poles and filled in with conifer boughs and/or cedar strips. Such lodges had holes in the roofs to allow smoke from fires to escape. In addition to communal or group sleeping arrangements, fires were the principal source of warmth.

Because the Southern Paiutes were a mobile society, emphasis was on minimizing material items to carry. Transportation was almost exclusively by foot until the late nineteenth century, for, unlike their Ute neighbors to the east and tribes of the Great Plains, the Southern Paiutes were never a mounted society. What horses they did acquire were usually eaten. Camp materials and accessories such as tripods, fire drills, metates,

cradleboards, cooking utensils, surplus clothing, etc., were usually carried in bundles and large conical baskets while traversing the region from one camp to the next.

That aspect of Southern Paiute aboriginal culture which can be described as the sociopolitical structure is one about which there is little agreement by modern ethnologists. It would appear from an examination of the various sources concerning the subject that the problem is largely a terminological one. There does seem to be a consensus that aboriginally, the normal, daily subsistence or economic activity of Southern Paiute people was effected by extended-family units who travelled and lived together in camp groups. These normally consisted of a small number of nuclear families or households (Euler 1966:103; Fowler and Fowler 1971:100). Each such unit or group usually had a leader or "talker"—because he spoke for the group—whose authority was minimal, but whose views were given greater weight in communal decisions (Kelly and Fowler 1986:380). Additionally, camp groups in relatively close proximity to one another might have felt some allegiance to some specific or well respected head man, though these ties, again, would not have been strong. These views of Euler and others are corroborated by Steward, who wrote that "The outstanding sociopolitical units...were the biological family and the small winter village, consisting of a loose aggregate of families. Families comprising a village were often related. The village headman or 'talker' was little more than a family leader or village adviser" (Steward 1938:257).

J. G. Jorgensen described the term "band" as the aggregation of "several residential kinship-groups which, when united, recognized a common leadership and a common territory, and recognized no jurisdiction beyond the local organization" (Jorgensen 1980:215). Applying this definition, it seems reasonable to describe these basic sociopolitical units of Southern Paiutes as "bands," approximating the classifications of Kelly (1934) and even Powell and Ingalls (1874), though the latter used the term "tribes." Regardless of the semantic considerations, it seems evident that greater contact with Euro-American cultures in the nineteenth century had a significant effect upon the creation of classic band structure in Southern Paiute sociopolitical organization. Indeed, Manners writes that "...a kind of loose band organization developed in parts of Southern Paiute territory in the post-contact era..." (Manners 1974:56), and Euler asserts similarly that "...Southern Paiute bands were post-contact phenomena that had their roots in the combination of camp groups and the rise of men of prestige" (Euler 1966:103).

Such increased contact with Euro-American cultures may have also produced more national awareness among the Southern Paiutes as a whole, although it seems evident from the early sources that aboriginally no such concepts of "nation" or extended tribe existed among them (Kelly and Fowler 1986:368, 380). Manners, among others, claimed that Southern Paiutes "...never fought as a tribe or nation or as units of all Chemehuevi and/or Southern Paiute males any more than they ever lived as a tribe or a sociopolitical unity of families, villages, bands or subtribes" (Manners 1974:238). Though records do not show that the Southern Paiutes ever amassed large numbers of men for warfare or met in national councils in the early historic era, they did congregate in larger numbers for communal hunts and gathering. This obviously did require leadership, and this occurred in the form of hunt directors.

The ascendancy of prominent head men among the Southern Paiute seems to have followed the same pattern as did the increasing perceptibility of band structure due to greater contact with Euro-Americans. Euler concludes that "...chieftainship seems to have been the result of the amalgamation of camp groups due to Anglo encroachments on Paiute lands and the rise, in these consolidations, of men of some prestige who could represent the Indians before the Anglos, as well as to lead defensive and minor offensive military operations" (Euler 1966:102).

Kinship and social organization among the Southern Paiutes was relatively uncomplicated in contrast to other neighboring Native American societies, notably the Puebloan and Athapaskan. Where specific descent groups are found, they are based on bilateral descent, i.e., neither matrilineal nor patrilineal, but descent through both the mother's and father's side to some renown or prominent ancestor. Neither clans nor moieties were known to have existed in aboriginal Paiute culture, and exogamy was the rule relative to the kinship structure within the basic sociopolitical units.

The division of labor within aboriginal Southern Paiute culture was not unlike that of other Native American groups, with men basically responsible for providing game, protection of the community, and manufacturing those tools to enable them to exercise this function. Women were responsible for early child rearing, gathering of edible vegetation and cooking, overseeing basic domestic functions, and the manufacture of utensils to assist them in these. With regard to horticulture, there was apparently no strict division of labor, and tasks associated with raising crops were divided between the men and women differently within the various bands (Stewart 1942:254-55).

The religion of the Southern Paiute, like all traditional peoples, is centered around a mythology which concerns the origins of the cosmos and the numa (the people) and proper behavior—as reflected in the myth cycle of the coyote in the Paiute case. Paiute cosmology views the lower world reflected in the heavens as an inverted opposite, with its mountain peaks pointing downward and watersheds flowing, similarly, in a manner congruous to the inverted celestial terrain. There is, however, a paucity of ceremonials attendant to the myth cycle, as ethnographers have recorded only a simple round dance for Southern Paiutes in the early historic era. The myths were taught to the children by a designated storyteller during the winter months, and have been faithfully preserved with a high degree of consistency well into the twentieth century. There was, additionally, a shamanic/healing element in Southern Paiute religion, shamans using predominantly a vigil chanting method, accompanied by trance-state sucking of ghosts or evil spirits from the body of the patient (Kelly 1939).

Notwithstanding the absence of a national political element in Southern Paiute culture, the similitude of principally cultural elements such as local social organization, language, religion, and material items, in addition to a common territory and kinship interrelations, is sufficient to refer to a Southern Paiute tribe. In Euler's words, the Southern Paiutes "...enjoyed a generally similar culture whether they recognized it or not" (Euler 1966:103).

II. PROTOHISTORY

The historic period for Native Americans in the Southwest technically begins at the point of Hernando Cortez's invasion of Mexico in 1519. Approximately twenty years after Cortez first invaded Mexico, the Spanish conquistador Francisco Vasquez de Coronado lead a major expedition northward from Mexico to find the legendary "Seven Cities of Cibola" and their fabulous reserves of gold. On this 1540 expedition, Coronado entered, among other present-day states, the state of Arizona. Related expeditions during the same period led to the Spanish discovery of the Grand Canyon by Garcia Lopez de Cardenas and of Hopi country by Pedro de Tovar.

The significance of these early incursions of Spanish into the proximity of Southern Paiute aboriginal territory is that lines of trade were established, which led thereafter to the introduction of European contagious diseases. The magnitude of depopulation resulting from this is unknown for the Spanish period, but it can be said that this was probably the first major impact upon Southern Paiute culture—and other Native American cultures as well—which came about as an effect of European presence in the region (Kelly and Fowler 1986:386).

For the ensuing three hundred years, Spanish and Mexican authorities controlled the American Southwest, but direct impact upon Southern Paiute life was minimal with the exception of epidemic diseases and, later, slave raiding (usually for Paiute children). Various Southern Paiute bands were affected to different degrees owing to their respective proximity to Spanish and Mexican settlements and/or missions (Ibid.:386). Those Southern Paiutes living in the rugged and isolated terrain just south of the San Juan River, in what is today southern Utah and northern Arizona, were affected least. Spanish and Mexican incursions into areas proximate to this San Juan region occurred regularly during this long period until the advent of the United States into the Southwest. In 1582, for example, Antonio de Espejo led an expedition which discovered silver near modern Prescott, Arizona. Eighteen years later, Spanish missionaries arrived at the Hopi mesas and established small missions in an attempt to bring Christianity to the area. Throughout most of the seventeenth century, Spanish influence was gradually spreading in New Spain both in terms of trade and religion. The Native American populations—mostly Pueblo—were beginning to strain under the yoke of this influence, and in the 1680 the Pueblos revolted and pushed the Spanish south of the Rio Grande River to the El Paso area, where they remained for over a decade. In this uprising, missions were destroyed and many of the Spanish priests and bureaucrats were killed. By the turn of the eighteenth century, however, the Spanish had reasserted themselves in the Rio Grande valley Pueblos, and would remain in control there until the Mexican Revolution of 1822.

Owing in large part to the peonage system in New Spain, slave raids against the Southern Paiutes—a favorite target of the Spanish, Navajos, and Utes—increased during the mid-eighteenth century, the women and children taken being sold in the thriving slave markets along the northern Rio Grande valley. This, in addition to the continuing spread of disease, increased the rate of Southern Paiute depopulation. In 1767 the Jesuits were expelled from New Spain by the Spanish Crown, and the Franciscans under Fr. Francisco Tomas Garces took responsibility for the missions in Arizona. Following the relocation of the Spanish presidio from Tubac to Tucson in 1772, Fr. Garces began a series of explorations into northern Arizona in order to extend the mission system. In the summer of 1776 Fr. Garces travelled north from Tucson to Oraibi. On the way, Fr. Garces camped at what is today Tuba City, an area shared in common by the Yavapais, Hopis, and Southern Paiutes at that time. Having kept a journal of his expedition, Garces reported that on June 30 he "...arrived at a rancheria of Yabipais

that should have as it were 30 souls...[and] was received with many civilities..." (Coues 1900:356). The following day, Fr. Garces and his company travelled another two miles southeast and came upon Moencopi Wash, which he referred to as the Rio San Pedro Jaquesila. On the rim of a mesa just above the wash he observed a half-ruined pueblo. Upon investigation, Garces found that it "...had been a pueblo of the Moqui (Hopi) and that some crops which were near to a spring water were theirs, they coming to cultivate from the same Moqui pueblo (Oraibe) that is today so large."

November of 1776 marks the technical beginning of the history of those Southern Paiutes living in the region lying south of the San Juan River and east of the Colorado River or, at least, the probable ancestors of those people who comprised what can be clearly identified as a San Juan Band of Southern Paiutes a century later. The record is found in a journal of the explorations of the Franciscan friar Silvestre Velez de Escalante who, upon his return trip through Colorado and Utah, crossed the Colorado River near present-day Page, Arizona, en route to Santa Fe, New Mexico. On November 9, having travelled the distance to the north rim of present-day Navajo Canyon, the Escalante party was stopped by the terrain, being unable to proceed due to the steep canyon walls. Here his journal records that

> Near this mesa we found some camps [ranchos] of Payuchi Yutas, who border on the Cosninas [Havasupais]. We made great efforts through the Laguna and other companions to have them approach where we were, and, either because they suspected that we were friends of the Moquis, with whom they share great enmity, or because they had never seen Spaniards and greatly feared us, we could not get them to come near.
>
> On the 10th, very early, both of us went to their camps along with the interpreter and the Laguna. We could not get near to where they were, even by coming on foot...The interpreter went back again to see if they would sell us some provisions, but they replied that they had none. They told him that the Cosninas lived very close to here, but that they were now away, wandering through the forests gathering pinon nuts, and that a short distance from here we would find two trails, one toward the Cosninas and another to El Pueblo de Oraibi in Moqui. They also showed him how to find the trail we had lost, saying that we would have to retrace our steps to San Miguel and from here go down to the canyon mentioned before (Chavez and Warner 1976:103-104).

Escalante's account of this incident with these Southern Paiutes was corroborated in a letter to Fr. Isidro Murillo written by Fr. Francisco Dominguez, who accompanied Escalante on the expedition. The letter was written at Zuni about two weeks after their encounter with the Paiutes (see Adams and Chavez 1956:281). Euler states that Escalante, who by that time knew the tribal differences of the inhabitants of southern Utah and northern Arizona, "...distinguished between the Paiute he saw here on the Paria and the 'Yuta Payuches,' a phrase he seems to have used only for those Paiute living across the Colorado and San Juan Rivers" (Euler 1966:35). That the Paiutes had more than a passing familiarity with the area is exhibited by the fact that they were able to instruct Escalante's party to find Oraibi by one of a variety of trails known to them, and by the improvements they had made on the steep trails in and out of the canyons.

Following the ethnographic account of those in the Escalante expedition, the historic record concerning Southern Paiutes south of the San Juan River and east of the Colorado is blank for nearly fifty years. In the interim, trade and slave raids were still the most common form of interaction between Euro-Americans and the Southern Paiutes. Regardless of the fact that the Spanish slave trade was outlawed in 1812, the slave raids continued since the new law was seldom if ever enforced. In 1822, Mexico won its independence from Spain, but the victory had no impact on Southern Paiute life in southern Utah and Arizona. The following year, however, the second record of the Southern Paiutes in the San Juan region appears in the journals of Vizcarra and Salazar.

The new Mexican Governor of New Mexico, Jose Antonio Vizcarra, set out from Santa Fe on June 18, 1823, with 1500 men to track down two Navajo headmen—Juanico and Segundo—accused of stealing livestock in northern New Mexico. Following the Navajos to a location in the vicinity of White Mesa in northern Arizona, about fifteen miles southwest of Paiute Canyon, Vizcarra attacked a "rancheria" of Indians there, believing them to be part of the Navajo group he was chasing. He writes:

> August 8. The march was begun. I rejoined the others in the designated place, having attacked a rancheria of Paiutes, believing they were Navajos; The battle broke out. Four warriors died. Seven slaves were captured, including two women, three children of three to four years, one up to twelve years, and one man. On reaching the baggage party, I decided, with the concurrence of the officers, to set them all free, making them see that it was their fault they were attacked (Brugge 1964:237).

Vizcarra explains that one of the reasons for the mistake was that the Paiutes had goats among them, "which only the Navajos have." Two days after Vizcarra had mistaken Paiutes for Navajos, a special detachment of his force under the command of Col. Don Francisco Salazar repeated the same mistake. Salazar's diary reveals that he had attacked "four little ranches" of Paiutes about four miles north of "Cerro Elevado," which Brugge (1964:242) believes to be Tall Mountain, located on the east side of upper Paiute Canyon. Salazar recounts the following:

> August 10. I began the march at five in the morning in a northern direction, to where the San Juan River joins the Rio Grande [Colorado River], and at a distance of a league and a half, discovered four little ranches of Paiutes hiding in a small canyon in very rough terrain; and believing them to be Navajos, I ordered them surrounded. Having readied the men, I ordered them to open fire, and one warrior died and a bunch of twelve slaves, both children and adults, were captured, as well as eleven horses. When we realized they were Paiutes, we gave them their liberty and their possessions, and they were very contented, saying that it had really been their fault, as they had hidden their ranches because they feared us (Brugge 1964:243).

Brugge, who translated these journals and has studied the Native American groups in the area, asserts in an unequivocal sentence that "The Paiutes were undoubtedly members of the San Juan Band." Further, he says of the Paiutes that "These people had already become acculturated to the Navajo way of life when first described by Anglo-Americans..."(Brugge 1964:226). The first description to which Brugge refers here is one made by Col. George Hunter in 1908; it is not the first such description, but it is an early one. Brugge's guess concerning membership in the San Juan Paiute band of

1823 is far more difficult to corroborate than his assertion that by 1908 the Paiutes had "become [partially] acculturated to the Navajo way of life."

The year following Vizcarra's campaign into northern Arizona—1824—Mexico formally created the territory of Nuevo Mexico, which included present-day Arizona. While this date marked the beginning of a short Mexican domination of the southwestern states, it also marked the entry of a growing American presence in the region. Traders and trappers began to traverse Southern Paiute territory in greater numbers. The renowned "mountain man" Jedediah Smith crossed Utah en route to southern California in the first American overland journey to California during the years 1826 and 1827, and returned to Utah in the first American journey eastward from California. In the same years, trappers to the north circumnavigated the Great Salt Lake.

In 1829, however, the Mexicans were still in control of the region, and in that year an expedition under the command of Antonio Armijo sought to develop a commercial route from New Mexico to California. Like the explorers and soldiers before him, Armijo also kept a journal of his trip, which took him from Santa Fe to the San Gabriel Mission near Los Angeles. This trail, called the Old Spanish Trail, ultimately had a significant effect on Southern Paiute culture, since it cut through their territory. Armijo's journal is terse, but he describes the Southern Paiutes in a ethnographic note, stating that "The gentiles of the Payuche nation inhabit the vicinity of the...[Colorado] river; their living quarters are jacales and they live on grass seeds, hares and rabbits, using the skins of the latter to cover a small part of their body" (Hafen and Hafen 1954:157). Armijo's entry for November 30, 1829, shows an encounter with some Southern Paiutes near Paiute Canyon: "30. At the water hole of the Payuches: three Indians were found, no trouble ensued, and it was necessary to scale a canyon for which purpose we had to carry the baggage in our arms" (Ibid.:160). The following day, December 1, Armijo's party encountered corn patches some distance from the watering hole, indicating both extensive and seasonal Paiute inhabitation of the area.

During the 1830's, travel became heavy on the Old Spanish Trail, and trade with the Southern Paiutes—and other Native American tribes along the trail—showed a marked increase. Also during this period, the slave trade probably reached its peak, but in the absence of specific data on the Southern Paiute slave trade this is speculative. The mid-decade of the 1830's was significant for another reason, that being an oral history account by an old Hopi concerning the destruction of the Hopi Moencopi Pueblo around that time. Discussing raids on the Hopi, Florence Ellis mentioned that Paiutes were raiding the Hopi in the early nineteenth century, and that "Raids increased after the Mexican Revolt of 1823 because the new government had no military power in the Southwest" (Ellis n.d.:7). This gives somewhat more credence to an oral history interview reported by Harold Colton in 1939, who wrote that "In 1911, a very old Hopi named Quavaho died. His children remember that he told them that when he was 14 or 15 years old [ca. 1835], Paiutes caputured the pueblo above Moencopi, destroyed the town and killed all the people. Two boys escaped who fled to Oraibi. This must have occurred between 1830 and 1840" (Colton 1939:3). This account clearly establishes a Southern Paiute presence around modern Tuba City during this period, and is supported by Paiute oral history as well. Alfred Lehi, a Southern Paiute leader born in 1898 who lived at Willow Springs most of his life, stated that his father and grandfather had lived there before him, which would have made his grandfather resident in the area shortly after the Paiute destruction of the Hopi pueblo.

The late 1840's were eventful times in Southern Paiute territory. A virtual explosion of Anglo-American activity signalled the beginning of significant and lasting changes in Southern Paiute society. In 1847 the first Mormon settlers led by Brigham Young

entered the valley of the Great Salt Lake after a long overland trek from Kanesville, Iowa (now Council Bluffs). Salt Lake City was founded, and the State of Deseret was established two years later (1849) with Young as governor. Mormon expansion and settlement in southern Utah and northern Arizona, with its corollary objective of missionizing the "Lamanites" (the term for Native Americans as found in the Book of Mormon, had profound effects upon the Southern Paiutes. Moreover, the direct transmission of European-originated diseases by Mormon colonists was the cause for the second wave of Southern Paiute depopulation, resulting in major social, cultural and economic discontinuity.

At approximately the same time, the Mexican-American War was being fought to the south, and the conclusion of that war brought about the February 2, 1848 signing of the Treaty of Guadalupe-Hidalgo. Under the provisions of this treaty, all of what is today Arizona (less the Gadsden Purchase), Utah, Nevada, and California was ceded to the United States—in other words, all of aboriginal Southern Paiute territory. Added to these events was the discovery of gold near Sacramento, California in January of 1848. As news of this discovery spread, it brought waves of "49'ers" through Paiute country along the Old Spanish Trail through Utah. Along with the prospective gold miners in 1849, a Mormon exploring expedition covered southern Utah in search of good settlement sites, often choosing the fertile bottoms on which Southern Paiutes had been accustomed to growing their crops. Later that same year, the United States executed a treaty with the Navajos northwest of Cañoncito, New Mexico, in order to define their territorial limits. In the wake of that treaty, the first American military post in Arizona was established at Fort Defiance.

The year 1850 brought more new changes to the area which would ultimately affect the lives of Southern Paiute people in the region. In an omnibus bill enacted on September 9, Congress organized the territories of New Mexico, which included present-day Arizona, and Utah, which superceded the State of Deseret. The following year, Brigham Young took the oath of office as Governor of Utah Territory, a position which he held until 1857, and the first Mormon colonies were established in Cedar Valley and Little Salt Lake Valley in southwestern Utah. The significance of Young's tenure as Governor of the Territory and President of the Church of Jesus Christ of Latter-day Saints may be seen in an article which appeared in the June 28, 1851 issue of The Deseret News referring to a letter he sent to the settlers of Iron County, U.T. in the heart of Southern Paiute country: "Advised them to buy up the Lamanite children as fast as they could, and educate them and teach them the Gospel, so that not many generations would pass ere they would become a white and delightsome people" (Hunter 1973:316). A year after this was written, the Utah territorial legislature enacted a law legalizing the indentured servitude of "Indian prisoners, children, or women," which effectively shifted the Hispanic slave trade—assisted by the Ute and Navajo raiding for Paiute children—to the new Anglo settlers. Taking the advice of his President, even Jacob Hamblin, a prominent figure in Mormon-Indian relations during the mid- to late-nineteenth century, purchased several Paiute children to serve as domestic help for his wives.

Notwithstanding the Mormon presence in Utah and the growing U.S. military presence in Arizona, those Southern Paiutes living south of the San Juan River and east of the Colorado River remained relatively unaffected. Euler claims that "All the ethnographic data from the 1850's seem to be in substantial agreement. They indicate, moreover, that while some acculturation was taking place due to Mormon activities among the Paiute, overtly they were still carrying on essentially aboriginal patterns "(Euler 1966:69). More specifically relevant to the San Juan Paiutes, however, he states further that "Elsewhere in Paiute country, away from the two main routes of European travel [e.g.,

the northern and southern extremes of the Kaibito Plateau near Navajo Mountain and Willow Springs], the Indians had little if any contact with whites. Acculturation, therefore, was much more rapid for Paiutes living along rivers such as the Muddy, the Virgin, and the Santa Clara..."(Ibid:54).

III. FROM FIRST SUSTAINED CONTACT TO THE NAVAJO RETURN, 1850-1870

March 31, 1852 may be said to mark the beginning of the first sustained historical contact between the San Juan Southern Paiutes and the United States. As was noted above, the first contact with Euro-Americans was that with Escalante in 1776, but this marks only technically the history of the Southern Paiutes in this area, since this and two subsequent mentions of them by Mexican authorities within a space of seventy-five years can hardly be said to constitute a recorded history of the group to 1852.

Writing from the Hopi mesas on March 31, 1852, U.S. Army Assistant Surgeon P.G.S. Ten Broeck stated: "I saw three Payoche Indians today. They live on a triangular piece of land, formed by the junction of the San Juan and Colorado of the West..." (Schoolcraft 1860:4:82-83). The fact that these Paiutes occupied this region appears to have been common knowledge among the Hopi, from whom Broeck probably got his information about them. Further American military observations from the area came later that year, in October, from Captain Lorenzo Sitgreaves, who was assigned to explore the region of the Little Colorado River. Beginning from Zuni, Sitgreaves encountered neither Navajos nor Southern Paiutes, but did find some Walapai Indians near the San Francisco peaks.

Southern Paiutes, however, were known to have utilized at that time the region of the Little Colorado River around present-day Cameron, southwest of Tuba City. Oral history interviews taken and recorded in the 1930's from Indians in the Moencopi Wash/Tuba City area corroborate continuous Southern Paiute presence in that area since the 1850's. Anthropologist Leslie Spier, writing in 1928, claims that his Havasupai informants led him to understand that "The Paiute did cross to the south side [of the Grand Canyon] in Walapai territory and to the east, where they moved up the Little Colorado" (Spier 1928:95). Spier also says that the Paiutes were living "in the vicinity of the Coconino Basin about 1855," as well. And Manners writes, relative to the same time frame, that "...the Havasupai appeared to have conducted somewhat more active intercourse with the San Juan Southern Paiutes...who were near to them in the vicinity of the Little Colorado and Moenavi" (Manners 1956:169). San Juan Southern Paiute oral histories concerning the period between the destruction of the Hopi pueblo at Moencopi (ca. 1835) and its resettlement by Hopis in conjunction with Mormons in the 1860's also corroborate such Paiute-Havasupai relations: "Families whose ancestors lived in the Tuba City and Moencopi Wash area recall stories of friendly relations with the Havasupai. In the summers, Havasupai are said to have come to trade with the San Juan at Willow Springs...Round dances and 'song contests' were held from which intermarriage between the two groups resulted" (Bunte and Franklin 1983:26). Oliver La Farge, who worked with the Hopi Tribe in the 1930's, spent much time researching Hopi history through oral interviews, and wrote in 1937 concerning Southern Paiute presence in the Moencopi area in the 1850's that:

> Moencopi existed as a summer colony for farming from Oraibi since relatively ancient times, but was abandoned a few generations ago due to the raids of the Pah-Utes who were then the only occupants of the present Western Navajo Jurisdiction. Every wild tribe in contact with them always raided the Hopis. An alliance with the Mormons made [Hopi] reoccupation of Moencopi possible in the 1850's, and it reached its present size of about 450 when Lololomai instituted his policy of breaking up Oraibi (La Farge 1937:22).

Indeed, the first Mormon incursions into the region in the late 1850's were led by Jacob Hamblin who, after announcing that the Mormon Southern Indian Mission was to redirect

its efforts toward Hopi and Navajo society due to a lack of success with Southern Paiutes, used the Moencopi wash area as a regular campsite and way station during his trips south to Hopi country. While there was some early intermittent Mormon settlement in the Moencopi area during the 1860's, it was not until 1876 that the major portion of Mormon settlers made permanent homes there.

In September of 1859, the first U.S. military incursion into San Juan Southern Paiute territory occurred. On the first of that month, Captain J. D. Walker marched with four companies from Fort Defiance to the confluence of the San Juan and the Colorado Rivers. He kept a log of his march (13 pages) and submitted a shorter three-page report of his march dated September 20. Excerpts from these documents give descriptions of Southern Paiute inhabitation of the region. Significantly, Walker makes no mention of Navajo inhabitation of the area except on the "extreme eastern border." Walker's journal entry for September 13 states:

> Marched this morning with 20 E. down the valley [Marsh Pass] 4 miles to the mouth of a canon entering from the west which is known by the name of La Puerta Limita. In this canon which is of considerable length there is said to be several lagunas and good grazing and is the home of a band of Pah-Utahs...Beyond the Mesa de la Vaca there are one or two canons mentioned by my guide as having water and grass, but they are within the Pah-Utah country with whom the Navajos have been at a war for some time past (Walker 1859a:5,10).

A matter of great concern for Walker and for a Major J.S. Simonson at Fort Defiance was the proposal by the Mormons to convene a large group of Paiutes, Navajos, Utes, and Mohaves—as Walker claims—in mid-October of 1859 at a place called Sierra Panoche [probably Navajo Mountain] in order, ostensibly, to get the Indians to cease hostilities amongst themselves. However, no doubt owing to the enmity between the Mormons and authorities of the United States, Walker and Simonson believed that this was simply a Mormon ploy to get the Indians of the area to resist American encroachment, and that the Mormons intended to supply the Indians with weapons to fight U.S. troops and/or any other "gentiles" [i.e., non-Mormons] who entered the region. Walker learned of this proposed Mormon council when he was in the vicinity of San Juan Southern Paiute territory, stating that "...my camp was visited about eighty miles west of the mouth of the Canon de Chelly by a party of Pah-Utahs, one of whom could speak the Navajo language, and gave the following statement to my Navajo guide..." (Walker 1859b:1). He continues to describe the Paiute's account of the Mormons' invitation for the tribes to meet in council. Several days later Major Simonson, in a letter to Lt. John Wilkins, stated that "A Pah-Ute, who visited the Indian Agent here, informed me of the proposed council at Sierra Panoche, and expressed himself anxious to attend it, in order (as he says) to bring about a peace with the Navajoes..." (Simonson 1859:1). There is no indication in any subsequent records that this proposed council took place.

Meanwhile, more interaction was occurring between the Mormons and the San Juan Southern Paiutes. In November of 1859, Jacob Hamblin and Thales Haskell journeyed south to Hopi from the growing Mormon settlements of southwest Utah. After crossing the Colorado at Ute Ford, they camped one night about fifty miles southeast of the ford where, according to the entry in Haskell's journal, they "...struck up a big light thinking to raise some Indians. In a short time four made their appearance. Said there was plenty of water at their camp which was only about a mile from us." The following day (Sunday, November 6), the party travelled another twenty-two miles and camped when they "Had not fairly got to sleep when 2 Indians came to camp. Said there was plenty of water at their camp a short distance to the right of the trail." While packing

the following morning, Haskell and his companions "Soon discovered another Piute coming. He led out and we followed about a mile and a half to water where some four or five of them were camped. We traded for some antelope meat and took breakfast." On Tuesday, the party had travelled southeast toward Hopi, and had passed well beyond Moencopi: as Haskell explains, "One [Paiute] Indian volunteered to go with us. Took breakfast, packed up, and started. Traveled 18 miles and camped at Kootsen tooeep [Southern Paiute ku'utsin tuvwip (Bunte and Franklin 1983:42)]. Indians said that we had better keep a good lookout for our animals as we were in the Navijoe country" (Brooks 1944:79). It was not until Hamblin's third trip south to Hopi from Kanab in late 1860 that he first encountered Navajos along the route.

The 1860's were times of extreme turmoil in the United States with the advent of the Civil War in 1861, and this was subsequently reflected in the region of northern Arizona and southern Utah. The Navajos saw an opportunity to reassert their own military presence in the area, and began raiding American settlements with more frequency. Jacob Hamblin reported that in 1861 Navajos were raiding Mormon settlements east of the Colorado River. The Mormons were rapidly pushing south into Arizona from Utah, both establishing settlements and missionizing the Indians. Early in 1862, the Confederate Congress passed a statute creating the Arizona Territory, and in March a Marcus McWillie was seated in the Confederate Congress as a territorial delegate from Arizona. All of these destabilizing events began impacting upon San Juan Southern Paiutes, but the principal effect upon their traditional occupation of the area was the combined encroachment of Mormon settlement and the rapid spread of Navajo emigration into north-central Arizona.

The ultimate effects of Mormon and Navajo pressure upon the San Juan Southern Paiutes were somewhat different, though one which was the same was competition for natural resources in the area, such as water, irrigable land, game, etc. "The number of Paiute communities on the eastern arc of lands occupied by the Southern Paiute [Utah and northern Arizona]...increased markedly in the mid-nineteenth century. The probable but unprovable reason for this increase was dislocation in the wake of occupation by Mormon settlers..." (O'Neil and Thompson 1980:1). This is in part corroborated and explained by the fact that "Although the Mormons thoroughly appropriated the Kaibab territory, the invasion in the San Juan region was much more limited; it appears that only the major springs in the Tuba City area were appropriated and the herds of livestock were relatively small" (Jake, James and Bunte 1983:45).

The effects of Navajo emigration had far greater lasting influence upon the San Juan Southern Paiutes. The reasons for Navajo expansion westward from land normally associated with aboriginal Navajo territory were several: first, the Navajos were pastoralists, and with their flocks engaged in transhumance (i.e., the seasonal migration of livestock and the people who tend them). Second, Navajos travelled westward voluntarily for various purposes, such as hunting, trading, or raiding both Euro-American and other Indian settlements. These excursions, however, seldom if ever resulted in permanent or even semi-permanent Navajo encampments. Third, Navajos fled westward involuntarily in the early and mid-1860's, due to their fugitive status vis à vis the U.S. Army and the infamous Navajo "round-up" led by Colonel Christopher "Kit" Carson, and hid in the remote upper reaches of north-central Arizona around Navajo Mountain. There were, clearly, a few temporary Navajo camps in the areas around present-day Page and Cedar Ridge in the 1850's and early 1860's prior to the Navajo round-up, the "Long Walk" to Ft. Sumner, New Mexico, and their subsequent five-year incarceration there at a place called the Bosque Redondo. This is supported by both records of the Mormon pioneers and Navajo oral history (see Little 1881; Brown and Bain 1985b: Exhibits C & D; Brugge and Correll 1972:199). Moreover, Brugge (1967:5) points to abandoned

Navajo settlements along the western drainage of the Little Colorado in the Coconino Basin area which have been tree-ring dated as early as the 1790's. However, these few and isolated instances of Navajo encampment during these years in what is today the extreme western edge of the Navajo Reservation did not constitute permanent settlements, but were more probably dwellings constructed on a seasonal basis owing to the transhumance economy of the Navajos.

Relative to the San Juan Southern Paiutes, the flight west by certain Navajos who were able to avoid capture by Kit Carson was the most significant event, since these Navajos were forced to make permanent settlements in San Juan territory. While a Navajo presence around Navajo Mountain and Paiute Canyon is currently acknowledged to be one of relatively long duration, it cannot be said with any certainty exactly what date first Navajo entry into the locale occurred. Some sources place Navajo entry on a permanent basis there earlier than the 1880's (Shepardson and Hammond 1970:38). In a discussion of first permanent Navajo entry in the Navajo Mountain area, Shepardson and Hammond confess that "There is some scholarly controversy regarding the date of Navajo occupation of the Navajo Mountain area." While they point out that Jerrold Levy contends that "on the Kaibito Plateau, the first permanent [Navajo] settlement may have taken place as recently as the middle 1880's..."(Levy 1962:790), and that Malcolm Collier dates Navajo arrival at 1890 with Whiteman Killer (Joe Lee writes that Hosteen Denetsosie, a.k.a. Whiteman Killer, fled to Navajo Mountain after he shot Lott Smith at Tuba City in June of 1892), Shepardson and Hammond assert that other data "convinced us of earlier Navajo settlement," though they do not quantify this (Ibid.). They further assert, without providing any evidence, that "The first description of the Navajo Mountain area from the Navajo point of view [occurs ca. 1884 and] appears in the autobiography of Left Handed, the son of Old Man Hat, as recorded by Walter Dyk" (Ibid.:31). Regardless of the date of first permanent Navajo occupation of the Navajo Mountain region, two facts remain: first, the Southern Paiutes occupied the region before the Navajos and; second, with respect to language, economy, and appropriation of certain aspects of material culture, the process of Paiute acculturation to Navajo ways had already begun by the mid to late nineteenth century. Thus, while the San Juan Southern Paiutes were in the region prior to the Navajos, there was an increasing amount of interaction or interfacing between Southern Paiutes and Navajos in the area before the Navajo "Long Walk," and this interaction multiplied dramatically during the thirty-year period from 1862 to 1892.

In competition with the Confederate States of America, the United States enacted the Arizona Territorial bill on February 20, 1863. President Lincoln appointed John A. Gurley as the first territorial Governor, but Gurley died soon after his appointment. That December, the territorial government of Arizona was begun at Navajo Springs, and John N. Goodwin succeeded Gurley as Governor. During the same year, the Commissioner of Indian Affairs, in his annual report to the Secretary of the Interior, described the status of the "Wemenuche" band of Utes, which he mistakenly called "Pah Utes." He stated that "The Wemenuche band, or Pah Utes; how many this band numbers is not yet accurately known. The agent reports that about 1,500 persons of them attend the annual distribution of goods and presents, and estimates that they number about two thousand...they inhabit the valley of the San Juan River..." (Reports of the C.I.A. 1863:151). It appears that the ethnological line drawn to distinguish between San Juan Southern Paiutes and Wemenuche Utes is somewhat thin (Jones 1954; Kelly and Fowler 1986:368). The confusion of the Commissioner of Indian Affairs is witness to this, and it continues in the history of the San Juan Southern Paiutes in the lives of Posey—a Paiute—and his brother-in-law Polk—a Wemenuche Ute—during the early twentieth century, and even today in the constitution of the Allen Canyon group in southeast Utah.

On January 6, 1864, Col. Kit Carson led an attack on the last of the Navajo resistance at Canyon de Chelly, breaking the back of the Navajo struggle. Estimates vary, but somewhere between 8,000 and 9,000 Navajos made the Long Walk to Fort Sumner in eastern New Mexico where they remained in exile from 1863 to 1868. "Perhaps 2000 more Navahos managed to evade both the American Cavalry and their other enemies by moving westward...into the deep canyons of the upper Colorado. Additional hundreds undoubtedly found refuge among the Pueblo and other Indian groups in the area" (Johnston 1966:138). As Correll writes, the Navajos retreated "...to the secure refuges afforded by the rugged terrain of the lower San Juan River region. There they stayed during the exile of many of their countrymen to the Fort Sumner reservation..."(Correll 1971:149). During the exile, Correll wrote elsewhere, "...Hashkéneinii and his group ranged free between Navajo Mountain and the Bear's Ears, and in the region between the Colorado and San Juan Rivers. Navajo bands headed by K'aayélii ('One with Quiver'), Dághaa Sik'aad ('Bunchy Mustache'), Kée Diniíhi ('Painted Foot'), and other headmen who had managed to escape the invaders also ranged through these remote recesses" (Ibid.:151).

The remainder of the 1860's shows little in terms of events directly affecting the San Juan Southern Paiutes. With the conclusion of the Civil War in 1865, the United States' attention was turned toward reconstruction in the South and reestablishing clearly articulated relationships with Indian tribes in the West. In 1868, the renowned Union commander General William T. Sherman was sent to Fort Sumner, New Mexico, to arrange a treaty between the United States and the Navajos. This treaty was concluded on June 1, and shortly thereafter the Navajos began their walk home to the newly established Navajo Reservation of 4,090,420 acres in northeast Arizona and northwest New Mexico, comprised of lands they had occupied prior to their incarceration. Within a relatively short time, it became evident that the reservation was too small to support the existing--and growing—Navajo population, and so from 1870 on, the Navajo expansion westward began in earnest.

IV. FROM THE BEGINNING OF TUBA CITY TO THE "PAINTED DESERT AGENCY," 1870-1900

In 1919, exactly nineteen years after the creation of the so-called "Western Navajo Reservation" by executive order, then Superintendent of the Western Navajo Training School Walter Runke suggested in a letter to the Commissioner of Indian Affairs that the name be changed to the "Painted Desert School and Agency," so as to reflect more accurately that it served three principal tribes in the Painted Desert area. This never happened. Denial of this attempted name change illustrates a gradual shift in perceptions by United States authorities within the thirty-year period from 1870 to 1900, i.e., that the Willow Springs/Moenave area was occupied principally by Southern Paiutes (and some Hopis) around 1870, shifting to occupied principally by Navajos (and some Hopis and Paiutes) by 1900. This shift in perceptions is, in fact, quite understandable, and can be attributed to the rapidly increasing Navajo population in this area after the return in 1868 of the Navajo from their incarceration at the Bosque Redondo.

In the late Fall of 1870, Jacob Hamblin found himself in the Hopi village of Oraibi, planning his return to Kanab in southwest Utah. "Wishing to do all I could to give strength to a peaceful policy," wrote Hamblin, "I invited Tuba [alternately Teuve or Tuve], a man of good report among his people, to take with him his wife, Pulaskanimki, to go home with me; get acquainted with the spirit and policy of our people, and become a truthful representative of them among his people" (Little 1881:104). Teuve accepted Hamblin's invitation, and shortly after the Hamblin party began their return trip to Kanab. Travelling north through Moencopi and present-day Cedar Ridge, they reached the Colorado River several days later. Hamblin then notes that "When we arrived on the cliffs before crossing the Colorado, the Piutes living in the Navajoe country, came to me and said as they had taken a part with the Navajoes in raiding on our people, they desired to have a good peace talk. They were about thirty in number" (Ibid.). Hamblin continues by describing the rest of the return trip and, significantly, relations between the San Juan Southern Paiutes and the Kaibab Southern Paiutes:

> Some of the Piutes from the east side of the river accompanied us home. They [both Paiute groups] spent much of the night in talking over events that had taken place during the previous three years. They said they had not visited each other much during that time. Choog, the Kibab chief of the Piutes, after learning all the particulars from the Indians who went with us, came to me and said, "Now the Indians east of the river have all made peace, the evil spirits will have no place to stop over there"(Ibid.:106).

It's not clear from Hamblin's own account whether or not the San Juan Paiute leader Patnish was among those who accompanied them back to Kanab. However, during approximately the same time, according to P. H. Corbett—a biographer of Hamblin--Patnish and a group of thirteen Paiutes from the San Juan region "...came to Kanab looking for Jacob" (Corbett 1952:314). Patnish's objective was basically extortion, since he proposed to Hamblin that in exchange for certain goods he would remain peaceful, and that if he did not get them he would instigate trouble in the region. "His request was refused and the chief left in a surly mood." Coincidentally, Major John Powell's expeditionary party to the Grand Canyon was in Kanab at this time, and one of the members of the party, Frederick Dellenbaugh, later reminisced that the only Indians the local settlers "dreaded" was a band of renegades "...collected by a bold and skillful chief named Patnish, whose 'country' was south of the Colorado around Navajo Mountain" (Dellenbaugh 1908:167).

It was not until September of 1872 that Teuve and his wife—and Hamblin—returned to Hopi country from the Mormon settlements in Utah. Shortly after this time Teuve's city, i.e., Tuba City, was founded as a permanent village for Hopi occupation. Oral history indicates that Teuve invited the Mormons to settle there with the Hopis to protect the latter from the San Juan Paiutes who were there. In 1939, an old Hopi named Frank Tewanemptewa stated that "Teuve wanted to return to Moencopi to settle, but being afraid of the Paiutes who then roamed around that country, he invited the Mormons to make settlement there with him, promising them good land for their protection of his family. The Mormons came, developing the spring and three reservoirs" (Hopi Report 1939:1-3). Tewanemptewa also stated that "At this time no Navajos lived anywhere around this countryside. Very rarely a few appeared to trade, but they returned again to their distant homes to the northeast." It should be noted at this point that, owing to a volatile dispute during the 1930's over early occupancy and land-use rights in the Moencopi area between the Hopi and Navajo tribes about which most of the local Navajo and Hopi residents had strong opinions, much of the oral testimony concerning this issue—both from the Navajo and Hopi point of view—is suspect (Brugge and Correll 1972:180). The exception appears to be oral data about the role of the San Juan Paiutes during the 1870's, who were not perceived to be a part of the dispute in the 1930's by the Hopis or the Navajos.

The settlement of Tuba City by the Mormons, and its resettlement by the Hopis, was a gradual process which really began in the Fall of 1872. While Tuba City and the Moencopi area had been used for some time by Mormon travellers, it was in 1872 that the first structures were built of the many cottonwood trees which grew in the wash, and that seasonal agriculture was begun. The little Mormon settlement faltered, however, during the following four years until it finally took root and flourished. Much valuable information about this early settlement is found in the diary of the Mormon John D. Lee. In September of 1857, Lee had participated in the infamous Mountain Meadows Massacre in which 120 people in a wagon train were murdered by Mormon inhabitants of Cedar City, Utah. Ultimately, John D. Lee was the only one ever punished for the crime: he was shot by a firing squad at Cedar City in 1877. Sixteen years after the incident, in late June of 1873, Lee got word that U.S. troops sought to arrest him for the crime. In a matter of hours after the messenger had brought word, Lee left his ranch at Lonely Dell and headed for Moencopi. His diary records the following:

> The Messger Said that they Made loud threats about what they intended to do—that they would hang old Lee & every child that had a drop of his Blood runing in its veins and that they turned in their animals at Kanab on the [g]rowing crops. The advice was for Me to leave & get out of the way to Parts unknown...Leveing my Family in the hands of god, by the aid of Bro. Evan Edward, Hyrum Page & J. Brown, I swam My Horse over the foaming Colerado by a skift & bent My way for the Mowencroppa [Moencopi], there to take up My abode with the House of iseral—Mokies, orabias [Hopis], Piutes, & NavaJoes (Cleland and Brooks 1955:263).

As he was to find out upon his arrival, only Hopis and Paiutes lived in substantial numbers in the immediate area, as Lee himself states that the nearest Navajo encampment was eighteen miles east of Teuve's camp—today Tuba City proper (Ibid.:314). His diary entry for July 3, 1873 states that "by the help of a [unnamed] Piede" he made a ramada on his wagon to shelter himself from the sun, and that for July 7 indicates that he "...had a visit from a Piede & his squaw and 4 Pappoosse, a Lame man by the name of Shew..." In his diary entry for July 9, Lee notes that "The indian Shew has the water on his uper Patch of corn...," indicating that Shew must have planted on an upper level around

Willow Springs. The following day, Lee records a useful bit of ethnological data, stating that "Shew, our Indian, has gone to the Mount[ain] for Pitch Pine gum, to pitch Some water Botles or Jugs, wove of Stink finge[r] Brush in Shape of Botles. Makes an ex[cel]lent substitute." A month later, making his diary entry for August 19, Lee records that "About 10 [a]M. an other Pieute, wife & 2 children came from upper Moencroppa," probably the Willow Springs Paiute settlement. He doesn't identify this Paiute, but it may have been the one Lee describes elsewhere as "Pocky," whom later historical records identify as Pakai, a chief elder in the Willow Springs community. Lee was joined later on in Moencopi by one of his wives, with whom he returned to Lonely Dell. Three years later, Lee would return to Moencopi with his entire family, with the intention of taking up permanent residence there.

In the meantime, Major John Powell and his associate George Ingalls had been conducting explorations of the Grand Canyon region and, as part of a "Special Commission appointed for examining into the condition" of Indians in the region, had published a report or account of their discoveries in the Annual Report of the Commissioner of Indian Affairs for 1873. Powell and Ingalls' report made a number of references to the San Juan Southern Paiutes, referring to them first as a "...small tribe on the eastern side of the Colroado, near the line between Utah and Arizona, numbering 47" (CIA 1873:42). With more explanation, they assert that

> There is a small tribe of Pai-Utes in Northern Arizona, on the east side of the Colorado River, known as Kwai-an-ti-kwok-ets, which was not visited by the commission. This little band lives in a district so far away from the route of travel that your commission did not think it wise to occupy the time and incur the expense necessary to visit them in their homes (Ibid.:48).

Powell and Ingalls were referring to that portion of the San Juan Paiutes living around Navajo Mountain, apparently unaware that they travelled seasonally from Navajo Mountain to Moencopi and back again, and that there was at least a continuous representation of one kindred subgroup of the band in the Willow Springs area stationed there, as it were, to maintain their occupancy rights. The word they use to refer to the San Juan Paiutes, "Kwai-an-ti-kwok-ets," is a Southern Paiute term meaning "persons from the other side," i.e., other side south and east of the natural barrier created by the deep canyons of the Colorado and San Juan Rivers separating the San Juan Southern Paiutes from all other Southern Paiutes (see Bunte and Franklin 1983:68). In a pertinent ethnological observation, Powell and Ingalls also state that the San Juan Paiutes "...are nearly isolated from the other [Southern Paiute] tribes, and affiliate to a greater or less extent with the Navajos (CIA 1873:53). By the mid to late 1870's, San Juan Paiutes had in fact begun a long and on-going process of strained but essentially peaceful acquiescence to gradual post-Bosque Redondo Navajo encroachment on both the Navajo Mountain (Paiute Canyon) and Willow Springs settlements. While such "affiliation" may have begun as early as Armijo's incursions into the region, the decade of the 1870's saw a substantial increase in Navajo population there, indicating the basis for Powell and Ingalls' observation.

A number of very interesting remarks were made by Powell and Ingalls relative to Southern Paiute governance at the time. While none addresses the San Juan—or any other—band specifically, these ethnological observations do serve to illustrate the type and scope of governance and decision-making then utilized by the Southern Paiutes. They state first that the Southern Paiutes "...are scattered in small tribes, and hold allegiance to many petty chiefs" (CIA 1873:42). In a remarkable statement, which is probably the reverse of what the current data indicate about aboriginal or pre-contact

political structure, they speculated that "Formerly, they were organized into nations, or confederacies, under the influence of great chiefs, but such men have lost their power in the presence of white men, and it is no longer possible to treat with these people as nations, but each little tribe must be dealt with separately" (Ibid.:43). Regarding range or territoriality, Powell and Ingalls state that "The broad territory over which they are scattered has been parcelled out among the tribes by common consent, usually determined at general councils, so that each tribe holds a certain district of country as its own" (Ibid.). Ironically, it appears that the greatest assembly of Southern Paiutes known to have occurred in the nineteenth century was directly in response to Euro-American influence. Powell and Ingalls stated further that

> In obediance to the first part of the second clause of their instructions, viz: "That some of the chiefs and principal men of Pai-Utes be induced to visit Uintah reservation, and encouraged to make their homes at that place," the commission sent for Tau-gu, the principal chief of the Pai-Utes, of Utah and Northern Arizona, and a number of subordinate chiefs...they informed the commission that, induced by considerations presented to them in further conversations, they had held a general council for the purpose of consulting about the propriety of going to Uintah, and the suggestion had been repelled by all the people, and there was no voice raised in favor of their going (Ibid.:47).

In the Spring of 1874, Jacob Hamblin led a Mormon wagon train "from Lee's ferry to the San Francisco forest," with the objective of making a settlement there. Hamblin had, the winter before, "procured the assistance of a Piute who lived on the east side of the Colorado, and was somewhat acquainted with the country," to help him find a suitable wagon road (Little 1881:110). The wagon train, or at least some of the wagons, made it as far south as present-day Cameron but, becoming discouraged, they turned around and went back to Utah except for one family which stayed at Moencopi (Gregory 1915:116). Hamblin described the whole affair as a "failure." Later that year, Hamblin again returned to Moencopi, this time on a mission ordered by Brigham Young. A non-Mormon settler in Southern Utah named McCarty killed three Navajos and wounded a fourth, and Young was concerned that the Navajos would think Mormons were responsible. Hamblin's mission was to convince the Navajos that Mormons were not at fault. He rode to Moencopi where, owing to the tension created by this trouble, he "...found only a Piute family and one Oriba woman" (Little 1881:112). He learned that the Navajos were "very much exasperated." After a day's ride east, he came upon the Navajo camp, where, through the help of three different Paiute interpreters, he was able to convince the Navajos that Mormons were innocent of the killing of the three Navajos in Grass Valley, Utah.

There is a brief mention, in the year 1875, concerning Patnish and the Paiutes around Willow Springs and Moenave. In the journal of Anthony W. Ivins, the entry for October 30 states that "We travelled 8 miles to the Mo-an-coppy." He and his fellow travellers probably began from Moenave that morning. "The party of Indians who were with Pahtnish and who camped near us last night went on West hunting, Pahtnish himself travelling with us to the Moancoppy. There is a body of good land here but the water supply is limited. We estimate that 15 families could find farms. The land is now occupied by the Moquis Indians of the Oriba villiage" (Ivins 1937:1). From this mention of Ivins it appears that there was still no permanent Mormon settlement in the Moencopi area as of October 1875, and that the only occupants were Paiutes and Hopis.

Finally, after a number of "false starts" and temporary or seasonal farm sites, the Mormons made a permanent foothold in the Moencopi area in 1876. A number of extant

records describe the beginnings of the little community, the most detailed of which is that of James S. Brown, who arrived there in March of 1876. Brown does not mention numbers or tribal designations of the local "Indians" he describes, but does say that there was a Navajo camp—Chief Hustelso's—about twenty-five miles east of Moencopi. During the Fall and early Winter of 1876, Brown had gone back to Utah, and upon his return to Moencopi in February of 1877 stated that his people there were "in poor spirits, and considerably dissatisfied," but that "During my absence they had sowed about fourteen acres of fall grain and had built eight log rooms" (Brown 1900:468). Among the new settlers of the Mormon Moencopi was Joseph H. Lee, the son of John D. Lee. Lee brought his family with him, among whom was his three-year-old son, Joe. Later in his life, Joe wrote a long autobiographical account—which was published by Gladwell Richardson in 1974—full of valuable historical and ethnological data about the Tuba City area and, particularly, the Indians who inhabited the vicinity. Joe Lee states that in late 1876, when the Lee family removed to Willow Springs, "Several families already lived there as settlers. John Bigelow ran a small trading post under echo cliffs. We stayed there from December 20, 1876 to May 10, 1877, going on north a few miles to Moen Ave." He states further that "Havasupai, Piute and Navajo Indians lived around Willow Springs, Moen Ave, and the ancient Hopi Village of Moencopi. Before I was ten years old [ca. 1882] the 'Supais moved back to Grand Canyon country, their traditional homeland" (Lee 1974:8). Clearly, these are data which Joe Lee had obtained from his family or friends, since he was three at the time. His is the only report of Havasupais in the area at that time, and his placement of Navajos in the Willow Springs area seems early in contrast to the other journal and oral accounts of the period.

The Lee family may have decided to move to Moenave as a result of some trouble which developed with the San Juan Paiutes, since Brown sent word to Lee and a P. Nelson at Willow Springs to pack their gear and "come as soon as they could." Brown was informed by a local Navajo that Patnish, the Paiute chief, had died, and that the Paiutes were mad and intended to raid the settlement. From this it appears that the Paiutes held the Mormons responsible for Patnish's death, though no accounts of his death are given. In a revealing passage relative to San Juan Paiute political function, Brown writes the following:

> All went well till May 8th [1877], when I learned that the Piute Indians intended to steal our animals. Chief Patnish was dead, and his people were angry. For the first time in the history of the mission, we called a guard, gathered our animals and property, and provided against a raid on the part of the savages...on the 17th, two Piute Indians came in and informed us that a council had been held to discuss the raid on us, but the vote was six to five against molesting us, and the council broke up in a fight. The five Indians who were in favor of attacking us started to seek the assistance of the Ute Indians, while the others came to our side. A week later we had a talk with some of the Piutes, and the threatened trouble was averted (Brown 1900:469).

It appears from Joe Lee's account that a "Chief Nasja" assumed a leadership role within the San Juan Paiute community of the south after the death of Patnish. This leadership may have been shared, however, with Machukats, or Many Whiskers (Bunte and Franklin 1983:106).

There are two oblique references to the Paiutes of the area during 1878. Richard J. Hinton published his Handbook to Arizona that year, and borrows almost verbatim the reference to the San Juan Paiutes which was published as Powell and Ingalls' report to

the Commissioner of Indian Affairs in 1873. Euler (1966:106) mentions that "Mateer wrote to the Commissioner of Indian Affairs...that Paiute and Utes were 'just north' of the Hopi villages." Interestingly, the Moqui Agency was to play a central role in the investigation of the murder of two Anglo men in San Juan Paiute country the following year.

In the Fall of 1879 two prospectors named Mitchell and Meyerick went into the San Juan Paiute country in search of gold. They were murdered there—apparently by the Paiutes—since Paiutes living there were found in possession of their mules and other goods. In a letter from Agent Galen Eastman to the Commissioner of Indian Affairs dated February 6, 1880, Eastman relays a report from a Navajo named Eshke be cluny that near the Colorado River "a Black mule (large) and 3 other pack mules" had been seen outside a "Piute lodge." These, the Navajo claimed, were "taken by said 'Piutes' from two white men who were murdered by said Piutes for their plunder." He went on to say that "such occurrences are quite to [sic] frequent in that vicinity (60 miles and thereabouts, above Lee's Ferry on the Colorado)" (Eastman 1880). This and subsequent events were described in greater detail by Alexander M. Stephen in a deposition taken in August of 1882. Stephen states there that the Navajos who reported the murder were instructed by Captain F. J. Bennett, the Navajo Agent, to "obtain possession" of the stolen goods and bring them in—that they would be reimbursed. This they did, and the Navajos were given $35 for two mules, a rifle and a revolver. In January of 1881, two men—Stull and Reese—sent by the father of the murdered Mitchell went into the San Juan Paiute territory to try to recover what other possessions they could from the Paiutes and to locate the gold mine Mitchell and Meyerick were reported to have found. They struck out from the Moqui Agency at Keam's Canyon and on the fourth day in their journey north they "camped on the brink of a canyon occupied by Pah-Utes, some of whom came into their camp..." (Stephen 1882). The Navajo guide for the two men overheard a plan that the Paiutes were formulating to attack the two and their party, but by "wary and prompt movement" they managed to escape and return to Keam's Canyon.

When he ws eight years old, Joe Lee spent the entire winter of 1881-82 with the San Juan Paiutes around Navajo Mountain. In his reminiscences, Lee stated that

> Each fall Piute families around Tuba city gathered up their horses, cattle, and sheep, moving north into Utah to winter at Navajo Mountain. This meant a trip of more than 100 miles across the wildest canyon country imaginable. No road existed in there until 1924. In November of 1881 I was with Chief Nasja's family when they packed up for winter quarters. I wanted to go with them and he took me up on his saddle. Herds and flocks and family units were strung out for several miles when Father came along. Finding me with Chief Nasja he inquired about it. Nasja asked if it would be all right to take me along with his family. Father apparently didn't pay much attention to what Nasja said, or he didn't hear all his request, for he gave permission and rode off (Lee 1974:9).

Joe Lee's observations are extremely valuable for two reasons: first, he was extraordinarily familiar with the Paiute life at the time, having spent so much time with the Paiutes. He states elsewhere that "While still a boy I attended squaw dances, fire dances and other big Navajo ceremonies, as well as those of the Piutes. I learned chants and the ritualistic work of both tribes and could do it as well as any of them" (Ibid.:6). The second reason for the importance of Joe Lee's observations is that they are full of information; in the case above, for example, we learn about seasonal migrational patterns of the Paiutes, economy, numbers of livestock and "family units,"

leadership under Nasja, and relations of trust between the Paiutes and Mormons. Bunte and Franklin (1983:73) conclude that "This pattern of transhumance and free movement from north to south that Joe Lee described also tells us that Paiutes considered their lands in the Tuba area and by Navajo Mountain to be a unitary tribal estate held by the group as a whole."

The year following Joe Lee's winter with the San Juan Paiutes, President Chester A. Arthur established the Hopi Reservation just south and east of the Paiutes tribal estate. The President signed his Executive Order on December 16, 1882, and the Order contains ambiguous wording which has caused trouble to this day. In part, the Order "...set apart [lands] for the use and occupancy of the Moqui and such other Indians as the Secretary of the Interior may see fit to settle thereon." A year and a half later, President Arthur signed another Executive Order which virtually opened the floodgates for Navajo westward expansion. The Executive Order of May 17, 1884 created the third and largest of the additions to the 1868 Navajo Reservation, which extended the boundaries of Navajo lands north to the San Juan River and as far west as the Colorado River to present-day Page, Arizona. This addition effectively transferred "aboriginal title" of the Navajo Mountain San Juan Paiute homeland to the Navajo Tribe, as the 1884 addition encompassed all of the northern settlement area of the Paiutes. Word was out in the over-crowded Navajo country that new lands were opened up in the west, and another out-migration of Navajos took place. This is reflected in a marked increase in population during the mid-1880's around both the Willow Springs and Navajo Mountain areas.

At roughly the same time, there was trouble between the U.S. Cavalry and a renegade band of Ute/Paiute Indians in southeastern Utah under the leadership of Mancos Jim. The Indians had been preying on cattle owned by Anglo ranchers, and several hostile situations had occurred between the two groups. A detachment of cavalry under the command of a Captain Perrine arrived in the area (around the Blue Mountains, near Monticello) in mid-July of 1884. Joined there by a band of cowboys, this force pursued the Indians to White Canyon, where a fight broke out and two Anglos were killed "One of the leaders of the Indians, Mancos Jim, taunted the soldiers and cowboys as the two men lay dying" (O'Neil and Thompson 1980:4). This was among the first of several major incidents in the area which were later to culminate in the so-called "Polk and Posey Wars" of the early 1920's. The significance of these incidents can be seen in the fact that there were already connections of social and kin types between the San Juan Paiutes and the mixed renegade bands of southeastern Utah.

From approximately 1885 onward, there is a demonstrable increase in documentation concerning affairs around Tuba City, and the relations between the various tribal and Euro-American settlers there. Much of this documentation shows a remarkable population jump among the Mormons and Navajos in particular. Brugge and Correll (1973:187) point out that in 1878 the Mormon population of Tuba City was a mere 17 souls, a number which rose to 230 in only seven years. This fact, plus the growing Navajo presence in Tuba City, may have resulted in a mass move of the Paiutes recorded by Gladwell Richardson (who edited and submitted Joe Lee's autobiography) in 1966 in a letter to Mary Shepardson. Richardson there stated that a Navajo by the name of Musha lived at Musha Run near Tuba City, and that it was there that "...he leased a hogan to C. H. Algert, 1882-1884, to run a trading post in" (Richardson 1966). He states further that "Musha was a wealthy stock owner. Lehi, brother of the Piute chief, Nasja [and grandfather of the later San Juan Paiute leader Alfred Lehi], herded sheep for him until he became crippled up...This happened just before the Piutes left Tuba City area in 1886." No other documents nor any Paiute tradition refers to a move at this time; it may have been that the Paiutes simply moved whatever holdings they may have had in

Tuba City proper back to Moenave and Willow Springs owing to this increased pressure for resources from Mormons and Navajos.

These descriptions of the situation in the locality are borne out in what is clearly the first detailed account of life in the Moencopi/Tuba City area made by a government agent. In June of 1888, acting on orders from the Commissioner of Indian Affairs, Special Agent H. S. Welton visited the area and made a thorough inspection of conditions there, the results of which he sent back to Washington in two lengthy reports and attachments. For the first time on record, and owing to the westward expansion of the Navajos, Navajos were found there in equal numbers to the Paiutes and Hopis. Welton writes that

> On my recent visit to the Oraibi Moen Copie Settlement, I found Oraibis, Pi-Utes and Navajoes in about equal numbers. But while the two former inclined to settle down and work the lands, the Navajoes had sheep, goats and horses, and were roveing in search of feed thereof. Except some 20 or 30 who are settled in the Moen Copie wash some 12 miles above Moen Copie...I met with these Navajoes telling them they must return to their Reserve or take lands in severalty. I talked long with them through their headman "Musher" (Welton 1888a).

Welton claimed that the Navajos did "not want to return to the Reserve." He generally points to the Navajos as the principal instigators of troubles between the Indian groups in the area. The other letter which Welton wrote concerned the Paiutes exclusively. "...I found in the vicinity of 'Moen Copie Wash,'" he wrote, "some 30 Pai-Utes, several of whom had in small crops of corn, squash, melons &c at small springs claimed by the whites, but upon which were no improvements. Believing these Indians entitled to the lands they were cultivating, I hired conveyance, and made personal inspection of the springs and the Indians improvements..." (Welton 1888b). Welton recommended that six San Juan Paiutes be allotted in and around Willow Springs: Dog-eye or Whiskers, Kesh-te-lee or Big Feet, Kie-do-ne-he or Lehi, Ho-hon-nee, Too-wat-sy, and Yah-at-ton. Of these suggested allotments, Welton stated that

> The first two allotments as above will embrace all the "Willow Springs" and all the land the springs can irrigate. The last four allotments will form one section and embrace all the water and arable land at "Hancock" or Pai-Ute Springs. There is [sic] certainly no improvements, other than the Pai-Ute crops and wigwams. At "Willow Springs" is no one but the Indians.

With the future of the San Juan Paiutes in mind, Welton concluded that "The two locations, if allotted to the Indians, will furnish many good homes, become thriving Indian villages, and be unmolested by any present or future settlers," but Welton's recommendations were not acted upon and the allotments never made.

By 1889 Tuba City was a thriving community comprised of Mormons, Paiutes, Hopis, Navajos, and some non-Mormon Anglo traders with an estimated population of 350 persons. The Mormons had settled in Tuba City proper and parts of the Moencopi Wash, while the Hopis had by then constructed their pueblo just below the town on a ledge above the wash. The Navajos were still some miles up the Wash (12 to 18, by varying accounts), and the Paiutes had remained in their Willow Springs/Moenave settlements. The pressures that the interfacing of these divergent cultures brought to bear created tensions in the community. The uneasy peace around Tuba City which

lasted through the turn of the new decade and past the creation of Coconino County in January of 1891 was shattered by an incident which occurred in the summer of 1892. Much of the tension in the area was exacerbated, if not caused, by an obnoxious Mormon named Lott Smith, of whom not even Mormon accounts speak kindly. Constantly involved in disputes of every kind with his neighbors—Indians and Mormons alike—the last such dispute in which Smith was involved occurred on June 20, 1892. It seems that some sheep belonging to a Navajo had strayed into a pasture claimed by Smith. Angered by this, Smith began shooting the sheep, killing and wounding a number of them. When the Navajo woman and her two children, who were tending the sheep, attempted to drive the sheep out of Smith's range, he began firing at them. In retaliation, a Navajo began shooting Smith's cattle which were grazing nearby, and this provoked Smith to fire at the Navajo. After firing three shots, the Navajo returned the fire, and the second shot mortally wounded Smith. He died at his house later that evening. Joe Lee, who was nineteen at the time, was an eyewitness to the whole incident and describes the scene in detail (Lee 1974:14). There is some disagreement among the witnesses as to who actually shot Smith. Official reports cite a Navajo named Chachos, but Joe Lee, who knew all the Indians in the vicinity, claimed that Hosteen Denetsosie shot Smith.

The Army dispatched Lt. R.E.L. Michie with a detachment of the 2nd Cavalry from Fort Wingate to investigate the incident. Michie's report concluded that the killing of Lott Smith was done in self-defense by Chachos but, more to the point, it contained several relevant observations about the Tuba City community:

> I understand the Mormons have been there some fifteen years and number from twenty to thirty families in all. The Indians, Navajos, Piutes, and a few Utes have been using that section as far as the little Colorado River, especially in the summer months...The Piutes probably number a hundred, and the Oraibis from fifty to a hundred during the summer months (Michie 1892).

By the early 1890's, Navajo expansion showed a clear pattern toward the occupation of lands directly west of the original 1868 reservation, both on the 1884 annex to the Navajo Reservation and on lands in the middle of and west of the Hopi Reservation. In addition to this pattern, the growing mining interests, conjoined with a need for arable land resulting from the recent establishment of the Mormon's San Juan Mission--settled through the famous Hole-in-the Rock expedition of 1880—around Bluff, Utah, was in part responsible for the return of much of the northern portion of the 1884 addition of the Navajo reservation to public domain. On November 19, 1892, President Benjamin Harrison signed the Executive Order returning the lands west of the 110th meridian, south of the San Juan River, and north of the Arizona/Utah boundary to public domain. This triangular section of land later came to be called the "Paiute Strip." Meanwhile, the competition for resources around Tuba City resulting from increased Navajo population due to westward expansion was causing trouble there.

During 1893, friction had developed over water rights between the Mormons and some Navajo families who had received allotments in Blue Canyon. The Navajos had torn down a Mormon dam in the upper canyon in order to gain access to more water. The dispute eventually ended up in court in nearby Flagstaff, with the court awarding the water rights to the Mormons. U.S. Special Allotment Agent John S. Mayhugh was sent there to report on the matter, and in a long and prophetic letter to Commissioner Browning in which he took the side of the Navajos, Mayhugh wrote: "I therefore recommend the opening out of this country as an additional [sic] to the Navajoe Reservation...The present Tuba City would make a splendid site for an Indian Industrial School and would

be rapidly filled with Navajoe and Orabi children" (Mayhugh 1894). Mayhugh was apparently unaware of the Paiute inhabitants of the Tuba City area, indicating that Navajo immigration had eclipsed this fact. In a similar vein, another confusion regarding traditional occupancy of the Navajo Mountain and Paiute Canyon San Juan Paiute community was reflected by the authors of the famous 1894 "Report on Indians Taxed and Not Taxed in the United States" where, on page 157, they state that "In the territory of Utah and just south of the Colorado river are located the famous Navajo mountains, supposed to be rich in gold and silver, but jealously guarded by the Navajos and some Piutes who live in that section." In actuality, the site is south of the San Juan River around Navajo Mountain (singular) where the Paiutes—and some Navajos--jealously guarded their territory. And it was this same territory which became part of Arizona Territory's Navajo County when it was created from the western part of Apache County in January of 1895.

Early in the winter of 1895, whatever San Juan Paiutes were living in the Moencopi Wash itself apparently abandoned their camps permanently. This is recorded both by Joe Lee and by San Juan Paiute tradition. Lee claims that "Early in the winter of 1895, I went to the Piutes who had moved back permanently to their canyon at Boschini [i.e., Paiute Canyon]. While looking around there Hosteen Hoskinny [a local Navajo] took me to the site of the lost Merrick-Mithcell mine" (Lee 1974:29). Elsewhere, we learn that "...San Juan oral accounts [relate] that a number of families, particularly those associated with Willow Springs, Gap, and Cedar Ridge farms sites, continued to reside primarily in the southern area north of the Moencopi Wash after the 1895 abandonment of sites in the wash itself" (Bunte and Franklin 1983:860). The subsequent move of these San Juan Paiute families to areas north of the wash mentioned above may have been the catalyst for the expansion of the Willow Springs trading post in the spring of 1897. Joe Lee reports that the trading post, which had been there for over a decade and was subsequently co-owned by S.S. Preston and the Babbitt Brothers, was enlarged by him and a man named Erne. "McAdams," wrote Lee, "had turned Willow Springs over to Samuel S. Preston to run on shares. The spring of 1897 Preston got me and Erne to build an addition to the old store building. It doubled the size, and we clay-plastered both the inside and outside stone walls. After the job was finished I remained a short while helping Preston and was there when the notorious Jim Parker came along" (Lee 1974:38).

By the late 1890's, Navajos had come to dominate the demography of the Tuba City area, though Paiute and Hopi presence was still visible. Those who were given responsibility to ascertain the needs of the Indian residents of the area were still quite cognizant of the Paiute and Hopi settlements there. Due primarily to competition for resources in the area, and possibly due to an anti-Mormon sentiment among administrators working for the United States in various capacities, it was decided to have the matter of residence and resources investigated in the Tuba City area with the idea of moving the Mormons out and redistributing their land and improvements to the Indian population there. Indian Inspector James McLaughlin was sent to Tuba City to undertake this assignment, and reported back initially that "The village of Tuba City, with its abundant supply of excellent water and fine orchards, together with the lands the white settlers have under irrigation and cultivation, would afford one of the best locations for a large Industrial School for the Navajo, Moqui and Piute Indians who live in the vicinity, that could be found in Arizona" (McLaughlin 1898).

This was the same idea that Allotment Agent John Mayhugh had suggested four years earlier to Commissioner of Indian Affairs Browning. McLaughlin's letter and report were sent to Commissioner William Jones, so it would appear that the idea was good one, rather than one acted upon because it had been repeated by a second inspector. In

a nine-page report submitted to Commissioner Jones in June of 1899, McLaughlin details his thoughts and recommendations concerning allotments to Indians in the area, extension of the Navajo Reservation, and purchase of the Mormon holdings in Tuba City. McLaughlin writes that

> There is no question but that the present reservation of the Navajo and Moqui Indians is insufficient for the Navajo herds...in consequence of which a large number of the Navajos are frequently off their reservation on the public domain...Tuba City...would afford an excellent site for an Indian Industrial Boarding School, and such a school would be very desirable for the Navajo, Moqui and Piute Indians of the district (McLaughlin 1899).

McLaughlin also addressed the issue of the Mormons who lived in the vicinity, and concluded that "...the improvements of all the white settlers in the territory required for extending the Navajo reservation can be purchased by the Government at a total of $48,000.00, and, as will be seen by the schedules of the 20 Mormon families, there is considerable valuable improvements..." (Ibid.).

Commissioner Jones, however, did not think an extension to the Navajo Reservation was a good idea, and so stated in a letter to the Secretary of the Interior in July of 1899. Jones' point was that irrigation and the increase of water resources should be undertaken on the existing reservation, and that adding the arid lands west of the existing reservation would only exacerbate the water problem. In concluding his letter to Secretary of the Interior E.A. Hitchcock, Jones stated that "In view of all the facts and circumstances surrounding the case, I am constrained to the opinion that it would be unwise to extend the boundaries of the Navajo reservation, as indicated by the Inspector [McLaughlin], and have the honor to recommend that they be not so extended" (Jones 1899). Secretary Hitchcock, however, did not accept Jones' argument, and recommended to President McKinley that he sign an Executive Order creating an "enlargement of the Navajo Indian Reservation" adding all the lands west of the Hopi Reservation to the Colorado River to the Navajo Reservation. He further suggested that the President request of Congress that $48,000.00 be appropriated for the purchase of the Mormon holdings in the Tuba City area. Both these requests were ultimately fulfilled: President McKinley signed the Executive Order creating the so-called "Western Navajo Reservation" on January 8, 1900, and the Mormons were paid for their lands and improvements and left the area in the Fall of 1903.

The creation of this enlargement referred to as the Western Navajo Reservation (WNR) in 1900 was followed a year later by the creation of the Western Navajo Training School in Algert (i.e., Tuba City), Arizona. The first Superintendent of the School, which soon expanded its role to act as and later become an Agency of the Bureau of Indian Affairs, was Milton J. Needham, who stayed there until 1904 when he was replaced by Matthew M. Murphy. The names chosen by the U.S. Government for the WNR and the new school—Navajo—were indicative of the gradual shift in perceptions relative to the presence of Hopis, Paiutes and Navajos in the Tuba City area. Cognizance of the Navajo presence in the area was clearly on the ascendancy, paralleling the increase in actual Navajo population, and this was a major pivotal point in the history of both the Tuba City/Moencopi region and the San Juan Southern Paiutes.

V. FROM CREATION OF WESTERN NAVAJO RESERVATION TO DEMISE OF THE "PAIUTE STRIP," 1901-1922

The first decades of the twentieth century were ones of promise and then despair, of first rising and later falling fortune for the San Juan Southern Paiutes. The San Juan Paiutes became the subjects of a number of studies and surveys during this period conducted by the U.S. Government—principally the Office of Indian Affairs. While the conditions and status of the Paiutes in the Willow Springs or southern settlement area of the group were evident to BIA officials in the Tuba City area, it was in this period that, for the first time, data concerning the conditions and status of those San Juan Paiutes living predominantly in the northern settlement area were sought by government inspectors. Substantially variable population counts of the Paiutes are perhaps indicative of the fact that these studies and surveys were not always as thorough as they could have been. Nonetheless, genuine attempts at ascertaining and then satisfying the needs of the San Juan Paiutes were made owing chiefly to several perceptive Superintendents of the Western Navajo Training School, notably Stephen Janus and Walter Runke, and also to Superintendent Laura Work. Pandemic disease followed by loss of land and considerable displacement marked the end of this time period, when San Juan Southern Paiutes were again facing competition for dwindling resources from Indian and non-Indian forces alike.

The first order of business for the new Superintendent of the Western Navajo School was to take stock of what his responsibility was within the boundaries of the Western Navajo Reservation (WNR). It should be added that while the official function and title of the Superintendent was management of the school, many of the duties he carried out were identical to those of a regular BIA Agency Superintendent, the actual differences being negligible. To this end, Superintendent Milton Needham sent BIA District Farmer Matthew Murphy into the field in early 1902 to make an assessment of the arable and grazing lands and the water resources of the area, and the extent to which they were utilized by the Indian people on the WNR. Murphy made a report of his findings directly to Commissioner Jones, stating that he found "...240 Indians in the part of White Mesa section visited; of these, about two thirds are permanently located in the district, the others drift down into the Moki reservation in summer...There are about 50 Navajos and 80 Paiutes in the portion not visited, but none of the Navajos are permanently located there" (Murphy 1902). Murphy described the location of White Mesa section as extending "from the Moqui reservation to the San Juan River."

Early in 1903, about the same time the Congress was considering a bill to admit Arizona and New Mexico into the Union as a single State—to which the Arizona Territorial Legislature strongly objected—appropriations legislation was in process which would obligate $48,000.00 for the indemnification of the Mormons' property in the Tuba City area, now part of the Navajo Reservation. Having been paid, the Mormons began the departure of their community of twenty-seven years in the Fall of 1903. A Hopi man, who witnessed the scene as a child, remembered that "My people from the [Moencopi] village were gathered down there and giving their last farewell to the [Mormon] people. As the wagons rolled into the flat my people walked out among them and locking their arms around their shoulders and shed tears over each other's shoulders. I did not see any Navajo whatsoever. There were a few handful of Paiutes standing off distance to one side" (Dalton 1965). With the departure of the Mormons, the area was occupied exclusively by the Paiutes, Hopis, and Navajos.

In the meantime, the Western Navajo Training School had been relocated from its somewhat temporary situation in Algert to Tuba City proper, where an ambitious building project began. This occurred in May of 1903 under Needham's direction, and the first

of many two- and three-story buildings of large, red sandstone block construction—some of which are still in use—were begun. Apparently, only children from the southern settlement area of the San Juan Paiutes were being taught there, along with children of the Hopi and Navajo residents of the area, since most population counts of the Paiutes in the school's immediate area show approximately 30 to 40 Paiutes during that time. Murphy had given 80 as the number for the San Juan Paiutes resident in the northern area the year before and, in October of 1903, U.S. Indian Inspector James Jenkins, after an investigation of Southern Paiutes, indicated that "'San Juan band' numbers 100 to 125 Indians, located in the extreme southeastern portion of Utah. These Indians are said to be in bad conditions. There is some Government land near them but cattlemen are occupying it to the exclusion of the Indians" (Jenkins 1903:4). Chubbuck incidentally gave the entire population of all Southern Paiutes in 1903 as approximately 900, by which account the San Juan Band would comprise over one-ninth of all Southern Paiutes in 1903. Needham's efforts to build the Western Navajo Training School were carried on until December of 1903 unabated, when he was replaced by Matthew M. Murphy as Superintendent.

Murphy's interests apparently did not lay in the direction of the San Juan Paiutes. He makes little mention of them in 1904, and in January of 1905 instructed Preston and Babbitt, owners of the trading post at Willow Springs, to "transfer the license of Babbitt & Preston from Willow Springs, Arz., to Tuba, Arz." since the store there "must be closed up or sold" (Murphy 1903a). The following March, Murphy made a nine-day, 250-mile inspection tour of the northeast part of the WNR, which he described in a report to Commissioner of Indian Affairs Francis Leupp dated March 13. Apparently having forgotten what he told Commissioner Jones in 1902, i.e., that the San Juan Paiutes lived in the area and numbered 80 persons, Murphy recommended to Leupp "That the section of country between the Arizona line and the San Juan River in Utah, lying west of 110° West longitude and extending to the Colorado River on the West be annexed to this Reservation. The country is now occupied by the Indians; Navajo Mountain is in Utah, and not on the reservation, but it has been occupied by the Navajo Indians for ages..." (Murphy 1903b).

In direct contradition to Murphy's contention as expressed above, Laura B. Work, who was Superintendent of the Panguitch School in Orton, Utah, which served Southern Paiutes, presented a different perspective of the inhabitants of this area. In a letter to Commissioner Leupp in February of 1906, Work discussed the situation, conditions, and needs of the "San Juan Pahutes": in her view, they needed

> 1. The land along the San Juan River, secured to the Indians by some means, so that envious cattle men cannot dispossess them;
> 2. Water brought out on the tillable portions, so that each family can make a home, the mountainous parts used in common as a range for sheep.
> 3. The purchase of a few sheep for each family containing one or more weavers, or a small common herd, to be divided at some future time when its growth shall warrant such division; in my judgment sheep are a necessity toward self-support for this particular band of Indians (Work 1906).

Between the conflicting views of Murphy and Work, those of Work won the day. Her suggestions found a receptive ear in Congress through the channels of Commissioner Leupp and the Office of the Secretary of the Interior. The 59th Congress recognized both the existence and needs of the San Juan Paiutes, for in their Indian appropriations bill (P.L. 59-258) enacted on June 21, 1906, they appropriated "For the purchase of

lands and sheep for the San Juan Pah-Ute Indians, five thousand dollars" (34 Stat. 193). It is not clear, however, that the San Juan Paiutes ever received any of this money. Because of the fact that the Commissioner of Indian Affairs claimed that it "would be difficult to determine just what Indians would be entitled to receive the benefits of this fund," the money was reappropriated the following year in 34 Stat. L., 1049 and made available for the use of the "Piute Indians in southern Utah and northern Arizona." It is possible that the Kaibab Southern Paiutes received most if not all of this money (CIA 1907:131).

Since the San Juan Paiutes still had not received any of the benefits of the Congress or the Office of Indian Affairs by 1906, Commissioner Leupp wrote to Secretary of the Interior Garfield to pass along the recommendations of Superintendent Work: "...the San Juan Pah-Utes, numbering about 100 souls, now living on the outskirts of the Navajo Reservation, Utah, formerly lived at the head of Pau-Ute Canon, Arizona. But when this land was included in the Navajo Reservation [1884] they were driven therefrom and have since that time had no fixed place of abode" (Leupp 1906). After thus endorsing the recommendation of Work that they be given their own land, Leupp adds an interesting ethnological observation, stating that "the Navajos regard the Pah-Utes as inferiors and slaves and have sufficient land of their own." Still more differing descriptions of the elusive San Juan Paiutes of the northern settlement area were arriving at the Commissioner's office during late 1906 and early 1907, in an apparent attempt to specify their needs. In a letter from W.T. Shelton, Superintendent of the San Juan School in Shiprock, New Mexico, to Commissioner Leupp, Shelton estimated that "...some 2,000 Indians live within and adjacent to this section. Most of these are Navajos, but some are Utes and Paiutes." He also describes them as "mostly renegade Navajos, Utes and Paiutes," claiming that they "...get but very little attention from any source and are practically running wild and without restraint" (Shelton 1906). Some of these Indians so described were doubtless part of the Mancos Jim, later the Polk and Posey gang who would figure prominently in the history of the region during the 1920's. Commissioner Leupp received in January 1907 another letter concerning the San Juan Paiutes from Walter Runke, who was then stationed at the Panguitch School with Laura Work, stating that

> The "San Juans" are located in North-west Arizona and in southwest Utah South of the San Juan River. I have learned from fairly reliable sources that they number about 85. They are living with and amongst the Navajoes and have adopted the nomadic live [sic] led by these Indians...For the "San Juans" I do not believe a day school would be practicable. A boarding school would better serve their needs (Runke 1907).

Curiously, after all the surveys, descriptions, and appropriations made about and for the San Juan Paiutes, most of the information to this date about them—particularly those residing primarily in the Paiute Canyon area—was admittedly second-hand. Though they were not, strictly speaking, "nomadic" as Runke suggests (he may have been referring either to their seasonal shift from their southern to northern area and return or local shifts around Navajo Mountain), we learn that consistent with later ethnological observations they were considered inferior by the Navajos at that time. A synopsis of this ethnographic data about the San Juan Paiutes surfacing in 1906 and 1907 finally appeared in the Commssioner's report: "Another group of the San Juan Paiutes live in the canyons along the Colorado and San Juan Rivers in Utah just north of the Arizona line about 300 miles [actually about 125 miles] from Panguitch" (CIA 1907:132).

The Commissioner of Indian Affairs was clearly in need of a resolution of the disparate and often conflicting information about the San Juan Paiutes, in addition to a resolution to their land problems. To achieve these resolutions, Inspector Frank Churchill was sent to the area in the summer of 1907. Churchill had written to Superintendent Murphy on July 2, trying to elicit some information about the group. Murphy's reply to Churchill, dated July 10, stated—in an apparent reversal of his previous assertion that Navajos inhabited the area—that the San Juan Paiutes "sometimes lives in Paiute canon" but were then probably "at a lake situated between San Juan and Colorado Rivers." Murphy adds that "If this is the band you are looking for they are hard to locate and they will very likely have nothing to say when you do locate them. I took Mr. Chubbuck to the San Juan last November to see this band but they would not come in to have a talk...They ask for nothing but to be left alone" (Murphy 1907). Murphy also mentions W.T. Shelton in this letter, and intended to meet him in the Navajo Mountain region in a few days, though it is not clear that their mission coincided with that of Churchill. In any case, Churchill conducted a fairly thorough investigation of the San Juan Paiutes and submitted a lengthly report to the Commissioner on August 30. Acting Commissioner C.F. Larrabee used Churchill's report as the basis for a letter to the Secretary of the Interior recommending that they be given land. In this letter, Larrabee, citing Churchill, makes a significant statement regarding both the San Juan Paiute political structure and the socio-political link between the northern and southern sub-groups: "...he [Churchill] reports them as being more or less amalgamated with the Navajos, their so-called chief living at Willow Spring, about 12 miles from Tuba City" (Larrabee 1907a). Larrabee further recommends that "this Office be authorized to carry into effect the recommendations of Inspector Churchill."

Larrabee's recommendation of October 8 was approved by the Department two days later. Acting upon this approval, Larrabee drafted a Memorandum, dated October 15, to the Secretary of the Interior authorizing the withdrawal of the "Paiute Strip" from "all forms of settlement and entry for the use of the Piute Indians." This Order was signed by First Assistant Secretary Thomas Ryan on October 16, and thus the San Juan Southern Paiutes had a reservation of their own. There was a slight problem with this Departmental Order, however, in that the land description was faulty; it did not finish at the point of origin in circumscribing the Strip. This problem was discovered the following Spring and the Order was amended by another Secretarial Order dated May 28, 1908 and signed by Assistant Secretary Jesse E. Wilson.

Concern over potential outbreaks of hostilities in the San Juan River basin prompted the U.S. Army to send an expedition into the "untamed" region in the summer of 1908. Referred to as the Black Mountain Expedition, four troops of the 5th Cavalry and a Machine Gun Platoon, along with detachments of Apache and Navajo Indian Scouts, left Fort Wingate on July 15 under the command of Lt. Col. George K. Hunter. Arriving at John Wetherill's trading post in Oljeto on August 7, Hunter spent several days holding conferences or "pow-wows" with a majority of local Indian headmen, in an attempt to ascertain both their dispositions and needs and their resources—particularly their weaponry and numbers of fighting men. In a lengthy report dated August 26, Hunter described talks with numbers of headmen, including three Navajos from the Navajo Mountain area representing "...about forty families who live in hogans and number about two hundred and fifty (250) men, women, and children..." (Hunter 1908). Significantly, Hunter describes two groups of San Juan Paiutes in the area, each with a headman, this being consistent with later accounts of a third band of San Juan Paiutes living at "Paiute Farms" on the south bank of the San Juan River who subsequently moved north into the White Mesa area of Utah:

> Along the San Juan River about twenty miles [north] from Oljato and in Pahute Canyon about twenty five miles west of Oljato there are some Pahute Indians living—they number about sixty (60) men, women, and children, who are engaged in raising sheep, goats, ponies, cattle, corn, pumpkins, and watermelons. Ja-la is the head Pahute living on San Juan River above referred to; Nas-jah is the head Pahute in Pahute Canyon; these Pahutes recognize the authority of the United States; they trade at Bluff and Oljato, Utah, and Red Lake, A.T.; they have rifles and ammunition (Ibid.).

The separate localities and headmen of the two sub-groups of the San Juan Paiutes in the northern area may explain the ambiguity with which Murphy had explained the situation of the Paiutes under his jurisdiction as Superintendent of Western Navajo Training School, ranging wildly in population estimates from as few as 25 to as many as 300 over several years.

As of November 23, 1907, however, Murphy's ambiguity relative to the Paiutes was no longer an issue, since he was replaced on that date by Stephen Janus. Janus undertook the task of determining the actual status of the Indian people in his administrative area. In September of 1908 Janus wrote to Commissioner Leupp about the San Juan Paiutes, expressing concern over their condition, over the lack of reliable information about them, and over Murphy's careless handling of their welfare:

> In his report for 1905 my predecessor gave the number of Piutes in the northern part of this reservation as 300, and in his report for 1907 he gives it as 25. I can find no information in this Office referring to them, but the 25 referred to are doubtless the Piutes living within fifteen miles of this school at Willow Springs. There are also a few living on Cedar Ridge on the road to Lee's Ferry. The rest are in the extreme northern part of the reservation, some in what is known as Piute Canon, and the rest scattered along the San Juan River, and in the vicinity of Navajo Mountain. I have no definite information as to the whereabouts or exact number of the bulk of those Indians but doubtless shall be able to find them. From what I can learn of them they are certainly in need of assistance. Those near here are very poor, having no shoes (Janus 1908).

The $5000.00 which Congress had appropriated for the benefit of the San Juan Paiutes in 1906 in P.L. 59-258 was reappropriated in 1907 in P.L. 59-154 and again reappropriated in 1908 in P.L. 60-141. Among the reasons for these reappropriations was to redesignate the beneficiaries of the money, since it was too difficult to determine exactly how many and where, as Janus states above, the San Juan Paiutes were. Thus, the funds were "reappropriated and made available for the use of the Piute Indians in southern Utah and northern Arizona" (35 Stat. 317). Responsibility for answering the question to whom these funds should be given, in terms of land and sheep, went to Superintendent Janus who was given this task by Commissioner Leupp in a letter of August 13, 1908. That Fall, Janus made an extensive trip throughout the northern portion of the reservation, and conducted personal interviews with the San Juan Paiutes. In the most complete report concerning their status since that of Churchill, and the most complete to that date, Janus reported in January of 1909 that there were three distinct sub-groups or localities of the San Juan Paiutes: the Willow Springs/Cedar Ridge group, the Paiute Canyon group, and the Oljeto group, this last group—according to Janus--having "originally lived" in Paiute Canyon. Janus also gives the first count or census of the group to the individual:

> There are 116 individuals in this band: 55 males and 61 females. Of these 30 are adult males and 28 adult females. Of children of school age there are 13 males and 15 females, and below the age of 6 there are 12 males and 18 females...These Indians are divided into three groups: Cedar Ridge with 11 families and 40 Indians; Piute Canon with 11 families and 42 Indians; Oljeto with 12 families and 34 Indians...It is here [Cedar Ridge] that David Lehigh—Bahkai—the accredited Chief of all three divisions is at present living. Willow Springs was his old home and there are still the families of his immediate following living there (Janus 1909).

Although no document surfaced which directly addressed the question of the actual disbursement of the congressionally appropriated funds, Janus did mention the importation of new bucks for the declining Paiute sheep flocks in terms of what should be purchased. And his report did finally answer the question of "exactly how many and where" the San Juan Paiutes were.

In August of 1909, an archeologist from the University of Utah, Dr. Byron Cummings, made some interesting observations about the San Juan Paiutes as the result of an expedition he made, with a dozen other men, into the canyons of the western Paiute Strip to see the natural stone arch known as Rainbow Bridge. Along with trader John Wetherill and San Juan Paiute guide Nasja Begay, the group journeyed through the rugged terrain for several weeks to find the arch and return. Cummings noted that "There were then a good many Piutes living on what was known as the Piute...strip and there was continued clashing between the Piutes and the Navajos because the Navajos were continually attempting to go in on Piute territory and crowd out the Piutes" (Cummings n.d.:63). Wetherill had chosen a Paiute guide for the expedition not only because few Navajos knew the way to the arch, but because the Navajos held the arch in veneration and were afraid of supernatural repercussions resulting from its desacralization, whereas the Paiutes held no such attitudes toward it (Jett 1973:136). Cummings' account of the arch in a 1910 issue of The National Geographic gave the Rainbow Bridge some notoriety, and within a few years regular treks were being made into the region to see the arch, among the notables being Theodore Roosevelt and Zane Grey (who was accompanied by Joe Lee).

With the replacement of Stephen Janus in July of 1910 by Clarence Jefferis, the brief attention and sympathetic treatment of the San Juan Paiutes during the previous three years came to an end. Confusion regarding the population of the WNR continued to linger, and Jefferis appears not to have had a firm grasp of the data. Perhaps confused because the 1910 U.S. Decennial Census listed 80 Paiutes for the combined total of those Paiutes in the main northern and southern tribal areas, his report to the Commissioner of Indian Affairs, published in 1911, declared that "Three tribes are represented on the [Western Navajo] reservation—Navajo, Piute, and Hopi. A complete census has never been taken but it is estimated that there are about 6,000 Navajo, 200 Piute and 280 Hopi" (Jefferis 1911a). Jefferis also appears not to have consulted the work done on the Paiute survey completed by his predecessor, Janus, since his figure for the San Juan Paiutes showed an increase of 87 over the previous report filed by Janus in 1910. There, Janus gives the number of Paiutes as 113, three fewer than the number given in his report to Commissioner Leupp in 1909. The difficulty Janus—and subsequently Jefferis—mentions in making an accurate count of the "Indians of this reservation," i.e., the WNR, pertains to Navajos, and not to the Paiutes or Hopis. "An accurate census of the Indians of this reservation," wrote Janus, "has never been taken and the best that can be done at present is to repeat the estimates of my predecessors...It

would be a difficult matter indeed, to obtain a correct count of these Indians and it can only be done by someone thoroughly familiar with the Indians and with the reservation" (Janus 1910). By definition, this would have precluded the U.S. Census enumerator from making an accurate count. Why Jefferis added 87 Paiutes to Janus' count only a year previous is unclear, but the counts for Navajo and Hopi residents of the WNR are virtually the same. These two figures plus Jefferis' 200 figure for the Paiutes eventually were published in the vital statistics section (Table 19) of the Annual Report of the Commissioner of Indian Affairs for 1912. These figures were then picked up by Johnston in his later study entitled An Analysis of Sources of Information on the Population of the Navaho (1966). Beginning in 1912, the confusion over the various tribal population counts is deferred until 1928 when a deliberate effort to produce a definitive census count of the area is undertaken. In Johnston's words, "...Navaho vital statistics during this period [1912-1928] are frequently combined with those of the Hopi or the small number of Paiutes residing under the jurisdiction of the Western Navajo Agency at this time" (Johnston 1966:150).

About the same time that President Taft signed the amended statehood bill for Arizona--August 1911—the leadership of the Ute/Paiute renegade group around White Mesa passed from the aging Mancos Jim, a Wemanuche Ute, to "Old Posey," a Southern Paiute (O'Neil and Thompson 1980:7). The partial fusion of the Wemanuche Utes and elements of the San Juan Paiutes was no doubt accelerated by the relocation of the "prosperous" group of San Juan Paiutes from Paiute Canyon to Oljeto described by Janus in his 1909 survey, and their subsequent relations and interaction with the White Mesa/Allen Canyon mixed renegade band which began making history around this time. "The remoteness of the [Allen Canyon] area, the lack of communication with the Federal officials in the Bureau of Indian Affairs and the unwillingness of the federal government to establish a separate jurisdiction for this small remnant band of [Ute/Paiute] people meant that they remained technically under the jurisdiction of the Ute Mountain Ute superintendent, but actually almost independent of federal controls" (Ibid.:8). These conditions set the stage for what was to come during the next decade.

On February 14, 1912, only a month before Clarence Jefferis was replaced by Claude C. Early as Superintendent of the WNR, Arizona was officially admitted to the Union as the 48th State. Early had a tenure of eight months as Superintendent, when he was replaced by William T. Sullivan in October of 1912. Neither Early nor Sullivan apparently had much contact with the San Juan Paiutes, since the records of their respective administration of the WNR show little in the way of documentary evidence of either knowledge or concern about the Paiutes. In July of 1914, however, things changed with the replacement of Sullivan by Walter Runke, who was to be Superintendent of the WNR for fully six years and who, owing to his duty at the Panguitch School in Orton, Utah, was thoroughly familiar with Paiute culture and sensitive to the difference between Paiute and other Native American cultures, i.e., Hopi and Navajo.

Runke's appointment to Superintendent of the Western Navajo Training School was perhaps propitious, since an incident occurred in 1914 involving the Ute/Paiute renegade band in the White Mesa area of southern Utah just north of the Paiute Strip.

> The routine relationships that have marked the history of the White Mesa Indian community with the whites were interrupted violently in 1914 and 1915 by the celebrated case of Tse-ne-gat...[who] was alleged to have killed a Spanish sheepherder by the name of Chacon. In an attempt to retrieve the murderer, posses were organized in Colorado and eastern Utah, and a near war was created between forces over whether or not Tse-ne-gat was to be taken. Mancos Jim, Polk and

> Posey were all obligated under Indian custom to protect Tse-ne-gat from being taken by the white forces. After a ridiculous performance by the posse, Gen. Hugh L. Scott, one of the leading Army generals of the United States and a sympathizer of Indian causes was called in. Once Scott arrived, order was quickly restored without the use of troops or force...Tse-ne-gat was taken to Denver where he stood trial for murder and was acquitted (O'Neil and Thompson 1980:9).

Tse-ne-gat, also known as Everett Hatch, was the son of Old Polk and the nephew of Old Posey, who was a Southern Paiute and probably associated with the San Juan Paiutes. The fluidity of social and band organization occurring in the Oljeto and White Mesa regions and involving the Allen Canyon group and the San Juan Paiutes at that time makes it difficult to ascertain the degree to which San Juan Paiutes may have participated in this incident. Forbes Parkhill states that the "Utes and Paiutes intermarried freely," and that "Over the years the San Juan wilderness became a melting pot [where]...in the course of time the mixture of bloods made it impossible to determine an individual's tribal identity with any degree of accuracy, so it is not surprising that the neighboring whites lumped these non-reservation Indians together and called them Paiutes" (Parkhill 1961:15).

It is clear from two letters—both dated March 29, 1915—written by Walter Runke that some of the Paiute Canyon and/or Oljeto San Juan Paiutes were involved in the "near war." These letters indicate that there were peaceful and hostile groups within the area, since one letter concerns exclusively the "plans of Special Agent Creel to bring the peaceful Paiutes to the Marsh Pass school for care and protection" (Runke 1915a). Without consulting Runke, the principal of the school—Jesse C. Jones—refused to allow Creel to bring the "peaceful Paiutes" there, an action which clearly irritated Runke. But, as it turned out, Jones' refusal made no difference, since Runke "...learned that these Piutes under any circumstances refused and would have refused, no matter what promises have been made, to come to the Marsh Pass school." Significantly, Runke adds that "A number of days ago the ring leaders of these Indians [Polk and Posey] gave themselves up to the authorities and the matter is apparently settled" (Ibid.). In another letter of the same day, "relative to the Piute Indians with whom troubles recently arose," Runke suggest to Commissioner Cato Sells that he should consider "...placing these Piute Indians under the jurisdiction of this agency." Since the creation of the Paiute Strip reservation in 1907, the San Juan Paiutes of the northern area, i.e., Paiute Canyon and Oljeto, had been under the jurisdiction of the Special Indian Agent in Salt Lake City. Runke's point was that these Paiutes "make their home, a large share of the time, in what is called 'Paiute Canyon' which is located south of their reservation lands and on Navajo lands of this jurisdiction" (Runke 1915b). He also suggested that the Paiute children be placed in the Western Navajo Training School in Tuba City.

In response to a letter from Commissioner Sells of April 14, Runke reiterated his suggestion that the northern San Juan Paiutes on the Paiute Strip be placed under his jurisdiction and that the children be placed in schools at Marsh Pass and in Tuba City. Among the several reasons which Runke lists to support his suggestion that jurisdiction should be transferred is "...that the Paiutes residing there [i.e., on the Paiute Strip] come over and reside a portion of each year on the land of the Western Navajo reservation." He adds, interestingly, that use of force to place the Paiute children in Paiutes the wishes of their reluctant parents "...would necessitate the detailing of a regiment of soldiers" (Runke 1915c).

Runke provides two significant observations about the cultural aspects of San Juan Paiute life during this period. The first is in his annual report to the Commissioner, where he states that "This jurisdiction is inhabited by three separate Indian tribes; the Navajo, Hopi and Paiute, the Navajo being very largely preponderant. All three tribes still continue to indulge in their old Indian dances" (Runke 1915d). Several inferences can be drawn from this, namely that, notwithstanding Runke's observation in his March 29, 1915 letter that there were several Paiute/Navajo mixed families around Paiute Canyon, the three tribes were separate. Moreover, since it can be maintained that religion and religious ceremonies constitute the heart of a given culture, the fact that each tribe was still following its "old Indian dances" suggests that the distinctiveness of traditional Paiute culture was still intact, despite the material Navajo accretions resulting from continuing acculturation of the Paiutes to Navajo ways. The other observation provided by Runke occurs in February of 1916 in a letter to Commissioner Sells. The letter reported some recent trouble among the Navajos on the WNR, and revealed that one of Runke's district farmers left Tuba City for his station and that later in the evening "his two riding ponies returned loose to the agency." Fearing the worst "following the Taddytin trouble on this jurisdiction," Runke deputized and sent "Jodie Piute" to search for or determine what had happened to the farmer. The outcome was not reported in the letter, but Runke did state that "...I employed this Piute Indian who I felt I could thoroughly trust in the matter, which might not be true of a Navajo Indian" (Runke 1916). This "Jodie Piute" appears as "Jode" on the 1910 Decennial Census in the Cedar Ridge/Willow Springs district; he was clearly perceived by Runke to be in a wholly different category than any Navajo candidate for the job in terms of loyalties and affinities to one's own tribe.

In 1917 the Paiute Strip was inadvertently restored to the public domain, though no one apparently knew it at the time. Some confusion concerning title and use of certain lands in and around the Kaibab Reservation had developed, prompting the President to issue an Executive Order redefining the boundaries of the lands in question. These lands had originally been reserved from entry, sale or other disposal in Thomas Ryan's Departmental Order of October 16, 1907—an Order which also created the Paiute Strip as a reservation for the San Juan Paiutes. In a simple oversight, the Executive Order of July 17, 1917 signed by Woodrow Wilson dealt only with redefining the Kaibab boundaries, making no mention of the Paiute Strip. At the end of the Order, in typical "boilerplate" language, was the following sentence: "This Order supersedes and takes the place of the Order of October 16, 1907, promulgated by the Department of the Interior, which Order is hereby revoked...." The revocation of the 1907 Order effectively restored the Paiute Strip to its previous status, i.e., public domain, though this passed without notice for at least another five years, when the Paiute Strip was "officially" restored to the public domain in a Departmental Order signed by Secretary Albert Fall.

The year 1918 was a momentous one for the San Juan Paiutes, due to the effects of the world-wide influenza pandemic which struck particularly hard the San Juan communities. Owing to their extreme isolation, especially in the northern settlement area, few records or documents show the extent of the mortality in the community. Bunte and Franklin write that "...they were so isolated that their plight went virtually unrecorded. In fact, the only documented deaths...are those of one of Reuben Owl's sons and his four children, all of whom died on route to Blanding, Utah, and whose bodies were found by Anglos. It is clear, however, from Paiute accounts that many other Paiutes died at this time" (Bunte and Franklin 1983:121). They speak further of the "two immediate consequences" of the flu epidemic upon the San Juan Paiutes: first, mortality was heaviest among those aged 20 to 30 years old, so that many people were lost in their most productive years. Second, "...a whole subgroup of San Juan, the Douglas Mesa [Oljeto] Paiutes, moved away at this time" (Ibid.:122). Stoffle and Dobyns

allege that an influx of Southern Paiutes into the San Juan Paiute community also occurred at this time, owing to the wider disruption of the flu epidemic. "The 1918 influenza pandemic...killed so many of the Kaiparowits Band, which still lived in its aboriginal range at a high altitude, that the few survivors abandoned their traditional territory on the Kaiparowits Plateau and emigrated across the Colorado. They found refuge among the San Juan Paiute, being frightened to remain in their ancestral land because of the many ghosts there after the 1918 mortality" (Stoffle and Dobyns 1983:157). This alleged influx, however, is inconsistent with the pattern of departure shown by the Oljeto subgroup, and is corroborated neither by documentary evidence nor San Juan Paiute oral tradition. In sum, and despite the question of influx of these few Kaiparowits Southern Paiutes into the San Juan Paiute community, "The two influenza results put together, the migration and the loss of many of their young people, had a disastrous effect on the San Juan, an effect that they have just recently been recovering from (Bunte and Franklin 1983:123).

Regardless of the fact that the number of San Juan Paiute "subgroups" or communities had been reduced from three to two—Willow Springs and Paiute Canyon—Superintendent Runke still believed that the Paiutes were a viable tribal entity within his jurisdiction and entitled to equal treatment with the other tribes. Though he was now not able to suggest that the Secretary of the Interior establish another separate reservation for Paiutes within the WNR, being so precluded by a new law enacted on May 25, 1918 requiring all new Indian reservations in Arizona and New Mexico be established by an act of Congress (40 Stat. 570), Runke spoke in defense of Paiute and Hopi sovereignty in a letter to Commissioner Sells in May of 1919:

> The name "Western Navajo" for this Jurisdiction is in itself a misnomer for the reason that the Jurisdiction is inhabited not alone by Navajos, but we also have a considerable population of two other tribes, namely, the Hopis and the Piutes and a few Utes. It is incorrect therefore, to call the Indians of this Jurisdiction by the name, "Western Navajo." The name does not recognize the fact that there are other Indians on this Jurisdiction entitled to equal rights with the Western Navajos, whereas the name "The Painted Desert Indians" would include all Indians who reside on this Jurisdiction (Runke 1919).

Runke's proposition fell on deaf ears in Washington, however, and his were among the last words of advocacy the San Juan Paiutes would have for some time. In fact, events were slowing beginning to lead to a complete dispossession of the San Juan Paiutes, starting with the replacement of Walter Runke in 1920 by Robert W. Burris—the first of five replacements for Superintendent in the next four years.

In perhaps the last report of that era to assert the needs of the San Juan Paiutes, Inspector W.S. Coleman submitted a report in May of 1919 suggesting the establishment of at least an agency to monitor the needs and affairs of the Paiutes in the Paiute Strip. Coleman points to past abuses of the non-Indians in the area relative to using, without permission, the resources of the Paiute Strip. He stated that "Outside interests have exploited its resources for their private gain, and the Indians have merely existed in their most primitive state in the untenanted territory." Arguing for restricting the resources of the Paiute Strip for the exclusive use of the Paiutes there, Coleman nearly admonishes the Commissioner of Indian Affairs: "Their fate should not be further left to the selfish interests of those who have no right to its resources, and the rehabilitation of these neglected Indians should not be further postponed. No substantial supervision will ever be exercised by the Tuba or San Juan Agencies, and if left as at present,

'Poor Lo' will be gradually driven out or die from sheer neglect and the want of the crudest subsistence" (Coleman 1919).

What happened to the San Juan Paiutes in the following two years was, in fact, the opposite of what Coleman had recommended, and Runke before him, for the Paiutes in the Paiute Strip. We learn in a letter to E.C. Finney, a member of the Department of the Interior's Board of Appeals, from Assistant Commissioner E. B. Meritt that there were several applications for mineral exploration rights on the Paiute Strip which were being considered in December of 1920 (Meritt 1920). Authorization to issue permits for oil exploration had been given not long after the withdrawal of the Paiute Strip, but up to 1920 no one apparently sought oil on the land. In the Spring of 1921, a rapid exchange of letters occurred between officials of the Paradise Oil and Refining Company of Salt Lake City, and its political friends, and the Office of the Commissioner of Indian Affairs. On May 7, Leroy A. Wilson, Manager of Paradise Oil, wrote to Commissioner Burke seeking permission to "prospect the San Juan field for petroleum," stating that "In view of the shortage of petroleum in this country and the growing demand for petroleum products and the development which the discovery of petroleum in commercial quantities brings to the favored locality and the country at large, I am sure, Honorable Sir, you will favor the prospecting of these lands or the granting of a lease" (Wilson 1921a). Wilson gives as "references" Senator Reed Smoot of Utah, U.S. Land Commissioner William H. Spry, and Governor Charles R. Mabey of Utah. Frustrated by the lack of a quick response, i.e., two weeks, Wilson wrote a follow-up letter on May 21 which was in turn followed by a telegram on May 23. On May 24, Assistant Commissioner Meritt wired Wilson, stating that there was "no authority under existing law for mining oil and gas" on the reservation (Meritt 1921a). Two days later, on May 26, Wilson wrote Meritt acknowledging his telegram and stating that "We will appreciate any information you can give us as to the proper procedure to take in order to secure either a permit, a lease or a patent to these lands" (Wilson 1921b). On June 4, Meritt responded to all of Wilson's previous letters, iterating what he had said in the telegram and offering this fateful piece of information, upon which Wilson and his political friends would soon act: "...in order to secure any rights in the lands involved, it would be necessary to restore the lands to public domain..." (Meritt 1921b).

This information appears to have been the catalyst which both ended the series of communications between Paradise Oil and the Commissioner's Office and started the "restoration" wheels in motion. But before any such restoration of the Paiute Strip to the public domain could take place, a complete report of the use made of the Strip would have to be made, and on March 15, 1922, the Commissioner instructed the new Superintendent of the WNR, Byron A. Sharp, to do just that. It should be recalled that Walter Runke had, from 1914 to 1920, made several reports concerning the San Juan Paiutes stating their numbers and land-use practices. W.S. Coleman had submitted a similar report only two years earlier, and the Annual Report for the Western Navajo Training School listed the number of San Juan Paiutes in the WNR as 174—the same number as was given for the 1922 and 1923 Annual Reports. Moreover, if this were not enough to place the San Juan Paiutes on the Strip, the Polk and Posey band was again involved in the midst of a violent dispute around Blanding, Utah, and fled to the vicinity of Navajo Mountain and Paiute Canyon to evade the law enforcement posse of Marshall Nebeker (Parkhill 1961:80). Some of the San Juan Paiutes who moved up to the Allen Canyon/White Mesa area after the flu epidemic, which Sharp himself reports in his June 2 letter to the Commissioner, may well have been part of the renegade Ute/Paiute band under Polk and Posey which was then—February 1921—hiding out on the Paiute Strip.

Notwithstanding these facts, Sharp submitted his findings regarding the San Juan Paiutes to the Commissioner. Sharp concluded that "At the present time I find that there are no Piute Indians living on the reservation and that possibly not over 100 head of Piute horses are grazing on that reservation. When the Piute Strip was set aside as a reservation by executive order in 1907, I understand that there were approximately 86 Piute Indians who were to benefit by the setting aside of this land" (Sharp 1922). Curiously, Sharp describes a conversation he had on his fact-finding mission with a representative of the "Monumental Oil Company," where he speaks very favorably about an exploratory well sunk "just east of the 110th meridian and approximately 10 miles south of the San Juan River," and that the discovery of oil there would "increase the value of land." "Therefore," Sharp concludes, "the Piute Reservation does not benefit at this time any of the Piute Indians...I can see no objection to throwing it open to settlement" (Ibid.).

The Departmental Order revoking the October 1907 and May 1908 Orders and thereby restoring the Paiute Strip to public domain was drafted by Commissioner Burke on July 10, 1922:

> After careful consideration of conditions reported by the Superintendent and inasmuch as these lands are no longer needed for or as an Indian reservation for the exclusive use and benefit of the small number of Indians now residing thereon, the conclusion has been reached that the withdrawal should be revoked...It is therefore recommended that Departmental order of May 28, 1908, amending the order of October 15, 1907, be revoked and that the lands covered thereby be restored to their former status, subject to any valid rights of any person existing on the date of restoration.

This Order was forwarded to the Office of the Secretary of the Interior and signed and approved on July 17, 1922 by Albert Fall.

VI. FROM DISPOSSESSION TO THE SECOND WORLD WAR, 1922-1940

Those entities which had cast an envious eye on the public domain land which was only months before a Southern Paiute reservation wasted no time in seeking to further their own interests by appropriating certain rights to the land or the land itself. Almost immediately the Monumental Oil Company and the Paradise Oil and Refining Company began explorations of the area. Added to their inroads made into the former Paiute land was the first recorded petition submitted by Navajos to have the land annexed to the Navajo Reservation. A Navajo woman by the name of Elsie Holiday, resident of Oljeto and educated at the Sherman Indian Institute in California, wrote to Commissioner C.H. Burke on November 28, 1922 and enclosed a petition supporting the annexation of the Paiute Strip to the Navajo Reservation. Holiday and her supporters had the help of Mr. S.M. Brosius of the Indian Rights Association. Her letter was answered by C.F. Hauke of the Commissioner's office, who recited the history of the Paiute Strip, said that she and her colleagues would be able to apply for allotments under the General Allotment Act of 1887, and that, in the meantime, no non-Indians would be allowed to homestead and claim title to any of the land without first showing that no Indians occupied or used the land applied for.

Like the previous twenty-year period of San Juan Paiute history, this period was again one of ambiguity with regard to the size and composition of the group, notwithstanding the fact that the first thorough and systematic censuses of the WNR were conducted in this era. After the dispossession of the San Juan Paiutes occurred via the restoration of their reservation to public domain, the administration of their needs was transferred from the Special Indian Agent in Salt Lake City to the newly formed Consolidated Ute Agency in southwest Colorado. This added greatly to the confusion, since most of the actual resident San Juan Paiutes, while they lived north of the line in the winter, grazing their livestock on the Utah side of the Arizona/Utah state line, lived south of the line in Arizona in the summer (i.e., within the Navajo Reservation) and were thus technically under the jurisdiction of the Western Navajo Training School, renamed in 1923 the Western Navajo Agency (WNA).

As a consequence of this administrative ambiguity, the census counts published in 1928, 1931, and 1934 show a consistent count for the San Juan Paiutes of the Willow Springs community near Tuba City, but a somewhat less consistent count for those in the Paiute Canyon area. Moreover, certain Federal employees of the Soil Conservation Service, the Forestry Service, and even the BIA confused numbers with jurisdictions, thereby claiming that while Paiute Canyon was in the WNR, there were only approximately 35 San Juan Paiutes, while in actuality there were far more San Juan Paiutes but only the Willow Springs subgroup was within the jurisdiction of the WNA. The census count was also confused by another, "ethnic" ambiguity. On some censuses, some Paiutes, whether of mixed Paiute-Navajo or not, began showing up as "Navajo-Paiute," which tended in time to obscure membership within the group to the eyes of outside observers. The various census counts between 1931 and 1940 enumerated some Paiutes as Navajo-Paiute or Navajo who were participating members of the group, and omitted other Paiutes who were also participating members of the group. A few listed as mixed may have participated only marginally in Paiute affairs and may or may not have been regarded as members of the San Juan Paiute polity.

Added to the restoration of the Paiute Strip, the transfer in jurisdiction for the northern San Juan Paiutes, the establishment of the Western Navajo Agency, the incursions of the oil companies, and the petitions for annexation of the Strip to the Navajo Reservation in 1922, was the last outbreak of hostilities between Indian and non-Indian military forces in the American West—the so-called Polk and Posey War of 1923. The extent of the participation of those San Juan Paiutes who left Oljeto/Douglas Mesa during the

1918 flu epidemic in the Polk and Posey uprising is unclear, though we know that "...the names of these Douglas Mesa families, the Dutchies, the Cantsees, and others, along with those members of Posey's band, appear on later maps of allotments at Allen Canyon..." (Bunte and Franklin 1983:186). Following the episodes of 1914 and 1921, in which hostilities flared between the non-Indian settlers of southeastern Utah and members of the Polk and Posey band, "An uneasy peace settled upon the communities...when an incident involving a theft from a sheep camp [March 1923] inflamed the hostilities between the groups once again" (O'Neil and Thompson 1980:10). The daring escape of the two Indians accused of the incident began the "war," and "Those Indians not caught in the initial sweep had fled from Westwater and started for Comb Ridge with the probable intent of reaching the Navajo Mountain area, which could be used as a sanctuary. They never got that far" (McPherson 1985:257). After several days of sporadic gunfire, the Indians surrendered, but Posey was not among them. Posey was found dead a month later, having died slowly from an untreated gunshot wound (Ibid.:265).

In April of 1923, about a month after the conclusion of the "Polk and Posey War," Burton F. Roth, the new Superintendent of the WNA, received a letter from C.F. Hauke, Chief Clerk of the Indian Office in Washington, directing Roth to "look into the question of the possible rights of individual Indians to the use of the waters from the springs" in the Paiute Strip area (Hauke 1923). Roth was so directed because "...the Monumental Oil Company of Salt Lake City, Utah, had an application with the State Engineer for an appropriation of water from a series of springs within the Paiute Strip...." This application was held up due to the report of an engineer from the Indian Irrigation Service who claimed that the Indians used and needed this water. Roth was instructed to give the matter "prompt consideration and submit a full and comprehensive report." In compliance with Hauke's directive of April 28, A.W. Leech of the Western Navajo Agency investigated the Paiute Strip water issue and submitted a three-page report, outlining the situation. Among his observations was "that there are very few Piute Indians living within this strip, to be exact, I could only locate forty-eight men, women and children, mostly the latter, and these live in what is known as Piute Canyon..." (Leech 1923). Leech claimed to have found "several families of Navajoes within this territory, most of whom were members of the [large] Holliday family." "The fact of the matter," Leech adds, "is that the Navajoes are the real users of this land and it is reported that they have driven the Piutes out, and are the ones who are making the effort to have the land withdrawn from the Public Domain and restored to the Indians." He described Elsie Holiday as the "prime mover in the attempt to have this land restored." Leech finally concludes that the oil companies should not be allowed permits for the water; that the water should be reserved for the Indian population there. However, just before his conclusion he adds the interesting observation:

> It appears from this [Departmental Order of 1907] that this tract was not intended to be reserved for the use of the Navajo Indians...and if this was the intent it seems to me that the Office was right in its recommendations that the tract be restored to the public domain, since there are so few Piutes now occupying it. Many of those who formerly lived there died during the epidemic of influenza, but the greater portion of them have moved across on the northern side of the San Juan River and taken allotments there, and a few of them have been killed in the recent clashes with the white settlers in that vicinity.

The sentiments expressed by Leech regarding the San Juan Paiutes were clearly not the same as those of E.E. McKean, Superintendent of the newly established Consolidated Ute Agency at Ignacio, Colorado. In a letter to Commissioner C.H. Burke dated November 27, 1923, McKean expressed a desire to be informed about the history and then current

status of the Paiute Strip, "since the Indians on Douglas Mesa and Piute Canon have been placed under this jurisdiction." Apparently not aware of the status of the Strip at that time, McKean states that "If it is at all possible, I would recommend that the land within the boundaries of this Piute Indian reservation be reserved for Piute Indians now living there, and those who have lived there in the past but left through fear during the Flu epidemic." McKean also apparently felt that the Allen Canyon, Douglas Mesa, and Paiute Canyon Paiutes were sufficiently interrelated or socially interactive that "An arrangement could be made for the Indians in Allen Canyon and Douglas Mesa to run their stock on the Piute Indian reservation during the winter, and they with the Piutes who may be living on the Piute reservation could use the Douglas Mesa and Allen Canyon country for summer range." In an somewhat accusatory tone, McKean said "I have been informed that a certain Navajo woman [Elsie Holiday] has interested herself in the Piute country with the hopes of securing that area for the Navajo Indians." In defense of the Paiutes, McKean concludes that "Inasmuch as the Navajos have a very large area of land, at the present time, and I believe that a greater good would be accomplished if the Piute reservation could be reserved for Piute Indians only" (McKean 1923). As history would later show, it was Leech's view which prevailed, and not McKean's.

In April of 1924, Malcolm McDowell, who was a member of the Board of Indian Commissioners, spent a week on the WNR "investigating" conditions among the Indians there. In his report, he gave no indication as to why he was investigating the region, but the fact that he spent only one week familiarizing himself with the history of the area and the ethnohistories of the tribal groups there is reflected in his report. He stated that "The Indian population consists approximately of 6,000 Navajo over 350 to 400 Hopi and about 200 Paiute...The Navajo live all over the reservation, the Paiute wander around in the northern part and the Hopi occupy Moencopi village about two miles from Tuba City" (McDowell 1924). Stating the exact opposite of what the historical record shows, McDowell asserted confidently that due to the "continual encroachment of the Hopi into the irrigated lands of the Moencopi Wash...The inthrust of these Pueblo Indians, alien to the Western Navajo country, presents a situation in sharp contrast to that which has raised a problem in the Hopi Reservation in the east. There the Navajo are charged with crowding out the Hopi...[but] In the Western Navajo Reservation it is the Hopi who are taking possession of the irrigated lands of the Navajo..." (Ibid.). The significance of this is, of course, that in the space of twenty-five years, the general public perception concerning aboriginal usage of the area was that the Navajo—probably due to sheer numbers—were the original inhabitants, pushed out by Hopi and Paiute alike. The further problem was that, once this erroneous perception became accepted as reality or fact, it was perpetuated, so that subsequent generations came to believe that Navajos were in the area first and were driven out by the other tribes.

The remaining years of the 1920's were relatively quiet for the San Juan Paiutes, particularly in contrast to the decade of the 1930's. The documentation for this historical period primarily concerns the first systematic and comprehensive attempt by the BIA to take an accurate census of the WNR. An accurate census count had never before been taken, notwithstanding the attempts of the Census Bureau, and was much needed in terms of determining the efficient provision of services and land-use patterns. Neither the BIA nor the Native American population could approach Congress to ask for extensions or redesignations of reservation boundaries without accurate demographic figures, and this was now necessary owing to the enactment of a law in March of 1927 requiring that all such extensions or redesignations be made by Acts of Congress (44 Stat. 1347). Just prior to the official enumeration of the WNR population, WNA Superintendent Chester L. Walker had tried to determine the number of Paiutes in his jurisdiction. For the year 1927, Walker had listed "unknown" under the Paiute heading;

for 1928, he had listed "32 (Estimated)" under the Paiute heading. He did not have the figures compiled by Maxwell, the official enumerator for the Tuba City district. It is clear, however, that these figures as listed by Walker were exclusively for the Willow Springs or southern settlement area of the Paiutes. Similarly, figures for the Paiutes, which he gave as 26, were all within the "Emuneration of the Tuba city District, of the Western Navajo Agency." The mandate of the BIA, for which Maxwell worked, was to list all Indians within a given district, regardless of tribal affiliation, and assign them "Census Numbers." Maxwell made a special enumeration for Paiutes and assigned them census/enumeration numbers 71,629 through 71,658.

The years between 1928 and 1932 saw an appreciable increase in the efforts of the Navajos to obtain the Paiute Strip as an annex to the Navajo Reservation. The earlier attempts made by the Holiday family of Oljeto were enhanced later by efforts on the parts of both WNA Superintendent Walker and the Navajo Tribal Council. In December of 1928 Walker wrote to Commissioner C.H. Burke describing the event of a Navajo tribal council meeting held at Leupp, Arizona in mid-November, where the principal subject of discussion was "obtaining additional lands for Navajos," in Walker's words. The Paiute Strip was targeted, and much of the discussion apparently centered around it, according to Walker. He clearly did not know the history of the Strip—or much else about it—and did not know whether, for example, an Act or Order restored the Strip to the public domain. Walker claimed they needed the land because since "...1868 they have increased in numbers until they are now about four times the number that were taken away and returned...," referring to the Bosque Redondo. Walker confesses that "We have no file on this matter and I cannot definitely state why this land was retaken from the [Navajo] Indians," and that "...it is very important that this land be again returned to and made a part of the WNR Indian Reservation..." (Walker 1928).

Walker's plea for the acquisition of the Paiute Strip by the Navajo Tribe was followed by a series of communications between the Tribal Council, Walker, U.S. Senator Lynn Frazier, and others. On June 24, 1929, in response to a telegram sent to Senator Frazier by a Mr. Charles J. Bernheimer of Monticello, Utah, opposing the annexation of the Strip, the Tribal Council submitted a ten-point petition to Congress which stated, among other things, that "...the re-acquisition of this land for our people would give them a natural boundary or barrier [i.e., the San Juan River]...." The petition requested that "...immediate steps be taken to cause this land to be made a part of the Navajo Indian Reservation..." (Navajo Tribal Council 1929).

Little if any indication is given in any of this series of correspondence and lobbying that the Paiute Strip had been withdrawn in 1907 for the exclusive use of the San Juan Paiutes and that there were still Paiute residents of the area using the land. One of the exceptions to this was a brief mention in the Senate hearings on S. 3782, a bill proposing to annex the Paiute Strip to the Navajo Reservation, held on March 12, 1930. The witness, a missionary named W.R. Johnston, gave this testimony:

> Senator Barton: About how many Indians actually live on this [Paiute Strip] 600,000 acres?
> Mr. Johnston: The maximum at any time of the year would be about 700; I would say about 800.
> Senator Barton: That would be—
> Mr. Johnston: And it is occupied entirely by Indians. There are a few Paiute families in there, but aside from that it is occupied by Navajos only, and the men who are there to trade with the Indians.

The bill was not without its opponents, however. Certain "citizens of Blanding, Utah," it appears, had protested the Bureau's support of S. 3782. Commissioner C.J. Rhoads had telegrammed Superintendent Walker in early March of 1930 to investigate the situation and to ascertain the reasons for the protest. Walker travelled to Blanding and met with representatives of the community, along with members of the Navajo Tribal Council and Superintendent Six of the Consolidated Ute Agency. Walker found that "...the protest had originated with two or three citizens who were desirous of acquiring additional lands for their private use...," and that the population at large had no real objections to annexing the Strip to the Navajo Reservation (Walker 1930a). Several months later, Walker submitted a report to Congress outlining the conditions and situation on the Paiute Strip and the WNR, the objective of which was to provide the Senate Committee up-dated information for proper evaluation of S. 3782. Having apparently researched the matter somewhat since his 1928 letter to Commissioner Burke, Walker makes a revealing but unspecific statement vis a vis the restoration of the Paiute Strip and the oil companies. Walker states that the population of the WNR is comprised of 4095 Navajos, 388 Hopis, and 25 Paiutes (those of the southern settlement area around Willow Springs) and that "The Piute Strip...was withdrawn in 1922 to facilitate the oil workings within the area. It is believed that this was a mistake caused by misrepresentations at the time and that it should again be added to the Navajo Country" (Walker 1930b).

In July of 1930, a month after Walker submitted his "Statement for the Information of the Subcommittee of the Senate Committee for Indian Affairs," the Navajo Tribal Council passed Resolution #CJY-3-30. Several of the assertions which the Council made in the resolution were:

> Whereas, The Navajo Indians have occupied the land lying west of 110 meridian, extending about 70 miles, and between San Juan River as north boundary, and Utah state line as south boundary known as Paiute Strip and
> Whereas, the ancestors of those people now occupying it have lived on the said land long before the captivity in 1864, and
> Whereas, this strip was set aside for the use of the Indians, and since they have lived on it almost continously gives them prior right, and now therefore, be resolved that the Navajo Tribal Council speaking for the Indians do request the Commissioner of the Indian Affairs urge that the Senate Bill No. 3782 be passed (Navajo Tribal Council 1930).

Whether intentionally or unintentionally, the Navajo Tribal Council had incorrectly portrayed the history of the Paiute Strip. Nonetheless, the bill did not pass in that session of Congress, but this did not mean that the Navajos abandoned their cause to have the Strip annexed to the reservation.

In December of 1930, Forester William Zeh wrote that there were 25 Paiutes on the Western Navajo Reservation, and that "...the Piutes are practically all living in the Piute Canyon," which, it will be remembered, was technically under the jurisdiction of the Consolidated Ute Agency (Zeh 1930). The numbers actually referred to those Paiutes living in the southern settlement area around Willow Springs, but this ambiguity and confusion regarding the status and condition of the Paiutes in this period was not confined to Mr. Zeh. The 1930 BIA Census of WNR, dated April 1, listed 25 people as "Paiute" and another 38, who were known to be part of the San Juan Paiute polity, as "Navajo." That of the following year, dated April 1, 1931 listed 29 people as "Paiute" and another 31 as "Navajo-Paiute" who were listed as "Navajo" in 1930. The WNA

Superintendent's Annual Statistical Report for 1931 listed 32 Paiutes in the WNR. The variation in numbers could, of course, have been attributable to deaths and births within the community, or to the established practice of the San Juan Paiutes in regularly moving from their southern to northern settlement area and back again. In fact, it was around this time that the acknowledged leader of the San Juan Paiutes, David Lehi (Pakai), died in the Willow Springs area, and that his grandson Alfred, then about 35 years old, had moved from Paiute Canyon to Willow Springs and began assuming a greater share of the leadership duties for the group. It was a time of relatively low visibility for the San Juan Paiutes, who continued their agriculture, herding, basketry, and other economic pursuits at Willow Springs and Paiute Canyon.

At approximately the same time that certain citizens of La Sal, Utah approached Senator Reed Smoot to have the Allen Canyon Paiutes removed to the Ute Reservation (Redd 1931), the bill to annex the Paiute Strip to the Navajo Reservation was reintroduced into Congress. The bill, sponsored by Congressman Don B. Colton of Utah, had some opposition due to a provision in it which stipulated that over a third of any mineral royalties recovered from the land should go to the State of Utah. Fearing the demise of the bill, the chairman of the Navajo Tribal Council, Deshna Clah Cheschillige wrote to Commissioner Rhoads in December of 1932 stating that "We the Navajo people are greatly concerned over the possibility of this [bill] being held up...," and that he would be glad to lead a small delegation to Washington to help lobby for the bill. Though the past history of the Paiute Strip had been utterly obscured by the Hagerman report published that year, stating that it "...became a part of the Indian reservation by Executive order date May 17, 1884, [and] was restored by departmental order dated July 17, 1922" (Hagerman 1932:38), Cheschillige made a very straightforward and ethnologically significant statement in his letter to Rhoads which, unlike the Hagerman report, included the Paiutes:

> Not only have the Navajos used this country but the Paiutes have occupied it peacefully side by side with the Navajos long before the white settlers ever came into this country. While the Paiutes were in this country they intermarried with the Navajos and when the Paiutes moved north these mixed people became Navajos and remained so even now several of the families in this section have Paiute blood. This fact seems to me a good argument that these Paiutes and Navajos who have made their homes in this section should continue to occupy the Paiute Strip (Cheschillige 1932).

While it is not in the least clear what Cheschillige meant by "when the Paiutes moved north these mixed people became Navajos," it is true that there was intermarriage and that some of those who were half Navajo and half Paiute, or even having different percentages of blood quanta, identified as Navajo and eventually "became"—along with their offspring—Navajos. What we cannot tell is to what degree Cheschillige's letter impacted Congressional thinking on the bill, but the Paiute Strip was annexed to the Navajo Reservation by legislation enacted on March 1, 1933. A provision in P.L. 72-403, however, stated that the lands are "...permanently withdrawn from all forms of entry or disposal for the benefit of the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon..." (47 Stat. 1418). The Paiute Strip remains today part of the Navajo Reservation.

With the annexation of the Paiute Strip to the Navajo Reservation, the administrative jurisdiction under which the Paiute Canyon San Juan Paiutes found themselves reversed once again to the Western Navajo Agency. The last of the series of BIA censuses begun in 1928 was dated April 1, 1934. That census, consistent with the previous ones, listed

37 persons as "Paiute" and 29 persons as "Navajo-Paiute." A larger issue loomed on the horizon, however, which would have lasting effects in the southern settlement area of the San Juan Paiutes around Willow Springs. That was the enactment in June of 1934 of P.L. 73-352, the so-called "Navajo Boundary Act. This law was enacted by Congress "To define the exterior boundaries of the Navajo Indian Reservation in Arizona," and it essentially "codified" the reservation as it existed at that time with its various additions up to 1934. This excluded the 1882 Hopi Reservation, however. It also reserved the land "...for the benefit of the Navajo and such other Indians as may already be located thereon..." (48 Stat. 960).

The new era in the world of Indian affairs which dawned with the appointment of John Collier as commissioner in 1933 was only to have indirect effects for the San Juan Paiutes. The United States was in the midst of the Great Depression, and the Roosevelt administration was placing emphasis on government employment to provide jobs and stimulate the economy. This translated into a variety of works projects on the Indian reservations, among other places. President Hoover's appointee for Indian Affairs, Commissioner Rhoads, had done little to implement the recommendations of the Meriam Report of 1928, an in-depth study of the conditions on Indian reservations which had been undertaken at the suggestion of the Committee of One Hundred, established to restore confidence in the policies of the Department of the Interior shaken by the corruption of Albert Fall. Collier's keen interest in the preservation of traditional culture and values among the Native American population led not only to legislation like the Indian Reorganization Act, but to his active solicitation of anthropologists, both within the BIA and independently, to provide assistance and expertise in this preservation.

Coincidentally—or perhaps by design—the 1930's was the decade of the greatest ethnological scrutiny of the San Juan Paiutes by professional anthropologists to that point in time. Clyde Kluckhohn had visited Paiute Canyon in 1928 during a vacation trip to the Rainbow Bridge. It is possible that, owing to his close association with A.L. Kroeber and the "Berkeley school," his visit there had prompted some of the graduate students at Berkeley such as Isabel T. Kelly and Omer C. Stewart to undertake Southern Paiute field research and include the San Juan Paiutes in the bands to be studied. Whatever her impetus, Isabel Kelly spent parts of 1932, 1933, and 1934 collecting ethnographic data on Southern Paiutes. The results of this field research were, basically, three publications on Southern Paiutes. The first, titled "Southern Paiute Bands" and published in 1934 in the American Anthropologist, was the most significant, since it delimited Southern Paiute aboriginal bands and included the San Juan Paiutes as a distinct "band." Describing their range and conditions, Kelly wrote in 1934 that "Within this area the Southern Paiute are divided into fifteen sub-groups, bands, or tribes if you like, whose [linguistic] relationship is expressed thus, 'They speak the same language but the voice sounds different.' Essentially these are dialectic units with political concomitants" (Kelly 1934:550). Very systematically, Kelly enumerated and described the fifteen bands, beginning with San Juan, of which she stated:

> San Juan. The easternmost of the Paiute bands may be designated as San Juan, from the river of that name. This group is little known...although there is perhaps general knowledge of the existence of a "Paiute Strip people." Their old habitat now is a part of the Western Navajo agency, under whose jurisdiction are the few remaining Paiute...Prior to the Navajo incursion, which seems to have started in the eighteen-sixties, these Paiute claimed the region between the Monument valley district, just east of Moonlight creek, and Black spring (falls?), above Cameron, on the Little Colorado. Black Mesa,

which they regarded as Navajo, formed the eastern boundary, and uninhabited Moencopi plateau the southern (Ibid.).

At approximately the same time that Kelly was conducting her interviews and carrying out her field research with the San Juan Paiutes at Willow Springs, anthropologist Donald Collier, the son of the new Commissioner of Indian Affairs John Collier, was conducting field research with the Paiute Canyon San Juan Paiutes. Unfortunately, Donald Collier's field notes of his 1933 visit with the San Juan Paiutes are no longer extant. Several years later, during the summer of 1935, a local southern Utah historian named William R. Palmer whose avocation was Southern Paiute history made a trip west to visit the Allen Canyon Paiutes near Blanding. He recorded the events of his trip in a notebook, and under the heading "San Juan Trip," described the Allen Canyon Paiutes, some of whom shared kinship with the San Juan Paiutes. He stated of them that "There has been practically no contact with the Pahutes over here in Cedar, Kanosh, etc., and yet their language is pure and they have the same legends" (Palmer 1935:14). On his return to Cedar City, Palmer took the southern route, passing through Kayenta and Tuba City. He stopped to visit the San Juan Paiutes in Tuba City, and though his notebook does not record his visit, he did take some photographs of Alfred Lehi and his family at Willow Springs. Palmer wrote the names of those whom he photographed on the photos, naming twelve San Juan Paiutes, and noted further that "All live at Water [Willow] Spring (Pah-it-spika) 6 miles from Tuba City."

The scrutiny to which the San Juan Paiutes were subjected in the 1930's by ethnohistorians was more than equalled by the scrutiny to which they—in conjunction with the Navajos--were subjected by government workers. From approximately 1934 to 1938 the focus of attention, almost exclusively, was ascertaining, improving, and maintaining land management conditions within the Navajo Reservation. Because of serious livestock over-production, immediate measures had to be taken to protect both the land and the future economy of the reservation, since erosion and the eventual loss of grazing lands were at stake. Detailed investigations and determinations of land use were conducted by the BIA, the Soil Conservation Service of the USDA, the Bureau of Land Management, the Forest Service, and other government agencies which had partial jurisdiction and/or responsibility in the region. It was determined that immediate stock reduction was necessary, and each stock owner on the reservation was given a certain quota to sell or slaughter. Navajos and Paiutes alike were affected by this policy, wherein tens of thousands of sheep and goats, primarily, were eliminated over a period of several years, beginning in 1934.

The data collected in the wake of these investigations of land use were both comprehensive and, in some cases, contradictory. The Annual Statistical Report for the WNA for 1935 listed the total Paiute population in the area as 33, well below the combined number for the Willow Springs and Paiute Canyon settlement areas. And despite Stephen Janus' 1907 report of poor agricultural conditions at Paiute Canyon, a June 1935 report for the "Navajo Project" produced by the Navajo Soil Conservation Project stated in reference to the "Piute Canyon Cooperative Area," that "Within the walls of this canyon there has been a great alluvial fill ranging in depth from 10 to 30 feet and varying in width from 1/4 to 1/2 mile. This fill has provided rich farming lands for both the Piutes and the Navajos and many fine peach orchards of considerable age are being cultivated" (Navajo Soil Conservation Project 1935). Farming in Paiute Canyon, it appears, was considerably better than farming or grazing in the Willow Springs area. The Navajo Service Range Management Report on Land Management Unit #3 (Tuba City), dated March 15, 1937, stated that "The area around permanent water, especially around Tuba City, Cameron, Willow Springs Wash, and the Gap, have been severely overstocked over a period of years with consequent over utilization and range

depletion" (Anderson 1937). The "Livestock Ownership Roll" from this particular district, incidentally, shows seven Paiutes owning a combined total of 180 "sheep units," with Alfred Lehi having a clear superiority in numbers, holding 62 sheep units. On March 15 of 1937, the Soil Conservation Service released a report titled "Status of Surveys and Physical Work on the Navajo District" which enumerated the numbers of "consumption groups" and total Indian population for the region. Navajo was given as 44,073; Hopi as 3,000, and Paiute as 90. The following month, the Forest Service issued a report on land management survey unit #3 which stated that "The population of the unit is approximately 1,800 people or 300 consumption groups. There are 1,370 Navajos, 400 Hopis, and 30 Piutes" (Herion 1937). From simple calculation based on these two reports, it is clear that some 60 Paiutes lived in the northern settlement area who, for some reason, were consistently overlooked in Paiute population figures for the WNR. Later in 1936, a proposal was developed to divide the Navajo and Hopi Reservations into eighteen land management units or districts in order to establish a conservation program aimed at continued livestock reduction and, particularly, the regulation of grazing. Each district was to have a supervisor and one or more range riders. These proposed regulations were approved June 2, 1937. The Supervisor of the Hopi Reservation was given jurisdiction over Land Management District #6, which later came to be the area over which the Hopi Tribe had exclusive control.

The so-called "Navajo Boundary Act" enacted by Congress in 1934 had had the effect of questioning the rights of the various tribal groups regarding land use in the Moencopi area, particularly. The Hopis felt that the fact they had a settlement in the area dating as far back as the 1830's—at least—gave them certain rights in the area which had been more or less declared as Navajo land under the 1934 act. A dispute was thus begun which was to have lasting effects, and one in which the San Juan Paiutes would eventually become involved. By 1938 the issue had reached significant proportions, with the Hopis having obtained the assistance of professional ethnographers to help sort out aboriginal land-use patterns and residency in the area. With data compiled by Richard Van Valkenburgh, a historical map of the area was drawn by William A. Roberson--a map which, incidentally, showed virtually the entire Kaibito Plateau as having been occupied by "Piutes" (Roberson 1937). The annual statistical report for the WNA for 1938 showed Navajos predominant and Paiutes second in number with 29, an indication of the fact that the year previous the Hopi residents of Moencopi, who had up to then been served through the WNA, were transferred jurisdictionally to the Hopi Agency at Keams Canyon. In August of that year, anthropologist Gordon MacGregor wrote to Commisssioner Collier corroborating Hopi claims to long-time residency in the Moencopi/Tuba City area, and quoting some oral history interviews which he had taken (MacGregor 1938). As this issue became more heated, and more ethnohistory was understood in terms of the various tribal occupants and their economies within the Moencopi area, the inevitable result was an increased awareness of the historical role of the San Juan Paiutes in the region.

The San Juan Paiutes were the exclusive subjects of study for anthropologist Omer C. Stewart, who visited the group in the early winter of 1938. Several published acounts of this field research resulted from his stay with the Paiutes. Stewart spoke of the two settlement areas of the San Juan Paiutes—northern and southern—stating that "...within Kelly's San Juan area, my informants placed two Paiute bands, the Tatsiwinunts in the W [southern, or Willow Springs] and the Kaiboka-dot-tawip-nunts near Navajo Mountain" (Stewart 1941:237). Speaking to the issue of aboriginal occupancy and Navajo encroachment, Stewart wrote elsewhere that "...the Paiute now on the Navajo Reservation have been surrounded by the Navajo since about 1860 when the latter took over the former Southern Paiute area (from about Tuba City and Kayenta north to the Colorado and San Juan rivers)" (Stewart 1938a:27).

In October of 1938, anthropologist Malcolm C. Collier, wife of Donald Collier and daughter-in-law of the Commissioner, began a two-month stay at Navajo Mountain, doing field research on the community there. While the main focus of her research was Navajo social organization, the clearly identifiable Paiute element in the local community could hardly have escaped her notice and, indeed, she wrote at length about Navajo-Paiute relations within the community in the dissertation which contained her findings, viz., "Local Organization Among the Navaho." Malcolm Collier's informants provided her with much material pertaining to the ethnohistory of the community. She stated that

> Navajo Mountain is an area of fairly recent settlement. Before it was taken over by the Navaho it was occupied by Paiute, some of whose descendants are still there. The Paiute originally lived mainly in Paiute Canyon and used the higher plateau south of Navajo Mountain as range for their horses. There are stories of small groups of Navaho who used to come to this section on hunting and raiding parties, but the first permanent settlement of Navaho took place about 1890. At that time one man named Whiteman Killer, with his wife, children and one son-in-law, used this area for winter quarters (Collier 1966:18).

This, according to the data that Collier was able to collect in 1938, is the history of the settlement of the Navajo Mountain community and how it developed. Collier, however, was more concerned with the dynamics and interrelationships as they existed in 1938, and wrote to this topic, stating that "Most of the Paiute and mixed Paiute-Navaho live in Paiute Canyon in the summer and occupy three separate groups of hogans northeast of Navajo Mountain in the winter. The members of one of these groups are full-blooded Paiute or have only a small amount of Navaho blood. These people speak Paiute in their camp and only a few of them speak or understand Navaho" (Ibid.:39-40). There were in Collier's view, therefore, full-blood Navajos in the community, full-blood Paiutes in the community, and, within a basic bipartite system of social organization at Navajo Mountain, another "mixed" Paiute-Navajo group. One of the three "separate" groups of Paiute and Paiute-Navajo people at Navajo Mountain was full-blood Paiute, while "The other two groups are mixed Paiute-Navaho and Navaho is spoken in their camps." Collier described both the Paiute attitude toward the Navajos and the Navajo attitude toward the Paiutes, asserting that "The Paiute consider the Navaho to be usurpers" (Ibid.:40). Thus, there was a strain of resentment in their feelings toward Navajos. Collier perceived that "The Navaho attitude toward the Paiute is somewhat ambivalent. The Paiute are the objects of all kinds of jokes on the part of the Navaho whether it is a matter of doubtful paternity or bettering an opponent in driving a bargain. They are also the first to be accused if anything goes wrong" (Ibid.:40). "On the other hand," writes Collier, "the Navahos are also very friendly with the Paiute," stating further that the Navajos receive Paiutes in their homes, give them extra produce when available, and allow them to attend Navajo ceremonials, etc. Collier summarizes this ambivalence by stating that "It is, apparently, a case of some genuine friendliness as between the Navaho and Paiute, and, incidentially, of the usefulness of the Paiute as scapegoats" (Ibid.:41). Distinctions between the two tribal affiliations were also apparently made by the non-Indian traders at Navajo Mountain, since Collier noted that "They [Paiutes] are all poorer than the Navaho but have the reputation at the trading post of being more responsible in paying their accounts" (Ibid.:40).

Due to the fact that Collier's study was primarily directed toward the Navajo community at Navajo Mountain, she did not mention the San Juan Paiutes at Willow Springs. The same sort of encroachments which had happened to the Paiutes in Paiute Canyon were then happening to the San Juan Paiutes in the southern settlement area, which at that time comprised a variety of land holdings in the Cedar Ridge, Gap, and Willow Springs

area. According to San Juan Paiute oral history, "Sometime in the late 1930's, the Paiutes lost their fields at Cedar Ridge to Navajos and moved to Willow Springs, thereby overcrowding the Willow Springs farm area. At the end of the 1930's, the San Juan who were forced to stop farming at Cedar Ridge opened fields on the terrace below the area currently used for farming at the springs" (Bunte and Franklin 1983:103).

Navajo pressure on the other Native American groups in the Arizona/Utah area was affecting more than just the San Juan Paiutes. On April 24, 1939, a conference on the Hopi Extension Area (Moencopi) was held in Commissioner Collier's office in Washington to determine Hopi claims and Hopi rights in the area. One of the friends of and consultant for the Hopis was Oliver La Farge, who gave an encapsulated version of the history of the area to the conferees: "I think there is no way of telling ourselves that the Navajos can be shifted out of all that territory. Before the Navajos were there in the east, there were Paiutes. After them came the Navajos; then finally the white man came..." (Hopi Extension Area Conference Minutes 1939). While at that time and for some time to come the Hopi claim to Moencopi was debated, a problem had developed with some allotments made in 1930 by the Paiutes in Allen Canyon, near Blanding, Utah. Prior to the enactment of the "Utah-Navajo Boundary Act" of 1933, the non-Indian citizens of Blanding had said they would not oppose the bill if no more Indian allotments were made in the Blanding area. Some of the Paiutes who had been pushed off the Paiute Strip after its restoration to public domain in 1922 had moved up to the Allen Canyon area, and it was they who applied for certain of the allotments in question. Commissioner Collier decided to allow the patents to be issued, principally because the applicants were Paiute/Ute, and not Navajo. In a letter to Commissioner Johnson of the General Land Office, dated December 26, 1939, Collier gave his reasons:

> One very important point should be brought out, namely, that these allotment selections were filed by Paiute, Ute and Pah-Ute Indians who did not benefit in any way through enactment of the Utah-Navajo Boundary Act of March 1, 1933, supra. Had they been Navajo selections, no doubt the applicants could have been persuaded to remove to the reservation extension and relinquish their allotment selections. Therefore, it is unlikely that any agreement was made to cancel these Paiute, Ute and Pah-Ute Indian allotment selections which action would have been tantamount to sacrificing their right for the benefit of the Navajos (Collier 1939).

These allotments in Allen Canyon and White Mesa were utlimately made, to no one's detriment, and they serve today within certain families of the San Juan Paiutes as the locus for both permanent and seasonal—and sometimes intermittent—travel and/or residence.

At approximately the same time that the San Juan Paiutes lost some of their traditional farming areas to Navajos in the Cedar Ridge area, near Willow Springs, the San Juan Paiutes were beginning to be subject to a process by which they ultimately would be administratively "appropriated" into the Navajo Tribe. This occurred as a result of the compilation of the censuses undertaken from 1928 to 1934 into one comprehensive, reservation-wide census in 1940, ultimately adopted by a Navajo Tribal Council Resolution in 1954. The wording in this 1954 Resolution reflects a basic misunderstanding of the nature and purpose of the census by the Navajo Tribal Council, since it was referred to as "... the official roll of the Navajo Tribe maintained by the Bureau of Indian Affairs." San Juan Paiutes enumerated on these censuses were included along with Navajos, as were Indians of other tribes living within the Navajo Reservation boundaries. Enumeration numbers assigned to each individual by the BIA when these censuses were taken were

later redesignated as "Navajo" census numbers, after the Navajo Tribal Council's adoption of the Bureau's 1940 census. Thus, without knowing it, the San Juan Paiutes came to be listed on what is referred to as the "official roll" of the Navajo Tribe. "The fifth and final period in the development of the population records of the Navajo," writes Johnston, "begins with the completion of the second special enumeration of Indians by the Bureau of the Census, and closes with the preparation of the tribal roll in 1939" (Johnston 1966:84). Interestingly, in the 1940 census, which later became the "official roll" of the Navajo Tribe, 37 "Paiutes" are all listed together in the back of the roll with a different numbering system separate and distinct from the Navajos listed. The remainder of the Paiutes are either not listed or listed within the roll along with the Navajos, but are sometimes shown as "Navajo-Paiute."

VII. FROM WORLD WAR II TO THE "BENNETT FREEZE," 1940-1966

Documentation concerning the San Juan Southern Paiutes during the years of the Second World War is scant. Indeed, throughout the entire decade of the 1940's the historical record shows little other than routine, mundane administrative permits and forms concerning the land use vital statistics. This may have been a result of the preoccupation of the United States with the war effort, but a more reasonable explanation is the fact that the San Juan Paiutes had lost a certain administrative visibility and separateness owing to their wholesale incorporation into the "Navajo tribal roll." Subsequent Superintendents of the WNA who assumed responsibility may or may not have known that "some people" around Willow Springs and Navajo Mountain referred to themselves as Paiute, but for the purposes of Agency administration they were treated just as the Navajo residents of the WNR, i.e., without any special provisions made for them due to their being Paiute and not Navajo. The Paiutes thus slowly "faded into" the general Navajo population of the region for administrative purposes, but without losing their distinctive "Paiuteness" in a cultural or ethnic sense.

The one apparent exception to this lack of mention in the early 1940's was the publication in 1941 of a book entitled Dine Bikeyah by Richard F. Van Valkenburgh, who was then a Research Assistant with the Indian Service stationed in Window Rock, Arizona. The book is a reference-type glossary of place names and other phenomena located within the Navajo Reservation, and there are some very interesting data and ethnographic observations made about the Paiutes there. Under "Bodoway," an area of traditional Paiute inhabitation just north of Cedar Ridge and referred to as a "Piute place name," he stated that it is a "Region first entered by a ba adowe, the Strip Piute chief and his band some 100 years ago [ca. 1840]. (Strip Piute) Navajo later entered and some developed great flocks on the excellent range..." (Van Valkenburgh 1941:14). "Cedar Ridge" is described as "...a favorite camping place for the small band of Strip Piutes who are remnants of Padawa's old band (see PIUTE)" (Ibid.:28). Under the heading "Gap" is the statement that "In addition to Navajos, there are some 28 Piutes ranging in the vicinity under the leadership of Nomutz" (Ibid.:65). Page 114 of the book has the most on Paiutes, under the headings "Piute" and "Piute Canyon." There it is stated that "Relatives of those [Willow Springs] Piutes live in Piute Canyon and Allen Canyon some 50 miles west of Blanding, Utah," and that "Today, this tiny band is poverty-stricken. They have a few sheep and do a little farming in the small alluvial fans along Cedar Ridge. Like their neighbors, the Navajos, they dress in combined American and Navajo clothing." Though he also states that the Paiute blood is "dying out" in the Paiute Canyon area, Van Valkenburgh clearly sees the San Juan Paiutes as a distinct tribal entity.

It might be said that during the 1940's the San Juan Paiutes felt the impact of the organization of the 1930's, when the Soil Conservation Service divided the region into districts and assigned grazing and land-use permits to the Indian population, many of whom had been practicing traditional transhumance and seasonal residency in different parts of the reservation. In a head-on struggle for grazing and other land-use permits for specific tracts of land with the Navajos, the Paiutes lost ground, quite literally. Those San Juan who had farmed and grazed their livestock freely in the Cedar Ridge, Gap, and Bodoway areas northwest of Willow Springs were all forced to remove to the remaining lands--undisputably Paiute—around Willow Springs. A similar but not as drastic phenomenon was occuring around the Paiute Canyon area as well.

The final result of this squeeze was economic and, inevitably, social stress within the San Juan community, especially among those who lived in the Willow Springs area. This stress, in turn, resulted in "...great population disruption among the San Juan Paiutes in both the Navajo Mountain/Paiute Canyon and the Willow Springs/Atatsiv areas during the

1940's" (Bunte and Franklin 1983:143). While on one hand "The growing Navajo pressure on San Juan farming and grazing land, although it certainly made life difficult for the Paiutes, appears to have unified the tribe against what they perceived as a common problem" (Ibid.:128), on the other hand the stress within the Paiute community led to emigration of several families to the Kaibab Reservation. In February of 1942, Alfred Lehi and Chester Chelester, representing the "Piute band of Indians living on the Navajo Reservation Subagency Tuba City" went before the Tribal Council of the Kaibab Paiute Reservation "asking to become members of the Kaibab tribe" (Jake 1942). Their request was granted by the Kaibab Tribal Council, and the following month Alfred Lehi presented the proposal to the business council of the Tuba City Chapter, Navajo Tribe. In the minutes of that meeting, held March 9th, the record indicates Alfred Lehi's presentation of the proposal, and a response to it by Scott Preston, then one of the delegates, indicated that the businesss council had no objections to the plan but expressed the view that the Paiutes were welcome to remain in the area if they chose to (Tuba City Business Council 1942). Two days later, the Acting Supervisor of the WNA, Ben O. Spencer, wrote to E.R. Fryer in Window Rock relaying a copy of Alfred Lehi's letter which proposed the relocation and stating that the local Chapter officials had no objections to it (Spencer 1942). Fryer answered Spencer's communication in a letter dated March 16, where he stated that

> This will reply to your letter of March 11 concerning the request of the Paiute band of Indians living on the Navajo Reservation. There is no reason why these Paiutes may not leave the reservation. However, I'm not in a position to advise them with respect to any rights they would acquire at Kaibab if they were to join that band of Indians (Fryer 1942).

The following year, in 1943, three families from the Willow Springs area moved to the Kaibab Paiute Reservation (Bunte and Franklin 1983:142). Most of the San Juan Paiutes did not stay there long, however, because they did "not seem happy" in the Kaibab Paiute community. Most moved north into Utah, in the vicinity of the other Southern Paiute reservations doing day labor, farm work, and other odd jobs for wages. Some of these San Juan Paiutes married into existing Southern Paiute communities, others died in Utah, and still others drifted back to their old home around Willow Springs after their long sojourn. There is no indication that any of the San Juan Paiutes who left Willow Springs in 1943 for the Kaibab Paiute Reservation subsequently left Kaibab and went east to Allen Canyon. Perhaps having not adjusted to one new Paiute community they felt as if going to another would be a repeat of the first experience, or possibly there was little wage labor there. Regarding conditions there, anthropologist Marvin Opler explains that "In the 1940's decade, the Allen Canyon Paiute were still located in isolated camps throughout the remote country to which they had fled following the Paiute Massacre at the hands of whites in Utah not too much earlier than that date in the twentieth century" (Opler 1971:285).

August of 1946 was a significant point in time for all Native Americans, as it was specifically for the Hopis, Navajos, and San Juan Paiutes. On August 13 Congress enacted P.L. 79-726, "An Act to create an Indian Claims Commission..." All three tribes—Hopi, Navajo, and Southern Paiute—would eventually file claims with the Indian Claims Commission (ICC), and much testimony of an ethnohistorical nature would be generated shedding light on the early history of the WNR and on the interrelationships of these three entities within this area.

Though by the late 1940's the San Juan Paiutes had been, in the public perception and in the consciousness of local Government officials, administratively absorbed into the

Navajo Tribe, the reality of the siutation was that a viable San Juan Paiute polity was alive with its leadership function intact. Alfred Lehi had assumed leadership of the San Juan Paiutes, though he shared this responsibility in the north with Lester Willetson, who was a local leader in the Paiute Canyon area (Bunte and Franklin 1983:106). That Alfred Lehi was in a position to coordinate migrant farm work and collect other San Juan Paiute people for this work in Utah is evident from a letter he received from Ted Pikyavit at Gunnison, Utah. Pikyavit stated that he "...would like to know if you will come here this Spring and how many workers you can bring" (Pikyavit 1946). The implication in the text of the letter is that Alfred Lehi had arranged this labor pool in previous years. Mediation of trouble was another of Alfred Lehi's functions as a community leader, and this is evidenced by an altercation which occurred in 1948 when Angel Whiskers and three Navajo men began fighting over some alcohol. After an initial scuffle, Angel was knocked to the ground and choked until nearly unconscious. The following day, a Navajo policeman from Tuba City came to the Paiutes' hogan in Willow Springs and forcibly dragged Angel out. The policeman also fought with Marie Lehi and took a shot at her with his pistol, and finally arrested both Angel and Alfred, who was there trying to placate the policeman and calm the situation. They were taken to the Tuba City police station, and Alfred, in a statement he made concerning the incident, said that "While at the jail the Navajos showed prejudice and unjustness toward us" (Lehi 1948; see also statements of Connie Yazzie and Marie Lehi, March 3 and 19).

In a paper titled "Methods and Resources for the Construction and Maintenance of a Navajo Population Register," William Kelly, like other commentators on the Navajo tribal roll and its formulation, neglected to mention that there was still much ambiguity in the 1940's and early 1950's concerning who was a member of the Navajo tribe and what the criteria were for membership. Kelly wrote that "The official tribal roll has thus been the 1928 Roll and its later version, the 1940 Roll. This system has been continued to the present time and the 1940 Roll has been kept to date as the master register and final authority for the identification of Navajo Indians" (Kelly 1964:3). Overlooked ubiquitously was the fact that scores of Southern Paiutes were on this "master register and final authority" as Paiutes, attributable to a historical quirk from a period not too many years prior to 1940 when the separateness and distinctive nature of the San Juan Paiutes was a fully recognized and accepted fact in the WNR. This was not overlooked, however, by the Navajo Tribal Council. On May 7, 1951, the Council passed Resolution #CM-12-51 which stated in part:

Whereas, the Tribe has never acted to define what constitutes a member of the Navajo Tribe, and,

> Whereas, no well-ordered system exists for determining who should be included on the tribal roll, or for investigation of individual applicants to determine eligibility for such inclusion,
> Be It Therefore Resolved, that the Navajo Tribal Council empowers the Advisory Committee to conduct necessary investigation and research and to prepare in detail a procedure for determining tribal membership and eligibility for enrollment... (Navajo Tribal Council 1951).

In fact, it was only in the mid-1950's that the Navajo Tribal Council adopted membership criteria which are in use today. Ironically, the strict application of these criteria would have specifically excluded at least some of the San Juan Paiutes who were on the official roll as adopted.

At the same time as this formulation of membership criteria for Navajos during the early 1950's was in progress, four separate agricultural land-use permits were issued to

San Juan Paiutes in Paiute Canyon on the same day—May 10, 1951—by the BIA, a fact which acknowledged traditional land-use patterns in the canyon. Later that summer, in August, four claims were filed with the Indian Claims Commission which would have considerable impact upon the entire region including the WNR, Moencopi, and the Paiute Strip. Even though the Act establishing the ICC was passed in 1946, specifying a five-year deadline for filing claims, procrastination was then pandemic in the field of Indian law, and a mad rush of filings occurred in August of 1951, just days before the deadline expired. On August 3, the Hopis filed Docket 196; on August 8, the Southern Paiutes filed Docket 88 and the Navajos filed Docket 229; on August 10, the Southern Paiutes filed Docket 330. It would be years, however, and even decades in some instances before these cases were settled.

In 1952 the San Juan Paiutes signed in an "Exploration Agreement" for oil and gas exploration with two individuals named Charles Harrington and George Martin. The first of the three articles of the agreement states that "The Paiute Canyon Band Corporation hereby gives Mr. Charles Harrington and Mr. George Martin, and their heirs or assigns, the right to do oil and gas geological explorations on our [illegible] acres, more or less, owned by the Paiute Indians and operated by the said Corporation" (Harrington and Martin 1952). The agreement spelled out the conditions of such exploration, assuming that the San Juan Paiutes actually had authority to enter this contract, allow the exploration, and receive royalties, etc. It was signed for the Paiutes by three San Juan Paiutes and the wife of one of the three, herself a Southern Paiute from Koosharem, and by Joe Pikyavit, another Southern Paiute from Kanosh. It would appear that Joe Pikyavit had arranged this agreement stemming from previous experience with these men in Utah, and that he suggested that they contact the San Juan Paiutes. Significantly, two of the three signers of the agreement for the San Juan Paiutes were Alfred Lehi and Lester Willetson, acknowledged leaders of the group.

After the discovery of uranium on the Navajo Reservation in the early 1950's, the Enrollment Office was predictably seeing an increase in applications for enrollment. This fact, combined with the Council's admission in 1951 that there was no systematic method of determining eligibility for membership in the Navajo Tribe, posed a membership problem of significant proportions for the Navajos. In order to resolve the problem, the Navajo Tribal Council adopted certain provisions relating to membership from their proposed constitution and put them into a formal resolution of the Council. This resolution passed the Tribal Council in July of 1953, and, among other requisites for membership, required 1/4 degree Navajo blood. We learn from the proceedings of the Navajo Tribal Council that some members of the Council's Advisory Committee claimed "...that on the rolls of the Navajo Tribe are people who are actually Piutes" (Proceedings, Navajo Tribal Council 1954). A special census was taken of the San Juan Paiutes in the Navajo Mountain/Paiute Canyon area early in 1954. The Paiute census was taken by Bert Tallsalt, dated March 12, 1954, and submitted to the Tribal Council. Two pages in length and titled "Paiute Census—Navajo Mountain Community," the census listed the names of 27 San Juan Paiutes resident there. It gives BIA (now Navajo) census numbers, year of birth, and blood degree. The second page divided the Paiute residents there into four categories: 1) permanent residents of Navajo Mountain, 2) those who travel "back and forth," presumably between Navajo Mountain and certain Utah locations, 3) those who have "moved away" and "reside elsewhere" and 4) those "away in school" (Tallsalt 1954). The obvious conclusion one draws here is that the Navajos, at least, considered the San Juan Paiutes quite separate from themselves within their community at Navajo Mountain. No similar census is known to have been taken for the Willow Springs community. In this connection, it is noteworthy that Angel Whiskers is listed as one who travels back and forth between Navajo Mountain and the Allen Canyon

area, yet he was residing in Willow Springs at the time of his arrest by the Navajo police only six years earlier. Bunte and Franklin point out that

> ...the second wave of out-migrants from the north, that is, the handful [sic] of families from Navajo Mountain listed by Navajo Councilman Bert Tallsalt in 1954 as ...moving between Navajo Mountain and White Mesa, did not move up there in the 1920's but only in the 1940's and 1950's. These individuals, as Tallsalt's (1954) list would itself indicate, did not abandon their ties to the San Juan Tribe and, unlike the earlier wave of San Juan emigres, did not benefit from any status in the Ute Mountain Tribe (Bunte and Franklin 1983:186).

As with Angel Whiskers and possibly others like him, the connections between these areas can be extended to Willow Springs as well, though perhaps to a lesser degree than Navajo Mountain.

In September of 1954, Congress enacted P.L. 81-762, which terminated four designated bands of Southern Paiutes in Utah from the special government-to-government relationship with the United States. This was as a result of the efforts of Senator Arthur Watkins of Utah, whose great "cause" during his tenure in the U.S. Senate was the termination of as many Indian tribes as possible from the Federal relationship. The Shivwits, Kanosh, Koosharem, and Indian Peaks Southern Paiute bands were the victims of this legislation in 1954. What indirect impact this law had on the Kaibab and particularly the San Juan Southern Paiutes can only be surmised, but there was no direct impact on these Arizona Southern Paiutes. The remaining years of the 1950's saw the enactment of P.L. 85-547, which authorized the Hopi and Navajo Tribes specifically, "...and any other tribe of Indians claiming any interest in or to the area described...," i.e., the 1882 Hopi Reservation, to "commence or defend in the United States District Court...an action against each other..." (72 Stat. 403). This law was enacted on July 22, 1958, and it stipulated that any such action would be heard and determined by a district court comprised of three Federal judges. This act led to the filing of Healing v. Jones, the names of the respective chairmen of the Hopi and Navajo tribal councils, on August 2, 1961.

In the early part of the 1960's the San Juan Paiutes were once again the subjects of anthropological inquiry. Of the four anthropologists who commented on San Juan Paiute community or Navajo-Paiute relations in the WNR, most were there doing field research in Navajo culture, and not in Paiute culture per se. The first of these was the research team of Mary Shepardson and Blodwen Hammond who spent the first two years of the decade at Navajo Mountain, and whose field research appeared in 1970 as the book The Navajo Mountain Community. The picture that they provide of the Navajo Mountain community, much of which can be drawn from their field notes which are dated in the early 1960's, pertains to the years 1960 through 1962. They make numerous ethnographic observations in both their book and field notes about the San Juan Paiutes and Paiute-Navajo relations. "A Paiute woman can marry a Navajo man, but not the other way around. It probably has something to do with the inheritance of property. A [Navajo] woman's property goes to her family or clan. So her family would be down on her if she married a Paiute" (Shepardson 1960-62). Other observations show a separation or distinctiveness of the Paiutes in relation to the Navajos. For example, Shepardson and Hammond count Paiutes separately: "The population of the community numbers 581 individuals...This count includes all Indians, Navajo and Paiute, maintaining residence at Navajo Mountain during 1960 and 1961. Paiute residents number 18—5 men, 5 women, and 8 children" (Shepardson and Hammond 1970:13). Significantly, they claim that "The 'People' [Navajos] in Navajo Mountain look down upon the Paiutes as 'not-Navajo.' They

are still the butt of mild jokes, as they were at the time of Malcolm Collier's 1938's study" (Ibid.:58). Elsewhere they wrote that "One of the sharpest problems was the status of Navajo Mountain Paiutes now that the Paiute Strip was officially part of the Navajo Reservation. Although all of the resident Paiutes were Navajoized on the surface, and some had intermarried with Navajos and gone into the clan system, others retained their clanless Paiute identity" (Ibid.:37).

The political status of the Paiutes is also a subject discussed by Shepardson and Hammond. They conclude in their book that the Paiutes are members of the local Chapter: "Finally there is the Chapter. All adult Indians of the community are members, including the Paiutes, who have been given census numbers in the Navajo tribe" (Ibid:160). Yet this averment does not seem to accord with statements of their informants who lived there. They attribute to Joe Fuller the assertion that "Paiutes have census numbers like Navajos. There are about six [Paiute] families around here who take no part in the meetings of the Chapter. Never come to meetings" (Shepardson 1960-62). Shepardson and Hammond apparently did not know the history of the assignment of census/enrollment numbers vis-a-vis the Paiutes which, as has been shown, were assigned at least until 1954 not by the Navajo Tribe but by the BIA to all Indian residents of the reservation beginning in 1928. They state, in fact, that "As a result of community demands, Paiutes in the area were given census numbers in the Navajo Tribe..." (Shepardson and Hammond 1970:37). In a prepared statement which was signed in 1986 by Lizbeth B. Eubank, a former teacher at the Navajo Mountain school and now in her eighties, Eubank claimed that she assigned some census numbers to Paiutes who requested them, though no indication of how many numbers were assigned or when is included in her statement. The records, however, show that many San Juan Paiutes already had census numbers prior to the arrival of Eubank at Navajo Mountain. Moreover, the statement which she signed claimed that the San Juan Paiutes "sought to be assimilated into the Navajo Tribe" and that "They were accepted into the Tribe by the Navajos living in the area, who treated them as brothers" (Eubank 1986). Citing Lizbeth Eubank in their field notes, Shepardson and Hammond assert that Eubank reported that "The [Navajo] Tribe keeps asking me to send them a list of the Navajos in Navajo Mountain. I ignore it because I know they want to put the Paiutes off the rolls" (Shepardson 1960-62).

Simultaneous with the increased ethnographic research of various Navajo communities and cultural phenomena and the concomitant observations made concerning San Juan Paiutes and Paiute-Navajo relations during the early 1960's, was a series of administrative actions taken in behalf of the Paiutes by the BIA and other government agencies. In land assignments with the Soil Conservation Service's District #8 for FY 1961, one district is shown as "Piute Farms Dist. #2." The District #2 list for Paiute Canyon shows three Paiutes having land there. Attached to these documents are two maps titled "Willow Springs Unit" showing Alfred Lehi as holding eight acres in the "Upper Section." In April of 1963 the first available recorded General Assistance was given to San Juan Paiutes through the BIA's Social Services operation. One grant went to Ruby and Raymond Tallman, while later in the year an ADC grant was awarded to Amelia Whiskers, the daughter of Angel and Annie Whiskers. Several more San Juan Paiutes were recipients of General Assistance grants in the late 1960's, and a greater number were awarded in the 1970's. Two additional agricultural land-use permits were given in April of 1964 to Joe and Frances Norman and to Harry and Grace Secody, all of whom lived in the "Willow Springs Project." These permits were issued by the BIA.

Following the field research of Shepardson and Hammond at Navajo Mountain was that of a young student anthropologist named Christy G. Turner. In partial fulfillment of the requirements for an anthropology course, Turner concentrated on the dwellings found in the Navajo Mountain community, and wrote a paper titled "House Types of the Navajo

Mt. Community—Utah, Arizona" which he submitted in the Spring of 1962. Turner made some historical observations in the paper, in addition to ethnographic observations. He stated that "The number of Navajos has increased while the Paiute have decreased. There is no way of estimating the original number of Paiute in the Community before Navajo entry. All informants agree that Paiutes lived all around the Mountain" (C.G. Turner 1962:21). Elsewhere he stated that "...Navajo occupants of the region are historically recent immigrants." Within a year of Turner's research on Navajo Mountain, anthropologist Shuichi Nagata was conducting fieldwork among the Moencopi Hopi. Nagata was aware of the San Juan Paiute presence in the area, and stated that "At the time I was doing research there, most of the Payotes [Paiutes] in the Willow Springs area were reasonably settled and farming corn, so I wouldn't include them in nomadic pastoralists" (Nagata 1983).

Between the time when Turner was researching the Navajo Mountain community and Nagata was doing fieldwork at Moencopi, the judgment was entered in the Healing v. Jones suit, which had been filed in August of 1961 as authorized by P.L. 85-547. The judgment decreed that the Navajo and Hopi tribes had joint, undivided and equal interests in that portion of the area withdrawn by the 1882 Executive Order, establishing the Moqui Reservation, lying outside Land Management District #6. This decision dealt only with the lands within the original Hopi Reservation east of the Moencopi area, thus Healing v. Jones had no direct connection with the later Sekaquaptewa v. McDonald suit which concerned the Moencopi area and lands west of the Hopi Reservation. However, the testimony and evidence submitted in the trial concerned the ethnohistories of the tribal groups involved and, to some degree, set a pattern for the suit which was to follow. In the meantime, expert testimony was being compiled for the various Indian Claims Commission (ICC) claims filed by the Navajos, Hopis, and Southern Paiutes. While ethnohistorians were gathering and/or researching the ethnographic data for submission to the Commission as evidence for the plaintiffs, the attorneys involved were synthesizing these data and presenting them to the Commission in legal format. One such submission containing some very significant ethnographic data was Finding #6 in "Proposed Findings of Fact in Behalf of the Navajo Tribe of Indians in Area of Hopi Overlap." This document was prepared by Norman Littell, the attorney for the Navajo Tribe in Docket 229, and dated May 1964. Finding #6 was titled the "San Juan Band," and there Littell seems to contradict himself directly since, in the first place, he asserts that the San Juan Paiutes "...were absorbed and assimilated into the Navajo tribe" (Littell 1964:293). Yet in the following pages, Littell states

> It is thus apparent that a small number of people of Paiute ancestry have lived in the Navajo Mountain area, extending southward to about Tuba City and eastward to about Oljato, since very early times. It is also apparent that their association with Navajos has been extremely close and intimate...though they have remained a more or less distinguishable minority group through preservation of their original language, knowledge of their ancestry, and selected elements of Paiute culture (Ibid.:301-302).

The thrust of the Navajos' argument as presented by Littell was that since the Paiutes had been assimilated into the Navajo Tribe, aboriginal title to the Navajo Mountain region could be claimed by the Navajos. The other parties with an interest in Docket 229, namely the defendant, i.e., the United States, and the Hopi Tribe disagreed with Navajo Finding #6. The defendant's view, as presented by the Department of Justice, was that the "Defendant...cannot agree with the ultimate conclusion set forth which is, in effect, that the Southern Paiutes who used and occupied the area east of the Colorado River...were a part of the Navajo Tribe when American sovereignty attached to this

territory in 1848 and that consequently the Navajo Tribe had 'Indian title' to that area" (Clark 1964:99). The Hopis did not agree either. Attorney John S. Boyden, who presented objections to Navajo Finding #6, basically stated that the Navajo Mountain area was aboriginally Hopi territory: "In view of all the evidence it seems very reasonable to assume that the Paiute tents [seen by Escalante] were in hostile Hopi territory" (Boyden 1964:15). Nonetheless, the Hopis were making no counter claim to this territory, but were rather objecting to the Navajo's claim "...as contrary to the weight of the evidence."

Docket 229 of the Navajo claim was finally settled in September of 1981. The two Southern Paiute Dockets in the ICC were both settled earlier, however, in January of 1965, with an award in the amount of $7,253,165. During the last part of the 1960's the process of disbursing these funds took place, and the difficult issue of who was to share in the award was a topic which would involve the San Juan Paiutes in much discussion with the BIA and other Southern Paiute groups. Before this occurred, an incident took place in the Moencopi area which would again cause a major rift between the tribal groups there, and one which would demand, once and for all, a clarification of both the rights and interests of the Indian tribes located there.

In the Spring of 1966, an "urgent request" was submitted for a right-of-way to construct a transmission line through the Tuba City area by the Arizona Public Service Corporation. This application was approved by the Navajo Tribe, but the Hopi Tribe was not originally made a party to the approval process, even though the land area affected was used in part by the Hopis. John S. Boyden, counsel for the Hopis, wrote to Commissioner Bennett on June 11 requesting the Bureau to make a determination regarding the Hopi interest in the land area around Tuba City and Moencopi. This letter precipitated an opinion from the Associate Solicitor for Indian Affairs dated July 1, 1966 which said, in part, that "...it is clear that the Hopi have an interest in the area described in the 1934 Act, [but] it is not possible for us to define the nature or extent of that interest" (Allen 1966). Realizing the difficulty of making such a determination, Solicitor Allen goes on to empathize with the BIA in its predicament, stating that "It may well be that only Congress has the power to definitively deal with the issue" (Ibid.).

Exactly one week after the Solicitor's Opinion was issued, Commissioner Bennett sent a long letter to Graham Holmes, then Area Director for the Navajo Area, imposing restrictions to development of the lands in question around Moencopi/Tuba City. This has since come to be known as the "Bennett Freeze." This freeze put a virtual halt to almost all public and private development and construction projects in a huge area, extending from the western edge of the 1882 Hopi Reservation to nearly the Colorado River, with north and south boundaries using a simple extension of the north and south boundary lines of the 1882 Hopi Reservation. Bennett claimed that "It is evident the Government can no longer continue to administer the area as though it were owned solely by the Navajo Tribe" (Bennett 1966). Bennett predicted that the freeze would create "hardships and administrative difficulties," but that they should serve to shorten the time of the freeze by inducing "...a friendly confrontation of the tribes, to the end that in face-to-face talks they might agreeably negotiate out what they consider to be their respective interests..." (Ibid.). As part of the order establishing the freeze, Bennett also required that a special deposit account be set up in which to put all proceeds from land-use resources in the "Bennett Freeze Order Area" (BFOA). He further stipulated that no actions were to be taken which did not "take full cognizance of Hopi interests in the area"; that all future projects in the area were to be approved by both tribes; and that the two tribes should proceed actively to achieve a settlement which could be submitted to Congress in order to legislate the settlement. The San Juan Southern Paiutes were not considered in any of this early discussion, but as history

would show, they were able at a later point to intervene in the process to assert their rights to lands in the area.

VIII. THE REDISCOVERY OF THE SAN JUAN PAIUTES, 1966-1986

Imposition of the Bennett Freeze served as the catalyst which precipitated, among other things, a concerted effort to search the past in order to determine exactly the rights and early land-use patterns of the Native American inhabitants of the BFOA and, more precisely, the Tuba City/Moencopi area. Much of the history and the ethnohistories begun at this time and continuing to the present would be used in the subsequent litigation and formulation of legislation concerning the area. The most significant result or by-product of this historical research relative to the subject at hand was the rediscovery by administrative officials of the San Juan Paiutes as an autonomous and separate Indian group with a long-term, historically documentable presence in and occupation of the Willow Springs area. The actual history of the area dating from around 1880 appeared to have been entirely forgotten, and the approximately thirty-year period prior to the San Juan Paiute reemergence was one in which the autonomy of the Paiutes had been virtually obscured. What had once been almost exclusively Hopi and Paiute territory, historically demonstrable, had come to be viewed as "immemorially" Navajo; what had clearly been a separate and autonomous San Juan polity even as late as the 1930's had come to be viewed as quasi-Navajo and administratively incorporated into the Navajo Tribe. A gradual rediscovery of the facts, however, would serve to rectify these commonly held views.

The Navajo Tribal Council passed Resolution #CJY-92-66 just eighteen days after the imposition of the Bennett Freeze, a strongly worded and vehment objection to Bennett's order. It stated that the freeze was imposed "arbitrarily, capriciously, and without legal foundation," and further accused both Bennett and Secretary of the Interior Udall of political favoritism. Bennett was seen as having imposed the order under the direction of Secretary Udall, and that it was done "...entirely in response to letters from John S. Boyden, Attorney for the Hopis, who is a long-standing friend of Stewart L. Udall, without consultation..." (Navajo Tribal Council 1966a). It was further described as "...the latest of many partial and prejudiced acts of collaboration and favoritism on behalf of the said John S. Boyden on the part of Secretary Udall contrary to his duties as Trustee for both the Navajo and Hopi tribes..." (Ibid.). In all of this accusatory language, there was no mention of the fact that Navajos originally came to possess the land first through occupation of Paiute and Hopi territory and second through the 1900 Executive Order and 1934 legislation which legitimized this encroachment and gave title to the United States for the Navajo Tribe. However, faced with the Bennett Freeze the Navajos reluctantly agreed to negotiate with the Hopis pursuant to Bennett's suggestion, and on October 3 passed Resolution #CO-103-66 establishing a "Navajo Negotiating Committee" for the limited purpose of "...deciding what rights, if any, Hopi Indians, but not the Hopi Tribe, may have to that part of the Western Navajo reservation..." (Navajo Tribal Council 1966b).

David Brugge, an ethnohistorian then employed by the Navajo Tribe, was the first to begin research aimed at trying to sort out tribal histories and land use in the Moencopi area. In the Spring of 1967, Brugge began conducting oral history interviews in the Moencopi area to supplement his archival research into the documentary records on the history of Moencopi/Tuba City. His research took him into the Fall of 1967, when, on October 2, he wrote in his "Summary of Further Research on the Moenkopi Problem," that among the "problems that require further field work at present are: 1) Investigation of Paiute occupation and relations with the Navajos. Several Navajos have mentioned early Paiute occupation of the area, and some have indicated that Paiutes lived in the area prior to the Navajos...It is not known how many Paiutes are in the area now or whether they are all included on the Navajo tribal census" (Brugge 1967a). Approximately two weeks later, Brugge interviewed one of the Paiutes from the Willow Springs area, Alfred Lehi, in order to fulfill the need he expressed earlier to investigate Paiute occupation there. Alfred Lehi is recorded as having stated that

> The Paiutes have been living here. Nobody remembers how long, but I would roughly say about 200 years back, even before the Navajos or whites moved here. My father's father [David Lehi or Pakai] lived here and also my father [Tangwats]. My father's father was Lehi. I myself was raised at Navajo Mountain. Long ago there were no Navajos around this area. Neither did any Mexicans come over [to] this area...At that time when Paiutes were living here, in the spring time they [went] up to Dennehotso to find food" (Brugge 1967b).

In October of 1967 Brugge released "The Moencopi Boundary Problem—The Final Report." The report contained all the results of his research, and in the text he says this of the Paiutes: "In the meantime still another tribe, the San Juan Paiute, was in the [Tuba City] region just to the north. Escalante reported Paiutes in the Navajo Canyon country in 1776...In 1823, Vizcarra's troops encountered Paiutes on White Mesa and in the Paiute Canyon...Today, the Paiutes claim to have been the first occupants of the Tuba City area and some Navajo tradition is in agreement" (Brugge 1967c). Brugge's treatment of the San Juan Paiutes in his report clearly suggests that he considered them a separate tribal entity as he did the Hopis; he stated further that "Both the Hopis and the Paiutes assert that the Navajos did not occupy the Tuba City area until the time of the Carson Campaign and Fort Sumner," but adds that Navajo claims to having been in the region longer are correct.

On October 17, 1968, exactly a year after Brugge's report was released, Congress enacted P.L. 90-584, a law authorizing payment of the Southern Paiute claims award in ICC Dockets 88 and 330. The award was to be paid to 1) Kaibab, 2) Moapa, 3) Shivwits, Kanosh, Koosharem and Indian Peaks, 4) Cedar City, 5) Las Vegas colony, and 6) "Indians living elsewhere who can establish Southern Paiute lineal descent to the satisfaction of the Secretary of the Interior" (82 Stat. 1147). On the current roll of the San Juan Paiutes there are 66 persons who applied for and received a share of these Southern Paiute awards. A number of meetings were held in the San Juan Paiute communities to discuss strategies for applying. Only about one third of the 66, however, applied for a share under category #6; several of the rest applied under category #4, Cedar City, and the vast majority applied under category #1, Kaibab. This may have been due to the proximity and historical relations between the Kaibab and the San Juan Paiutes, or because the Kaibabs were still a federally recognized tribe while the other Utah Paiute groups had been terminated, or because the San Juan Paiutes may have thought their chances were better under category #1 than under category #6. It may have been a combination of all these reasons. The net result, however, was that an official "Southern Paiute Roll Prepared Pursuant to Act of 10/1/68" was compiled and published the following year. It was a 26-page roll of those Southern Paiutes entitled to share in the judgment award, and of the San Juan Paiutes on the roll submitted for Federal acknowledgment, 66 persons received a share.

The good news of the judgment award for the many San Juan Paiutes was followed directly by some bad news in April of 1969. On April 15, the San Juan Paiute leader of nearly forty years was killed when he fell (some accounts claim he was pushed) off a cliff as he was returning home to Willow Springs from Tuba City. The missionaries at the Hidden Springs Church, across the highway from Willow Springs, published in their May 1969 newsletter the following account: "Many of you have heard us speak of the Paiute Indian camp across from us on the cliffs. Recently the father, Alfred Lehi, was killed when he fell from a cliff, but his body was not found for several days" (Schoff 1969). Alfred Lehi's funeral was a big event in Tuba City, as he had maintained good relations with all the Indian residents in the area and had earned the respect of the community.

During the Southern Paiute claims process of the late 1960's, several developments had occurred pertaining to the Bennett Freeze Order Area. In October of 1967, Commissioner Bennett modified his original order "...to permit public works type projects to go forward on a determination by me without formal action by the Navajos and Hopis" (Bennett 1967). Under this revision in the policy, Bennett approved the construction of Two Grey Hills school and the Tuba City hospital. In March of 1969, Bennett reduced the land area affected by the freeze order by nearly half, sending memoranda to the Area Directors of the BIA whose jurisdiction covered both Navajo and Hopi Reservations. Finally, an area known as the Moencopi-Hopi area was delineated for administrative purposes by Assistant Secretary Harrison Loesch in identical letters dated February 26, 1970 to the respective Chairmen of the Navajo and Hopi Tribes. This set up an "exclusive-use area" for Hopis within the BFOA, to be administered by the Hopi Tribe and Hopi Agency. None of these revisions except the first, however, had a direct effect on the San Juan Paiutes in the Willow Springs community. The original restrictions applied to Willow Springs due to its being within the original BFOA.

The death of Alfred Lehi in April of 1969 created an immediate but temporary vacuum in the leadership of the San Juan Paiutes. This vacuum was made apparent by a letter from McKay Pikyavit, a Kanosh leader, to attorney Justin Stewart of Salt Lake City, describing the events of a meeting of the San Juan Paiutes held at Tuba City in early October of 1969. "They [San Juan Paiutes] said they didn't have a leader, or an interpreter," Pikyavit wrote. "They said they have been trying to get someone to talk for them from the Navajos side and Paiute side from Moccasin City, Ariz. [Kaibab] Both of these groups have refuse to help them in anyway" (Pikyavit 1969). Ralph Castro, a Paiute leader from Kaibab, had given the San Juan Paiutes applications for the ICC judgment award in April of that year. But inclusion in the claims award was not the only concern of the San Juan Paiutes at the meeting, as Pikyavit further explains: "...this other matter they wanted help on was that Navajos were taking over their historical land, saying that the land belongs to the Navajoes, and the Hopi tribe saying the land belongs to the Paiute Indians of Willow Springs and Navajo Mountain" (Ibid). In response to Pikyavit's letter, Stewart wrote to Calvin Brice of the BIA's Phoenix Area Office and to Samuel Withers, then an attorney in Tuba City with DNA-People's Legal Services, asking for information regarding enrollment of the San Juan Paiutes in the Southern Paiute claims award and their rights to the land which they occupied and used. No responses to Stewart's request have been found.

Samuel Withers did apparently look into the matter, however, since that December he wrote a two-page memorandum "To Whom It May Concern," the subject of which was "Paiute Hunger." Withers claimed he learned of the problem from talking to Francis Tallman, a San Juan Paiute, in Tuba City. He and his colleagues went to Willow Springs where they talked with Marie Lehi. "We spoke with an old woman who related that, indeed, there was a critical shortage of food. The old woman told us that because few of the Paiutes had census numbers, they were ineligible for tribal welfare. They had also been told that they were ineligible for BIA General Assistance" (Withers 1969). Withers called several BIA officials trying to get some emergency relief, but everyone he spoke with denied responsibility for the Paiutes. Whether or not it was the Withers' memo or some other reason, Ralph Castro was prompted to write a long letter to the editor of the Gallup Independent complaining of the indifference and/or abuse which the San Juan Paiutes had suffered at the hands of both the Anglos and the Navajos, and suggesting that the condition be rectified (Castro 1970).

On May 11, 1970, a meeting referred to in the record as the "First Organizational Meeting of the Willow Springs Band" was held at Willow Springs, at which minutes were taken. It is likely that Samuel Withers was behind the meeting, as it appeared to

follow Robert's Rules of Order and left a set of typed minutes to mark its appearance in time. The purpose was stated in the opening paragraph: "A meeting was called...to discuss the formal organization of those Indians into a band under the Paiute Indian Tribe...Present and voting at the meeting were all of the adult Paiutes from Willow Spring...[and] representatives from the Paiutes living now in the vicinity of Navajo Mountain..." (Minutes—First Organizational Meeting 1970). The business of the meeting was described in these words: "Ralph Castro, who is the Vice-chairman of the Kaibab band of Paiutes...was nominated for the office of Chairman of the Willow Springs Band. No other nominations being made, a vote was taken..." and Ralph Castro was elected unanimously in order to "represent" the San Juan Paiutes "in obtaining formal recognition."

Withers continued to work for the "formal recognition" of the San Juan Paiutes during this period, but got nowhere. He wrote several letters on behalf of the Paiutes to BIA personnel, but received answers to the effect that the Bureau would undertake a review of the question and "get back to him." It is not clear whether the Bureau ever did get back to him. Another DNA attorney in Tuba City, Martha Ward, also got interested in the case of the San Juan Paiutes in July of 1970. She wrote on an internal office form that "Client was a group of 25 Paiute who were refused commodities by the Navajo Tribe because they did not have Navajo census numbers" (Ward 1971). Apparently, the easiest way to resolve the problem was the way in which it was finally done; rather than fight the Navajo Tribe and its bureaucracy, Ward simply "Arranged for the group to ge their commodities in Moencopi, the Hopi village" (Ibid.). These efforts made toward a renascence of the San Juan Paiutes during this period seemed to be climaxed by a lengthy article by staff writer Jeff Stone published in the Flagstaff Sun, under the heading "Paiute Band Seeks New Life." Printed in the July 14, 1970 issue, the article discussed the whole issue of the forgotten Paiutes, oppressed by the Navajos, who had recently come to everyone's attention. Stone highlighted the San Juan Paiute participation in the Southern Paiute judgment award and attempts at Federal acknowledgment through the BIA.

The early 1970's were very active years for the San Juan Paiutes—years which brought great change in the community and which spurred future change. First there was a formal bid for Federal acknowledgment and a change of leadership after Alfred Lehi's forty-year tenure as leader of the group. Ralph Castro, was elected to the position of chairman of the "Willow Springs Band," but because he was living at Polacca on the Hopi Reservation, in addition to the fact that he was not fluent in the Paiute language, this position did not last long. After a short interval, leadership passed in the traditional Southern Paiute fashion to Anna Whiskers, who became spokesperson and leader of the group until she was succeeded by her daughter, Evelyn Whiskers James, some years later. Then, there was the widening rift between the San Juan Paiutes and the Navajo Tribe, making the acquisition of services increasingly difficult. Finally there was the payment of the ICC claims judgment award in the amount of $7,109 per person for 77 of the San Juan Paiutes, which injected approximately $547,400 into the San Juan Paiute community. These funds were paid in the summer of 1971, and one account of that period states that the Navajos in the area were divided in their opinions about the awards. Some resented the fact the Paiutes had been paid, but "In fact, some Navajos were glad that the Paiutes were compensated. One individual I spoke to felt that the Paiutes had been overlooked for so long, they deserved every penny they got" (Mowrer 1971:10).

More changes occurred in the status of the BFOA during the early 1970's as well, ultimately having an effect on the southern settlement area of the San Juan Paiutes at Willow Springs. In December of 1970, Acting Commissioner Ernie Stevens rescinded the modifications made by former Commissioner Bennett to his original July 1966 freeze

order. Stevens returned the BFOA to the original area of 1966 and eliminated the exception for public works projects established in Bennett's memorandum of October 31, 1967. In June of 1971, several months after Steven's reactivation of the original freeze order, the Navajo Tribal Council passed Resolution #CJN-50-71, a formal request by the Navajo Tribe to have the freeze order "lifted." The Navajos again objected to the requirement which mandated the submission of plans for any proposed development to the Hopi Tribe for approval. It was claimed that these requirements were "unduly burdensome" and "cause great delays" in development and construction (Navajo Tribal Council 1971). The Resolution was specifically addressed to Commissioner Louis Bruce. The freeze order was in fact not lifted, but the following year Assistant Secretary Harrison Loesch modified the previous policies regarding the BFOA and set up an exclusive Navajo-use area north of the exclusive Hopi-use area in Moencopi. Highway #160 was to be the north/south boundary for separating the Navajo Tuba City area and the Moencopi Hopi area. Loesch's policy took effect on August 4, 1972.

Perhaps the most significant single event in the history of the land-use issue regarding both the Joint-Use Area on the 1882 Hopi Reservation and the Moencopi area took place on October 6, 1971. Another of the simultaneous events which were directly affecting the lives of the San Juan Paiutes at the time, the introduction of H.R. 11128 into Congress by Representative Sam Steiger of Arizona, was seen by some to be the "final solution" to all the long-standing, persistent land-use problems involving Navajos, Hopis, and Paiutes. As the title of the bill indicates, it was an ambitious undertaking, since it was "An Act to authorize the partition of the surface rights in the Joint Use Area of the 1882 Executive Order Hopi Reservation and the surface and sub-surface rights in the 1934 Navaho Reservation between the Hopi and Navaho Tribes, to provide for allotments to certain Paiute Indians, and for other purposes." Among the "other purposes" was a provision in the bill which, like P.L. 85-547 which authorized a lawsuit between the Navajos and Hopis to determine their respective rights within the 1882 Hopi Reservation, would authorize a lawsuit to determine their respective rights in the BFOA. Section 6 of the bill (Section 9 of the Act) dealt directly with the San Juan Paiutes:

> The Secretary of the Interior, hereinafter called the "Secretary," is hereby authorized to allot in severalty to individual Paiute Indians, not now members of the Navajo Indian Tribe, who are located within the area described in the said Act of June 14, 1934, and who were located within said area or are direct descendants of Paiute Indians who were located within said area on the date of said Act, land in quantities as specified in the Act of February 8, 1887 (24 Stat.388), as amended, and patents shall be issued to them for such lands.

House hearings on the Steiger bill took place in mid-April of 1972. Peter McDonald, then Chairman of the Navajo Tribal Council, stated that he had "severe objections" to the bill. In his prepared statement, McDonald, who was apparently unfamiliar with the history of the Western Navajo Reservation, made specific reference to the Paiutes and Section 6 of the bill: "The claims of the Paiutes to this land—or any land have never been determined. If they had any claims to land that the Government ignored, it is too late for them to get money by going to the Claims Commission. But it is not too late to steal from the Navajos. That is now to become the great national pastime. Why should the Government permit itself to be sued by the Paiutes when it can authorize them to steal from the Navajos?" (U.S. House of Representatives 1972:70). Senate hearings were held on the Steiger bill in September of 1972, but the bill did not survive the Second Session of the 92nd Congress, and had to be reintroduced later in the 93rd Congress.

Among the obvious effects of consideration of the Steiger bill was a need to determine precisely the rights of the Paiutes in the BFOA and, for that matter, in the whole of the Western Navajo Reservation. This need precipitated an investigation into the lives and the conditions of the San Juan Paiutes, including an accurate count of their population. This last was done in the Fall of 1972, and BIA Census Office data for that period show, under a separate section labeled "Piute," 23 family sheets which reflected the fact that all those listed as Paiutes on these sheets were living in Census District 66-C (Tuba City) and Census District 37-G (Navajo Mountain). The data collected there were prepared in March of 1973 under the direction of Rosie Hemstreet, an employee of the BIA at the WNA, and titled "List of Piute Indians Who Are Enrolled in the Navajo Indian Tribe and Those Who Are Not Enrolled in the Navajo Tribe." The list is eight pages in length, and shows 78 San Juan Paiutes with census numbers and 11 without census numbers, for a total of 89 San Juan Paiutes, though subsequent research has shown these figures to be incorrect. The Hemstreet roll was followed a few days later by the release of a report prepared by H.H. Harter of the WNA staff entitled "Piutes Within the 1934 Boundary Act." This report was sent directly to William Chandler of the Senate Interior Committee in Washington, and it gave a profile of the numbers and conditions of the San Juan Paiutes, including land-use permits, general assistance grants, employment, enrollment, etc. Among the statements made in Harter's three-page report are that "There are [sic] a total of 40 Piutes living in the Willow Springs area...[and] 17 Piutes living in Tuba City..." (Harter 1973). He claims that "There are 31 Piutes living in the Navajo Mountain area." Harter states that those Paiute families living in the Willow Springs area received all the benefits and services from the Bureau that the Navajo families did, and lists the names of nine Paiutes then receiving general assistance. "There are 55 Piutes living in both Willow Springs and Navajo Mountain areas, who received money from the Piute Land Settlement" (Ibid.). Upon receipt of this report, Chandler called back to Tuba City to ask for the number of Paiute families, and in a written response dated April 27, 1973, WNA Superintendent J.A. Ray stated that "There are twenty-seven (27) families within the Tuba City Agency who identify themselves as Piute Indians" (Ray 1973a).

Momentum was increasing for the passage of the reintroduced Steiger bill in the 93rd Congress. The Steiger bill was reintroduced on January 3, 1973 as H.R. 1193, and followed two months later by another version, H.R. 5647. William Chandler had wanted the specific data on the San Juan Paiutes for this reason, since the Paiutes were very much a part of the proceedings at this point. Battle lines had been drawn, with the Hopis generally in support of the bill and the Navajos generally opposed to it. In May of 1973, the Navajo Tribal Council passed Resolution #CMY-23-73 which offered an alternative to the Steiger bill, and stated that relocation would be a serious hardship for those affected by the legislation. On May 2, George Vlassis, then counsel for the Navajo Tribe, wrote a letter to three officials of the BIA requesting, among other things, "...the number of such proposed Paiute allottees, their names and the locations of their homes within the 1934 Area" (Vlassis 1973). In a memorandum from WNA Superintendent J.A. Ray to the Navajo Area Director, the answer to Vlassis' question was given, and subsequently forwarded to Vlassis:

> There are twenty-seven (27) families of Piute Indians (Indians of Piute blood) inside the 1934 Boundary Bill area...Of the twenty-seven (27) families described above, nine (9) families are living at Willow Springs and on the plateau near Tuba Butte. There are also four (4) families living in South Tuba City, with two (2) of these in the Mutual Help Housing Complex and two (2) in local hogans in South Tuba City. The remaining [4] families (of the 27) live in the Navajo Mountain area of Utah (Ray 1973b).

On September 18, 1973 just one day after Senators Fannin and Goldwater introduced the Senate version of the bill as S. 2424, Congressman Douglas Owens of Utah introduced H.R. 10337 in Congress, a bill basically the same as the Steiger bill, but with some differences. The counterpart to the political battles raging in Washington between opposing forces relative to the Navajo-Hopi legislation was manifested on the Joint-Use Areas in violence and destruction. Pressure mounted throughout the winter and spring of 1974. The San Juan Paiutes were not unaffected by the controversy. They were, in fact, invited to a meeting at Moencopi between the Paiutes and the Hopis, an account of which appeared in the Hopi newspaper Qua'toqti published in Oraibi. Though long, the article is both revealing and significant in that it represents a strictly Native American point of view, i.e., two Indian groups discussing legislation affecting Indian groups reported in and by Hopi news media/personnel. The July 4 issue carried this story:

> Representatives of the Willow Springs and Navajo Mountain Paiutes met with Gov. Hubert Lewis of Moencopi, and members of the village board Monday night to discuss the Hopi-Navajo land dispute and the Navajo attempts to stop passage of the Owens bill in the Senate. Approximately 30 Paiutes were in attendance. A spokesman for the Kaibab Paiute Tribe was present as well as members of the other Paiute groups. They explained to the village board that representatives of the Navajo tribe had approached them in an attempt to persuade them to go to Washington to lobby for the Navajos against partition legislation supported by the Hopis. But by doing so, the Paiutes stated, they would only end up losing their own land to the Navajos. The Paiutes claim that they had settled this area long before the Navajo came. The Paiute representative also stated that they are "tired of being pushed around" by the Navajos and are through with false statements from the Navajos. The" cited an example that they apply for housing by carrying out the required procedure of the Navajo tribe, but do not get any action. They claim their forms never reach the screening committee, while Navajos in the area get homes built, with running water and electricity. Several of the board members agreed that the Paiutes are being approached by the Navajos because the Navajos know that the Paiutes could conceivably testify against them, so the Navajos are doing all they can to get the Paiutes on their side. The Willow Springs and Navajo Mountain Paiutes have never been terminated but are currently not recognized as a tribe, and the feeling in the meeting was that when they do become a unified tribe recognized by the federal government, with their own constitution and by-laws, that they will have the power and ability to fight on their own against Navajo encroachment (Qua'toqti 1974).

Congress finally enacted H.R. 10337 and it became P.L. 93-531 on December 22, 1974. The Act mandated that a Federal mediator specify rights and interests determined by the Healing v. Jones decision (and submit a report); it authorized further litigation in District Court regarding the BFOA; it allowed in Section 9 for Paiute allotments in the Western Navajo Reservation; it established and outlined the responsibilities for the Navajo and Hopi Relocation Commission; and it provided for other specific rights of land use for both tribes. It was heralded as a "final solution" to the land-use issues of the region, which history would show to be a far too optimistic description.

Exactly eight days after the enactment of P.L. 93-531, the original complaint was filed in U.S. District Court in the Sekaquaptewa v. MacDonald case, which took advantage of Section 8 of the Act. The plaintiff in the case, the Hopi Tribe, asked that the Navajo Tribe state its claim to the 1934 Boundary Act area, that the court decree that these claims are unwarranted, and that the court quiet title on the disputed lands in favor of the Hopi Tribe. Part 2 of the complaint stated that "No tribe of Indians, other than the Hopi and Navajo Indian Tribes, claim any interest in or to the area described in said Act of June 14, 1934. Individual Paiute Indians claiming an interest in said lands are subject to Section 9 of said Public Law 93-531" (Civ. No. 74-842 PCT CAM). This suit is still pending under the title Sidney v. Zah, since the respective chairmen of the Hopi and Navajo tribal councils have changed in the interim. Notwithstanding the fact that the matter was now under litigation, the Navajo Tribal Council passed Resolution #CJN-36-75 in June of 1975, formally requesting the Secretary of the Interior and the Commissioner of Indian Affairs to lift the Bennett Freeze on new development and improvements in the 1934 Boundary Act area. The reason given was that "Since the passage of the Navajo-Hopi Act in the 93rd Congress, there is no possible jurisdiction for continuing the freeze" (Navajo Tribal Council 1975). The Interior Department did not comply with the wishes of the Council and the freeze was not lifted. The following year, however, a deal was struck between Commissioner Thompson and the Navajo Tribe: Thompson agreed to approve certain public works projects in the area if the Navajos would agree not to use this approval as evidence of Navajo rights to the area in Sekaquaptewa v. MacDonald. The Navajos agreed to this and passed Resolution #CAU-58-76 so agreeing.

In early 1976 the Navajo Tribe applied through the Bureau of Land Management (BLM) to be allowed to settle several thousand of its enrolled members west of the Colorado River, outside the boundary of the Navajo Reservation, around the House Rock Valley and Paria Plateau. This was undisputed traditional Southern Pauite territory, and near to the Kaibab Paiute Reservation. In a letter to the BLM office in Phoenix, dated March 16, 1976, the Kaibab tribal council bitterly opposed this application. What is significant about this relative to the San Juan Paiutes was that the Kaibab Tribe solicited the views of Southern Paiutes in the area about the application, and among those interviewed were six members of the San Juan Paiutes. Clearly referring not to the proposed move of the Navajos to the Paria Plateau but to their own experiences around Navajo Mountain and Willow Springs, the San Juan Paiutes stated:

> The Navajos are running over us like a river; we are not Navajo, they try to give us census numbers; we have retained our language and culture. Don't want lands given or sold to Navajos—all Paiute country. Washington had failed to help us, it's about time they recognized our needs and wishes; Hopis and Navajos alike come here from time to time. Navajos have asked if we want to be part of Kaibabs—we say "no", this is our land and we will stay on it (Response of Some Southern Paiutes 1976:3).

The Navajos were ultimately unsuccessful in their attempt to settle this land.

The late 1970's and early 1980's were times of renewed ethnographic interest in the San Juan Paiutes. The first of a number of anthropologists entered the San Juan Paiute community to observe the social organization, language and lifeways of the people, and most left written records of their fieldwork. Allen C. Turner began field work there in 1977, and continued his close relationship with the San Juan Paiutes until the early 1980's. This interest also coincided with a renewed activity among the San Juan Paiutes themselves to maintain the organizational momentum begun in 1970. Notes of a meeting

held on March 12, 1977 indicate concern with economic problems and effective leadership within the community, and further indicate poor relations with the Navajos. Following the work of Allen Turner within the San Juan Paiute community was that of Richard Stoffle and, finally, Pamela Bunte in November of 1979. Dr. Bunte, along with her husband Robert Franklin, was to conduct the most extensive research of the group ever undertaken, and together they produced a 300-page narrative ethnohistory of the San Juan Paiutes which was later submitted to the BIA as the basis for the documented petition for Federal acknowledgment.

In the meantime, there were several interesting developments in the Sekaquaptewa v. MacDonald case which increased the stakes. On August 3, 1977, the plaintiff filed an amended complaint, which added a request to the original complaint, to be compensated for money and damages concerning the disputed lands from which the Navajos had accrued any income from leasing, sale of resources, etc. The reference to the San Juan Paiutes in the amended complaint remained unchanged from the original. The court ruled in April of 1978 that the Hopi Tribe was entitled to one-half interest in lands which they had used, occupied or possessed in 1934, outside the exterior boundaries of the 1882 Hopi Reservation, and including the entire Tuba City/Moencopi area. This ruling was appealed and in May of 1980 the Court of Appeals affirmed in part and reversed in part, and remanded the case back to the District Court, holding that the Hopis may have a 100 percent interest in lands which they used exclusively in 1934, but that lands used jointly with the Navajos were subject to partition by the District Court. This ruling of the Appeals Court followed the final partition in 1979 of the Joint-Use Area within the exterior boundaries of the 1882 Hopi Reservation as authorized by P.L. 93-531.

On April 3, 1980, after twenty-six years of being outside the protection of the United States, the Utah Southern Paiutes were restored to the Federal relationship by P.L. 96-227. The Act stated, in part, that "The Federal trust relationship is restored to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar City Band of Paiute Indians of Utah" (94 Stat. 317). The Act had no direct bearing on the San Juan Paiutes, but the indirect effect of having five new Southern Paiute Tribes as neighbors was doubtless a boost for the San Juan Paiutes. On May 1, 1980, the group's petition was signed by Evelyn Whiskers James, a clear indication that within the band there had occurred a change in leadership from Anna Whiskers to her daughter Evelyn, who continues to act as the group's leader to the present. The petition was prepared with the assistance of Allen C. Turner, whose name also appears on the document. Among a number of assertions made in the petition, such as having lived the area since prehistory, being identified as distinct by everyone around them, living according to their traditional values, etc., they claim that "We desire to maintain our distinct identity as Paiute Indians within our traditional homelands..." (James 1980). The following year the San Juan Paiutes asked Pamela Bunte to help them with the documented portion of the petition for acknowledgment, which she agreed to do; major research for the documented petition began at that time.

In August of 1981, one of the staff attorney's with DNA—People's Legal Services in Tuba City, Patricia Arthur, visited Willow Springs to discuss the needs of the San Juan Paiutes. At that visit she told the Paiutes that much of their lands, i.e., the Willow Springs area, was included in the Bennett Freeze and that there could be no new construction or development there. She further explained the lawsuit between the Hopis and Navajos (Sidney v. Zah) to the complete surprise of the Paiutes and, it should be added, to their distress. At a second meeting just a few days later, the Paiutes requested the assistance of Ms. Arthur to help them find legal counsel to defend their

rights in the lawsuit, since both tribes involved appeared to be making claims for lands which the Paiutes felt belonged to them, and not to the Navajos or Hopis. Ms. Arthur complied, and arranged to have the Native American Rights Fund (NARF) represent the San Juan Paiutes (James 1982).

In 1982, just two days after the Paiute Indian Tribe of Utah passed a formal resolution stating that it "...fully supports the Federal acknowledgment of the San Juan Southern Paiute Tribe" (Paiute Indian Tribe of Utah 1982), the San Juan Paiutes with the assistance of the NARF, filed an application in the U.S. District Court for intervention in the Sidney v. Zah case. This application for intervention, dated August 11, 1982, was based on the assertion that the San Juan Paiutes are a tribe in the legal sense, and as such under the provisions of P.L. 93-531 have a legitimate interest in lands under dispute in the lawsuit as a tribe, and not just as individual Paiutes eligible for allotments. Almost immediately the members of the group and those who had been of assistance to them were swept up into the contentious legal atmosphere of high-stakes litigation, making affidavits and being deposed within weeks of the date of filing the application for intervention. Evelyn James and Patricia Arthur both made affidavits on September 14, the latter making the assertion that until August of 1981 the San Juan Paiutes did not know that the land they lived on was being claimed by the Navajo and Hopi Tribes in Sidney v. Zah and that it was BFOA land. Evelyn James's affidavit gave the reason why the San Juan Paiutes chose to intervene in the case. The affidavit of Pamela Bunte, made October 5, basically corroborated the statements made by attorney Arthur and Evelyn James.

On November 22, 1982 the U.S. District Court for the District of Arizona denied the application of Evelyn James and the San Juan Paiutes to intervene in Sidney v. Zah; the denial was promptly appealed by the Paiutes. More than a year passed until the Court of Appeals rendered its decision. On December 20, 1983, the U.S. Court of Appeals for the Ninth Circuit reversed by memorandum decision the District Court's denial on the motion to intervene. The decision stated, in pertinent part, that

> The Paiutes allege that they are a "tribe" and thus that they fall within the explicit grant of district court jurisdiction under 25 U.S.C. § 6404-7(a). When, as here, the question of jurisdiction is so intertwined with the merits of the action, it was inappropriate for the district court to find that there was no subject matter jurisdiction without holding an evidentiary hearing on that issue (U.S. Court of Appeals, 9th Circuit 1983).

This memorandum decision of the Appeals Court once again put the San Juan Paiutes into contention in terms of their being allowed to intervene in the Sidney v. Zah case. A series of depositions was taken June through September of 1984 in relation to the case, with counsel for all three groups—Navajo, Hopi, and Paiute—present. Among those deposed were Southern Paiutes Joe Norman, Dan Bulletts, and Evelyn James, and anthropologists Pamela Bunte, Richard Stoffle, and Omer C. Stewart. These depositions turned out to be volumes in length, and contain a tremendous amount of ethnohistorical data about the Paiutes and their relations with neighboring ethnic communities in their traditional territory. The status of the lawsuit remains unchanged from the Circuit Court's decision, and the issue of tribal existence has yet to be considered by the District Court.

Throughout this period, research was continuing on the documented petition for Federal acknowledgment. While the majority of work done by Drs. Bunte and Franklin went into the documented petition, Dr. Bunte published a paper with two Paiute women titled

"The Southern Paiute Women in a Changing Society" (1983). Together with her husband, Dr. Robert Franklin, Dr. Bunte published and/or presented several papers, among them "The Case of the Disappearing San Juan Paiutes" (1982); "San Juan Southern Paiute Numerals" (1983); and the book-length manuscript used as the basis for the documented petition entitled "From the Sands to the Mountain: Ethnohistory and Ethnography of the San Juan Southern Paiute Tribe" (1983).

The San Juan Paiutes believe that their recent attempts at organizing themselves and applying to the District Court for intervention in the Sidney v. Zah case has prejudiced the Navajos against them even to a greater degree than prior to their stand. It is true that certain San Juan Paiutes benefit both directly and indirectly from programs and social services which are run by the Navajo Tribe. However, the San Juan Paiutes' claims regarding the confusion of their status are not without some merit. The issuance of census numbers, for example, the having of which is the sine qua non for receiving services of any kind, is still a matter of confusion relative to the Paiutes in both the local Western Navajo Agency and the Window Rock Census Office.

In 1976 the Bureau of the Census rated the records of the Tuba City district as "poor" in contrast to other Navajo population districts (Navajo Pilot Project 1976). Examples of the confusion and ambiguity regarding Paiute enrollment in the Navajo Tribe are still prevalent, as is illustrated by a note on the family chart of Joe Norman in February of 1984: "Per A. Dodson, WRCO [Window Rock Census Office] this date, census verification is not to be made for Joe & Frances Norman as they are full Piute Indians, who were enrolled into the Navajo Tribe by mistake. D. Jimmie" (Jimmie 1984a). Joe Norman, like many other San Juan Paiutes, was given a census number by the BIA in 1928, and was arbitrarily "enrolled" in the Navajo Tribe when the Navajos adopted the BIA's 1940 census-as their "official tribal roll." He was subsequently "unverified" in 1984, without his knowledge or consent. The significance of Paiutes being not verified or questioned by the Navajo Census Office regarding their inclusion on the Navajo tribal roll at this time is that without census numbers, services would usually not be provided to those applying for them. And since the Navajo Tribe contracted with the BIA under P.L. 93-638 to operate all social services as of October 1, 1981, those applying for social services would have to be approved by Navajos operating the social services programs. Among the services contracted by the Navajos was that of operating the Census Office, which began questioning the enrollments of even more San Juan Paiutes. In a letter from WNA Superintendent Irving Billy to attorney Irene Barrow, who represents the San Juan Paiutes, Billy stated that "...documents for your clients cannot be processed. A telephone verification was made with Navajo Area Census Office in Window Rock, Arizona, and records reflect blood degrees for Marie Lehi, Anna Lehi Whiskers, Grace Lehi, Helen Lehi, Frances Norman, and Joe Norman, to be full Paiute and are enrolled with the Ute Tribe in Utah" (Billy 1984). The fact is that none of the people included in Billy's list was found to be enrolled in any Ute tribe in 1984, either in Utah or the more likely prospect of Ute Mountain Ute in Colorado. In another memorandum dated March 9, 1984, it was stated that "Degree of Indian blood for Dora Nelson c#085,974 has been verified as full Paiute...Therefore, Census data for NELSON family cannot be released until additional identifying information of both parents are made. How they were issued Navajo Tribal census numbers is unknown" (Jimmie 1984b).

More ethnographic data concerning the San Juan Paiutes were recorded and/or published during 1984, 1985, and 1986. Some forty-six years after his first encounter with the San Juan Paiutes, Omer C. Stewart returned to Willow Springs and recorded his observations in an eight-page document titled "Report on the San Juan Band of Southern Paiutes." "The remarkable happening during my week with the Southern Paiute of the San Juan Band," wrote Stewart, "9 to 15th August 1983, was the evidence of their

great tenacity at remaining in the same area from the first record of their being there in 1776 to 1983" (Stewart 1984:4). Stewart's report was followed ten months later by the investigation of a journalist into the case of the San Juan Paiutes, and her findings, which dealt with the ethnohistory and current conditions of the group, were published in the November 26, 1984 issue of the Gallup Independent under the heading "Experts Say: Paiutes Separate" (Feher 1984). The Winter 1985 issue of American Indian Art Magazine featured an article entitled "Translating Tradition: Basketry Arts of the San Juan Paiutes." The article stemmed from an exhibit of over 100 objects of San Juan Paiute basketry shown at the Wheelwright Museum in Santa Fe during the winter, and the authors, while commenting primarily on the technical aspects of traditional Indian basketry, made several observations as to why traditional basketry has flourished within San Juan Paiute culture. Speaking of the historical Navajo encroachment on Paiute territory which "...resulted in isolated islands of Paiutes surrounded by an ever expanding Navajo population," the authors explain:

> However, in spite of (or perhaps because of) Navajo influence, the people have remained steadfastly Paiute in the more significant aspects of their culture, such as language, social structure, religious beliefs and the self-conscious effort to preserve and perpetuate traditional knowledge. Hence, even though production of utilitarian basketry has not been necessary for many years, San Juan Paiute weavers continue to make "old-timer" baskets (their term) in order to preserve individual and collective memory of the old ways (Whiteford and McGreevy 1985:34).

There appeared in May of 1985 an article by Allen C. Turner and Robert C. Euler entitled "A Brief History of the San Juan Paiute Indians of Northern Arizona." It was based primarily on an earlier unpublished paper written by Turner titled "The Historical Ethnography of the San Juan Paiute Indians," and referred in large part to the group's petition for Federal acknowledgment, including its relation to the various criteria under which the Branch of Acknowledgment and Research evaluates petitions. Significantly, Turner and Euler wrote that "The San Juan Paiute Indians are a native people who have resided on their present homelands since prehistoric times and maintained their distinctive ethnicity, their language, and their customs despite the fact that their lands have been incorporated into the Navajo Reservation" (Turner and Euler 1985:199). Finally, the article written by Isabel Kelly and Catherine Fowler on "Southern Paiute" which appeared in Volume 11 of the Handbook of North American Indians (Smithsonian Institution, 1986) contained numerous references to the San Juan Paiutes and described them both as an autonomous Southern Paiute polity/community and as "...living in chronic fear of the Navajo although they outwardly adopted modes of dress, housing, and so some degree language from them" (Kelly and Fowler 1986:369).

While the Hopis have effectively been neutral concerning the issue of acknowledgment of the San Juan Paiutes, the Navajos have not. Indeed, they have consistently maintained that the Paiutes in the WNR have been entirely absorbed and assimilated into the Navajo Tribe. While there has unquestionably been some absorption and assimilation into Navajo culture by the Paiutes there, the preponderance of ethnographic data gathered indicates that Southern Paiute ethnicity has been preserved to a sufficient degree to accurately identify a cohesive and distinct Southern Paiute polity. Notwithstanding this, the Navajos still do not admit that such a polity exists, and have, as a result, passed resolutions opposing the recognition of the San Juan Paiutes by the United States. On September 9, 1982, the Tuba City Chapter of the Navajo Tribe passed a resolution denying any discrimination against the San Juan Paiutes and opposing their petition for Federal acknowledgment. Similarly, on August 26, 1985, the Navajo Mountain Chapter passed

a resolution denying any discrimination against Paiutes in terms of providing services to them, and opposing the San Juan petition for Federal acknowledgment. Several months later, in December of 1985, the Navajo Tribal Council passed Resolution #CD-90-85 which was in basic opposition to the San Juan Paiutes' petition as well. They stated there that "The Navajo Tribal Council reaffirms that all individuals named in Evelyn James petition who are enrolled in the Navajo Tribe have the same rights and responsibilities as all other Tribal members" (Navajo Tribal Council 1985). The San Juan Southern Paiutes do not agree with the statements made in these resolutions.

ANTHROPOLOGICAL REPORT ON THE SAN JUAN SOUTHERN PAIUTE

I. CONCLUSIONS AND EVALUATION UNDER THE ACKNOWLEDGMENT CRITERIA

A. General Conclusions

The San Juan Paiute were one of the traditional bands of the Southern Paiutes. Their traditional territory was located south of the San Juan and Colorado Rivers, east of the Little Colorado River and west of Black Mesa. At the time of earliest significant contact with non-Indians, approximately the 1850's, the band comprised a distinct social unit consisting of two or possibly more political entities.

The most influential external factor in San Juan Paiute history after 1850 has been the Navajo tribe. Beginning in the 1860's, Navajos migrated in large numbers into the territory where the San Juan Paiutes were living and soon far outnumbered them. The Navajos in the latter part of the 19th century became the dominant population economically and culturally as well as in terms of population. Some joint Navajo-Paiute raiding of non-Indian settlements occurred during the 1860's. There was close Paiute association and interaction with the Navajos from the 1870's on, as well as conflict over land and resources. Many Paiutes in this period worked for Navajos and others were enslaved by them. Some of these Paiutes, primarily women, eventually married Navajos and they and many of their descendants became incorporated into Navajo society.

The San Juan Paiute Band became politically unified with a single leader for the entire band probably about 1870 and definitely in the 1880's, as a result of external pressure from non-Indians and the Navajos. Leaders of local subgroups are known from before the middle of the 19th century. There were at least two and probably three or more of these local units in the 19th century. These subsequently became reduced to the present two. There was no evidence found that traditional Navajo local leaders historically exerted any political influence over the Paiute population.

The band's political system has rested on consensus decision-making and noncoercive leadership positions based on prestige, knowledge, social ability and support from kinsmen. It remained largely traditional until the 1970's. There was no indication of acculturation of this system to that of the Navajos. Some modifications toward a non-Indian style structure, such as voting, are being made, but there is no written governing document.

The population of the San Juan Band became reduced and the extent of territory occupied by the band became greatly reduced, especially after 1900. Two small settlements remain, one at Willow Springs near Tuba City and the other at Navajo Mountain and Paiute Canyon. Both include agricultural and grazing lands and are within the present Navajo Reservation. Beginning after 1910, there was considerable permanent migration as well as temporary residence in Utah (away from Navajo Mountain), because of intermarriage with Utah Paiutes and Utes, limited resources in their home area and wage work. Most of this migration has been to Allen Canyon, a mixed Paiute-Ute community which is part of the Ute Mountain Ute Tribe.

The San Juan Paiute were not significantly under the control of an Indian agency until 1900, when an extension of the Navajo Reservation included the southern and part of the north portions of their territory. Part of their northern territory, around Paiute Canyon, was within an 1884 addition to the Navajo Reservation. The northernmost portion of San Juan territory was set aside in 1907 as a reservation for the Paiutes, but this was returned to public domain status in 1922 and subsequently became part of the Navajo Reservation.

Despite the unusually close association and interaction with the Navajos, the San Juan Paiutes have remained socially distinct from the surrounding Navajo populations. This distinction is recognized by both Navajos and Paiutes. Until the most recent generation, recognized marriages which created full kinship ties between Paiute and Navajo families were rare. This has in part been because the Navajos since at least the 1870's have viewed the Paiutes as occupying a lesser social status. Cooperative economic units encompassing Paiute and Navajo families have not been formed. Social interaction such as visiting is and has been quite common.

Significant Paiute acculturation to Navajo culture has occurred as a result of their close contact, more among some San Juan Paiute families than others. Herding sheep and goats became fully established by the turn of the century. Navajo dress styles, housing, and blanket-weaving were also adopted. Some of the San Juan Paiute speak Navajo as their primary language. Extensive use has been made of Navajo ceremonial curers, but no other elements of Navajo religion were adopted. The matrilineally based, clan-oriented kinship system of the Navajos did not replace or influence the characteristically Southern Paiute bilateral kinship system of the San Juan Paiute.

About 65 percent of the membership of the tribe is resident within the Navajo Reservation. The Paiutes at Willow Springs and Navajo Mountain are close neighbors of the local Navajos. Other families are resident in the town of Tuba City, a few miles from Willow Springs. A significant portion of the band (20 percent) resides in the Paiute or mixed Ute-Paiute reservation communities in Utah with which they historically have had ties.

The Paiute have to some degree become incorporated within the structure of the modern Navajo tribal government in the past 20 years. Significant development of the political, judicial, administrative and service program elements of this structure began in the mid-1950's. These are now quite extensive and have taken over or superseded many of the functions previously carried out by the Bureau of Indian Afffairs or other non-Indian governmental agencies.

About 63 percent of the San Juan Paiutes have the "census numbers" that are now used by the Navajo Tribe for enrollment purposes. The numbers originated with the Bureau census of the reservation, which included the Paiutes. The Navajo system of membership is a carryover from the agency system, where the numbers meant eligibility for BIA services. The Bureau's 1940 reservation census, as updated, has been used by the Navajo Tribe since the mid-1950's as their defacto tribal roll. The Paiutes have utilized their "census numbers" for access to services provided by or through the Navajo Tribe as well as by the BIA and other agencies. They do not appear to regard themselves as members of the Navajo Tribe.

The San Juan Paiutes sought recognition as a distinct tribe in 1970, as a result of difficulties receiving services from the Navajo Tribe and the BIA agency at Tuba City. At some points in the 1970's, the Paiutes also sought to be represented within the Navajo tribal government system, but concluded this could not be accomplished.

No involvement of the institutions of the modern Navajo Tribal government (such as tribal courts or local government units) in the Paiute decision-making, dispute resolution or social control processes was found. A third of the Paiutes resident on the reservation have voted in Navajo chapter (i.e., local) and tribal-wide elections. There was some Paiute voting as early as 1970. Paiute involvement in chapter governance or political decision-making processes has consisted of limited attendance at chapter meetings, without participation, and voting for chapter offices.

B. Evaluation Under The Acknowledgment Criteria

Criterion A

A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein because of fluctuations of tribal activity during various years.

The contemporary San Juan Paiute are identified by the largely Navajo local population which surrounds them on the western Navajo Reservation as Paiute and as a distinct group of people whose composition is well known. Identification is found in the statements of local Navajo leaders in the Willow Springs and Navajo Mountain areas.

The San Juan Paiute are identified as a band of the Southern Paiutes by the Kaibab Band of Paiutes of Arizona and the Paiute Tribe of Utah. Both have submitted resolutions supporting acknowledgement. The Kaibab Band also identified the San Juan as a Paiute group in 1969 in connection with the Southern Paiute Judgement award and in 1942, when they agreed to the San Juan Paiute's request to become members of the Kaibab Band.

Ethnographic studies between the 1930's and the present have identified the San Juan Band as a distinct, Paiute, entity. These include studies of the Paiutes by Isabel Kelly (1934) in 1932, Omer Stewart (1941-42) in 1937-8, Robert Euler (1966) in the late 1950's and early 1960's, and Allen Turner (Turner and Euler 1985) between 1977 and 1980. Ethnographic studies of the Navajos at Navajo Mountain by Collier (1966) in 1938-39 and Shepardson and Hammond (1970) between 1960 and 1962 identified the local Paiute settlement there as a distinct body from the Navajos. Henderson's (1985) recent study of the Navajos of the western portion of the Navajo Reservation identifies the Paiutes at Willow Springs and Navajo Mountain as a distinct group.

The San Juan Band was identified in Indian Service and other records as Paiute and, with varying degrees of specificity, as a particular group of Paiutes, in the 19th and early 20th centuries. They are identified by the name "San Juan Band" several times in Indian Service records between 1902 and 1912. Federal legislation was passed in 1906 and 1907 providing for a reservation for the San Juan. This reservation was in existence between 1907 and 1922. Other government records between 1853 and 1930 make reference to Paiutes living near Navajo Mountain or elsewhere in the north and also at Willow Springs and elsewhere in the south. An 1873 government commission headed by the ethnologist Powell listed a band identifiable as the San Juan on its list of Southern Paiute bands. Historical accounts of Mormon settlers in the 1870's make reference to the Paiutes in the south at Moencopi and Willow Springs and also distinguish the Paiutes on that side of the Colorado River from other Southern Paiute bands.

Navajo oral history concerning the 19th century identifies the Paiutes near Navajo Mountain and also those at Willow Springs (e.g., Dyk 1938 and Van Valkenberg 1941) as distinct, Paiute groups, separate from the Navajos. These accounts were collected in the 1930's as well as more recently, some from individuals born as early as the 1880's.

Historically and up through the present day, the petitioner has been identified by scholars, local non-Indians, Federal officials, other Southern Paiute bands and members of the Navajo Tribe as Southern Paiute and as a distinct body of people. This has occurred even in contexts when close interaction with the Navajos and acculturation

to Navajo culture has been stressed. We conclude therefore that the San Juan Paiute petitioner meets the requirements of criterion a of the acknowledgment regulations.

Criterion B

> **Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area and that its members are descendants of an Indian tribe which historically inhabited a specific area.**

According to ethnographic sources, the San Juan Paiute consisted of a single "band" at the time of earliest significant contact with non-Indians, around 1850. Kelly characterized the band as a well-defined social unit, with a clearly defined territory. The best ethnographic evidence is that there were several political units, under independent leaders, within the band at this point. Stewart's data indicates two such units. The names of local leaders in the mid and early 19th century recorded in Paiute and Navajo oral history and documents between 1900 and 1910 suggest that more than two local units may have existed at that time and for some time afterwards.

Ethnographic evidence, based on oral history, and historical documentary records describe the existence of San Juan groups in the south, living at Willow Springs, Cedar Ridge and elsewhere, and in the north, living at Navajo Mountain, Paiute Canyon, and elsewhere from the 1850's to the beginning of the 20th century. The petition includes evidence from San Juan Paiute oral history concerning the existence of subgroups in the south and the north, including the names of families, land use and leaders, in this period. Navajo oral history, some collected by ethnographers as early as the 1930's from individuals born as early as the 1880's, identifies the existence of Paiute groups in the north and the south. Documentary records referring to the existence of a distinct group include military reports in the 1850's, and 1890's, Mormon accounts from the 1870's of the Paiutes at Willow Springs and Moencopi, Joe Lee's (1974) account describing subgroups at Willow Springs and Navajo Mountain as a single Paiute group in 1881 and 1895, Powell and Ingall's reference in 1873 and Indian agent references such as an 1888 report recommending allotments for the Paiutes at Willow springs.

Population reduction, loss of territory and outmigration probably significantly reduced the size of the San Juan Paiute band between 1860 and 1920. Two subgroups which have existed historically continue to the present as distinct subgroups. One, in the south, utilized Willow Springs and also farming areas at Moencopi and Moenave to the south and lands at Cedar Ridge to the north. The other subgroup utilized land at Paiute Canyon and Navajo Mountain. A third subgroup, in the Oljeto-Douglas Mesa area, no longer existed after the 1920's. Its members migrated to the mixed Paiute-Ute community in Allen Canyon, Utah or joined the two remaining subgroups on the Navajo Reservation.

Documentary and ethnographic sources report the existence of the two main Paiute settlements throughout the 20th century to the present. An Indian Service report in 1909 characterized the band as a single unit with a named leader and three subgroups. The petitioner presents a detailed description of settlement patterns, e.g., the location of individual camps and economic and social links within and between the two main subgroups between 1910 and the present. Extensive kinship ties existed between the subgroups, with intermarriage and change of residence between Willow Springs and

Navajo Mountain being common. Seasonal migration of families between the two areas was reported during the 19th century.

Sixty-five percent of the membership of the San Juan Paiute Band today resides on the Navajo Reservation, most of them at Willow Springs, Navajo Mountain, or at Tuba City, which is near Willow Springs.. Extensive economic cooperation in agriculture and grazing exists between family groups in both areas. Paiutes resident in Tuba City, also participate in this activity and some are also seasonal residents at Willow Springs.

The only sizeable body of San Juan Paiutes not resident within the Navajo Reservation reside on the Allen Canyon part of the Ute Mountain Ute Reservation. The San Juan members resident there maintain a sharp, sometimes hostile distinction between themselves and the mixed Ute-Paiute population at Allen Canyon.

The traditional, unwritten definition of membership in the band includes affiliation and participation with other band members as a criterion of membership. To be considered a member requires recognized San Juan Paiute descent and also "participation." As made somewhat explicit by the band's leader and the petition researchers, "participation" includes visiting, attendance at funerals, weddings, and other formal and informal social affairs, interest in and providing assistance with group problems, etc. Thus the membership by definition is limited to persons maintaining substantial social interaction with other tribal members.

The petition contains substantial information that the Utah residents, the only substantial portion of the membership at a significant distance from the main body of the tribe, maintains substantial interaction with those on the Navajo Reservation. This consists of visiting back and forth based on substantial kin ties, change of residence between the two areas over the past 40 years, as well as participation in the political processes of the tribe. Four of the Utah families are seasonally resident at Paiute Canyon-Navajo Mountain, for purposes of farming.

The primary context in which social distinction occurs is between the San Juan on the Navajo Reservation and their Navajo neighbors. Although both are residents of the same geographical area, and have many social links and interaction between them, they are clearly socially distinct from the local Navajo. Even part-Navajo, Navajo-speaking individuals are universally identified as Paiute and as a member of this particular group. Lists of Paiutes made by Navajos in 1954 of Navajo Mountain (for the Navajo Tribe), 1963 of Willow Springs (for the Public Health Service) and 1973 of the entire band (for the BIA) identify essentially the same body of people as Paiute as are identified in the petition and in ethnographic and other documentary sources.

The two locations are identified by local Navajos as Paiute settlements. Local Navajos also identify the individual Paiutes, including nonresidents of the two settlements and those who are primary Navajo-speakers, as Paiutes and as part of a single, distinct group. Distinctions from the Navajos are made in terms of social status, economic ability, desirability as marriage partners, lack of clan affiliation, historical origins, and past history of Paiutes as slaves or menial workers for the Navajos.

The Paiutes have not been incorporated into the kinship relationships which are primary for traditional Navajo social organization, i.e., clan membership and cooperating economic groups. Separate economic resources, for agriculture and grazing, have been maintained. Social relationships do not extend significantly beyond that of friendships and attendance at some of the same Christian churches. A significant barrier to intermarriage has existed in the past and still exists to a significant extent.

There is some acculturation to Navajo culture, substantially more in some families than in others. Important cultural distinctions remain, however, with little evidence of acculturation to Navajo kinship patterns, political institutions or many aspects of religious beliefs including puberty rites, taboos, and beliefs concerning the dead. Cultural distinctions between the San Juan Paiutes living on Utah reservations and the other reservation residents are substantially less, since the members of these communities are closely culturally related to the San Juan. There are few non-Indians in the communities in which most of the membership resides and few reside in non-Indian communities.

We conclude that the San Juan Paiute form a community of people maintaining close social interaction and that they are socially and culturally distinct from the surrounding populations. We also conclude that historically and up the present the San Juan band formed a distinct, socially unified body, consisting of several linked, territorially based subunits. Therefore the San Juan Paiute meet the requirements of criterion b of the acknowledgment regulations.

Criterion C

> **A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.**

The best ethnographic evidence is that the San Juan Paiute in the 1850's were a single socially unified and distinct band that consisted of at least two political units with separate leadership. Among the Southern Paiutes in general, more strongly unified bands and the emergence of clearly defined leaders of entire bands resulted from pressures created by white settlement of Southern Paiute territory beginning after 1850. Additional, parallel pressures on the San Juan Paiute were created by the influx of large numbers of Navajos into their territory beginning in the late 1860's. Patnish, a leader who was probably leader of the entire band, is known from historical documents. Patnish, who died in 1877, may have functioned as leader of the band as early as the late 1860's. A Federal government commission investigating Southern Paiute affairs in 1873 considered the San Juan Band to be a single political unit.

From approximately the 1880's to the 1930's, the leader of the entire band was Pakai. Documentation of his role is found in government records from 1907 and 1909. A line of successors is known up until the present day. Although there is some documentation of leaders, the primary record is oral history. This record includes San Juan Paiute, Kaibab Paiute and Navajo oral history, much of it part of ethnographic studies of Paiutes and Navajos made between the 1930's and the present.

The names and activities of a succession of leaders of the local subgroups at Willow Springs and Navajo Mountain are recorded in Paiute and Navajo oral history, with some documentary evidence as well. Some of these individuals were active as early as the 1840's and perhaps the 1830's. i.e., before significant non-Indian contact.

Tribal leaders served as spokesmen for the entire tribe and were concerned with external affairs such as dealing with non-Indians or other Indian tribes. The functions and requirements for such leaders were otherwise similar to those of local leaders. The traditional system was based on consensus decision-making and noncoercive leaders who were influential because of their prestige, knowledge of Paiute culture, social maturity, and ability to gain the support of the kinsmen for whom they spoke. An important part

of the decision-making process was meetings, where all influential adults of sufficient prestige and social standing (referred to in the petition as "elders") could speak. Many of the local and tribal leaders were described as having religious functions such as curing or being hunt leaders. Among the observed functions of the political system were reinforcement of standards of behavior, settlement of intragroup disputes, allocation of farming and grazing lands, and decision-making concerning relations with non-Indians, Navajos, and other Indians.

Although there has been a high level of social and economic interaction between the Navajos and the San Juan Paiutes since the last century, there was no evidence that traditional Navajo leaders had any influence or control over internal political processes of the San Juan Paiute. Historical and ethnographic accounts of the Indian populations in the Willow Springs and Navajo Mountain areas name both Paiute and Navajo leaders.

There was no evidence that the institutions of the modern Navajo Tribal government have played any role in San Juan Paiute political processes such as dispute resolution, organization of economic activities, allocation of land, and maintenance of behavior standards. Although it originated in the 1920's, the significant and rapid development of the Navajo Tribal government structure has occurred since the mid-1950's. Its political, judicial, administrative and service structures are quite extensive and have taken over many functions previously exclusively controlled and carried out by the Bureau of Indian Affairs and other non-Indian governmental agencies. Although much of the land used by the Paiutes on the reservation is held under a permit system now jointly administered by the BIA and the Navajo Tribe, the actual use of the land is allocated by internal political processes within the band. Disputes over use of the lands were not, as far as is known, taken to Navajo institutions which would be concerned with such questions among Navajos, i.e., the chapter, grazing or land committees, or the Navajo Tribal court. There is one unconfirmed report of a partial exception to this.

There has been some Paiute attendance at meetings of the local Navajo governing institutions in their areas, the chapters. There was no evidence that they actively participated in these meetings, which are partly concerned with decision-making. There was at least one Navajo report that they do not actively participate. In at one reported instance, a request by the Paiutes to be represented by a Navajo before the local chapter was rejected.

There has been some Paiute voting in Navajo elections since around 1970. Individual records of voting were only available for 1982 and 1983. Approximately half of the Paiute adults resident at Navajo Mountain and about one-fifth of those in the south had voted in at least one election in those years. There was no other evidence of Paiute involvement in the modern Navajo political system.

We conclude that the San Juan Paiute have maintained leadership and internal political decision-making processes exercising tribal authority since earliest significant historical contact. We further conclude that the San Juan Paiute political process has functioned independently of the control of the traditional and modern political processes of the Navajo Tribe. Therefore the San Juan Paiute meet the requirments of criterion c of the acknowledgment regulations.

Criterion D

> **A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the**

membership criteria and the procedures through which the group currently governs its affairs and its members.

The San Juan Paiute do not have a written governing document. A description of how the band currently governs itself and a statement of its criteria for membership is included in the petition and accompanying materials including supplementary reports, answers to court interrogatories and testimony by the band's spokesperson and one of the petition researchers. The governing processes of the band are discussed above under criterion c and in the anthropological report.

The petition contains a statement of the band's membership criteria. Additional, slightly varying statements are found in the testimony of the tribal spokesperson (James 1984), one of the petition researchers (Bunte 1984), answers to interrogatories from the Navajo Tribe in the Sidney v. Zah suit (San Juan Southern Paiute 1984), and in a supplementary report by the other petition researcher (Franklin 1985b).

The tribe's definition of membership is recognized descent from a San Juan Paiute and "participation" in tribal affairs. Previous to the preparation of the petition, an explicit definition, written or unwritten, had not been made. The explicit, written definition found in the petition was prepared by the petition researchers, based on the unwritten usage within the tribe and statements by members. As part of the preparation of the acknowledgment petition, a tribal roll was prepared for the first time.

Determination of descent from a San Juan Paiute is made by the tribe on the basis of members' knowledge of families and their histories. No documentary source such as a census or roll is used. The several statements of the meaning of "participation" defined it as including going to meetings or sending a representative, inquiring about political affairs, having the band as their primary allegiance, interest in and assistance with the problems of the tribe and ". . . all socially recognized forms of participation in tribal life." The latter included visiting, attending funerals, marriages, family events, etc.

The petitioner has provided detailed statements and evidence concerning how the current group governs its affairs and the criteria for membership. We conclude therefore that it has met the requirements of criterion d of the acknowledgment regulations.

Criterion E

A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

A small number of individuals who are considered to be members in terms of the traditional concept of membership, as made explicit in the petition, have not requested enrollment and therefore do not appear on the tribal roll submitted with the petition. They are for the most part the children of present or deceased members of the band. Since they participate socially, they are known to band members and its leadership. The band's leadership has stated it would be willing to add these individuals to the roll at a later date if they requested it.

Criterion F

The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The San Juan Paiute Band has maintained tribal political authority over its membership as an autonomous unit since earliest sustained historical contact until the present. Therefore, its individual members are maintaining a bilateral political relationship with the San Juan Paiute Band. A bilateral political relationship is fundamental to membership in an Indian tribe (Keep 1987:4). Individual members of the San Juan Paiute Band were not found to be maintaining such a relationship with the Navajo Tribe nor to have done so in the past. It was further concluded that Navajo political leaders and institutions did not exercise influence over internal decisions among the Paiute membership. While Paiutes were sometimes present at meetings of Navajo chapters (i.e., local Navajo tribal political units) and some also voted in Navajo elections, there was little evidence that they have participated in Navajo decision-making processes or that the Navajo Tribe has exercised political influence over them.

A significant number (about a third) of the adult Paiutes resident on the Navajo Reservation have voted in local and tribal-wide Navajo elections. Since membership in a tribe is a bilateral political relationship, the intent or understanding of individuals concerning their actions in relation to a tribal entity is entitled to some weight (Keep 1987:5). The available evidence concerning the Paiutes' understanding and intent in voting in Navajo elections is limited. However, their intent appears to have been as a means of influencing the political system that has to a large degree replaced the non-Indian Federal government in controlling important aspects of Paiute life such as access to services and control of land. It does not appear to be an acquiescence to membership in the Navajo Tribe per se. There was some evidence that Paiutes felt constrained to vote in elections to avoid problems with the local chapter organizations. In addition, the Paiutes consider and have considered in the past that the Navajo Tribal government has not been responsive to their attempts, by voting, to be represented within it.

The definition of membership in the regulations (section 83.1.k of 25 CFR) includes as one element that a member "has continuously maintained tribal relations with the tribe," as an alternative to being listed on the tribal roll of the tribe. To the degree that there has been some occasional involvement of the Paiutes in Navajo Tribal political institutions, i.e., voting and attending chapter meetings, the available evidence indicates that it was not of a nature and extent that could be considered substantially "continuous" tribal relations.

The question of Paiute eligibility and legitimacy as members of the Navajo Tribe has arisen since the mid-1950's, when first efforts to establish a Navajo tribal roll and membership criteria were made. It became particularly acute in the early 1970's, with the expansion of Navajo tribal control over service programs formerly administered by the BIA and with the receipt of payment to the San Juan Paiutes of funds from the Southern Paiute judgment award.

There is some question whether the Navajo Tribe, over the years that it has maintained some kind of enrollment process, has consistently viewed the Paiutes as legitimate members. The Navajo Tribe has taken some actions indicating the Paiutes are viewed as members, e.g., it has registered Paiutes to vote and provided

at least a few services which are strictly tribal (i.e., not general Bureau or other Federal programs not limited to members of a particular tribe even though administered by a tribe). On the other hand, between 1977 and 1984, questions arose several times within the Bureau and the Tribe concerning the legitimacy of Paiutes holding census numbers and being served as members (see genealogy report). The chairman of the Navajo Tribe testified in 1974 to the effect that the Paiutes' gaining rights to land under the bill which subsequently became the 1974 Navajo - Hopi Act would be "stealing" from the Navajo Tribe, indicating that he did not regard the Paiutes as members (see history report). A local Navajo chapter in th early 1980's almost passed an action forbidding the Paiutes to sell baskets (a Paiute handicraft highly valued by the Navajos) on the reservation, indicating a strong sentiment to limit the actions of "outsiders." There is a reasonable amount of evidence that the local Navajo communities surrounding the Paiutes on the reservation have been uncertain of the legitimacy of the Paiutes having census numbers and thus apparently being members of the Navajo Tribe. An influential local Navajo declined to represent the Paiutes before the Tuba City chapter for similar reasons.

The Navajo Tribe lacks a formal application procedure, wherein an individual unequivocally seeks membership in the tribe and the application is accepted by the governing body. Although the Navajo Tribal Code contains such a procedure, it has not been utilized in practice. Thus, there have been no direct actions by the governing body in the past to accept individuals (Paiute or otherwise) as members (see genealogy report).

The only unequivocal declarations of the Navajo Tribal government views concerning Paiute membership that were found are recent resolutions by the tribal council and local chapters that they considered the individuals on the San Juan Paiute membership list who "were enrolled in the Navajo Tribe" to be fully members of the Navajo tribe. These resolutions were passed in response to the issues raised by the Paiutes' petition for acknowledgment and the Paiutes' attempt to intervene in court in the Sidney v. Zah case, and thus don't necessarily represent previous views by the governing body.

The "census number" system of Navajo membership, dating more or less from the 1950's, is a carryover from the period before any Navajo enrollment process, i.e., from a system where the numbers meant eligibility for services from the agency. The evolution from this raised questions at several points among agency personnel as to the legitimacy of Paiutes being on what began to be regarded as a tribal roll. Nonetheless, it appears that the Paiutes have used the numbers and that at least the major portion of the numbers acquired since the mid-1950's were in some sense sought by the individuals involved or their parents or other relatives, as opposed to "accidental" assignment or assignment unknown to the individual.

There is limited direct evidence concerning the Paiutes' understanding and intentions (as opposed to their actions) in acquiring and using the numbers. The available data indicate that the numbers were seen as a means of gaining access to the services of the Navajo Tribal government, rather than as a means of becoming members of the tribe. There is some indication that the band decided in the early 1970's, at the same time that they sought Federal recognition, to become partly engaged in the Navajo system. This was a result of problems experienced as the Navajo Tribal government expanded its control of reservation functions, as well as a change in leadership after a traditional San Juan leader died in 1969. The petition and the testimony of the band's present leader indicate that the purpose

of getting census numbers is to have access to services or for purposes such as identification.

In general, the numbers have been "used" by the Paiutes in the past several decades in relations with the Navajo Tribe as well as with the BIA. While a detailed study was not made of the extent, types of use, and basis of Paiute receipt of services on the reservation from the Navajo Tribe and the BIA, some useful data were available. For the most part the "use" in relation to the Navajo Tribe has been of a sort equivalent to the numbers' function before many services and responsibilities were taken over by the Navajo Tribe and before the Navajo Tribe began to use the census numbers for membership purposes. There is some basis for considering that the Paiutes were constrained to continue to get numbers after they became Navajo "enrollment numbers" because they were the means for obtaining vital services. The numbers also have other significant functions, not connected with tribal membership, such as obtaining a social security number. The Paiutes have obtained some services from the Navajo Tribe which were previously provided by the BIA to all local Indians, regardless of membership. These are now contracted by the Navajo Tribe. In a few instances, Paiutes have gotten from the Navajo Tribe benefits generally limited to Navajo tribal members. The use of the numbers that is most directly related to Navajo Tribal membership is voting and registration for voting (see above).

In summary, although 63 percent of the San Juan Paiutes have the "census numbers" which are now used by the Navajo Tribe for membership purposes, they are not validly members of the Navajo Tribe. This conclusion results from an analysis of the circumstances under which the Paiutes got these numbers, the uses made of them, and the relationships of the Paiutes with the Navajo Tribe. They do not meet the definition of membership in a tribe defined in section 83.1 (k) of the acknowledgment regulations, the interpretation of which must take into account the general principles guiding interpretation of tribal membership (Keep 1987).

The circumstances under which many San Juan Paiute members hold "Navajo census numbers," the history and character of Navajo tribal "enrollment," and the procedures by which individuals are "enrolled" are such that the presence of this particular group of individuals on the de facto "Navajo tribal roll" is not clear evidence that they are maintaining tribal relations with the Navajo Tribe (see genealogy report).

The views of the governing body of a tribe must be given great weight in determining whether an individual or a group of individuals has been recognized as a member of the tribe by that governing body (Keep 1987:4). There is some question whether the governing body of the Navajo Tribe, over the years that the tribe has had an "enrollment" process, has consistently viewed the Paiutes as legitimately being members. There is also some evidence that the Navajo in the communities surrounding the Paiutes are uncertain of the legitimacy of the Paiutes having census numbers and, hence, apparent Navajo tribal membership.

The individual members of the San Juan Band are not now maintaining and have not in the past maintained with the Navajo Tribe the bilateral political relationship that is fundamental to tribal membership (Keep 1987:5). They have, however, maintained such a relationship within themselves as an autonomous political unit. While at least some of the San Juan Paiute have deliberately sought and used the numbers for various purposes and in a variety of ways, most available evidence indicates that they did not do so with the intention of becoming, or the

understanding of being, members of the Navajo Tribe and coming under its political auspices.

The evidence available for this report concerning the view of the Navajo Tribe's government over the past thirty years and the evidence concerning the Paiutes' intent and understanding in seeking and utilizing census numbers was somewhat limited. The available evidence about these factors supports a conclusion that the Paiutes were not and are not validly members of the Navajo Tribe. The evidence that the San Juan Paiute have not maintained a bilateral political relationship with the Navajo Tribe and are therefore not members is, however, quite extensive.

The evidence supports the conclusion that those members of the San Juan Paiute Band who hold Navajo "census numbers" are not members of the Navajo Tribe. Twelve percent of the San Juan Paiute membership appear on the rolls of three other recognized tribes (see genealogical report). No evaluation was made whether these individuals were validly members of these other tribes, because of the small numbers involved. Because at most only a small percentage of the San Juan membership are also members of another tribe, the petitioner meets the requirements of criterion f that a substantial portion of its members not be members of another North American Indian tribe.

II. TRADITIONAL CULTURE

A. Traditional Southern Paiute Culture

"Traditional" Southern Paiute culture means that of the 1850's. It is known primarily from interviewing older informants during the 1930's and from documentation of early Mormon and Anglo-American contacts. Some supplementary information is derivable from the few available Mexican and Spanish period documents. Euler (1966:97), and Stoffle and Dobyns (1983:93) suggest there may have been some significant influence during the pre-Mormon and Anglo period from traders on the Old Spanish Trail and from slave-raiding of the Southern Paiutes by Utes and Navajos in the 18th century and first part of the 19th century. The San Juan Paiutes were distant from the Old Spanish Trail, but would have been close targets for the Utes and Navajos.

The population density of Southern Paiute territory was relatively low. People lived in small, multi-family camps sometimes called rancherias. There was usually a great deal of movement both seasonally and from year to year, to take advantage of different resources. Plant gathering was the most important food source. Agriculture was practiced by many of the bands, though possibly not by all (Kelly and Fowler 1986:370-71). In some areas irrigation agriculture was carried out. Hunting deer, antelope and rabbit was a significant food source in many of the areas. The kinship system was bilateral, i.e., not giving special emphasis to one side or the other of a person's ancestry.

The same language was spoken across the entire span of Southern Paiute society. The language spoken was mutually intelligible across all the bands, but with important dialectical variations from band to band (Kelly 1934:548). The language was also mutually intelligible with that of the culturally related Ute tribes (Callaway et al. 1986:336).

The Southern Paiutes consisted of a number of "bands," occupying territory stretching in an arc from the Chemehuevis along the Colorado River and in the Mohave Desert in California, north through southern Nevada, and east through parts of southern Utah, and the northern Arizona "strip" country. Almost all of the territory was west or, in Utah, north of the Colorado. The lone exception was the San Juan Band, whose territory lay south and east of the river. The San Juan were also the easternmost band.

The description of San Juan Paiute territory usually cited is Kelly's (1934, 1964). Her informants described the territory as being southeast of the Colorado River from its junction with the Little Colorado, north past Lee's Ferry and then east along the San Juan River from its junction with the Colorado. The boundary turned south around Monument Valley, running along the western edge of Black Mesa and Moencopi Plateau near Moencopi Wash and down to the Little Colorado near Cameron (see maps). Euler (1966:106) questions the inclusion of the "tail" of the southernmost section, south of Cameron along the Little Colorado River. To the northwest of the San Juan Band were the Kaibab and Kaiparowitz bands of the Southern Paiute. To the north and northeast were Weeminuche Ute. Various Navajo bands were to the east. The main Hopi villages were about 35 miles east of the more southern part of San Juan territory. The Hopis also farmed in Moencopi Wash, at the edge of Moencopi Plateau, near what is present-day Tuba City. This occupation was sometimes only seasonal, but in some eras probably included a permanent village (see also section III.D). This is within the area claimed by Kelly's informants (see maps). The Havasupai were to the southwest. Up until the 1880's, some Havasupai lived in the areas northwest of Moencopi that were also occupied by the San Juan Paiute.

These territorial descriptions are general and are standard ethnographic ones. Historical data and detailed ethnography shows some variations in different periods, as well as differences of scholarly opinion. In particular, the extent of Navajo occupation of land within San Juan Paiute territory (as defined by Kelly and others), and at what period, is frequently debated (see also section II.B).

Geographically, San Juan Paiute territory is classified by Euler (1966:6) as canyonlands, ranging in altitude from 5000 to 7000 feet. It is cut with many canyons and cliffs and it is in these that the most permanent water sources are found. Rainfall is low, usually around 10 inches a year. Agriculture by traditional methods was possible only near springs or in washes. The San Juan Paiute utilized forests in nearby mountain ranges, especially the Henry and San Francisco Mountains, for hunting and other resources.

Kelly described the Southern Paiutes as divided into 15 subgroups usually referred to as "bands" (1934:550). The proper terminology, and the nature of these units, has been the subject of a great deal of differences of scholarly opinion, underlying which are different ideas about the nature of a tribe. Kelly in 1934 (550) described the bands as "dialect units with political concomitants." In 1964, speaking particularly about the Kaibab band, she hedged this, finding them to have clearly defined territory and to be distinct dialect groups. She felt that they were well-defined social units, but could not establish that they had centralized political control. She provided only limited discussion of political institutions. No information on San Juan leaders was included. Most of her discussion of political leadership concerns the Kaibab Band. For them she briefly described a number of "big and little chiefs" within the band and also stated that there were communal lands (1964:24-30).

Stewart defined bands as "the simplest aggregate of families," usually with a political leader, a defined area, and a distinguishing name. He muddied his definition by noting that in some instances, such as within the Gosiute tribe, they might lack one of these definitional elements, such as a political leader (Stewart 1941-42:236). However, he also provided a section of names of all of the early leaders his informants could recall. He included them as "evidence of the independent political leadership, [his underlining] of the separate 'bands'" (Stewart 1941-2:345). He provided the names of four San Juan Paiute leaders. Stewart's informants identified two bands (by his definition) within the area and among the people of Kelly's San Juan Band. The "Tatsiwinunts" were in the west (the area referred to in this report as the south, Cedar Ridge - Willow Springs, or, in reference to the most recent era, simply as Willow Springs). The "Kaiboka-dot-tawip-nunts" were near Navajo Mountain (referred to here as the north, Navajo Mountain or Navajo Mountain-Paiute Canyon) (Stewart 1941-2:237). He reported that the Southern Paiutes recognized local band sovereignty, had a council of men, approved chiefs in community meetings which included women as well as men, and that the chief was the "best talker" (Stewart 1984:300).

Euler (1966:102-3) and Manners (1974) concluded that the well-defined bands with distinct leaders known from ethnography and late 19th century documentation are the result of the pressures of white contact and the need for a distinct spokesman to deal with the whites. In contrast, Stoffle and Dobyns (1983:47-49) think that the contact period led to a breakdown of what had been a more cohesive structure. The latter describe a system of theocratic chiefs of all of the Southern Paiutes. Stoffle (1984:7) stated this had broken down in the 1840's due to disease and territorial encroachment. Powell and Ingalls' 1873 report for the Commissioner of Indian Affairs described the "original political organization" as small tribes which took the name of the land and had one principal chief. Beyond this there were sometimes confederacies, of an impermanent nature, under "some great chief" (Powell and Ingalls 1874:49). Powell and Ingalls outlined

some 31 "tribes" where Kelly has 15 "bands" comprising the Southern Paiutes. They also outlined the composition of confederacies of these "tribes," naming the confederacy leaders. Powell and Ingalls identify a single "tribe" for what became known as the San Juan Band. Their description is ambiguous, but it indicates that the San Juan Paiute were not part of a confederacy (Powell and Ingalls 1874:53).

The historical and ethnographic data support the conclusion that in the middle 1850's there were among the Southern Paiutes, particularly those in Utah and northern Arizona, well-defined land-holding units with a significant sense of identity. The standard terminology for these is "bands." It is clear that even in traditional culture of the 1850's, i.e., before significant impact of European contact, there were leaders of parts, if not the entirety of these bands, and considerable cooperation and interchange between their subunits.

The available historical and ethnographic evidence is that in the 1850's the San Juan Paiute were a well-defined social unit composed of more than one independent political unit. Kelly defined them as a single band, i.e., a distinct social unit but not necessarily politically unified, while Stewart identified two political units among the people in this area.

The San Juan Paiute were relatively remote from the pressures of white settlement until at least the 1870's. The pressures, and opportunities, of increased contact with the Navajos in the 1860's and the Mormons in the 1870's probably resulted in political unification of an already well-defined social unit by the 1870's. Population reduction and territorial loss may have contributed to this. Political unification was based on the traditional system of "chief elders," prestigious, influential men who had important political functions within "bands" and responsibility for external relations.

Leaders of San Juan Paiute subgroups are remembered by the tribe back into the middle and early 19th century (see section III.F) (Stewart 1941-2:345; Franklin 1985c). The earliest historical evidence of a probable leader of the entire tribe is of a leader named Patnish in the 1870's. Oral history names such a leader, Pakai, from the 1880's on, with documentary reference to him in 1907 as leader of the entire tribe.

B. Navajo Culture

Navajo economy and culture as it existed in the last half of the 19th century was primarily based on sheep-herding, which had been acquired from the Spanish two centuries earlier. Secondary, but of considerable importance in those areas where there were favorable conditions, was agriculture. Settlement patterns were scattered, i.e., not concentrated in villages, with flexible kinship groupings handling the work of herding. Settlement was usually transhumant, i.e., moving once or several times a year between different but well-established areas to take advantage of water, grazing and climatic conditions (Levy 1962; Downs 1972). Raiding for livestock and slaves was an important element of the culture and economy until the 1860's. This was brought to an end by the removal of most of the Navajos from their home territory to Fort Sumner, New Mexico, between 1863 and 1868, as a result of a U.S. military campaign to subdue the Navajos.

The kinship organization was predominantly matrilineal and matrilocal, i.e., primary descent and inheritance were traced through the mother's line and preference was for residence with the wife's family. Clans, large kin groups whose members considered themselves related, were important to traditional Navajo culture. A person took the

clan of his mother, i.e., matrilineally, and could not marry a person from his own or his father's clan. Although Navajo clans were not territorial or property-holding groups, they were important for determining a person's place in Navajo society and for establishing ties between individuals.

In this period, Navajos were organized politically into many individual bands under civil leaders known as "natani." There was no centralized political organization of the entire tribe, although after Fort Sumner the Federal government tried to appoint an overall chief, with limited, temporary success. In some periods, such as during the conflicts with the Anglo-Americans, some band leaders acquired wider influence encompassing a number of bands. The religion was characterized by a complex and highly developed system of ceremonials, many of them focused on curing.

It is not the intent of this analysis to establish precisely the extent of Navajo use of or permanent settlement in specific areas. Navajo settlement and/or usage of the San Juan Band territory was at best limited before 1863. There was some increase during the Fort Sumner period (and perhaps a few years earlier) by families seeking to escape capture, and a sharp increase after 1870.

Henderson (1985) extensively studied Navajo settlement of the Kaibeto Plateau and adjacent areas in the late 19th century, based largely on oral history. This area includes most of the southern and part of the northern portions of San Juan Paiute territory. His conclusion appears to be that the earliest date of permanent Navajo settlement in this region is the 1860's (Henderson 1985:19, 22). Other sources suggest that there were at least a few Navajo families in these areas or the Navajo Mountain area before the 1860's. These other sources also rely largely or entirely on oral history, much of it collected during the land claims investigations of the 1960's. Brugge compiled a list of birthdates by area (Brugge and Correll 1973:199-204). These included a number of individuals who by tradition were born between 1820 and the removal to Fort Sumner in the Willow Springs, Cedar Ridge and Moencopi areas, and on the Kaibeto Plateau. Shepardson (1960-62) cites similar oral testimony, giving birthdates in the 1840's and 1850's for a few Navajos near Navajo Mountain and/or Paiute Canyon.

Henderson (1985:20-25) concluded that there were a few small bands of Navajos on the Kaibeto Plateau between Echo Cliffs and Navajo Mountain that held out and were not removed to Fort Sumner. He estimated a total of 70 individuals in these bands. This includes the famous Hoskinini Band, which moved from Monument Valley to refuge at Navajo Mountain. Besides Hoskinini's Band, Henderson cites that of Daghai Sikaad, based around Navajo Canyon (also described by Shepardson and Hammond) and Biighaani, near Echo Cliffs and northwards.

A rapid and major expansion of Navajo population west of Black Mesa after 1870 is indicated by most sources. Henderson (1985:31), referring only to the Kaibeto Plateau proper, noted about a five-fold increase from 1870 to 1900. This was driven by the rapid expansion of Navajo population after Fort Sumner, from an estimated 8000 held there (plus two or three thousand who escaped internment) to 26,000 in 1910 (Johnston 1966:76, 88). Henderson (1985:29) suggests the expansion of herding into the new territory of the west created a demand for labor and therefore "recruitment" of Navajos from the east by the wealthy stockmen who became established in the late 1860's. An early non-Indian resident of the Willow Springs area, speaking of the 1880's, stated "at this time, many more Navajos drifted west from their eastern country" (Lee 1974:10).

III. SOCIAL ORGANIZATION AND HISTORY BEFORE 1900

A. Development of Non-Indian Contact

The Southwest passed from Mexican into Anglo-American hands in 1848, with the signing of the Treaty of Guadelupe-Hidalgo. American advent into the region where the San Juan Band was came slowly, due to the remoteness and ruggedness of the territory and the threat presented by the Navajos and the Utes. Early Anglo-American expeditions exploring the southern portion of the region, such as those of Ives in 1851 and Sitgreaves in 1857, which went through the Hopi country and southwest from there, passed only through the edge of San Juan Paiute territory. Similarly, traffic of the Forty-niners passed south, or else along the Old Spanish Trail through Utah, impacting the Paiutes along the route, but far from San Juan Paiute territory.

Non-Indian contacts with the San Juan Band developed slowly and from two directions, the Mormons from the north, and the Anglo-Americans from the east. Extensive contacts began roughly around 1858-9 from both directions. These were primarily in the southern portion of the area where the band was living, near present-day Tuba City. Although a portion of the northern part of their territory was included in a reservation after 1884, the San Juan and their Navajo neighbors in the Navajo Mountain - Paiute Canyon area were outside of any significant Federal administration or extensive contact with whites until the beginning of the 20th century.

The Mormons, fleeing religious persecution in the eastern U.S., moved to Utah in 1847 and established themselves at Salt Lake City. They had considerable impact on the Utes and Paiutes near them, putting an end to slaving, offering wage work and often encroaching on Paiute farming sites. However, they were far distant from the San Juan Paiute area. At first they expanded primarily into the southwest part of the state, in areas such as present-day Cedar City, in the territory of the Shivwitz and St. George Paiute bands. A mission to the Paiutes in the southern part of the the state was established in 1854. The first Mormon travel into San Juan Paiute territory came in 1858, with the first of Jacob Hamblin's expeditions to missionize the Hopi (Peterson 1971:180). Mormon settlement advanced to the east slowly, however. Kanab, in Kaibab territory, was established in 1864 (Euler 1966:80). Not until about 1879 did the Mormons push eastward into southeastern Utah, establishing Bluff. There they faced conflict with the Weeminuche Utes and Southern Paiutes who were either part of or related to the San Juan Band families. Part of the region they moved into was within territory used for hunting by the San Juan Paiute. The Mormons also faced Navajos moving north from Four-Corners area (Correll 1971:148-9). The only actual white settlement within San Juan territory, other than this, was that of the Mormons at Moencopi, beginning in 1873.

Navajo expansion rather than Anglo-American expansion was the major factor in the San Juan Paiute history in the last part of the 19th century. A less direct influence was Mormon expansion into southern and then southeastern Utah. This is thought to have pushed some Paiutes and Utes eastward and southward, towards the rugged Glen Canyon, Blanding etc., area just north of the San Juan River and Navajo Mountain (see maps).

The Americans focused first on New Mexico, giving considerable attention to the problem of Navajo raiding of settlements there. General Kearney had reached New Mexico in 1846 and signed a treaty with some Navajos in that year. Another treaty was signed in 1849, also seeking an end to the raiding. Fort Defiance was established in 1851,

just west of the present Arizona-New Mexico border, as a military outpost to suppress Navajo raiding activity. More or less in the center of Navajo territory of the time, it became the major contact point with them and with the Hopi villages to the west.

The critical event in Navajo history was the "Long Walk," the campaign by the U.S. military from 1863 to 1868 to remove all of the Navajos to a reservation at Fort Sumner in eastern New Mexico. The military moved throughout Navajo territory, capturing Navajos and sending them eastward and at the same time destroying crops and livestock to force those it could not capture to surrender. By 1868, the plan to permanently relocate the Navajos at Fort Sumner was recognized as a failure. The Navajos were allowed to return to their home area, rejoining those who had escaped removal. With a distribution of sheep at Fort Defiance, they spread out, seeking to rebuild herds and farms.

White settlement to the east of the Navajo reservation insured that its future expansion would be to the west. White settlement also expanded from the south, capped by the completion of the railroad through Gallup, New Mexico and west through Flagstaff, Arizona in 1881.

In 1864, the first Indian Agent for the Hopis was appointed, based at Fort Defiance. An independent agency for the Hopi was established in 1870, although not actually built until 1874. In 1882, the Hopi villages were included in a reservation established by executive order for the "Hopi and other Indians." The reservation, in the form of a large rectangle, stopped just east of Moencopi.

B. Pre-1850 References to San Juan Paiutes

There are a few, brief references to Paiutes in the historical San Juan Paiute area before the 1850's. Schroeder (1965:56-7) cites references to Hopi alliance with what he considers to have been Paiutes from the Navajo Mountain area in the 1690's, during the Pueblo rebellion.

The Spanish Father Escalante led an expedition throughout Utah and northern Arizona in 1776. Crossing the Colorado River near Navajo Mountain, he encountered Indians he called "Yutas Payuchis," whom he distinguished from the "Payuchis" on the other side of the river. In his scant account, he refers to encountering some "ranchos" of these Indians, in what has been identified as Navajo Canyon (Chavez 1976:105).

The next account is from 1823, when a Spanish military expedition from New Mexico under Vizcarra pursued a Navajo band into Paiute territory. Vizcarra encountered Paiutes in two locations, four little "ranches of Paiutes" hidden in a small canyon which may have been Paiute Canyon and another settlement near present-day Shonto. Vizcarra mistook them for Navajos because one settlement had goats and he believed only Navajos had goats. He encountered horses in the other settlement (Brugge 1964:226, 237, 243). Vizcarra implies he thought the Paiutes had gotten the goats from the Navajos, stating they ought to be able to lead the Spanish where the Navajos were "for goats were found among them, which only the Navajos have" (Brugge 1964:237).

The third encounter was that of the Spanish explorer Armijo, in 1829. Armijo traveled westward from New Mexico, and encountered no Navajos west of a point two days journey east of Canyon de Chelly (well east of San Juan territory) (Euler 1966:43). At a location identified as probably Paiute Canyon (but which may have been Navajo Canyon), he encountered "Payuches," and referred to "milpitas" or little corn patches (Hafen and Hafen 1954:160).

A Hopi who died in 1911 stated that when he was 14 or 15 the "Paiutes captured the pueblo above Moencopi, destroyed the town, and killed all the people" (Colton 1939:3). Colton, the ethnographer reporting this, estimated the destruction occurred between 1830 and 1840 (although Garces had already noted a ruined pueblo there in 1776) (Brugge and Correll 1973:174). Roger Honani, a Hopi, recited Hopi oral history in 1979 that "Tuve" (Chief Tuba) was afraid of the Paiutes and that they invaded the Hopi village at Moencopi and chased them back to Oraibi (Honani 1979:84-5).

Some Hopi use—and a Paiute threat to them—continued after this point. Haskell's account of his visit to the Hopi pueblo of Oraibi in 1860 refered to the Oraibis as growing cotton at Moencopi (Brooks 1944:94). Fear of the Paiutes evidently continued, since Hopi oral history taken in 1914 stating that Tuba had invited the Mormons to settle at Moencopi gave as the reason "the almost constant treachery of surrounding Paiutes and Utes then living near Tuba [i.e., Moencopi]" (Runke 1914).

C. Earliest Sustained Contact, 1850 to 1870

There are only a few, fragmentary reports concerning the San Juan Paiutes between 1850 and 1870. The earliest, which is fragmentary indeed, is a comment by an army surgeon, Ten Broeck, in 1852 while visiting a Hopi village. He said, "I saw three Payoche Indians today. They live on a triangular piece of land, formed by the junction of the San Juan and the Colorado of the West. They do not irrigate, nor do they plough. . . They plant in the sand" (Schoolcraft 1851-7:82-3, quoted in Manners 1974:213). The Paiutes, presumbly in the village for trading, were thus from the territory just north of the Navajo Mountain area, within the traditional territory claimed by the San Juan Paiutes in the ethnographic accounts of Stewart and Kelly, although beyond the apparent main centers of population of the band.

The Mormon Thales Haskell encountered Paiutes within San Juan Paiute territory on his journey in 1859 from Utah to Oraibi via the ford known as the Crossing of the Fathers in Utah. Haskell descended the Paria River, turned northward some miles and crossed the Colorado River at this ford, which is more or less due west of Navajo Mountain (see maps). Indians were encountered at several points after this on the trip, which went across the Shonto Plateau toward Black Mesa. The first encounter was between 23 and 50 miles from the Colorado. Reference to a subsequent encounter with "another Piute," suggests strongly that all the Indians encountered were Paiutes. One Paiute who went onward with them told Haskell," . . . we had better keep a good lookout for our animals as we were in the Navijoe Country" (Brooks 1944:80). The statement appears when they were 30 miles travel from Oraibi, which would be at about the western edge of Black Mesa. This approximately fits Kelly's boundary between the Hopis and the San Juan Paiute.

Several Army expeditions in 1859 and 1860 encountered Paiutes. A reconnaissance mission by a Lieutenant Walker in 1859 traveled north along the western edge of Black Mesa (known then as Mesa de la Baca). In the vicinity of Marsh Pass, about 30 miles south of present-day Kayenta, he referred to a canyon in which there was "said to be several lagunas and good grazing and [it] is the home of a band of Pah-Utahs . . . " Walker's Navajo guide said that beyond (i.e., west) of the Mesa de la Baca there were one or two canyons which had running water and grass and which the guide said were "within the Pah Utah country." The guide said the Navajos had been at war with the Paiutes for some time. The expedition reported that portions of the region they were exploring were uninhabited, with "many abandoned Navajo huts." The guide said the reason was "the Navajos are afraid of the Pah-Utahs upon whose country it [the region] borders" (Walker 1859a).

The U.S. military believed in 1859 that the Mormons sought to enlist the support of various tribes, including the Paiutes, Navajos and Mohaves, against the Anglo-Americans. Walker's reconnaissance mission encountered a Paiute deputized by the Mormons to invite the Navajos to a council of these and other tribes to be held at Navajo Mountain. Another Paiute told the military at Fort Defiance he was anxious to attend the council "to bring about a peace with the Navajoes" (Simonson 1859). No record could be found that the council was actually held.

The Paiute threat must have been substantial to create the "no-man's land" Walker's expedition reported in the western part of the territory of the powerful Navajo, even though it was a marginal area for the Navajo. On the other hand, the Paiute who talked to the military at Fort Defiance in 1859 expressed himself to be anxious to obtain peace with the Navajos. A military expedition in 1860-61 which pursued some Navajos toward Marsh Pass found that they did not stop at the edge of what the commander understood to be Paiute territory. The commander concluded from this that his information that the Paiutes were at war with the Navajos was erroneous (McNitt 1972:401-2, quoted in Bunte and Franklin 1984:38).

The Walker's expedition was more or less simultaneous with the Mormon expedition about which Haskell reported. These reports place the Paiutes on the Shonto Plateau, from the Colorado River southwestward. The boundary with the Navajo appears to be as it was described to Kelly, i.e., at and along Black Mesa. No direct, documentary accounts were found which directly describe Indian occupancy for the 1850's of the Navajo Mountain-Paiute Canyon area and the region around Willow Springs northward to Cedar Ridge.

The area around Navajo Mountain, i.e., south of the San Juan River and in the canyon areas east and north of it was perhaps the most remote and isolated part of this generally remote region. It served as a refuge for Hoskinini and his band and other Navajos during the Fort Sumner period. Navajo raiding into Utah was reported from about 1864 to 1870 (Euler 1966:80). Henderson refers to several sources which indicates the holdout Navajos made such expeditions because of the scarcity of food. Mixed Paiute-Navajo raiding parties under the Paiute leader Patnish operated from the area in the late 1860's. (This is discussed in more detail in the following section.)

Paiute hostility toward the Mormons had developed in the 1860's. Bunte and Franklin (1984:44) quote Corbett (1952:258) as saying that in 1864 the Paiutes from San Pete County, Utah in the north to the south of Kanab, i.e., in Kaibab Paiute territory, fought against the Mormon settlers. Kanab was established in 1864, and in 1865 stock ranches were built at Pipe Springs, an important Kaibab Paiute resource area (Euler 1966:80).

Henderson's (1985) dissertation contains a number of significant references to Navajo relations with Paiutes in the region and how they developed during the late 19th century. He states that the "harsh conditions of the [Fort Sumner] period influenced these families to forge ties with the Paiute families that had earlier inhabited the region" (Henderson 1985:25). He states, without further elaboration, that there were "a small number of Paiutes associated with . . ." Daghai Sikaad's group and also with the Biighaani group near Echo Cliffs (Henderson 1985:21). What the Paiutes' relationships with these bands were was not stated, but it appears to be more than the frequent marriage of Paiute women (often but not always captives) to Navajos in this period. He also mentions that in the 1880's a son of Biighaani traveled south to work on the railroad and was accompanied by two Paiute servants. Regarding the Paiutes in general, he stated that after the influx of Navajos, "some moved away, some congregated at Navajo Mountain

and Willow Springs and still others became servants to wealthy Navajo families or married Navajos and (after a time) assimilated into Navajo society" (Henderson 1985:28).

Navajo and Paiute oral history includes a number of stories which contain descriptions of both friendly and unfriendly relations between the two tribes during and after the Fort Sumner period. There are, significantly, a number of Paiute (and some Navajo) stories suggesting Paiute assistance of Navajos seeking to escape capture by the American soldiers. Bunte and Franklin (1984:49) refer to Paiute stories that the Paiutes hid some Navajo families in Paiute Canyon until the soldiers left. An older San Juan Paiute woman living today said that when she was little, her family was friends with two families of Navajos that the Paiutes had hidden from Kit Carson. Because of this, these Navajos used to give sheep to the Paiutes (Jake, James, and Bunte 1983:47). A Navajo story is that the Paiutes hid the Navajos in their underground corn storage pits, and that was how the Navajos knew which land to steal. Based on Navajo testimony, Brugge (1964:226) states that the Paiutes consistently misdirected soldiers seeking Navajos northwest of the Hopi villages.

The years immediately after Fort Sumner, into the 1870's, are recorded in San Juan Paiute oral history as one in which they were very much threatened by Navajo attack. This is the period when the Navajos were poorest and in which the extensive westward movement of populations began. Rather than being unitary in this era, the Navajos continued to comprise a number of different bands, some at times predatory on other Navajos.

Kelly (1964:167) recorded from informants who were young in 1870's that the Paiutes were afraid of the Navajo and rarely camped in Paiute Canyon or eastward (the specific location cited by Kelly, Paiute Canyon, is apparently incorrect, since all other oral history evidence indicates Paiute Canyon was extensively used by the Paiutes). Bunte and Franklin (1984:50) also note that Paiutes out hunting or gathering would keep their campfires small to avoid being seen by the Navajos and that lookouts were posted to watch for Navajos. Twentieth century San Juan Paiute leader Alfred Lehi told several stories referring to Paiute avoidance of Navajo attacks (Brugge 1967b:11). There were also Paiute attacks on Navajos in the Fort Sumner and succeeding period according to San Juan Paiute oral history. Navajo oral history records mixed Paiute-Ute parties attacking the Navajos in the 1860's (Bunte and Franklin 1984:50, 52). At the same time, some Navajos with the Paiute leader, Patnish, and some Paiutes with the Navajo Hoskinini, may have been raiding the Mormons in Utah.

D. The San Juan Paiutes in the 1870's

Considerably more detailed information about the Paiutes is available in the 1870's, particularly those in and near Moencopi, because of Mormon settlement in the area. The more remote northern area, near Navajo Mountain, is less well-known, in part because of the Navajo and Paiute raiders and "renegades" who had previously operated (and who to some degree continued) from the safety of that rugged area. The Paiutes were farming, but there was no documentary or other information that they were herding livestock in this decade. Several descriptions of political leadership are found in the documentary record. These, together with available ethnographic and oral history evidence on leadership, are discussed separately in detail at the end of general description of the San Juan Paiute in the 19th century (see section III.F.2). There was close involvement, both conflict and alliance, between Paiutes and Navajos in this era.

The Mormon, Jacob Hamblin, traveled to Fort Defiance in 1870 and met with 6000 Navajos in an attempt to arrange an end to the Navajo raiding. Hamblin reported that

on his return journey he encountered some of the "Paiute living in the Navajo country," who evidently sought him out. The location was on the road north of Willow springs, before crossing the river at Lee's Ferry. The Paiutes sought peace also, "saying that they had taken part with the Navajos in raiding our [i.e., the Mormon] people" (Little 1909:104). San Juan Paiute contact with the Kaibab Band is illustrated by Hamblin's report on some of the San Juan that accompanied him home to Kanab. These "spent most of the night talking over with the Kanab, [i.e., Kaibab], Indians events of the previous three years" (Little 1909:106). The Indians told Hamblin they had "not visited each other much during that time," implying such contacts previously were regular.

A brief mention of the Paiutes in Arizona south of the Colorado appears in the 1873 report of John W. Powell and G.W. Ingalls. These two men were appointed Special Commissioners to investigate the conditions of non-reservation Paiutes, Utes and other Shoshonean Indians of Utah, Nevada, California, and elsewhere and to consult with them regarding removal to reservations. Powell was an explorer and ethnographer who had made a number of expeditions through Utah and northern Arizona beginning in the 1860's.

Powell had not visited the San Juan Paiute, however, and unfortunately the commissioners felt that it was not worth the time and effort that would have been necessary to reach their remote area (Powell and Ingalls 1874:48). It is not clear whether Powell and Ingalls' information about the San Juan Paiutes is based solely on reports by Mormons or Paiutes in Utah, or whether they met any San Juan Paiute in the course of their travels and meetings in connection with the commission. The information about them in the report is quite limited, considering the contact Hamblin and other Mormons had had with the San Juan Paiute by then. Hamblin worked closely with Powell on this commission.

As part of the a master list of Paiutes, Shoshones, and other groups, Powell and Ingalls listed the "Kwa-an-ti-kwok-ets," in northern Arizona, "on the eastern side of the Colorado River." The population of the group was given as 62. This was divided into 23 men, 17 women, and 22 children (Powell and Ingalls 1874:50). They stated this "band" was "nearly isolated from the other tribes, and affiliate to a greater or less extent with the Navajos" (Powell and Ingalls 1874:53). It is unclear, given the limited information Powell and Ingalls had, what this last phrase refers to. It may reflect the joint raiding by some Navajos and Paiutes (see also discussion below).

The "Kwa-an-ti-kwok-ets" was the only band for which no band leader's name was cited. They are shown under the "alliance" of Chief Tau-gu, whose confederacy took in all of the Utah Paiute" tribes plus the Kaibab and Uinkarets in northern Arizona. Powell and Ingalls provided a detailed picture of Paiute political organization, as they understood it (see discussion in section II.A). Bunte and Franklin (1984:68) identify the band name given as a version of "Kwaiantukwats," meaning a "person from the other side," and concluded it was not a name specific to the band. Paiute band names are usually based on place names.

Beaman in 1874 referred to Paiutes in the country on the trail between Lees' Ferry and the Hopi villages. He wrote that "We are now in a country occupied by a renegade band of Pah-Utes" (quoted in Euler 1966:89).

Mormon leader Jacob Hamblin's account of a meeting in the winter of 1874-75 with Navajos near Moencopi provides some important data about the local Paiutes and their relationship to the Navajos. The meeting was an attempt on Hamblin's part to sooth the anger of the Navajos, who believed their kinsmen had been killed by a non-Mormon

in Grass Valley, Utah. The precise location of the meeting could not be determined from Hamblin's account.

An unnamed Paiute chief was present at the meeting, evidently at the invitation of the Navajos. He is quoted as angrily criticizing Hamblin because of the attack on the Navajos, saying "You have not a friend in the Navajo Nation. Navajo blood has been spilled on your land" (Little 1881:117). Several Paiutes were at the meeting serving as interpreters, translating from Navajo to Paiute, which Hamblin understood. The Navajos were unable to understand what the Paiute chief and Hamblin were saying to each other in Paiute. Where the Paiute chief was from was not indicated, but his apparent association with the Navajos of the area suggests strongly that he was a leader for the Paiute in the southern part of the San Juan Paiute territory. He did not play a direct role in the meeting.

Based on oral history and genealogical information, the late 1860's through the 1870's was an era when many Paiutes were incorporated into the Navajo families settling on what is now western part of the Navajo Reservation. A large number of Paiutes, mostly women and children, were captured as slaves by the Navajos. The Paiutes also sold children to the Navajos for food or to obtain sheep (F.D.). Other Paiute incorporation resulted from children or adults working for Navajo families who, according to the Navajos, stayed and married Navajos (Henderson 1985:28; John et al. 1985). The part-Paiute ancestry of many of the Navajos living today on the western part of the reservation dates from this era (cf. Van Valkenburg 1941:114; Henderson 1985:28; Shepardson 1960-62). The large "Paiute Salt" clan descibed by Shepardson and Hammond (1970:40) at Navajo Mountain in the 1960's derived from several marriages in the 1870's of Paiute women captured as slaves (Shepardson 1960-62). The degree of Paiute population loss in the 19th century is discussed in section III.E of this report.

Mormon expeditions to Hopi had begun in 1858, based on Jacob Hamblin's belief that missionization of them would be more successful than among the less settled and more scattered Paiutes and Utes (Peterson 1971). This mission was never successful, but generated a variety of accounts from the missionaries and, subsequently, from Mormons who settled at Moencopi after 1873. There was a break in visits between 1864 and 1869, because of raiding by the Navajo. The first Mormon settlement at Moencopi (including the springs northward along Echo cliffs in this description) was probably in 1872 or 1873. Occupation was apparently interrupted in 1875 for a year by Navajo hostility (Gregory 1915:116). The present town of Tuba City, just west of Moencopi Wash and the Hopi pueblo there, was laid out in 1878. The white population of the area never became large. It reached 230 by 1885 (Brugge and Correll 1973:189). In 1904, when the Mormon holdings were bought out by the Federal government, there were no more than 25 non-Indian families.

Paiute relationships with the Hopis up to this time had to a considerable degree been hostile. This was most evident in the Paiute attacks on the Hopi settlement at Moencopi Wash, dating at least from the early 1800's (see section II.B). Territorial conflict seems to have been limited to this area. Ten Broeck encountered Paiutes from the San Juan territory at Oraibi in 1851-2 (Schoolcraft 1851-7:82-3, quoted in Manners 1974:217). The Mormon Thales Haskell also encountered Paiutes in Oraibi, in 1860, where they had come to trade for blankets and provisions (Brooks 1944:93). Paiutes and Hopis seemingly farmed and grazing near each other without extensive conflict, in the Moencopi Wash area, after Mormon settlement began there (see above). Franklin (1985a:86) stated in there was some intermarriage and trade between the two tribes after this point, lasting until at least the 1930's. Some San Juan Paiutes in this period could speak Hopi

(Franklin 1985a:16) and some reported friendships with the Hopi (Jake, James, and Bunte 1983:47).

Patnish, an historical leader of the San Juan Paiute (see section III.F.2), was known prominently as a leader of raids, much feared by the Mormons. Hamblin was told by a Kaibab Paiute that Patnish had led him, another Kaibab and several young Navajos on a raid on a ranch at Pipe Springs (in the heart of Kaibab territory). A short time later Patnish told Hamblin he would "preach peace" if given a horse and other things. Otherwise, he would "preach more raids" (Corbett 1952:314 quoted in Bunte and Franklin 1984:45). Dellenbaugh, a member of Powell's exploration expedition of 1871-3, referred to "some renegades, a band of Utes and Navajos, collected by a bold and skillful chief named Patnish, whose 'country' was south of the Colorado around Navajo Mountain" (Dellenbaugh 1908:167). Dellenbaugh (1901:455) said, however, there had been no depredations from this band for several years before the time he first heard of them, in 1872. He referred to the band, in another work, as "a band of renegades," lead by "one Patnish in southeastern Utah near the Navajo Mountain. It was composed of outlaws from the surrounding tribes, chiefly Utes and Navajos." "The Band wore Navajo dress and, I understood, preferred to be considered Navajos" (Dellenbaugh 1901:455).

A few years later, Patnish was referred to twice near Willow Springs. In 1875, in an account by Ivins (1937), Patnish was with a party of Indians camped near and evidently accompanying a group of Mormons traveling to Moencopi. Patnish accompanied the Mormons into Moencopi while the rest of Indians separated from them at Willow Springs and went hunting.

In 1877, Patnish died and the Paiutes threatened to attack the Mormon settlements. The son of "Peacons" (the local Navajo leader Biighaani) was sent to the Mormons by his father saying that "Patnish the Paiute chief had died; and the Pieuts was mad and Thretend to make a raid on ower stalk at the Moanycopy." He also said that the Paiutes would be satisfied with not shedding blood if they could get stock (Brown 1875-76). Perhaps significantly, several Paiutes were reportedly associated with Biighaani's band (Henderson 1985:21). How Patnish died is unstated, but it is clearly indicated the Paiutes blamed the Mormons. Paiute threats had preceded the Navajo's message by a few days, and continued for several months. There was evidently a division of opinion among the Paiutes into hostile and peaceful parties, with the former sending to get the "Utes" to join them in raiding the Mormons, while the others prepared to protect them.

The Navajos assisted the Mormons in preparing to against an attack. A local Mormon settler, Brown, states in his autobiography, "we had a talk with some of the Paiutes and the threatened trouble was averted" (quoted in Bunte and Franklin 1984:62). It was recorded in his diary, two weeks after the message about Patnish came in, that "A Navajo chief and a number of Piutes came. We had a long talk. I gave him a letter of commendation" (Brown 1875-76). These passages suggest that some local Navajos were in alliance with the Mormons, and a possible Navajo role in settling the conflict.

The sharp division of opinion among the local Paiutes, leading to open physical conflict among them, and the demands to the Mormons for livestock, suggest some kind of stressful situation on the tribe, such as conflict with the Mormons over land and water. Similarly, blaiming them for Patnish's death, apparently without the Mormons actually having killed him (which the accounts would probably have mentioned) suggests the Paiutes may have suspected witchcraft. Stewart (1941-2:348) reported that the local Paiutes and Navajos blamed Jacob Hamblin for causing deaths of many members of their tribes by witchcraft, and both worked counter-magic against him.

Mormon accounts from the 1870's provide evidence of Paiute farming at several springs along the cliffs from Moenave to Willow Springs proper and also in Moencopi Wash. Brugge and Correll (1973:189) cite sources which also place the Hopis at Moenave, in 1879, with a summer planting place.

Brown's account of the Paiute reaction to the death of Patnish in 1877 indicated at least 11 adult Paiute men in the vicinity of Moencopi and Willow Springs, but provided no specific locations. Little information is available about Paiute (or other Indian) usage of lands elsewhere in the south, even though the standard Mormon route from Utah, via Lee's Ferry, was through areas such as Cedar Ridge and north from there, where oral history and documents from later periods show Paiute occupancy and Navajo occupancy as well. Some indication of Mormon relations with the Paiutes is also shown, indicating a something of the usually cooperative relationship that characterized relations between Paiutes and Mormons in Utah.

Settlement patterns in the Moencopi area in this era were complex, and probably changing. Besides the Paiutes, Mormons and Hopis, there were by this time some Navajos herding and probably farming in the vicinity, sometimes in close proximity to each other (see below). The Havasupai who had farmed to some degree in the area since Garces time, are reported to have left in the 1870's. The exact details of Hopi settlement are not pertinent here and an exact determination was not made. Haskell in 1860 referred to at least seasonal Hopi farming at Moencopi. In the 1870's, it appears the Hopis initially continued their pre-Mormon pattern of living only in farming season at Moencopi, returning to Oraibi for winter ceremonials. After the 1880's, a permanent, year-round pueblo was established and grew to several hundred Hopis by 1900.

John D. Lee arrived in the Moencopi area in 1873. At a spring which is apparently present day Moenave, he described a farm the Hamblin had or had started, and a lame Paiute man named Shew who told him he had an arrangement to assist the Hamblin with irrigation while latter was gone. Lee, another Mormon named Winburn, and Shew were all at one point conducting irrigated farming at Moenave. Shew worked for Lee, farming and doing other tasks, as well as farming for himself, growing a "good crop of corn and squashes and vegetables" (Cleland and Brooke, eds. 1955:272). Besides Shew and his family, Lee mentions a Paiute named Pocky and his wife, and three other, unnamed Paiute families. These families hunted for food for Lee's family in his absence. Several other references also imply the Paiutes there worked for the Mormons. "Pocky" maybe Pakai, i.e., Lehi, a important tribal leader who is documented in the area in records of the 1880's (see section III.E).

Shew apparently also farmed at "upper Moencropy," i.e., Moencopi Wash proper. At Moencopi Wash, Lee refers to the "farm of the native," "including oraves [Oraibis], Navajos and Paiutes, of whom Tuba is the Princeple." "Their farm was neatly laid out . . ." Lee makes it appear a common farming location, and evidently believed Tuba was the leader of all the Indians, or at least the major figure (Cleland and Brook 1955:270).

Willow Springs, six miles north of Moenave, is described as having willow and cottonwood and a possible 40 acres of farmland. There is no indication in Lee's description that anybody, Mormon or Indian was farming there at the time. Brown in 1877, however, mentioned alerting Mormons at Willow Springs of possible Paiute attack.

Several different Navajo bands were evidently resident by this time in or near Moencopi Wash or the region around it. Besides those at the "farm of the native," three separate Navajo leaders are mentioned, all having, at least in part, peaceful relations with the Mormons. Hamblin in 1870 sought Musha when he came to try to arrange a peace with

Navajos. Richardson (1966) places Musha at a spring in or near Tuba City itself in the 1880's, as does an Indian agent's report quoted by Brugge and Correll (1973). Two Navajo leaders are cited by Brown in 1877 in his account of the reaction to Patnish's death. Peacon, who sent word of the planned Paiute attack is identified by Henderson as Biighaani, leader of one of the three bands which held out during the Fort Sumner era, ranging between Black Mesa and Echo Cliffs. Brown (1875-76) at one point removed five or six miles from where he was, at Moenave, to the camp of his "old friend" Huastelo.

Lee cited fear on Shew's part of a Navajo attack. Another local Paiute told him that Navajos had killed several members of his family.

There is evidence of important changes in the 1870's in the Paiute Canyon-Navajo Mountain area. Chief Nabahadzin is reported to have created farms there during the period of his leadership between 1870 and 1900 (see section II.F.2). These would have been additional farms, since Paiute Canyon had long been a Paiute farming area. One possible cause of more intense farming at Paiute Canyon is the loss to the Navajos, apparently in the late 1860's, of Navajo Canyon, previously a Paiute farming location. Dagai Sikaad, a powerful Navajo leader with a large band, is reported to have been based at Navajo Canyon during or immediately after the Fort Sumner period (Henderson 1985; Shepardson and Hammond 1970:30).

E. The San Juan Paiute from 1880 to 1900

Somewhat more detailed information concerning the San Juan Paiutes is available for the decades between 1880 and 1900 than for previous years. The Paiutes continued to farm near Willow Springs. Allotments for them there were recommended but never completed. Paiute farming in Moencopi Wash itself ceased. The Paiutes began to incorporate herding into their economy, probably to compensate for the loss of other resources. The north continued to be a remote region, with reports of Paiute and Navajo "renegade bands."

Special Indian Agent H.S. Welton was sent to the Hopi Reservation in 1888 to establish allotments for the Hopis under the 1887 Dawes Act. Visiting Moencopi, he reported, "Oraibis, PiUtes and Navajos in about equal numbers." The first two tribes were reported to "work the land," while the Navajos, with the exception of 20 to 30, were herding (quoted in Brugge and Correll 1973:191). He reported serious Mormon encroachment upon the Hopis and also reported large-scale Navajo settlement within the 1882 Hopi Reservation.

In a separate letter, Welton (1888b) reported on Paiute holdings at Willow Springs, and also Hancock Springs, which he identified as halfway between Moenave and Moencopi. He recommended allotments, finding no significant white improvements on the Paiutes' lands or whites farming there, although there were some claims and two abandoned cabins.

Welton recommended 160-acre allotments for each of six Paiute families, totalling 30 individuals, i.e., somewhat fewer than reports before and after indicate were in the general area. He reported small crops of corn, squash, melons, etc., and referred to the Paiutes' "wigwams." No reference was made to herding, or to other Indians. At Willow Springs, he recommended allotments for "Dog-Eye" or "Whiskers" and for "Kesh-te-lee" or "Big Feet." The former is probably "Dagai," also known as Machukats, an important local leader and medicine man in the latter 19th century. Bunte and Franklin report that "Big Feet" is remembered, but has no descendants in the tribe today (1984:83).

Hancock Springs, also known as Paiute Springs, was midway between Moenave and Moencopi, four miles west of Tuba City. Here, Walton made four contiguous allotments to "Kie-do-ne-he" or "Lehi," "Ho-hon-nee," "Too-wat-sy," and "Yah-at-ton." Lehi is recognizably Pakai, also known as Lehi or David Lehi, leader of the band and grandfather of the important 20th century leader Alfred Lehi. Bunte and Franklin (1984:83) speculate that Too-wat-sy could be Lehi's son Tangwatz, also known as Tawats. The others were evidently not remembered by the Paiutes or identifiable. No record was found of action on these recommended allotments, but they were never completed.

These are the earliest documentary references which unambiguously identify by name specific individuals ancestral to the present-day San Juan Paiutes. John Lee's "Pocky," if the same as Pakai, would be earlier, in 1873. Joe Lee's account, taken much later, refers to Lehi, One-Eye and both Chief Nasjas, as early as 1881.

Cavalry Lieutenant R.E.L. Mitchie reported in 1891 that, "The Indians, Navajos, Piutes, oraibi and a few Utes have been using that section as far as the Little Colorado River, especially during the spring and summer months." The Navajos were reported to come in large numbers in the latter season for grazing and to be farming in a few patches. "The Piutes probably number a hundred, and the Oraibis from fifteen to a hundred during the summer months" (cited in Brugge and Correll 1973:193). The latter statement suggests a quite large Paiute population, although particular locations are not given. It is unclear whether Welton's reference in his first 1888 letter to Paiutes at Moencopi

meant those at Willow Springs or, conversely, referred to other Paiutes farming in Moencopi Wash proper.

Paiute oral history relates that the Paiutes withdrew from the Moencopi Wash area itself and from Moenave under Mormon pressure in 1895 (Bunte and Franklin 1984:95-96). Some continued to live at least part of the year at Willow Springs, Gap and Cedar Ridge. Joe Lee (1974:29) recounted that in 1895 he visited the "Piutes who had moved back permanently to their canyon at 'Boschini,'" i.e., Paiute Canyon, from the Tuba City area. He doesn't give a date for the actual move.

Up to that point the Paiutes and the Mormons had apparently coexisted on these holdings. Some Mormon presence at Willow Springs itself probably continued afterwards as well as a continued relationship with the Paiutes. Joe Lee (1974:8, 38) reported that a trading post was built at Willow Springs "where a small settlement had been abandoned," with an addition in 1897. Exact locations are difficult to determine, e.g., Willow Springs is sometime a broad term, beyond the spring proper. Joe Francis, a San Juan Paiute interviewed as an old man by ethnographers in the 1930's, reportedly worked for Joe Lee at a trading post at Gap, just north of Willow Springs (see maps).

As a sidelight, Paiute oral history, and Joe Lee's (1974:8) account both record that the Havasupais remained in the region until the 1880's (1883 by Lee's account). Allies of the Paiutes, they withdrew to their remote territory to the west, probably due to the combination of Navajo and Mormon expansion.

The few documentary references in these decades to the northernmost Paiute area, i.e., Navajo Mountain and the strip country, appear to confirm the increasing Navajo presence suggested by the oral history, that it was still more or less considered Paiute territory, and that it remained a remote region where whites had little influence and from where "raiders and renegades" could operate.

Shepardson and Hammond (1970:31) quote a letter by Indian Agent Galen Eastman in 1881 to the effect that "there were bonds of friendship . . . between the Paiutes and Navajos north west of the reservation boundaries." Significantly, the occasion of his comment was the arrival of party of 40 starving Paiutes at Fort Defiance who asked for food. Eastman in 1882 referred to a Navajo chief and to "the Pah Utes residing without this reservation the 'Deadman Mining Region'" i.e., in the strip country along the San Juan River. Later in the letter he refers to them again, using the phrase, "outside Navajoes affiliating with the Pah Utes." This probably reflects the same relationship as Powell and Ingall's 1873 reference to Paiutes affiliating with the Navajos. Indian Inspector C.H. Howard in 1882 added a dimension, stating that "the Pah Utes come over from Utah, especially renegade criminals." He thus wanted to establish reservation boundaries and restrict these "wildest and unchangeable tribes" and their influence on the Navajos.

There was a spurt of mining exploration the strip country in the 1880's, with a gold strike in 1883 that brought "hundreds of men" into Glen Canyon (Crampton 1960:98). This led to the killing of some of these prospectors and, consequently, some official notice. Shepardson and Hammond (1970:30) quote a complaint about the prospectors in 1882 from Dagai Sikaad, who was at Navajo Canyon. Paiutes seemingly blamed the Navajos for some of the killings and vice-versa. It would appear from records of a slightly later period that some groups within each tribe were more likely than others to engage in hostilities. When the Wetherills were planning to set up their trading post at Oljeto in 1906, the Navajos told them "the Navajos and Paiutes there [i.e., both)] are bad people" (Gillmor and Wetherill 1953:77).

In one such killing, that of prospectors Myrick and Mitchell in 1879, the Navajos told the Indian agents the Paiutes had done it and reported seeing the prospectors' possessions in Paiute hands (Eastman 1880). Hoskinini Begay, son of Hoskinini and headman at Monument Valley, told the trader Wetherill much later that the Paiutes had done it because the whites had infringed on their water (Gillmor and Wetherill 1953:95). However, Hoskinini Begay told anthropologist Byron Cummings he had done it (Bunte and Franklin 1984:75) and also told Joe Lee that it was done by Navajos and Paiutes together, led by him (Lee 1974:58). Hoskinini Begay was blamed for a subsequent prospector killing in 1884 and briefly jailed for it (Correll 1971:150).

An interesting sidelight on Navajo-Paiute relations is shown by an account of a search party which went to look for Myrick and Mitchell. The party obtained the services of a Navajo who knew what was referred to as "Pah-Ute country" and understood Paiute. The latter reportedly overheard a plot by the Paiutes to murder the two whites (Bunte and Franklin 1984:77). The event occurred at the edge of a canyon occupied by the Paiutes, which Bunte and Frankin suggest may have been Paiute Canyon. It indicates those Navajos could understand Paiute.

Dyk (1938:108-12) describes an interesting confrontation between the family of the Navajo, Old Man Hat, and the Paiute leader Nabahadzin when the family was moving to Navajo Mountain seeking better grazing. The event occurred in approximately 1883. Nabahadzin challenged them, saying he didn't want any Navajos down in the canyon, and Old Man Hat replied that Nabahadzin was "just a Paiute and that the land belonged to all of the Navajo." Nabahadzin said: "What do you want to drive your sheep down in this canyon for: This isn't your place. This is all mine." "I don't want any Navajo to come down in this canyon. I don't want any of them to live around here." Old Man Hat said. "You're just a Paiute, that's all. I'm not a bit scared of you. All around here, all over around Navajo Mountain, belongs to me. It doesn't really belong to me, it belongs to all the Navajo." Bunte and Franklin (1984:79) state that in the late 19th century, the Paiutes "used to shoot at Navajos to prevent them from letting livestock down the trail" into Paiute canyon, according to San Juan Paiute oral history. Paiute oral history reportedly also was that in the 1880's the Paiutes built a fence to keep Navajo stock from wandering into the area between Paiute Canyon and Navajo Canyon (Bunte and Franklin 1984:78).

The account given by Left Handed (Son of Old Man Hat) provides a perspective on Navajo-Paiute relations. A Navajo born in 1868, his life story was recorded in 1934 by anthropologist Walter Dyk. His family is one that moved from the east to Black Mesa to join relatives, and then moved to Navajo Mountain because of the availability of food for their stock. From his description, the Paiutes were poorer than the Navajos and families of each sometimes lived side by side without it being considered unusual. He stated also that

> "Mostly Paiutes lived along the foot of Black Mountain [i.e., near Black Mesa] and in the summer at Another Canyon, we lived with them. These Paiutes were poor. They had only an old rag around their hips and camped under the trees in a brush hogan. But they used to help us a great deal; they were always willing to do something in order to get clothing or food. We were not much better off, but we had enough to eat and enough clothing" (Dyk 1938:10).

He referred at one point to going out herding with several Paiute children, possibly Paiutes working for his family or slaves (Dyk 1938:12).

An 1879 Mormon expedition traveling north near the mouth of Chinle Wash just west of Monument Valley, encountered both "a large camp or village of Pahutes" and a Navajo camp near a water source there. The arrangement somewhat resemble Son of Old Man Hat's account of Navajos camping near Paiutes in roughly the same era and in a similar location. The location was far to the eastern edge of traditional San Juan Paiute territory as defined by Kelly. One of the Paiutes demanded $500 to allow the travelers "to proceed through his country" (Miller 1959 cited in Bunte and Franklin 1984:74). Wetherill (Gillmor and Wetherill 1953:15) was told a story that the Navajos had argued with and dissuaded the Paiutes from killing Wetherill's family years before, in 1880, when they were traveling north through Marsh Pass, which is close to the location where the 1879 incident occurred. These incidents suggest at one and the same time the dangerous character of the region and the complex relationship between the two tribes in this era.

Bunte and Franklin (1984:92-93) estimate that in the 1880's most families became involved in stock-raising, attributing it, as do the Paiutes, to the decline in the importance of hunting because Navajo hunting had so reduced the wild animal population. Bailey and Bailey (1986:46-7) concluded that heavy Navajo hunting pressure after Fort Sumner had destroyed the game animals in the Navajo country by the 1880's and possibly earlier. The Mormon accounts of the 1870's and Welton's letter of 1888 concerning allotment near Willow Springs make no mention of herding. It is possible, however, that other Paiute families or some of those near Willow Springs were herding farther north, near Gap and/or in the Bodaway area at the time Welton visited. Lee's (1974:9) description of the Tuba City Paiutes in the 1880's suggests that herding was common, if not universal. He states, "Each Fall, Paiute families around Tuba City gathered up their horses, cattle and sheep, moving north into Utah to winter at Navajo Mountain." When he went with Chief Nasja in 1881 on this movement, "Herds and flocks and family units were strung out for several miles . . ."

The available information concerning the San Juan Paiutes in the 19th century, compared with that in the 20th century, strongly indicates that the original population was substantially larger in the 1860's than that remaining by the 1920's. The territory occupied was much larger, many Paiutes subsequently migrated to join other groups, and there may originally have been more than the three local groups which existed until about 1920 and the two remaining thereafter. However, the addition of herding to the economy beginning in the 1880's may have allowed more people to subsist in a smaller area.

No reliable population estimates for 19th century San Juan Paiute population were found. Certainly the territorial extent during the 19th century was much larger than it became by the 1920's, with loss of the use of locations such as Bodaway, Monument Valley, Navajo Canyon and Paiute Farms. In the 1920's, the Paiutes at Oljeto and at Paiute Farms moved, in part to Allen Canyon, with some going to Navajo Mountain. Henderson's and others' descriptions of the number of Paiutes enslaved, and/or married into Navajo society, plus descriptions of the large population losses during the flu epidemic of 1918 (see section IV.D) suggest there previously was a substantially larger population. There was an earlier epidemic around 1900, which probably caused a reduction in population (Lee 1974:49) as well as a reduction in sheep, to support curing ceremonies (Janus 1909).

In 1909 (Janus) the tribe was described as having three "divisions," presumably the equivalent of the local groups Bunte and Franklin describe. It is impossible to determine if there were more of these groups in the 19th century. It is possible that some of the mid-19th century local leaders described in the next section, such as Bodaway, may have led local groups whose remnants later combined in the two remaining in present day.

F. 19th Century Leadership

1. Pre-Contact Leaders

Several leaders who predate the period of significant San Juan Paiute contact with whites are known from oral history sources only. Those remembered were probably leaders of local groups rather than the entire band.

The Tuutauts cluster, according to oral history collected by Bunte and Franklin, moved from the Kaiparowitz Plateau area to the Paiute Canyon-Navajo Mountain in the early to middle 19th century (Franklin 1985c). They were lead by a local leader, Panshiyaxar, a brother or uncle of Tuutauts, the woman from who the Tuutauts cluster is reckoned. The oral accounts refer to the parceling out of land in a particular side canyon of Paiute Canyon among the various sons of Panshiyaxar. According to Dick's Old Sister (1961), daughter of one of Panshiyaxar's sons, Paiute canyon was named for her father's father, Ba'azchiin, who would have been born no later than 1840. The Navajo name for the lower part of the canyon, where the Paiute farming area is, is Boschiini, i.e., the canyon is named after this man.

Another early leader was "Bodaway" or, in Paiute, "Pa' atoxwai," described by Franklin (1985c) as a local leader, tribal chief-elder, or leader of lesser stature. His prominence in the Navajo oral history implies he was at least a significant leader locally. He was alive in the mid-19th century according to Franklin (1985c). He was an adult in 1840, based on Navajo oral history (Van Valkenberg 1941:14). Paiute oral history records him as an ancestor of Alfred Lehi on his mother's side, four generations earlier (Brugge 1967:10-12).

Van Valkenberg, evidently relying on Navajo oral history, recorded the place name "Bodaway" as a Paiute place name (see maps). The area, west of Cedar Ridge and Echo Cliffs and east of the Little Colorado River, was reported by Kelly's informants as an important seasonal settlement area when they were young, in approximately the 1870's. Joe Francis reported 14 individuals who had camps at Shinumno Altar, a prominent rock formation in the area. The lack of permanent springs limited settlement there to winter occupation, the occupants migrating to a wide variety of locations in other seasons (Kelly 1964:169). Van Valkenberg (1941:14) stated that the region was named after "ba adowe, the Strip Paiute Chief" and that it was first entered "some 100 years ago," which would be about 1840. He identified the Paiutes at Cedar Ridge at the time of his writing as remnants of Bodaway's band. He placed them first near Cameron, later moving to Bodaway in 1869 (no basis is given for the precise date). Alfred Lehi referred to "Baa'dawei" as living there before the Navajos came, which meant 1870's for him, and cited earlier generations of relatives of Bodaway there (Brugge 1967:10-12).

A third early leader was Avinaup (Avinauv) recorded by Stewart in 1938 as an "ancient tribal leader." Franklin (1985c) recorded oral history about him as a local leader in the south in the mid-19th century. He is recalled as organizing hunts and other economic activities and for rites of passage and giving moral instructions. He was the father of Machukats, a subsequent local leader in the south.

2. Leaders from Contact until 1900

The earliest documented historical reference to a Paiute chief in or near the San Juan Paiute area appeared in the journal of Thales Haskell in 1860 when he had a talk with the unnamed chief of some Paiutes who had come to Oraibi to trade. Haskell gives

no indication whether these Paiutes were local or from elsewhere. The Kaibab Paiutes also traded with the Hopis. Haskell does not, however, appear to have met or heard of this Paiute chief before, suggesting he was not a Kaibab.

Another early documented reference to a Paiute leader is the unnamed Paiute chief at Hamblin's 1874 meeting with the Navajos. He appears to have been local, based on his evident association with the Navajos. Whether he was a local leader, or perhaps Patnish himself, is imposible to determine.

The figure of Patnish appears in two different historical guises. In the 1870's, there are references to him as a Paiute political leader, located near Willow Springs, whose death caused great anger among the Paiutes and conflict within the tribe. A few years earlier, there are references to him as a leader of tribally-mixed raiding bands whose country is described as "around Navajo Mountain" (Dellenbaugh 1908:167).

Present-day San Juan Paiutes were unable to identify how Patnish might be related to the present-day San Juan families, as no recollection is preserved. Franklin (1985:11) describes him as a tribal chief elder. One feature suggesting tribal level leadership is his apparent association with both the north, in the references to him as a leader of raids in the late 1860's, and with the south, in the two later references (in 1875 and 1877) to him near Willow Springs, in which he clearly appears as a leader, at least of the local Paiutes. His accompaniment of the party going to Moencopi is an interesting contrast to the fearful Mormon attitude toward him Dellenbaugh reported three years before.

The Mormon Brown's account of Patnish's death also refers to a council the Paiutes held over the issue of Patnish's death. Two friendly Paiutes said, "in their council they had been divided 6 in favor of pease with the mormons 5 in favor of raiding on us at the Moanycopy . . . and they Broke up in a fight . . ." (Brown 1875-76). Bunte and Franklin (1984:64) point out that the dissolution of this council into physical conflict was extraordinary, given the contemporary Paiute avoidance of open verbal conflict and hostility at such meetings. It does, however, corroborate the occurrence of tribal meetings as part of the traditional political process, as ethnographic accounts describe (see section V.B.1).

Nabahadzin, who appears in the biography of Son of Old Man Hat challenging the Navajos' right to bring their flocks into Paiute Canyon, was a local leader in the 19th century in the Navajo Mountain-Paiute Canyon area. He is strongly remembered in the oral history of the Navajos at Navajo Mountain as a leader, although no longer remembered by the Paiutes. A Navajo leader in the Navajo Mountain area stated in an interview concerning important figures in the history of the Navajo Mountain area that "Nabat'sin," a "Paiute," was an "1870-1900 leader in his tribe (sic) planned farms in Paiute canyon and irrigated" (Ketchum 1962). Shepardson and Hammond (1970:34) identify "Nabatzin" as a Paiute leader, presumably on the basis of their interviews with local Navajos, some of whom were personnally familiar with him (Shepardson 1960-62).

The only documentary record of Nabahadzin is his appearance on the 1900 Federal census of the Navajo Mountain area. He appears, as "Nabatsin," designated as a Paiute, with a birthdate of 1840.

The span of Nabahadzin's leadership is uncertain. The document quoted above stated it as 1870 to 1900. He appears on the 1900 Federal Census but does not appear on the 1910 census, and the date of his death is unknown. In 1908 Nasja was recorded as leader of the Paiutes at Navajo Mountain and Paiute Canyon (Hunter 1908). This may reflect

a change in local leadership or, less likely, leadership of a different local group. The beginning date for Nasja's leadership is similarly uncertain. As an historically well-known figure, in the 20th century he has been commonly referred to as "chief." This title may have been projected back to earlier parts of his life, when he was not yet as important a leader. Bunte and Franklin (1984:Table 4-1) tentatively place the beginning of his leadership as the 1880's.

The genealogies developed by Shepardson and Hammond, and Collier show Nabahadzin as polygamous, with three recorded wives. Many important current family lines are descended from one or another of these marriages including Lester Willetson, the Nelsons, the Alfred Lehi lines (through the maternal side) and the Owls (Shepardson 1960-62). Nasja's wife, Blind Woman, was a daughter of "Nabotsin." The 1900 census lists a son-in-law of Nabahadzin named Nasja. The latter, born in 1885, is too young to be either of the Chief Nasjas, but may be Nasja Begay, son of the Navajo Mountain Chief Nasja. These intermarriages may suggest some kind of alliance between two major figures, Nasja and Nabahadzin, who were approximately the same age.

Apparently because of the tendency of Paiute genealogical reckoning to focus on a particular founding ancestor of importance in a kindred cluster (in this case Nasja, i.e., the Owl family), the specific kinship relationships to Nabahadzin were no longer recalled by Bunte and Franklin's informants in the 1980's. However, they were known and recorded by Shepardson 25 years earlier when a number of Paiute individuals of an earlier generation were still alive.

Machukats was a local leader in the south from around the 1880's until he died, some time after 1910 (Bunte and Franklin 1984:Table 4-1). He is also known by the name the Navajos, called him, Dagai. Both the Navajo and Paiute names mean "whiskers." Stewart (1942:345) reported Dagai as one of the early Paiute leaders whose names were remembered by his informants. Stewart interviewed Priscilla Dutchie, known as Dagaibitsi, or "Many Whiskers daughter." The Paiute "Dog-Eye" reported at Willow Springs in 1888 by the alloting agent appears to be Machukats (Welton 1888). Machukats is remembered to be the son of Avinauv, one of the earlier leaders in the south. He is listed on the 1900 Federal census at Willow Springs as "Dogi" with a birthdate of 1830. The 1910 Federal census for Willow Spring includes a semi-legible Paiute name which may be Machukats.

Machukats' granddaughter stated that he was a religious specialist or shaman for antelope hunting and also a medicine man in the sense of curer (Jake, James and Bunte 1983:47; Bunte and Franklin 1984:118). He is remembered as a local chief elder, but only the sacred or religious aspects of his position, which would be a strong source of respect, are still remembered in detail (Bunte and Franklin 1984:118). As was the case in the north, more than one leader's name is remembered in the south as a local leader in the same time period—in this case both Machukats and Pakai, who is discussed below. Since the two were residents of the same area, it is unlikely that the explanation is that they were leaders of different local divisions. It appears more likely that both Machukats and Pakai, the chief tribal elder, were highly influential in the south at the same time.

Pakai, whose presence at Willow Springs was documented in 1888 and possibly 1873, was a local and tribal leader during the first part of the 20th century. His period of leadership, according to oral history, extended back as early as the 1880's. He is dealt with in detail in the analysis of 20th century San Juan Paiute leaders below (see section V.B.1).

IV. SOCIAL ORGANIZATION, ADMINISTRATION, AND HISTORY, 1900 TO PRESENT

A. Extension of Reservations and Agencies

The San Juan Paiute first seriously came to the Federal Government's attention in the decade between 1900 and 1910, when their lands were included on one or another reservation and some degree of agency administration was attempted. The documents resulting from this provide a clear, if limited, picture of their political organization, settlement pattern, economic basis and relationship to the Navajos in their region. The picture is consistent with what is known of this period through oral history.

The first use found of the name "San Juan Band" for the tribe is in a 1903 letter from an Indian Service Inspector reporting on the Panguitch Indian School in Utah. It appears as part of a list of Southern Paiute bands potentially served by the school (Jenkins 1903).

The Paiutes in Utah had nominally been under the Utah Superintendency until it was terminated in 1870, and their condition had been investigated by Powell and Ingalls in 1873. They remained effectively non-reservation Indians, without much government contact, living mostly near the edges of Mormon towns and with some degree of Mormon protection (Stoffle and Dobyns 1983). In 1891, the first Paiute reservation in Utah was established at St. George, for the Shivwitz Band. This was in the southwest corner of the state, the area where Paiutes were living which was most heavily populated by non-Indians.

Attention to the San Juan Paiutes, and also to the Kaibab Band, came in 1903, as a result of the efforts of the Superintendent of the Panguitch Indian School. This school, originally at St. George on the Shivwitz Reservation, was nominally for all of the Utah Paiutes. The Superintendent, Laura Work, reported the San Juan in 1904 as an "independent band" (i.e., unlike the Kaibab, having no agent in charge of them). She called attention to the "destitute" condition of the San Juan Paiute, whom she reported had been driven out of Paiute Canyon by the Navajos after the canyon "was included in Navajo country" (Work 1904). She had personally informed the Commissioner of Indian Affairs of this and was instructed to investigate their condition. In 1906 she recommended that land be set aside for them and water be provided to irrigate the land. She also recommended they be given sheep, so that weaving, at which she understood them to be proficient, could be enhanced. She made recommendations for land and assistance to the Kaibab Band as well.

As a result of Work's recommendations, an appropriation of $5000 was made by Congress in 1906 for "the purchase of lands and sheep for the San Juan Piute Indians," as well as funds for the "Kaibab Indians in Utah." Because of a question of applicability to Paiutes in Arizona, i.e., the Kaibab Band, the funds were reappropriated in 1908 for the use of the "Piute Indians of southern Utah and northern Arizona" (Kappler 1913:356; Chubbock 1906).

Two Indian Inspectors were sent to investigate the needs of the San Juan Band, Levi Chubbock in 1906 and, because of inadequacies in the latter's work, Frank Churchill in 1907. Both recommended withdrawal of land for the tribe. Churchill recommended the withdrawal of the Paiute Strip area "as a reservation for Paiute Indians not otherwise provided for" (map with Churchill 1907). This area was withdrawn by Executive Order for "the use of the Paiute Indians" in 1907, to which was added a technical correction in 1908. It was not determined whether any sheep were provided to the San Juan

Paiutes. Following Churchill's recommendation, the Moccasin Ranch in Arizona was established in 1907 as a reservation for the Kaibab Band.

Major portions of the territory the San Juan Paiutes were living on were included in an addition to the Navajo Reservation by executive order in 1884 (Hagerman 1932:5). The order, which refers to setting aside the described territory "as a reservation for Indian purposes," included all of the territory north of the Arizona line and south of the San Juan River, as well as most of the territory north and west of the 1882 Moqui (i.e., Hopi) reservation (see maps). It thus included Paiute Canyon, Navajo Mountain, and the Oljeto and Monument Valley areas. The territory where the Paiutes were living at Willow Springs and north and west of them, e.g., Cedar Ridge, Bodaway, etc., remained outside of a reservation at this point. The 1884 addition was the result of agent reports of the wide expansion of the Navajos beyond the limits of the previously established reservation areas. The agents were clearly aware of the presence of the Paiutes in these areas, but the primary focus of their recommendations was to provide for the Navajos (Mayhugh 1894).

In 1892, part of this area, north of the Arizona line and west of the 110th parallel, was returned to public domain (Hagerman 1932:5). This was done as a result of placer mining activity in the region (Chubbock 1906). The region, known as the "Paiute Strip," included Navajo Mountain, Oljeto and Paiute Farms. The Paiute farming area in Paiute Canyon, which is just south of the Arizona line, remained within the Navajo Reservation.

A large area was added to the Western Navajo Reservation in 1900, encompassing Moencopi and the southern areas where the Paiutes were living. The addition included almost all of the remaining territory west of the Hopi Reservation boundary to the Little Colorado River at a point well south of Tuba City. The extension was made on the basis of the need for territory for the Navajos, whose population in the area which was added was estimated as approximately 1000 (McLaughlin 1899). McLaughlin recommended a school be established at Tuba City for "Navajo, Moqui [i.e., Hopi] and Paiute Indians" of the area.

The Western Navajo Training School was founded in 1901, serving as the agency administering this extension and the territory north and northeast of it to the Arizona line. It functioned as a separate administrative unit from the other Navajo reservations until 1935, when a single unified agency was established. In 1903, the Western Navajo Agency was moved to Tuba City, along with the boarding school. Also in 1903, Mormon holdings at Tuba City, Moencopi, and the vicinity were bought out by the United States, including the trading post at Willow Springs and some holdings at Moenave (McLaughlin 1898; Gregory 1915).

B. San Juan Paiute Social Organization and Culture in the Early 1900's

The San Juan Paiute Band was reported by Janus, the Western Navajo Superintendent in 1909, to have three divisions, Cedar Ridge, Paiute Canyon, and Oljeto. These were described as divisions within a single tribe, with David Lehi, or "Bahkai [i.e., Pakai]," "the accredited chief of all three divisions" (Janus 1909). Cedar Ridge was reported to have 11 families with 40 individuals, Paiute Canyon 11 families with 42 individuals and Oljeto 12 families with 34 individuals.

The various sources for this decade present the Cedar Ridge and Willow Springs occupants as the same group. Janus in 1909 stated "Bahkai" and most of his group lived at that particular time at Cedar Ridge. He stated further, however, that they lived both at

Cedar Ridge and Willow Springs, with several families living in the latter location "for the purpose of holding the permanent water."

Farming was conducted at Willow Springs on 10 acres, using the good water source there. Despite the apparent focus at Cedar Ridge, Willow Springs provided a sure, if small, corn crop because of the water and because it was lower and, consequently, warmer than Cedar Ridge. Crops were grown at Cedar Ridge, though springs were reportedly small and irrigation impossible. Oral history indicates that the Paiutes carried water to this location from the springs. Crops were corn, melons, and beans, with peach trees at Willow Springs. Cedar Ridge had the advantages of the availability of fuel and grazing in winter. An admittedly incomplete census by Janus placed a herd of 55 goats there, plus some horses and burros, with a small herd at Willow Springs.

Janus described Paiute Canyon as a relatively poor area. The irrigation system was described as having been damaged a few years earlier by a rainstorm, causing some families to move to the Oljeto-Douglas Mesa area. The transhumant pattern described through oral history and known from later years was also described by Janus, i.e., farming in Paiute Canyon in the summer and wintering at Navajo Mountain because of the grass. This transhumant pattern does imply a larger flock than the 10 animals Janus observed. Bunte and Franklin point out that the Paiutes characteristically didn't keep much livestock in the canyon. An army officer, Hunter, also reported the Paiute Canyon Paiutes in 1908 were herding. He stated "Nas-Jah" was the head Paiute there (Hunter 1908).

The third "division" reported by Janus was the "Oljeto Paiutes," presumably the Douglas Mesa-Paiute Farms people referred to by Bunte and Franklin. Hunter (1908) and Churchill (1907) had also conferred with the Paiutes in this area. Hunter (1908) stated a Paiute named "Jala" was the head Paiute there and viewed it as a distinct group from those at Navajo Mountain. The descriptions refer to these Paiutes as living along the San Juan River, apparently farming at Paiute Farms and other locations.

Janus had found the other two divisions quite poor, as poor as the "poorer Navajos," but described the Oljeto people as prosperous and as the most business-like and forceful of the Paiute divisions. He provided little description of them, but they also were apparently farming and herding. Wetherill, who had his trading post at Oljeto, also refers in part to these people (Gillmor and Wetherill 1953).

Although some of the Oljeto families may have moved over there from Paiute Canyon, as Janus' letter indicates, this was not the only occupation of the area by the Paiutes. Paiute Farms, on the river north of Douglas Mesa, was an old Paiute farming area (Franklin 1984:185), already somewhat in decline by that time (Cowles 1906). Grazing on the mesa was not as good as that farther west, around Navajo Mountain, hence Paiute movements in and out of the area in different years probably occurred. The families from Douglas Mesa were somewhat distinct, though related to those at Navajo Mountain.

Various sources demonstrate that Paiute herding had become well-established at this point. A large number of goats were herded as well as sheep, and Hunter (1908) even mentions cattle. Bunte and Franklin (1984:93) suggest that herding was more extensive in the north than the south at this point. The Federal census in 1900 designated the northern men as herders and the women as weavers, while in the south they were mostly listed as farmers and basket-makers, respectively, lending support to this. The apparent prosperity of the Oljeto group was presumably based largely on herding, since the one

significant farming area, Paiute Farms, had become occupied mostly by Navajos by this time.

The documentary sources decribe Paiute trade with the Navajos, Paiute corn being traded for mutton. This is also described in the oral history. Also baskets were made for sale, presumably to the Navajos, by those living at Cedar Ridge (Janus 1909). The Federal census for 1900 gives "basket-maker" as the occupation of many of the women at Cedar Ridge and Willow Springs (though not at Navajo Mountain). Wedding baskets, originally a Navajo form, were later, and perhaps by this time, an important source of income for the Paiutes (Stewart 1938:27).

The San Juan Paiutes of this time were utilizing and claiming territory well to the north of the San Juan River. Chubbuck (1906) reported they claimed "the lower San Juan River country on both sides of the stream," and aggressively denied the rights of whites or other Indians. Chubbock also reported "most" as hunting at times north into the Elk Mountains (near White Mesa) and going into the area between the San Juan and Colorado Rivers, west of the Colorado. This accords with oral history that this was traditionally San Juan territory and that they hunted north of the San Juan River into the 20th century, after hunting possibilities had declined in the south. Hunter (1908), Cowles (1906), and Paiute oral history similarly refer to trading expeditions north to Escalante, Bluff and other Utah towns. Cowles, a trader in that area (at Hole-in-the-Rock) who traded with the Navajos and Paiutes was a source of information to the Indian agents concerning the Paiutes. Chubbock also refers to the San Juan Paiutes as working for farmers in towns near Escalante or "attaching themselves to white communities." While this was common among other Paiutes in Utah, there is no other evidence for the San Juan of this kind of contact and experience with whites until at least the 1920's.

The Paiutes strongly presented an attitude of independence and desire to avoid interference by the government. Inspector Chubbock reported in 1906 that the Paiutes wouldn't come in to talk and wanted to be left alone. Inspector Churchill in 1907 reported that Chief Pakai "insisted from first to last that the Paiutes needed nothing from the government; that they were minding their own business and were contented and comfortable, and asked for nothing beyond being left alone." The chief further said that if the government provided sheep to them, they would be held accountable for their loss. The Paiutes at Oljeto rejected the notion that they were, as earlier government reports had held, poor and hungry (these were, however, probably the most prosperous part of the tribe at that point). They asked "why the government should interfere with them, they being peaceable and troubling nobody" (Churchill 1907). This independent stance was congruent with the earlier aggressive, independent character of both the Paiutes and Navajos in the northern region. It was somewhat continued later in the 20th century by tribal leader Alfred Lehi, who resisted getting government census numbers and kept some of the children out of government boarding school.

Behind the Paiutes' resistance was the idea that if they got involved with the government, it would take their children away to school (Janus 1909), or that the government planned to remove them to another location (Churchill 1907). Churchill contrasted their attitude toward schools with that of the Kaibab Band, stating that the San Juan Paiute "looked upon any overtures by the government to assist them as a roundabout scheme to capture their children." Janus did report in 1909 that the Oljeto Paiutes had asked him to ask Washington to help them keep their land and provide a few sheep, but that was all they required.

Although Janus and other sources show the Paiutes continuing in Paiute Canyon until the present, some sources indicate a conflict with the Navajos over Paiute Canyon in this period. This was one of the issues that Work originally raised in 1904, based on information from Cowles, who in turn may have been told this by Paiutes trading with him at Hole-in-the-Rock. Both Cowles (1906) and Work (1904) refer to the farms at Paiute Canyon as being taken by the Navajos "when the state line was run," i.e., surveyed, showing the Paiute Canyon farms were just within the Arizona boundary and thus within the Navajo Reservation.

Janus (1909), Hunter (1906), Chubbock (1906) and Wetherill (Gillmor and Wetherill 1953) discuss the Paiutes as a distinct tribe from the Navajos, with stated political leaders. Work, basing her information on the trader Cowles or Runke (who worked for her), reported in 1906 that "they have lived as neighbors to the Navajos and thus acquired the art of weaving the famous Navajo blanket." Churchill also strongly commented on their herding and having learned weaving, but made no mention of farming at all. Wetherill does mention Paiute attendance at Navajo dances, but for the purpose of gambling (Gillmor and Wetherill 1953:205).

Superintendent Work (1906) had rejected a suggestion that the new Paiute reservation be combined with the Navajo reservation, because "the Navajos regard the Paiutes as inferiors and slaves . . ." Chubbock (1906) denied this. Runke (1906), who was familiar with both the Paiutes and the Navajos, had recommended a joint reservation. He did recommend that the Paiutes be allowed to get their land before the Navajos were allowed to. Churchill (1907) had reported the two tribes as living harmoniously and intermarried to some extent, with no tribal prejudice between them. He also referred to them as "more or less amalgamated with the Navajos." Despite this, he describes a political leader of the Paiutes and his other observations about them do not describe significant "amalgamation" between the two tribes.

Paiutes were listed on the Federal censuses for 1900 and 1910 in both the Navajo Mountain and Willow Springs-Cedar Ridge areas. They were usually listed in a block, and were identified as Paiute, and Paiute-speaking, with no white ancestry None is shown with any education and only one with command of English. In 1900, the men in the north were generally shown as herders and the women as weavers, if any occupation was shown. In the south, the men were shown as farmers and the women as basket-makers. However, in 1910, the men both north and south were sometimes shown as farmers.

Many of the names as they are listed on the census appear to be transcriptions of Navajo names for the Paiutes, and are not recognizable in terms of names appearing in documents before or shortly after this period or in ethnographic accounts. Recognizable in 1900 in the south were Lehi (i.e., Pakai) and Jode (i.e., probably Jodie, father of an elderly member of the current tribe). In the north, the only recognizable name is "Nabatsin," who was local chief at that time. A Nasja is shown, possibly Nasja Begay, son of Chief Nasja, who isn't shown. In 1910, in the south, Lehi is shown again. Also recognizable is "One-Eye Paiute," ancestor of the Nelson family. A partially legible listing appears to be Machukats, a local leader in the south. In the north, Nasja Begay is the only clearly recognizable name. A "Posey," 50 years old, is also listed in the north, conceivably Chief Posey of the mixed Paiute-Ute band at Allen Canyon which had some ties with the San Juan Paiutes (see section IV.C).

In 1900, seven households with 25 Paiutes were listed in the south, and six households with 52 in the north. In 1910, there were four households with 17 people at Willow

Springs or Cedar Ridge and 15 households with 61 Paiutes in the north, plus some mixed Navajo-Paiute households.

A few Navajo-Paiute marriages were shown in 1910. The children of two marriages between Navajo men and Paiute women were shown as Navajo-Paiute, but as Paiute speaking. A third marriage between a Navajo man and a Paiute woman is also shown, with no children. One marriage between a Paiute man and a Navajo woman who had Navajo and Paiute parents is shown, with no children from the marriage. All of these intermarriages were at Navajo Mountain.

The Western Navajo Agency fairly consistently reported Paiutes within its jurisdiction, although the numbers fluctated quite widely. Some very low counts, e.g., 25 in 1907 (Runke), appear to reflect only those at Willow Springs, while the larger figures appear to include those at Oljeto, Paiute Canyon and Navajo Mountain as well. In 1905, the Superintendent reported, "three tribes of Indians are represented on this reservation." In 1919 (Runke), the Superintendent suggested that the name be changed to "Painted Desert Agency," to reflect the fact that it was not solely a Navajo agency. In many other years, however, the Paiutes, and sometimes the Hopis, were not mentioned.

Paiutes were reported among the students at the boarding school in Tuba City in 1911 (Jeffers 1911b). Although this seems contrary to the reports of their resistance to white education, a few of the Paiutes from the south did receive some education between 1910 and 1940 (Western Navajo Agency 1957-84; Walker 1927). These were exceptions, however. The 1910 Federal census showed no Paiutes attending school or having any prior education.

Population counts between 1900 and 1920 generally were in a range of between 100 and 200 Paiutes, counting both the northern and southern areas. The scattered and mobile nature of the population makes it unlikely that even Janus' "careful census" of 1909 encompassed everybody. His figure of 116 is toward the low end. The greater population appears to have been in the north, including Oljeto. The 1900 and 1910 Federal censuses listed 52 and 58, respectively, at Navajo Mountain alone, compared with 23 and 17 at Cedar Ridge and Willow Springs combined. Janus (1909) counted 76 of his 116 in the north. Murphy (1902) estimated 80, Runke (1907) 85, and Hunter (1908) 60 for both northern areas combined.

C. Relationship to the Allen Canyon Paiute (Polk and Posey Band)

To the northeast of the San Juan Paiutes in the last decade of the 19th century and first part of the 20th century, but sometimes operating in their territory, were a band of Indians often referred to as the "Polk and Posey Band." Later, these were often called the "Allen Canyon" or "White Mesa" Paiutes. Their home area is often referred to simply as "Blanding" and the Indians as the "Blanding Indians," in reference to the major town nearest them. Much of the reputation of the strip area as a haven for renegades, at least Paiute or Ute renegades, derives from this band. While distinct from the San Juan Paiutes, some of the families in this band at the turn of the century were originally from within the strip area.

The significance of this group for the San Juan Paiutes is that in the early 1920's many of them, especially from the Oljeto Douglas Mesa area, migrated to the Allen Canyon area and became part of the band or bands there. Bunte and Franklin attribute this to pressure from the Navajos moving into Douglas Mesa. Although these early migrants became part of the band at Allen Canyon, other San Juan Paiutes who migrated there

later, in the late 1920's to the 1940's, maintained ties with those that remained behind (see section IV.D).

The 1920's migration ended the existence of the "third division," as most of the migrating families were from the Douglas Mesa-Oljeto area. However, the background of the early Paiute families at Allen Canyon indicate the San Juan Paiutes that moved up were not universally from the north, but included some born in the south (Whiskers et al. 1974) The area was not prime grazing country, and Cowles indicated in 1906 that there were only a few Paiutes farming at Paiute Farms. Most of the farming there was by Navajos by that time.

Since they already appeared a little distinct from the other San Juan Paiutes in Janus' 1909 account, it may be that the Douglas Mesa families had closer ties than the other San Juan with the mixed bands north of them, who were known to herd cattle south towards the San Juan territory from the Allen Canyon area. Among the Allen Canyon Paiute families who evidently derive from the San Juan Band from the 1920's or before are the Cantsee, Ketchum, Dutchie, Eyetoo, Mike and Hatch families. Some, like the Dutchies, and Jim Mike, were from the Willow Springs area. Jim Mike evidently continued living off and on at Navajo Mountain even after this period, although the family isn't represented in the tribe today. At least one Mike and several Cantsees have married San Juan Paiutes.

Wetherill (Gillmor and Wetherill 1953:210), Hunter's 1908 military expedition, and the Navajo Mountain Paiutes all made a clear distinction in the early 1900's between the San Juan Paiutes and the Polk and Posey Band. Hunter (1908), after discussing the two San Juan Paiute groups along the San Juan River, also referred to "about 30 families of Utes living in the neighborhood of Bluff—Mancos Jim and Poke being the head men." Wetherill also referred to them as "Utes," in distinction to the local Paiutes. He played a role in a 1906 incident in which Posey's Band fled to Navajo Mountain. Most interesting is Joe Lee's account of running into some of the Posey band near Navajo Mountain. He quotes one of the San Juan people as describing them as "some mean Utes out of Utah." Unlike the Navajo Mountain people, who he knew well, he did not know any of this group, who tried to kill him to prevent him from revealing their presence (Lee 1974:33-34).

The background of Chief Posey and the history of the "Paiute renegades" operating on the strip, make it clear that at least some pre-1910 families in Posey's band were related to and almost certainly from the San Juan Paiute subgroups in the northern area. Some of the ancestry of the Tuutauts cluster at Navajo Mountain indicates ancestors classified by these families as "Ute" rather than Paiute (Dick's Sister 1961). This further suggests earlier kinship ties.

According to Parkhill (1961:15), Chief Posey was born in House Rock Valley (see maps) (an area outside of San Juan Paiute territory which was used by the San Juan as well as the Kaibab Paiutes). His parents had moved to Navajo Mountain during the Fort Sumner period and stayed. Posey married the sister of Polk, earlier the co-leader of the band along with Mancos Jim. O'neill and Thompson (1980:7) state that Mancos Jim was a Weeminuche Ute related by marriage to Posey and that Polk himself was mixed Paiute and Ute.

O'neil and Thompson (1980:1-3) consider the band to have been a mixture of Weeminuche Utes, whose hunting territory in 19th century extended into mountains around and north of Blanding, and Paiutes from farther west in Utah who were pushed east by Mormon

expansion, especially after the 1870's. To this must be added some pre-1910 increments from the San Juan Paiutes from the strip.

The Weeminuche were one of the Southern Ute bands most culturally similar to the Paiutes. Their historical territory bordered the San Juan Paiute and also the northern part of Navajo territory, near the Four Corners area. They were among the furthest of the Utes from Spanish and Mexican influence and were also less influenced by Plains Indian culture than the Southern Ute Bands further east. Like the other Southern Utes they were usually, but not entirely, enemies of the Navajos. Relationships with the Southern Paiutes were varied and, despite the cultural similarity, not necessarily friendly. The Utes extensively raided the Southern Paiutes for slaves between 1813 and around 1850 (Fowler and Fowler 1971:103).

The Southern Paiute and Ute languages were mutually intelligible (Euler 1966:3). The underlying cultures were closely related. The presence of among the Utes of a horse-mounted economy and settlement pattern with Plains Indian influence is sometimes cited as the major distinction (Fowler and Fowler 1971:9). Some of the more westerly Ute bands were unmounted, however, and in some cases it is difficult to determine if a band should be classified as Ute or Paiute (Euler 1966:3; Fowler and Kelly 1986:368).

The Utah Superintendent of Indian Affairs reported in 1870 that the Weeminuche Utes "mix with the Pi-Utes in Utah" (Tourtellette 1869). In 1870 it was reported that they hunted west of the San Juan River (Hanson 1870). Agent Bond in 1875 reported the Paiutes in the La Salle Mountains, just north of Allen Canyon, were responsible for several attacks, possibly together with "several disaffected Utes." Some accounts suggest that there was more than one band in the area around Allen Canyon, Blanding and Bluff between 1890 and 1910 (Cummings 1958; Hunter 1908).

A series of conflicts and incidents, mostly with the cattlemen in the Blanding area and south to the Colorado River, made the Poke and Posey Band famous (Parkhill 1961) and, incidentally, often caused them to take refuge on the strip. Chief Posey was killed in 1923 in one such incident. Investigations followed several incidents, often with findings sympathetic to the Indians, and led to allotments being made at Allen Canyon in 1923 and a subagency of the Ute Mountain Agency being established there. Allotments were also laid out in 1930 about 25 miles south of Allen Canyon, at White Mesa, the winter range for the Allen Canyon Paiutes (O'neill and Thompson 1980:11, maps; Collier 1939). Among the San Juan Paiute families or families formerly part of that band who received allotments were Jane Lehi, Jim Mike, Abe Lehi and family, Eyetooths, Cantsees, and Dutchies.

Some allotments were laid out, but probably not completed, in the Douglas Mesa area of the "Paiute Strip" Reservation, for both Navajos and Paiutes. The dates of these were not determined. An undated map of them shows allotments for Jim Mike (also allotted at Allen Canyon) and Billie Mike, "Paiutes," a block of four Paiute allotments with no names, and the balance for Navajos (Western Navajo Agency n.d.(d)). The Paiute allotments were contiguous.

Despite the mixing at Allen Canyon and elsewhere in Utah, and the important similarities in Paiute and Ute language and culture, there remains a clear distinction between these Utes and the Paiutes. O'neill and Thompson (1980:8) reported that in the early 1900's the Allen Canyon people were "unwelcome" on the main Ute Mountain reservation, whose population is largely Weeminuche. This reflects a degree of antipathy between the two cultures, and the Ute feeling of superiority over the Paiutes. The Indian Service reported in 1938 that there was fear by the "Allen Canyon Utes" of both the Ute

Mountain Utes and the Southern Utes at Ignacio, and some Ute Mountain Ute fear of the Allen Canyon people (MacGregor 1938). The Allen Canyon people were included in the Ute Mountain tribe as organized under the Indian Reorganization Act, and are represented by one seat on the six-member tribal council. Before 1940, they were usually listed on a separate census roll from the Ute Mountain Reservation residents.

Amateur Paiute scholar Palmer visited Allen Canyon in 1935, identifying the Indians there, with some exaggeration, as "pure Paiute." He met several people from the San Juan Band who had moved there between approximately 1910 and 1930 (see discussion in section IV.D and V.A.1). Among these were Jane Lehi, mother of Curtis Lehi, Jim Mike, who continued to be a part-year resident at Navajo Mountain, and Old Chief Dutchie.

D. Population and Territorial Changes after 1900

Important population changes and reductions in territory affected the San Juan Paiutes after 1915. There were also important administrative changes in their status and that of the land they occupied.

A major change was the breaking up of the Oljeto-Douglas Mesa "division" of the San Juan Paiutes. In the early 1920's, many of these migrated to Allen Canyon or other nearby areas (Bunte and Franklin 1984:98). Conflict with the Navajos on the strip had been reported as early as the first decade of the century. Cummings (1958:63) reported that in 1909 there was "continual clashing between the Paiutes and the Navajos because the Navajos were continually attempting to go in on Paiute territory and crowd out the Paiutes." In 1923, the Western Navajo Agency Superintendent stated "it is reported that the Navajos had driven the Paiutes out" (Leech 1923). The Paiute Canyon-Navajo Mountain settlement continued however, although some individuals from there also moved north in the 1920's and 1930's.

The influenza epidemic of 1918, which was especially virulent and struck world-wide, killed a large number of the Paiutes. One older woman reported visiting several camps and finding only a few persons alive (Bunte 1980:5). This may have contributed to the abandonment of their territory by the Oljeto "division" of the San Juan Paiutes.

Between 1920 and the 1940's, the Paiutes lost the use of several important farming and grazing areas they had been utilizing. Bunte and Franklin attribute this loss to resource competition with the Navajos. The Paiutes lost significant population in this period, while Navajo population grew. Significant reliance on wild plant gathering ended by the 1920's, and reliance on herding increased (Bunte and Franklin 1984:100). The Cedar Ridge area north of Willow Springs was still utilized for farming and grazing until about 1940 (Bunte and Franklin 1984:102-7; Van Valkenberg 1941:28). The loss of the farming area at Cedar Ridge had a significant impact at Willow Springs. Additional lands at Willow Springs were opened, but it is probable that the capacity of the farmland was exceeded. Several portions of the grazing land near Willow Springs were also lost before 1940. The Paiutes had also made some use of lands further north along Echo Ridge as far North as Page and on the Kaibeto Plateau (Bullets 1984:41-48; Bunte 1980:8-9). This may have continued until sometime in the 1940's.

Franklin (1984:185) also states that until the 1920's the Paiutes grazed their animals well south of the Navajo Mountain area, toward Shonto. After that, they lost access to the area. Much of the grazing land between Paiute Canyon and Navajo Mountain, and some farm land in Paiute Canyon was lost to Paiute control after 1920. The

Douglas Mesa-Oljeto area was no longer occupied by the Paiutes after the early 1920's, at least on a year-around basis.

Bunte and Franklin concluded that resource pressure on grazing and farmlands in the south eased in the 1950's, with the growth of wage work by the Navajos in the Tuba City area. In the more isolated north, the significant Navajo population increase which began in the 1920's continued. Consequently, there continues to be significant competition for farming and grazing lands in the north until the present.

Bunte and Franklin (1984) provide a detailed description of settlement patterns between about 1910 and the 1960's, based largely on oral history. It is consistent, however, with available documentation and ethnographic studies. These sources establish the continuing existence of the two San Juan Paiute communities, with the maintenance of their seasonal cycle of settlement. These patterns were modified over time because of a decreasing land base, outmigrations between the 1920's and 1940's, other decreases in population and some shift toward a cash economy.

The summer season was particularly a time when the all of the Paiutes in an area came together, both for purposes of work and for social activities (Bunte and Franklin 1984:124). Social activities such as horse racing and round dancing, at least through the 1920's, brought together families from both areas as well as visitors from other Paiute groups (Bunte and Franklin 1984:125; (Norman 1984:III-55-57).

The Paiutes in the north generally lived in several camps during the winter, with one kinship group, the Tuutauts, generally at a little distance from the others. Until the 1950's, when land became scarce, the location of the winter camp was varied somewhat from year to year. After that point, the same winter residence was used from year to year (Bunte and Franklin 1984:144). The seasonal pattern of summering in Paiute Canyon and wintering near Navajo Mountain was generally followed.

Less detailed information is provided for settlement patterns in the south. There were multiple camps, located close together in the winter. In summer, until the loss of Cedar Ridge, some families farmed there, some at Willow Springs, and some in both locations.

In the south in the 1950's and 1960's, there was a trend toward fewer changes in winter sites from year to year, as the land base used by the Paiute shrank. In addition, the Paiutes had more vehicles and depended less on sheep-herding. As a consequence, their settlement was more scattered. Some moved from a short distance from Willow Springs to Hidden Springs, which is near the highway. This provided easier access for those who now had children in school in Tuba City and also easier access to the trading post or stores in Tuba City. Beginning in the 1960's, more Paiutes purchased food in stores, either with income from basketry or with general assistance payments.

The first attempt at a complete census of the reservation was made in the years 1928 and 1929 (Bureau of Indian Affairs 1928-29). In the Tuba City District, listed on separate pages with the heading "Paiutes," were 26 names. They included several of the main Paiute families including Pakai, (listed as "Lehi Buckeye"), the Joe Norman and Joe Francis families and others, as well as a several families who could not be identified or linked with the current group. One family, that of Chee Toney, was listed with the Navajos.

In the north, in the Shonto District, on the census sheets available for this report, many of the Paiutes were listed, but were not identified as Paiute or clustered together.

An exception is the family of Dora Nelson, which was annotated as "Paiute." The listing is not exhaustive of the Paiutes known to be living there, but included Lester Willetson, Rubin Owl (Nasja), Paiute Dick, Curtis Lehi and some of the Nelson's. At least thirty Paiutes appear on the 1928-29 census in the north. Census rolls of the reservation in the succeeding few years added some additional names (BIA 1930-38). In the years up to 1940, those from the south listed on the census are usually shown as "Paiute," or occasionally as "Navajo-Paiute." Those from the north are usually listed as "Navajo," or sometimes "Navajo-Paiute."

In 1943, many of the San Juan Paiutes from the southern area moved to the Kaibab Reservation. Bunte and Franklin suggest the reason for the move was the loss of land at Cedar Ridge around 1940 and the possibility of a conflict within the band as a result. Additional farm lands had been opened at Willow Springs, but these were of lesser quality (Franklin 1984:208). At least 14 adults moved up, many or most of them people who were primarily based at Cedar Ridge, but including, however, Alfred Lehi's family, which farmed at both locations. Not all of the Willow Springs people moved, and none of those from Navajo Mountain (Franklin 1984:196-199; Bullets 1984:33; F.D.) Livestock was left behind. The Kaibab Paiutes reported the reason for the move was conflict with the Navajos, and also a need for medical attention (F.D.).

The move is well-remembered by the Kaibab Paiute, who provided work for some of the San Juan Paiutes and a place to live. They also reportedly cut the San Juan men's Navajo-style hair, and placed the children in school (F.D.; Bullets 1984:33, 35, 70-71).

The San Juan Paiutes remained at Kaibab only a few months, before moving on into Utah and finding work as migrant workers (Bunte and Franklin 1984:143). Some individuals married Utah Paiutes and remained in the north for some years afterwards. Exactly why the San Juan Paiutes did not remain at Kaibab is unclear. It was reported they simply didn't like it (F.D.)

The move was arranged by Alfred Lehi. A document signed by Morris Jake and two other Kaibab Band officials stated that "Alfred Lehi and Chester Sylvester [probably Chester Chelyester], representing the Paiute Band of Indians residing on the Navajo Reservation subagency Tuba City" had gone before the Kaibab Indians on February 12, 1942, "asking to become members of the Kaibab tribe" (Jake et al. 1942). It further stated that the Kaibab Paiutes had agreed and that the San Juan Paiute were to have the same rights and privileges as the Kaibab Indians then on the reservation.

Although the move to Kaibab didn't last, the move on into Utah was probably the beginning of a new economic pattern—migrant work. Many of the Paiutes in the 1940's, 1950's, and 1960's worked as migrant workers for Mormon farmers in Utah. Some of these trips were arranged by the chief, Alfred Lehi, using his contacts with Paiutes in Utah (Pikyavit 1946). Some of the Paiutes lived for several years at a time in Utah in this perid. The migrant work provided a new economic resource, one which, with improved roads and transportation, did not require a permanent move away from their home area. However, some did settle at Allen Canyon or elsewhere in Utah in this era, or began to live part of the year in Utah and part in the home area.

The status of reservation lands of the Paiutes changed between 1920 and 1940. Allotments were made at Allen Canyon and White Mesa for a few. More importantly, the San Juan Paiutes' reservation on the strip country was returned to public domain in 1922. The change was made as a result of inquiries concerning leasing of the land for oil exploration (Bunte and Franklin 1984:177). The Western Navajo Agency Superintendent, Sharp (1922), was asked to investigate and reported that quite a few of the Paiutes

had died, others had moved to Allen Canyon and been allotted, others had "moved" to Paiute Canyon, and still others had been "absorbed" by the Navajos. The report, which was inaccurate, was used as the basis for the restoration of the land to public domain status.

Reports subsequent to Sharp's contradicted his conclusion that the Paiutes were no longer living in the area. In 1923, the next Western Navajo Agency Superintendent, Leech (1923), reported that he had found 48 Paiutes in Paiute Canyon, noting further that the "strip, i.e., the Utah side of the line, was their real home." An investigation of the area in 1928 by the Western Navajo Agency Superintendent reported that "there are probably 100 'Ute' Indians occupying the land," in addition to the Navajos (Walker 1928). The reference to "Ute" reflects the not infrequent misnaming of the Paiutes in the northern area as "Ute," possibly because of their links to Allen Canyon.

Subsequently, the strip area was restored to Indian use, but as an addition to the Navajo Reservation. The restoration was made in 1929, as a result of petitioning from the local Navajos, aided by resolutions and letters from the then-new Navajo tribal council and by the Indian Rights Association (Hauke 1922; Cheschillige 1932) It was made a permanent part of the reservation by legislation in 1933. The superintendent of the Consolidated Ute Agency had requested the land be reserved for the Paiutes.

In 1935, the six contiguous Navajo reservations and agencies, which had been administered separately, were merged into one. Jurisdiction over the Paiutes in the north had evidently been placed with the Consolidated Ute Agency in Utah after the Paiute strip reservation was restored to public domain status (McKean 1923). How long the Paiutes were under this jurisdiction was not determined. The evidence indicates that they were placed back under Western Navajo Agency with the addition of the strip to the Navajo Reservation in 1929.

E. Ethnographic Studies

Isabel Kelly conducted her fieldwork with the San Juan Paiute in 1932, as part of her extensive research to cover all of the Southern Paiute bands. Her research with the San Juan Band was quite limited, consisting of three or four days with two older, knowledgeable San Juan Paiute informants. She worked at Marble Canyon with a Paiute named Jodie, father of an older member of the present tribe and at Tuba City with Joe Francis. The work with Joe Francis was done with a Navajo-English interpreter and with Jodie in "pidgin English," supplemented with what she described as her "limited Kaibab." Both of these informants were from the southern subgroup of the San Juan Paiute (Kelly 1964:167). It was her intent that the information she obtained would define Southern Paiute cultural conditions in the mid-19th century.

Omer Stewart did research with the group in later 1937, as part of a major, detailed survey of aboriginal culture of Western tribes conducted by the University of California. This utilized a highly detailed list of elements of culture and social organization covering as many as several thousand items. Stewart worked with Joe Francis and with "Dagaibitsi," Priscilla Dutchie, mother of one of the current members of the group. His research was conducted using a local Navajo as an interpreter. Although he described his interview time with his informants as 20 and 24 hours, respectively, he spent about a week in the area and, unlike Kelly, conducted his research in the Paiute settlement at Willow Springs (Stewart 1942:329; Stewart 1984). Neither he nor Kelly visited or talked to the Navajo Mountain group. Stewart subsequently revisited the Willow Springs community in 1984.

Also in the 1930's, an anthropological study of the Navajos of the Navajo Mountain area by Malcolm Collier commented on the Paiutes resident there. Collier (1966:40) who worked in 1938 and 1939, identified three camps or groups of hogans of Paiutes, one "full-blooded Paiute," which spoke Paiute in camp, and two which were mixed Paiute-Navajo and spoke Navajo in their camps. The Paiutes lived mostly in Paiute Canyon in the summer and wintered northeast of Navajo Mountain. They ranged horses on the plateau south of Navajo Mountain. The territorial extent described is more or less consistent with other reports.

Collier described the Paiutes as having "practically lost their identity," because they were acculturated to the Navajo in dress, made rugs and baskets, and some knew the songs and helped with the sandpainting at Navajo ceremonials. On the other hand, she also described them as clearly distinct from the Navajos, as the scapegoat blamed by Navajos for misfortunes, as the butt of jokes and as having the reputation at the trading post as being more responsible with their accounts than the Navajos, even though poorer. She noted that the Paiutes considered the Navajos to be usurpers. She noted also that there were some friendly relations between the Navajos and Paiutes (Collier 1966:39-41).

A 1941 publication by the Navajo Service of the BIA, written by ethnologist Richard Van Valkenberg, made a few comments on the Paiutes. The extensive list of Indians, scholars and others he consulted does not include any Paiutes or experts on Paiute culture (Van Valkenberg 1941:I). The primary reference is to the Paiutes in the south, with reference to their "relatives" who lived in Paiute Canyon and Allen Canyon. The description of those in the south was that they were poverty stricken, had few sheep, and farmed along Cedar Ridge (Van Valkenberg 1941:114). The name given for their leader, "Nomutz," could not be identified with any of the known names of the Paiutes who lived in the south. At Paiute Canyon, Paiutes were reported to make summer farms. The Paiute use of Navajo Mountain and Willow Springs areas was not mentioned.

A population figure of 28, for 1937, was given, appearing to refer to the southern area only. Van Valkenberg's theory that Paiutes in the south had entered the country about 100 years before, under the Paiute Leader Bodaway, was discussed earlier.

The Paiutes are described as having generally followed "Navajo material culture in their mode of life," dressing like the Navajos. Their winter houses were Navajo-type hogans, but their summer and fall houses were "open pinyon or cedar windbreaks or corrals of the Great Basin type" (i.e., a Paiute style). The Paiute relationship with the Navajos is characterized as generally "friendly and closely allied," but it was noted that, "Although in continuous contact with the Navajos, the Navajos do not readily intermarry with them, only one such marriage being known in 1937" (Van Valkenberg 1941:114). Van Valkenberg, writing from a Navajo perspective, thus describes the Paiutes as a distinct group, with a leader. His characterization of intermarriage reflects the rarity of it at that point in time (see section VI.C). His characterization of relations as friendly and closely allied is only partly correct since there were also frequent conflicts and hostilities between the two tribes.

Robert Euler visited both Willow Springs and the Navajo Mountain area as part of his research in the late 1950's in connection with the Southern Paiute claim before the Indian Claims Commission and in 1962-63 in connection with archaeological survey work for the Glen Canyon Dam project. Euler (1966:106) worked with informants from both San Juan areas and stated "certainly, some Paiute still live in the Navajo Mountain-Paiute Canyon area, as well as at Willow Springs northwest of Tuba City." Euler also co-authored an article about the San Juan, published in 1985, which concluded that the tribe had maintained self-governance and distinct ethnicity historically up to the present and anticipated success in their petition for Acknowledgment (Turner and Euler 1985:200). His co-author, Allen Turner, another Southern Paiute expert, was the original researcher on the San Juan Paiute petition, first meeting with the tribe in 1977.

Shepardson and Hammond conducted research among the Navajo Mountain Navajos between 1960 and 1962, in part as a follow-up to Collier's study. Their published study and unpublished field notes contain many references to the Paiutes, their relationships to the Navajo and the history and family background of the local Paiutes and Navajos.

Many of the Navajos in the area were part Paiute. One local clan, descended from several Paiute women who had been enslaved by and then married to Navajos in the 1870's was called "Paiute-Salt," and distinguished as a separate clan from the Salt clan itself. These people were considered by the Navajos to be Navajos, however.

Shepardson and Hammond identify a number of Paiute camps and three family lines. They referred to these as "clanless Paiutes." They regarded them as indigenous to the area (i.e., as not being migrants into the area in historical times, as they regarded most of the Navajos as having done). They also identified the Paiute Salt Clan as indigenous, but the other Navajo lines were from outside the immediate Navajo Mountain area. By "clanless" Paiutes, they referred to the fact that the Paiutes did not have clans, the key mechanism that the Navajos, including the Paiute Salts, use to establish relationships within the tribe (Shepardson and Hammond 1970:58-59). They described the Paiutes as "Navajoized on the surface" (Shepardson and Hammond 1970:37). They also stated that the Navajos "look down upon the Paiutes as 'not-Navajo' and that they were still the butt of jokes as they were when Collier made her earlier study (Shepardson and Hammond 1970:58).

Indian Health Service anthropologists based at the hospital at Tuba City conducted some limited research interviews in the Willow Springs settlement in the early 1960's, in

connection with health surveys done by the hospital. One survey identified the community as Paiute and listed the individuals who were members, including ones not resident at the time of the survey (Parker 1963).

Henderson (1985) conducted research on the history of economic and culture change among Navajo on the present western portion of the Navajo Reservation. He mentions the San Juan Paiutes and discusses their relationship with the Navajos. He discusses the historical process of concentration of the Paiutes in the present settlements at Willow Springs and Navajo Mountain as a result of Navajo migration into the region. He conducted some limited fieldwork at Willow Springs.

F. Claims and Recognition Efforts

The San Juan Paiutes participated in the payment of funds awarded to the Southern Paiute Nation in Dockets 88, 330, and 330A before the Indian Claims Commission. The award of $7,253,165.19 was made in January 1965, and authorizing legislation was passed by Congress in 1968. The San Juan Paiutes heard about it through a number of sources, including their contacts in Utah. Alfred Lehi may have been involved with the claim for a longer period, since he reputedly had been working on a map showing all the Southern Paiute lands (F.D.). A 1969 letter from a Utah Paiute helping the San Juan Paiute, McKay Pikyavit, stated that the person who knew all about the claim had died but all he knew was committed to writing and could be found in Tuba City. This probably refers to Alfred Lehi, who died April 15, 1969, in the middle of the process of applying for payments. He was reported to have urged his people to sign up (Whiskers et al. 1974).

Several meetings were held at Tuba City concerning the award and making application for it. At one meeting the Kaibab Paiute reportedly attended and identified the San Juan as Paiutes and thus eligible to apply (Stone 1970). DNA-People's Legal Services, a legal service for Indians with an office in Tuba City, assisted in the application process, as did Ralph Castro, a Kaibab Indian. Seventy-seven of the San Juan Paiute shared in the award, each receiving $7,109 in 1971. The application process and the receipt of the award brought a somewhat negative reaction from many local Navajos (Mowrer 1971).

The San Juan Paiutes organized in May 1970 to seek recognition as a separate tribe. A document titled "First Organizational Minutes of the Willow Springs Band," reported that on May 11, 1970 a meeting was called to discuss formal organization into a band "under the Paiute Indian Tribe" (San Juan Southern Paiute 1970). Although the text refers to the Willow Springs Paiutes living near Tuba City, the document was signed by six of the Navajo Mountain Paiutes and 12 from Willow Springs. The first signatory was Anna Whiskers, the nominal tribal chief elder at that point. It is not entirely clear what the reference to organizing under the Paiute Indian Tribe meant, i.e., whether it referred to the then-terminated and now restored Paiute reservations in Utah, or simply meant that they would be recognized as part of the Southern Paiutes rather than the Navajos.

The minutes further state that the meeting was ". . . for the purpose of electing a Chairman who will represent us in obtaining formal recognition of the Willow Springs Band of Paiute Indians." The person chosen was Ralph Castro, then Vice-Chairman of the Kaibab Paiutes but residing on the Hopi Reservation. Castro was chosen because of his ability to speak English and deal with the non-Indian bureaucracy. He was not chosen to be a tribal leader for the San Juan Paiutes in any other sense. It is unclear how long he continued to work with the San Juan Paiutes after this but it was no more

than a year or two. The minutes of the meeting appear to have been prepared with DNA assistance. Castro reportedly wrote the document (Bunte and Franklin 1984-86).

BIA correspondence indicates that DNA attorney Sam Withers wrote to the BIA a few days after the meeting and inquired about "formal recognition of a group of Paiutes in the Willow Springs area and a group from the Navajo Mountain area" (Rovin 1970). The BIA reply, from the acting Director of Community Services in the Washington office of the Bureau, said a review would be made of the question. No information was located concerning the results of this review or whether there was any further BIA communication with DNA or the Paiutes on the subject.

Ralph Castro had become involved with the San Juan Paiute in late 1968 (Stone 1970), assisting them with the Southern Paiute Judgement Fund applications. Besides helping them seek recognition as a separate tribe, he also made some efforts to resolve problems they had experienced receiving services from the Navajo Tribe and the local Indian agency. Several DNA lawyers were simultaneously involved with each of these matters.

The service problems most especially concerned receipt of commodity foods, although the Paiutes also complained that they had been denied housing when they applied to the Navajo Tribe (Qua'toqti 1974). Castro wrote in 1970 that he had approached the Navajo tribe on the subject and had been told that "because they did not have Navajo census numbers that the Navajo Tribe would not help them." He was also asked by the Navajos, "what are they doing on Navajo land anyway" (Castro 1970).

DNA had been involved with the case since December 1969. Their report stated that there was "a serious problem with hunger among the Paiutes living in their winter encampment," (i.e., Willow Springs). The Paiutes told them that because few of them had census numbers, they were ineligible for tribal welfare and had been told they were ineligible for BIA general assistance as well (Withers 1969). It was eventually arranged for the Paiutes to receive commodities at Moencopi, through the Hopi Agency (Ward 1971).

The San Juan Paiutes again considered application for recognition as early as 1977. In that year they met with anthropologist Allen Turner several times, along with Kaibab and other Southern Paiutes, to discuss the question (Turner and Euler 1985:200). A formal request for acknowledgment was filed with the Bureau of Indian Affairs, and was received May 6, 1980. Turner did the initial research for the petition. He was succeeded briefly by James Sexton and Charles Hoffman., They were succeeded in 1981 by anthropologists Pamela Bunte and Robert Franklin, who are the main researchers for the petitioner. They had been conducting other research with the group since 1979. The initial documentation of the petition was received June 5, 1984, and the petition was placed on active consideration November 1, 1984.

Resolutions in support of the petition have been received from the Kaibab Tribe of Arizona and the Paiute Tribe of Utah. A resolution in support of recognition reportedly was passed by the National Congress of American Indians in the 1970's (F.D.). No documentation of this has been located. The petition is opposed by the Navajo Tribe and the Tuba City and Navajo Mountain Chapters of the Navajo Tribe.

G. Political Leadership until 1969

Pakai, also known as Lehi and as David Lehi, was the chief tribal elder, according to Bunte and Franklin (1984:Table 4-1), from perhaps as early as the 1870's until 1930. Pakai was the grandfather of Alfred Lehi, who succeeded him as chief tribal leader.

Patnish, who by some evidence was chief of the entire tribe before Pakai, died in 1877. Pakai's age on the 1928-29 Western Navajo Reservation census (listed as "Lehi Buckeye") was 82, indicating he had been born around 1846, and thus conceivably was old enough in 1877 to be an important leader. However, the 1900 and 1910 Federal censuses for Willow Springs list a "Lehi," born 1868, and "Lehigh," age 45, respectively, which would make him too young. In 1888 Welton reported Lehi at Willow Springs, as head of a family, but gave no indication of age.

There is strong documentary evidence in the decade between 1900 and 1910 for Pakai as overall tribal leader. Agency Superintendent Janus, in his report on the San Juan Paiutes, reported that "David Lehi—Bahaki—the accredited chief of all three divisions" of the San Juan Paiutes was at that time living at Cedar Ridge. He referred to Willow Springs as Pakai's "old home," stating that "there are still families of his immediate following living there" (Janus 1909). This latter phrase indicates that he was leader of the group of families living at times at Willow Springs and at Cedar Ridge, which Janus described as a single "division," or local group which he called the "Cedar Ridge Band." With regard to moving the Paiute Canyon people to Cedar Ridge and providing better sheep for them to graze in that location, Janus reported that "Chief Lehi said they would move over to Cedar Ridge if he told them to."

Inspector Churchill in 1907 had also met with Lehi and discussed the status of their land, possible aid, and the possibility of moving them to land in Utah near Escalante. Churchill (1907) referred to "Lehi, their so-called chief," who lived at Willow Springs, and also to "Old Chief Lehi," and stated that he had met with "Lehi and his associates." Lehi told him that the Paiutes needed nothing from the government and that perhaps a few of the young men might move to Escalante, but they would drift back.

Lehi appeared here twice in the chief elder's role of dealing with outsiders. Janus' report also implied he had influence as a local leader of the Paiutes in the south. One older Paiute in 1985 recalled Pakai as a leader and "also a medicine man" (F.D.). Bunte and Franklin (1984:115-6) reported that the "sacred aspect of his leadership" is primarily what is recalled today, i.e., not much about political and economic roles. This appears to fit the pattern of Paiute recollections about earlier leaders. Pakai was remembered to have had "sacred visions" in which he had died and visited heaven and then returned. He also was said to have had an angel that accompanied him on trips (Bunte and Franklin 1984:115-117). It is unclear whether these concepts drawn from Christianity show influence on Pakai himself, or whether they are modifications introduced in the stories by later generations, which have been strongly influenced by Christianity. As told, they are similar to concepts of a spirit guide, a common feature of Paiute culture. Machukats, in contrast, drew his power from a more traditional source, animal spirits. Pakai was also remembered as having fought the Navajos (F.D.).

Brugge (1967:10-12) quotes an interview with Alfred Lehi in 1967 in which he is reported to have said, with no elaboration, that, "he [i.e., Pakai] was no leader." This conflicts with the larger body of reported Paiute oral tradition concerning this individual (Bunte and Franklin 1984; F.D.).

The local chief elder at Paiute Canyon in the early part of the 20th century, Nasja, is relatively well known to outsiders because of his association with Rainbow Natural Bridge, which is behind Navajo Mountain. He is one of several Indians credited as the "discoverer" of this famous feature and his son, Nasja Begay, guided anthropologist Byron Cummings and trading post operator John Wetherill there in 1909 (Cummings 1958:112; Shepardson and Hammond 1970:34). He is best known by the name Nasja, which means "owl" in Navajo and, alternatively, as Reuben Owl in English and Mupuutz

in Paiute. The latter also means owl. He was the founding ancestor of the Owl kindred who are based at Paiute Canyon and Navajo Mountain.

Nasja was listed in a 1908 army report as "the head Pahute living in Pahute Canyon" (Hunter 1908). Another person, "Ja-la," was reported as the "head Paiute" east of Paiute Canyon, along the San Juan River. These appear to correspond to the two divisions in the north referred to by Janus the next year, but the latter unfortunately did not give the names of leaders. Nasja also appears prominently as a Paiute figure in Navajo oral history of the area (Shepardson 1960-62).

Bunte and Franklin report that Paiute oral history confirms that Nasja was the chief elder in the area. The time period of his leadership is not entirely clear. Bunte and Franklin place it between the 1880's and 1920's, which would overlap with Nabahadzin. It is possible that one succeeded the other at some point before 1900 and after the encounter at Paiute Canyon reported by Son of Old Man Hat. Crampton (1962:101) refers to him as the "Paiute Chief Nasja," and quotes an account of a man who had visited Rainbow Bridge in 1884 which states that Nasja had been keeping horses in Bridge Canyon, where the bridge was, located "for a number of years." This fits the location reported by Joe Lee for Nasja's winter quarters for this period. The report Crampton cites wasn't written, however, until 1929.

The only details of Nasja's leadership reported by Bunte and Franklin are that he arranged economic transactions for the whole group with outsiders, giving as an example the trading trips the Paiutes in the area made north to Richfield, Utah, to trade horses for livestock and other goods at stores there. He also reportedly arranged the frequent horse races between Paiutes and Navajos (Bunte and Franklin 1984:114).

Nasja appears to have been well located within a large kinship group. He was reportedly polygamous, with at least three wives. One of these was a daughter of Nabahadzin (Shepardson 1960-62). One of Nasja's sons by another wife also married a daughter of Nabahadzin (Bureau of the Census 1900b). Thus he had a large family and strong links with another major family. His birthdate, based on the 1928-29 Navajo Reservation census, would have been about 1837, making him a contemporary of Nabahadzin. According to Bunte and Franklin (1984:128), he was replaced in 1920 as local chief elder by Paiute Dick (Kavii), although he lived until 1939. He appeared on neither the 1900 nor the 1910 Federal censuses, but is reported in a 1923 Indian Service report as one of the family heads at Paiute Canyon (Leech 1923). He was also reported on the 1928-29 Indian Service census of the Navajo Reservation.

Joe Lee refers to a "Chief Nasja" from the Willow Springs area with whom he traveled as a child to Navajo Mountain in the 1880's. He makes a clear distinction between him and the Nasja at Navajo Mountain. He says the latter was the older brother of the Nasja in the south (Lee 1974:9). It is unclear who this latter person was and whether he was a brother in the sense of having the same parents or a "classificatory brother," i.e., within the broader class of kin such as cousins that the Paiutes class together and often express in English simply as "brother." Lee also distinguishes him from Lehi, who is thought to have been a leader in that period in the south.

There are recognized kin links between the Nasja and the Lehi families. The exact relationship could not be determined from the available information, which is largely oral. Joe Norman (1984:II-145) referred to Pakai as the "brother" of Chief Nasja. Other sources, in the San Juan Paiute petition, indicate a "classificatory" brother relationship. There are also kin links between one or the other Nasja and Lester Willetson, a local leader at Navajo Mountain in the 1930's (Shepardson 1960-62).

Joe Lee also refers collectively to "Paiute leaders in this period." His comment, about a period around 1897, appeared to refer to Lehi, the Nasjas, and a man known as "One-Eyed Paiute" (Lee 1974:34).

Both Nasja and Pakai are reported to have worked for local Navajos. Pakai reportedly worked for Musha, a local Navajo headman (Richardson 1966, F.D.). Joe Norman (1984:II-144) reported that Nasja was "herding sheep for the Navajo, he stayed with them." Thus even these two prominent Paiute men sometimes were poor enough to seek work with the Navajos. When or how long they did so is unknown.

Kavii is a relatively little-known figure, with no documented references as a leader. From the Tuutauts kindred cluster, he reportedly replaced Nasja "by the 1930's" and was the local chief elder at Navajo Mountain until his death in 1934. As had Nasja, Kavii arranged horse trading expeditions to Utah and horse races with the Navajos. He also organized the Paiute men to build a livestock fence which served to keep Navajo livestock out of a Paiute grazing area on Lost Mesa (Franklin 1985a:84; Bunte and Franklin 1984:128).

An important figure of a slightly different type from the early 20th century was Joedie, the father of an older member of the tribe today. Joedie was remembered by the Paiutes to have been a policeman for the Agency at Tuba City and to have been able to speak English. He learned it working as a mailman between Tuba City and Flagstaff. He was referred to as an important man, a spokesperson who could talk to the agency on the Paiute's behalf. He held this position for what was described as "quite a while" (F.D.). One Paiute indicated he thought there had been separate police for the Paiutes, which had a Paiute as the policeman (F.D.). A document which may support the oral history that Joedie was a policeman in a 1916 letter from Western Navajo Agency Superintendent Runke (1916a). This indicates the superintendent preferred to have a Paiute rather than a Navajo policeman deal with an incident of Navajo hostility and that Joedie was deputized temporarily for the job.

Paiute Dick was succeeded as local leader at Navajo Mountain by Lester Willetson. According to Bunte and Franklin (1984:135), he became leader "by the early 1940's" and was probably taking over some of the leadership functions in the 1930's. From the Tuutauts kindred cluster, he was born in 1890 and died in the 1960's.

Among the specific activities for which Willetson was remembered were organizing and keeping up the long brush fence, used to keep Navajo livestock out of an important grazing area, that had been started by Paiute Dick. He was also reported to have organized hunting trips, round dances, and horse races with the Navajo (Bunte and Franklin 1984:140). A listing of livestock holdings at Navajo Mountain in 1937 showed him as the largest Paiute holder. He had 162 livestock units, a fairly substantial number (Franklin 1985a:56-7).

A former trader at the Navajo Mountain Trading Post described Willetson as a "rabble-rouser" because of his role in building the fence (Bunte and Franklin 1984:148). Some former missionaries in the area denied he was considered a leader (Hurd 1985). However, a prominent Navajo leader at Navajo Mountain described him as someone the Paiutes depended on, i.e., in disputes over grazing and the like. He characterized him as being like "old man Owl," i.e., probably, Nasja (F.D.).

The expected sacred part of Willetson's leadership role included being a song leader and organizing round dances. He was known as a hunt shaman and also as a curer. Franklin (1985b:46) cites a 1936 cure which is apparently a particularly well-remembered

example. Willetson also had knowledge of Navajo curing ceremonies (Shepardson 1960-62). This may have been part of the knowledge which contributed to his prestige and hence his leadership.

It is not entirely clear if there was a single recognized local leader at Navajo Mountain after Lester Willetson died. Two men are mentioned as speaking out at meetings and as playing an important role as elder, Toby Owl and Jack Owl. The chief elder after Alfred Lehi died, Anna Whiskers, stated that there were meetings held for the Navajo Mountain people alone during her tenure, i.e., in the post-1969 period. She referred to Jack Owl and also Willard Whiskers as assisting her in this period with good advice and ideas. A number of times issues regarding pressures from the Navajos at Navajo Mountain were brought forward by them (F.D.).

Toby Owl was reported to have "spoken up pretty good as a leader" at some Navajo Mountain meetings Joe Norman and some Kaibab Paiutes had attended (Bullets 1984:31). Joe Norman's (1984:I-203) testimony appears to indicate that "Tuvi" (Toby) was a leader, at least until he became deaf. Because of translation problems, this is not entirely clear. Of some evidentiary value are the statements of Toby and Jack Owl at a 1977 meeting with the Kaibab Paiutes which was in part concerned with trying to improve conditions for the San Juan Paiutes (Jake 1977).

Alfred Lehi (Kainap in Paiute) became chief tribal elder and leader of the southern local group in the 1930's, succeeding Pakai, his grandfather, who died in that decade. Born in 1898, Alfred Lehi became prominent over a period of time in the late 1930's (Bunte and Franklin 1984:135). His daughter stated that after a 1948 incident (see next paragraph) he "started being more of a leader," indicating an increase in prestige rather than the beginning of leadership, since he was well recognized as leader by that time (Franklin 1985a:61). It was not reported whether he was chosen at a specific tribal meeting, but the growth of prestige and hence respect appears more characteristic of San Juan leaders than a sharp, distinct accession to office. He was leader until early 1969, when he died suddenly from a fall off a cliff near Willow Springs.

Alfred Lehi is particularly well remembered for the extensive contacts he built up with other Paiute groups, especially the Kaibab Paiute, and his role as a religious figure. He used his contacts with the Kaibab especially as a resource in dealing with non-Indian governmental institutions. Thus he sought Kaibab help when, for example, in the early 1940's, several of the younger men needed to get social security cards to avoid trouble with the draft, in a 1948 incident when Navajo police dealt harshly with the Willow Springs Paiutes (Franklin 1985a:61), and when, also in the 1940's, several of the Willow Springs children were taken off to the boarding school at Tuba City (Franklin 1985a:54; 79-80).

In the 1940's and 1950's, Lehi used his contacts with Utah Paiutes e.g., at Kanosh, to arrange for migrant work for tribal members on Mormon farms in Utah (Pikyavit 1946; Bunte and Franklin 1984:143). The Pikyavit family at Kanosh were among the Utah Paiute leaders that Lehi worked with on matters concerning Paiute lands. Joe and Ralph Pikyavit attended a Navajo Mountain meeting in 1964, bringing a white man to whom Alfred Lehi showed old Paiute areas supposedly being excavated by Navajos (Franklin 1985a:69). These appear to have been part of the archaeological excavations preceding the Glen Canyon Dam construction.

Alfred Lehi's leadership function as a contact person with outsiders is shown or implied by a number of external contacts. For example, in anthropologist Robert Manners' brief contact with the tribe in 1953, he was referred to an older Paiute at Willow

Springs who can reasonably be identified as Alfred Lehi. The notations on Palmer's (c1935) photographs at Willow Springs in 1935 appear to give Alfred Lehi some prominence. Also indicative is that before his death all of the Paiute agricultural land at Willow Springs was held under a B.I.A. land assignment in his name.

By all accounts, Alfred Lehi had extensive contacts with the local Navajos, often visiting them, attending ceremonials, etc. Although informants differed, he probably spoke Navajo fairly well (F.D.). One informant noted a decrease in contact with the Paiutes after Lehi died. Two documented examples are the 1948 incident with the Navajo police, when Lehi was located at a sweathouse with some Navajos, and Brugge's 1967 interview with him which occurred when Brugge encountered him at a Navajo ceremonial. Interviews (F.D.) and affidavits of local Navajos (John et al. 1985) show that he was a prominent, well-known figure, although some declined to characterize him as a leader.

Bunte and Franklin (1984:158) regard Alfred Lehi as having pursued an "isolationist" policy with regard to most dealings with whites. Although earlier he had discouraged education, in the early 1960's many of the Willow Springs children attended school (Parker 1963). He worked through other Paiute groups in dealing with whites. It does not appear he actively sought services or other recognition from the Federal Government, other than regarding land claims.

Lehi was very concerned with making known the territory formerly occupied by the Paiutes. His family stated that he had a map of Paiute territory that he was working on at the time of his death (F.D.). He was in good contact with Utah Paiute leaders who were involved in the land claim. He supported the payments from the Southern Paiute judgement award made in 1965, encouraging the San Juan Paiutes to attend the meetings where applications were filled out (Whiskers et al. 1974). No application for him was located, however.

Probably the best documented example of Alfred Lehi's leadership role is in connection with the move to the Kaibab Reservation in 1943. Lehi made the arrangements and met with the Kaibab leaders. He then brought a letter from the San Juan Paiutes and the Kaibab Paiutes to the business council for the Tuba City area, a local governing body of the Navajos in the area similar to a chapter (Spencer 1942). The minutes of the business council reported that Alfred Lehi had presented a letter to the council stating that the local Paiutes had been granted membership in the Kaibab Tribe. The letter, dated February 13, 1942, stated, "We Alfred Lehi and Chester Sylvester, Representing the Paiute Band of Indians living on the Navajo Reservation Subagency Tuba City, Arizona," had requested membership in the Kaibab Tribe and had been granted it. The available copy of the letter, retyped from another document, shows the signatures of the Kaibab officials, but none from the San Juan Paiute. The "Chester Sylvester" referred to in the letter is probably Chester Chelyester, who was from the southern area.

The religious aspects of Alfred Lehi's role are reported by the Paiutes as strong. The term "Puaxat," "one who has power," was applied to him. This was one source of his influence. The moral leader aspect of the elder's role was manifested in the giving of moral instructions to family members, to which the Paiute still refer. He also taught prayers and "sacred Paiute songs," and said prayers at tribal meetings (Bunte and Franklin 1984:156). The nature and content of these prayers was not described. He frequently made prophecies about the future and was knowledgeable about medicines for curing. Although he sometimes said prayers for curing, he also at times hired Navajo medicine men to perform curing ceremonies (John et al. 1985; F.D.). Perhaps indicative of his influence and conservative nature is the fact that although there was

some involvement with Christianity by tribal members before his death, there were many conversions soon after he died.

Two older Kaibab Paiutes who knew Alfred Lehi described him as someone who would not be mean or get mad or make anybody mad, all important characteristics for a Paiute leader. He was also described as "talking slow," but as "the one always talking." He was identified as a leader and contrasted with another man of similar age, who "couldn't be" leader, because he was "silly like a coyote" (i.e., not respected) (F.D.).

Another source of his influence as a leader was probably the strength and success of his external dealings. Bunte and Franklin note that he was a contact person with the Kaibab Paiute as early as 1930.

Alfred Lehi's family had important ties in both the north and the south, an advantage for leadership of the tribe as a whole. Although his grandfather, Pakai, lived in the south, Alfred Lehi was from the north and then moved south and married a woman from the Machukats kindred, which is southern. The family ties to the Nasja family of Navajo Mountain have already been discussed.

Alfred Lehi was also relatively successful economically. Stewart's description of his household in 1938 portrayed it as prosperous and hardworking, with income from weaving and basket-making and, perhaps uniquely, a Navajo boy hired to herd the sheep. Lehi reportedly had as many as 100 sheep before stock reduction, a high figure for a Paiute, and more than many Navajos, although far short of the holdings of the wealthier Navajos (F.D.; Henderson 1985:72-76). Various Indian Service stock reports for 1940 and 1941 listed 46, 75, and 150 sheep and goats for him (Franklin 1985a:56-58).

V. CONTEMPORARY SAN JUAN PAIUTE SOCIAL AND POLITICAL ORGANIZATION

A. Social Organization and Culture

1. Settlements and Subgroups

The contemporary San Juan Paiute are almost entirely resident on or near Indian reservations, either the Navajo Reservation (about 65 percent), or on the Allen Canyon Reservation (administratively part of the Ute Mountain Reservation) or the Koosharem or Kanosh Reservations (part of the Paiute Tribe of Utah)) (about 20 percent altogether). Most of the balance are in California, as scattered urban residents or resident on other reservations.

Bunte and Franklin (1984:267) describe a "study group" of 108 residents of the Navajo Reservation and approximately 70 others residing elsewhere who they had met during the several years of their study and, who, based on their field data, were considered by them to be participating regularly in "tribal life," i.e., coming to meetings, attending reunions, etc. These thus were considered to meet the tribe's unwritten definition of membership (see section V.C). These figures must be considered approximate, since their list of households included 61 off-reservation Paiute individuals, including some 16 who were not on the tribal roll (but possibly still participating) as well as some Navajo spouses (i.e., nonmembers). It also omitted approximately 21 enrolled members (including about six adults, all non-residents) who they evidently had not observed during their study.

The figures and description given by Bunte and Franklin are as of the main period of their study, approximately 1983. There have been some minor changes since then, such as families or individuals who moved back into the area or moved from the north to the south. Their description is in part by households, a cooperative working group that eats together, and may occupy more than a single residence. Some are only one or two individuals and others are large families.

The most visible and well-known settlement, usually referred to as Willow Springs, is near the highway about 10 miles northwest of Tuba City, Arizona. Some Paiutes who are part of this settlement live at Willow Springs proper, which is just below the massive cliff that parallells the highway. At Willow Springs are located the agricultural fields and the spring which feeds them. Other houses are at Hidden Springs, a few hundred yards from the highway and about one-half mile from Willow Springs. This location is much more accessible to the highway than Willow Springs. This subsettlement was established about 25 years ago to accomodate the transport of the children to school. The grazing areas are located on the mesa above Willow Springs, north and west of it. There are two camps located on the mesa.

Several of the households in the south move seasonally and are thus represented in more than one of the subareas of Willow Springs. Bunte and Franklin (1984:284-5, appendix C, map 9, table 7-2) show four households at Hidden Springs, seven at Willow Springs and three on the mesa. The households on the mesa form two camps, one of which is a single family. Two of the Willow Springs households are resident primarily in Tuba City, but seasonally reside at Willow Springs because they are among the primary farming households.

The Willow Springs households represent approximately 43 people if the two Tuba City households are included. This is perhaps the most culturally distinct and conservative

portion of the tribe. Bunte and Franklin list six households as primarily farming-oriented. These cooperate along kindred cluster lines. In addition, two of these cooperating groups receive labor assistance from and provide produce to other Willow Springs and Tuba City families to which they are closely related. Two households on the mesa are listed as primarily grazing-oriented. They keep livestock for and receive labor assistance from other local families from their same kindred cluster, again including some Tuba City families (Bunte and Franklin 1984:284-85, Table 7-2). All families which are not listed by Bunte and Franklin as primary farming or grazing families are to some degree involved in the farming at Willow Springs, and most are also involved in the grazing. Livestock, farming, and basket-weaving are the primary sources of cash income, plus some social service benefits.

Two of the older members of the Chee Toney family group, which is more acculturated to Navajo culture, live permanently at Willow Springs, and one of them lives there seasonally. The balance of these families, including many of the younger members, live in Tuba City. One, who is married to a Hopi, lives and farms in Moencopi Pueblo. Also in Tuba City are two younger couples from the Lehi family. Approximately 29 Paiutes are resident all year or seasonally in Tuba City or Moencopi.

Navajo Mountain remains one of the most isolated and difficult areas of the reservation to reach from outside, although not as much so as in the past. Several hours of travel on dirt roads are necessary from the nearest paved highway. There is, however, a school and some electrification.

The present-day Paiute population at Navajo Mountain is much reduced from past years. Bunte and Franklin (1984:Table 7-3, Appendix C) list six households with 23 people as permanent residents. The main families are the Owls, strongly Paiute-oriented and Paiute-speaking, and the Graymountain and King descendants of Bessie Willetson, who are primarily Navajo-speaking and perhaps somewhat Navajo-oriented (see section IV.E). An additional person is reported to have moved back to Navajo Mountain since the study was completed in 1983. Also at Navajo Mountain is one other, older woman who is enrolled with the San Juan Paiute, but is not shown on Bunte and Franklin's outline of households. Four former Navajo Mountain households, now at Allen Canyon, retain landholdings and farm seasonally at Paiute Canyon. Two of these are from the Nelson family, intermarried with the Whiskers, another, plus the person moving back, is from the Nelsons. The other household is a Willetson.

The permanent Navajo Mountain residents live in two separate camps, interspersed among the Navajos, plus one family who live in Rainbow City, a housing subdivision near the local school. The Owls and the Kings have grazing areas behind Navajo Mountain itself, i.e., north and west of their camps, as well as farms at Paiute Canyon, about 15 miles to the southwest of their camps. The Paiute fields in Paiute Canyon are more or less contiguous. The Allen Canyon families that farm there do not have any livestock or grazing rights on the reservation (Bunte and Franklin 1984:290-92, table 7-3).

Also resident on the Navajo Reservation, near Cow Springs, is the Bilagody family. Cow Springs is on the paved highway from Tuba City to Kayenta (see maps) about 35 miles north of Tuba City. This family, with 11 enrolled members, is the one "marginal" Paiute family that is enrolled (see section IV.E). It is resident within an otherwise totally Navajo community.

There are a few, scattered urban residents. The largest number, about 20 people, live in the Los Angeles, California area. These are families of two Nelson women from Navajo Mountain who were sent to school in California in the 1940's when they were

orphaned. One of these, who recently moved back to Navajo Mountain, married an Hispanic, as did her children. The other, still resident in the Los Angeles area, married a Yaqui Indian. Two other families live in Salt Lake City and in Texas.

Two individuals who had been adopted as children by Navajos are residents of Window Rock, on the Navajo Reservation, distant from the Paiute area. One of the Owl family married a Quechan Indian and resides on that tribe's California reservation, across from Yuma, Arizona, along with his children and grandchildren. Despite the close current and historical connections with the Kaibab Paiute, there are no San Juan Paiute resident on their reservation.

About 20 percent of the enrolled membership, plus a number of unenrolled children of these members, reside on or near reservations in Utah (excluding the Utah portion of the Navajo Reservation). These are primarily families, particularly from Navajo Mountain, that since the 1920's have moved permanently to Utah, particularly to Allen Canyon. There has also been a fair amount of change of residence back and forth from Utah to the home area, as well as temporary residence and visiting. There is frequent visiting and contact between the Utah families and those on the Navajo Reservation, even though some have been resident in Utah more than a generation. As evidence of continuing relationships with San Juan families, some of the San Juan Paiutes at Allen Canyon or elsewhere have sometimes had a spouse from Allen Canyon or Ute Mountain, and also one from San Juan Paiute families.

The analysis below of San Juan Paiute residence in Utah in the last 50 years is based on a large number of sources, including but not limited to the petition itself, its supplements, present and previous lists, censuses or other materials (including those of the Navajo and Ute Mountain Ute Reservations) showing San Juan Paiutes (e.g., Whiskers 1974; Tallsalt 1954; and Parker 1963). The largest number reside on or near the Allen Canyon Reservation, often intermarried with the related Paiutes there as well as the Weeminuche families that are also at Allen Canyon. Among the Utah families are those which are considered resident at Allen Canyon but which still to some degree farm seasonally at Paiute Canyon. Two other individuals, from the Willow Springs area, are resident on the main Ute Mountain Reservation. One is married to a Ute and the other was formerly married to one. The children from these marriages are not enrolled with the San Juan tribe. Both persons have frequently changed residence back and forth from the San Juan Paiute settlements (i.e., Navajo Mountain or Willow Springs) to Utah.

The primary San Juan Paiute families at Allen Canyon today are from the Abe Lehi, Curtis Lehi, and Grace Nelson-Harry Whiskers families. Curtis Lehi moved up in the late 1930's, after the death of his wife, the daughter of Dick's Sister. His second marriage was to a Ute Mountain enrollee with historical San Juan Paiute kinship links. Abe Lehi also appears to have moved up after the end of a first marriage at Navajo Mountain, around 1925. Nonetheless his son, married to an Allen Canyon Paiute of historical San Juan ancestry, still maintains seasonal residence at Paiute Canyon, where he farms. A third group of families either presently or recently resident at Allen Canyon, etc., was derived from the Grace Nelson-Harry Whiskers marriage. This couple evidently moved up in the 1930's. Other individuals, from other families, are or were married to Utah Paiute/Ute families from Allen Canyon or elsewhere.

There are a few individuals from families that moved to Utah after the 1920's, or their descendants, that are no longer socially affiliated with the San Juan Paiute. One of the Owl brothers moved to and married into Ute Mountain Reservation proper and does not affiliate with the San Juan. In addition, some of the children of enrolled San Juan Paiutes (see section V.C) are enrolled members of their non-San Juan Paiute parent's

recognized tribe rather than with San Juan. These may nonetheless be socially participating with the San Juan Paiute.

There are also a few individuals formally enrolled with the San Juan Paiute and some of their nonenrolled descendants at the former Koosharem and Kanosh Paiute Reservations (now part of the restored Paiute Tribe of Utah) and at Fort Duchesne, on the Uintah and Ouray Reservation in northern Utah. This latter tribe is of Northern Utes, distinct from the Southern Utes of the Ute Mountain Ute Reservation.

Other San Juan Paiute were resident at Kanosh or Koosharem Reservations between 1920 and 1960, some married to local Paiutes, who are no longer alive and who for the most part have no descendants enrolled with the San Juan Paiutes today. In the past, at least three individuals lived on and/or were married into Koosharem Reservation families, Chester Chelyester and Willie (Francis) Lehi from Willow Springs, and George Fat Nelson from Navajo Mountain. Only Lehi's descendants are members of the San Juan Paiute today. Two families were at Kanosh, one with descendants in the tribe today. A few of the Connie Yazzie, Owl and Norman families were also resident in Utah and sometimes married to local Paiutes in this era. In some instances, families previously living elsewhere in Utah now live at Allen Canyon.

Change of residence from the two San Juan communities to Utah and then back again has been a consistent pattern for at least 30 years. A 1954 list of Paiutes at Navajo Mountain (Tallsalt 1954) and a 1963 list of Paiutes at Willow Springs (Parker 1963) provide evidence for this. The Navajo Mountain list has categories labeled "travel back and forth between the Navajo Mountain area . . ." and ". . . Allen's Canyon, Blanding, etc." The Willow Springs list has a category labeled "Group occasionally residing at Willow Springs, now living at Blanding." These lists are discussed in section VI.E.

Local Navajos are aware of the connection between the San Juan Paiute on the reservation and those in Utah. They also indicate specific knowledge about various individuals who have gone back and forth. Reference is commonly made to the Paiutes as being from "Blanding," and sometimes the recognition and claims efforts are blamed on the "Blanding people" (F.D.; John et al. 1985).

The significant portion of the tribe that is resident in Utah reflects the history of San Juan Paiute involvement there and their continuing ties with other Paiute bands living in Utah. It also reflects the seasonal work and consequent temporary residence of many there, principally between the 1930's and 1960's, and the two eras of more permanent migration away from the historical settlement areas, the 1920's and the 1940's. According to Franklin (1985b:61) a rather sharp and somewhat hostile distinction is currently made between the Allen Canyon families derived from the San Juan Paiute migrations in the 1920's and before and those San Juan Paiutes, later migrants, still affiliated with the petitioner. He states that the former are identified as "Ute" by the San Juan Paiutes. These families, with names such as Eyetoo, Cantsee, and Dutchie, are regarded as no longer part of the tribe because they are not involved in its affairs, even though there is clear common ancestry.

2. Social Cohesion and Kinship Groups

Bunte and Franklin (1984:268-69) offer observations that there is a high degree of contact between the two communities on the Navajo Reservation and tribal members living elsewhere. The contexts cited include, besides formal meetings in recent, years, visiting funerals, "family reunions" at Willow Springs, and marriages. Bunte (1984:52) rejected the use of the terms "core" and "non-core" to characterize the reservation

versus the nonreservation Paiute populations, on the basis that the non-Navajo reservation populations nonetheless participated in the political process and maintained a reasonable amount of social contact. They state that members of all of the families in the tribe had attended "family reunions" during the several years the research was conducted. Supporting evidence, although of shorter duration and perhaps less significance, is the attendance figures cited for tribal meetings in recent years, particularly those to sign up for enrollment.

With approximately 20 percent of tribal members living on the Utah reservations and only 15 percent living elsewhere or in cities, the connections with Utah are the important. The preceding section, V.A.1, discussed in some detail the connections in past decades and present-day social ties between the Utah and the Navajo reservation portions of the tribe. The apparent seasonal occupation at Navajo Mountain by some of the Allen Canyon families is one source of continuing contact. The testimony of Evelyn James (1984), the tribal spokesperson, provides numerous anecdotal examples of visiting between relatives and other activities, which are evidence of continued contact. San Juan Paiutes travel regularly to Utah to attend the Bear Dance at Ute Mountain Reservation and Paiute Indian events elsewhere (F.D.).

Other evidence on the frequency of contact is found in the observations of local Navajos, who seem aware of the Utah families and the frequent visiting and moving back and forth (F.D.; John et al. 1985). Interrogatories done in 1974 in connection with a suit concerning the Southern Paiute Judgement Fund (Whiskers et al. 1974) contain a question concerning how the individual heard about the payment. Answers to these indicate a high degree of contact between the two communities and the Paiutes at Allen Canyon.

The San Juan Paiute were socially unified as a band at the point of earliest significant European contact, in the mid-19th century, though not necessarily politically unified at that point (see section II.A). While certain kindred clusters have been strongly associated with the Navajo Mountain area or with the Willow Springs area, the frequency of change of residence, permanent and seasonal, and intermarriages between families from the two areas, preclude any question that they are separate, independent groups. The influential Lehi family, in particular, has since the late 19th century intermarried with people from both areas and in part resided in both areas.

The terms "kindred," "kindred cluster," and "household" are terms used by Bunte and Franklin to refer to the bilateral kinship groupings. These include several contemporary families related bilaterally to a common ancestor or pair of ancestors who were siblings, usually four or five generations back, e.g., Machukats. These kinship groupings, as defined by the San Juan Paiute (and outlined by Bunte and Franklin), are not purely genealogical tracings, since they focus on the particular ancestor (often a leader) who helps define the group, and not other ancestors, who tend to be forgotten (Bunte and Franklin 1984:275-76). These kin groupings are regarded by the Paiutes as having common rights in particular herding or farming areas, i.e., a corporate estate.

A person belongs to a particular kindred cluster, although he may be descended from several. There are also at least half dozen family lines represented in recent generations which are San Juan Paiute but for which there is no current, separately recognized cluster, (e.g., descendants of Nabahadzin). Through population decrease and intermarriage in recent generations the number of clusters has become reduced and the remaining ones are somewhat consolidated, especially for the younger members as a result of relatively recent intermarriages (Bunte and Franklin 1984:274).

The current kindred clusters in the north and associated with Navajo Mountain and Paiute Canyon are the Owl (from Chief Nasja), Nelson (from Dora Nelson), and Tuutauts. The remaining clusters, in the south, are the Machukats, the Pakai or Lehi, tracing from chief Pakai, and the Francis, named (in English) after Joe Francis, who lived from approximately 1868 to 1943. The Francis cluster actually traces from Joe Francis and his sister. The Bilagody family at Cow Springs is from a distinct family line, not part of any of these clusters, although sharing a common ancestor with an older resident at Willow Springs who himself has a marginal kinship connection with the other remaining southern kindred clusters.

3. Language Usage

Paiute is still the primary everyday language for the majority of the San Juan Paiute (Franklin and Barrow 1985:62-64). A substantial portion, perhaps one-quarter, speak Navajo as their predominant language with a limited or no facility in Paiute. A few apparently do not speak any Indian language. Most individuals are bilingual or trilingual, in Paiute, Navajo, and English. The primary source of data was a survey of language use prepared by Bunte and Franklin (San Juan Paiute 1984), and testimony by Bunte (1984:157-62), as well as the petition (Bunte and Franklin 1984:235-7). This material was not entirely complete, especially concerning degrees of ability to speak other than the person's primary language and concerning nonresidents of the Navajo Reservation. Consequently, analysis for this report did not include percentages of speakers of one or another language, although some were provided by the petitioner (Franklin and Barrow 1985). San Juan Paiute is a dialect of Southern Paiute and, while mutually intelligible with other Paiute dialects, there are distinct variations in vocabulary and pronunciation which are readily apparent in conversations with Paiutes elsewhere (Bunte and Franklin 1984:230-232).

The main families in the two settlement areas (i.e., Willow Springs and Navajo Mountain), with some notable exceptions, speak Paiute as their main language, even among the youngest generation. The older generation, with some exceptions, speaks only limited English. It will be recalled that very few of the Paiutes attended school until about 25 years ago.

The exceptions are within the reservation families that appear to have been somewhat more oriented toward Navajo culture and society, e.g., the descendants of Chee Toney, and the Goodman-King family. Navajo is listed as the primary language for the daughters of Chee Toney, with limited or passive knowledge of Paiute. Their children and grandchildren have little or usually no knowledge of Paiute, but speak Navajo and English, usually with the former as their everyday language. The Goodman-King family similarly speaks primarily Navajo, with most individuals having little or no ability to speak or understand Paiute. The "marginal" (see above) Bilagody family speaks Navajo as their everyday language, with some having knowledge of Paiute and English as well. This is consistent with their residence within a Navajo local community.

Paiute is largely the everyday language of all ages among the Utah families, who do not appear to speak much if any Navajo. English is more widely and competently spoken among this population than those on the Navajo Reservation, particularly among the younger generation. The younger generation among the urban California families apparently does not speak any Indian language at all.

In the previous generations, perhaps until the last 20 years, bilingualism in Navajo was general, if not universal. The entire San Juan Paiute population probably spoke Paiute as their first language and spoke at least some Navajo as well, as a necessary means

of communicating with the Navajos all around them. Much of this bilingualism apparently remains today. The incidence of monolingual Paiute speaking reported in the language data provided (see above) appears to understate the degree to which the older generation could communicate in Navajo, though not necessarily completely fluent in the language). Bunte and Franklin (1984:236) suggest that the younger generation speaks more English and less Navajo as a second language, as English has become more widely spoken among the Navajo and thus more useful.

The deposition of Joe Norman (1984:205, 225, passim), an older San Juan Paiute resident at Willow Springs, indicates he had a detailed knowledge of Navajo names for Paiutes and Navajo names for local geographical features. Early ethnography such as that of Kelly and Stewart was done by means of a Navajo interpreter. Mowrer (1971) reported complete bilingualism and conducted her interviews in Navajo. Navajo-speaking Paiutes were noted in 1874, as interpreters for Jacob Hamblin, and are implied in the 1859 military letters concerning Mormon plans for a meeting of various tribes at Navajo Mountain. In the past, there was some Paiute spoken by Navajos, but it does not appear that this was nearly as widespread as Navajo being spoken by Paiutes. Such assymmetrical bilingualism is not uncommon where one of two groups in a close relationship is strongly predominant.

The Paiute language still functions, if sometimes with difficulty, as a symbol of ethnic identity (Bunte and Franklin 1984:238). It apparently has served as one means by which Paiutes elsewhere not related to or knowing the San Juan Paiute have identified them as Paiute. Several stories are told by younger Kaibab Paiutes of mistaking San Juan members in the past for Navajos, based on dress, and then discovering that they were Paiute speakers (Bunte and Franklin 1984:136-137). Mowrer was told in 1971 by the Paiutes at Willow Springs that "the only individuals that are recognized as Paiutes by them were those that speak fluent Paiute." The speaker specifically excluded the part-Navajo Paiutes in Tuba City because they spoke little or no Paiute. In view of the consistency with which the latter have been included within the definition of the Paiutes by local Navajos and others (see section V.A.2), this appears to be a symbolic statement. A similar statement was obtained from an older Paiute (Bunte and Franklin 1984-6). When questioned about those that spoke little Paiute and mostly Navajo, she said that they had a Paiute mother and stated their specific Paiute ancestry from Pakai, i.e., that therefore they were nonetheless Paiutes.

4. Cultural Knowledge

A great deal of knowledge about traditional culture and oral history is still retained by the tribe, and a high degree of the Paiute language and culture has been maintained. Only in the past 25 years or so has formal education in non-Indian schools been common. This, together with the geographic isolation and limited residence off-reservation, has led to a only moderate degree of acculturation to white culture. Acculturation to Navajo culture has occurred to some degree (see section VI.F). Extensive oral history about territory occupied by the tribe in the past, past events, ways of life, and particular individuals and historic events has been retained.

5. Religion

Concerning San Juan Paiute religion, Bunte and Franklin (1984:241) cited the retention of mythological stories and beliefs, ceremonies and practices concerning life crises such as birth and puberty, and the relationship to the territory they regard as theirs. Political leaders are regarded as having certain religious functions, primarily in the context of being moral leaders. There was extensive utilization of Navajo ceremonials for curing,

performed by Navajo ceremonialists, until the 1970's, when widespread conversion to Christianity occurred. The acculturation to Navajo ceremonialism evidently caused the replacement of Paiute medicine men as curers by early in the 20th century. The decline of hunting meant that there was no scope for religious practitioners such as an antelope shaman.

Most of the reservation portion of the tribe are Christians presently, although combining this, according to Bunte and Franklin, with maintenance of some traditional beliefs, myths, etc. They attend churches and revivals within the local Navajo community. There was some contact with and participation in Christian churches before 1969 (Mowrer 1971; Bunte and Franklin 1984:240; Western Navajo Agency 1985) but the death of Alfred Lehi, who was powerful religious figure and a conservative cultural force, was followed by a major shift to Christianity. The primary religion within the tribe is Pentecostal Christianity (Bunte and Franklin 1984:241). Some previous contact and involvement with the Mormon church is evident also (Shoff 1969), as was characteristic of Southern Paiutes elsewhere.

B. Political System

1. Description of the Political Process

More information exists concerning the San Juan Paiute political system than the foregoing description of the local and tribal leaders has provided. Bunte and Franklin provide descriptions of the cultural beliefs and social organization underlying the political system, and additional information about how the political process itself operated. This includes decision-making processes, the important principle of consensus building, and the role of influential community members referred to as "elders."

The most detailed data relate to the functioning of the tribe as Bunte and Franklin observed it, from 1979 to 1984, with some less detailed information developed through oral history for earlier periods. Until recently, the system was more or less traditional, and essentially consistent with descriptions of other Southern Paiute bands' political behavior (e.g., Knack 1980:86-89) and descriptions of "aboriginal" or at least traditional Southern Paiute political systems. The beginnings of some changes are apparent after 1969, when the traditionalist leader Alfred Lehi died. In the past two or three years, much more extensive changes have been made deliberately by the tribe. These are expected to result eventually in a written governing document, a radical departure from past governance practices.

Bunte and Franklin use the term "chief elder" for the leader of the tribe as a whole. Their terminology reflects the Paiute terminology and their conclusion that the position is related in character to that of any tribal elder. Local areas also had distinct leaders, referred to by Bunte and Franklin as "local chief elders." It is not clear from the review above of historically known local leaders whether there was always a single distinct local leader or whether there could be several at one time. This latter arrangement would not be inconsistent with the character of the political system as Bunte and Franklin describe it.

The tribe's political system has rested upon traditional principles requiring consensus of adults in decision-making, authority which is noncoercive, and cultural beliefs and social organization which have made these authority and decision-making processes work. Authority is not highly centralized, although historically the tribal chief elder and local chief elders were distinct offices. The effectiveness of the political process rests on the close kinship ties among members, the close personal involvement among members, and the cultural beliefs which accord deference to elders and at the same time require that the elder can act only with the concurrence of the kinsmen he represents. Group opinion under these circumstances is a strong force to control the behavior of members.

One of the key mechanisms and concepts is that of tribal elder. Bunte and Franklin (1984:298) refer to these as "those who can count on the authority to speak up and be heard on formal occasions." One or more may be involved in a decision or event, depending on whether it pertains to a kindred cluster, local area, or the whole tribe. The general characteristics required to be an elder are that the person be the head of a family, be socially mature, be knowledgeable about the Paiute ways and traditions, able to speak and interact well with others, and, on that basis, be respected. Age per se is not a deciding factor—"Its how much you know" (James 1984:325). There is a certain amount of confusion in the petition materials concerning whether a person has to have had children to be an elder. It appears to be almost essential, but not entirely, except to be chief elder of the tribe. Two people with no children are listed in the petition or elsewhere as elders.

Part of the confusion is that "elder" is a general term, and some elders are much more influential than others. Some may speak only at meetings involving local level issue, and not at tribal meetings. An elder who speaks at a local level meeting may not have the degree of influence and respect to be heard at a tribal meeting. The current tribal spokesperson (i.e., leader of the tribe or tribal chief elder) clearly distinguished among those who could be classified as elders, pointing out certain ones who were ". . . the main ones I really depend on and they know more, a lot about how to teach, you know medicine." "These are the ones that know so much about San Juan culture and are the ones that help me very closely" (James 1984:382-3). At the tribal level, elders ". . . must be leading members of subtribal kingroups in order to take part in the collective leadership of the tribe" (Bunte and Franklin 1984:299).

According to Bunte and Franklin, economic ability is not a factor in being an elder or more precisely, being influential. They appear to qualify this somewhat in that within kindred clusters, "the authority that is attributed to elders could be seen as being at least in part due to their position as providers to their kin" (Bunte and Franklin 1984:300).

Bunte and Franklin (1984:299) refer to "the collective leadership" of the tribal elders in all contexts where authority is exercised. It occurrs most visibly in tribal meetings of whatever scope. It means a collective, consensus influence of all the elders involved in a matter, rather than one elder per se being an official. Thus all the elders in a matter concerning a kindred cluster might be involved. The authority of one elder from a kin group does not exclude that of others—rather, all persons of influence should be involved (Bunte and Franklin 1984:300).

Bunte and Franklin (1984:306) characterize the relationship between the elder and his group as an authority relationship, i.e., that he will not act without adult consensus and he can only request or persuade. The character of the relationship of the elder to his "constituency" was described by tribal spokesperson James (1984:325) as "He has to listen to his people and know to teach different kinds of statements of life. And people have to trust him or her." "If a group of people want to do something and he do not, he's not against that, make sure all satisfied with all the decisions."

An important element of the process is that an elder has a "natural constituency" of the kinsmen whose viewpoint and interests he represents. Thus an older person with grown children would, all things being equal, be more important. However, another important principle of the system, which illustrates its character, is "constituency adoption," which refers to the fact that the people an elder "represents" may not always be his most direct kinsmen, but could instead be the kindred cluster into which he or she is married (Bunte and Franklin 1984:302). The significance is that it is the individual's qualities as an elder which gives him the support of these particular kinsmen. It also illustrates the "constituency" character that Bunte and Franklin attribute to the system, i.e., that the elder represents or puts forth the views of a particular group of people, and also that a specific, older member of a kingroup is not automatically a "leader" or representative of it.

James elaborated further on what an elder, particularly an influential elder, is expected to do. She cited as duties, teaching the ways of the Paiute ("Paiute College"), farming, history, medicine, songs, and weaving baskets. She also said they help settle problems (James 1984:220, 231; San Juan Southern Paiute 1984:30). An interesting description of the elder's role in the annual pinon nut gathering is provided by her. This is a tribal level gathering at pinon grounds such as those near San Francisco Peak, north of Flagstaff. The elders "arrange where the pinon picking is going to take place, and how long people are going to stay there and is there enough food" (James 1984:229).

The elder also provides information about how to do it, but does not dictate who will or can do picking. Strong emphasis was also placed on the elder's duty to see that fields were maintained, that people work hard on them and that they were not left unused and exposed to possible takeover by the Navajos.

The requirements and character of a tribal chief elder, though similar to those of any influential elder, go beyond these. Social maturity and the ability to speak and interact skillfully are very important. Alfred Lehi was described by some Kaibab Paiutes as a man who would do nothing that got anybody mad, never "got mean or rowdy," and was contrasted with a man who was "silly, like a coyote" (F.D.). Part of the social maturity requirement was that the chief elder be married or a widower with children. Also cited by Bunte and Franklin (1984:299), at least with regard to Alfred Lehi and Evelyn James, is that they have a broad kinship network to be able to mobilize broad support and the prestige of being from a family line of previous chiefs, in this case Pakai. Knowledge of the "right way" of doing things was important. Many of the chief and local elders were also religious figures and Bunte and Franklin note they are sometimes best remembered for this part of their roles.

The tribal chief elder apparently did not have a strong role in "local" affairs, except insofar as he may have also been the leader of a particular local area or kindred cluster. Although he was responsible for external affairs, the consensus and approval of tribal members was necessary for his actions (Bunte and Franklin 1984:304-5).

Women clearly functioned as elders and participated as such in the political process, something Stewart also reported as aboriginal. It does not appear, however, that they were ever local or chief elders among the San Juan Paiute. Thus accession of Anna Whiskers in the early 1970's and then Evelyn James (in 1980) as tribal chief elder must be considered a moderate change in the system.

A meeting, political decision, or the scope of influence of an elder might relate to the whole tribe, as when allocation of tribal lands is involved, or only involve a local area or a single kindred cluster. The level of collective decision making reportedly varied depending on the kinds of interests and whether, as in the case of a dispute, only a single local area or kindred cluster is involved (Franklin 1985b:6-7). The chief elder normally would not be involved in a purely local matter.

Meetings are viewed by the Paiutes as their main political arena (Bunte and Franklin 1984:100). The term in Paiute is "shuupara api," which means simply "gathering." Tribal level meetings are sometimes called "niavishuupara api," or "chiefly gathering." Meetings provide a forum for presentation of viewpoints, to "talk through" issues, and to reinforce or develop group policies. At these meetings, elders are expected to present the viewpoints of their "constituencies." According to Bunte and Franklin (1984:306), before a meeting an elder may "informally feel out the consensus among the kin they represent." There also seems to be a certain amount of lobbying in advance of meetings.

Another principle of significance to meetings and to the role of elders in particular according to Bunte and Franklin (1984:261) is the "ethical principle of deference," that "seniors talk and juniors listen." This is reflected in that the fact that elders do the talking at meetings.

James expresses the consensus nature of decisions with statements such as "if its not good for all the people, its not taken as an action." When pressed about what happens if somebody disagrees, she said there were no such situations, that "you can't let one person misunderstand and wander away mad" (James 1984:378). Her statement also

illustrates another important element of meetings, and Paiute behavior in general—a strong prohibition against openly hostile or angry behavior (Franklin 1984b:7-8). The Paiutes cite the open disputes observed at Navajo chapter meetings as a reason for disliking and usually staying away from such meetings.

Bunte and Franklin estimate they attended about 20 tribal-level meetings between 1980 and 1984, and that there were probably four or five more in that time. Meetings were more like to occur in the summer, because of easier travel conditons. There were no regularly scheduled meetings. They occurred when questions arose which required them. There are some partial minutes from this period (San Juan Paiute 1982-1985a, 1982-1985b).

Before 1980, there are no regular written records made of meetings. Franklin (1985a:71-74, 79-80) provides anecdotal information of a few earlier ones which were particularly notable and thus well remembered. It is not clear how common they were in the past. James stated they were "different" in the past, apparently meaning less formal. Paiute oral history describes them as a feature of Paiute culture, but without providing alot of details. Stewart (1941-2:300) lists "councils" as a element of traditional Southern Paiute culture. In addition, regular tribal gatherings for round dances and pinon picking were traditional and could have provided a forum for less critical meetings that are no longer precisely recalled. Among the historical meetings recalled were one in 1948, called by Alfred Lehi because of threats by the Navajo police, one in 1964 resulting from disturbance of Paiute sites by archaeologists in connection with the Glen Canyon Dam, and one in 1974 concerning the partition of Hopi and Navajo lands.

According to Bunte and Franklin (1984:307), and James' testimony, attendance at tribal meetings has been substantial, i.e., 75 to 125 adults. Attendance lists were kept for a number of the tribal meetings after 1980. Available lists showed from 25 to 108 attendees (San Juan Paiute 1982-1985b). A limited analysis of who attended showed a broad distribution from the various on-reservation areas, i.e., both the north and the south, including the Cow Springs and Tuba City families as well as Willow Springs, and also people from all of the major families in these areas including the "marginal" ones. Off-Navajo Reservation representation was less broad or consistent, though certain key figures from Utah attended consistently. The attendees were highly consistent with the currently stated membership, i.e., didn't differ significantly. An exception was is a Paiute family, which is interested in joining but is evidently not San Juan Paiute and has not been accepted as members (see section V.C). There were also some non-Indian attendees, such as Bunte and Franklin, some lawyers, and some Kaibab Paiutes who were invited in part to provide advice and technical assistance (Bullets 1984).

No data were presented or available concerning "local" decision-making by the San Juan Paiutes not resident on the Navajo Reservation. The elders from these areas were, however, observed to participate regularly in tribal level meetings and concerns (Bunte and Franklin 1984:302).

An important political function is resource allocation. According to Bunte and Franklin, the farming and grazing areas in both localities are regarded implicitly as a "tribal resource estate," i.e., that belonging to the whole tribe (Franklin 1985b:17). Thus when disputes arose over the use of an area, or there were questions of allocation of the area that was used by a person who had died, these matters were discussed and decided in tribal meetings. Bunte and Franklin (1984:310-311) cite several examples of meetings to decide such matters. More generally, distribution, control, and protection of land against encroachment land are political, usually tribal, matters. At a lower level, an elder's duty includes seeing that fields are utilized, i.e., not left idle and thus subject to being taken over, and that they are properly cared for (James 1984:228-29). Notably,

although much of this resource estate depends on individually held grazing and farming permits (see section VI.I), the Paiutes were observed by Bunte and Franklin to treat it as tribal lands, reflecting their perspective.

An important aspect of the tribal chief elder's role is that of dealing with external relationships. Thus Alfred Lehi undertook a number of actions, for which he is well known, in which he sought to change the actions of the Federal Government toward the tribe or its members, e.g., in retrieving a child from boarding school, arranging the 1943 move to join the Kaibab Paiute, etc. He also was the one to whom Manners was directed in 1953, and may have dealt to some degree with the Southern Paiute land claim activities.

Franklin also cites a number of instances of dispute settlement and control of behavior of members (Franklin 1985b:9-14; Franklin 1985a:82-83). Resolution of these may involve a meeting, particularly if a dispute is involved, but also involves the actions of elders to mediate and "follow up," i.e., remind the parties of what the consensus was and how they should behave. The examples Bunte and Franklin provide are anecdotal, some observed during their field stay and others occurring within memory of living members. Examples included an early dispute in Paiute Canyon over the allocation of irrigation water, a fairly recent dispute over livestock damage, community pressure to modify the behavior of a teenage girl, and an early community action to prevent the breakup of a marriage (Franklin 1985a:25-27, 82-83). They also suggest that because of the strong Paiute value against overtly angry or aggressive behavior, there are probably more instances of dispute resolution and modification of members behavior than the Paiutes have been willing to discuss with them.

2. Recent Leaders

Anna Whiskers, daughter of Alfred Lehi, eventually replaced him as chief elder after his death in 1969. There was probably a gap of several years between his death and the time that she became fully accepted as chief elder (Bunte 1984:239-40). The gap was probably because of the suddenness of his death and the nature of the process of fully developing the respect that is the basis of Paiute leadership. It is not clear whether a meeting was held to ratify her status, as is traditional. She appears to have been the first woman chief (or local leader) that the San Juan Paiute have had (even though women elders per se are quite usual). (A number of cultural and political changes began in this period. They are discussed separately in the following section).

Anna Whiskers was the contact person for outsiders between approximately 1970 and 1980. The Kaibab Paiute leadership acknowledged her as the leader, forwarding to her (Bullets 1984:31-2), for instance, the Branch of Acknowledgment and Research (then the Branch of Federal Acknowledgment) letter of inquiry concerning whether there were any unrecognized Paiute groups. Kaibab leaders instructed her on how to hold meetings, a critical element in view of the San Juan Paiute political process, and how to talk to non-Indians (F.D.). Whiskers stated that the Kaibab told the San Juan how to strengthen their tribe. The decision to seek recognition as a tribe separate from the Navajos was made while she was leader. She also worked with the other important elders, for example, on issues of Navajo pressure on the San Juan Paiute's Navajo Mountain land, and the need for services and perceived problems of obtaining them from the Navajo Tribe (F.D.). This was evidently a period when alot of letters were received, and when in other instances as well it became important to be able to deal with matters in English. She had some difficulties with the chief elder's role as far as dealing with external affairs because of this.

Anna Whisker's daughter, Evelyn James, assisted her in the latter part of the 1970's because she was educated and could speak English (James in Norman 1984:I-35). Her mother eventually recommended that the tribe make her daughter the chief elder and James was elected at a tribal meeting in 1980 (it is not clear whether at this point an actual vote was taken but the decision was unanimous, which is in accord with the traditional decision-making process). She became leader after she had had her first child, meeting that essential criterion for chief elder (Franklin 1985b:26). James also alluded to a process by which she was becoming known as an able person. She said ". . . along with [helping her mother] the people saw what I was doing" (James in Norman 1984:I-35). Franklin (1985b:27) also reports that in 1983 or 1984 James had religious experiences similar to those of previous chief elders, i.e., prophetic dreams and contact with the traditional Southern Paiute deity.

3. Recent Changes in Political Organization

Recent changes in political organization have their roots in the era between Alfred Lehi's death in 1969, and 1980. Although the San Juan Paiute political organization was not greatly changed in that era, there were the beginnings of such changes with the selection of a woman for chief elder and especially in the more activist approach to dealing with external institutions.

Alfred Lehi's leadership had been very strong and also very traditional, and, consistent with earlier San Juan Paiute attitudes, minimized involvement with white institutions or the Navajo Tribal government. A more activist approach was taken after that point. At the same time, the partial and incipient Christianization of tribal members was replaced by conversion to active membership by most in Christian churches. The 60's was also the first era in which many of the Paiute children attended public schools.

The descriptions of the problems faced by Alfred Lehi's successor, Anna Whiskers, suggest that there was also a greater need of and/or awareness of the need to deal with external institutions. This was evident in that she, as contact person for outsiders, got many letters and contacts where her lack of English was a felt disadvantage in dealing with them. At the same time, the Navajo Tribal governmental institutions were increasing in strength and importance and increasingly running programs that had been run by the Federal or State governments (see section VI.H) The coincidental payment of the Southern Paiute judgment award probably added an edge to Navajo reactions at this time (cf. Mowrer 1971). Issues also arose in connection with litigation and legislation concerning partition of Hopi and Navajo lands, in which both the latter tribes sought San Juan Paiute support.

The more activist approach to external institutions was concerned with protecting land, economic improvement, and problems with receiving government services. The San Juan Paiute's approach involved both seeking recognition as a separate entity and to some extent seeking to be served by and participate in Navajo governmental institutions (see section VI.J). Their perception was that the latter was denied them and they therefore continued to pursue the other course of separate recognition. Even though they had organized in 1970 to seek recognition, in 1971 Anna Whiskers said that though some of them voted "for their [i.e., the Navajo] chairman; they still do not include us in their tribal government" (Mowrer 1971:10). At a meeting with the San Juan Paiute in 1977, anthropologist Allen Turner was told the Paiutes felt ". . . that the Navajo political system was not responsive to Paiute problems . . ." (Turner and Euler 1985:205). According to several Paiutes, they originally were not aware they could be recognized as a tribe separately from the Navajos (F.D.).

The San Juan Paiute political system has been undergoing a process of modification since 1980, when Evelyn James became tribal spokesperson and the process of seeking Federal recognition was resumed. The change has been a deliberate one, led by James.

Among the changes is the institution of "community representatives." These were originally started in 1983, in order to have a literate member in each area to read and provide community input on the acknowledgment petition (Bunte 1984:195-200). This was at Evelyn James' (1984:331) suggestion, but, expressing consensus, James stated that "the people, the tribe itself decided that one." The community representatives have evolved, according to Bunte (1984:195), to take care of members in ways that traditional leaders did before. James refers to them as taking care of problems that people in their areas have, i.e., if someone needed help with a field, or to haul wood, etc. While these problems might be brought to a council meeting, in practice unless there is a special issue about them, the representatives are obligated and expected to take care of them in the same manner as an elder. "The representative is chosen to serve that people, not just bring it to the meeting all the time, every time somebody needs help" (James 1984:137).

James had an additional reason for introducing the community representatives. She stated that she needed them because it was hard for her to reach people and she needed people who could read and write (James 1984:326). They thus provide a means of contact for the spokesperson. Representatives are also to carry information back from meetings to the people who haven't attended. Bunte (1984:198) described the community representatives as an attempt by the tribe itself to make their traditional tribal government better adapted to dealing with the Anglo world. James (1984:368-9) describes the relationship of the community representatives to the elders in this manner: ". . . the elders have to approve it [i.e., decisions]" even though the representatives discuss it at meetings. She said further that representatives "make sure its okay from the elders and people" (James 1984:372). This latter statement expresses both the influence of the elders and the more general consensus nature of the political process.

Representatives are selected by the people in a given area and serve as long as the people want them to. Several lists of them were provided, which were not entirely consistent with each other. Representatives of Navajo Mountain, Cow Springs (Bilagody family), Quechan Reservation (Mark Owl family), and Blanding (i.e., Allen Canyon) are on all three lists. One or another list also shows Evelyn James herself for Willow Springs, a separate representative for the Tuba City families and one for the families at Richfield (i.e., Kanosh Reservation) (San Juan Southern Paiute 1984:17; James 1984).

Despite these changes, the approach to political decisions is still strongly based on the process of development of consensus discussed above, and the traditional values and approach to authority, influence and decision-making involved in them. Further evolution is planned by the tribe. The spokesperson has attended BIA workshops on constitutions and the group currently has an Administration for Native Americans grant to work further on the development of a government based on a written document. One of the two anthropologists who wrote the acknowledgment petition is a consultant for this.

Keeping minutes and attendance lists was an innovation introduced by James in 1980, although minutes were not kept consistently until 1983, when the community representatives system was started. Minutes began to be kept in part as a result of the spokesperson's perception, based on the acknowledgment guidelines, that meetings, minutes, and participation in meetings were requirements for acknowledgment (James 1984:340; San Juan Southern Paiute 1980-1985).

Another evolutionary change, since approximately 1984, is the use of formal voting at meetings. Bunte and James state, however, that the vote is always unanimous, i.e., consensus is achieved before the vote is taken. Another very recent innovation, apparently made since the petition was submitted, is the addition of a "vice-chairmanship" or Assistant tribal spokesperson. A May 25, 1985, announcement called for an election of a vice chairman "to assist the chairman." From the announcement, it appeared that the person was to be selected from among the representatives of the Willow Springs, Navajo Mountain, Cow Springs, and Tuba City areas. This apparent method would be a radical change, i.e., selecting a leader by a formal vote count. The minutes of a 1984 meeting stated there was tribal approval of tribal government offices of Chairman, vice-chairman, secretary and treasurer, with specific individuals listed as filling them. Despite these minutes, it appears that a change to formalized offices, though discussed, was probably not implemented (San Juan Paiute 1982-85a, 1982-85b).

C. Membership

The tribe's definition of its membership is, briefly stated, recognized descent from a San Juan Paiute and "participation" in tribal affairs. There is no written governing document and, hence, no written membership criteria. There was a reasonably clear sense in the past of who was or was not included with the group but it was not formalized or made completely explicit until the preparations were made for an acknowledgment petition and a roll was prepared.

The criterion of San Juan Paiute descent was described in the petition as "primary," but is not in itself sufficient (i.e., see discussion of Allen Canyon Paiute below). There is little detail in the petition concerning a process of determination of San Juan ancestry, probably because all of the membership and their family backgrounds are well known to the older Paiutes.

Bunte testified that she and her husband, Robert Franklin, prepared a definition of "participation" as a formalization of what they understood were the standards the San Juan Paiute implicitly applied to determine whether a person belonged to the tribe. The formal statement submitted in the main body of the petition (Bunte and Franklin 1984:333-4), that interest must be shown by going to meetings or sending a representative and inquiring about political affairs, appears too limited and somewhat inaccurate, judged by the spokesperson's testimony (James 1984:300-306) as well as by later elaborations by Bunte and Franklin. Bunte (1984:55) testified that that the criterion of participation included whether the person ". . . had as their primary allegiance the San Juan Tribe," and, therefore, would help other members of the tribe if needed, ". . . would be interested in the status of different problems facing the tribe, and would come to meetings or communicate by letter about interest in what was going on." Franklin (1985a:51) stated the term "participation" included ". . . all socially recognized forms of participation in tribal life." This included visiting, attending funerals, marriages, etc.

There was, as the above implies, no formal, written tribal roll until recently. James' (1984:170) testimony indicates that there was a roll or rolls beginning approximately in 1978 or 1979. A rough roll was probably prepared or at least begun as part of the initial work on the petition by Allen Turner, before the present research team began work. This earlier material was not submitted, and may be the roll James referred to. Bunte (1984:43) testified that when she began work assisting them with preparation of the roll, James had a set of file cards with names. Bunte's (1984:25) testimony indicates that a process of formal enrollment was begun at a meeting in 1981. The San Juan Paiute sometimes refer to a roll from 1970 or 1972, meaning the applications for the

Southern Paiute Judgement Fund award, but recognize that not all of their present adult members filed in time to get on that list (James 1984:168).

James testified that the decisions on who to include on the tribal roll were not made in a highly formalized manner. Consistent with the description of political process described above, decisions concerning those about whom there was any question were discussed informally by the tribe, not necessarily in a meeting. Both the elders and the community representatives were involved, and the decision was by agreement, not by voting (Bunte 1984:60).

In at least one instance, a Paiute family, the Hatches, were rejected for membership even though they had come frequently to meetings and interacted with the tribe over the years (San Juan Paiute 1982-5a, 1982-5b; Bunte 1984:56-60; James 1984:215-17). It was determined they were not of San Juan Paiute descent. It is not clear why, given the decription of how membership was recognized before the petition process was started, and the in-depth knowledge of family history that older members have, why this family was seriously considered possibly eligible to enroll.

The membership of the tribe, in the sense of the unwritten social definition which the petition attempts to make explicit, continues to include some individuals, mostly residents of the Utah reservations, who have not formally enrolled in the tribe (James 1984:176-7, 215-16; F.D.). These individuals are considered by tribal members to meet the definition of "participation." James testified that they were not forcing these people to make a decision, but would be willing to enroll them after the tribe was acknowledged. Thus the San Juan Paiute anticipate enrolling in the tribe, if acknowledged, some individuals who meet their criteria for membership and who by their standards are in fact members, but who have not formally enrolled so far (F.D.; James 1984:268).

No data was obtained concerning potential enrollment of the "marginal" part-Paiute Navajos who came to some meetings in the past (see section VI.E). Since they are well known and their genealogical connections to tribal members are quite close, it is possible that they would also be considered for enrollment in the future if they requested it.

On the other hand, there is a strong sense that the Allen Canyon Paiutes derived from the early 1920's outmigration or earlier would never be considered, even though San Juan Paiute descent and specific genealogical connections are quite clear. There is a sharp antagonism between the two groups (Franklin 1985b:60). Interest in enrollment displayed on the part of some of these was dismissed by one member as being only an interest in what benefits they might get (F.D.).

The roll submitted for acknowledgment included 173 individuals, to which were added 19 more during the course of consideration of the petition. Of the currently living 188 members, 119 have "census numbers" with the Navajo Tribe, 11 appear on the Ute Mountain Ute tribal roll, and 11 appear on the tribal rolls of the Quechan or other recognized tribes. Navajo "census numbers" and/or "enrollment" are discussed separately (see section VI.G). Because the question of consent to enrollment with the San Juan Paiute tribe was raised by the Navajo Tribe during the course of consideration of the petition (Brown and Bain 1985a), statements of consent to enroll were requested by the Branch of Acknowledgment and Research and obtained by the group's attorneys and leadership. Statements were received for all but 21 of the 188.

VI. ANALYSIS OF RELATIONSHIPS WITH NAVAJO TRIBE AND GOVERNMENT

A. Introduction

The San Juan Paiute are of course resident within the Navajo Reservation and have long had Navajo families as close neighbors. Their overall level of social relations with the Navajos goes beyond the limited exchanges and relationships that usually occur between separate Indian tribes. This is in part because they are coresidents of the same immediate areas and, consequently, competitors for the resources of the area. Their relationships with the Navajo are considerably more extensive than those with the nearby Hopi, but not necessarily more extensive than those with other Paiute bands, allowing for distances from the latter. A high level of interaction with the Navajos dates back to the late 19th century. The following discussion of relationships with the Navajos does not apply to the segment (about 20 percent) of the San Juan Paiute that resides on the Allen Canyon and main Ute Mountain Reservation or on other Utah Paiute Reservations.

The following sections examine in some detail the nature and degree of various kinds of Paiute social relationships with the local Navajo communities surrounding them. The time span for the available evidence discussed below is, for the most part, within the lifetime of the older Paiutes and Navajos. The kinds of social relationships evaluated below are intermarriage, common residence or household, informal social relations (e.g., visiting), participation in Navajo or Paiute kinship institutions such as clans, and economic cooperation. The degree to which the Paiutes have participated in the local chapter or in tribal-wide political institutions of the Navajo Nation is dealt with separately below, in section VI.J. As part of that discussion, consideration is given to Paiute participation in the administrative, political, service and judicial institutions of the Navajo Tribe.

B. Informal Social Relations

The Paiutes resident in the two main present-day settlement areas, and in the larger territory of the past, appear to have had a fairly high degree of informal social interaction with the neighboring Navajo families. The available evidence indicates this to have been the case at least as long as the lifetime of older Paiutes.

The available information is largely anecdotal or very generalized statements, but it indicates close, informal social relations were not uncommon. The deposition of Joe Norman, a San Juan Paiute in his 70's, states that Yxirots (Paiute woman who died in the 1920's) was given sheep by the Navajos because they were her friends. Norman also stated that Chester Chelyester in the 1930's ". . . was just staying with the Navajos, just to stay over there. Learn how to talk Navajo." Joe Francis, who died in 1943, was stated to have been ". . . going around to Navajo homes after his wife died," i.e., was staying with them (Norman 1984:II-59, 83, 85). Depositions from Alfred Lehi (1948) and other Paiutes in 1948 concerning a conflict with local Navajos stated that, at the time, Lehi and local Navajos were taking a sweatbath together and other Paiutes had intended to join them but didn't do so for lack of room. A sweatbath, in Navajo culture at least, is a semi-ritual activity. Lehi is reported to have had good relations with the Navajos and to have visited them frequently (F.D.). J.I. Casey said in 1971 that,

> "I remember that when I was young [i.e., the 1930's], my grandmother and I used to visit alot with the Navajo families that lived nearby. Sometimes we would take along a basket or two, to trade for a sheep. At other times,

we'd just visit these families just to eat, and, they always fed us. At times, these Navajos would return the visit and we would feed them" (Mowrer 1971).

Recent affidavits by Navajos from the Willow Springs area, referring to the era after 1910, describe Paiute visiting of Navajos as common (John et al. 1985). The descriptions are often in the context of Navajos helping the Paiutes by giving them food or supplies. Navajo visiting of Paiutes was mentioned only briefly except for statements that Navajo men visited the Paiutes to gamble and play cards. Collier (1966:39-42) reported there was "some genuine friendliness" between the Navajos and Paiutes at Navajo Mountain and that the Navajos received the Paiutes in their hogans and gave them presents. Shepardson and Hammond in 1960-62 found a similar pattern of social visiting.

It is clear from the notes of Shepardson and Collier (Shepardson 1960-62) that the local Navajos at Navajo Mountain had an extensive knowledge of the genealogies and personal affairs of the local Paiutes (also F.D.). Navajos near Willow Springs also appear to be well-acquainted with the Paiutes (F.D.). The degree to which the Paiutes were equally knowledgeable about the Navajos could not be as clearly determined on the basis of available evidence. One indication that they were found in the deposition of Joe Norman (1984), who was very familiar not only with the Paiute names for local Navajos, but with the Navajos' own names as well. He was also familiar with Navajo names for local geographical features such as springs.

Paiutes are reported to have worked for Navajos in the post-1900 era in a continuation of the 19th century pattern (Norman 1984:III-27; John et al. 1985; F.D.). Paiutes herded sheep, carded wool, cooked at ceremonials, and other tasks. With one exception, Navajos are not reported working for Paiutes (who were usually too poor to need or be able to hire them). Alfred Lehi in 1937 was reported to have hired a Navajo boy to herd his sheep (Stewart 1938:26).

No past or present instances were reported, however, of shared farming or herding, either near Willow Springs or at Navajo Mountain. Irrigation water and water sources have not been shared in either area (F.D.; Franklin 1985b:18-20). This is not mentioned either in oral history or in earlier studies like those of Collier or Shepardson and Hammond, nor are there instances of it presently. Such basic economic activities in both cultures are usually carried out by cooperative kin-groups. The kinds of kinship ties upon which these would be based are not recognized between the two groups, even where a recognized marriage occurs (see the following section). Both Navajos and Paiutes reported joint expeditions between individual Paiutes and Navajos to trade horses with Mormons in Utah (F.D.).

C. Intermarriage Past and Present

The question of intermarriage between the San Juan Paiutes and Indians of the Navajo and other tribes will be examined in detail because of its significance to the degree and kind of social distinction or lack thereof between the tribe and outsiders. San Juan Paiute marriages to non-Indians are almost nonexistent, with only one or two known in other than the youngest generation, and those confined to the few non-reservation families. Marriage, as a close, intimate social relationship, is often a key test of the kinds of social distinctions existing between groups whose members may intermarry (or be forbidden or prevented from intermarrying).

Close examination was made of San Juan Paiute intermarriage with Navajos because of the importance of the question of the degree to which they were incorporated into local Navajo society. Close examination was also made of other marriages outside the

tribe, which have been mostly to other Southern Paiutes and to Utes (principally Weeminuche Utes). Particularly important are those to Southern Paiute/Ute families of the Allen Canyon area who are related to the San Juan Paiute.

Leaving aside the question of permanency of marriage (see below), marriages or other conjugal relationships with Navajos have been almost uniformly between Navajo men and Paiute women. This kind of differential, called "hypergamy," usually reflects a status difference between groups where men from the higher status group can marry women from the lower status group but not the reverse. This is consistent with the apparent "absorption" of many Paiute women by the Navajos during the post-Fort Sumner era in the area which is now the western part of the Navajo Reservation.

The pattern of marriage or other unions betwen Navajos and Paiutes has been strongly affected by the negative view the Navajos have had of the Paiutes. The almost complete prohibition of marriage of Paiute men with Navajo women reflects this view. Henderson (1985:219) found that Paiutes are considered undesirable marriage partners. He found this extended to Navajos who were part-Paiute. In a 1985 affidavit, a Navajo near Willow Springs commented about recent Navajo marriages with Paiutes that she didn't think they were "arranged [i.e., approved] by the families" (John et al. 1985).

The term "marriage" as used here refers to a socially recognized, more or less permanent relationship in which any children have a recognized kin relationship with the kin group of each parent. In a tribal society the import of such relationships is significant, since they bring with them rights and obligations such as access to land and other resources, obligations to assist kinsmen, the right to expect assistance in return, and various specific behavior patterns. Leaving aside temporary liasons, a number of the Paiute-Navajo relationships were not fully recognized as marriages and appear to have not resulted in full kinship ties with the Navajo side, even though the father was known and the child may have had some knowledge of his father's family.

Shepardson and Hammond (1970:189) use the term "consequential unions" to describe matings which produce a child but which do not have some permanency, mutual responsibility, and economic cooperation. In Navajo culture, in such relationships, paternity is clearly acknowledged in order to identify clan and kin relations. This is done because of the stress on avoidance of incest, which in Navajo culture include all members of one's own clan and some related clans. In these cases, the stepfather normally raises the child. The father, while acknowledging the child, does not provide assistance in raising him. By this apparently standard Navajo pattern, significant kin ties are not established by such unions. Shepardson and Hammond (1970:191) note in relation to the Paiutes that three Paiute women had borne children from such relationships but that the community did not recognize this as a marriage, even when a woman had had several children by the same man. Collier made a similar observation, possibly about the same relationships, stating that the Navajos were completely indifferent to the several children fathered by Navajo men with Paiute women and that "Occasionally these Navajo fathers give something to the children but more often do not" (Collier 1966:40). Shepardson and Hammond make it clear that this kind of relationship was not uniquely between Navajos and Paiutes but occurred between Navajos as well. An older southern area Paiute woman described her relationship with her Navajo half-siblings as a nodding relationship when she encountered them in a store (Bunte and Franklin 1984-86).

This kind of "marriage" relationship is significant because it implies the likelihood, given that the mother is always Paiute, that the children have little exposure to Navajo relatives or culture and much stronger ties to their Paiute relatives. In several instances,

a part-Navajo child has been born within the span of a marriage between two Paiutes and therefore has (apparently) been raised entirely within the Paiute family, even though part-Navajo. It is difficult in many cases to evaluate the extent of contact with the Navajo father and his relatives, i.e., how long he was part of the household, what relationships there were with his family, etc. The results of these unions, with the exceptions noted elsewhere, appear to usually be Paiute-oriented, often Paiute-speaking, individuals who have tended to marry other San Juan Paiutes, other Southern Paiutes or Southern Utes.

The lack of clan status may have been one barrier between Paiutes born of mixed marriages or relationships and absorption into Navajo society. The primary clan affiliation of the Navajos is matrilineal, hence the child would not be a member of any clan since his mother was Paiute and had none. Shepardson and Hammond (1970:37) indicate the great importance of a clan relationship when they refer to the Paiutes, from a Navajo perspective, as "clanless Paiutes."

An older San Juan Paiute man was quoted as saying that the Paiutes had clans. He stated that "We, Paiutes have our own clans. Some of us belong to the corn, snake or owl clans" (Mowrer 1971). A Navajo story is that the Paiutes (apparently in the late 19th or early 20th century), being very poor, pretended to have clans in order to get food from the Navajos. While the accuracy of this cannot be determined, it reflects the significance of the clan relationship. No other evidence suggesting the Paiutes had clans or had other than a purely bilateral kinship system was found.

Exceptions to the pattern of relationships being between Navajo men and Paiute women, but not the reverse, have been few. There are at least two marriages in the youngest generation between Paiute men and Navajo women, apparently stable relationships. Previous to this generation, there were a few instances of "marriages" between Paiute men and Navajo women, of short duration. One at Navajo Mountain in the 1940's, is cited by Bunte and Franklin as having been terminated by Paiute tribal pressure because the husband attempted to bring his wife into a Paiute residential area (Franklin 1985b:20). Lester Willetson, a local Paiute leader at Navajo Mountain between the 1940's and 1960's, was married to a Navajo for a short time. Chester Chelyester was married to a Navajo woman for "less than a year" in the 1920's (Norman 1984:III-53). The 1910 Federal census shows a marriage between a Paiute man and a Navajo woman at Navajo Mountain. Neither of this couple could be identified in terms of relationship to contemporary residents of the area. None of these marriages between Paiute men and Navajo women in the previous generations could be identified as having produced any children or any long-standing Paiute relationship with the Navajo kinsmen of the wife.

Bunte and Franklin (Franklin 1985b:18-19) interpret Paiute treatment of intermarriage with Navajos as a defensive approach, limiting the extent of obligations and relationships established. Relationships and inheritance are only recognized by the San Juan through San Juan Paiutes ancestry, and rights to land and grazing areas are considered to belong to a kindred cluster. This is an extension of how resources are allocated within the tribe as well, i.e., marriage into another kindred cluster doesn't automatically accord rights. This process excludes Navajo relatives from access to Paiute resources. Bunte and Franklin indicate that it is likely that negative Navajo attitudes towards Paiutes also operate to limit the relationships established so that they are less than would result from a marriage of two Navajos. The number of "consequential unions," which produce little or no obligation or relationship, probably reflects these Navajo attitudes.

Mixed camps of Navajo and Paiute families or cooperative farming and/or herding units do not occur and apparently did not occur in the past (Franklin 1985b:17-19). Irrigation

water isn't shared and while Paiutes (and Navajos also) often include kinsmen's sheep in their herds, this is not done, as far as is known, between Navajos and Paiutes. It is unclear whether the long-term marriage of Sid Whiskers (a Navajo) and Mercy Whiskers (a Paiute) constituted an exception to these observations, since Bunte and Franklin report that some Paiute land was taken over by Navajo relatives of Sid Whiskers as a result of that marriage. This marriage probably occurred around 1910. Navajo spouses do sometimes reside in the same household, e.g., at Hidden Springs, though supposedly they are excluded from residing within an actual farming or grazing area. There appear to have been one or two possible exceptions to this. Navajo or other non San Juan spouses do share in the work of farming or grazing (Franklin 1985b:18-19).

Contemporary marriages with Navajos sometimes result in friendship relations with the immediate families of the Navajo spouse. From all evidence, this applied in past eras as well. Bunte and Franklin (1984:316-17) cite these links, and some other friendships, as a source of Paiute information on local chapter actions which might negatively impact the Paiutes.

There were some Navajo "spouses" in the earliest generations (for which there is information available) of some of the main San Juan Paiute family lines still extant. These are the earliest known "marriages" with Navajos. The extent of the "marriage" relationship wasn't always determinable from the available data. The genealogical knowledge has clearly been preserved in these cases and thus the relationships in all probability were significant ones. All of these early marriages with Navajos occurred within the post-Fort Sumner era, 1870 to 1900, when the Navajos were expanding rapidly. In this era the San Juan Paiute were unequivocally a distinct society, with a larger population and territorial extent than after 1900. These "intermarriages" may to some extent be reflected in historical observations that the Paiute were becoming intermarried with and merged with the Navajo. However, Navajo family lines with Paiute women ancestors, such as the Paiute Salt clan, together with the surface acculturation of even the "pure" Paiute lines, are more likely the basis for such statements.

The marriage patterns of subsequent generations (at least those branches of the main family lines, as recognized by the San Juan Paiute, which are still extant in the tribe), and what is known of the cultural and linguistic orientations of individuals in these generations, do not indicate that the lines with early Navajo ancestors were more or less likely to become oriented to Navajo society than those with no early Navajo ancestry.

A brief summary of the history of "intermarriages" (including less formal unions in this term) among the San Juan Paiute is provided below. It is of necessity a simplified description of a complex pattern and focuses primarily on families who have descendants within the tribe's membership today. Information about the older generations is sometime less than adequate. The review is organized by the kindred clusters recognized by the San Juan Paiute, insofar as possible, allowing for intermarriage between the clusters. The term "branch" is used to indicate a subdivision within a cluster, e.g., to distinguish the descendants of two siblings of an early generation. The information is based on the overall body of materials available for this report, including the petition text and supplementary reports, genealogical charts accompanying the petition, various rolls and censuses (see list in references cited), notes of Shepardson and Collier (Shepardson 1960-62) and applications for the Southern Paiute Judgement Award (BIA 1969b) and other materials (including Whiskers et al. 1974).

The oldest generation of the Machukats cluster, which is in the southern area, had no Navajo intermarriage in the earliest generation about which information was available. In the next generation, born about the 1860's, one sibling married a San Juan Paiute

but has only one current descendant within the tribe. The other sibling was married to a Navajo from the Coppermine area where her family resided some for years. None of the known children from this marriage married Navajos. All married within the San Juan Paiute tribe and their descendants are represented in two of the other extant lines, i.e., Pakai and Francis. Lower generation intermarriage is discussed together with the discussion of those lines. There are number of marriages with Navajos among the younger adults, and also some of their parents.

In the Lehi cluster, with no Navajo ancestry known in the oldest generations, there are two branches, descended from two siblings. The cluster traces to Pakai (i.e., Lehi or David Lehi, born approximately 1848). The children of one sibling, Tangwats, all married San Juan Paiutes, but the succeeding two generations have had several marriages with local Navajos in each generation.

The other branch shows some possible effect of intermarriage with Navajos. The sibling of Tangwats had both Navajo and Paiute husbands. Current descendants from this branch are from a daughter, Chee Toney, born about 1880. Chee Toney was evidently raised for some length of time after her Paiute mother's death by a Navajo woman (Norman 1984:II-69). She had a Paiute and a Navajo husband, but only the latter's descendants are extant in the tribe today. All four daughters married local Navajos (one also married a Paiute) and there were a number of Navajo marriages in the succeeding generations. As noted elsewhere, none of the daughters evidently has a strong knowledge of the Paiute language. Chee Toney, however, identified herself as a Paiute and was so identified by others (F.D.; Parker 1963).

The Francis cluster had no non-Paiutes in the earliest known generations either from the Francis family itself or the in-marrying San Juan Paiute spouses, several of whom were from families no longer separately distinguished within the tribe. Current descendants are from two siblings born in the 1850's or 1860's. On the Joe Francis side, the children married San Juan Paiutes, and the few surviving descendant lines married Allen Canyon or other Utah Paiutes. On the other side, descendants married San Juan Paiutes in the next generation. The succeeding two generations married San Juan Paiutes, Allen Canyon or other Utah Paiutes, and one or two Navajos. Many of the descendants are resident in Utah, and major portions of this branch are not enrolled with San Juan Paiute tribe.

The Owl cluster at Navajo Mountain had no Navajos in its oldest generation, which traces to Nasja, born in the 1830's. The surviving descendants of the next generation who are still within the tribe are all from "consequential unions" of one woman with Navajos. One of her siblings, a brother, may have been married to a Navajo woman for a short time, one of the few such marriages involving a Paiute man. Another sibling is no longer a member of the tribe. All of the woman's children and almost all her grandchildren married either San Juan Paiute, other Paiutes, or an Indian from other than the Navajo tribe. A small minority of the next succeeding generation married Navajos.

The Nelson cluster at Navajo Mountain, which traces to a woman born in 1883, had no Navajos married into its oldest generation. In the succeeding generation, three of the four women whose lines are the only ones with current descendants in the tribe married Navajos. However, none of the known marriages of the members of the succeeding three generations have been with Navajos. The marriages have mostly been with other San Juan Paiutes, Utah Paiutes or Utes, or, in one instance, with an Eskimo. Children of two of the women, who were sent to school in California, married Hispanics and the succeeding two generations appear to have married Hispanics or other non-Indians. This

branch is an exception in having married non-Indians, as it is exceptional in having resided largely outside of an Indian reservation.

The Tuutauts cluster, the largest of those at Navajo Mountain, is reckoned by the Paiutes from Tuutauts, a woman from a kin cluster that moved into the area some time before the mid-1850's. None of her siblings have descendants in the tribe today. Tuutauts was married to a Navajo. Descendants in the tribe today are descended from two daughters and a stepdaughter. The first of these, Mercy, married Sid Whiskers, a half-Paiute Navajo. Although this was apparently a Navajo speaking household (Shepardson 1960-62), none of the four children with descendants (all sons), married Navajos. Three married San Juan Paiutes and one married a Northern Ute.

The second child, Dick's Old Sister, was actually the daughter of Tuutauts' sister and a Ute. There were no Navajo marriages in this branch, which is small and has its later intermarriage links back into San Juan Paiute or Ute.

The third sister, Susan Willetson (Paaruy) had two San Juan Paiute husbands. For most of her descendants' marriages no data was available. Her first husband was part Navajo. The one child of this marriage with a family line surviving within the tribe married an Allen Canyon Paiute. The second husband, local leader Lester Willetson, had one child with a surviving family line. This child had a Navajo and a Paiute husband. Marriage data was not available for the Paiute husband's children. The son from the Navajo marriage married a Navajo woman, with the children considered Paiutes. The daughter married a man of Paiute and Navajo ancestry, with a marginal Paiute identity. The children of this marriage are considered Paiutes by both the Navajos and the Paiutes (F.D.) (see discussion in section VI.E).

Overall, the Navajo Mountain families, despite having several Navajo ancestors in the marriages of 1870-1900 era, have not married Navajos in recent generations. The exception to this is the King-Greymountain set of families which also reflects some Navajo orientation. Even the descendants of Mercy Whiskers, from an unusual, stable Paiute-Navajo marriage, which had a Navajo-speaking household, are nonetheless fully Paiute-oriented. Succeeding generations of Navajo Mountain families have for the most part married either other San Juan Paiutes, Allen Canyon Utes or Paiutes, or other Utah Paiutes. This partly reflects the large degree to which many members of these families are now or have been for long periods resident on Utah Indian reservations. In the south, in contrast, with fewer early marriages with Navajos, there has been greater frequency of intermarriage with local Navajos in the last two generations. Bunte and Franklin (1984) attribute this to the friendlier nature of current Paiute-Navajo relations in the south.

Nineteenth century intermarriage with Navajos or Navajo ancestry stemming from the 19th century had no clear-cut significance to the degree of later San Juan Paiute intermarriage with Navajos or marginality to the Paiute group. The differences between Willow Springs (south) and Navajo Mountain (north) appear to be a more important factor. Part-Navajo Paiute men from mixed unions usually married Paiutes. This indicates that the social barrier limiting Paiute men from marrying Navajo women affected their marriage choices.

Some part-Navajo lines appear somewhat Navajo-oriented and likely to marry Navajos, such as the Chee Tony and Greymountain-King families, while others do not. With the possible exception of one individual, however, the Paiute identity of even the most mixed individuals appears clearly recognized (see discussion in section VI.E, but see also discussion of "marginal" families in section V.A.2).

Tribal identification is not predictable on the basis of descent alone. Both Mercy and Sid Whiskers were half Navajo and half Paiute, and both were the children of a Paiute mother and a Navajo father. Nonetheless, she was clearly identified as Paiute and he was clearly regarded as Navajo. The difference between Mercy and Sid Whiskers' families appears to be that his mother was reputedly a captive of her husband's family. Mercy's mother, part of a major Paiute family in the area, was apparently at no such disadvantage.

D. Paiute-Navajo and Navajo-Paiute Distinctions

The Paiutes clearly make the distinction between themselves and the Navajos even though at the same time there is the significant level of social involvement with the local Navajos that was discussed above. There are clear elements which express a negative feeling toward the Navajo as well as simply a distinction. The Navajo are felt to have encroached upon Paiute land and resources and to be "latecomers" from New Mexico. One person expressed it that the Navajo slept on Paiute land one night, woke up the next morning and said, "this looks like my land" (F.D.). The Paiutes also attribute the deaths of some of the older Paiutes to Navajo witchcraft aimed at getting the family group to move so that the Navajos could occupy the land (Franklin 1985a:55). A less serious distinction is indicated by Joe Norman's comment, "Paiutes used to never give the Navajo good name; only they used to give them ugly name" (Norman 1984:II 112). As an example of distinction occurring within the context of the not inconsiderable social relations discussed earlier, Alfred Lehi is described as taking magical precautions against the Navajos before attending a Navajo Enemy Way ceremony squaw dance. At the same time, he frequently attended Navajo ceremonies and visited Navajos, as did other Paiutes.

There is some indirect indication from the way local social relations and concerns are expressed by the Paiutes that they nonetheless see themselves as within the same local social community, albeit as a distinct group. This reflects the level of social contact, attendance at the same schools and churches, and generally being neighbors.

The Paiutes appear to be very well aware of many of the part-Paiute Navajo individuals on the western part of the reservation and often know and cite the specifics of their Paiute ancestry (including relationships to present Paiute families). They view them as somewhat different than other Navajos. Bunte and Franklin (1984:316-17) cite instances where part-Paiute Navajos sometimes defend them at chapter meetings or alert them to chapter actions that might affect them. Joe Norman (1984:I-156), apparently referring to the Paiute Salts, called them "Willow or Sumac People [schuuvauutz]," and said "They're not real Navajo."

Local Navajos near both Paiute settlement areas clearly regard the Paiutes as a distinct group of people. Statements vary in the degree to which they imply a complete social separation, but the Paiutes are clearly conceived of as a distinct group. This is evident even in statements which stress the degree of Paiute acculturation to Navajo and involvement with Navajo society (e.g., John et al. 1985). Percy John, a local Navajo leader near Willow Springs, stated that "Many Paiutes were very poor . . ." and "In the past, the Navajos and Paiutes in this area were very friendly to each other" (John et al. 1985). An older Navajo woman from the Willow Springs area said in 1971 that the Navajos and Paiutes had always lived together in that area (Mowrer 1971). In 1942, when the Paiutes planned to move to the Kaibab Reservation and Alfred Lehi brought the matter before the Tuba City business council, Scott Preston, a local Navajo leader, said "if the Piutes wished to move, it was up to them" (Tuba City Business Council

1942). A striking example is a recent statement in the Navajo Times (Hardeen 1985) regarding a criminal charge against a Willow Springs Paiute. The article identified the man as a "Paiute" and as a resident of "Hidden Springs, a small Paiute settlement." The Navajo Tribal Court order sentencing the man also identified him as Paiute, placing that designation in the section of a form calling for a "census," i.e., enrollment number (Navajo Tribal Court 1985), even though this individual has such a number.

Navajo attitudes in general have a negative component, viewing the Paiutes as inferior. (The generalizations here reflect clear evidence that they are widespread, if not necessarily universal, attitudes among the Navajo). The marriage patterns analyzed above, particularly the almost complete prohibition until recently against Paiute men marrying Navajo women, reflects this attitude. Henderson (1985:219) indicates that considerable prejudice existed against Paiutes and even Navajos of Paiute ancestry, and that they were therefore considered undesirable marriage partners.

Bunte and Franklin note the importance of the Paiute Salt clan at Navajo Mountain as evidence against prejudice against Paiute ancestry, but this appears to reflect the relatively strong position there of the part-Paiute Navajos and the Paiute Salt clan families in comparison with the Kaibeto Plateau and Tuba City areas. Collier and Shepardson both indicate that the Paiutes at Navajo Mountain were looked down upon. Collier (1966:39-42) stated that Paiutes were used as scapegoats, the first to be accused if anything went wrong, although the Navajos were nonetheless very friendly with them. Shepardson and Hammond (1970:58-59) stated that "The 'People [i.e., the Navajos] in Navajo Mountain look down upon the Paiutes as 'not-Navajo," and that they were the butt of mild jokes as they had been when Collier did her study. They also noted that the Paiute Salts, while admitting to being partly Paiute, denied that their Paiute ancestors had been servants or slaves.

Almost standard Navajo statements about the Paiutes are that they were poor and in the 19th century had traded their children to the Navajos for food or sheep, were slaves or servants, or that they had worked for the Navajos. Some of the affidavits submitted by the Navajo Tribe concerning the date of Indian settlement of Tuba City area attribute the Paiute presence there to their being imported from Utah as servants or slaves (John et al. 1985), although there is no historical support for this (see sections II and III). An example of such a statement is that ". . . the Paiutes that now live at Willow Springs were brought to this area by the Navajo as slaves" (John et al. 1985). An older Navajo leader from the Tuba City area said ". . . some people had what amounted to servants—Paiutes whom they acquired, both boys and girls, to herd the sheep" (Johnson ed. 1977:287). The Navajos today say that the Paiutes sold their land (i.e., when they were paid from the Indian Claims Commission award to the Southern Paiutes) and should "go back to Blanding" (F.D.).

There remains some undercurrent among the Navajos that the Paiutes should not be eligible for services from the Navajo Tribe because they had "sold their land" (F.D.). One Paiute reported that a Navajo in-law had heard a discussion in a chapter meeting that for this reason the Paiutes should be required to pay General Assistance funds they had received (F.D.). These are Federally funded welfare payments administered through the Agency until recently. Bunte and Franklin (1984:316-17) report an instance where the local chapter almost voted to ban the Paiutes from selling baskets, an extraordinary action given the importance of the baskets to the Navajos. A local Navajo leader rejected a request to represent the Paiutes before the chapter—an expression that they were distinct and didn't belong and therefore shouldn't be entitled to Navajo tribal benefits (see section VI.J). Both of these examples express a distinction and apparently a negative evaluation, as well as the kind of ambivalence evident among the

Navajos that on the one hand the Paiutes are distinct from the Navajo and thus not entitled to participate in Navajo tribal government and its benefits, and, on the other hand, are local and part of the local scene, neighbors, etc.

Limited field data (F.D.) and affidavits from Navajos living near the Paiute settlement areas indicate that the Paiutes are clearly identifiable as individuals as well as being clearly distinct as a group (John et al. 1985). (This is identification within a context of statements stressing a high degree of visiting, acculturation to Navajo culture and use of Navajo ceremonialism.) The individuals identified by the Navajos as Paiutes corresponded accurately with the Paiute population and membership identified in the petition (see section VI.E).

E. Stability and Consistency of Tribal Identification

Despite the considerable Navajo ancestry of some individuals, and some who speak only or mostly Navajo, the definition of who is and who is not a member of the Paiute group has been, by and large, stable and consistent. That is, in the occasional listings or studies between the 1928-29 Navajo Reservation census and the present (including statements by contemporary individuals), the population identified as Paiute is essentially the same. (This is allowing for some variation because individuals were absent and therefore not included on a list.) From this it would appear that from an outsider's point of view, i.e., that of a Navajo or a non-Indian working with Navajos or Paiutes, the San Juan Paiute population was and is distinguishable and distinct. This identification corresponds with the San Juan Paiute group's view as well. The following section reviews first the question of marginality of identity and affiliation with the San Juan tribe of some families and then the basic sources which identify individuals as Paiute.

There are a few part-Navajo families that have, to varying degrees, had a marginal and possibly fluctuating identity as and affiliation with the San Juan Paiutes. Of those San Juan Paiutes consistently identified by outsiders as members of the tribe, the Greymountain-King families and their descendants appear to be more Navajo-oriented and more acculturated to Navajo culture than the rest and some members may be somewhat marginal in identity and affiliation with the Paiutes. They are nonetheless identified as Paiute, with the exception noted below. They consist of two siblings, brother and sister, and their families. The brother, who is married to a Navajo, and his children, identify as Paiutes. The sister speaks Paiute, but her children apparently have only a passive knowledge of it. The sister married the son of a half-Paiute woman, Margaret Goodman (see below), who speaks only Navajo. He has only a limited facility with Paiute and, uniquely, none of his siblings are enrolled with the tribe nor, apparently, do they identify as Paiute. He himself reportedly sometimes identified as Navajo in the past. He, and his mother and uncle (see below), are the only instances found where part of a family identified (and was identified by others) as Paiute and the other part as Navajo. Although the Chee Toney family descendants have been described here as relatively acculturated to Navajo culture, and largely married to Navajos, they are consistently identified by all sources as Paiutes.

There appear currently to be several families of Navajos, descendants of Navajo-Paiute marriages living for several generations in Navajo communities, who have to some degree or at certain times asserted or maintained Paiute identity. These "marginal" families are only a small portion of the Western Navajo population that has some Paiute ancestry (Henderson 1985). One of these "marginal" Paiute families, the Bilagody's, has enrolled with the San Juan Paiutes. Another such family, related to the same San Juan Paiute family line as the Bilagody's, has not joined the tribe. Although asserting Paiute identity in the 1970's and even attending events like family reunions at Willow Springs, they have evidently withdrawn from this now. This family appears on a 1973 BIA list of Paiutes on the western Navajo Reservation (see below), which is based on who was identified as Paiute (Hemstreet 1973). It is the only family on that list not currently enrolled with San Juan Paiute tribe. A third family, near Red Lake, has at times similarly identified as Paiute and been so identified by non-Paiutes. They attended Paiute meetings in the 1970's. The Paiutes claim this family is related to Pakai (Franklin and Barrow 1985). A fourth such family is that of Paul and Margaret Goodman, brother and sister, from Navajo Mountain area. The latter is enrolled with the San Juan Paiute tribe. The former has been identified at times as Navajo (Luckert 1977:139) and at others as Paiute.

Of these "marginal families," only the Goodman family and the Red Lake family, or at least part of the family, ever appear to have been identified on BIA censuses as Paiute or Navajo-Paiute (Bureau of Indian Affairs 1928-29, 1871-c1984). The Bilagody family reportedly had not had contact with the Willow Springs Paiutes until the 1970's claims meetings. However, older San Juan Paiutes say that Alfred Lehi had fairly regular contact with the father of the oldest Bilagody woman, and the precise kin relationship to the San Juan Paiutes is known. The ancestor was a woman bought by the Navajos, who refused subsequent Paiute attempts to buy her back. The family reported that the local Navajos frequently discriminated against them, and called them "Paiute," i.e., made a continuing distinction (F.D.).

The 1928-29 Navajo Reservation census listed 27 Paiutes in the Willow Springs area in a separate section. The only southern area Paiutes not listed separately, and not distinguished, were Chee Toney and her daughters, who may have been living with the Navajos at that point. The Paiutes in the Navajo Mountain area were not listed in a block most were are not identified as Paiute on the 1928-29 census. There are a few individuals missing from one or the other area, some of whom were added in subsequent updates during the 1930's. There are also four families and three individuals listed as Paiute on the 1928-29 roll or those of the succeeding few years who are not in the current group and whose relationship to the tribe is unknown.

Those individuals named in notes of Collier's 1938-39 work and Shepardson and Hammond's 1960-62 work (Shepardson 1960-62), which don't attempt a complete listing, accurately correspond with which individuals are considered Navajo and which are considered Paiute at Navajo Mountain today.

The 1954 (Tallsalt) census of Navajo Mountain and the 1963 (Parker) survey of Willow Springs include essentially all of the San Juan Paiutes living in those areas at those times, including ones that only lived there seasonally or were resident elsewhere at the time but associated with that community. A 1973 (Hemstreet) list of Paiute Indians "enrolled" and "not enrolled in the Navajo tribe" was prepared at the Western Navajo Agency by a local Navajo who had long served as census clerk. It is consistent with the other sources cited, with the exception of two "marginal" Navajo-Paiute families. One, now enrolled with the San Juan Paiute, is not on the 1973 list. Another, on the 1973 list, is not enrolled with the San Juan Paiutes and is not participating in the tribe. Missing from the 1954 "Tallsalt" census, and not mentioned by Collier and Shepardson is Margaret Goodman, whose Paiute affiliation (as well as that of her brother) may have been somewhat marginal. These are the only cases where whole family groups are missing or "misclassified."

F. Acculturation

A significant amount of acculturation to Navajo culture has occurred among the Paiutes. Much of it has been in material culture, dress, and subsistence means, and some in religious practices. The social and political organization, and much else of the culture, have remained distinct among the major portion of the population. The beginning of significant acculturation cannot be precisely determined, but it most probably began after the 1870's. This was the period of extensive migration of Navajos into Paiute territory, with accompanying pressure on Paiute subsistence, particularly gathering and hunting. Beginning in this era, many Paiutes worked for Navajos or were married to them, as well as living near them. Thus, begining at that point, there was a high degree of social interaction with the Navajos, who became increasingly powerful relative to the Paiutes.

The most significant economic shift was the addition of herding to the economy, which probably began in the late 1870's or early 1880's. According to Paiute oral history (F.D.; Franklin 1984:183), this began in the 1880's, after the great influx of Navajos into the area brought great pressure on Paiute lands and hunting resources. It is standardly reported in both Paiute and Navajo oral history that the starving Paiutes sold children to the Navajos to obtain sheep (F.D.; John et al. 1985). Marie Lehi reported that her family got sheep from Navajos whom they had protected from the removal to Fort Sumner (Jake, James and Bunte 1983:47). Joe Lee stated that the Paiutes in the 1880's had sheep, goats, and cattle which they moved seasonally from Willow Springs to the Navajo Mountain area. Mormon accounts from the 1870's and 1880's concerning the Willow Springs area and Welton's 1888 letter concerning Indian land allotment there mention only farming. One account distinguished the Hopis and Paiutes at Moencopi as farmers, contrasting them with the Navajos, who were characterized as herders (Brugge and Correll 1973:191). Dick's Sister (1961), born about 1880, reported herding sheep at Paiute Canyon when she was a young girl, but gave no statement about when sheep-raising began. By the time of the extensive agents' reports between 1904 and 1911, sheep and goat herding was well established. The goats that Vizcarra found among the Paiutes in 1823, causing him to mistake them for Navajos, don't fit the other historical and ethnographic evidence concerning the traditional San Juan Paiute economy. Vizcarra believed that the animals may have been captured from the Navajos, and thus held only temporarily.

Although the San Juan Paiute language remains the main language for the major portion of the tribe, in some families it has been replaced by Navajo (see section V.A.3). Of the latter, some families have probably become more acculturated to Navajo culture than the Paiute population in general. Bunte and Franklin's (1984:243) analysis of the San Juan Paiute dialect determined that it had not been significantly influenced by Navajo and was somewhat conservative relative to Kaibab Paiute. Curiously, like Navajo itself, and unlike Kaibab Paiute, words for new items were coined within the language, rather than borrowed (Bunte 1983:243).

No general documentary or oral history statement about the adoption of Navajo-style clothing was found, although this has been perhaps the most visible feature of acculturation. Pictures from the 1930's (Palmer c.1935; Stewart 1941-2:356) show most male and female dress and hair-style at least superficially standard Navajo styles for the time. They were complete with silver necklaces and velvet shirts for the women. The men were mostly dressed in the Navajo-style adaptation of Anglo clothing, with silver belts, and with their hair in a Navajo-style bun. Two of the men, however, Alfred Lehi and Joe Francis, were not garbed in this clothing and did not have this hair style. The earliest photographic evidence concerning dress is a picture of a San Juan Paiute woman in 1912, which also shows Navajo-style apparel (Lee 1974:14). Kaibab Paiutes who were youngsters at the time the San Juan Paiutes moved up temporarily in the 1943 reported amazement at the colorful dress of the women, and also reported that the Kaibab cut the San Juan men's hair (F.D.).

Although the San Juan Paiutes in the last 50 years or so have lived in Navajo-style hogans, the inception of this practice cannot be dated clearly. Dick's Sister (1961) stated she was "quite young" when her father built their first hogan, i.e., perhaps in the 1890's. Before that they made shelters out of light brush, "similar to the Navajos' summer shelters." An older Paiute woman living today claimed that the hogan style house wan't used, at least by her family, until the 1930's. Her mother and her daughter are shown in a hogan in 1937, in photos taken by Stewart (1938:27). If true, this appears to be later than their appearance elsewhere in the tribe. Van Valkenberg (1941:114) reported in 1941 that the Paiutes at Cedar Ridge lived in the summer in "open pinyon

or cedar windbreaks or corrals of the Great Basin type," and in Navajo type hogans in the winter.

Among the material culture skills acquired by the Paiutes from the Navajos was weaving Navajo-style blankets. This was of sufficient importance for Superintendent Laura Work to suggest in 1904 that it could help serve as a basis of economic support. In 1907 she said that they have ". . . acquired the art of weaving the famous Navajo blanket." Churchill in 1907 made a specific recommendation for the type of sheep the government should supply, in order that the wool be suitable for the Paiutes' weaving techniques. Kelly (1964:168) noted that San Juan Paiute traders came to Kaibab to trade blankets for buckskin. She assumed these were Navajo blankets, but they perhaps were not. It is unclear whether the Paiutes ever wove more than the simpler forms of the blankets. Stewart (1941-2:27) provides a picture of one made in 1937 by Anna Whiskers.

One individual reported that his father, who apparently died in the 1920's, had learned silversmithing (F.D). The 1911 annual report of the Western Navajo Agency superintendent mentioned that the Paiutes as well as the Hopi and Navajo had silversmiths (Jeffers 1911b:6). This does not appear to have been nearly as widespread as the blanket-making, however.

The extensive San Juan Paiute use of Navajo curers and curing ceremonies is one of the most significant cultural changes. However, with the few exceptions noted, the Paiutes did not become practitioners of these ceremonies. Paiute adaptations of them were not reported nor was there other evidence of Navajo cultural influence on religious beliefs and mythology. Paiutes do not appear to have been influenced by aspects of Navajo religious beliefs such as the extensive taboos which, for instance, make it difficult for the Navajos to make wedding baskets. The Paiutes have long made them extensively, for the purpose of trading to the Navajos (Stewart 1938). Luckert (1977:11) notes that the Navajo Mountain Paiutes did not share the religious or ceremonial concerns of the Navajo regarding Rainbow Natural Bridge. Political leaders had religious functions, such as the moral instruction of tribal members, not influenced by Navajo culture so far as is known.

The Paiutes quite commonly attended and utilized some Navajo ceremonials until the time of Alfred Lehi's death, when they shifted strongly to Christianity. The utilization consisted largely or entirely in having Navajo medicine men performing curing ceremonies over them. This is reported as early as the 1920's (F.D.). In 1944, Ephraim Whiskers reportedly had a greatly reduced flock of sheep because of the expenses for providing for curers (Owl and Owl 1944). Alfred Lehi reportedly arranged for a curing ceremony for one of his children. A Navajo medicine man near Willow Springs stated that he had performed such ceremonies on Paiutes in the past few years (John et al. 1985). No evidence was found that the Paiutes had participated in or had performed for them Navajo puberty ceremonies for girls, an important ceremony in Navajo culture.

Attendance at other ceremonies, for social purposes or gambling, and sometimes working, also occurred frequently. Collier (1966:41) reported that at Navajo Mountain "Several Paiutes were present for every ceremony." Shepardson (1960-62) also indicates that Paiute presence was common. Wetherill stated that Paiutes came to Navajo ceremonies to gamble (Gillmor and Wetherill 1953:205). There are many social aspects to Navajo ceremonies, which are often multi-day gatherings which bring together large numbers of people and provide the opportunity to socialize.

Use of the curers of another tribe is not uncommon in the Southwest. Utes from Colorado not infrequently sought Navajo curers and Navajos reportedly have used the services of Hopi and other Pueblo ceremonialists.

Collier and Shepardson indicated, however, that Paiutes also participated in Navajo ceremonies as practitioners (Shepardson 1960-62). Both indicated that Toby Owl was a "hand trembler," i.e., performed this Navajo diagnostic ritual for determining the cause of illness. Lester Willetson was reported to know the Windway Ceremony. Collier (1966:41) also stated more generally that ". . . some Paiutes know songs or help in sandpainting." Navajo ceremonies often involve the assistance of Navajo individuals, other than the singer or medicine man performing it, who have some ceremonial knowledge (Downs 1972).

Marie Lehi an old Paiute woman, stated that her grandfather, Machukats, who died around 1910, was "perhaps" the last Paiute medicine man. Bunte (1984:117-19) testified that Machukats was the last shaman. J. I. Casey, an older Paiute man, went so far as to state that the Paiutes at Willow Springs had no "formal ritual or ceremonies of our own," but that their religion was taken from the Navajos. He contrasted the San Juan with the Southern Paiutes in Utah in this regard (Mowrer 1971). While this is certainly an exaggeration, it is consistent with evidence that although they continued to have Paiute medicine and curing techniques (Bunte 1984:117-19), they did not continue to perform rituals or ceremonies in connection with the curing. Bunte and Franklin (1984:157; Franklin 1985a:46) reported that Alfred Lehi and Lester Willetson, both leaders, cured people. It is possible that Willetson's curing practices were affected by his knowledge of Navajo curing ceremonials.

G. "Enrollment" in the Navajo Tribe

Most of the San Juan Paiutes, 119 out of 188, currently have "Navajo census numbers." A few have "Piute Census numbers," which are distinct from Navajo census numbers. The origins of these numbers, which are also referred to as "temporary" numbers, is uncertain (see below in this section). Forty-six of the members of the San Juan Paiute tribe do not have a Navajo census number and do not appear to be associated with any other recognized tribe. Most of those resident on the Utah reservations do not have "Navajo census numbers" but do appear on the membership rolls of the Ute Mountain Ute or other recognized tribes.

Currently the census numbers are used by the Navajo Tribe as enrollment numbers, and new ones are issued to children born to a member if the child is at least one-quarter Navajo. Enrollment, and hence a "census number," is essential for access to certain Navajo tribal services and other programs which are restricted to tribal members. (Some kinds of Federal programs are not limited to tribal members, or even Indians, though administered by an Indian tribe.) Voting in Navajo tribal elections is restricted to tribal members and thus limited to those with census numbers.

Although the Navajo Tribe has taken over many functions once carried out by the Indian agency, certain ones are still at least partially administered by the B.I.A. Important examples of the latter are grazing and agricultural permits. Many of the questions about the Paiutes arose because of the shift from agency-provided services to tribally-provided services which are partly Federally funded and partly paid for by Navajo tribal funds. This process was effectively phased in between 1955, when the Navajo tribal government began to grow in the scope and extent of its programs, and the present (see section VI.H). This raised, in effect, questions about who the agency was intended

to serve, whether they had to be members of the Navajo tribe, and whether those Paiutes who did have Navajo census numbers were to be considered members of the Navajo Tribe. To the extent that the Paiutes have not wanted to be members of the tribe or the Navajos have questioned the legitimacy of their membership, the program shift created problems of Paiute access to services in the past. A detailed analysis of the extent of Paiute participation in which programs, whether tribal or federal, and in what periods of time, was not made for this study (see section VI.I).

The term "census number" reflects the origin of the numbering system in the 1928-29 B.I.A. census of the Navajo Reservation. This was the first attempt at a complete census of the reservation. It was primarily done in 1928 and 1929, but there were additions and corrections on the reservation census rolls for the years until 1938 (Bureau of Indian Affairs 1930-39). In 1939 and 1940, the census was retyped, taking into account all corrections, additions and deletions for deceased (Kelly 1964:3). This is commonly referred to as the "1940 Roll." It was further intended that the census process provide a means of assigning an individual identification number to each person. A brass disc with the identifying number was issued to each individual. The Commissioner of Indian Affairs' (1929) report on the 1928-29 census after it was completed stated that "Special emphasis has been placed on the disc and its necessity fro[sic] tribal affiliation and rights. . . ." The report also referred to "25 Paiutes who were not included in the census." Despite this comment, the actual census did enumerate many of the Paiutes and assigned them numbers. Those in the Willow Springs area were set off on separate pages labeled "Paiute." Those at Navajo Mountain were not, although some were labeled "Navajo-Paiute" on the subsequent versions of the census in the early 1930's (see also section IV.D). Not all of the Paiutes on the reservation at the time were enumerated and got census numbers, nor do all have them today (see Genealogical Report).

The Paiutes on the Western Navajo Reservation were considered part of its service population when the reservation was created and the agency established in 1901. Early reports from the agency at Tuba City referred to the Navajo, Hopi and Paiute Indians of the jurisdiction. (Some confusion did arise in the 1920's because of the separate "Paiute Strip" Reservation and uncertainty whether that portion of the Paiutes was under, or could feasibly be served by, the Consolidated Ute Agency.) Those Paiutes who had numbers, as well as those few who did not, were consistently served by the agency, given grazing permits and listed in stock-dipping records, etc. There were also at least a few Navajos who did not receive census numbers. This suggests that the census numbers were used to identify the service population rather than tribal affiliation.

When the Navajo Tribe decided in the early 1950's that a well defined tribal roll was necessary, the 1940 Bureau census of the reservation, with its subsequent updates, was made the basis of it. A 1951 Navajo tribal resolution authorized the Advisory Committee of the Navajo Tribal Council to investigate and prepare a procedure for determining tribal membership and eligibility for enrollment. It stated the tribe had "never acted to define what constitutes a member." They were reacting to applications from people whose names were not "on the tribal rolls," but claiming Navajo blood, as a result of the growth of programs and development on the reservation (Navajo Tribal Council 1951).

It is unclear the extent to which a process of creating a roll was carried out, and no tribal roll was ever completed. In 1959, a Vital Statistics Department was established by the tribe "for planning, organizing and administering a program designed to produce a Navajo Tribal Roll." It envisioned establishment of regulations for a roll and creating a roll in a cooperative effort between the Bureau's Navajo Agency Census Office and the tribe's Vital Statistics Department (Navajo Tribe 1978:270). In 1961, the Navajo

Yearbook stated that funds for a roll had been budgeted in several previous years and that progress was expected in 1962. It cited as the reason for creating a roll as the need for ". . . a basis for determining eligibility for tribal services and benefits which, unlike those of Federal agencies, are potentially available to Navajos irrespective of their place of residence" (Young 1961:311-312). This reflects the growth of tribal government and the increase in tribal programs.

Enrollment criteria were proposed in 1953 and passed in 1954 by the Navajo Tribal Council in an amended form. A freeze on enrollment of adults in 1951 while work developing the criteria went on was lifted because of the need for identification as enrolled members for social security, welfare, insurance and other matters (Navajo Tribe 1978:148). The criteria were, and still are, "all persons of Navajo blood" who appeared on the Navajo tribe's "official" roll "as maintained by the BIA," any other person of one-fourth Navajo blood, and children of any enrolled members, provided they were of at least one-fourth Navajo blood. It would appear from this that some of the Paiutes holding census numbers, carried on the 1940 census as updated by the BIA, were not eligible for membership in the Navajo Tribe. They nonetheless remained on the updated census or "tribal roll."

Most of the discussion concerning establishment of membership criteria was not concerned with the Paiutes but with the many non-tribal people of Navajo descent who were applying for membership. However, in the debate on adoption of the criteria in 1954, BIA official Robert Young, commenting on the need for the resolution, said that "Mr. Bradley and other members of the Advisory Committee tell me that on the rolls of the Navajo tribe are people who are actually Paiutes" (Navajo Tribal Council 1954:124). As far as is known, nothing was done about this. The 1954 "Tallsalt" census of Paiutes at Navajo Mountain was dated two weeks after the passage of the membership resolution.

Thus what is now regarded as the Navajo tribal roll was initially a BIA reservation census, administered by the Bureau. It continued to be administered by the Bureau in the mid-1950's, but was treated by the Navajo Tribe as their tribal roll, according to the tribal resolutions and council actions that were taken. After about 1959, the process of maintaining this document was to some degree jointly carried out by the Bureau and the Tribe. The de facto "Navajo tribal roll" continues to be the document which is the "1940 Roll," with corrections, additions and deletions since then. A new tribal roll has not been created nor adopted by the Navajo Tribal Council.

Indicative of the shift from a census to a tribal roll are the forms used to obtain "census numbers." A 1950 application for the children of Anna and Angel Whiskers was titled "Application for Census Identification Numbers." A 1954 application for the children of Harry and Grace Whiskers was titled "Application for Enrollment-Navajo Tribe, Census Division." Records indicate that the Navajo Tribe made efforts at enrollment or reenrollment in the mid-1950's, actively seeking out Navajos who were not enrolled. They may have offered the numbers to the Paiutes as well (John et al. 1985; Eubank 1986; Shepardson and Hammond 1970:37).

Paiute attitudes towards the census numbers and Navajo attitudes towards the Paiutes having them appear to have fluctuated. There was, at best, agency confusion in the early 1970's as to the status of the Paiutes and whether they could be included in the service population (Mowrer 1971). The 1969-71 Paiute protests and their initial attempt to seek separate recognition as a tribe were brought about partly because of the denial of commodities by the Navajo Tribe because "only a few had census numbers" (Withers 1969) and, apparently, because of other problems receiving services (see section IV.F).

In 1971, the Western Navajo Agency was reported to have said that the Navajo Tribe was no longer issuing census numbers to the Paiutes (Mowrer 1971). It is unclear what the process of issuance of numbers was at that point in time, and what the tribe and agency roles were, but the evidence strongly suggests that the legitimacy of the Paiutes having the numbers and the services was then in question. The Superintendent, perhaps as a result of the protests the preceding year, said that he had a "tendency to overlook these individuals' status as Paiutes," and gave them the same type of help he gave a Navajo (Mowrer 1971). The agency in 1973 reported a number of individual Paiutes receiving welfare assistance (Harter 1973) and agency records suggest a number have received assistance off and on, from at least the early 1960's onward. Some agency social service records, particularly in the 1960's, identified the recipients as Paiutes, sometimes notwithstanding the notation of a "Navajo census number" as well (Western Navajo Agency 1957-84). At least one Paiute individual without a number was listed in Bureau social services records in the with a temporary number preceded by a "T." In other Bureau records, such numbers are sometimes referred to as "Paiute census numbers." In this individual's file, the number first appears in August 1971, with records of previous years citing no number (Lehi 1969-1982). This individual does not hold a "Navajo census number" presently.

In 1973, the agency at Tuba City reported that of 40 Paiutes living at Willow Springs, 31 had Navajo census numbers, two had "Piute census numbers," and seven had no known census number. Seventeen Paiutes in Tuba City had Navajo census numbers as did 30 of 31 at Navajo Mountain. One person at Navajo Mountain had no number (Harter 1973).

A common Navajo expression today about the Paiutes is that they all have census numbers and are part of the tribe and have become Navajos. At the same time they are regarded as distinct and the comment is made that they "sold their land," i.e., accepted the Southern Paiute Judgment payment and "should go back to Utah where they came from." There remains some undercurrent that because of this they should not be eligible for services from the Navajo Tribe (see section VI.D).

Shepardson and Hammond (1970:37) reported that the Paiutes at Navajo Mountain got census numbers as a result of "community demands." However, Shepardson's (1960-62) field notes recorded the Bureau school teacher as saying that the Tribe kept asking her for a list of Navajos in Navajo Mountain but that she ignored it because "I know they want to put the Paiutes off the rolls."

The Paiutes for their part have at times rejected census numbers if they meant enrollment in the Navajo Tribe. A census record for Alfred Lehi, probably made in 1957, contained the comment "Puite [sic] - Refuse to give information - want to be counted with Ute Indians in Utah. Dau came to see Welfare for relief, but was told no money available for Paiutes" (Western Navajo Agency c.1957). A Navajo who said he had visited a hogan at Willow Springs to assign census numbers said the people there initially would not take a Navajo census number. They told him they would have to check with their leaders in "Blanding," and according to this account, subsequently accepted the numbers (John et al. 1985). The Willow Springs Paiutes in 1971, when the Navajo Tribe was reportedly no longer issuing census numbers to the Paiutes, said that they wanted their children to have them "so that they could participate fully in the political and economic life that surrounds them" (Mowrer 1971).

The Bureau school teacher at Navajo Mountain during the 1950's stated recently that at that time the Paiutes there wanted census numbers (Eubank 1986). Shepardson's (1960-62) notes of an interview with her in 1960 imply that this was also the teacher's opinion then.

A possible indication of the Paiute attitude toward the census numbers may be seen in the comment of a Navajo who worked for the Federal government on improvement of springs and water supply. He reported that around 1970 the Paiutes at Willow Springs asked why he didn't work on their land, since they were "Navajos," i.e., because they had census numbers (F.D.). The meaning was not that they considered themselves Navajos, but that they technically were "citizens" of the Navajo Nation and therefore eligible for the Agency's help. This is similar to the Paiutes' comment from this period concerning why they voted in Navajo tribal elections (see section VI.J.).

Most of reservation residents have gotten numbers for themselves and their children. (Eleven adult Paiute residents of the reservation do not have census numbers.) The data available concerning the circumstances under which individuals were issued numbers and what their intent was is limited. There is no formal application process for membership in the Navajo Tribe which would indicate the individual receiving a number sought it in order to become a member of the Navajo Tribe (see genealogical report). Use is made of the numbers in many cases, however, and the assignment of them does not appear in general to be unknown to the individual. The San Juan petition, and the band's leader stated the reason for getting numbers is that they were told they needed them to receive benefits, get social security numbers, etc. (James 1984:161-2). Besides use to access tribal and Bureau services, they are used for identification, state benefits such as welfare, and non-Bureau Federal benefits such as social security and access to Indian Health Service programs.

H. Background on the Navajo Tribal Government

The Navajo reservation and society within which the Paiutes find themselves is governed by an extensive, highly-developed tribal government which includes executive, judicial and legislative branches. The government administers many types of programs, such as social services, land management, health, education, and law enforcement. It increasingly has funded these itself, and in the past twenty years has taken over and administered many functions formerly carried out by the Bureau of Indian Affairs, the Public Health Service and other Federal as well as state agencies. Some functions and responsibilities remain all or in part with the Federal agencies.

This governmental and administrative structure has largely replaced the traditional system of local headmen who lead local communities or bands of the Navajo until well into the 20th century. This older form of leadership overlapped the new, more anglo-American style of government which the Indian Service introduced in the 1920's. A business council to represent the tribe was established in 1922 and a council of delegates selected from each area of the reservation was established in 1923. The selections were made by the Federal Government. These early councils were largely established to provide a body to negotiate oil leases on the reservation. According to Young (1972:190-191), they did little involving tribal affairs for the first 10 years.

A more active form of government was encouraged by the Collier administration of the BIA beginning in 1933. Because of antagonism toward the Collier administration program of forced reduction of livestock, the tribe rejected the Indian Reorganization Act in 1935. For this and other reasons a written constitution has never been adopted. First elections were held in 1938.

In the late 1940's and early 1950's, the tribal government greatly increased in size, complexity, and independence, stimulated by financial resources derived from oil discoveries, the threat of loss of Federal services because of the termination policy

toward Indians, the return of servicemen from World War II, and the 1950 Hopi-Navajo Long Range Rehabilitation Act. The latter provided a clearer legal basis for the tribal government and mechanisms to promote reservation development. In the 1950's, tribal programs were added rapidly. The first election controlled by the tribe was held in 1955 and a tribal code was codified in 1962 (Young 1972:216).

Local units known as chapters were first introduced in 1927. They were intended as a channel for the presentation of government programs and policies. The units coincided fairly well with existing local communities and were successful until the forced stock reduction program (Williams 1970:39). They had a reduced role from the 1930's to 1950's, being discontinued in some areas and continued without Federal support in others (Young 1972:193-194). The Navajo Tribal government revived them in 1956-7 and established chapter houses and community centers for each. Chapter heads and delegates are elected by the local population. The chapter serves as a local governing body and as a vehicle for tribal government policies and programs.

I. Paiute Participation in Navajo Tribal Programs and Services

A detailed examination was not made of Navajo tribal records concerning provision of services to Paiutes with census numbers. Navajo answers to court interrogatories (Zah 1985a and 1985b) contain some materials from tribal records. These, and some ancillary documentation, demonstrate that at least some of the Paiutes have participated at times in Federal programs administered by the Navajo Tribe. Some, such as social services, are contracted from, and were until recently administered by, the BIA. These also include commodity foods, job assistance and the WIC (Women and Infant Children) program and are not limited to Indians who are Navajo Tribal members. Based on the limited available data, in a few cases Paiutes have gotten services which appear to be limited to Navajo Tribal members, such as homesite leases, housing and the program of annual employment for a certain number of days offered by the local chapters. Some such services may have been received indirectly, through a Navajo spouse. There was no data indicating that any Paiutes had received education benefits from the Navajo Tribe. It was not determined whether the Paiutes were prevented from participating in tribal or tribally administered Federal programs to a significant extent, or participated to a different degree than the Navajos.

The Paiutes have at times been involved in cases under the Navajo Tribal Court system. The judge of the Tuba City District court commented that the Paiutes used the court more than the Hopis did. He noted that use of the court is not limited to tribal members, and, in contrast to the Paiutes, the Hopis have their own court (F.D.).

Some court cases that have been concerned with the Paiutes automatically fall under the range of matters the tribal court is empowered to consider. Among the latter is inheritance of agricultural and grazing permits. As resident Indians, even those not enrolled with the Navajo Tribe have been considered under the tribal court's jurisdiction in many matters such as minor criminal offenses. According to the judge of the Tuba City District court, the local Paiutes have frequently come before that court. Cases involving Paiutes included alcoholism, child custody (Harter 1973), and minor criminal offenses. One case, about 12 years ago, reportedly concerned a dispute between the Paiutes and a neighboring Navajo over the boundary between his fields and theirs, combined with a dispute between the Paiutes over use of an agricultural area they had inherited from a grandfather (F.D.). No documentation of this was examined. It was not determined whether any other disputes between Paiutes concerning land or other matters had come before the tribal court or other Navajo tribal bodies.

Only one member of the San Juan Paiute Band is known to have been employed by the Navajo Tribe on a permanent basis. This person was an official with the local alcoholism program (F.D.) at the time of the research for this study. At least a few Paiutes have from time to time in the past been employed in temporary work programs regularly carried out by the chapters, which provide a limited number of days of wage work per year for chapter members. The extent of this is unknown.

Grazing and agricultural lands on the reservation are governed by permit systems dating from the 1930's. Originally administered by the Indian Agency, the permits are now jointly administered by the BIA and the Navajo Tribal government. Navajo Tribal grazing regulations have governed the grazing permit system since 1954 (Williams 1970:31). Elected grazing committees were established in 1954 by the Navajo Tribe. These work closely with the local chapters although technically not part of the chapter system. The committee is responsible for actions such as approval of applications for permits and resolution of disputes. Decisions on disputes can be appealed to the tribal council and the Navajo Tribal Court. Ultimate authority to approve and implement actions concerning grazing and agricultural permits rests with the agency superintendent. The grazing permit system continues to include some Hopi grazing permits for Hopis within the land use district which includes Moencopi.

Agricultural permits cannot be sold, but can pass by inheritance, as Alfred Lehi's did, through the tribal court. In the south, agricultural land use permits are governed by an elected land use board, controlled by the Tuba City chapter organization. The local grazing committee is the tribal institution concerned with agricultural permits in the Navajo Mountain chapter area.

The land used by the Paiutes for farming at Willow Springs and Paiute Canyon and grazing rights on the mesas above Willow Springs and behind Navajo Mountain are governed by this system. The land use permit for agriculture on all of the Paiute land at Willow Springs was held by Alfred Lehi before his death. Three permits are currently held by the Paiutes, covering all their lands at Willow Springs. Not all of the Paiute and Navajo farm lands in the remote Paiute Canyon area are covered by agricultural permits. Two permits have been issued for the Paiute agricultural lands in the canyon (Navajo Tribe 1984c; Western Navajo Agency nd(a), nd(b)). Applications were reportedly begun for the rest of the land but not completed. Local Navajo leaders recognize the Paiutes' customary use of the area (F.D.).

Grazing permits govern the number of stock a person can have and are intended to limit the total amount of stock grazed in a land use district. Grazing permits can be sold or traded between individuals. Customary grazing areas are recognized, though not formally defined unless a dispute arises. If a dispute arises, it is resolved by the grazing committee or, if necessary, by the tribal court. In the past, many if not most of the adult Paiutes held grazing permits. Currently at least nine permits are held by Paiutes in both the north and south areas. At least one is held by a person without a census number (Navajo Tribe 1984c; Western Navajo Agency nd(c)). In the past other Paiutes without census numbers held them.

Paiutes also participate in Bureau programs which have no Navajo Tribal participation, e.g, the BIA school at Tuba City, as well as using the Indian Health Service hospital. This is a continuation of services received since the agency was founded.

J. Political Participation

Participation by the San Juan Paiutes in the political structure of the Navajo Tribal government has been solely in the form of voting in tribal and local chapter elections. There is no significant evidence that the Paiutes have participated in local chapter organizations other than occasional attendance at chapter meetings (F.D.; Franklin 1985a:41-3). No evidence was found that in the past the Paiute families considered themselves or were considered by the Navajos to fall under the influence of the traditional local Navajo leaders or natani. Although these are now largely replaced by the chapter system, such influential local headmen were still of importance until at least the 1940's.

Some Paiute voting in Navajo elections has occurred since about 1970. It is probable that this was the earliest occurence, as part of the change in the Paiutes' approach to the Navajo Tribe after Alfred Lehi died in 1969 (see section IV.F). Anna Whiskers, the tribal spokesperson, stated in 1971 that, "Even though, like the Navajo some of us vote for their Chairman; they still do not include us in their Tribal Government" (Mowrer 1971). She preceded that by saying the Navajos did not think of the Paiutes as part of them. This statement portrayed voting as a means to be represented and served by the tribal government, but not as an indication of assimilation. A Paiute from Navajo Mountain recently said that he and some of his relatives had voted for a long time. He said it was because "this is the way it is," and that the Navajos had said that otherwise they (the Paiutes) "wouldn't have no leader or get anything." He said further that he might as well, that he might get something out of doing so. Finally, he said that the Paiutes at one point did not realize they might have an alternative to joining the Navajo government (F.D.). This last apparently refers to discussions with the Kaibab Paiutes in 1977, which the San Juan Paiutes say gave them the idea that there were alternatives to incorporation in the Navajo tribal government structure growing up around them (see section VI.F.).

The current system of Navajo voter registration cards has been used since 1974. The cards showed that 31 San Juan Paiutes had current registrations as of June 1985 (Navajo Board of Election Commissioners 1985; Navajo Tribe 1984c) Of these, 11 at Willow Springs and five at Navajo Mountain had registration cards made out in 1974. Among those registering in 1974 was then chief tribal elder Anna Whiskers. The current tribal chief elder, Evelyn James, registered in 1981. There are approximately 49 Paiute adults resident in the south, of whom about 11 did not have census numbers. Nineteen of the adults with numbers were registered voters. Twelve of the approximately 15 adult Paiutes resident in the north (excluding the seasonal residents) were registered. All of the registered voters were residents of the Navajo Reservation.

Voting records for 1982 and 1983 tribal and chapter elections were reviewed (Navajo Tribe 1984c). Records for Navajo elections before 1982 were not available. Eleven of the 19 registered voters in the south had voted in at least one of the elections in 1982 or 1983, about a third of all of the resident adults. Eight of the 12 Paiutes registered at Navajo Mountain had voted in those years. Voting was more frequent in tribal than in chapter elections. Neither Anna Whiskers nor Evelyn James voted in any of these elections.

Paiutes occasionally go to chapter meetings both at Navajo Mountain and Tuba City, explaining it as a means to find out what kinds of actions and projects are planned by the chapter that may affect them (Franklin 1985b:42). Systematic data on attendance at chapter meetings was not available. There was no data indicating actual participation

by the Paiutes in chapter decision-making. One Paiute reported he attended but tried to keep out of sight (F.D.). The Paiute community representative at Navajo Mountain stated that he attended whenever he had the opportunity (Franklin 1985b:41-3). Several individuals said there was too much arguing (i.e., in contrast to Paiute meetings) and they therefore had left. Little data was available concerning participation in earlier years. Shepardson (1960-62) was told in 1960 that the Paiute families at Navajo Mountain never attended chapter meetings. In the late 1940's at Navajo Mountain, a community advisory board was organized by the local school teacher which included a Paiute as one of its representatives from different "hogan groups" (Eubank 1948). It is unknown how long or how well this functioned.

An important local Navajo leader near Willow Springs was asked by one of the Paiutes to represent them before the chapter. He stated that he refused because he didn't want to give the tribe's money to them (F.D.). He also stated that the Paiutes went to chapter meetings but that they went just to listen and did not vote.

GENEALOGICAL REPORT ON THE SAN JUAN SOUTHERN PAIUTE TRIBE

SUMMARY

The San Juan Southern Paiutes are a group of 188 Indians who live predominantly on, or very near, the Western Navajo Reservation in northern Arizona and southern Utah. Fourteen percent of the group's members are of age 50 or older; the remaining members are evenly distributed between the age groups of 18 to 50 (41%) and under 18 years (45%).

The group has no governing document and governs its affairs and its members by traditional means. Decisions of the group are arrived at by group consensus. Eligibility for membership is based on the individual's descent from a San Juan ancestor and his or her demonstrated allegiance to and participation in the group. Family lines present in the group today appear to have been present for several generations at least based on available records. The historical record surrounding the San Juan Paiutes is extensive and diverse. Much documentary material exists in Federal as well as Navajo tribal records to corroborate their ancestry as Paiute and as descendants of the San Juan group of Southern Paiutes.

Their inclusion as "Paiutes," "Navajo-Paiutes," and occasionally as "Paiute-Navajos" on the early census rolls of the Navajo Reservation taken by Federal Indian agents has resulted in decades of confusion regarding who should provide them with services and where (in what tribe) they were enrolled. Manifestations of this confusion can be seen in records maintained by the Federal Government, by the Navajo Tribe, and in the writings of numerous anthropologists who have worked among the group's members.

There is clear evidence from several reliable sources that most of the members--identified as "Paiutes" and/or "Navajo-Paiutes"--who comprise the San Juan Southern Paiute group are and have been considered separate and distinct from other tribes in the area. The San Juan Southern Paiutes have never been terminated and they are not a part of the terminated Paiute Nation which has been restored. The San Juan Paiutes have never been the subject of congressional legislation which has expressly forbidden a Federal relationship.

The question of particular genealogical significance has been the extent to which the group's members are associated with other federally recognized tribes. Seventy-six percent of the group's members are claimed as members of or appear on the membership rolls of one of four federally recognized tribes. A great deal of effort has been devoted to trying to understand and analyze the nature and the origin of these associations.

This report is organized into six separate sections, the first of which deals with the group's membership criteria. Section II discusses the formulation of the San Juan Paiute membership roll and its supplemental lists and provides a few statistics about the group's membership in general. Section III discusses several of the sources which identify this small Paiute group and its members

specifically as San Juan Paiutes. Section IV analyzes and evaluates the extensive and diverse documentary record which exists. Section V discusses the nature and extent of San Juan Paiute associations with four federally recognized tribes. Section V also examines the formulation of Navajo membership policies, how the Bureau's census of the Navajo Reservation came to be known as the "Navajo Tribal Roll," and whether the Paiutes are "members" of the Navajo Tribe. Section VI addresses whether the "San Juan Southern Paiute Tribe" and its members have ever had a Federal relationship which was terminated and whether they have ever been forbidden the Federal relationship.

I. MEMBERSHIP

The San Juan Southern Paiutes have no governing document at present. The petition states that the group still governs its affairs and its members through traditional means (Bunte and Franklin 1984:333). The group's governing process is an informal one described on paper only recently because of the group's need to respond in writing to the Acknowledgment criteria.

The petition describes the group's membership criteria as twofold: descent from a San Juan Paiute and "participation" or "continued political allegiance" to the group.

A. San Juan Paiute Ancestry

Genealogical information concerning group members and their ancestors was provided on charts suggested in the Acknowledgment guidelines. Although a few of the charts submitted were prepared by individual group members who could read and write, the bulk of the charts were prepared by others based on interviews. Anthropologists Bunte and Franklin, the group's attorney Irene Barrow, and spokesperson Evelyn James were involved in the process of gathering the genealogical information needed for the petition. When they were unable to speak with the member in person, they attempted to determine the informant's relationship, if any, and how well the informant knew the individual in order to verify the accuracy of the information being provided (James 1984:336-338).

The petitioner's charts were utilized by the staff genealogist to construct family tree charts outlining family relationships. Relationships diagrammed on the family tree charts were then verified using information obtained from a wide variety of documentary sources.

The written record surrounding the ancestry of the San Juan Paiutes is voluminous. This is due largely to historical events which have left them resident on the Western Navajo Reservation and their resultant interaction and, in some cases, intermarriage with the Navajos.

That they are the lineal descendants of the historical "San Juan Band" of Paiutes must often be deduced from the historical record; from the field data and publised works of such noted anthropologists as Isabel T. Kelly, who worked among them in 1932; Omer C. Stewart, who was there in 1937-38 and returned briefly in 1983; Malcolm C. Collier in 1938; and Mary Shepardson and Blodwen Hammond in 1961. Historian William R. Palmer also visited and photographed some of the San Juan Paiutes in the south in 1936; his records and photo albums are available for review in the Southern Paiute Collection at Southern Utah State College. Field notes of interviews conducted in 1960 by Shepardson and Hammond with Lisbeth B. Eubank, Navajo Mountain Boarding School teacher-principal from the early 1940's through the 1960's, as well as other records prepared by Eubank during that period provide additional evidence. Many records maintained by the Federal Government and by the Navajo Tribe identify members and/or ancestors of the group individually as Paiute and as specific territorial groups of Paiutes. In a few instances documents identify these territorial groups of Paiutes as "San Juan Paiute" and name historical figures/leaders who are among the petitioner's historical ancestors.

The various records utilized and relied upon for this genealogical report will be discussed in Section IV in chronological order to emphasize the frequency

and regularity with which San Juan Paiutes have been and continue to be identified as Paiute or Navajo-Paiute.

B. Allegiance and Participation

With respect to allegiance and participation, the petition states that

> The tribal government has to recognize that each member is descended from a San Juan . . . However, descent from a San Juan is not enough for tribal membership. The tribal government demands that the member show continued political allegiance to the San Juan Tribe . . . adult members must show a continuous interest in tribal affairs by going to meetings or sending a representative . . . and by inquiring about the political affairs of the tribe (Bunte and Franklin 1984: 332-333).

Allegiance is further defined as being willing to help other members if needed, and showing an interest in and keeping abreast of problems before the group.

Although the statements quoted above are essentially correct, the actual process appears to be considerably less formal. General acceptance by the members of the group as a whole is also an important consideration in determining eligibility for membership. All persons who descend from San Juan Paiute ancestry are not accepted as members. Although the petition states that the "tribal government demands that the member show continued political allegiance . . . [and] interest . . .", such emphasis on participation is not always necessary. Who is or isn't a member appears to be common knowledge among tribal members. For example, concerning a member who had been away for 20 years and came back to meetings only periodically, the petition states

> [There] . . . was never a question whether she would be a member or not. There wasn't a meeting where everyone sat down and said . . . [she's] an okay member, but everyone knew she was filling out the forms . . . that she was intending that she would be a member, and there was never . . . a comment against that. As a matter of fact, there was discussion about when she was planning on perhaps moving back to Paiute Canyon, and there was dicussion on where her field should be (Bunte 1984:58-59).

The differences between the petition's more rigid description of the group's heretofore unwritten criteria and the group's practical application of these criteria appear to be insignificant.

The genealogical report can speak to the question of "participation" only in terms of written evidence of a member's participation/interest and allegiance. For other evidence of member participation and allegiance, the reader should refer to the Anthropological report accompanying this proposed finding.

Because the San Juan Paiutes have functioned in a more traditional manner and also because many of their members still do not read or write English, records which might otherwise exist for evaluating member participation have not been created or, if they have, are somewhat limited in scope. No prior "membership

rolls" exist. Although Indian census rolls from 1928 to 1940 do provide a consistent listing of groups of Paiutes living on the Western Navajo Reservation who can be identified with the petitioning group, these lists do not identify them as "San Juan" Paiutes. No applications for enrollment in the "San Juan Southern Paiute Tribe" exist which could be used to show the individual's conscious decision to enroll and participate as a member. These Paiutes, nonetheless, have consistently been identified as part of the group of Indians now referred to as the "San Juan Southern Paiute Tribe."

C. Confirmation of Individual's Consent to Membership

Since no enrollment applications or prior rolls/lists of San Juan Paiute members exist and because the charts were generally not prepared and signed by the individuals themselves, the Navajo Tribe correctly asserted that materials provided by the petitioner did not prove that persons listed on the San Juan Paiute tribal roll had consented to being listed. In response to the Navajo Tribe's assertion and at the Acknowledgment staff's suggestion, the group went back to its members and asked them to confirm their membership in and allegiance to the San Juan Paiutes as well as their consent to being listed by signing a statement to that effect. Briefly, the statement confirms their membership in the group and attests to their desire to be listed as a member of the "San Juan Southern Paiute Tribe," to their support of the group's recognition efforts, and to their desire to be included on the group's official roll when recognized. A copy of the form appears as an Appendix to this report. Executed forms have been received for 167 (89%) of the group's 188 living members whose names appear on the San Juan Paiute membership roll. No confirmation has been received from 21 of the group's members.

Federal regulations governing the Acknowledgment process (25 CFR 83) do not require a petitioning group to obtain statements of consent to membership. An individual's consent to being listed as a member is, however, set forth in the definition of a "Member of an Indian group" contained in section 83.1(j) of the Acknowledgment regulations:

> "Member of an Indian group" means an individual who is recognized by an Indian group as meeting its membership criteria and who consents to being listed as a member of that group [emphasis added] (Federal Acknowledgment Project 1978:ii).

The group's ability to obtain such statements from 89 percent of its membership is strong evidence of their allegiance and participation as well as the effectiveness of tribal communications and leadership within the group.

II. ROLLS AND STATISTICS

A. Membership Lists, Past and Present

The current membership roll of the "San Juan Southern Paiute Tribe" is dated May 1984, with supplements dated September, October, and December 1985 (SJSP 1984; 1985a, c, and d). The May 1984 roll is the earliest listing prepared and submitted by the group of its members. Although the unpublished field notes of Allen Turner make reference to a roll made by him during the course of his research and the depositions of Pamela Bunte (1984) and Evelyn James (1984) refer to an informal card file of member addresses kept by Evelyn James prior to 1984, neither of these records, if still extant, was provided to the Acknowledgment staff.

The initial San Juan Paiute membership roll, prepared in May 1984, contained 173 members and had been prepared in response to criterion 83.7(e) of the Acknowledgment regulations (25 CFR 83). The names of 19 additional members--all children--were added in 1985: 12 in September; 3 in October; and 4 more in December. These 19 children represent additions to 13 separate family households which were present on the May 1984 list. The two oldest children added were aged 12 and 8-1/2; the rest (17 children) were age 6 or under, including 8 infants born after May 1984 (the date of the initial tribal roll).

The May 1984 roll with its three supplements is considered to be the membership roll submitted for Acknowledgment purposes. This roll contains the names of 192 members, including 4 who are now deceased. Therefore, for acknowledgment purposes, the "San Juan Southern Paiute Tribe" is determined to have a total membership of 188. For the purpose of this report, statistics will be calculated using a total membership figure of 188, which represents the total living members on the San Juan Paiute membership roll, unless otherwise stated.

B. Distribution of Membership

Fourteen percent of the group's members are estimated to be age 50 or older; 27 percent fall in the 25 to 50-year bracket; 14 percent, 18 to 25 years; 45 percent are under age 18. A distribution of the members by sex shows the group to be divided almost equally between males (98) and females (90).

The geographical distribution of members' addresses (Table 1) shows the majority of the group's members to be concentrated in three general areas of two states: 45 percent in Arizona, in and around Tuba City; and 39 percent in Utah. Of those in Utah, 20 percent live on the Navajo Reservation close to the Navajo Mountain Trading Post, 13 percent are at Blanding, and 6 percent live elsewhere in Utah. Sixty-four percent of the group's total membership lives on the Navajo Reservation. This distribution is consistent with information obtained from other sources. The table is based on data provided in September 1985, following a request from the Acknowledgment staff for an updated address list (SJSP 1985b). Subsequent additions to the membership roll, dated October and December 1985, have been included in the totals.

Table 1

Geographical Distribution of the San Juan Paiutes
(Based on mailing addresses as of September 1985 and subsequent supplemental rolls)

Arizona		85	45%
Tuba City	65		
Tonalea/Cow Springs Trading Post	13		
Cameron/Gap Trading Post	3		
Other (less than 3)	4		
	(85)		
Utah		74	39%
Navajo Mountain Trading Post	38		
Blanding (Allen Canyon)	25		
Salt Lake City	6		
Other (less than 3)	5		
	(74)		
California		24	13%
Los Angeles	6		
Pacoima	10		
Winter Haven	5		
San Bernadino	3		
	(24)		
Colorado (Towaoc)		1	1%
New Mexico		1	
No address reported		3	2%
		188*	100%

* Note: 121 (64%) of the San Juan Paiutes live on the Navajo Reservation.

III. SPECIFIC IDENTIFICATION AS "SAN JUAN" PAIUTE

Reliable records and reports exist which identify the petitioning group, its northern and southern settlements, and some of the group's members and ancestors as "San Juan" Paiute. Several examples of this identification as San Juan Paiute are discussed below.

A. Stephan Janus

In 1909, Stephan Janus, then superintendent of the Western Navajo Indian School, wrote to the Commissioner of Indian Affairs about three "divisions" of the San Juan Paiute Indians. Regarding these divisions he said

> I have gone where they live, personally interviewed the San Juan Piutes, and taken an actual census* of them. There are 116 Indians in this band . . . These Indians are divided into three groups; Cedar Ridge with 11 families and 40 Indians; Piute Canon with 11 families and [illegible #] Indians; Oljeto with 12 families and 34 Indians.
>
> [Cedar Ridge] It is here that David Lehigh - Bahkai the accredited Chief of all three div[isions] is at present living. Willow Springs was his old home and there are still the families of his immediate following living there.
>
> The Piute Canon Indians are 90 miles north almost at the base of Navajo Mt. and east of it. And I think without doubt in Arizona, and therefor [sic] on this reservation.
>
> The Oljeto division is about 39 miles north of the line in Utah, west of the 110th Meridian, south of the San Juan River, and north of the Arizona line . . . .
>
> The Cedar Ridge band live both at Cedar Ridge and Willow Springs . . . (Janus 1909).

Four months earlier, in correspondence regarding the appropriation for the San Juan Piute Indians, Janus (1908) noted that although his predecessor had reported 300 Piutes living in the northern part of the reservation in 1905 and 25 in 1907, he "could find no information in this [Western Navajo Agency] Office referring to them, but the twenty-five referred to are doubtless the Piutes living within fifteen miles of this school at Willow Springs" (Janus 1908). He went on to mention a few on Cedar Ridge, some in Piute Canon and "the rest scattered along the San Juan River, and in the vicinity of Navajo Mountain."

B. F. W. Broughton

In 1911 F. W. Broughton of the Indian Bureau's Washington Statistics Office wrote of the "San Juan Band of Paiutes:"

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* The actual census of the San Juan Paiutes which Janus describes above was not provided and could not be located at the National Archives in Washington.

> Latest estimates show over 100 of these Indians. This figure is not altogether reliable however. They are under the jurisdiction of the superintendent of Western Navajo School. A reservation has been created for them in the southeastern corner of Utah . . . These Indians are to some extent intermarried with the Navajoes and they are living together harmoniously. They are entirely self supporting, living a nomadic life, herding their sheep over these lands and pitching their tents at whatever points they obtain work from white people (Broughton 1911a:212).

Broughton's report was the first of a series of memoranda to be sent to anthropologist Dr. George Bird Grinnell of Forest and Stream Publishing Company. At the time, Grinnell was gathering information for an update of his book The Indian of Today, published in 1900. The report was intended "to portray conditions as they existed at the end of the fiscal year, 1910, and to cite the most important happenings during . . ." the intervening 10 years (Broughton 1911b).

C. Isabel T. Kelly

Anthropologist Isabel T. Kelly in Southern Paiute Ethnography (1976:3) states that the San Juan data for her book came from Jodie and Joe Francis. She goes on to state that "Of the San Juan group, Jodie worked without interpreter; Joe Francis, through a Navajo-English interpreter." Kelly's interview with these San Juan Paiute informants took place around 1932. Both informants are Paiutes who appear in the petitioner's history and ancestry.

D. Omer C. Stewart

Anthropologist Omer C. Stewart identified his San Juan Southern Paiute informants as Joe Francis and Dagaibitsi (Stewart 1941-42:239). Joe Francis (the same as Kelly's informant above) had lived all his life with the exception of about 10 years "in Arizona N of Tuba City and around Navajo Mt." He was about 80 years old at the time of the interview. Dagaibitsi (Many Whiskers' daughter, also known as Priscilla Dutchie) was born in "'Badaway country' and lived nr. there all her life."

In August 1983, Stewart returned to Willow Springs where he met with Anna Whiskers, the granddaughter of Dagaibitsi. He photographed Anna with her grandmother in 1937. Also in 1983, he met Joe Norman, Blue Lee, and Chee Toney. "Joe Norman an aged Paiute . . . remembered being host to one of the Moccasin Game evenings I attended in 1937 . . . Blue Lee . . . remembered my winter visit in 1937" (Stewart 1984:4). Stewart also mentioned meeting Chee Toney who remembered him (Stewart) putting up his umbrella next to her hogan in 1937. This identification of Chee Toney in 1983 is questionable however because the Southern Paiute judgment roll notes her as deceased in early 1969 (BIA 1969a: 23). Stewart's informants in the late 1930's as well as those in 1983 are Paiutes who appear in San Juan Paiute history and ancestry.

The identification of other members and ancestors of this group as "San Juan" Paiute can be reasonably inferred from various other records and sources in which they are identified as Paiute, Navajo-Paiute, and occasionally Paiute-Navajo.

IV. RECORDS UTILIZED AND RELIED UPON

A. Welton Report, 1888

On June 17, 1888, following a visit to Willow Springs and Paiute or "Hancock" Springs, Special Indian Agent H. S. Welton recommended to the Commissioner of Indian Affairs that the Paiutes there be allotted the lands they were then cultivating. Of the approximately 30 Paiutes present, Welton named 6 male heads of families for allotment: 2 at Willow Springs, including "Dog-Eye or 'Whiskers';" 4 at Paiute/"Hancock" Springs, including "Kie-do-ne-he or 'Lehi'." Whiskers and Lehi are both recognizable figures in San Juan Paiute history. The land being recommended for allotment was described as "all the 'Willow Springs' and all the land the springs can irrigate" and "all the water and arable land at 'Hancock' or Pai-ute Springs" (Welton 1888b).

B. Federal Population Census, 1900-10, 1930

Research in the Federal Population Census focused on the Indian schedules of the 1900 and 1910 population censuses of Coconino and Navajo counties in Arizona, and San Juan County in Utah.

1. 1900 Census

Two small Paiute settlements were found in 1900 on the Navajo Reservation, Arizona, one in Coconino County, the other in "Nova Jo" (Navajo) County. Although no localized geographic descriptions were recorded, these settlements can be reasonably identified based on recognizable Paiutes known to be members of the historical group.

The Coconino County settlement which included 25 persons living in 7 households, is believed to be one of the southern Paiute settlements near Willow Springs. All persons were listed by Indian name. At least three of the Paiutes are recognizable figures in the historical record of the San Juan Paiutes: Jode (b. 8/1868 Arizona); Lehi (b. 3/1868 Arizona); and Dogi, a widower (b. 9/1830). Only Jode spoke English. Seven persons were identified as farmers (all males); nine as basket weavers (all females). All were listed as full-blood Paiute. Twenty-three of the 25 persons enumerated were born in Arizona; 2 were born in Utah. The parents of three persons making up one household were listed as born in Utah; all the rest (22 persons in 6 households) were born in Arizona (Bureau of the Census 1900a:248).

The settlement in Navajo County, Arizona, included 52 persons living in 6 households. This is believed to be the northern settlement near Navajo Mountain. All were listed by Indian name and identified as full-blood Paiute. Two of the Paiutes enumerated are recognizable figures in San Juan Paiute history: Nabatsin (b. 11/1840 Utah) and his son-in-law Najar (Nasja) (b. 4/1880 Utah) and living in Nabatsin's household. Nabatsin is believed to be the same as the Nabotsin who appears as Paiute in the field notes of anthropologists Malcolm Collier, Mary Shepardson and Blodwen Hammond working at Navajo Mountain. Forty-eight of the Paiutes were identified as "Hurders", 2 as weavers; 2 children (ages 6 and 16) had no occupation given. Utah was given as the birthplace of all parents. Of the 52 persons listed, 33 gave their birthplace as Utah, 17 as Arizona, 1 as New Mexico; 1 was not reported (Bureau of the Census 1900b:304-305).

No Paiutes could be identified in the 1900 census of the Utah portion of the Navajo Reservation in San Juan County, Utah (Bureau of the Census 1900c).

2. 1910 Census

Three Paiute households totaling 13 persons are present in the Indian schedules of the Echo Ridge District of the Cedar Ridge and Badaway Division, 1910 census of Coconino County, Arizona. Two of the three heads of households--"One-Eye Paiute" and "Lehigh"--are recognizable in San Juan Paiute history (Bureau of the Census 1910a:84B-86A).

Although one four-person Paiute household was found in the Indian schedules of the Willow Springs District of Coconino County, name recognition was virtually impossible due to the poor quality of the microfilm (Bureau of the Census 1910b:88).

The 1910 Indian schedules of Bluff Precinct, west of 110° longitude in San Juan County, Utah--noted as "not on [Navajo] Reservation" by the enumerator--included 15 Paiute households, totaling 61 persons, plus 1 Navajo household in which the wife was identified as Paiute (Bureau of the Census 1910c:101-103). "Posie" was the only Paiute name that was familiar (see Anthropology report for more about "Posie").

No Paiute families were noted in the 1910 census of Navajo County, Arizona (Bureau of the Census 1910d).

3. 1930 Census

Population schedules from the 1920 and 1930 Federal decennial censuses are not available for review because they are less than 75 years old and, therefore, are protected from public viewing. Notwithstanding this, A. H. Womack's final report as supervisor of the 1930 Federal population census of the Navajo Indian Reservation provides further evidence of the Federal Government's continuing awareness of Paiutes and other Indians on the Navajo Reservation.

> To sum up, this Census [1930 Federal Population] appears to be an accurate, detailed and satisfactory one, for it compares favorably with census figures already collected, totals within reasonable bounds with the local estimates, was favored with the kindly cooperation of both the Navajos, Hopis, Piutes and Agency forces, was blessed, except for a few storms, with reasonably fair weather and dry trails, and was handled by a field force thoroughly competent to take census in the Indian Country, resulting in the enumeration of hundreds of Indians who had never before been counted (Womack c1930).

C. Indian Census

1. Origin of the Indian Census

The requirement for an Indian census began with an Act of Congress, dated July 4, 1884 (23 Stat. 76, 98). The act was designed "to make appropriations for the expenses of the Indian department . . ." including provisions for fulfilling treaty stipulations with various Indian tribes (United States 1884). In accordance with Section 9 of the Act, each Indian agent was required "to submit a census of the Indians at his agency or upon the reservation under his charge . . ." as part of his annual report. Section 9 was further

implemented by Office of Indian Affairs (OIA) Circular No. 148, dated April 6, 1885 (a copy of which appears as an Appendix to this report) (Office of Indian Affairs 1885). To comply with the law, the circular directed agents "to prepare a census of all Indians at your agency and on any reservation under your charge [emphasis added]." The first census completed was to be forwarded to the Office of Indian Affairs as soon as possible after June 30, 1885. The requirement for the census remained in effect until 1940.

2. Early Enumerations of the Navajo Reservation

The first census of the Navajo Reservation taken in accordance with OIA Circular 148 was prepared by R. R. Aycock, April 6, 1885. This census is described as being of "Moqui Pueblo, or Hopi, and Navajo Indians" (BIA 1885). No Paiutes could be identified. Writing about the 1885 census, Navajo demographer Denis Foster Johnston states that

> . . . it would be difficult to find a document that is less useful or more misleading for purposes of demographic analysis . . . With its defficient coverage, artificial classification, and apparent errors in the recording of names, relationships, and ages, the 1885 roll must remain an outstanding example of the fictitious results to be obtained when the members of a given culture are enumerated according to procedures appropriate to a different culture (Johnston 1966:82).

Johnston states that for the period from 1912 through 1928, Navajo "vital statistics . . . [were] frequently combined with those of the Hopi or the small number of Paiutes residing under the jurisdiction of the Western Navajo Agency . . ." (1966:150). He goes on to point out that during that period (1912-1928) each agency/subagency was responsible for

> . . . maintaining its own population records and submitting its own reports to the Commissioner of Indian Affairs . . . (1966: 84).
>
> In addition to Navahos, the Western Navajo Agency reported data on Hopis and Paiutes . . . [who] numbered approximately 200 each until 1924, when the number of Paiutes rapidly declined and the number of Hopis gradually increased (1966:87).
>
> [Population figures for] . . . the several agencies were actually reported under separate school jurisdictions, one or more of which was established in each agency. Since these jurisdictions included Hopi, Paiute, and Eastern Pueblo Indians, as well as Navaho, the figures submitted by each agency were further classified by tribe (1966:84).

Population figures frequently were reported as estimates apparently based on earlier estimates that were simply revised upward (Johnston 1966:83). It was obvious that a more accurate means of reporting was needed.

In 1916 Walter Runke, then superintendent at Western Navajo, advised the Commissioner that "The census roll of the Navajos and Piutes has not been taken

due to lack of means for conducting such an extensive task" (Runke 1916b). It wasn't until 1928 that the lengthy process of taking a reservation-wide census on the Navajo Reservation actually began.

3. The 1928-1929 Navajo Reservation Census

The 1928-29 Navajo reservation census (BIA 1928-29) is believed to be the next extant Indian census of the reservation after 1885. A November 27, 1929, memorandum report on this census describes the enumeration process as well as the results. The memorandum appears to have been prepared for the Commissioner by a statistics branch of the Office of Indian Affairs in Washington. The report quoted below points out that although the method of enumeration was generally the same in all jurisdictions, the results often varied (Commissioner of Indian Affairs 1929).

> The Navajo enumeration included the following jurisdictions: Eastern, Northern, Southern, and Western Navajo; Hopi, and Leupp. Hopi Agency has approximately 2,500 Hopis and Western Navajo Agency 375 Hopis and 25 Paiutes who were not included in the census.* Its purpose was not only to make an enumeration of the tribe but also to identify the individual member. No census of the Navajos had previously been made by the Indian Service. Estimates of the total population varied from 30,000 to 35,000. The Census Bureau figure for 1920 was 16,962 (1929:1).
>
> Factors affecting the enumeration varied greatly at the several agencies, - the number of Indians under the jurisdiction; topographical features and extent of the reservation; number and type of agency personnel; transportation facilities; attitude of the Indians, employees, missionaries, traders; and employment of Indians outside the reservation. Consequently, no general procedure could be followed, and the length of the enumeration period, the completeness and accuracy of the work, and the cost, varied; therefore, no general statement can be made to any aspect of the census (1929:2).
>
> The most accurate rolls exist at Eastern and Northern Navajo and Leupp Agencies. Southern Navajo Agency and Hopi Agency are in good shape, but Western Navajo is undoubtedly quite inaccurate and unavoidably so (1929:5).

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* It is not clear which Paiutes the Commissioner was referring to here. Paiutes in the Tuba City area [probably at Willow Springs] were enumerated in the 1928 reservation census as a separate group, all full-blood Paiute. Paiutes in the northern Arizona area near Navajo Mountain and Paiute Canyon [i.e., north of Kayenta] appeared as full- or mixed-blood Navajo in 1928; two families enumerated in southern Utah [again probably near Navajo Mountain and Paiute Canyon] were enumerated as mixed-blood Navajo and "1/2 Paiute." The mother of one other northern family was enumerated as a full-blood Paiute, her children as mixed-bloods. Some Paiutes do not appear on any census.

> In regard to Western Navajo, the situation is more complicated and discouraging. The part of the reservation north of Kayenta [i.e., the Navajo Mountain area] is practically uninhabited by whites, is very inaccessible, and many of the Navajos have never come in contact with either the agency personnel or with the traders. Eight districts were established, and the farmers, traders, and headmen of the tribe assigned to work. Some parts of the reservation had to be enumerated on horseback, and in many instances it was even necessary to abandon a horse and proceed on foot. The enumeration at this jurisdiction is the most incomplete of any. There are probably from 800 to 1000 Indians who are not enrolled. The work was done very carefully and conscientiously, and the census rolls are as accurate and as complete as possible, under existing conditions. Previous estimates placed the population at 7,200. Only 3,964 were enumerated but it is agreed that the estimate in this case was much too high (1929:3).

4. The Enumeration Process

The physical process of taking the census resulted in the assignment of an individual census number and the issuance of a metal disk with that number on it to each Indian enumerated. Two records were created "on the spot" which are important to this petition; these are described below.

a. An Individual numerical/finger print card was created at the time of enumeration (BIA 1928-?). This card contained the individual's name (Indian and English where available); the census number assigned and the date of enumeration; finger prints (footprint in the case of an infant); and the name and census number of the head of the household in which the individual resided. At the time of enumeration, the Indian was given a metal disk/tag about the size of a half dollar. The metal tag was embossed with the census number on one side and the insignia of the Interior Department on the other side.

> In the case of absentees data were obtained from relatives and acquaintances and identification numbers assigned, but the corresponding discs were returned to the agency office. In the case of children attending nonreservation schools, the discs were forwarded to the respective superintendents upon receipt of the completed individual cards and fingerprints (Commissioner of Indian Affairs 1929:1).

> Special emphasis has been placed on the disc and its necessity fro [sic] tribal affiliation and rights, and the Navajos are learning to appreciate its value. In many cases they are coming to the agency office to report births and are even returning discs of deceased relatives - an extraordinary procedure, considering their racial superstitions in this respect. At Western Navajo they have tattooed the identification numbers on their bodies . . .The agency officers, schools, hospitals and traders are encouraging the use of the discs . . . (1929:5).

A few of the tags which apparently corresponded to "census/enumeration numbers" which were assigned to family members who were absent at the time are still taped to family charts at the Western Navajo Agency Census Office in Tuba City. None of the tags noted corresponded to numbers issued to members or ancestors of the petitioning San Juan Paiute group. "San Juan Paiutes who were alive at the time of the census recall being given circular brass tags with numbers on them...[and] being told only that these tags would entitle them to flour and other food staples at local trading posts" (Bunte & Franklin 1984: 201).

b. The Enumerator's Schedule (actual census listing) was also created at the time of enumeration. This schedule included the individual's Indian and English names, census number, sex, age at last birthday, degree of blood [full or mixed--there was no provision for the name of the tribe], marital condition, and relationship to the head of the family.

> The average enumerator enrolled 55 Indians in one day. This included completion of the schedule, making out a duplicate record for the individual, assigning an identification disc, and taking finger prints (Commissioner of Indian Affairs 1929:4).

These records which were prepared as the numbered identification tags were issued show that enumerators/Indian agents were aware of the Paiute settlement near Tuba City. Three pages of the enumerator's schedule for the Arizona portion of the 1928 Western Navajo reservation census are titled "Piutes." Corresponding individual numerical cards, some bearing fingerprints and/or footprints, are also labeled "Piute." Examples of the individual numerical card and the enumerator's schedule appear as an appendix to this report. This Paiute settlement near Tuba City continued to be identified as Paiute, set apart in a separate section from the rest of the Navajo census, from 1928 through 1940, and frequently with its own separate numbering system.

c. Census Numbering System Continued

William H. Kelly, in his 1964 report entitled Methods and Resources for the Construction and Maintenance of a Navajo Population Register, states that the 1928-29 census was

> . . . the initial occasion for the issuance of census numbers to Navajos and the system has been kept intact to the present time so that the ancestors of living individuals may still be identified according to the numbers originally issued to them. It is estimated that the 1928-29 records contain the names and numbers of about 40,000 Navajos (W.H. Kelly 1964:2).

Census numbers were assigned initially from the Window Rock Census Office based on the date of registration and apparently without regard to locality. This system remained in effect until August or September of 1960. In 1960, however, blocks of numbers were issued to the five Navajo subagencies (Henrikson 1962). Shiprock Agency was assigned the 200,000 block of numbers; Tuba City, 300,000 series; Crown Point, 400,000; Chinle, 500,000; and Forth Defiance, 600,000 (Ahasteen n.d.). From 1960 to the present, census numbers have been issued by

the appropriate subagencies rather than the central Census Office at Window Rock (Henrikson 1962).

5. 1930-1940 Navajo Reservation Censuses and The "1940 Roll"

Johnston states that although a "number of supplementary rolls were prepared in the 1930's . . . no complete recanvassing of the entire reservation area has been carried out since the initial survey of 1928-29" (1966:89). W.H. Kelly corroborates Johnston's view and states that

> Through the years from 1929 to 1940 additions were made to the Roll as new individuals came to the attention of census officials. In 1939 and 1940 the 1928 Roll, with additions and known deceased deleted, was typed and bound in seven district volumes, each arranged alphabetically by head of household, and containing about 52,000 entries . . . (W.H. Kelly 1964:22-3).

This roll is known as the "1940 roll" (BIA 1940). The process of updating this roll has continued to the present. Much confusion surrounds this Bureau census roll because it has subsequently come to be referred to as the "Navajo Tribal Roll" due to its adoption by the Navajo Tribal Council in 1954 (see Section V).

6. Analyses of Navajo Reservation Censuses, 1928-40

The earliest Indian census roll on which some of the San Juan Paiutes and their ancestors could be identified was the 1928 census of the Navajo Reservation. Twelve Paiute households were enumerated in August of 1928 in the Tuba City District of the Western Navajo Reservation. To set these Paiutes apart from the rest of the census which was predominantly Navajo, the Bureau's enumerator, William Maxwell, Jr., wrote "Piutes" at the top of each of the three consecutive pages on which they appeared. A total of 26 individuals in 12 households are listed in this Paiute section. At least 5 of the 12 households present in 1928 are still represented in the current membership of the San Juan Band. Four of the Paiutes enumerated in 1928 are living as of the date of this genealogical report and appear on the San Juan Paiute membership roll submitted for acknowledgment purposes.

An examination of the census rolls of the Western Navajo Reservation for the years 1930, 1931, 1932, 1934, 1937, and 1940 shows that agents continued to enumerate these same families as Paiute, in a separate section at the rear of the greater Navajo census, and often with its own consecutive numbering system (BIA 1930-39; 1940). According to the Descriptive Pamphlet which accompanies the Bureau's Indian census rolls microfilmed by the National Archives as M595, "For certain years--usually 1935, 1936, 1938, and 1939--only supplemental rolls of additions and deductions were compiled" (BIA 1885-1940:1).

Two copies of the 1937 census were available for examination: one was an original carbon copy called the "first carbon" (presumably a draft) on file at the Western Navajo Agency Census Office; the other was a microfilm copy of the document as it was actually submitted (BIA 1930-39). Although the top of the first of three pages of the "first carbon" was labeled "Navajo-Paiute" and the second and third pages were labeled "Paiute," on the final copy submitted to the Commissioner all persons enumerated appeared as full-blood Paiute--none as Navajo-Paiute. Since the enumerator in 1937 was also the enumerator in 1940

and since the group was identified as full Paiute in 1940, it appears that the enumerator meant "Paiutes" on the Navajo Reservation rather than persons of "Navajo and Paiute" ancestry.

These Paiutes were identified on the census as full Paiute and distinct from the Navajo population by four separate agents/superintendents (Wm. Maxwell, Jr. 1928, C. L. Walker 1930-32, J. E. Balmer 1934, E. R. Fryer 1937 & 1940). In the 1930 and 1940 Indian census of the Navajo Reservation, these Paiutes were set off in a separate section which had its own consecutive census numbering system beginning with the number 1. In the 1930 Indian census, the Paiute section was further set off from the rest of the Navajo census by a title page bearing the following label: "Paiute//Census, Western Navajo Reservation (Paiute) 1930." All are identified as full-blood Paiute. None of the "census identification numbers" that was issued in conjunction with the taking of the 1928 census is listed in the space provided for the census number on the enumeration form.

Several very important Paiute families such as the Owls, the Nelsons, the Whiskers, and the Tonneys do not appear in the separate sections of Paiutes discussed above. However, these families usually can be found elsewhere in the census, often listed as Navajo or Navajo-Paiute. Except for the Tonney family, they represent northern families that are frequently identified with the Navajo Mountain and Paiute Canyon settlement areas. Their tribal identifications as shown in the censuses often range from Navajo to Navajo-Paiute and back to Navajo. Nonetheless, these are the same families who have been identified as Paiute and/or Navajo-Paiute by anthropologists and by Lisbeth B. Eubank, teacher-principal at Navajo Mountain School from the 1940's through the 1960's. Anthropologist Malcolm C. Collier identified them as "Paiute-Navajo" (Collier 1966:39-40). They appear on the census of Paiutes in the Navajo Mountain Community submitted by Navajo Tribal Councilman Bert Tallsalt on March 12, 1954. Many of them shared in the Southern Paiute award pursuant to the Act of October 17, 1968. They appear on a 1972 list of summary data on Paiutes and Paiute-Navajos, and on the 1973 "Hemstreet Census" of Paiutes with and without "Navajo census numbers." Several of their family charts have recently been annotated by census office personnel of the Navajo Tribe and the Western Navajo Agency to reflect the fact that they are Paiutes and that verification of their "Navajo census numbers" should not be made. More detailed discussions of the records mentioned above will follow in this and later sections.

No separate Indian census could be found or is known to exist of Indians living on the "San Juan Reservation" during the period (1908-1922) when the Paiute Strip was designated as a Federal Indian reservation. Nor does an Indian census exist that is labeled as a census of the "San Juan" Paiutes. Nonetheless, during the Indian census period (1885-1940), San Juan Paiutes were enumerated but generally as Paiutes who were resident on the Navajo Reservation.

7. Other Indian Census Rolls

In addition to researching the extant Indian census rolls of the Western Navajo Reservation, available Indian census rolls for more than 17 other tribes were also examined for the period from 1920 through the 1950's. Although some kinship could be found with other Paiute and Ute tribes in the area (in

particular the Allen Canyon Paiutes), very few direct/close family relationships with the San Juan Paiutes were apparent.

Familial ties with the Kaibab Paiutes referenced in petition materials could not be verified. No documentary evidence was provided by the petitioner or could be found by the staff to substantiate these relationships (BIA 1871-c1984).

D. Paiute Census, Navajo Mountain Community (Tallsalt), 1954

This census is significant because it was prepared at a time when the Navajo Tribal Council was very concerned over Paiutes and other Indians (not Navajos) on their "tribal roll." The Commissioner of Indian Affairs was also concerned with the "other Indians" on the roll and had raised questions about the Council's recent resolution regarding membership and what appeal process would be available to persons who were likely to be put off the roll as a result of the Navajo Tribe's recently adopted membership resolution, #CJ-50-53 (Emmons 1953).

Although a number of the San Juan Paiute families have some Navajo blood as a result of intermarriage, many are still identified as Paiute or Navajo-Paiute and remain distinct from the Navajos at least for recordkeeping purposes. This distinction is also demonstrated by the "Tallsalt" census of Paiutes in the Navajo Mountain community. The census was prepared by Bert Tallsalt, then a Navajo tribal councilman and a resident of the Navajo Mountain community, with the assistance of Wilbur Morgan, head of the census office at Window Rock (BIA 1962). The census was submitted to the Navajo Tribal Council by Tallsalt on March 12, 1954 (Tallsalt 1954).

The census, entitled "Paiute Census - Navajo Mountain Community," consists of two typewritten pages. The first page is a list of 27 Paiutes by name, "Navajo census number," year of birth, and blood degree. Twenty-five of the 27 Paiutes listed have "Navajo census numbers." Seven are listed as full-bloods, 4 as 3/4, 12 as 1/2, 3 as 1/4, and 1 as 1/8. Dates of birth range from 1870 to 1944, with a median age of 24. Name of spouse is given for several of the Paiutes listed.

The second page of the census divides these same Paiutes into four categories based on their residence:

I those who "reside permanently in the Navajo Mountain area;"
II those who "travel back and forth between the Navajo Mountain Area and other locations such as Allen's Canyon, Blanding, etc.;"
III those who "have moved away from the Navajo Mountain area and reside elsewhere;" and,
IV those who "are away in school."

Additionally, the list includes handwritten notations about persons who had died and changes of address from Navajo Mountain to Allen Canyon and Blanding, Utah; Winterhaven, California; and Moenave, Tuba City, and other places in Arizona. These notations are estimated to have been made in 1981 or 1982, more than 25 years later; by whom is unknown. They are, nonetheless, evidence that

Bert Tallsalt--and undoubtedly Wilbur Morgan too--perceived them as Paiute and separate and distinct from the Navajo Mountain Navajo population in 1954. These change of address notations are essentially consistent with information provided in the September 1985 San Juan Paiute address list (SJSP 1985b).

An analysis of the 1954 Tallsalt census of Paiutes in the Navajo Mountain community provides the following additional information:

1) Families represented are predominantly those Paiutes identified as Navajo or Navajo-Paiute on the 1928 through 1940 censuses of the Western Navajo Reservation.

2) Sixteen of the 27 Paiutes listed in 1954 are alive and can be identified on the current San Juan Southern Paiute membership roll; 10 are now deceased; 1 is unaccounted for (SJSP 1984; 1985a, c, d).

3) All of the Paiutes who appear on the Tallsalt census are or were (for those now deceased) very closely related to the petitioning San Juan Paiutes.

4) Thirteen current San Juan Paiute members from the north, whose parent(s) were enumerated by Tallsalt, were not included in the Tallsalt census, perhaps because they were too young. The youngest child on the census is estimated to have been approximately 10 years old. Twelve of the 13 children who were not included were age 6 or younger; 1 is believed to have been close to age 10.

5) Twenty-four additional members on the current San Juan Paiute roll who were alive at the time also were not enumerated--probably because they were associated with the southern settlement areas around Willow Springs and Gap.

E. Dennis Parker PHS Survey, 1963

The Willow Springs Paiutes appear to have been enumerated in 1963 as part of a survey of local Indian populations by Dennis Parker, a Navajo employed at the time by the Public Health Service Hospital in Tuba City. A list entitled "Paiute Information from Dennis Parker, 1963" was provided from the records of Dr. Mary Shepardson (Franklin and Barrow 1985b). It is unclear whether the list was prepared by Parker or by Shepardson based on information provided by Parker.

The list is divided into two classifications based on residence: Paiutes at Willow Springs and the "Group occasionally residing at Willow Springs now living in Blanding" (Parker 1963). Information collected for most Indians enumerated includes English name, "census number," year of birth, tribe ("P" for Paiute, "N" for Navajo), degree of blood, age in years, and schooling.

Thirty-six of the 48 Indians identified on the Parker list as the "Population of Willow Springs Paiutes" appear on the current San Juan Paiute membership roll (SJSP 1984; 1985a, b, d). Five of the Paiutes listed are now deceased. Five male heads of households are identified as "N" (Navajo); all are married to Paiutes descended from the Chee Tonney family. Children of these mixed Navajo and Paiute marriages are designated as Paiute rather than Navajo or Navajo-Paiute. Their designation as Paiute, however, suggests that these

mixed-blood children were identified socially with their Paiute ancestors--rather than their Navajo ancestors. The following tables provide additional detail about the list.

Table 2

Composition of the Parker List, 1963

Willow Springs Paiutes		48 Persons
On current San Juan Paiute roll	36	
San Juan Paiutes now deceased	5	
Navajo spouse (not enrolled with San Juan Paiutes)	5	
Unable to identify	2	
	(48)	
Now in Blanding (occasionally at Willow Springs)	?14?*	

* Estimated; available data inconclusive due to use of terms denoting familial relationship instead of individual's name.

Table 3

Blood Degree Data Concerning the Willow Springs Paiutes in 1963
(abstracted from the Parker List)

Paiutes		43 persons
4/4	6	
3/4	10*	
1/2	12	
1/4	15	
	(43)	
Navajo spouses		5
Total at Willow Springs		48

* includes 1 Paiute with blood degree calculated from familial relationships.

Census numbers are provided for 19 of the 43 Paiutes shown as living at Willow Springs. Several others are also known to have had census numbers. The census numbers are recorded as "C#" on the list. The fact that no further distinction as to type of census number (i.e., Navajo) is made suggests that the person preparing the list may have regarded the numbers as Bureau census numbers rather than numbers specifically reserved for Navajos.

Paiute families enumerated as Willow Springs Paiutes are consistent with Paiute families identified by others as the southern settlement at Willow Springs. That the information for the list was given by Dennis Parker, a Navajo and an employee of the Tuba City Public Health Hospital, suggests that federal officials as well as tribal members were identifying this Paiute community as separate and distinct in 1963.

F. Southern Paiute Judgment Award, 1968-71

On January 18, 1965, the Indian Claims Commission awarded a settlement to the Southern Paiute Nation for lands in Arizona and Utah claimed to have been taken without compensation from 1853-1880 (Dockets numbered 88, 330, and 330-A). The modern beneficiaries of the historical Southern Paiute Nation were found to consist of two organized bands, four terminated bands, two unorganized bands, and "any Southern Paiute Indians not affiliated with any of the named bands who can trace their lineal ancestry as Southern Paiute Indians to the satisfaction of the Secretary of the Interior" (Anderson 1968:2).

Beneficiaries of the Southern Paiute Judgment Award

Organized bands
- Kaibab Band of the Kaibab Reservation, Arizona
- Moapa Band of the Moapa River Reservation, Nevada

Terminated bands
- Shivwits Band of Paiute Indians, Utah
- Kanosh Band of Paiute Indians, Utah
- Koosharem Band of Paiute Indians, Utah
- Indian Peaks Band of Paiute Indians, Utah

Unorganized bands
- Cedar City Paiute Indians, Utah
- Las Vegas Colony of Paiute Indians, Nevada

Indians living elsewhere...who can establish Southern Paiute lineal descent to the satisfaction of the Secretary of the Interior (also known as Category (g)).

Most of the petitioner's members who shared appear to have done so as "Indians living elsewhere" (i.e., Category (g)), inasmuch as they were not members of the other bands and therefore did not appear on documents which corresponded to those bands. Since none of the eight bands that were listed as beneficiaries had an up-to-date membership roll, the Act of October 17, 1968 (82 Stat. 1147) directed them to use specific censuses or termination rolls as a base for determining who was eligible. Persons who did not qualify with the eight bands named in the Act were instructed to identify "other documents which establish...Southern Paiute descent . . . [and to] Attach [a] certified copy or write in the name of the person to whose application the document is attached." (This wording is taken from the actual application form, a copy of which appears as an Appendix to this report.)

Applications for most of the San Juan Paiute people appear to have been prepared by one of several people on behalf of the individual applying. The bulk of the applications were prepared by San Juan Paiute members. On 18 applications (23%), no roll was checked and "Southern Paiute" was entered as the Indian group in which the applicant wished to be enrolled. Particularly curious, however, is the fact that on 58 (73%) of the 79 applications filed on behalf of San Juan Paiutes, "Kaibab" was checked as the "Roll on which your name appears or is entitled to appear or on which your ancestor's name appears." "Kaibab" had also been entered in the space provided on the